

**TOWN OF SIMSBURY – BOARD OF SELECTMEN
REGULAR MEETING MINUTES – JANUARY 9, 2023
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The Regular Meeting of the Board of Selectmen was called to order at 6:01p.m. in the Main Meeting Room of the Simsbury Town Hall. Present were: First Selectman Wendy Mackstutis; Deputy First Selectman Amber Abbuhl; Board members Heather Goetz, Eric Wellman and Chris Peterson. and Sean Askham. Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Attorney Robert DeCrescenzo; Director of Planning and Community Development McGregor and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC AUDIENCE

- **Participants can address the Board of Selectmen in person at the meeting**
- **email townmanager@simsbury-ct.gov by noon on Monday, January 9, 2023 to register to address the Board of Selectmen through Zoom**
- **Written comments can be emailed to townmanager@simsbury-ct.gov. Written comments will not be read into the record, but will be forwarded to all Selectmen via email**

Joan Coe, 26 Whitcomb Drive, spoke about the December 12, 2022 responses to public audience, a change in a job description, public audience speakers speaking twice, and other issues.

Dr. Michael Williams, 965 Hopmeadow Street, spoke about the sale of cannabis. He said the packaging for recreational cannabis looks like cookie or candy wrappers. He doesn't feel there will be any control for adults who use cannabis and doesn't feel this should be sold in Simsbury. He doesn't feel the Town will receive that much revenue from the sale and we don't need it that badly.

Hillary Staub, 440 Firetown Road, wants parents to speak to their children and keep things like cannabis locked up so they can't get to it. She doesn't feel it is the Town's job to prevent children from using cannabis.

Lori Boyko said she attended the meetings in person or online on the cannabis issue. She said this is a schedule 1 substance with high potential for addiction according to the FDA and DEA. There is a difference between medical and recreational marijuana and there is no need for recreational sales in Simsbury. Recreational cannabis is still illegal and dangerous.

Julie Williams, 17 North Canton Road, feels the Town should spend more money on economic development. There is enough alcohol in Town that we can't handle. The dispensary isn't the problem, it's the user. She feels the proposal should be thrown out as it's another level of concern the Town doesn't need.

FIRST SELECTMAN REPORT

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

TOWN MANAGER'S REPORT

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

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

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

Ms. Abbuhl said the Senior Center will host a “Memory Café” on Wednesday, February 15, 2023, from 1:00 – 1:45p.m. at the Simsbury Public Library. This is so people can come and share memories and stories at a social gathering. The RSVP date is February 13th.

Ms. Abbuhl said you can make an appointment for the AARP tax aid at the Public Library. This will be a 90 minute appointment where they will help you do your tax returns. The appointments will be on Tuesdays and Thursdays.

SELECTMEN ACTION

a) Tax Refund Requests

Mr. Wellman made a motion, effective January 9, 2023, to approve the presented tax refunds in the amount of \$23,129.76, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Mr. Askham seconded the motion. All were in favor and the motion passed.

b) Donation from Simsbury Police Department from Ron Perry

Ms. Capriola said Mr. Perry wants to make a donation to the discretionary Police fund again as he is passionate about the work they do.

Ms. Goetz made a motion, effective January 9, 2023, to accept the monetary donation of \$5,000 from Ron Perry for use by the Police Department with our thanks. Mr. Askham seconded the motion. All were in favor and the motion passed.

c) Donation from Garrity Asphalt Reclaiming, Inc.

Ms. Mackstutis said Garrity Asphalt has made this donation before to help Simsbury residents with heating and utility bills. If people are interested in applying, please call Social Services.

Ms. Abbuhl made a motion, effective January 9, 2023, to accept a donation from Garrity Asphalt Reclaiming, Inc. in the amount of \$10,000 to support the Keep Simsbury Warm Program with our thanks. Mr. Askham seconded them motion. All were in favor and the motion passed.

d) Consideration of Retail Sale of Cannabis within Town Borders

Ms. Mackstutis said the Zoning Commission took advantage of the moratorium on cannabis in November 2021 with State change in Zoning requirements. Their decision was then extended for 6 months. Then this discussion came before the Board of Selectmen. The Board discussed the issue, and if they wanted to prohibit the sale, they would need an ordinance. They could also leave the issue to the residents or the Land Use Boards. The Board has three options – leave with Zoning Commission; prohibit and sale of cannabis; or

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temporarily prohibit for 12 months to see what other communities are doing. A petition could also be done by residents for a referendum.

Ms. Capriola said this Board can't ban it tonight, a draft ordinance would be developed to be discussed with the Board and presented at a public hearing first.

Ms. Mackstutis feels that this issue should remain in the hands of the Land Use Board, but she is not opposed to it as it is legal in the State.

Ms. Goetz would like it banned as she doesn't feel this is a good fit for Simsbury, but it could be brought up at a referendum to hear residents speak.

Mr. Askham said he doesn't have issues with cannabis. He is disappointed that we don't have this much passion on overdoses with other drugs. We need to care more about what substances are killing people in Town. He is in favor of option c to let residents speak.

Ms. Abbuhl said she was living in Colorado when cannabis became legal there. She does support the legalization of cannabis. She is also in support of option c so we can take our time to see how this works in CT before deciding if we want to adopt it or not. This will also allow residents to look into a referendum.

Mr. Wellman said he would like to see a referendum on this. He has a strong belief that most things you want to make safer you don't ban them but you legalize and regulate them stringently. We should talk to our MA neighbors to see how they are handling this. He doesn't feel cannabis should be banned but the Zoning Commission should continue their work on this.

Mr. Peterson thinks it's a mistake if this Board doesn't address this issue. This is a policy decision, not a land use issue. He has discussed this issue with many people and feels the sale of cannabis won't add to community. He doesn't feel option 2 will pass, so will agree to option 3 if it is more than 12 months.

After discussion, Mr. Askham made a motion, effective January 9, 2023, to temporarily prohibit the retail sale of cannabis in Simsbury, CT for 12 months and to request of the Town Manager and Town Attorney to preparation of a draft ordinance prohibiting the temporary sale of cannabis. Ms. Abbuhl seconded the motion. After more discussion, the 12-month period was amended to 18 months. Mr. Askham, Mr. Peterson, Ms. Goetz and Ms. Abbuhl were in favor and Mr. Wellman and Ms. Mackstutis were against. Therefore, the motion passed.

Ms. Capriola said the Public Hearing date for the draft ordinance could be February 13, 2023 at 6:00 p.m. Mr. Askham made a motion to hold a Public Hearing on February 13, 2023 at 6:00 p.m. to consider the ordinance on the 18-month prohibition cannabis sales in the Town of Simsbury. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

APPOINTMENTS AND RESIGNATIONS

a) Appointments and Resignations to Various Boards and Commissions

Mr. Askham made a motion to appoint and reappoint all people to the various Boards and Commissions on the RTC and DTC as presented. Mr. Wellman seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a) Regular Meeting of December 12, 2022

There were no changes to the Regular Meeting Minutes of December 12, 2022, and, therefore, the minutes were adopted.

ADJOURN

Mr. Askham made a motion to adjourn the meeting at 7:02 p.m. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio
Clerk