

TOWN OF SISMBURY – BOARD OF SELECTMEN  
REGULAR MEETING MINUTES – MAY 10, 2021  
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**CALL TO ORDER**

The Regular Meeting of the Board of Selectmen was called to order at 6:00 p.m. on ZOOM due to COVID-19. Present were: First Selectman Eric Wellman, Deputy First Selectman Sean Askham; Board members Mike Paine, Jackie Battos, Wendy Mackstutis and Chris Peterson. Others in attendance included Town Manager Maria E Capriola; Deputy Town Manager Melissa Appleby, Police Chief Nicholas Boulter, Director of Planning and Community Development Mike Glidden; Finance Director/Treasurer Amy Meriwether; Director of Public Works Tom Roy, Tom Hazel Code Compliance Officer, Director of Community and Social Services Kristen Formanek and other interested parties.

**PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

**PUBLIC AUDIENCE**

- email written comments to [ebutler@simsbury-ct.gov](mailto:ebutler@simsbury-ct.gov) by 12:00 P.M. Monday, May 10, 2021 to be read into the records; or
- email written request to [tfitzgerald@simsbury-ct.gov](mailto:tfitzgerald@simsbury-ct.gov) by 12:00 P.M. Monday, May 10, 2021 to address the Board of Selectmen through ZOOM

Mr. Wellman read an email from Diane Nash, who wrote about the Board of Finance Public Hearing. She feels the public wasn't heard and letters submitted were not read. She also spoke about the process for getting the Meadowood project on the referendum ballot. There are rights to bring an item to referendum if enough signatures are obtained.

Mr. Askham read an email from Joan Coe, who spoke about public audience at the Board of Selectmen meetings, the Police Commission meetings no having public audience, bike safety month, FOI requests, the Simsbury High School track, a police officer's letter, and other issues.

Mr. Wellman read an email from Nancy Yanopoulos, who spoke about affordable housing. She feels there are options needed for affordable housing and that a task force needs to be made for these issues.

**PRESENTATIONS**

**a) Traffic Enforcement and Concerns**

Chief Boulter gave a presentation on traffic safety and enforcement in Town. The officers investigate traffic complaints, look for hazards and actively interact with residents. Speeding is the number one complaint. Their goals are to reduce accidents and speeding. The officer's goals are to influence the public to drive safely and be aware of the surroundings.

**b) Proclamation for National Law Enforcement Week**

Mr. Askham read the following Proclamation:

**National Law Enforcement Officer Memorial Week**

**WHEREAS**, President John F. Kennedy Proclaimed May 15<sup>th</sup> as National Peace Officers Memorial Day in 1962, and Congress in 1962 established National Police Week to recognize the law enforcement officers who have lost their lives while serving; and

**WHEREAS**, the Town of Simsbury recognizes the difficulty of the job of our Police Department and the potential dangers that go along with it; and

**WHEREAS**, it is important to remember all those law enforcement officers who have lost their lives across the country; and

**WHEREAS**, the year 2021 marks the 59<sup>th</sup> annual National Law Enforcement Officers Memorial Week, be it now,

**RESOLVED**, that the Simsbury Board of Selectmen do hereby designate the week of May 9-15, 2021 as National Law Officer Enforcement Week;

**IN WITNESS THEREOF**, we have placed our signatures and the great seal of the Town of Simsbury.

Dated May 20, 2021.

Mr. Askham made a motion, effective May 10, 2021, to endorse a Proclamation in honor of National Law Enforcement Officers Memorial Week. Ms. Battos seconded the motion. All were in favor and the motion passed.

**c) Proclamation for National Public Works Week**

Mr. Wellman said National Public Works Week is next week. He said the Public Works workers not only clear roads after storms, keep roads in good repair all year, clean buildings, but a lot of other invisible jobs.

