



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 – April 27, 2020 – 6:00 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC AUDIENCE

FIRST SELECTMAN'S REPORT

TOWN MANAGER'S REPORT

SELECTMEN ACTION

- a) Tax Refund Requests
- b) Bid Waiver for Tecton Architects to Perform A Town-Wide Buildings Assessment & Master Plan

APPOINTMENTS AND RESIGNATIONS

- a) Farmington Valley Health District Reappointment

REVIEW OF MINUTES

- a) Regular Meeting of April 6, 2020

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

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

COMMUNICATIONS

- a) Memo from T. Roy RE: 2020 Paving Memo
- b) Revised Emergency Declaration, dated April 17, 2020 and Legal Opinion re: Enforcement of Governor Lamont's Executive Orders from R. DeCrescenzo, dated April 10, 2020

ADJOURN



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Tax Refund Requests
2. **Date of Board Meeting:** April 27, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Colleen O'Connor, Tax Collector

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 April 27, 2020 to approve the presented tax refunds in the amount of \$462.88, 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 \$462.88. The attachment dated April 27, 2020 has a detailed listing of all requested tax refunds.
7. **Description of Documents Included with Submission:**
 - a) Requested Tax Refunds, dated April 27, 2020

REQUESTED TAX REFUNDS
APRIL 27, 2020

	BILL NUMBER	TAX	INTEREST	TOTAL
List 2018				
Clayton Guy A	18-01-01512	\$80.14		\$80.14
Dell Lynn Ann	18-01-01960	\$56.64		\$56.64
DJBH Investment LLC	18-01-02094	\$21.31		\$21.31
NOVAD Mgt Con. LLC (G.Fox)	18-01-02657	\$210.81		\$210.81
Sottile Rosemarie	18-01-07700	\$11.96		\$11.96
Bennett Gretchen	18-03-51352	\$4.61		\$4.61
Bennett Gretchen	18-04-80245	\$4.57		\$4.57
Cormier Joseph R	18-03-53732	\$5.87		\$5.87
Feeney James M	18-03-55641	\$1.12		\$1.12
Feeney James M	18-03-55642	\$2.91		\$2.91
Feeney James M	18-03-55643	\$6.31		\$6.31
Feeney James M	18-03-55644	\$13.27		\$13.27
Karski Sharon J	18-03-59459	\$5.14		\$5.14
Rector Keith L 2nd	18-03-65309	\$8.67		\$8.67
Rector Keith L 2nd	18-03-65310	\$2.57		\$2.57
Bosworth James L Jr	18-03-70925	\$11.61		\$11.61
Dellarippa Enrico P	18-04-80795	\$4.56		\$4.56
Dellarippa Enrico P	18-04-80796	\$4.96		\$4.96
Stanley Bradley D	18-04-83123	\$5.85		\$5.85
Total 2018		\$462.88	\$0.00	\$462.88
TOTAL 2018		\$462.88	\$0.00	\$462.88
TOTAL ALL YEARS		\$462.88	\$0.00	\$462.88



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Bid Waiver for Tecton Architects to Perform A Town-Wide Buildings Assessment & Master Plan
2. **Date of Board Meeting:** April 27, 2020
3. **Individual or Entity Making the Submission:** Maria E. Capriola, Town Manager; Tom Roy, Director of Public Works

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

If the Board of Selectmen supports approving a bid waiver for the proposed Buildings Assessment and Master Plan of the Town's buildings, the following motion is in order:

Move, effective April 27, 2020, to waive the RFP (Request for Proposal) process for the Town-wide Buildings Assessment and Master Plan and authorize Town Manager, Maria E. Capriola, to execute a contract with Tecton Architects.

5. **Summary of Submission:**

In order to better understand the conditions of our Town buildings and to prepare for future capital improvements on our buildings, we are seeking to retain the services of a qualified team of design professionals led by Tecton Architects to conduct a town-wide conditions assessment and buildings master plan for our facilities. This study is very similar to the School Facilities Master Plan that was recently completed by Tecton. Due to the similarity in scope and our shared Capital Improvement plan with the Board of Education, there are numerous benefits to using the same team of design professionals. A memo outlining the benefits to using Tecton is attached.

