



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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SIMSBURY BOARD OF SELECTMEN

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

Regular Meeting – January 13, 2020 – 6:00 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC AUDIENCE

PRESENTATION

- a) Farmington Valley Health District Strategic Plan Update

FIRST SELECTMAN'S REPORT

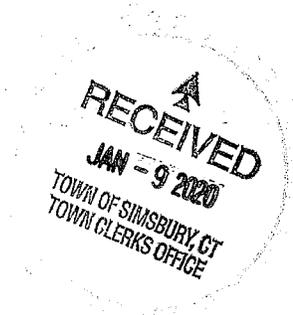
TOWN MANAGER'S REPORT

SELECTMEN ACTION

- a) Tax Refund Requests
- b) Proposed Donation from Garrity Asphalt Reclaiming, Inc.
- c) Acceptance of Sponsorships of the 350th Anniversary Celebration Events
- d) Proposed Simsbury Public Library PEGPETIA (Public Educational and Governmental Programming & Education Technology Investment Account) Grant
- e) Supplemental Appropriation – Ice Rink Boiler
- f) Temporary Shared Financial Management Services with Board of Education and Finance Director Compensation
- g) Parks and Recreation Special Revenue Fund Analysis
- h) Set Public Hearing Date for Small Cities Grant Application
- i) Proposed Fair Housing Policy and Resolution
- j) Proposed Affirmative Action Policy and Compliance with Title VI of the Civil Rights Act of 1964 Policy
- k) Gifts of Love Farm Lease Amendment
- l) Volunteer Firefighter and Ambulance Personnel Tax Abatement Ordinance
- m) Community Choice Aggregation Resolution

APPOINTMENTS AND RESIGNATIONS

- a) Simsbury Democratic Town Committee Proposed Re-Appointments/New Appointments to Various Boards/Commissions
- b) Personnel Sub-Committee Proposed Re-Appointments/Appointments and Resignations of Various Boards/Commissions
- c) Resignation of Diane Madigan from Zoning Board of Appeals



REVIEW OF MINUTES

- a) Regular Meeting of December 16, 2019

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

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

COMMUNICATIONS

- a) Simsbury Restrictive Covenant - 1 Meeting House – Request to Remove Affordability Restriction
- b) Letter from A. Piazza RE: Sanitary Sewer Replacement – Woodland Street/Hopmeadow Street Area dated December 19, 2019

EXECUTIVE SESSION

- a) Pursuant to CGS §1-200(6)(D), Discussion of Possible Purchase and Sale of Real Property
- b) Pending Litigation: CTEC Solar v. Town of Simsbury, General Statutes section 1-200(6)(B); Attorney Client Privileged Communication, Section 1-200 (6)(E) for the same legal matter

ADJOURN



Town of Simsbury

933 HOPMEADOW STREET

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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Farmington Valley Health District Strategic Plan Update
2. **Date of Board Meeting:** January 13, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Melissa A.J. Appleby, Deputy Town Manager
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
No action requested. This item is informational.

5. **Summary of Submission:**

At the end of 2018, the Farmington Valley Health District (FVHD) developed a five-year strategic plan to improve and expand the district's community health efforts, pursue national accreditation, and align its services to meet the ten statutorily required mandates for local health departments according to Section 19a-207a of the Connecticut General Statutes. This plan includes the projected costs associated with meeting these objectives, and lays out the budgetary impacts to member towns.

In order to meet its objectives as laid out in the strategic plan, the FVHD board adopted a ten percent increase in the per capita amount for FY20, from \$5.50 to \$6.05. Because Simsbury's population had increased over the prior year, this resulted in a total increase of \$16,721, or 12.5% over FY19.

Jennifer Kertanis, Executive Director, and Brandon Robertson, chair of the FVHD board, will be present this evening to provide an update on the strategic plan, including the anticipated impact on the FY21 budget.

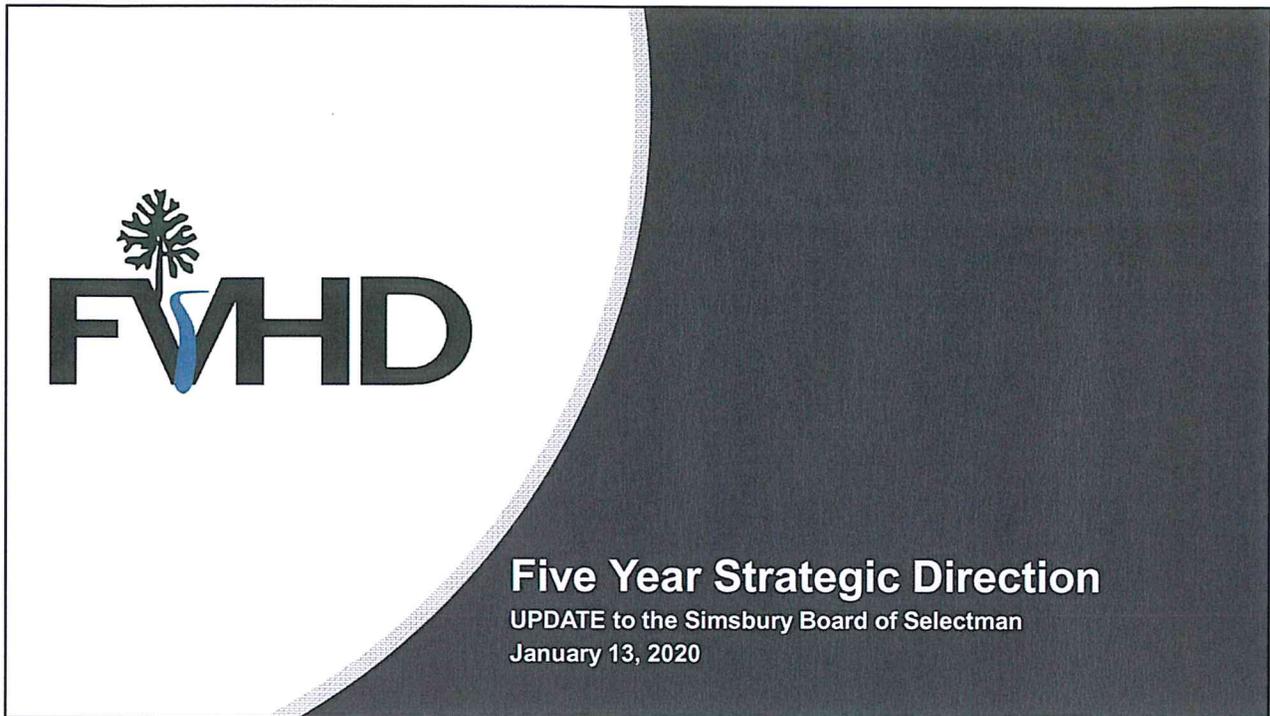
6. **Financial Impact:**

The per capita fee for FVHD's member towns is projected to increase from \$6.05 to \$6.50 (7.4%) for FY21. Because Simsbury's population¹ has again increased, this results in a total increase of \$11,404, or 7.6% over FY20.

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

- a) Presentation Slides

¹ Estimated at 24,979



What's Driving the FVHD Strategic Plan: External Forces

- Statutory Mandates- CT DPH Annual Report
 - Grounded in years of research regarding public health infrastructure and outcomes
- 58/67 local health departments report completing a CHA
- Regionalization/Consolidation
- CT DPH –Accredited
 - DPH has stated it is a goal of theirs to have all local health departments become accredited.
- 3 Local Health Departments accredited-3 planning on applying within a year
- 22/67 local health departments report preparing for accreditation



FVHD 5 Year Strategic Plan- What FVHD Needs to Do:

- Increase investment in additional staff and expertise:
 - Epidemiology
 - Health Education
 - Partnership/grant writing/evaluation capacity
- Invest in Community Health Assessment
- Invest in Community Health Improvement Plan
- Increase investment in accreditation pursuit:
 - Additional Staff time
 - Accreditation fees



	2018-2019	2019-2020	2020-2021	2021-2022	2022-2023
INVESTMENTS	<ul style="list-style-type: none"> • Full-time accreditation Coordinator • Funding for CHA 	<ul style="list-style-type: none"> • Part-time Epidemiologist • Funding for CHA 	<ul style="list-style-type: none"> • Funding for CHIP 	<ul style="list-style-type: none"> • Asst. Director (6 Months) • Funding For CHIP 	<ul style="list-style-type: none"> • Asst. Director (12 Months) • Accreditation Fees
Per Capita	5.50	6.05	6.50-6.60	6.90-7.10	7.60-7.80
Percent Change		10%	7%-10%	5%-9%	7%-13%

ASSUMPTIONS for FY21-FY23:

- Balanced budget each year; no use of cash balance
- District population remains flat
- No Increase nor Decrease in State Per Capita
- No Increase in Fee Revenue
- Loss of Men's Health Grant but modest grant revenue
- 3% increase to non-personnel expenses per year
- Personnel salary increases range from 2-3% per year
- No reductions in environmental health staffing nor salary reductions



2018-2019

Plan:

- Full-time accreditation Coordinator
- Funding for CHA
- 5.50

Progress:

- CHA Advisory Group Established
- Accreditation Coordinator hired
- Board and Staff Orientation Completed
- VMSG Performance Management Software purchased

2019-2020

Plan:

- Part-time Epidemiologist
- Funding for CHA
- 6.05

Progress:

- Improving ability to meet state mandates
- Interviewing CHA/CHIP Subcontractors
- Active Advisory Group
- Job description developed
- Primary data collection strategy

Draft Timeline (to be updated upon completion of timeframe estimates)

	Feb 2019	Mar 2019	Apr 2019	May 2019	Jun 2019	Jul 2019	Aug 2019	Sept 2019	Oct 2019	Nov 2019	Dec 2019	Jan 2020	Feb 2020	Mar 2020	Apr 2020	May 2020	June 2020
Identify community partners	█	█	█														
Access resource needs & secure commitment		█	█	█	█	█											
Review secondary data	█	█	█	█	█	█											
Develop shared vision for CHA					█	█	█										
Review past FVHD assessments					█	█	█										
Identify where a consultant could assist					█	█	█	█	█	█	█	█	█				
Data prioritization					█	█	█	█	█	█	█	█	█				
Data gap analysis					█	█	█	█	█	█	█	█	█				
Assess community themes and assets					█	█	█	█	█	█	█	█	█				
Primary Data Collection								█	█	█	█	█	█	█	█	█	█
Establish system for maintaining data								█	█	█	█	█	█	█	█	█	█
Analyze data												█	█	█	█	█	█
Create data summaries												█	█	█	█	█	█
Document and communicate survey results														█	█	█	█
Select Priorities for CHIP														█	█	█	█
Implement CHIP																	→



Town of Simsbury

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SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Tax Refund Requests
2. **Date of Board Meeting:** January 13, 2020
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 13, 2020 to approve the presented tax refunds in the amount of \$32,785.33, 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 \$32,785.33. The attachment dated January 13, 2020 has a detailed listing of all requested tax refunds.
7. **Description of Documents Included with Submission:**
 - a) Requested Tax Refunds, dated January 13, 2020

REQUESTED TAX REFUNDS
JANUARY 13, 2020

	BILL NUMBER	TAX	INTEREST	TOTAL
List 2017				
ARI Fleet LT Ltd	17-03-50620	\$313.94		\$313.94
EAN Holdings LLC:				\$0.00
Enterprise - 65 Vehicles	Various	\$22,013.67		\$22,013.67
Total 2017		\$22,327.61	\$0.00	\$22,327.61
List 2018				
Coreologic - Bonertz	18-01-02127	\$2,694.51		\$2,694.51
Glassman, Mary	18-01-02962	\$385.55		\$385.55
Kane Robert J	18-01-03937	\$19.26		\$19.26
Losee Herbert	18-01-04709	\$340.51		\$340.51
Niziolek, Michael	18-01-05770	\$256.49		\$256.49
Quirk, Susan D	18-01-06471	\$186.62		\$186.62
Litsky, Eric	18-02-40469	\$57.16		\$57.16
Shelter Harbor Advisors LP	18-02-40694	\$112.08		\$112.08
Up Top Barbershop	18-02-40809	\$163.85		\$163.85
Cohen, Joanne E	18-02-53444	\$10.19		\$10.19
Acorn Consulting Eng Inc	18-03-50156	\$71.09		\$71.09
ARI Fleet LT Ltd	18-03-50612	\$604.21		\$604.21
CAB East LLC	18-03-52433	\$696.65		\$696.65
CAB East LLC	18-03-52434	\$340.77		\$340.77
CAB East LLC	18-03-52463	\$315.43		\$315.43
Daimler Trust	18-03-54188	\$553.61		\$553.61
Dowdell, Darren M	18-03-54923	\$200.42		\$200.42
Gordon Scott H	18-03-56978	\$586.67		\$586.67
Gordon Scott H	18-03-56979	\$521.36		\$521.36
Honda Lease Trust	18-03-58374	\$231.94		\$231.94
Hulbert, Robert H	18-03-58565	\$8.81		\$8.81
Paveglio Peter R	18-03-64364	\$11.29		\$11.29
Paveglio Peter R	18-03-64365	\$14.91		\$14.91
Robbins Vaughn	18-03-65631	\$41.42		\$41.42
Vault Trust (Ally Financial)	18-03-69294	\$405.29		\$405.29
Vehicle Asset Univ. Leasing Trst	18-03-69297	\$310.17		\$310.17
Vault Trust (Ally Financial)	18-03-69302	\$54.93		\$54.93
VW Credit Leasing Ltd	18-03-69617	\$516.14		\$516.14
VW Credit Leasing Ltd	18-03-69680	\$109.94		\$109.94
Weisman Joel D	18-03-69944	\$269.82		\$269.82
Falzarano Michael J	18-04-81004	\$5.00		\$5.00
Gottier Landscape & Design	18-04-81237	\$127.12		\$127.12
Havighorst Richard	18-04-81350	\$209.55		\$209.55
Macinnis Allyson	18-04-82019	\$24.96		\$24.96
Total 2018		\$10,457.72	\$0.00	\$10,457.72
TOTAL 2017		\$22,327.61	\$0.00	\$22,327.61
TOTAL 2018		\$10,457.72	\$0.00	\$10,457.72

REQUESTED TAX REFUNDS
JANUARY 13, 2020

TOTAL ALL YEARS		\$32,785.33	\$0.00	\$32,785.33



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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Proposed Donation from Garrity Asphalt Reclaiming, Inc.

2. **Date of Board Meeting:** January 13, 2020

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

Maria E. Capriola, Town Manager; Kristen Formanek, Director of Community & Social Services *Maria E. Capriola*

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

If the Board of Selectmen supports acceptance of the donation from Garrity Asphalt Reclaiming, Inc., the following motion is in order:

Move, effective January 13, 2020 to accept a donation from Garrity Asphalt Reclaiming, Inc. in the amount of \$5,000 for the purpose of supporting Simsbury Community and Social Services Department programs that assist residents in need.

5. **Summary of Submission:**

Garrity Asphalt Reclaiming, Inc. has provided a financial donation in the amount of \$5,000 to the Community and Social Services Department. The donation will be used to provide emergency assistance (i.e. heat, food, shelter) to Simsbury residents in need.

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 \$5,000 donation from Garrity Asphalt Reclaiming, Inc. will be used to provide emergency assistance (i.e. heat, food, shelter) to Simsbury residents in need. The funds will be deposited into a Social Services special revenue fund.

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

None



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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Acceptance of Sponsorships of the 350th Anniversary Celebration Events

2. **Date of Board Meeting:** January 13, 2020

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

Maria E. Capriola, Town Manager; Lisa Karim, Library Director; Tom Tyburski, Director of Culture, Parks & Recreation; Cheryl Cook, Co-chair 350th Anniversary Committee; Kris Barnett, Co-chair 350th Anniversary Committee

Maria E. Capriola

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

If the Board of Selectmen approves the presented sponsorships of the 350th Anniversary celebration events, the following motion is in order:

Move effective January 13, 2020, to accept \$18,500 from Ensign Bickford, \$7,500 from McLean, \$5,000 from Liberty Bank and \$5,000 from Tobacco Valley Solar as sponsorships of the 350th Anniversary celebration events.

5. **Summary of Submission:**

The 350th Anniversary Committee was established by the Board of Selectmen at their meeting on April 27, 2019 to plan and facilitate two to three 350th anniversary celebration events, along with marketing and other duties. The 350th Anniversary Committee has been soliciting sponsorships to support and defray the cost of these events.

The Ensign Bickford donation has been received already while the other donations are anticipated commitments.

6. **Financial Impact:**

None

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

None



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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Proposed Simsbury Public Library PEGPETIA (Public Educational and Governmental Programming & Education Technology Investment Account) Grant
2. **Date of Board Meeting:** January 13, 2020

3. **Individual or Entity making the Submission:**
Maria E. Capriola, Town Manager; Lisa Karim, Library Director
maria E. Capriola

4. **Action requested of the Board of Selectmen:**
If the Board of Selectmen approves the Library's PEGPETIA grant application, the following motion is in order:

Move, effective January 13, 2020, to approve the Library's application for a PEGPETIA grant to fund an upgrade to audiovisual equipment in the Friends of the Simsbury Public Library Program Room, add equipment to the Innovators' Workshop makerspace, and enhance technology offerings in the Children's Department.

In the event that the grant is awarded, the following additional motion is in order:

Move, to accept the PEGPETIA grant and to authorize Town Manager, Maria E. Capriola, to execute all documents related to the grant award.