Mr. Paine read the following Proclamation:

**National Public Works Week**

**WHEREAS**, Public Works Professionals focus on infrastructures, facilities and services that are of vital importance to sustainable and resilient communities and to public health, high quality of life and well-being of the people of Simsbury; and,

**WHEREAS**, these infrastructures, facilities and services could not be provided without the dedicated efforts of public works professionals, who are administrators, laborers, truck drivers, custodians, waste water treatment operators, engineers, supervisors, managers and employees at all levels of government in the private sector who are responsible for maintaining, rebuilding, improving and protecting our communities transportation, environment, water treatment and solid waste systems, public buildings and other structures and facilities that are essential for our citizens; and

**WHEREAS**, it is in the public interest for the citizens, civic leaders and children in Simsbury to gain knowledge of and to maintain in a progressive interest in and understanding of the importance of public works and public works programs in their respective communities; and

**WHEREAS**, the year 2021 marks the 61<sup>st</sup> annual National Public Works Weeks sponsored by the American Public Works Association/Canadian Public Works Association, be it now,

**RESOLVED**, that the Simsbury Board of Selectmen do hereby designate the week of May 16-22, 2021 as National Public Works Week. We urge all citizens to join with representatives of the American Public Works Association/Canadian Public Works Association and the government agencies in activities, events and ceremonies designed to pay tribute to our public works professionals, engineers, managers and employees and to recognize the substantial contributions they make to protect our national health, safety, and quality of life.

**IN WITNESS THEREOF**, we have placed our signatures and the great seal of the Town of Simsbury.

Dated the 10<sup>th</sup> of May 2021.

Mr. Paine made a motion, effective May 10, 2021, to endorse a Proclamation in honor of National Public Works Week. Mr. Askham seconded the motion. All were in favor and the motion passed.

#### **d) Proclamation for Bike Month and Presentation**

Pattie Jacobus, speaking for the Bicycle/Pedestrian Advisory Committee. She said Simsbury was the first bicycle friendly community and is now is the first silver bicycle friendly community. The Committee has inspired other towns to examine how friendly their towns are for walking and bike trails. Every May Simsbury celebrates Bicycle month with other communities. There is a lot to celebrate for Simsbury with two great trails.

Ms. Jacobus said the trails became more important during the pandemic. She also went through the Bike Events Calendar.

Ms. Battos read the following Proclamation:

#### **May 2021 is Bike Month in Simsbury, CT**

**WHEREAS**, millions of Americans engage in bicycling as an environmental sound form of transportation, an excellent form of fitness, and a quality family recreation activity; and

**WHEREAS**, Simsbury, CT, our state's first Bicycle Friendly Community, annually hosts Bike to Work Day, Bike to School Events, Community Bike Challenges, safe cycling events that attract residents and bicycle tourists to Simsbury; and

**WHEREAS**, these events demonstrate that cycling is sustainable, economic development policy impacting our home prices, our tourism industry, and our local economy by making our Town attractive to businesses and citizens who enjoy safe, outdoor recreation that fosters healthy lifestyles; and

**WHEREAS**, recognizing that investing in bicycle-friendly communities is good public health policy, by encouraging low impact exercise, which improves overall well-being and quality of life, builds community spirit, and can reduce pollution and congestion; and

**WHEREAS**, the League of American Bicyclists and Connecticut cyclists view cycling as safety policy and Bike Month promotes public awareness of bicycle operation to improve reduce crashes, injuries and fatalities; and

**WHEREAS**, cycling is good social policy in that ALL citizens of Simsbury benefit from the availability of complete transportation system that includes facilities dedicated to the safe and convenient movement of bicycle traffic:

**NOW, THEREFORE BE IT RESOLVED**, that the Town of Simsbury Board of Selectmen hereby proclaims the month of May 2021 as **BIKE MONTH** in the beautiful and Silver Level Bike-Friendly Simsbury, CT

Ms. Mackstutis made a motion, effective May 10, 2021, to endorse a Proclamation for Bike Month. Mr. Peterson seconded the motion. All were in favor and the motion passed.

#### **FIRST SELECTMAN’S REPORT**

Mr. Wellman, First Selectman, reviewed his First Selectman’s report.

#### **TOWN MANAGER’S REPORT**

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

#### **SELECTMEN ACTION**

##### **a) Supplemental Appropriation for North End Sidewalk Project**

Mr. Wellman said this project is progressing. This request is to approve a \$147,000 appropriation because of additional costs to the project based on changes that the State is requesting. The project is funded by a State grant and the Town is not responsible for funding the additional costs.

