



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Watch Board of Selectmen meetings LIVE and rebroadcast on Comcast Channels 96, 1090, Frontier Channel 6071 and LIVE streamed or on-demand at [www.simsburytv.org](http://www.simsburytv.org)

## SIMSBURY BOARD OF SELECTMEN

Main Meeting Room – Simsbury Town Hall – 933 Hopmeadow Street, Simsbury

Regular Meeting – January 9, 2023 – 6:00 p.m.

### PLEDGE OF ALLEGIANCE

### PUBLIC AUDIENCE

- Participants can address the Board of Selectmen in person at the meeting
- Email [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov) by noon on Monday, January 9, 2023 to register to address the Board of Selectmen live through Zoom
- Written comments can be emailed to [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov). Written comments will not be read into the record, but forwarded to all Selectmen via email

### FIRST SELECTMAN'S REPORT

### TOWN MANAGER'S REPORT

### SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

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

### SELECTMEN ACTION

- a) Tax Refund Requests
- b) Donation for Simsbury Police Department from Ron Perry
- c) Donation from Garrity Asphalt Reclaiming, Inc.
- d) Consideration of Retail Sale of Cannabis within Town Borders

### APPOINTMENTS AND RESIGNATIONS

- a) Appointments and Reappointments to Various Boards and Commissions

### REVIEW OF MINUTES

- a) Regular Meeting of December 12, 2022

### ADJOURN



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Tax Refund Requests
2. **Date of Board Meeting:** January 9, 2023
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager; Colleen O'Connor, Tax Collector  
*maria e. Capriola*
4. **Action Requested of the Board of Selectmen:**  
If the Board of Selectmen supports approving the tax refunds as presented, the following motion is in order:

*Move, effective January 9, 2023 to approve the presented tax refunds in the amount of \$23,129.76, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds.*

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

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

6. **Financial Impact:**  
The aggregate amount of all tax refunds as presented is \$23,129.76. The attachment dated January 9, 2023 has a detailed listing of all requested tax refunds.
7. **Description of Documents Included with Submission:**
  - a) Requested Tax Refunds, dated January 9, 2023

	BILL NUMBER	TAX	INTEREST	TOTAL
<b>List 2019</b>				
Dickau, Ewald & Helga	19-01-02095	\$267.43		\$267.43
		<b>\$267.43</b>		<b>\$267.43</b>
<b>List 2020</b>				
Dickau, Ewald & Helga	20-01-02107	\$269.73		\$269.73
CAB East LLC	20-03-52410	\$180.01		\$180.01
Cabral, Kimberly	20-03-52430	\$141.67		\$141.67
Asselin, Gabrielle M	20-04-80162	\$153.19	\$22.21	\$175.40
<b>Total 2020</b>		<b>\$744.60</b>	<b>\$22.21</b>	<b>\$766.81</b>
<b>List 2021</b>				
Atty Robert J Piscitelli (Brockbank)	21-01-00960	\$109.52		\$109.52
Dickau, Ewald & Helga	21-01-02119	\$269.73		\$269.73
LERETA LLC (Freeman,M)	21-01-02749	\$3,373.82		\$3,373.82
Hall, Michael John	21-01-03324	\$4,776.70		\$4,776.70
Corelogic - Mauke	21-01-05159	\$3,530.01		\$3,530.01
ACAR Leasing Ltd	21-03-50058	\$388.17		\$388.17
ACAR Leasing Ltd	21-03-51024	\$767.00		\$767.00
Brooke David N	21-03-52078	\$200.75		\$200.75
CAB East LLC	21-03-52414	\$576.58		\$576.58
CAB East LLC	21-03-52421	\$789.14		\$789.14
CAB East LLC	21-03-52444	\$238.25		\$238.25
CCAP Auto Lease Ltd	21-03-52910	\$510.83		\$510.83
Daimler Trust	21-03-54184	\$799.44		\$799.44
Fridlich, Steven H	21-03-56287	\$81.71		\$81.71
Graziano Darcie	21-03-57220	\$82.09		\$82.09
Honda Lease Trust	21-03-58346	\$596.77		\$596.77
Hyundai Lease Titling Trust	21-03-58741	\$367.77		\$367.77
JP Morgan Chase Bank	21-03-59304	\$182.46		\$182.46
Matava, Andrew M Jr	21-03-61927	\$266.24		\$266.24
Nissan Infiniti LT LLC	21-03-62532	\$261.97		\$261.97
Moore Thomas W	21-03-62913	\$34.01		\$34.01
Sennott Stephen J	21-03-66923	\$147.49		\$147.49
Toyota Lease Trust	21-03-68723	\$302.77		\$302.77
Toyota Lease Trust	21-03-68789	\$599.42		\$599.42
USB Leasing Ltd	21-03-69176	\$886.50		\$886.50
Vault Trust	21-03-69339	\$595.79		\$595.79
Vault Trust	21-03-69373	\$454.31		\$454.31
VW Credit Leasing Ltd	21-03-69741	\$572.17		\$572.17
Bracey Austin S	21-03-70872	\$334.11		\$334.11
<b>Total 2021</b>		<b>\$22,095.52</b>	<b>\$0.00</b>	<b>\$22,095.52</b>
<b>TOTAL 2019</b>		<b>\$267.43</b>	<b>\$0.00</b>	<b>\$267.43</b>
<b>TOTAL 2020</b>		<b>\$744.60</b>	<b>\$22.21</b>	<b>\$766.81</b>
<b>TOTAL 2021</b>		<b>\$22,095.52</b>	<b>\$0.00</b>	<b>\$22,095.52</b>
<b>TOTAL ALL YEARS</b>		<b>\$23,107.55</b>	<b>\$22.21</b>	<b>\$23,129.76</b>



