

**TOWN OF SIMSBURY – BOARD OF SELECTMEN  
REGULAR MEETING MINUTES – JANUARY 8, 2018**

**‘Subject to Approval’**

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**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; Board members Michael Paine, Sean Askham, Chris Peterson, Cheryl Cook and Christopher Kelly. Others in attendance included: Sean Kimball, Interim Town Manager; Melissa Appleby, Deputy Town Manager; Attorney Robert DeCrescenzo; Thomas Roy, Director of Public Works, Gerard Toner, Director of Culture, Parks and Recreation; James Rabbit, Director of Planning and Community Development; Jerome Shea, Town Engineer; Mohamed Razzaq, UConn Intern; and other interested parties.

**PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

**PUBLIC HEARING**

**To receive public comment concerning a proposed ordinance, Section 157, Water Shortages**

Mr. Wellman said these changes would allow the Board of Selectmen the ability to take steps to limit use of water in cases of water shortages where voluntary conservation measures are not enough.

Donald Rieger, 9 Stodmor Road, secretary of the Conservation Commission, said it is that Commission that originally proposed this ordinance to the Board of Selectmen. He said the reason for the ordinance can be found in the Connecticut Preparedness and Response Plan. He feels this proposal is a good tool kit that can be used before an emergency takes place.

Joan Coe, 26 Whitcomb Drive, said Simsbury has an abundant supply of water. She doesn't agree with an ordinance as monitoring really can't be regulated.

John Schaefer said he supports the amendment to Section 157. However, he did have concerns with 157-5(a) as it seems unfair. He also has concerns with 157-7 about watering plants.

Brian O'Donnell, 10 Lewis Street, Tariffville, a member of the Tariffville Water Commission, isn't sure if the ordinance is the right way to go about anticipating or preventing problems. The Tariffville Water Commission does monitor the aquifer that we draw from. They already have the power to limit water usage if necessary. He feels the Town and Water Commission will have overlapping jurisdictions to it. He would like the Town to work with the Tariffville Water Commission on these issues.

**CLOSE PUBLIC HEARING**

Ms. Cook made a motion to adjourn the Public Hearing at 6:18 p.m. Mr. Paine seconded the motion. All were in favor and the motion passed.

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**PUBLIC AUDIENCE**

Joan Coe, 26 Whitcomb Drive, spoke about some staff and volunteer members, filing a complaint, severance packages, vehicle purchasing, Simsbury Farms, and other issues.

Joe Treacy, 40 Berkshire Way, spoke about the proposed Deepwater Wind Solar Project. He said now that the Siting Council approved this project, he would like the Board to take-up an appeal. He said there are many issues that have not been addressed.

Rob Penissi, 11 Flintlock, spoke about the proposed Deepwater Wind Solar Project. He said he created a facebook group to give people more information. He would like the Board to explore Deepwater Wind further and appeal this project.

Elaine Lang, 12 Musket Trail, thanked the Town for their great professionalism during the blizzard. She said there will be an annual Martin Luther King Day remembrance and presentation at First Church at 2 p.m.

Linda Low, 8 Kilbourne Road, asked the Board to go forward with an appeal on the proposed solar project to protect the safety and wellbeing of residents and the impact on the water quality for our great Town. She would like the appeal to include the building south of Hoskins.

Laura Nigro, 4 Kilborne Farms Lane, said the Siting Council didn't protect the residents. They had a blind eye to the evidence. She also asked that the Town appeal the ruling. She also asked that the Town provide information on what the next steps should be.

Raymond Hanley, Westcott Road, said the Town does a good job in conservation and preservation. He asked that if the Town appeals the Deepwater Wind decision, that they also look forward. Deepwater Wind won't be the last one to try to get a solar project in our Town.

Lis Shlansky, 44 Berkshire Way, said she is an abutter of the proposed solar project. She has concerns on health and safety of the community. She is also concerned about the details of the project and aquifer issues.

**PRESENTATIONS**

**•Bicycle Friendly Community**

Mr. Roy, Diana Moody, Deb Thibodeau and Patty Jacobus gave a presentation on the Bicycle Friendly Community. They said in 2010 Simsbury received a Bronze Award and in 2014 a Silver Award for being a Bicycle Friendly Community. They are now applying for another grant. They use Encouragement, Enforcement, Education, Evaluation and Engineering for this bicycling community. It is most important to support them, fund them, promote them and work with them to make bicycling possible.

**FIRST SELECTMAN'S REPORT**

The First Selectman reviewed his report, which is part of the agenda packet. Mr. Kimball, as Interim Town Manager, provided an update on various items per Mr. Wellman's request.

