



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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SIMSBURY BOARD OF SELECTMEN
Regular Meeting – May 23, 2022 – 6:00 p.m.
Main Meeting Room, Simsbury Town Hall

PLEDGE OF ALLEGIANCE

PUBLIC HEARINGS

- a) Neighborhood Assistance Act Program Proposal
- b) Proposed Amendments to the Solid Waste Ordinance (Chapter 133)

PUBLIC AUDIENCE

- Participants can address the Board of Selectmen in person at the meeting-
- Email townmanager@simsbury-ct.gov by noon on Monday, May 23, 2022 to register to address the Board of Selectmen live through Zoom
- 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

PRESENTATIONS

- a) LGBTQ+ Pride Month Proclamation, Pride Flag Raising, and Business Friendly Directory
- b) Proclamation for National Public Works Week
- c) Proclamation for National Gun Violence Awareness Day
- d) Accessory Dwelling Units (ADU) Opt-Out Considerations

FIRST SELECTMAN'S REPORT

TOWN MANAGER'S REPORT

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

- a) Personnel
- b) Finance
- c) Public Safety
- d) Board of Education

SELECTMEN ACTION

- a) Neighborhood Assistance Act Proposals
- b) Schedule a Public Hearing for Proposed Amendments to the Solid Waste Ordinance (Chapter 133)
- c) Donation from the Hartford Foundation for Public Giving's "Anthony S. and Evelyn L. Hulme Charitable Fund"
- d) Donation from St. Matthew Lutheran Church in Avon
- e) Temporary Relocation of Latimer Lane Polling Location
- f) Accreditation Specialist Classification

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- g) Information Technology Support Specialist Classification
- h) Revisions to Senior Information Technology Analyst Job Description
- i) Simsbury Retirement Income Plan Amendment

APPOINTMENTS AND RESIGNATIONS

- a) Resignation of Tim Walczak from the Clean Energy Task Force
- b) Proposed Appointments to Various Boards

REVIEW OF MINUTES

- a) May 9, 2022 Regular Meeting

COMMUNICATION

- a) Memo from M. Capriola re: Public Gathering Permits, dated May 16, 2022

ADJOURN



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Public Hearing – Neighborhood Assistance Act Program Proposal
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Melissa Appleby, Deputy Town Manager
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
No action is needed during the public hearing, other than to close the hearing. The Board may opt to authorize submitting a Neighborhood Assistance Act application for the Simsbury Grange, Simsbury Community and Social Services Department and the Simsbury Town Manager's Office later in the evening (item on the agenda under Selectmen action).
5. **Summary of Submission:**
At your May 9, 2022 meeting, the Board of Selectmen scheduled a public hearing to receive public comment on the Neighborhood Assistance Act Program Proposal for the Simsbury Grange, Simsbury Community and Social Services Department and the Simsbury Town Manager's Office for 6:00pm on Monday, May 23, 2022. This public hearing is a requirement of the program.

The public hearing notice is attached.
6. **Financial Impact:**
Minimal staff time will be needed to administer the application process.
7. **Description of Documents Included with Submission:**
 - a) Public Hearing Notice

**TOWN OF SIMSBURY
PUBLIC HEARING NOTICE**

**Public Hearing Date: Monday, May 23, 2022 at 6:00 p.m.
Neighborhood Assistance Act Program Proposals**

Notice is hereby given that the Board of Selectmen will hold a public hearing on Monday, May 23, 2022 at 6:00 p.m. to receive public comment concerning the proposed approval by the Board of Selectmen of the proposals of the Simsbury Grange, Simsbury Department of Community and Social Services, and the Simsbury Town Manager's Office for benefits under the Neighborhood Assistance Act (NAA) as set forth in the completed Form NAA-01, Connecticut Neighborhood Assistance Act (NAA) Program Proposals. Copies of the proposals can be found on the Town of Simsbury's website, www.simsbury-ct.gov on the Board of Selectmen's page. Hard copies are filed at the Town Clerk's Office, 933 Hopmeadow Street, Simsbury, CT. Members of the public may address the Board of Selectmen live in-person, or they may email townmanager@simsbury-ct.gov by 12:00pm on May 23, 2022 to register to address the Board of Selectmen live through Zoom. Alternatively, members of the public may email statements to townmanager@simsbury-ct.gov by 12:00 p.m. on May 23, 2022 to have their comments read into the record at the hearing.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Public Hearing – Proposed Amendments to the Solid Waste Ordinance (Chapter 133)
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Thomas Roy, Director of Public Works/Town Engineer *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
Regrettably the newspaper in general circulation in our area did not post the legal notice in a timely manner, and the hearing is cancelled as a result.
5. **Summary of Submission:**
On Monday, May 9, 2022 a public hearing was held on Chapter 133 of the Town Code, which is our Solid Waste Ordinance. Both Articles I (Solid Waste) and II (Recycling) need to be amended due to the Board of Selectmen opting out of our agreement with MIRA. The proposed changes to Chapter 133 would remove any mention of the MIRA facility or having to dispose Simsbury waste specifically at the MIRA facility.

The Article II amendments were unintentionally omitted from the previous online posting of the proposed amendments. In an abundance of caution legal counsel recommended that we conduct a second public hearing on the proposed amendments, which was scheduled for May 23rd. Regrettably, the newspaper in general circulation in our area did not post the legal notice in a timely manner, and the hearing is cancelled as a result and must be rescheduled. Setting a new public hearing date will be a matter under Selectmen action this evening.
6. **Financial Impact:**
Simsbury, as a subscription trash service community, has a level of protection from the impact of the future increase in tip fees, when compared with other communities. By moving away from MIRA, the belief is that our haulers can negotiate better terms than the \$116/ton currently being offered by MIRA.

Other increases in trash collection fees are still probable this year due to increases in fuel costs and inflation.
7. **Description of Documents Included with Submission:**
 - a) Proposed Revisions to Chapter 133 of the Town Code

ARTICLE I
Storage, Collection and Disposal of Solid Waste

§ 133-1. Declaration of policy. [Amended 9-11-2017]

The accumulation, collection, removal and disposal of refuse shall be controlled by this municipality for the protection of the public health, safety and welfare. It is consequently found and declared that:

- A. This municipality is authorized by law to regulate the disposition of refuse generated within its boundaries and to collect a charge therefor and to license refuse collectors.
- B. This municipality is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where refuse generated within its boundaries shall be disposed of.
- ~~C. This municipality has executed the municipal service agreement requiring it to cause all acceptable solid waste generated within its boundaries to be delivered to the Materials Innovation and Recycling Authority (MIRA).~~
- ~~D. The public health, safety and welfare of this municipality will be best served by requiring the delivery of acceptable solid waste to MIRA for processing into products which have an economic value.~~
- E. The enactment of this article is in furtherance of this municipality's approved regional Solid Waste Management Plan.

§ 133-2. Definitions. [Amended 9-11-2017]

The following terms shall have the following meanings:

ACCEPTABLE SOLID WASTE — Unwanted or discarded materials of the kind normally collected or disposed of, or caused to be collected or disposed of, by or on behalf of a municipality through private or municipal collection, and commercial, governmental and light industrial waste of which a municipality is required by state law to make provision for the safe and sanitary disposal, but not including in any case items designated for recycling, special handling waste or oversized bulky waste.

COLLECTOR — Any person who holds himself out for hire to collect refuse from residential, business, commercial or other establishments.

DIRECTOR — The Director of Public Works of the Town of Simsbury.

DISPOSAL CHARGE — That amount of money to be charged for solid waste or refuse disposal in accordance with this article.

HAZARDOUS WASTE — Pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic and other hazardous wastes which, according to federal, state or local rules or regulations from time to time in effect, require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. §§ 6921 through 6925 and regulations thereunder adopted by the

United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

~~MATERIALS INNOVATION AND RECYCLING AUTHORITY (MIRA) — A body politic and corporation constituting a public instrumentality and political subdivision of the State of Connecticut established under the Connecticut Solid Waste Management Services Act, Chapter 466e of the Connecticut General Statutes.~~

~~MID-CONNECTICUT PROJECT — The solid waste disposal and energy recovery and steam and electric facility ("facility"), available to this municipality pursuant to a municipal solid waste management services contract with MIRA, located at 300 Maxim Road, Hartford, Connecticut; the transfer stations approved for transfer of solid waste to the Mid-Connecticut Project; and the MIRA landfills provided for or designated by MIRA.~~

~~MUNICIPAL SERVICE AGREEMENT — The municipal solid waste management services agreement between MIRA and this municipality dated as of June 12, 2017.~~

OVERSIZED BULKY WASTE or OBW — White goods (major household appliances) and other unwanted or discarded materials which:

- A. Are the kinds not normally collected or disposed of, or caused to be collected or disposed of, by or on behalf of a municipality through private or municipal collection;
- B. ~~In the judgment of MIRA, reasonably exercised, cannot be processed in the facility because of size or noncombustibility;~~
- C. Would not constitute special handling waste under these definitions;
- D. May be disposed of in a bulky waste landfill holding a permit issued by the Connecticut Department of Environmental Protection under Section 19-524-8 of its regulations or any successor provision; and
- E. Are not too large to be deposited and stored at the Simsbury Bulky Waste and Recycling Center or transported to a landfill.

SOLID WASTE ORDINANCE — This Solid Waste Ordinance, as it may be amended from time to time, which consists of Chapter 133 of the Code, entitled "Solid Waste."

SPECIAL HANDLING WASTE —

- A. Hazardous waste.
- B. Dirt, concrete and other nonburnable construction material and demolition debris.
- C. Large items of machinery and equipment, such as motor vehicles and major components thereof (e.g., transmission, rear ends, springs, fenders), agricultural equipment, trailers and marine vessels and other items of waste exceeding six feet in any one of its dimensions or being in whole or part of a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight

inches could be contained within such solid mass portion, including, in the context of deliveries to the facility, OBW.

- D. Explosives, ordinance materials, oil, sludges, flammable substances, hazardous chemicals, tires and other materials the acceptance of which, ~~in the judgment of the MIRA, reasonably exercised~~, is likely to cause damage to or adversely affect the operation of ~~the a~~ facility or, in the judgment of the Director of Public Works of this municipality, reasonably exercised, is likely to cause damage to or adversely affect the operation of ~~the a~~ facility, constitute a threat to health or safety or violate or cause the violation of any applicable federal, state or local law, regulation or judicial or administrative decision or order.

~~§ 133-3. Designation of disposal area. [Amended 9-11-2017]~~

~~Pursuant to Connecticut General Statutes Section 22a-220a, the Board of Selectmen hereby designates the MIRA as the area where acceptable solid waste generated within the boundaries of Simsbury by residential, business, commercial or other establishments shall ultimately be disposed of. On and after the effective date of this chapter, each collector collecting any acceptable solid waste generated within the boundaries of this municipality shall deliver all such waste to the Mid-Connecticut Project located at 300 Maxim Road, Hartford, Connecticut.~~

§ 133-4. Disposal charges.

Any person delivering solid waste or refuse shall pay any disposal charge called for by this chapter ~~or by the municipal service agreement~~.

§ 133-5. Containers.

The owner of each premises in this municipality where acceptable solid waste or any other refuse is created or generated shall provide, at a suitable place upon such premises, sufficient containers for receiving and holding such acceptable solid waste during the intervals between collections. Such containers shall be maintained in good condition free of holes and fissures and shall be equipped with covers.

§ 133-6. Licensing and registration requirements. [Amended 9-11-2017]

No person other than those licensed by this municipality to perform such work and in accordance with the provisions of these regulations shall operate as a collector within this municipality. No refuse generated or collected from outside this municipality shall be disposed of under a license or registration issued pursuant to this article.

- A. Licensing and registration authority designated. The Director shall be the licensing and registration authority for collectors and vehicles and the containers used by them. The Director shall grant a license within a reasonable time following the filing of a proper application and payment of the prescribed unless he finds one or more of the following conditions to prevail:

- (1) The applicant has been irresponsible in the conduct of refuse collection and

hauling operations as evidenced by previous suspensions and/or revocations of licenses issued by this municipality or any other licensing authority in the State of Connecticut within three years prior to the application.

- (2) The applicant is in default in its obligations as a collector or has otherwise violated the provisions of this article.
 - (3) The applicant lacks suitable equipment available for registration hereunder with which to collect and transport acceptable solid waste in a safe and nuisance-free manner and in compliance with this article.
- B. License required. Each collector shall annually on or before July 1 apply for a license from the Director on such form as the Director shall prescribe to engage in the business of collection and transportation of acceptable solid waste and recyclables in this municipality.
- C. Registration term, fee and renewal. All registrations shall be issued for a term not to exceed one year and shall be renewable on or before the first day of July of each year.
- D. Each licensed collector who offers a solid waste collection service to residential properties within the Town of Simsbury must also offer an acceptable concurrent curbside recycling service to all residential customers.

§ 133-7. Revocation or suspension of license or registration.

- A. A license to engage in the business of a collector in this municipality ~~and to use the facility provided by this municipality in connection therewith~~ is a privilege, not a right. Failure to comply with the provisions of this chapter shall be grounds for revocation or suspension of any license or registration issued under the provisions of this chapter in addition to any other penalty imposable by law.
- B. Notice required. A revocation or suspension shall become effective five calendar days after issuance of a written notice by the Director.
- C. Request for review; filing; effect of failure to file. If a collector objects to the Director's action described in Subsection B above to revoke or suspend such collector's license or registration, he may, within the five calendar days of issuance of said notice, file a written request for review with the Town Manager at which review the collector may present evidence to attempt to demonstrate that he has not violated this article or that the penalty for the violation should be mitigated for good cause. Failure to file such timely request for review shall make the Director's action final and binding upon such collector. **[Amended 7-12-2021]**
- ~~D. Refusal of permission to use the facility. Notwithstanding anything to the contrary herein, the Director shall have the emergency power to refuse permission to a collector to use the facility when, in the Director's reasonable opinion, such collector has violated this chapter or any other applicable rule or regulation in such a manner as to cause an unreasonable risk to the health, safety and welfare of the citizens of this municipality and/or those personnel working at the facility, which~~

~~decision shall be reviewable in the manner described in Subsection C hereof, provided that the collector will be given the opportunity for review by the First Selectman within two business days of the Director's action upon a written request for such review by the collector.~~

§ 133-8. Administration; insurance requirements. [Amended 9-11-2017]

- A. The Director shall administer the licensing of any collector engaged in the collecting and transporting of refuse and recyclables in this municipality.

§ 133-9. Refuse collector's responsibilities and obligations. [Amended 9-11-2017]

- A. Place of delivery. Each collector shall deliver all acceptable solid waste collected within the territorial limits of this municipality to ~~the MIRA facility~~ **an appropriate licensed facility** and pay the disposal charge to the facility. In no case shall a collector deliver any hazardous waste, oversized bulky waste or special handling waste to the facility.
- B. Failure to pay. A failure to pay charges of the ~~MIRA~~ **appropriate licensed facility** shall be grounds for revocation or suspension of a license and registration.
- C. Prohibition on delivery. No licensee shall deliver any acceptable solid waste generated within this municipality to any place other than ~~the~~ **an appropriate licensed** facility, unless the facility is incapable of accepting acceptable solid waste at the time of delivery, in which event such acceptable solid waste shall be delivered to the place designated by ~~MIRA~~ **or** the Director. No collector may, under the license issued hereunder, deliver to the facility any refuse, including, without limitation, acceptable solid waste generated and/or collected outside the territorial limits of this municipality.
- D. Construction and maintenance of vehicles and containers. All vehicles used to collect and transport refuse shall be of a construction which will prevent liquid leaking out of the unit and shall be maintained free of obnoxious odors and accumulated refuse. All vehicles or container systems shall be equipped to meet ~~MIRA~~ requirements.
- E. Time of operation. Collectors may deposit acceptable solid waste at the facility only at times and on days as designated in ~~MIRA's~~ regulations.
- F. Spilled refuse. Collectors shall clean up immediately any refuse that may have been spilled when carrying or transferring refuse or when disposing of such refuse at the facility.

§ 133-10. Only acceptable solid waste to be delivered to facility.

No person shall deliver any refuse other than acceptable solid waste to ~~the~~ **an appropriate licensed** facility.

§ 133-11. Penalties for offenses.

- A. Pursuant to Connecticut General Statutes Section 22a-220a(f), any collector who dumps more than one cubic foot in volume of refuse at one time in an area not designated for such disposal by this article shall, for a first violation, be liable for a civil penalty of \$1,000 for each violation and \$5,000 for a subsequent violation.
- B. Any collector who otherwise violates this article, and any other person or entity who violates this article, shall be liable for a civil penalty of \$100 for each violation.
- C. The imposition of the monetary penalties set forth herein shall not preclude the Town from seeking any other remedy, including but not limited to money damages and injunctive relief, as may be allowed by law.

Article II

Storage, Collection and Disposal of Recyclable Materials

§ 133-12 *Declaration of policy.*

[Amended 8-12-2013]

The accumulation, collection, removal, processing and sale of certain recyclable materials designated as such by the Connecticut Commissioner of Energy and Environmental Protection shall be controlled by this municipality for the protection of the public health, safety and welfare. It is consequently found and declared that:

- A. The Town of Simsbury ("the Town") is authorized by law to regulate the disposition of recyclable materials generated within its boundaries.
- B. The Town is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where certain recyclable materials generated from residential properties within its boundaries shall be taken for processing and sale.
- C. The Town adopted an ordinance requiring all residential acceptable recyclable materials generated within its boundaries to be processed in accordance with that ordinance.
- D. The public health, safety and welfare of the Town will be best served by requiring that:
 - (1) Each person who generates solid waste from residential property within the Town separate from other solid waste the items designated for recycling by the Connecticut Commissioner of Environmental Protection pursuant to Subsection (a) of Section 22a-241 b of the Connecticut General Statutes; and
 - (2) Every other person who generates solid waste within the Town make provisions for the separation from other solid waste of the items so designated for recycling.

§ 133-13 *Definitions.*

[Amended 8-12-2013; 9-11-2017]

The following terms shall have the following meanings:

ACCEPTABLE RECYCLABLE MATERIALS

As set forth in the Town-approved recycling program, and as designated by the Connecticut Commissioner of Energy and Environmental Protection.

COLLECTOR

Any person who holds himself out to collect refuse or solid waste from residential, commercial or other establishments and is registered by the Town of Simsbury for this purpose.

DIRECTOR

The Director of Public Works of the Town.