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Donation from Ron Perry for the Police Department
2. **Date of Board Meeting:** January 9, 2023
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager; Nicholas Boulter, Chief of Police  
*Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**  
If the Board of Selectmen supports acceptance of the donation from Ron Perry, the following motion is in order:  
  
*Move, effective January 9, 2023, to accept the monetary donation of \$5,000 from Ron Perry for use by the Police Department.*
5. **Summary of Submission:**  
Mr. Ron Perry has reached out to the Police Chief and expressed his desire to donate \$5,000 to the Simsbury Police Department to be used at the Chief's discretion for departmental needs. Mr. Perry made a similar donation in December 2020 that was accepted by the Board of Selectmen.  
  
Chapter 100 of our Code of Ordinances, "Gift Policy," requires that monetary donations over \$1,500 be accepted by the Board of Selectmen. If the donation is accepted I will direct staff to send a thank you letter to Mr. Perry.
6. **Financial Impact:**  
The funds would be deposited into the Police Department's Community Policing Fund, which is used for supporting programs such as Project Lifesaver, the Junior Police Academy, Women's Self Defense and more.
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 Garrity Asphalt Reclaiming, Inc.
2. **Date of Board Meeting:** January 9, 2023
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager; Kristen Formanek, Director of Community and Social Services *Maia E. Capriola*
4. **Action Requested of the Board of Selectmen:**  
If the Board of Selectmen supports acceptance of the Garrity Asphalt Reclaiming, Inc., donation, the following motion is in order:  
  
*Move, effective January 9, 2023, to accept a donation from Garrity Asphalt Reclaiming, Inc., in the amount of \$10,000 to support the Keep Simsbury Warm Program.*
5. **Summary of Submission:**  
Garrity Asphalt Reclaiming, Inc., has provided a financial donation in the amount of \$10,000 to the Community and Social Services Department's Keep Simsbury Warm Program. The donation will be used to aid residents in need with their home heating costs and utility bills.  
  
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 Garrity Asphalt Reclaiming, Inc.
6. **Financial Impact:**  
The \$10,000 donation from Garrity Asphalt Reclaiming, Inc., will be used to support the Keep Simsbury Warm Program. 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:** Consideration of Retail Sale of Cannabis within Town Borders
2. **Date of Board Meeting:** January 9, 2023
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager, George McGregor, Director of Planning and Community Development; Wendy Mackstutis, First Selectman  
*Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**  
There are three policy considerations as follows:

**Option A:** Take no action. If the Board takes no legislative action, the Zoning Commission may continue their work to adopt regulations pertaining to the retail sale of cannabis within Town borders. Should the land use body adopt such regulations, retail sale of cannabis would be permitted.

**Option B:** Prohibit the retail sale of cannabis indefinitely. If the Board supports this action, the following suggested motion is in order:

*Move, effective January 9, 2023, to prohibit the retail sale of cannabis in Simsbury and to request of the Town Manager and Town Attorney the preparation of a draft ordinance prohibiting the retail sale of cannabis in Simsbury.*

**Option C:** Prohibit the retail sale of cannabis temporarily. A 12-month prohibition would provide time for residents interested in circulating a petition to add this question to the November 2023 election ballot time to do so. If the Board supports this action, the following suggested motion is in order:

*Move, effective January 9, 2023, to temporarily prohibit the retail sale of cannabis in Simsbury for 12 months and to request of the Town Manager and Town Attorney the preparation of a draft ordinance prohibiting the temporary retail sale of cannabis in Simsbury.*

5. **Summary of Submission:**

The Board of Selectmen solicited feedback from the public regarding retail sale of cannabis at its November 28<sup>th</sup> Board of Selectmen Meeting.

The following link has been created on the Board of Selectmen webpage regarding cannabis: <https://www.simsbury-ct.gov/board-of-selectmen/pages/cannabis-information>.

This page directs residents to the state legislation and relevant policies and procedures, as well as to the Board of Selectmen meeting documents when this was reviewed and discussed.

