

OFFICE OF THE  
FIRST SELECTMAN

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William F. Brennan  
*First Selectman*

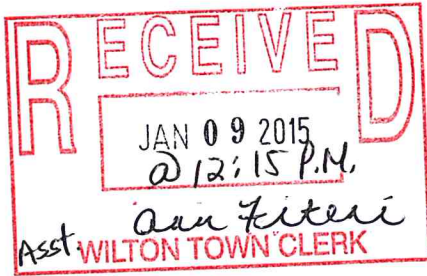
Ted W. Hoffstatter

Richard J. Dubow

James A. Saxe

Michael P. Kaelin

TOWN HALL  
238 Danbury Road  
Wilton, CT 06897



**BOARD OF SELECTMEN MEETING  
MONDAY, DECEMBER 15, 2014  
MEETING ROOM B, WILTON TOWN HALL**

**PRESENT:** **BOARD OF SELECTMEN** – First Selectman Bill Brennan, Richard Dubow, Ted Hoffstatter, James Saxe, Michael Kaelin

**GUESTS:** Hal Clark, Deputy Fire Chief Mark Amatrudo, Ralph Nathanson-Fire Department, Tom Thurkettle, Robert Nerney, Town Counsel Ken Bernhard, Sandy Dennies, Jacqueline Rochester

**OTHERS:** 3 Members of the Press, Members of the Public

Mr. Brennan called the meeting to order at 7:30 p.m.

**A. Consent Agenda**

Upon motion by Mr. Brennan, seconded by Mr. Dubow, the consent agenda was approved with a minor addition to the December 1, 2014 minutes as follows:

Minutes

- Board of Selectmen Meeting – December 1, 2014

Gifts

- Peter Rubino – for “Nurture” – the First Piece of Public Art in the Municipal Sculpture Program – Donation valued at \$12,000
- Kathleen and Bill Brennan for a Gift of \$1,035 for Materials and Installation of the Pedestal for the Sculpture Titled “Nurture” on Hubbard Rd., Wilton Center
- Donation of Labor by Ken Mercer and David Smith for Installation of Footings and Construction of the Pedestal for Peter Rubino’s Sculpture Piece

## B. Discussion and/or Action

### 1. Consideration of Sale of Fire Department 1994 Used Tanker Engine to Interested Buyer for \$80,000 – (advertised asking price)

Deputy Fire Chief Mark Amatrudo spoke regarding the sale of the Fire Department 1994 Used Tanker Engine. Mr. Amatrudo stated that after the purchase of the new Engine tanker the Fire Department engaged two non-exclusive brokers to help with selling the 1994 Used Tanker Engine and it was marketed throughout the country. After 4 months and turning down other offers the department has a check in hand for \$80,000 from a Fire Department in Doe Run, GA for the tanker, which, after broker fees will net the department an amount of \$74,400. Proceeds from the sale will be used to outfit the new tanker and there will be money left that will go back into the general fund. The Fire Department is asking the Board of Selectmen's authorization to deposit the check and move forward with the transfer of the vehicle. Motion made by Mr. Brennan to approve the sale of the 1994 tanker for \$80,000, seconded by Jim Saxe, unanimously carried.

### 2. Consideration of Approval of Main Street Investment Fund Grant Award Document for \$425,000

Mr. Brennan gave a brief review of the background for the Main Street Investment Fund Grant application. The grant is to be used for sidewalks in the Village Center. He stated that the State bond commission has not appropriated the funds but does not anticipate any problems. The Department of Housing, which distributes the grant, requires the Board to accept the application and the award before moving forward. The goal is to do the design this winter and hopefully start work in the spring and summer. Request for approval of the Board of Selectmen to accept the Grant Award from the Department of Housing for the improvement of Wilton's Village Center. Motion made by Mr. Brennan to approve the acceptance of the state grant of \$425,000. Seconded by Dick Dubow, unanimously carried

### 3. Consideration of DPW Recommendation to Replace Failed Large Truck Lift (age – 33 years) and Failed Small Lift (age – 20 years)

