



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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SIMSBURY BOARD OF SELECTMEN - AMENDED

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

Regular Meeting – April 6, 2020 – 6:00 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC AUDIENCE

PRESENTATIONS

- a) Potential Meadowood Open Space Acquisition
- b) Autism Awareness Proclamation and Presentation

FIRST SELECTMAN'S REPORT

TOWN MANAGER'S REPORT

SELECTMEN ACTION

- a) Resolution to Extend Budget Process Timeframes
- b) Property Tax Deferral Program and Low Interest Rate Program
- c) Tax Refund Requests
- d) Acceptance of Donation from Friends of Simsbury Farms

APPOINTMENTS AND RESIGNATIONS

- a) Farmington Valley Health District Board of Health Reappointments

REVIEW OF MINUTES

- a) Regular Meeting of March 23, 2020

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

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

COMMUNICATIONS

- a) Memo from M. Glidden RE: Old Well Bike Path Easement Referrals, dated March 31, 2020
- b) Memo from M. Glidden RE: Disposition of Open Space Property Abutting 133 Holcomb Street Referrals, dated March 31, 2020
- c) Letter from Board of Selectmen RE: COVID-19 Response

EXECUTIVE SESSION

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

ADJOURN



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Potential Meadowood Open Space Acquisition
2. **Date of Board Meeting:** April 6, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Mike Glidden, Director of Planning and Community Development *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
Tonight's presentation is informational. If the Board of Selectmen is interested in further vetting this potential acquisition, referrals will need to be made to the following Commissions:
 - Conservation Commission
 - Culture, Parks and Recreation Commissions
 - Open Space Committee
 - Planning Commission
 - Zoning Commission

Referrals can be made at a future meeting of the Board of Selectmen.

5. **Summary of Submission:**
The Trust for Public Lands contacted the Town of Simsbury regarding a potential purchase of the residential development known as "Meadowood." Meadowood is located off Hoskins, County and Firetown Roads, and the potential acquisition would be approximately 288 acres of land.

The Meadowood project is an affordable housing development. The project was approved via the courts. The plan calls for the construction of 296 homes with 88 out of the 296 as deed restricted affordable homes.

The project was subject to an environmental clean-up as conditions of the court's approval. The environmental remediation plan was completed under the supervision of the licensed environmental professional representing the property owner. The Town of Simsbury has engaged the services of a licensed environmental professional to review the documentation and confirm that the site has been cleaned.

Staff is recommending that approximately 24 of the 288 acres be purchased with no conservation restrictions so that the Town could have the ability to construct up to 6 multi-purpose athletic fields in the future (if needed). A concept plan has been prepared to illustrate how these fields could be developed for the construction of said fields.

6. Financial Impact:

The purchase of the 288 acres would involve funding from various sources. Numerous federal and state open space and historic preservation grants would help fund the purchase along with a contribution from the Town of Simsbury.

The Manager's proposed budget had a capital project placeholder for the potential acquisition for \$2.2M. However, the BOF expressed a desire for this to be considered in the fall and for it to be removed from the Selectmen's proposed capital budget adopted on March 9th. On March 23rd, the Selectmen voted to remove the project from their proposed capital budget at this time, but to reconsider its inclusion in the fall for a potential November referendum date.

7. Description of Documents Included with Submission:

- a) Presentation Slides
- b) Subdivision Map
- c) Aerial Photograph from GIS Documenting Existing Conditions
- d) Concept Plan Illustrating Potential Athletic Fields

Meadowood Conservation Purchase

April 6, 2020

J.T. Horn, Senior Project Manager

Trust for Public Land

- Non-profit conservation organization with “Land for People” mission
- Founded in 1972, based in San Francisco
- Active in Connecticut since 1986, office in New Haven
- Protected 92 properties/ 7,500 acres/ \$150 million fair market value in CT
- Past partnership w/ Simsbury with Ethel Walker Woods project (2007-14)

Project History

Meadowood: Residential Development

- Project is an affordable housing development which was approved by the Court in 2008
- Approved plans call for the construction of 296 single family homes; 88 of the 296 homes are deed restricted affordable homes
- Approvals valid thru March 20, 2022

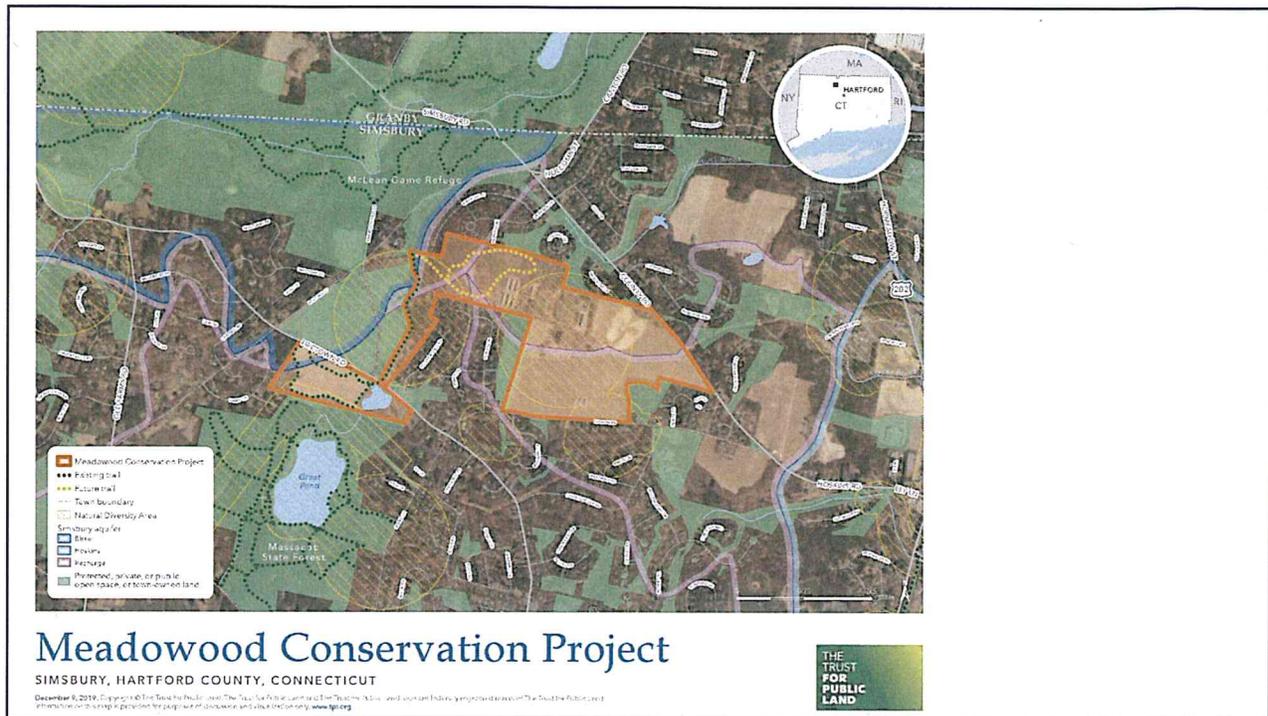


Environmental Clean-Up

Environmental Remediation

- Pursuant to the Court Settlement, Environmental remediation was required in order to “clean” site to residential exposure standards
- Actions such as soil mixing and exporting of contaminated soils were undertaken
- The Town of Simsbury has engaged the services of a Licensed Environmental Professional to review files and inspect site





Meadowood Attributes

- Historic resources – Martin Luther King Jr.
- Community trails w/ multiple new access points
- Agricultural soils and opportunity for continued farming
- Connectivity to McLean Game Refuge and other conserved lands
- Opportunity for 6 new multi-purpose athletic fields
- Preserving historic tobacco barns to the extent possible on Firetown Road

Landowner Contract

- Owned by a subsidiary of Griffin Industrial Realty
- Fully permitted for 296 unit subdivision
- TPL has a signed contract for fee purchase at \$6 million
- Initial term until February 2021, 6-month extension until July 2021
- TPL contract envisions Griffin pursuing an 18-month permit extension as a backup plan if the conservation purchase does not move forward.

Phased Conservation Outcome

1. 138 acres of open space w/ State DEEP recreational access easement
2. 24 acres for future athletic fields
3. 117 acres of farmland preservation w/ State Dept. of Agriculture easement
4. 3 acres w/ historic barns & MLK interpretive displays



Tentative Capital Funding Model

Subject to agency approvals and successful fundraising

- \$2,175,000 - Town of Simsbury
- \$820,000 – DEEP via Open Space Grant
- \$600,000 – DEEP via Land and Water Conservation Fund
- \$1,755,000 – Connecticut Dept of Agriculture
- \$500,000 – State Historic Preservation Office
- \$150,000 – Sale of private lot at 129 Holcomb St
- **\$6,000,000 total capital**
- Private funding campaign for TPL project costs **\$460,000**
- Additional funds for land management.

