

From: Brett Marchand April 15, 2009 3:52:56 PM  
Subject: Board of Selectmen Minutes 03/23/2009  
To: SimsburyCT\_SelectMin  
Cc:

TOWN OF SIMSBURY  
BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
MARCH 23, 2009

#### CALL TO ORDER

The Regular Meeting of the Board of Selectmen was called to order at 7:00 p.m. in the Main Meeting Room of the Simsbury Town Offices. Present were: First Selectman Mary Glassman; Board members Moira Wertheimer, John Hampton, Michael Long and Richard Hogan. Absent was Robert Hensley. Others in attendance included Brandon Robertson, Hiram Peck, Gerry Toner and other interested parties.

#### PUBLIC HEARING

Ms. Wertheimer made motion to open the Public Hearing at 7:02 p.m. to receive public comment on proposed changes to Chapter 158 of the Town Code of Ordinances entitled, ZONING VIOLATIONS, as recommended by the Zoning Commission. Mr. Hampton seconded the motion. All were in favor and the motion passed.

Joan Coe, 26 Whitcomb Drive said she thought a Zoning Official would come to this meeting, but doesn't see one here. She said she spoke to Howard Beach and he told her they were just shoring up the language to make it better.

Ms. Glassman said they did look at other towns and they feel this language does work very well for compliance.

Dennis Hannon asked if this was going to be a separate incident every day. He said he has had a problem before and has had to go to mediation.

Hiram Peck said the new wording brings the language into alignment with state statutes. They did do a survey of other towns and this will be used sparingly. This is a helpful tool when violations are persistent. The hearing enforcement officer will hear the case and either impose the fine,

impose a partial fine, or waive the entire fine. The goal is to try to get the enforcement correct, not to collect money. Mr. Peck said there is a provision in the statutes, that if a fine is levied inappropriately, the Zoning Enforcement Officer is liable for triple damages.

Mr. Hannon said he is opposed to this new language.

Mr. Hampton made motion to close the Public Hearing at 7:10 after no further public comment. Mr. Hogan seconded the motion. All were in favor and the motion passed.

#### PUBLIC AUDIENCE

Robert Kalechman, 971 Hopmeadow Street said the Simsbury Republican Party has a new website. He noted that Ms. Glassman was the headline for a new tax article.

He spoke about meeting minutes being posted on the website within seven days. He received a letter about this and how the Town wants to meet FOIA requirements. He said there are still no minutes on Performing Arts Committee for March 18th.

Mr. Kalechman spoke about the Hartford Symphony and their five year contract. He said there was an article in the Hartford Courant saying they are reconsidering Talcott Mountain Music Festival. He feels the public is being lied to as they may not go forward in another year. He also feels the Performing Arts Committee is losing money.

Joan Coe, 26 Whitcomb Drive said she feels this Board is the most politically motivated in several years and feels it is time for a Town Management form of government. The \$550,000 capital expenditure is over the 7% debt policy. She spoke about the employees agreeing to a wage freeze and taking furlough days.

Ms. Coe spoke about the Hartford Symphony renting a trailer for their equipment instead of the Town making a facility for their equipment.

Ms. Coe said the buildings at the Simsbury Farms Complex have serious violations at the pool and skating rink. This should be a number one problem, not the golf maintenance buildings, but there is nothing in the budget about this.

Ms. Coe spoke about the Town Farm Dairy and feels the people living there are squatters who don't pay rent. They need to be removed.

Ms. Coe spoke about the item in the agenda where there is a proposal to

hold a private party at Eno Memorial Hall where liquor will be served. She does not want this approved as this will bring much risk to the Town. She also feels the fee schedule should be updated.

All of Ms. Coe's comments can be read on [Simsbury.com/forum](http://Simsbury.com/forum).

Diane Nash, 5 Merrywood said people saw her walking down Hopmeadow taking pictures and measuring trees and questioned what she was doing.

Ms. Nash said there are three things happening on Hopmeadow Street -

- 1) the re-alignment of West street and the Bridge, which she has nothing to do with.
- 2) CL&P is putting up a higher capacity line down Hopmeadow Street for more reliable service. The Tree Committee is working with CL&P to make sure what they can do is what the Town approves, and trees are protected.
- 3) The Tree Committee will be introduced in two weeks. Their first goal is the 1.1 mile stretch from West Street to Owns Brook. They are identifying trees, mapping them, photographing them, and getting some history of them for a walking tour.

