

# 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**

**Simsbury Public Library – 725 Hopmeadow Street, Simsbury**

**Regular Meeting – November 28, 2022 – 6:00 p.m.**

### **PLEDGE OF ALLEGIANCE**

### **PUBLIC HEARING**

- a) Public Hearing to Receive Public Comment Regarding Whether the Town of Simsbury Should Permit or Prohibit the Retail Sale of Cannabis within its Town Borders
  - 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 12:00pm on November 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](mailto:townmanager@simsbury-ct.gov) by 12:00 p.m. on November 23, 2022 to have their comments read into the record at the hearing.

### **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, November 28, 2022 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) Simsbury Education Association (SEA) Collective Bargaining Agreement Renewal
- c) Reallocation of Funds from Simsbury High School Air Conditioning Project to the Simsbury High School Bleacher Project
- d) Authorize the Board of Education to Apply for a Connecticut Indoor Air Quality Grant for the Air Quality Improvement Project at the Squadron Line Elementary School; Referral of the Project to the Public Building Committee and Authorization of Preparation of Schematic Drawings and Specifications

- e) Amend Motions Adopted July 11, 2022 and August 8, 2022 Regarding Various Sidewalk and Multi-Use Path Infrastructure Appropriations to Reflect Revised Costs and to Make Subject to Referendum Vote
- f) State Historic Preservation Office Historic Restoration Fund (HRF) Grant
- g) Board of Selectmen 2023 Regular Meeting Schedule

**APPOINTMENTS AND RESIGNATIONS**

- a) Resignation from the Juvenile Review Board

**REVIEW OF MINUTES**

- a) Regular Meeting of November 14, 2022

**ADJOURN**



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Public Hearing to Receive Public Comment Regarding Whether the Town of Simsbury Should Permit or Prohibit the Retail Sale of Cannabis within its Town Borders
2. **Date of Board Meeting:** November 28, 2022
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**  
No action is needed except to close the public hearing once completed. The intent of this hearing is to receive feedback regarding whether the Town of Simsbury should permit or prohibit the retail sale of cannabis within its Town borders. As is customary regarding non-housekeeping related matters, discussion and possible action will be scheduled at a future date.
5. **Summary of Submission:**  
At your October 12, 2022 meeting, the Board of Selectmen scheduled a public hearing to receive public comment regarding whether the Town of Simsbury should permit or prohibit the retail sale of cannabis within its town borders for 6:00pm on November 28, 2022. The public hearing notice is attached.
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:**  
a) Public Hearing Notice

**TOWN OF SIMSBURY  
PUBLIC HEARING NOTICE**

**Public Hearing Date: Monday, November 28, 2022 at 6:00 p.m.  
Seeking Public Comment on Permitting or Prohibiting the Retail Sale of Cannabis in  
Simsbury**

Pursuant to Public Act 21-1, Section 148, Notice is hereby given pursuant to Section 404 of the Charter of the Town of Simsbury that the Board of Selectmen will hold a public hearing on Monday, November 28, 2022 at 6:00 p.m. in the Friends of the Library Program Room at the Simsbury Public Library, 725 Hopmeadow Street, Simsbury, CT 06070 to receive public comment regarding whether the Town of Simsbury should permit or prohibit the retail sale of cannabis within its town borders.

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 12:00pm on November 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](mailto:townmanager@simsbury-ct.gov) by 12:00 p.m. on November 23, 2022 to have their comments read into the record at the hearing.

Remarks will be limited to no more than 3 minutes per speaker and time may not be yielded to another speaker.



# 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:** November 28, 2022
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 November 28, 2022 to approve the presented tax refunds in the amount of \$2,549.90, 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 \$2,549.90. The attachment dated November 28, 2022 has a detailed listing of all requested tax refunds.

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

- a) Requested Tax Refunds, dated November 28, 2022

REQUESTED TAX REFUNDS  
NOVEMBER 28, 2022

	BILL NUMBER	TAX	INTEREST	TOTAL
<b>List 2021</b>				
Hopmeadow Dental LLC	21-02-40448	\$615.58		\$615.58
ACAR Leasing Ltd	21-03-50076	\$206.41		\$206.41
Honda Lease Trust	21-03-58341	\$611.88		\$611.88
Marofsky, Etienne H	21-03-61759	\$14.07		\$14.07
Pastor, Christopher	21-03-64328	\$37.38		\$37.38
USB Leasing LT	21-03-69155	\$414.44		\$414.44
USB Leasing LT	21-03-69189	\$637.04		\$637.04
Yagaloff Carolyn	21-03-70572	\$13.10		\$13.10
<b>Total 2021</b>		<b>\$2,549.90</b>	<b>\$0.00</b>	<b>\$2,549.90</b>
<b>TOTAL 2021</b>		<b>\$2,549.90</b>	<b>\$0.00</b>	<b>\$2,549.90</b>
<b>TOTAL ALL YEARS</b>		<b>\$2,549.90</b>	<b>\$0.00</b>	<b>\$2,549.90</b>



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Simsbury Education Association (SEA) Collective Bargaining Agreement Renewal

2. **Date of Board Meeting:** November 28, 2022

3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager; Neil Sullivan, Assistant Superintendent for Administration *Maria E. Capriola*

4. **Action Requested of the Board of Selectmen:**  
Since the contract was negotiated in good faith, I recommend its approval to the Board. If the Board of Selectmen supports approving the successor collective bargaining agreement for the Board of Education Simsbury Education Association (SEA), the following motion is in order:

*Move, effective November 28, 2022, to approve the three-year collective bargaining agreement between the Simsbury Board of Education and the Simsbury Education Association as approved at the November 15, 2022 Board of Education meeting.*

5. **Summary of Submission:**

The Board of Education negotiates their own contracts with their labor groups. The Board has completed negotiations with the Simsbury Education Association (SEA) for the period covering July 1, 2023 through June 30, 2026. SEA represents Simsbury's teachers. Both the union and the Board of Education ratified the tentative agreement.

The Board of Education and the Town have been working collaboratively regarding employee benefits strategies. The attached summary includes an overview of negotiated health insurance plan design changes, which are similar to recently implemented changes for town employees.

Pursuant to the General Statutes, the Board of Selectmen may proceed with one of the three options presented below within 30 days of the filing with the Town Clerk:

1. Ratify/approve the tentative agreement;
2. Reject the tentative agreement, in which case the matter shall be referred to binding arbitration; or
3. Take no action, in which case the tentative agreement shall be considered ratified by the town after the 30-day waiting period from the date of file.

**6. Financial Impact:**

The total wage settlement for the Simsbury Education Association is 4.12% for FY23/24, 4.08% for FY24/25, and 3.78% for FY25/26. This includes:

- Average General Wage Increases of 2.67%, 2.77%, and 2.68%
- Step/Incremental Movement of 1.45%, 1.31%, and 1.10%

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

- a) Summary of Tentative Agreement Between Simsbury Board of Education and the Simsbury Education Association (BOE Exhibit from November 15, 2022 meeting)



TO: Members of the Board of Education

FROM: Matthew Curtis, Superintendent of Schools

DATE: November 15, 2022

RE: Approval of the Collective Bargaining Agreement between the Simsbury Board of Education and the Simsbury Education Association effective July 1, 2023 – June 30, 2026

Negotiations leading to a new collective bargaining agreement have been completed by the Simsbury Education Association and the Board of Education. The negotiation, conducted within the restrictions of the Teacher Negotiations Act, has reached the point of a tentative agreement through the negotiations and mediation process. This agreement, which is subject to ratification by the Board of Education, has been reviewed and recommended by the Board of Education Negotiations Sub-Committee. The Simsbury Education Association is scheduled to ratify through a vote of their membership on November 14, 2022.