5. **Summary of Submission:**
PEGPETIA grants are made available by the State of Connecticut to promote and improve public, educational and government access programming in the state. The Library is applying for funding to:
- Upgrade the current audiovisual equipment in the Friends of the Simsbury Public Library Program Room to be consistent with the equipment in the new Tariffville Room;
 - Add equipment, including a laser cutter/engraver, 3D printer and heat press, to the Innovators' Workshop; and
 - Enhance the technology offerings, including an interactive LED light panel art wall and a collection of VOX self-contained read-along books, in the Children's Department to provide learning opportunities and access for the community.
6. **Financial Impact:**
No local match is required. Other than staff time associated with administering the grant, there are no costs to the Town. Based on staff's budgetary estimates at this time, the grant application will seek approximately \$75,310 in funding.

7. Description of Documents Included with Submission:

- a) Grant Budget Summary Spreadsheet

Simsbury Public Library
PEGPETIA Grant Budget Summary

FSPL Program Room AV Upgrade	\$21,710
Innovators' Workshop Equipment	
Universal Laser Cutter/Engraver	\$30,000
Lulzbot Taz Dual-Head 3D Printer	\$6,000
Cricut Vinyl Cutter	\$400
Cricut Heat Press	\$200
Children's Department Technology	
Interactive LED Panel Art Wall	\$15,000
VOX Books	\$2,000
Total	\$75,310



Town of Simsbury

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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Supplemental Appropriation – Ice Rink Boiler
2. **Date of Board Meeting:** January 13, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Amy N. Meriwether, Finance Director/Treasurer
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**

If the Board of Selectmen supports moving forward with a \$10,000 transfer from the General Fund to the Simsbury Farms Fund to cover the cost of a new boiler, the following motion is in order:

Move, effective January 13, 2020, to recommend to the Board of Finance a transfer of \$10,000 from the General Fund to the Simsbury Farms Fund to cover the cost of a new boiler.

If the Board of Selectmen supports purchasing the boiler from the Simsbury Farms Fund and evaluating the need for a transfer at year-end, no motion is necessary.

5. **Summary of Submission:**

The Town Manager and Finance Director were notified by the Parks & Recreation Director on December 17, 2019 that the boiler at the ice rink had stopped functioning and was unable to be repaired. In the short term there was no impact to the ice rink as the rink was still functional utilizing cold water. However, utilization of cold water while making the ice does result in the formation of brittle ice compared to ice that is made with hot water. Hot water at the rink is also utilized to clean the garage and various pieces of equipment. The cost to replace the boiler was just under \$10,000.

There are two possible funding options for replacement of the boiler:

1. Transfer \$10,000 from the General Fund to the Simsbury Farms Fund for the purchase of the new boiler.

Or

2. Purchase the boiler from the Simsbury Farm Fund for the \$10,000 and then evaluate at year-end whether there is enough income in the fund to cover the cost of the boiler. If there is not enough income at the end of the year, we could then request a supplemental year-end appropriation from the General Fund to the Simsbury Farms Fund to cover the cost of the boiler.

6. Financial Impact:

Financial impact if the Board of Selectmen proceeds with recommending the transfer at this time: Assuming year-end revenues exceed expenditures, General Fund expenditures would increase by \$10,000 and revenues would offset those costs. If year-end revenues did not exceed expenditures, the General Fund reserve would decrease by up to \$10,000.

Financial impact if the Board of Selectmen chooses no action at this time: There would be no financial impact at this time. At year-end management would evaluate the Simsbury Farms Fund to determine if a transfer from the General Fund is needed to keep the Simsbury Farms Fund in a surplus position. Further impact on the General Fund would be determined at that time.

7. Description of Documents Included with Submission:

None



Town of Simsbury

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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Temporary Shared Financial Management Services with Board of Education and Finance Director Compensation
2. **Date of Board Meeting:** January 13, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Amy N. Meriwether, Finance Director/Treasurer
Maria E. Capriola

4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports moving forward with temporary shared financial management services with the Board of Education and a temporary increase in the Finance Director's compensation, the following motions are in order:

Move, effective January 13, 2020, to authorize Town Manager, Maria E. Capriola, to execute the Memorandum of Agreement between the Town of Simsbury and the Simsbury Board of Education for Financial Management Services.

Further move, effective January 14, 2020, to authorize an increase in the Finance Director's salary of 10% during the temporary period of shared financial management services between the Town of Simsbury and Simsbury Board of Education.

5. **Summary of Submission:**
The Town and the Board of Education have a mutual interest in sharing financial management services on a temporary basis. During this temporary period the Finance Director for the Town will also serve as the Finance Director for the Simsbury Board of Education. It will be the responsibility of the Finance Director to oversee the functions of the School Business Office, including accounts payable, accounts receivable, payroll, accounting and business administration functions. Please find attached a "Memorandum of Agreement between the Town of Simsbury and the Simsbury Board of Education for Financial Management Services," which outlines a detailed listing of services to be provided. If approved, I believe this arrangement will be advantageous to both the Town and the Board of Education. The Town Attorney has reviewed the proposed memorandum of agreement.

Due to the increased workload and responsibility of the Finance Director, it is recommended to increase the Finance Director's salary by 10% during the period of time she is providing temporary financial management services to the Board of Education under the memorandum of agreement. The Finance Director's salary will increase from \$141,177 to \$155,295. The Simsbury Board of Education will be

responsible for funding the increase in the Finance Director's salary and associated benefits resulting in an estimated monthly payment to the Town of \$1,420. Although there will be no impact to the Town's budget, section 903 of the Charter states that "all salaries, wages or compensation of all officers and employees shall be determined by the Board of Selectmen upon the recommendation of the Town Manager." Therefore, management is requesting approval from the Board of Selectmen for the Finance Director's temporary increase in compensation. Additionally, the Personnel Sub-Committee endorsed this proposed temporary increase at their January 9, 2020 meeting. Ms. Meriwether has previously worked in a financial shared services model, and served as the financial agent for a regional school district. She is well qualified and highly experienced in this area.

The temporary shared financial services are expected to commence on January 14, 2020 and expire on June 30, 2020. Through mutual agreement of the Town Manager and the Superintendent, the proposed agreement allows for an extension of up to two (2) additional ninety (90) day periods. After such time has expired, the agreement will either be terminated or re-negotiated.

6. Financial Impact:

No impact to Town budget. The Board of Education will reimburse the Town \$1,420 per month for these services.

7. Description of Documents Included with Submission:

- a) Memorandum of Agreement between the Town of Simsbury and the Simsbury Board of Education for Financial Management Services

Memorandum of Agreement between the Town of Simsbury and the Simsbury Board of Education for Financial Management Services

This Agreement made this _____ day of January, 2020 by and between the Town of Simsbury (hereinafter referred to as the "Town") and the Simsbury Board of Education (hereinafter referred to as the "Simsbury Board"), collectively referred to as the "Parties."

Whereas, the Town and the Simsbury Board have a mutual interest in sharing financial management services on a temporary basis and exploring the feasibility of those services on a permanent basis;

Whereas, the Parties agree that temporary financial management services will be provided by the Town to the Simsbury Board; and

Whereas, this agreement is in accordance with the provisions of Connecticut General Statutes §10-241b.

Now, therefore, the parties do mutually agree as follows:

I. Temporary Financial Management Services

A. The Town, working through its Director of Finance, shall perform and carry out in a satisfactory and proper manner a scope of activities acceptable to the parties, for the purpose of providing to the Simsbury Board the temporary financial management services described in this Agreement.

B. The Director of Finance will serve as the Director of Finance for the Simsbury Board for the duration of this agreement. The Director of Finance will supervise and provide oversight to the Simsbury Board's Business Office.

C. The Town will provide the Simsbury Board with the following temporary financial management services. The Director of Finance will be responsible for the performance of these services. Requests for changes to the scope of services may be made by the Superintendent with the approval of the Town Manager. Changes agreed upon by and between the parties will be incorporated as written amendments to this agreement.

- i. Oversee Simsbury Board staff assigned to the Board's Business Office.
- ii. Supervise and oversee the cash disbursement system and processes.
- iii. Supervise and oversee the cash receipts system and processes, which will systematically record the receipt of cash.
- iv. Supervise and oversee the payroll system and processes, including all necessary federal and state reporting.
- v. Supervise and oversee accounting and bookkeeping services.
- vi. Assist with preparation of the Board's annual operating and capital budgets.
- vii. Prepare computer-generated financial reports for all funds in the same form as currently provided. Any changes in form shall be mutually agreed to by the Parties.
- viii. Assist with the preparation of the Comprehensive Annual Financial Report

(CAFR) in accordance with Generally Accepted Accounting Principles (GAAP).

- ix. Prepare monthly, quarterly and annual financial reports as needed.
- x. Prepare finance related materials for Board of Education and Board of Finance meetings.
- xi. Attend Board of Education meetings as needed.
- xii. Supervise and oversee the preparation of the EFS reporting, ED-141s, and other miscellaneous financial reporting as required for submission to the Connecticut Department of Education.
- xiii. Perform or supervise miscellaneous financial related activities at the direction of the Superintendent.

D. It is recognized by the parties that the Director of Finance and his/her designee has the authority on matters pertaining to the design and implementation of the Financial Management System. Should there be changes to the Financial Management System requiring additional budget expenditures, such changes shall be presented by the Director of Finance to the Town Manager for approval prior to proceeding with the same.

E. It is recognized by the parties that the Director of Finance and his/her designee has the authority to act as the Purchasing Agent for the Simsbury Board in accordance with the Town's Financial Policies and Procedures.

F. It is recognized by the parties that the Director of Finance and his/her designee has the authority to enforce all provisions of the Simsbury Board's Financial Policies and Procedures and that the Director of Finance shall report significant instances of non-compliance to the Superintendent.

II. Term

A. The initial term of this agreement shall commence upon execution of the agreement and shall expire on June 30, 2020. Upon mutual agreement of the Town Manager and Superintendent, this agreement may be extended for up to two (2) additional ninety (90) day periods of time as needed. Thereafter, the parties shall have the ability to negotiate subsequent terms of this Agreement, subject to approval of their respective governing bodies.

III. Payment

A. The Simsbury Board agrees to pay the Town \$1,420 monthly as compensation for the Director of Finance's services.

B. The Town will complete a monthly journal entry, transferring funds from the Board of Education to the Town, for the agreed upon amount in Section IIIA noted above.

IV. Termination for Cause or Convenience

Either of the parties may terminate this agreement in writing for any reason with forty-five (45) days' notice.

For the Town of Simsbury:

For the Simsbury Board of Education:

Maria Capriola, Town Manager

Matthew Curtis, Superintendent

DRAFT



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Parks and Recreation Special Revenue Fund Analysis
2. **Date of Board Meeting:** January 13, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Melissa Appleby, Deputy Town Manager; Amy Meriwether, Finance Director; Tom Tyburski, Director of Culture, Parks and Recreation
Maria E. Capriola

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

If the Board of Selectmen approves creating a workgroup to review the presented analysis and make policy recommendations about the Parks and Recreation Special Revenue Fund to the full Board of Selectmen, the following motions are in order:

Move effective January 13, 2020, to create a workgroup with the purpose to review the Parks and Recreation Special Revenue Fund Analysis and make policy recommendations to the full Board of Selectmen.

Further move to create membership slots for the workgroup as follows:

Two members from the Board of Selectmen

Two members from the Board of Finance

Two members from the Culture, Parks and Recreation Commission

If the Board of Selectmen would like to appoint members tonight, the following motion is in order:

Move, effective January 13, 2020, to appoint INSERT NAME & INSERT NAME to the Parks and Recreation Special Revenue Fund Analysis Workgroup.

5. **Summary of Submission:**

Staff has been working on an analysis of the Parks and Recreation Special Revenue Fund (attached). Staff believes that a workgroup of key stakeholders reviewing the analysis and making policy recommendations to the Board of Selectmen would be prudent. Key staff members working on the analysis have been Melissa Appleby, Amy Meriwether, and Tom Tyburski. I would like to commend them for their thoroughness, thoughtfulness, and diligence in completing this analysis.

Established in 1998, the Parks and Recreation (formerly Simsbury Farms) Special Revenue Fund includes funding for the Simsbury Farms Recreational Complex and all other recreational programs administered by the Culture, Parks and Recreation

Department. The remainder of the Culture, Parks, and Recreation Department, including parks maintenance and a portion of administrative costs, are included in the Town's operating budget (General Fund).

In seven of the last eleven fiscal years, the Fund has ended the year in a deficit, and at the September 29, 2018 Board of Selectmen goal setting session the Board identified the need to conduct this analysis and identify measures to improve the sustainability of the Fund.

6. Financial Impact:

None

7. Description of Documents Included with Submission:

a) Simsbury Farms Analysis, dated January, 2020 - *Forthcoming*



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

MEMORANDUM

To: Board of Selectmen
From: Maria Capriola, Town Manager; Melissa Appleby, Deputy Town Manager; Amy Meriwether, Finance Director; Tom Tyburski, Director of Culture, Parks & Recreation
Date: January 10, 2020
Subject: Parks and Recreation Special Revenue Fund Analysis

Background

Established in 1998, the Parks and Recreation (formerly Simsbury Farms) Special Revenue Fund (the “Fund”) includes funding for the Simsbury Farms Recreational Complex and all other recreational programs administered by the Culture, Parks and Recreation Department. The remainder of the Culture, Parks, and Recreation Department, including parks maintenance and a portion of administrative costs, are included in the Town’s operating budget (general fund).

In seven of the last eleven fiscal years, the Fund has ended the year in a deficit. In nine of those eleven years, operating transfers were budgeted from the general fund to support the Fund. In four of those years, additional appropriations above and beyond the budgeted amounts were made from the general fund. During that time period, total contributions from the general fund totaled \$1.9 million. At its goal-setting session on September 29, 2018, the Board of Selectmen identified a need to conduct an analysis of the Fund to better understand the challenges and identify measures to improve the sustainability of the Fund.

This memorandum provides an outline of the key financial issues related to the Fund and recommendations for addressing those issues.

Key Issues

Declining Revenue

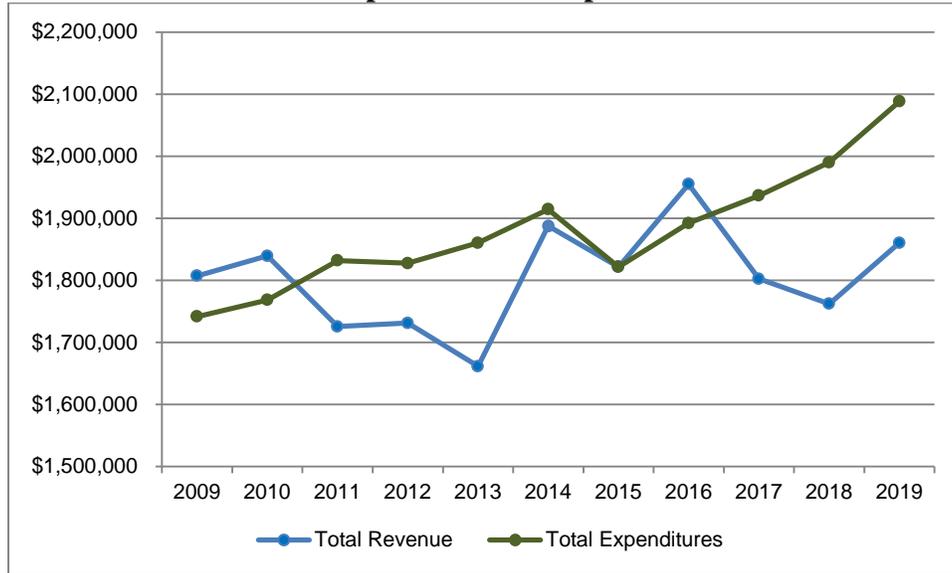
In seven of the last eleven fiscal years, the Fund has ended the year in a deficit position. There were significant deficits in the last three fiscal years: in 2017, the deficit was \$134,109, in 2018 it was \$227,891, and in 2019 it was \$228,038.¹

Prior to FY19, revenue received in one fiscal year for activities that occurred in the following fiscal year was accounted for in the year it was received. Beginning with FY19, we are now tracking this “deferred revenue” in the year that the revenue applies to. For example, if fees are collected in June for a program occurring in July (after the new fiscal year begins), the revenue is

¹ In FY19, the actual general ledger loss was \$475,292, which reflects the reduction of the deferred revenue.

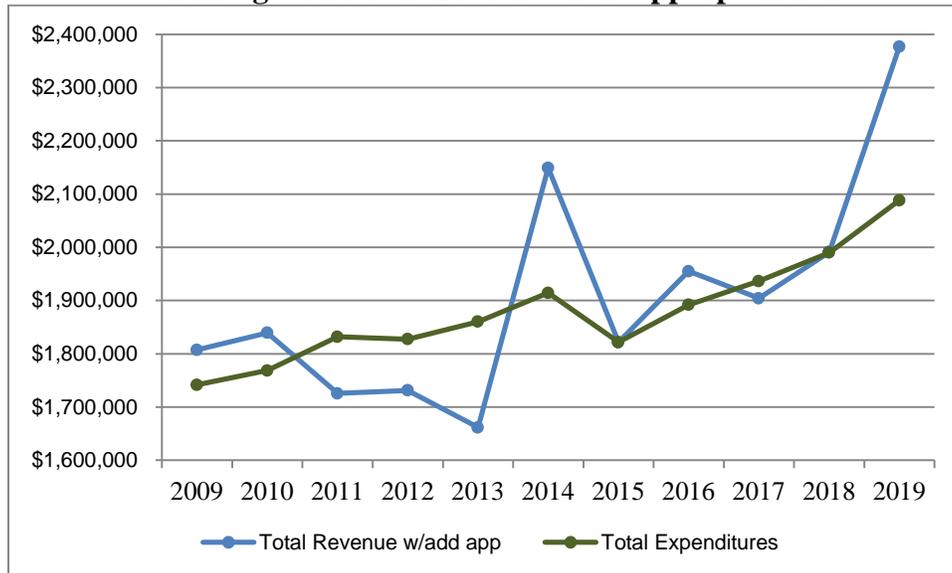
being accounted for in July. In order to compare accurately to prior years, the FY19 data in this report includes all revenue received in that year.

