

**REGULAR MEETING MINUTES  
COLUMBIA BOARD OF SELECTMEN  
Tuesday, June 4, 2019 – 7 pm  
Adella G. Urban Administrative Offices Conference Room  
323 Route 87, Columbia, CT**

**Members Present:** First Selectman, Steven M. Everett; Deputy Selectman, Robert Hellstrom; Selectman, Lisa Napolitano; Selectman, William O'Brien; Selectman, Jeffrey Viens.

**Also Present:** Town Administrator, Mark Walter.

**CALL TO ORDER:** S. Everett called the meeting to order at 7:01 pm.

1. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
2. **APPROVAL OF AGENDA:**S. Everett added the following to the Agenda: Town Administrators Report, 8.4 - Public Informational Meeting for State Project No. 30-97 Hop River State Park Trail; Old Business, 4.3 - Continuation of Public Hearing to adopt new schedule of Zoning Fees Ordinance 22-1 and Zoning Board of Appeals Fees for Application 22-2, and Old Business, 4.4 - Acting Upon Fee Schedule Ordinance per Outcome of 4.2. S. Everett MOVED to Approve the Agenda as revised for June 4, 2019. MOTION CARRIED 5.0.
3. **APPROVAL OF MINUTES:**
  - 3.1 **Approval of BOS Regular Meeting Minutes for May 21, 2019.** W. O'Brien MOVED to Approve the BOS Regular Meeting Minutes for May 21, 2019. MOTION CARRIED 5.0. J. Viens asked to correct the spelling of his last name.
4. **OLD BUSINESS:**
  - 4.1 **Town of Columbia 401(a) & 457(b) Plan Vendor Change.** M. Walter explained that we originally hired Integrity Benefit Partners to look at our retirement plans and put it out to bid. He stated that the BOE has done their due diligence with multiple presentations and at last night's meeting the BOE approved to go forward. M. Walter noted that the Town has done multiple presentations for the Town employee's as well. M. Walter explained that with the BOS acceptance he can move forward with the contracts. M. Walter provided a legal analysis from the BOE attorney, Shipman & Goodwin that confirmed that the review and bidding process followed best practices and due diligence. M. Walter explained that both the Town and the BOE have performed reference checks.

S. Everett MOVED that the BOS find that it is in the best interest of the Town to terminate the services of AXA Advisors, LLC with respect to the Town's 401(a) & 457(b) retirement plans; and that, in conjunction with the Board of Education with respect to the 403(b) Retirement Plan for which the Board of Education is responsible, the Town utilize the Town's and Board of Education's combined market strength to obtain financially beneficial retirement plan services with a combination of providers

consisting of MML Investor Services, LLC and Great-West Financial in accordance with such agreements and other documentation as Town Administrator Mark Walter shall negotiate; (1) with respect to the Town's 401(a) and 457(b) plan in conjunction with the Board of Education's negotiation of similar documentation with respect to its 403(b) plan; (2) with the assistance of William DiCristofaro, as the Town's Financial Advisor, and legal counsel for the Board of Education and/or Town and; (3) for presentation to the Board of Selectman/First Selectman for final review, approval, execution and delivery. MOTION CARRIED 5.0.

4.2 **Fee Schedule Ordinance Amendment.** S. Everett stated that in looking at the updated draft ordinance the subdivision fees seem to be in the neighborhood or in parallel with surrounding towns. L. Napolitano stated that she had a problem with the subdivision fee's being excessive when it applies to subdividing property for a family member. Discussion ensued.

4.3 **Continuation of Public Hearing to adopt new schedule of Zoning Fees Ordinance 22-1 and Zoning Board of Appeals Fees for Application 22-2.** S. Everett MOVED to re-open the public fee schedule and changes proposed. S. Everett opened the discussion to the audience. There were no comments from the audience. S. Everett MOVED to close the public hearing. MOTION CARRIED 5.0.