The Town Attorney is assisting staff and Tecton in finalizing an agreement that captures the agreed upon scope of services.

6. **Financial Impact:**

The proposed fee of up to \$212,750 (\$183,750 if we don't select their software option) for the work is below the FY 16/17 capital budget of \$400,000 for this project and is comparable to the rates used for the BOE Master Plan process.

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

- a) Memo from T. Roy, Re: Recommendation for Contract Award to Tecton Architects for Town Buildings Conditions Assessment and Master Planning, dated April 1, 2020



Town of Simsbury

66 TOWN FOREST ROAD, SIMSBURY, CONNECTICUT 06070

~ Department of Public Works ~

Memorandum: Recommendation for Contract Award to Tecton Architects for Town Buildings Conditions Assessment and Master Planning

To: Maria Capriola, Town Manager – Amy Merriweather, Finance Director

CC: Melissa Appleby, Tom Fitzgerald, Ray Harris

From: Thomas J. Roy, PE - Director of Public Works

Date: April 1, 2020

The Town has for some time been working to conduct a Conditions Assessment and Master Plan related to all of the Town-maintained buildings. A study of this type is critical for the Town's long-term capital planning and budgeting processes. This is a significant undertaking, as the Town maintains over 50 building structures, including several large buildings and buildings with historic designations.

This past year we have all seen the benefits of a building master planning process through the work completed by the Board of Education and their in depth review of the school facilities. This work has been eye opening for the community, as many residents did not recognize the need and expense to maintain our schools in a state of good repair. The work completed for the BOE was done by a team of professionals led by Tecton Architects of Hartford Connecticut.

Tecton and their team of consultants were selected following a competitive RFP process that was conducted in the fall of 2018. In addition to BOE staff, our Engineering Department took part in the review and selection process and supported the decision to award the project with a base value of approximately \$117,000. Additional work has resulted in additional fees to Tecton. The BOE representatives report the Tecton has been a pleasure to work with.

As we look to our needs for the Town's master plan, it is clear that hiring Tecton will provide a number of advantages, most notably the continuity of one team of design professionals making recommendations for both master plans. This continuity will provide a fair and evaluation with the same staff utilizing the same metrics. This will allow for the two master plans to function together, so our elected leaders can make comparisons and draw accurate conclusions.

We have developed a comprehensive scope with Tecton and they have provided a fee proposal with a total value of \$212,750. At the Town's request, Tecton has provided the attached letter comparing the cost provided to the BOE with the fee for the Town's proposed work. For the Town's 10 major buildings, the fee per building is less than the fee for the school buildings.

I believe it is in the Town's best interest to award the Conditions Assessment and Master Plan project to Tecton Architects with a value of \$212,750, as they have a proven team with experience in Simsbury and are uniquely positioned to provide the best product for the Town.

March 31, 2020

Thomas Fitzgerald, Management Specialist
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070
(860) 658-3230

Re: Proposal for Professional Services – Comparison Matrix
Town Owned Buildings - Simsbury, CT

Dear Thomas:

As requested, please find the comparison matrix below illustrating the scope of work and fee related to the work performed for the Simsbury Public Schools (left, green color) compared to the proposed project for the town owned buildings (right side, blue). We compared the total number of major buildings reviewed and the scope/fee for the existing conditions walkthroughs and analysis and the development of a capital/master plan. For purposes of this analysis we did not account for the fifty-one minor building structures also included in the town owned buildings proposal, although we can if you request to do so. Lastly, you will see the average projected cost per major building for similar and related scope of work items is slightly lower for the town owned buildings.

