Preston Board of Selectmen
Regular Meeting - Thursday, June 25, 2020

Place: Virtual Meeting - Directions Below
Time: 7:00 p.m.

Please join my meeting from your computer, tablet or smartphone:
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AGENDA

Acceptance of Previous Meeting Minutes
- June 11, 2020 – Regular Meeting
- June 18, 2020 – Special Meeting

Correspondence

Reports

Appointments and/or Resignations

New Business

1. Proposed Amendments to Solid Waste Ordinances – Executive Order 2020-7JJ
   - Public Comment
2. Public Works Update - Chipsealing, Road Surface Management

Old Business

Tax Refunds

Public Comment and Questions (per Posted Ordinance)

Adjournment
RESOLUTION

TOWN OF PRESTON BOARD OF SELECTMEN
RESOLUTION ADOPTING TOWN OF PRESTON ORDINANCES PERTAINING TO SOLID WASTE
AS AUTHORIZED BY EXECUTIVE ORDER 2020-7JJ

WHEREAS, on March 10, 2020, the Governor of the State of Connecticut ("Governor") declared a public health emergency and civil preparedness emergency for the State of Connecticut, pursuant to Connecticut General Statutes Sections 19a-131 and 28-9, in response to the global pandemic of COVID-19 disease associated with a novel coronavirus that is currently affecting multiple countries and states; and

WHEREAS, on March 13, 2020, the President of the United States ("President") declared a national emergency to combat the coronavirus that is currently infecting the population of the United States; and

WHEREAS, on March 19, 2020, the Board of Selectmen of the Town of Preston declared a local state of public health emergency and civil preparedness emergency to ensure that local officials and the First Selectman have all the authorities necessary to limit the spread of COVID-19 disease and to protect the public safety of the Town of Preston; and

WHEREAS, the effects of the transmission of COVID-19 has resulted in the spread of infections in the Town of Preston, in Connecticut and throughout the country, as well as resulting in shortages of personal protective equipment and other supplies that could jeopardize public safety and civil preparedness; and

WHEREAS, in response to the issuance of declarations of a public health emergency and civil preparedness emergency by the Governor, he has issued a series of Executive Orders setting forth the law governing the conduct of the business of state and municipal government during the period of the emergency; and

WHEREAS, on March 14, 2020, the Governor issued Executive Order No. 7B ("EO 7B"), paragraph 1 of which suspends all statutes, charter provisions, ordinances and regulations mandating open meetings in order "...to permit any public agency to meet and take such actions authorized by the law without permitting or requiring in-person, public access to such meetings, and to hold such meetings or proceedings remotely by conference call, videoconference or other technology" ("Electronic Meetings"); and

WHEREAS, the Connecticut General Statutes confers legislative power of the Town of Preston on the Town Meeting including the power to adopt and amend its ordinances; and
WHEREAS, on March 21, 2020, the Governor issued Executive Order No. 7I ("EO 7I"), paragraph 13 of which dispenses with any in-person voting requirements, including referenda and town meetings requiring in-person votes.

WHEREAS, on May 6, 2020 the Governor issued Executive Order No. 7JJ ("EO 7JJ") paragraph 4 which allows the Board of Selectman to act on certain time-sensitive municipal matters even if the Town Charter calls for Town Meeting action including actions deemed essential including approval or entering into contracts and approval to acquire, transfer, lease, dispose of or sell any real property or interest therein without complying with any requirements for in-person approval by electors or taxpayers provided that the Board of Selectman complies with open meeting requirements set forth in Executive Order No. 7B.

WHEREAS, the Town of Preston is one of several municipalities in southeastern Connecticut that are parties to a Municipal Solid Waste Management Services Contract with Southeastern Connecticut Regional Resources Recovery Authority (SCRRRA) pursuant to which solid waste generated in the town of Preston is managed and disposed of.

WHEREAS, SCRRRA has negotiated and entered a fifth amendment to the Municipal Solid Waste Management Services Contract (collectively with such Amendment No. 5, the MSA) with the municipal parties to the agreement. The MSA defines the System (the SCRRRA System) to include the solid waste disposal and resource recovery facility located in Lisbon, Connecticut and operated by Wheelabrator Lisbon Inc. or its successors or assigns (the SCRRRA Facility) pursuant to a Solid Waste Disposal Agreement between SCRRRA and Wheelabrator Lisbon Inc. (the Wheelabrator Agreement), and designates the SCRRRA Facility as the “Facility” within the SCRRRA System. Pursuant to the MSA and subject to adoption of amendments to the Preston ordinances related to solid waste, the Town has agreed to deliver or cause to be delivered all Solid Waste (as defined in the MSA) generated within the corporate boundaries of this municipality to the SCRRRA System as directed by SCRRRA for ultimate delivery to the SCRRRA Facility for disposal, subject to and in accordance with the Wheelabrator Agreement.

WHEREAS, the terms of the Wheelabrator Agreement require that the town of Preston amend its existing code of ordinances to enable the delivery of solid waste to the Wheelabrator facility in accordance with the MSA on or before July 1, 2020.

WHEREAS, the management and disposal of solid waste is a critical public health and safety need of the town of Preston.