4.4 **Acting Upon Fee Schedule Ordinance per Outcome of 4.2.** S. Everett MOVED to adopt the amended and restated Town Ordinance 22-1 entitled "Ordinance for a New Schedule of Zoning Fees", presented at the March 19, 2019 public hearing, excepting that no fee on page one would increase or be added, and to repeal Town Ordinance 22-2 entitled "Zoning Board of Appeals Fees for Application" because it has been superseded by Ordinance 22-1; changes effective July 1, 2019. MOTION CARRIED 5.0.

5. **NEW BUSINESS:**

5.1 **Discussion of filling the Temporary Position as The Building & Land Use Administrative Assistant.** J. Viens MOVED to authorize Mark Walter, Town Administrator to take steps necessary to fill the position with Terri Lasota on a temporary basis. MOTION CARRIED 5.0.

6. **COLUMBIA LAKE / DAM / BEACH:** None.

7. **APPOINTMENTS / RESIGNATIONS:**

7.1 **Resignation of Phil Levine, Gatekeeper at the Columbia Recreation Park.** S. Everett MOVED to Accept the Resignation of Phil Levine as the Gatekeeper at the Columbia Rec Park. MOTION CARRIED 5.0.

8. **TOWN ADMINISTRATOR REPORT:**

8.1 **Open Space Fundraising for Trust for Public Land.** M. Walter explained that on June 7<sup>th</sup> at 8:00am the Open Space Committee will discuss and strategize fundraising efforts for the Trust for Public Lands (TPL) to help offset costs incurred for legal, billing and personnel. L. Napolitano and J. Viens stated that they were concerned about what the final outcomes will be in the contract. M. Walter explained that in the contract all assumptions would be included in the contract. A. Dunnack explained that one option may be that the State holds the title, not the Town.

- 8.2 Clarification on Zoning Regulations Language for Prohibited Uses.** M. Walter was asked to report back to the BOS on a question that they had on the language in the zoning regulations pertaining to prohibited uses. He explained that he spoke with the Zoning Enforcement Officer and the Town Planner to get clarification and they explained that the language provides protection for the Town and stated that in essence, the language says that because the Town didn't prohibit it, does not mean it is permitted.
- 8.3 Sustainable CT Trex Bench Community Challenge.** M. Walter stated that we will be participating in the Trex Bench Community Challenge for Sustainable CT. The challenge includes a 6-month collection period to recycle 500 pounds. There will be 5 locations (Transfer Station, Town Hall, Library, and the Sr. Center) for residents to drop off their plastic bags. Trex will then make a park bench out of the bags collected for the Town of Columbia.
- 8.4 Public Informational Meeting for State Project No. 30-97 Hop River State Park Trail.** M. Walter explained that there will be a public informational meeting on the State Project No.30-97 - Hop River State Park Trail in Yeomans Hall held on Tuesday, June 25, 2019. The meeting starts as an open forum at 6:30pm for individual discussion with DOT representatives and a formal presentation at 7:00pm. Preliminary plans will be available for review. The purpose of the project is the creation of a trail section of the larger multi-modal East Coast Greenway Trail System. Department personnel will be available during the meeting to discuss the project. BL Companies would like to know what town officials (and or elected officials) will be attending and if they wish to speak.
- 9. CORRESPONDENCE:**
- 9.1** State Trooper Monthly Report.
- 10. BUDGET:**
- 10.1 Transfers:** None
- 10.2 Refunds:** None
- 11. APPROVE PAYMENT OF BILLS:** S. Everett MOVED to Approve the Payment of Bills totaling \$225,091.95 for the payment of bills to 2018-2019 Emergency, 2018-2019 Regular, Bond '01 Principal & Interest, Credit Card, and Paychex. MOTIONS CARRIED 5.0.
- 12. AUDIENCE OF CITIZENS:** A. Dunnack asked if the Hop River Trail project will be utilizing the existing structure. M. Walter explained that the plan includes the construction of a new, prefabricated bridge.
- 13. BOARD MEMBER COMMENTS:** S. Everett stated we had a very nice Memorial Day ceremony with the inclusion of 2 buglers that played echo Taps.
- 14. EXECUTIVE SESSION: Real estate per State Statutes Section 1-200(6)(D); Pending Litigation per State Statutes Section 1-200(6)(B); Personnel per State Statues Section 1-200(6)(A).** S. Everett MOVED to enter into Executive Session at 7:52 pm for pending litigation matters with M. Walter present. MOTION CARRIED 5.0. S. Everett MOVED to end

the Executive Session with no action taken at 8:02 pm. MOTION CARRIED 5.0.