Simsbury Action Items

1. Allocate \$2.175-2.2 M towards land purchase and other costs
2. Request technical assistance of Trust for Public Land (avoids issues with lobbying)
3. Develop a Memorandum of Understanding with TPL outlining roles and responsibilities
4. Zoning, Planning, and Conservation Commission to review landowner's request for resubmittals of approved plans for 18 month approvals
5. Collaborate with TPL on due diligence – title, survey, environmental, appraisal



- LEGEND**
- Existing Town Open Space
 - Proposed Permanent Open Space To Be Conveyed to Town
 - Proposed Permanent Open Space To Be Purchased By Town
 - Proposed Permanent Private Open Space

Master Site Plan and Subdivision Approval
Meadowood
 Settlement Plan Submission
 Simsbury, Connecticut

Professional Seal

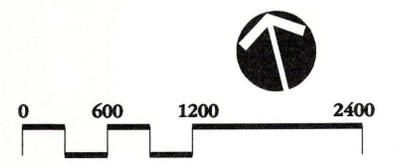
Certificate of Approval
 Received for the _____ Commission
 by: _____
 on: _____
 We hereby certify that on _____
 The _____ Commission of Simsbury,
 Connecticut approved this plan for the
 Commission.
 Chairman: _____
 Secretary: _____
 Received for filing on: _____
 by: _____ (Town Clerk)
 In accordance with the Connecticut
 General Statutes, all work in connection with this
 approval must be completed by: _____

Scale: 1" = 300'-0"
 Date: 06-02-00
 Revs: 05-30-07

Sheet Title
**Open Space
 Context**

Sheet No. **1.5**

River Bend Associates, Inc. • Owner
 Griffin Land • Project Manager
 Richter & Oegan Inc. • Master Planner/Landscape Architect
 F.A. Heath & Associates, Inc. • Engineer/Surveyor/Title
 Robert V. Fish & Associates • Residential Designer



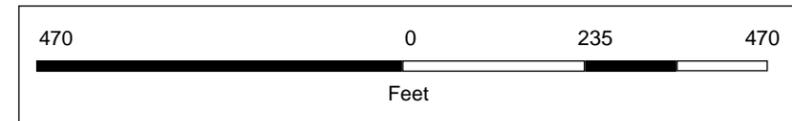


Legend

- Parcels
- Town Border
- Citations

Location

Notes



1:2,818

Meadowood Firetown Road Existing Conditions



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

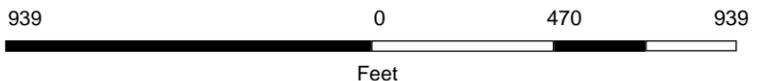


Legend

-  Parcels
-  Town Border
-  Citations

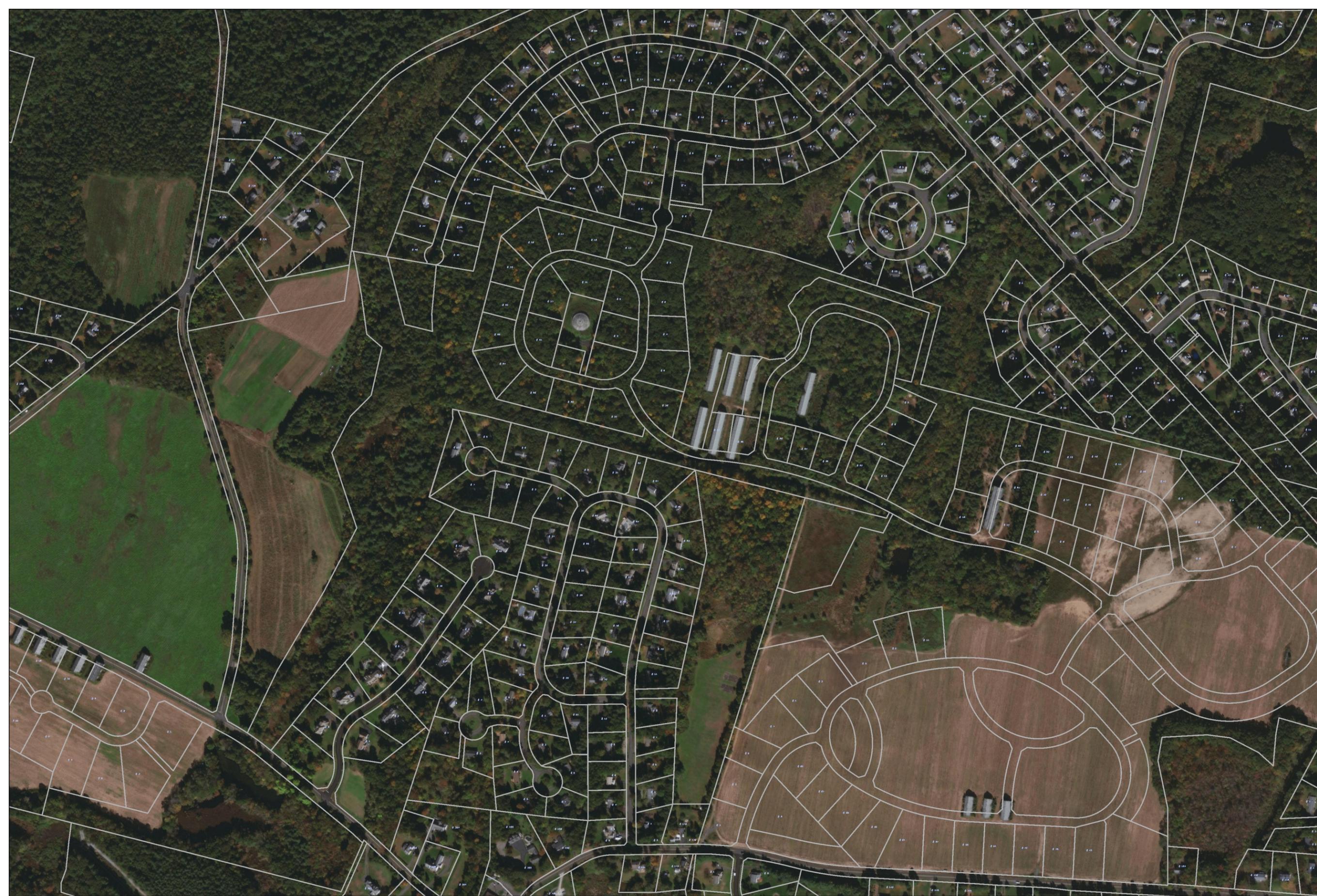
Location

Notes



1:5,634 Meadowood Hoskins and County Road Existing Part 1 Conditions 

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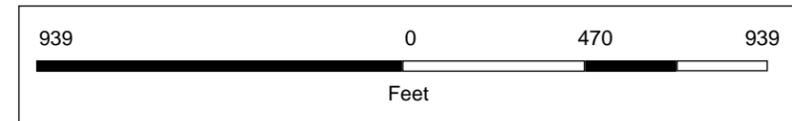


Legend

- Parcels
- Town Border
- Citations

Location

Notes



1:5,625 Meadowood Hoskins and County Road Existing Part 2 Conditions

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CP-1	CONCEPTUAL SOCCER FIELD LAYOUT PREPARED FOR TOWN OF SIMSBURY SIMSBURY, CONNECTICUT HOSKINS ROAD		Revisions: No. Date Description	
	Date: 01-31-2020 Drawn by: KLL Job no: 20109 Scale: 1" = 60' Checked by: DSZ Sheet no: 1 OF 1 <small>W:\CALERO\2020 Soccer Fields\SIG\01.dwg, Soccer Fields, Jan. 30, 2020 - 12:49:36 PM</small>		F. A. Hesketh & Associates, Inc. 3 Creamery Brook, East Granby, CT 06026 Phone (860) 653-8000 Fax (860) 844-8600 www.fahesketh.com www.fahesketh.com Civil & Traffic Engineers - Surveyors - Planners - Landscape Architects	





Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Autism Awareness Proclamation and Presentation
2. **Date of Board Meeting:** April 6, 2020

3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Eric Wellman, First Selectman

Maria E. Capriola

4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen wishes to issue a proclamation in support of Autism Awareness Month, the following motion is in order:

Move, effective April 6, 2020, to authorize First Selectman Eric Wellman to issue a Proclamation in support of Autism Awareness Month.

5. **Summary of Submission:**
National Autism Awareness Month is April. In 2020, the Autism Society is launching their "Celebrate Differences" campaign. This proclamation is to show Simsbury's support to the Autism community and #CelebrateDifferences that make us all a unique part of our wonderful Town.

To celebrate Autism Awareness month Eno Memorial Hall will be lit up blue at night during the month of April. If anyone would like to learn more, please go to www.autismawarenessmonth.org.

