

Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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SIMSBURY BOARD OF SELECTMEN

Regular Meeting – December 6, 2021 – 6:00 p.m.

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

PLEDGE OF ALLEGIANCE

PUBLIC AUDIENCE

- Participants can address the Board of Selectmen in person at the meeting
- Written comments can be emailed to townmanager@simsbury-ct.gov. Written comments will not be read into the record, but forwarded to all Selectmen via email

FIRST SELECTMAN'S REPORT

TOWN MANAGER'S REPORT

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

- Personnel
- Finance
- Public Safety
- Board of Education

SELECTMEN ACTION

- Appointment of Deputy First Selectman
- Board of Selectmen Rules and Procedures
- Board of Selectmen 2022 Regular Meeting Schedule
- First Selectman's Appointment of Board, Committee and Commission Liaison Assignments
- Reappointment of Town Counsel, Labor/Employment/Pension Counsel, and Bond Counsel
- Re-Authorization of Temporary Committees
- Stipend for First Selectman
- Tax Refund Requests
- Donation from Hartford Foundation
- EDA Grant – Performing Arts Center Facility

APPOINTMENTS AND RESIGNATIONS

- Reappointments to the Economic Development Commission
- Proposed Reappointments and Resignation for Technology Task Force
- Resignation of Lisa Grant from the SPIRIT Council
- Resignation of Amber Abbuhl from the Library Board of Trustees

REVIEW OF MINUTES

a) Minutes of November 22, 2021 Regular Meeting

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 6, 2021
3. **Individual or Entity Making the Submission:**
Wendy Mackstutis, 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.”

Chapter IV, Section 411 of the Town Charter:
“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.”

First Selectman Wendy Mackstutis has asked Selectman Amber Abbuhl to serve as Deputy First Selectman. Selectman Abbuhl has agreed to serve as Deputy First Selectman.

Ms. Abbuhl’s professional career includes 10 years as a CPA, after which she earned a JD and spent the next 10 years as a litigator in a large, regional law firm. There she handled cases in land use, real estate, fraud, contracts and leases, many in the municipal space.

Upon moving to Simsbury in 2014, Ms. Abbuhl has been a dedicated volunteer in our community including as PTO President at Tootin’ Hills School, Chair of Simsbury Junior Woman’s Club, member of the Simsbury Celebrates team, a regular at the Simsbury Food Pantry, a driver for Meals On Wheels and Books to your Door. She was elected to the Library Board of Directors in 2019.
6. **Financial Impact:**
None

7. Description of Documents Included with Submission:

- a) Chapter IV, Section 402 of the Town Charter
- b) Chapter IV, Section 411 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, CT
Thursday, December 2, 2021*

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:** Board of Selectmen Rules and Procedures

2. **Date of Board Meeting:** December 6, 2021

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 6, 2021, 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 6, 2021, 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 2019-2021 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



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BOARD OF SELECTMEN RULES OF PROCEDURE – ADOPTED DECEMBER 5, 2019

BE IT RESOLVED, that the Board of Selectmen adopts the following 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.

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

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8:30 – 7:00 Monday
8:30 – 4:30 Tuesday through Thursday
8:30 – 1:00 Friday

Board of Selectmen 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

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SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Board of Selectman 2022 Regular Meeting Schedule
2. **Date of Board Meeting:** December 6, 2021
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 2022 regular meeting schedule the following motion is in order:

Move, effective December 6, 2021, to approve the Board of Selectman 2022 regular meeting schedule as presented.
5. **Summary of Submission:**
The practice of the Board of Selectmen has been to meet on the 2nd and 4th Monday of every month at 6pm, with the exception of July, August, and December (in non-election years), only meeting on the 2nd Monday of those months. The proposed 2022 meeting schedule follows this past practice. In recent years, the Board has not been meeting on the 2nd Monday of April (due to school vacation week), but rather the first Wednesday in April. The meetings that would fall on state observed holidays have been moved to the following Wednesday to follow past practice as well. I have also proposed adding one evening budget workshop session to accommodate the need in recent years for additional time to review the budget materials.

Once approved, staff will file the adopted 2022 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 2022 Board of Selectmen Regular Meeting Schedule



Town of Simsbury

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Maria E. Capriola - Town Manager

To: Trish Munroe, Town Clerk
Cc: Board of Selectmen
From: Maria E. Capriola, Town Manager
Date: December 7, 2021
Re: Board of Selectmen –2022 Regular Meeting Schedule

At their meeting on December 6th the Board of Selectmen agreed by consensus to establish a regular meeting schedule for 2022. 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 10, 2022
January 24, 2022
February 14, 2022
February 28, 2022
March 10, 2022 (Budget Workshop Part 1)
March 12, 2022 (Budget Workshop Part 2)
March 14, 2022
March 16, 2022 (Budget Adoption, *If Needed*)
March 28, 2022
April 6, 2022 (First Wednesday)
April 25, 2022
May 9, 2022
May 23, 2022
June 13, 2022
June 27, 2022
July 11, 2022*
August 8, 2022*
September 12, 2022
September 28, 2022 (Wednesday)
October 12, 2022 (Wednesday)
October 24, 2022
November 14, 2022
November 28, 2022
December 12, 2022*

*Only one meeting for the month

The meetings will be held virtually or in a location to be determined. Meetings will be properly noticed in accordance with FOIA requirements.

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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

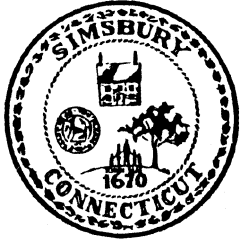
1. **Title of Submission:** First Selectman's Appointment of Board, Committee and Commission Liaison Assignments
2. **Date of Board Meeting:** December 6, 2021
3. **Individual or Entity Making the Submission:**
Wendy Mackstutis, First Selectman
4. **Action Requested of the Board of Selectmen:**
No action 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

Wendy Mackstutis - First Selectman

MEMO TO: Board of Selectmen, December 6, 2021
FROM: Wendy Mackstutis, Re: Liaison Appointments

Liaison

Sean Askham
Chris Peterson
Wendy Mackstutis
Amber Abbuhl
Sean Askham
Wendy Mackstutis
Amber Abbuhl
Heather Goetz

Liaison

Eric Wellman
Wendy Mackstutis
Heather Goetz
Heather Goetz
Chris Peterson
Chris Peterson
Amber Abbuhl

Liaison

Amber Abbuhl
Amber Abbuhl
Sean Askham
Chris Peterson
Heather Goetz
Heather Goetz
Amber Abbuhl
Wendy Mackstutis
Sean Askham
Eric Wellman
Eric Wellman
Amber Abbuhl
Sean Askham

Board of Selectmen Sub-Committee

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

Elected Board/Commission

Board of Education
Board of Finance
Library Board of Directors
Planning Commission
Board of Assessment Appeals
Zoning Board of Appeals
Zoning Commission

Appointed Board/Commission

Aging and Disability Commission
Board of Ethics
Building Code Board of Appeals
Culture, Parks and Recreation Commission
Economic Development Commission
Historic District Commission
Housing Authority
Open Space Committee
Police Commission
Public Building Committee
Water Pollution Control Authority
Retirement Plans Subcommittee
Retirement Plans Subcommittee

Liaison

Wendy Mackstutis
Chris Peterson
Eric Wellman
Heather Goetz
Heather Goetz
Wendy Mackstutis
Eric Wellman
Chris Peterson
Eric Wellman
Sean Askham
Eric Wellman
Sean Askham
Chris Peterson

Temporary Board/Commission

Business Development Committee
Business Development Committee, alternate
Clean Energy Task Force
Community for Care
Design Review Board
Hometown Hero Selection Committee
Hometown Hero Selection Committee
Juvenile Review Board
Performing Arts Center Board
SPIRIT Council
SPIRIT Council
Technology Task Force
Youth Services Advisory Board

Cc: Maria Capriola, Town Manager
Melissa Appleby, Deputy Town Manager
Trish Munroe, Town Clerk
Tom Fitzgerald, Management Specialist



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 6, 2021
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager *Maria E. Capriola*
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 6, 2021, 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 and 2019-2021 terms were set at \$10,000 annually, distributed in 12 equal payments on the 1st day of the month. There is no specific amount mentioned in the Charter for the stipend.
6. **Financial Impact:**
The stipend has been budgeted at \$10,000 annually.
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/Employment/Pension Counsel and Bond
Counsel
2. **Date of Board Meeting:** December 6, 2021

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 6, 2021, to reappoint the firm of Updike, Kelly & Spellacy, P.C. as Town Attorney for a two term through December 4, 2023 pursuant to Section 706 of the Town Charter and for Town Manager Maria E. Capriola to execute the engagement letter.

Move, effective December 6, 2021, to reappoint the firm of Ford Harrison LLP as Labor and Employment Counsel and as Pension Counsel for the Town of Simsbury for a two year term through December 4, 2023.

Move, effective December 6, 2021, to reappoint the firm of Pullman & Comley LLP as Bond Counsel for the Town of Simsbury for a two year term through December 4, 2023.

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. Our secondary counsel with the firm is Attorney Johanna Zelman and Elizabeth (Beth) Smith. The firm has provided quality work in a responsive manner and I recommend reappointment of their firm. Pension Counsel had been provided by Murtha Cullina LLP. However, Ford Harrison has Attorney Rena Felton on staff who is well qualified to perform this work. Staff is pleased with the quality of work and responsiveness from their pension counsel and I recommend appointing the firm as our Pension Counsel.

Bond Counsel services are provided by Pullman & Comley, LLC and Attorney Judith Blank. Attorney Blank has provided quality work in a responsive manner. At this time it is staff's recommendation to reappoint Pullman & Comley, LLC as Bond Counsel. Attorney Blank has been the Town's Bond Counsel since 1985, previously at her prior firm.

6. Financial Impact:

Udike, 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 for the remainder of FY 21/22 and then an increase to \$280 an hour for FY 22/23 and \$285 an hour for FY 23/24.

Pullman & Comley's fees are calculated on a per project rate; please see the attached engagement letter dated April 12, 2021 for price breakdowns, which were not changed upon Ms. Blank's move to Pullman & Comley, LLC.

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 29, 2021 and Attorney Bio
- c) Letter from Ford Harrison Re: Continuation as Labor Counsel, dated November 29, 2021 and Attorney Bio Excerpts
- d) Letter from Pullman & Comley LLP re: Bond Counsel Fee Estimates, dated April 12, 2021 and Attorney Bio

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 29, 2021

Ms. Wendy Mackstutis
First Selectman-Elect
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Re: Appointment of Town Attorney

Dear Ms. Mackstutis

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 6, 2021, 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
3444994

Robert M. DeCrescenzo

Shareholder, Hartford



860.548.2625
rdcrescenzo@uks.com
Download vCard

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
860-740-1366
MHarrington@fordharrison.com

November 29, 2021

Maria Capriola, Town Manager
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Re:

Dear Ms. Capriola:

FordHarrison has enjoyed serving as the Town of Simsbury's Labor Counsel, and would like to be considered to continue to serve in that role. FordHarrison would propose continuing its rate of \$275 an hour for the duration of this fiscal year (until June 2022), and request an increase to \$280 per hour for the fiscal year 2022-2023 and \$285 per hour for fiscal year 2023-2024.