- 15. ADJOURNMENT:** S. Everett MOVED to ADJOURN the meeting at 8:03pm. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted by Jennifer C. LaVoie

**REGULAR MEETING MINUTES  
COLUMBIA BOARD OF SELECTMEN  
Tuesday, May 21, 2019 – 7 pm  
Adella G. Urban Administrative Offices Conference Room  
323 Route 87, Columbia, CT**

**Members Present:** First Selectman, Steven M. Everett; Deputy Selectman, Robert Hellstrom; Selectman, Lisa Napolitano; Selectman, William O'Brien; Selectman, Jeffrey Viens.

**Also Present:** Town Administrator, Mark Walter.

**CALL TO ORDER:** S. Everett called the meeting to order at 7:00 pm.

1. **PLEDGE OF ALLEGIANCE:** The Pledge of Allegiance was recited.
2. **APPROVAL OF AGENDA:** S. Everett added 9.4, Sustainable CT to the Agenda. S. Everett MOVED to Approve the Agenda as revised for May 21, 2019. MOTION CARRIED 5.0.
3. **APPROVAL OF MINUTES:**
  - 3.1 **Approval of BOS Regular Meeting Minutes for May 7, 2019.** J. Viens MOVED to Approve the BOS Regular Meeting Minutes for May 7, 2019. MOTION CARRIED 5.0.
4. **AUDIENCE OF CITIZENS:** None.
5. **OLD BUSINESS:** None.
6. **NEW BUSINESS:** None.
7. **COLUMBIA LAKE / DAM / BEACH:** None.
8. **APPOINTMENTS / RESIGNATIONS:** None.
9. **TOWN ADMINISTRATOR REPORT:**
  - 9.1 **Memorial Day Observance.** M. Walter shared information on the Memorial Day Observance program that will be held on May 27<sup>th</sup> at 9:00 in Yeomans Hall. The ceremony will be held in the hall and then will proceed to the green to lay the wreath and the raising and lowering of the flag. The program will continue to all three cemeteries.
  - 9.2 **CRCOG Services Summary.** M. Walter shared the Capital Region Council of Governments (CRCOG) summary services that include municipal services, policy development and planning, public safety and homeland security, and transportation planning. He encouraged the BOS to go the website <https://crcog.org/> for further information.
  - 9.3 **Public Hearing on Zoning Fee Ordinance Scheduled for June 4, 2019.** M. Walter shared the recommendation from Planning and Zoning on changes in the Zoning Fee's. J. Viens asked about the language in the ordinance pertaining to prohibited uses; in particular "To further assist in the interpretation of permitted uses, certain uses are listed as prohibited in

a district even though the listing of uses prohibited is not intended to be exhaustive; any use not specified as permitted in the district is prohibited.” M. Walter stated he will check on the language in the ordinance and report back to the BOS.

- 9.4 **Sustainable CT Committee Meeting on May 22, 2019.** M. Walter stated that we will be hosting a Sustainable CT kickoff meeting to the town committees and board chairs on May 22<sup>nd</sup> in Yeomans Hall. We will have two guest speakers; Lynn Stoddard, Director of Sustainable CT, Institute of Sustainable Energy, ECSU and Kait Hershey, Representative from the Town of Hebron’s Green Team.

**10. CORRESPONDENCE:**

- 10.1 Email Thanking George Murphy and Brian Paul on the Columbia Baseball Fields.
- 10.2 Article in *The Chronicle* regarding “Columbia to vote on budget plan.”
- 10.3 Article in *The Chronicle* regarding “Columbia budget is easily approved.”
- 10.4 Article in *The Chronicle* regarding “Forum takes stance against legal pot.”

