

Board of Selectmen
May 7, 2018

THE FOLLOWING MINUTES ARE SUBJECT TO APPROVAL BY THE BOARD OF SELECMTEN

The Board of Selectmen held a regular meeting Monday, May 7, 2018, in the Council Chamber, Newtown Municipal Center, 3 Primrose Street, Newtown. First Selectman Rosenthal called the meeting to order at 7:31p.m.

PRESENT: First Selectman Daniel C. Rosenthal, Selectman Maureen Crick Owen and Selectman Jeff Capeci.

ALSO PRESENT: Finance Director Robert Tait, one member of the public and one member of the press.

VOTER COMMENTS: none.

ACCEPTANCE OF THE MINUTES: Selectman Crick Owen moved to accept the minutes of 04/16/18. Selectmen Capeci seconded. First Selectman Rosenthal noted that although it was stated the Community Center would be substantially completed by April 2019, it isn't expected to be move in ready until June 2019. All in favor.

COMMUNICATIONS: The Fairfield Hills Master Plan needs to be reviewed again. This will be advertised and a committee will be formed. Ms. Nimkoff appreciated the discussion that took place at the last meeting relative to roadside curbing (att).

FINANCE DIRECTORS REPORT: Mr. Tait went over documents he shared with the Employee Medical Benefits Board, reporting on the claims analysis and the medical self-insurance fund analysis. Because of favorable claims experience the fund will end the year close to \$5.6 million. The decision to reduce contributions to the fund by 8% is turning out to be a right decision. Last year's claims hardly increased. Mr. Tait will find out how the town compares to other groups. As far as the ECS and the analysis of education funding, the Republican and Democrat amounts match and are \$500,000 more than the town budgeted. The Governors amount is \$70,000 more than budgeted. The excess money can be put into a capital non-recurring to pay off capital items.

NEW BUSINESS

Discussion and possible action:

1. **Pension Committee Recommendation – Change custodian for Pension & OPEB:** The Pension Committee recommended terminating Wells Fargo as the custodian (att.). The Pension chairman thinks the search for a new custodian will be complete by Oct. 1. Selectman Capeci moved that the Board of Selectman terminate Wells Fargo as the custodian of the Town of Newtown pension and OPEB and allow the Pension Committee to start the RFP process to find a new custodian as early as possible. Selectman Crick Owen seconded. All in favor.
2. **Road Work Acceptance, Road & Drainage Work Agreement, 20 Bryan Lane:** Selectman Crick Owen moved to release the \$17,500 bond for the work done at 20 Bryan Lane, to Eric Fisher, per recommendation of the Town Engineer. Selectman Capeci seconded. All in favor.
3. **Summer Schedule – Board of Selectmen meetings:** After discussion the following was decided, with no motion taken: The regular meetings of June 4, July 16 and August 20 will be held. The regular meetings of June 18, July 2 and Aug. 6 will be canceled and there will be a special meeting on June 26.
4. **Appointments/Reappointments/Vacancies/Openings:** The Business Advisory Committee was planned to be a nine member board. First Selectman Rosenthal brought seven forward, with another two pending, that he expects to hear from. Selectman Crick Owen moved to appoint Erica Sullivan (Castle Hill Chocolate), Dan Sorrentino (Newtown Hardware), Carrie Swan (Black Swan Hearth & Gift Shop), Bruce Walczak (Relocation Consultants), Chris Hottois (Flint Ridge Development), Adam Richichi (Dental Associates) and Michele Hanson (Farmhouse Restaurant) to the Business Advisory Committee.

Rec'd. for Record 5/9 2018
Town Clerk of Newtown @11:13
Debbie Aurelia Halstead am

Selectman Capeci seconded. All in favor. The Community Center Committee was originally created as a seven member board, First Selectman Rosenthal recommends nine members. Selectman Crick Owen moved to increase the membership of the Community Center Committee from seven members to nine members. Selectman Capeci seconded. All in favor. Selectman Crick Owen moved to appoint Brian Hartgraves, Bill Buchler, Kinga Walsh, Bill Manfredonia, Nancy Doniger, Doria Linnetz, Jeff Tousignant, Fred Taylor and Cheyanne Wirtz as members and Ian Hockley, to participate, without voting privilege, to the Community Center Committee. Selectman Capeci seconded. All in favor. First Selectman Rosenthal announced a vacancy on the Conservation Commission, available to a Republican or an unaffiliated voter. The last day for candidate recommendation is June 1, with an anticipated appointment date of June 4.