Comparison Matrix (Scope & Fee)

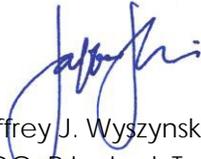
Simsbury - Public Schools		Simsbury - Town Owned Buildings	
Major Buildings Reviewed	7	Major Buildings Reviewed	10
Central School		Eno Memorial Hall	
Latimer Lane School		Apple Barn	
Squadron Line School		Park & Golf Maintenance	
Tariffville School		Simsbury Farms Recreation Complex	
Tootin' Hills School		Golf Pro Shop/Restaurant	
Henry James Memorial		Ice Rink	
Simsbury High School		Town Hall/Office Building	
		Highway Department Garage	
		BOE/Buildings & Grounds Building	
		Simsbury Public Library	
		Major Buildings Reviewed	51
Existing Cond. Inv. & Analysis	\$71,250	Existing Conditions Inventory & Analysis	\$89,250
Reconfiguration Study	\$56,250	Program, Test Fit, Conceptual Design	\$33,000
Enrollment Projections	\$14,500	Digital Database	\$29,000
Facilities' Master Plan	\$45,445	Development of Capital Plan	\$37,000
Subtotal	\$187,445	Public Mtgs./Presentations	\$24,500
		Subtotal	\$212,750
Applicable/Related Tasks Subtl.	\$116,695	Applicable/Related Tasks Subtl.	\$126,250
Cost per Major Building	\$16,671	Cost per Major Building (minor blds not inc.)	\$12,625

Thomas Fitzgerald - Management Specialist, Town of Simsbury
Proposal for Professional Services – Comparison Matrix
Town Owned Buildings - Simsbury, CT
March 31, 2020

We trust this information is responsive to your request, please contact me directly should you have any questions.

As you know, the governor has deemed our profession along with other related construction professionals essential functions to the state. Therefore, our employees are continuing to work remotely and perform on site assessments and observation in accordance with federal, CDC and OSHA guidelines. Therefore, we can commence work upon authorization and notice to proceed. Thanks again for this opportunity, and hope you and your staff stay safe and healthy during these trying times.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeffrey J. Wyszynski', is positioned above the printed name.

Jeffrey J. Wyszynski, AIA
COO, Principal, Tecton Architects

F:\Projects\Simsbury CT\Sim02mp - Town Facilities MP\01 Project Management\01 Fees and Contracts\20 03 10 - SIM02MP - Comparison.doc



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Farmington Valley Health District Board of Health Reappointment
2. **Date of Board Meeting:** April 27, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager

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

If the Board of Selectmen supports the reappointment of Jeff Shea to the Board of Health for the Farmington Valley Health District, the following motion is in order:

Move effective April 27, 2020, to reappoint Jeff Shea to the Farmington Valley Health District Board of Health for a three-year term effective May 8, 2020.

5. **Summary of Submission:**

The Farmington Valley Health District (FVHD) serves as the local health department for the Town of Simsbury and nine other member towns. Per the District's bylaws, each municipality in the District must appoint one member to the Board of Health for each 10,000 population, or part thereof. Based on our current population, we are entitled to three membership slots. The terms of office for Board members are three years, with successive terms permitted.

Our current representatives on the Board of Health are: Melissa Appleby, Deputy Town Manager; Jeff Shea, Town Engineer; and Sue Beardsley, Director of Health Services at Simsbury High School.

Mr. Shea's term expires on May 8, 2020. At your April 6, 2020 meeting, you reappointed Ms. Appleby and Ms. Beardsley to three-year terms effective April 24, 2020.

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 6:04 p.m. on ZOOM due to COVID 19. Present were: First Selectman Eric Wellman; Deputy First Selectman Sean Askham; Board members Wendy Mackstutis, Jackie Battos, Mike Paine, and Chris Peterson. Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Finance Director Amy Meriwether; Culture, Parks and Recreation Director Tom Tyburski; Planning Director Mike Glidden; Police Chief Nicholas Boulter; Tax Collector Colleen O’Connor, and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC AUDIENCE

Mr. Wellman said residents have e-mailed their comments and he and Mr. Askham read them. Comments can be sent to EButler@simsbury.ct.org.