The three-year agreement contains the following components highlighted below:

1. Duration of Agreement  
July 1, 2023 – June 30, 2026
2. Wage Settlement – Projected Cost: 11.98% over 3 years

2023-2024:

- Insert step midway between step 8 and step 9
- Renumber steps 1 through 10
- Step movement
- \$2,500 added to each step below maximum
- \$2,800 added to the maximum step in each salary track

2024-2025:

- Step movement
- \$2,500 added to each step below maximum
- \$2,800 added to the maximum step in each salary track

2025-2026:

- Step movement
- \$2,500 added to each step below maximum
- \$2,800 added to the maximum step in each salary track

### 3. Insurance

- Increase premium cost sharing as follows:  

2023-2024: 21%  
2024-2024: 21%  
2025-2026: 21%
- Maintain the deductible for the HDHP without change.
- The Board will implement the Essentials package for prescription coverage, including Prior Authorization, Step Therapy, Quantity Limits.
- Mandatory Generic Substitution (except 27 teachers currently affected will be grandfathered for the first 6 months of the contract, after which mandatory generic will apply to all)
- The Board will implement a new health care management model to include both outpatient and inpatient precertification, as discussed.
- Increase term life insurance from \$30,000 to \$50,000. Increase cap on option to purchase additional life insurance to \$400,000; add summary term sheet as prepared by the Board's insurance consultant.
- Increase cap on LTD from \$5,000 to \$6,000; add summary term sheet as prepared by Board's insurance consultant.
- Increase dental maximum from \$1,500 to \$2,000; plan will provide for 85% restorative services, including composite fillings.
- Add language about Voluntary Vision Plan (100% employee paid)

### 4. Additional Compensation

- Stipends will increase by 2.5% in each year of the contract. Development of a Stipend Review Committee to discuss and seek agreement on recommended changes before July 1, 2023.
- The per diem rate for compensation when school is not in session will be:

<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>
\$44.00	\$45.00	\$46.00

- Change language regarding contracted teachers who accept a long-term substitute coverage assignment for a secondary teacher which is in addition to their regular assignment as authorized by the Assistant Superintendent will be compensated at a rate of 1.2 FTE for the duration of the assignment. (Long-term is defined as coverage which will exceed ten (10) consecutive work days.

- Add language regarding short term substitute coverage: Teachers who during their scheduled preparation time cover a class for an absent teacher in lieu of a substitute when a substitute is not available, including for split classes, will receive the professional employment rate.

5. Contractual Language Changes

- Corrected the language regarding transfer of accrued illness time from a previous district.
- Revised the language regarding placement on the salary schedule: Placement credit up to five (5) steps may be granted to new hires for other employment experiences directly related to their teaching assignment and/or to new hires who are employed in shortage areas as identified by the Commissioner of Education, including the shortage areas applicable to Alliance Districts.
- Changed the maximum of personal illness days that each teacher can utilize for family death or illness per year from 10 to 15.
- Change the minimum uninterrupted duty-free lunch period for each teacher from twenty-five (25) to thirty (30) minutes.
- Changed the minimum number of minutes of elementary and secondary preparation time per week from two hundred ten (210) to two hundred forty (240) minutes and added, in blocks of no less than thirty (30 Minutes)

**BOARD MOTION:**

Below is a Board of Education motion for your consideration.

- “Move that the Board of Education ratify the proposed changes in the collective bargaining agreement between the Simsbury Board of Education and the Simsbury Education Association for the period July 1, 2023 through June 30, 2026.”



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Reallocation of Funds from Simsbury High School Air Conditioning Project to the Simsbury High School Bleacher Project
2. **Date of Board Meeting:** November 28, 2022
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager; Matt Curtis, Superintendent; Jason Casey, Director of Infrastructure & Technology *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**  
If the Board of Selectmen supports the reallocation of funds as presented, the following motion is in order:

*Move, effective November 28, 2022, to increase the appropriation for the Simsbury High School bleacher project by \$345,000, funded by a capital project transfer from savings from the Simsbury High School air conditioning project.*

5. **Summary of Submission:**  
Bids for the Simsbury High School (SHS) bleacher project have come in over budget, and the project is at risk of not starting as planned this fall. During the FY 21/22 budget process, \$600,000 was appropriated for the replacement of the bleachers. After design work, site surveys, and other administrative fees, the remaining balance is \$535,000. Bids for the work came in significantly higher due to aluminum cost increases, fuel cost increases, and overall inflation. The lowest bid is \$880,000, which is \$345,000 over budget.

One option to close this budget gap is to reallocate funds from the SHS air conditioning project. This project is approved in the FY 22/23 capital budget. It has an appropriation of \$1,650,000. \$1,200,000 of this appropriation was funded with cash (ARPA dollars) and \$450,000 was funded by bonds. The SHS air conditioning project can be completed for \$1,256,000, which is \$394,000 under budget. The vendor, Air Temp, is a contractor that has done several major building projects for the Board of Education in the past. They provided air conditioning in both the SHS cafeteria, and classrooms at Squadron Line, and most recently, they replaced the failed boilers at Latimer Lane Elementary school. Reallocating \$345,000<sup>2</sup> of the SHS air conditioning funds to the SHS bleacher project will allow completion of the work on the original timeline and will remediate the noted code and safety issues detailed in the attachment. Expediting this change will allow demolition to occur in late November, and construction to begin in the spring of 2023.

---

<sup>2</sup> Reallocation of cash, not bonded funds

**6. Financial Impact:**

Reallocation of the \$345,000 in project savings from one approved High School capital project, to another approved High School capital project will not have a budgetary impact as no new additional funds are needed to complete the work.

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

a) SHS Bleachers – Code Violations

### **SHS Bleachers – Code Violations**

The following safety codes and ADA building codes were passed after the bleachers' 1968 construction. Any improvements to this 54 year old structure will trigger the need for compliance to these codes.

- Safety Code Violations
  - Slope exceeds 1:12
  - No rear riser
  - No center rails
  - Seat openings are greater than 4"
  - Stair openings are greater than 4"
  - Insufficient exit stairs for egress
  - No non-slip treads
  - No intermediate steps
  - No transition steps
  - Missing deck endcaps
  - Front walkway deck too narrow
- ADA Code Violations
  - No ADA ramps
  - No ADA spaces
  - Front walkway deck not wide enough for wheelchair access



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:**

Authorize the Board of Education to Apply for a Connecticut Indoor Air Quality Grant for the Air Quality Improvement Project at the Squadron Line Elementary School; Referral of the Project to the Public Building Committee and Authorization of Preparation of Schematic Drawings and Specifications

2. **Date of Board Meeting:**

November 28, 2022

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

Maria E. Capriola, Town Manager; Jason Casey, Director of Infrastructure & Technology, Simsbury Public Schools

*Maria E. Capriola*

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

If the Board of Selectmen supports authorizing the Board of Education to apply for a Connecticut Indoor Air Quality Grant for the Air Quality Improvement Project at Squadron Line School and to refer the project to the Public Building Committee, the following motions are in order:

*Move, effective November 28, 2022, that the Board of Selectmen authorizes the Town of Simsbury Board of Education to apply to the Commissioner of Education and to accept or reject a grant for the Squadron Line Elementary School Air Quality Improvement Project.*

*Move, effective November 28, 2022, that the Board of Selectmen hereby establishes the permanent Public Building Committee as the building committee to the proposed Squadron Line Elementary School Air Quality Improvement Project.*

*Move, effective November 28, 2022, that the Board of Selectmen authorizes the preparation of schematic drawings and outline specifications for the proposed Squadron Line Elementary School Air Quality Improvement Project.*

5. **Summary of Submission:**

The state of Connecticut has launched a HVAC Indoor Air Quality Grants Program for public schools. The Board of Education evaluated existing and future HVAC projects to determine if any such projects would meet the eligibility requirements of the grant program. It was determined that a future Squadron Line Elementary School air quality improvement project would meet the eligibility requirements of the grant program. The project involves the replacement of the original air handling units and subsequently

added air conditioning units with a single building-wide air conditioning and ventilation system.