Ms. Nash said they just happen to be doing their work while CL&P is working also. They have three arborists that are helping them to decide what should/should not be done. They hope to benefit the Town by doing this.

#### FIRST SELECTMEN REPORTS

Ms. Glassman thanked everyone again for their input on the budgets. There was a good turn-out in the brown bag lunches program.

Ms. Glassman said there will be a Public Hearing on the proposed operating budgets on April 7th at 7:30 p.m. at the Simsbury High School Auditorium. The Annual Town Meeting will be held on May 5th at 7:30 p.m. in the Simsbury High School Auditorium and the Special Town Meeting will be held immediately following the Annual Town Meeting. The referendum is tentatively scheduled for May 19th.

Ms. Glassman said the Board of Selectmen requested operating budget is \$17,775,739. The Board of Education requested operating budget is \$60,868,434. The Debt Retirement requested budget is \$6,114,025 and the Non-Public Schools requested budget is \$512,927.

Ms. Glassman said the proposed 2009-2010 capital projects are \$550,000 for the Simsbury Farms Recreation Complex; \$150,000 for the Squadron Line School project; \$120,000 for the Central School building project; and \$100,000 for replacement of core switches that service the schools and the

Town of Simsbury.

#### ACTION ITEMS

a) Review, discuss and possibly approve minutes of the following Regular and Special Meetings:

March 9, 2009 Regular Meeting Minutes  
February 26, 2009 Special Meeting Minutes

Mr. Hampton made motion to adopt the Regular Meeting Minutes of March 9, 2009 as presented. Mr. Hogan seconded the motion. All were in favor and the motion passed.

Ms. Wertheimer made motion to table the adoption of the Special Meeting Minutes of February 26, 2009 until all Board members were present. Mr. Hampton seconded the motion. All were in favor and the motion passed.

b) Review, discuss and possibly take action regarding a proposed amendment to Chapter 158 of the Town Code of Ordinances entitled Zoning Violations.

Mr. Hampton asked if the fee could be levied and then a "wait period" could be issued before receiving the fine. Mr. Peck said the Town of Westport waits four days for a response and then on the fifth day they start the levying of the fees again.

Mr. Long didn't have a problem with the concept of the fines, but did have a problem with the language proposed. He feels it should read "the fine for each violation shall be up to \$150 per day for each day the violation continues".

Mr. Long made motion to amend to the Town Code of Ordinances, Chapter 158 entitled Zoning Violations with a change to § 158-3 Fines Established to read:

"The fine for each violation shall be up to \$150 per day for each day the violation continues, payable to the Treasurer of the Town of Simsbury". Mr. Hogan seconded the motion. All were in favor and the motion passed.

c) Review, discuss and possibly approve "Notice of Special Town Meeting."

Ms. Glassman noted that the figures on some of these projects have been reduced thanks to hard work and recalculations.

After some discussion on the proposed budget and debt policy;

Item 1:

Mr. Hogan introduced the following resolution, which was seconded by Mr. Hampton:

“RESOLVED, that the Board of Selectmen hereby (1) approves the following project, which was included in the Town’s Capital Improvement Plan for the ensuing year: design and construction of a new, combined parks and golf maintenance facility to be situated at the Simsbury Farms Recreation Complex; and (2) recommends that the Town of Simsbury appropriate \$550,000 for the project; that the Town authorize the issue of bonds or notes and temporary notes in an amount not to exceed \$550,000 to finance the appropriation; and that the term of the bond or notes not exceed ten years.”

The Resolution was approved by five votes in favor and no votes opposed.

Item 2:

Mr. Long introduced the following resolution, which was seconded by Mr. Hampton:

“RESOLVED, that the Board of Selectmen hereby (1) approves the following project, which was included in the Town’s Capital Improvement Plan for the ensuing year: acquisition and installation of a replacement generator for Squadron Line School to provide temporary power in the event of a power outage or when the site is utilized as an emergency shelter; and (2) recommends that the Town of Simsbury appropriate \$150,000 for the project; that the Town authorize the issue of bonds or notes and temporary notes in an amount not to exceed \$150,000 to finance the appropriation; and that the term of the bonds or notes not exceed ten years.”

