

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 Wendy Mackstutis; Board members Chris Peterson, Eric Wellman, Sean Askham and Heather Goetz. Others in attendance included: Interim Town Manager Lee C. Erdmann; Deputy Town Manager Tom Fitzgerald; Finance Director/Treasurer Amy Meriwether; Planning and Community Development Director George McGregor, and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC HEARING

a) Proposed Revision to Town Code 85-6.1, Complex Projects

Ms. Mackstutis said this Public Hearing is to receive public comments on changing the Town Code Section 85-6.1 as to what and when the Inland Wetlands and Conservation Commissions can do for large and complex projects.

Mr. McGregor said the proposed change to the Town Code now allows our land use commissions to secure outside technical assistance costs to be applied to the application costs. This proposal would allow technical assistance beyond the staff's ability or time that they might have and defines complex projects specifically over 100,000 sq. ft. of a development and/or 2000 parking spaces. Inland Wetlands and Conservation Commissions are asking for this threshold to be removed. Planning and Zoning is not asking for this.

Ms. Winters said they have had a few applications where they could have used more help from an outside technical assistant on large complex projects.

Susan Masino, 41 Madison Lane, wondered if development would be for the environment in general or for environmentally friendly and sustainable.

After no further comments, Mr. Askham made a motion to adjourn the Public Hearing at 6:33 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

PUBLIC AUDIENCE

- **Participants can address the Board of Selectmen in person at the meeting**
- **email townmanager@simsbury-ct.gov by noon on Monday, October 23, 2023, to register to address the Board of Selectmen live through Zoom**
- **Written comments can be emailed to townmanager@simsbury-ct.gov. Written comments will not be read into the record but, forwarded to all Selectmen via email**

Mark Orenstein, SCTV, said new microphones have been used since September 27, 2023. You can see the green light in the ceiling, and they were purchased by a grant. Hopefully, they will be able to get more for the Board of Education meetings as well.

John Alexopoulos, 40 Cambridge Court, spoke about the developer at Cambridge Crossing and his absent promises. He said these are other issues since the last meeting. This is an unprecedented situation at this point. He said they are not guaranteed services that were supposed to be provided for, such as plowing, trash removal, lawn/property maintenance. The residents have now contracted with Paine's Trash Removal and have to mow their own lawns and take care of their own properties. He said the residents don't own the roads so they don't feel they can hire anyone to plow the roads. The contractor has been in the news, and it doesn't look good for the residents. They are asking for the Town to plow their roads, that are under a mile long, for a short period of time until they get this issue resolved.

Robert Barslow, 106 Cambridge Court, spoke about three issues: neighborhood infrastructure like drainage issues; snow removal issues. Nothing is being scheduled consistently at this point. There are also issues with foreclosures. He said the HOA should be functioning and taking care of all of this, but it doesn't seem to be functioning and they don't get any answers from the contractor. They really need the Town's help to expedite the process on these issues and help in resolving them.

Ms. Mackstutis said the Board should review this issue to the Town Manager, Public Works, and Attorney DeCrescenzo. Hopefully they can get a plan together for discussion at the next meeting.

Katie Barslow, 106 Cambridge Court, said they really need some kind of answers before the snow comes. They don't know their limitations and need feedback on these issues or some kind of plan. There are 33 families that need help, and they would like to have a good relationship with the Town and have a contingency plan in place their property.

Joan Coe, 26 Whitcomb Drive, spoke about the Interim Town Manager's presentation at the Board of Finance meeting on September 19, 2023, where the Volunteer Ambulance Association is looking for financial assistance. She spoke about plantings on the corner of Seminary and Firetown Roads obstructing the line of sight; the East Coast Greenway study concerns; new Board and new Town Manager coming in November; conflicts of interest issues; prompt responses to concerns, etc.

Susan Masino, 41 Madison Lane, spoke about the grand finale of the Beaver Pond Wildlife series on November 9th (social time is a 6 p.m. and film is at 7:00 p.m.); the open space draft POCD, which is in progress, and some confusion on this issue.