Revenues and Expenditures Comparison: 2009-2019



These deficits have occurred even with support from the general fund. In the last eleven years, a total of \$742,306 in revenue was budgeted as operating transfers from the general fund. Additional appropriations in the amount of \$841,828 were made from the general fund in four of the last eleven years.

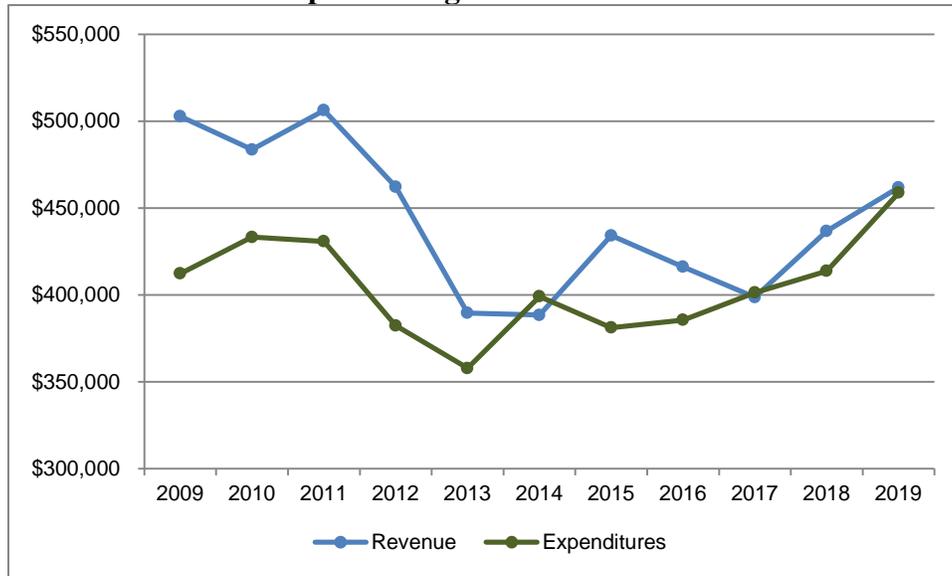
**Revenues and Expenditures Comparison: 2009-2019
Including Additional General Fund Appropriations**



There are four primary categories of revenue within the Fund: Special Programs, Simsbury Farms, Golf Course, and Operating Transfers. As described below, the largest decrease in revenue over the last eleven years was in Special Programs, with a slight decrease in Golf Course revenues. Revenues from Simsbury Farms and Operating Transfers experienced an overall increase.

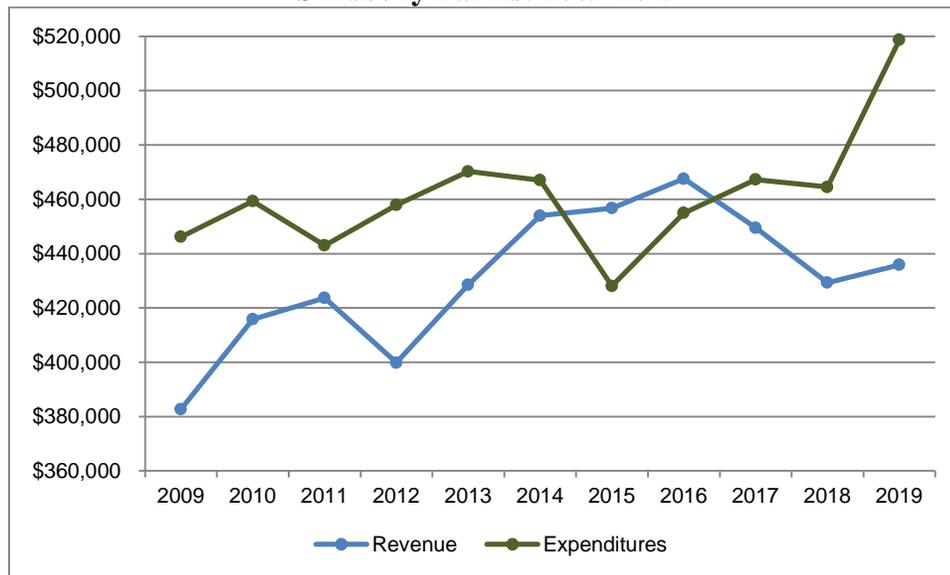
Special Programs – Includes revenue received from fees charged to participate in recreational programming. The total decrease in revenue over the last eleven years was 8.14 percent, while the total increase in expenditures was 11.29 percent.

Special Programs: 2009-2019

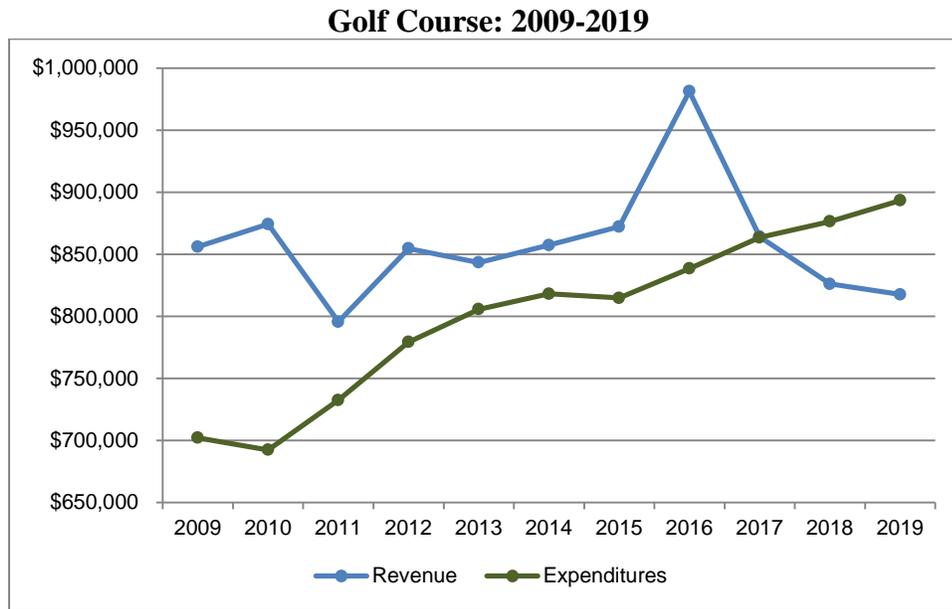


Simsbury Farms – Includes the fees charged at the pools, skating rink, and apple barn rental. The total increase in revenue over the last eleven years was 25.62 percent, while the total increase in expenditures was 16.26 percent.

Simsbury Farms: 2009-2019

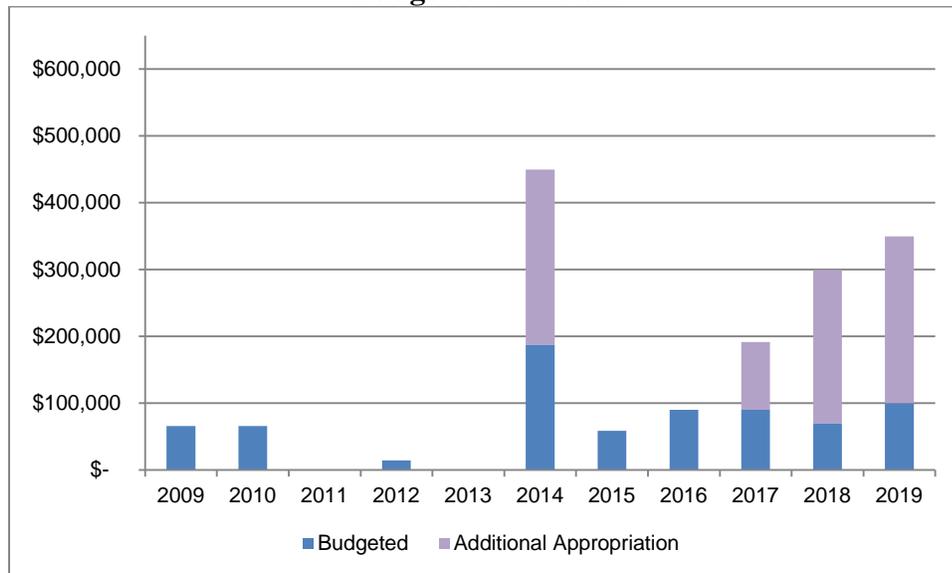


Golf Course – Includes all golf course fees. The total decrease in revenue over the last eleven years was 4.5 percent, while the total increase in expenditures was 27.22 percent.



Operating Transfers – As noted above, this is the support received from the general fund. The total increase in budgeted revenue over the last eleven years was 52.29 percent. From 2009 to 2014, the operating deficit built up, and in 2014, total operating transfers were \$449,544 (budgeted amount of \$187,924 plus an additional appropriation of \$261,620). Actual revenue, including the additional appropriations made in four fiscal years, increased 432.11 percent over the last eleven years.

**Operating Transfers (General Fund Contribution): 2009-2019
Budgeted vs. Actual**



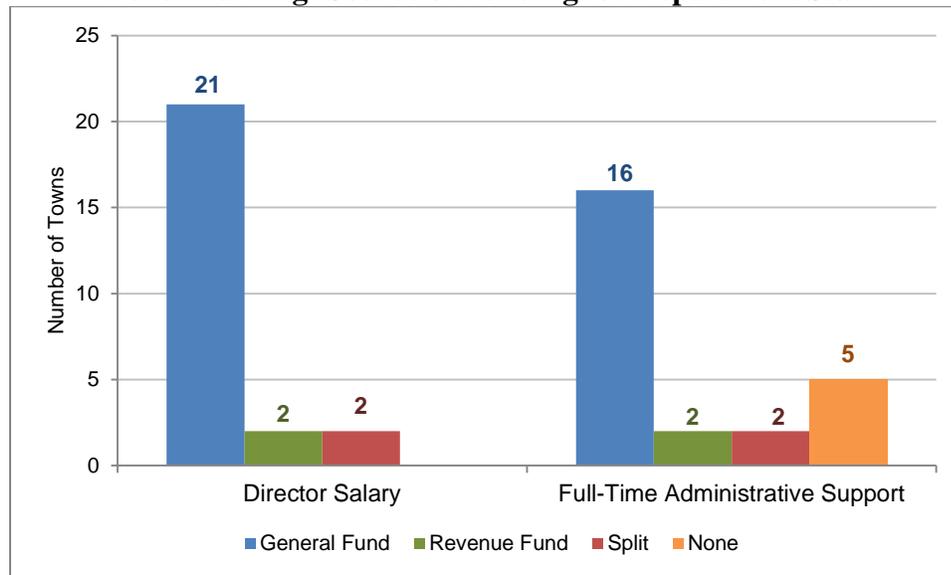
Fund Subsidizes Community Use

Because the Fund includes the Simsbury Farms Recreation Complex and all programs administered by the Department, it necessarily includes some operational expenses that are not directly supported by program fees. Those include, but are not limited to, salaries for administrative positions, utilities, and other operational expenses for the facilities.

A survey of special revenue funds in other municipalities throughout the state revealed that it is common for many of these expenses to be accounted for in the general fund.² Of the 25 survey respondents, the majority of towns account for administrative salaries, employee benefits and utilities/facility costs in the general fund.

Staffing – The Fund currently covers 70 percent of the salaries for the Director of Culture, Parks and Recreation and the Administrative Secretary; the remaining 30 percent is funded through the general fund budget. The Recreation Supervisor position, all recreation seasonal employees, and all golf employees are also covered by the Fund³. Only two other towns split the cost of the Director’s salary between the general fund and the special revenue fund; the remaining towns fund this salary entirely through the general fund.

Benchmarking: Source of Funding for Department Staff

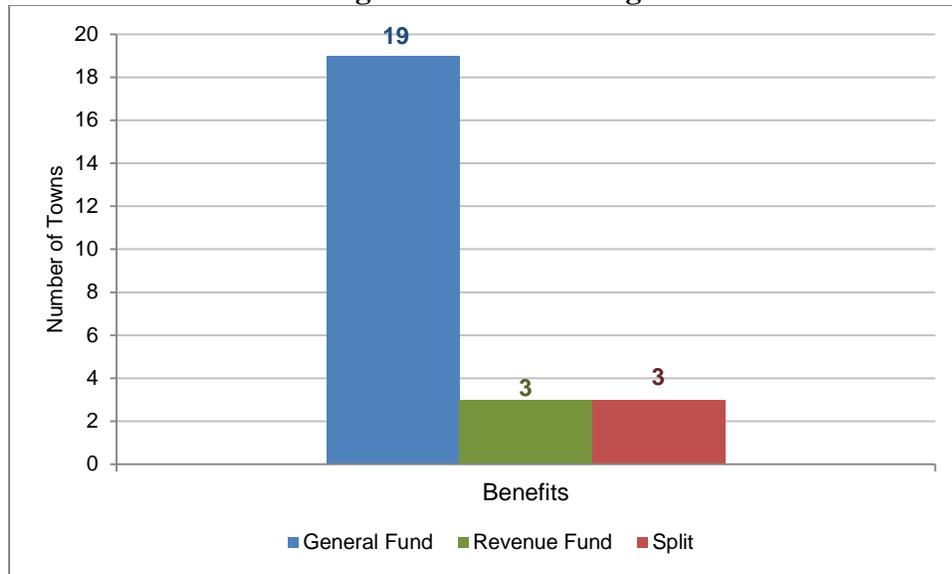


² Survey participants were asked a series of questions related to their respective special revenue funds. Responding municipalities have populations ranging from 7,000 to 63,268. Full survey results are included in this report as Appendix A.

³ Until July 1, 2019, the Fund included two Recreation Supervisor positions. One of these positions was eliminated during the FY20 budget cycle.

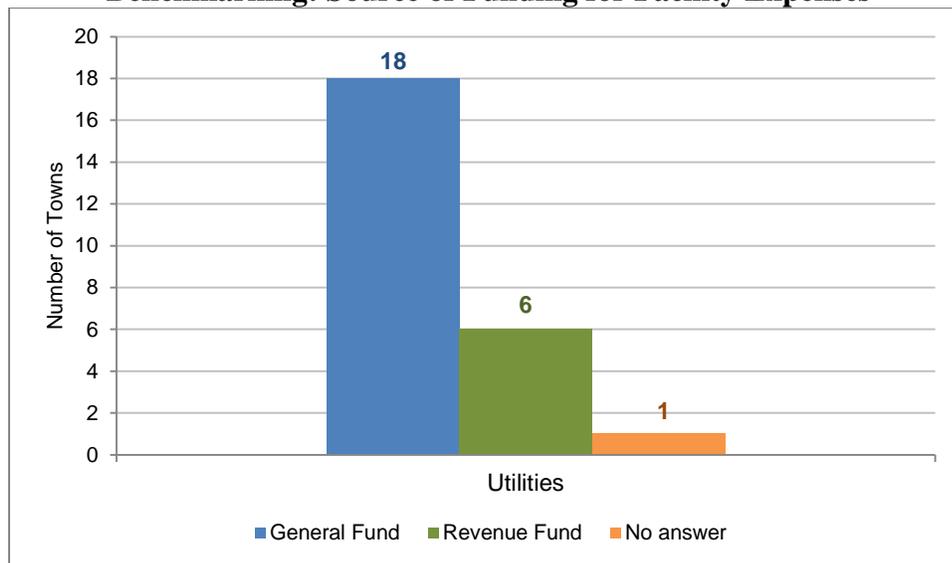
Benefits – For all employees whose salaries are under the Fund, the Fund also covers all medical benefits associated with those positions. Nineteen of the 25 survey respondents reported that the general fund covers the medical benefits for those positions covered by the special revenue fund.

Benchmarking: Source of Funding for Benefits



Facility Expenses – All utilities and other operational expenses at the Simsbury Farms Recreation Complex are also supported by the Fund. Eighteen of the 25 survey respondents reported that the general fund covers the utility costs for their operations.

Benchmarking: Source of Funding for Facility Expenses



Increasing Fixed Costs

Regardless of how the parks, recreation, and golf course expenses are accounted for, there are two additional cost drivers that will have a significant impact on the budget moving forward. Pension costs will increase substantially due to updated mortality tables taking effect and a decision at the local level to decrease the interest rate assumption for the pension plan. Based on

prior valuations, the projected impact on the Fund for FY21 is approximately \$39,895. This takes into account updated asset performance, the updated mortality tables and a decrease in the interest rate assumption from 6.75% to 6.50%. The Town's actuary is currently completing the new valuation, which will provide more specificity regarding the cost impact on a departmental level.

In addition, the budget and program fees will be heavily impacted by the statutory increases to the minimum wage, as the Department employs a large number of seasonal workers throughout the year such as day camp staff, lifeguards, and ice rink guards. The impact of the minimum wage increases over a three-year period is projected to be approximately \$225,000.