Wanda Coleman wrote about preserving open space and feels this space is the survival of life on our planet.

Heather Eversdyke wrote about open space and keeping the community healthy. She also agrees with preserving open space.

Helen Peterson wrote that she endorses the acquisition study and exploration of all aspects of open space. She feels this parcel fits with the Towns profile and conservation is best for the residents.

Joan Coe wrote about the budget, COVID-19 unknowns, not acquiring more land, the golf course, arbitration costs her FOI requests, having professional ambulances in Simsbury and other issues.

Diane Nash also wrote about open space and using volunteers to help keep up with the maintenance of the open space. She feels the public wants to take care of nature and want open space.

Ashley Burke wrote that the development of open space could be devastating to the residents and how it needs to be preserved.

Judy and John Schaefer wrote about being concerned about open space and the costs and benefits of it.

Jonathan Kahl wrote about Meadowoods not being developed as the land is contaminated. The only things he would like developed in Simsbury is manufacturing. He also wrote about having fiber optics in Simsbury and changing the Board minutes.

Susan Brachwitz wrote about having open space and CPR should be two separate items in the budget. She feels the taxpayers put a high value on natural space.

Eugenia Aeschlimann wrote about putting soccer fields in the neighborhood and how that would increase traffic, noise and pollution. She also asked about what the lights would do to the neighborhoods.

Danielle D’Ermo wrote about the Town losing their character if open space is developed. She doesn’t want to lose open spaces in the Town. She would actually like the Town to purchase more open space by using grants, etc.

Garrett Camponetti wrote that he is glad the Town has an interest in developing the Meadowood property and he would like to help get involved.

Jill Schlicher wrote about purchasing the Meadowood property and how he feels the purchase would benefit if owned by the Town.

Stephen and Kathy McDonnell wrote about open space and tax savings. They feel the Town should consider the acquisition for the long term benefits of the Town.

Derek Mogck wrote that he supports more athletic fields and feels this space should be a number one priority.

Susan Masino thanked the Board for preserving the Town during this difficult time. She wrote about The Grange and said they approved matching grants for community resilience. She spoke about Read and Seed in Hartford. More information can be seen at IOBY.com – search grange. She also wrote about preserving open space and how important it is. She said the residents have always said they want to preserve open space. She also spoke about Culture, Parks and Recreation having a master plan and making policies on open space.

David Bush wrote about supporting the purchase of the Meadowood property and he feels this makes good fiscal sense and it preserves for future generations.

Lauren Miller wrote that he feels the Library budget should be increase \$20,000 for 20/21to help expand the patron base. Simsbury seems to be behind for having materials available.

Christopher Loftus wrote about the budget and teaming up with Granby for a new radio system. We should all work together for extra savings.

PRESENTATIONS

b) Potential Meadowood Open Space Acquisition

Mr. Wellman said the Trust for Public Land contacted the Town regarding a potential purchase of 288 acres of land called “Meadowood”.

J.T. Horn, Senior Project Manager of the Meadowood Conservation purchase, gave a presentation on the project history, environmental clean-up and the attributes of Meadowood. He said some of the attributes include historical resources, community trails, agricultural soils and an opportunity for continued farming, etc.

Mr. Horn went through possible capital funding model and the action that Simsbury would have to take for this project.

After some discussion, there was no action taken at this time.

a) Autism Awareness Proclamation and Presentation

Mr. Wellman read the following proclamation:

AUTISM AWARENESS

WHEREAS, autism is the results of a neurological disorder that affects the normal functioning of the human brain, and can affect anyone, regardless of race, ethnicity, gender, or socioeconomic background; and,

WHEREAS, symptoms and characteristics of autism may present themselves in a variety of combination and can result in significant lifelong impairment of an individual’s ability to learn, develop healthy interactive behaviors, and understand verbal as well as non-verbal communication; and

WHEREAS, the effort to address autism continues, doctors, therapists, and educators can help persons with autism overcome or adjust to its challenges and provide early, accurate diagnosis and the resulting appropriate and,