The resolution was approved by five votes and no votes opposed.

Item 3:

Mr. Hampton introduced the following resolution, which was seconded by Mr. Long:

“RESOLVED, that the Board of Selectmen hereby (1) approves the following project, which was included in the Town’s Capital Improvement Plan for the ensuing year: re-building of the brownstone egress stairs on the north and south ends of the 1911 original Central School building and partial re-pointing of the brownstone/masonry on the building; and (2) recommends that the Town of Simsbury appropriate \$120,000 for the project; that the Town authorize the issue of bonds or notes and temporary notes in an amount not to exceed \$120,000 to finance the appropriation; and that the

term of the bonds or notes not exceed ten years.”

The resolution was approved by five votes in favor and no votes opposed.

Item 4:

Ms. Wertheimer introduced the following resolution, which was seconded by Mr. Long.

“RESOLVED, that the Board of Selectmen hereby (1) approves the following project, which was included in the Town’s Capital Improvement Plan for the ensuing year: replacement of core switches that service the schools and the Town; and (2) recommends that the Town of Simsbury appropriate \$100,000 for the project; that the Town authorize the issue of bonds or notes and temporary notes in an amount not to exceed \$100,000 to finance the appropriation; and that the term of the bonds or notes not exceed ten years.”

The resolution was approved by five votes in favor and no votes opposed.

Item 5:

Mr. Hogan introduced the following resolution, which was seconded by Mr. Hampton.

“RESOLVED, that pursuant to Section 910 of the Charter, the Board of Selectmen calls the Annual Town Meeting for consideration of the budget to be held on the first Tuesday of May, May 5, 2009 at 7:30 P.M. in the Simsbury High School Auditorium, 34 Farms Village Road.”

The resolution was approved by five votes in favor and no votes opposed.

Item 6:

Mr. Long introduced the following resolution, which was seconded by Ms. Wertheimer.

“RESOLVED, that pursuant to Section 509 of the Charter, the Board of Selectmen calls a Special Town Meeting for Tuesday, May 5, 2009 immediately following the Annual Town Meeting for consideration of the budget scheduled for 7:30 P.M. in the Simsbury High School Auditorium, 34 Farms Village Road to consider and act upon resolutions as outlined in the Notice of Special Town Meeting, which is attached to these Minutes as Appendix “A”, which notice is hereby approved.”

Mr. Hogan introduced the following resolution, which was seconded by Mr.

Hampton.

“RESOLVED, that pursuant to Section 509 of the Charter, the Board of Selectmen call a Special Town Meeting for Tuesday, May 5, 2009 immediately following the Annual Town Meeting for consideration of the budget scheduled for 7:30 P.M. in the Simsbury High School Auditorium, 34 Farms Village Road to consider and act upon resolutions as outlined in the Notice of Special Town Meeting, which is attached to these Minutes as Appendix “A”, which notice is hereby approved.”

d) Review, discuss and possibly authorize First Selectman to execute a proposed “Third Amendment to a Lease Agreement for the Simsbury Farms Restaurant between the Town of Simsbury and Attilio Ceneviva.

Ms. Glassman noted that the Board did approve the lease pending a beer and wine permit. The permit was approved by the Zoning Commission. After some discussion, Mr. Hampton made motion to authorize the First Selectman to execute a proposed Third Amendment to a Lease Agreement for the Simsbury Farms Restaurant between the Town of Simsbury and Attilio Ceneviva with a change in 1. Term to read “beginning November 1, 2008 and ending December 15, 2010”. Also, this lease agreement would take affect contingent upon the approval of the Connecticut Liquor Control Commission, otherwise the Town and Mr. Ceneviva would revert back to the current contract. Mr. Hogan seconded the motion.

e) Review, discuss and possibly adopt a resolution as requested by the Director of Planning that would authorize the First Selectman to file an application for funding in the amount of \$30,000 to the Connecticut Commission on Culture and Tourism to perform a Historic Resource Study.