The air handling units are responsible for bringing fresh air into and out of the building and distributing air to and from hallways and rooms. The School's Facilities Master Plan identifies them as in need of replacement. Recent complaints for issues related to above average humidity levels, coupled with the recent announcement of a new Indoor Air Quality Improvement grant have led to their decision to expedite this project.

This grant program follows a similar process to school construction grants. The project will require: a referral to the Public Building Committee; execution of a professional services agreement for design services; review of the design and estimates with the state; bidding of the project; and construction. If awarded, the construction period is estimated to be the summer of 2023.

The application deadline is December 1<sup>st</sup>, with grant award announcements expected in early 2023.

**6. Financial Impact:**

The estimated cost is \$225,000. Under this grant program, the state reimbursement rate is 80%. The estimated local match would be approximately \$45,000. The Board of Education has identified FY 23/24 CNR funds as a potential source of the match.

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

- a) Current Conditions and Proposed Scope of Work



<b>Even Title:</b>	DASM1-SCP0000070			
<b>Document Title:</b>	<b>HVAC System: Current and Proposed</b>			
<b>In Response To:</b>	<b>Schedule</b>	9	<b>Q</b>	2
<b>School District:</b>	Simsbury Public Schools			
<b>Facility Name:</b>	Squadron Line Elementary School			
<b>Facility Address</b>	44 Squadron Line Road, Simsbury, CT 06070			

### **Current HVAC System**

The existing HVAC system in the above referenced school is approximately 53 years old. There are currently both centralized and de-centralized systems that include air-handlers, rooftop condensing units for the library, mini-splits in some classrooms and window units in some classrooms. Currently, this facility does not have air conditioning in the hallways. The proposed system will allow us to condition hallway spaces where controlling humidity levels have been impossible. The only air available for the hallway currently comes from outdoors.

### **Proposed HVAC System**

Replace (2) Air Handling units serving classroom areas (AHU1 & AHU2) and add cooling functionality:

- During our site assessment we noted that the selected system would be needed to resolve current humidity issues, improve air quality, and deliver the best energy performance.
- The (2x) 20-ton air handling units equipped with direct-expansion and hot water heating coils and (2x) 20-ton air cooled condensing units on the rooftop area.
- The system will provide greater control of ventilation in classroom spaces and will add conditioning to the hallways, ultimately eliminating the current humidity issues the school is experiencing. Coupled with demand control CO2 sensors—which measure the CO2 in the air to estimate the number of people in a space—the system can adjust air intake based on actual occupancy and only use what it needs.

### **HVAC Installation Scope of Work**

HVAC system will be sized and designed to match the existing physical parameters of the install space. The project will have the following scope (number of components per system will vary depending on the final size/shape of the system):

- Remove (2) VPC-182 air handling units in mechanical room
- Install (2) 20-ton air handling units equipped with direct-expansion and hot water heating coils
- Install (2) 20-ton air cooled condensing units on rooftop area
  - Outdoor units will be installed in a location on the roof that will not require moving of existing RTUs or other equipment
- Installation of all required piping/ductwork/wiring between AHU and Condensing unit on rooftop
  - A network of supply and exhaust ductwork will be sized and installed to support the specified mechanical equipment and provide code required minimum airflows for supply and exhaust air. Diffusers, grilles, and registers will be installed on the ductwork to distribute and exhaust/return air.
- Startup and commissioning of new equipment
- Crane to lift outdoor unit to the roof
- Control wiring
- A stamped engineering drawing by a certified Professional Engineer in the state of Connecticut
- Project Management
- Recycling and Trash Removal



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Amend Motions Adopted July 11, 2022 and August 8, 2022 Regarding Various Sidewalk and Multi-Use Path Infrastructure Appropriations to Reflect Revised Costs and to Make Subject to Referendum Vote
2. **Date of Board Meeting:** November 28, 2022
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager; Amy N. Meriwether, Finance Director/Treasurer; Thomas J. Roy, P.E., Director of Public Works/Town Engineer; Adam Kessler, P.E., Deputy Town Engineer *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**

*Move, effective November 28, 2022, the following motions:*

***RESOLVED***, That the Resolution of the Board of Selectmen regarding the Firetown Road Sidewalk Construction project adopted August 8, 2022 under SELECTMEN ACTION item h) be amended to read as follows:

***RESOLVED***, that the Board of Selectmen recommends and approves, subject to referendum vote, the appropriation of a LOTCIP grant in the amount of \$1,200,000 and a Community Connectivity Grant Program grant in the amount of \$594,000, for the aggregate grant appropriation of \$1,794,000, for the Firetown Road Sidewalk Construction project.

***RESOLVED***, That the Resolution of the Board of Selectmen regarding the North End Sidewalk Construction project adopted August 8, 2022 under SELECTMEN ACTION item i) be amended to read as follows:

***RESOLVED***, that the Board of Selectmen recommends and approves, subject to referendum vote, the appropriation of LOTCIP grants in the amount of \$913,072.12, in addition to a prior appropriation of \$810,000 for the aggregate grant appropriation of \$1,723,072.12, for the North End Sidewalk Construction project.

***RESOLVED***, That the Resolution of the Board of Selectmen regarding the Tariffville-Bloomfield Multi-Use Path project adopted July 11, 2022 under SELECTMEN ACTION item d) be amended to read as follows:

***RESOLVED***, that the Board of Selectmen recommends and approves, subject to referendum vote, the appropriation of LOCIP grants in the amount of \$1,254,200, in

*addition to a prior appropriation of \$1,020,000 for the aggregate grant appropriation of \$2,274,200, for the Tariffville-Bloomfield Multi-Use Path project.*

## **5. Summary of Submission:**

The Town has been fortunate and has been awarded a number of significant infrastructure grants over the last few years for sidewalks and multi-use paths. Due to the current construction inflationary environment, many of those capital projects have experienced cost increases. Fortunately, the granting agencies have increased the grant awards to Simsbury to cover the cost increases for the following projects:

- North End Sidewalk
- Tariffville-Bloomfield Mutli-Use Trail

Additionally, the town is the recipient of two grants to fund the construction of a sidewalk on Firetown Road. The Firetown Road sidewalk grant awards and the increased grant awards for the North End sidewalk and the Tariffville-Bloomfield multi-use trail require appropriations. Most of these grant revenues were appropriated by the Boards of Selectmen and Finance in the summer of 2022 (see attached for detail).