6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
 - a) Proclamation in Support of Autism Awareness Month

PROCLAMATION
AUTISM AWARENESS

WHEREAS, autism is the result 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 combinations and can result in significant lifelong impairment of an individual's ability to learn, develop healthy interactive behaviors, and understand verbal as well as nonverbal 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 education, intervention, and therapy that are vital to future growth and development; 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.

Dated the 6th day of April, 2020.

Eric S. Wellman, First Selectman



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Resolution to Extend Budget Process Timeframes
2. **Date of Board Meeting:** April 6, 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 supports extending the timeframes associated with the FY 20/21 budget development process and authorizing the Board of Finance to approve the final budget, the following motion is in order:

Move, 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.

5. **Summary of Submission:**
At the March 23, 2020 meeting, the Board of Selectmen voted to extend the timeframes associated with the FY 20/21 budget development process by thirty (30) days, pursuant to Executive Order No.7C, issued by Governor Lamont on March 15, 2020.

On March 21, 2020, the Governor issued Executive Order No. 71, which removes any in-person voting requirements, including referenda and town meetings requiring in-person votes, for purposes of adopting FY 20/21 municipal budgets and setting the mill rate. This Executive Order indicates that 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 our Charter, this body is the Board of Finance.

The attached resolution reinforces the new timeline adopted at your March 23rd meeting, and also grants the Board of Finance the authority to adopt the FY 20/21 budget in lieu of holding the annual budget referendum, provided that the Executive Orders remain in place. Should the emergency declaration or declarations prohibiting assembly of groups be lifted on or before May 21, 2020, the Board of Selectmen must reinstate the normal referendum process.

The dates set forth in the attached resolution are appropriate for either an extended budget process culminating in a referendum, as well as an extended budget process culminating in Board of Finance approval.

6. Financial Impact:

None

7. Description of Documents Included with Submission:

- a) Resolution Pertaining to a Modified Calendar for the FY 20/21 General and Capital Fund Budgets Authorized by Executive Orders 2020-7B, 7C AND 7I

RESOLUTION

TOWN OF SIMSBURY BOARD OF SELECTMEN

RESOLUTION PERTAINING TO A MODIFIED CALENDAR FOR THE FY 2020-2021 GENERAL AND CAPITAL FUND BUDGETS AUTHORIZED BY EXECUTIVE ORDERS 2020-7B, 7C AND 7I

WHEREAS, on March 10, 2020, the Governor of the State of Connecticut (“Governor”) 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 (“President”) declared a national emergency to combat the coronavirus that is currently infecting the population of the United States; and

WHEREAS, on March 20, 2020, the Town Manager of the Town of Simsbury (“Town Manager”) declared a local state of emergency to ensure that local officials and the Town Manger have all the authorities necessary to limit the spread of COVID-19 disease and to protect the public safety of the Town of Simsbury; and

WHEREAS, the effects the transmission of COVID-19 has resulted in the spread of infections in the Town of Simsbury, 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, he has issued a series of Executive Orders setting forth the law governing the conduct of the business of state and municipal government during the period of the emergency; and

WHEREAS, on March 14, 2020, the Governor issued Executive Order No. 7B (“EO 7B”), paragraph 1 of which suspends all statutes, charter provisions,

ordinances and regulations mandating open meetings in order “...to permit any public agency to meet and take such actions authorized by the law without permitting or requiring in-person, public access to such meetings, and to hold such meetings or proceedings remotely by conference call, videoconference or other technology” (“Electronic Meetings”); and

WHEREAS, on March 15, 2020 the Governor issued Executive Order No. 7C (“EO 7C”), paragraph 5 of which extended “all budget deadlines for the preparation of the municipal budget” for the FY 2020-2021 “that falls on any date prior to and including May 15, 2020 are extended by thirty (30) days”; and

WHEREAS, the Simsbury Charter confers the legislative power of the Town of Simsbury in the Board of Selectmen, for all matters except those powers specifically reserved for the Town Meeting initiated by petition; and

WHEREAS, EO 7C permits the legislative body to “alter or modify the schedules and deadlines pertaining to the preparation and submission of a proposed budget and the deliberation or actions on said budget” including any required public hearing(s), publication, referendum or final budget adoption: and,

WHEREAS, EO 7C postpones all submission dates as set forth in the Simsbury Charter until such time as the legislative body approves said modified scheduled and deadline consistent with the thirty (30) day extension; and,

WHEREAS, on March 21, 2020, the Governor issued Executive Order No. 7I (“EO 7I”), paragraph 13 of which dispenses with any in-person voting requirements, including referenda and town meetings requiring in-person votes, for purposes of adopting 2020-2021 fiscal year municipal budgets and setting the mill rate; in effect conferring final responsibility on the Board of Selectmen to designate the Board of Finance as the Town’s “budget-making authority” under the Charter to adopt a budget and set a mill rate, which roles are otherwise allocated by the Charter to the Automatic Referendum; and,

WHEREAS, EOs 7C and 7I do not alter or modify the control of line-items that fall squarely within the authority of the Board of Education budget and, thus, the Board of Education should comply with all submission requirements pertaining to budget deadlines adopted by the municipality, except as modified by this Resolution; and,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Town of Simsbury Board of Selectmen pursuant to paragraph 5 of Executive Order 7C, the legislative body of the Town of Simsbury hereby sets forth the following modified schedule, process, and deadlines for the submission, deliberation and final action on the Town Budget for FY 2020-2021, which meetings shall be conducted in accordance with the requirements noticed in accordance with EO 7B ¶1.

1. The Town Manager has forwarded a proposed FY 2021 Town of Simsbury Budget and Board of Education Budget (the Annual Budget) consistent with the Simsbury Charter (Charter) to the Board of Selectmen and has made said proposed budgets available for public inspection on the Town's website.
2. The Board of Selectmen adopted its recommended Annual Budget on March 11, 2020 and forwarded it to the Board of Finance, consistent with the Charter.
3. The Board of Finance shall hold one or more public hearings in accordance with the Charter by means of Electronic Meeting and the Board of Finance shall accept written public comment via email and hard copy document until on or about April 21, 2020 through and including May 7, 2020.
4. The Board of Finance shall adopt the proposed FY 2021 Annual Budget and submit it to the Town Clerk in accordance with the Charter not later than Thursday, May 14, 2020 and shall cause said proposed Annual Budget to be available for public inspection on the Town's website not later than Thursday, May 14, 2020.
5. The Board of Finance shall consider and approve as separate resolutions for the Town Government Budget, the Board of Education Budget and the Capital Non-Recurring Budget not later than Saturday, May 30, 2020 or at other such special meeting(s) as called by the Board of Finance in accordance with its bylaws and policies and conducted in accordance with the public meeting requirements outlined above. The adoption of said resolutions shall be deemed final approval of the Annual Budget.
6. The Board of Finance shall set the mill rate related to the FY 2021 budget not later than June 1, 2020

7. BE IT FURTHER RESOLVED, all public hearings and meetings shall adhere to rules and protocols set for Electronic Meetings, including the use of online or telephonic conferencing and that no in-person meetings shall be held in consideration of this process.

BE IT FURTHER RESOLVED, in the event the previously declared emergency is resolved or declarations prohibiting assembly of groups of persons are lifted on or prior to May 21, 2020, the Board of Selectmen shall act to reinstate the usual process of a referendum regarding the proposed FY 2021 budget.

Approved this 6th day of April, 2020.

BOARD OF SELECTMEN

Eric Wellman, First Selectman

ATTEST

Erica L. Butler, Simsbury Town Clerk



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Property Tax Deferral Program and Low Interest Rate Program
2. **Date of Board Meeting:** April 6, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Amy Meriwether, Finance Director
4. **Action Requested of the Board of Selectmen:**
The Board of Selectmen is required to select at least one of the following two programs outlined in the Governor's Executive Order 7S no later than April 25, 2020: the tax deferral program and/or the low interest rate program.

If the Board of Selectmen supports moving forward with the Deferment Program, the following motion is in order:

Move, effective April 6, 2020, to move forward with the Deferment Program as outlined in the Governor's Executive Order No. 7S

If the Board of Selectmen supports moving forward with the Low Interest Rate Program, the following motion is in order:

Move, effective April 6, 2020, to move forward with the Low Interest Rate Program as outlined in the Governor's Executive Order No. 7S

5. **Summary of Submission:**
On April 1, 2020 the Governor issued Executive Order No. 7S which provides financial relief to taxpayers. Municipalities are required to participate in the Deferment Program and/or the Low Interest Rate Program. These programs provide relief from property taxes for taxes due on July 1, 2020 (2019 Grand List). This will impact the budget for fiscal year 2020/2021.

The ***Deferment Program*** allows municipalities to offer eligible taxpayers, businesses, nonprofits, and residents a deferment by ninety (90) days of any taxes on real property, personal property or motor vehicles from the time that it became due and payable. Deferment is available during the period of March 10, 2020 through and including July 1, 2020. Eligibility for this program has not been determined as of present. The Secretary of the Office of Policy and Management will be issuing guidance on eligibility requirements.