## **SELECTMEN ACTION**

### **a) Possible Action on Proposed Water Shortage Ordinance**

Mr. Kelly made a motion to approve the draft ordinance, Section 157 – Water Shortages, with the following three amendments:

- 1) Section 157-2 – Definitions  
Replace definition of “person” in 157-2(a)(10) with *Person* shall be construed to mean, to include an individual, a corporation, a partnership, a business, a trust, an unincorporated organization or any other group or organization.
- 2) Typo in 157-2 (3) line 3 – to say Farmington Valley Health District, and other persons the Board deems appropriate shall determine that the adequacy of the Town...and
- 3) Section 159-9, Violations and penalties – Add, after first sentence of paragraph, Fines associated with the activities of a corporation, partnership, trust, business or organization will be levied against the entity and not employees or members of those entities.

Mr. Peterson seconded the motion.

There was discussion on concerns of the Tariffville Water Commission not being involved in this process. The Board felt that more discussion and information is needed on this item.

Mr. Kelly withdrew his motion.

Mr. Askham made a motion to table this item. Ms. Cook seconded the motion. All were in favor and the motion passed.

### **b) Approve Tax Refunds**

Mr. Askham made a motion to approve tax refunds in the amount of \$28,178.77 as requested and approved by the Tax Collector. Mr. Paine seconded the motion. All were in favor and the motion passed.

### **c) Simsbury Farms Gift:**

- 1) **Accept a gift from the Friends of Simsbury Farms, Inc. in the amount of \$76,000 for the construction of basketball courts at the Simsbury Farms complex**
- 2) **Approve the agreement between the Town of Simsbury and the Friends of Simsbury Farms, Inc.**
- 3) **Approve and refer to the Board of Finance a supplemental appropriation in the amount of \$76,000**

Mr. Wellman said a family generously said they would donate up to \$76,000 to construct two basketball courts at the Simsbury Farms Complex. The courts have been a part of the Farms master plan since 1998, but have yet to be built.

Mr. Askham made a motion to accept a gift from the Friends of Simsbury Farms, Inc. in the amount of \$76,000 for the construction of basketball courts at the Simsbury Farms Complex; approve the agreement between the Town of Simsbury and the Friends of Simsbury Farms, Inc., and approve and refer to the Board of Finance a supplemental appropriation in the amount of \$76,000. Mr. Paine seconded the motion. All were in favor and the motion passed.

**d) Hopmeadow Street Banners – Installation Policy**

Mr. Wellman said the long-time volunteers, who have been hanging the banners on Hopmeadow Street, said they will no longer be able to perform this service. Town staff has requested a moratorium on banners until a new policy is developed on hanging these banners.

Mr. Roy said they are looking at the cost, time, etc. of hanging the banners. They were asked to hang a Martin Luther King banner in December.

Mr. Askham made a motion to approve a moratorium on the hanging of banners across Hopmeadow Street adjacent to Shultz Park, after the Martin Luther King banner is put in place, until Town staff identify a specific policy and process for managing this work. Ms. Cook seconded the motion. All were in favor and the motion passed.

**e) Approve 2018 Ground Licenses for various Town owned Agricultural Properties**

Mr. Wellman said the ground licenses expired on December 31, 2017. There is no impact on the finances of the Town of Simsbury.

Mr. Shea said these are reasonable requests. They have both been good stewards of the land.

Mr. Askham made a motion to authorize a one year extension of ground license, with two one year options for Daren P. Hall as long as the annual rent is paid the first of each year. Mr. Peterson seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion to authorize a three year extension of ground license for Anthony Napolitano as long as the annual rent is paid the first of each year. Mr. Paine seconded the motion. All were in favor and the motion passed.

**f) Authorize Submission of a State Local Bridge Grant to rehabilitate Firetown Road Bridge over Bissell Brook**

**g) Authorize Submission of a State Local Bridge Grant to rehabilitate Barndoor Hills Road Bridge over Bissell Brook**

Mr. Wellman said f) and g) really go together. The Town’s contribution would be 50%, which is already available in the 2018 capital improvement project budget.

Mr. Shea said they took a closer look at the bridges in Town and prioritized them. These bridges have not been touched in over 20 years.

Mr. Askham made a motion to authorize submission of a State Local Bridge Grant to rehabilitate Firetown Road Bridge over Bissel Brook. Ms. Cook seconded the motion. All were in favor and the motion passed.

Ms. Cook made a motion to authorize submission of a State Local Bridge Grant to rehabilitate Barndoor Hills Road Bridge over Bissel Brook. Mr. Paine seconded the motion. All were in favor and the motion passed.

**h) Revisit Charge to the Public Building Committee for the relocation of Simsbury Community Television (SCTV)**

Mr. Wellman said the Public Building Committee is asking this Board to release them from the charge of relocating SCTV.

Ms. Cook feels they are looking for guidance on this issue. Mr. Shea said they are looking to get it off their agenda.

Mr. Askham said this project will be reconsidered in the near future. After some discussion, it was decided to thank the Committee and ask them to hold on for a few months. There was no motion on this item.

**i) Accept Fiscal Year 2018 Dial-A-Ride (DAR) Operating Assistance Grant**

Mr. Askham made a motion to authorize the Acting Town Manager to sign the Operating Assistance Grant Contract between the Greater Hartford Transit District and the Town of Simsbury in the amount of \$6,322. Mr. Kelly seconded the motion. All were in favor and the motion passed.