However, given the large dollar volumes of the grants, along with other normal and customary supplemental appropriations, we will be in excess of 3% of the annual budget for the current fiscal year. The relevant excerpted charter language is as follows:

### **Section 809 Duties of Board of Finance on other financial matters.**

*The Board of Finance shall have the power, by resolution and only upon the recommendation of a majority of the entire Board of Selectmen, to make any appropriation supplemental to those provided in the annual budget for the then current fiscal year. Except as set forth in Section 810, any individual appropriation for any purpose made equal to or greater than two percent (2%) of the annual budget for the then current fiscal year is subject to automatic referendum pursuant to Section 406 of this Charter. Any individual appropriation for any purpose less than two percent (2%) of the annual budget for the then current fiscal year may be made upon approval of the Board of Selectmen and the Board of Finance. **Supplemental appropriations as described in this section not approved at referendum may not exceed in any fiscal year a cumulative total of three percent (3%) of the annual budget for the then current fiscal year.***

Bond counsel and our Town Attorney have conferred on this matter. They recommend that we proceed to referendum to appropriate the referenced grants since our Charter does not explicitly exclude grant awards from the 3% supplemental appropriation threshold.

If advanced by the Board of Selectmen tonight, the following key dates are anticipated:

- November 29 – Board of Finance public hearing
- November 30 – Board of Selectmen sets the referendum date
- January 7 – Referendum date

Given the current climate in which significant federal and state grant dollars have become available to local governments, the 3% supplemental appropriation requirement under the Charter may continue to be an issue for the town, particularly in regards to infrastructure projects. There are a number of upcoming and pending grant applications for the town, that if awarded will require supplemental appropriations. Examples include

potential grants and donations for the rehabilitation of the Meadowood barns and the expansion of the Performing Arts Center band shell expansion. Due to the construction inflationary environment we are also anticipating that an approved capital project, to extend the multi-use path from Route 315 to Curtiss Park, will likely receive an increased appropriation from the federal government. We were also recently awarded a STEAP grant in the amount of \$168,000 for a 2-way conversion project for Station Street, which will require an appropriation; this potential grant was anticipated in year 2 of the existing approved capital plan.

**6. Financial Impact:**

The attached provides a detailed listing of the grant awards that will be subject to the proposed referendum. The aggregate total of the four grant awards is \$5,791,272.12 and is as follows: \$594,000 for the Firetown Road sidewalk through the Community Connectivity grant program; \$1,200,000 for the Firetown Road sidewalk through the LOTCIP grant program; \$1,723,072.12 for the North End sidewalk through the LOTCIP grant program; and \$2,274,200 for the Tariffville-Bloomfield multi-use path through the LOTCIP program.

\$1,020,000 in grant revenue was appropriated in FY 18/19 for the Tariffville-Bloomfield multi-use path and \$810,000 was appropriated in FY 21/22 for the North End sidewalk. The remaining grant revenue requires appropriations. Both Firetown Road sidewalk grants, \$455,447.39 in grant revenue for the North End sidewalk, and \$1,254,200 for the Tariffville-Bloomfield multi-use path were appropriated by the Boards of Selectmen and Finance in summer 2022. There is a remaining \$457,624.73 in grant revenue that has since been awarded for the North End sidewalk that has not been appropriated. The aggregate total of the grant awards that were received in 2022, and not appropriated during past fiscal years, is **\$3,961,272.12**, and it is these revenues we propose to submit to referendum.

Therefore, it is recommended that a supplemental appropriation request for **\$3,961,272.12** be submitted to the voters to remain in compliance with the Charter requirement regarding the 3% threshold.

The grant awards do not have a cost impact on the taxpayer other than local matches. Previously funded local matches include: \$35,000 for the Firetown Road sidewalk; \$33,524.28 for the North End sidewalk; \$275,000 for the Tariffville-Bloomfield multi-use path. \$37,698.72 in local funds need to be appropriated for the North End sidewalk project; we will revisit that local match during FY 23/24 budget development. If however, construction is expedited we will revisit that in spring 2023. In aggregate \$381,223 of local funds were used as leverage to obtain \$5,791,272.12 in grant funds. The local share represents approximately 6.2% of the total project costs.

It is difficult to anticipate during budget development what competitive grants (i.e. eligible projects, funding agencies, funding amounts, etc.) may be available or awarded to the town. Formulaic grants such as the annual Youth Services Bureau grant, Town Clerk records management grant, and the Dial-A-Ride grant are included with the annual operating budget process.

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

a) Grant Funded Infrastructure Projects Overview

**Town of Simsbury**  
**Infrastructure Grants In Need of Appropriation at Referendum**  
*As of November 21, 2022 for Anticipated January 7, 2023 Referendum*

<b>Project Name</b>	<b>Funding Agency/ Grant Program</b>	<b>Original Grant Amount</b>	<b>Fiscal Year Adopted</b>	<b>Increased Grant Amount 1</b>	<b>Increased Grant Amount 2</b>	<b>Amount Requiring Appropriation at Referendum</b>	<b>Total Grant Award as of 11/21/22</b>	<b>Project Status</b>
Firetown Road Sidewalk	State DOT Community Connectivity Grant	\$594,000 <sup>1</sup>	N/A based on date of grant award	N/A	N/A	\$594,000	\$594,000	Survey and design work are underway. Construction anticipated in 2024
Firetown Road Sidewalk	CRCOG LOTCIP Grant	\$1,200,000 <sup>2</sup>	N/A based on date of grant award	N/A	N/A	\$1,200,000	\$1,200,000	
North End Sidewalk	CRCOG LOTCIP Grant	\$810,000	FY 21/22	\$455,447.39 <sup>3</sup>	\$457,624.73	\$913,072.12	\$1,723,072.12	Sidewalk permitting and design complete. Construction scheduled for spring 2023
Tariffville-Bloomfield Multi-Use Path	CRCOG LOTCIP Grant	\$1,020,000	FY 18/19	\$1,254,200 <sup>4</sup>	N/A	\$1,254,200	\$2,274,200	Path is currently under construction
<b>TOTAL</b>		<b>\$3,624,000</b>		<b>\$1,709,647.30</b>	<b>\$457,624.73</b>	<b>\$3,961,272.12</b>	<b>\$5,791,272.12<sup>5</sup></b>	

<sup>1</sup> Appropriation of grant revenue approved by BOS on 8/8/22 and BOF on 8/16/22

<sup>2</sup> Appropriation of grant revenue approved by BOS on 8/8/22 and BOF on 8/16/22

<sup>3</sup> Appropriation of grant revenue approved by BOS on 8/8/22 and BOF on 8/16/22

<sup>4</sup> Appropriation of grant revenue approved by BOS on 7/11/22 and BOF on 7/19/22

<sup>5</sup> Total Grant Award amount does not reflect local matches that were required, but the value of the grant dollars awarded by the granting agency