Recommendations

1) Accounting for Expenses

Currently, expenses are split between the special revenue fund and the general fund. Staff recommends that one of the following three accounting methods be adopted moving forward:

- All expenses to be accounted for in the general fund
- All expenses to be accounted for in the special revenue fund
- All expenses to be accounted for in the general fund, with the exception of the golf course.

2) Funding for Community Use Items

Because the administrative staff supports the work of the entire department, the salaries and benefits associated with those positions are more appropriately accounted for in the general fund. Similarly, the facilities at the Simsbury Farms Recreation Complex are public buildings; they are open to the entire community, and the operational expenses are not tied only to fee-based programs.

The cost recovery for the Culture, Park Recreation Department programming should be based on advertising, instruction, materials/programming supplies, transportation, and related items. In addition, it is recommended that the Town begin recognizing the aquatic and ice rink facility as a public service (like other parks and public amenities where we do not charge an entrance fee), not a net revenue source to the fund. The cost recovery for this facility should include items such as the cost of lifeguards, skateguards, program and training materials, and advertising. As the state's minimum wage increases it will not be feasible to operate this facility at break even if the utilities/maintenance and administrative costs are not covered in the general fund. The Culture, Parks and Recreation Commission has expressed support for this concept.

Below are some options for sharing a portion of the community use expenditures with the general fund:

1. Choose from one or more of the below community use expenditures to be paid for by or moved to the general fund:
 - a. 70% of the salaries and benefits of the Director of Culture, Parks and Recreation and Administrative Secretary – estimated at \$166,000;
 - b. 100% of the salary and benefits for the Recreation Supervisor – estimated at \$124,000;
 - c. Simsbury Farms utility and facility costs – estimated at \$167,500.

2. Increase the general fund contribution to the Fund to equal 20-30% of the total Parks and Recreation Special Revenue Fund budget.⁴

3) Golf Course Management

Both the restaurant and the golf pro contracts are due to expire in the next year. To be in compliance with our purchasing policy, RFQs for both services will need to be conducted in 2020. While not recommended by staff, another alternative would be to issue a RFQ for full contracted services of the golf course, including management and maintenance. This would be a significant shift from existing practice and may negatively impact customer service, customer satisfaction, and quality of maintenance.

4) Reconvene the Parks and Recreation Special Revenue Fund Work Group

This work group, comprised of two member of the Board of Selectmen, two members of the Board of Finance, and two members of Culture, Parks and Recreation, should be reconvened to review these recommendations.

⁴ Amount to be determined through additional policy discussions and analysis.

APPENDIX A - SURVEY OF TOWNS WITH REVENUE FUNDS

Town	Population	Positions in Revenue Fund	Positions in General Fund	Benefits Fund: Revenue or General	Utility Costs Fund: Revenue or General
Avon	18,000	Part-time administrative clerk; 7 aquatics staff; 1 certified lifeguard trainer; 4 part-time program staff; 2 facility attendants	Director; administrative coordinator; senior center coordinator and clerk; 11 camp staff; 7 program supervisors; 1 seasonal office assistant; 17 lifeguards; 2 gate attendants; 8 WSI's; 1 facility attendant	General (sick time in Revenue)	General
Berlin	21,000	All program instructors/supervisors	All full-time positions; part-time positions for special events; community center supervisors; summer camp staff; winter basketball staff; office help; aquatics staff; winter basketball and volleyball staff	General (Social Security and WC in Revenue)	General
Bloomfield	20,000	All adult program instructors; some part-time staff	All full-time staff; 40% of after school program staff; half of summer camp staff, pool staff, and night building supervisors.	General	General
Bristol	60,000	Program instructors run out of revenue fund, including yoga, teen adventure camp, little explorers camp, and other programs	All full-time staff; part-time and seasonal staff for the pools, some recreation programs, and main camp	General	General
Canton	10,000	Part-time recreation coordinator; 16% of director salary; 30% of recreation supervisor salary; all camp counselor and swim instructors	84% of director's salary; 70% of recreation supervisor salary; all lifeguards and pool staff (except WSI)	Revenue	Revenue
Cheshire	30,000	Seasonal employees only	Director; recreation supervisors; parks maintainers; administrative assistant; aquatics staff	General	
Colchester	16,500	Recreation specialist	Director; recreation supervisor	Revenue	General
Darien	21,887	None	All staff except contracted instructors	General	General
East Hartford	50,319	None, with the exception of select seasonal	Director; assistant director; recreation supervisors; full-time office administrator; part-time office administrator	General	General
Easton	7,000	Program staff	Director; programmer; maintenance staff; after school director; department secretary	General	General
Enfield	44,585	All seasonals except lifeguards	Recreation Manager, FT Secretary, PT Program Coordinator, Deputy Director of Recreation Services	General	General

APPENDIX A - SURVEY OF TOWNS WITH REVENUE FUNDS

Town	Population	Positions in Revenue Fund	Positions in General Fund	Benefits Fund: Revenue or General	Utility Costs Fund: Revenue or General
Fairfield	60,000	Approximately 200 seasonal positions	Director; assistant director; account clerk; secretary; recreation coordinators; golf superintendent; assistant greens keeper; 2 foremen; mechanic	General	General
Farmington	25,572	All seasonal part-time program staff; full-time recreation program assistant; 50% of recreation supervisor salary	50% of recreation supervisor salary	Revenue	General
Glastonbury	34,500	All part-time recreation staff, excluding pool operations and teen center; one part-time office staff	All full-time recreation and parks staff; lifeguard for open swim only; teen center	General	General
Granby	11,300	1 full-time program supervisor and all part-time and seasonal positions	Director's salary	General	General
Haddam-Killingworth	13,000	None	Director; recreation supervisor; director of childcare; administrative assistant; all seasonal and part-time employees	General	General
Portland	9,000	All part-time	All full-time staff	Split	Revenue
Rocky Hill	20,000	All part-time instructors and seasonal staff	All full-time parks and recreation staff; office staff; and seasonal park department staff	General	General
Simsbury	24,400	Recreation supervisors; golf maintainece staff; 70% of director and administrative secretary salaries; all part time golf and recreation seasonal employees	30% of salary for director and administrative secretary salaries; full-time parrks maintenance taff; parks seasonals	Revenue	Revenue
South Windsor	26,000	Seasonal; part-time; full-time customer service rep; full-time administrative operations manager; 10% of the remaining 7 full-time employees	Director; assistant director; parks superintendent; maintainers; recreation supervisor; administrative secretary	General	Revenue
Southington	43,500	All instructors and seasonal employees	Director; secretary; pool staff; summer youth theater staff; summer concert staff	General	General
Tolland	15,000	Full time administrative assistant; all recreational part time staff	Director	General	Revenue
Torrington	34,500	Sub-contractors only	Superintendent of parks and rec; secretary; part-time office assistants; teen center staff; building attendants; summer playground staff; pool staff; parks foreman; parks maintainers	General	General

APPENDIX A - SURVEY OF TOWNS WITH REVENUE FUNDS

Town	Population	Positions in Revenue Fund	Positions in General Fund	Benefits Fund: Revenue or General	Utility Costs Fund: Revenue or General
Wallingford	46,000	Program instructors; event staff; part-time fitness supervisor; part-time recreation program specialist	Director; superintendent of recreation; programs specialist; executive secretary; senior clerk; 2 part-time maintainers; 11 part-time clerks; 63 playground staff; pool supervisor; assistant pool supervisor; 15 lifeguards	General	General
West Hartford	63,268	10% of director, 25% of leisure services manager, 33% of admin, 10% of maint. mgr, 40% of ground maint, skating rink 2 FT staff (100%), Golf staff (5) 100%, additionally seasonal golf and rink	85% of director, 75% of leisure services mgr, 67% of admin, 80% of maint. mgr, 60% of grounds maint., Sr. Center Mgrs. (2) 100%, Comm. Ctr. Mgr (1) 100%, Admin. 100%, Admin Comm. Ctr.(1) 100%	Revenue	Revenue



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Set Public Hearing Date for Small Cities Grant Application
2. **Date of Board Meeting:** January 13, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Melissa A.J. Appleby, Deputy Town Manager
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
To schedule a public hearing for the Small Cities Program, the following motion is in order:

Move, effective January 13, 2020 to set a public hearing to receive public comment on the 2020 Small Cities Program Application for 6:05pm on Monday, February 10, 2020.

5. **Summary of Submission:**
Connecticut's Community Development Block Grant (CDBG) Program, also known as the Small Cities program, is open to communities that have populations of less than 50,000. Funding for the program is provided by the U.S. Department of Housing and Urban Development (HUD), and is administered at the state level by the Connecticut Department of Housing (DOH). Funding is provided under this program for projects that benefit low and moderate-income persons, eliminate slum and blight, or address an urgent need. Municipalities may pass funds through to a non-profit "sub-recipient."

The Simsbury Housing Authority, through the Town, received funding through this program in 2015 and 2017. Work completed under the 2017 included: generator replacement, replacement of the underground storage tank, and driveway and sidewalk improvements. On October 11, 2019, the Simsbury Housing Authority voted to proceed with an application for the 2020 Small Cities program and approved the proposed scope of work (attached). The proposed project focuses on capital needs at the Owen J. Murphy apartments.

In December, staff, along with Ed LaMontagne (Executive Director of the Housing Authority), conducted a competitive RFP process for a consultant to provide professional and technical services in connection with the Town's application and implementation activities for the 2020 Small Cities program. The Town selected the Housing Development Team, LLC to fill this role. The next step in the process is for the Town to hold a public hearing to solicit citizen input on its application. The legal notice for the public hearing must be published in the newspaper twice in advance of the hearing date.

6. Financial Impact:

Municipalities are legally, financially, and contractually responsible for Small Cities projects even if there is a sub-recipient. Therefore, there are some direct costs associated with the implementation of the Small Cities program. The Finance Department processes payments and manages the reimbursements from the state. Staff time is also dedicated to assisting with application materials and attending mandatory trainings conducted by DOH. Staff is required to maintain all paperwork associated with the grant, and is responsible for completing the audit/grant closeout with DOH.

7. Description of Documents Included with Submission:

a) Housing Authority – Proposed Scope of Work

HOUSING AUTHORITY OF THE TOWN OF SIMSBURY

"Affordable Living at its Best"

1600 Hopmeadow St.
Simsbury, CT 06070

office: (860) 658-1147
fax: (860) 658-0579
www.simsburyha.com

2020 Small Cities Grant

Dr. Owen L. Murphy Apartments

Proposed Scope of Work

	<u>Approx. Cost</u>
1. Energy Efficient Window Replacement	\$153,000.00
a. Apartments	
- 56 Single	
- 49 Doubles	
- 87 Triple	
2. Energy Efficient Door Replacement	\$ 96,000.00
a. Apartments	
- 70 doors x 2 = 140	
-	
3. Lever handles on new doors	\$ 50,000.00
a. Apartments	
- 140 doors	
4. Install Exterior Pole Lighting	\$ 75,000.00
a. 26 Roadway	
5. Replace Main Electrical Panel	\$ 8,500.00
a. Community Building	
6. Tub Conversion to Walk-In Shower	\$210,000.00
a. Apartments	
- 35	
Total:	\$592,500.00



"Dedicated to providing safe and affordable housing for limited income seniors and individuals with disabilities"



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Proposed Fair Housing Policy and Resolution
2. **Date of Board Meeting:** January 13, 2020

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

Maria E. Capriola, Town Manager; Melissa Appleby, Deputy Town Manager

Maria E. Capriola

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

If the Board of Selectmen supports adopting the presented Fair Housing materials, the following motions are in order:

Move, effective January 13, 2020 to adopt the Fair Housing Resolution and Fair Housing Policy as presented and to authorize Town Manager Maria E. Capriola to execute the documents.

5. **Summary of Submission:**

The Town of Simsbury, on behalf of the Simsbury Housing Authority, received a 2017 Small Cities Grant for critical projects at the Owen L. Murphy Apartments and Virginia Connelly Residences, including paving work, replacement of an outdated generator, removal of an underground oil tank and replacement of storm doors. Should the Board approve the proposed application for the 2020 Small Cities program, the Town will be applying for additional grant funding for capital projects at the Owen L. Murphy Apartments.

In connection with this grant program, the Town is required by the state to readopt its policies related to Fair Housing. There are no proposed changes to the policies as presented from their current form. Pursuant to Section 2 of the Town's Personnel Rules and Regulations, administrative and personnel policies are adopted by resolution of the Board of Selectmen and the Town Manager is responsible for execution and implementation. Once executed, these documents will be posted to our website and displayed in Town Hall, the Library, Eno Memorial Hall and the Housing Authority.

6. **Financial Impact:**

There is modest direct and indirect staff costs associated with implementing fair housing activities noted in the Town's Fair Housing Plan. Staff time is also dedicated to receiving and resolving fair housing complaints; fair housing is an unfunded mandate. Our Social and Community Services Director serves as our Fair Housing Officer.

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

- a) Fair Housing Policy
- b) Fair Housing Resolution



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

TOWN OF SIMSBURY Fair Housing Policy

It is the policy of the Town of Simsbury to promote fair housing opportunities and to encourage racial and economic integration in all its programs and housing development activities.

Programs funded and administered by the Town of Simsbury must comply with the provisions of Section 46a-64c of the C.G.S., and with related state and federal laws and regulations that prohibit discriminatory housing practices.

The Town of Simsbury, or any sub-recipient of the Town, will carry out an affirmative marketing program to attract prospective buyers or tenants of all majority or minority groups, without consideration of race, color, religion, sex, national origin, ancestry, creed, sexual orientation, gender identity or expression, marital status, lawful source of income, disability, age or because the individual has children in all programs and housing development activities funded or administered by the Town of Simsbury.

Kristen Formanek, the municipality's Director of Community and Social Services, is responsible for the enforcement and implementation of this policy. The Director of Community and Social Services may be reached at 860-658-3283 or kformanek@simsbury-ct.gov.

Complaints pertaining to discrimination in any program funded or administered by the Town of Simsbury may be filed with the Director of Community and Social Services. The municipality's Grievance Procedure will be utilized in these cases.

Complaints may also be filed with the Commission on Human Rights and Opportunities, Special Enforcement Unit, 21 Grand Street, Hartford, CT 06106, Telephone (860) 541-3403 within 180 days of the alleged violation by submitting a notarized complaint and/or the Boston Regional Office of FHEO, U.S. Department of Housing and Urban Development, Thomas P. O'Neill, Jr. Federal Building, 10 Causeway Street, Room 321, Boston, MA 02222-1092, Telephone (617) 994-8300 or 1-800-827-5005, TTY (617) 565-5453. A complaint may be filed with HUD within one year after an alleged violation. Additionally, an individual may file suit, at his/her expense, in Federal District Court or State Court within two years of an alleged violation. If the individual cannot afford an attorney, the Court may appoint one. A suit can be brought even after filing a complaint, if the complaining party has not signed a conciliation agreement and an Administrative Law Judge has not started a hearing. A court may award actual and punitive damages and attorney's fees and costs.

Telephone (860) 658-3200
Facsimile (860) 658-3206

www.simsbury-ct.gov
An Equal Opportunity Employer

8:30 - 7:00 Mondays
8:30 - 4:30 Tuesday through Thursday
8:30 - 1:00 Friday

A copy of this policy statement will be given annually to all Town employees and they are expected to fully comply with it. In addition, a copy will be posted throughout the Town.

Re-adopted on January 13, 2020

Date

Maria E. Capriola, Town Manager

THIS STATEMENT IS AVAILABLE IN LARGE PRINT OR ON AUDIO TAPE by contacting
Melissa A.J. Appleby, Deputy Town Manager, 933 Hopmeadow Street, (860) 658-3230.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

FAIR HOUSING RESOLUTION TOWN OF SIMSBURY

Whereas, All persons are afforded a right to full and equal housing opportunities in the neighborhood of their choice; and

Whereas, Federal fair housing laws require that all individuals, regardless of race, color, religion, sex, handicap, familial status or national origin, be given equal access to all housing-related opportunities, including rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, Connecticut fair housing laws require that all individuals, regardless of race, creed, color, national origin, ancestry, sex, marital status, age, lawful source of income, familial status, learning disability, physical or mental disability, sexual orientation, or gender identity or expression be given equal access to all housing-related opportunities, including rental and homeownership opportunities, and be allowed to make free choices regarding housing location; and

Whereas, The Town of Simsbury is committed to upholding these laws, and realizes that these laws must be supplemented by an Affirmative Statement publicly endorsing the right of all people to full and equal housing opportunities in the neighborhood of their choice.

NOW THEREFORE, BE IT RESOVED, That the Town of Simsbury hereby endorses a Fair Housing Policy to ensure equal opportunity for all persons to rent, purchase, obtain financing and enjoy all other housing-related services of their choice on a non-discriminatory basis as provided by state and federal law; and

BE IT FURTHER RESOLVED, That the chief executive officer of the Town of Simsbury or his/her designated representative is responsible for responding to and assisting any person who alleges to be the victim of an illegal discriminatory housing practice in the Town of Simsbury and for advising such person of the right to file a complaint with the State of Connecticut Commission on Human Rights and Opportunities (CHRO) or the U.S. Department of Housing and Urban Development (HUD) or to seek assistance from the CT Fair Housing Center, legal services, or other fair housing organizations to protect his or her right to equal housing opportunities.

Re-adopted by the Town of Simsbury on January 13, 2020.