Under normal circumstances, taxes are due and payable on July 1st, however, citizens can pay their taxes until August 3, 2020 WITHOUT any interest penalty.

Any taxpayer that rents or leases to any commercial, residential, or institutional tenant or lessee, to be eligible for the Deferment Program, they must provide documentation that the parcel will suffer a significant decline in income or that proportionate repayment relief was offered to their tenants or lessees.

If the Board of Selectmen were to select this option, the Town may be impacted by the following:

- Potential impact on staff time to process applications, which is currently unknown.
- Cash Flow – Presently, there are no anticipated cash flow issues related to the implementation of a deferment program as not all tax payments are being deferred. However, if a revised executive order allows for a longer deferment period or additional unforeseen events arise, this will need to be re-evaluated. In addition, since we don't currently know the eligibility requirements, it is difficult to determine if the majority of taxpayers will qualify or only a limited number of taxpayers will qualify.
- Possible reduced revenue from interest on delinquent tax payments for the months of August and September. Based on FY20 collections, the impact to the General Fund could be about \$40,000.

The **Low Interest Rate Program** allows municipalities to reduce its interest on delinquent property taxes, personal property or motor vehicles from the current 18% per year to 3% per year. The 3% interest rate would apply to tax payments due from March 10 through and including July 1, 2020.

Any taxpayer that rents or leases to any commercial, residential, or institutional tenant lessee will only be eligible for the Low Interest Rate Program if the landlord offers proportionate relief to tenants or lessees, upon their request. The vast majority of landlords pay their taxes on time and therefore, we typically receive little to no interest income related to these properties. If they were to go into past due status, this would only add to the revenue of the Town. Dollar value of potential increased revenue is undeterminable at present.

If the Board of Selectmen were to select this option, the Town may be impacted by the following:

- Reduced revenue from interest on delinquent tax payments. A conservative estimate would be about \$50,000.

The action of the Board of Selectmen does not apply to taxes levied by the Simsbury Fire District. The Fire District will need to take their own action under the Executive Order.

Recommendation:

In the absence of the eligibility requirements related to the Deferment Program and potential further unknowns over the course of the next several months from a cash

perspective, staff is recommending the Board of Selectmen move forward with the Low Interest Rate Program.

6. Financial Impact:

The estimated General Fund financial impact of the tax deferral program is \$40,000. The estimated General Fund financial impact of the low interest rate program is \$50,000. If both programs were to be implemented, the estimated aggregate impact to the General Fund is \$90,000.

7. Description of Documents Included with Submission:

- a) Governor's Executive Order No. 7S Summary (Provided by Updike, Kelly & Spellacy)
- b) UKS Client Alert, Governor's Executive Order No. 7S

STATE OF CONNECTICUT

BY HIS EXCELLENCY

NED LAMONT

EXECUTIVE ORDER NO. 7S

**PROTECTION OF PUBLIC HEALTH AND SAFETY DURING COVID-19 PANDEMIC AND
RESPONSE – SAFE STORES, RELIEF FOR POLICYHOLDERS, TAXPAYERS, AND
TENANTS**

WHEREAS, on March 10, 2020, I issued a declaration of public health and civil preparedness emergencies, proclaiming a state of emergency throughout the State of Connecticut as a result of the coronavirus disease 2019 (COVID-19) outbreak in the United States and confirmed spread in Connecticut; and

WHEREAS, pursuant to such declaration, I have issued seventeen (17) executive orders to suspend or modify statutes and to take other actions necessary to protect public health and safety and to mitigate the effects of the COVID-19 pandemic; and

WHEREAS, COVID-19 is a respiratory disease that spreads easily from person to person and may result in serious illness or death; and

WHEREAS, the World Health Organization has declared the COVID-19 outbreak a pandemic; and

WHEREAS, the risk of severe illness and death from COVID-19 appears to be higher for individuals who are 60 years of age or older and for those who have chronic health conditions; and

WHEREAS, to reduce the spread of COVID-19, the United States Centers for Disease Control and Prevention and the Connecticut Department of Public Health recommend implementation of community mitigation strategies to increase containment of the virus and to slow transmission of the virus, including cancellation of gatherings of ten people or more and social distancing in smaller gatherings; and

WHEREAS, my Executive Order No. 7N imposed certain safety restrictions and mandates on retail establishments in order to limit the spread of COVID-19 among customers, employees, and others entering such establishments; and

WHEREAS, there exists a compelling state interest in a consistent and easily understandable statewide approach to reducing the risk of transmission of COVID-19 among customers, staff, and other persons entering retail establishments, to limit community transmission of COVID-19 statewide, and to ensure the continuity of essential retail services and safe conduct of permitted non-essential retail services; and

WHEREAS, widespread financial hardship caused by the COVID-19 pandemic and necessary responses to it may prevent policyholders from timely payment of insurance premiums, and any resulting penalties, including cancellation or non-renewal of policies, create additional hardship, cause further damage to the economy, and endanger property and public health; and

WHEREAS, to encourage social distancing and protect public health and safety, my Executive Order 7D, dated March 16, 2020 and Executive Order 7G, dated March 19, 2020, closed bars and restaurants to all on-premise service of food and beverages; and

WHEREAS, many businesses may be experiencing lost revenue from the prohibition of on-premise food and beverage sales, which will hinder their ability to make timely payments to their creditors; and

WHEREAS, the State of Connecticut serves many elders and disabled individuals through multiple home and community based services waivers and Medicaid state plan benefits under the Medicaid program, including clients of the Department of Social Services, Department of Mental Health and Addiction Services and the Department of Developmental Services, who rely upon these home-based services to remain in their homes, avoid institutionalization and achieve maximum independence and functioning, and certain adjustments to the provision of services under these various waivers are necessary to ensure continuity of services and provide greater flexibility during COVID-19;

WHEREAS, the Centers for Medicare & Medicaid Services has advised the Department of Social Services that it may, on an expedited basis, and without providing a notice and comment period, take advantage of opportunities included in Appendix K to the Home and Community Based Waivers under Section 1915(c), as well as Sections 1115 (a) and 1135, of the Social Security Act, and also including, as applicable, amendments to Medicaid state plan provisions under other relevant provisions, such as sections 1915(i), 1915(k) and 1945 of the Social Security Act, in order to act quickly to address critical health needs of Medicaid beneficiaries and others in Connecticut in response to COVID-19; and

WHEREAS, Chapter 204 of the Connecticut General Statutes sets forth tax collection deadlines that will be difficult for residential and commercial property owners to meet in light of the significant job and economic losses experienced by Connecticut residents and businesses; and

WHEREAS, municipalities have sought relief on behalf of taxpayers who are struggling due to business operations being suspended or ceased, layoffs and other complications due to the COVID-19 pandemic; and

WHEREAS, certain municipal charters, ordinances or resolutions require critical town fiscal and budgetary decisions to be voted on by referendum or town meeting that create a risk to public health; and

WHEREAS, Sections 12-170aa(e) and (f) and Sections 12-129b and 12-129c of the Connecticut General Statutes require municipalities to conduct specific duties, including but not limited to processing tax relief claims that require in-person meetings and application filing requirements for taxpayers who have attained age sixty-five or over or are totally disabled; and

WHEREAS, Section 12-62 of the Connecticut General Statutes requires municipalities to conduct in-person inspections which will create increased risk of transmission of COVID-19; and

WHEREAS, Section 12-63c of the Connecticut General Statutes requires taxpayer filings based on information in Income and Expense Statements by Assessors, which were previously extended under Executive Order 7I, Section 15; and

WHEREAS, it will promote the public health and safety of all Connecticut residents to prohibit evictions during the public health and civil preparedness emergency; and

WHEREAS, the Judicial Branch has suspended all evictions and ejection proceedings and Executive Order No. 7G suspended non-critical court operations;

NOW, THEREFORE, I, NED LAMONT, Governor of the State of Connecticut, by virtue of the authority vested in me by the Constitution and the laws of the State of Connecticut, do hereby **ORDER AND DIRECT**:

1. **Safe Stores Mandatory Statewide Rules, Amending Executive Order No. 7N, Sec. 3.** Effective upon the opening of each retail establishment for the first time on April 3, 2020, every retail establishment in the State of Connecticut shall take additional protective measures to reduce the risk of transmission of COVID-19 between and among customers, employees, and other persons such as delivery drivers or maintenance people. The Commissioner of Economic and Community Development, in consultation with the Commissioner of Public Health, shall issue mandatory statewide rules prescribing such additional protective measures no later than 11:59 p.m. on April 1, 2020. Such rules shall be mandatory throughout the state and shall supersede and preempt any current or future municipal order and shall supersede the requirements of Executive Order No. 7N, Sec. 3, providing that nothing in this order shall eliminate or reduce the requirements of Executive Order No. 7N, Sec. 3 regarding firearms transactions.
2. **60-Day Grace Period for Premium Payments, Policy Cancellations and Non-Renewals of Insurance Policies.** Beginning on April 1, 2020, for a period of sixty (60) calendar days ending on June 1, 2020, no insurer may, without a court order, lapse, terminate or cause to be forfeited a covered insurance policy because a covered policyholder does not pay a premium or interest or indebtedness on a premium under the policy that is due except as provided hereunder. This grace period shall apply to entities licensed or regulated by the Insurance Department including admitted and non-admitted insurance companies that provide any insurance coverage in Connecticut including, life, health, auto, property, casualty and other types of insurance as follows:
 - a. Insurers shall provide such 60-day grace period to individuals that have individual insurance policies who, as a result of the COVID-19 pandemic, were laid off, furloughed, or fired from employment or otherwise sustained a significant loss in revenue. Such individuals may be required to provide an affidavit or other statement acceptable to their insurance carrier, explaining that as a result of the COVID-19 pandemic they were laid

off, furloughed, or fired from employment or otherwise sustained a significant loss in revenue.