5. **Driveway Bond Release/Extension:** Selectman Crick Owen moved to extend the driveway bond for Colin Corbo, 4 Crosswind Court, M2, B9, L1.17 for an additional six months to November 1, 2018. Selectman Capeci seconded. All in favor. Selectman Crick Owen moved the release of driveway bond, in the amount of \$1,000 to Westchester Modular Homes of Fairfield County, 20 Bryan Lane, M36, B14, L20. Selectman Capeci seconded. All in favor.
6. **Tax Refunds:** Selectman Crick Owen moved the tax refunds, no. 21, in the amount of \$13,122.70. Selectman Capeci seconded. All in favor.
7. **Legal Matters:** Selectman Crick Owen moved to authorize the Town Attorney to defend the Town in the case of J.P. Morgan Mortgage Acquisition Corp. vs. Ostrosky, Scott E., Ostrosky, Cherish M., the Town of Newtown and the Town of Monroe. Selectman Capeci seconded. All in favor.

VOTER COMMENTS: none.

ANNOUNCEMENTS: none.

ADJOURNMENT: Having no further business the regular Board of Selectmen meeting adjourned at 8:00pm.

Sue Marcinek, Clerk

Attachments: C. Nimkoff email, April 18, 2018; Pension Committee minutes, April 19, 2018



Susan Marcinek <susan.marcinek@newtown-ct.gov>

Fw: Re: Form submission from: Contact the Board of Selectmen

Jeffrey Capeci <Jeff@thecapecis.com>
Reply-To: Jeffrey Capeci <Jeff@thecapecis.com>
To: Susan Marcinek <susan.marcinek@newtown-ct.gov>

Mon, May 7, 2018 at 7:36 PM

FYI,
Jeff

----- Forwarded Message -----

From: Sian Nimkoff
To: Jeff@theCapecis.com <Jeff@thecapecis.com>
Sent: Wednesday, April 18, 2018, 2:24:09 PM EDT
Subject: Re: Form submission from: Contact the Board of Selectmen

Hi Jeff

I watched the video and found it very informative. At the end of the day I think driver education is a big factor. I really appreciate your prompt and thorough response to my concern!

Thanks again
Sian

On Tue, Apr 17, 2018 at 7:44 AM Jeffrey Capeci <Jeff@thecapecis.com> wrote:

Yes, the video should be posted sometime today. Fred Hurley, Director of Public Works, discussed the issue in depth. He characterized it as a trade-off. Asphalt curbing is relatively inexpensive but prone to damage when the sides of the road thaw and the soft ground is unable to hold them in place. It was an interesting discussion, that covered why curbing is needed, driver training, road widths, alternative materials, etc. At the end of the day, it is his opinion that while there is a certain percentage of curbing that gets damaged, it is a necessary part of their road maintenance budget. Drivers try to avoid the edges of the road but sometimes just the force of the snow/being pushed off the road by the large trucks is enough to damage the curbing. They will start repairs soon now that asphalt is available again.

Hope this helps,
Jeff

Sent from Yahoo Mail on Android

On Mon, Apr 16, 2018 at 6:58 PM, Sian Nimkoff

ok is that under minutes, agendas & videos?

On Apr 16, 2018, at 5:28 PM, Jeffrey Capeci <Jeff@theCapecis.com> wrote:

Sian,

I'm sorry you cannot make the meeting. You may watch it on the town website or you can call me anytime for a recap.

Jeff
203.470.3736

Sent from Yahoo Mail on Android

On Mon, Apr 16, 2018 at 5:25 PM, Sian Nimkoff

Hi Jeff,

Thank you, but unfortunately I will not be able to attend this evening. No worries regarding the gender issue I have been called Mr. more times than I can remember! That's the price one pays for an unusual name!

Sian

On Apr 16, 2018, at 3:52 PM, Jeffrey Capeci <Jeff@theCapecis.com> wrote:

Ms. Nimkoff,

At my request, Dan has put on your issue on tonight's Board of Selectmen meeting agenda as the first business item:

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I realize it is short notice but I am hopeful you will be able to attend. Regardless, I will make sure all the issues you brought up in your email are addressed. Also I noticed that in my original response not only did I incorrectly address you as Mr. but I also misspelled your name. I apologize for both.

Best Regards,
Jeff Capeci

On Friday, March 30, 2018, 2:05:01 PM EDT, Sian Nimkoff wrote:

thank you

On Mar 30, 2018, at 7:38 AM, Jeffrey Capeci <Jeff@theCapecis.com> wrote:

Dear Mr. Rimkoff,

Thank you for contacting the Board of Selectman with your concern regarding winter plowing and the resulting damage to curbing. I have often observed the same and have wondered what could be done to minimize such damage. While I am optimistic that no more curbing will be damaged by snow plows this season, I will request this subject is added as a topic for discussion to a future Board of Selectman agenda. I will let you know, in advance, when we will have that discussion. Feel free to contact me again on this or any other issue.