Tom Thurkettle of DPW gave a review of the failed Lifts in the DPW department and reviewed the proposal and his recommendation for replacements (memo attached). Mr. Thurkettle explained that there were three proposals for the large lift and that two proposals were for the same type of lifts that DPW currently has (in ground) and the 3<sup>rd</sup> was for an above ground lift. He stated that the DPW department will do the excavation work that is needed for replacement of the lifts which represent a cost savings of approximately \$30,000. Proposals are from the two industry leaders for these types of lifts. Cost of the lifts is roughly \$142,000. Selectman Kaelin asked about warranty on the equipment. Mr. Brennan made a motion to approve the recommendations of Mr. Thurkettle to replace both the large lift and the small lift as indicated in the attached memo. Seconded by Mr. Hoffstatter, unanimously carried.

4. Consideration of Approval of Windsor Amendment to Retirement Plan for Employees of the Town of Wilton

Mr. Brennan reviewed the Amendment (memo attached). Motion made by Dick Dubow to approve the amendment to our Retirement Plan to be consistent with the Supreme Court decision in United States vs. Windsor. Seconded by Ted Hoffstatter, unanimously carried 5-0.

5. Status of Bonded Capital Projects

Mr. Brennan distributed the minutes from the December 4, 2014 Bonded Capital Steering Committee (attached). They were reviewed and summarized, which indicated that progress was being made.

6. Appointments/Reappointments

Mr. Brennan made a motion to appoint Ross Tartell to the Fire Commission, Chris Fuentes to the Economic Development Commission and Gary Battaglia as a regular member to the Zoning Board of Appeals. Motion Seconded by Dick Dubow, unanimously carried.

7. Miscellaneous Other Business

Chris Hulse, Chair of the Planning and Zoning commission advised Mr. Brennan that he will be attending the January 5, 2015 Board of Selectman meeting and will outline the Planning and Zoning commission plan to conduct a comprehensive assessment of the town's signage regulations.

Once a replacement is in place for the vacancy created by Ted Hoffstatter's resignation from the Board, Board of Selectmen will address the appointment of a second selectman and begin distribution of assignments to the board to fill workload that was created by the vacancies of Selectmen Hal Clark and Ted Hoffstatter.

Executive session also planned at the January 5, 2015 BOS meeting to discuss pension agreements for Fire and Police. Sarah Taffel to send summaries of each pension agreement to the Board of Selectmen members prior to this meeting.

C. Public Comment

Alex Ruskevich of the local group Sensible Wilton spoke regarding the Miller Driscoll Project and voiced his concerns with the design process and its feasibility as well as efforts the group has conducted to collect petition signatures pushing for a revote of the Miller Driscoll bonding question. Mr. Dubow and Mr. Brennan spoke to Mr. Ruskevich's concerns regarding the design process stating that the project is feasible and is a normal process of the project.

Kevin Hickey of Black Alder Lane spoke regarding his concerns with the selection of construction managers for the Town of Wilton. His concerns were directed at the involvement of Turner Construction on Town Projects. Mr. Dubow and Mr. Brennan

complimented Turner for their many contributions on Town projects managing the construction process consistently on time and under budget.

Curt Noel of Keeler's Ridge spoke regarding the composition of the Miller Driscoll Building Committee and cited a section of the Wilton Bonded Capital Projects Process relating to the formation of Committees.

D. Reports

First Selectman's Report

Mr. Brennan mentioned his visit along with Nick Davatzes with the CEO and SVP of Neilsen to build relationships with the community. Neilsen has an active community employee service program and they are very interested in doing community service in Wilton. Currently, there is interest in the involvement of Neilsen employees in the Schenks Island project.

Mr. Brennan thanked Mr. Hoffstatter for his service on the Board and wished him the best on his academic endeavors

Selectmen's Reports

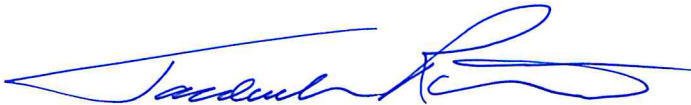
Ted Hoffstatter – Announced his resignation from the Board of Selectmen. Mr. Hoffstatter stated his hopes that the board works together as a team, but to also make sure to listen to town citizens when concerns are voiced and try to address those concerns.