The Zoning Commission continues work on the draft text amendment. The Public hearing has been opened and continued through January 4, 2023. The moratorium was also extended until May 2023.

In follow-up to a question at your November 28<sup>th</sup> meeting, Our Town Attorney confirmed that should a petition be successful it can't be placed on a local referenda ballot, but must be paired with a regular election. A primary would not count as a regular election. Therefore, it could be placed on a ballot during a November general election (municipal, state, federal). Staff has received some inquiries about circulating a petition to place the question of permitting/prohibiting retail sale of cannabis on a future ballot. There is a requirement in statute that states that signatures on the petition can't be obtained earlier than six (6) months prior to filing the Petition. We previously provided technical guidance to the petition circulators and will continue to do so as appropriate.

**6. Financial Impact:**

At this time, it is difficult to project what revenues the Town would receive from sales taxes derived from retail cannabis sales in Simsbury. State statute<sup>1</sup> provides for the acceptable uses of that revenue as follows:

*(5) The tax collected pursuant to this section shall be used by such municipality to (A) make improvements to the streetscapes and other neighborhood developments in and around each community in which a cannabis retailer, hybrid retailer or micro-cultivator is located, (B) fund education programs or youth employment and training programs in such municipality, (C) fund services for individuals released from the custody of the Commissioner of Correction, probation or parole and residing in such municipality, (D) fund mental health or addiction services, (E) fund youth service bureaus established pursuant to section 10-19m of the general statutes and to municipal juvenile review boards, or (F) fund efforts to promote civic engagement in communities in such municipality.*

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

None

---

<sup>1</sup> PA 21-1



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Appointments and Reappointments to Boards and Commissions

2. **Date of Board Meeting:** January 9, 2023

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

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

If the Board of Selectmen accepts the recommended appointments and re-appointments to various boards and commissions, the following motions are in order:

*Move, effective January 9, 2023, to appoint Eric Lemke as a Regular Member of the Police Commission until January 1, 2027.*

*Move, effective January 9, 2023, to re-appoint Cheryl Cook as a Regular Member of the Aging & Disability Commission until January 1, 2027.*

*Move, effective January 9, 2023, to re-appoint Mary Sandra Fleet as a Regular Member of the Aging & Disability Commission until January 1, 2027.*

*Move, effective January 9, 2023, to re-appoint Lynn Raccio as a Regular Member of the Board of Ethics until January 1, 2027.*

*Move, effective January 9, 2023, to re-appoint Gabriela Sandoval as a Regular Member of the Board of Ethics until January 1, 2027.*

*Move, effective January 9, 2023, to re-appoint Diana Yeisley as a Regular Member of the Aging & Disability Commission until January 1, 2027.*

*Move, effective January 9, 2023, to re-appoint Shannon Leary as a Regular Member of the Aging & Disability Commission until January 1, 2027.*

*Move, effective January 9, 2023, to re-appoint Jan Beatty as a Regular Member of the Aging & Disability Commission until January 1, 2027.*

*Move, effective January 9, 2023, to re-appoint Kyle Testerman as an Alternate Member of the Conservation Commission/Inland Wetlands & Watercourses Agency until January 1, 2027.*

*Move, effective January 9, 2023, to re-appoint Mike Long as a Regular Member of the Police Commission until January 1, 2027.*

*Move, effective January 9, 2023, to re-appoint Elaine Lang as a Regular Member of the Historic District Commission until January 1, 2028.*

*Move, effective January 9, 2023, to appoint Jami Lewchik as a Regular Member of the Clean Energy Task Force until December 4, 2023.*

*Move, effective January 9, 2023, to appoint David Soskin as a Regular Member of the Public Building Committee to fill a vacancy created by the resignation of Richard Cortes for a term ending January 1, 2026.*

*Move effective January 9, 2023, to appoint Erin Leavitt-Smith as a Regular Member of the Historic District Commission to fill a vacancy created by the resignation of Scott A. Wilson for a term ending January 1, 2024.*

**5. Summary of Submission:**

The Town Clerk has received from the Republican Town Committee the following recommendations:

1. Eric Lemke (R) as a Regular Member of the Police Commission. The appointee will serve a 4-year term until January 1, 2027.
2. Cheryl Cook (R) as a Regular Member of the Aging & Disability Commission. The appointee will serve a 4-year term until January 1, 2027.
3. Mary Sandra Fleet (R) as a Regular Member of the Aging & Disability Commission. The appointee will serve a 4-year term until January 1, 2027.
4. Lynn Raccio (U) as a Regular Member of the Board of Ethics. The appointee will serve a 4-year term until January 1, 2027.