Since our last engagement FordHarrison has increased its resources with several new attorneys who have experience that may be helpful to Simsbury.

Among others, Ryan O'Donnell has recently joined the Hartford office and is experienced in labor relations in both the public and private sectors. Attorney O'Donnell currently serves as labor counsel to East Hartford and Willington. Also, Rena Felton recently joined our Benefits Group, adding to our depth of knowledge in all aspects of benefits, including pensions and defined benefit plans. I have included the biographies of all the attorneys in the Hartford office, as well as members of our Benefits Group.

Thank you in advance for your consideration.

Sincerely,



Michael C. Harrington

Enclosure

OUR PEOPLE



Michael C. Harrington

Partner / Hartford



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 objectives 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.

Representative Experience

- » Successfully represented an employer before the Connecticut Supreme Court in establishing that punitive damages were not available under Connecticut Fair Employment Practices Act.
- » Successfully represented a law firm before the Connecticut Supreme Court, establishing when a bonus is not considered a "wage" thereby avoiding double damages.
- » Obtained summary judgment for a private school faced with an age discrimination claim.
- » Successfully established that Workers' Compensation Commission did not have jurisdiction over managed care plan on behalf of construction and property management company.
- » Assisted clients in reducing citations and penalties issued by OSHA.
- » Successfully represented a client before the Connecticut Supreme Court on an appeal from the Freedom of Information Commission.
- » Obtained partial summary judgment for national footwear retailer faced with a disability discrimination claim.
- » Prevailed in arbitration challenging the dismissal of a long-term law enforcement officer.
- » Successful represented a political party before the Second Circuit Court Appeals regarding a ballot issue.

Honors & Awards

- » *The Legal 500 United States*, Recommended attorney in Labor & Employment - Labor and Employment Disputes (2021)
- » *Chambers USA: America's Leading Lawyers for Business*, Labor & Employment (2020)
- » *The Best Lawyers in America* - Employment Law - Management, Labor Law - Management, Litigation - Labor and Employment (2018 - 2022)
- » AV® Preeminent Peer Review Rated by Martindale-Hubbell
- » "Judge Maxwell Heiman Memorial Award," Hartford County Bar Association
- » "Impact Award," The Connecticut Law Tribune
- » *The Best Lawyers in America* "Lawyer of the Year," Hartford, Litigation - Labor and Employment (2018)
- » "Connecticut Super Lawyers," by *Thomson Reuters Super Lawyers* magazine, 2018-2020

News & Insights

October 06, 2021 - New Connecticut Employment Laws

July 29, 2020 - Connecticut Creates Rebuttable Presumption that COVID Infection was Work-Related for First Months of the Pandemic

May 14, 2020 - Returning to Work in Connecticut: Phase 1 Guidelines

April 10, 2020 - Recent COVID-19-Related Executive Orders Impact Connecticut Employers

March 23, 2020 - Connecticut Update: State Issues Guidance Regarding What Businesses Are Exempt From Mandatory Closure

March 20, 2020 - Connecticut Governor Lamont Orders Closure of Additional Businesses, Reschedules Connecticut's Primary Election and Orders all Nonessential Workers to Remain Home

March 19, 2020 - Connecticut Update: Governor Lamont Announces Additional Measures to Mitigate the Spread of COVID-19

March 17, 2020 - Connecticut Governor Signs Executive Order Closing Schools and Ordering the Closure of Certain Businesses

October 14, 2019 - Federal Court in Massachusetts Finds Race May Be an Admission Factor

August 21, 2019 - "FordHarrison Nabs 2 Ex-LeClairRyan Attys In Connecticut," Law360

August 20, 2019 - FordHarrison Adds Two Attorneys to Hartford Office

Events

Recorded: Wednesday, May 20, 2020 - Returning to Work Phase 1- Practical Issues Every Employer Needs to Consider - Essentials for the Municipal Employer, Part III

Recorded: Tuesday, April 7, 2020 - Coronavirus (COVID-19) Essentials for the Municipal Employer - Part II - Complimentary Webinar

August 29, 2019 - Time's Up - Are You Ready for Connecticut's New Employment Laws? - Complimentary Webinar

Education

Syracuse University College of Law
J.D., *summa cum laude*, 1995

McGill University
B. Comm., *Great Distinction*, 1991

Services

Employment Law

Healthcare

Labor Relations

Litigation

Occupational Safety and Health

Retail

Bar Admissions

Massachusetts

Connecticut



Michael C Harrington



Michael C Harrington

OUR PEOPLE



Elizabeth M. Smith

Counsel / Hartford



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.

Representative Experience



- » Obtained summary judgment for an employer in the utilities industry on a claim against a former employee for misappropriation of trade secrets.
- » Obtained summary judgment for an employer in the financial services industry on a claim for disability discrimination.
- » Successfully represented a healthcare provider concerning a complaint before the Department of Public Health.
- » Ensured WARN Act compliance for an employer related to the sale of a business unit.
- » Provided advice and counsel on wage and hour issues related to live-in employees in the homemaker/ companion industry.
- » Obtained a permanent injunction against an employee who had misappropriated trade secrets from his employer, and secured the return of the stolen data.

News & Insights

January 12, 2021 - The First Amendment: Where it is Implicated, and Where it is Not

July 29, 2020 - Connecticut Creates Rebuttable Presumption that COVID Infection was Work-Related for First Months of the Pandemic

May 14, 2020 - Returning to Work in Connecticut: Phase 1 Guidelines

April 10, 2020 - Recent COVID-19-Related Executive Orders Impact Connecticut Employers

March 23, 2020 - Connecticut Update: State Issues Guidance Regarding What Businesses Are Exempt From Mandatory Closure

March 20, 2020 - Connecticut Governor Lamont Orders Closure of Additional Businesses, Reschedules Connecticut's Primary Election and Orders all Nonessential Workers to Remain Home

March 19, 2020 - Connecticut Update: Governor Lamont Announces Additional Measures to Mitigate the Spread of COVID-19

March 17, 2020 - Connecticut Governor Signs Executive Order Closing Schools and Ordering the Closure of Certain Businesses

August 21, 2019 - "FordHarrison Nabs 2 Ex-LeClairRyan Attys In Connecticut," Law360

August 20, 2019 - FordHarrison Adds Two Attorneys to Hartford Office

Education

University of Connecticut School of Law
J.D., *with honors*, 1998

University of Connecticut School of Business
M.B.A., 1998

Mississippi State University
B.S., 1982

Services

- Employment Law
 - Healthcare
 - Litigation
 - Long Term Care
 - Non-Compete, Trade Secrets & Business Litigation
 - Wage/Hour
-

Memberships

- American Bar Association
 - Connecticut Bar Association, Standing Committee on Professionalism
 - Rebuilding Together Hartford, Board Member
-

Bar Admissions

- Connecticut
-

Court Admissions

- U.S. Supreme Court
- U.S. Court of Appeals for the Second Circuit
- U.S. District Court for the Eastern District of New York
- U.S. District Court for the Southern District of New York
- U.S. District Court for the District of Connecticut

OUR PEOPLE



Johanna G. Zelman

Partner / Hartford, New York City



Johanna Zelman is the office managing partner for FordHarrison's Hartford, Connecticut office.

Johanna's background in municipal employment and school law and healthcare results in highly competent, in-depth and knowledgeable advice and representation for her clients. While she has represented a wide variety of employers from various industries, Johanna has a specific strength in matters arising in the municipal employment setting and in public schools and universities. Johanna represents municipalities and school boards in a wide array of matters, from consulting to litigation.

Johanna's prior work at Harvard University's affiliate hospitals, where she had direct contact with patients being treated for various mental health disorders, offers not only a unique perspective in legal issues related to special education, but proves extremely helpful when handling issues involving the Americans with Disabilities Act (ADA), Family Medical Leave Act (FMLA), and other behavioral or mental health issues arising in the employment setting.

Johanna is highly effective in defending fact-intensive and highly complicated counseling and litigation matters related to employment, general civil rights and special education.

Johanna has litigated matters and successfully defended public and private sector employers and governments before the United States Court of Appeals for the Second Circuit, the United States District Court for the District of Connecticut, the Southern and Eastern Districts of New York and the Connecticut Supreme, Appellate and Superior Courts. She has also represented employers and school districts before various state and federal administrative agencies, including the Equal

Employment Opportunities Commission, the Connecticut Commission on Human Rights and Opportunities, the Connecticut State Department of Education the Connecticut Freedom of Information Commission, the Connecticut Workers' Compensation Commission and the Department of Labor.

Representative Experience

- » In response to Rule 11 letter, successfully obtained voluntary dismissal by African American police officer who filed lawsuit alleging race discrimination for being terminated during his probationary period.
- » In Connecticut Supreme Court, challenged constitutionality of statute that prohibits an employer from relaying on collateral estoppel based on a grievance decision reached in accordance with a collective bargaining.
- » Second Circuit affirmed summary judgment on claim pending against public school system that it failed to accommodate a first grade teacher in violation of the Americans with Disabilities and Connecticut Fair Employment Practices Act. Teacher used a prosthetic leg as a result of a previous above the knee amputation. The court held that although the school did not provide the accommodation that the plaintiff wanted, he was only entitled to a reasonable accommodation which had been provided to him.
- » Obtained summary judgment on claim by a unionized tenured public school teacher who claimed that his employer violated the Substantive and Procedural Due Process clauses when he was suspended for 20 days after multiple students reported to administration that the teacher had used profanity and threatened them. The Court held that the teacher received all pre- and post- deprivation process due to him and that the substantive due process claim failed as a matter of law because the conduct alleged was not conscious-shocking and there was another specific constitutional amendment that more appropriately addressed the conduct at issue. Breach of contract claim was previously dismissed because the teacher failed to exhaust his administrative by first bringing a claim against his union for breach of the duty of fair representation.
- » Obtained dismissal of claim against public school system by tenured teacher alleging race discrimination pursuant to the Equal Protection Clause of the Fourteenth Amendment. Plaintiff had been provided a full evidentiary hearing lasting 13 days, and had been found incompetent and that there was other due and sufficient cause for her termination prior to termination and, therefore, in order to plead discrimination, she had to plead that there was a similarly situated Caucasian employee, not just that a Caucasian employee was hired to replace her, which the Court held was impossible to do; awarded sanctions under Rule 11 because Due Process claim was frivolous.
- » Conducted extensive review and audit of municipal civil service rules and hiring procedures and advised as to deficiencies during recent hiring process.
- » Successfully defended protective order filed to block employer from performing a mental fitness for duty examination on an employee exhibiting performance and behavioral concerns that lead to concerns about workplace safety.
- » Successfully defended municipal employer in First Amendment claim by police constable alleging that she was terminated in retaliation to a previously filed lawsuit alleging gender discrimination and harassment.