# Town of Simsbury

933 HOPMEADOW STREET

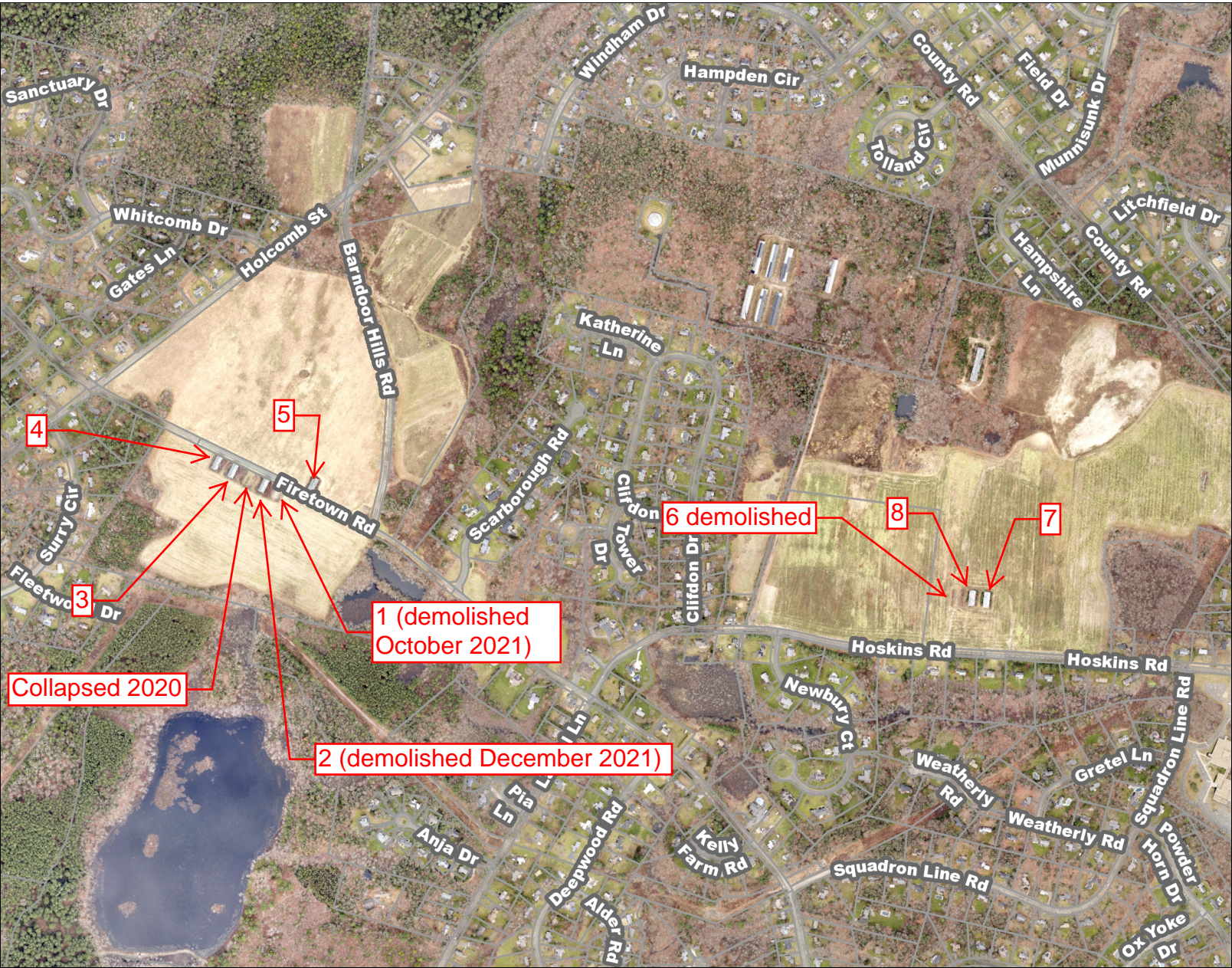
SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** State Historic Preservation Office  
Historic Restoration Fund (HRF) Grant
2. **Date of Board Meeting:** November 28, 2022
3. **Individual or Entity Making the Submission:**  
Maria E. Capriola, Town Manager; Thomas J. Roy, Director of Public Works / Town Engineer; Adam D. Kessler, Deputy Town Engineer; Daniel F. Gannon, Project Engineer  
*Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**  
If the Board of Selectmen is in support of applying for the State Historic Preservation Office Historic Restoration Fund Grant for Meadowood Barns, the following motion is in order:  
  
*Move, effective November 28, 2022, to authorize submittal of a grant application for the State Historic Preservation Office Historic Restoration Fund Grant for Meadowood Barns.*
5. **Summary of Submission:**  
This grant is to apply for up to \$200,000 in state funds to perform permanent restoration of the barns on the Meadowood property. Silva Engineering has been contracted to perform in-depth analyses of these structures and to determine the restoration needs in order to preserve the barns. The grant application is due December 1.
6. **Financial Impact:**  
Grants must be matched on a one-to-one basis. Staff is currently researching funding options for the local match in the event that the grant is awarded. Should the grant be awarded to Simsbury, additional discussions will need to occur prior to grant acceptance by the Board of Selectmen in order to ensure that sufficient funding is in place to fund the entirety of the local match.  
  
To date the Town and the Trust for Public Land have been awarded a number of grants and donations for the preservation of the Meadowood barns. The Survey and Planning (S&P) Grant in the amount of \$20k and the Historic Preservation Enhancement Grant (HPEG) in the amount of \$20k were awarded to the Town of Simsbury in June 2022 for the Engineering Services associated with this work. Approximately \$300,000 has been committed from the Good To Great Grant (\$60,000 for interpretive exhibits, \$240,000 for construction) and approximately \$85,000 has been committed from a donor for construction services associated with barn restoration.
7. **Description of Documents Included with Submission:**
  - a) Figure 1 – Meadowood Barns



Town of Simsbury, CT



Legend

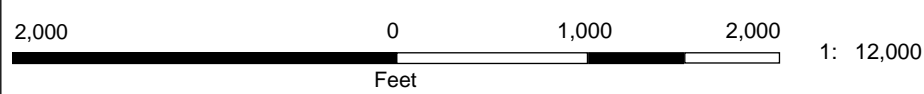
Parcels

Street Labels

Town Border



Notes



This product is for informational purposes and may not have been prepared for, or be suitable for legal, engineering, or surveying purposes. Users of this information should review or consult the primary data and information sources to ascertain the usability of the information.





# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Board of Selectman 2023 Regular Meeting Schedule
2. **Date of Board Meeting:** November 28, 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 is in concurrence with the proposed 2023 regular meeting schedule the following motion is in order:

*Move, effective November 28, 2022, to approve the Board of Selectman 2023 regular meeting schedule as presented.*

5. **Summary of Submission:**

The practice of the Board of Selectmen has been to meet on the 2<sup>nd</sup> and 4<sup>th</sup> Monday of every month at 6pm, with the exception of July, August, and December (in non-election years), only meeting on the 2<sup>nd</sup> Monday of those months as well as the 1<sup>st</sup> and 4<sup>th</sup> Monday of April. Meetings that would fall on state observed holidays have been moved to the following Wednesday to follow past practice. I have also proposed keeping the evening budget workshop session in March to accommodate the need in recent years for additional time to review the budget materials.

Based on observations of staff (lack of quorum, lack of agenda items, timing of meeting dates, etc), the following changes are proposed:

- To hold one meeting in April, on the third Monday of the month
- To hold one meeting in June, on the second Monday of the month
- To hold one meeting in November, on the second Monday of the month (as a reminder, since 2023 is an election year there is a meeting on the first Monday of December)

Once approved, staff will file the adopted 2023 meeting schedule with the Town Clerk's Office in accordance with FOIA requirements.

6. **Financial Impact:**

None

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

- a) Proposed 2023 Board of Selectmen Regular Meeting Schedule





# Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Maria E. Capriola - Town Manager

To: Trish Munroe, Town Clerk  
Cc: Board of Selectmen  
From: Maria E. Capriola, Town Manager  
Date: November 29, 2022  
Re: Board of Selectmen –2023 Regular Meeting Schedule

---

At their meeting on November 28<sup>th</sup> the Board of Selectmen agreed to establish a regular meeting schedule for 2023. Meetings will be held at 6:00 pm monthly on the second and fourth Monday, with exceptions noted below.