WHEREAS, ensuring that persons living with autism have access to the lifelong care and services needed to pursue the full measure of personal happiness and achieve their greatest potential; and,

WHEREAS, the Town of Simsbury is honored to take part in the annual observance of Autism Awareness Month and World Autism Awareness Day in the hope that it will lead to a better understanding of the disorder; and,

THEREFORE, I, Eric S. Wellman, First Selectman do hereby proclaim April 2020 as **AUTISM AWARENESS MONTH** and April 6, 2020 as **WORLD AUTISM AWARENESS DAY** in Simsbury to raise public awareness of autism and the myriad of issues surrounding autism, as well as to increase knowledge of the programs that have been and are being developed to support individuals with autism and their families.

IN WITNESS THEREOF, I have placed my seal and the great seal of the Town of Simsbury.

Date the 6th day of April 2020.

Eric S. Wellman, First Selectman

Ms. Mackstutis made a motion, effective April 6, 2020, to authorize First Selectman Eric Wellman to issue a Proclamation in support of Autism Awareness Month. Mr. Askham seconded the motion. All were in favor and the motion passed,

Mr. Wellman read a letter from Jack Knoll about using blue lighting for Autism Awareness. Having Eno Memorial Hall lit in blue gives a positive message and gives the Town awareness of Autism.

FIRST SELECTMAN’S REPORT

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

TOWN MANAGER’S REPORT

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

SELECTMEN ACTION

a) Resolution to Extend Budget Process Timeframes

Mr. Wellman said the Governor issues an Executive Order No.71, which removes any in-person voting requirements, including referenda and town meetings requiring in-person votes, for the purpose of adopting FY 20/21 municipal budgets and setting a mill rate. Therefore, the Board of Selectmen needs to designate the Town’s “budget-making authority” as the final body to adopt a budget and set the mill rate. Under Simsbury’s Charter, this body would be the Board of Finance.

Ms. Battos made a motion, effective April 6, 2020, to adopt the attached resolution extending the timeframes associated with the FY 20/21 budget development process and authorizing the Board of Finance to adopt the final budget should Executive Order No. 71 remain in effect after May 21, 2020. Mr. Paine seconded the motion. All were in favor and the motion passed.

b) Property Tax Deferral Program and Low Interest Rate Program

Mr. Wellman said at the beginning of the month the Governor issued an executive order that was intended to provide financial relief to tax payers who need it now. The tax deferral program would extend tax payments up to 90 days and the low interest rate program would decrease the interest for delinquent property taxes from 18% to 3%.

Ms. Capriola went through the cash flow analysis. She said the approximate tax deferral program would be \$40,000 in lost revenue and the low interest rate program would be about \$50,000 in lost revenue.

After discussion, Mr. Askham made a motion, effective April 6, 2020, to move forward with the deferment program, as outlined in the Governor’s executive order No. 7S, as well as the low interest rate program, as outlined in the Governor’s order No. 7S. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

c) Tax Refunds Requests

Ms. Battos made a motion, effective April 6, 2020, to approve the presented tax refunds in the amount of \$871.90, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Mr. Paine seconded the motion. All were in favor and the motion passed.

d) Acceptance of Donation from Friends of Simsbury Farms

Mr. Wellman said the Friends of Simsbury Farms are donating funds to make needed improvements at the Simsbury Farms Golf Course.

Mr. Peterson made a motion, effective April 6, 2020, to accept a donation of up to \$12,000 from the Friends of Simsbury Farms to fund tee box leveling projects at the Simsbury Farms Golf Course. Ms. Battos seconded the motion. All were in favor and the motion passed.

APPOINTMENTS AND RESIGNATIONS

a) Farmington Valley Health District Board of Health Reappointments

Ms. Mackstutis made a motion, effective April 6, 2020, to reappoint Melissa Appleby and Susan Beardsley to the Farmington Valley Health District Board of Health for three year terms effective April 24, 2020. Mr. Askham seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a) Regular Meeting of March 23, 2020

There were no changes to the Regular Meeting Minutes of March 23, 2020, and, therefore, the minutes were adopted.

