

## **CALL TO ORDER**

The Regular Meeting of the Board of Selectmen was called to order at 6:00 p.m. Present were: First Selectman Wendy Mackstutis; Deputy First Selectman Amber Abbuhl; Selectmen Heather Goetz, Sean Askham, Eric Wellman and Chris Peterson. Others in attendance included: Town Manager Maria E. Capriola; Director of Culture, Parks and Recreation Tom Tyburski; Management Specialist Tom Fitzgerald and other interested parties.

## **PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

## **PUBLIC HEARING**

Ms. Mackstutis said the Board voted 4/2 on January 9, 2023, to work on an ordinance about the retail sale of cannabis in Simsbury.

### **a) Proposed Ordinance to Temporarily Prohibit the Retail Sale of Cannabis in Simsbury**

- **Participants can address the Board of Selectmen in person at the meeting**
- **Email [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov) by Monday, February 27, 2023, to register to address the Board of Selectmen live through Zoom**
- **Written comments can be emailed to [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov), Written comments will not be read into the record, but forwarded to all Selectmen via email**

Joan Coe, 26 Whitcomb Drive, said this is the same information the residents had before, and they already said no about the sale. She feels the Board is trying to delay the vote so the new Board will have to handle it. This delay won't change anything.

Mark Warren, 15 Oakwood Road, feels nothing will stop the sale of cannabis. It is a legal product, and it will increase revenues for the Town, increase employment and social equity. He feels the ordinance is a waste of time as we already have a cannabis manufacturing facility in Town, which is pretty hypercritical.

Josiah Schlee, 45 Banks Road, a medical cannabis patient, said the issue is a lack of education. He feels a lot of hateful things have been said. He feels the sale would give back to the Town. He is very confused about how we can grow it but not sell it. People need to be realistic and stop beating around the bush on this issue.

Barry Klein, 4 Bob White Way, said he has heard a lot of stories about Connecticut having marijuana as a legal medication, but his concerns is about another 18-month delay as if there is no action taken the issue will expire. We need movement now and if we need to change it can be done later after we see how it can affect the Town.

Laurie Nilsen, 12 Talcott Mountain Road, feels if we allow the cannabis here it will change the charm and character of the Town. She is in favor of banning cannabis.

Lori Boyko, 15 Oakhurst Road, said Simsbury is a beautiful, bike safe Town. She feels demand must be created and wants to know where the Town is headed. She is not in favor of the sale of cannabis in Town.

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Elizabeth Peterson, 32 Fox Den Road, feels this issue is well within the Boards options. We already have an issue with people being high. We need to educate people first and then enforce the laws and recreational cannabis after that.

Jocelynn Klein, 4 Bob White Way, said after researching she doesn't want cannabis sales in Town. What's the rush, pump the brakes and make a convincing argument on the issue. She is confused if it is a good idea or a bad idea at this point. She wants true answers to all the questions.

Ms. Mackstutis said all of the residents' emails have been forwarded to the Board. She reminded everyone of the options on this issue.

After no further comment, Mr. Askham made a motion to close the Public Hearing at 6:23 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Ms. Mackstutis said the Board can sit and wait or add this to the agenda to vote on.

After some discussion, Mr. Askham made a motion to amend the agenda to add the Proposed Ordinance to Temporarily Prohibit and Retail Sale of Cannabis in Simsbury after public audience. Ms. Goetz seconded the motion. All were in favor and the motion passed.

### **PUBLIC AUDIENCE**

Barbara Weldon, 48 Brettonwood Drive, spoke about fencing issues at her development. This issues was supposed to have been resolved before Tractor Supply opened, but there are still issues. Several notices about the violation have come and gone and the fencing is still not completed. She is appealing to the Board of Selectmen to finally take care of this issue.

Joan Coe, 26 Whitcomb Drive, said she wants a new RFP done for Town Attorney because of several issues including conflict of interests. She also spoke about Eno Trust housing and blighted properties in Town.

Laurie Boyko, 15 Oakhurst Road, spoke about the Zoning Compliance Officer not addressing her inquiries quicker.

Mr. Peterson made a motion, effective February 27, 2023, to adopt the proposed Ordinance to Temporarily Prohibit the Retail Sale of Cannabis in Simsbury, CT as presented, which will take effect 21 days after publication in the newspaper having circulation within the Town of Simsbury. Further move, to authorize the summary of the adopted ordinance be published. Ms. Abbuhl seconded the motion. Mr. Peterson, Ms. Abbuhl, Mr. Askham and Ms. Goetz were in favor with Ms. Mackstutis and Mr. Wellman not in favor. Therefore, the motion passed.

### **PRESENTATION**

#### **a) Town Manager's Proposed FY 23/24 Budget**

Ms. Capriola went through her objectives of this FY 23/24 budget. She said these are preliminary numbers. The Grand List will go up about 26.85% generating approximately \$22.3M.

Ms. Capriola went through the FY 23/24 revenue outlook with a tax rate of 98.5%.

