

**TOWN OF SIMSBURY – BOARD OF SELECTMEN
REGULAR MEETING MINUTES – JULY 10, 2023
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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 Main Meeting Room of the Simsbury Town Offices. Present were: First Selectman Wendy Mackstutis; Deputy First Selectman Amber Abbuhl; Board members Chris Peterson, Eric Wellman, Sean Askham and Heather Goetz. Others in attendance included: Interim Town Manager Lee Erdmann, Acting Deputy Town Manager Tom Fitzgerald; Director of Parks and Recreation Tom Tyburski; Fire Chief Jim Baldis; Fire District President Gary Wilcox; Tax Collector Colleen O’Connor, Town Attorney Robert DeCrescenzo, Town Planner George McGregor, Director of Public Works/Town Engineer Tom Roy, 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 Monday, July 10, 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 will be forwarded to all Selectmen**

Joan Coe, 26 Whitcomb Drive, spoke about political campaigns and governing the Town, cannabis sales, the Silverman Group, food truck liquor permits, the Book Shop being sold and what future plans could be, Police vests, and other items.

Pat Weisbrich, 3 Lenora Drive, spoke about Attorney DeCrescenzo. She spoke about possible public audience changes as feels the work is against the 1st Amendment. She said she doesn’t even know how to get on the agenda. She didn’t like some of the proposed changes and wanted more discussion on this. She also spoke about the Pride flag painted across the road, the sign in sheet to talk at public audience, and other issues.

Katie Barslow, 106 Cambridge Court, and her in-laws who are under contract for a house on Cambridge Road, spoke about tax foreclosures on Cambridge Crossing. They understand that action needs to be taken if taxes are owed, but are concerned about two units that are totally complete and occupied. This brings financial burdens on those who are being penalized through no fault of their own. What assurance do they have that the new developer, etc. will take care of all of the issues there.

Gary Sanchez, agrees with Katie. He is building a work horse home at Cambridge Crossing.

Lori Boyko, 15 Oakhurst St., spoke about the right for free speech. She spoke about the Town being in a Federal Lawsuit several years ago on this issue. She said the Board has no right to limit what people say or think and the proposed changes in the rules and procedures are unconstitutional.

Lori Fernand, 15 Camille Lane, said she appreciated the Board of Selectmen and understands that they don’t get a lot of respect from the public. She said they are doing difficult work and everyone needs to be civil and kind. She also thanked the staff as she knows it is difficult to engage with the public.

Julie Patrick, 87 Cambridge Crossing, whose house is going into a tax foreclosure. It will cause a great deal of concern for her and her two children. They are battling a lot there and she does appreciate the Town trying to help them. She has a lot of questions about how it is going to directly affect them.

Marion Barsilow, Riley Road, and someone who is supposed to be purchasing a house at Cambridge Crossing asked if that house was foreclosed is there any option for her to still purchase her house and how would they go about it.

John, from Cambridge Court, spoke about the challenges they have had there. They have been taken advantage of. How can the Town stop this from happening. There are a lot of lawsuits out there. There was no financial securities or bonds put on the developer. If resold, this should take place. They really need the Town's support on all these issues.

Mr. Elamaram, who was online, said he has been waiting two years for his closing. He has many issues there at this house. He doesn't know what the future looks like for him. They do need the Town's help.

PRESENTATIONS

a) Plan of Conservation and Development Update

Erin Leavitt-Smith said they started the POCD last year as they are trying to update the language before their 10 years is up. She said Glen Chalder, the consultant, did an online survey with over 600 people responding. They also had many workshops and several meetings for people to discuss this issue. There was also a Public Hearing and a meeting tomorrow to look at all of the changes that were discussed.

Mr. Chalder said they prepared the draft and then made some suggested changes. They have cataloged all of the comments. He said under State Law, The Planning Commission is the statutory authority to adopt the plan. They just need to refer to the Board of Selectmen for comments. He spoke about doing a prioritization of the plan. After discussion, no motion was made at this time.

b) Fees Schedules for Permits and Inspections for the Fire District

Gary Wilcox explained that the Fire District is a separate municipality and taxing authority by Charter of the Town. They have their own budget and tax base, etc. They always work well with the Town. In looking at their budget, they targeted some areas of time and labor of inspecting and reviews that have to be done with the business community. They are asking that they be able to share expenses of tax collection bills be sent out with the Town's tax bills to save money and residents can just mail in one check for both bills. They did look at other Towns to compare to. After discussion, no motion was made.

