



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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## **SIMSBURY BOARD OF SELECTMEN**

**Special Meeting – December 5, 2019**

**Oath of Office Ceremony at 6:00 p.m. – Auditorium**

**Board of Selectmen Meeting Immediately Following Ceremony – Old Court Room**

**All Events are at Eno Memorial Hall, 754 Hopmeadow Street**

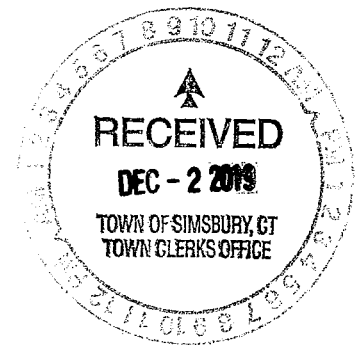
### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **PUBLIC AUDIENCE**

### **SELECTMEN ACTION**

- a) Appointment of Deputy First Selectman
- b) Board of Selectmen Rules and Procedures
- c) Board of Selectmen 2020 Regular Meeting Schedule
- d) First Selectman's Appointment of Board and Commission Liaison Assignments
- e) Stipend for First Selectman
- f) Reappointment of Town Counsel, Labor and Employment Counsel, Retirement Plan Counsel and Bond Counsel
- g) Simsbury Education Association (SEA) and Simsbury School Administrators and Supervisors Association (SASSA) Contracts
- h) Simsbury Meadows Performing Arts Center Operating Agreement
- i) Donations from the Friends of Simsbury Farms and the Simsbury Farms Men's Club
- j) WPCA Mechanic Foreman Job Description



### **APPOINTMENTS AND RESIGNATIONS**

- a) Appointment of Board of Selectmen Member to Debt Policy Workgroup
- b) Appointments to Short-Term Rental Ordinance Workgroup
- c) Appointment of Cheryl Cook to the 350<sup>th</sup> Anniversary Steering Committee

### **ADJOURN**



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Appointment of Deputy First Selectman
2. **Date of Board Meeting:** December 2, 2019
3. **Individual or Entity Making the Submission:**  
Eric Wellman, First Selectman
4. **Action Requested of the Board of Selectmen:**  
No action is required by the Board of Selectmen according to Chapter IV Section 402 of the Town of Simsbury Charter.
5. **Summary of Submission:**  
As stated in Chapter IV, Section 402 of the Town Charter:  
*"At the organization meeting, the First Selectman or First Selectwoman shall appoint, from among the members of the Board of Selectmen, a Deputy First Selectman or Deputy First Selectwoman who shall serve as Acting First Selectman or First Selectwoman in accordance with the provisions of Section 411 of this Charter."*  
  
First Selectman Eric Wellman has asked Selectman Sean Askham to serve as Deputy First Selectman. Selectman Askham has agreed to serve as Deputy First Selectman.  
  
Mr. Askham has been a member of the Board of Selectmen since 2011.
6. **Financial Impact:**  
None
7. **Description of Documents Included with Submission:**  
a) Chapter IV, Section 402 of the Town Charter

## Chapter C. Charter

### Chapter IV. Board of Selectmen and First Selectman or First Selectwoman

#### Section 402. Presiding officer, organization and procedure.

With the First Selectman or First Selectwoman presiding, the Selectmen shall meet after each municipal election on the first Monday in December for purposes of organization. At the organization meeting, the First Selectman or First Selectwoman shall appoint, from among the members of the Board of Selectmen, a Deputy First Selectman or Deputy First Selectwoman who shall serve as Acting First Selectman or First Selectwoman in accordance with the provisions of Section 411 of this Charter. At the biennial meeting of the Board of Selectmen, the Board shall, by resolution, fix the time and place of its regular meetings and provide a method for calling of special meetings, all such meetings to be held in accordance with the provisions of Section 1-225 of the General Statutes. The First Selectman or First Selectwoman shall file with the Town Clerk, not later than the time required by Section 1-225 of the General Statutes, the schedule of regular meetings of the Selectmen for the ensuing year. The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen to the following committees: public safety, personnel subcommittee, finance, welfare, and such other committees as may be established by the Board of Selectmen. The First Selectman or First Selectwoman shall preside over all other meetings of the Selectmen and perform such other duties consistent with the office as may be imposed by the Selectmen. The Board of Selectmen shall, by resolution, determine its own rules of procedure. All meetings of the Selectmen for the transaction of business except executive sessions as defined in Subsection (6) of Section 1-200 of the General Statutes shall be open to the public and shall afford to the Electors of the Town an opportunity to address to the Selectmen suggestions, petitions and complaints. The Board of Selectmen may convene in executive session in accordance with Section 1-225 of the General Statutes upon an affirmative vote of two-thirds (2/3) of the members of such body present and voting. The votes of all meetings shall be recorded as prescribed by Section 1-225 of the General Statutes. Four (4) members of the Board of Selectmen shall constitute a quorum. No ordinance, including an emergency ordinance, shall be adopted by the Selectmen by fewer than four (4) affirmative votes. Except as specifically otherwise provided in Sections 406, 503, 602, 803, 809, 810 and 1008 of this Charter or as specifically directed by statute, any other action, including any resolution, may be adopted by an affirmative vote of a majority of those Selectmen present, provided those present constitute a quorum.





# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Board of Selectmen Rules and Procedures

2. **Date of Board Meeting:** December 2, 2019

3. **Individual or Entity Making the Submission:**

Maria E. Capriola, Town Manager *Maria E. Capriola*

4. **Action Requested of the Board of Selectmen:**

If the Board of Selectmen supports approving the attached Rules and Procedures, the following motion is in order:

*Move, effective December 2, 2019, to approve the attached Board of Selectmen Rules and Procedures.*

If the Board of Selectmen supports referring the Rules and Procedures to the Personnel Sub-Committee for review, the following motion is in order:

*Move, effective December 2, 2019, to refer the Board of Selectmen Rules and Procedures to the Personnel Sub-Committee for review.*

5. **Summary of Submission:**

The attached Rules and Procedures are identical to the Rules recently used by the Board during the 2017-2019 term.

These Rules and Procedures have been in place for some time. Should the Board of Selectmen wish to review and potentially update the Rules and Procedures, I would recommend a referral to the Personnel Sub-Committee with the understanding that any recommended updates would be brought before the full Board of Selectmen for consideration.

6. **Financial Impact:**

None

7. **Description of Documents Included with Submission:**

a) Proposed Board of Selectmen Rules and Procedures





# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN RULES OF PROCEDURE

**§A162-1. Adoption of standards.** The Board of Selectmen adopts Robert's Rules of Order as a general guide for the conduct of all regular and special meetings. The Board of Selectmen will conduct its business in accordance with all other applicable rules and regulations including state statutes and the Town Charter.

**§A162-2. Inclusion of items on agenda; distribution of agenda.** When possible, the agenda along with relevant resource material will be distributed to the Board members four (4) days prior to the meeting. Items not specifically included on the agenda may be included by a two-thirds vote of those present and voting. Except in emergency and unusual circumstances, action will not be taken on any agenda item so placed until the next meeting. Under no circumstances will any item be added to the agenda later than two hours after the beginning of the meeting. In accordance with Connecticut General Statutes, no items will be added to a special meeting agenda.

**§A162-3. Placement of items on agenda by Board member.** A member of the Board may have an item placed on the agenda by contacting the First Selectman or Town Manager at least seven days prior to the meeting.

**§A162-4. State of the Town Message.** The First Selectman may present a "State of the Town Message" at the beginning of one regular meeting per month.

**§A162-5. Public participation.** One period of not less than twenty minutes may be set aside at the beginning of each regular meeting of the Board of Selectmen to allow members of the public present to address the Board. Each speaker will be limited to five minutes. After all those who wish to speak have done so, previous speakers may be allowed to speak again at the end of the meeting for an additional five minutes, at the pleasure of the Board. When the First Selectman identifies a number of speakers who wish to speak in public audience which would exhaust the time allowed, a shorter period for each speaker shall be set. Any citizen so speaking shall identify himself/herself by name and address and if he/she is representing a group or organization, he/she may so state. The First Selectman, upon approval by unanimous consent, may allow additional public participation on an agenda item under discussion. From time to time, the Board of Selectmen may schedule special meetings or regular meetings devoted to a particular topic or topics.

