



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 – March 13, 2023 – 6:00 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC AUDIENCE

- Participants can address the Board of Selectmen in person at the meeting
- Email townmanager@simsbury-ct.gov by noon on Monday, March 13, 2023 to register to address the Board of Selectmen live through Zoom
- Written comments can be emailed to townmanager@simsbury-ct.gov. Written comments will not be read into the record, but forwarded to all Selectmen via email

FIRST SELECTMAN'S REPORT

TOWN MANAGER'S REPORT

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

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

SELECTMEN ACTION

- a) Tax Refund Requests
- b) FY 23/24 Budget Discussion and Adoption
- c) Town Manager Executive Search Committee

APPOINTMENTS AND RESIGNATIONS

- a) Appointments to Various Boards and Commissions

COMMUNICATIONS

- a) Memo from T. Roy re: Household Hazardous Waste Events for 2023, dated February 23, 2023
- b) Oral Update on Work Group to Develop an Ordinance Prohibiting the Use of Tobacco, Vaping and Cannabis Products on Public Property

REVIEW OF MINUTES

- a) February 27, 2023 Regular Meeting Minutes
- b) March 7, 2023 Special Meeting Minutes

EXECUTIVE SESSION

- a) Pursuant to Connecticut General Statutes 1-200(6)(A): Discussion of Employment of Town Manager

ADJOURN

Following adjournment, Pursuant to 1-200 (2), the Board of Selectmen and its Legal Counsel will meet as the Executive Search Committee



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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Tax Refund Requests
2. **Date of Board Meeting:** March 13, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Colleen O'Connor, Tax Collector

Maria E. Capriola

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

If the Board of Selectmen supports approving the tax refunds as presented, the following motion is in order:

Move, effective March 13, 2023 to approve the presented tax refunds in the amount of \$3,614.70, 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 \$3,614.70. The attachment dated March 13, 2023 has a detailed listing of all requested tax refunds.

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

- a) Requested Tax Refunds, dated March 13, 2023

REQUESTED TAX REFUNDS
MARCH 13, 2023

	BILL NUMBER	TAX	INT	TOTAL
List of 2019				
Kozey Kathryn N	19-02-60175	\$17.84		\$17.84
Total 2019		\$17.84	\$0.00	\$17.84
List 2021				
Bordonaro Brittany L	21-03-51773	\$788.89		\$788.89
Financial Ser. Veh. Trust	21-03-55882	\$784.10		\$784.10



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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** FY 23/24 Budget Discussion and Adoption
2. **Date of Board Meeting:** March 13, 2023
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Amy Meriwether, Finance Director/Treasurer
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
If the Board is prepared to take action on the FY 23/24 budget this evening, you may do so. Budget motions will be provided at your meeting Monday evening following the Saturday budget workshop. Should the Board need additional time to discuss the budget, a meeting is scheduled on March 15th at 6pm.
5. **Summary of Submission:**
The Board is scheduled to continue its discussion on the FY 23/24 budget from their March 9th and 11th budget workshops. If needed, the Board can carry the discussion forward to a meeting on March 15th. The Board of Selectmen approved budget will be presented to the Board of Finance on March 21st. The public hearing on the budget is scheduled for April 4, 2023.
6. **Financial Impact:**
The Manager's proposed operating budget was released on February 27th.

Budget items are routinely added to the following website: <https://www.simsbury-ct.gov/finance/pages/2023-2024-budget-information>
7. **Description of Documents Included with Submission:**
 - a) FY 2023/2024 Sample Budget Motions – *FORTHCOMING MONDAY EVENING*
 - b) Budget Workshop Flagged Items – *FORTHCOMING MONDAY EVENING*



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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Town Manager Executive Search Committee

2. **Date of Board Meeting:** March 13, 2023

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

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

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

If the Board of Selectmen supports appointing themselves as the executive search committee to identify a successor Town Manager, the following motion is in order:

Move, effective March 13, 2023 to appoint the Simsbury Board of Selectmen as the Executive Search Committee to identify a successor Town Manager.