- » Obtained dismissal of state law constitutional and tort claims brought by a student and her parents against the public schools alleging that teachers attempted to indoctrinate the student and her two older sisters into a death cult. Issues of fact remained on federal constitutional claims.

Honors & Awards

- » *The Legal 500 United States*, Recommended attorney in Labor & Employment - Labor and Employment Disputes (2021)
- » Selected for inclusion in *Best Lawyers in America* publication for Employment Law - Management, Labor Law - Management, and Labor and Employment Litigation (2018 - 2022)
- » Selected for inclusion in "Connecticut Super Lawyers" publication in Employment Litigation, *Super Lawyers* magazine (2013 – 2015, 2020).
- » Selected for inclusion in "Connecticut Rising Stars" publication in Employment Litigation, *Super Lawyers* magazine (2012).
- » AV® Preeminent Peer Review Rated by Martindale Hubbell.
- » "Connecticut Super Lawyers," by *Thomson Reuters Super Lawyers* magazine, 2019
- » **Johanna was selected to the Super Lawyers and Rising Stars lists issued by Thomson Reuters. The selection methodology is found here.*
- » **Johanna was also selected to the Best Lawyers in America list issued by Best Lawyers. The selection methodology is described here.*

News & Insights

SourceBook - Editor, FordHarrison's Labor & Employment Law Sourcebook, The Americans with Disabilities Act and Other Disability Discrimination Laws

October 06, 2021 - New Connecticut Employment Laws

June 25, 2021 - Department of Education Extends Title IX Protections to Gay and Transgender Students

May 26, 2021 - Addressing Mental Health in the Workforce

April 30, 2021 - DIVERSITY IN THE WORKS: Can Diversity Initiatives, Religious Freedom and LGBTQ+ Rights Co-Exist at Work? Yes, They Can

April 28, 2021 - Women's-Only Gym Section Faces Discrimination Lawsuit

January 29, 2021 - President Biden Signs Executive Order Combating Discrimination Against the LGBTQ+ Community

January 12, 2021 - The First Amendment: Where it is Implicated, and Where it is Not

July 29, 2020 - Connecticut Creates Rebuttable Presumption that COVID Infection was Work-Related for First Months of the Pandemic

July 01, 2020 - States Begin Releasing Plans for Reopening Schools, but Uncertainty Lingers

June 16, 2020 - US Supreme Court Holds Title VII Protects LGBTQ+ Workers in Landmark Decision

May 20, 2020 - U.S. Department of Education Issues Long-Awaited Final Title IX Regulations On Sexual Harassment

May 14, 2020 - Returning to Work in Connecticut: Phase 1 Guidelines

April 10, 2020 - Recent COVID-19-Related Executive Orders Impact Connecticut Employers

March 23, 2020 - Connecticut Update: State Issues Guidance Regarding What Businesses Are Exempt From Mandatory Closure

March 20, 2020 - Connecticut Governor Lamont Orders Closure of Additional Businesses, Reschedules Connecticut's Primary Election and Orders all Nonessential Workers to Remain Home

March 19, 2020 - Connecticut Update: Governor Lamont Announces Additional Measures to Mitigate the Spread of COVID-19

March 17, 2020 - Connecticut Governor Signs Executive Order Closing Schools and Ordering the Closure of Certain Businesses

September 09, 2019 - SCOTUS Scheduled to Hear Oral Arguments on Whether LGBTQ Rights Are Protected by Title VII

August 16, 2019 - President Trump Announces Nomination to Second Circuit Court of Appeals

August 01, 2019 - Connecticut Passes Sweeping Changes to its Human Rights Laws

April 25, 2019 - School Board Not Liable for Disciplining Disabled Educator's Excessive Absenteeism or Denying Her Leave Requests

April 22, 2019 - SCOTUS Certifies Three Cases to Answer the Question of Whether LGBTQ Rights are Protected by Title VII

March 08, 2019 - A Hard Hat is Not Just for Men

January 03, 2019 - Connecticut Employers are Banned from Asking Applicants' Salary History Effective January 1, 2019

November 13, 2018 - Supreme Court Rules ADEA Applies to All Public Employers Regardless of Size and Leaves the Door Open to Personal Liability

June 13, 2018 - "Here We Go Again": Transgender Bathroom Dispute Headed Back to the Fourth Circuit

June 12, 2018 - U.S. Supreme Court Sides with Wedding Cake Baker in Gay Rights Case Based on Civil Rights Commission's Impermissible "Hostility"

March 20, 2018 - Sixth Circuit Holds Transgender Status Is Protected by Title VII and Rejects Religious Freedom Restoration Act Defense

March 05, 2018 - Second Circuit Provides Guidance on Intern-Employee Test

January 24, 2018 - FordHarrison Names New Member of Executive Committee and Two New Office Managing Partners

November 10, 2017 - D.C. District Court Issues Injunction Against Transgender Military Ban

October 06, 2017 - Department of Justice Weighs In: Title VII Does Not Prohibit Gender Identity Discrimination

September 19, 2017 - "How women attorneys are smartly leveraging legal technology to advance their law practices," Legal IT Today

July 31, 2017 - Does Transgender Military Ban Signal New Direction of Trump Administration on LGBTQ Rights?

July 11, 2017 - Eleventh Circuit Sets the Stage for U.S. Supreme Court Certification on Whether Sexual Orientation is Protected by Title VII

June 12, 2017 - During Last Week of School Seventh Circuit Rules in Favor of Transgender Teen On Restroom Use

June 01, 2017 - Full Second Circuit to Revisit Its Position On Sexual Orientation as a Protected Class Under Title VII

May 25, 2017 - Federal Judge Rules that Transgender Employee's ADA Claim May Proceed

May 08, 2017 - Full Second Circuit Asked to Revisit Prior Precedent that Title VII Does Not Protect Sexual Orientation

April 25, 2017 - "Common Sense Reality": Seventh Circuit Holds That Sexual Orientation Discrimination Violates Title VII

April 21, 2017 - "3 Tips For Running A Workplace In Times Of Political Strife," Law360

April 05, 2017 - "7th Circ. Gives GCs Reason To Hone Title VII Approaches," Law360

April 03, 2017 - Second and Eleventh Circuits Rule They are Bound by Prior Precedent that Title VII Does Not Prohibit Sexual Orientation Discrimination, but Some Judges Suggest It Should

February 23, 2017 - Trump Administration Revokes Obama's Transgender Bathroom Guidance for Public Schools

February 17, 2017 - Trump Administration Withdraws Motion Seeking to Limit Court's Stay of Obama's Transgender Bathroom Guidance in Public Schools

January 18, 2017 - Texas Court Enjoins Enforcement of Regulation that Would Forbid Discrimination in Healthcare on the Basis of Gender Identity and Termination of Pregnancy

December 12, 2016 - Seventh Circuit Indicates It May Conclude that Sexual Orientation Discrimination is Sex Discrimination Under Title VII

Events



February 24, 2021 - The First 100 Days: Employment Law and The Biden Administration - Complimentary Webinar

January 26, 2021 - COVID-19 Vaccines and the Workplace: Expectations and Next Steps for the Municipal Employer - Complimentary Webinar

June 25, 2020 - Supreme Court Title VII LGBTQ+ Ruling - What it Means and Next Steps for Employers - Complimentary Webinar

Recorded: Wednesday, May 20, 2020 - Returning to Work Phase 1- Practical Issues Every Employer Needs to Consider - Essentials for the Municipal Employer, Part III

Recorded: Tuesday, April 7, 2020 - Coronavirus (COVID-19) Essentials for the Municipal Employer - Part II - Complimentary Webinar

August 29, 2019 - Time's Up - Are You Ready for Connecticut's New Employment Laws? - Complimentary Webinar

March 07, 2019 - Employment Law for Government Contractors: Is Your Company Keeping Up? - Complimentary Webinar

October 25, 2018 - "School Violence Law Symposium: A Practical Guide for Maintaining Order in Connecticut Schools," Complimentary Symposium - Bloomfield, CT

October 23, 2018 - "Medical Marijuana Concerns Facing Public Sector Employers," ExecuSummit Inaugural Governmental Liability Conference - Uncasville, CT

July 26, 2018 - School Violence and the Law: A Practical Guide for Educational Institutions - Complimentary Webinar

June 12, 2018 - "Proper Response to Claims and Complaints of Sexual Harassment in the Workplace," Complimentary CIRMA Sexual Harassment Symposium - Stonington, CT

April 12, 2018 - "Don't Become the Next #MeToo Headline: Ensure that your sexual harassment policy, training, and investigations are effective" Complimentary Briefing

December 14, 2017 - "Evolving LGBTQ Rights in the Workplace" Complimentary Webinar

Languages



» Spanish (fluent)

Education



University of Connecticut School of Law
J.D., 2005

Connecticut College
B.A., *summa cum laude*, 1999

Services

Cannabis Law

Construction

Coronavirus - CARES Act

Education

Employment Law

Healthcare

Litigation

Restaurants

Retail

Memberships

American Bar Association

Connecticut Bar Association

New York Bar Association

Leadership Council on Legal Diversity's Success in Law School Mentoring Program

Connecticut Institute - Instructor

Bar Admissions

Connecticut

New York

Court Admissions

Connecticut State Courts

U.S. District Court for the District of Connecticut

U.S. Court of Appeals for the Second Circuit

U.S. District Court for the Eastern District of New York

U.S. District Court for the Southern District of New York

U.S. District Court for the Western District of New York



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OUR PEOPLE



Elverine (Rena) F. Felton

Counsel / Atlanta



Elverine "Rena" Felton focuses her legal practice on guiding employers through the design, implementation, and administration of complex employee benefit plans

Rena also has extensive experience advising clients in all aspects of executive compensation, including negotiating and drafting equity compensation plans and awards, employment/severance agreements, and other compensation arrangements. Clients also turn to Rena for questions on health and welfare matters related to the Affordable Care Act, HIPAA, and COBRA.

Before joining FordHarrison, Rena was an associate director of health and benefits compliance at a leading global advisory, broking, and consulting company. In this role, she regularly advised clients on health and welfare plans and compliance with various relevant federal statutes such as the ACA, ERISA, the Internal Revenue Code, HIPAA, ADA, FMLA and COBRA.

Rena is a frequent speaker on employee benefits compliance issues under ACA, COBRA, HIPAA and ERISA. She has previously served as an adjunct professor at the University of Houston Law Center where she taught an introduction to employee benefits class to 2L, 3L and LL.M. students. Rena has also published articles on employee benefits compliance issues.