TOWN SEAL

Maria E. Capriola
Town Manager

Telephone (860) 658-3230
Facsimile (860) 658-3206

www.simsbury-ct.gov

An Equal Opportunity Employer
8:30 - 7:00 Monday
8:30 - 4:30 Tuesday through Thursday
8:30 - 1:00 Friday



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Proposed Affirmative Action Policy and Compliance with Title VI of the Civil Rights Act of 1964 Policy
2. **Date of Board Meeting:** January 13, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Melissa Appleby, Deputy Town Manager
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports adopting the presented policies, the following motion is in order:

Move, effective January 13, 2020 to adopt the Affirmative Action Policy and the Compliance with Title VI of the Civil Rights Act of 1964 Policy as presented and to authorize Town Manager Maria E. Capriola to execute the documents.
5. **Summary of Submission:**
In connection with the Small Cities grant and in addition to reaffirming its commitment to Fair Housing, the Town is required by the state to readopt its policies related to Equal Opportunity. The Town's Affirmative Action Policy and Compliance with Title VI of the Civil Rights Act of 1964 Policy were revised in 2018 with the assistance of labor counsel and were adopted by the Board of Selectmen on April 9, 2018. There are no proposed changes to the policies as presented from their current form.

Pursuant to Section 2 of the Town's Personnel Rules and Regulations, administrative and personnel policies are adopted by resolution of the Board of Selectmen and the Town Manager is responsible for execution and implementation. Once executed, these policies will be made available to Town employees and the public through our website.
6. **Financial Impact:**
Ordinarily there are nominal costs associated with implementing these policies. Additional staff or legal resources are needed when investigatory proceedings or policy compliance activities are warranted.
7. **Description of Documents Included with Submission:**
 - a) Affirmative Action Policy
 - b) Compliance with Title VI of the Civil Rights Act of 1964 Policy



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

TOWN OF SIMSBURY

AFFIRMATIVE ACTION POLICY STATEMENT

As Town Manager of the Town of Simsbury, I recognize the need for Affirmative Action and I pledge my commitment to undertake positive actions to overcome any present effects of past practices or barriers to equal employment opportunity and to achieve the full and fair participation of minorities, women, people with disabilities, older persons, and all other protected groups found to be underutilized in the Town of Simsbury's work force or affected by policies having an adverse impact. In the spirit of Executive Order 11, signed by Governor Ella Grasso November 21, 1975, and Executive Order 9, signed by Governor William A. O'Neill on January 3, 1984, I further state that this Town of Simsbury will comply with the anti-discrimination provisions of the state and federal laws and regulations listed at the end of this section.

I recognize the hiring difficulties sometimes experienced by minorities, people with disabilities, and by older persons and, where appropriate, I have set goals to overcome the present effects of past discrimination, if any, to achieve the full and fair utilization of such persons in the work force. I further pledge that the Town of Simsbury will affirmatively provide services and programs in a fair and impartial manner.

Where adverse impact is identified, the Town of Simsbury will: (1) review its personnel policies and procedures to ensure that barriers, which unnecessarily exclude protected classes and practices, which have an illegal discriminatory impact, are identified and eliminated; (2) explore alternative approaches to employ minorities and members of protected classes; (3) administer all terms, conditions, privileges and benefits of the employment process in an equitable manner; and (4) establish procedures for the extra effort that may be necessary to ensure that the recruitment and hiring of protected group members reflect their availability in the job market.

It is the policy of the Town of Simsbury to provide equal employment opportunities without consideration of race, color, religion, age, sex, marital status, national origin, genetic information, mental or physical disability, ancestry, sexual orientation, unless the provisions of Section 46a-60(b), 46a-80(b) and 46a-81(b) of the Connecticut General Statutes are controlling or there is a bona fide occupational qualification excluding persons in one of the above protected groups. This policy applies to all aspects of the employer/employee relationship including, but not limited to, recruitment, hiring, referrals, classifying, advertising, training, upgrading, promotion, benefits, compensation, discipline, layoff and terminations.

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Facsimile (860) 658-9467

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The Town of Simsbury will implement, monitor and enforce this Affirmative Action Policy Statement in conjunction with the applicable federal and state laws, regulations and executive orders, including: 13th, 14th and 15th Amendments of the United States Constitution, Civil Rights Act of 1866, 1870, 1871, Equal Pay Act of 1963, Title VI and VII of the 1964 United States Civil Rights Act, presidential Executive Orders 11246, amended by 11375, (Nondiscrimination under federal contracts), Act 1 Section 1 and 20 of the Connecticut Constitution, Governor Grasso's Executive Order Number 11, Governor O'Neill Executive Order Number 9, the Connecticut Fair Employment Practices Law (46a-60 et seq.), Discrimination against Criminal Offenders (46a-80), Connecticut General Statutes, and the Americans with Disabilities Act of 1992.

This policy statement will be posted publicly to the Town of Simsbury website and will be posted to departmental bulletin boards for access by all Town of Simsbury employees. I also expect each supplier, union, consultant and other entity (s) with which we do business to comply with all applicable State and Federal equal opportunity laws and regulations. The Town of Simsbury will not knowingly do business with any entity debarred from participation in any federal or state program or found to be in violation of any state or federal anti-discrimination law.

I have assigned the responsibility to achieve the successful implementation of our goals and objectives
Melissa A.J. Appleby, Deputy Town Manager, mappleby@simsbury-ct.gov, 860-658-3230.

Date

Maria E. Capriola, Town Manager

THIS STATEMENT IS AVAILABLE IN LARGE PRINT OR ON AUDIO TAPE FROM THE ADA-504 COORDINATOR BY CALLING 860-658-3230.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Town of Simsbury Compliance with Title VI of the Civil Rights Act of 1964

The Town of Simsbury does not discriminate in the provision of services, the administration of its programs, or contractual agreements. The Town of Simsbury seeks to fully carry out its responsibilities under the Title VI Regulations, as amended, and related statutes and regulations (collectively, the "Regulations") in all Town of Simsbury programs and activities.

Title VI of the Civil Rights Act of 1964 prohibits discrimination on the grounds of race, color or national origin in programs and activities receiving Federal financial assistance. Title VI provides that no person shall on the grounds of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any programs covered by the Regulations.

This policy is effectuated through the methods of administration outlined in the Town of Simsbury's Fair Housing Plan and is fully implemented to ensure compliance by the Town of Simsbury, as the recipient, and by sub-recipients. The cooperation of all personnel is required.

Maria E. Capriola, Town Manager

Date

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Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Gifts of Love Farm Lease Amendment
2. **Date of Board Meeting:** January 13, 2020
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 support of the proposed lease amendment, the following motion is in order:

Move, effective January 13, 2020 to approve the Gifts of Love lease amendment and to authorize Town Manager, Maria E. Capriola to execute all documents related to this lease amendment.
5. **Summary of Submission:**
At the September 23, 2019 Board of Selectmen meeting a communication item titled "Gifts of Love Update" was included. In that memo, it explained that Gifts of Love was changing the scope of its educational programming, and that a lease amendment would be needed. The lease amendment includes an update to Attachment D of their lease, which documents the current and planned forms of educational programming to be offered at the farm. The Town Attorney has prepared the lease amendment and reviewed Attachment D as presented.

From staff's perspective, Gifts of Love has been a good partner and steward of the farm. We look forward to continuing to work with them. They donate organic produce grown at the farm to our Social Services Department food program, and to other food programs that assist people in need.
6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
 - a) Proposed Lease Amendment

FIRST AMENDMENT TO FARM LEASE

THIS FIRST AMENDMENT TO FARM LEASE (this “**Lease**”) is made and entered as of January __, 2020 between the TOWN OF SIMSBURY, a municipal corporation having its principal address at 933 Hopmeadow Street, Simsbury, Connecticut 06070 (the “**Lessor**”), and GIFTS OF LOVE, INC. as successor to COMMUNITY FARM OF SIMSBURY, INC., a Connecticut nonstock corporation with an address at 34 East Main Street, Avon, Connecticut 06001 (the “**Lessee**”; together with the Lessor collectively referred to herein as the “**Parties**” and, individually, alternately referred to as “**Party**”).

W I T N E S S E T H:

That for and in consideration of the rents, covenants and agreements hereinafter reserved and contained, the Lessor and Lessee hereby agree to amend the Lease as follows:

A. Paragraph 3 of the Lease is deleted and the following is substituted in lieu thereof.

3. Use and Occupancy of Leased Premises.

a. Lessee shall use and occupy the Leased Premises (i) to engage in farming, community, educational and charitable activities in accordance with that certain Town Farm Plan of Use, dated January 13, 2020 and attached hereto as Attachment D (the “**Plan**”); (ii) to engage in agricultural activities in general, including the cultivation of fruits, vegetables, flowers and field crops; (iii) to engage in the public retail sale of products directly related to the Permitted Use (as defined below); and (iv) such other activities as may be in furtherance of the foregoing uses and/or the Plan (collectively, the “**Permitted Use of Land**”). Permitted Use of the Land shall include periodic public and private events, provided the proceeds of such events are used to support the programs and activities of Lessee, and further that such events comply with all applicable zoning requirements. In carrying out the Permitted Use of the Land, Lessee agrees that it will maintain or cause the maintenance of organic certification (as defined by the United States Department of Agriculture) of the Land. Lessee acknowledges that the charitable and educational activities described under the “Educational Activities” and “Community Services and Food to the Poor” Sections in the Plan are valuable consideration to be received by the Lessor in exchange for its agreement to let the Leased Premises as set forth in this Lease and accordingly, Lessee agrees that it shall not materially alter or amend either of those sections of the Plan without the prior approval of the Lessor.

b. Lessee shall use the Buildings exclusively in connection with and in furtherance of the Permitted Use of Land and may use the Eno Farmhouse in addition, to house workers (and their families) engaged by Lessee to assist in the Permitted Use of the Land (collectively, the “**Permitted Use of Buildings**”; together with the Permitted Use of Land collectively referred to herein as the “**Permitted Use**”). Tenants of the Eno Farmhouse shall enter into a sublease with Lessee in a form substantially similar to that attached hereto as Attachment E, and only as permitted by Lessor, such permission not to be unreasonably withheld. Lessee agrees not to

keep livestock on the Leased Premises, except for farm animals kept for the Lessee's educational programs.

B. Paragraph 6 of the Lease is deleted and the following is substituted in lieu thereof.

6. **Term**

a. The "**Commencement Date**" of this Lease shall be December 1, 2020.

b. The "**Term**" of this Lease shall be three (3) years and shall end on November 30, 2023, unless terminated earlier as provided herein. Thereafter, this Lease shall automatically renew for one additional term of five (5) years (the "**Extension Term**"), unless either party advises of an intent not to renew, or the Lease is sooner terminated, both as provided herein.

c. In the event that either party chooses not to renew this Lease, such party must provide the other party with written notice of its intent not to renew at least one (1) year prior to the end of the Term or the then current Extension Term.

d. "**Term**" shall mean and refer to the current Term together with any successive Extension Terms.

e. Lessee shall vacate the Leased Premises upon the expiration of the Term

C. Paragraph 7 of the Lease is deleted and the following is substituted in lieu thereof.

7. **Rent**

a. The annual rent (the "**Rent**") for the Initial Term of this Lease shall be One Dollar (\$1.00), payable in one installment, contemporaneous with the execution and delivery of this Lease. The Rent for each Extension Term shall be One Dollar (\$1.00), payable in one installment, on or before the date of automatic renewal.

D. Paragraph 11a of the Lease is deleted and the following is substituted in lieu thereof.

11. **Termination**

a. The Lessor may unilaterally terminate this Lease upon sixty (60) days advance written notice to Lessee, but only by reason of a receipt by Lessor of an adverse ruling or order issued by the Attorney General of the State of Connecticut stating that the terms of this Lease or any Attachment thereto violate the restrictions of the Eno Deed. Should the Lessor unilaterally terminate this Lease during the growing season of April 1 to November 1, Lessee shall be entitled to reasonable compensation for any seed and/or crops that Lessee has or has caused to be applied to/planted at the Leased Premises together with materials and supplies purchased by the Lessee and the Sublessee for purposes of farming operations at the Leased Premises, for the

balance of the Term, in an amount reasonably computed to compensate Lessee and its sublessee(s) for such expenditures (“**Termination Compensation**”).

E. Lease to Remain in Effect

All other provisions of the Farm Lease dated December 1, 2013 not amended by the First Amendment of Farm Lease shall remain in full force and effect.

Next Page Signature Page

IN WITNESS WHEREOF, the parties hereto have executed this Lease in counterparts as of the date set forth below.

Signed, sealed and delivered in the presence of:

LESSOR:
TOWN OF SIMSBURY
a Connecticut Municipal Corporation

Name:

BY _____
Name: Maria E. Capriola, MPA
Title: Town Manager
Date

Name:

Signed, sealed and delivered in the presence of:

LESSEE: GIFTS OF LOVE, INC. as Successor to COMMUNITY FARM OF SIMSBURY, INC.
A Connecticut Nonstock Corporation

Name:

BY _____
Name:
Title:
Date

AMENDED TOWN FARM PLAN OF USE
January 13, 2020

In conjunction with the Town of Simsbury Gifts of Love, Inc., the successor to Community Farm of Simsbury, Inc., a public charity (referred to herein as “CFS”), proposes the following amended plan of use for the property known as the Town Farm. The Town Farm is on Wolcott Road, split by the road, with farm buildings and small gardens on the west side and the primary cropping fields on the east side. The Farm is owned by the Town of Simsbury, as a result of its gift from the Eno family for the benefit of the poor in town, and is leased to Gifts of Love for the purposes set forth below.

The goal of Gifts of Love and the Town is to take advantage of the Town Farm’s potential as a site for numerous charitable activities, including community services and production of food to the poor, educational opportunities, community events, historic preservation, and agricultural conservation and land management. Gifts of Love has established an organic farm on the site, which will provide the “platform” for Gifts of Love’s undertakings. In engaging in the amended list of activities described below, as well as other programs to be developed, Gifts of Love affirms its goal to fulfill the spirit of the original Eno deed and hopes to make the highest and best use of the Farm in service to the Town and its residents. Gifts of Love will do so in partnership with a number of other local nonprofit and educational organizations.

Community Services and Food to the Poor: As described in more detail below, Gifts of Love’s educational and farming activities are designed to include the production of sufficient vegetables, fruits and other crops so that food can be donated or otherwise made available to the poor in and around Simsbury through Simsbury Department of Social Services, and other outlets. Currently, Gifts of Love delivers produce to the Simsbury Department of Social Services, Gifts of Love food pantry, and homeless shelters in Hartford, and in doing so provides produce and distributes food to the needy.

Gifts of Love Farm Educational Programs: Gifts of Love will deliver the following farm educational programs as part of its responsibilities under the Lease:

1. Incubator Farming Program: Gifts of Love will have four incubator farmers in 2021 – two of the farmers are graduates from Knox Farm incubator program. This was part of the original farming program with the Community Farm of Simsbury.
2. Veterans Farming Skills Education through Easter Seals.
3. School educational field trips for local and private schools: Gifts of Love will update its brochure and send it out to schools to plan for winter and spring educational programs.

4. Learning through volunteering: The farm utilizes over 400 volunteers each summer and there is always an educational component.
5. Gifts of Love will continue a high school farm internship with the First Church of Simsbury.
6. Gifts of Love will create a program of evening adult and family educational classes; i.e. cooking classes, farm related classes.
7. Gifts of Love plans to partner with the Simsbury Theater Guild, to use space for set development and educational programs.
8. Gifts of Love will provide garden plots for community groups, including the Girl Scouts, local service clubs, and Eagle Scout projects.

The gardens and fields are classrooms without walls, and there are indoor educational opportunities as well, as described above. Educational programs and learning opportunities are available year-round and are offered to people of all ages. These programs will be taught for the most part by other farmers who have the requisite skills or by experienced educators, and will be offered to the general public as well as the other groups described above.

As necessary, Gifts of Love will charge a modest fee for the educational programming, and – to the extent it can – will offer scholarships to those who cannot afford to pay.

Adult Education: Gifts of Love intends to continue using the Farm as a site for adult education in the areas of farming, natural resources and environmental science. To this end, Gifts of Love has established a working relationship with the UConn College of Agriculture and Natural Resources.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Volunteer Firefighter and Ambulance Personnel Tax Abatement Ordinance
2. **Date of Board Meeting:** January 13, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager *Maria E. Capriola*

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

The Board of Selectmen has two options regarding the Volunteer Firefighter and Ambulance Personnel Tax Abatement:

- A. *Option A:* Reform the workgroup that was created in 2019 to review the potential changes to the ordinance.
- B. *Option B:* Take no action at this time and table the matter.

If the Board supports Option A, the following motion is in order:

Move, effective January 13, 2020 to reestablish the Tax Abatement for Volunteer Firefighters and Ambulance Workgroup that was originally created on January 28, 2019 for the purpose of reviewing any potential changes to the Volunteer Firefighter and Ambulance Personnel Tax Abatement Ordinance.

If the Board of Selectmen would like to appoint members tonight, the following motion is in order:

Further move, to appoint INSERT NAME and INSERT NAME to the workgroup.

If the Board supports Option B, the following motion is in order:

Move, effective January 13, 2020 to table this item to a future date.