Meeting dates are as follows:

January 9, 2023  
January 23, 2023  
February 13, 2023  
February 27, 2023  
March 9, 2023 (Budget Workshop Part 1, starting at 5:30 PM)  
March 11, 2023 (Budget Workshop Part 2, starting at 9:00 AM)  
March 13, 2023  
March 15, 2023 (Budget Adoption, *If Needed*)  
March 27, 2023  
April 17, 2023\* (Third Monday)  
May 8, 2023  
May 22, 2023  
June 12, 2023\*  
July 10, 2023\*  
August 14, 2023\*  
September 11, 2023  
September 27, 2023 (Wednesday)  
October 11, 2023 (Wednesday)  
October 23, 2023  
November 13, 2023\*  
December 4, 2023 (First Monday, Board of Selectmen Organizational Meeting)  
December 18, 2023 (Third Monday)

\*Only one meeting for the month

The meetings will be held virtually or in a location to be determined. Meetings will be properly noticed in accordance with FOIA requirements.



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. Title of Submission: Resignation from the Juvenile Review Board

2. Date of Board Meeting: November 28, 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, effective November 28, 2022, to posthumously acknowledge the resignation of Marilyn Rotondo as a member of the Juvenile Review Board.*

5. Summary of Submission:

The Juvenile Review Board (JRB) consists of 10 members and 1 alternate, appointed by the Board of Selectmen. One of the membership slots is for a person that provides family counseling services. That slot was held by Marilyn Rotondo. Sadly, Ms. Rotondo passed away on November 9, 2022. We wish to acknowledge Ms. Rotondo for her service.

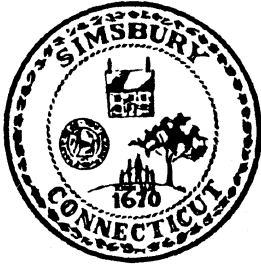
Ms. Rotondo's slot on the JRB should be filled by the Board of Selectmen with someone who has a background in family counseling services. The JRB will make a recommendation for Ms. Rotondo's replacement to the Board.

6. Financial Impact:

None

7. Description of Documents Included with Submission

a) Juvenile Review Board Rules and Procedures



# Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

**SIMSBURY JUVENILE REVIEW BOARD**  
**STATEMENT OF PURPOSE AND PROCEDURE**  
*Approved by Board of Selectmen on March 10, 1982*  
*Revised Date: August 13, 2018; April 26, 2021*

## 1. Purpose

- A. The Simsbury Juvenile Review Board (JRB) is an established program within the Simsbury Community and Social Services Department to provide an alternative and early means of identifying and assisting youths (age 17 and under) who are troubled or in trouble with the criminal justice system. The Board will accomplish its purpose through considering juvenile cases referred to it and offering recommendations regarding the best method of dealing with the youth's particular needs.
- B. Where possible, the Board will attempt to construct non-judicial case recommendations. These may involve, but are not limited to such non-judicial options as individual or family counseling, psychiatric evaluation, work or monetary restitution, or participation in group or other activities. In many instances, these services are presently available, but unknown or unused, by the youth, family, school or police.
- C. The purpose of the Simsbury Juvenile Review Board shall be to provide an opportunity for troubled youths to be diverted from the criminal justice system and allow a path to becoming responsible members of the Simsbury community.

## 2. Effective Date

This policy shall remain in effect until revised or rescinded and replaces the original policy effective March 10, 1982. The Town reserves the right to amend this policy as necessary.

## 3. Goals

- A. The goals of the Review Board are:
  - 1) To use community resources as the first source of action in handling the community problem of juvenile delinquency.
  - 2) To promote community awareness of services to youth and youth activities.
  - 3) To provide juveniles with rehabilitative and supportive services in an effort to reduce delinquent behavior.
  - 4) To reduce the recidivism rate of juveniles.

- 5) To strengthen the working relationship and referral process between the Simsbury Police Department, Simsbury Public Schools, the Juvenile Court, and the Community and Social Services Department.
- 6) To assist and advise the Simsbury Police Department and school system with juveniles who are in trouble.

4. **Composition/Voting/Meetings**

- A. The size of the Board shall not exceed 11 persons, with 10 regular members and 1 alternate. Membership on the Board shall be comprised of representatives from agencies or organizations which have direct responsibility, contact or concern with youth and their families.
- B. The following agencies and organizations shall have a representative(s) on the Review Board:
  - 1) Police Department (1 individual as assigned by the Chief)
  - 2) School Department (2 individuals as assigned by the Superintendent)
  - 3) Town Recreation Department (1 as assigned by the Director of Culture, Parks and Recreation)
  - 4) Town Director of Community and Social Services
  - 5) Board of Selectmen Member (1 Selectman as appointed by the Board of Selectmen)
  - 6) YMCA Representative (as appointed by the Board of Selectmen)
  - 7) Probation Officer from Juvenile Court (as appointed by the Board of Selectmen)
  - 8) Family Counseling Service (as appointed by the Board of Selectmen)
  - 9) Simsbury Clergy (as appointed by the Board of Selectmen)
  - 10) Alternate - Town Social Worker (as assigned by the Director of Community and Social Services)
- C. Staff appointments to the JRB should be reviewed and approved by the Director of Community and Social Services. The Director of Community and Social Services, in consultation with the JRB, will make recommendations to the Board of Selectmen for appointments to the JRB for members representing outside agencies as noted above in Section 4B.
- D. Any member of the JRB may be removed by the Board of Selectmen, upon the recommendation of the Town Manager, for cause. Such member will be afforded an opportunity for a public meeting with the Board of Selectmen prior to a final decision being made regarding their status for removal. The purpose of the public meeting is to give the member an opportunity to be heard in person before the Board of Selectmen prior to a final decision being made.
- E. Any member who is absent from more than fifty (50) percent of JRB meetings during any twelve (12) month period may be removed from the JRB, and the vacancy shall

be filled as outlined in Section 4B. An exception may be granted by and at the discretion of the Town Manager due to a member's illness or other exigent circumstances.

- F. The Town Attorney will be available to the Board as needed.
- G. Each representative shall have one vote.
- H. Meetings shall be held as often as necessary to consider cases or administrative matters. Attendance shall be recorded in the minutes of the meeting.
- I. Custodial Parent(s) or Legal Guardian(s) and juvenile(s) will be notified of Board meetings concerning them and are required to be present at such Board meetings.
- J. Guests are permitted at Review Board meetings with the prior consent of the Chairperson and parent(s). Guests will have no vote and must sign a confidentiality agreement before attendance is allowed.
- K. Appropriate case and other files are the property of the Police Department, but may be maintained in a central location to expedite the Board's work.
- L. The Community and Social Services Director shall act as the Chairperson. On an annual basis the JRB will select a Vice Chair. The Community and Social Services Department shall be responsible for scheduling and cancelling meetings, distributing minutes and the filing of case disposition, as well as other duties that may be necessary.
- M. The Board shall establish rules and procedures to govern the conduct of meetings and the filing of case dispositions, and review those rules and procedures on an annual basis.

##### 5. **Procedure for Case Consideration**

- A. A matter is eligible for Review Board consideration if it involves a juvenile contact, if it is their first offense, and it is not involving a felony. The police will be encouraged to refer all eligible juvenile contacts to the Board but may exercise discretion on referrals.
- B. Parental authorization will be required before a child's case can be brought before the Board and before any information can be shared between and among agencies. If the parents refuse to sign the authorization form, then the case will be handled by the Police Department through its usual channels. If the child says he/she is not guilty of the offense, the case will automatically be handled by the Police Department to determine the facts of the case and appropriate findings. Under no circumstances will it be the Board's responsibility to determine if the offense occurred, or if the accused is innocent or guilty of the offense.
- C. When sufficient information regarding the youth and his/her family has been presented, the Board may formulate a recommendation by a 2/3 vote of those

present. A case may be continued to the next regular meeting, but must be acted upon at that time.