Best Regards,
Jeff Capeci
Selectman, Town of Newtown

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "sian nimkoff via Newtown CT" <vtstdmailer@vt-s.net>

To: "jeff@thecapecis.com" <jeff@thecapecis.com>

Sent: Fri, Mar 30, 2018 at 6:18 AM

Subject: Form submission from: Contact the Board of Selectmen

Submitted on Friday, March 30, 2018 - 6:18am

Submitted by anonymous user: 141.126.209.247

Submitted values are:

Your Name: sian nimkoff

Subject: public works/curbing

Message:

Dear Selectmen,
Whilst I am eternally grateful to the snow plowing job that public works does to keep our roads drive-able I'm wondering if something can be done to limit the damage done to road side curbing. It seems a waste of tax payers money to lay down brand new curbing only to have large portions of it demolished by the plows. For example, Phyllis Lane was recently paved this past summer and already large portions of the curbing are laying in broken piles along the road. The damage to old and new curbing can be seen throughout town and whilst damage to roads due to plowing cant be helped with our New England winters we are throwing away money with the curbing!
I look forward to your response,
Sian Nimkoff
Hundred Acres Road

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Town of Newtown
Pension Committee Meeting
April 19, 2018 7:30pm
Lower Meeting Room, 3 Main Street

THE FOLLOWING MINUTES ARE SUBJECT TO APPROVAL BY THE PENSION COMMITTEE.

1. Meeting called to order by Ellen Whalen at 7:45pm.

Committee Members in attendance: Sam Broomer, Charles Farfaglia, Guy Howard, Scott Schwartz, Paula Wickman, Ellen Whalen. Patrick Burke absent.

2. Minutes

Motion by Paula Wickman, seconded by Sam Broomer to approve Minutes of March 15, 2018 Meeting. All in favor.

3. Correspondence

None

4. Retirement/Expense Payment Approval

Retirement – Motion made by Scott Schwartz, seconded by Charles Farfaglia to pay Termination Benefit (Return of Contributions) to Kathryn Sheehan-Gianelli as presented. All in favor.

Expenses – Motion made by Scott Schwartz, seconded by Charles Farfaglia to pay TR Paul, QE 3/31/18 Administrative Expense for Police (Inv # 37630) and Pension (Inv #37631) Plan and FIA QE 3/31/18 Consulting Fee as presented. All in Favor.

5. Old Business

DROP Update – Board of Selectmen Resolutions prepared by G. Kasper, Pullman Comley to approve Pension Trust as investment vehicle for DROP assets. E. Whalen to forward to BOS for action.

6. New Business

Wells Fargo

Trust Reports – March 31, 2018 Market Value: Pension \$42.8; OPEB \$2.4. FIA submitted Investment Recommendations for Pension/OPEB Trusts. Investment Committee will meet to discuss and review with PC at May 24th meeting.

Custodian - PC continued discussion of CT State Treasurer's "Needs to Improve" rating with respect to the "qualified public depository" list within the meaning of CT General Statutes 7-401, 7-402, 7-403 re Wells Fargo, the statutory standards for the prudent investor (CGS 7-450(b) and 45a-541 et seq) prudently selecting and monitoring the Custodian, the conflicting legal opinions regarding the applicability of the statute to Newtown Trust funds and the PC concerns over many legal, regulatory and ethical issues that have plagued Wells Fargo over the last several years. Issues such as, but not limited to, implementing questionable incentive pay programs and sales practices, opening millions of unauthorized customer accounts, charging improper fees on mortgage loans, forcing auto-loan customers to pay for insurance policies they did not need, overcharging companies for foreign currency trades; and awarding "golden parachutes" to retiring executives either directly involved in these matters and/or at the highest levels of management. The PC also noted the troubling nature and magnitude of these offenses cannot be overstated. Therefore, regardless of the final decision concerning the applicability of the CT Statutes 7-401, 402, 403 to this situation, the Pension Committee concluded based on the totality of Wells Fargo's wrongdoing, that Newtown should terminate the existing "depository" relationship with the Bank. A motion was made by Charles Farfaglia to recommend to the Board of Selectmen (as Plan Trustees) to terminate Wells Fargo, as soon as practicable, based on the enforcement activity over the course of the past several years and other state and regulatory mandates, and to secure a satisfactory replacement through the Request For Information (RFI) or Request For Proposal (RFP) process. Guy Howard seconded Mr. Farfaglia's motion. All in Favor.

7. Voter Comment

None

8. Date of Next Meeting: May 24, 2018

Town Hall South, 3 Main Street, Lower Meeting Room.

A motion was made by Scott Schwartz, seconded by Guy Howard to cancel May 17th Monthly meeting and schedule a Special Meeting for May 24th. All in Favor.

9. Adjournment

With no further business, Scott Schwartz motioned to adjourn meeting, Guy Howard seconded, All in favor. Meeting adjourned at 8:45pm.

Respectfully submitted,

Ellen Whalen, Pension Committee Chair