The Town Clerk has received from the Democratic Town Committee the following recommendations:

1. Gabriela Sandoval (D) as a Regular Member of the Board of Ethics. The appointee will serve a 4-year term until January 1, 2027.
2. Diana Yeisley (D) as a Regular Member of the Aging & Disability Commission. The appointee will serve a 4-year term until January 1, 2027.
3. Shannon Leary (D) as a Regular Member of the Aging & Disability Commission. The appointee will serve a 4-year term until January 1, 2027.
4. Jan Beatty (D) as a Regular Member of the Aging & Disability Commission. The appointee will serve a 4-year term until January 1, 2027.
5. Kyle Testerman (D) as an Alternate Member of the Conservation Commission/Inland Wetlands & Watercourses Agency. The appointee will serve a 4-year term until January 1, 2027.

6. Mike Long (D) as a Regular Member of the Police Commission. The appointee will serve a 4-year term until January 1, 2027.
7. Elaine Lang (D) as a Regular Member of the Historic District Commission. The appointee will serve a 5-year term until January 1, 2028.
8. Jami Lewchik (D) as a Regular Member of the Clean Energy Task Force. The appointee will serve a 2-year term until December 4, 2023.
9. David Soskin (D) as a Regular Member of the Public Building Committee. The appointee would be filling the vacancy created by the resignation of Richard Cortes (D) from this position effective February 28, 2022. Pursuant to our Charter, since the vacancy occurred mid-term, it must be filled by the same political party, which is the Democratic party. The appointee will serve until the term ends on January 1, 2026.
10. Erin Leavitt-Smith (D) as a Regular Member of the Historic District Commission. The appointee would be filling the vacancy created by the resignation of Scott A. Wilson (D) from this position effective July 18, 2022. Pursuant to our Charter, since the vacancy occurred mid-term, it must be filled by the same political party, which is the Democratic party. The appointee will serve until the term ends on January 1, 2024.

**6. Financial Impact:**

None

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

- a) Bio of Eric Lemke
- b) Bio of Jami Lewchik
- c) Bio of David Soskin

**From:** Simsbury Republicans <[info@simsburygop.com](mailto:info@simsburygop.com)>  
**Sent:** Monday, August 8, 2022 7:51:15 PM  
**To:** [info@simsburygop.com](mailto:info@simsburygop.com) <[info@simsburygop.com](mailto:info@simsburygop.com)>  
**Subject:** Simsbury GOP Website Contact Request.

First Name: Eric  
Last Name: Lemke  
Email:  
Phone Number:  
Message: Dear Mr. Beal,

I believe I am following the proper procedure, and if not, please advise where this request should be directed.

It is my understanding that Police Commissioner Terry Fogarty will be stepping down when his term is completed this year. I recently spoke with him briefly at the Simsbury Police Junior Police Academy graduation, where my daughter attended.

I am interested in placing my name for consideration in filling Mr. Fogarty's position on the Police Commission. I am a resident of Simsbury, and a registered Republican. My wife and I moved to Simsbury approximately five years ago, and our two daughters are currently attending Squadron Line School. My wife Sue has been employed with the Simsbury Public Schools for over 15 years, and is currently Assistant Superintendent.

I have been a law enforcement officer for over 27 years in Virginia and Connecticut, and am currently a detective with the Hartford Police Department. Sue and I both love Simsbury, and I am interesting in getting more involved in the community.

I would greatly appreciate the opportunity to meet with you and discuss my qualifications and background.

Thank you in advance,

Eric Lemke

## Jami Lewchik

With over 20 years experience in public and private sector giants like Harvard University and Unilever, Jami Lewchik is the Head of TAZO and Portfolio Sustainability at ekaterra Americas\*. At the helm of TAZO tea, Jami founded the climate-justice jobs program, TAZO Tree Corps, collaborating with the non-profit American Forests to plant, protect and care for trees in 5 cities across America. Jami is currently leading TAZO's transition to a regenerative organic sourcing model, in partnership with Fair Trade USA, 1% for the Planet, Rodale Institute and the Regenerative Organic Alliance. Highlights of her work in sustainability include serving as an AmeriCorps member dedicated to cleaning NJ's waterways, attending COP15 (the UN Biodiversity Conference) and establishing both the Food Literacy Project and the Farmers' Market at Harvard University in 2005, which is still going strong today!

Jami has a Graduate Certificate in Publishing from Emerson College and a Bachelor of Arts in International Relations from University of Delaware. She lives in Simsbury with her husband and two children, who attend Henry James and Squadron Line schools. You can often catch them at a lacrosse, soccer or basketball game!

# DAVID SOSKIN

Practical and effective business affairs lead and in-house counsel with twenty years of experience in the sports/ media/ entertainment landscape. I've successfully guided my clients through changing times and technology in media distribution for rights acquisitions and sponsorship engagements across the ESPN and Disney family of platforms and offerings. I have an expert-level skillset in licensing and creating content; structuring sales agreements for media assets; and working through all associated production, talent, vendor services, and technology agreements.