c) Farmington Valley Visiting Nurse Association

There was no presentation at this time.

d) Proclamation for Parks and Recreation Month

Mr. Askham made a motion, effective July 10, 2023, to endorse a Proclamation in honor of Parks and Recreation Month. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

The following Proclamation was read by the Selectmen:

Designation of July as Parks and Recreation Month in Simsbury

WHEREAS, Parks and Recreation is an integral part of communities throughout this country, including Simsbury; and

WHEREAS, Parks and Recreation promotes health and wellness, improving the physical and mental health of people who live near parks, and

WHEREAS, Parks and Recreation promotes time spent in nature, which positively impacts mental health increasing cognitive performance and well-being, and alleviating illnesses such as depression, attention deficit disorders, and Alzheimer’s; and

WHEREAS, Parks and Recreation encourages physical activities by providing space for popular sports hiking trails, swimming pools, and may other activities designed to promote active lifestyles; and

WHEREAS, Parks and Recreation is a leading facilitator exciting and engaging community and cultural events; and

WHEREAS, Parks and Recreation programming and educational activities such as out-of-school times programs, youth sports, and environmental education, are critical to childhood development; and

WHEREAS, Parks and Recreation increases a communities economic property through increasing values, expansion of the local tax base, increasing tourism, the attraction to of businesses and crime reduction; and

WHEREAS, Parks and Recreation is fundamental to environmental well-being of our community; and

WHEREAS, Parks and Recreation is essential and adaptable infrastructure that makes our community resilient in the face of natural disasters and climate change; and

WHEREAS, Parks and Recreation natural recreation areas ensure the ecological beauty of our community and promotes 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 Simsbury Board of Selectmen that July is recognized as Parks and Recreation Month in the Town of Simsbury.

FIRST SELECTMAN’S REPORT

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

TOWN MANAGER’S REPORT

Mr. Erdmann, Interim Town Manager, reviewed his 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 there will be a community conversation on July 17th from 5:30 -7 p.m. at Eno Hall and from 1:30 – 3 on July 20th. This is to discuss how the State money received from ARPA funds can be used for the Senior Center and the lasting effects from the pandemic and the isolation of seniors.

Mr. Askham made a motion to add item f to the agenda to appoint Ed LaMontagne to the Aging and Disability Commission. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

SELECTMEN ACTION

a) Tax Lien Sale

Mr. Erdmann spoke about the proposed tax lien sale and tax foreclosures at different properties. He said the Town has not done Tax Lien sales before but has tried Tax Sales which haven't been very successful.

Ms. O'Connor explained what the difference between a Tax Lien Sale and Tax Foreclosure was. She said the previous Tax Sale wasn't very successful. She feels the Tax Lien Sale would be much better as a lot of times an investment company comes in and purchases the bundle as they can collect 18% interest. She said the Town has more control of the Foreclosures.

Attorney DeCrescenzo also spoke on these issues. He explained how they determined what to do at Cambridge Crossing. The Tax Foreclosure gives the Town more discretion on timing and really serves to bring parties together. This is only for land with taxes due.

After a lot of discussion, Mr. Askham made a motion effective July 10, 2023, to approve the Town of Simsbury to conduct a tax lien sale through a public bid process for the following properties:

Walther Andersen, MA, - 77 Wolcott Road

Michael Budlong, Trustee – 120,122, 124,126, 128, 130 Tariffville Road

Simsbury Real Estate Holdings – Parcel Nod Road 112-140 Nod Road

Ali Zahedi – Wolcott Road

Fyler Inc. – Woodchuck Hill Road

Timothy Martin – Lark Road

Owen Murphy – 50 Great Pond

Ms. Goetz seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective July 10, 2023, to approve tax foreclosures on the following properties:

Sunlight Construction – Parcel Cambridge Court 58, 59, 69, 85, 87 100, 108 101

Cambridge Court Parcel Hoskins Road – 42 Hoskins Road, 274 West Mountain Road

Iskra Ann – 9 Mountain View Road

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

b) Department of Agriculture Farm Viability Grant

Mr. Roy said he submitted a \$30,000 grant from the Department of Agriculture Farm Viability Program for Community Farm. After submission, the Department called and said we could submit for additional money. They added a few more items and now the total grant, in which we will receive is \$35,500.

