

From: Susan Mazurski May 20, 2011 12:05:23 PM
Subject: Board of Selectmen Minutes 04/25/2011 APPROVED
To: SimsburyCT_SelectMin
Cc:

TOWN OF SIMSBURY
BOARD OF SELECTMEN - REGULAR MEETING MINUTES
APRIL 25, 2011

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 Nancy Haase, Moira Wertheimer, John Hampton, Lisa Heavner and Robert Hensley. Other interested parties included Gerry Toner, Dave Ryan and Tom Vincent.

PLEDGE OF ALLEGIANCE

All stood for the Pledge of Allegiance

PUBLIC AUDIENCE

Robert Kalechman, 971 Hopmeadow Street. Objected to taxpayer money being spent on the Town Budget Flyer; and he was disappointed in the U.S. Postal Service meeting about the Tariffville Post Office.

Joan Coe, 26 Whitcomb Drive. Feels that the First Selectman's Office is not running smoothly; is in support of a Town Manager form of government; wants the Board to reject the concert series as presented by the Performing Arts Center; has a concern that the Community Farm is incompatible with the Eno Trust; Mike Paine should not be the Chairman of the Planning Commission and the budget is smoke and mirrors.

Sue Bednarczyk, 119 E. Weatogue. Stated that friends of her lost their house to a fire and are looking for a furnished rental house; Ms. Glassman asked for their name.

With regard to the Planning Commission she feels that fees in lieu of open space is a mistake.

SELECTMEN ACTIONS

a) Approve Tax Refunds

Mr. Hensley made motion to approve the tax refunds totaling \$3,482.97 as presented and approved by the Tax Collector. Ms. Wertheimer seconded the motion. All were in favor and the motion passed.

b) PAC Board Recommendations

Dave Ryan and Tom Vincent addressed the Board. They recognized an opportunity to promote smaller concerts and Mr. Vincent has made a proposal to promote 4 concerts this summer.

The bands are Little House, Ticket to Ride, Tribute to Benny Goodman and the McLovins. Mr. Ryan presented a financial proposal for each band and feels that they are sound. Mr. Vincent has worked to find sponsors and volunteers to work the concerts which would be a savings. They are also planning to sell tickets at McLean.

In response to Ms. Glassman's question about alcohol at these concerts Mr. Vincent responded that there will be no alcohol at all at the McLovins concert and the other 3 concerts will sell alcohol using Tower Ridge as the vendor.

Ms. Glassman expressed her concern about a cancellation policy and how the cost of that would affect the Town. She asked what the total exposure of the Town would be if the concerts were cancelled and also the effect on the sponsors.

Ms. Glassman congratulated the PAC Board for looking at this approach and said that their efforts were appreciated but the fact that this is a new approach has the Board uneasy since there is not a policy in place and we are creating a new policy for this approach.

Mr. Hensley commented that the PAC Board did a good job with the models but showed no ticket sales for two models; if all four concerts are cancelled the Town could end up with \$5,000 in costs would this be the worst case scenario. He understands the models and personally has no problem with doing this series but the issue that needs to be discussed is that they need to be manageable, more controlled. If we're going to make a mistake let's make the mistake with a small issue rather than a large one.

Ms. Wertheimer questioned where the money would come from for whatever risks are incurred. Mr. Ryan stated that the PAC Board has about \$55,000

in a special revenue, this money is the balance of the fund raising money from six years ago and other revenue from sales.

Ms. Heavner questioned if the model used for this concert series was the same one proposed by David Bell and refused by the PAC Board last year. Mr. Ryan replied that Mr. Bell's chart didn't work out because the ticket prices were higher and union wages were factored in.

With respect to booking fees Ms. Heavner questioned the difference in costs for the McLovin concert which is \$9,500 this year versus \$35,000 last year.

Mr. Piecuch explained that the goal is to keep facility open and turn key through September and by opening the facility for one show you are spreading out costs. Therefore, by doing four shows plus Septemberfest the cost is divided. Being included in a series lowers the risk

Ms. Glassman questioned the liability of serving alcohol; and asked what the difference is with the Town being the promoter of the concerts. Mr. Toner advised that he checked with CIRMA and with respect to the alcohol the liability would not be any different as long as we have the vendor in place with proper insurance coverage whether it is the Town promoting or whether it was a license, licensee arrangement our exposure/liability would be the same. CIRMA recommended that we continue to use the license agreement that we have in place but that we insert language

that clarifies protection for us in case of cancellation, expectation of marketing from the band, from the Town, things that should be included in the license agreement.

Ms. Glassman stated that she wants the Board to protect the Town and our questions need to be answered before we sign a contract. If the Town Atty. finds a problem this will have to come back to the Board. We will have to create a new contract.

Ms. Heavner stated that there is a big difference between renting out a facility and promoting an event and she wants to make sure that the venue is rented to the appropriate people and that the bands we approve are the bands that are going to perform. Ms. Glassman cited the example of Little House being approved last year but the advertising featured other bands. The Board wants clear language that there is nothing political or religious about these bands.

Mr. Hensley suggested proposing something contingent upon having all questions answered.

Ms. Glassman stressed consulting with the Town Atty. regarding language because the point is the Town is buying the performance and we want assurance that we are not promoting anything political or religious, we want to get it in the contract.

Ms. Heavner questioned how they arrived at the concession numbers and if they are only marketing this concert series in Simsbury. Mr. Ryan replied that they based their concession numbers on the 18 years of Septemberfest and they are marketing to the entire valley.

Mr. Hampton stated that he is eager to see this series move forward. Although there is some risk he is glad that things are moving forward for activity at the bandshell. The PAC Board now needs some freedom, and he commended them for taking this to the next level.

Ms. Glassman reiterated that the language of the contract needs to be approved by the Town Atty. and the following issues addressed: language to address that the hiring of the performer is the sole band playing; language to address the cancellation policy; language to address the Town's insurance liability requirements and language to address the policy language of no political or religious content.

Mr. Hampton made motion to approve the concert series proposed by the PAC Board contingent upon the items raised by the Board of Selectmen. Ms. Wertheimer seconded the motion. All were in favor and the motion passed.

Ms. Haase made motion to approve additional Public Audience for Robert Kalechman to speak. Ms. Heavner seconded the motion. All were in favor and the motion passed.

Robert Kalechman, 971 Hopmeadow Street. Mr. Kalechman expressed concern about the sale of alcohol at the Performing Arts Center and contracting for events at the Performing Arts Center.

Joan Coe, 26 Whitcomb Drive. Agreed with Mr. Kalechman's comments and expressed extreme disgust with the Board for approving crap that was presented by the PAC Board.

Ms. Glassman cautioned that if the public continues to be disruptive to the point that the clerk cannot record the minutes, the Board will consider moving public audience to the end of the meeting.

Ms. Heavner made motion to adjourn the meeting at 8:45 p.m. Mr. Hampton seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Mary A. Glassman, First Selectman