- b. Insurers shall provide such 60-day grace period to businesses that are group policyholders, have group insurance and/or have property/casualty insurance that were required to close or significantly reduce operations or suffered significant revenue loss as a result of the COVID-19 pandemic. Such businesses may be required to provide an affidavit or other statement acceptable to their insurance carriers, explaining that as a result of the COVID-19 pandemic, they were required to close or significantly reduce their business operations or suffered a significant revenue loss.
 - c. This 60-day grace period is not automatic. To be eligible, affected policyholders must provide the information outlined above in an affidavit or other statement acceptable to their insurance carriers. Carriers shall provide instructions on how policyholders are to provide such information.
 - d. Policyholders are advised that this grace period is not a waiver or forgiveness of the premium; it is only an extension of time in which to pay premiums. Policyholders are advised that they may be subject to restrictions if they are in receipt of state or federal stimulus funding relating to COVID-19.
 - e. Individuals or businesses that do not meet the criteria for the 60-day grace period set forth above, will need to contact their insurance carrier should they wish to discuss a premium deferral.
 - f. This order does not apply to self-funded health plans.
 - g. If a carrier has already provided a policyholder with a 60-day grace period for March and April 2020 premiums, or offers to provide a 60-day grace period for that time frame and it is accepted, the carrier will be deemed to have satisfied the requirements of this Executive Order with respect to that policyholder.
 - h. This 60-day grace period shall only apply to policyholders that were in good standing with their insurance carrier on March 12, 2020, and shall only apply to premiums due after the initial premium has been made to secure coverage.
 - i. This 60-day grace period applies only to cancellation or non-renewals attributed to a failure to pay premiums during the applicable 60-day grace period. If a policy is to be cancelled or non-renewed for any other allowable reason, the cancellation or non-renewal may be made pursuant to statutory notice requirements and for legally recognized reasons.
3. **Extension of 30-Day Period of Credit for Liquor Permittees.** Section 30-48(b) of the Connecticut General Statutes and Sections 30-6-A36 and 30-6-A37a of the Regulations of Connecticut State Agencies, which permit no more than a thirty-day period of credit, from

manufacturers, wholesalers, or others specified in such statute and regulations, is modified so that the maximum period of credit shall be ninety days after the date of delivery for all permittees prohibited from engaging in on-premise sales per Executive Order No. 7D, as amended by Executive Order No. 7H. The extension of credit shall not apply to permits that were delinquent at the time Executive Order No. 7D became effective on March 16, 2020. The period of delinquency shall begin on the ninety-first day after the date of delivery. All other requirements under the above-referenced statute and regulations shall apply, except as modified to reflect the increased period of credit, and the standard thirty-day period of credit shall continue to apply to all permittees whose businesses who were not engaging in on-premise sales at the time Executive Order No. 7D became effective. The credit extension shall remain in effect for any delivery made prior to the time Executive Order No. 7D expires or is terminated, or if extended or renewed, through any period of extension or renewal.

4. **Daily Payment of Certain Taxes Changed to Weekly.** Section 12-575 (h) of the Connecticut General Statutes is modified so that the licensee authorized to operate off-track betting in Connecticut shall file with the Department of Consumer Protection: a daily electronic report of the amount of wagers collected; and, no later than 12:00 PM every Tuesday, the tax filing and payment for the week preceding.
5. **Flexibility to Amend Medicaid Waivers and State Plan.** Section 17b-8 of the Connecticut General Statutes, to the extent that it requires: the submission of proposed applications to submit waivers or make certain amendments to Medicaid waivers or the Medicaid state plan (for such amendments that would have required a waiver but for the Affordable Care Act) to the joint standing committees having cognizance of matters relating to human services and appropriations; a 30-day public notice and comment period prior to submission of the proposed amendments to said committees; the holding of a public hearing by said committees; and the approval of the applications for amendment by said committees, is modified retroactive to the declaration of public health and civil preparedness emergency on March 10, 2020, to authorize the Commissioner of Social Services, on an expedited basis, to exercise the waiver flexibilities provided in response to COVID-19 and afforded by Appendix K to the Home and Community Based Waivers under Section 1915(c), as well as Sections 1115 (a) and 1135, of the Social Security Act and also including, as applicable and in response to COVID-19, amendments to Medicaid state plan provisions under other relevant provisions, such as sections 1915(i), 1915(k) and 1945 of the Social Security Act. The suspension of the aforesaid requirements is limited solely to emergency waivers related to the COVID-19 declared public health and civil preparedness emergencies.
6. **Suspension and Modification of Tax Deadlines and Collection Efforts.** Notwithstanding any contrary provisions of Chapter 204 of the Connecticut General Statutes or of any special act, charter, home-rule ordinance, local ordinance or other local law, there shall be established two programs to offer support to eligible taxpayers, businesses, nonprofits, and residents who have been economically affected by the COVID-19 pandemic. Such programs shall be known as the "Deferment Program" and the "Low Interest Rate Program." Each

municipality, as defined in section 7-148 of the general statutes, by determination of its local legislative body, or, in any town in which the legislative body is a town meeting, by a vote of the board of selectmen, shall participate in one or both programs and shall notify the Secretary of the Office of Policy and Management no later than April 25, 2020, about which program or programs it is electing to participate in.

- a. **Deferment Program.** During the period of March 10, 2020, the date that I declared the public health and civil preparedness emergency, through and including July 1, 2020, municipalities participating in the Deferment Program shall offer to eligible taxpayers, businesses, nonprofits, and residents a deferment by ninety (90) days of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments for such tax, rate, charge, or assessment from the time that it became due and payable. Eligible taxpayers, businesses, nonprofits, and residents are those that attest to or document significant economic impact by COVID-19, and/or those that document they are providing relief to those significantly affected by the COVID-19 pandemic. The Secretary of the Office of Policy and Management shall issue guidance as to which taxpayers, businesses, nonprofits, and residents shall be considered eligible for the Deferment Program, but participating municipalities may, upon approval of its local legislative body, or, in any town in which the legislative body is a town meeting, by a vote of the board of selectmen, extend eligibility for the deferment program to other categories of taxpayers, businesses, nonprofits, and residents.
- b. **Low Interest Rate Program.** For municipalities participating in the Low Interest Rate Program, notwithstanding Section 12-146 of the General Statutes, (i) the delinquent portion of the principal of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric charges or assessments or part thereof shall be subject to interest at the rate of three (3) per cent per annum for ninety days from the time when it became due and payable until the same is paid, for any such tax, rate, charge, or assessment due and payable from March 10 through and including July 1, 2020, unless such delinquent portion is subject to interest and penalties at less than three (3) per cent per annum. Following the ninety days, the portion that remains delinquent shall be subject to interest and penalties as previously established; and (ii) any portion of the principal of any taxes on real property, personal property or motor vehicles, or municipal water, sewer and electric rates, charges or assessments or part thereof that had been delinquent on or prior to March 10, shall be subject to interest at the rate of three (3) per cent per annum for ninety days from this Order, unless such delinquent portion is subject to interest and penalties at less than three (3) per cent per annum. Following the ninety (90) days, the portion that remains delinquent shall be subject to interest and penalties as previously established.
- c. **Eligibility of Landlords.** In order for a landlord, or any taxpayer that rents or leases to any commercial, residential, or institutional tenant or lessee, to be eligible for the Deferment Program, said landlord must provide documentation to the municipality that the parcel has or will suffer a significant income decline or that commensurate

forbearance was offered to their tenants or lessees. Any taxpayer that rents or leases to any commercial, residential, or institutional tenant or lessee shall only be eligible for the Low Interest Rate Program if said landlord offers commensurate forbearance to tenants or lessees, upon their request.