ITEMS DESIGNATED FOR RECYCLING

- A. Those items of solid waste designated from time to time for recycling by the Connecticut Commissioner of Energy and Environmental Protection pursuant to Subsection (a) of Section 22a-241b of the Connecticut General Statutes, and plastic food and beverage containers, glass food and beverage containers and metal food and beverage containers, and such items as are required to be recycled by the Regulations of Connecticut State Agencies. By regulation published in the Connecticut Law Journal on March 28, 1989, as Section 22a-241b-2 of the Regulations of Connecticut State Agencies, the Commissioner of Environmental Protection designated, as of that time, the following items required to be recycled:
- (1) Corrugated cardboard.
 - (2) Glass food and beverage containers.
 - (3) Leaves.
 - (4) Metal food and beverage containers.
 - (5) Newspapers.
 - (6) Office paper.
 - (7) Scrap metal.
 - (8) Storage batteries.
 - (9) Waste oil.
- B. The term "items designated for recycling" herein shall include, without further action by the Town, any and all legally adopted additions made by the Commissioner of Environmental Protection to any designation of items for recycling made pursuant to said Section 22a-241b of the General Statutes.

~~**MATERIALS INNOVATION AND RECYCLING AUTHORITY (MIRA)**~~

~~A body politic and corporation constituting a public instrumentality and political subdivision of the State of Connecticut established under the Connecticut Solid Waste Management Services Act, Chapter 446e of the Connecticut General Statutes.~~

PERSON

Any individual, partnership, firm, association, corporation or other entity.

RESIDENTIAL DWELLING UNIT

A residential property building or a part of such a building designated for occupancy, and so occupied, by one or part of one family.

RESIDENTIAL PROPERTY

Real estate containing one or more dwelling units but shall not include hospitals, motels or hotels.

§ 133-14 Recycling required.

[Amended 8-12-2013]

Each person who generates solid waste from residential property within the boundaries of the Town shall separate from other solid waste the items designated for recycling, and every other person who generates solid waste within the boundaries of this municipality shall make provision for the separation from other solid waste of the items designated for recycling.

§ 133-15 Collection of certain items designated for recycling.

[Amended 8-12-2013]

The property owner shall provide for curbside collection from residential property of certain of the items designated for recycling generated from residential property located within its boundaries as follows:

- A. Glass food and beverage containers.
- B. Metal food and beverage containers.
- C. Plastic food and beverage containers.
- D. Newspapers and acceptable paper products.
- E. Corrugated cardboard.
- F. Other items designated for recycling and accepted by the Collector.

§ 133-16 Placement of recyclables for curbside collection.

[Amended 8-12-2013; 9-11-2017]

- A. Recyclable items to be collected pursuant to this section shall be placed in the recycling container as prescribed by the collector. No nonrecyclable materials shall be placed in any recycling container.
- B. On the applicable scheduled collection day, owners or occupants of residential dwelling units shall place their recycling containers for collection at curbside in the manner designated by their collector.
- C. In lieu of the residential property owners engaging the services of a curbside collector, they may also dispose of the above-listed designated recyclables at the Simsbury Bulky

Waste and Recycling Center.

§ 133-17 Other items designated for recycling from residential property.

[Amended 8-12-2013]

To the extent that the Collector does not provide for regular collection of the following items for recycling, persons who generate any such items designated for recycling from residential property within the boundaries of this municipality may bring such items (leaves, tires, office paper, scrap metal, electronics, storage batteries and waste oil), separated from each other and from other solid waste, to the Simsbury Bulky Waste and Recycling Center during its posted hours of operation; provided, however, that any such person who brings such items to the Recycling Center shall pay such applicable fee as is set forth in this article.

§ 133-18 Designation of disposal area; donation or sale of recyclables.

[Amended 8-12-2013]

- A. Pursuant to Section 22a-220a of the Connecticut General Statutes, the Board of Selectmen hereby designates the Simsbury Bulky Waste and Recycling Center as the place where items designated for recycling generated from residential property within its boundaries shall be taken by Town residents and/or entities located in Simsbury if not collected by a Collector pursuant to § **133-19** below of this article.
- B. Notwithstanding any other provisions of this article to the contrary, nothing contained in this article shall be deemed to prohibit any person from giving or selling items designated for recycling (including, without limitation, deposit beverage containers) generated by them directly to another person for lawful sale or processing of recyclables, whether for profit, not for profit or charitable purposes, provided that any such items designated for recycling shall not have previously been:
 - (1) Set out for collection pursuant to § **133-16** of this article; or
 - (2) Delivered to the Recycling Center.

§ 133-19 Collectors.

[Amended 8-12-2013; 9-11-2017]

- A. Collectors, as defined in this article, shall only operate in the Town under a registration for the collection of recyclables with the Town. Recycling collectors shall meet the same requirements as trash collectors as defined in § **133-6**.
- B. All collectors operating within the boundaries of this municipality registered by the Town of Simsbury as set forth in Subsection **A** above shall:
 - (1) Be prohibited from knowingly mixing other solid waste with items designated for recycling.
 - ~~(2) Take all items designated for recycling generated and collected from residential property within the boundaries of this municipality, separated from other solid waste, for processing or sale, to MIRA for recycling.~~

- (3) Notify the Director of:
 - (a) The identity of any person from whom such Collector collects solid waste that the collector has reason to believe has discarded items designated for recycling in violation of this article or Section 22a-241b of the Connecticut General Statutes; and
 - (b) The grounds for such belief.
- (4) Upon the request of the Town, provide a warning notice, by such reasonable means and within such reasonable time as directed by the Director, to any person suspected by the collector or the Town of violating the separation requirements with respect to items designated for recycling.
- (5) Upon the request of this municipality, assist this municipality in identifying any person responsible for creating loads of solid waste containing significant quantities of items designated for recycling mixed with other solid waste.
- C. Items designated for recycling generated by nonresidential properties are not required to be delivered by collectors to a materials recovery facility, but may be marketed or disposed of privately as long as the recipient of the recyclables is a legal disposal facility.
- D. In compliance with Section 22a-208e of the Connecticut General Statutes, owners or operators of resource recovery facilities and recycling facilities must furnish the Town a copy of all information pertaining to the municipality on a quarterly basis, including recycled quantities, in an itemized breakdown form acceptable to the Director.

§ 133-20 *Disposal charges.*

[Amended 8-12-2013]

Any person delivering items of recyclable material to a materials recovery facility pursuant to § 133-19 of this article shall pay any disposal charge called for by the materials recovery facility.

§ 133-21 *Ownership of items designated for recycling; prohibition against scavenging.*

[Amended 8-12-2013]

Upon the placement of items designated for recycling generated from residential property into a recycling container provided by the Collector, such items designated for recycling shall become the property of the permitted hauler once collected from curbside municipality, and it shall be prohibited for any person, other than the person who placed such items in the container and authorized agents of the municipality acting in the course of their employment, to collect, pick up or remove from the containers, or cause to be collected, picked up or removed from the containers any such items designated for recycling. It shall be also prohibited for any person, other than authorized agents of this municipality acting in the course of their employment, to collect, pick up or remove from the recycling center any items designated for recycling that have been delivered to the recycling center.

§ 133-22 Mixing of recyclables with other solid waste prohibited.

[Amended 8-12-2013]

It shall be prohibited for any Collector knowingly to mix any items designated for recycling with other solid waste generated within the boundaries of this municipality. It shall be prohibited for any Collector knowingly to deliver to a Materials Recovery Facility any items designated for recycling mixed with other solid waste.

§ 133-23 Simsbury Bulky Waste and Recycling Center.

[Amended 9-11-2017]

- A. The Center, located on property owned by the Town of Simsbury on the easterly side of Wolcott Road, shall be designated as the "Town of Simsbury Bulky Waste and Recycling Center," hereinafter referred to as the "Center."
- B. The Center shall be used for the disposal of bulky wastes, grass clippings, brush and tree trimmings, white goods, scrap metal and scrap tires, designated recyclable materials and other items deemed appropriate for disposal at the Center.
- C. Use of the Center shall be limited to:
 - (1) Residents of the Town of Simsbury;
 - (2) Business, commercial, industrial and institutional entities located in the Town of Simsbury; and
 - (3) Persons or entities engaged in the handling of disposal materials, but only to the extent that the materials to be disposed of were generated within the Town of Simsbury.
- D. The Department of Public Works or the contracted facility operator under the authority of the Director is hereby empowered to issue user permits in accordance with this article. No disposal of matter shall be made at the Center unless the person or entity so disposing has been issued a valid user permit.
- E. Each resident and owner or manager of business, commercial, industrial or institutional entities and multifamily dwelling units located in Simsbury shall be responsible for disposing in a legally permitted manner any matter that cannot be disposed of at the center.
- F. The Town of Simsbury reserves the right to refuse access to the Center to any resident, entity or commercial collector when it appears that the proposed user is violating this article.

§ 133-24 Access to dropoff recycling facility.

[Amended 9-11-2017]

- A. Acceptable materials.
 - (1) The following recyclables and items designated for recycling, as outlined in § 133-15, separated according to item, may be brought to the Center located on Wolcott Road in

Simsbury, in quantities not greater than normally generated by family households:

- (a) Office paper.
- (b) Waste oil.
- (c) Batteries.
- (d) Leaves.
- (e) Scrap metal and white goods.
- (2) Quantities generated by commercial entities greater than those normally generated by family households will not be accepted. This service is intended to serve the residential and small-office generator.
- B. Oversized bulky waste accepted shall be items such as demolition materials, yard waste, grass, wood, masonry, rock, furniture and carpets. No tree stumps, mixed solid waste, paint cans or hazardous waste shall be permitted.
- C. Small items that fit in a trash barrel, as well as paper and cardboard boxes that are wet or contaminated, shall not be accepted. They should be disposed of with garbage.
- D. Plastic bags shall be emptied at proper disposal areas based on contents and empty bags returned to the resident to be disposed of with garbage. No plastic bags containing anything being disposed of may be left at the Center.
- E. Paint shall be disposed of at the facility in accordance with the Connecticut Paint Stewardship Plan as administered by CT DEEP.
- F. A compost area is established at the Center for dropoff of leaves by individual residents. Once each fall, the Town of Simsbury shall collect curbside leaves in accordance with requirements and a schedule established by the Department of Public Works.

§ 133-25 Provisions governing the use of Bulky Waste and Recycling Center.

[Amended 9-11-2017]

- A. Effective November 1, 1988, the Center shall be open on Wednesday and Saturday from 8:00 a.m. to 3:00 p.m. and three Sundays in the spring and the fall. The Sunday openings shall be established by the Director of Public Works and properly publicized to private and commercial users. With a recommendation from the Director of Public Works, a number of days may be added or deleted at the discretion of the Chief Executive Officer of the Town of Simsbury.
- B. Personal vehicles registered to a resident of the Town of Simsbury shall require permits for use of the Center. Permits may be obtained at the facility during normal business hours upon proper proof of residency and presentation of vehicle registration.
- C. Each permittee shall display its vehicle permit decal on the driver's side of its windshield or window.
- D. Upon entering the Center, each permittee shall stop at the attendant's booth for

inspection and instructions prior to depositing any items or materials at the Center and make payment of any fees that may be due.

- E. Any vehicle seeking access to the Center shall have its contents secured in such a manner as to ensure that no materials shall blow from or fall off the vehicle while it is transporting items to the Center.
- F. Disposal of trash and recyclables other than by the approved methods may be subject to a penalty as defined in § **133-27**.
- G. The only activity that shall be conducted within the Center is the disposal of matter identified in this article, as the same may be amended from time to time, or the conduct of official business by or with Center personnel. No person shall enter or remain on the premises of the Center for the purposes of conducting, or shall conduct, any other activity upon the premises of the Center, except that all persons may enter upon the premises of the Center for petitioning and free speech or other activities within the area designated by the Board of Selectmen at its meeting of May 18, 1992.

§ 133-26 Fees.

[Amended 4-26-1999]

Fees shall be charged for vehicle classes and materials to be disposed of, as may be established from time to time by the Board of Selectmen.

§ 133-27 Penalties for offenses.

[Amended 8-12-2013]

- A. Pursuant to Connecticut General Statutes Section 22a-220a(f), any Collector who knowingly mixes other solid waste with items designated for recycling in violation of § **133-13** of this article shall, for a first violation, be liable for a civil penalty of \$1,000 and \$5,000 for a subsequent violation.
- B. Pursuant to Section 2 of Connecticut Public Act No. 90-249, any commercial establishment that fails to make provision for the separation from other solid waste of the items designated for recycling in violation of § **133-14** of this article shall be liable for a civil penalty of \$500 for each violation.
- C. Any collector or commercial establishment that otherwise violates this article and any other person who violates this article shall be liable for a penalty of \$100 for each violation.
- D. The imposition of the monetary penalties set forth herein shall not preclude the municipality from seeking any other remedy, including but not limited to money damages and injunctive relief, as may be allowed by law.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** LGBTQ+ Pride Month Proclamation, Pride Flag Raising, and Business Friendly Directory

2. **Date of Board Meeting:** May 23, 2022

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

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

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

The following suggested motions are in order:

Move, effective May 23, 2022, to endorse a Proclamation in honor of Pride Month. Further move, to authorize the Pride Flag to be raised outside of Town Hall for the month of June 2022. Further move, to authorize the Town of Simsbury to be listed in the Simsbury LGBTQ+ Friendly Business Directory.

5. **Summary of Submission:**

This proclamation recognizes June as Pride Month and Simsbury's commitment to being an inclusive community to all our residents. Should the Board support raising a Pride flag at Town Hall, the ceremony will take place on Saturday, June 4th at noon.

The Simsbury LGBTQ+ Business Friendly Directory is a new community project/initiative. The Directory would allow participating businesses to demonstrate their pledge to being welcoming to all. If the Board supports being included in the Directory, staff will display decals at our key municipal facilities (Town Hall, Eno, Library, the Farms) once they are available.

6. **Financial Impact:**

None

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

a) Proclamation in Honor of Pride Month

**Proclamation Recognizing June 2022 as
LGBTQ+ Pride Month in Simsbury**

Whereas, the Town of Simsbury is committed to supporting the visibility, dignity, and equity for everyone in our community and affirms our obligation to protect the most vulnerable among us; and

Whereas, Simsbury recognizes the contributions of LGBTQ residents, students, employees, and business owners to the cultural and civic fabric of our town and remains committed to protecting their civil rights in our unified effort to forge a more open and just society; and

Whereas, advancements have been made with respect to equitable treatment of LGBTQ people throughout the nation, but there continues to be discrimination, injustice and acts of hate making it important for towns like Simsbury to stand up and show support for members of our community who identify as LGBTQ; and

Whereas, Simsbury joins many cities and towns across the United States in recognizing and celebrating June as LGBTQ Pride Month as a commitment to standing in solidarity with all LGBTQ+ Americans; and

Whereas, the rainbow flag is widely recognized as a symbol of pride, inclusion, and support for social movements that advocate for LGBTQ people in society; and

Whereas, the Pride Walk along Iron Horse Boulevard serves as Simsbury's ongoing and unwavering commitment to diversity, equity, and inclusion; and

Whereas, we ask for and encourage everyone to reflect on ways we can all live and work together with a commitment to mutual respect and understanding; and

NOW, THEREFORE BE IT RESOLVED that we, Members of the Simsbury Board of Selectmen, hereby proclaim June 2022 Pride Month in the Town of Simsbury, in support of our LGBTQ community and

BE IT FURTHER RESOLVED that the rainbow flag will be raised on this day, June 4th, 2022, recognizing all LGBTQ residents whose influence, advocacy and contributions to our neighborhoods make the Town of Simsbury a vibrant community in which to live, work and play.

IN WITNESS THEREOF, we have placed our signatures and the great seal of the Town of Simsbury.

Dated the 23rd day of May 2022.

Wendy Mackstutis
First Selectman

Amber Abbuhl
Deputy First Selectman

Sean Askham
Selectman

Chris Peterson
Selectman

Heather Goetz
Selectman

Eric S. Wellman
Selectman



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Proclamation for National Gun Violence Awareness Day
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Wendy Mackstutis, First Selectman
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
The following suggested motions are in order:

Move, effective May 23, 2022, to endorse a Proclamation in honor of National Gun Violence Awareness Day. Further move, to authorize Eno Memorial Hall to be lit up in orange on June 3, 2022 in support of National Gun Violence Awareness.

5. **Summary of Submission:**
National Gun Violence Awareness Day first started in June of 2015. National Gun Violence Awareness Day is meant to recognize the many lives lost and wounded every day to gun violence. Gun Violence Awareness is recognized by the color orange, a color worn by hunters to protect themselves from other hunters when out in the woods¹. Along with a proclamation recognizing June 3rd, 2022 as National Gun Violence Awareness Day, the Town will light up Eno Memorial Hall orange on June 3rd to signify our memory of those who are tragically lost due to gun violence across the country.
6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
 - a) Proclamation in Honor of National Gun Violence Awareness Day

¹ <https://wearorange.org/about/>

**Proclamation Recognizing June 3rd , 2022
National Gun Violence Awareness Day**

Whereas, National Gun Violence Awareness Day, also known as #WearOrange Day, is being recognized on June 3, 2022 to honor and remember all victims and survivors of gun violence and to declare that we as a country must do more to reduce gun violence; and

Whereas, every day, 321 people are victims of gun violence in the United States among which 111 people are shot and killed and 210 survive gunshot injuries,

Whereas, in the most recent year of complete data (2020), 45,222 people died from gun-related injuries in the US that included 19,384 that were killed in homicides involving guns and 24,292 were suicides using a gun, (which make up the majority of the US gun deaths); and

Whereas, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

Whereas, gun violence prevention is more important than ever as the COVID-19 pandemic continues to exacerbate gun violence after more than two years of increased gun sales, increased calls to suicide and domestic violence hotlines, and an increase in gun violence; and

Whereas, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children and citizens safe; and

Whereas, protecting public safety is the highest responsibility of us as elected officials, and that we trust in our law enforcement officers who know our community best, are the most familiar with local criminal activity and how to address it, and are best positioned to understand how to keep our citizens safe and

Now therefore, we, Members of the Simsbury Board of Selectmen, recognize June 3rd as National Gun Violence Awareness Day in Simsbury and ask that the Town of Simsbury light up Eno Hall in Orange as our way of #WearingOrange.

IN WITNESS THEREOF, we have placed our signatures and the great seal of the Town of Simsbury.

Dated the 23rd day of May 2022.