Representative Experience



- » Prepared DOL and IRS plan correction program submissions for defined benefit plans.
- » Assisted with corrections for health plan issues.
- » Assisted employers in all industries with analysis and impact under Affordable Care Act and shared responsibility provisions, including classification of employees, racking of hours and employer reporting. Assisted plan sponsors with HIPAA training and compliance. Drafted and amended welfare and retirement plan documents and cafeteria plan documents.
- » Assisted client with plan terminations.
- » Counseled employers with analysis and impact under Affordable Care Act and shared responsibility provisions, including classification of employees, racking of hours and employer reporting.
- » Advised publicly traded companies with employee benefits pre-merger planning

Honors & Awards

- » National Black Lawyers (Atlanta) – Top 100 Lawyer Award, 2019

News & Insights

May 26, 2021 - "FordHarrison Beefs Up Its Atty Ranks In Atlanta, NJ," Law360

May 19, 2021 - The IRS Releases FAQ Guidance on Premium Assistance for COBRA Coverage

Education

John Marshall Law School
LL.M., 2012

Thurgood Marshall School of Law
J.D., 2006

DePaul University
B.A., 1999

Services

Employee Benefits

Litigation

Memberships



Gate City Bar Association – Member

Georgia Association of Black Women Attorneys – Member

Atlanta Bar Association – Member

Sister 2 Sister Mentoring Program – Volunteer mentor

Houston Lawyers Association (2012-2018) – Past President, former board member and former gala chair

Bar Admissions



Georgia

Texas

↑
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Judith A. Blank
90 State House Square
Hartford, CT 06103-3702
p 860 424 4319
f 860 424 4370
jblank@pullcom.com
www.pullcom.com

April 12, 2021

VIA E-MAIL

Maria E. Capriola, M.P.A.
Town Manager
Town of Simsbury
Town Hall
933 Hopmeadow Street
P.O. Box 495
Simsbury, CT 06070-0495

Re: Bond Counsel Fees and Services

Dear Maria:

You have asked my firm to represent the Town of Simsbury (“Client”) in connection with the authorization and issuance of bonds, notes, and other obligations of the Client, as described in the attached Scope of Bond Counsel Services (Attachment A). No one else shall be considered a client of the firm in this matter. Our engagement shall be effective as of April 12, 2021.

Additional Undertakings. If you ask the firm to perform any additional work beyond the scope of engagement as stated above, and if the firm agrees to undertake that work, then the firm will perform that work upon the same terms as stated in this agreement, unless we have obtained a new engagement agreement from you. Unless specified in the above referenced Scope of Bond Counsel Services, the firm is not agreeing to provide services for any court or administrative proceedings, arbitrations, appeals, bankruptcies, or post-judgment proceedings.

Client Responsibilities. Client agrees to pay our invoices as provided below. Client must also cooperate with us and provide complete and detailed information when requested. Client agrees to keep us informed of any changes in contact information.

Fees and Expenses. Our fees will be based on the attached Fixed Fee Schedule (Attachment B).

Legal services that are not provided pursuant to the fixed fee schedule, will be charged at hourly billing rates for each attorney and paralegal who may work on this matter. Generally, our billing rates for attorneys currently range from \$260 per hour for associates to \$745 per hour for senior partners. The hourly rate we charge for paralegal assistance currently ranges from \$250 to \$325 per hour. For this matter, we will bill at our standard discounted municipal hourly rates of

\$455 per hour for members, \$310 per hour for associates with more than 4 years of experience, \$240 per hour for associates with experience of 4 years or less and \$140 per hour for paralegals. These rates are subject to adjustment on an annual basis to reflect changes in the levels of experience of our attorneys and paralegals and economic factors affecting the firm.

We will include in our billings the expenses we incur on your matter. Examples of such expenses may include photocopying, delivery service, computerized research, authorized travel, search and filing fees. Our representation of you also may require the assistance of outside consultants, experts or service providers. You must pay these types of outside assistance expenses directly to the service provider. If you are unwilling or unable to make satisfactory arrangements to pay the additional expenses of such outside assistance, then we may not be able to retain these services even if your matter would benefit from them.

Billing. For bond counsel services described in the Scope of Bond Counsel Services, the firm will charge you for authorization upon the first borrowing pursuant to that authorization, and for each financing at issuance. For all other services, the firm will send you monthly invoices for its services. The firm will charge interest at the rate of 1% per month (12% per annum) on any bills that remain unpaid for more than 60 days. After 60 days, we reserve the right to cease performing services for you, and to seek to withdraw our representation in any court proceeding, until satisfactory payment arrangements have been made. You agree we may collect any unpaid fees and expenses due to our firm from any recovery by you or on your behalf in connection with your claims; or by setoff against sums of yours in our possession; or by securing payment of our fees by retention of your files consistent with the Connecticut Rules of Professional Conduct pertaining to retaining liens.

Opinions and Beliefs. During our representation we may offer Client advice and recommendations. Any statements we make, however, must be considered an expression of opinion only, based upon information available, and should not be construed as a promise or guarantee.

Municipal Conflicts. Our firm represents clients throughout the State of Connecticut, including municipalities, boards of education, companies, individuals, landlords, tenants, housing authorities, borrowers, lenders, financial institutions, governmental and quasi-governmental entities and associations that may have interactions with Client in civil or criminal matters, totally unrelated to this representation. Such unrelated representation may include the municipality or governmental agency involved in your matter. Our representation of other clients may include such things as representing the municipal government; representing the board of education; appearances before municipal boards and commissions, pursuing land use applications, appeals from agency decisions; property valuation appeals; tax refund requests; representing purchasers of municipal obligations; foreclosures of liens; and representation of parties in bankruptcy. Client agrees that we may represent other clients in unrelated matters, who may be adverse to the Town of Simsbury, provided such matters are not substantially related to our work that we have been engaged to handle in this agreement, and so long as we believe our responsibilities to Client would not be materially limited due to such other representation.

In the course of representing you, and in order fully to satisfy our professional obligations, we may from time to time need to consult with the lawyers in this firm responsible for advising the firm on ethical issues that may involve our engagement with you. You acknowledge and agree that we are free to consult with our internal counsel on such matters without your consent and that such consultations are privileged and confidential. Notwithstanding this clause, we understand that Client is not agreeing this firm may make a claim for affirmative damages against Client on behalf of another client without Client's written consent. Presently, other attorneys in this firm is representing C-TEC Solar in connection with a tax appeal and Helmar Wolf in connection with a zoning matter. In addition, the firm will establish procedures to screen those firm professionals involved in the unrelated matter from access to the files in your matter.

Specific Conflict Consent. You acknowledge that another attorney within my firm currently represents DWW Solar II LLC ("DWW") which had been adverse in a siting and permitting dispute that DWW settled with the Town. This other matter is unrelated to the subject for which you have asked me to represent the Town. I have determined that my colleague's current representation of DWW in the unrelated matter will not materially limit my responsibilities to provide the Town with competent and diligent representation for the engagement covered by this agreement. By signing below, you consent to my firm continuing to represent DWW. In addition, the firm will establish procedures to screen those firm professionals involved in the unrelated matter from access to the files in your matter.

You acknowledge also that another attorney within my firm currently represents Church Home of Hartford Inc. ("Church Home") which had been adverse in connection with some resident and business matters. The Church Home matter is unrelated to the subject for which you have asked me to represent the Town. I have determined that my colleague's current representation of Church Home in the unrelated matter will not materially limit my responsibilities to provide the Town with competent and diligent representation for the engagement covered by this agreement. By signing below, you consent to my firm continuing to represent Church Home. In addition, the firm will establish procedures to screen those firm professionals involved in the unrelated matter from access to the files in your matter.

State of Connecticut. From time to time, the firm represents the State of Connecticut or some of its agencies on totally unrelated matters. We have determined that any such unrelated matter would not in any way materially limit our representation in this matter. If the Client wishes to discuss this further, then please feel free to contact me.

Electronic Technology. The firm uses various technologies, including e-mail and third party cloud-based services, to store documents, e-mails, video, and other data, and to exchange the same with our clients and others. We communicate with our clients by e-mail, facsimile, (mobile) telephone, video, or text. We may also obtain your execution of documents by a variety of remote video conference options. Some of the hosting technologies for these methods of communication reserve the right under limited circumstances to review the content of the communications on their systems. Both the terms of their conditions of use and the general acceptance of these methods of communications by the legal profession lead us to conclude that

the risk of disclosure of your confidential communications with us by using these technologies is minimal, but you should be aware of such risk. Further, it is the firm's policy to recommend email rather than text messages to preserve the attorney-client privilege in communications with clients. You acknowledge the risk of unsecure communications through text messaging. By engaging our firm, you consent to our using these technologies to represent you.

FOIA Compliance. By entering into this engagement, the Client recognizes that the traditional rules of confidentiality of communications between a client and its lawyer may be impacted by the provisions of the Freedom of Information Act ("FOIA"). Client may for example receive FOIA requests for such things as our communications with Client or our billings. Accordingly, our billing time entries may be more circumspect than we might otherwise prepare for a non-governmental client to avoid the disclosure of confidential communications or advice in a billing entry. Further, we suggest Client separate our privileged communications to Client from records that are otherwise made available for public inspection. If Client receives a FOIA request to view our communications with Client, we would be happy to consult with Client about the propriety of any disclosures of our communications, but depending upon the circumstances of our retention, the municipal attorney and/or the municipal chief executive officer may have to be consulted as well.

Records Retention. Unless we have otherwise agreed with Client in writing, we reserve the right to determine what a "reasonable time" will be, to retain Client's records after the conclusion of our representation. We do not concede that our firm's records could be deemed "public records" under FOIA. If Client desires a longer retention period, then please notify us in writing.

Termination of Engagement. Either Client or the firm may terminate our representation at any time, by written notice, subject on our part to the Connecticut Rules of Professional Conduct. If Client terminates our services, then Client agrees to promptly pay all outstanding fees and expenses. Client also agrees to pay our fees until such time as any required Motion to Withdraw is granted. The firm reserves the right to terminate Client's engagement of us if Client does not honor this engagement letter, including not paying the firm's bills for the matter. If not formally terminated sooner, this representation will be considered terminated upon the conclusion of the matter for which Client has engaged us. If Client asks us to perform additional services after the termination of the engagement, the additional work will constitute a new matter. After completion of the representation, changes may occur in the applicable laws or regulations that could have an impact upon Client's future rights and liabilities. Unless the terms of this agreement expressly provide otherwise, we have no continuing obligation to advise Client with respect to any such changes that occur after the termination of the engagement.