Mr. Hampton made motion to adopt a resolution as requested by the Director of Planning that would authorize the First Selectman to file an application for funding in the amount of \$30,000 to the Connecticut Commission on Culture and Tourism to perform a Historic Resource Study. Mr. Hogan seconded the motion. Four were in favor with Mr. Long abstaining. Therefore, the motion passed.

f) Review, discuss and possibly take action regarding a request by a Town resident to possess and serve alcoholic beverages at a private party to be held at Eno Memorial Hall pursuant to Chapter 63 Section 2 of the Code of Ordinances.

Ms. Glassman noted that this is the first time the Town was asked to use Eno Memorial Hall for a private party where alcohol would be served. This request was not enthusiastically received by Town staff or the Police Department.

Mr. Long made motion to deny requested usage of Eno Memorial Hall for a private party where alcoholic beverages were requested to be served. Mr. Hogan seconded the motion. All were in favor and the motion passed.

g) Review, discuss and possibly approve tax refunds in the amount of \$802.66 as requested and recommended by the Tax Collector.

Mr. Long made motion to approve tax refunds in the amount of \$802.66 as requested and recommended by the Tax Collector. Ms. Wertheimer seconded the motion. All were in favor and the motion passed.

#### MISCELLANEOUS

Ms. Glassman said the Neighborhood Assistance Act is available again. Mr. Long asked that the Town get the word out on this program by sending information to Non-profits, the Chamber, and different organizations as well.

#### SUB-COMMITTEE REPORTS

Ms. Wertheimer said the Welfare Sub-Committee will meet March 31st at 8:00 a.m.

#### APPOINTMENTS AND RESIGNATIONS

a) Review, discuss and possibly appoint Sharon Lawson to the Zoning Board of Appeals as a full member to fill a vacancy created by the resignation of Lou George.

Ms. Wertheimer made motion to approve the appointment of Sharon Lawson to the Zoning Board of Appeals as a full member to fill the vacancy created by the resignation of Lou George. Mr. Hampton seconded the motion. All were in favor and the motion passed.

b) Review, discuss and possibly revise the expiration date of the appointment of Alan Needham as an alternate on the Zoning Commission to replace the vacancy of Joe Grace. Such expiration date will be December 7, 2009 instead of Election Day, November 3, 2009.

Mr. Hampton made motion to revise the expiration date of the appointment of Alan Needham as an alternate on the Zoning Commission to replace the vacancy of Joe Grace to be December 7, 2009 instead of November 3, 2009. Mr. Hogan seconded the motion. All were in favor and the motion passed.



## LIAISON REPORTS

Mr. Hogan said there will be an Aging & Disability community forum on April 2nd at 6:00 p.m. at the program room in the Library. This forum will help the Commission to work better with different people and groups on aging and disability issues.

Mr. Hampton reminded everyone about Earth Hour on March 28th where everyone is encouraged to turn off their lights from 8:30 - 9:30 p.m. The Town will be participating with this as well. For more information you can go to [Earthhour.org](http://Earthhour.org).

## EXECUTIVE SESSION

Moir Wertheimer made a motion to adjourn to Executive Session to discuss the following:

HHB-CV-08-4017504-S E&A/I&G Simsbury Commons, LLP vs. Town of Simsbury

John Hampton seconded the motion. All were in favor and the Board of Selectmen adjourned to Executive Session to discuss the tax appeal as noticed. The Board of Selectmen and Brandon Robertson, Director of Administrative Services, were present in the executive session.

Adjourn from Executive Session

Possible action on items discussed in Executive Session

The Board of Selectmen adjourned from executive session at 8:40 p.m. Notice was provided to the public that the Board of Selectmen had adjourned from executive session and would take action. First Selectman Glassman reviewed the terms of the proposed tax appeal settlement. The property owner agreed to a value of \$46,250,000 and resulting assessment of \$32,375,000. It was noted that the Court strongly encouraged the Town to accept the settlement offer.

Michael Long made a motion to approve the settlement as outlined and recommended by the presiding Judge. Richard Hogan seconded the motion. All were in favor and the motion was approved.

Adjourn

Michael Long made a motion to adjourn the meeting at 8:42 p.m. Richard Hogan seconded the motion. All were in favor and the motion was adopted.

Respectfully submitted,

Mary A. Glassman  
First Selectman