**11. BUDGET:**

- 11.1 **Transfers:** S. Everett MOVED to Approve the Transfers of \$5,700.00 to the noted accounts. MOTION CARRIED 5.0.

| <b>TRANSFER #/AMOUNT</b> | <b>FROM A/C# DESCRIPTION</b>           | <b>TO A/C# DESCRIPITON</b>        |
|--------------------------|--|-----------------------------------|
| 2019-038 / \$500.00      | 10-4132-500 / Professional/Tech        | 10-4132-770 / Transportation      |
| 2019-039 / \$200.00      | 10-4133-710 / Professional Improvement | 10-4133-300 / Supplies            |
| 2019-040 / \$300.00      | 10-4260-710 / Professional Improvement | 10-4260-300 / Supplies            |
| 2019-041 / \$1,000.00    | 10-4260-230 / Electricity              | 10-4260-240 / Fuel                |
| 2019-042 / \$300.00      | 10-4570-110 / Postage                  | 10-4570-300 / Supplies            |
| 2019-043 / \$3,300.00    | 10-4112-040 / Group Insurance          | 10-4320-500 / Professional/Tech   |
| 2019-044 / \$100.00      | 104260-230 / Electricity               | 10-4260-515 / Contracted Services |

- 11.2 **Refunds:** None.

- 12. **APPROVE PAYMENT OF BILLS:** S. Everett MOVED to Approve the Payment of Bills totaling \$142,465.07 to the payment of bills to 2018-2019 Emergency, 2018-2019 Regular, Credit Card, and Paychex. MOTIONS CARRIED 5.0.

- 13. **BOARD MEMBER COMMENTS:** W. O’Brien stated that AHM is hosting a strategic planning process for the Columbia focus group for youth services on June 3, 2019 from 6:00 to 7:00 pm in Yeomans Hall and extended the invitation to the BOS. L. Napolitano shared information for a class on organic land care for town properties if anyone would be interested. L. Napolitano has contacted a CT DEEP Forester to come and meet with her on Thursday, May 23<sup>rd</sup> to discuss forest health and extended

the invitation to anyone who would like to attend. J. Viens asked if a letter can be drafted from the BOS to Tim Ackert and Cathy Osten regarding the BOS's opposition to the proposed State tolls and the funding of teacher's pensions. Discussion ensued. S. Everett stated that if J. Viens would like to draft the letter and whoever wants to sign it can sign it.

- 14. EXECUTIVE SESSION: Real estate per State Statutes Section 1-200(6)(D); Pending Litigation per State Statutes Section 1-200(6)(B); Personnel per State Statutes Section 1-200(6)(A). 1.** S. Everett MOVED to enter into Executive Session at 7:27 pm for personnel matters with M. Walter present. MOTION CARRIED 5.0. S. Everett MOVED to end the Executive Session at 7:38 pm.
- 14.1 Town Administrator Contract.** S. Everett MOVED to Approve the renewal of Mark Walter, Town Administrator's employment contract. MOTION CARRIED 5.0.
- 15. ADJOURNMENT:** S. Everett MOVED to ADJOURN the meeting at 7:40 pm. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted by Jennifer C. LaVoie