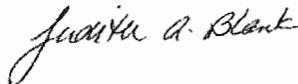
Choice of Law, Venue and Fee Dispute Resolution. The engagement of the firm for this work, or any subsequent work requested by you, and any dispute over our work, shall be governed by the procedural and substantive laws of the State of Connecticut, including application of the governing statutes of limitation, and shall be resolved exclusively in that venue. Any fee dispute of any amount shall be resolved by binding arbitration under the Fee Dispute Resolution Program of the Connecticut Bar Association (CBA), whose details may be

found at www.ctbar.org/public/resolution-of-legal-fee-disputes-program, or, should the CBA decline to accept the fee dispute, or be unable for any reason to appoint an arbitrator within three (3) months of being requested by any party, then by binding arbitration of the fee dispute pursuant to Conn. Gen. Stat. Sect. 52-407aa et seq. before a single arbitrator agreed upon by the parties, or, absent such an agreement, as appointed by a judge of a Connecticut Superior Court. Any claim by you asking for damages against the firm is not, however, eligible for arbitration. In the event you assert such a claim it must be resolved by a Connecticut court. If this is a commercial matter, you and any guarantor acknowledge the firm shall be entitled to recover its reasonable attorneys' fees and expenses to collect the sums due to the firm.

Municipal Funds. If, for any reason, we come into possession of municipal funds that we hold for the Client's benefit, the Client agrees in accordance with C.G.S. 7-402(b) that we may designate a bank in which the firm maintains its Trustee Accounts (currently Bank of America, which may be subject to change) as the temporary deposit location for the public funds. The Client further agrees that if the funds are to be held by the firm for less than ninety (90) days, they may be placed in an IOLTA Account, where any interest that accrues does so for the benefit of the indigent.

This letter agreement contains the entire agreement between the Town of Simsbury and Pullman & Comley, LLC regarding the requested representation and the fees, charges and expenses to be paid. If Client agrees with the terms of this letter, then please return a signed copy of this letter by mail, or by e-mail with a PDF attachment to my attention at jblank@pullcom.com. Please do not hesitate to call me should there be any questions or comments concerning the matters set forth in this letter. On behalf of Pullman & Comley, LLC, I look forward to assisting you.

Best regards,



Judith A. Blank

CONSENT TO REPRESENTATION ON STATED TERMS

The undersigned hereby approve and consent to each of the terms and conditions stated above.

TOWN OF SIMSBURY

By: Maia Capriola
Name: Maria Capriola
Title: Town Manager
Date: 5/11/21

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:** Re-Authorization of Temporary Committees
2. **Date of Board Meeting:** December 6, 2021
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
Move effective, December 6, 2021 to re-authorize the following temporary committees, with members' terms being co-terminus with the Board of Selectmen:
 - Business Development Committee
 - Clean Energy Task Force
 - Community for Care
 - Hometown Hero Selection Committee
 - Juvenile Review Board
 - SPIRIT Council
 - Technology Task Force
 - Youth Services Advisory Board
5. **Summary of Submission:**

Temporary Committees are created by the Board of Selectmen by resolution of the Board pursuant to Charter Section 403, with section limits the terms of office for Temporary Committees to the Board's two-year term cycle. Temporary Committees are normally re-established at the organizational meeting of the Board following the municipal election.

"...The Selectmen shall have the power to enact, amend, or repeal ordinances not inconsistent with the provisions of this Charter or the General Statutes, and may by ordinance create, consolidate or abolish boards, commissions and offices not specifically authorized in this Charter, provided further that nothing herein shall be construed to prohibit the Board of Selectmen from appointing, by resolution, special or temporary boards, commissions, or committees as it may from time to time deem necessary and appropriate to the operation of the Town government, but in such event, the term of any such special or temporary boards, commissions, or committees shall not exceed two (2) years, and shall be coterminous with the appointing Board of Selectmen..."
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:** Tax Refund Requests
2. **Date of Board Meeting:** December 6, 2021
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Colleen O'Connor, Tax Collector

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

If the Board of Selectmen supports approving the tax refunds as presented, the following motion is in order:

Maria E. Capriola

Move, effective December 6, 2021, to approve the presented tax refunds in the amount of \$4,141.81, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds.

5. **Summary of Submission:**

Tax refunds need to be issued from time to time for motor vehicles, real property, and personal property. Some of the most common reasons tax refunds need to be issued for motor vehicles include: sale of the vehicle; the vehicle is destroyed; the vehicle is donated; the owner has moved out of state; or, the owner has successfully appealed the taxes. Real estate refunds are typically due to the fact that during the sale or refinancing of a property, both a bank and an attorney's office have paid taxes owed, resulting in an overpayment to the Town. Overpayments of personal property taxes are rare; often overpayments of personal property are due to a person or entity forgetting that they paid in full in July, then also sending the January installment.

In a legal opinion from the Town Attorney dated May 22, 2001, he stated that CGS §12-129 "requires that all applications for tax refunds be referred to the Board (of Selectmen) for their consideration and action." Once approved by the Board of Selectmen, the Town Manager will sign off on tax refund applications. As a reminder, the Tax Collector's Office is responsible for collecting revenue for the Fire District pursuant to Special Act #264 of the Legislature in 1945. However, tax refunds for the Fire District are not under the jurisdiction of nor approved by the Board of Selectmen and are therefore not included in the requested tax refunds presented.

6. **Financial Impact:**

The aggregate amount of all tax refunds as presented is \$4,141.81. The attachment dated December 6, 2021 has a detailed listing of all requested tax refunds.

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

- a) Requested Tax Refunds, dated December 6, 2021

REQUESTED TAX REFUNDS
DECEMBER 6, 2021

	BILL NUMBER	TAX	INTEREST	TOTAL
List 2019				
Neighbours, Sarah B	19-03-63407	\$250.10		\$250.10
Total 2019		\$250.10	\$0.00	\$250.10
List 2020				
Atty Ellen Traystman (Raposo)	20-01-06576	\$179.47		\$179.47
Financial Ser Veh Trust	20-03-55768	\$371.49		\$371.49
Financial Ser Veh Trust	20-03-55775	\$441.18		\$441.18
Financial Ser Veh Trust	20-03-55779	\$536.87		\$536.87
Financial Ser Veh Trust	20-03-55784	\$813.67		\$813.67
Honda Lease Trust	20-03-58197	\$85.10		\$85.10
Neighbours, Sarah B	20-03-63111	\$550.68		\$550.68
Nissan Infiniti LT	20-03-63293	\$290.67		\$290.67
VW Credit Leasing Ltd	20-03-69372	\$622.58		\$622.58
Total 2020		\$3,891.71	\$0.00	\$3,891.71
TOTAL 2019		\$250.10	\$0.00	\$250.10
TOTAL 2020		\$3,891.71	\$0.00	\$3,891.71
TOTAL ALL YEARS		\$4,141.81	\$0.00	\$4,141.81



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

- 1. Title of Submission:** Donation from the Hartford Foundation for Public Giving
- 2. Date of Board Meeting:** December 6, 2021
- 3. Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Kristen Formanek, Director of Community & Social Services
Maria E. Capriola

- 4. Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports acceptance of the Hartford Foundation for Public Giving's donation, the following motion is in order:

Move, effective December 6, 2021, to accept a grant from the Hartford Foundation for Public Giving in the amount of \$5,000 for the purpose of supporting Simsbury Community and Social Services Department's Food Pantry, which assists residents in need.

- 5. Summary of Submission:**
The Hartford Foundation for Public Giving would like to donate to the Community and Social Services Department to support families, through the department's Food Bank program. This grant was made possible through the Beatrice Fox Auerbach Foundation Fund, the Basic Human Needs fund, and from other funds at the Hartford Foundation to address basic human needs.

Chapter 100 of our Code of Ordinances, "Gift Policy," Section 100-2 "Monetary Donations" states that no donation of more than \$1,500 may be accepted without Board of Selectmen approval. If the donation is accepted I will direct staff to send a thank you letter to the Hartford Foundation for Public Giving.

- 6. Financial Impact:**
This is a donation to the Community & Social Services Department in the amount of \$5,000 to assist with the purchase of food items for local families in need. It will be deposited into a special revenue fund account for this purpose.
- 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:** EDA Grant – Performing Arts Center Facility

2. **Date of Board Meeting:** December 6, 2021

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

Maria E. Capriola, Town Manager; Missy DiNunno, Executive Director, Simsbury Meadows Performing Arts Center

Maria E. Capriola

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

If the Board is supportive of submitting a project abstract form and grant application (should we be invited to submit) for the EDA Grant, the following motion is in order:

Move, effective November 22, 2021, to authorize submittal of a project abstract form and grant application for the EDA Grant for the Performing Arts Center Facility.

5. **Summary of Submission:**

The federal EDA agency currently has a grant opportunity for outdoor cultural arts venues. We are currently in an exploratory phase and are in step 2 of 3 in that process. Step 2 is submittal of a project abstract form. The granting agency will then make a determination if we will be authorized to submit an official grant application.

Staff and the Performing Arts Center recommend exploring this grant opportunity as a potential funding source to make improvements to the Performing Arts Center Facility. A sample listing of potential improvements to the facility are attached.

6. **Financial Impact:**

The EDA program will award grants up to \$10M, with a 20% local match required. Should the grant be awarded, due to the required local contribution, staff recommends that the Board evaluate grant acceptance at that future date. Possible funding sources for the local match could include a Town contribution from our capital reserve account and/or fundraised dollars by the Performing Arts Center. Use of the capital reserve for this purpose would require action of both the Board of Selectmen and Board of Finance.

In addition to this grant opportunity, staff and the Performing Arts Center are also exploring a state communities challenge grant program. Submittal of the letter of intent and grant application for that program were approved at your November 22, 2021 meeting. The letter of intent has been submitted and the grant application is due by January 14th.

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

a) Draft Project Abstract Form

- b) Sample Listing of Potential Facility Improvements¹
- c) Grant Program Overview

¹Revised December 2nd to include irrigation system replacement

EDA Investment Abstract

Collaborations or other project partners: The Town of Simsbury will submit this grant application in collaboration with the Simsbury Performing Arts Center, Inc, (SMPAC) which is a non-profit created to operate the performing arts center that the town owns.

Project's Location (provide map of the project's region of impact, locating project site, include census tract info for the specific project's location(s): The region of impact is Hartford County. The project is located at 22 Iron Horse Blvd in Simsbury CT.

Regional Impact (include the location of project and other counties, towns, regions, etc. that may be impacted and include census tract(s) info for each) The Performing Arts Center attracts audiences primarily from north central Connecticut communities and also Western Massachusetts. Although some big named shows attract audiences from further away. Performers come from a wider region. For example, our biggest named show of last season was Darius Rucker, who hails from South Carolina. We also had comedians from New York City, as well as various national support acts who played with the Hartford Symphony. Our circus event comes from Vermont. For crafts and flea market events, sellers come from all over the New England region.

Potential for new job creation: (estimate of jobs to be created or retained and specific industry(s)/business(s). (Beneficiary of the project). It is very difficult to place an exact estimate on the direct job creation related to this project, other than the construction jobs to build the facility and the maintenance and cleaning jobs once it is completed. However, there is an indirect and unquantifiable impact: By enhancing the overall facility and its amenities, it will strengthen the financial viability of the SMPAC and make it a more attractive place for additional events to be held. With additional events, come jobs for food and beverage providers, stage hands, event staff, show lighting workers, sound technicians, clean-up crews, security staff and performers themselves.