Lori Boyko, 15 Oakhurst Road, spoke about her tax increases and mortgage increases this year. She said insurance doesn't cover flooding and wants to know what to do if they have flood situations. She also spoke about Main Street Partnership being a 501(c)(3) and the \$50,000 they get every year. She said this is taxation without representation.

a) Farmington Valley Visiting Nurse Association

Nancy Sheets said the Farmington Valley VNA is also a non-profit organization, a homecare and hospice agency. She thanked the Town for supporting them. She went through some of the things they do for the Town such as glucose and blood pressure clinics. They also sit on the Public Safety Commission and partner with the Fire and Ambulance services with "steps to safety." They provide free skilled visits to assist people who want to stay in their homes instead of going into a facility. They also offer CPR and AED training and COVID mask fitting, as well as other help they can offer the Town, etc. They did have to secure their financial future and have now partnered with VNS of Litchfield County. They will always take care of the residents.

b) Fair Rent Commission Status Update

Mr. Fitzgerald said the Fair Rent Commission was started in 1986, but it hasn't met since November 1990. He said the Fair Rent Commission has the power to study, investigate and have public hearings on complaints received on rental charges and accommodations. They also have the power to issue subpoenas and issue corrective orders.

He said the Town sent a letter to the Department of Housing that the Town does have a Fair Rent Commission, even though it hasn't met in 30 years, and therefore needs some updates/changes. He went through the proposed ordinance changes such as 7 members to 5 with 2 alternates. He said the Board needs to schedule a public hearing to discuss these changes further. After some discussion, the Board will schedule a public hearing.

FIRST SELECTMAN'S REPORT

Ms. Mackstutis, First Selectman, reviewed her First Selectman's report.

TOWN MANAGER'S REPORT

Interim Town Manager, Lee C. Erdmann, reviewed his Town Manager's report.

Mr. Askham made a motion to add item J to the agenda: The Greater Hartford Transit. Mr. Wellman seconded the motion. All were in favor and the motion passed.

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

- a) **Personnel** – there was no report at this time.
- b) **Finance** – there was no report at this time.
- c) **Public Safety** – Mr. Askham said Public Safety met last week and updates will be given to the Board and public. He noted that AMR is struggling with their own staffing in Avon and Simsbury has had to go to help them. We hear that ambulance service is struggling state-wide. We have some plans for our future and will be discussing them further. He also noted that there is a state process if you want to change ambulance services, we just can't do it ourselves.
- d) **Board of Education** – there was no report at this time.

Ms. Goetz said she attended the Main Street Partnership meeting where they discussed their Taste of Simsbury Event had "best year yet" and some fundraising ideas moving forward.

Ms. Mackstutis said there was no Finance Sub-Committee meeting, but Ms. Meriwether is going to give them a list of projects that can be worked on.

SELECTMEN ACTION

a) Proposed Revision to Town Code 85-6.1 Complex Projects (1:24:13)

Mr. Askham made a motion, effective October 23, 2023, to adopt the proposed revision to Town Code 85-6.1 Complex Projects as presented, which should be effective 21 days after publicized in a newspaper, having a

circulation withing the Town of Simsbury. Further move, to authorize a summary of the adopted ordinance to be published. Ms. Goetz seconded the motion. All were in favor and the motion passed.

b) Discussion on Plan of Conservation and Development

Ms. Mackstutis said the Board has the opportunity to bring up issues on the POCD or if there is any consensus of what the Board wants to bring forward to the Planning Commission, they do have the chance to bring them up to the meeting tomorrow night. She said the Board has a chance to endorse it, reject it or just receive it without comment.

Ms. Mackstutis said she found some potential ideas for the new Board to look at like different agencies, like Main Street and the Chamber, working together with the EDC. Also, having a Housing Advisory Commission for changes in the community.

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

c) Fiscal Year 22/23 Year End Financial Results

Ms. Meriwether went through the General Fund Revenues and Expenses. She also went through the employee benefits section, Simsbury Farms Funds, Health Insurance Funds, and different transfers. She also went through the Board of Education revenues and expenses. She also went through CNR items. Ms. Meriwether went through fund balances and different transfers to be made.

There was discussion on the different proposed funding projects like IT, the PAC, Police Department wants and Fire Safety issues. The PAC and Fire Marshall need to come to a Board meeting to discuss their projects further.

After further discussion, no motion was made at this time.

d) FY 22/23 Year End General Fund and Capital Transfers (2:57:25)

Mr. Askham made a motion, effective October 10, 2023, to transfer \$3,465,000 from the General Fund to the Capital Reserve Fund in the amount of \$3,300,000 and CNR Fund in the amount of \$165,000 and further move to appropriate the CNR Funds for the following projects: (1) Managed Network Detection and Responses (\$18,000), (2) Network Switches (\$37,000); (3) Police Road Side Cameras (\$39,900) and Compensation and Classification Study (\$75,000) and recommend to the Board of Finance. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective October 23, 2023, to roll over encumbrances totaling \$ 68,319.00 and appropriate the funds in the FY24 budget in accordance with the “Open Purchase Order Detail” report and recommend to the Board of Finance. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective October 23, 2023, to approve the year end budget transfers in accordance with the “General Fund Budget Transfers – Budgetary Basis” document and recommend to the Board of Finance. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective October 23, 2023, to approve the capital transfers in accordance with the “Capital Transfers Request” document and recommend to the Board of Finance. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

e) Tax Refund Requests (3:01:05)

