

TOWN OF SIMSBURY – BOARD OF SELECTMEN  
REGULAR MEETING MOTIONS – JUNE 28, 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. in the Program Room, Simsbury Public Library. Present were: First Selectman Eric Wellman; Deputy First Selectman Sean Askham; other Board members Chris Peterson, Jackie Battos and Wendy Mackstutis. Mike Paine was absent. Others in attendance include: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Director of Parks and Recreation Tom Tyburski; Town Engineer Jeff Shea (virtually); Zoning Compliance Officer Tom Hazel (virtually); Missy DiNunno, Simsbury Performing Arts Center (virtually); Community and Social Services Director Kristen Formanek (virtually); Attorney Bob DeCrescenzo (virtually); and other interested parties.

**PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

Mr. Wellman noted that this past year has been very tragic for everyone and it is good to see everyone in person and know people are doing better.

**PUBLIC AUDIENCE**

- Email [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov) by 12:00 P.M. on Monday, June 28, 2021 to register to address the Board of Selectmen live through ZOOM, or
- Citizens can participate live in-person
- Written comments will not be read into the record, but forwarded to all Selectmen via email

Joan Coe, 26 Whitcomb Drive, spoke about not being able to show pictures during public audience, an employee recognition breakfast, a salary meeting, elections, PRIDE flag raising, Volunteer Ambulance, marijuana, taxes and other issues.

Robert Kalechman, 971 Hopmeadow Street, spoke about not having a Memorial Day Parade, the civil war of 1812, cleaning up war memorials, not hanging any flags but the American flag and other issues.

Sherry Byron, 17 Crestwood Road, a PAC volunteer, spoke about marijuana in Town, keeping the bike path safe, CBD oil and gummy bears not being on the trail, important data on drugs and keeping Simsbury clean.

**PRESENTATIONS**

Mr. Wellman said Parks and Recreation Month is July. The golf course and trails hit records last year. Therefore, we do need to celebrate Parks and Recreation.

**a) Proclamation – Park and Recreation Month**

Mr. Peterson read the following:

Designation of July as Park and Recreation Month

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WHEREAS parks and recreation programs are an integral part of communities throughout this country, including the Town of Simsbury; and

WHEREAS our parks and recreation are vitally important to establishing and maintaining the quality of life in our communities, ensuring the health of all citizens, and contributing to the economic and environmental well-being of a community and region; and

WHEREAS, parks and recreation programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and

WHEREAS, parks and recreation program increase a community's economic prosperity through increased prosperity through increased property values, expansion of the local tax base, increased tourism, the attraction and retention of businesses, and crime reduction; and

WHEREAS parks and natural recreation areas improve water quality, protect groundwater, prevent flooding, improve the quality of the air we breathe, provide vegetative buffers to development, and produce habitat for wildlife; and

WHEREAS our parks and natural recreation areas ensure the ecological beauty of our community and provide a place for children and adults to connect with nature and recreate outdoors; and

WHEREAS the U.S. House of Representatives has designated July as Parks and Recreation Month; and

WHEREAS Simsbury recognizes the benefits derived from parks and recreation resources

NOW, THEREFORE, BE IT RESOLVED BY the Board of Selectmen, that July is recognized as Parks and Recreation Month in the Town of Simsbury.

Ms. Battos made a motion, effective June 28, 2021, to endorse a Proclamation in honor of Parks and Recreation Month. Ms. Mackstutis 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) Tax Refund Requests**

Mr. Askham made a motion, effective June 28, 2021, to approve the presented tax refunds in the amount of \$408.40 and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Ms. Battos seconded the motion. All were in favor and the motion passed.

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**b) Hartford Foundation for Public Giving, Simsbury Greater Together Community Fund; Letter of Interest Application Form**

Mr. Wellman said this is a grant opportunity from the Hartford Foundation for Public Giving where we can apply for a \$25,000 grant for the Greater Together Community Fund. This opportunity has created 29 new funds for each town in the region. The communities can determine how the funds are spent. If the money is awarded, it would go to support social service programs for residents with hardships during this time.

Ms. Mackstutis made a motion, effective June 28, 2021, to submit a Letter of Interest to the Simsbury Greater Together Community Fund (Hartford Foundation for Public Giving) for the purpose of requesting funds to assist our residents in need. Mr. Peterson seconded the motion. All were in favor and the motion passed.

In the event that the letter of interest/application is accepted, the following motion is in order:  
Further move, to submit the grant application to the Simsbury Greater Together Community Fund (Hartford Foundation for Public Giving) for the purpose of requesting funds to assist our residents in need.

In the event that the grant is awarded, the following motion is in order:  
Further move, to accept the Simsbury Greater Together Community Fund (Hartford Foundation for Public Giving) grant, and to authorize Maria E. Capriola, Town Manager, to execute all documents related to the grant award.

Mr. Peterson seconded the motion. All were in favor and the motion passed.