- 8.2 Clarification on Zoning Regulations Language for Prohibited Uses.** M. Walter was asked to report back to the BOS on a question that they had on the language in the zoning regulations pertaining to prohibited uses. He explained that he spoke with the Zoning Enforcement Officer and the Town Planner to get clarification and they explained that the language provides protection for the Town and stated that in essence, the language says that because the Town didn't prohibit it, does not mean it is permitted.
- 8.3 Sustainable CT Trex Bench Community Challenge.** M. Walter stated that we will be participating in the Trex Bench Community Challenge for Sustainable CT. The challenge includes a 6-month collection period to recycle 500 pounds. There will be 5 locations (Transfer Station, Town Hall, Library, and the Sr. Center) for residents to drop off their plastic bags. Trex will then make a park bench out of the bags collected for the Town of Columbia.
- 8.4 Public Informational Meeting for State Project No. 30-97 Hop River State Park Trail.** M. Walter explained that there will be a public informational meeting on the State Project No.30-97 - Hop River State Park Trail in Yeomans Hall held on Tuesday, June 25, 2019. The meeting starts as an open forum at 6:30pm for individual discussion with DOT representatives and a formal presentation at 7:00pm. Preliminary plans will be available for review. The purpose of the project is the creation of a trail section of the larger multi-modal East Coast Greenway Trail System. Department personnel will be available during the meeting to discuss the project. BL Companies would like to know what town officials (and or elected officials) will be attending and if they wish to speak.
- 9. CORRESPONDENCE:**
- 9.1** State Trooper Monthly Report.
- 10. BUDGET:**
- 10.1 Transfers:** None
- 10.2 Refunds:** None
- 11. APPROVE PAYMENT OF BILLS:** S. Everett MOVED to Approve the Payment of Bills totaling \$225,091.95 for the payment of bills to 2018-2019 Emergency, 2018-2019 Regular, Bond '01 Principal & Interest, Credit Card, and Paychex. MOTIONS CARRIED 5.0.
- 12. AUDIENCE OF CITIZENS:** A. Dunnack asked if the Hop River Trail project will be utilizing the existing structure. M. Walter explained that the plan includes the construction of a new, prefabricated bridge.
- 13. BOARD MEMBER COMMENTS:** S. Everett stated we had a very nice Memorial Day ceremony with the inclusion of 2 buglers that played echo Taps.
- 14. EXECUTIVE SESSION: Real estate per State Statutes Section 1-200(6)(D); Pending Litigation per State Statutes Section 1-200(6)(B); Personnel per State Statues Section 1-200(6)(A).** S. Everett MOVED to enter into Executive Session at 7:52 pm for pending litigation matters with M. Walter present. MOTION CARRIED 5.0. S. Everett MOVED to end

the Executive Session with no action taken at 8:02 pm. MOTION CARRIED 5.0.

- 15. ADJOURNMENT:** S. Everett MOVED to ADJOURN the meeting at 8:03pm. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted by Jennifer C. LaVoie

a district even though the listing of uses prohibited is not intended to be exhaustive; any use not specified as permitted in the district is prohibited.” M. Walter stated he will check on the language in the ordinance and report back to the BOS.

- 9.4 **Sustainable CT Committee Meeting on May 22, 2019.** M. Walter stated that we will be hosting a Sustainable CT kickoff meeting to the town committees and board chairs on May 22<sup>nd</sup> in Yeomans Hall. We will have two guest speakers; Lynn Stoddard, Director of Sustainable CT, Institute of Sustainable Energy, ECSU and Kait Hershey, Representative from the Town of Hebron’s Green Team.

**10. CORRESPONDENCE:**

- 10.1 Email Thanking George Murphy and Brian Paul on the Columbia Baseball Fields.
- 10.2 Article in *The Chronicle* regarding “Columbia to vote on budget plan.”
- 10.3 Article in *The Chronicle* regarding “Columbia budget is easily approved.”
- 10.4 Article in *The Chronicle* regarding “Forum takes stance against legal pot.”

**11. BUDGET:**

- 11.1 **Transfers:** S. Everett MOVED to Approve the Transfers of \$5,700.00 to the noted accounts. MOTION CARRIED 5.0.

| <b>TRANSFER #/AMOUNT</b> | <b>FROM A/C# DESCRIPTION</b>           | <b>TO A/C# DESCRIPITON</b>        |
|--------------------------|--|-----------------------------------|
| 2019-038 / \$500.00      | 10-4132-500 / Professional/Tech        | 10-4132-770 / Transportation      |
| 2019-039 / \$200.00      | 10-4133-710 / Professional Improvement | 10-4133-300 / Supplies            |
| 2019-040 / \$300.00      | 10-4260-710 / Professional Improvement | 10-4260-300 / Supplies            |
| 2019-041 / \$1,000.00    | 10-4260-230 / Electricity              | 10-4260-240 / Fuel                |
| 2019-042 / \$300.00      | 10-4570-110 / Postage                  | 10-4570-300 / Supplies            |
| 2019-043 / \$3,300.00    | 10-4112-040 / Group Insurance          | 10-4320-500 / Professional/Tech   |
| 2019-044 / \$100.00      | 104260-230 / Electricity               | 10-4260-515 / Contracted Services |

- 11.2 **Refunds:** None.