SELECTMEN LIAISON AND SUB-COMMITTEE REPORT

- 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 that Public Safety is still meeting weekly, even though not it person, and the meetings have been very productive. They have been getting updates and guidance from the Health District, Main Street, etc.
- e) **Board of Education** – Ms. Mackstutis said Board of Education will be meeting next week on Zoom to discuss Phase II of distance learning and how to handle the rest of the school year.

COMMUNICATIONS

- a) **Memo from M. Glidden RE: Old Well Bike Path Easement Referrals, dated March 31, 2020** – there was no discussion at this time.
- b) **Memo from M. Glidden RE: Disposition of Open Space Property Abutting 133 Holcomb Street Referrals, dated March 31, 2020** – there was no discussion at this time.
- c) **Letter from Board of Selectmen RE: COVID-19 Response**

Ms. Battos made a motion, effective April 6, 2020, to endorse the letter on the COVID-19 pandemic that was written by Ms. Capriola, and to share the letter with the residents. Mr. Askham seconded the motion. All were in favor and the motion passed.

EXECUTIVE SESSION

- a) **Pursuant to CGS §1-200(6)(E) Attorney Client Privileged document not subject to disclosure – Legal Opinion TM/Police Commission Duties**

TOWN OF SIMSBURY – BOARD OF SELECTMEN
REGULAR MEETING MINUTES – APRIL 6, 2020

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Mr. Askham made a motion to adjourn to Executive Session at 7:50 pursuant to CGS §1-200(6)(E) Attorney Client Privileged document not subject to disclosure – Legal Opinion TM/Police Commission Duties and to include Town Manager Maria E. Capriola, Deputy Town Manager Melissa Appleby, and Attorney Bob DeCrescenzo. Mr. Paine seconded the motion. All were in favor and the motion passed.

Mr. Paine made a motion to adjourn the executive session at 9:00pm. Mr. Peterson seconded the motion. All were in favor and it passed unanimously.

ADJOURN

Mr. Paine made a motion to adjourn the regular meeting at 9:00pm. Mr. Peterson seconded the motion. All were in favor and it passed unanimously.

Respectfully submitted,

Kathi Radocchio
Clerk



Town of Simsbury

66 TOWN FOREST ROAD, WEST SIMSBURY, CONNECTICUT 06092

~ Department of Public Works ~

Memorandum: Paving Work 2020

To: Maria Capriola, MPA – Town Manager
CC: Board of Selectmen
From: Thomas J. Roy, PE - Director of Public Works
Date: April 14, 2020

Based upon the proposed budget, the following roads are scheduled for paving during the 2020 construction season:

Canal Street	Latimer Lane (Bushy Hill Road to Rosewood)
Crestview Road	Lewis Street
Deer Park Road	Musket Trail
Dominique Lane	Owens Brook (Firetown Road to Great Pond)
Eagle Lane	Ox Yoke Drive
Fairchild Street	Powder Horn Drive
Firetown Road (Criswell Street to West Street)	Sand Hill Road
Flintlock Road	Squadron Line Road
Gretel Lane	Weatherly Road
Hartland Road	West Point Terrace
Hawks Lane	White Water Turn
Hayes Road	Wood Duck Lane
Kelly Farm Road	

Adjustments to this schedule may be required, depending on weather and other factors influencing our paving work, including, but not limited to, final budget approval and the COVID-19 crisis. Letters will be sent to residents of these streets notifying them of our anticipated work.