**c) Proposed Public Gathering Permit – Simsbury PAC – Comedy Series**

Ms. DiNunno said this is a new event for Simsbury. It will be held the first 3 Wednesdays in July. There will be food trucks and non-alcoholic vendor at the site. Mr. Hazel said the only pending approvals are for the vendors.

Mr. Askham made a motion, effective June 28, 2021, to approve the public gathering application on behalf of the Simsbury Performing Arts Center and to authorize the issuance of the public gathering permit for the Simsbury Performing Arts Center Comedy Series pending Farmington Valley Health District approval of food vendors. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**d) Proposed Public Gathering Permit – Simsbury PAC – US Coast Guard Band**

Ms. DiNunno said the US Coast Guard Band reached out to her about this event. It will be a series of two concerts that will be free.

Ms. Battos made a motion, effective June 28, 2021, to approve the public gathering application on behalf of the Simsbury Performing Arts Center and to authorize the issuance of the public gathering permit for the US Coast Guard Band performances. Mr. Askham seconded the motion. All were in favor and the motion passed.

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**e) Proposed Public Gathering Permit – Simsbury PAC – Kinetic Ukes Performance**

Ms. DiNunno said this is a local group that wants to put on a free concert on July 18, 2021.

Ms. Mackstutis made a motion, effective June 28, 2021, to approve the public gathering application on behalf of the Simsbury Performing Arts Center and to authorize the issuance of the public gathering permit for the Kinetic Ukes performance. Mr. Askham seconded the motion. All were in favor and the motion passed.

**f) License Agreement for Storage Shed at Weatogue Park with Simsbury – Avon Youth Football League, Inc.**

Mr. Wellman said the Simsbury-Avon Youth Football League, Inc. wants to replace the current storage shed with a larger shed at their own expense.

Ms. Battos made a motion, effective June 28, 2021, to authorize Town Manager, Maria E. Capriola, to execute the proposed license agreement for a storage shed at Weatogue Park with Simsbury –Avon Youth Football League, Inc. Mr. Peterson seconded the motion. All were in favor and the motion passed.

**g) Letter of Support to Rebrand the Farmington Canal Heritage Trail**

Mr. Wellman said this is the 81 mile trail that stretches from New Haven to Northampton. The New Haven and Northampton Canal Greenway Alliance represents seven non-profit groups that make up the trail. They are looking for a letter from each community that the trail runs through. The name change is supported from the Farmington Valley Trails Council.

After some discussion, Ms. Mackstutis made a motion, effective June 28, 2021 to authorize the Town Manager’s Office to send a letter of support to rebrand the Farmington Canal Heritage Trail to the New Haven and Northampton Canal Greenway. Ms. Battos seconded the motion. All were in favor and the motion passed.

**h) Acquisition of Easements for Bridge Projects**

Mr. Wellman said this is to rehabilitate local bridges to prolong the life of the structure to at least 20 years. Simsbury submitted grant applications for two bridges under this program.

Mr. Askham made a motion, effective June 28, 2021, to authorize Town Manager, Maria E. Capriola, to execute temporary and permanent easements associated with bridge rehabilitation projects Firetown Road Bridge over an unnamed brook (Bridge No. 04549) and Barndoor Hills Road Bridge over Bissell Brook (Bridge No. 04550) Project. Mr. Peterson seconded the motion. All were in favor and the motion passed.

**i) Acceptance of and Supplemental Appropriation for State Department of Agriculture Funds for Meadowood Acquisition**

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Mr. Wellman said the next set of motions are procedural motions about the Meadowood acquisition. This one is the acceptance of a grant from the State Department of Agriculture.

Mr. Askham made a motion, effective June 28, 2021, to accept approximately \$877,500 from the State Department of Agriculture and/or the Trust for Public Land to be applied toward the acquisition of Meadowood. Further move to authorize Town Manager Maria E. Capriola to execute all documents related to accepting these funds. Further move, to approve the supplemental appropriation for the Meadowood purchase as presented and recommend its approval to the Board of Finance. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**j) Referral to Planning Commission Pursuant to CGS 8-24 for Release of Existing Conservation Easements Associated with the Approval for the Meadowood Development**

Mr. Wellman said there are existing conservation easements on the property that would need to be replaced by new easements. This would be a referral to the Planning Commission to get an advisory opinion on whether the proposed actions are considered consistent with the goals and objectives from the Plan of Conservation and Development.

Mr. Askham made a motion, effective June 28, 2021, pursuant to CGS 8-24 to refer to the Planning Commission the release of existing Conservation Easements associated with the Meadowood subdivision approval and to accept the new easement. Mr. Peterson seconded the motion. All were in favor and the motion passed.

**k) Schedule a Public Hearing for Release of Existing Conservation Easements and Acceptance of New Conservation Easements for Meadowood**

Mr. Askham made a motion, effective June 28, 2021, to set a public hearing to receive public comment on the release of existing conservation easements and acceptance of new conservation easements for the Meadowood property for 5:30 p.m. on Thursday, July 15, 2021. Ms. Battos seconded the motion. All were in favor and the motion passed.