Wendy Mackstutis
First Selectman

Amber Abbuhl
Deputy First Selectman

Sean Askham
Selectman

Chris Peterson
Selectman

Heather Goetz
Selectman

Eric S. Wellman
Selectman



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Proclamation for National Public Works Week
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Thomas Roy, Public Works Director/Town Engineer
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
The following motion is in order:

Move, effective May 23, 2022, to endorse a Proclamation in honor of National Public Works Week.

5. **Summary of Submission:**
In recognition of the 62nd annual National Public Works Week, sponsored by the American Public Works Association/Canadian Public Works Association, the Public Works Department is looking to have the Town of Simsbury designate the week of May 15 - 21, 2022 as National Public Works Week.

This designation is important as it recognizes Town employees for the phenomenal feats they perform daily to keep the town running. From the Buildings and Grounds staff who are in every building, every day, working tirelessly despite COVID to keep our buildings clean and safe for employees and visitors alike; to our Water Pollution Control Facility staff, who spend their days protecting and preserving the Farmington River with the work that they do processing the town's waste water; to the Highway Department crew members, who toil endlessly so that passage along town roads is safe, via drainage work, paving projects, and the placement of guard rails, in addition to providing emergency response during storms year-round to keep roads open, whether from snow or downed trees; all of our Public Works employees provide essential services that improve our community, protect the environment, and keep everyone moving along smoothly.

6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
 - a) Proclamation in Honor of National Public Works Week

PROCLAMATION
NATIONAL PUBLIC WORKS WEEK

WHEREAS, public works professionals focus on infrastructure, facilities and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life and well-being of the people of Simsbury; and,

WHEREAS, these infrastructure, facilities and services could not be provided without the dedicated efforts of public works professionals, who are federally mandated first responders, who are administrators, laborers, truck drivers, custodians, waste water treatment operators, engineers, supervisors, managers and employees at all levels of government and the private sector, who are responsible for maintaining, rebuilding, improving and protecting our communities' transportation, environment, water treatment and solid waste systems, public buildings, and other structures and facilities essential for our citizens; and,

WHEREAS, it is in the public interest for the citizens, civic leaders and children in Simsbury to gain knowledge of and to maintain a progressive interest in and understanding of the importance of public works and public works programs in their respective communities; and,

WHEREAS, the year 2022 marks the 62nd annual National Public Works Week sponsored by the American Public Works Association/Canadian Public Works Association, be it now,

RESOLVED, that the Simsbury Board of Selectmen do hereby designate the week May 15 – 21, 2022 as National Public Works Week; We urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protecting our national health, safety, and quality of life.

IN WITNESS THEREOF, we have placed our signatures and the great seal of the Town of Simsbury.

Dated the 23rd day of May 2022.

Wendy Mackstutis
First Selectman

Amber Abbuhl
Deputy First Selectman

Sean Askham
Selectman

Chris Peterson
Selectman

Heather Goetz
Selectman

Eric S. Wellman
Selectman



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Accessory Dwelling Units (ADU) Opt-Out Considerations
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; George K. McGregor, AICP, Planning & Community Development Director *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
This presentation is informational. The Board may choose to act at a future meeting.
5. **Summary of Submission:**
Public Act 21-29, approved on June 10, 2021, established a new framework for the regulation of Accessory Dwelling Units (ADUs) at the local level. The legislation requires that each municipality permit ADUs as a matter of right, pursuant to statutorily mandated requirements (such as maximum square footage, setbacks, and parking).

The legislation includes an opt-out provision for municipalities. The Simsbury Zoning Commission, after holding a public hearing over four meetings, adopted a Resolution to affirmatively opt-out by a vote of 6-0, on January 3, 2022. According to the Statute, the "opt-out" provision requires the Board of Selectmen to complete the process, ratifying the Commission action with resolution supported by a 2/3 majority. A public hearing by the Board of Selectmen is not required.

The presentation will review Public Act 21-29, summarize Simsbury's current approach to ADU regulation, identify differences between the new law and Town regulations, and discuss the Board's options for action.
6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
 - a) Presentation Slides
 - b) February 28, 2022 Transmittal Memo from the Zoning Commission
 - c) Commission Resolution to Opt-Out
 - d) September 29, 2021 Staff Memo to Zoning Commission Summarizing Issue

Accessible Dwelling Units: Options **DRAFT**

Town of Simsbury

Board of Selectmen

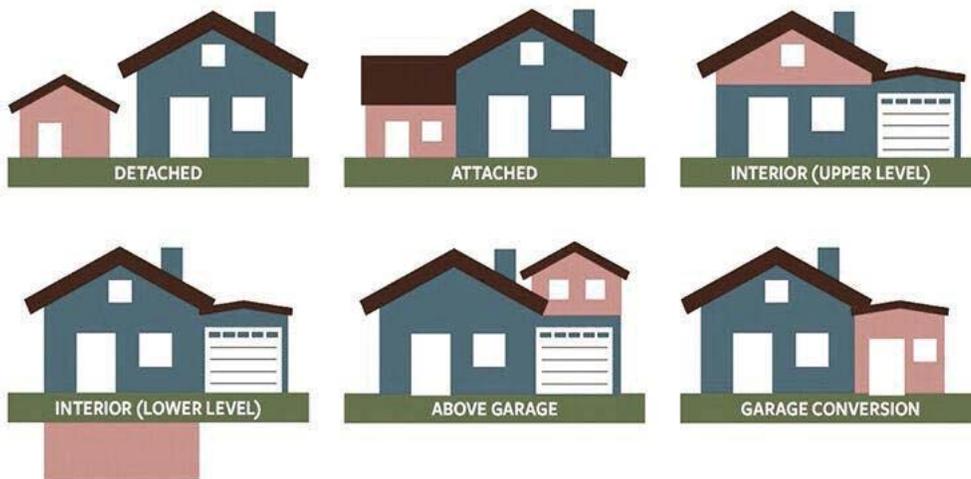
May 23, 2022

Presentation

- 1. Summarize Public Act 21-29
- 2. Zoning Commission Opt-Out: Process and Decision
- 3. Simsbury's current approach to Accessible Dwelling Units (ADUs)
- 4. Primary differences between the New State Law and Zoning Regulations
- 5. Board of Selectmen Options

Public Act 21-29

- *An Act Concerning the Zoning Enabling Act, Accessory Apartments, Training for Certain Land Use officials, Municipal Affordable Housing Plans and a Commission on Connecticut's Development and Future.*
- For ADU's the Act requires
 - Each municipality to allow ADUs on all lots with a single family home
 - By-Right
 - Detached and Attached
 - Minimum standards as to height, size, location, setback, utilities etc.



Opt-Out Provision

- The Act includes an opt-out provision for municipalities in two parts:
- Zoning Commission, after public hearing, affirmatively votes, reasons for decision stated. Must have 2/3 majority.
- Board of Selectmen “completes the process” with an affirmative vote by a 2/3 majority.
- All must be completed by January 1, 2023 or: State Law applies.

Zoning Commission Opt-Out

- Simsbury Zoning Commission held a public hearing across four separate meeting dates between November 2021 and January 2022.
- Commission voted 6-0 to affirmatively opt out on January 3, 2022 by resolution. (Included in packet)
- Action, Reasons, and Process transmitted via memorandum dated February 28, 2022 to the Board of Selectman, signed by the Chairman, David Ryan (Included in packet)

Simsbury and ADUs

- The Town has regulated and permitted ADUs in the community since 2002; Zoning Commission updated those regulations in 2020.
- Thirty-five (35) ADUs have been approved since 2002.

SIMSBURY ZONING (SECTION 3.5.2)	LEGISLATIVE CHANGE (PA 21-29)
Attached ADUs require site plan approval	Permitted as of right in any district that allows single family residence
Detached ADUs require Special Exception (with public hearing)	Decisions must be rendered within 65 days (Applicant may consent to extensions)
ADU shall not exceed 600 square feet or 25% of gross floor area of primary dwelling (whichever is less)	Must allow maximum ADU size of at least 1,000 sf or 30% of net floor area of principal dwelling (whichever is smaller) *Regulations may allow a larger net floor area
Shall not have separate utilities from primary dwelling	Shall not be <u>required</u> to be served by separate utilities
One ADU permitted for each lot with a single family home	At least one ADU as of right in districts which allow accessory apartments
ADU shall be accessible from primary dwelling by an operable door (attached ADU)	Prohibited from requiring a passageway between ADU and primary dwelling
At least one off-street parking space dedicated to ADU	Not be required to have more than one parking spot or fees in lieu of
Owner must reside in either primary or accessory unit	No ownership requirement

Board Options

- 1. Complete the Opt-out process by affirmative 2/3 vote (resolution)
 - Current ADU regulations would be in effect or as otherwise revised by the Zoning Commission

- 2. Decide to Not Opt-Out
 - Town is subject to State law contained in PA 21-29
 - No local ADU ordinance

Simsbury Zoning Commission

TO: Simsbury Board of Selectmen

FROM: Simsbury Zoning Commission

DATE: February 28, 2022

Summary

The Simsbury Zoning Commission has carefully reviewed the provisions of Connecticut Public Act 21-29. The Zoning Commission has determined that the Public Act 21-29 overrules local control of Accessory Dwelling Units (ADU). Simsbury Zoning has regulated ADUs since June 2002. Furthermore, with citizen input during public hearings and with consideration of the Plan of Conservation and Development, the Zoning Commission has amended its ADU regulations several times to reflect Simsbury needs. During the past twenty years, the Zoning Commission has approved 35 ADUs.

Because of removal of local control, the Simsbury Zoning Commission approved on January 3, 2022, by a 6-0 vote, the attached Resolution to Opt-Out of Public Act 21-29.

The Zoning Commission requests that the Board of Selectmen opt-out of Public Act 21-29 because that action is required to retain local control.

There are a number of Connecticut Towns that are considering opting out of Public Act 21-29 to retain local control. These Towns include Oxford, Wilton, Rocky Hill, Cheshire, Enfield, Southington, Westport, Darien, the Borough of Fenwick, ...

Connecticut Public Act 21-29 Synopsis

The Connecticut Public Act 21-29 includes provisions that overrule Simsbury Zoning Commission regulations of Accessory Dwelling Units (ADU). The Simsbury Zoning Commission has established zoning regulations that reflect Simsbury's unique location, geography and citizen's needs. The "one size fits all" provisions of Public Act 21-29 would have a negative impact on Simsbury residents.

Laura Barkowski, Simsbury's Code Compliance Officer, has highlighted the differences between Simsbury Zoning Regulations and Public Act 21-29 provisions. That memo is attached.

Public Act 21-29 does provide that a Town may opt out of the provisions of Public Act 21-29.

Simsbury Zoning Commission Decision

The Simsbury Zoning Commission has regulated ADUs since June of 2002, and it has twenty years of experience regulating ADUs. In the past twenty years, thirty-five ADU's have been approved in Simsbury.

Simsbury Zoning Commission

The Simsbury Zoning Commission has decided that removing local control of ADU would be greatly detrimental and so it has proceeded to opt-out as provided in Public Act 21-29.

Public Hearing

The Simsbury Zoning Commission held a public hearing on the question of whether to opt-out, or not. To provide ample opportunity for citizen comment, the public hearing was open for four regular Zoning Commission meetings, 11/15/2021, 12/6/2021, 12/20/2021 and 1/3/2022.

On 11/15/2021 there were four citizens who spoke. All four were against opting out because they felt there is a need for more housing choices. No one from the public spoke at any of the three subsequent meetings.

There were 19 written comments submitted from 18 Simsbury residents. (One written comment was from the AARP.)

Ten Simsbury residents opposed opting out for two primary reasons – first, they felt there is a need for additional housing options, and, two, several people expressed the opinion that the current Simsbury ADU regulation does not allow a large enough ADU area, especially for disabled persons.

Seven Simsbury residents expressed the opinion that we should opt out and retain local control over our Zoning Regulations. They fear the impact of unlimited ADUs throughout Simsbury's residential zones.

Simsbury Zoning Commission ADU Considerations

Simsbury Zoning Regulations have always required that the owner of the property live in either the ADU, or the main residence. Public Act 21-29 doesn't mention this requirement, and it might be lost if Simsbury fails to opt-out.

The Simsbury Zoning Commission in its June 2020 update of the Simsbury Zoning Regulations made several changes to add ADU conditions to encourage safety through familiarity in an ADU situation.

One of the 2020 Simsbury regulation changes was to reduce the size of ADU's to the lesser of 600 sq ft, or 30% of the dwelling size. Another change was to require that there be a door between the main dwelling unit and the ADU. A third change was to require that the ADU share utilities with the main dwelling unit. Public Act 21-29, evidently to increase the supply of rental housing, prohibits these 2020 Simsbury Zoning Regulation ADU provisions.

Public Act 21-29 ADU provisions are aimed at a perceived need to increase the supply of Affordable Housing in Connecticut. In recognition of this intention, the Simsbury Zoning Commission will begin the process of revising its ADU regulations in response to the Public Act 21-29 provisions and to the testimony offered during the public hearing. It might be worthy of note that Affordable Housing under Connecticut Statutes is required to be deed restricted for 30 years to occupation by residents who qualify by having an income level of 80%, or less, of the median area income.

Any Zoning Regulation change will take several months. A Zoning Regulation change requires referrals to the Simsbury Planning Commission for its advice on whether the proposed changes are consistent with the Plan of Conservation and Development and to CRCOG for its advice with respect to the Regional Plan

Simsbury Zoning Commission

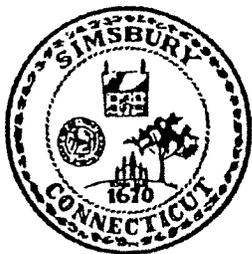
of Conservation and Development. Then the Zoning Commission must hold a Public Hearing on any proposed Zoning Regulation changes, followed by a Zoning Commission vote to adopt any proposed changes.

Recommendation to the Simsbury Board of Selectmen

The Simsbury Zoning Commission asks the Board of Selectmen to proceed to opt-out of Public Act 21-29 because Public Act 21-29 removes local control of Zoning Regulations and substitutes a "one size fits all" state mandate. Attached is the Resolution approved 6-0 by the Simsbury Zoning Commission on January 3, 2022.

David Ryan,
Chairman

Attach: (2)



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

SIMSBURY ZONING COMMISSION

Resolution to Opt Out of the Revisions to Connecticut General Statutes §8-2 as authorized under Section 6 of Public Act 21-29 Regarding Accessory Dwelling Units.

The Simsbury Zoning Commission initiated the opt-out process found in Section 6(f) of Public Act 21-29 regarding the regulation of Accessory Dwelling Units by requesting and receiving a positive referral from the Planning Commission on November 9, 2021, and thereafter conducted a public hearing on November 15, 2021, reconvening on December 6, 2021, December 20, 2021 and January 3, 2022.

In accordance with Connecticut General Statute §8-7d, has considered the provision of Section 6 (a) through (d) of Public Act 21-29 regarding accessory dwelling units, as set forth within Connecticut General Statutes §8-2 (as revised under Public Act 21-29) and hereby affirmatively elects to opt-out of these provisions as authorized by Section 6(f) of said Public Act.

The reasons for the Commission's decision are that (a) the Commission will be reviewing the current regulations for accessory dwelling units regulated of the Simsbury Zoning Regulations under section §3.5.2 A-B and (b) The commission will also review the Hartford-Simsbury Form Based Code and Simsbury Center Code to make changes which it deems necessary or appropriate. In its review, the Commission will consider factors such as appropriate scaling with the possibly of unit size being based on Zoning Districts; regulate the permitting process of approval consistent with Section 6(a) through (d) of Public Act 21-29 and to retain the ability to modify the regulations on an as needed or as appropriate as authorized by the Public Act.

The Commission also hereby requests that the Board of Selectman ratify by 2/3 majority the decision of this Commission opting out of the provisions of the amended Connecticut General Statutes Section 8-2 as provided for in Section 6(f) of Public Act 21-29.

Notice of this Resolution shall be published in accordance with the provisions of Section 6(f)(4) of Public Act 21-29.



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

TO: Zoning Commission

FROM: Laura Barkowski
Code Compliance Officer

DATE: 9/29/2021

SUBJECT: Legislative Update (Accessory Dwelling Units)

Public Act 21-29 established new provisions on the regulation of accessory dwelling units (ADUs). If the Commission chooses not to opt out by January 1, 2023, the Town will default to the standards as prescribed in PA 21-29. Below is a side by side comparison of changes from what is currently allowed within the Zoning Regulations and new standards within PA 21-29.

CURRENT (SECTION 3.5.2)	LEGISLATIVE CHANGE (PA 21-29)
Attached ADUs require site plan approval Detached ADUs require Special Exception	Permitted as of right in any district that allows single family residence Decisions must be rendered within 65 days <i>(Applicant may consent to extensions)</i>
ADU shall not exceed 600 square feet or 25% of gross floor area of primary dwelling (whichever is less)	Must allow maximum ADU size of at least 1,000 sf or 30% of net floor area of principal dwelling (whichever is smaller) <i>*Regulations may allow a larger net floor area</i>
Shall not have separate utilities from primary dwelling	Shall not be <u>required</u> to be served by separate utilities
One ADU permitted for each lot	At least one ADU as of right in districts which allow accessory apartments
ADU shall be accessible from primary dwelling by an operable door (<i>attached ADU</i>)	Prohibited from requiring a passageway between ADU and primary dwelling
At least one off-street parking space dedicated to ADU	Not be required to have more than one parking spot or fees in lieu of

Telephone (860) 658-3245
Facsimile (860) 658-3205

www.simsbury-ct.gov

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

Additional considerations addressed by PA 21-29

- Prohibits requiring familiar, marital or employment relationship between occupants of ADUs and primary dwelling
- Prohibits minimum age for occupants
- Prohibits requiring periodic ADU permit renewals
- Prohibits being more restrictive for ADUs than principal dwellings with respect to setbacks, lot size, building frontage, coverage
- Prohibits placing a condition on a ADU to correct a non-conformity (structure or use)
- May not require fire sprinkler in ADU if not required in principal dwelling or otherwise determined by fire code
- May regulate the use of ADUs a short term rentals
- May regulate height, landscaping and architectural design so long as it does not exceed standards to single family dwellings

Not addressed by PA 21-29

- The current regulations require the property owner to reside in either the ADU or principal dwelling. This is not addressed and would require input from legal counsel.