- D. Case dispositions will be communicated to the youth and family by a letter from the Chairperson. A copy of the disposition notice will be placed in the case file.
- E. Any agency or individual to which a youth is assigned as part of his/her case disposition shall make a report to the Board at the completion of the youth's assignment or at periodic intervals if the time period covers more than three (3) months.
- F. The Review Board should have a clear policy on what cases they are able to accept or reject. The Juvenile Review Board does not have to accept every case referred to it, but should state the reason they are choosing to reject the case before them. This statement should reference the above mentioned policy when notifying a juvenile about the Board's decision to reject their case.

## **6. Confidentiality/Records**

- A. The discussion of cases shall be held in executive session, where only Review Board members and permitted guests shall be present.
- B. Individual case names, or other identifying information, shall not appear in the minutes.
- C. No information shall be released to another person or agency without permission of the parents and a majority vote of the entire Review Board.

### **Statement of Purpose**

The Juvenile Review Board is an authorized program within the Community and Social Services Department in collaboration with the Simsbury Police Department. The Board is designed to review situations of juvenile contact/arrest and to provide an alternative and early means of assisting youths and their families who are troubled or in trouble. The Board only reviews cases where the juvenile has admitted guilt to the charges filed by the Police Department.

The Board is composed of representatives from the Police Department, Town Community and Social Services Department, Culture, Parks and Recreation Department, School Department, Juvenile Matters Division of the Connecticut Superior Court, Family Counseling Services, the YMCA, and a local clergyman.

The Board will attempt to formulate non-judicial recommendations which may include: counseling for the juvenile and/or his/her family, community service work and/or monetary restitution. The prime goal of these recommendations would be to prevent any further behavior which would bring the juvenile into negative contact with the justice system. However, the Board may also recommend, after a review of the case, that a referral to court is the best course of action. All information gathered will be kept strictly confidential.

Parent(s) and/or guardian(s) and the juvenile will be notified of Board Meetings concerning them and may request to appear before the Board. The Board may also request the presence of parent(s) and juvenile at a hearing concerning them.

Parent(s)/guardian(s) and juvenile always have the option of electing to appear before the Court rather than before the Juvenile Review Board.

**TOWN OF SIMSBURY – BOARD OF SELECTMEN  
REGULAR MEETING MINUTES – NOVEMBER 14, 2022**

**“ D r a f t ”**

**Page | 1**

---

**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 Chris Peterson, Eric Wellman, and Heather Goetz. Sean Askham was absent. Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Director of Parks and Recreation Tom Tyburski; Director of Planning and Community Development George McGregor; Finance Director Amy Meriwether; Chairman of Parks and Recreation David Bush; Chairman of Economic Development Commission Bob Crowther and other interested parties.

**PLEDGE OF ALLEGIANCE**

Everyone stood for the 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 Monday, November 14, 2022, to request 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**

Joan Coe, 26 Whitcomb Drive, spoke about the elections; the Town Manager's contract; workgroup on cannabis; the October 24, 2022 meeting and the changing of supervisory positions; a possible illegal notice of the cancellation of a Zoning meeting; CHFA lease changes; Eno Affordable Housing; and other issues.

Corrine Stall said she is a new resident and she spoke about the crosswalk at Mill Commons. She gave the Board a petition and signatures asking that the crosswalk on West Street get pedestrian lighting as it is very unsafe to cross there. She said the residents are discussing the issue with Chief Boulter and asking for his guidance on validating the need for the lighting. She asked if there might be some State funding for these flashing lights.

Cathy Matheu, 712 Millers Way, is in support of the crosswalk lights at Gristmill Road and West Street. She is asking that the Town improve the safety of that crosswalk by installing pedestrian activated crosswalk lights there. She said she walks her dog there at least three times a day and it is extremely dangerous to cross there. Drivers do not stop when people are in the crosswalk or they go around the pedestrian, which makes it more dangerous. The light would help with this issue.

Barbara Lorell, 212 Millers Way, also spoke about the crosswalk lights being installed. Her husband has had a few close calls at that crosswalk. She feels the buses are the worst offenders. This issue is very important to the residents and there needs to be some resolve.

David Bush, Chairman of Park and Recreation, 4 Catherine Lane, feels public audience is usually a statement of negatives. He said there is an upcoming proclamation for Simsbury Farms coming up and he thanked the Board for using and supporting Simsbury Farms. It is a very special place.

Lisa Gray, 120 Old Canal Way, Weatogue, spoke about considering the sale of marijuana, as she cannot be at the November 28<sup>th</sup> meeting. She said there are ten times more daily users of marijuana than back when Bill



Clinton was President. She said her information is mostly coming from a book called *Smoke Screen*. We all need to know the consequences of the use of marijuana.

### **PRESENTATIONS**

#### **a) Proclamation from State of Connecticut for the Simsbury Farms 50<sup>th</sup> Anniversary**

State Representative John Hampton said Simsbury Farms is a treasure for this Town. He read the State of Connecticut General Assembly Citation congratulating the 50<sup>th</sup> anniversary of the Farms. He presented a plaque to Tom Tyburski and David Bush and said he hoped the Farms has continued success.

#### **b) Economic Development Commission Annual Report**

Bob Crowther spoke about the EDC members and their mission statement. He said they are an advisory board who works on projects for the Board of Selectmen. He spoke about their framework and said they have four major work streams at this time. Mr. Crowther said they do business outreach, asking businesses for their feedback. They did complete the marketing materials refresh for tourism. They are working on a welcome letter for businesses. They are also looking in to creating a possible hospitality task force.

After some discussion, there was no motion at this time.

Mr. Wellman made a motion to move agenda item g to item a. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

### **FIRST SELECTMAN’S REPORT**

First Selectman, Ms. 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** – there was no report at this time.
- d) Board of Education** – there was no report at this time.

Mr. Wellman said the DEI Council held a successful workshop and discussed what affordable housing really is. He was surprised at who really lives in affordable housing and we need to support them.

Ms. Abbuhl said improvements are underway at the Simsbury Housing Authority, which were funded by the ARPA.

Ms. Abbuhl said she attended the Veteran’s Day event at Virginia Connolly Home and they honored six Veteran residents to recognize their service to the country.

Ms. Abbuhl said the Simsbury Food Pantry is in need of snacks, toiletries, baking goods, drinks, tomato products and cooking products. They do not need cereal, pasta or soups as they have enough right now.

Ms. Abbuhl spoke about Social Services and the Energy Assistance Program. She said documentation is needed for this program.

Ms. Goetz spoke about the Planning Commission updating the 2017 Plan of Conservation and Development.

Ms. Goetz spoke about luminary night on December 4, 2022. She said they need help putting together the kits on the 28-29<sup>th</sup>. People can purchase the luminaries to decorate or donate.

Ms. Mackstutis said the Finance Sub-Committee meeting will be held on December 1<sup>st</sup>. They will hopefully be looking at the final business grant program. Ms. Capriola proposed that some outside agencies come to this group before going to the full Board during the budget process.