**AMENDED DECLARATION OF LOCAL STATE OF EMERGENCY
FOR THE TOWN OF SIMSBURY, CONNECTICUT
*Original March 16, 2020; Revised April 17, 2020***

WHEREAS, on March 10, 2020, the Governor of the State of Connecticut declared a public health emergency and civil preparedness emergency for the State of Connecticut, pursuant to Connecticut General Statutes Sections 19a-131 and 28-9, in response to the global pandemic of COVID-19 disease associated with a novel coronavirus that is currently affecting multiple countries and states; and

WHEREAS, on March 13, 2020, the President of the United States declared a national emergency to combat the coronavirus that is currently infecting the population of the United States; and

WHEREAS, the effects the transmission of COVID-19 has resulted in the spread of infections in Connecticut and throughout the country, as well as resulting in shortages of personal protective equipment and other supplies that could jeopardize public safety and civil preparedness; and

WHEREAS, in response to the issuance of declarations of a public health emergency and civil preparedness emergency by the Governor of this State, and a national emergency by the President of the United States, and the spread of COVID-19 to an unknown number of Connecticut residents as a result of the global pandemic, the First Selectman Eric Wellman and the Chief Executive Officer of the Town of Simsbury, its Town Manager Maria E. Capriola, MPA, hereby find that a local state of emergency now exists in the Town of Simsbury; and

WHEREAS, due to the significant danger to public health posed by the spread of COVID-19 and possible shortages of supplies and equipment necessary to protect the public health and safety, the Town Manager must take action for the purpose of ensuring civil preparedness and mitigating the effects of this public health emergency situation upon the residents of the Town of Simsbury.

WHEREAS, it is critically important that the First Selectman and the Town Manager have all authorities necessary to limit the spread of the COVID-19 and protect public health and safety within the Town of Simsbury; and

WHEREAS, upon the declaration of a local state of emergency by the First Selectman and the Town Manager, the Town Charter authorizes the Town Manager to obligate the Town in an amount of money necessary to cope with such emergency, and to do whatever she may deem necessary for the purpose of meeting the emergency; and

WHEREAS, pursuant to Connecticut General Statutes Sections 28-8a(a), 28-1(8), and 28-22a, Town Charter Section 502(A)(8) and Chapter 11, Section 11-1et. seq. of the Code of Ordinances of the Town of Simsbury, on March 16, 2020 the First Selectman and the Town Manager declared that a state of local emergency exists in the Town of Simsbury, and

WHEREAS, In the time since the March 16, 2020 Declaration of Local Emergency, Governor Lamont has issued a number of Executive Orders addressing the pandemic as a public health and civil preparedness emergency and the accelerating spread of the COVID-19 disease. These

orders may need to be enforced locally by the Simsbury Police Department to be effective in mitigating the pandemic.

THEREFORE, IT IS PROCLAIMED AND ORDERED, that during the existence of said emergency, the Chief Executive Officer of the Town of Simsbury, Connecticut, its Town Manager, Maria E. Capriola, MPA, shall assume the powers, functions and duties prescribed and provided by law, including but not limited to Connecticut General Statutes Sections 19a-131a(d), 28-8(a), 28-1(8), and 28-22a, Charter Section 502(A)(8) and Chapter 11, Section 11-1 et seq. of the Code of Ordinances of the Town of Simsbury, and may take such action as necessary to protect the public health and mitigate this emergency; and

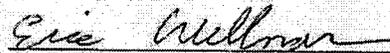
IT IS FURTHER PROCLAIMED AND ORDERED, that (1) any violation of Governor Lamont's COVID-19 Executive Orders in Simsbury is a violation of the March 16, 2020 Declaration of Local Emergency, as amended herein, Chapter 11 of the Simsbury Code of Ordinances, and General Statutes section 19a-131a(d), and (2) local enforcement is necessary to ensure the effectiveness of the Governor's Executive Orders in accordance with Conn. Gen. Stat. §7-148(c)(7)(H).

IT IS FURTHER PROCLAIMED AND ORDERED, that the Chief of Police may direct that violations be enforced by the Simsbury Police Department, where necessary and through the exercise of police discretion, through the issuance of a citation for the infraction of violation of a Town ordinance carrying a fine of up to \$250, as authorized by Conn. Gen. Stat. §7-148(c)(10). Additionally, in the case of someone who willfully interferes or obstructs any lawful civil preparedness function or activity, or violates any provision of Conn. Gen. Stat. Chap. 517, including the Governor's Executive Orders, shall be guilty of a Class D felony pursuant to Conn. Gen. Stat. §28-22.