After discussion, Mr. Askham made a motion, effective July 10, 2023, to authorize resubmission of the 2023 Agriculture Farm Viability Grant to fund repairs to the Town-Owned Community Farm at 73 Wolcott Road with a value of \$35,500. Ms. Goetz seconded the motion. All were in favor and the motion passed.

c) Proposed 2023 Bulky Waster (Transfer Station) Fee Schedule

Mr. Roy talked about the cost for the “Landfill.” On Wolcott Road. The Town has no labor cost in the operations as it is contracted through Paines. With the increase cost in recyclables, Paines is asking to increase the permit fee from \$25 to \$40 per year and \$10 - \$15 per week. He did check with other facilities in other regions and they are inline.

Mr. Askham made a motion, effective July 10, 2023, to adopt the 2023 Bulky Waste (transfer station) Fee Schedule as presented. Mr. Wellman seconded the motion. All were in favor and the motion passed.

d) Proposed Revisions to the Board of Selectmen Rules and Proceedings

Mr. Askham said these proposed changes are not to cross anyone’s 1st amendment rights. The verbalization is used across the State. People are not required to abide by them. The intent is to start the actual Town business first and then have public comments at the end of the meeting. He noted that there are several ways to get on the agenda. He also said the Board needs to support Town staff and they also need to be respected.

Attorney DeCrescenzo also spoke about what needs to be done in the Charter to change this issue.

After a lot of discussion on this item, Mr. Askham made a motion, effective July 10, 2023, to table this discussion and bring it back to the workgroup for revisions and then bring the revisions back to the Board of Selectmen again. Mr. Wellman seconded the motion. All were in favor and the motion passed.

e) Certification to Petition to Add Questions to the November Ballot

Mr. Askham made a motion, effective July 10, 2023, to acknowledge receipt of a petition that met the minimum statutory request of not less than ten percent of qualified electors in the Town of Simsbury.

Further move, to authorize staff to publicize the Board of Selectmen’s warning to the electors of Simsbury as approved by the Town Attorney. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

APPOINTMENTS AND RESIGNATIONS

a) Resignations from Various Boards and Commissions

Mr. Askham made a motion, retroactive to June 16, 2023, to accept the resignation of Diane T. Duran as an Alternate Member of the Planning Commission with our thanks. Retroactive to June 16, 2023, to accept the resignation of Victor Bible as a Regular Member of the Aging and Disability Commission with our thanks; retroactive to June 22, 2023, to accept the resignation of Edward LaMontagne as an Alternate Member of the Aging and Disability Commission with our thanks; and retroactive to July 5, 2023, to accept the resignation of Linda Schofield as a Regular Member of the Board of Finance with our thanks. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective July 10, 2023, to appoint Ed LaMontagne as a Regular Member of the Aging and Disability Commission with a term ending January 1, 2027. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a) Regular Meeting Minutes of June 12, 2023

There were no changes to the Regular Meeting Minutes of June 12, 2023 , and, therefore, the minutes were adopted.

COMMUNICATIONS

a) Letter from Conservation Commission re: Complex Projects and Revisions to Chapter 85-6.1 of Town Code

Mr. McGregor said he doesn't think this is a request to change the Town Code, but just to share information with the Board.

ADJOURN

Mr. Askham made a motion to adjourn the regular meeting and to move to Executive Session at 8:14 p.m. Item a) to include Attorney DeCrescenzo, Mr. McGregor, the Interim Town Manager and Acting Deputy Town Manager. Item b: to include Attorney DeCrescenzo, Interim Town Manager and the Acting Deputy Town Manager. Item c: to include the Interim Town Manager and attorney DeCrescenzo; item d: to include the Labor Attorney, the Interim Town Manager and the Acting Deputy Town Manager. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

EXECUTIVE SESSION

- a) Pursuant to CGS Section 1-200 (6)(B) and (E): pending claim 442 Hopmeadow Street**
- b) Pursuant to CGS Section 1-200(6)(C): Discussion of Draft Memorandum of Understanding with Simsbury Main Street Partnership**
- c) Pursuant to CGS 1-200(6)(E): Discussion of Draft Memorandum of Understanding with Simsbury Volunteer Ambulance Association**
- d) Pursuant to CGS 1-200(6)(E): Discussion of Strategy and Negotiations with respect to Collective Bargaining for Units Represented by AFSCME and CSEA**

ADJOURN

Mr. Askham made a motion to adjourn executive session at 9:15 p.m. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion to adjourn the meeting at 9:15 p.m. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio
Clerk