## SKILLS REPRESENTATIVE MATTERS MANAGEMENT

**Industry Readiness:** Led deal-making for all aspects of sports media:

- Rights acquisitions
- Production
- Sales and sponsorship
- Technology implementation, data licensing/privacy/usage
- Deep understanding of the right strategies for smart, efficient business growth

**Representative Matters:**

- College Football Playoff
- NCAA Championships
- US Open, Wimbledon, Australian Open
- Mid-major and Power5 conferences; universities/colleges directly
- Hundreds of sponsorship and branded content agreements representing \$10 billion+ in revenue

**IP:** Vast experience drafting and negotiating licensing agreements including:

- Long-form programming
- Stock footage and photo deals
- Name and likeness permissions
- Consumer products
- Advertising and sponsorship
- Copyright and trademark
- Data rights/usage/privacy

**Production Services:** Vendor services engagements across the entire ESPN enterprise, including:

- Large-scale remote production (satellite trucks, field of play cameras (e.g. Spidercam PylonCam), and all on-site needs
- Studio production

**Management:**

- Manage a team of multiple paralegals, clerks, and junior lawyers; created and ran ESPN's legal clerkship program
- Very familiar navigating within large corporate settings and championing teamwork and efficiency; extensive

## PROFESSIONAL EXPERIENCE

### **ESPN – Principal Counsel: June 2022 – Present**

Responsible for transactions and day-to-day legal issues for ESPN's production division (including studio production, remote operations); programming acquisitions (soccer, cricket, college sports); and ESPN's/Disney's Creative Studios branded content/custom advertising sales division.

### **Whistler Partners – Recruiter: January 2022 – June 2022**

Legal recruiting specialist (law firms and in-house); specialization in media/sports/entertainment and technology transactions.

### **World Wrestling Entertainment, Inc., Vice President, Business and Legal Affairs – Production & Entertainment: February 2021 – December 2021**

Senior lawyer in charge of all television production; film and limited series production and distribution; live event production; and music rights. Supporting role for talent agreements; advertising and sponsorship; and technology.

### **ESPN Inc./The Walt Disney Company, April 2002 – February 2021**

#### **The Walt Disney Company – Principal Counsel: February 2019 – February 2021**

Lead lawyer for all ESPN-related sales and sponsorship agreements and branded content initiatives across the entire family of ESPN networks and platforms representing over \$8 billion in revenue. Negotiated sales assets relating to our various programming rights properties across the sports and entertainment landscape. Advised on sales issues and agreements across other Disney Media Networks (FX, Nat Geo, ABC) and certain Studio and Parks initiatives.

### **ESPN – Associate Principal Counsel: November 2017 – February 2019**

Assigned to manage vendor services engagements and intellectual property license agreements company-wide, with a particular focus on digital content, data licensing/privacy/usage, production operations, original content creation, live event/programming licensing and large-scale advertising and sponsorship agreements.

### **ESPN – Business Affairs, Director: November 2016– November 2017**

Managed content acquisitions and new business development with a particular focus on ESPN Films ('30 for 30'), major property programming (pro sports, college conferences), data collection (from end-users and via license agreement), statistics, production, new technology, digital distribution, and film option rights.

### **ESPN – Associate Principal Counsel: August 2009 – November 2016**

Handled transactions and day-to-day legal issues for ESPN's production division (including studio production, remote operations); ESPN's owned and operated events group; tennis, college sports; and certain miscellaneous programming categories (poker, drone racing). Additional responsibilities included managing agreements and advising on issues generated by ESPN's internal travel department.

### **ESPN – Paralegal: January 2007 – August 2009**

*Digital/New Media/Mobile Content*

### **ESPN – Assistant Manager, Special Events Marketing: April 2002 – December 2006**

*Tickets and Special Events*

### **Tunxis Community College – Adjunct Professor: January 2016 – June 2018**

*Assigned to teach Business Ethics (undergraduate business class)*

**New York Law School – Adjunct Professor: August 2010 – May 2013**

*Assigned to teach the “Sports Law JobTrack” class (a practical drafting skills class aimed at students interested in the sports/entertainment industry)*

**Madison Square Garden Sports Properties/ Radio City Entertainment – PR & Marketing Coordinator: June 2000 – April 2002**

*Boxing, College Basketball, Tennis, PSAL Championships (track and basketball)*

### **EDUCATION**

**New York Law School.** New York, NY- Juris Doctor, June 2008

**University of Maryland.** College Park, MD- Bachelor of Arts, May 2000 - Political Science Major, and International Studies Minor

*Admitted to practice in New York and Connecticut*

### **INTERESTS**

Avid reader and road biker; doting dad of two boys (10 and 8); very amateur gardener/landscaper. Active member of Connecticut's FoodShare initiative helping to feed the less fortunate in the community.