Mr. Paine made a motion, effective May 10, 2021, to approve the supplemental appropriation request for the North End Sidewalk Project as presented and recommend its approval to the Board of Finance. Ms. Battos seconded the motion. All were in favor and the motion passed.

##### **b) Tax Refund Requests**

Ms. Mackstutis made a motion, effective May 10, 2021, to approve the presented tax refunds in the amount of \$229.47 and to authorize Town Manager, Maria E. Capriola to execute the tax refunds. Mr. Paine seconded the motion. All were in favor and the motion passed.

##### **c) Authorize the Board of Education to Apply for a Connecticut School Construction Grant for the Renovations and Expansion of Latimer Lane School and Referral of the Project to the**

**Public Building Committee and Authorization of Preparation of Schematic Drawings and Specifications**

Mr. Wellman said Town residents approved capital expenditures for Latimer Lane School on May 4, 2021.

Mr. Sullivan said these motions are needed to get the project moving. The minutes need to be submitted when applying for the grant.

Ms. Mackstutis made a motion, effective May 10, 2021, “RESOLVED, that the Board of Selectmen authorize the Town of Simsbury Board of Education to apply to the Offices of School Construction Grants and Reviews to accept or reject a grant for the proposal renovation and expansion of Latimer Lane School, and;

RESOLVED, that the Board of Selectmen hereby establishes the permanent Public Building Committee as the building committee to the proposed renovations and expansion of Latimer Lane School, and:

RESOLVED, that the Board of Selectmen authorize the preparation of schematic drawings and outline specifications for the proposed renovations and expansion of Latimer Lane School.” Ms. Battos seconded the motion. All were in favor and the motion passed.

**d) Engagement Letter for Bond Counsel and Conflict Waiver for Pullman and Conley**

Mr. Wellman said we recently retained the services of Pullman and Conley as bond counsel and some conflicts of interest were noted in matters in which attorneys from that firm are handling. The work performed by bond counsel is separate from those matters.

Mr. Paine made a motion, effective May 10, 2021, to approve the attached conflict of interest waiver request from Pullman and Conley, LLP to represent the Town of Simsbury as Bond Counsel. Mr. Askham seconded the motion. All were in favor and the motion passed.

**e) Proposed Public Gathering Permit – Simsbury Culture, Parks and Recreation Farmington River 4<sup>th</sup> of July Canoe, Kayak and SUP Race**

Mr. Hazel said the access is through Curtiss Park. The race will be run from about 11 am. – 1 p.m. Mr. Wellman said the river height is also being questioned for safety.

Mr. Askham made a motion, effective May 10, 2021, to approve the Public Gathering Application on behalf of Simsbury Culture, Parks and Recreation and to authorize the issuance of the Public Gathering Permit for the Farmington River 4<sup>th</sup> of July Canoe, Kayak and SUP Race. Furthermore move that should the Farmington River height exceed 7 ft. on the day of event, the event will be canceled. Mr. Paine seconded the motion. All were in favor and the motion passed.

**f) Neighborhood Assistant Act Program Proposals; Schedule Public Hearing**

Mr. Wellman said this is an annual item and there were two proposals; one from Simsbury Grange for energy conservation projects, and one from Simsbury Social Services for their food program. A public hearing needs to be held for approval.

Ms. Capriola said Ms. Appleby is going to be looking into a suggestion for a possible application to be added regarding open space acquisition.

Ms. Battos made a motion, effective May 10, 2021, to authorize a Public Hearing to receive public comment on the proposals submitted by the Simsbury Grange and the Simsbury Department of Community and Social Services pursuant to the 2021 Connecticut Neighborhood Assistant Act for 6:00 p.m. on Monday, June 14, 2021. Mr. Paine seconded the motion. All were in favor and the motion passed.

**g) Rescheduling the Public Hearing Regarding Proposed Revisions to the Historic District Commissions Ordinance (Chapter 25 of Town Code)**

Mr. Wellman said a Public Hearing was scheduled for May 24, 2021 for revisions for Chapter 25 of the Town Code. The Board is being asked to change the date of this meeting as it is not an urgent hearing, and staff is still awaiting guidance from the state regarding the ability to continue hosting public meetings virtually.