Ms. Capriola went through the General Fund Expenditures saying they anticipate salary increases, especially due to minimum wages going up. She has put in a \$25,000 contingency fund for early voting.

Ms. Capriola went through the service improvements saying they prioritized service improvements requests for consideration. She also went through the approved uses for ARPA funding and outside agency requests.

Ms. Capriola went through the Board of Selectmen initiatives with financial management and capital planning shared services.

She said there are a number of various capital and CNR projects like Health, Safety, Well-being of the Community, economic development, tourism maps, Tariffville area plans, etc. She said she is engaged in high quality workforce items.

Ms. Capriola went through the Capital and Debt Service Budget. She wants to utilize available cash for smaller value and routine capital needs that shouldn't be bonded for. She will continue to build the capital reserves with capital project close-outs and year-end savings when available. She will continue to quantify our capital and CNR needs.

Ms. Capriola went through the Capital Fund Projects, like the Golf Course Irrigation System. She went through the Public Works list and Sewer-WPCA.

Ms. Capriola went through FY23/24 CNR fund revenues, which doesn't include education projects. She also went through the CNR Fund projects and fund balance.

She said the mill rate will be down 17.00%, which doesn't include the Fire District. She went through the revaluation chart also. She said most of the money will go to Education, benefits and insurance, the debt service, public safety and public works. She highlighted items in the budget summary.

She said the Board should think about outside agency fund requests, SVAA requests, ARPA funding requests and look at opportunities we have.

There was discussion on the ARPA funding requests and other budget items. There will be budget workshops on March 9, 11, 13 and possibly the 15<sup>th</sup>. The Board of Selectmen need to adopt the budget on March 13 or 15<sup>th</sup>. Then the Board of Selectmen budget needs to go to the Board of Finance on March 21<sup>st</sup>. The anticipated budget referendum is either May 2<sup>nd</sup> or May 16<sup>th</sup>.

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

### **FIRST SELECTMAN'S REPORT**

There was no First Selectman's report at this time.

### **TOWN MANAGER'S REPORT**

Ms. Capriola, Town Manager, said the offices will try to be open by noon tomorrow due to the storm.

### **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 tomorrow between 3:30 – 4:30 there will be office hours with Kristen Formanek and herself.

Mr. Peterson said they are close to a final design for the Simsbury Farms Playscape. He also spoke about the baseball field renovations.

Ms. Goetz welcomed three new businesses in Town. She said Inland/Wetlands will be holding a hearing on March 7<sup>th</sup> at 7:30.

### **SELECTMEN ACTION**

#### **a) Tax Refund Requests**

Mr. Wellman made a motion, effective February 27, 2023, to approve the presented tax refunds in the amount of \$2,326,42, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

#### **b) Donation from Keith and Carol McLean-Shineman**

Ms. Abbuhl made a motion, effective February 27, 2023, to accept a donation from Keith and Carol McLean-Shineman in the amount of \$1850.00 for the purpose of supporting Simsbury food programs with our thanks. Mr. Wellman seconded the motion. All were in favor and the motion passed.

#### **c) Proposed Revisions to Personnel Rules and Regulations**

Ms. Capriola said she spoke to labor council and the public safety committee about non-union staff documents and other changes in the Personnel Rules and Regulations. There was some discussion on exit interview feedbacks and harassment issues.

After discussion, Mr. Askham made a motion, effective February 27, 2023, to approve the proposed revisions to the Personnel Rules and Regulations with the proposed change to add feedback “must be offered” on their employment on 10.5 Exit Interview. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

### **APPOINTMENTS AND RESIGNATIONS**

#### **a) Resignation from the Greater Hartford Transit District Board of Directors**

Mr. Wellman made a motion, effective February 27, 2023, to accept the resignation of Ferg Jansen from the Greater Hartford Transit District’s Board of Directors with our thanks. Mr. Askham seconded the motion. All were in favor and the motion passed.

**b) Appointments to Various Boards and Commissions**

Ms. Abbuhl made a motion, effective February 27, 2023, to appoint Colleen Yates as a Regular Member of the Library Board of Trustees with a term expiring December 4, 2023. Mr. Askham seconded the motion. All were in favor and the motion passed.

**c) Proposed Appointment to the Community for Care Committee**

Ms. Abbuhl made a motion, effective February 27, 2023, to appoint Mike Paine as a Regular Member of the Board of Ethics with a term expiring January 1, 2027. Ms. Goetz seconded the motion. All were in favor and the motion passed.

**REVIEW OF MINUTES**

**a) Minutes of February 15, 2023, Special Meeting**

There were no changes to the Special Meeting Minutes of February 15, 2023.

**COMMUNICATIONS**

- a) Letter for CT Humanities Council Grant for Simsbury Meadows Facility Expansion, dated February 23, 2023** - there was no discussion at this time.

**ADJOURN TO EXECUTIVE SESSION**

- a) General Statutes Section 1-200(6)(B) discussion of pending litigation: DWW Solar II v. Simsbury (tax appeal)**

There was no Executive Session.

**ADJOURN**

Mr. Peterson made a motion to adjourn at 8:30 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio  
Clerk