WHEREAS, the MSA would enable the provision of those services in a fiscally responsible manner.

WHEREAS, the failure to enter the MSA would have significant public health and financial consequences to the citizens of the Town of Preston.

WHEREAS, the Board of Selectman as previously resolved to enable the First Selectman to execute the MSA on behalf of the Town of Preston if the ordinances regarding solid waste are amended to allow it.
WHEREAS, adoption of the amendments to the existing ordinances pertaining to solid waste are extremely time sensitive and must be amended before and in-person Town Meeting can be safely performed in accordance with the Governor’s Executive Orders.

NOW, THEREFORE, IN ACCORDANCE WITH THE POWERS VESTED IN IT PURSUANT TO PARAGRAPH 4 OF EXECUTIVE ORDER 7JJ, THE BOARD OF SELECTMEN HEREBY RESOLVES THAT THE FOLLOWING ORDINANCES ARE ADOPTED AS ORDINANCES OF THE TOWN OF PRESTON:

AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING WASTE RECYCLING AND REGULATING THE USE AND OPERATION OF THE PRESTON REFUSE DISPOSAL AREA

The first paragraph of SECTION II. DISPOSAL shall be:

The Town has executed a Municipal Solid Waste Management Services Contract with Southeastern Connecticut Regional Resources Recovery Authority (SCRRRA), including an Amendment No. 5 to such Municipal Solid Waste Management Services Contract (collectively with such Amendment No. 5, the MSA). The MSA defines the System (the SCRRRA System) to include the solid waste disposal and resource recovery facility located in Lisbon, Connecticut and operated by Wheelabrator Lisbon Inc. or its successors or assigns (the SCRRRA Facility) pursuant to a Solid Waste Disposal Agreement between SCRRRA and Wheelabrator Lisbon Inc. (the Wheelabrator Agreement), and designates the SCRRRA Facility as the “Facility” within the SCRRRA System. Pursuant to the MSA, the Town has agreed to deliver or cause to be delivered all Solid Waste (as defined in the MSA) generated within the corporate boundaries of this municipality to the SCRRRA System as directed by SCRRRA for ultimate delivery to the SCRRRA Facility for disposal, subject to and in accordance with the Wheelabrator Agreement.

 Accordingly, all refuse generated in the Town shall be delivered or caused to be delivered to the SCRRRA System for so long as the MSA remains in effect, as directed by SCRRRA and for ultimate delivery to the SCRRRA Facility. To the extent any such refuse is not acceptable for disposal at the SCRRRA Facility, such unacceptable refuse shall be delivered or caused to be delivered to such other facility designated by SCRRRA, including any Refuse Disposal Area. After the MSA is no longer in effect, the Solid Waste Manager shall designate the facility for the delivery of refuse generated in the Town. The person delivering refuse to the SCRRRA Facility or other designated place shall pay any applicable disposal charge. All regulations of the Town and any direction or designation by the Solid Waste Manager about the disposal of refuse generated in the Town shall be consistent with this Section 2.
AN ORDINANCE TO AMEND AN ORDINANCE CONCERNING DISPOSAL OF COMMERCIAL WASTE

Section 1 of the Ordinance Concerning Disposal of Commercial Waste is amended and restated as:

The Town has executed a Municipal Solid Waste Management Services Contract with Southeastern Connecticut Regional Resources Recovery Authority (SCRRRA), including an Amendment No. 5 to such Municipal Solid Waste Management Services Contract (collectively with such Amendment No. 5, the MSA). The MSA defines the System (the SCRRRA System) to include the solid waste disposal and resource recovery facility located in Lisbon, Connecticut and operated by Wheelabrator Lisbon Inc. or its successors or assigns (the SCRRRA Facility) pursuant to a Solid Waste Disposal Agreement between SCRRRA and Wheelabrator Lisbon Inc. (the Wheelabrator Agreement), and designates the SCRRRA Facility as the “Facility” within the SCRRRA System. Pursuant to the MSA, the Town has agreed to deliver or cause to be delivered all Solid Waste (as defined in the MSA) generated within the corporate boundaries of this municipality to the SCRRRA System as directed by SCRRRA for ultimate delivery to the SCRRRA Facility for disposal, subject to and in accordance with the Wheelabrator Agreement.

All garbage, trash, rubbish or other solid waste generated by a commercial establishment in the Town of Preston shall be delivered or caused to be delivered to the SCRRRA System for so long as the MSA remains in effect, as directed by SCRRRA and for ultimate delivery to the SCRRRA Facility to the extent any such solid waste is not acceptable for disposal at the SCRRRA Facility, such unacceptable solid waste shall be delivered or caused to be delivered to such other facility designated by SCRRRA. After the MSA is no longer in effect, the Board of Selectmen shall designate the facility for the delivery of solid waste generated in the Town of Preston. The person delivering solid waste to the SCRRRA Facility or other designated place shall pay any applicable disposal charge. All regulations of the Town of Preston and any direction or designation by the Board of Selectmen about the disposal of solid waste generated in the Town of Preston shall be consistent with this Section 1.
Approved this 25th day of June 2020.

Town of Preston Board of Selectmen

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