- 12. **APPROVE PAYMENT OF BILLS:** S. Everett MOVED to Approve the Payment of Bills totaling \$142,465.07 to the payment of bills to 2018-2019 Emergency, 2018-2019 Regular, Credit Card, and Paychex. MOTIONS CARRIED 5.0.

- 13. **BOARD MEMBER COMMENTS:** W. O’Brien stated that AHM is hosting a strategic planning process for the Columbia focus group for youth services on June 3, 2019 from 6:00 to 7:00 pm in Yeomans Hall and extended the invitation to the BOS. L. Napolitano shared information for a class on organic land care for town properties if anyone would be interested. L. Napolitano has contacted a CT DEEP Forester to come and meet with her on Thursday, May 23<sup>rd</sup> to discuss forest health and extended

the invitation to anyone who would like to attend. J. Veins asked if a letter can be drafted from the BOS to Tim Ackert and Cathy Osten regarding the BOS's opposition to the proposed State tolls and the funding of teacher's pensions. Discussion ensued. S. Everett stated that if J. Veins would like to draft the letter and whoever wants to sign it can sign it.

- 14. EXECUTIVE SESSION: Real estate per State Statutes Section 1-200(6)(D); Pending Litigation per State Statutes Section 1-200(6)(B); Personnel per State Statutes Section 1-200(6)(A). 1.** S. Everett MOVED to enter into Executive Session at 7:27 pm for personnel matters with M. Walter present. MOTION CARRIED 5.0. S. Everett MOVED to end the Executive Session at 7:38 pm.
- 14.1 Town Administrator Contract.** S. Everett MOVED to Approve the renewal of Mark Walter, Town Administrator's employment contract. MOTION CARRIED 5.0.
- 15. ADJOURNMENT:** S. Everett MOVED to ADJOURN the meeting at 7:40 pm. MOTION CARRIED UNANIMOUSLY.

Respectfully Submitted by Jennifer C. LaVoie

TO: Maria Geryk (Columbia Public Schools Superintendent of Schools)  
FROM: Richard Cohen (Shipman & Goodwin LLP)  
RE: Columbia Public Schools 403b Plan Vendor Change-- Legal Analysis  
DATE: May 31, 2019

---

**Background:**

Last year, the Town of Columbia began a project to change its current vendor for the Town's retirement plans, including the Town's 457 plan. The Town sought the services of William (Bill) 'DiCristofaro, of Integrity Benefit Partners, in West Hartford, CT, to take charge of the request for proposals (RFP) and to come up with a short list of finalists to be considered. In the course of his work, Bill realized that even better pricing (lower fees and expenses) might be achievable if the Board of Education (BOE) 403b Plan was included in the search for a new vendor. The 403b Plan with AXA/Equitable, the current main vendor, has 46 participants and plan assets totaling approximately \$2 million dollars. There are 6 employees whose 403b plan accounts are in the American funds with Penseve as the 403b vendor.

After analyzing the BOE's 403b plan demographics, asset size, number of participants, etc., Bill solicited proposals from 4 vendors that he felt would offer an upgrade to the current plan's level of service to participants, better performing investment funds, and lower fees and expenses. Bill evaluated the proposals and settled on 3 companies for further consideration. Bill's recommendation to the Town and the BOE was that Empower be selected as the new vendor for the 403(b) plan. Empower's fees and expenses were nearly 1% lower than AXA/Equitable's, the current 403b vendor. Empower is the retirement service business name for Great-West Life & Annuity Insurance Company. Empower is based in the Denver area, and, according to its website, is the vendor for more than 39,000 organizations with retirement plans covered more than 9 million people. Empower has been in the 403b plan business since 1962.

The BOE's certified teachers who are covered by the 403b Plan met with Bill 'DiCristofaro and a representative from Empower, and, following that meeting, the teachers voted to approve the vendor change from AXA/Equitable, the current vendor that holds the group annuity contract funding the 403b plan benefits, to Empower. (According to Bill 'DiCristofaro, none of the participants own individual annuity contracts in the 403b plan.) The Superintendent has indicated to me that although their collective bargaining agreements do not afford them votes that are required for approving the vendor change, neither the non-certified staff nor the administrators have brought forth any additional concerns or objections with the vendor change to Empower and the transfer of their plan accounts to Employer.