### Board of Selectmen

Telephone (860) 658-3230  
Facsimile (860) 658-9467

[www.simsbury-ct.gov](http://www.simsbury-ct.gov)

An Equal Opportunity Employer  
8:30 - 7:00 Monday  
8:30 - 4:30 Tuesday through Thursday  
8:30 - 1:00 Friday

## **Rules of Procedure**

**§A162-6. Time placement of agenda items.** When a board, commission, organization, or individual is invited to the meeting to discuss a particular agenda item, that item shall be placed on the agenda at the time requested, if possible.

**§A162-7. Routine agenda items.** All other items of a routine nature, such as ratification of bid awards, tax rebates, resignations and appointments, communications, committee reports, etc., shall be placed in the final portion of the agenda.

**§A162-8. Executive session.** The Board of Selectmen may enter executive session as permitted by Connecticut General Statutes.

**§A162-9. Votes and minutes of Board of Selectmen.** In accordance with Chapter 14, Section 1-225 of the Connecticut General Statutes entitled Freedom of Information Act, the votes of each member of the Board of Selectmen upon any issue before the Board of Selectmen shall be reduced to writing and made available to the public within forty-eight hours. These votes shall also be recorded in the minutes of the Board of Selectmen meeting. Further, a draft of the minutes of the Board of Selectmen meeting shall be available for public inspection within seven days of the session to which they refer. The First Selectman's Office will post the actions taken by the Board of Selectmen and both the draft and final version of the meeting minutes on the Town's web-site when available.

**§A162-10. Completion of meetings.** It is the Board of Selectmen's objective to complete meetings by 10:30 p.m. when possible.

**§A162-11. Expiration.** These Rules of Procedure will be in effect until the end of the Board's term on December 6, 2021.



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Board of Selectman 2020 Regular Meeting Schedule

2. **Date of Board Meeting:** December 2, 2019

3. **Individual or Entity Making the Submission:**

Maria E. Capriola, Town Manager *Maria E. Capriola*

4. **Action Requested of the Board of Selectmen:**

If the Board of Selectmen is in concurrence with the proposed 2020 regular meeting schedule the following motion is in order:

*Move, effective December 2, 2019, to approve the Board of Selectman 2020 regular meeting schedule as presented.*

5. **Summary of Submission:**

The practice of the Board of Selectmen has been to meet on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of every month at 6pm, with the exception of July, August, and December (in non-election years), only meeting on the 2<sup>nd</sup> Monday of those months. The proposed 2020 meeting schedule follows this past practice. The meetings that would fall on holidays have been moved to the following Wednesday to follow past practice as well.

Once approved, staff will file the adopted 2020 meeting schedule with the Town Clerk's Office in accordance with FOIA requirements.

6. **Financial Impact:**

None

7. **Description of Documents Included with Submission:**

a) Proposed 2020 Board of Selectmen Regular Meeting Schedule





# Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Maria E. Capriola - Town Manager

To: Ericka Butler, Town Clerk  
Cc: Board of Selectmen  
From: Maria E. Capriola, Town Manager  
Date: December 2, 2019  
Re: Board of Selectmen – 2020 Regular Meeting Schedule

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At their meeting on December 5<sup>th</sup> the Board of Selectmen agreed by consensus to establish a regular meeting schedule for 2019. Meetings will be held at 6:00 pm monthly on the second and fourth Monday, with exceptions noted below.

Meeting dates are as follows:

January 13, 2020  
January 27, 2020  
February 10, 2020  
February 24, 2020  
March 09, 2020  
March 23, 2020  
April 13, 2020  
April 27, 2020  
May 11, 2020  
May 27, 2020 (Wednesday)  
June 08, 2019  
June 22, 2019  
July 13, 2020\*  
August 10, 2020\*  
September 14, 2020  
September 28, 2020  
October 14, 2020 (Wednesday)  
October 26, 2020  
November 09, 2020  
November 23, 2020  
December 14, 2020 (2<sup>nd</sup> Monday)

\*Only one meeting in July and August

The meetings will be held in the Main Meeting Room of Town Hall unless otherwise noted, located at 933 Hopmeadow Street. Meetings will be properly noticed in accordance with FOIA requirements.



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** First Selectman's Appointment of Board and Commission Liaison Assignments
2. **Date of Board Meeting:** December 2, 2019
3. **Individual or Entity Making the Submission:**  
Eric Wellman, First Selectman
4. **Action Requested of the Board of Selectmen:**  
No action is required by the Board of Selectmen according to Chapter IV Section 402 of the Town of Simsbury Charter.
5. **Summary of Submission:**  
As stated in Chapter IV, Section 402 of the Town Charter:  
*"The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen to the following committees: Public Safety, Personnel Subcommittee, Finance, Welfare, and such other committees as may be established by the Board of Selectmen."*
6. **Financial Impact:**  
None
7. **Description of Documents Included with Submission:**
  - a) Chapter IV, Section 402 of the Town Charter
  - b) List of Board and Commission Liaison Assignments

## Chapter C. Charter

### Chapter IV. Board of Selectmen and First Selectman or First Selectwoman

#### Section 402. Presiding officer, organization and procedure.

With the First Selectman or First Selectwoman presiding, the Selectmen shall meet after each municipal election on the first Monday in December for purposes of organization. At the organization meeting, the First Selectman or First Selectwoman shall appoint, from among the members of the Board of Selectmen, a Deputy First Selectman or Deputy First Selectwoman who shall serve as Acting First Selectman or First Selectwoman in accordance with the provisions of Section 411 of this Charter. At the biennial meeting of the Board of Selectmen, the Board shall, by resolution, fix the time and place of its regular meetings and provide a method for calling of special meetings, all such meetings to be held in accordance with the provisions of Section 1-225 of the General Statutes. The First Selectman or First Selectwoman shall file with the Town Clerk, not later than the time required by Section 1-225 of the General Statutes, the schedule of regular meetings of the Selectmen for the ensuing year. The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen to the following committees: public safety, personnel subcommittee, finance, welfare, and such other committees as may be established by the Board of Selectmen. The First Selectman or First Selectwoman shall preside over all other meetings of the Selectmen and perform such other duties consistent with the office as may be imposed by the Selectmen. The Board of Selectmen shall, by resolution, determine its own rules of procedure. All meetings of the Selectmen for the transaction of business except executive sessions as defined in Subsection (6) of Section 1-200 of the General Statutes shall be open to the public and shall afford to the Electors of the Town an opportunity to address to the Selectmen suggestions, petitions and complaints. The Board of Selectmen may convene in executive session in accordance with Section 1-225 of the General Statutes upon an affirmative vote of two-thirds (2/3) of the members of such body present and voting. The votes of all meetings shall be recorded as prescribed by Section 1-225 of the General Statutes. Four (4) members of the Board of Selectmen shall constitute a quorum. No ordinance, including an emergency ordinance, shall be adopted by the Selectmen by fewer than four (4) affirmative votes. Except as specifically otherwise provided in Sections 406, 503, 602, 803, 809, 810 and 1008 of this Charter or as specifically directed by statute, any other action, including any resolution, may be adopted by an affirmative vote of a majority of those Selectmen present, provided those present constitute a quorum.





# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Eric S. Wellman - First Selectman

DATE: December 2, 2019  
MEMO TO: Board of Selectmen  
FROM: Eric S. Wellman  
RE: LIAISON APPOINTMENTS

## **Liaison**

Wendy Mackstutis  
Wendy Mackstutis  
Sean Askham  
Chris Peterson  
Michael Paine  
Chris Peterson  
Chris Peterson  
Michael Paine

## **Elected Board/Commission**

Board of Education  
BOE Facilities Master Plan Subcommittee  
Board of Finance  
Library Board of Directors  
Planning Commission  
Board of Assessment Appeals  
Zoning Board of Appeals  
Zoning Commission

## **Liaison**

Wendy Mackstutis  
Jackie Battos  
Sean Askham  
Michael Paine  
Chris Peterson  
Michael Paine  
Jackie Battos  
Sean Askham  
Jackie Battos  
Michael Paine  
Jackie Battos  
Sean Askham  
Eric Wellman  
Jackie Battos

## **Appointed Board/Commission**

Aging and Disability Commission  
Board of Ethics  
Building Code Board of Appeals  
Conservation Commission/Inland Wetlands  
Culture, Parks and Recreation Commission  
Historic District Commission  
Housing Authority  
Police Commission  
Public Building Committee  
Water Pollution Control Authority  
Fair Rent Commission  
Long Range Planning  
Long Range Planning  
Economic Development Commission

**Liaison**

Sean Askham  
Chris Peterson  
Eric Wellman  
Jackie Battos  
Eric Wellman  
Sean Askham  
Wendy Mackstutis  
Eric Wellman  
Sean Askham  
Jackie Battos

**Board of Selectmen Sub-Committee**

Public Safety Chair  
Public Safety  
Welfare Chair  
Welfare  
Personnel, Chair  
Personnel  
Personnel  
Finance, Chair  
Finance  
Finance

**Liaison**

Michael Paine  
Wendy Mackstutis  
Jackie Battos  
Chris Peterson  
Michael Paine  
Sean Askham  
Chris Peterson  
Sean Askham  
Chris Peterson  
Sean Askham  
Wendy Mackstutis  
Wendy Mackstutis  
Jackie Battos  
Michael Paine

**Temporary Boards/Commissions**

Clean Energy Task Force  
Community for Care  
Design Review  
Insurance  
Juvenile Review  
Retirement Plans Subcommittee  
Retirement Plans Subcommittee  
Performing Arts Center Board  
Simsbury Farms Complex Committee  
Eno Farms Subcommittee  
Eno Farms Subcommittee  
Technology Task Force  
Tourism Committee  
Recycling Committee

Cc: Ericka Butler, Town Clerk  
Melissa Appleby, Deputy Town Manager



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Stipend for First Selectman
2. **Date of Board Meeting:** December 2, 2019
3. **Individual or Entity Making the Submission:**  
Maria E. Capiola, Town Manager *Maria E. Capiola*
4. **Action Requested of the Board of Selectmen:**  
Pursuant to Chapter IV Section 411 of the Town of Simsbury Charter, the Board of Selectmen is responsible for establishing a stipend amount for the First Selectman. As a result, the following motion is in order:  
  
*Move, effective December 2, 2019, to approve the First Selectman's annual stipend in the amount of \$INSERT.*
5. **Summary of Submission:**  
Chapter IV Section 411 of the Charter states:  
*"The First Selectman or First Selectwoman shall be the chief elected officer of the Town and shall receive a stipend as established for each term of office by the Board of Selectmen in accordance with the Connecticut General Statutes."*  
  
The annual stipend for the 2017-2019 term was set at \$10,000, distributed in 12 equal payments on the 1<sup>st</sup> day of the month. There is no specific amount mentioned in the Charter for the stipend.
6. **Financial Impact:**  
None
7. **Description of Documents Included with Submission:**  
a) Chapter IV Section 411 of Town Charter



## Chapter C. Charter

### Chapter IV. Board of Selectmen and First Selectman or First Selectwoman

#### Section 411. First Selectman or First Selectwoman.

At each municipal election a First Selectman or First Selectwoman shall be chosen by the Electors of the Town as provided in Chapter III of this Charter. The First Selectman or First Selectwoman shall be the chief elected officer of the Town and shall receive a stipend as established for each term of office by the Board of Selectmen in accordance with the Connecticut General Statutes. The First Selectman or First Selectwoman shall not receive any form of compensation or be eligible for any employee benefits as defined in the Town Personnel Rules, including but not limited to pension benefits, health care benefits, vacation, accrual of vacation, sick days, accrual of sick days, personal days or any other form of employee benefit.

The First Selectman or First Selectwoman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at meetings of the Board.

The First Selectman or First Selectwoman shall chair the Board of Selectmen's Personnel Sub-Committee. The First Selectman or First Selectwoman or the designee of the First Selectman or First Selectwoman, as provided in Section 401 of this Charter, shall be an ex-officio member of all other Town boards, commissions and agencies, but without power to vote.

The First Selectman or First Selectwoman shall have all the powers, duties and responsibilities conferred or imposed on that office by the General Statutes or by Special Act except insofar as the same are inconsistent with the provisions of this Charter and perform such other duties consistent with his or her office as may be imposed by the Board of Selectmen. The Deputy First Selectman or Deputy First Selectwoman shall serve as acting First Selectman or First Selectwoman in the event of the temporary absence or temporary disability of the First Selectman or First Selectwoman.



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Reappointment of Town Counsel, Labor and Employment Counsel, Pension Counsel and Bond Counsel

2. **Date of Board Meeting:** December 2, 2019

3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager *Maria E. Capriola*

4. **Action Requested of the Board of Selectmen:**  
If the Board of Selectmen supports reappointing the following legal counsel, the following motions are in order:

*Move, effective December 2, 2019, to reappoint the firm of Updike, Kelly & Spellacy, P.C. as Town Attorney for a two term through December 6, 2021 pursuant to Section 706 of the Town Charter and for Town Manager Maria E. Capriola to execute the engagement letter.*

*Move, effective December 2, 2019, to reappoint the firm of Ford Harrison LLP as Labor and Employment Counsel for the Town of Simsbury for a two year term through December 6, 2021.*

*Move, effective December 2, 2019, to reappoint the firm of Murtha Cullina LLP as pension counsel for the Town of Simsbury for a two year term through December 6, 2021.*

*Move, effective December 2, 2019, to reappoint the firm of Day Pitney LLP as Bond Counsel for the Town of Simsbury for a two year term through December 6, 2021.*

5. **Summary of Submission:**

Updike, Kelly & Spellacy have been General Counsel to the Town since July 1998. I recommend reappointing Updike, Kelly & Spellacy, P.C. as Town Attorney; the firm has provided quality work in a responsive manner. Our lead counsel with the firm is Attorney Robert (Bob) DeCrescenzo. The attached document is the written request from Attorney DeCrescenzo to continue as the Town Attorney.

Labor and Employment Counsel has been provided by Ford Harrison since August 2019 when Attorney Mike Harrington moved to that firm. At the August 12, 2019 Board of Selectmen meeting a motion was made to appoint Ford Harrison as Labor and Employment counsel through December 2<sup>nd</sup> and an engagement letter was executed. Our secondary counsel with the firm is Attorney Elizabeth (Beth) Smith. Both Attorneys



Harrington and Smith have provided quality work in a responsive manner and I recommend reappointment of their firm.

Pension Counsel has been provided by Murtha Cullina LLP since June 2018 when Attorney Erek Sharp switched to that firm. At that June Board of Selectmen meeting a motion was made to appoint Murtha Cullina as Pension Counsel through December 2, 2019. At this time it is staff's recommendation to continue working with Murtha Cullina and for the firm to be reappointed at this time. However, conducting a RFQ for pension counsel was identified as a goal for the Town Manager for FY 19/20; if a different firm is ultimately selected through that process, the appointment of Murtha Cullina would be rescinded at that time.

Bond Counsel is provided through Day Pitney LLP and Attorney Judith Blank. Attorney Blank has provided quality work in a responsive manner. At this time it is staff's recommendation to reappoint Day Pitney LLP as Bond Counsel. Attorney Blank has been the Town's Bond Counsel since 1985.

**6. Financial Impact:**

Updike, Kelly & Spellacy, P.C. has proposed an annual retainer of \$100,000 per year; the rate has remained flat since 2008. UKS has also proposed to hold the hourly rate of \$250 for work outside the retainer. The current practice for the annual retainer for General Counsel has been 12 equal monthly payments, as well as invoices at \$250 per hour for any work done outside the scope of services in the retainer.

The hourly rate for labor counsel at Ford Harrison remains unchanged at \$275.