**l) Authorization for Town Manager to Sign as Co-Applicant for the Meadowood Re: subdivision Application**

Mr. Askham made a motion, effective June 28, 2021, to authorize the Town Manager to sign the Meadowood restructured subdivision application on behalf of the Town as co-applicant. Mr. Peterson seconded the motion. All were in favor and the motion passed.

**m) Proposed Amendments to Historic District Commission Ordinance (Chapter 25)**

Mr. Wellman said the Town has been considering changes to the Ordinance. A Public Hearing was held at the last Board of Selectmen meeting. One of the proposed changes is for the ordinance to mirror the state statute in regard to membership residency requirements. Another proposed change was to reduce the quorum requirement to have three members' presents as opposed to four for a simple majority.

Mr. Askham made a motion, effective June 28, 2021, to adopt the proposed revisions to Chapter 25 of the Simsbury Code of Ordinances. Historic Commission as presented, which shall be effective 21 days after

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publication in the newspaper having circulation within the Town of Simsbury. Further move, to authorize a summary of the adopted ordinance be published. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**n) IBPO Successor Collective Bargaining Agreement; 2021-2024 and Pension Agreement; 2021-2024**

Mr. Wellman said the Local No 458 represents the Police Officers. They ratified the temporary agreement last week.

Ms. Capriola reviewed the agreement highlights. This would be a three year successor agreement. She said there is a separate agreement for pension benefits.

After some discussion, Mr. Askham made a motion, effective June 28, 2021, to authorize Town Manager, Maria E Capriola to execute the proposed successor Collective Bargaining Agreement between the Town of Simsbury and IBPO Local No. 458 and its successor pension agreement between the two parties, which shall enter into effect from motion passed. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**o) Vacation Carryforward Requests (Police, CSEA)**

Mr. Wellman said the Town Manager is recommending that the Board approve five employees that have vacation days that would carryover through the next fiscal year with a few stipulations as has been done before.

Ms. Mackstutis made a motion, effective June 28, 2021 to approve the vacation carryover requests as presented in the table below and requiring Selectmen action. Further stipulate that the approved excess vacation days must be used on or before December 31, 2021. Any unused approved excess vacation days still on the books as of January 1, 2022 will be forfeited. Should the employee leave service for any reason, including but not limited to retirement or resignation, they will not be paid out for the approved unused excess vacation days authorized by the Board of Selectmen. Ms. Battos seconded the motion. All were in favor and the motion passed.

**p) Proposed Omnibus Amendment to the Code of Ordinances – Changing First Selectmen References to Town Manager When Appropriate Due to Change in Form of Government**

Mr. Wellman said this is identifying all of the places in the Town policies, resolutions, etc. that were not changed to Town Manager after the change in form of government.

Attorney DeCrescenzo explained how he found all of the references that need to be changed. Ordinances changes will require a Public Hearing but the policy changes will not.

Ms. Mackstutis made a motion, effective June 28, 2021, to set a public hearing to receive public comment concerning the omnibus amendment to the Code of Ordinances to change the First Selectman references to Town Manager where appropriate for 6:00 p.m. on Monday, July 12, 2021 and to refer the proposed amendments to the Personnel Rules and Regulations to Personnel Sub-Committee for review. Mr. Peterson seconded the motion. All were in favor and the motion passed.

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**APPOINTMENTS AND RESIGNATIONS**

**a) Appointment to SPIRIT Council**

Mr. Askham made a motion, effective June 28, 2021, to appoint Even Chen (Student) as a student representative/regular member of the SPIRIT Council, with a term to expire on December 6, 2021. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**REVIEW OF MINUTES**

**a) Special Meeting of June 11, 2021**

There were no changes to the Special Meeting Minutes of June 11, 2021, and, therefore, the minutes were adopted.

**b) Regular Meeting of June 14, 2021**

There were no changes to the Regular Meeting Minutes of June 14, 2021, and, therefore, the minutes were adopted.

**SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS**

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

Ms. Mackstutis said she met with Mr. Askham to discussion kicking off their workgroup and agenda. They hope to present something to the Board in August to outline their progress.

Mr. Peterson said at the Culture, Parks and Recreation meeting the 2019 numbers were discussed. The pool numbers were up as well as swim lessons and camp being sold out this year. Staff is at 100% and golf is well over the 2019 numbers. The restaurant is up and running with good reviews.

Mr. Wellman noted that pickle ball lines were approved.

**COMMUNICATIONS**

- a) Memo from M. Capriola re: Public Gathering Permits, dated June 15, 2021** – there was no discussion at this time.
- b) Memo from M. Capriola re: Public Gathering Permit, dated June 15, 2021** – there was no discussion at this time.

**ADJOURN**

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Mr. Askham made a motion to adjourn at 7:18 p.m. Ms. Battos seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio  
Clerk