5. **Summary of Submission:**

At your January 28, 2019 meeting the Board of Selectmen established a workgroup to review the Tax Abatement for Volunteer Firefighters and Ambulance Personnel ordinance. The workgroup met in the spring of 2019. The workgroup consisted of Selectmen Chris Peterson and Sean Askham. Town Manager Maria Capriola, Deputy Town Manager Melissa Appleby, Fire District Chief of Administration Kevin Kowalski, Fire District Chief Jim Baldis, Fire District President Gary Wilcox and Executive Director of the Simsbury Volunteer Ambulance Association Karin Stewart assisted. Amendments to the ordinance were adopted at your May 13, 2019 meeting.

The proposed changes to the ordinance are to increase the maximum abatement amount for FY 2020/21 and FY 2021/22 from \$1,000 to \$1,500 for members with at least 5 years of service and an increase from \$500 to \$750 for those with at least 2 years but less than 5. These rates would increase in FY 2022/23 to \$2,000 and \$1,000 respectively.

6. Financial Impact:

The current list of Volunteer Fire and Ambulance personnel has a total abatement value of \$68,500. An initial analysis estimates an increase to \$102,250 in FY 2020/21, \$103,250 in FY 2021/22, and \$139,000 in FY 2022/23. This reflects an increase over the current year budget of \$33,750 in year 1, \$34,750 in year 2, and \$70,500 in year 3, or a three year budgetary impact of \$139,000.

	Current FY	FY 2020/21	FY 2021/22	FY 2022/23
Vol. Fire	\$61,500	\$92,250	\$92,250	\$123,000
Vol. Ambulance	\$7,000	\$10,000	\$11,000	\$16,000
Total	\$68,500	\$102,250	\$103,250	\$139,000
Increase Over Current Year	N/A	\$33,750	\$34,750	\$70,500
<i>Grand Total 3-Year Increase</i>				<i>\$139,000</i>

These numbers represent an estimated minimum cost increase to the Town. There are currently some Firefighters who fall into the two to five years of service window who during this time frame may graduate to the full abatement cost after their fifth year of service. This list also does not include Firefighters or Ambulance personnel who are currently in their first year and thus are not eligible for the abatement. Because of those factors, budgeting a contingency of \$7,750 to the grand total may be helpful to cover the total potential increase.

7. Description of Documents Included with Submission:

- a) Email from Kevin Kowalski, dated December 11, 2019
- b) Tax Abatement for Volunteer Firefighters and Ambulance Personnel Ordinance

From: Kevin Kowalski [mailto:KKowalski@simsburyfd.org]
Sent: Wednesday, December 11, 2019 10:37 AM
To: Capriola Maria E.; Appleby Melissa; kstewart@simsburyems.com
Cc: OConnor Colleen; James Baldis; Gary Wilcox
Subject: Volunteer Tax abatement

Good morning : Over the last year the State legislation allowed the towns to increase the tax abatement for first responders. The towns around us have started this initiative. Attached is the language that was in the bill. I would like to rewrite the Ordinance to reflect this change. I would like to Petition the BOS to allow the increase. This would be for the July 2020 tax bill.

The original amount of \$1,000.00 was adopted over 15 years ago with the \$1,000 amount and is due for an increase. Considering the cost savings for a Volunteer Fire Company is in the Millions, This abatement has worked as intended. It has helped in our retention and in some cases the recruitment. It is based on Bylaw requirements which require high call response. We have over 88 firefighters volunteering which is outstanding in this day, where others are proposing going to paid firefighters.

Thanks in advance for your assistance in this.

Language change-

**Fire Company and/or the Simsbury Volunteer
Ambulance Association
Dollar Amount
of Taxes Abated**

after 2 years of service [~~\$500~~] \$750 in 2020, \$1,000.00 in 2022 ~~change~~

After 5 years of service [~~\$1,000~~] \$1500 in 2020, \$2,000 in 2022 ~~change~~

**CODE OF THE TOWN OF SIMSBURY, CONNECTICUT, v38 Updated 10-01-2015 /
PART II GENERAL LEGISLATION / Chapter 141, TAXATION / ARTICLE V, Tax
Abatement For Volunteer Firefighters and Ambulance Personnel [Adopted**

Thanks

Kevin J Kowalski

Chief Administrative Officer

Fire Marshal

Emergency Management Director

Simsbury Fire District

860-658-1971

Chapter 141. Taxation
Article V. Tax Abatement For Volunteer Firefighters and Ambulance Personnel

[Adopted 4-23-2001]

§ 141-16. Purpose.

The Town of Simsbury is desirous of showing its appreciation for the faithful and courageous performance of the duties performed by the Simsbury Volunteer Fire Company and the Simsbury Volunteer Ambulance Association personnel in the Town of Simsbury and to encourage others to become firefighters and ambulance personnel. These reasons have provided for the Town to establish a tax abatement program pursuant to Section 12-81w of the Connecticut General Statutes as amended by Public Act No. 99-272, Section 6, for volunteer fire and ambulance personnel on the conditions set forth in this section and §§ 141-17 through 141-121.

§ 141-17. Abatement schedule.

[Amended 4-25-2016]

Each volunteer firefighter of the Simsbury Volunteer Fire Company and each volunteer of the Simsbury Volunteer Ambulance Association (collectively "volunteer") who is eligible pursuant to § 141-18 to receive a tax abatement shall have his or her real estate and/or motor vehicle property taxes owed to the Town of Simsbury for the current fiscal year abated in an amount equal to the lesser of the total amount of his or her real estate and/or motor vehicle property taxes owed to the Town of Simsbury for such fiscal year or an amount as calculated in the following schedule:

Years of Eligible Volunteer Service to Simsbury Volunteer Fire Company and/or Simsbury Volunteer Ambulance Association	Dollar Amount of Taxes Abated Per Fiscal Year
2 up to 5 years of eligible service	\$500
5 years of eligible service or more	\$1,000

§ 141-18. Eligibility.

[Amended 6-25-2007; 4-25-2016]

A.

To be eligible for the tax abatement pursuant to § 141-17 for any fiscal year, an eligible volunteer shall, on or before April 30 prior to such fiscal year, present to the Tax Collector a written statement certified by the Chief of the Simsbury Volunteer Fire Company or the President of the Simsbury Volunteer Ambulance Association, which statement shall include the name and address of said volunteer, that said volunteer has served as an active volunteer in good standing for the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association for not less than the two immediate preceding calendar years, and the total number of years of service of said volunteer. "Volunteer in good standing" for members of the Simsbury

Volunteer Fire Company shall be defined as set forth in the bylaws of the Simsbury Volunteer Fire Company. "Volunteer in good standing" for members of the Simsbury Volunteer Ambulance Association shall be defined as a regular ambulance volunteer who has done 288 qualifying hours in the year preceding October 1. "Years of service" shall not be deemed to have been interrupted by medical leave authorized by the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association, leave for military service for the United States of America, or leave covered under the Connecticut Workers' Compensation Act.

B.

A person who terminates his or her volunteer service to the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association shall, upon his or her return to volunteer service to the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association, be eligible for the tax abatement provided under Section § 141-17 only after he or she completes one full calendar year of volunteer service. Such volunteer's total years of service shall then include any previous years of volunteer service to the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association.

C.

Any volunteer who a) has served for a minimum of 25 years of service as an active volunteer in good standing as defined in § 141-18 of this Article V; and b) terminates his or her volunteer service; and c) is otherwise eligible for the tax abatement program defined in this Article V, shall continue to receive a tax abatement in the amount of \$1,000 as set forth in § 141-17 of this Article V per annum as long as they continue to (1) reside in Simsbury or (2) own a motor vehicle registered to a Simsbury address or (3) own taxable property in the Town of Simsbury.

§ 141-19. Application.

The tax abatement provided under this article shall be applied first against any real property taxes owing to the Town of Simsbury and then against any motor vehicle taxes owing to the Town of Simsbury. In the event that the tax to which the abatement is applied is paid in installments, then the abatement shall be applied 50% to each installment. The tax abatement provided under this article shall be applicable for any real property or motor vehicle owned by a volunteer and eligible for such abatement regardless of whether such property is owned individually, jointly or as tenant in common with one or more other persons, provided that said ownership interest is recorded in the name of the volunteer on the Simsbury Grand List. For property acquired by the volunteer during the Grand List Year, the abatement shall be prorated in the same manner and to the same degree as the underlying tax liability. The tax abatement provided under this article only applies to taxes owed to the Town of Simsbury by volunteers in good standing who continue to (1) reside in Simsbury or (2) own a motor vehicle registered to a Simsbury address or (3) own taxable property in the Town of Simsbury.

§ 141-20. Records.

The Tax Collector of the Town of Simsbury shall maintain a record of all taxes abated in accordance with this article.

§ 141-22. Effective date.

Revisions to this article shall take effect and shall be applicable to taxes owing beginning with taxes on the Grand List of October 1, 2018, for tax payments due July 1, 2019 – June 30, 2020.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Community Choice Aggregation Resolution

2. **Date of Board Meeting:** January 13, 2020

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 support of the Community Choice Energy Program for local governments in Connecticut, the following motion is in order:

Move, effective January 13, 2020 to adopt the attached resolution in support of state legislation enabling Community Choice Aggregation in Connecticut.

5. **Summary of Submission:**

At the October 21, 2019 Clean Energy Task Force meeting, Peter Millman of the non-profit Eastern Connecticut Green Action gave a presentation about Community Choice Aggregation (CCA). CCA is a mechanism that allows individual towns or groups of towns to control their electricity purchasing. CCA is currently available in nine states and has been a tool for lowering electricity costs and increasing the percentage of renewable energy purchased. In order to be available in Connecticut, enabling legislation is required.

At that meeting, the Clean Energy Task Force voted to recommend that the Board of Selectmen pass a resolution in support of state CCA legislation (an illustrative resolution is attached). Such legislation, if passed, would not require Simsbury to enact CCA, but it would make that option available.

Peter Millman and Mark Scully presented on this topic at the December 16, 2019 Board of Selectmen meeting.

6. **Financial Impact:**

None at this time. If the state passes this legislation, and Simsbury ultimately chooses to participate, future savings on electricity may be possible.

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

a) Resolution of Interest in Community Choice Energy (CCE) for Local Governments in the State of Connecticut

Resolution of Interest in Community Choice Aggregation (CCA) for Local Governments in the State of Connecticut

Whereas, a local energy model called Community Choice Aggregation is a proven strategy to expand consumer choice, lower electric rates, and meet state and local environmental goals;

Whereas, Community Choice Aggregation currently exists in nine states (CA, IL, OH, VA, RI, NJ, NY, NH and MA) and is a mechanism by which local governments use aggregate buying power to procure electrical power for municipal, residential and commercial customers in their jurisdictions.

Whereas Community Choice Aggregation work in partnership with the utility, which continues to provide power delivery, grid maintenance, and consolidated customer billing;

Whereas, Community Choice Aggregation currently serves millions of customers around the Country, and consistently exceeds utility performance in the areas of local choice, electric rates, renewable content and greenhouse gas reductions;

Whereas the Connecticut Office of Consumer Counsel has condemned the behavior of some individual retail suppliers marketing to individuals and that CCA is an alternative that can protect consumer interests;

Whereas the benefits of lower electric rates, energy efficiency programs, and economic development that can result from Community Choice Aggregation are of particular value to low and moderate income ratepayers;

Whereas, HB 6241 and HB 7015, two Community Choice Energy bills, were introduced in the Energy and Technology Committee during the 2019 session of the General Assembly and are expected to be reintroduced in 2020;

Whereas Community Choice Aggregation legislation would have no significant negative fiscal impacts on Connecticut or municipalities and provide significant local and regional economic development benefits;

Whereas, Community Choice Aggregation also provides the opportunity to fund and implement a wide variety of local energy programs tailored to the needs of a community; and,

Whereas, Community Choice Aggregation, if determined to be technically and financially feasible for Connecticut cities and towns, could provide substantial environmental and economic benefits to the residents and businesses in the Town of Simsbury;

NOW THEREFORE BE IT RESOLVED by the Board of Selectmen of the Town of Simsbury that:

The Town of Simsbury indicates its interest in the potential for Community Choice Energy in the State of Connecticut and would support the State's efforts in that regard.

The Town of Simsbury further indicates that state enabling legislation should at a minimum allow a Community Choice Aggregation municipality or group of municipalities to do the following:

- Procure electricity on behalf of the CCA's residents, businesses, and municipal accounts;
- Automatically enroll residents and businesses that have not already chosen a third-party supplier, but with ample opportunities to opt out;
- Obtain all customer usage information from the utility that the CCA requires to fulfill its purposes;
- Administer all energy efficiency funds paid by customers located within their jurisdictional boundaries for purposes of promoting and funding local energy efficiency programs;
- Obtain funding and develop local renewable energy projects;

Adoption of this Resolution in no way obligates the Town of Simsbury to participate in Community Choice Energy, unless it so chooses by adoption of ordinance if authorized by the State.

PASSED AND ADOPTED by the Board of Selectmen of the Town of Simsbury, State of Connecticut, this 13th day of January, 2020 by the following vote:



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Simsbury Democratic Town Committee Proposed Re-Appointments/New Appointments to Various Boards/Commissions
2. **Date of Board Meeting:** January 13, 2020

3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Ericka L. Butler, Town Clerk

4. **Action Requested of the Board of Selectmen:**
Maria E. Capriola

Re-Appointments:

If the Board of Selectmen supports the Simsbury Democratic Town Committee proposed re-appointments, the following motions are in order:

Aging and Disability Commission

Move, effective January 13, 2020 to re-appoint Lorraine Doonan (D) as an Alternate Member of the Aging and Disability Committee with a term expiring January 1, 2022.

Move, effective January 13, 2020, to re-appoint Arlene Zappile (D) as an Alternate Member of the Aging and Disability Commission with a term expiring January 1, 2022.

Building Code Board of Appeals

Move, effective January 13, 2020, to re-appoint Richard Cortes (D) as an Alternate Member of the Building Code Board of Appeals with a term expiring January 1, 2022.

Move, effective January 13, 2020, to re-appoint Samuel Ziplow (D) as an Alternate Member of the Building Code Board of Appeals with a term expiring January 1, 2022.

Clean Energy Task Force

Move, effective January 13, 2020, to re-appoint Mark Scully (D) as a Regular Member of the Clean Energy Task Force with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Cheri Calnan (D) as a Regular Member of the Clean Energy Task Force with a term expiring December 6, 2021.

Culture, Parks & Recreation Commission

Move, effective January 13, 2020, to re-appoint Gina Morgan (D) as a Regular Member of the Culture, Parks & Recreation Commission with a term expiring January 1, 2024.

Recycling Committee

Move, effective January 13, 2020, to re-appoint Joseph Daly (D) as a Regular Member of the Recycling Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Heather Dawson (D) as a Regular Member of the Recycling Committee with a term expiring December 6, 2021.

Tourism Committee

Move, effective January 13, 2020, to re-appoint Dominique Avery (D) as a Regular Member of the Tourism Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Charmaine Seavy (D) as a Regular Member of the Tourism Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Sheree Landerman (D) as a Regular Member of the Tourism Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Joseph Buda (D) as a Regular Member of the Tourism Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Patricia Carbone (D) as a Regular Member of the Tourism Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Lori Lubetkin (D) as a Regular Member of the Tourism Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Diane Phillips (D) as a Regular Member of the Tourism Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Paulette Clark (D) as a Regular Member of the Tourism Committee with a term expiring December 6, 2021.

Water Pollution Control Authority (WPCA)

Move, effective January 13, 2020, to re-appoint Paul Gilmore (D) as a Regular Member of the Water Pollution Control Authority with a term expiring January 1, 2024.

New Appointments:

If the Board of Selectmen supports the Democratic Town Committee proposed new appointments, the following motions are in order:

Conservation Commission/IWWA

Move, effective January 13, 2020, to appoint Joseph Campolieta (D) as a Regular Member of the Conservation Commission/IWWA with a term expiring January 1, 2024.

Culture, Parks & Recreation Commission

Move, effective January 13, 2020, to appoint Danielle Celli (D) as a Regular Member of the Culture, Parks & Recreation Commission with a term expiring January 1, 2024.

5. Summary of Submission:

The Simsbury Democratic Town Committee has recommended these appointments.

6. Financial Impact:

None

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:** Personnel Sub-Committee Proposed Re-Appointments/Appointments and Resignations of Various Boards/Commissions
2. **Date of Board Meeting:** January 13, 2020

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

4. **Action Requested of the Board of Selectmen:**
Re-Appointments:

If the Board of Selectmen supports the Personnel Sub-Committee's proposed re-appointments, the following motions are in order:

Community for Care Committee

Move, effective January 13, 2020 to re-appoint Sally Rieger (D) as a Regular Member of the Community for Care Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020 to re-appoint Gene Ott (D) as a Regular Member of the Community for Care Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020 to re-appoint Cheryl Cook (R) as a Regular Member of the Community for Care Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020 to re-appoint Marc Lehman (U) as a Regular Member of the Community for Care Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020 to re-appoint Thomas Steen (U) as a Regular Member of the Community for Care Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020 to re-appoint Karen Gallagher (U) as a Regular Member of the Community for Care Committee with a term expiring December 6, 2021.

Hearing Officers

Move, effective January 13, 2020, to re-appoint Robert Moran Jr. (U) as a Hearing Officer with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Stephen McDonnell. (U) as a Hearing Officer with a term expiring December 6, 2021.

Hometown Hero Selection Committee

Move, effective January 13, 2020, to re-appoint T.J. Donohue (D) as a Regular Member of the Hometown Hero Selection Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Eric Wellman (D) as a Regular Member of the Hometown Hero Selection Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Leonard Lanza (U) as a Regular Member of the Hometown Hero Selection Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Mike Paine (R) as a Regular Member of the Hometown Hero Selection Committee with a term expiring December 6, 2021.