## **CALL TO ORDER**

The Regular Meeting of the Board of Selectmen was called to order at 6:02 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: Eric Wellman, Sean Askham and Heather Goetz. Selectman Chris Peterson was absent. Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Director of Public Works/Town Engineer Tom Roy; Director of Culture, Parks and Recreation Tom Tyburski (by Zoom); Director of Community Planning and Development George McGregor; Glen Chalder from Planimetrics, Cheryl Cook and Nicole Kodak from the Diversity, Equity, and Inclusion Council, and other interested parties.

## **PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

## **PUBLIC HEARING**

### **a) Proposed Amendment to Chapter 67 of the Code of Ordinances, Bicycles**

- **Members of the public may address the Board of Selectmen live in person, or they may email [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov) by 12:00 p.m. on Monday, December 12, 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](mailto:townmanager@simsbury-ct.gov) by 12:00 p.m. on Monday December 12, 2022 to have their comments read into the record at the hearing**

Mr. Roy said this is part of the application for a bike friendly community and master plan. Right now there are no bikes allowed on sidewalks. A lot of this comes from the ABC house and children not being allowed to ride on sidewalks. This amendment would clean-up this ordinance for Police.

Jillian Caulfield supports cyclists and scooters being allowed on sidewalks. The roads are very busy and cars don't slow down for slower moving cyclists. The U.S. Department of Transportation said 30% of all cyclists injuries are due to car accidents. They are safer on the sidewalks.

Joan Coe, 26 Whitcomb Drive, said sidewalks are not multi-use spaces and made for walkers not bikers. People with disabilities would be challenged if bikes are allowed as the sidewalks are narrow. There is a reason sidewalks are called sidewalks as they are designed for walkers. Cyclist don't follow state law by stopping at stop signs. Why would this regulate their conduct? This ordinance change should not even be entertained as it is an accident waiting to happen. She doesn't want the proposed changes to be made to the ordinance.

Diana Moody, 7 Elsie Way, thanked the Town for continuing to update and modifying ordinances for the safety of residents and the Police Department. She agrees with Mr. Roy about children's safety being critical and will support whatever decision that is made by the Board.

Annie Wallock, 7 Vincent Drive, said she has lived here for 37 years and feels the ordinance is a bit contradicting for a bike friendly community. She is disabled and uses a power assisted tricycle and she does use the sidewalks. She didn't know she could be fined. She feels that some language like considerate and safe manor usage would be good to incorporate in the ordinance.

Darcie Gray is opposed to allowing non-motorized vehicles on sidewalks. This is very dangerous for deaf and hard of hearing people. They can't hear the audible signals or don't understand what they are or what direction they are coming from. She has been almost run over as cyclists don't slow down when they see her with her flagged scooter. It is also dangerous for the blind or vision impaired or people with mobility or cognitive issues as they don't have enough time to get out of the way of the cyclists. If this change moves forward she wants to make sure the language is very clear.

Debbie Thibedeau, 5 Woodcliff Drive, wanted to clarify these are her opinions and not the opinions of her committee. She said this ordinance dates back to 1990 and it prohibits bike riding on sidewalks. Section 14-286 of the CT code allows bikes, e-bikes or scooters on or along sidewalks or crosswalks unless prohibited by local ordinances. They need to yield to pedestrians and give an audible signal when passing. She supports updating the ordinance. Permitting bicycles on sidewalks is problematic. She would like consideration to a different concept that prohibits bikes from unsafe use on sidewalks or crosswalks or trails unless posted. This could increase safety of trails usage as well.

Cheryl Cook, 5 Newbury Court, said she has witnessed bicyclist being hit by cars and cyclists hitting pedestrians. Maybe there could be some nuancing of availability and accessibility of the rules.

Chuck Brody, 75 Latimer Lane, said he rides on the roads in Simsbury. He agrees that the bikes on sidewalks present a higher risk. If we allow bikes on sidewalks then children/students should be excluded as well as motorized vehicles if ADA usage.

Jillian Caulfield said she knows first-hand about traffic issues at middle and high school as she is a high school student. She feels vehicles are very inconsiderate to bicyclists. There are no bike paths for students to use when going to school. She is in support of the changes for the safety of students.

Ms. Goetz read a letter from Joe Treacy, 40 Berkshire Way, who said Simsbury's Bike Friendly Community encourages riders to enjoy the paths, trails and roads in Simsbury. He feels that has been an increase in older walkers due to the pandemic. He feels that sidewalks are walkers and trails and streets are more suited to riders. There should be some kind of provision so children can use the sidewalks.

Ms. Goetz read a letter from Annaliese Kyv who supports the revisions to the ordinance so that bicyclists can use sidewalks as needed.

Mr. Askham read a letter from Joe Bible, Alder Road, who expressed his concerns about allow bicyclists and scooters on sidewalks. This adds the possibility of falls due to surprising movements if using hearing aids or walking devices. He is a member of the Aging and Disabilities Commission and he is strongly recommending not allowing bikes and scooters on sidewalks for the safety of seniors and people with carnages.