5. **Summary of Submission:**

Town Manager Maria Capriola has resigned from service with the Town of Simsbury effective May 1, 2023. The Board of Selectmen, Town Manager, and its legal counsel have met to begin transition planning. All involved will work towards creating a responsible plan that ensures stability and continuity of services for the Town. The Town is working towards identifying an Interim Town Manager to ensure that residents are served at the highest level during the transition.

Town Attorney Robert DeCrescenzo and Labor and Employment Counsel Mike Harrington will provide staff and technical assistance to the Committee.

6. **Financial Impact:**

Funds, in an amount yet to be determined, will be needed to assist with the executive search process.

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

None



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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

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

2. **Date of Board Meeting:** March 13, 2023

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

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

Maria E. Capriola

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

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

Move, effective March 13, 2023, to appoint Erik Petersen as a Regular Member of the Culture Parks & Recreation Commission with a term ending January 1, 2026.

Move, effective March 13, 2023, to appoint Margaret Haldeman as a Regular Member of the Aging & Disability Commission with a term ending January 1, 2027.

Move, effective March 13, 2023, to appoint Libby Easton-May as an Alternate Member of the Aging & Disability Commission with a term ending January 1, 2024.

5. **Summary of Submission:**

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

1. Erik Petersen (D) as a Regular Member of the Culture Parks & Recreation Commission. The appointee will fill the vacancy created by the resignation of Rachel Wellman (D) from this position effective January 23, 2023. Pursuant to our Charter, since the vacancy occurred mid-term, it must be filled by the same political party, which in this case is the Democratic party. The appointee will serve the remainder of the 4-year term which expires January 1, 2026.
2. Margaret Haldeman (D) as a Regular Member of the Aging & Disability Commission. The appointee will serve a 4-year term ending on January 1, 2027.
3. Libby Easton-May (D) as an Alternate Member of the Aging & Disability Commission. The appointee will fill the vacancy created by Jennifer Seiderer moving from Alternate to Regular Member of the Commission effective September 28, 2022. Pursuant to our Charter, since the vacancy occurred mid-term, it must be filled by the same political party, which in this case is the Democratic party. The appointee will serve the remainder of the 2-year term until January 1, 2024.

6. Financial Impact:

None

7. Description of Documents Included with Submission

a) Bio of Erik Petersen

Erik Petersen is local business owner in the Farmington Valley and lifelong resident of Simsbury. He has been coaching the Simsbury High School Boys Cross Country Team and outdoor distance track team for several years and values the beautiful outdoor spaces that our town has to offer. As a child Erik grew up in West Simsbury where he played sports on town fields, swam at Simsbury Farms and attended Camp-Stuff-To-Do. As a teenager he worked the summer program at Tariffville School as an employee of the parks and rec department. In his free time Erik enjoys hiking and mountain biking in the trails off of Town Forest, taking his dogs for a walk in the beautiful trails and open spaces found throughout our town and enjoying picnics in the parks with his children. As a member of the Board of Directors for the Simsbury Parks and Recreation Department Erik hopes to work towards maintaining, preserving and protecting Simsbury's out-door spaces and recreation facilities.



Town of Simsbury

66 TOWN FOREST ROAD, WEST SIMSBURY, CONNECTICUT 06092
Phone (860) 658-3222 Fax (860) 408-5416 E-mail troy@simsbury-ct.gov

~ Thomas J. Roy, P.E. – Director of Public Works ~

Memorandum: Household Hazardous Waste Events for 2023

To: Maria Capriola, Town Manager
CC: Board of Selectmen
From: Thomas J. Roy, P.E., Director of Public Works/Town Engineer
Date: February 23, 2023

The Simsbury Public Works Department will be participating in three Household Hazardous Waste Collections during 2023:

- March 25, 2023 – Farmington High School, 10 Monteith Drive, Farmington
- June 10, 2023 – Simsbury Public Works Facility, 66 Town Forest Road, West Simsbury
- October 7, 2023 – Simsbury Public Works Facility, 66 Town Forest Road, West Simsbury

These events are run in conjunction with the Towns of Avon, Canton, Farmington, Granby, and Suffield. Simsbury residents will be able to bring their qualifying items to these events by providing proof of residency upon arrival.