Applicant/Co-Applicants (if applicable): The Town of Simsbury will submit this grant application in collaboration with the Simsbury Performing Arts Center, Inc, (SMPAC) which is a non-profit created to operate the performing arts center that the town owns.

Project Eligibility based upon EDA Guidelines (24 month Unemployment Rate at least one percentage point greater than national average, and/or Per capita income at 80% or less of national average see Stats America at <http://statsamerica.org/distress/distress.html>)(Attach a copy of Stats America document as well as BLS 24month unemployment rate data or WARN Notices issued) PDF of Stats America data is attached.

Private or Public Investment amount and source: This grant requires a 20% match, of \$4,109,000 that is \$821,800. Split 50% between the Town and SMPAC, each party would need to contribute \$410,900.

Proposed Total Cost of Project: \$4,109,000:

EDA Investment Abstract

<u>Item</u>	<u>Estimated Cost</u>
<i>Band Shell</i>	
Build new backstage area onto the bandshell, to include dressing rooms, office, some storage, production room, bathrooms for daily public use, bathrooms for staff & musicians, meeting space for the SMPAC board and for public use, and replacement of current stage siding to blend it with the new backstage building's siding. Also bathrooms for patron use during events	\$3,000,000
<i>Lighting and Electrical Work</i>	
Field electrical upgrades:	
<ul style="list-style-type: none"> • Installation of permanent field lighting at entry/exit points and along the perimeter of the field, which includes replacing rented lights on east side of field • Install electrical work in field for food trucks and other concessions & vendors, as well as to light port-a-potty area on both west and east sides of field • Electrical wiring to the stone wall area of the field to support concessions and lighting in the VIP area 	\$60,000
	\$60,000
	\$25,000
LED lighting conversion	\$9,000
Replacement of light poles on access road	\$50,000
Mobile LED Screen Trailer	\$120,000
<i>Other Infrastructure Needs</i>	
Additional storage space to enable us to buy and store tables and additional chairs	\$200,000
Fencing extenders and screens to block view from outside the venue and hold sponsor advertising	\$35,000
Concession building with electrical connections (30x30 size) to replace Moonlight pub tent	\$75,000
Stadium style bathroom building to supplement or replace some port-a-potties	\$300,000
IT enhancements to broadcast wifi to entire field	\$10,000
Digital signage at entrance to list sponsors and upcoming events	\$25,000
PA system replacement and installation of a sound system	\$60,000
Irrigation System replacement due	\$80,000
TOTAL NEEDS	\$4,109,000

Proposed EDA Funding Investment: approximately \$3,287,200

EDA Program Type: ARPA travel, tourism, and outdoor recreation grant

Project Scope – Provide a general description of the specific project for which EDA Funds are being requested.

EDA Investment Abstract

The Simsbury Meadows Performing Arts Center (SMPAC) is an outdoor covered stage built in 2005 on town land with a combination of private funds and a state grant obtained by the Town of Simsbury. It is located in the heart of Simsbury, adjacent to a dog park, children's playground, and bike path, so the facilities future amenities, specifically bathrooms, would be accessible to all of these outdoor recreation users.

When constructed, it was always planned as a two-phase project. The first phase was to build the covered outdoor stage. The second phase, which has never been completed due to a lack of funding, was to build dressing rooms for performers, office space & meeting space for the non-profit that administers the SMPAC on contract with the town, public restrooms. Because Phase II has not been built, trailers must be rented at a cost of \$15,000 each year to serve as dressing rooms and office space. In addition, port-a-potties are rented for patrons of the SMPAC events at a cost of upwards of \$40,000. In a recent survey of town residents by the Parks and Recreation Dept, one of the top requests was to add public restrooms at this location. But perhaps the most important impact of this lack of completed infrastructure is that the facility cannot reach its full potential. There is no space in which to house additional staff (we only have one full-time staff-person now and desperately need to add one full-time and two part-time positions), and the lack of amenities, such as proper dressing rooms and bathrooms for performers and patrons makes the venue less attractive to some performers and event promoters.

In spite of our current infrastructure short-comings, the SMPAC typically attracts over 48,000 people each summer to the site for concerts and other performances. We are the summer home of the Hartford Symphony Orchestra and its Talcott Mountain Music Festival. We are the site of many athletic events, such as the CT Volleyball Dig, the Simsbury-Granby Rotary Club road race, and the Simsbury Triathlon. We also host a circus, a flea market, comedy nights, free family movies, an annual town fall festival, and many other fundraisers and events. We have had major artists, such as Willie Nelson, Darius Rucker, the Avette Brothers, the Beach Boys, and others, though competition for these artists from other new venues in recent years has diminished our ability to attract them and we've had only one major concert per year in recent non-covid years.

The experience of running this facility over the years has also taught us that even the originally envisioned phase II of simply a backstage area with restrooms, dressing rooms and office space, is not adequate to really support the kinds of events we hold ad hope to attract. We need electrical upgrades to support field lighting, lighting at each gate, food tracks, and access road lighting. We currently cobble together lighting and electrical connections that are rented and installed as needed for events. Permanent infrastructure would enable us to eliminate the \$45,000 in annual expenses we incur for this electrical support.

In addition, we lack storage space to enable us to buy equipment we need, such as tables and chairs for patrons. So again, we must rent these items at a cost of \$2,500 for an event like the recent Darius Rucker concert. We also lack a proper sound system, and have only a PA system. So, we must rent labor and equipment for events to set up adequate sound amplification.

Our IT infrastructure is set up temporarily to support internet needs in the field for each event. With permanent IT internet infrastructure, we could eliminate this annual project. The

EDA Investment Abstract

completion of this project will make the venue better able to attract performances, reduce operating costs, and provide much needed public restrooms for users of not only the SMPAC but the bike trail, dog park, and playground which all share the Simsbury Meadows area. The list of specific components of the project are shown in the question above about project cost.

Brief Background of economic need and how the EDA investment will solve or help solve this need: What serious economic downturn or event occurred?

COVID hit all entertainment venues hard. We were largely shut down for 2020, canceling the Talcott Mountain Music Festival entirely, along with several other events, and holding only a few small socially distanced events late in the summer. In 2021 we were able to hold more events, but many people were still hesitant to attend even though we are an outdoor venue. Federal funding through PPP and SVOG were life savers for us. But we need to “build back better” to reach our full potential. This funding would enable us to finally complete the infrastructure we need to truly become a full-service outdoor concert venue.

How will this EDA investment specifically impact the economic injuries, or the economic needs mentioned above, of the region (be specific)?

By enabling the Town and SMPAC to complete the construction of the facility, SMPAC will be able to expand programming, hire additional staff, and attract more events, thereby improving the SMPAC’s financial results, providing employment, and bringing people to town who patronize local restaurants, hotels, and stores. SMPAC events provide employment for performers, concessionaires, stage workers, clean up crews, security staff, and part-time event staff.

Patrons of our events often eat out before or after our events, or buy picnics from local restaurants to bring to the HSO concerts. Some of our performers stay in local hotels. And bringing people from out of the area hopefully makes them want to come back to take advantage of the other amenities they see in the region.

In addition, the backstage area will be made available to other local non-profits for meetings & rehearsals. There are three performance related non-profits in town (Simsbury Theater Guild, Simsbury Light Opera, and Simsbury Summer Theater for Youth) who may all like rehearsal space, and several unrelated non-profits such as the flower bridge committee, who don’t have their own meeting space.

Provide an explanation as to how your project will serve one or more, of the following EDA Investment Priorities: <https://www.eda.gov/about/investment-priorities.htm>

1. **Recovery & Resilience:** Projects that assist with economic resilience (including business continuity and preparedness) and long-term recovery from natural disasters and economic shocks to ensure U.S. communities are globally competitive.
This project will certainly strengthen the resilience of the SMPAC by enhancing our ability to attract events. In addition, it is important to recognize that an outdoor venue like the SMPAC was the only place during the worst of COVID where any public

EDA Investment Abstract

gathering, albeit socially distanced, could occur. But at least we provided some opportunities for entertainment and normalcy, by drawing circles 8 feet apart on the lawn, and enabling people to watch performances from the confines of those circles. However, with the reduction of attendance numbers as a result of the social distancing, the infrastructure costs of renting port-a-potties, lighting, sound, etc. exceeded what we could collect in ticket revenue. So, building permanent infrastructure would make socially distant future events affordable for the SMPAC.

2. **Critical Infrastructure:** Projects that establish the fundamental building blocks of a prosperous and innovation-centric economy and a secure platform for American business, including physical (e.g., broadband, energy, roads, water, sewer) and other economic infrastructure.
3. **Workforce Development & Manufacturing:** Projects that support the planning and implementation of infrastructure for skills-training centers and related facilities that address the hiring needs of the business community -- particularly in the manufacturing sector -- with a specific emphasis on the expansion of apprenticeships and work-and-learn training models. Also includes projects that encourage job creation and business expansion in manufacturing, including infrastructure-related efforts that focus on advanced manufacturing of innovative, high-value products and enhancing manufacturing supply chains.
4. **Exports & FDI:** Primarily infrastructure projects that enhance community assets (e.g., port facilities) to support growth in U.S. exports and increased foreign direct investment—and ultimately the return of jobs to the United States.
5. **Opportunity Zones:** Planning and implementation projects aimed at attracting private investment – including from Opportunity Funds – to grow businesses and create jobs in Census tracts that have been designated as Opportunity Zones. This includes targeted projects located within an Opportunity Zone; projects that, while not located within an Opportunity Zone, have a clear intent of benefitting nearby Opportunity Zone(s); and regional projects that encompass an area containing at least one Opportunity Zone with a clear intent of benefitting that Opportunity Zone. Opportunity Zones are designed to spur economic development by providing tax benefits to investors. For more information on Opportunity Zones and Opportunity Funds, see <https://www.irs.gov/newsroom/opportunity-zones-frequently-asked-questions>.