**j) Accept Donation in the amount of \$5,000 from Middle School Semi-Formal Dance for Social Services Department Programs**

Mr. Askham made a motion to accept a financial donation from proceeds of Middle School Semi-Formal Dance in the amount of \$5,000 to support Community and Social Services Department programs with our thanks. Ms. Cook seconded the motion. All were in favor and the motion passed.

**k) Accept Donation in the amount of \$5,000 from Garrity Asphalt Reclaiming, Inc. for the Keep Simsbury Warm Programs**

Mr. Askham made a motion to accept the financial donation from Garrity Asphalt Reclaiming, Inc. in the amount of \$5,000 to assist needy residents with such needs as heat, food and shelter with our thanks. Ms. Cook seconded the motion. All were in favor and the motion passed.

**l) Accept Donation in the amount of \$1,500 from Robert Hensley & Associates, LLC for the Simsbury Food Closet**

Mr. Peterson made a motion to accept the financial donation in the total amount of \$1,500 from Robert Hensley & Associates, LLC to the Simsbury Food Closet with our thanks. Ms. Cook seconded the motion. All were in favor and the motion passed.

**OTHER BUSINESS**

**a) Deepwater Wind Proposed Solar Project Update**

Mr. Wellman said the Siting Council approved a 26 mega-watt solar farm in Simsbury.

Attorney DeCrescenzo went through the process on the five separate parcels. The date of the mailing triggers the appeal period. This appeal needs to be done by February 5, 2018. He went through the process of where

the Town can go from here. He said the developer has to file a D & M plan. The Board needs more information before they can decide whether or not to appeal this decision.

Mr. Wellman said this issue will be discussed further in Executive Session.

**b) Discussion on Historic Tobacco Agricultural Structures**

Mr. Wellman said there wouldn't be any decision tonight. This is just a discussion on the three historic structures on 45 Hoskins Road. He is looking for some guidance as they are in disrepair. The landowner did obtain a permit to demolish them.

Marguerite Carnell, 33 Seminary Road, Vice Chair of the Simsbury Historic Commission and Julie Carmilick spoke about the historical significance of the buildings, which are on the National Registry of Historic Places. They told the Board about different grants that are available for this property. The Board will obtain more information on this property before making a decision.

There was some discussion on endorsing a study on the barns and property. The Board needs to know if there will be a viable use of the land.

**APPOINTMENTS AND RESIGNATIONS**

**a) Acknowledge the resignation of Ronald P. Zappile (R) as a regular member of the Housing Authority effective December 31, 2017**

Ms. Cook made a motion to accept the resignation of Ronald P. Zappile as a regular member of the Housing Authority effective December 31, 2017 with our thanks. Mr. Askham seconded the motion. All were in favor and the motion passed.

**b) Open Space Committee – discussion regarding appointments of members at large**

Mr. Wellman said the new Charter says the Board needs to proceed with three members of the public to join the Open Space Committee. He said he would ask Town Committees for suggestions. If anyone else is interested, they could mail their resume to the Town Manager for review.

Ms. Cook said there is a volunteer process in the Town Clerk's office. The process goes through the parties and committee chairs. Something can be placed on the Town website for people to come forward if they are interested.

There was no motion on this item.

**REVIEW OF MINUTES**

**a) Regular Meeting of December 11, 2017**

There were no changes to the Regular Meeting minutes of December 11, 2017, and, therefore, the minutes were adopted.

**SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS**

1. **Personnel** – there was no report at this time.
2. **Finance** – there was no report at this time.
3. **Welfare** –there was no report at this time.
4. **Public Safety** –there was no report at this time.
5. **Board of Education** – there was no report at this time.

Ms. Cook, liaison for Community for Care said there will be a program on Wednesday, January 10<sup>th</sup> at the Library to discuss mental health and other issues about the LGBT community.

**ADJOURN TO EXECUTIVE SESSION**

**a) Pursuant to CGS§1-200(6)(B) to discuss matters concerning the Deepwater Wind Proposed Solar Project**

Mr. Askham made a motion to adjourn to executive session pursuant to CGS§1-200(6)(B) to discuss matters concerning the Deepwater Wind Proposed Solar Project at 9:22 p.m. and to include Attorney DeCrescenzo, James Rabbitt, Sean Kimball and Melissa Appleby. Ms. Cook seconded the motion. All were in favor and the motion passed.

**ADJOURN FROM EXECUTIVE SESSION**

Mr. Askham made a motion to adjourn from Executive Session. Mr. Kelly seconded the motion and the motion passed. The Board of Selectmen adjourned from Executive Session at 10:35 p.m.

**ADJOURN**

Mr. Askham made a motion to adjourn the meeting. Mr. Kelly seconded the motion and the motion passed. The meeting was adjourned at 10:35 p.m.

Respectfully submitted,

Kathi Radocchio  
Clerk