**Legal Review and Fiduciary Status Analysis:**

1. ERISA doesn't apply to governmental plans, such as Public School Districts, so none of the ERISA fiduciary duties (e.g., duty to act in the best interest of participants in the plan, duty of loyalty owed to plan participants, duty to act with the same level of care that a professional fiduciary would follow) are applicable (although any applicable CT state law fiduciary standards would be), there is some DOL guidance that is illustrative for determining best practices. For example, the DOL Field Advisory Bulletin 2010-01 sets forth guidance there that does allow an employer offering a 403b plan to

conclude that selecting a single vendor (see Q & A- 16) with open architecture for investment funds would be a permitted Board decision that does not “cross the line” for employer involvement that proves that the employer has established a plan for ERISA purposes.

2. Based on the due diligence efforts taken to-date by the Town, BOE and Bill ‘DiCristofaro, I don’t think using Empower as a single vendor for the BOE 403b Plan with its open architecture would be a risky decision for the BOE to have made, especially if the fees and expenses are lower than those for the existing vendor products, and its due diligence findings are determined that Empower is a top-tier vendor for 403b plans of Columbia’s size (Columbia should check with some references that Bill DiCristofaro and/or Empower can provide at other Towns/BOE’s in Connecticut that use Empower about their level of satisfaction with Empower.)

3. One important caveat here applies to a possible scenario where plan participants might actually have individual annuity contracts in their own names. In that scenario, if the employees covered by the BOE 403b Plan actually have individual annuity contracts in their own names that the BOE has been funding under the 403b Plan in the past, then the BOE wouldn’t have the right to unilaterally terminate the employee’s individual TSA contract without the employee’s consent, nor could the employer *require* that the contract funds be transferred into a new vendor’s 403b annuity contract without the employee’s consent. The IRS regulations do address contract exchanges from one annuity contract to another annuity contract occurring within a 403b plan, but the regulations do not specifically discuss whether the contract transfer is to be directed by the employee or whether it may be directed unilaterally by the employer. So whether and how this might be permitted could depend on the wording in each employee’s annuity contract. But based on Bill DiCristofaro’s due diligence in which he determined that to the best of his knowledge, no participant in the BOE 403b plan actually is owning an individual annuity contract that cannot be terminated, the concern above is moot. The BOE should be able to terminate its group annuity contract and replace it with a different funding vehicle, either in the form of a new group annuity contract and/or by adding 403b(7) custodial accounts. (This decision by the BOE is no different from any other employee benefits plan decision the BOE makes, such as changing group health plan carriers or long-term disability plan carriers; the BOE would want to act in a way that it obtains the best possible plan for its employees, taking into account the typical factors, such as vendor service, investment performance, and fees and expenses.

4. The BOE certainly doesn’t want its employees to be unhappy with a forced vendor change (which based on the BOE’s feedback from affected participants in the 403b Plan is not the case) in the 403b plan that would typically also mean that the employee would no longer be working with the account reps from AXA/Equitable as their investment/financial advisors. Nevertheless, even if some employees were upset about the vendor change and the associated advisor rep change, a multi-vendor platform is neither legally required, nor necessarily a better plan design than a single-vendor design as a matter of law, especially if that multi-vendor design carries with it higher fees and expenses for what might amount to be the same or very similar investment choices.

5. As a matter of common sense and best practice, even without the ERISA statutory protections being in effect, it seems hard to imagine that if the BOE is responsible for administering its 403b plan, then that administrative responsibility wouldn’t also bring with it some level of employer or committee oversight for ensuring that the employees are not paying higher fees and expenses for exactly the same investment products, and that the investment fund lineup reflects good performing funds. But because tax sheltered annuities contain annuity distribution options that allow for lifetime payouts, comparing annuity contracts isn’t always an easy thing to do. Connecticut does have statutory provisions that

govern trustees under the Connecticut Uniform Prudent Investor Act (see CGS 45a-541-5411.) It remains to be seen whether the employer with a 403b plan would be considered to be acting as a trustee of the employee's funds in a way that would impose the requirements of the Connecticut Uniform Prudent Investor Act on the BOE.