Opting out

- Towns must opt out by January 1, 2023 or any current regulations that are non-complaint with PA 21-29 become null and void
- Must have Public Hearing to opt out
- Zoning Commission must state on record the reasons for opting out.
- Requires 2/3 vote from Zoning Commission **and** Board of Selectman to opt out



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Neighborhood Assistance Act Program Proposals

2. **Date of Board Meeting:** May 23, 2022

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 proposals from the Simsbury Grange, Simsbury Department of Community and Social Services, and Simsbury Town Manager's Office under the Neighborhood Assistance Act, the following motion is in order:

Move, effective May 23, 2022 to approve the Neighborhood Assistance Act Program applications as presented and to authorize Town Manager Maria E. Capriola to submit the application to the Department of Revenue Services. Further move to designate Deputy Town Manager Melissa Appleby as the municipal liaison.

5. **Summary of Submission:**

In March 2022, the Town was notified by the State Department of Revenue Services (DRS) that the 2022 Neighborhood Assistance Act (NAA) application is available to tax-exempt organizations. This program provides a tax credit to businesses that make cash investments in qualifying community programs conducted by tax-exempt or municipal agencies. Examples of qualifying community programs include energy conservation projects, neighborhood assistance, job training, education, community services, and crime prevention. Programs must be approved by both the municipality in which the programs are conducted and by DRS.

Notice of this opportunity was posted to the Town website, distributed via News & Announcements and social media, and was sent directly to Town departments, the Housing Authority, the Performing Arts Center, and the Simsbury Grange.

The Town Manager's Office has received three NAA program proposals. The Simsbury Grange is seeking funds to continue its energy efficiency and improvement projects. The Grange has participated in this program since 2018, with funds received in all four rounds. This year the Grange is hoping to finalize its heating and cooling project, including the addition of insulation, insulated exterior doors, fans, and a heat pump.

The Simsbury Department of Community and Social Services is seeking funds for its Food Pantry Program, which provides non-perishable food items to residents experiencing food insecurity. Cheese Day, the Department's largest food program, provides a monthly distribution where recipients can shop the pantry. Prior to the

pandemic, this program served an average of 80 households per month. At the height of the pandemic, average distribution rose to 140 households. The program is now averaging 100 households per month. This program is dependent solely upon donations. The Department would like to provide gift cards to all monthly Cheese Day participants so that they may purchase what they need outside of what they receive in donated products. In addition, the Department would like to keep gift cards on hand to provide assistance in emergency situations.

The Simsbury Town Manager's Office is seeking funds for an open space acquisition fund. Should we receive donations for this program, we would be able to establish a dedicated open space acquisition fund which would better position the Town to be able to take advantage of future open space acquisition opportunities.

A public hearing on these proposals was held earlier this evening. If the Board approves the applications, staff will proceed to submit it to DRS. We expect to receive notification in August as to whether or not the programs were approved. Businesses requesting a tax credit under the program are required to apply for participation between September 15 and October 1.

6. Financial Impact:

Minimal staff time will be needed to administer the application process. If the applications for the Simsbury Department of Community and Social Services and Town Manager's Office are approved, there will be staff time required to solicit donations for the programs.

7. Description of Documents Included with Submission:

- a) 2022 Simsbury Grange NAA Program Application
- b) 2022 Simsbury Department of Community and Social Services NAA Program Application
- c) 2022 Simsbury Town Manager's Office NAA Program Application



Municipality: Town of Simsbury

Form NAA-01

2022 Connecticut Neighborhood Assistance Act (NAA) Program Proposal

This form **must** be completed and submitted to your municipality for approval. All items **must** be completed with as much detail as possible. If additional space is needed, attach additional sheets. Please type or print clearly. See attached instructions before completing. **Do not submit this form directly to the Department of Revenue Services.**

Part I — General Information

Name of tax exempt organization/municipal agency: _____
Simsbury Grange / filed as part of Connecticut State Grange Patrons of Husbandry

Address: 236 Farms Village Rd., West Simsbury, CT 06092 (mail to P.O. Box 364, West Simsbury, CT 06092) -

Federal Employer Identification Number: 06-0945695

Program title: Energy Efficiency and Conservation at the Grange

Name of contact person: Susan Masino

Telephone number: [REDACTED]

Email address: [REDACTED]

Total NAA funding requested (\$250 minimum, \$150,000 maximum): \$ 24000

Is your organization required to file federal Form 990 or 990EZ, Return of Organization Exempt from Income Tax?

Yes No

If **Yes**, attach a copy of the **first page** of your most recent return.

If **No**, attach a copy of your determination letter from the U.S. Treasury Department, Internal Revenue Service.

Part II — Program Information

Check the appropriate description of your program:

100% credit percentage

- Energy conservation; **or**
 Comprehensive college access loan forgiveness (see Conn. Gen. Stat. § 12-635(3)).

60% credit percentage

- Job training/education for unemployed persons aged 50 or over;
 Job training/education for persons with physical disabilities;
 Program serving low-income persons;
 Child care services;
 Establishment of a child day care facility;
 Open space acquisition fund; **or**
 Other (specify): _____

Description of program: _____

The Grange is non-partisan and non-denominational and our building is a community center open to anyone. We are continuing to improve our energy efficiency as a role model for the community. We need to add insulation, insulated exterior doors, simple solutions like fans. We require a heat pump to make the building as efficient and also comfortable for everyone. We have quotes or estimates for all of these projects and are grateful for this grant program. We have been here and serving the community since 1931. We are all volunteers, and all ages and walks for life.

Need for program: _____

Our building is well-built but needs upgrades. We are committed to the sustainability and longevity of our Grange. We keep all Grange events and our rental fees affordable or donation-based. We serve people of all ages. During the pandemic we offered the building as a large space where musicians could practice, and our property was used for a children's theater group, dance classes and socially-distanced outdoor concerts. Martin Luther King Jr. used to attend dances at our Grange Hall in the 1940s.

Neighborhood area to be served: _____

We serve primarily the Farmington Valley but we are partnered with a community garden in Hartford and our events serve a broader region, esp. music and our biannual electronic recycling. Local vendors at our annual fair or our seed swap come from a wide area - for example community gardeners and students from Hartford, and small businesses from farther afield in Connecticut. We host donation-based regional concerts with international musicians. We are also partnering with other Granges in CT.

Plan to implement the program: _____

We have clear needs and specific estimates for improvements that we have been unable to implement (noted above). We always use local businesses, and have gotten estimates for the work proposed here. This year we hope to finalize our heating and cooling project. Grange members have agreed to spearhead specific aspects of this program. This is all "shovel ready" and we will easily be able to initiate and supervise completion of the work well within the 2 year timeline even if we face unexpected delays. Any amount is greatly appreciated.

Timetable:

Program start date: January 1, 2023

Program completion date: Dec 31, 2025

The program completion date must not be more than two years from the program start date. A certified post-project audit is due to the municipality overseeing implementation no later than three months after program completion date for all projects receiving \$25,000 or more in NAA funding.

Part III — Financial Information

Program Budget:

Complete in full. Expenditures must equal or exceed total funding.

Sources of Revenue:

NAA funds requested	<u>24000</u>
Other funding sources - itemized sources:	
a) <u>Grange contribution (rental income, donations)</u>	<u>1000</u>
b) _____	_____
c) _____	_____
d) _____	_____

Total Funding: 25000

Proposed Program Expenditures:

Direct operating expenses - itemized description:	
a) <u>heat pump with programmable thermostat</u>	<u>10600</u>
b) <u>insulation throughout</u>	<u>5500</u>
c) <u>window repair and replacement - final phase</u>	<u>3000</u>
d) <u>insulated and sealed, multiple exterior doors</u>	<u>3000</u>
Administrative expenses - itemized description:	
a) <u>~10% administrative, accounting, project management</u>	<u>2410.00</u>
b) _____	_____
c) _____	_____
d) _____	_____

Total Proposed Expenditures: 26510

Part IV — Municipal Information

To be completed by the municipal agency overseeing implementation of the program

Name of municipal agency overseeing implementation of the program: _____ Town of Simsbury
Mailing address: _____ 933 Hopmeadow Street, Simsbury, CT 06070
Name of municipal liaison: <u>Melissa Appleby, Deputy Town Manager</u>
Telephone number: 860-658-3274
Fax number: 860-658-9467
Email address: <u>mappleby@simsbury-ct.gov</u>

<p style="text-align: center;">Post-Project Audit</p> <p style="text-align: center;">Is a post-project audit required for this proposal?</p> <p style="text-align: center;"><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p style="text-align: center;">If Yes, date post-project audit due:</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Date</p>

2022 Connecticut Neighborhood Assistance Act (NAA) Program Proposal Instructions

Complete all items on **Form NAA-01**, *2022 Connecticut Neighborhood Assistance Act (NAA) Program Proposal*. Incomplete applications will **not** be accepted. For where to direct inquiries, see *For Further Information* below.

Part I – General Information

Enter the name of the tax exempt organization or municipal agency, address, Federal Employer Identification Number, and email address.

Program Title: Assign a unique program title to each program for which your organization is making an application.

Federal Form 990: Attach a copy of the first page of your organization's most recent federal Form 990 or Form 990EZ. If your organization is not required to file either Form 990 or Form 990EZ, attach a copy of the determination letter from the Internal Revenue Service.

Part II – Program Information

Description of Program: Describe the program, including information about how the program will operate, its benefit to the community, how recipients will be selected, and any measures used to determine the program's impact on the community.

Need for Program: Demonstrate a need for this program. For example, provide relevant statistics.

Neighborhood Area to Be Served: Describe the neighborhood or municipality this program will serve.

Plan to implement the program: Describe how the program will operate. Identify other persons or organizations involved in the administration of the program.

Timetable: Indicate the starting and completion dates of the program. The program completion date must not be more than two years from the program start date.

Part III – Financial Information

Each program proposal must include a program budget that includes all sources of funding and all anticipated expenditures. The information provided in the budget may be used during a post-project audit.

Sources of Revenue: The budget must include the requested NAA funding and any other anticipated revenue sources.

NAA Funding Requested: Indicate the total amount your organization is requesting for its program.

This amount may not exceed the total proposed expenditures. Please note that the minimum NAA funding is \$250, with a maximum funding of \$150,000 per organization or agency per year.

Other Funding Sources: Provide a detailed description(s) and the amount(s) of all funding sources.

Proposed Program Expenditures: The budget must include a detailed description and the amount of all direct operating and administrative expenditures. **Expenditures must equal or exceed total funding.**

Direct Operating Expenses: Expenses include materials, equipment, wages, salaries, tuition fees, sub-contracting services, and any other expenses needed to administer the program.

Part IV – Municipal Information

This part is to be completed by the municipal agency overseeing implementation of the program.

Municipal Liaison: The municipality must designate an individual to serve as a liaison with DRS for all NAA matters.

Post-Project Audit: Any program receiving \$25,000 or more in NAA funding is required to provide a post-project audit, prepared by a certified public accounting firm, to the municipality overseeing the program. This audit must be submitted to the municipality no later than three months after the program completion date.

For Further Information

Email inquiries to:

- **NAAProgram@ct.gov**

or call DRS Monday through Friday, 8:30 a.m. to 4:30 p.m. at:

- **860-297-5687**
- **860-297-4911** (TTY, TDD, and Text Telephone users **only**, let the 711 relay operator know the number you wish to call and the relay operator will dial it and then communicate using a TTY.)



Municipality: Town of Simsbury

Form NAA-01

2022 Connecticut Neighborhood Assistance Act (NAA) Program Proposal

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Part I — General Information

Name of tax exempt organization/municipal agency: _____
Town of Simsbury, Department of Community and Social Services

Address: 754 Hopmeadow St. Simsbury, CT 06070

Federal Employer Identification Number: 06-6002085

Program title: Simsbury Food Pantry

Name of contact person: Kristen Formanek

Telephone number: (860) 658-3283

Email address: kformanek@simsbury-ct.gov

Total NAA funding requested (\$250 minimum, \$150,000 maximum): \$ 30,000.00

Is your organization required to file federal Form 990 or 990EZ, Return of Organization Exempt from Income Tax?

Yes No

If **Yes**, attach a copy of the **first page** of your most recent return.

If **No**, attach a copy of your determination letter from the U.S. Treasury Department, Internal Revenue Service.

Part II — Program Information

Check the appropriate description of your program:

100% credit percentage

- Energy conservation; **or**
 Comprehensive college access loan forgiveness (see Conn. Gen. Stat. § 12-635(3)).

60% credit percentage

- Job training/education for unemployed persons aged 50 or over;
 Job training/education for persons with physical disabilities;
 Program serving low-income persons;
 Child care services;
 Establishment of a child day care facility;
 Open space acquisition fund; **or**
 Other (specify): _____

Description of program: _____

The Simsbury Food Pantry provides non-perishable food items to residents experiencing food insecurity. Toiletries, household cleaning items, and paper products are also made available. Once a month we have a distribution where recipients can shop the pantry. All items are donated. We do purchase a fresh fruit and vegetable item each month as well. Prior to the pandemic, we averaged 80 households per month. At the height of the pandemic, we were serving 140 households. Now we are averaging 100 households. We also provide delivery to homebound individuals, utilizing volunteers.

Need for program: _____

This program is dependent solely upon donations, both in tangible goods and monetary. During COVID we began providing gift cards to our recipients to further help them be able to meet their food needs. We are not offering gift cards now due to not receiving enough in donations. We would like to be able to offer gift cards more often, especially to our larger families. We also keep gift cards on hand in case anyone is experiencing an emergency.

Neighborhood area to be served: _____

All eligible residents in all of Simsbury neighborhoods are allowed to participate. Simsbury is comprised of Simsbury proper, West Simsbury, Weatogue, and Tariffville.

Plan to implement the program: _____

We will solicit businesses in town for donations. This will be done using a variety of methods; email blasts, mailings, social media, and in person visits when able.

Timetable:

Program start date: Fall 2022

Program completion date: Fall 2023

The program completion date must not be more than two years from the program start date. A certified post-project audit is due to the municipality overseeing implementation no later than three months after program completion date for all projects receiving \$25,000 or more in NAA funding.

Part III — Financial Information

Program Budget:

Complete in full. Expenditures must equal or exceed total funding.

Sources of Revenue:

NAA funds requested	<u>\$30,000.00</u>
Other funding sources - itemized sources:	
a) _____	_____
b) _____	_____
c) _____	_____
d) _____	_____

Total Funding: _____

Proposed Program Expenditures:

Direct operating expenses - itemized description:	
a) <u>\$25 gift cards for 100 households for 12 months</u>	<u>\$30,000.00</u>
b) _____	_____
c) _____	_____
d) _____	_____

Administrative expenses - itemized description:	
a) _____	_____
b) _____	_____
c) _____	_____
d) _____	_____

Total Proposed Expenditures: \$30,000.00

Part IV — Municipal Information

To be completed by the municipal agency overseeing implementation of the program

Name of municipal agency overseeing implementation of the program: _____ Town of Simsbury _____
Mailing address: _____ 933 Hopmeadow Street, Simsbury, CT 06070 _____
Name of municipal liaison: <u>Melissa Appleby, Deputy Town Manager</u> _____
Telephone number: 860-658-3274 _____
Fax number: 860-658-9467 _____
Email address: <u>mappleby@simsbury-ct.gov</u> _____

<p style="text-align: center;">Post-Project Audit</p> <p style="text-align: center;">Is a post-project audit required for this proposal?</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: center;">If Yes, date post-project audit due:</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">Date</p>

2022 Connecticut Neighborhood Assistance Act (NAA) Program Proposal Instructions

Complete all items on **Form NAA-01**, *2022 Connecticut Neighborhood Assistance Act (NAA) Program Proposal*. Incomplete applications will **not** be accepted. For where to direct inquiries, see *For Further Information* below.

Part I – General Information

Enter the name of the tax exempt organization or municipal agency, address, Federal Employer Identification Number, and email address.

Program Title: Assign a unique program title to each program for which your organization is making an application.

Federal Form 990: Attach a copy of the first page of your organization's most recent federal Form 990 or Form 990EZ. If your organization is not required to file either Form 990 or Form 990EZ, attach a copy of the determination letter from the Internal Revenue Service.

Part II – Program Information

Description of Program: Describe the program, including information about how the program will operate, its benefit to the community, how recipients will be selected, and any measures used to determine the program's impact on the community.

Need for Program: Demonstrate a need for this program. For example, provide relevant statistics.

Neighborhood Area to Be Served: Describe the neighborhood or municipality this program will serve.

Plan to implement the program: Describe how the program will operate. Identify other persons or organizations involved in the administration of the program.

Timetable: Indicate the starting and completion dates of the program. The program completion date must not be more than two years from the program start date.

Part III – Financial Information

Each program proposal must include a program budget that includes all sources of funding and all anticipated expenditures. The information provided in the budget may be used during a post-project audit.

Sources of Revenue: The budget must include the requested NAA funding and any other anticipated revenue sources.

NAA Funding Requested: Indicate the total amount your organization is requesting for its program.

This amount may not exceed the total proposed expenditures. Please note that the minimum NAA funding is \$250, with a maximum funding of \$150,000 per organization or agency per year.

Other Funding Sources: Provide a detailed description(s) and the amount(s) of all funding sources.

Proposed Program Expenditures: The budget must include a detailed description and the amount of all direct operating and administrative expenditures. **Expenditures must equal or exceed total funding.**

Direct Operating Expenses: Expenses include materials, equipment, wages, salaries, tuition fees, sub-contracting services, and any other expenses needed to administer the program.

Part IV – Municipal Information

This part is to be completed by the municipal agency overseeing implementation of the program.

Municipal Liaison: The municipality must designate an individual to serve as a liaison with DRS for all NAA matters.

Post-Project Audit: Any program receiving \$25,000 or more in NAA funding is required to provide a post-project audit, prepared by a certified public accounting firm, to the municipality overseeing the program. This audit must be submitted to the municipality no later than three months after the program completion date.

For Further Information

Email inquiries to:

- **NAAProgram@ct.gov**

or call DRS Monday through Friday, 8:30 a.m. to 4:30 p.m. at:

- **860-297-5687**
- **860-297-4911** (TTY, TDD, and Text Telephone users **only**, let the 711 relay operator know the number you wish to call and the relay operator will dial it and then communicate using a TTY.)



Municipality: Town of Simsbury

Form NAA-01

2022 Connecticut Neighborhood Assistance Act (NAA) Program Proposal

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Part I — General Information

Name of tax exempt organization/municipal agency: _____
Town of Simsbury

Address: 933 Hopmeadow Street, Simsbury, CT 06070

Federal Employer Identification Number: 06-6002085

Program title: Open Space Acquisition Fund

Name of contact person: Melissa Appleby

Telephone number: (860) 658-3274

Email address: mappleby@simsbury-ct.gov

Total NAA funding requested (\$250 minimum, \$150,000 maximum): \$ 150,000.00

Is your organization required to file federal Form 990 or 990EZ, Return of Organization Exempt from Income Tax?