- d. **Escrow Payments.** Financial institutions and mortgage servicers that hold property tax payments in escrow on behalf of a borrower shall continue to remit property taxes to the municipality, so long as the borrower remains current on their mortgage or is in a forbearance or deferment program, irrespective of the borrower's eligibility for or participation in the Deferment Program or the Low Interest Rate Program.
- e. **Liens Remain Valid.** Nothing in this order affects any provision of the Connecticut General Statutes relating to continuing, recording and releasing property tax liens and the precedence and enforcement of taxes, rates, charges and assessments shall remain applicable to any deferred tax, rate, charge or assessment or installment or portion thereof.

7. **Allowance of Suspension of In-Person Voting Requirements for Critical and Time Sensitive Municipal Fiscal Deadlines.** Notwithstanding any contrary provision of the Connecticut General Statutes, including Title 7, or any special act, municipal charter, ordinance or resolution that conflicts with this order, the legislative body of a municipality, or in a municipality where the legislative body is a town meeting other than a representative town meeting, the board of selectmen, and the budget-making authority of said municipality if different from the legislative body or board of selectmen, by majority vote of each such body, as applicable, may authorize (i) any supplemental, additional or special appropriations under Section 7-348 of the Connecticut General Statutes or comparable provisions of any special act, municipal charter or ordinance, (ii) any tax anticipation notes to be issued under Section 7-405a of the Connecticut General Statutes or comparable provisions of any special act, municipal charter or ordinance, or (iii) municipal general obligation bonds or notes to be issued in anticipation of such bonds to be issued pursuant to Chapter 109 of the Connecticut General Statutes for capital improvement purposes, without complying with any requirements for in-person approval by electors or taxpayers, including but not limited to, annual or special town meetings requiring votes or referenda. Notwithstanding the foregoing, if the legislative body and budget-making authority, if they are separate entities, are taking any action specified in (ii) or (iii) above, or any action under (i) above, which involves an appropriation in an amount in excess of 1% of the current year's total municipal budget without complying with any in-person approval requirements normally required by statute, special act, municipal charter, ordinance or resolution, such body(ies) shall make specific findings that such actions are necessary to permit the orderly operation of the municipality and that there is a need to act immediately and during the duration of the public health and civil preparedness emergency in order to avoid endangering public health and welfare, prevent significant financial loss, or that action is otherwise necessary for the protection of persons and property within the municipality. In so acting, the legislative body and, if different from the legislative body, the budget-making

authority of the municipality, shall comply with open meeting requirements set forth in Executive Order No. 7B. All conditions precedent to any such approval, including without limitation, public notices, hearings or presentations, shall proceed in a manner as closely consistent with the applicable statutes, special acts, town charters, municipal ordinances, resolutions or procedures as possible, and in compliance with the open meeting provisions set forth in Executive Order 7B. Nothing in this order shall be construed to prohibit a municipality from conducting any in-person meeting, approval process, or referendum, provided such municipality first consults with local or state public health officials and conducts such meeting, approval process, or referendum in a way that significantly reduces the risk of transmission of COVID-19

8. **Suspension of Reapplication Filing Requirement for the Homeowners' Elderly/Disabled Circuit Breaker Tax Relief Program and for the Homeowners' Elderly/Disabled Freeze Tax Relief Program.** The biennial filing requirements under Sections 12-170aa(e) and (f) and Sections 12-129b and 12-129c of the Connecticut General Statutes for any taxpayers who were granted the benefit for the Grand List year 2017 and who is required to recertify for the Grand List year 2019, are suspended and such taxpayers shall automatically maintain their benefits for the next biennial cycle ending in Grand List year 2021.
9. **Substitution of Full Inspection Requirements Pertaining to October 1, 2020 Grand List Revaluations.** The requirement set forth under Section 12-62 of the Connecticut General Statutes pertaining to October 1, 2020 Grand List revaluations that require a full interior inspection of property, for which such interior inspection that has not yet been completed, is suspended and replaced with the alternative requirement to send a questionnaire to the owner as outlined in Section 12-62(b)(4).
10. **Extension of Deadline to File Income and Expense Statement.** The taxpayer filing deadline set forth under Section 12-63c of the Connecticut General Statutes is extended to August 15, 2020.
11. **Suspension of Non-Judicial Tax Sales.** Notwithstanding any contrary provision of the Connecticut General Statutes, including but not limited to Section 12-157 or Section 7-258, or any special act, municipal charter or ordinance that conflicts with this order, (1) no municipality nor water pollution control authority may conduct any sale pursuant to General Statutes Section 12-157 or Section 7-258, until thirty days after the end of the public health and civil preparedness emergency, including any period of renewal or extension of such emergency. Any sale for which notice had been filed prior to March 10, 2020 shall be adjourned by operation of law to a date to be determined by the tax collector. Such adjourned date shall be no earlier than thirty days after the end of the public health and civil preparedness emergency; and (2) For any sales held under Section 12-157 or Section 7-258 that were conducted prior to March 10, 2020, any six-month redemption period in General Statutes Section 12-157 shall be extended for the number of calendar days the public health and civil preparedness emergency remains in effect. The time period from March 10, 2020 to the end of the emergency shall be considered a

“holding period.” Redemption interest during said holding period shall be charged at a monthly rate equivalent to three per cent per annum.

Unless otherwise specified herein, this order shall take effect immediately and shall remain in effect for the duration of the public health and civil preparedness emergency, unless earlier modified or terminated by me.

Dated at Hartford, Connecticut, this 1st day of April, 2020.



Ned Lamont
Ned Lamont
Governor

By His Excellency's Command



Denise W. Merrill
Denise W. Merrill
Secretary of the State





UKS COVID-19 – Executive Order 7S Guidance for Municipalities

1.0 OVERVIEW

On April 1, 2020, Governor Lamont issued Executive Order 7S, effective immediately, requiring municipalities to, among other things, enact a temporary program for relief from collection of property taxes, utility charges, and assessments (“Taxes”), extend certain filing deadlines for some municipal taxpayers, and suspend all non-judicial tax sales. The Order provides for other action that is not the subject of this municipal collections focused summary.¹

Under Order 7S, **Paragraph 6**, each municipality shall provide: (1) a temporary forbearance of certain tax, municipal water, sewer, and electric rates, charges, and assessment collection; and/or, (2) reduced interest on delinquent payments for certain tax, municipal water, sewer, and electric rates, charges, and assessment delinquencies. Further, municipalities shall notify the State Office of Policy and Management (“OPM”) no later than April 25, 2020, as to which one or both of the programs it elects to offer. **Paragraph 9** addresses the requirement that municipalities conduct full interior inspection of property pertaining to 2020 Grand List revaluations. **Paragraph 10** extends the deadline for rental property tax payers to file income and expense statements from June 1 to August 15, 2020. **Paragraph 11** mandates the suspension of all non-judicial tax sales.

2.0 DETAILS

2.1 Revenue Collection Deferment and Relief from Delinquency Interest

Paragraph 6 mandates that every town, city, and borough adopt one or both of the following relief programs:

- The Deferment Program. This program allows towns to delay any real property, personal property, motor vehicle, municipal water, sewer, electric rates, charges, assessment or tax (collectively “Taxes”) between the dates of March 10, 2020 through and including July 1, 2020 for ninety (90) days from the date that they become due and payable. If municipalities choose this option, they shall offer this program to “eligible taxpayers,” businesses, nonprofits, and residents, who attest or document “significant economic impact by COVID-19” and/or those that document that they are providing relief to those “significantly affected by the COVID-19 pandemic.” OPM shall issue guidance on those that are considered “eligible taxpayers” and municipalities may by its legislative body, extend eligibility to other categories of taxpayers, businesses, nonprofits and residents. Pursuant to Subparagraph (c), in order for landlords to be

eligible for the Deferment Program, they must provide the municipality with documentation that either the parcel will suffer significant income decline, or, that similar forbearance has been offered to their tenants.

- **The Low Interest Rate Program.** The second program provides that between March 10, 2020 through and including July 1, 2020, any delinquent portion of the principal of any Taxes shall be subject to three percent (3%) interest per annum for ninety (90) days from the date that they become due and payable until the date the Taxes are paid. After the ninety (90) days, the regular interest rate is restored to the statutory eighteen percent (18%). This lower delinquency rate applies to Taxes that have been delinquent prior to March 10, 2020 for a period of ninety (90) days from April 1, 2020 through and including June 30, 2020. Landlords will only be eligible for the Low Interest Rate Program if similar forbearance has been offered to their tenants.

Paragraph 6 also provides that financial institutions are required to still remit escrow payments to the municipality for property Taxes irrespective of the borrower's eligibility for participation in the Deferment Program or Low Interest Rate Program. Additionally, the ability to continue, record and release property tax liens remains unchanged.

2.2 Substitution for Full Inspection Pertaining to October 1, 2020 Grand List Revaluations

Paragraph 9 addresses the requirement set forth under Section 12-62 of the Connecticut General Statutes pertaining to October 1, 2020 Grand List revaluations that requires a full interior inspection of property, for any such interior inspection that has not yet been completed. This requirement is suspended and replaced with the alternative requirement to send a questionnaire to the owner as outlined in Section 12-62(b)(4).