Michael Kaelin – Appreciated comments of the public. Felt comments were misdirected and there were some misunderstandings. He suggested that comments and questions should be directed to the Building Committee rather than the Board of Selectmen. He hoped the public would be able to talk to the members of the building committee outside of a formal meeting or hearing with their concerns in hopes to clear up a lot of misinformation.

Dick Dubow – Thanked Mr. Hoffstatter for his service and wished him the best in his endeavors.

Jim Saxe – Thanked Mr. Hoffstatter for his service and wished him the best.

E. Adjournment – Having no further business, the meeting was adjourned at 8:50 p.m.



Jacqueline Rochester, Recording Secretary

WILTON PUBLIC WORKS  
DEPARTMENT  
(203) 563-0152



TOWN HALL ANNEX  
238 Danbury Road  
Wilton, Connecticut 06897

MEMORANDUM

TO: Bill Brennan, First Selectman

FROM: Tom Therkettle, Director of Public Works

DATE: December 9, 2014

RE: DPW Garage Lifts

The large truck lift was installed when the DPW Garage was built in 1981. The truck lift failed in September. The Gilbarco lift is no longer manufactured therefore, no parts are available for its repair.

We have received proposals from three (3) truck lift vendors, copies attached. Two of the quotes are for in-ground 60,000 lb capacity truck lift, which is similar to the existing truck lift. The third proposal is for an above the floor drive on 60,000lb truck lift. We do not recommend the above the floor lift for several reasons:

1. A great deal of the major work done by the DPW mechanics involves brake work and tire repairs. With the above the floor drive on truck lift, the truck axles would have to be jacked up separately to remove the wheels. This would require special jacks
2. In the winter, all the large trucks have an 11.0 foot plow attached to the truck. In order to drive onto the four post above floor lift, the plow would have to be removed.
3. When the lift is not in use, the above the floor lift superstructure takes up the entire work bay.

We do recommend the proposal from Ray Jurgan for the large below the floor truck lift, in the amount of \$128,240, be accepted and an additional \$3,000 be appropriated to cover the required electrical work.

The total appropriation for the large truck lift will be \$131,240.

The small garage lift also failed in September. The small lift was 20 years old. We have attached a copy of the proposals received. The department recommends that the proposal from Ray Jurgan for the small 12,000lb lift, in the amount of \$10,098 be accepted.

December 9, 2014

### Large Truck Garage Lift - Summary

Lift – 60,000 Lbs Capacity

Wheelbase

Minimum - 130 in.

Maximum - 300 in.

Excavation work to be done by Department of Public Works

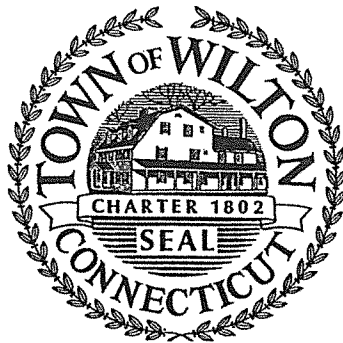
Below is a summary of three (3) Quotes:

1. C&C Hydraulics - Above Floor 4 Post Lift	\$ 78,432.63
Electrical Work -	\$ 3,000.00
Concrete Floor Work-	<u>\$ 8,000.00</u>
	\$ 89,432.63
2. Ray Jurgen - Below Floor Lift	\$128,240.00
Electrical Work -	<u>\$ 3,000.00</u>
	\$131,240.00
3. Statewide Installations Inc. – Below Floor Lift	\$137,200.00
Electrical Work -	<u>\$ 3,000.00</u>
	\$140,200.00




HUMAN RESOURCES, LABOR  
RELATIONS, AND ADMINISTRATIVE  
SERVICES DEPARTMENT  
Telephone (203) 563-0118  
Fax (203) 563-0295

E-Mail [Sarah.Taffel@Wiltonct.org](mailto:Sarah.Taffel@Wiltonct.org)



TOWN HALL  
238 Danbury Road  
Wilton, Connecticut 06897

MEMORANDUM

TO: Bill Brennan  
FROM: Sarah Taffel   
DATE: December 11, 2014  
SUBJ: RETIREMENT PLAN AMENDMENT

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The IRS issued Notice 2014-19 in which it stated that a qualified retirement plan must be amended no later than December 31, 2014 to recognize same-sex spouses, retroactive to June 26, 2013 (the date of the United States Supreme Court's decision in *United States v. Windsor*.)