Yes No

If **Yes**, attach a copy of the **first page** of your most recent return.

If **No**, attach a copy of your determination letter from the U.S. Treasury Department, Internal Revenue Service.

Part II — Program Information

Check the appropriate description of your program:

100% credit percentage

- Energy conservation; **or**
 Comprehensive college access loan forgiveness (see Conn. Gen. Stat. § 12-635(3)).

60% credit percentage

- Job training/education for unemployed persons aged 50 or over;
 Job training/education for persons with physical disabilities;
 Program serving low-income persons;
 Child care services;
 Establishment of a child day care facility;
 Open space acquisition fund; **or**
 Other (specify): _____

Description of program: _____

The Town of Simsbury is seeking to establish an open space acquisition fund to support the preservation of land as protected open space. When opportunities have presented themselves, the Town has strategically acquired open space parcels in order to capitalize on the environmental and recreational benefits that preservation provides for. A dedicated open space acquisition fund would better position the Town to be able to take advantage of future opportunities.

Need for program: _____

The Town of Simsbury cannot establish an open space acquisition fund until we obtain funds to deposit into it. Once we establish a fund, we will endeavor to continue funding it for any future open space acquisition opportunities.

Neighborhood area to be served: _____

This program has the potential to serve any neighborhood in Town.

Plan to implement the program: _____

If this program application is approved, we will solicit donations from eligible businesses. Following the deadline of October 1 for the business applications, we will wait for final approval for those businesses to participate, and we will deposit any donated funds into an open space acquisition fund.

Timetable:

Program start date: August 2022

Program completion date: June 2023

The program completion date must not be more than two years from the program start date. A certified post-project audit is due to the municipality overseeing implementation no later than three months after program completion date for all projects receiving \$25,000 or more in NAA funding.

Part III — Financial Information

Program Budget:

Complete in full. Expenditures must equal or exceed total funding.

Sources of Revenue:

NAA funds requested	<u>\$150,000.00</u>
Other funding sources - itemized sources:	
a) _____	_____
b) _____	_____
c) _____	_____
d) _____	_____

Total Funding: _____

Proposed Program Expenditures:

Direct operating expenses - itemized description:	
a) <u>Deposit into open space acquisition fund</u>	<u>\$150,000.00</u>
b) _____	_____
c) _____	_____
d) _____	_____
Administrative expenses - itemized description:	
a) _____	_____
b) _____	_____
c) _____	_____
d) _____	_____

Total Proposed Expenditures: \$150,000.00

Part IV — Municipal Information

To be completed by the municipal agency overseeing implementation of the program

Name of municipal agency overseeing implementation of the program: _____ Town of Simsbury
Mailing address: _____ 933 Hopmeadow Street, Simsbury, CT 06070
Name of municipal liaison: <u>Melissa Appleby, Deputy Town Manager</u>
Telephone number: 860-658-3274
Fax number: 860-658-9467
Email address: <u>mappleby@simsbury-ct.gov</u>

<p style="text-align: center;">Post-Project Audit</p> <p style="text-align: center;">Is a post-project audit required for this proposal?</p> <p style="text-align: center;"><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p style="text-align: center;">If Yes, date post-project audit due:</p> <p style="text-align: center;">_____</p> <p style="text-align: center;">9/30/2023</p> <p style="text-align: center;">Date</p>
--

2022 Connecticut Neighborhood Assistance Act (NAA) Program Proposal Instructions

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Part II – Program Information

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Need for Program: Demonstrate a need for this program. For example, provide relevant statistics.

Neighborhood Area to Be Served: Describe the neighborhood or municipality this program will serve.

Plan to implement the program: Describe how the program will operate. Identify other persons or organizations involved in the administration of the program.

Timetable: Indicate the starting and completion dates of the program. The program completion date must not be more than two years from the program start date.

Part III – Financial Information

Each program proposal must include a program budget that includes all sources of funding and all anticipated expenditures. The information provided in the budget may be used during a post-project audit.

Sources of Revenue: The budget must include the requested NAA funding and any other anticipated revenue sources.

NAA Funding Requested: Indicate the total amount your organization is requesting for its program.

This amount may not exceed the total proposed expenditures. Please note that the minimum NAA funding is \$250, with a maximum funding of \$150,000 per organization or agency per year.

Other Funding Sources: Provide a detailed description(s) and the amount(s) of all funding sources.

Proposed Program Expenditures: The budget must include a detailed description and the amount of all direct operating and administrative expenditures. **Expenditures must equal or exceed total funding.**

Direct Operating Expenses: Expenses include materials, equipment, wages, salaries, tuition fees, sub-contracting services, and any other expenses needed to administer the program.

Part IV – Municipal Information

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Municipal Liaison: The municipality must designate an individual to serve as a liaison with DRS for all NAA matters.

Post-Project Audit: Any program receiving \$25,000 or more in NAA funding is required to provide a post-project audit, prepared by a certified public accounting firm, to the municipality overseeing the program. This audit must be submitted to the municipality no later than three months after the program completion date.

For Further Information

Email inquiries to:

- **NAAProgram@ct.gov**

or call DRS Monday through Friday, 8:30 a.m. to 4:30 p.m. at:

- **860-297-5687**
- **860-297-4911** (TTY, TDD, and Text Telephone users **only**, let the 711 relay operator know the number you wish to call and the relay operator will dial it and then communicate using a TTY.)



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Schedule a Public Hearing for Proposed Amendments to the Solid Waste Ordinance (Chapter 133)
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Thomas Roy, Director of Public Works/Town Engineer *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
The following motion is in order:

Move, effective May 23, 2022 to set a public hearing to receive public comment concerning proposed revisions to Chapter 133 of the Town Code concerning Storage, Collection, and Disposal of Solid Waste for 6:00pm on Monday, June 13, 2022.
5. **Summary of Submission:**
On Monday, May 9, 2022 a public hearing was held on Chapter 133 of the Town Code, which is our Solid Waste Ordinance. Both Articles I (Solid Waste) and II (Recycling) need to be amended due to the Board of Selectmen opting out of our agreement with MIRA. The proposed changes to Chapter 133 would remove any mention of the MIRA facility or having to dispose Simsbury waste specifically at the MIRA facility.

The Article II amendments were unintentionally omitted from the previous online posting of the proposed amendments. In an abundance of caution legal counsel recommended that we conduct a second public hearing on the proposed amendments, which was scheduled for May 23rd. Regrettably, the newspaper in general circulation in our area did not post the legal notice in a timely manner, and the hearing was cancelled as a result and must be rescheduled. Setting a new public hearing date is required to proceed.
6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
 - a) Proposed Revisions to Chapter 133 of the Town Code

ARTICLE I
Storage, Collection and Disposal of Solid Waste

§ 133-1. Declaration of policy. [Amended 9-11-2017]

The accumulation, collection, removal and disposal of refuse shall be controlled by this municipality for the protection of the public health, safety and welfare. It is consequently found and declared that:

- A. This municipality is authorized by law to regulate the disposition of refuse generated within its boundaries and to collect a charge therefor and to license refuse collectors.
- B. This municipality is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where refuse generated within its boundaries shall be disposed of.
- ~~C. This municipality has executed the municipal service agreement requiring it to cause all acceptable solid waste generated within its boundaries to be delivered to the Materials Innovation and Recycling Authority (MIRA).~~
- ~~D. The public health, safety and welfare of this municipality will be best served by requiring the delivery of acceptable solid waste to MIRA for processing into products which have an economic value.~~
- E. The enactment of this article is in furtherance of this municipality's approved regional Solid Waste Management Plan.

§ 133-2. Definitions. [Amended 9-11-2017]

The following terms shall have the following meanings:

ACCEPTABLE SOLID WASTE — Unwanted or discarded materials of the kind normally collected or disposed of, or caused to be collected or disposed of, by or on behalf of a municipality through private or municipal collection, and commercial, governmental and light industrial waste of which a municipality is required by state law to make provision for the safe and sanitary disposal, but not including in any case items designated for recycling, special handling waste or oversized bulky waste.

COLLECTOR — Any person who holds himself out for hire to collect refuse from residential, business, commercial or other establishments.

DIRECTOR — The Director of Public Works of the Town of Simsbury.

DISPOSAL CHARGE — That amount of money to be charged for solid waste or refuse disposal in accordance with this article.

HAZARDOUS WASTE — Pathological, biological, cesspool or other human wastes, human and animal remains, radioactive, toxic and other hazardous wastes which, according to federal, state or local rules or regulations from time to time in effect, require special handling in their collection, treatment or disposal, including those regulated under 42 U.S.C. §§ 6921 through 6925 and regulations thereunder adopted by the

United States Environmental Protection Agency pursuant to the Resource Conservation and Recovery Act of 1976, 90 Stat. 2806, 42 U.S.C. § 6901, such as cleaning fluids, crankcase oils, cutting oils, paints, acids, caustics, poisons, drugs, fine powdery earth used to filter cleaning fluid and refuse of similar nature.

~~MATERIALS INNOVATION AND RECYCLING AUTHORITY (MIRA) — A body politic and corporation constituting a public instrumentality and political subdivision of the State of Connecticut established under the Connecticut Solid Waste Management Services Act, Chapter 466e of the Connecticut General Statutes.~~

~~MID-CONNECTICUT PROJECT — The solid waste disposal and energy recovery and steam and electric facility ("facility"), available to this municipality pursuant to a municipal solid waste management services contract with MIRA, located at 300 Maxim Road, Hartford, Connecticut; the transfer stations approved for transfer of solid waste to the Mid-Connecticut Project; and the MIRA landfills provided for or designated by MIRA.~~

~~MUNICIPAL SERVICE AGREEMENT — The municipal solid waste management services agreement between MIRA and this municipality dated as of June 12, 2017.~~

OVERSIZED BULKY WASTE or OBW — White goods (major household appliances) and other unwanted or discarded materials which:

- A. Are the kinds not normally collected or disposed of, or caused to be collected or disposed of, by or on behalf of a municipality through private or municipal collection;
- B. ~~In the judgment of MIRA, reasonably exercised, cannot be processed in the facility because of size or noncombustibility;~~
- C. Would not constitute special handling waste under these definitions;
- D. May be disposed of in a bulky waste landfill holding a permit issued by the Connecticut Department of Environmental Protection under Section 19-524-8 of its regulations or any successor provision; and
- E. Are not too large to be deposited and stored at the Simsbury Bulky Waste and Recycling Center or transported to a landfill.

SOLID WASTE ORDINANCE — This Solid Waste Ordinance, as it may be amended from time to time, which consists of Chapter 133 of the Code, entitled "Solid Waste."

SPECIAL HANDLING WASTE —

- A. Hazardous waste.
- B. Dirt, concrete and other nonburnable construction material and demolition debris.
- C. Large items of machinery and equipment, such as motor vehicles and major components thereof (e.g., transmission, rear ends, springs, fenders), agricultural equipment, trailers and marine vessels and other items of waste exceeding six feet in any one of its dimensions or being in whole or part of a solid mass, the solid mass portion of which has dimensions such that a sphere with a diameter of eight

inches could be contained within such solid mass portion, including, in the context of deliveries to the facility, OBW.

- D. Explosives, ordinance materials, oil, sludges, flammable substances, hazardous chemicals, tires and other materials the acceptance of which, ~~in the judgment of the MIRA, reasonably exercised~~, is likely to cause damage to or adversely affect the operation of ~~the a~~ facility or, in the judgment of the Director of Public Works of this municipality, reasonably exercised, is likely to cause damage to or adversely affect the operation of ~~the a~~ facility, constitute a threat to health or safety or violate or cause the violation of any applicable federal, state or local law, regulation or judicial or administrative decision or order.

~~§ 133-3. Designation of disposal area. [Amended 9-11-2017]~~

~~Pursuant to Connecticut General Statutes Section 22a-220a, the Board of Selectmen hereby designates the MIRA as the area where acceptable solid waste generated within the boundaries of Simsbury by residential, business, commercial or other establishments shall ultimately be disposed of. On and after the effective date of this chapter, each collector collecting any acceptable solid waste generated within the boundaries of this municipality shall deliver all such waste to the Mid-Connecticut Project located at 300 Maxim Road, Hartford, Connecticut.~~

§ 133-4. Disposal charges.

Any person delivering solid waste or refuse shall pay any disposal charge called for by this chapter ~~or by the municipal service agreement~~.

§ 133-5. Containers.

The owner of each premises in this municipality where acceptable solid waste or any other refuse is created or generated shall provide, at a suitable place upon such premises, sufficient containers for receiving and holding such acceptable solid waste during the intervals between collections. Such containers shall be maintained in good condition free of holes and fissures and shall be equipped with covers.

§ 133-6. Licensing and registration requirements. [Amended 9-11-2017]

No person other than those licensed by this municipality to perform such work and in accordance with the provisions of these regulations shall operate as a collector within this municipality. No refuse generated or collected from outside this municipality shall be disposed of under a license or registration issued pursuant to this article.

- A. Licensing and registration authority designated. The Director shall be the licensing and registration authority for collectors and vehicles and the containers used by them. The Director shall grant a license within a reasonable time following the filing of a proper application and payment of the prescribed unless he finds one or more of the following conditions to prevail:

- (1) The applicant has been irresponsible in the conduct of refuse collection and

hauling operations as evidenced by previous suspensions and/or revocations of licenses issued by this municipality or any other licensing authority in the State of Connecticut within three years prior to the application.

- (2) The applicant is in default in its obligations as a collector or has otherwise violated the provisions of this article.
 - (3) The applicant lacks suitable equipment available for registration hereunder with which to collect and transport acceptable solid waste in a safe and nuisance-free manner and in compliance with this article.
- B. License required. Each collector shall annually on or before July 1 apply for a license from the Director on such form as the Director shall prescribe to engage in the business of collection and transportation of acceptable solid waste and recyclables in this municipality.
 - C. Registration term, fee and renewal. All registrations shall be issued for a term not to exceed one year and shall be renewable on or before the first day of July of each year.
 - D. Each licensed collector who offers a solid waste collection service to residential properties within the Town of Simsbury must also offer an acceptable concurrent curbside recycling service to all residential customers.

§ 133-7. Revocation or suspension of license or registration.

- A. A license to engage in the business of a collector in this municipality ~~and to use the facility provided by this municipality in connection therewith~~ is a privilege, not a right. Failure to comply with the provisions of this chapter shall be grounds for revocation or suspension of any license or registration issued under the provisions of this chapter in addition to any other penalty imposable by law.
- B. Notice required. A revocation or suspension shall become effective five calendar days after issuance of a written notice by the Director.
- C. Request for review; filing; effect of failure to file. If a collector objects to the Director's action described in Subsection B above to revoke or suspend such collector's license or registration, he may, within the five calendar days of issuance of said notice, file a written request for review with the Town Manager at which review the collector may present evidence to attempt to demonstrate that he has not violated this article or that the penalty for the violation should be mitigated for good cause. Failure to file such timely request for review shall make the Director's action final and binding upon such collector. **[Amended 7-12-2021]**
- ~~D. Refusal of permission to use the facility. Notwithstanding anything to the contrary herein, the Director shall have the emergency power to refuse permission to a collector to use the facility when, in the Director's reasonable opinion, such collector has violated this chapter or any other applicable rule or regulation in such a manner as to cause an unreasonable risk to the health, safety and welfare of the citizens of this municipality and/or those personnel working at the facility, which~~

~~decision shall be reviewable in the manner described in Subsection C hereof, provided that the collector will be given the opportunity for review by the First Selectman within two business days of the Director's action upon a written request for such review by the collector.~~

§ 133-8. Administration; insurance requirements. [Amended 9-11-2017]

- A. The Director shall administer the licensing of any collector engaged in the collecting and transporting of refuse and recyclables in this municipality.

§ 133-9. Refuse collector's responsibilities and obligations. [Amended 9-11-2017]

- A. Place of delivery. Each collector shall deliver all acceptable solid waste collected within the territorial limits of this municipality to ~~the MIRA facility~~ **an appropriate licensed facility** and pay the disposal charge to the facility. In no case shall a collector deliver any hazardous waste, oversized bulky waste or special handling waste to the facility.
- B. Failure to pay. A failure to pay charges of the ~~MIRA~~ **appropriate licensed facility** shall be grounds for revocation or suspension of a license and registration.
- C. Prohibition on delivery. No licensee shall deliver any acceptable solid waste generated within this municipality to any place other than ~~the~~ **an appropriate licensed facility**, unless the facility is incapable of accepting acceptable solid waste at the time of delivery, in which event such acceptable solid waste shall be delivered to the place designated by ~~MIRA~~ **or** the Director. No collector may, under the license issued hereunder, deliver to the facility any refuse, including, without limitation, acceptable solid waste generated and/or collected outside the territorial limits of this municipality.
- D. Construction and maintenance of vehicles and containers. All vehicles used to collect and transport refuse shall be of a construction which will prevent liquid leaking out of the unit and shall be maintained free of obnoxious odors and accumulated refuse. All vehicles or container systems shall be equipped to meet ~~MIRA~~ requirements.
- E. Time of operation. Collectors may deposit acceptable solid waste at the facility only at times and on days as designated in ~~MIRA's~~ regulations.
- F. Spilled refuse. Collectors shall clean up immediately any refuse that may have been spilled when carrying or transferring refuse or when disposing of such refuse at the facility.

§ 133-10. Only acceptable solid waste to be delivered to facility.

No person shall deliver any refuse other than acceptable solid waste to ~~the~~ **an appropriate licensed facility**.

§ 133-11. Penalties for offenses.

- A. Pursuant to Connecticut General Statutes Section 22a-220a(f), any collector who dumps more than one cubic foot in volume of refuse at one time in an area not designated for such disposal by this article shall, for a first violation, be liable for a civil penalty of \$1,000 for each violation and \$5,000 for a subsequent violation.
- B. Any collector who otherwise violates this article, and any other person or entity who violates this article, shall be liable for a civil penalty of \$100 for each violation.
- C. The imposition of the monetary penalties set forth herein shall not preclude the Town from seeking any other remedy, including but not limited to money damages and injunctive relief, as may be allowed by law.