### **SELECTMEN ACTION**

#### **a) Appropriation for Latimer Lane Elementary School Project**

Ms. Mackstutis said this Board was at the Tri-board meeting and discussed the overage of bids of the Latimer estimate.

Ms. Capriola said a summary was sent out today after that meeting. She said the overages were due to inflation and not any change in scope. The alternates are also listed. She said the next step is to hold a referendum due to the overages.

Ms. Capriola said the staff is recommending be funded with cash – capital reserve funding the majority. This is what a capital reserve is used for. Staff is also recommending that we fund the net cost to the Town of the outdoor learning spaces. The ARPA dollars do support this.

After discussion, Mr. Wellman made a motion, effective November 14, 2022, to approve and recommend an additional appropriation of \$2,261,837 for the Latimer Lane Elementary School project and to further fund the appropriation with cash from capital reserves and for the outdoor learning spaces to be funded by the ARPA themed grant dollars. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

Mr. Peterson said the Town residents voted on this project favorably.

#### **a) Economic Development Commission – Annual Work Plan, 2022-2023**

Ms. Capriola said the Economic Development Commission will generate work ideas for Board of Selectmen feedback and approval. The proposed items for the 2022-23 work plan are on page 15. There was some discussion on a hospitality workgroup and the Town map.

After some discussion, Ms. Goetz made a motion, effective November 14, 2022, to adopt the 2022-2023 Economic Development Commission’s work plan as presented with potential for some expansions of more ideas. Mr. Peterson seconded the motion. All were in favor and the motion passed.

**b) Request for Alcohol Permit – Apple Barn Event**

Ms. Mackstutis said she went to the first event, which was a lot of fun and well attended.

Ms. Abbuhl made a motion, effective November 14, 2022, to issue an alcohol permit for the legal possession and use of alcohol for an event at the Apple Barn on January 12, 2023. Ms. Goetz seconded the motion. All were in favor and the motion passed.

**c) Proposed Friends of Simsbury Farms Donation**

Mr. Tyburski said there were a lot of fundraisers to support the Farms. He said they need to maintain the Golf Course so people keep coming.

Mr. Peterson made a motion, effective November 14, 2022, to accept a donation of \$13,048 from the Friends of Simsbury Farms to partner with the Town of Simsbury on tee leveling projects at the Simsbury Farms Golf Course with our thanks. Mr. Wellman seconded the motion. All were in favor and the motion passed.

**d) Proposed Donation from the Boswell Family**

Mr. Tyburski said the windscreens are in bad shape right now. This donation allows for a “Welcome to Simsbury Farms” sign to be put on one of the screens.

Mr. Wellman made a motion, effective November 14, 2022, to accept a donation covering the costs of new windscreens for the Platform Tennis Courts at the Simsbury Farms recreation Complex with our thanks. Mr. Peterson seconded the motion. All were in favor and the motion passed.

**e) FY22/23 Emergency Management Performance Grant (EMPG) Application**

Ms. Capriola said the Town needs to apply for this grant and then the funds are turned over to the Fire District.

Ms. Goetz made a motion, effective November 14, 2022, to apply for the 2022/2023 Emergency Management Performance Grant as presented and to approve the attached resolution. In the event that this grant is awarded, the following additional motion is in order: Move to accept the 2022/2023 Emergency Management Performance Grant and to authorize Maria E. Capriola, Town Manager, to execute all documents related to the grant award. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

**f) Tax Refund Requests**

Mr. Wellman made a motion, effective November 14, 2022, to approve the presented tax refunds in the amount of \$5,518.98, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

**g) PA 21-29 Opt-Out Action of State Mandated Regulations Relating to Accessory Dwelling Units and Residential Parking Standards**

Mr. McGregor said there are two elements to this – PA 21-29 was approved in June 2021, which established some State mandated zoning frameworks. They included accessory dwelling units and residential parking. The Commission opted out in January 2022. Then they came back in July 2022 and revised the accessory use

standards. He said there is one parking space per studio apartment, one space for a one bedroom and two spaces for a two bedroom, which is different than how Simsbury handles residential parking.

If we opt-out the Town is allowed to amend local regulations and grant new regulations as they fit the community. He had a resolution that opts out of PA 21-29 standards.

After discussion, Ms. Goetz made a motion, effective November 14, 2022, to approve the attached resolution as presented. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

**h) Schedule a Public Hearing for Proposed Amendment to the Bicycle Ordinance (Chapter 67)**

Ms. Capriola said there is an internal traffic control group and the Police Chief is the legal traffic authority. She said the bicycle ordinance hasn't been updated since 1990. They had a couple of edits that are “housekeeping” in nature including fines and sidewalk width. The change would allow for the reasonable and safe use of non-motorized bikes and scooters on the sidewalks. This change requires a public hearing.

Ms. Abbuhl made a motion, effective November 14, 2022, to set a Public Hearing to receive public comment concerning proposed revisions to Chapter 67 of the Town Code concerning bicycles for 6:00 p.m. on Monday, December 12, 2022. Ms. Goetz seconded the motion. All were in favor and the motion passed.

**i) DESRI-TVS REAL ESTATE OLDINGS, LLC V. SIMSBURY Tax Appeal Settlement**

Ms. Capriola said the Town Attorney discussed this in the last executive session and there has been a settlement.

Mr. Wellman made a motion, effective November 14, 2022, to approve the Joint Stipulation for Judgement for Docket No. HHB-CV-20-606337-S, DESRI-TVS REAL ESTATE HOLDINGS, LLC vs. Town of Simsbury for the tax appeal on the taxable real estate located at 60 Hoskins Road as presented and authorize Town Attorney Robert DeCrescenzo to execute the agreement. Mr. Peterson seconded the motion. All were in favor and the motion passed.

**j) COVID-19 Relief 501(c)(3) Non-profit Grant Program**

Mr. Wellman made a motion, effective November 14, 2022, to approve funding in the amount of \$2,000 for the Simsbury Main Street Partnership through the 501(c)(3) Non-profit Grant Program. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

Mr. Peterson made a motion, effective November 14, 2022, to approve funding in the amount of \$1,000 for Simsbury Youth Football and Cheer Inc. through the 501(c)(3) Non-profit Grant Program. Ms. Abbuhl seconded the motion. Mr. Peterson, Mr. Wellman, Ms. Abbuhl, and Ms. Mackstutis were in favor of the motion, with Ms. Goetz abstaining. Therefore, the motion passed.

**REVIEW OF MINUTES**

**a) Regular Meeting of October 24, 2022**

There were no changes to the Regular Meeting Minutes of October 24, 2022, and, therefore, the minutes were adopted.

### **COMMUNICATIONS**

- a) **Memo from M. Capriola, re: Administrative Approval of PGP, dated November 9, 2022** – there was no discussion at this time.

### **EXECUTIVE SESSION**

- a) **Executive Session per General Statutes Section 1-200(6)(b), Strategy and Negotiations of a Pending Claim and/or Litigations: Cavanaugh Claim under the Worker’s Compensation Act**

Mr. Peterson made a motion to adjourn to Executive Session per General Statutes 1-200(6)(b), Strategy and Negotiations of a Pending Claim and/or Litigation: Cavanaugh Claim under the Worker’s Compensation Act, at 7:57 p.m. and to include Ms. Capriola. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

### **ADJOURN FROM EXECUTIVE SESSION**

Mr. Wellman made a motion to adjourn from Executive Session at 8:05p.m. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

### **ADJOURN**

Ms. Abbuhl made a motion to adjourn at 8:06p.m. Ms. Goetz seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio  
Clerk