These collections are for items that cannot go into the regular trash, keeping hazardous materials from being deposited into the landfill. Residents can find more information on which items are acceptable (as well as some suggestions on what to do with items that are not) by visiting the following:

<https://www.simsbury-ct.gov/public-works/pages/household-hazardous-waste-collection>

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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Oral Update on Work Group to Develop an Ordinance Prohibiting the Use of Tobacco, Vaping and Cannabis Products on Public Property
2. **Date of Board Meeting:** March 13, 2023
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager *maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
This item is informational, no action is required at this time.
5. **Summary of Submission:**
First Selectman Mackstutis has requested an oral update of this item, which will be provided.
6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
None

CALL TO ORDER

The Regular Meeting of the Board of Selectmen was called to order at 6:00 p.m. Present were: First Selectman Wendy Mackstutis; Deputy First Selectman Amber Abbuhl; Selectmen Heather Goetz, Sean Askham, Eric Wellman and Chris Peterson. Others in attendance included: Town Manager Maria E. Capriola; Director of Culture, Parks and Recreation Tom Tyburski; Management Specialist Tom Fitzgerald and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC HEARING

Ms. Mackstutis said the Board voted 4/2 on January 9, 2023, to work on an ordinance about the retail sale of cannabis in Simsbury.

a) Proposed Ordinance to Temporarily Prohibit the Retail Sale of Cannabis in Simsbury

- **Participants can address the Board of Selectmen in person at the meeting**
- **Email townmanager@simsbury-ct.gov by Monday, February 27, 2023, to register to address the Board of Selectmen live through Zoom**
- **Written comments can be emailed to townmanager@simsbury-ct.gov, Written comments will not be read into the record, but forwarded to all Selectmen via email**

Joan Coe, 26 Whitcomb Drive, said this is the same information the residents had before, and they already said no about the sale. She feels the Board is trying to delay the vote so the new Board will have to handle it. This delay won't change anything.

Mark Warren, 15 Oakwood Road, feels nothing will stop the sale of cannabis. It is a legal product, and it will increase revenues for the Town, increase employment and social equity. He feels the ordinance is a waste of time as we already have a cannabis manufacturing facility in Town, which is pretty hypercritical.

Josiah Schlee, 45 Banks Road, a medical cannabis patient, said the issue is a lack of education. He feels a lot of hateful things have been said. He feels the sale would give back to the Town. He is very confused about how we can grow it but not sell it. People need to be realistic and stop beating around the bush on this issue.

Barry Klein, 4 Bob White Way, said he has heard a lot of stories about Connecticut having marijuana as a legal medication, but his concerns is about another 18-month delay as if there is no action taken the issue will expire. We need movement now and if we need to change it can be done later after we see how it can affect the Town.

Laurie Nilsen, 12 Talcott Mountain Road, feels if we allow the cannabis here it will change the charm and character of the Town. She is in favor of banning cannabis.

Lori Boyko, 15 Oakhurst Road, said Simsbury is a beautiful, bike safe Town. She feels demand must be created and wants to know where the Town is headed. She is not in favor of the sale of cannabis in Town.

Elizabeth Peterson, 32 Fox Den Road, feels this issue is well within the Boards options We already have an issue with people being high. We need to educate people first and then enforce the laws and recreational cannabis after that.

Jocelyne Klein, 4 Bob White Way, said after researching she doesn't want cannabis sales in Town. What's the rush, pump the brakes and make a convincing argument on the issue. She is confused if it is a good idea or a bad idea at this point. She wants true answers to all the questions.