Article II

Storage, Collection and Disposal of Recyclable Materials

§ 133-12 *Declaration of policy.*

[Amended 8-12-2013]

The accumulation, collection, removal, processing and sale of certain recyclable materials designated as such by the Connecticut Commissioner of Energy and Environmental Protection shall be controlled by this municipality for the protection of the public health, safety and welfare. It is consequently found and declared that:

- A. The Town of Simsbury ("the Town") is authorized by law to regulate the disposition of recyclable materials generated within its boundaries.
- B. The Town is also authorized by Connecticut General Statutes Section 22a-220a to designate the area where certain recyclable materials generated from residential properties within its boundaries shall be taken for processing and sale.
- C. The Town adopted an ordinance requiring all residential acceptable recyclable materials generated within its boundaries to be processed in accordance with that ordinance.
- D. The public health, safety and welfare of the Town will be best served by requiring that:
 - (1) Each person who generates solid waste from residential property within the Town separate from other solid waste the items designated for recycling by the Connecticut Commissioner of Environmental Protection pursuant to Subsection (a) of Section 22a-241 b of the Connecticut General Statutes; and
 - (2) Every other person who generates solid waste within the Town make provisions for the separation from other solid waste of the items so designated for recycling.

§ 133-13 *Definitions.*

[Amended 8-12-2013; 9-11-2017]

The following terms shall have the following meanings:

ACCEPTABLE RECYCLABLE MATERIALS

As set forth in the Town-approved recycling program, and as designated by the Connecticut Commissioner of Energy and Environmental Protection.

COLLECTOR

Any person who holds himself out to collect refuse or solid waste from residential, commercial or other establishments and is registered by the Town of Simsbury for this purpose.

DIRECTOR

The Director of Public Works of the Town.

ITEMS DESIGNATED FOR RECYCLING

- A. Those items of solid waste designated from time to time for recycling by the Connecticut Commissioner of Energy and Environmental Protection pursuant to Subsection (a) of Section 22a-241b of the Connecticut General Statutes, and plastic food and beverage containers, glass food and beverage containers and metal food and beverage containers, and such items as are required to be recycled by the Regulations of Connecticut State Agencies. By regulation published in the Connecticut Law Journal on March 28, 1989, as Section 22a-241b-2 of the Regulations of Connecticut State Agencies, the Commissioner of Environmental Protection designated, as of that time, the following items required to be recycled:
- (1) Corrugated cardboard.
 - (2) Glass food and beverage containers.
 - (3) Leaves.
 - (4) Metal food and beverage containers.
 - (5) Newspapers.
 - (6) Office paper.
 - (7) Scrap metal.
 - (8) Storage batteries.
 - (9) Waste oil.
- B. The term "items designated for recycling" herein shall include, without further action by the Town, any and all legally adopted additions made by the Commissioner of Environmental Protection to any designation of items for recycling made pursuant to said Section 22a-241b of the General Statutes.

~~**MATERIALS INNOVATION AND RECYCLING AUTHORITY (MIRA)**~~

~~A body politic and corporation constituting a public instrumentality and political subdivision of the State of Connecticut established under the Connecticut Solid Waste Management Services Act, Chapter 446e of the Connecticut General Statutes.~~

PERSON

Any individual, partnership, firm, association, corporation or other entity.

RESIDENTIAL DWELLING UNIT

A residential property building or a part of such a building designated for occupancy, and so occupied, by one or part of one family.

RESIDENTIAL PROPERTY

Real estate containing one or more dwelling units but shall not include hospitals, motels or hotels.

§ 133-14 Recycling required.

[Amended 8-12-2013]

Each person who generates solid waste from residential property within the boundaries of the Town shall separate from other solid waste the items designated for recycling, and every other person who generates solid waste within the boundaries of this municipality shall make provision for the separation from other solid waste of the items designated for recycling.

§ 133-15 Collection of certain items designated for recycling.

[Amended 8-12-2013]

The property owner shall provide for curbside collection from residential property of certain of the items designated for recycling generated from residential property located within its boundaries as follows:

- A. Glass food and beverage containers.
- B. Metal food and beverage containers.
- C. Plastic food and beverage containers.
- D. Newspapers and acceptable paper products.
- E. Corrugated cardboard.
- F. Other items designated for recycling and accepted by the Collector.

§ 133-16 Placement of recyclables for curbside collection.

[Amended 8-12-2013; 9-11-2017]

- A. Recyclable items to be collected pursuant to this section shall be placed in the recycling container as prescribed by the collector. No nonrecyclable materials shall be placed in any recycling container.
- B. On the applicable scheduled collection day, owners or occupants of residential dwelling units shall place their recycling containers for collection at curbside in the manner designated by their collector.
- C. In lieu of the residential property owners engaging the services of a curbside collector, they may also dispose of the above-listed designated recyclables at the Simsbury Bulky

Waste and Recycling Center.

§ 133-17 Other items designated for recycling from residential property.

[Amended 8-12-2013]

To the extent that the Collector does not provide for regular collection of the following items for recycling, persons who generate any such items designated for recycling from residential property within the boundaries of this municipality may bring such items (leaves, tires, office paper, scrap metal, electronics, storage batteries and waste oil), separated from each other and from other solid waste, to the Simsbury Bulky Waste and Recycling Center during its posted hours of operation; provided, however, that any such person who brings such items to the Recycling Center shall pay such applicable fee as is set forth in this article.

§ 133-18 Designation of disposal area; donation or sale of recyclables.

[Amended 8-12-2013]

- A. Pursuant to Section 22a-220a of the Connecticut General Statutes, the Board of Selectmen hereby designates the Simsbury Bulky Waste and Recycling Center as the place where items designated for recycling generated from residential property within its boundaries shall be taken by Town residents and/or entities located in Simsbury if not collected by a Collector pursuant to § **133-19** below of this article.
- B. Notwithstanding any other provisions of this article to the contrary, nothing contained in this article shall be deemed to prohibit any person from giving or selling items designated for recycling (including, without limitation, deposit beverage containers) generated by them directly to another person for lawful sale or processing of recyclables, whether for profit, not for profit or charitable purposes, provided that any such items designated for recycling shall not have previously been:
 - (1) Set out for collection pursuant to § **133-16** of this article; or
 - (2) Delivered to the Recycling Center.

§ 133-19 Collectors.

[Amended 8-12-2013; 9-11-2017]

- A. Collectors, as defined in this article, shall only operate in the Town under a registration for the collection of recyclables with the Town. Recycling collectors shall meet the same requirements as trash collectors as defined in § **133-6**.
- B. All collectors operating within the boundaries of this municipality registered by the Town of Simsbury as set forth in Subsection **A** above shall:
 - (1) Be prohibited from knowingly mixing other solid waste with items designated for recycling.
 - ~~(2) Take all items designated for recycling generated and collected from residential property within the boundaries of this municipality, separated from other solid waste, for processing or sale, to MIRA for recycling.~~

- (3) Notify the Director of:
 - (a) The identity of any person from whom such Collector collects solid waste that the collector has reason to believe has discarded items designated for recycling in violation of this article or Section 22a-241b of the Connecticut General Statutes; and
 - (b) The grounds for such belief.
- (4) Upon the request of the Town, provide a warning notice, by such reasonable means and within such reasonable time as directed by the Director, to any person suspected by the collector or the Town of violating the separation requirements with respect to items designated for recycling.
- (5) Upon the request of this municipality, assist this municipality in identifying any person responsible for creating loads of solid waste containing significant quantities of items designated for recycling mixed with other solid waste.
- C. Items designated for recycling generated by nonresidential properties are not required to be delivered by collectors to a materials recovery facility, but may be marketed or disposed of privately as long as the recipient of the recyclables is a legal disposal facility.
- D. In compliance with Section 22a-208e of the Connecticut General Statutes, owners or operators of resource recovery facilities and recycling facilities must furnish the Town a copy of all information pertaining to the municipality on a quarterly basis, including recycled quantities, in an itemized breakdown form acceptable to the Director.

§ 133-20 *Disposal charges.*

[Amended 8-12-2013]

Any person delivering items of recyclable material to a materials recovery facility pursuant to § 133-19 of this article shall pay any disposal charge called for by the materials recovery facility.

§ 133-21 *Ownership of items designated for recycling; prohibition against scavenging.*

[Amended 8-12-2013]

Upon the placement of items designated for recycling generated from residential property into a recycling container provided by the Collector, such items designated for recycling shall become the property of the permitted hauler once collected from curbside municipality, and it shall be prohibited for any person, other than the person who placed such items in the container and authorized agents of the municipality acting in the course of their employment, to collect, pick up or remove from the containers, or cause to be collected, picked up or removed from the containers any such items designated for recycling. It shall be also prohibited for any person, other than authorized agents of this municipality acting in the course of their employment, to collect, pick up or remove from the recycling center any items designated for recycling that have been delivered to the recycling center.

§ 133-22 Mixing of recyclables with other solid waste prohibited.

[Amended 8-12-2013]

It shall be prohibited for any Collector knowingly to mix any items designated for recycling with other solid waste generated within the boundaries of this municipality. It shall be prohibited for any Collector knowingly to deliver to a Materials Recovery Facility any items designated for recycling mixed with other solid waste.

§ 133-23 Simsbury Bulky Waste and Recycling Center.

[Amended 9-11-2017]

- A. The Center, located on property owned by the Town of Simsbury on the easterly side of Wolcott Road, shall be designated as the "Town of Simsbury Bulky Waste and Recycling Center," hereinafter referred to as the "Center."
- B. The Center shall be used for the disposal of bulky wastes, grass clippings, brush and tree trimmings, white goods, scrap metal and scrap tires, designated recyclable materials and other items deemed appropriate for disposal at the Center.
- C. Use of the Center shall be limited to:
 - (1) Residents of the Town of Simsbury;
 - (2) Business, commercial, industrial and institutional entities located in the Town of Simsbury; and
 - (3) Persons or entities engaged in the handling of disposal materials, but only to the extent that the materials to be disposed of were generated within the Town of Simsbury.
- D. The Department of Public Works or the contracted facility operator under the authority of the Director is hereby empowered to issue user permits in accordance with this article. No disposal of matter shall be made at the Center unless the person or entity so disposing has been issued a valid user permit.
- E. Each resident and owner or manager of business, commercial, industrial or institutional entities and multifamily dwelling units located in Simsbury shall be responsible for disposing in a legally permitted manner any matter that cannot be disposed of at the center.
- F. The Town of Simsbury reserves the right to refuse access to the Center to any resident, entity or commercial collector when it appears that the proposed user is violating this article.

§ 133-24 Access to dropoff recycling facility.

[Amended 9-11-2017]

- A. Acceptable materials.
 - (1) The following recyclables and items designated for recycling, as outlined in § 133-15, separated according to item, may be brought to the Center located on Wolcott Road in

:

Simsbury, in quantities not greater than normally generated by family households:

- (a) Office paper.
- (b) Waste oil.
- (c) Batteries.
- (d) Leaves.
- (e) Scrap metal and white goods.
- (2) Quantities generated by commercial entities greater than those normally generated by family households will not be accepted. This service is intended to serve the residential and small-office generator.
- B. Oversized bulky waste accepted shall be items such as demolition materials, yard waste, grass, wood, masonry, rock, furniture and carpets. No tree stumps, mixed solid waste, paint cans or hazardous waste shall be permitted.
- C. Small items that fit in a trash barrel, as well as paper and cardboard boxes that are wet or contaminated, shall not be accepted. They should be disposed of with garbage.
- D. Plastic bags shall be emptied at proper disposal areas based on contents and empty bags returned to the resident to be disposed of with garbage. No plastic bags containing anything being disposed of may be left at the Center.
- E. Paint shall be disposed of at the facility in accordance with the Connecticut Paint Stewardship Plan as administered by CT DEEP.
- F. A compost area is established at the Center for dropoff of leaves by individual residents. Once each fall, the Town of Simsbury shall collect curbside leaves in accordance with requirements and a schedule established by the Department of Public Works.

§ 133-25 Provisions governing the use of Bulky Waste and Recycling Center.

[Amended 9-11-2017]

- A. Effective November 1, 1988, the Center shall be open on Wednesday and Saturday from 8:00 a.m. to 3:00 p.m. and three Sundays in the spring and the fall. The Sunday openings shall be established by the Director of Public Works and properly publicized to private and commercial users. With a recommendation from the Director of Public Works, a number of days may be added or deleted at the discretion of the Chief Executive Officer of the Town of Simsbury.
- B. Personal vehicles registered to a resident of the Town of Simsbury shall require permits for use of the Center. Permits may be obtained at the facility during normal business hours upon proper proof of residency and presentation of vehicle registration.
- C. Each permittee shall display its vehicle permit decal on the driver's side of its windshield or window.
- D. Upon entering the Center, each permittee shall stop at the attendant's booth for

inspection and instructions prior to depositing any items or materials at the Center and make payment of any fees that may be due.

- E. Any vehicle seeking access to the Center shall have its contents secured in such a manner as to ensure that no materials shall blow from or fall off the vehicle while it is transporting items to the Center.
- F. Disposal of trash and recyclables other than by the approved methods may be subject to a penalty as defined in § **133-27**.
- G. The only activity that shall be conducted within the Center is the disposal of matter identified in this article, as the same may be amended from time to time, or the conduct of official business by or with Center personnel. No person shall enter or remain on the premises of the Center for the purposes of conducting, or shall conduct, any other activity upon the premises of the Center, except that all persons may enter upon the premises of the Center for petitioning and free speech or other activities within the area designated by the Board of Selectmen at its meeting of May 18, 1992.

§ 133-26 Fees.

[Amended 4-26-1999]

Fees shall be charged for vehicle classes and materials to be disposed of, as may be established from time to time by the Board of Selectmen.

§ 133-27 Penalties for offenses.

[Amended 8-12-2013]

- A. Pursuant to Connecticut General Statutes Section 22a-220a(f), any Collector who knowingly mixes other solid waste with items designated for recycling in violation of § **133-13** of this article shall, for a first violation, be liable for a civil penalty of \$1,000 and \$5,000 for a subsequent violation.
- B. Pursuant to Section 2 of Connecticut Public Act No. 90-249, any commercial establishment that fails to make provision for the separation from other solid waste of the items designated for recycling in violation of § **133-14** of this article shall be liable for a civil penalty of \$500 for each violation.
- C. Any collector or commercial establishment that otherwise violates this article and any other person who violates this article shall be liable for a penalty of \$100 for each violation.
- D. The imposition of the monetary penalties set forth herein shall not preclude the municipality from seeking any other remedy, including but not limited to money damages and injunctive relief, as may be allowed by law.



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's "Anthony S. and Evelyn L. Hulme Charitable Fund"
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Kristen Formanek, Director of Community and 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 May 23, 2022, to accept a donation from the Hartford Foundation for Public Giving in the amount of \$4,000 for the purpose of supporting our Senior Center programs and activities.
5. **Summary of Submission:**
The Hartford Foundation for Public Giving has provided a financial donation in the amount of \$4,000 to the Community and Social Services Department's Senior Center. The donation will be used to provide activities and programs at the Senior Center.

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:**
The \$4,000 donation from the Hartford Foundation for Public Giving will be used to provide activities and programs at Simsbury Senior Center. The funds would be deposited into a Senior Center special revenue fund used 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:** Donation from St. Matthew Lutheran Church in Avon
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Kristen Formanek, Director of Community and Social Services *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports acceptance of St. Matthew Lutheran Church's donation, the following motion is in order:

Move, effective May 23, 2022, to accept a donation from St. Matthew Lutheran Church in the amount of \$2,000 for the purpose of supporting the Simsbury Medical Equipment Loan Locker.
5. **Summary of Submission:**
St. Matthew Lutheran Church in Avon has provided a financial donation in the amount of \$2,000 to the Simsbury Loan Locker. This donation will be used to provide wheelchairs, walkers, bed rails, and other durable medical equipment to people in the community who are experiencing a temporary or permanent disability.

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 St. Matthew Lutheran Church.
6. **Financial Impact:**
The \$2,000 donation from St. Matthew Lutheran Church will be used to provide durable medical equipment at Simsbury Loan Locker. The funds would be deposited into a Social Services special revenue fund used 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:** Temporary Relocation of Latimer Lane Polling Location
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Susan Salina and Karen Cortés, Registrar of Voters
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports the temporary relocation of the Latimer Lane Polling Location due to construction and renovation of the school, the following motion is in order:

Move, effective May 23, 2022, to approve the temporary relocation of the Latimer Lane Polling Location to Henry James Memorial School for the November 2022 and 2023 elections.
5. **Summary of Submission:**
Due to the school renovation/construction project at Latimer Lane School, we will not be able to utilize the gym as a polling location for both the November 2022 and 2023 elections. We have been able to secure an alternate location at Henry James Memorial School in the front gymnasium. We will run 2 polling locations from this school for the duration of construction at Latimer Lane School. We will be sending out a mailing to all voters in the Latimer Lane district letting them know of the temporary change and putting up signage as appropriate.
6. **Financial Impact:**
The Registrar's budget for 2022/2023 included the cost of mailing to all homes in the Latimer Lane district of the change in location.
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:** Accreditation Specialist Classification
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Melissa Appleby, Deputy Town Manager; Nicholas Boulter, Chief of Police; Christopher Davis, Deputy Chief of Police
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports the creation of the proposed Accreditation Specialist classification, the following motions are in order:

Move, effective May 23, 2022, to create the classification of Accreditation Specialist and to approve the proposed job description as presented.

Further move to establish an hourly rate of pay for the position between \$31.75 – \$42.33/hour².

5. **Summary of Submission:**
The Simsbury Police Department is one of 22 municipal CALEA accredited agencies in the State of Connecticut. The process to become and maintain accreditation is a rigorous, continuous process that currently is handled by an officer. The recently approved FY 22/23 budget included a proposed Accreditation Specialist. This would be a civilian position in the department that would manage the daily accreditation process and allow the current officer to perform other duties.

The Chief of Police and Town Manager's Office staff worked to create the proposed job description. The manner in which police departments staff accreditation work varies greatly. As a result, we used internal salary comparisons to establish a recommended pay range for the position.

The position is proposed to be 35 hours per week, which is consistent with other civilian staff positions in the Police Department. The position would be classified as non-exempt (hourly). The position would be introduced as an unaffiliated position.

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

² This would be the rate of pay for FY 22/23 and will be used for advertising and recruitment purposes.

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

The Personnel Sub-Committee reviewed and approved the proposed creation of the Accreditation Specialist classification at their May 12, 2022 meeting. They also endorsed the proposed job description and pay range. The Police Commission has also had an opportunity to review this.