Open Space Committee

Move, effective January 13, 2020, to re-appoint Eric Wellman (D) as a Regular Member of the Open Space Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint William Rice (R) as a Regular Member of the Open Space Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Margery Winters (R) as a Regular Member of the Open Space Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint David Bush (R) as a Regular Member of the Open Space Committee with a term expiring December 6, 2021.

Move, effective January 13, 2020, to re-appoint Susan Masino (U) as a Regular Member of the Open Space Committee with a term expiring December 6, 2021.

New Appointments:

If the Board of Selectmen supports the Democratic Town Committee proposed new appointments, the following motions are in order:

Open Space Committee

Move, effective January 13, 2020, to appoint Anne Erickson (R) as a Regular Member of the Open Space Committee with a term expiring December 6, 2021.

Resignations:

Move, effective January 13, 2020, to accept the resignation of Nancy Scheetz (R) as a Regular Member of the Community for Care Committee.

Move, effective January 13, 2020, to accept the resignation of Thomas Horan (D) as a Regular Member of the Hometown Hero Selection Committee.

5. Summary of Submission:

The Personnel Sub-Committee recommended these appointments at their January 9th meeting.

6. Financial Impact:

None

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:** Resignation of Diane Madigan from Zoning Board of Appeals
2. **Date of Board Meeting:** January 13, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Ericka L. Butler, Town Clerk
maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
The following motion is in order:

Move, to accept the resignation of Diane Madigan as a Regular Member of the Zoning Board of Appeals retroactive to December 11, 2019.

5. **Summary of Submission:**
The Town Clerk has received the resignation of Diane Madigan as a Regular Member of the Zoning Board of Appeals.

Section 205 of the Charter, "Vacancies: elective offices," states:

"... any vacancy, except a vacancy on the Board of Selectmen, in any elective Town office, including the Board of Education, shall be filled within forty-five (45) days of such vacancy by appointment by the Board of Selectmen, for the unexpired portion of the term or until the next regular municipal election, as defined in Section 9-1 of the General Statutes, whichever shall first occur."

Therefore, this vacancy must be filled no later than January 24, 2020. The appointee will serve until December 6, 2021, which is the date that the newly elected Zoning Board of Appeals Regular Member will assume their position.

6. **Financial Impact:**
None

7. **Description of Documents Included with Submission:**
 - a) Copy of Diane Madigan's Resignation Letter, dated December 11, 2019
 - b) Copy of ED-638: Vacancy in Elective Office, sent to Secretary of the State's Office December 12, 2019

TOWN OF
SIMSBURY
CONNECTICUT

Published on *Simsbury CT* (<https://www.simsbury-ct.gov>)

[Home](#) > [Government](#) > [Town Clerk](#) > [Resignation Submission Form](#) > [Webform results](#) > Resignation Submission Form

Submission information

Form: [Resignation Submission Form](#) [1]
Submitted by Anonymous (not verified)
December 11, 2019 - 2:40pm
[REDACTED]

Member's Name

Diane Madigan

Address

[REDACTED]

Type of Member

Regular

Name of Board/Commission

Zoning Board of Appeals

Effective Date of Resignation

12/11/2019

Reason for Resignation

Recently elected to Zoning Comm.

Any Additional Comments

Emailed to SOTS 12/12/19

(ED-638 - Vacancy in Elective Office 3/06)

To: Secretary of the State
30 Trinity Street
P.O. Box 150470
Hartford, CT 06115-0470
Attn: Legislation & Elections Administration Division

Vacancy/Appointment In Elective Office

Vacancy In Elective Office	Appointment To Fill Vacancy In Elective Office
<p>On <u>12/11/2019</u>, the office of <i>(date of vacancy)</i> <u>Zoning Board of Appeals</u></p> <p>was vacated due to the <u>resignation</u> <i>(manner in which vacancy occurred)</i></p> <p>of the incumbent, <u>Diane Madigan</u> <i>(name)</i></p> <p><u>Republican</u> <i>(party)</i></p> <p>who was elected/appointed for a term from: <u>12/04/2017</u> to: <u>12/06/2021</u></p>	<p>On _____, pursuant to the provisions of <i>(date)</i></p> <p><i>(specific section of Connecticut General Statutes or local law under which vacancy was filled)</i></p> <p>_____ <i>(name)</i></p> <p>_____ <i>(address)</i> _____ <i>(party)</i></p> <p>was appointed by _____ <i>(appointing authority)</i></p> <p>to fill the vacancy in the office of _____</p> <p>vacated by _____ <i>(name of person who vacated office)</i></p> <p>on _____ <i>(date)</i></p> <p>to serve until _____ <i>(date appointment expires)</i></p> <p>being the date of <input type="checkbox"/> the next regular municipal election. <input type="checkbox"/> the expiration of the term</p>

Date of Filing 12/11/2019

City
Town of Simsbury
Borough

Mayor
Town Clerk
Warden


(signature)

Notice Under Section 9-223 (C.G.S.)

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 Eric Wellman; Deputy First Selectman Sean Askham; Board members Mike Paine, Jackie Battos, and Wendy Mackstutis. Absent was Chris Peterson. Others in attendance included: Town Manager Maria E. Capriola, Deputy Town Manager Melissa Appleby, Recreation Director Tom Tyburski, Town Engineer Jeff Shea and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC AUDIENCE

Maria Ecke, 8 Glen Brook Drive, spoke about articles in the Hartford Courant concerning use of power and an article in the Valley Press about the Police Commission. These articles really upset her. She feels there are issues with transparency in Simsbury. She spoke about positions at Town Hall under Maria Capriola. Ms. Ecke spoke about a complaint form she was asking for and being escorted out of Town Hall and an FOI complaint, and other issues.

Joan Coe, 26 Whitcomb Drive, also spoke about the Hartford Courant article on abuse of power, employees being paid for time not worked, a Police Commission issue, credentialing, removal of a Town employee, and other issues.

PRESENTATION

a) Clean Energy Task Force – Community Choice Aggregation (CCA)

Mr. Wellman said the Clean Energy Task Force is recommending that the Board pass a resolution in support of State CCA legislation. This would let the Town make an option available to enact CCA (Community Choice Aggregation).

Mr. Millman, from the non-profit Eastern Connecticut Green Action, explained the proposed CCA resolution. He said CCA allows a town or group of towns to use bulk purchasing power to get a better deal for the small businesses in town and residents for electricity. There are no guarantees for savings. He gave some samples of what Mass and California are doing.

After some discussion and questions, with more questions to come, the Board said they were in favor of supporting the Clean Energy Task Force recommendation.

FIRST SELECTMAN’S REPORT

Mr. Wellman, First Selectman, reviewed his First Selectman’s report.

TOWN MANAGER’S REPORT

Ms. Capriola, Town Manager, reviewed her Town Manager’s report.

SELECTMEN ACTION

a) Tax Refund Requests

Mr. Paine made a motion, effective December 16, 2019, to approve the presented tax refunds, in the amount of \$2,591.16, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

b) Renewal of Lease of State Land, Simsbury, Location: Corner of Route 315 & 202

Mr. Wellman said the State has notified him about the need for an extension for the State owned property being used for parking for the Farmington Canal Heritage Trail which is along Hopmeadow south to 315. The renewal would be for another five years.

Mr. Askham made a motion, effective December 16, 2019, to authorize Town Manager, Maria E. Capriola, to execute a lease agreement between the State of Connecticut Department of Transportation and the Town of Simsbury at the intersection of State Route 202, U.S. Route 10 and State Route 315 in the Town of Simsbury for public parking adjacent to the Farmington Canal Heritage Trail. Mr. Paine seconded the motion. All were in favor and the motion passed.

c) Simsbury Meadows Performing Arts Center Operations Agreement

Mr. Wellman said the operating agreement with the Simsbury Meadows Performing Arts Center, Inc. expires on December 31, 2019. The proposed term of the new agreement is January 1, 2020 through December 31, 2024, with an option for a five year renewal from January 1, 2025 through December 31, 2029.

Ms. Mackstutis made a motion, effective December 16, 2019, to approve the proposed Simsbury Meadows Performing Arts Center Operating Agreement as presented and to authorize Town Manager, Maria E. Capriola, to execute the agreement. Mr. Askham seconded the motion. All were in favor and the motion passed.

d) Proposed Donation from Hartford Foundation for Public Giving

Mr. Askham made a motion, effective December 16, 2019, to accept a donation from the Hartford Foundation for Public Giving in the amount of \$4,000 for the purpose of supporting the Simsbury Community and Social Services Department food programs. Me. Paine seconded the motion. All were in favor and the motion passed.

APPOINTMENTS AND RESIGNATIONS

a) Short-term Rental Ordinance Workgroup Appointment

Mr. Wellman said a Short-Term Rental Ordinance Workgroup was established to review similar ordinances from other communities and to draft an ordinance, which needs to come back to the Board.

Mr. Paine made a motion, effective December 16, 2019, to appoint the recommended member for the Short-term Rental Ordinance Workgroup:

Liz Peterson, Tourism Committee

Mr. Askham seconded the motion. All were in favor and the motion passed.

b) Continuance of Temporary and Special Boards, Committees, and Commissions Created by Section

Mr. Wellman said the new recommendations for appointments to the temporary and special boards, committees, and commissions, per section 403 of the Town Charter, will be received by the Board of Selectmen in January 2020.

Mr. Askham made a motion, effective December 16, 2019, to recreate all temporary and special boards, committees, and commissions created by Section 403 of the Town Charter and to reappoint all members in office on December 2, 2019 of such temporary board, committees, and commissions until such time as the Board of Selectmen takes action on the appointment or reappointment of members to those temporary and special board, committees, and commissions created by Section 403 of the Town Charter. Mr. Paine seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a) Regular Meeting of November 25, 2019

Ms. Battos made a motion to make a correction to the November 25, 2019 minutes:

Page 5, under Selectmen Liaison and Sub-Committee reports: Ms. Cooks was changed to Ms. Cook reminded everyone that Simsbury Celebrates, etc. Ms. Askham seconded the motion. All were in favor and the motion passed.

b) Special Meeting of December 5, 2019

There were no changes to the Special Meeting Minutes of December 5, 2019, and, therefore, the minutes were adopted.

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) **Welfare** – there was no report at this time.
- d) **Public Safety** – Mr. Askham said the Public Safety Commission will be held this Thursday. There will be discussion on traffic issues on Route 10.
- e) **Board of Education** – Ms. Mackstutis said she attended her first meeting of the Board of Education last week. They have had a change in leadership. They are doing a big push to get more people involved in what is going on in Town. They did go over their budget and said it will be a tough budget year.

Mr. Askham asked that residents come out January to give feedback on the wildlife feeding ordinance. There will be discussion on fines and enforcement of the ordinance.

COMMUNICATIONS

a) Email from K. Kowalski RE: Volunteer Tax Abatement, dated December 11, 2019

Ms. Capriola said she asked staff to run an analysis on the proposed changes in the Fire District recommendations. She will bring this information back to this Board as there would be a change in the Statute.

EXECUTIVE SESSION

- a) Pursuant to CGS §1-200(6)(e), Discussion of Correspondence Exempt from Disclosure: Attorney-Client Privilege (Tobacco Valley Solar Tax Stabilization Request)**
- b) Pursuant to CGS §1-200(6)(d), Discussion of Possible Purchase and Sale of Parcel for Real Property for Open Space Purposes**

Mr. Askham made a motion to adjourn to executive session at 7:05 p.m. pursuant to CGS§1-200 (6)(e), Discussion of Correspondence Exempt from Disclosure: Attorney-Client Privilege (Tobacco Valley Solar Tax Stabilization Request. This will include Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Assessor Francine Butler; Finance Director Amy Meriwether; and Attorney Bob DeCrescenzo. Further move to adjourn to executive session pursuant to CGS §1-200(6)(d), discussion of Possible Purchase and Sale of Parcel for Real Property for Open Space purposes and to include Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Finance Director Amy Meriwether; Town Engineer Jeff Shea; and Parks and Recreation Director Tom Tyburski. Mr. Paine seconded the motion. All were in favor and the motion passed.

ADJOURN

Respectfully submitted,

Kathi Radocchio
Clerk



Robert M. DeCrescenzo
(t) 860.548.2625
(f) 860.548.2680
rdcrescenzo@uks.com

December 18, 2019

Maria E. Capriola, MPA
Town Manager
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Re: Partial Release of Restrictive Covenant
1 Meeting House N (Unit 55), Simsbury, CT

Dear Maria:

The above-referenced home located at 1 Meeting House N., Simsbury, Connecticut is currently under contract for sale. The property is subject to a restrictive covenant that limits the resale price of the home. The covenant was required as part of the original 2005 Zoning Commission approval. The purpose of the covenant was to maintain affordability for any resale of the unit. The Restrictive Covenant requires that any sale of the home fall below a prescribed amount that is calculated by a formula to maintain affordability. According to that formula, the maximum allowable sale price under the Restrictive Covenant in 2015 is \$309,163. The current contract sale price is \$290,000. The Restrictive Covenant expires on December, 2029.

A condition of the current pending sale is the release of the Restrictive Covenant by the Town of Simsbury. One other unit within the same development was released from the restrictive covenant in 2013. (See attached Release.)

Enclosed please find the Partial Release of Restrictive Covenant for 1 Meeting House N., Simsbury as required by the contract seller.

On Monday, December 10, 2019 the Zoning Commission approved the Release (Application #19-50. Legal Notice Attached). Previously, the Board of Selectmen approved the release of the restrictive covenants on six units within the complex. Unit 55 is one of the six units. (See attached list of the six units that remain encumbered by the restrictive covenant.)

On December 10, 2012, the Board of Selectmen approved the removal of the Restrictive Covenant for the six units by the following motion:

- d) Approve the removal of the requirement for 6 “affordable” homes in the Claremont and Saxony neighborhoods in The Powder Forest Homes community; the current restrictions are really future “price appreciation restricted” upon resales and not income related.

Updike, Kelly & Spellacy, P.C.

100 Pearl Street ■ PO Box 231277 ■ Hartford, CT 06123 (t) 860.548.2600 (f) 860.548.2680 www.uks.com

Maria E. Capriola, MPA
Page 2
December 18, 2019

As part of the approval, the Board of Selectmen required a \$7,000 payment to the Simsbury Social Services Department in exchange for the Release.

Based on the above, in my opinion, all town approvals are in place to authorize the Town Manager to execute the Release of Restrictive Covenant.

Very truly yours,



Robert M. DeCrescenzo, Esq.
Town Attorney

RMDe/psm
Enclosure

After Recording, please return to:

Killian & Donohue, LLC
363 Main Street
Hartford, CT 06106

PARTIAL RELEASE OF RESTRICTIVE COVENANT

KNOW ALL MEN BY THESE PRESENTS, THE TOWN OF SIMSBURY, a Connecticut municipal corporation of Simsbury, Connecticut, acting herein by Maria Capriola, Town Manager (the "Town"), for good and valuable consideration, does hereby release and discharge certain property situated in Simsbury, Connecticut, and being more particularly bounded and described as follows, to wit:

Unit Number 55 (1 Meeting House N) of The Powder Forrest Homes (the "Unit") with the allocated interests appertaining thereto, conveyed to Mary Louise Burke, late of the Town of Simsbury, Connecticut, by Warranty Deed dated December 2, 2009, recorded December 1, 2009 in Volume 786 at Page 64 of the Simsbury Land Records, said Unit and allocated interests being more particularly described in the Declaration of Powder Forrest Homes by Powder Forrest Homes, LLC, as Declarant, dated June 8, 2016, recorded in Volume 715, at Page 100 of the Simsbury Land Records, as amended (the "Declaration"),

FROM THE LIEN AND OPERATION OF that certain Restrictive Covenant for Affordable Housing by Powder Forrest Homes, LLC in favor of the Town of Simsbury dated November 15, 2005, referenced in (i) Section 2.35 of the Declaration and attached as Schedule A-5 thereto in Volume 715 at Page 219 of the Land Records of the Town of Simsbury and (ii) the above-referenced Warranty Deed (the "Restrictive Covenant").

Provided, however, said Restrictive Covenant, except as to the above-mentioned Unit and the allocated interest in the Common Elements specifically released, shall remain in full force and effect as to the remaining units and home sites designated as "Affordable Units" in the Declaration, as provided in the Restrictive Covenant and the Declaration.

Dated this _____ day of December, 2019.

Witnessed by:

TOWN OF SIMSBURY

Name:

By _____
Maria Capriola
Town Manager

Name:

STATE OF CONNECTICUT }

COUNTY OF HARTFORD }

} ss. Simsbury
}

Personally appeared, **Maria Capriola**, Town Manager of the Town of Simsbury, a Connecticut municipal corporation of Simsbury, Connecticut, signer of the foregoing Instrument, and acknowledged the same to be her free act and deed and the free act and deed of the Town of Simsbury, before me.