Attached is an Amendment to the Retirement Plan for Employees of the Town of Wilton which incorporates certain changes required pursuant to the Supreme Court's Windsor decision. The Board of Selectmen's adoption of this Amendment will assure that the Retirement Plan maintains its qualified status. This amendment was drafted by John Galiette, the Town's pension attorney. John has also provided a brief letter explaining the need for and purpose of the Amendment.

The Board of Selectmen has the authority under the terms and provisions of the Retirement Plan to adopt the Amendment.

Please let me know if you have any questions.

Attachments

**WINDSOR AMENDMENT  
TO THE  
RETIREMENT PLAN FOR EMPLOYEES  
OF THE  
TOWN OF WILTON**

The Town of Wilton has adopted this Amendment to the Retirement Plan for Employees of the Town of Wilton (the "Plan"), in order to comply with the United States Supreme Court's decision in *United States v. Windsor*, 570 U.S. 12 (2013), effective as of the date set forth herein.

A new Appendix is added to the Plan to read as follows:

**APPENDIX**

**Section 1      Preamble**

1.1      This Appendix is intended to amend the Plan in a manner that is consistent with the United States Supreme Court's decision in *United States v. Windsor* and applicable guidance issued by the Internal Revenue Service.

1.2      Supersession of inconsistent provisions. This Appendix shall supersede any and all provisions of the Plan to the extent such provisions are inconsistent with the language of this Appendix.

**Section 2      Definitions of "Marriage," "Spouse," "Husband," "Wife," and "Husband and Wife"**

2.1      Effective as of the date set forth herein, the terms "marriage," "spouse," "husband," "wife," and "husband and wife" (including all variations thereof) when applicable under the Plan, shall pertain equally in regard to both a Member who is validly married to an individual of the opposite sex and to a Member who is validly married to an individual of the same sex.

**Section 3      Valid marriage determined pursuant to state or jurisdiction of ceremony**

3.1      A Member is "validly married," for purposes of the Plan, if he or she is legally married pursuant to the laws of any state or similar jurisdiction, regardless of the Member's state of domicile.


3.2      A Member is not validly married, nor do the terms "marriage," "spouse," "husband," "wife," or "husband and wife" apply to a Member, if he or she has entered into a registered domestic partnership, civil union, or other similar formal relationship recognized under state law that is not otherwise denominated as a marriage under the laws of such state.

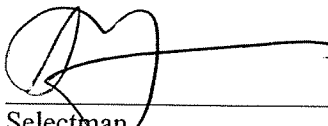


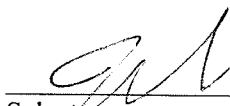
Section 4      Effective Date

- 4.1      The requirements of this Appendix are effective as of June 26, 2013.

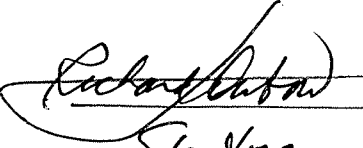
TOWN OF WILTON

 12/15/14  
First Selectman      Date

 12/15/14  
Selectman      Date

 12/15/14  
Selectman      Date

 12/15/14  
Selectman      Date

 12/15/14  
Selectman



REID AND RIEGE, P.C.  
COUNSELLORS AT LAW

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August 6, 2014

Sarah L. Taffel, Esq.  
Director, Human Resources,  
Labor Relations and  
Administrative Services  
Town of Wilton  
238 Danbury Road  
Wilton, CT 06897

Re: Retirement Plan for Employees of the Town of Wilton – *Windsor* Amendment

Dear Sarah:

Please find enclosed an Amendment to the Retirement Plan for Employees of the Town of Wilton (the "Plan") which incorporates certain changes required pursuant to the United States Supreme Court's decision in *United States v. Windsor*. As a result of the Court's decision, for purposes of all federal law, including the laws governing the Plan, the terms "spouse," "husband," "wife," and "husband and wife" (as well as any variation thereof) must apply equally to individuals validly married under state law regardless of whether the marriage is a same-sex or opposite-sex marriage.