6. Financial Impact:

The proposed hourly range for FY 22/23 for the position is \$31.75 - \$42.33 per hour (salary range of \$57,777 - \$77,036). The position is budgeted for FY 22/23.

7. Description of Documents Included with Submission:

a) Proposed Job Description – Accreditation Specialist

Town of Simsbury

TITLE: Accreditation Specialist

DEPARTMENT: Police Department

DATE: May XX, 2022

AFFILIATION: Unaffiliated

FLSA STATUS: Non-Exempt

POSITION DESCRIPTION:

Performs administrative and analytical work in coordinating and facilitating the operations of state and national police accreditation within the Police Department. Works under the direct supervision of the Chief of Police or their designee.

ESSENTIAL JOB FUNCTIONS:

- Manages the department's national (CALEA) and state (POSTC) accreditation process.
- Receives assignments and tasks and sets work priorities to meet deadlines to assure an efficient workflow throughout the department.
- Coordinates, identifies, and documents compliance with accreditation standards and department directives.
- Reviews a wide variety of complex and technical issues concerning accreditation standards, process and compliance.
- Identifies and develops new programs, systems procedures or equipment specifications for the improvement of department performance in compliance with applicable accreditation standards.
- Maintains accreditation compliance files.
- Drafts written directives and communications to achieve accreditation objectives.
- Attends CALEA conferences, local/regional accreditation network meetings and trainings and coordinates attendance of other agency representatives.
- Serves as the primary department representative of the Connecticut Police Accreditation Coalition.
- Reviews communications from CALEA and POSTC to remain informed of standards, process or other changes and acts accordingly with the information. Evaluates and plans for the impact of changes, to include state guidelines and laws.
- Maintains periodic contact with CALEA Regional Program Manager and State Accreditation Officer.
- Provides accreditation orientation training for agency personnel.
- Provides information to the public and makes presentations to groups.
- Works closely with immediate supervisor and meets regularly with command staff to identify needs and report on progress.
- Performs other duties as assigned.
- Conducts research, analysis and program evaluation related to accreditation.
- Coordinates external reviews of compliance files for the accreditation process, to include peer reviews.
- Prepares the department for compliance reviews, to include accreditation files, travel, lodging, agendas, interviews, tours, etc. for the compliance review processes.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:

- Ability to read and interpret materials concerning the police department and criminal justice processes.
- High degree of self-initiation, planning and organization skills.
- Considerable knowledge of the principles and practices of modern policing operations and administration.
- Considerable proficiency in oral and written communications.
- Ability to work independently and solve problems involving complex variables.
- Ability to organize, plan, speak informatively and present in person to groups with and through technology.
- Ability to analyze facts and to exercise sound judgement in arriving at conclusions and recommendations.
- Ability to complete assignments in a timely fashion.
- Ability to resolve problems and noncompliance issues.
- Ability to think creatively to achieve compliance with standards or directives.
- Ability to follow instructions and directions.
- Ability to establish and maintain effective and professional working relationships with coworkers, officials, representatives of other agencies, and the general public.
- Ability to accept responsibility.
- Ability to maintain confidentiality.
- Thorough ability to perform administrative procedures and to coordinate the activities of an administrative official.
- Considerable ability to create and publish documents, reports and presentations through the use of desktop and/or laptop computer systems.
- Considerable computer skills of advanced word processing, desktop publishing, spreadsheet design and database applications and ability to learn accreditation software applications.
- Ability to maintain composure and professionalism during stressful and everyday circumstances.

REQUIRED PHYSICAL AND MENTAL HEALTH EFFORT AND ENVIRONMENTAL CONDITIONS:

The physical and mental effort demands as well as the environmental conditions described here are representative of those that must be met by an employee to successfully perform the essential functions of this job.

- Must be able to sit at a desk or stand at an assigned location and work continuously for extended periods of time.
- Ability to talk and hear.
- Ability to use hands to operate objects, tools, or controls and reach with hands and arms.
- Specific vision abilities required by this job include vision and the ability to adjust vision.
- Works in office setting subject to continuous interruptions and background noises.
- Includes exposure to video display terminals on a daily basis.
- Ability to file letters, correspondence, reports, etc. in file cabinet drawers ranging in height from 1' to 7' from the floor.

- Ability to move throughout the police department, Town Hall and other town buildings and sites.

MINIMUM QUALIFICATIONS:

An Associate's Degree from an accredited college or university or two to three years of relevant experience.

Police accreditation or similar experience preferred but not required.

SPECIAL REQUIREMENTS:

- Must pass an extensive background investigation that supports a high security clearance.
- [Must possess a valid motor vehicle operator's license.](#)

NOTE: The above description is illustrative of tasks and responsibilities. It is not meant to be all inclusive of every task and responsibility.

DRAFT



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Information Technology Support Specialist Classification
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Melissa Appleby, Deputy Town Manager; Rick Bazzano, IT Manager *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports the creation of the proposed Information Technology Support Specialist classification, the following motions are in order:

Move, effective May 23, 2022, to create the classification of Information Technology Support Specialist and to approve the proposed job description as presented.

Further move to establish an hourly rate of pay for the position between \$34.74 - \$41.52/hour³.

5. **Summary of Submission:**
The Simsbury Information Technology department is currently staffed by 2 full time employees who support Town Hall, the Police Department, BOE Central Offices, and 7 other offsite work areas. The approved FY 22/23 budget funded a new full-time position. Part of this new position's responsibilities will be taking day-to-day work order issues away from the Director to allow for an increased focus on cyber security amongst other tasks.

The Town Manager's Office conducted an external salary benchmarking analysis for similar positions. The IT Manager and Town Manager's Office staff worked to create the proposed job description.

The position is proposed to be 40 hours per week, which is consistent with other staff positions in the IT Department. The position would be classified as non-exempt (hourly). The position would be introduced as an unaffiliated position.

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

³ This would be the rate of pay for FY 22/23 and will be used for advertising and recruitment purposes.

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

The Personnel Sub-Committee reviewed and approved the proposed creation of the Information Technology Support Specialist classification at their May 12, 2022 meeting. They also endorsed the proposed job description and pay range.

6. Financial Impact:

The current proposed hourly range for FY 22/23 for the position is \$34.74 - \$41.52 per hour (salary range of \$72,262 - \$86,359). The position is budgeted for FY 22/23.

7. Description of Documents Included with Submission:

a) Proposed Job Description – Information Technology Support Specialist

Town of Simsbury

TITLE: Information Technology Support Specialist

DEPARTMENT: Information Technology Department **DATE:** May XX, 2022

AFFILIATION: Unaffiliated

FLSA STATUS: Non-exempt

POSITION DESCRIPTION:

The position is a Technical Support position responsible for maintaining and supporting various technologies of all departments within the Town of Simsbury and affiliated entities. Duties include but are not limited to: desktop support of hardware and software; configuration and maintenance of network devices (wired and wireless) and their functionality within each department for optimum effectiveness; network routing and troubleshooting; website development and maintenance; and general office equipment support. Positions receives direction from and reports to the IT Director, or other staff member as assigned.

ESSENTIAL FUNCTIONS:

- Supporting law enforcement and dispatch operations technology, including technology and communications in Police Department vehicles.
- Assembling, installing, configuring, inventorying, maintaining, diagnosing, and correcting encountered issues within the Town's IT infrastructure, desktops, laptops, etc.
- Prioritizing helpdesk requests and troubleshooting problems with computer systems, including troubleshooting hardware and software, email, network and peripheral equipment problems; makes repairs and corrections where required.
- Assisting with maintenance of cloud-based applications and their security protocols
- Adhering to applicable laws and guidelines pertaining to data privacy, storage and disclosure.
- Assisting in the instruction of Town staff in the use of standard business and administrative software, such as but not limited to email services, word processing, spreadsheets and database management; provides instruction or written documentation where required.
- Maintaining clear and concise records of help desk/work order activities.
- Developing and maintaining the Town's web site, and its affiliates websites, such as design and content.
- Responds to emergency or on-call work needs as scheduled, which may include nights, weekends and holidays.
- Assisting with developing a flexible and anticipatory organization which will provide cost-effective and customer-friendly delivery of quality services to town departments. Assisting in developing and utilizing the potential of each employee to successfully find new technology methods to deliver both the short and long-term needs of Simsbury consistent with the Town's goals and objectives.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:

- Operational knowledge of Microsoft's software platform of servers and desktops, including 365 environments. Also, experiences with MUNIS financial applications, VMware and Barracuda security platform.
- Working knowledge of Active Directory services, Group Policies, and file storage.

- Ability to operate light manual and automated tools, including but not limited to drills, wire cutters, cable splicers, etc.
- Knowledge and ability to analyze problems and to develop and implement programs and activities to address these problems
- Thorough knowledge of website platforms. Ability to use graphic design software for creating images and content for the Town's website.
- Working knowledge of computer hardware, software and peripherals such as printer, scanners, copiers, servers, monitors, cabling, plotters and general office equipment.
- Ability to diagnose and troubleshoot advanced networking, software and security related computer issues with users, vendors and regulatory agencies quickly and under stressful situations.
- Knowledge of wiring of telephony and network communication designs.
- Ability to maintain confidentiality.
- Ability to effectively communicate with internal and external stakeholders; ability to listen to others. Ability to speak effectively before employees of the Town, and to understand and communicate with nontechnical users.
- Ability to maintain composure and professionalism during stressful and everyday circumstances.
- Ability to read and interpret documents such as safety rules, operating and maintenance instructions, and procedure manuals. Ability to write routine reports and correspondence.
- Knowledge of in-vehicle systems including mobile terminals, cellular modems, video systems and other related equipment.

REQUIRED PHYSICAL EFFORT:

- The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of this job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.
- While performing the duties of this job, the employee is regularly required to sit; use hands to finger, handle, or feel; and stoop, kneel, crouch, or crawl.
- The employee must regularly lift and/or move up to 25 pounds and occasionally lift and/or move up to 100 pounds.
- Specific vision abilities required by this job include close vision, distance vision, color vision, peripheral vision, depth perceptions and ability to adjust focus.

REQUIRED MINIMUM QUALIFICATIONS:

- Associate's degree (A.A.) or equivalent from an accredited two-year college or technical school in IT sciences or closely related field of expertise, with three years of information technology experience that includes desktop and network support; or equivalent combination of education and experience.

LICENSE OR CERTIFICATE:

- Valid Motor Vehicle Operator's License

Note: The above description is illustrative of tasks and responsibilities. It is not meant to be all-inclusive of every task and responsibility.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Revisions to Senior Information Technology Analyst Job Description
2. **Date of Board Meeting:** May 23, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Melissa Appleby, Deputy Town Manager; Rick Bazzano, IT Manager *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports approving the revised job title and job description, the following motion is in order:

Move, effective May 23, 2022, to approve the revised job title and job description for the Senior Information Technology Analyst position as presented.

5. **Summary of Submission:**
The Information Technology Analyst job description has not been updated since November 1999. Accordingly, much of the job description is dated and requires housekeeping updates to reflect modern technology, current practices, and appropriate terminology. Since then the world of technology and the needs of the Town have evolved. This position is classified at grade A5-B of the Administrative and Professional employees' pay plan.

The proposed changes are minor in nature and mainly intended to modernize the terminology to reflect current practices. Staff from the Town Manager's Office and the IT Manager were involved in developing the revisions. This proposal also recommends changing the title to Senior Information Technology Analyst.

The position would remain non-exempt (hourly), at the same pay grade (A5-B), and remain at 40 hours per week.

Chapter 9, Section 902 of the Charter requires that the Town Manager prepare and submit proposed changes to job descriptions to the Board of Selectmen for review and approval. Excerpted Charter language reads:

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

This item was reviewed and endorsed by the Personnel Sub-Committee at their May 12, 2022 meeting. The proposal was sent to the Union and they have agreed to the changes.

6. Financial Impact:

None

7. Description of Documents Included with Submission:

a) Proposed Revised Job Description – Senior Information Technology Analyst

Town of Simsbury

TITLE: Senior Information Technology Analyst

GRADE: A5-B

DEPARTMENT: ~~Computer~~ Information Technology
~~1999-May XX, 2022~~

DATE: ~~November 8,~~

FLSA Status: Non-Exempt

POSITION DESCRIPTION:

Under the general supervision and direction of the ~~Data Processing Manager~~ Information Technology Director, responsible for the technical support and management of Simsbury's municipal and educational LAN/Wan operations and cyber-security processes. Primary responsibilities include support of the operations at the municipal, law enforcement and Board of Education offices.

ESSENTIAL JOB FUNCTIONS:

- Assists the ~~Data Processing Manager~~ Information Technology Director in the development, implementation and administration of Simsbury's automation environment that is within the authority of the ~~Data Processing Manager~~ Information Technology Director.
- Assists ~~Data Processing Manager~~ Information Technology Director in all pre-installation activities relating to the automation strategies of the Town of Simsbury, including floor plans, electrical work, cabling requirements, furniture, etc.
- Initiates hardware/software product orders and completes installation of computer hardware and software, including product upgrades and new installations.
- Responsible for the automation operations of the ~~Computer~~ Information Technology Department including network administration and security, file server backup and restore, disaster recovery, equipment inspections and maintenance.
- Oversees the utilization of personal computer equipment within the Town's LAN environment, including but not limited to network hubs and file servers, printers, modern access pools, scanners, etc., so as to maximize the efficient utilization.
- Provides help-desk related telephone and on-site technical support and problem resolution on computer hardware/software for network users on a priority basis.
- Understanding of LAN/WAN architecture including network operations, various topologies and communication (~~Ethernet~~), protocols (~~IPX/SPX~~, TCP/IP), and network configuration.
- Develops and maintains the Town's web site, and its affiliates websites, such as design and content.
- Assists Information Technology Director in the research, planning and implementation of cyber security measures and monitoring their activities.
- Creates and /or consults information system applications for business operations in order to automate functions and make activities more cost-effective. Formulates recommendations concerning applications and hardware configurations to ~~Data~~

~~Processing Manager~~ Information Technology Director and works with appropriate departmental staff to implement.

- Recommends information technology strategies to departments within the authority of the ~~Computer~~ Information Technology department to improve business workflow and service to the public.
- Assists the ~~Data Processing Manager~~ Information Technology Director in the evaluation and monitoring of network performance and utilization.
- Assists in training staff in the use of computer hardware and software.
- Serves as a member of various committees, as assigned.
- Coordinates the resolution of the most complex information technology hardware and software problems including contact with outside vendors.
- Provides consistent, efficient, and reliable technology support for all departments within the authority of the ~~Computer~~ Information Technology Department.
- Responds to emergency or on-call work needs as scheduled, which may include nights, weekends and holidays.
- May perform additional tasks and duties as requested.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:

- Working knowledge of NGFW and cloud-based security systems in providing daily support, maintenance and configuration based on needed environmental changes.
- High level of technical expertise to handle the most complex technology problems and objectives of the ~~Computer~~ Information Technology Department and the Town of Simsbury.
- Ability to install personal and network versions of software programs as well as support hardware platforms within a network environment.
- Ability to disassemble and reassemble personal computer hardware.
- Thorough familiarity with Microsoft Office Suite, including development skills in Access, Excel, and Word.
- Ability to interact with administrators from Town and Board of Education on complex information technology issues.
- Knowledge and ability to analyze problems and to develop and implement programs and activities to address these problems.
- Ability to operate light manual and automatic tools, including but not limited to drills, wire cutters, cable splicers, etc.
- Ability to utilize the Internet for obtaining computer related information during problem resolution or product research and development.
- Knowledge of computer operating systems; Microsoft platform, DOS, PwerShell, VMware and cloud-based. ~~DOS, Windows 3.1, Windows 95, Windows NT, NetWare and Unix.~~
- Ability to configure personal computer hardware including printers, storage devices, scanners, etc.
- Ability to articulate effectively in both oral and written communications.
- Ability to work and interact effectively with staff, superiors, end-users and the general public in person and via the telephone.
- Ability to work independently minimal supervision and administrative support.

- Ability to maintain existing software programs and computer systems.
- Ability to troubleshoot computer problems.
- Ability to meet project deadlines.
- Ability to monitor and remain current on technologies, both existing and emerging, and identify opportunities for implementation in the Town's automation environment.

REQUIRED PHYSICAL AND MENTAL EFFORT AND ENVIRONMENTAL CONDITIONS:

- Must be able to work under demanding deadlines and changing priorities and conditions.
- Must be on an "on-call" basis as scheduled or as work necessitates.
- Ability to lift objects weighing up to fifty (50) pounds.
- Must possess strength and agility to climb ladders and maneuver in crawl spaces to run wires and cables.
- Ability to sit at a desk or stand and work continuously for extended periods of time.
- Works in office setting subjects to continuous interruptions and background noises.
- Exposure to video display terminals on a daily basis.
- Ability to operate equipment requiring eye and hand coordination and mechanical aptitude.
- Ability to move throughout the Town Hall and Board of Education buildings and sites.
- Ability to get into and out of an automobile.
- Ability to work evenings and/ or weekends.
- Specific vision abilities required by this job include close vision, color vision and the ability to adjust focus.
- Ability to hear normal sounds with some background noise and to communicate effectively.
- Ability to concentrate on fine detail with constant interruption.
- Ability to attend to task/ function for more than 60 minutes at a time.
- Ability to use hands and finger handle or feel objects, tools, or controls.
- Ability to reach with hands and arms.
- The noise level in the work environment is moderately quiet.

REQUIRED MINIMUM QUALIFICATIONS:

- Bachelors Degree in computer science or a closely related field plus three years of professional work experience in LAN or WAN technical support; or seven years of experience and training, including four years performing job related duties.

LICENSE OR CERTIFICATE: Valid Motor Vehicle Operator's License.

Note: The above description is illustrative of tasks and responsibilities. It is not meant to be all-inclusive of every task and responsibility.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Simsbury Retirement Income Plan Amendment

2. **Date of Board Meeting:** May 23, 2022

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 adopting the amendment to the Simsbury Retirement Income Plan, the following motion is in order:

Move, effective May 23, 2022 to adopt the attached resolution as presented to approve Amendment No. 4 to the Town of Simsbury Retirement Income Plan, and authorize Town Manager Maria E. Capriola to execute the amendment.

5. **Summary of Submission:**

The CSEA union, which represents the Secretarial, Clerical, and Library (SCL) unit, Administrative & Professional (A&P) unit, and the Supervisors unit, has requested a change to the Retirement Income Plan Staff to allow for employee pension contributions to be made on a pre-tax, rather than a post-tax, basis.