Commissioner of the Superior Court
Notary Public



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Community Planning and Development

LEGAL NOTICE OF ACTION TOWN OF SIMSBURY

ZONING COMMISSION – REGULAR MEETING



Notice is hereby given that the Zoning Commission of the Town of Simsbury took the following action(s) at its regular meeting held on Monday, December 16, 2019, in the FSPL Program Room at the Simsbury Public Library, 725 Hopmeadow Street, Simsbury, Connecticut:

1. Approved with conditions Application #19-48 of Edward Ferrigno, Agent; Estate of Joanne Burk, Owner; for a Special Exception pursuant to Article Seven, Section C.8, of the Simsbury Zoning Regulations to create a rear lot on the property located at 385 West Mountain Road (Assessor's Map A19, Block 503, Lot 002E5). Zone R-40.
2. Approved with conditions Application #19-49 of Edward Ferrigno, Agent; Paul Flynn Trustee, Owner; for a Special Exception pursuant to Article Seven, Section C.8, of the Simsbury Zoning Regulations to create a rear lot on the property located at 389 West Mountain Road (Assessor's Map A19, Block 503, Lot 002E6). Zone R-40.
3. Approved Application #19-50 of T.J. Donohue, Agent; Mary Louise Burke, Owner; for a Site Plan Amendment of previously approved plan to remove the affordable housing deed restriction of the property located at 1 Meeting House North, Unit 55 (Assessor's Map E12, Block 103, Lot 005). Zone CZ.
4. Approved with conditions Application #19-51 of T.J. Donohue, Agent; SL Simsbury LLC, Owner; for a Site Plan Amendment to switch out 13 town house units for 32 "stack flat" residential units on the property located at 200 Hopmeadow Street (Assessor's Map F17, Block 154, Lot 009-2). Zone I-1.

A copy of the above is on file in the Office of the Town Clerk, 933 Hopmeadow Street, Simsbury, Connecticut for public inspection.

David Ryan, Chairman

HARTFORD COURANT: PLEASE PUBLISH THIS ON TUESDAY, DECEMBER 24, 2019, and ZONE ONLY FOR THE FARMINGTON VALLEY EDITION. INVOICE: SIMSBURY ZONING COMMISSION acct #CU00254391

Telephone (860) 658-3245
Facsimile (860) 658-3206

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8:30 - 7:00 Monday
8:30 - 4:30 Tuesday through Thursday
8:30 - 1:00 Friday

UNIT TAXPAYER	ST NO	PROP_LOC_ST_NAME	DEED DATE (6C)	SALE_DATE	SALE_PRICE	QC VOL	QC PAGE	QC DATE	YEAR	Σ	MOST RECENT PURCHASE	QTR/YE AR	HPI (NSA) BEFORE PURCHASE	MOST RECENT HPI (NSA) BEFORE PURCHASE	CPI 1ST HALF	QTR/YE R RESALE	HPI (NSA) BEFORE RESALE	ALLOWED APPRECIATION PCT	ALLOWED APPRECIATION PRICE	BEGIN 21ST YR	Σ	CPI (SEMI-ANNUAL)	HPI - (NSA) QUARTER	
43 MURLI JUNE	00009	MEETING HOUSE NORTH	7/27/2009	7/27/2009	\$292,965				2008	2	295.105 *1/2009		161.11	161.11						7/27/2009	88	1	299.309 *2/2009	161.68
44 SICKINGER EILEEN	00007	MEETING HOUSE NORTH	12/22/2006	12/28/2006	\$273,743				2006	1	275.300 *3/2006		173.58	173.58						12/28/2006				
55 BURKE MARY LOUISE	00001	MEETING HOUSE NORTH	12/2/2009	12/1/2009	\$277,351				2009	1	299.309 *3/2009		159.59	154.91	333.639	*2/2015	11.47%	\$309,163		12/1/2009				
58 BURTON PHILIP A AND JACQUELINE L	00006	MEETING HOUSE SOUTH	10/10/2006	10/11/2006	\$285,350				2006	1	275.300 *3/2006		173.58	173.58						10/11/2006				
59 BARTLETT RAYMOND C	00008	MEETING HOUSE SOUTH	9/29/2009	9/30/2009	\$274,600	880	582	11/13/2014	2009	1	299.309 *2/2009		161.68	161.68						9/30/2009				
147 SWIFT GORDON N AND MARCIE J	00003	ROMAN WAY	10/26/2010	10/17/2011	\$338,537				2011	1	305.610 *3/2011		152.33	152.33	RELEASED	4/18/2013				NA				
175 SHEA FAY M	00010	BANTRY ROAD	10/26/2010	10/26/2010	\$281,291				2010	1	303.701 *3/2010		154.13	154.13						10/26/2010				
176 CYLAKOWSKI ELIZABETH T TRUSTEE	00012	BANTRY ROAD	3/29/2012	3/29/2012	\$337,794				2011	2	309.599 *4/2011		150.61	150.61						3/29/2012				

Let's continue to plan for the future. Make sure you are on top of your game.



Resubmitted 11-9-12 for
BAS Mtg 11-14-12

Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Thomas F. Cooke - Director of Administrative Services

Resubmitted
for 12-10-12

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of submission:** Powder Forest Homes Affordable Homes
2. **Date of submission:** August 27, 2012
3. **Date of Board Meeting:** Monday, September 24, 2012
4. **Individual or Entity making the submission:**
Powder Forest Homes, LLC
5. **Action requested of the Board of Selectmen** (Acceptance of gift, creation of reserve, approval of contract, information only, etc. Be as specific as possible with respect to the desired action of the Board.):
The Individual or Entity making the submission requests that the Board of Selectmen:
Remove the requirement for 6 "affordable" homes in the Claremont and Saxony neighborhoods in The Powder Forest Homes community. The current restrictions are really future "price appreciation restricted" upon resales and not income related.
6. **Individual(s) responsible for submission** (Please include complete contact information. The identified individual(s) should be prepared to present information to the Board of Selectmen at the Board Meeting.):
C. Anthony DiFatta, Jr., President Ensign-Bickford Realty Corporation
125 Powder forest Drive, Simsbury, CT, 06070 (860) 843-1559
Ron Janeczko, Partner, Landworks Development (860) 677-0787

Telephone (860) 658-3230
Facsimile (860) 658-9467

tcooke@simsbury-ct.gov
www.simsbury-ct.gov

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8:30 - 4:30 Tuesday through Friday

7. **Summary of Submission** (Include in your summary (i) relevant dates and timelines; (ii) parties involved; (iii) a description of financial terms and conditions specifically identifying the financial exposure/commitment of the Town of Simsbury; (iv) whether or not contracts, licenses and other legal documents have been reviewed by the Town's counsel; and (v) other information that will inform the Board of Selectmen's consideration of your submission. Include any additional information in an attached memorandum.):

See attached letters

8. **Description of documents included with submission** (All documents must be in final form and signed by the appropriate party.):

The following documents are included with this submission and attached hereto:

Letter to Mrs. Glassman and Mr. Thomas Cooke dated August 20, 2012
Re: Affordable Housing Restrictions in the Claremont and Saxony Neighborhoods at the Powder Forest Homes.

Declaration Powder Forest Schedule A-5 Restrictive Covenant For Affordable Housing dated November 15, 2005



LANDWORKS

D E V E L O P M E N T

November 8, 2012

Mary A. Glassman, First Selectman
Town of Simsbury
933 Hopmeadow Street
Simsbury, Connecticut 06070

RE: Powder Forest Homes Resale Restriction.

Dear Mary,

Andy and I have been meeting and working with staff to respond to the questions raised by the Board of Selectmen and Tom Cooke in his September 28 letter. The below email and exhibits should give you and the Board a complete update.

In summary we found the following:

Andy ran calculations and estimates that if 6 additional restricted units are built it will cost the town approximately \$25,002 annually in lost tax revenue.

I independently estimated the loss at \$22,859, which also points to a "present value" of approximately \$380,989. I also ran a calculation using a 20 year 2.75% bond formula and found that the town could cover principal and interest on about \$350,000 with that figure of \$22,859.

Several existing owners have attempted to secure financing and were unable. Those that intended to purchase with cash may find themselves in a situation of needing a reverse mortgage to "age in place" and will find they cannot. I would hope they wouldn't have to sell and move because the existing restriction makes it impossible to finance.

We believe that the release of the restriction is in the best interest of the town, the existing 8 owners saddled with it, and the future 6 owners. While the financial gain to the town resulting from the release is significant, we are willing to reimburse the town for any costs related to this requested action, including legal fees.

I look forward to the November 14 meeting with the board.

Very sincerely,

Ronald Janeczko

Please see supporting emails attached.

Powder Forest Homes - Appreciation Restriction

9/27/2012

Property Tax Estimates - Previous 55+ Program vs. Unrestricted Program

\$31,450,000 Estimated Sales for 74 Homes in 55+ Program (\$425,000 ave)
\$22,015,000 70% Assessment
0.03137 Tax Rate 2012
\$690,611 Total Taxes

1,900 SF Average

\$35,150,000 Estimated Sales for 74 Homes in Landworks Plan (\$475,000 ave)
\$24,605,000 70% Assessment
0.03137 Tax Rate 2012
\$771,859 Total Taxes

2,000 SF Average

\$81,248 Annual Additional Taxes from Landworks Proposal

If we reduce the size 6 homes to sell at \$301,500

\$301,500 Target Sales Price - Smaller Home with Resale Restriction
1,200 Square Feet, 3 bedroom 1 car garage

\$1,809,000 Total Sales for 6 Homes
\$1,266,300 70% Assessment
0.03137 Tax Rate 2012
\$39,724 Total Taxes

Landworks Proposal, as Approved by Zoning

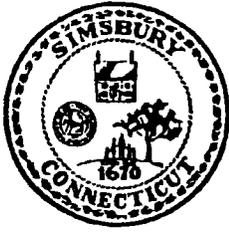
\$475,000 Proposed estimated average Purchase Price
2,000 Square Feet Average

\$2,850,000 Total Sales for 6 Homes	\$1,041,000 Additional
\$1,995,000 70% Assessment	\$728,700 Additional
0.03137 Tax Rate 2012	
\$62,583 Total Taxes	\$22,859 Additional

\$22,859 Additional Annual Taxes Collected by Simsbury on 6 Homes

6.00% Capitalization Rate (assumed)

\$380,989 Estimated Value to Town of Removal of Restriction



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Thomas F. Cooke - Director of Administrative Services

October 28, 2015

Ms. Susan Gleason
254 Stratton Brook Road
Simsbury, CT 06092

8-30g

Re: Affordable Housing Designation – 1 Meeting House N

Dear Susan:

It was a pleasure to meet you and your husband. As we discussed, this letter is intended to (1) provide you with the Town of Simsbury's calculation of the "maximum price" for which your mother could sell her property at 1 Meeting House N under the "Resale Restriction" applicable to her property; (2) restate the option previously described to you of buying out the "Resale Restriction" for \$7,000; and (3) provide you with direction in the event that you wish to ask the Planning Commission to remove the "Resale Restriction" from the property.

(1) Pricing under the Resale Restriction

As we discussed at our meeting, the Restrictive Covenant for Affordable Housing ("Restrictive Covenant") applicable to 1 Meeting House N requires a certification by the Town of Simsbury that, in the event of a sale of the property, "the price of the housing does not exceed the maximum price allowed" under the Restrictive Covenant (p. 3, Section 4). We agreed that it would make sense for the Town to tell you what the "maximum price" would be prior to the sale to help your mother determine whether to move forward with a sale and to plan sale negotiations accordingly.

The calculation for the maximum price is established in Section 2 of the Restrictive Covenant (p. 2) and provides that:

"... the owner of an owner-occupied Affordable Unit for sale shall not sell the unit at a resale price greater than the initial sales price of the unit plus:

(a) A percent increase in price equal to the appreciation rate for houses calculated by reference to the House Price Index ("HPI") for the Hartford Metropolitan Statistical Area . . . or by reference to the Consumer Price Index ("CPI") for All Urban Consumers, Area: Northeast urban, Item: Owners' equivalent rent of primary residence, Base Period: December 1982=100, U.S. Department of Labor, Bureau of Labor Statistics, **whichever index results in the greater appreciation rate.**" (Emphasis added.)"

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Susan F. Gleason
October 28, 2015

Page 2 of 2

As Town Assessor David Gardner explained at our meeting, the more favorable rate for your mother's resale is based on the CPI. Using the calculation for the appreciation rate based on the CPI, Mr. Gardner has calculated that the maximum price, provided the property is sold prior to March 1, 2016, is \$309,163. If the property is sold (based on the date of the contract execution) prior to March 1, 2016, the Certification of Compliance required in Section 4 would certify that a price not exceeding \$309,163 would satisfy the requirements of the Restrictive Covenant. You may want to review this information with your mother's realtor to determine whether or not the maximum price gives sufficient room for resale of the property.

(2) Proposed Buy-Out of Restriction

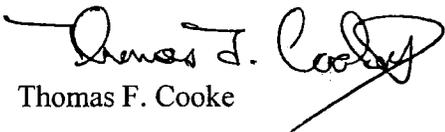
On December 12, 2012 the Simsbury Board of Selectmen set forth specific conditions for removal of this restriction. Based on the Board's action, the restriction can be removed by a payment of \$7,000 to the Town of Simsbury's Social Services Department. This payment, however, can be made at the time that the real estate property is sold. While there is no flexibility on the amount of the payment, the timing of the payment may be helpful to you. If your mother is interested in pursuing this option, I will forward the necessary paperwork.

(3) Removal of Restriction

As we discussed, neither the First Selectman nor Town Staff can administratively remove the Restrictive Covenant. Removal of the Restrictive Covenant is a decision for the Planning Commission and you would have to petition the Planning Commission for such a change. The change would subsequently have to be approved by the Board of Selectmen. We obviously cannot predict the outcome of such a petition.

Susan, I hope this helps you to identify the course of action you wish to follow on behalf of your mother. If you need any further information please do not hesitate to contact us.

Regards,



Thomas F. Cooke

cc: David M. Gardner – Town Assessor
Robert M. DeCrescenzo, Esq. – Town Counsel
Lisa L. Heavner – First Selectman

December 10, 2012

d) Approve the removal of the requirement for 6 “affordable” homes in the Claremont and Saxony neighborhoods in The Powder Forest Homes community; the current restrictions are really future “price appreciation restricted” upon resales and not income related

Mr. Hampton made a motion to authorize the First Selectman to enter into an agreement reflecting the release of the affordable housing restrictions with funds going to the Social Services Department for housing. Ms. Heavner seconded the motion. All were in favor and the motion passed.

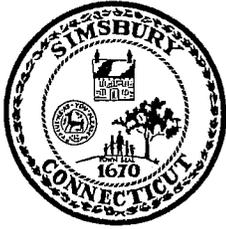
November 14, 2012

f) Approve the removal of the requirement for 6 “affordable” homes in the Claremont and Saxony neighborhoods in The Powder Forest Homes community; the current restrictions are really future “price appreciation restricted” upon resales and not income related

Mr. Askham made a motion to approve the removal of the requirement for 6 “affordable” homes in the Claremont and Saxony neighborhoods in The Powder Forest Homes community. Ms. Haase seconded the motion.

Mr. Askham amended his motion to include reimbursement to the Town for any costs related to this requested action, including legal fees. Ms. Haase seconded the motion. Three were in favor with three against. Therefore, the motion didn't pass.

After further discussion, Ms. Wertheimer made a motion to ask that Town staff and the First Selectman fully explore all questions asked and report back to the Board of Selectmen. Ms. Haase seconded the motion. All were in favor and the motion passed.



Town of Simsbury

WATER POLLUTION CONTROL
36 DRAKE HILL ROAD
SIMSBURY, CONNECTICUT 06070

OFFICE HOURS
Monday - Friday 7:00 to 3:30
860-658-1380 or 860-658-3258
Fax: 860-658-6809

December 19, 2019

Subject: Sanitary Sewer Replacement – Woodland Street / Hopmeadow Street Area

Dear Resident:

The Simsbury Water Pollution Control Authority has recently received a request from Dyno Nobel to look at the possibility of replacing the sanitary sewer in the Woodland Street and Hopmeadow Street area. A public informational meeting was held on December 4, 2019. The presentation from this meeting can be found on the Town's website at:
https://www.simsbury-ct.gov/sites/simsburyct/files/uploads/woodland_street_sewer_project.pdf.

In order to assist us with the design and cost estimate, we are including the following:

- Measurement Sheet – Please fill out this form and return it to us in the postage-paid envelope at your earliest convenience. This will help us determine the layout of the new sewer system for the area. If you need assistance with the measurements please call the WPCA at 860-658-3258.

Once all measurement sheets are returned, the Town will create a preliminary design and cost estimate. Please be aware that contractors will periodically be in the vicinity to survey the area in order to help with the design. If this project moves forward, Dyno Nobel will be responsible for all costs associated with the project. **HOMEOWNERS WILL NOT BE REQUIRED TO PAY FOR ANY OF THE MAIN LINE CONSTRUCTION.** A public hearing will be conducted to present a preliminary design with a cost estimate, take public comment and answer any questions. You will be notified by mail when the public hearing will take place.

Please contact me at 860-658-3258 if you have any questions or need additional information. We look forward to receiving your information.

Sincerely,

Anthony Piazza, Superintendent
Simsbury Water Pollution Control

cc: Maria Capriola, Town Manager
Paul Gilmore, WPCA Chairman
Tom Roy, Director of Public Works

Enclosure

Measurement Sheet

Name _____

Street Address _____

Phone/Email _____

Directions:

1. Locate your sewer pipe. This is typically a 4-inch diameter, white or black plastic pipe running through your foundation wall. Your sewer pipe could also be cast iron or clay.
2. Measure from the top of your concrete foundation wall, to the bottom of the pipe where it goes into the wall.
3. Record the measurement on the diagram below.
4. If your sewer pipe does not exit through the foundation wall, but instead goes straight down through the floor, measure the distance from the top of your foundation wall to the concrete floor.