Mr. Askham made a motion, effective October 10, 2023, to approve the presented tax refunds in the amount of \$11,159.91 and to authorize Interim Town Manager, Lee C. Erdmann to execute the tax refunds Mr. Wellman seconded the motion. All were in favor and the motion passed.

f) Appropriation of Funds for CT Department of Agriculture Farm Viability Grant (3:01:53)

Mr. Fitzgerald said the Board authorized the application of the grant and now they need to authorize spending of the funds.

Mr. Askham made a motion, effective October 23, 2023, to appropriate the grant funds, if awarded and recommend said appropriation to the Board of Finance. Mr. Wellman seconded the motion. All were in favor and the motion passed.

g) Simsbury Public Library Grant Application for CT Humanities Implementation (3:03:14)

Mr. Fitzgerald said this is similar to the trial grant, which went well. The total implementation would be \$20,000, with the grant being \$10,000 and a Town match of \$10,000.

Mr. Askham made a motion, effective October 23, 2023, to authorize the Simsbury Public Library to submit a grant application to CT Humanities Implementation for \$20,000 and to authorize Interim Town Manager, Lee C. Erdmann, to execute the grant application.

In that the grant is awarded: Move to accept the grant and to authorize Interim Town Manager, Lee C. Erdmann, to execute all documents related to the grant award. Further move to appropriate the grant funds, if awarded. And recommend the said appropriation to the Board of Finance. Mr. Wellman seconded the motion. All were in favor and the motion passed.

h) Schedule a Public Hearing for Proposed Ordinance Prohibiting the Use of Tobacco, Vaping, and Cannabis Products on Public Property (3:04:21)

Ms. Mackstutis said this meeting had to be rescheduled as there was no quorum at the last meeting. More information was included in the packets.

Ms. Goetz made a motion, effective October 23, 2023, to set a Public Hearing to receive public comment on the proposed Ordinance to Prohibit the use of Tobacco, Vaping, and Cannabis Products on Public Property for 6:00 p.m. on Monday, November 13, 2023. Mr. Askham seconded the motion. All were in favor and the motion passed.

i) Schedule a Public Hearing for Proposed Amendments to Fair Housing Commission Ordinance (3:04:55)

Mr. Askham made a motion, effective October 23, 2023, to set a Public Hearing to receive public comment on the proposed amendments to the Fair Rent Commission Ordinance for 6:00 p.m. on Monday, November 13, 2023. Ms. Goetz seconded the motion. All were in favor and the motion passed.

j) Greater Hartford Transit (3:05:32)

Mr. Askham made a motion, effective October 23, 2023, to accept the FY 23/24 grant funds from the Greater Hartford Transit District to support our Dia-a-Ride program and to authorize Interim Town Manager, Lee C. Erdmann, to execute all documents related to the grant award. Further move, to appropriate the grant funds, if awarded, and recommend said appropriation to the Board of Finance. Mr. Wellman seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a) September 27, 2023 Regular Meeting Minutes

There were no changes to the minutes and, therefore, they were adopted.

EXECUTIVE SESSION (3:06:16)

a) Pursuant to General Statutes Section 1-200 (6)(A): Town Manager Employment Agreement

b) Pursuant to General Statutes Section 1-200 (6)(B): Discussion of Pending Claim

Mr. Askham made a motion to adjourn to Executive Session pursuant to General Statutes Section 1-200 (6)(B): Discussion of Pending Claim at 9:08 p.m. and to include Interim Town Manager, Lee C. Erdmann, Deputy Town Manager Tom Fitzgerald and Attorney Robert DeCrescenzo. Ms. Goetz seconded the motion. All were in favor and the motion passed.

ADJOURN FROM EXECUTIVE SESSION

Mr. Askham made a motion to adjourn Executive Session at 9:32 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

SELECTMEN ACTION

k) Town Manager's Employment Agreement

Mr. Askham made a motion, effective October 23, 2023, to execute the Town Manager's Employment Agreement between the Town of Simsbury, CT and Marc Nelson, for a three-year term commencing on January 8, 2024 and expiring on January 7, 2027. Mr. Wellman seconded the motion. All were in favor and the motion passed.

ADJORN

Mr. Askham made a motion to adjourn at 9:34. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio
Clerk