Ms. Mackstutis read a letter from Dianna Yeisley, Chairman of Aging and Disability Commission, who has concerns and is against taking action on this matter. Non-motorized bikes and scooters would create a very serious hazard to seniors and disabled residents. Often they can't get out of the way fast enough as to not cause injuries to either parties. The CT bike laws, stating bicyclist need to yield to the right of way of the pedestrians, and they are not always followed, creating a big hazard. She wants the Board to consider the safety and enjoyment of seniors and people with disabilities who rely on sidewalks as a necessity.

Ms. Abbuhl read a letter from Joanne Dombrosky, 4 Glenn Hollow Lane, who said she is against the change in the ordinance. She doesn't understand why pedestrians are being asked to give up their right of way to a

bicyclist. There are bike lanes that have already been created on Simsbury roads. Bikers on sidewalks do not always signal when approaching pedestrians, creating a hazard. She feels a clearer definition is needed on these changes. She wants the rights of pedestrians to be protected.

Mr. Wellman read a letter from Michael Jennings, 12 East Wiggins Farms Drive, who said he was in a wheelchair and said he can't turn around to see a cyclist racing by him. He said these are sidewalks and walking trails not roads or bike paths. He feels the Town doesn't look like an Age Friendly Community when enacting a proposal that would cause hazards for the older residents when they are out in the community.

Mr. Wellman also read a letter from Mark and Dianne Orenstein, 82 Old Meadow Plain Road, who said they have some reduced mobility and have concerns on bikes being allowed on sidewalks in the Town center on Hopmeadow Street, especially on the Eno block. They have no issues with bikes on Iron Horse Blvd. They also asked if power assisted bikes are considered motorized.

There was discussion on what the next steps would be in consideration of the proposed amendment to Chapter 67 of the Code of Ordinances. Ms. Mackstutis said the intent to change this ordinance was well meaning, but there are a lot of nuances out there to look at.

After no further comments, Mr. Askham made a motion to close the Public Hearing at 6:35 p.m. Ms. Abbuhl 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](mailto:townmanager@simsbury-ct.gov) by noon Monday, December 12, 2022, to register to address the Board of Selectmen thru Zoon**
- **written comments can be emailed to [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov). Written comments will not be read into the record, but will be forwarded to all Selectmen via email**

Joan Coe, 26 Whitcomb Drive, spoke about the Town Manager's position, reconvening the Charter Revision Committee, firearms, an FOI request, and other issues.

### **PRESENTATIONS**

#### **a) Plan of Conservation and Development Update**

Mr. McGregor said the update of the Plan of Conservation and Development has begun. They received about 600 public responses to their survey. They are having Glen Chalder, who worked on this in 2007 and 2017 do the work again.

Mr. Chalder said he is collecting data now. COVID has changed a lot of the dynamics of issues. There have been a lot of business challenges. They hope to have a public meeting sometime in January 2023. They want to discuss the results of the survey so they can continue to move forward. Then in the spring/summer they hope to have a refined plan. The feedback has a lot of good issues to discuss. He hopes that the Board will support them with the implementation of the plan.

**b) Simsbury Diversity, Equity and Inclusion Council Update**

Cheryl Cook said the Committee has some vibrant goals. They are hoping that their goals will fit in with the POCD goals. They are trying to increase resident engagement with their work; increasing government engagement. They would like the Board of Selectmen to help promote their mission.

Nicole Kodak went through some of their events. The housing event was a great event and they are going to air that video on SCTV. They also have a data collection project in progress. The grant project has been expanded for housing until June 2023. They have submitted a non-supplemental budget request for 23/24 for the outside agency grant application. They would also like to update their website to become more user friendly. They are also talking to many residents about what they like or don't like about living in Simsbury. She said their next event will be held in February and other activities are to follow. Mr. Askham, liaison, said there is still a lot of work to do, but they are getting it done.

**FIRST SELECTMAN'S REPORT**

First Selectman, Wendy Mackstutis, reviewed her First Selectman's report.

**TOWN MANAGER'S REPORT**

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** – Mr. Askham said Public Safety will be meeting on Thursday.
- d) **Board of Education** – there was no report at this time.

Mr. Askham said he, the First Selectman and Town Manager met with the SVAA Board and they are going to engage in more discussions on short, mid and long term funding. They are going through data points and financial models and recommendations and will bring the information back to this Board. This will make sure the Town residents get the type of ambulance services they need.

Ms. Mackstutis said the Finance Committee is pre-reviewing budget items.

Ms. Abbuhl said the Senior Center and Social Services are very busy. Before this meeting there was a Sensory Friendly Santa event at Eno. Social Services is accepting donations that will help residents with heat, rent and food assistance. The Senior Center will continue to hold lunches on Tuesdays and Thursdays, but will be closed on December 23 and 26.