The hourly rate for pension counsel at Murtha Cullina remains unchanged at \$346.50.

Day Pitney's fees are calculated on a per project rate; please see the attached "Bond Counsel Fee Estimates" letter dated January 2016 for their price breakdowns.

**7. Description of Documents Included with Submission:**

- a) Chapter VII Section 706 of the Town Charter
- b) Letter from Attorney DeCrescenzo Re: Appointment of Town Attorney, dated November 19, 2019
- c) Letter from Day Pitney LLP re: Bond Counsel Fee Estimates, dated January 2016
- d) Biography of Attorneys



## Chapter C. Charter

### Chapter VII. Administrative Officers and Departments

#### Section 706. Town Attorney.

The Board of Selectmen shall appoint not later than thirty (30) days after the commencement of its term of office, and may remove, a Town Attorney or firm of attorneys to represent the Town who shall serve for a term of two (2) years. The Town Attorney shall be an attorney at law admitted to practice law in this state. Except as otherwise provided by law, the Town Attorney shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against it or any of its departments, offices, agencies, boards or commissions or board or commission members acting in their official capacity as defined by law, shall be the legal advisor of the Board of Selectmen, First Selectman or First Selectwoman and all Town administrative officers, boards and commissions in all matters affecting the Town. Upon written request from the Board of Selectmen, the Town Manager, or any board or commission of the Town the Town Attorney shall furnish a written opinion on any question of law involving their respective powers and duties within thirty (30) days after receipt of such request. Upon request the Town Attorney shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest. The Town Attorney shall have power, with the approval of the Board of Selectmen, to appeal from orders, decisions and judgments, and subject to the approval of said Selectmen, to compromise or settle any claims by or against the Town. If, in special circumstances or for investigation under Section 410 of this Charter, the Board of Selectmen deems it advisable, it, by resolution, may provide for the temporary employment of counsel other than or in addition to the Town Attorney.



Robert M. DeCrescenzo  
(t) 860.548.2625  
(f) 860.548.2680  
rdcrescenzo@uks.com

November 19, 2019

Mr. Eric Wellman  
First Selectman  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, CT 06070

Re: Appointment of Town Attorney

Dear Eric:

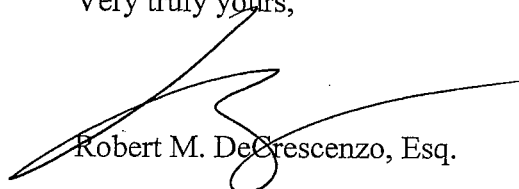
I am writing to request that the firm of Updike, Kelly & Spellacy, P.C. be reappointed as Town Attorney for a two year term beginning December 2, 2019, pursuant to Section 706 of the Town Charter.

We ask to continue under our annual retainer of \$100,000 per year, billable in monthly installments. Our current retainer of \$100,000 was established in 2008. Our hourly billing rate of \$250 for work outside the retainer will remain the same. We renew our commitment to providing training sessions free of charge and all other elements of the scope of our representation set forth in our original Proposals. We believe our current arrangement has enabled us to provide Simsbury with a high level of services as its Town Attorney at a predictable, reasonable cost.

It has been our privilege to serve as Town Attorney. Over the years we have become intimately familiar with all local issues, ordinances and regulations. We believe we have an excellent working relationship with all elected and appointed officials and Town staff.

Thank you for your consideration of this request. If you need additional information, please do not hesitate to contact me.

Very truly yours,



Robert M. DeCrescenzo, Esq.

RMDe/psm

Updike, Kelly & Spellacy, P.C.

100 Pearl Street ■ PO Box 231277 ■ Hartford, CT 06123 (t) 860.548.2600 (f) 860.548.2680 www.uks.com  
2286631

**January 2016**

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**Bond Counsel Fee Estimates**

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Day Pitney LLP's Bond Counsel fees are based on the amount of bonds or notes authorized or issued, and are divided into three components:

1. Bond Authorization
2. Note Issues
3. Bond Issues

The percentage component of the fee calculation decreases as the size of the authorization and financing increases.

Bond Counsel costs can be included in project costs and financed by bonding, just like other project costs, to avoid charges against the annual budget.

**Bond Authorizations**

Fees pertaining to authorizations are calculated on a per project basis:

<b><u>Amount of Authorization</u></b>	<b><u>Fee</u></b>
\$2,500,000 or less	\$2,500
Over \$2,500,000 but not more than \$5,000,000	.001 of authorization amount (\$1,000 per \$1,000,000), but not more than \$4,500
Over \$5,000,000 but not more than \$7,500,000	.001 of authorization amount (\$1,000 per \$1,000,000), but not more than \$7,000
Over \$7,500,000 but not more than \$10,000,000	.001 of authorization amount (\$1,000 per \$1,000,000), but not more than \$9,500
Over \$10,000,000	\$10,000 plus .0005 of amount over \$10,000,000 (\$500 per \$1,000,000)

We normally postpone billing for authorization services until the first bond or note issue, so that funds are available to make payment. If a financing authorization is not approved or a financing is not consummated, we will expect to be compensated at our normal hourly rates for time actually spent on the Municipality's behalf, plus client charges, but not in excess of the fee

schedule amounts. When we bill we provide a brief description of the services provided, the amount of the fee and the amount of each type of disbursement. If more detail is needed, it can be provided.

### **Note Issues**

Fees pertaining to note issues vary based on the size of the issue, as follows:

<b><u>Amount of Notes</u></b>	<b><u>Fee</u></b>
\$2,500,000 or less	\$5,000
Over \$2,500,000 but not more than \$5,000,000	\$6,000
Over \$5,000,000 but not more than \$7,500,000	\$7,000
Over \$7,500,000 but not more than \$10,000,000	\$9,500
Over \$10,000,000	\$10,000 plus .0005 of amount over \$10,000,000 (\$500 per \$1,000,000)

### **Bond Issues**

Fees pertaining to bond issues vary based on the size of the issue, as follows:

<b><u>Amount of Bonds</u></b>	<b><u>Fee</u></b>
\$2,500,000 or less	\$10,000
Over \$2,500,000 but not more than \$5,000,000	\$12,500
Over \$5,000,000 but not more than \$7,500,000	\$15,000
Over \$7,500,000 but not more than \$10,000,000	\$17,500
Over \$10,000,000	\$20,000 plus .001 of amount over \$10,000,000 (\$1,000 per \$1,000,000)

We normally bill for bond or note issuance services at or near the delivery date. If an issue does not go forward, we will expect to be compensated at our normal hourly rates for time actually spent on the Municipality's behalf, plus client charges, but not in excess of the fee schedule amounts. When we bill we provide a brief description of the services provided, the amount of the fee and the amount of each type of disbursement. If more detail is needed, it can be provided.

**Refunding Bonds**

There is a minimum of \$20,000 per issue for refunding bonds. There is an additional \$5,000 fee if the refunding escrow includes securities other than U.S. Treasury SLGs.

**Negotiated Issues**

The fee is based on the par amount of the bond or note plus any original issue premium to the extent not applied to Underwriter's discount.

**Disbursements**

Day Pitney LLP's charges for disbursements and other expenses incurred on a client's behalf are based on the accompanying "Schedule Of Selected Client Recoverable Disbursements". This schedule is subject to periodic adjustment.

**Please Note:** This fee estimate is provided as a guide to estimate our current fees as Bond Counsel. The schedule is based on our experience in terms of average time, complexity and responsibility for recent bond or note issues. Our fees may vary if unusual or unforeseen circumstances arise which require a significant increase in our time or responsibility. If at any time we believe that circumstances may require an adjustment of our fees, we will consult with the Municipality.



# Robert M. DeCrescenzo

Shareholder, Hartford



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rdcrescenzo@uks.com  
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Assistant:  
Pamela McDonald  
860.509.5310  
pmdonald@uks.com

Robert M. DeCrescenzo has been engaged in the private practice of law with the Firm since 1987 except for the period between 1993 and 1997 when he served as Mayor of the Town of East Hartford. Upon his return to the Firm, Mr. DeCrescenzo has focused his practice in the areas of municipal representation and commercial litigation.