As a general rule, effective as of the date of the Court's decision on June 26, 2013, all tax-qualified retirement plans must operate in a manner that is consistent with the *Windsor* decision. Consequently, it is necessary to adopt an amendment to the Plan in order to reflect the Plan's compliance with *Windsor* as of that date.

The Internal Revenue Service has confirmed that a plan sponsor may choose to amend and operate its plan in a manner consistent with *Windsor* retroactively as of a date that precedes the Court's decision on June 26, 2013. However, applying the *Windsor* decision retroactively could have unintended consequences, therefore, for purposes of drafting the Amendment, we have assumed an effective date of June 26, 2013. If you would like to adopt an amendment to the Plan as of an earlier effective date, the enclosed Amendment should not be executed and instead, you should contact us to prepare a different Amendment.

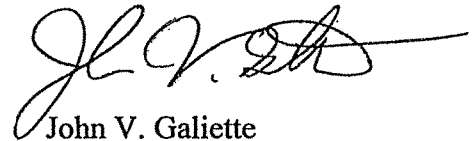
Sarah L. Taffel, Esq.  
August 6, 2014  
Page 2

There are special rules available with respect to individuals who were domiciled in a state that did not recognize same-sex marriage prior to September 16, 2013. If you are interested in adopting an amendment with a later effective date of September 16, 2013, with respect to such individuals, please contact us.

Please have the enclosed Amendment executed **no later than December 31, 2014**. Please be certain that the date of execution is included on the Amendment and return the executed Amendment to me.

Thank you for your attention to this matter. If there are any questions, please let me know.

Very truly yours,  
REID AND RIEGE, P.C.



John V. Galiette

JVG/hs  
Enclosure

## **Bonded Capital Projects Meeting Minutes – December 4, 2014**

Present: Dick Dubow, Bruce Hampson, John Murphy, Steve Pierce, Judy Zucker, Ty Tregellas

### **Agenda Items**

1. Miller Driscoll: Turner and TSKP met with TRC on 12/2 to review the scope of the project and get a revised proposal including Asbestos and Phase 1 survey. Revised proposal pending. EDO 49 grant application from the state is being submitted by the Supt of School, this will allow us to set up Prep and Plan review meetings with the State – Office of School Facilities. Several meetings with Diversified Project Management, a final draft of the CM RFP is due 12/12. B. Hampson requests a copy of the CM contract from the HS HVAC project, Turner to forward. Board of Ed seeking another enrollment projection, but TSKP is to proceed with the design based on the Ed Specs 880 student projection. TSKP is reviewing alternate skylight designs which will be analyzed as part of the DD plan and budget review. Pre-K traffic circulation has been resolved with the school and the transportation director. The overall traffic study for the site is pending. However, an alternate access to Wolfpit Rd. may be necessary. Commissioning proposals have been received and three firms (CES, Stone House Group, and SBS) have been shortlisted for interviews on 12/12.
2. Comstock Building Renovation: The bid opening was moved from 12/4 to 12/10 due to additional design information issued via addendums. S. Pierce reports that the clean up of the stored material is in good shape, some final items need to be moved into another room for storage. The greenhouse propane tank will be removed by the project. S. Pierce is working with John Savarese to relocate phones to the temp offices. S. Pierce will issue email blasts concerning construction status and impacts to the P&R schedule, Turner to provide a monthly status report for inclusion. All contracts will be given to Jackie Rochester, who will provide R. MacArdle with a copy.
3. Yankee Gas /Conversion Projects: No update from Yankee gas on the Sisters of Notre Dame decision to convert to gas.
4. Boiler Replacement/ Conversion Projects: The WHS boiler conversion contract has been issued to George Ellis and the work should commence 12/5. On the Cider Mill & Middlebrook boiler replacement project, the committee met with Kuegler Assoc before this meeting to review the DD design and the estimate. Estimates indicate that the full scope including hot water heater replacements will be over budget, the final documents will include alternates to try and stay in budget. Design to be complete by the middle to the end of January and then Turner will put the project out to bid, with bids due by the end of February.

Future meeting schedule is as follows:

December 18<sup>th</sup> at 2:30 pm  
January 8<sup>th</sup> at 1:30 pm