Mr. Wellman made a motion to remove item d) from the agenda. Mr. Askham seconded the motion. All were in favor and the motion passed.

## **SELECTMEN ACTION**

### **a) Tax Refund Requests**

Mr. Wellman made a motion, effective December 12, 2022, to approve the presented tax refunds in the amount of \$1,526.15, 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.

### **b) Donation from Mark and Dianne Orenstein**

Ms. Mackstutis said this is a very generous donation to help residents with heating bills.

Ms. Goetz made a motion, effective December 12, 2022, to accept a donation from Mark and Dianne Orenstein in the amount of \$1,620 for the purpose of supporting Simsbury Community and Social Service Departments Keep Simsbury Warm Programs with our thanks. Mr. Askham seconded the motion. All were in favor and the motion passed.

### **c) Simsbury Farms Men’s Club, Inc. Donation**

Ms. Mackstutis said the Simsbury Golf Club is a 501c7 and they want to donate a hydraulic spike seeder to the golf course. Mr. Tyburski said this would pound spikes into the ground for the seeds to grow better.

Mr. Askham made a motion, effective December 12, 2022 to accept a donation of a hydraulic spike seeder, valued at \$3,200, from the Simsbury Farms Men’s Club for the purpose of improved fairway seeding practices at Simsbury Farms with our thanks. Mr. Wellman seconded the motion. All were in favor and the motion passed.

### **d) Reallocating of Savings and Use of Town Aid Roads for Public Works Truck Purchase**

Ms. Capriola said the truck dealer said they cannot fill our order for the new Ford F350 truck now. The replacement vehicle now has an increase in costs and is from a different dealer.

Mr. Roy said they didn’t allocate the truck trade-in value correctly. They did place a purchase order back in July, but now there are issues. They need to track the trade-in differently than in the past. This truck is a dual wheel/heavy truck and will be used for heavy duty needs like getting an ambulance where it needs to go.

After some discussion, Mr. Askham made a motion, effective December 12, 2022, to increase the appropriation for the purpose of the replacement Highway Division 1-ton truck and related equipment by \$29,661 to be funded by CNR project savings, increase trade-in value, and a Town Aid Road contribution as presented. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

### **e) Proposed Referendum Mailer**

Ms. Capriola said a budget mailer is always done for the budget referendum that is sent to all property owners that are able to vote. This would be a similar concept for the special referendum. There was a typo that will be corrected.

Ms. Mackstutis provided one point of clarification to state that the Boards of Selectmen and Finance approved the additional site work along with the Board of Education.

After some discussion, Ms. Goetz made a motion, effective December 12, 2022, to approve and authorize issuance of the mailer for the January 7, 2023 Referendum as presented with adding Board of Selectmen and Board of Finance to question #3. Staff is authorized to make changes as recommended by the SEEC or Town Attorney. Mr. Askham seconded the motion. All were in favor and the motion passed.

#### **f) Town Manager Performance Review and Compensation**

Ms. Capriola recused herself.

Ms. Mackstutis said this annual review is done by the Personnel Sub-Committee and the Board of Selectmen. They always rate six attributes and four goals. The Board held two executive sessions and have put together a summary document. She said if approved, Ms. Capriola’s wages would also increase.

Ms. Mackstutis said it is Ms. Capriola’s fifth year as Town Manager. For 21/22 her key goals and priorities were met. She handled the pandemic very safely. Her new focused area of recommendations to focus on is communications and this will be discussed further in six months.

Mr. Askham said the process is very consistent. The Board each get to score each individual section and the scores are compiled. Those scores are available to the public. The summary provides each of the Board members reviews.

Mr. Askham made a motion, effective December 12, 2022, to accept the Town Manager’s performance review summary. Further, to increase the Town Manager’s salary by 2.35% to \$173,749 retroactive to July 1, 2022. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Ms. Capriola rejoined the meeting.

#### **REVIEW OF MINUTES**

- a) **Regular Meeting of November 28, 2022** – there were no changes to the Regular Meeting of November 28, 2022 and, therefore, the minutes were adopted.
- a) **Special Minutes of November 30, 2022** – there were no changes to the Special Meeting Minutes, and, therefore, the minutes were adopted.

#### **EXECUTIVE SESSION**

- a) **Executive Session per General Statutes Section 1-200(6)(b): Discussion of the Lease of Real Estate to Simsbury Babe Ruth League**

Mr. Askham made a motion to adjourn to Executive Session per General Statutes Section 1-200(6)(b) and to include Maria Capriola and Tom Tyburski at 7:42 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

**ADJOURN FROM EXECUTIVE SESSION**

Mr. Askham made a motion to adjourn from Executive Session at 7:56 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

**ADJOURN**

Mr. Askham made a motion to adjourn at 7:56 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio  
Clerk