Mr. DeCrescenzo has extensive experience in the representation of municipalities before public agencies and enjoys a statewide reputation in the areas of municipal advocacy, municipal tax appeals, economic development, housing, neighborhood revitalization and downtown revitalization. He has represented many of Connecticut's municipalities, including Simsbury where he has been Town Counsel since 1998, Middletown, East Hartford, New Britain, Bridgeport and Manchester on matters ranging from interpretation of town ordinances and municipal employment issues, to matters of land use and zoning. He represents a number of clients with subsidized housing complexes including East Hartford, Manchester, Meriden and East Windsor. He also has substantial experience in municipal taxation issues including the methodology of assessing income restricted housing subject to government regulatory agreements. His knowledge of municipal law is applied to the many issues that arise in the course of representation of regulated industries (utilities) and companies in the fuel cell and alternative energy industry. Mr. DeCrescenzo is also General Counsel to the Capital Region Council of Governments.

Mr. DeCrescenzo is a former Majority Leader and member of the Glastonbury Town Council. He has served as Assistant Corporation Counsel for the Town of Wethersfield, and, in that capacity, he handled the town's tax foreclosures, health and building code appeals and defended more than fifty municipal tax appeals (a dozen of which went to trial and decision). He also is a former member of the East Hartford Board of Education.

Mr. DeCrescenzo is actively involved in various professional and community associations where he has been recognized for his leadership role. He is the recipient of the Rotary Club International Paul Harris Fellow Award, the Anti-Defamation League Distinguished Community Service Award and the Capitol Region Council of Governments Distinguished Service Award. He served as a member of the East Hartford Board of Education and is Past Chairman of the Old State House. Currently, he is Vice Chair of Riverfront Recapture, Inc., President of the East Hartford Interfaith Ministries and the Manchester Community Technical College Foundation, Inc. He is a member of the Board of Trustees of the Main Street Plus, Inc. and the Science Center of Connecticut, Inc. He serves as a Fellow of the American Leadership Forum and is a member of the Connecticut and Hartford County Bar Associations.

Mr. DeCrescenzo received his J.D., with honors, from the University of Connecticut School of Law in Hartford, his M.A. in Public Affairs, with distinction and his B.A. in Political Science from the University of Connecticut in Storrs.

## PRACTICE FOCUS

Commercial Litigation

Government  
Relations & Affairs

Municipal Law

Property Valuation &  
Tax Appeal

Utilities



## Michael C. Harrington

Partner / Hartford



860-740-1366



vCard



[mharrington@fordharrison.com](mailto:mharrington@fordharrison.com)

Mike focuses his practice on providing legal guidance to public and private sector employers in managing all aspects of the employment relationship.

Mike litigates cases in state and federal courts and has argued numerous cases before the Court of Appeals for the Second Circuit, the Connecticut Appellate Court, and the Connecticut Supreme Court. He also frequently appears before the Connecticut Commission on Human Rights & Opportunities, the Massachusetts Commission Against Discrimination (MCAD), the Connecticut Employment Security Division, the Connecticut Workers' Compensation Commission, the state and federal Departments of Labor, the National Labor Relations Board, the State Labor Board, the Freedom of Information Commission, and OSHA/ConnOSHA. Mike's clients operate in a wide variety of industries including retail, healthcare, energy, and manufacturing. He has also represented political parties and candidates in various election matters.

Mike is adept in handling arbitrations and mediations, having represented employers in grievance and interest arbitrations before the State Board of Mediation and Arbitration and before arbitrators of the American Arbitrator Association. Mike's labor relations experience also includes defending employers in unfair labor practice/prohibitive practice investigations and hearings.

In addition to his litigation and labor relations experience, Mike routinely advises clients on how to achieve their objections and minimize legal risk within the changing landscape of labor and employment laws. Mike, who has completed the MCAD's trainer course, regularly provides training to clients and industry groups on harassment prevention, union campaigns, and other topics to assist employers in maintain best practices.

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### Representative Experience



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### Honors & Awards







## Elizabeth M. Smith

Counsel / Hartford



860-740-1358



vCard



esmith@fordharrison.com

Beth Smith has provided advice and counsel in labor and employment law and commercial litigation for more than 20 years to businesses of all sizes.

Beth has represented clients on a full range of legal issues before administrative agencies, arbitrators, and in state and federal courts. In addition to handling litigation and administrative charges, she regularly provides guidance to public and private sector employers on a variety of issues such as employment agreements, handbooks and policies, internal investigations, employee discipline and termination, layoffs, leaves of absence, and wage and hour law. She has litigated issues related to discrimination claims, violations of non-compete agreements, and misappropriation of trade secrets. Beth's clients range from small companies to large multinational employers in industries including healthcare, retail, and the financial sector.

Beth's legal experience is not limited to private practice, as she recently served as Associate General Counsel for Labor & Employment for a large health system and as General Counsel for a mid-sized homecare agency, managing litigation matters and outside counsel, among other responsibilities. These opportunities allowed Beth to obtain experience and a first-hand appreciation for the legal process and requirements from a client's perspective.

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Representative Experience



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News & Insights





**Partner**

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**Bar & Court Admissions**

- Connecticut
- Massachusetts
- New York
- Maine

**Education**

- University of Maine School of Law (J.D., 1998)
- University of Maine (B.A., 1995)

Member

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Erek M. Sharp is a Partner in the firm's Employee Benefits and Labor and Employment Practice Groups.

In his Employee Benefits practice, Erek regularly analyzes, drafts and amends both qualified and nonqualified plan documents. He has extensive experience counseling a diverse roster of clients in connection with plan implementation, compliance and termination-related matters arising under ERISA, the Internal Revenue Code and other applicable laws. Erek assists clients in identifying and correcting operational, plan document and fiduciary failures under the EPCRS and VFCP guidelines. He has also negotiated correction methods and related excise tax issues with the IRS and the DOL.

Erek also counsels clients with regard to their fiduciary obligations and has provided advice in connection with prohibited transaction issues and the application of related class or statutory exemptions. In addition, Erek has prepared applications on behalf of clients for individual exemptions.

Erek advises plan sponsors, named fiduciaries, trustees and investment advisers in connection with the investment of benefit plan assets in both traditional and alternative investment vehicles (both domestic and offshore), including plan asset funds, VCOCs and REOCs, and reviews and negotiates the terms of related advisory/service agreements and fund documents. In the fund formation context, he has counseled clients in connection with their fiduciary obligations when operating funds that hold pension assets.

Erek also counsels clients in connection with benefits and compensation issues arising in merger and acquisition transactions. In addition, he has advised clients in connection with the design and implementation of various types of non-qualified deferred compensation plans and arrangements, change in control agreements and severance/separation pay programs and agreements, as well as their reporting and disclosure obligations with respect thereto.

## OVERVIEW

Judith Blank practices on state and local government finance, representing governmental agencies issuing general obligation and revenue bonds and representing borrowers, lenders, underwriters, trustees, and issuers of private activity bonds. Financings have included tax-exempt leases; variable-rate put bonds with swaps; Dutch-auction redemptions; advance refunding bonds with float contracts; and bonds backed with financial insurance, letters of credit, or standby purchase agreements.

Judith has also provided counsel to various Connecticut municipalities on nonfinancing matters ranging from election law and Freedom of Information Act compliance to tax levy and assessment matters. She has also provided advice to, or served as counsel to, the charter establishment or revision commissions in several Connecticut towns.