6. When considering best practices regarding its 403(b) plan operation and review of the plan's investment lineup regarding performance and fees and expenses, the BOE should consider creating a Plan Oversight Committee (which should include some employee representatives) to be responsible for performing that oversight function. The Committee should act pursuant to a Committee charter/bylaws, and have periodic meetings with the Plan's investment advisor/consultant, Bill 'DiCristofaro, and representatives from Employer, to review the fund performance and to consider appropriate changes to the fund lineup. Even without ERISA's fiduciary responsibility requirements, as noted in Section 5 above, Connecticut does have a prudent investor statute that places duties on trustees who manage trust accounts. Even if a court determines that this statute might not technically apply to a 403b plan, the BOE should feel a strong personal commitment to seeing to it that the 403b plan it makes available to its employees is as good a plan as can be offered for a plan of its size. The employees would be expecting nothing less from the BOE and the Plan Committee.

Dear George,

May 30th, 2019

This letter is to inform you of my resignation as Gatekeeper at the Columbia Rec. Park. Its been a pleasure working with you and your staff. The effective date of my resignation is June, 5th 2019. SHowd you have any questions or concerns please email me at [abbyliz04@sbcglobal.net](mailto:abbyliz04@sbcglobal.net) or feel free to contact me at 860-278-6550.

Sincerely Phil Levine



OUTDOOR LIVING. ELEVATED.

*Community Collection  
Information Sheet*

### **How does the Challenge work?**

1. Determine a 6 month collection period
2. Recycle 500 pounds or exceed this amount in six months.
3. Weigh and keep record of the amount of film collected each month)
4. Deliver the collected plastic film to a participating retailer
5. Report collection totals to Stephanie Hicks each month ([shicks@trex.com](mailto:shicks@trex.com))
6. The next collection cannot start until the end of the six month period

### **What does Trex provide?**

- Three recycling bins
- One poster
- Bench if goal is met

### **What can be recycled?**

- Pallet wrap and stretch film
- Grocery bags
- Bread bags
- Case overwrap
- Dry cleaning bags
- Newspaper sleeves
- Ice bags
- Wood pellet bags
- Ziplock and other reclosable food storage bags
- Produce bags
- Bubble wrap and air pillow
- Salt bags
- Cereal bags

All plastic must be clean, dry and free of food residue





Commanding Officer  
Lt. Marc Petruzzi #037

# State of Connecticut



## Connecticut State Police Troop K - Colchester



Executive Officer  
Master Sergeant Eric Peck  
#085

Date: 05-01-2019

Mr. Steve Everett  
Columbia First Selectman  
323 Jonathan Trumbull Highway  
Columbia, CT 06237

Dear Mr. Steve Everett,

This correspondence is an effort to keep you apprised of the monthly police services occurring within the Town of Columbia.

During the month of April 2019 the Columbia Resident Trooper as well as Troop K Troopers responded to 306 Calls for Service in the Town of Columbia. Of these Calls for Service the most notable are:

|                                 |     |
|---------------------------------|-----|
| Accidents:                      | 5   |
| Burglaries:                     | 0   |
| Larcenies:                      | 0   |
| Other Criminal:                 | 2   |
| Other Non-Criminal:             | 4   |
| Non Reportable Matters:         | 200 |
| Other Noteworthy Events (List): |     |

Juvenile sexting at Horace Porter  
Emergency Committal / pepper spray at Eastconn  
Emergency Committal

Narcotic arrest during traffic stop

In addition to the above investigations Troopers conducted the following motor vehicle enforcement:

|                    |    |
|--------------------|----|
| On-Sight DWI:      | 0  |
| Traffic Citations: | 70 |
| Written Warnings:  | 24 |

Sincerely,

*Lt. Marc Petruzzi #037*

Lt. Marc Petruzzi #037

**COMMANDING OFFICER**

**Troop "K" Colchester, CT**

15A Old Hartford Road  
Colchester, Connecticut 06415  
Phone (860) 537-7500  
FAX (860) 537-7550