Currently, unaffiliated employees contribute on a pre-tax basis, and employees in IBPO, AFSCME, and Dispatchers all contribute on a post-tax basis.

The amendment, as well as the Board of Selectmen resolution, have been prepared by pension counsel. If approved, the date of implementation would be July 1, 2022 for employees represented by CSEA.

6. **Financial Impact:**

This change will have no financial impact on the Town.

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

- a) Board of Selectmen Resolution – Approval and Adoption of Amendment No. 4 to the Town of Simsbury Retirement Income Plan by Written Consent
- b) Amendment No. 4 to the Town of Simsbury Retirement Income Plan

APPROVAL AND ADOPTION OF AMENDMENT NO. 4 TO THE TOWN OF SIMSBURY
RETIREMENT INCOME PLAN BY WRITTEN CONSENT

The undersigned, being all of the members of the Board of Selectmen of The Town of Simsbury (“the Town”), a governmental entity of the State of Connecticut, by this written action in lieu of a meeting of the Board of Selectmen, hereby consent to the adoption of the following resolutions, which will be deemed adopted when all of the Selectmen have signed this Consent or a counterpart of this Consent, and hereby waive any notices required by law with respect to this action.

Adoption of Amendment No. 4 to the Town of Simsbury Retirement Income Plan (“Plan”)

RESOLVED, that effective July 1, 2022, the Town adopts Amendment No. 4 to the Plan in substantially the form attached to this Consent.

RESOLVED FURTHER, that the Board of Selectmen of the Town, or any one of them, are authorized and directed to amend the Plan, as evidenced by the Selectmen's execution of the Plan amendment.

RESOLVED FURTHER, that the Selectmen of the Town, or any one of them, are authorized and directed to execute any additional documents and to take any further actions as they, or any one of them, deem necessary or appropriate to put these resolutions into effect.

IN WITNESS WHEREOF, the undersigned have caused this Consent to be executed on this _____ day of _____, 2022.

_____ Date _____, 2022
Wendy Mackstutis, First Selectman

_____ Date _____, 2022
Amber Abbuhl, Deputy First Selectman

_____ Date _____, 2022
Sean Askham, Selectman

Eric Wellman, Selectman

Date _____, 2022

Heather Goetz, Selectman

Date _____, 2022

Chris Peterson, Selectman

Date _____, 2022

AMENDMENT NO. 4
TO THE
TOWN OF SIMSBURY RETIREMENT INCOME PLAN

The Town of Simsbury Retirement Income Plan (“Plan”), as amended and restated effective as of July 1, 2015, is hereby amended as follows:

1. Effective as of July 1, 2022, Article IV of the Plan is amended by deleting section 4.1(b)(ii) entirely and replacing with the following new paragraph:

(ii) Effective as of July 1, 2022, the Employer shall "pick-up" all of the contributions required to be made to the Plan by a Police Officer Employee, a Police Dispatcher Employee, a Public Works and Parks Employee, a Professional Supervisor Employee, a Professional Employee and a Secretarial/Clerical/Library Employee pursuant to Sections 4.1(a)(ii)-(v), as permitted by Section 414(h)(2) of the Code.
2. All section numbers and cross references thereto are appropriately amended to effectuate the intention of the foregoing amendment.

Dated this _____ day of _____, 2022

Witness:

TOWN OF SIMSBURY, CONNECTICUT

By: _____
Maria E. Capriola, Town Manager



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Resignation of Tim Walczak from the Clean Energy Task Force

2. **Date of Board Meeting:** May 23, 2022

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

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

Move, retroactive to May 16, 2022, to accept the resignation of Tim Walczak as a Regular Member of the Clean Energy Task Force.

5. **Summary of Submission:**
The Town Clerk has received the resignation of Tim Walczak (R) as a Regular Member of the Clean Energy Task Force. Mr. Walczak's term was to expire December 4, 2023.

Pursuant to our Charter, since Mr. Walczak is a Republican, his replacement must be from the same political party.

6. **Financial Impact:**
None

7. **Description of Documents Included with Submission:**
a) Tim Walczak's Resignation Letter, dated May 16, 2022

Munroe Trish

From: Contact form at Simsbury CT <cmsmailer@civicplus.com>
Sent: Monday, May 16, 2022 3:09 PM
To: Munroe Trish
Subject: [Simsbury CT] Clean energy task force (Sent by Tim Walczak, [REDACTED])

Hello tmunroe,

Tim Walczak [REDACTED] has sent you a message via your contact form (<https://www.simsbury-ct.gov/user/17206/contact>) at Simsbury CT.

If you don't want to receive such e-mails, you can change your settings at <https://www.simsbury-ct.gov/user/17206/edit>.

Message:

As of 5/16/2022 I, Tim Walczak, am resigning from the Simsbury Clean Energy Task Force.

Thank you for the opportunity to make a positive impact on our town.

Tim Walczak



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Proposed Appointments to Various Boards

2. **Date of Board Meeting:** May 23, 2022

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

Maria E. Capriola, Town Manager; Trish Munroe, Town Clerk

Maria E. Capriola

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

If the Board of Selectmen accepts the recommended appointments, the following motions are in order:

Move, effective May 23, 2022, to appoint Gabriela Sandoval as a Regular Member of the Board of Ethics to fill a vacancy until January 1, 2023.

Move, effective May 23, 2022, to appoint Larry Boardman as an Alternate Member of the Zoning Board of Appeals to fill a vacancy until December 4, 2023.

5. **Summary of Submission:**

The Town Clerk has received from the Democratic Town Committee the recommendation to appoint Gabriela Sandoval (D) as a Regular Member of the Board of Ethics. The appointee would be filling the vacancy created by the resignation of Robert Helfand from this position effective January 18, 2022. Pursuant to our Charter, since the vacancy occurred mid-term, it must be filled by the same political party, which in this case is the Democratic party. The appointee will serve until the term ends on January 1, 2023.

The Town Clerk has received from the Democratic Town Committee the recommendation to appoint Larry Boardman (D) as an Alternate Member of the Zoning Board of Appeals. This vacancy was initially created by the resignation of Ram Kaza (D) on June 9, 2021 and was not filled during the November 2, 2021 Municipal Election. Pursuant to our Charter, since the vacancy occurred mid-term, it must be filled by the same political party, which in this case is the Democratic party. The appointee will serve until the term ends on December 4, 2023.

6. **Financial Impact:**

None

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

- a) Bio of Gabriela Sandoval
- b) Bio of Larry Boardman

Gabriela Sandoval

I have been licensed as an attorney in Colorado (inactive), Virginia (resigned), and now CT (active) and have worked for private firms, my own firm, non-profits, local and state governments and have practiced in various areas of law since 2004. I also obtained my real estate broker's license (2018 in CO and 2020 in CT). Most of my work has been as a children's attorney and advocate. I was a board-certified Child Welfare Law Specialist certified by the National Association of Counsel for Children and I have recently accepted a durational position as a Human Rights Attorney with the Commission on Human Rights and Opportunities (CHRO). It would be an honor to serve the Town of Simsbury.

Larry Boardman

My wife Carol and I (with our 5 rescue cats) moved into Simsbury 20+ years ago from West Hartford. We had just sold our second Internet business and wanted to do an early retirement to a more rural setting. Not being one to sit around, in 2004 I took my interest in classic cars and formed a new business, Classic Wheels LLC where I became a Certified Vehicle Appraiser and Senior Master National Judge for the Antique Automobile Club of America. I sold this business in 2020 and now work two days a week at NAPA Canton and as-needed for the Mitchell Group doing vehicle transport.

Locally I served on the Public Building Committee and as the past president and current board member for the Valley Collector Car Club and New England Auto Museum. You may be familiar with the annual VCCC Charity car show on Iron Horse Boulevard where the proceeds are distributed to smaller non-profit local charities every year.

CALL TO ORDER

The Regular Meeting of the Board of Selectmen was called to order at 6:00 p.m. in the Main Meeting Room of the Simsbury Town Offices. Present were: First Selectman Wendy Mackstutis; Deputy First Selectman Amber Abbuhl; Board members: Sean Askham, Heather Goetz, Eric Wellman and Chris Peterson. Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Public Works Director/Town Engineer Tom Roy; Executive Director of Simsbury Main Street Partnership Sarah Nielson; Neil Sullivan, Assistant Supervisor of Administration, and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC HEARING

a) Proposed Amendments to the Solid Waste Ordinance (Chapter 133)

Mr. Roy said this Board authorized the Town Manager to opt out of MIRA due to increase costs and unsustainability. Now the Town Ordinance needs to be changed which controls municipal solid waste. Ms. Capriola is also asking for 133-6d and 133-9 and 10 to be corrected also. Mr. Roy said 133-6-d lists both commercial and residential waste and 133-9 and 10 address state license fees.

Mr. Paine, 72 Holcomb Drive, gave the Board background of handling municipal solid waste. He said the disposal fees are called “tip fees” which is a per ton charge collected and paid to haulers. Recycling was added in the 1990’s. He noted that the MIRA plant is over 40 years old and should have been rebuilt at least 20 years ago. Paine’s spends \$100,000 plus/month to collect the waste and bring it to the transfer station. He does not want to bring the waste to Torrington as it is just not efficient and it is costly.

After no further comment, Ms. Abbuhl made a motion to close the Public Hearing at 6:22p.m. Ms. Goetz seconded the motion. All were in favor and the motion passed.

PUBLIC AUDIENCE

- **Participants can address the Board of Selectmen in person at the meeting**
- **Email townmanager@simsbury-ct.gov by noon on Monday, May 9, 2022 to register to address the Board of Selectmen live through Zoom**
- **Written comments can be emailed to townmanager@simsbury-ct.gov. Written comments will not be read into the records, but forwarded to all Selectmen via email**

Joan Coe, 26 Whitcomb Drive, spoke about Mr. Wellman running for the State Representative position; the Affordable Housing Act; the Zoning Commission meetings; staff resigning and grievances; the Library strategic plan; SCTV and other issues.

Mr. Paine spoke about healthy disagreements and discussions. He said unhealthy verbal attacks are not helpful and people should agree to disagree instead of fighting.

PRESENTATION

a) Proclamation for Bike Awareness Month

Debbie Thibodeau spoke about events for May which is National Bike Month. For more information on events, go to www.Simsburybike.com and “Bike to It!”

The Board read the Proclamation:

PROCLAMATION
May 2022 is Bike Awareness Month in Simsbury, CT

WHEREAS, millions of Americans engage in bicycling as an environmentally sound form of transportation, an excellent form of fitness, and a quality family recreation activity; and,

WHEREAS, Simsbury, CT our State’s first Bicycle Friendly Community, annually hosts Bike to Work Day, Bike to School events, community Bike Challenges, safe cycle events that attract residents and bicycle tourists to Simsbury; and,

WHEREAS, these events demonstrate that cycling is sustainable, economic development policy impacting our home prices, our tourism industry and our local economy by making our Town attractive to businesses and citizens who enjoy safe, outdoor recreation that foster healthy lifestyles; and,

WHEREAS, recognizing in investing in bicycle-friendly communities is good public health policy, by encouraging low impact exercise, which improves overall well-being and quality of life, builds community spirit, and can reduce pollution and congestion; and

WHEREAS, the League of American Bicyclist and Connecticut cyclists view cycling as safety policy and Bike Month promotes public awareness of bicycle operation to improve reduce crashes, injuries and fatalities; and

WHEREAS, cycling is good social policy for all citizens of Simsbury benefit from the availability of a complete transportation system that includes dedicated to the safe and convenient movement of bicycle traffic;

NOW, THEREFORE, BE IT RESOLVED, that the Town of Simsbury Board of Selectmen hereby proclaims the month of May 2022 as BIKE MONTH in beautiful and Silver Level Bike Friendly, Simsbury, CT.

IN WITNESS THEREOF, we have placed our signatures and the great seal of the Town of Simsbury.

Dated the 9th day of May 2022.

b) Cell Phone Project Update

Ms. Nielson updated the Board of the current cell phone coverage with the background and complaints of coverage issues. She said there was a survey on these issues, where over 100 results were obtained She said they are working with Verizon to try to work on and complete some of these repair projects as all of these issues impact quality of life, safety and quality of life. A lot of people need to work together to come up with solutions. A more formal committee might be needed to accomplish this.

FIRST SELECTMAN’S REPORT

The First Selectman, Wendy Mackstutis, reviewed her First Selectman’s report.

TOWN MANAGER’S REPORT

The Town Manager, Maria E. Capriola, reviewed her Town Manager’s report.

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

- a) **Personnel** – There was no report at this time.
- b) **Finance** – There was no report at this time.
- c) **Public Safety** – There was no report at this time.
- d) **Board of Education** – There was no report at this time.

Ms. Abbuhl said there will be a discussion on affordable housing at the Library on Thursday at 6:30p.m.

SELECTMEN ACTION

- a) **Ensign Bickford Aerospace and Defense (EBAD) Business Development Assistant Application (Permitting Fee Waiver Request)**

Ms. Capriola said the Board approved a fee waiver request in 2019 for Ensign Bickford’s first phase of new development. Now, they are requesting another 50% fee waiver for the second phase, which would be \$7,924.

Mr. Askham made a motion, effective May 9, 2022, to approve a 50% fee waiver request and local permit fees for Ensign Bickford Aerospace and Defense as presented in an amount of \$7,924. Mr. Wellman seconded the motion. All were in favor and the motion passed.

- b) **Proposed Amendments to the Solid Waste Ordinance (Chapter 133)**

Ms. Capriola said Chapter 133 of the Solid Waste Ordinance shows Article I addressing solid waste and Article II addressing recycling. Proposed changes in Article I was noticed for the hearing, but Article II was not posted and there are a few changes there as well. Ms. Capriola said another Public Hearing should be held to make sure the public understands all of the proposed changes.

Mr. Askham made a motion, effective May 9, 2022, to set a Public Hearing to receive public comments concerning proposed revisions on Chapter 133 of the Town Code concerning storage, collection and disposal of solid waste on May 23, 2022 at 6:05 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

- c) **Tax Refund Requests**

Mr. Peterson made a motion, effective May 9, 2022, to approve the presented tax refunds in the amount of \$6,672.86, and to authorize Town Manager, Maria E. Capriola to execute the tax refunds. Mr. Askham seconded the motion. All were in favor and the motion passed.

d) Latimer Lane Project Update

Ms. Capriola said that during the budget process the Board flagged the Latimer project as not likely getting a bid that was for the authorized money during the referendum due to inflation and supply chain issues. There is a possibility of using the capital reserve funds to cover the costs.

Mr. Sullivan said they are in the bid process and understand that they need to discuss alternatives and cut-backs. The new amount of money that could now be over is \$1.3 million from the approved referendum amount. They are asking that the Board commit to covering this \$1.3 million so they don't have to slow down getting out to bid. Hopefully the complete design drawings will be completed by July 1st so true costs can be obtained. The \$1.3 million commitment will allow the project to keep rolling.

After discussion, including on air conditioning, Mr. Askham made a motion, effective May 9, 2022, to commit \$1,364,624 of the Capital Reserve Fund to meet the State of CT's ability to pay requirement and move forward at the Latimer Lane Project bid process. Mr. Peterson seconded the motion. All were in favor and the motion passed.

e) Neighborhood Assistance Act Program Proposals; Schedule Public Hearing

Ms. Appleby said this Assistance Act Program allows businesses to make donations to qualifying community programs and receive tax credits. The Board has to hold a Public Hearing to receive public comments on the program applications.

Ms. Goetz made a motion, effective May 9, 2022, to set a Public Hearing to receive public comment on the proposals submitted by the Simsbury Grange, the Simsbury Department of Community and Social Services and the Simsbury Town Manager's office pursuant to the 2022 Connecticut Neighborhood Assistant Act for 6:00 p.m. on Monday, May 23, 2022. Mr. Wellman seconded the motion. All were in favor and the motion passed.

APPOINTMENTS AND RESIGNATIONS

a) Proposed Appointments to Various Commissions

Ms. Abbuhl made a motion, effective May 9, 2022, to appoint Diane Prusank Duran as an Alternate Member of the Planning Commission with a term ending December 4, 2023 and appoint Ieke Scully as an Alternate Member of the Historic District Commission with a term ending January 1, 2026. Mr. Wellman seconded the motion. All were in favor and the motion passed.

b) Resignation of Khamla Varasane

Ms. Abbuhl made a motion, retroactive to April 20, 2022, to accept the resignation of Khamala Varasane as a Regular Member of the Design Review Board with our thanks. Mr. Wellman seconded the motion. All were in favor and the motion passed.

c) Resignation of Nkosi Lee from the Simsbury Diversity, Equity and Inclusion Council

Mr. Askham made a motion, effective May 9, 2022, to accept the resignation of Nkosi Lee as a CREC Parent Representative member of the Simsbury Diversity, Equity and Inclusion Council with our thanks. Mr. Peterson seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a) April 25, 2022 Regular Meeting

There were no changes to the Regular Meeting Minutes of April 25, 2022, and, therefore, the minutes were adopted.

ADJOURN

Mr. Askham made a motion to adjourn at 8:00 p.m. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio
Clerk



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Maria E. Capriola - Town Manager

MEMORANDUM

To: Board of Selectmen
From: Maria Capriola, Town Manager
Cc: George McGregor, Planning Director; Laura Barkowski, Code Compliance Officer; Tom Tyburski, Director of Culture, Parks and Recreation; Nick Boulter, Chief of Police; Chris Davis, Deputy Chief of Police; Greg Samselski, Police Lt.; Tom Roy, Director of Public Works/Town Engineer; Patrick Tourville, Fire Marshal
Date: May 16, 2022
Subject: Administrative Approval of Public Gathering Permits

This memo is to inform the Board of Selectmen of public gathering permits that I have approved via an administrative approval.

Staff from Planning, Police, Culture, Parks and Recreation, Public Works, the Fire District, and the Farmington Valley Health District reviewed the applications to ensure compliance and safety measures were addressed prior to approval. Following completion of that process, the following public gathering permits have been approved by me:

Name of Event	Location	Date	Type
Burgers on the Bridge	Flower Bridge/Hopbrook Landing	June 8	Fundraiser, food, music
Gollan/Randhawa Wedding	Flower Bridge/Hopbrook Landing	August 19	Wedding Photos & Video
Nicholson/Wise Wedding	Flower Bridge/Hopbrook Landing	August 20	Wedding Photos

Should you have any questions or concerns about the application listed above, please contact me so staff and I can help answer those questions.