Ms. Mackstutis said all of the residents' emails have been forwarded to the Board. She reminded everyone of the options on this issue.

After no further comment, Mr. Askham made a motion to close the Public Hearing at 6:23 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Ms. Mackstutis said the Board can sit and wait or add this to the agenda to vote on.

After some discussion, Mr. Askham made a motion to amend the agenda to add the Proposed Ordinance to Temporarily Prohibit and Retail Sale of Cannabis in Simsbury after public audience. Ms. Goetz seconded the motion. All were in favor and the motion passed.

PUBLIC AUDIENCE

Barbara Weldon, 48 Brettonwood Drive, spoke about fencing issues at her development. This issues was supposed to have been resolved before Tractor Supply opened, but there are still issues. Several notices about the violation have come and gone and the fencing is still not completed. She is appealing to the Board of Selectmen to finally take care of this issue.

Joan Coe, 26 Whitcomb Drive, said she wants a new RFP done for Town Attorney because of several issues including conflict of interests. She also spoke about Eno Trust housing and blighted properties in Town.

Laurie Boyko, 15 Oakhurst Road, spoke about the Zoning Compliance Officer not addressing her inquiries quicker.

Mr. Peterson made a motion, effective February 27, 2023, to adopt the proposed Ordinance to Temporarily Prohibit the Retail Sale of Cannabis in Simsbury, CT as presented, which will take effect 21 days after publication in the newspaper having circulation within the Town of Simsbury. Further move, to authorize the summary of the adopted ordinance be published. Ms. Abbuhl seconded the motion. Mr. Peterson, Ms. Abbuhl, Mr. Askham and Ms. Goetz were in favor with Ms. Mackstutis and Mr. Wellman not in favor. Therefore, the motion passed.

PRESENTATION

a) Town Manager's Proposed FY 23/24 Budget

Ms. Capriola went through her objectives of this FY 23/24 budget. She said these are preliminary numbers. The Grand List will go up about 26.85% generating approximately \$22.3M.

Ms. Capriola went through the FY 23/24 revenue outlook with a tax rate of 98.5%.

Ms. Capriola went through the General Fund Expenditures saying they anticipate salary increases, especially due to minimum wages going up. She has put in a \$25,000 contingency fund for early voting.

Ms. Capriola went through the service improvements saying they prioritized service improvements requests for consideration. She also went through the approved uses for ARPA funding and outside agency requests.

Ms. Capriola went through the Board of Selectmen initiatives with financial management and capital planning shared services.

She said there are a number of various capital and CNR projects like Health, Safety, Well-being of the Community, economic development, tourism maps, Tariffville area plans, etc. She said she is engaged in high quality workforce items.

Ms. Capriola went through the Capital and Debt Service Budget. She wants to utilize available cash for smaller value and routine capital needs that shouldn't be bonded for. She will continue to build the capital reserves with capital project close-outs and year-end savings when available. She will continue to quantify our capital and CNR needs.

Ms. Capriola went through the Capital Fund Projects, like the Golf Course Irrigation System. She went through the Public Works list and Sewer-WPCA.

Ms. Capriola went through FY23/24 CNR fund revenues, which doesn't include education projects. She also went through the CNR Fund projects and fund balance.

She said the mill rate will be down 17.00%, which doesn't include the Fire District. She went through the revaluation chart also. She said most of the money will go to Education, benefits and insurance, the debt service, public safety and public works. She highlighted items in the budget summary.

She said the Board should think about outside agency fund requests, SVAA requests, ARPA funding requests and look at opportunities we have.

There was discussion on the ARPA funding requests and other budget items. There will be budget workshops on March 9, 11, 13 and possibly the 15th. The Board of Selectmen need to adopt the budget on March 13 or 15th. Then the Board of Selectmen budget needs to go to the Board of Finance on March 21st. The anticipated budget referendum is either May 2nd or May 16th.

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

FIRST SELECTMAN'S REPORT

There was no First Selectman's report at this time.