IT IS FURTHER PROCLAIMED AND ORDERED, that this state of emergency shall remain in effect until declared terminated; and

IT IS FURTHER PROCLAIMED AND ORDERED that this order shall be available for review and inspection in the Office of the Town Clerk of the Town of Simsbury during regular business hours when the Town Clerk's office is reopened to the public and shall be posted on the Town website.

Dated: 4/17/2020


Eric Wellman
First Selectman


Maria E. Capriola, MPA
Town Manager

Attested: 
Ericka Butler
Town Clerk



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

April 10, 2020

Via Email
mcapriola@simsbury-ct.gov

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

Re: Enforcement of Governor Lamont's Executive Orders

Dear Ms. Capriola:

You have asked for my opinion regarding local enforcement of Governor Lamont's Executive Orders regarding COVID-19.

On March 10, 2020 Governor Lamont issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout Connecticut as result of the COVID-19 outbreak in the United States and the confirmed spread of the disease in Connecticut. As the Town's Chief Executive Officer, based on the conditions in Simsbury created by the COVID-19 pandemic, on March 16, 2020 you found that a state of local emergency exists in the Town of Simsbury and in response you issued a Declaration of Local Emergency.

The Declaration was issued pursuant to Connecticut General Statutes Sections 28-8a (a), 28-1(8), and 28-22a, Town Charter Section 502(A)(8) and Chapter 11, Section 11-1et. seq. of the Simsbury Code of Ordinances. Under the terms of the Declaration, you were authorized to assume the powers, functions and duties prescribed and provided by law, including but not limited to Connecticut General Statutes Sections 19a-131a(d), 28-8(a), 28-1(8), and 28-22a, Charter Section 502(A)(8) and Chapter 11, Section 11-1 et seq. of the Simsbury Code of Ordinances, and to take such action as necessary to protect the public health and mitigate the emergency.

In the time since you declared the Local Emergency, Governor Lamont has issued a number of Executive Orders to addressing the pandemic as a public health and civil preparedness emergency and the accelerating spread of the COVID-19 disease. These orders may need to be enforced locally by the Simsbury Police Department to be effective in mitigating the pandemic.

Updike, Kelly & Spellacy, P.C.
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It is a valid exercise of your emergency powers under the Declaration of Local Emergency to declare: (1) that any violation of Governor Lamont's COVID-19 Executive Orders in Simsbury is a violation of the Declaration of Local Emergency, Chapter 11 of the Simsbury Code of Ordinances, and General Statutes section 19a-131a(d), and (2) that local enforcement is necessary to ensure the effectiveness of the Governor's Executive Orders in accordance with Conn. Gen. Stat. §7-148(c)(7)(H).

Based on this declaration, the Chief of Police may direct that violations be enforced by the Simsbury Police Department, where necessary and through the exercise of police discretion, through the issuance of a citation for the infraction of violation of a Town ordinance carrying a fine of up to \$250, as authorized by Conn. Gen. Stat. §7-148(c)(10). Additionally, in the case of someone who willfully interferes or obstructs any lawful civil preparedness function or activity, or violates any provision of Conn. Gen. Stat. Chap. 517, including the Governor's Executive Orders, shall be guilty of a Class D felony pursuant to Conn. Gen. Stat. §28-22.

I have prepared an Amended Declaration of Local Emergency for execution by the First Selectman and the Town Manager to affirm that the Declaration may be enforced by the Simsbury Police Department as set forth herein.

I trust this responds to your inquiry. Should you have any questions, please do not hesitate to contact me.

Very truly yours,
Robert M. DeCrescenzo
Robert M. DeCrescenzo, Esq.
Town Attorney

RMDe/psm