*\* No aspect of these advertisements has been approved by the highest court of any state. See [Awards Methodology](#).*





# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Simsbury Education Association (SEA) and Simsbury School Administrators and Supervisors Association (SASSA) Contracts
2. **Date of Board Meeting:** December 2, 2019
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager; Neil Sullivan, Director of Personnel (BOE)  
*Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**  
If the Board of Selectmen supports approving the two Board of Education contracts, the following motions are in order:  
  
*Move, effective December 2, 2019, to approve the three-year contract between the Simsbury Board of Education and the Simsbury Education Association as approved at the November 12, 2019 Board of Education meeting.*  
  
*Move, effective December 2, 2019, to approve the four-year contract between the Simsbury Board of Education and the Simsbury School Administrators and Supervisors Association as approved at the November 12, 2019 Board of Education meeting.*
5. **Summary of Submission:**  
The Board of Education negotiates their own contracts with their labor groups. Pursuant to the General Statutes the Board of Selectmen may proceed with one of the three options presented below within 30 days of the filing with the Town Clerk:
  1. Ratify/approve the tentative agreement;
  2. Reject the tentative agreement, in which case the matter shall be referred to binding arbitration; or
  3. Take no action, in which case the tentative agreement shall be considered ratified by the town after the 30-day waiting period from the date of file.
6. **Financial Impact:**  
The total wage settlement for the Simsbury Education Association is 3.30% for FY20/21, 3.05% for FY21/22, and 3.64% for FY22/23. This includes:
  - Average general wage increases of 1.54%, 1.57%, and 1.91%<sup>1</sup>
  - Step/Incremental Movement of 1.76%, 1.48%, and 1.73%

<sup>1</sup> In each year of the agreement, the general wage increase for those at maximum step is higher than those not at top step. The increase is 1.75% for FY20/21 and FY21/22 if at maximum step and 0.5% increase if on other steps. The increase is 1.73% for FY22/23 if at maximum step and 0.5% if on other steps.

The total wage settlement for the Simsbury School Administrators and Supervisors Association is 2.48% for FY20/21, 2.49% for FY21/22, 2.33% for FY22/23, and 2.43% for FY23/24. This includes:

- General wage increases of 2.25%, 2.25%, 2.25%, and 2.35%
- Step/Incremental Movement of 0.23%, 0.19%, 0.08%, and 0.08%

**7. Description of Documents Included with Submission:**

- a) Summary of settlement between Simsbury Board of Education and the Simsbury Education Association
- b) Summary of settlement between Simsbury Board of Education and the Simsbury School Administrators and Supervisors Association

TO: Members of the Board of Education

FROM: Matthew Curtis, Superintendent of Schools

DATE: November 12, 2019

RE: Approval of the Collective Bargaining Agreement between the Simsbury Board of Education and the Simsbury Education Association effective July 1, 2020 – June 30, 2023

Negotiations leading to a new collective bargaining agreement have been completed by the Simsbury Education Association and the Board of Education. The negotiation, conducted within the restrictions of the Teacher Negotiations Act, has reached the point of a tentative agreement through the negotiations and mediation process. This agreement, which is subject to ratification by the Board of Education, has been reviewed and recommended by the Board of Education Negotiations Sub-Committee. The Simsbury Education Association has also ratified this agreement through a vote of its membership.

The three-year agreement contains the following components highlighted below:

1. Duration of Agreement  
July 1, 2020 – June 30, 2023

2. <u>Wage Settlement</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>
	Teachers not at maximum shall move one step each year		
General Wage Increase*	1.54%	1.57%	1.91%
Step / Incremental Movement	<u>1.76%</u>	<u>1.48%</u>	<u>1.73%</u>
Total	3.30%	3.05%	3.64%

\*(Note: the GWI is an average general wage increase. In each year of the agreement, the general wage increase for those at maximum step is higher than those not at top step in an effort to make the top end of our salary ranges more competitive with peer districts:

2020-21	1.75% increase if at maximum step; 0.5% increase if on other steps
2021-22	1.75% increase if at maximum step; 0.5% increase if on other steps
2022-23	1.73% increase if at maximum step; 0.5% increase if on other steps

3. Health Insurance

A. Changes to the current prescription drug coverage will be implemented. Specifically, the Board will implement a plan for mandatory generics, except when the prescription is noted as DAW (dispense as written). The Board will also implement a specialty pharmacy management program for medications used to treat complex and chronic conditions.

B. The High Deductible Health Plan (HDHP) will continue to be the only plan option for new hires.

C. Revised premium share for individual and family as follows:

	<u>PPO</u>	<u>HMO</u>	<u>HDHP</u>
2020-21	Buy-up	Buy-up	18.5%
2021-22	Buy-up	Buy-up	19.0%
2022-23	Buy-up	Buy-up	20.0%

“**Buy-up**” is the option to participate in the HMO or OAP by paying the difference between (1) what the Board would have paid in premium or premium equivalent plus the applicable Board payment to offset the deductible amount for the HDHP and (2) the cost of participating in the HMO or OAP.

#### 4. Additional Compensation

- Increased the amount of stipends in the contract for coaches, club advisors, and department leaders by 1.75% in each year of the contract.
- Increased compensation to teach an additional class at the secondary level to \$70 per day (up from \$50 per day) to reflect current economics.
- Increased the per diem rate for compensation when school is not in session from \$41 per hour to:

<u>2017-18</u>	<u>2018-19</u>	<u>2019-20</u>
\$42.00	\$42.00	\$43.00

#### 5. Contractual Language Changes

- Eliminated language regarding mandatory service fees for teachers and replaced it with language about voluntary service fees.
- Increased the cap on disability coverage from \$3000 to \$5000 per month in order to reflect current economics.
- Amended language regarding sick leave to allow for accumulation of 185 days (up from 180).
- Clarified language about teachers whose MA program requires at least 60 credits to allow them to be placed on the 6<sup>th</sup> Year schedule.
- Made several minor technical changes to the contract to allow for improved readability.
- Amended language about recall of teachers to eliminate outdated references to methods of communication.

Below is a Board of Education motion for your consideration.

“Moved that the Board of Education ratify the proposed changes in the collective bargaining agreement between the Simsbury Board of Education and the Simsbury Education Association for the period July 1, 2020 through June 30, 2023.”

TO: Members of the Board of Education

FROM: Matthew Curtis, Superintendent of Schools

DATE: November 12, 2019

RE: Approval of the Collective Bargaining Agreement between the Simsbury Board of Education and the Simsbury School Administrators and Supervisors Association effective July 1, 2020 – June 30, 2024

Negotiations leading to a new collective bargaining agreement have been completed by the Simsbury School Administrators and Supervisors Association and the Board of Education. The negotiations were conducted within the restrictions of the Teacher Negotiations Act. This agreement, which is subject to ratification by the Board of Education, has been reviewed and recommended by the Board of Education Negotiations Sub-Committee and has been ratified by the Simsbury School Administrators and Supervisors Association. The four-year agreement contains the following components highlighted below:

1. Duration of Agreement

The provisions of this Agreement shall be in effect during the period of July 1, 2020 through June 30, 2024, provided that the Board may reopen negotiations over the provisions of Article IV if the cost of any medical insurance plan offered therein is expected to result in the triggering of an excise tax under The Patient Protection and Affordable Care Act.

2. <u>Wage Settlement</u>	<u>2020-21</u>	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>
General Wage Increase	2.25%	2.25%	2.25%	2.35%
Step/Incremental Movement	.23%	.19%	.08%	.08%
Total	2.48%	2.44%	2.33%	2.43%

3. Health Insurance

A. Changes to the current prescription drug coverage will be implemented. Specifically, the Board will implement prescription management provisions that include mandatory generics, prior authorization, quantity limits, and step therapy. The Board will also implement a specialty pharmacy management program for medications used to treat complex and chronic conditions.

B. The HDHP will continue to be the only plan option for new hires.

C. Revised premium share for individual and family as follows:

	<u>OAP</u>	<u>HMO</u>	<u>HDHP</u>
2020-21	Buy-up	Buy-up	20.5%
2021-22	Buy-up	Buy-up	21.0%
2022-23	Buy-up	Buy-up	22.0%
2023-24	Buy-up	Buy-up	23.0%

**"Buy-up"** is the option to participate in the HMO or OAP by paying the difference between (1) what the Board would have paid in premium or premium equivalent plus the applicable Board payment to offset the deductible amount for the HDHP and (2) the cost of participating in the HMO or OAP.



#### 4. Additional Issues

- The contract will be amended to include the Director of Operations position.
- Language related to "Personal Illness" has been clarified to note that the administrator may use up to ten (10) sick days per year for illness or death in the immediate family.
- In each year of the contract, administrators will receive an additional \$250 in the tax sheltered annuity program outlined therein.