2.3 Extension of Deadline to File Income and Expense Statements

Paragraph 10 extends the deadline for any taxpayer that leases to any commercial, residential (multi-family), or institutional tenant to file income and expense statements from June 1, to August 15, 2020, pursuant to Connecticut General Statutes Section 12-63c.

2.4 Suspension of Non-Judicial Tax Sales During Public Health and Preparedness Emergency

Paragraph 11 provides further relief to property tax payers and restricts municipalities from moving forward with non-judicial tax sales until thirty (30) days after the declared end of the public health and preparedness emergency currently occurring. The time period from March 10, 2020 to the end of the emergency is considered a "holding period" and during such period interest is charged at a rate equivalent to three percent (3%) per annum. The OPM is tasked with implementing a method for calculating the intended holding period.

If you have any questions or need assistance with regard to the Executive Order 7S or Municipal Law matters in general, please contact Robert M. DeCrescenzo, Esq., at 860.548.2625 or rdecrescenzo@uks.com or Richard D. Carella, Esq., at 860.548.2681 or rcarella@uks.com. You may also visit our website at: www.uks.com/services-industries/governmental/

Updike, Kelly & Spellacy, P.C. would like to thank attorneys Brian C.Hoeing and Robert Pethick for their contributions to this client alert.

Disclaimer: The information contained in this material is not intended to be considered legal advice and should not be acted upon as such. Because of the generality of this material, the information provided may not be applicable in all situations and should not be acted upon without legal advice based on the specific factual circumstances.

¹ Other Provisions - The Order also makes other important provisions that are outside the scope of this summary, regarding: Safe Stores Mandatory Statewide Rules, Amending Executive Order No. 7N, Sec. 3 (Paragraph 1); 60-Day Grace Period for Premium Payments, Policy Cancellations and Non-Renewals of Insurance Policies (Paragraph 2); Extension of 30-Day Period of Credit for Liquor Permittees (Paragraph 3); Daily Payment of Certain Taxes Changed to Weekly, related to off-track betting, (Paragraph 4); Flexibility to Amend Medicaid Waivers and State Plan; Allowance of Suspension of In-Person Voting Requirements for Critical and Time Sensitive Municipal Fiscal Deadlines (Paragraph 5); Allowance of Suspension of In-Person Voting Requirements for Critical and Time Sensitive Municipal Fiscal Deadlines (Paragraph 7); and, Suspension of Reapplication Filing Requirement for the Homeowners' Elderly/Disabled Circuit Breaker Tax Relief Program and for the Homeowners' Elderly/Disabled Freeze Tax Relief Program (Paragraph 8).



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 6, 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 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.

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 \$871.90. The attachment dated April 6, 2020 has a detailed listing of all requested tax refunds.
7. **Description of Documents Included with Submission:**
 - a) Requested Tax Refunds, dated April 6, 2020

REQUESTED TAX REFUNDS
APRIL 6, 2020

	BILL NUMBER	TAX	INTEREST	TOTAL
List 2018				
Nissan Infiniti LT	18-03-63482	\$259.33		\$259.33
Toyota Lease Turst	18-03-68756	\$331.03		\$331.03
Nissan Infiniti LT	18-04-82404	\$281.54		\$281.54
Total 2018		\$871.90	\$0.00	\$871.90
TOTAL 2018		\$871.90	\$0.00	\$871.90
TOTAL ALL YEARS		\$871.90	\$0.00	\$871.90



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Acceptance of Donation from Friends of Simsbury Farms
2. **Date of Board Meeting:** April 6, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Tom Tyburski, Director of Culture, Parks and Recreation *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports approving 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, the following motion is in order:

Move, 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.
5. **Summary of Submission:**
The Friends of Simsbury Farms is a 501-C-3 non-profit organization created in January 2016, intended to plan, form, coordinate, and monitor charitable donations for the benefit of the Simsbury Farms Recreation Complex. The Friends are donating funds to make needed improvements at the Simsbury Farms Golf course. The tee box improvements are scheduled to take place this spring ahead of the golf course's busy tournament/outing season which typically runs from June-September.

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 the Friends of Simsbury Farms.
6. **Financial Impact:**
There is no financial impact to the Town. The Friends of Simsbury Farms will be paying a contractor for work on the selected tee boxes at cost of up to \$12,000. Since its inception the group has been very successful with fundraising for and assisting with a number of projects around Simsbury Farms.
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:** Farmington Valley Health District Board of Health Reappointments
2. **Date of Board Meeting:** April 6, 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 supports the reappointment of Melissa Appleby and Susan Beardsley to the Board of Health for the Farmington Valley Health District, the following motion is in order:

Move 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.

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. Ms. Appleby also serves on the Board's Finance Sub-Committee.

The terms for Ms. Appleby and Ms. Beardsley expire on April 24, 2020, and Mr. Shea's term expires on May 8, 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 6:00 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 Michael Paine, Chris Peterson, Wendy Mackstutis, and Jackie Battos. Others in attendance were: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Director of Parks and Recreation Tom Tyburski; Director of Public Works Tom Roy; Director of Finance Amy Meriwether; and Director of Planning Mike Glidden.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

Mr. Wellman said this meeting is being held under unusual circumstances. Therefore, the Board members & other staff are on the phone and watching SCTV. If residents need to contact the Board, they can email EButler@Simsbury-ct.gov.

PUBLIC AUDIENCE

Mr. Wellman read the submitted e-mails:

Joan Coe, 26 Whitcomb Drive, wrote about the Police Commission, the Arbitration hearing; the Board of Selectmen budget; the budget “wish list”, adding a Deputy Police Chief and Police Lieutenant, the Meadow Wood project, the Corona virus, and other issues.

Louis and Eleanor Norton wrote about the Mountain Farms Park and open space maintenance.

John Gooch West Mountain Road, wrote about Mountain Farms Park being a long term tax revenue, and asking for the Board to allocate funds to update the Park.

Linda Thompson spoke about the Mountain Farms Park equipment being outdated

Ellen Torres supports the upgrade of the playground at Mountain Farms and tree cutting. She feels funding is needed for these things.

The Simsbury Chamber of Commerce said the COVID-19 Virus has be detrimental to local businesses and asked the Board to fix taxes on the local businesses to help them recover from these unusual circumstances.

PRESENTATION

a) Town Preparedness Update Regarding COVID-19

Ms. Capriola spoke about the current pandemic of COVID-19. She said the Town Declared a State of Emergency which allows her to protect the public’s health during this pandemic. It is intended to prepare for possible effects of this pandemic on the community and possible shortages of supplies, etc. for the community. The Town has been in constant contact with the Farmington Valley Health District as well. The Town has closed public buildings, playgrounds, courts, etc. until further notice. For more information, the residents can go to the Town’s website at Simsbury-ct.gov.

Ms. Capriola said urgent matters will be handled at the discretion of staff. The Town will provide essential services, but on a limited basis. Secure drop boxes will be in front of Town Hall for document drop-offs and in front of Eno Hall for Social Service documents or donations. Most meetings have been cancelled or no public is allowed. However, the meetings can be watched on certain TV channels.

FIRST SELECTMAN’S REPORT

First Selectman, Wellman, reviewed his First Selectman’s report. He reflected on the issues from the past week, and spoke about how to stay connected to local government. He said, as a community, he is confident that everyone will get through this difficult time.

SELECTMAN ACTION

a) Resolution to Extend Budget Process Timeframes

Mr. Wellman said Governor Lamont issued an executive order for local governments to have the option to extend their budget timeframe during this difficult time.

Ms. Capriola noted that this extension is for 30 days, which she feels is prudent seeing as cannot hold a Public Hearing until at least April 22nd. She explained how the extension works along with the possible dates we use.

Mr. Askham made a motion, effective March 23, 2020, to extend the timeframes associated with the FY20/21 budget development process by thirty (30) days, pursuant to Executive Order No. 7C, issued by Governor Lamont on March 15, 2020. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

b) Tax Refund Requests

Mr. Paine made a motion, effective March 23, 2020, to approve the presented tax refunds in the amount of \$1,601.16, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Ms. Battos seconded the motion. All were in favor and the motion passed.

c) FY 2020/2021 Historic Documents Preservation Program Grant

Mr. Wellman said this is a Grant that the Town applies for every year. It allows the Town to convert paper documents to microfilm. It also helps to preserve other documents.

Mr. Paine made a motion, effective March 23, 2020, to submit the FY 2020/2021 Historic Documents Preservation Program Grant application and to authorize Maria E. Capriola, Town Manager, to designate Ericka L. Butler, Town Clerk, as the agent for making the above application. Also, to accept the FY 2020/2021 Historic Documents Grant and to authorize Maria E. Capriola, Town Manager, to execute all documents related to the grant award. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

d) LOTCIP Grant Applications

Mr. Wellman said these grants are available to communities to fund transportation project including reconstruction, pavement rehabilitation, sidewalks, bridges, intersection improvements and multi-use trail projects.