TOWN MANAGER'S REPORT

Ms. Capriola, Town Manager, said the offices will try to be open by noon tomorrow due to the storm.

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

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

Ms. Abbuhl said tomorrow between 3:30 – 4:30 there will be office hours with Kristen Formanek and herself.

Mr. Peterson said they are close to a final design for the Simsbury Farms Playscape. He also spoke about the baseball field renovations.

Ms. Goetz welcomed three new businesses in Town. She said Inland/Wetlands will be holding a hearing on March 7th at 7:30.

SELECTMEN ACTION

a) Tax Refund Requests

Mr. Wellman made a motion, effective February 27, 2023, to approve the presented tax refunds in the amount of \$2,326,42, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

b) Donation from Keith and Carol McLean-Shineman

Ms. Abbuhl made a motion, effective February 27, 2023, to accept a donation from Keith and Carol McLean-Shineman in the amount of \$1850.00 for the purpose of supporting Simsbury food programs with our thanks. Mr. Wellman seconded the motion. All were in favor and the motion passed.

c) Proposed Revisions to Personnel Rules and Regulations

Ms. Capriola said she spoke to labor council and the public safety committee about non-union staff documents and other changes in the Personnel Rules and Regulations. There was some discussion on exit interview feedbacks and harassment issues.

After discussion, Mr. Askham made a motion, effective February 27, 2023, to approve the proposed revisions to the Personnel Rules and Regulations with the proposed change to add feedback “must be offered” on their employment on 10.5 Exit Interview. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

APPOINTMENTS AND RESIGNATIONS

a) Resignation from the Greater Hartford Transit District Board of Directors

Mr. Wellman made a motion, effective February 27, 2023, to accept the resignation of Ferg Jansen from the Greater Hartford Transit District’s Board of Directors with our thanks. Mr. Askham seconded the motion. All were in favor and the motion passed.

b) Appointments to Various Boards and Commissions

Ms. Abbuhl made a motion, effective February 27, 2023, to appoint Colleen Yates as a Regular Member of the Library Board of Trustees with a term expiring December 4, 2023. Mr. Askham seconded the motion. All were in favor and the motion passed.

c) Proposed Appointment to the Community for Care Committee

Ms. Abbuhl made a motion, effective February 27, 2023, to appoint Mike Paine as a Regular Member of the Board of Ethics with a term expiring January 1, 2027. Ms. Goetz seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a) Minutes of February 15, 2023, Special Meeting

There were no changes to the Special Meeting Minutes of February 15, 2023.

COMMUNICATIONS

a) Letter for CT Humanities Council Grant for Simsbury Meadows Facility Expansion, dated February 23, 2023 - there was no discussion at this time.

ADJOURN TO EXECUTIVE SESSION

a) General Statutes Section 1-200(6)(B) discussion of pending litigation: DWW Solar II v. Simsbury (tax appeal)

There was no Executive Session.

ADJOURN

Mr. Peterson made a motion to adjourn at 8:30 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio
Clerk

CALL TO ORDER

The Special Meeting of the Board of Selectmen was called to order at 5:10 p.m. Present were: First Selectman Wendy Mackstutis; Deputy First Selectman Amber Abbuhl; Selectmen Heather Goetz, Sean Askham, Eric Wellman and Chris Peterson. Others in attendance included: Town Manager Maria E. Capriola; Town Attorney Robert DeCrescenzo; Labor Attorney Mike Harrington.

EXECUTIVE SESSION

a) Pursuant to Connecticut General Statutes 1-200(6)(A): Discussion of Employment of Town Manager

Mr. Wellman made the motion, seconded by Mr. Peterson to enter into executive session. The motion passed unanimously. All members of the Board of Selectmen, with Attorneys Harrington and DeCrescenzo and Town Manager Capriola were in attendance. Mr. Askham moved to leave executive session; motion passed unanimously.

ADJOURN

The meeting adjourned at 7:02 p.m.

Respectfully submitted,

Maria Capriola, Town Manager