Below is a Board of Education motion for your consideration.

"Moved that the Board of Education ratify the proposed changes in the collective bargaining agreement between the Simsbury Board of Education and the Simsbury School Administrators and Supervisors Association for the period July 1, 2020 through June 30, 2024."



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Simsbury Meadows Performing Arts Center Operating Agreement
2. **Date of Board Meeting:** December 2, 2019
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**  
Staff is seeking input and consensus from the Board regarding a small number of proposed substantive changes/requests to the existing operating agreement between the Town and Simsbury Meadows Performing Arts Center, Inc.
5. **Summary of Submission:**  
The current operating agreement with Simsbury Meadows Performing Arts Center, Inc. expires December 31, 2019. Myself, Attorney DeCrescenzo, Deputy First Selectman Askham, former Board member Kelly, PAC President Linda Schofield, and PAC Board member Greg Piecuch have been participating in discussions regarding the contract renewal. We plan to bring a draft contract to the Board for consideration at your December 16, 2019 meeting.

In preparation of that document there are four items Attorney DeCrescenzo and I believe are proposed substantive changes/requests to the existing operating agreement. I do not believe the proposed changes to be unreasonable, but would like to seek input from the Board on the matters:

- Request from the PAC to waive the lining fee. Estimated loss of \$1,835 in revenue annually.
- Request from the PAC to have the Town sponsored rate applied to ALL events held at the PAC in which the PAC is the applicant through the public gathering permit process, including those events sponsored by non-profits (such as the Chamber's Chili Challenge) and events held partially off-site (such as marathons and walking events). Estimated additional loss of \$2,100 in revenue annually.
- Public gathering permits for existing events without substantial changes would go through an administrative approval process before the Public Gathering Committee with Town Manager sign-off. New events or existing events with substantial changes would still require review/approval by the BOS.
- Local building and land use application fees would not apply for approved BOS capital projects at the PAC facility.

**6. Financial Impact:**

If the request to waive fees associated with lining the parking lots is granted, the Town would lose an estimated \$1,830 in revenue annually. If the Town sponsored private duty rate is applied to **all** events in which the PAC is the applicant for the public gathering permit, the estimated additional loss in revenue would be \$2,100 annually. In February 2019, the private duty analysis did not include events held at the PAC by non-profits or marathon-type events and the estimated loss in revenue was \$3,161.60. The private duty fund is currently in a financially stable position and has a fund balance. In totality, these allowances would result in a loss of revenue to the Town of \$7,091.60 per year.

**7. Attachments:**

None



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Donations from the Friends of Simsbury Farms and the Simsbury Farms Men's Club
2. **Date of Board Meeting:** December 2, 2019
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager; Tom Tyburski, Director of Culture, Parks and Recreation *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**  
If the Board of Selectmen supports acceptance of the donations from the Friends of Simsbury Farms and the Simsbury Farms Men's Club, the following motion is in order:  
  
*Move, effective December 2, 2019 to accept the monetary donations of \$4,200 from the Friends of Simsbury Farms and \$4,200 from the Simsbury Farms Men's Club to help offset the total cost of a greens roller purchase.*
5. **Summary of Submission:**  
The Friends of Simsbury Farms and Simsbury Farm's Men's Club are each donating \$4,200 towards the purchase of a greens roller that will be used at the golf course. These donations will be used to offset the total cost of the greens roller purchased by Golf Course Maintenance staff. This piece of equipment will be used by staff to keep the Simsbury Farms Golf Course in great condition.  
  
Chapter 100 of our Code of Ordinances, "Gift Policy," requires that monetary donations over \$1,500 be accepted by the Board of Selectmen. If the donation is accepted I will direct staff to send a thank you letter to the Friends of Simsbury Farms and the Simsbury Farms Men's Club.
6. **Financial Impact:**  
The total cost of the purchase is \$12,780.23, before the donations. If the donations are accepted, the cost to the town would be \$4,380.23.
7. **Description of Documents Included with Submission:**  
None





# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** WPCA Mechanic Foreman Job Description
2. **Date of Board Meeting:** November 25, 2019
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager; Tom Roy, Director of Public Works; Anthony Piazza, WPCA Superintendent *Maria E. Capriola*

4. **Action Requested of the Board of Selectmen:**

If the Board of Selectmen supports the adoption of the Mechanics Foreman classification and job description, the following motions are in order:

*Move, effective December 2, 2019, to approve the new classification of Mechanics Foreman and to place this position at grade T9 of the AFSCME Employees Pay Plan.*

*Further move to approve the job description as presented.*

5. **Summary of Submission:**

At the June 13, 2019 Personnel Sub-Committee meeting the Mechanics Foreman position was approved and forwarded to the Union for their review and approval.

The position would be classified as non-exempt and would be regularly scheduled for 40 hours per week. Currently the Assistant Superintendent is supervising the mechanics. The current responsibilities of the Assistant Superintendent detract from the time required to ensure proper scheduling and parts ordering for timely maintenance and repair of all WPCA equipment. The new Mechanics Foreman position will allow for more efficient scheduling of repair and maintenance of WPCA equipment. With one person becoming the lead for this work, it allows the Superintendent and Assistant Superintendent to concentrate on improving process efficiencies in other areas.

The Mechanics Foreman position would replace an existing mechanic position. Pay grade "T9" of the AFSCME employees' pay plan is recommended for the Mechanics Foreman position; the most comparable existing internal position is our Roads Fleet Maintenance Supervisor, currently classified at pay grade "T9" of the AFSCME employees' pay plan.

The WPCA Superintendent and Public Works Director were involved in preparing the job description. The Union has reviewed and endorsed this proposal.



Chapter 9, Section 902 of the Charter requires that I prepare and submit proposed changes to job descriptions to the Board of Selectmen for review and approval.

Excerpted Charter language reads:

*"...the Town Manager shall cause to have prepared a statement of the duties and responsibilities of each position in the Town service and of the minimum qualifications for appointment to such position. The statement so prepared shall become effective upon the approval by resolution of the Board of Selectmen and may be amended, upon recommendation of the Town Manager, by resolution of the Board."*

**6. Financial Impact:**

The WPCA budget is managed in a self-sustaining enterprise fund, which is in a strong financial position. The change in hiring a Mechanics Foreman, in lieu of a Mechanic, has an annual cost in the range of \$4,929 - \$5,803<sup>1</sup>. The pay range for grade T9 of the AFSCME Employees Pay Plan is \$27.98 to \$34.29 per hour.

**7. Description of Documents Included with Submission:**

a) Draft WPCA Mechanics Foreman Job Description

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<sup>1</sup> With payroll taxes, \$5,306 - \$6,247

## **Town of Simsbury**

**TITLE:** Mechanics Foreman

**GRADE:** T-9

**DEPARTMENT:** Water Pollution Control Authority – DPW **DATE:** XXX, 2019

### **POSITION DESCRIPTION:**

Supervises and coordinates the maintenance operation of the facility and pump stations. Leads in the inspection, maintenance and repair of instrumentation, motors, pumps, and other equipment. Works closely with the Superintendent, Assistant Superintendent and Process Control Operator to assure required environmental protection standards are met.

### **SUPERVISION RECEIVED:**

Receives general supervision from the Superintendent or Assistant Superintendent.

### **ESSENTIAL DUTIES AND RESPONSIBILITIES:**

- Plans and organizes work using a computer based maintenance program.
- Coordinates work assignments with the Process Control Operator to assure minimum interruption of treatment process.
- Establishes priorities for work assignments, monitors progress, and logs completed work orders in the computer.
- Monitors progress of assigned tasks and ensures they are performed in accordance with standard practice.
- Coordinates with the Process Control Operator on solving equipment and operational problems.
- Takes action to protect the treatment process and equipment.
- Inspects equipment and pump stations, for efficiency in operation and to avoid breakdowns.
- Assists Superintendent in researching the need for, and installation of, new or replacement equipment.
- Work weekends and responds to emergencies on a call-in basis.
- Follows and enforces standard safety procedures and regulations.
- Assists in training employees
- Performs related work as required.