Ms. Battos made a motion, effective March 23, 2020, to submit an application for the Local Transportation Capital Improvement Program Grant for the proposed project of constructing a sidewalk along the western edge of Hopmeadow Street in the northern village, and, in the event that the grant is awarded, to authorize Town Manager, Maria E. Capriola to execute all documents related to the grant program. Mr. Paine seconded the motion. All were in favor and the motion passed.

e) 350th Painting – Proposed Donation and Purchase Agreement

Ms. Wellman recused himself and turned the meeting over to Deputy First Selectman Sean Askham.

Mr. Askham said the Wellman family is donating a painting of the Pinchot Sycamore Tree to the 350th Anniversary Celebration. The Board needs to accept the donation, execute the proposed donation agreement and the purchase agreement.

Ms. Battos made a motion, effective March 23, 2020, to accept the donation from Rachel and Eric Wellman for the purpose of acquiring the 350th Anniversary painting depicting the Pinchot Sycamore Tree, with our thanks, and to further move to authorize Town Manager to execute the proposed donation agreement with Rachel and Eric Wellman. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Paine made a motion, effective March 23, 2020, to authorize the Town Manager to execute the purchase agreement with Michael Grady, the artist of the 350th Anniversary painting depicting the Pinchot Sycamore Tree. Ms. Battos seconded the motion. All were in favor and the motion passed.

Ms. Wellman returned to the meeting.

f) Proposed Updates to the Accountant Classification

Ms. Capriola spoke about revising the job description for the Accountant position in the Finance Department, which has been vacant since 2013. This position is currently classified at grade “A0” with the proposal of a new pay grad of “A2-B”. This would be a 40 hour position.

Mr. Askham made a motion, effective March 23, 2020, to approve the proposed changes to the job description, pay grade, and hours of work for the Accountant classification as presented. Mr. Paine seconded the motion. All were in favor and the motion passed.

g) Discussion of FY 20/21 Budget

Mr. Wellman said the Board of Finance has asked the Board of Selectmen to do a flat mill rate for budget year 20/21. The Board had a long discussion on different scenarios that could be done to come to the Board of Finances suggestions. They discussed bonding and cash payment items and pension/mortality rates, along with other budgetary changes.

Ms. Meriwether went through all of the changes and said the mill rate will go from 37.32 to 37.21 which will decrease the Median Home Impact by \$23. Mr. Wellman noted that this proposed budget could change before the Public Hearing and Budget Referendum.

Mr. Askham made a motion, effective March 23, 2020, to recommend the budget changes to the Board of Finance. Ms. Battos seconded the motion. All were in favor and the motion passed.

APPOINTMENTS AND RESIGNATIONS

a) Resignation of Christopher Tranberg from the Library Board of Trustees

Mr. Paine made a motion, retroactive to March 16, 2020, to accept the resignation of Christopher J. Tranberg (D) as a regular member of the Library Board of Trustees with our thanks. Mr. Peterson seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a) Regular Meeting of March 9, 2020

There were no changes to the Regular Meeting Minutes of March 9, 2020 and, therefore, the minutes were adopted.

b) Special Meeting of March 11, 2020

There were no changes to the Special Meeting Minutes of March 11, 2020, and, therefore, the minutes were adopted.

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

- a) **Personnel** – There is no report at this time.
- b) **Finance** – There is no report at this time.
- c) **Welfare** – There is no report at this time
- d) **Public Safety** – Mr. Askham said the Public Safety Committee met last Thursday and is meeting again this Thursday to keep a line of communications open on this pandemic.
- e) **Board of Education** – There is no report at this time.

COMMUNICATION

a) Administrative Approvals for Public Gathering Permits

There was no discussion at this time.

ADJOURN

Mr. Paine made a motion to adjourn at 7:40 p.m. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio
Clerk



Town Of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Planning and Community Development

Date: March 31, 2020

To: Maria Capriola MPA, Town Manager

From: Michael Glidden CFM CZEO
Director of Planning and Community Development

Re: **CGS 8-24 referral report; bike/pedestrian easement Old Well Property**

The referral for a bike/pedestrian easement along the frontage of the property at 20 Tariffville Road (aka Old Well property) was discussed at the February 11, 2020 regular meeting of the Planning Commission.

The Commission found that the purchase of the easement is consistent with the goals and objectives of the 2017 Plan of Conservation and Development.

Please consider this correspondence to serve as an official report pursuant to Connecticut General Statutes 8-24 from the Planning Commission.

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

Town Of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Office of Planning and Community Development

Date: March 31, 2020

To: Maria Capriola MPA, Town Manager

From: Michael Glidden CFM CZEO
Director of Planning and Community Development

Re: **Referrals for sale of portion of open space adjacent to 133 Holcomb Street**

The Open Space Committee, Planning and Conservation Commission discussed the referral concerning the sale of a portion of open space located at the rear of the above noted property.

Planning Commission

The Planning Commission discussed the referral pursuant to the Town Code and Connecticut General Statutes 8-24 at the February 11, 2020 meeting.

The Commission found that the sale was consistent with CGS 8-24 and supported the concept of selling a portion of the open space. In considering these findings, the commission discussed how there is no public access to this open space parcel and how the town is not maintaining the property.

Conservation Commission

The Conservation Commission discussed the referral at the February 18, 2020 meeting.

The Commission reviewed the sale along with the findings from the Planning Commission. In general, the Commission supported the sale with a consideration that a deed restriction be placed on the area that no new structures will be built in the area of open space.

Open Space Committee

The Open Space Committee discussed the referral at the March 4, 2020 meeting.

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The Committee issued a favorable recommendation after a 4-2 vote. The positive referral was made with the consideration that a deed restriction be placed on the portion of open space to be sold that no new structures be built within the area.

Some members felt that instead of selling the property that the town should investigate a potential life use lease with the abutting property owner instead of selling the property.

Please consider this correspondence to serve as an official report from the Open Space Committee, Planning, and Conservation Commission.

April 7th, 2020

To our fellow Simsbury Residents,

We want you to know that we are thinking of every one of you during this scary and unprecedented time. Our town has shown resiliency in this pandemic and we are proud of all of you for following the Town of Simsbury, FVHD, State of CT and CDC guidelines. We all look forward to the day that we can get back out there and connect in person...and return to normal.

It's important that we take care of our physical and mental health, as we all deal with a wide range of emotions each day. As local cases of COVID-19 are reported, and increase, we need to be even more diligent in our efforts to stay healthy and keep our spirits up:

- Wash your hands and keep them away from your face!
- Practice Social Distancing by staying 6 feet away from others at all times
- Do not congregate in groups
- Make only essential trips out to the grocery store, pharmacy, doctor, and for take-out
- Do what works for you to reduce stress and anxiety - we are all feeling it!
- Support our students as they learn from home
- Self-quarantine if you meet CDC and FVHD recommendations

Our town is currently following emergency protocol and these people are in constant communication with each other, the State of CT and the FVHD. They are working in a coordinated effort, to keep the Town of Simsbury as safe as possible during this crisis:

Municipal CEO - Maria Capriola, Town Manager
Deputy Municipal CEO and PIO - Melissa Appleby, Deputy Town Manager
Emergency Management Director - Kevin Kowalski (with Fire District)
Assistant Emergency Management Director - Mike Berry (with Fire District)
Police Chief - Nick Boulter
Fire Chief - Jim Baldis (with Fire District)
Executive Director, Simsbury Volunteer Ambulance Association - Karin Stewart

You can also tune into the Public Safety Subcommittee calls that are broadcast live on SCTV and are meeting weekly, Thursday mornings at 8:00 am. (see attached for channel and web info).

Please...

Stay Safe, Stay Home.

Eric Wellman
First Selectman

Mike Paine
Selectman

Sean Askham
Deputy First Selectman

Jackie Battos
Selectman

Wendy Mackstutis
Selectman

Chris Peterson
Selectman

RESOURCES

Contacts

Police, Fire, or Medical Emergency - DIAL 911
Routine Police Calls - (860) 658-3100

Community and Social Services
860-658-3283

Resource list:

https://www.simsbury-ct.gov/sites/simsburyct/files/uploads/social_services_-_covid_resource_list.pdf

Town Hall
860-658-3200

Virtual 'Taking Care of Town Business' information:

https://www.simsbury-ct.gov/sites/simsburyct/files/news/town_of_simsbury_online_services.pdf

Communications

Simsbury Public Television
Comcast 96, 1090
Frontier 6071
www.Simsburytv.org

Simsbury Radio Station
FM Radio 103.5

Links

Please continue to follow these sources of information:

<https://www.simsbury-ct.gov>

<http://www.fvhd.org>

<https://portal.ct.gov/Coronavirus>

<https://www.cdc.gov/coronavirus/2019-nCoV/index.html>