Mr. Paine made a motion, effective May 10, 2021, to cancel the Public Hearing scheduled for May 21, 2021 at 6:00 p.m. to receive public comment concerning proposed revisions to Chapter 25 of the Town Code concerning the Historic District Commission, and;

To set a Public Hearing to receive public comment concerning proposed revisions to Chapter 25 of the Town Code concerning the Historic District Commission for 6:05 p.m. on Monday June 14, 2021. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**h) Proposed Revision to SPIRIT Counsel Rules and Procedures**

Mr. Wellman said the Board approved a motion to form a sub-committee from the SPIRIT Counsel to discuss issues around housing at the last meeting. The revised rules and procedures account for this change, and also allow for ad hoc sub-committees to address specific issues.

After some discussion, Mr. Askham made a motion, effective May 10, 2021, to adopt the proposed revisions to the Simsbury SPIRIT Council Rules and Procedures as presented. Mr. Paine seconded the motion. Mr. Wellman, Ms. Battos, Mr. Peterson, Mr. Askham and Mr. Paine were in favor, with Ms. Mackstutis abstaining, and therefore, the motion passed.

## **APPOINTMENTS AND RESIGNATIONS**

### **a) Proposed Appointment to Various Boards and Commissions**

Ms. Mackstutis made a motion, effective May 10, 2021, to appoint Scott A. Wilson (D) as a regular member of the Historic District Commission, with a term expiring January 1, 2024. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Ms. Mackstutis made a motion, effective May 10, 2021, to appoint Ram Kaza (D) as a regular member of the Zoning Board of Appeals, with a term expiring December 6, 2021. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Ms. Mackstutis made a motion, to appoint Amy McLean Salls (D) as a regular member of the Clean Energy Task Force, with a term expiring December 6, 2021. Mr. Wellman seconded the motion. All were in favor and the motion passed.

## **REVIEW OF MINUTES**

### **a) Special Meeting of April 24, 2021**

There were no changes to the Special Meeting Minutes of April 24, 2021, and, therefore, the minutes were adopted.

### **b) Regular Meeting of April 26, 2021**

There were no changes to the Regular Meeting Minutes of April 26, 2021, and, therefore, the minutes were adopted.

## **SELECTMEN LIASION AND SUB-COMMITTEE REPORTS**

- a) Personnel** – there was no report at this time.
- b) Finance** – there was no report at this time.
- c) Welfare** – there was no report at this time.
- d) Public Safety** – there was no report at this time.
- e) Board of Education** – Ms. Mackstutis said the Board of Education was discussing the amount of paperwork that needs to be done to submit grants. Their meeting was held at Tootin’s Hills.

Ms. Mackstutis said the Technology Task Force spoke about social media policies and they are trying to resolve an issue where there is a website illegally using the Town seal to make it look like it is a Town website.

Mr. Paine said commended the residents who were involved in the budget referendum. He also said that hosting the referendum at the Library was great.

## **COMMUNICATIONS**

- a) **Lower Farmington and Salmon Brook Wild and Scenic Committee Update, Dated May 4, 2021**  
There was no discussion at this time.

## **EXECUTIVE SESSION**

- a) **Executive Session per General Statutes 1-200 (6)(B), Strategy and Negotiations of a Pending Claim and/or Litigation; Cavanagh Claim Under the Workmen’s Compensation Act**

Mr. Askham made a motion to adjourn to Executive Session per General Statutes 1-200 (6)(B), Strategy and Negotiations of a Pending Claim and/or Litigation; Cavanagh Claim Under Workmen’s Compensation Act at 7:30 p.m., and to also include Town Manager Maria E. Capriola and Deputy Town Manager Melissa Appleby. Ms. Battos seconded the motion. All were in favor and the motion passed.

## **ADJOURN**

Mr. Askham made a motion to adjourn from executive session at 7:45 p.m. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion to adjourn the meeting at 7:45 p.m. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio  
Clerk