### **REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:**

- Thorough knowledge of the operation, maintenance, and repair of wastewater systems and treatment equipment.
- Ability to diagnose equipment problems and perform necessary repairs.
- Ability to use computerized maintenance management software to set up and manage equipment maintenance.

- Working knowledge of the hazards and safety precautions common to municipal maintenance and repair activities.
- Working knowledge of the practices, methods, materials and tools used in equipment maintenance.
- Ability to read and interpret meters, gauges, and accurately record results.
- Ability to establish and maintain effective preventative maintenance programs, policies and procedures.
- Ability to give clear, concise written and oral instruction and work effectively with staff, superiors, and the general public.
- Ability to establish and maintain effective working relationships with employees, supervisors, vendors, and the public.
- Ability to train personnel.
- Ability to interpret plans, specifications, and a variety of instructions furnished in written, oral, diagrammatic or schedule form.
- Must be able to work with minimal supervision.
- Must be able to work as a team member.
- Ability to perform basic mathematical computations.
- Ability to safely operate trucks in excess of 26,000 pounds GVW and other motor vehicles.
- Ability to work on an emergency call-out basis.

#### **REQUIRED PHYSICAL AND MENTAL EFFORT:**

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

- Frequently required to use hands to finger, handle, feel or operate objects, tools or controls.
- Frequently required to reach with hands and arms.
- Occasionally required to climb or balance and safely work from the tanker walkway.
- Occasionally required to climb or balance and safely work from a ladder.
- Occasionally required to stoop, kneel, crouch, or crawl.
- Frequently required to walk, sit, talk, smell or hear.
- Regularly lift and/or move up to 10 pounds and occasionally lift and/or move up to 50 pounds.
- Require vision abilities including close vision, distance vision, color vision, depth perception, and the ability to adjust focus.
- Require sufficient stamina and health to perform strenuous physical labor in all weather conditions.

#### **ENVIRONMENTAL CONDITIONS:**

The work environment characteristics described here are representative of those encountered while performing the essential functions of this job.

- Frequently performs tasks in outside weather conditions.
- Frequently works near moving mechanical parts and is exposed to vibration.

- Frequently exposed to wet and/or humid conditions.
- Frequently drives a variety of motor vehicles.
- Frequently works in office setting subject to continuous interruptions and background noises.
- Frequently enters data into a computer and generates reports.
- Occasionally works in high, precarious positions.
- Occasionally exposed to fumes, airborne particles, toxic or caustic chemicals.
- Occasionally exposed to risk of electrical shock.
- Occasionally exposed to loud noise levels.
- Occasionally perform maintenance tasks in confined spaces.

#### **TOOLS AND EQUIPMENT USED:**

All tools and equipment required for maintenance of mechanical/electrical equipment, facility structures, and vehicles including:

- Sampling and laboratory equipment.
- Power and hand tools and equipment for vehicle and mechanical system work.
- Electrical equipment diagnostic tools including multimeters, megohmmeters, ammeters, and optical thermometers.
- .
- Computer and data management software.
- Mobile or portable radio.
- Safety equipment

#### **REQUIRED MINIMUM QUALIFICATIONS:**

High school diploma or equivalent plus some specialized training in mechanics, maintenance management, or a closely related field. Four (4) years of related experience, at least two (2) of them which must be lead operational or plant maintenance supervisory experience.

#### **SPECIAL REQUIREMENTS:**

- Class B CDL.

**Note:** The duties listed above are intended only as illustrations of the various types of work that may be performed. The omission of specific statements of duties does not exclude them from the position if the work is similar, related or a logical assignment to the position.



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Appointment of Board of Selectmen Member to Debt Policy Workgroup
2. **Date of Board Meeting:** December 2, 2019
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**  
If the Board of Selectmen approves appointing INSERT NAME to the Debt Policy Workgroup, the following motion is in order:  
  
*Move, effective December 2, 2019, to appoint INSERT NAME to the Debt Policy Workgroup.*
5. **Summary of Submission:**  
During the October 28, 2019 Board of Selectmen meeting while discussing the Draft Debt Management Policy, the Board of Selectmen created a Debt Policy Workgroup. At their November 19, 2019 meeting, the Board of Finance agreed to participate in the Workgroup.  
  
At the October 28<sup>th</sup> meeting, Chris Kelly was appointed to the Workgroup, but with Chris no longer a member of the Board of Selectmen that leaves an opening for a new appointee. Deputy First Selectman Sean Askham is currently the other member of the Board of Selectmen on the Workgroup. Board of Finance members Rob Pomeroy and Lisa Heavner have agreed to serve.
6. **Financial Impact:**  
None
7. **Description of Documents Included with Submission:**  
None





# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Short-Term Rental Ordinance Workgroup  
Appointments

2. **Date of Board Meeting:** December 2, 2019

3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager *Maria E. Capriola*

4. **Action Requested of the Board of Selectmen:**

If the Board of Selectmen supports adding a membership slot to the Short-Term Rental Ordinance Workgroup for a member from the Planning Commission, the following motion is in order:

*Move, effective December 2, 2019, to increase the total membership of the Short-Term Rental Ordinance Workgroup from 5 members to 6 members by adding a slot for a member of the Planning Commission.*

If the Board of Selectmen supports the appointment of the proposed members for the Short-Term Rental Ordinance Workgroup, the following motion is in order:

*Move effective December 2, 2019, to appoint the recommended members for the Short-Term Rental Ordinance Workgroup:*

*Jackie Battos, Board of Selectmen (to replace Sean Askham)  
Holly Beum, Planning Commission*

5. **Summary of Submission:**

At the October 28, 2019 Board of Selectmen Meeting a Short-Term Rental Ordinance Workgroup was established to review similar ordinances from other communities and to create a draft ordinance to be brought before the Board of Selectmen. The makeup of the Workgroup is to be 2 Board of Selectmen members, 1 member of the EDC, 1 member of the Tourism Committee, and 1 member of the Zoning Commission. The Board inquired with the Planning Commission about a member potentially serving on the Workgroup.

Chris Peterson, Sean Askham, Bruce Elliott, and Ron Jodice have been appointed to the Workgroup. It has been suggested that Selectwoman Jackie Battos replace Deputy First Selectman Sean Askham on the Workgroup.

At their November 26, 2019 meeting the Planning Commission discussed the topic and forwarded the name of Holly Beum to be considered for appointment to the Workgroup.

We are awaiting confirmation from the Tourism Committee of their endorsed representative to the Short-Term Rental Ordinance Workgroup.

**6. Financial Impact:**

Staff time will be required to help support this initiative. There are no other expenses related to this initiative at this time.

**7. Description of Documents Included with Submission:**

None



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Appointment of Cheryl Cook to the 350<sup>th</sup> Anniversary Steering Committee
2. **Date of Board Meeting:** December 2, 2019
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**  
If the Board of Selectmen supports adding a membership slot to the 350<sup>th</sup> Anniversary Steering Committee, the following motion is in order:  
  
*Move, effective December 2, 2019, to increase the total membership of the 350<sup>th</sup> Anniversary Steering Committee from 17 voting members to 18 voting members by adding a slot for a community member.*  
  
If the Board of Selectmen supports appointing Cheryl Cook to the 350<sup>th</sup> Anniversary Steering Committee, the following motion is in order:  
  
*Move, effective December 2, 2019, to appoint Cheryl Cook to the 350<sup>th</sup> Anniversary Steering Committee as a community member with a term ending December 31, 2020.*
5. **Summary of Submission:**  
Cheryl Cook has been serving as Chair of the 350<sup>th</sup> Anniversary Steering Committee; she was appointed to the Committee as a representative of the Board of Selectmen. Cheryl has put a lot effort and time into the 350<sup>th</sup> Committee and there is a desire for her to continue her work with the Committee. Should she be appointed, Cheryl would be placed in a community member role. This will open up a slot on the Committee for a member from the Board of Selectmen.
6. **Financial Impact:**  
None
7. **Description of Documents Included with Submission:**  
None