List of Simsbury Meadows Performing Arts Center Facility Desired Improvements

<u>Item</u>	<u>Estimated Cost</u>
<i>Band Shell</i>	
Build new backstage area onto the bandshell, to include dressing rooms, office, some storage, production room, bathrooms for daily public use, bathrooms for staff & musicians, meeting space for the SMPAC board and for public use, and replacement of current stage siding to blend it with the new backstage building's siding. Also bathrooms for patron use during events	\$3,000,000
<i>Lighting and Electrical Work</i>	
Field electrical upgrades:	
Installation of permanent field lighting at entry/exit points and along the perimeter of the field, which includes replacing rented lights on east side of field	\$60,000
Install electrical work in field for food trucks and other concessions & vendors, as well as to light port-a-potty area on both west and east sides of field	\$60,000
Electrical wiring to the stone wall area of the field to support concessions and lighting in the VIP area	\$25,000
LED lighting conversion	\$9,000
Replacement of light poles on access road	\$50,000
Mobile LED Screen Trailer	\$120,000
<i>Other Infrastructure Needs</i>	
Additional storage space to enable us to buy and store tables and additional chairs	\$200,000
Fencing extenders and screens to block view from outside the venue and hold sponsor advertising	\$35,000
Concession building with electrical connections (30x30 size) to replace Moonlight pub tent	\$75,000
Stadium style bathroom building to supplement or replace some port-a-potties	\$300,000
IT enhancements to broadcast wifi to entire field	\$10,000
Digital signage at entrance to list sponsors and upcoming events	\$25,000
PA system replacement and installation of a sound system	\$60,000
Irrigation System replacement due	\$80,000
TOTAL NEEDS	\$4,109,000



MORE THAN A STAGE

GRANT OPPORTUNITY SUMMARY

- November 2021 -

Simsbury Meadows Performing Arts Center is seeking funds for the “Next Act” bandshell addition project (formerly known as Phase II) described in previous Board of Selectmen meetings. We recently hired a consultant to conduct a feasibility study, which will help to estimate the amount we will be able to raise from private sources. The results of this study are expected in April of 2022. Historically, raising funds on a larger scale has been incredibly challenging, so it is our hope to move forward in collaboration with the Town of Simsbury to explore two grant opportunities which could be of significant help. A summary of each opportunity is included below for you.

Federal – American Relief Plan Act (ARPA)

- Up to \$10 million per grant with at least a 20% match from applicant(s)
- Submit an “abstract” first, then full application by Jan 31, with awards on a first-come-first-served basis
- Grant award funds totaling \$240 million - 150 awards with an average award expected to be \$1.9 million
- Eligible applicants include municipalities, however non-profits may apply with a town

Award Criteria

- New and expanded infrastructure
- Multi-state or national focus
- Regions most adversely affected by COVID (suggested criteria: unemployment above national average, income below national average)
- Contributes to regional economic development
- Enhances employment opportunities
- Consistent with a Comprehensive Economic Development Strategy document
- Consistent with EDA general priorities: building economic resilience, equity, recovery, work force development, etc.
- Demonstrates significant community engagement
- Proven disproportionate economic distress and injury in the region
- Promotes economic resilience (i.e. helping the economy to bounce back after a shock like COVID)
- Job creation (other than construction)
- It is likely that the project can be completed promptly and within the 48 month timeline
- Demonstrated community support
- Based on a collaborative economic strategy



MORE THAN A STAGE

State - CT Communities Challenge Grant

- Up to \$10 million per grant with a 50% match from applicant(s)
- Submit a letter of intent by Dec 3, then full application by Jan 14 with awards by April
- Grant award funds totaling \$100 million
- Eligible applicants include municipalities, however non-profits may apply with a town

Award Criteria

- Prefer construction & renovation projects
- Downtown development
- Public space improvements that provide amenities to the community, including ...public arts projects, lighting, safety improvements, wayfinding
- Development of active gathering places
- Demonstrate the vibrancy & livability of communities
- Public and private partnerships

Both grants offer an opportunity to include not only SMPAC needs but some town planned CIP and CNR projects, e.g.

- Electrical upgrades on west side of PAC field
- Replacement of light poles on entry road
- Wayfinding signs
- Other needs to be identified by Town staff

On behalf of the Simsbury Meadows Performing Arts Center Board of Directors, we thank you for your support and collaboration!



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Reappointments to the Economic Development Commission
2. **Date of Board Meeting:** December 6, 2021
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 the recommended reappointments to the Economic Development Commission, the following motion is in order:

Move, effective December 6, 2021, to reappoint Robert Crowther (U), Brooke Freeman (R) and Ronald Jodice (R) to the Economic Development Commission for three year terms expiring October 10, 2024.

5. **Summary of Submission:**
The Economic Development Commission was created by the Board of Selectmen at their August 13, 2018 meeting to promote and develop the economic resources of the Town, conduct research into economic conditions and trends, as well as collaborate with the community to promote economic development.

Mr. Crowther, Mr. Jodice and Ms. Freeman have served on the EDC since October 2018. Mr. Crowther, Ms. Freeman and Mr. Jodice have expressed a desire to continue serving on the EDC. At the October 13, 2021 Board of Selectmen meeting Mr. Crowther and Mr. Jodice had their terms extended until December 6th. The EDC was created by ordinance, and therefore their terms are not co-terminus with the Board of Selectmen. By ordinance, EDC members are appointed to three year terms.

Peter Van Loon was also appointed in 2018 to the Commission, with a term that also expired October 10, 2021. Mr. Van Loon has expressed a willingness to continue to serve on the Commission until a replacement is found; recruitment for his replacement has been initiated.

6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
 - a) EDC Membership Policy Resolution

Economic Development Commission Membership Policy Resolution

Move effective, August 13, 2018 to establish the desired skill sets and qualifications for the seven (7) Economic Development Commission membership slots as follows:

- (1) Member representing the Simsbury development community, commercial or residential
- (3) Members representing the Simsbury business community
- (1) Member with land use or architectural expertise
- (1) Member with marketing, public relations, or communications expertise
- (1) Member with tourism expertise

The intent of the Board is to fill the seven (7) membership slots with individuals possessing the identified skill sets and qualifications. If however, the Board is unsuccessful in identifying a qualified individual(s) to fulfill one or more of the membership slots, the Board of Selectmen may consider and appoint an individual(s) that possesses any of the desired skill sets identified above. No more than five (5) of the seven (7) members can be from the same political party.

Further move to establish three (3) Economic Development Commission ex-officio membership slots, in addition to the Town Manager as established by ordinance:

- (1) Member of the Board of Selectmen (liaison)
- (1) Member of the Planning Commission
- (1) Member of the Zoning Commission

The Board of Selectmen reserves the right to amend this resolution as necessary to modify membership qualifications for both regular and ex-officio members.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Proposed Reappointments and Resignation for Technology Task Force
2. **Date of Board Meeting:** December 6, 2021

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

Maria E. Capriola, Town Manager; Melissa Appleby, Deputy Town Manager

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

If the Board of Selectmen supports the Personnel Sub-Committee's proposed re-appointments and resignations for the Technology Task Force, the following motions are in order:

Maria E. Capriola

Re-Appointments:

Move, effective December 6, 2021 to re-appoint Michael Doyle (R) as a Regular Member of the Technology Task Force with a term expiring December 4, 2023.

Move, effective December 6, 2021 to re-appoint Evan Marks (U) as a Regular Member of the Technology Task Force with a term expiring December 4, 2023.

Move, effective December 6, 2021 to re-appoint Elizabeth Peterson (R) as a Regular Member of the Technology Task Force with a term expiring December 4, 2023.

Move, effective December 6, 2021 to re-appoint Harald Bender (U) as a Regular Member of the Technology Task Force with a term expiring December 4, 2023.

Move, effective December 6, 2021 to re-appoint John Jahne (U) as a Regular Member of the Technology Task Force with a term expiring December 4, 2023.

Move, effective December 6, 2021 to re-appoint William Rucci (U) as a Regular Member of the Technology Task Force with a term expiring December 4, 2023.

Resignations:

Move, effective December 6, 2021 to accept the resignation of Paul Kelley (R) as a Regular Member of the Technology Task Force.

5. **Summary of Submission:**

The Personnel Sub-Committee recommended these re-appointments and resignations at their November 10, 2021 meeting. The Technology Task Force terms are coterminous with the Board of Selectmen and members need to be reappointed every

two years following recommendations from the Personnel Sub-Committee. There are six reappointments and one resignation. Sadly, the eighth member, Ray Rosati, passed away unexpectedly in October. Mr. Rosati was a long-time member of the Task Force, and we are very grateful to his many years of service.

There will be three vacancies to fill on this committee. In January 2020, staff posted a recruitment notice for one of the prior existing vacancies, for which we received nine applications. Due to COVID, that recruitment was never completed. We now have a total of ten applications for the Task Force. Staff would like to reach out to those applicants to gauge their interest, and will work to schedule interviews with the Personnel Sub-Committee and the chair of the Task Force.

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:** Resignation of Lisa Grant from the SPIRIT Council

2. **Date of Board Meeting:** December 6, 2021

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

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

The following motion is in order:

Maria E. Capriola

Move, effective December 6, 2021, to accept the resignation of Lisa Grant as a regular member of the Simsbury SPIRIT Council retroactive to December 1, 2021.

5. **Summary of Submission:**

The Town Clerk has received the resignation of Lisa Grant (D) as a regular member of the Simsbury SPIRIT Council. Ms. Grant's term was set to expire December 6, 2021.

6. **Financial Impact:**

None

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

a) Lisa Grant's Resignation Letter, dated November 29, 2021

Munroe Trish

From: Simsbury CT via Simsbury CT <cmsmailer@civicplus.com>
Sent: Monday, November 29, 2021 5:32 PM
To: Butler Ericka
Subject: Form submission from: Resignation Submission Form

Submitted on Monday, November 29, 2021 - 5:32pm

Submitted by anonymous user: [REDACTED]

Submitted values are:

Member's Name: Lisa Grat

[REDACTED]

Type of Member: Regular

Name of Board/Commission: Spirit Council

Effective Date of Resignation: 12/01/2021

Reason for Resignation:

Any Additional Comments:

The results of this submission may be viewed at:

[REDACTED]



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Resignation of Amber Abbuhl from the Library Board of Trustees
2. **Date of Board Meeting:** December 6, 2021

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

4. **Action Requested of the Board of Selectmen:**
The following motion is in order:

Maria E. Capriola

Move, retroactive to December 3, 2021, to accept the resignation of Amber Abbuhl as a member of the Library Board of Trustees.

5. **Summary of Submission:**

The Town has received the resignation of Amber Abbuhl (D) as a member of the Library Board of Trustees. Ms. Abbuhl's term was to expire December 1, 2025.

Section 205 of the Charter, "Vacancies: elective offices," states:

"... any vacancy, except a vacancy on the Board of Selectmen, in any elective Town office, including the Board of Education, shall be filled within forty-five (45) days of such vacancy by appointment by the Board of Selectmen, for the unexpired portion of the term or until the next regular municipal election, as defined in Section 9-1 of the General Statutes, whichever shall first occur."

Pursuant to our Charter, since Ms. Abbuhl is a Democrat, her replacement must be from the same political party. Therefore, this vacancy must be filled no later than January 17, 2022. The appointee will serve until December 4, 2023, which is the date that the newly elected Library Board of Trustees Member will assume their position with a term ending December 1, 2025.

6. **Financial Impact:**
None

7. **Description of Documents Included with Submission:**
a) Amber Abbuhl's Resignation Letter, dated December 2, 2021

Amber Abbuhl



December 2, 2021

To the Town Manager and the Library Board of Trustees:

With mixed emotions I submit my resignation to the Library Board of Trustees, effective Friday, December 3, 2021. Although I am grateful and excited for the opportunity to continue my service to Simsbury on the Board of Selectmen, I will always have a special place in my heart for the Simsbury Public Library and the Library Board of Trustees.

I am thankful to have served with each of you on this Board, and I am proud of the work we accomplished during the challenging time of the pandemic. I know the Library will be in good hands with the new and returning members of the Board of Trustees and our outstanding Director, Lisa Karim.

With much appreciation,

Amber Abbuhl

cc: Lisa Karim, Library Director
Lori Fernand, DTC President

CALL TO ORDER

The Regular Meeting of the Board of Selectmen was called to order at 6:00 p.m. at Simsbury Public Library and via ZOOM due to COVID-19. Present were: First Selectman Eric Wellman; Deputy First Selectman Sean Askham; Board members Wendy Mackstutis, Jackie Battos, Mike Paine and Chris Peterson. Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Public Works Director Tom Roy; and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC AUDIENCE

- Email written comments to townmanager@simsbury-ct.gov by 12 P.M. on Monday November 22, 2021, to be read into the records; or
- Email townmanager@simsbury-ct.gov by 12:00 P.M. on Monday, November 22, 2021, to register to address the Board of Selectmen through ZOOM

Joan Coe, 26 Whitcomb Drive, spoke regarding the short-term rental ordinance, the fact that Simsbury has a town employee appointed to the Board of Directors of the Chamber of Commerce, the response she received from the State’s Attorneys’ Office regarding the allegation by Mr. Kosinski, as well as the Milledge federal lawsuit.

Mary Turner spoke in opposition to sunsetting the Recycling Committee and asked the BOS to keep the committee in its current format.

PRESENTATIONS

a) Recognition of Outgoing Board Members

The Board members acknowledged Mr. Paine and Ms. Battos for their service to the community and thanked them for their service.

Ms. Mackstutis made a motion effective, November 22, 2021, to congratulate Selectman Mike Paine on his tenure on the Board of Selectmen from 2013 to present, and to further move to express the Board’s gratitude to Mr. Paine for his service to his community. Mr. Askham seconded the motion. The motion passed with all in favor.

Ms. Mackstutis made a motion effective, November 22, 2021, to congratulate Selectwoman Jackie Battos on her tenure on the Board of Selectmen since 2019, and to further move to express the Board’s gratitude to Ms. Battos for her service to her community. Mr. Askham seconded the motion. The motion passed with all in favor.

b) Proclamation in Recognition of Kindness Week in Simsbury

Mr. Wellman shared that as Thanksgiving and the Holiday season are a time to reflect on thankfulness, he is asking residents to share acts of kindness that they have witnessed, performed or have received. He will be sharing stories each day on the First Selectman’s Facebook page.

c) Presentation and Discussion of Facilities Master Plan- Status Update

Mr. Roy shared that in April 2020, the Town engaged Tecton Architects to prepare a Facilities Master Plan for all buildings owned by the Town. They met with all the department heads to talk about how they use the Town facilities, what the shortcomings are, and what are some of the things they may need to plan for both short and long term. He stated next week they will be going in to the boiler rooms to check out some of the units and everything else they have to maintain.

Mr. McElravy presented on the project goals, existing conditions findings, the facilities database and the next steps. He stated that the project goals are independent assessment, consistent analysis, evaluation program, strategic implementation and long range planning tool. He stated that the study process included data collection which was looking at the existing drawings, utility bills and previous reports/master plans. They also did site visits and analyzed site conditions, ADA, the building envelope, interior condition and both mechanical and electrical systems. The study process also included condition ranking, programming, strategy sessions and identification of CIP items. Mr. McElravy reviewed the existing conditions of Town Hall, Eno Hall, the Library and Simsbury Farms. He reviewed the accessibility, energy efficiency, life safety and maintenance costs associated with their findings and discussed what the immediate costs look like, 1-3 year, 3-5 year, 5-10 year and 10 year plus costs. Mr. McElravy stated that the next steps are to participate in an upcoming site tour and to review and approve the capital project list. He stated that a capital project list has been prepared to consolidate the report findings, pre-existing CIP requests, and the Parks and Recreation Master Plan.

FIRST SELECTMAN’S REPORT

Mr. Wellman, First Selectman, reviewed his First Selectman’s Report.

TOWN MANAGER’S REPORT

Ms. Capriola, Town Manager, reviewed her Town Manager’s Report.

SELECTMEN ACTION

a) Tax Refund Requests

Ms. Battos made a motion, effective November 22, 2021, to approve the presented tax refunds in the amount of \$2,333.88, and to authorize Town Manager, Maria E. Capriola to execute the tax refunds. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

b) Communities Challenge Grant Letter of Intent and Application – Performing Arts Center Facility

Mr. Wellman shared that this the opportunity to apply for a grant anywhere in the range of \$1M-\$10M for qualifying projects and this could potentially fund some of the phase two work that they’ve been hearing about at the PAC. This grant does come with the requirement of a 50% local match. Mr. Paine stated that down the road he would like to hear from the PAC about what they could contribute, he doesn’t believe it should all come out of the Town’s pockets, he thinks it should be a partnership.

Ms. Schofield stated that they are doing a feasibility study at this point and they’ve engaged a consultant to help with the fundraising project. Unfortunately, both the ARPA grant and this grant are due in January and that feasibility study won’t be done by then so they won’t know precisely what the consultant thinks we can raise and even then that’s the consultant’s opinion as opposed to when the rubber meets the road.

Mr. Askham made a motion, effective, November 22, 2021, to authorize submittal of a letter of intent and grant application for the Communities Challenge Grant for the Performing Arts Center Facility. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

c) Economic Development Commission 2021-2022 Work Plan Discussion

Mr. Wellman highlighted a few items from the list that are changing. One is a focus on business outreach for medium and smaller businesses, around tech businesses in particular, and really in the next year focus on that group of businesses and identify trends within that area. The other is an update to the Town’s website, to make it more business friendly for businesses that are interested in opening or expanding. None of these items come with any particular cost or expenditure

Mr. Paine made a motion, effective, November 22, 2021 to adopt the 2021-2022 EDC work plan as presented. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

d) Proposed Revisions to Open Space Natural Stewardship Policy

Mr. Askham made a motion, effective, November 22, 2021, to adopt the proposed revisions to the Open Space Natural Stewardship Policy as presented. Mr. Peterson seconded the motion. All were in favor and the motion passed.

e) Proposed Open Space Acquisition Criteria and Guidelines

Mr. Askham made a motion, effective, November 22, 2021, to adopt the proposed Open Space Acquisition Criteria and Guidelines as presented. Ms. Battos seconded the motion. The motion passed with all in favor.

f) Town Manager Performance Review and Compensation

Ms. Capriola excused herself from the meeting.

Mr. Wellman discussed the summary of the Town Manager’s performance, stating overall she received a rating of above expectations. He stated following a satisfactory review, her contract calls for a salary increase that’s commensurate with the increased awarded to other employees.

Mr. Askham made a motion, effective, November 22, 2021, to accept the Town Manager’s performance review summary and to increase the Town Manager’s salary by 2.35% to \$169,760 retroactive to July 1, 2021. Mr. Peterson seconded the motion. The motion passed with all in favor.

g) Review of Permanent and Temporary Committees

Mr. Askham made a motion, effective November 22, 2021, to set a public hearing to receive public comment concerning the repeal of Chapter 15 of the Simsbury Code of Ordinances (Fair Rent Commission) for 6:00 p.m. on December 20, 2021. Mr. Paine seconded the motion. The motion passed with all in favor.

Ms. Turner spoke on behalf of the Recycling Committee stating they are looking to exist in the capacity they are at now. Mr. Peterson suggested tabling sunsetting the Recycling Committee until there could be a presentation to highlight them and discuss their contributions.

After some discussion, Ms. Battos made a motion, effective November 22, 2021, to sunset the Tourism Committee and Insurance Committee. Ms. Mackstutis seconded the motion. The motion passed with all in favor.

Ms. Battos made a motion, effective January 1, 2022, to sunset the 350th Anniversary Steering Committee. Ms. Mackstutis seconded the motion. The motion passed with all in favor.

Ms. Mackstutis made a motion, effective, November 22, 2021 to sunset the EDC Work Group, Short-Term Rental Ordinance Work Group, and Review of Appointment Process of Unaffiliated Voters Work Group. Mr. Peterson seconded the motion. The motion passed with all in favor.

Mr. Peterson made a motion, effective, November 22, 2021 for the Sustainability Team and Recycling Committee to be consolidated with the Clean Energy Task Force, and become sub-committees of that Task Force. Should their bodies have an interest in continuing to participate with the Sustainable CT initiative, the following agencies may appoint an ex-officio member to the Sustainability Sub-Committee of the Clean Energy Task Force: Board of Education; Culture Parks and Recreation Commission; Economic Development Commission; Planning Commission. Mr. Askham seconded the motion. The motion passed with Ms. Mackstutis opposed.

APPOINTMENTS AND RESIGNATIONS

a) Resignation of Diana Yeisley from SPIRIT Council

Mr. Paine made a motion, effective November 22, 2021, to accept the resignation of Diana Yeisley as a regular member of the Simsbury SPIRIT Council retroactive to October 4, 2021. Ms. Mackstutis seconded the motion. The motion passed with all in favor.

b) Resignation of Shannon Knall as an Alternate Member from the Zoning Commission

Mr. Askham made a motion, effective November 22, 2021, to accept the resignation of Shannon Knall as an alternate member of the Zoning Commission. Ms. Mackstutis seconded the

c) Resignation of Philip Purciello from the Clean Energy Task Form and Insurance Committee

Mr. Askham made a motion, effective November 22, 2021, to accept the resignation of Philip Purciello as a regular member of the Clean Energy Task Force and the Insurance Committee retroactive to October 5, 2021. Ms. Mackstutis seconded the motion. The motion passed with all in favor.

REVIEW OF MINUTES

a. Regular Meeting of November 8, 2021

There were no changes to the Regular Meeting minutes of August 9, 2021, and, therefore, the minutes were adopted.

b. Special Meeting of November 12, 2021

LIAISON AND SUB-COMMITTEE REPORTS

1. **Personnel** – no report at this time.

2. **Finance** – no report at this time.
3. **Public Safety** – no report at this time.
4. **Board of Education** – no report at this time.

Mr. Paine shared his sentiments regarding his time on the Board of Selectmen.

COMMUNICATIONS

- a) **Memo from M. Capriola, re: Public Gathering Permit, dated November 10, 2021**
- b) **Memo from T. Roy re: MIRA Update, dated November 19, 2021**
- c) **Memo from M. Glidden, re: Application# 21-24- of the Simsbury Zoning Commission, Applicant; Michael Glidden CFM CZEO, Agent; application for a text amendment to the Zoning Regulations to opt out of Public Act 21-29 concerning accessory dwelling units and parking standards in Simsbury, dated November 16, 2021**

ADJOURN

Mr. Paine made a motion to adjourn at 8:34 p.m. Ms. Battos seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Heather Taylor

Clerk