

From: Susan Mazurski September 29, 2010 3:20:54 PM  
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Cc:

TOWN OF SIMSBURY - BOARD OF SELECTMEN  
REGULAR MEETING MINUTES  
SEPTEMBER 13, 2010

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, Lisa Heavner and Robert Hensley. Others in attendance included David Ryan, Paul Henault, Greg Piecuch, Attorney Bob DeCrescenzo and other interested parties.

- a. Accept the resignation of Gerald Post (R) as a full member of the Planning Commission effective September 9, 2010

Mr. Hampton made motion to accept the resignation of Gerald Post as a full member of the Planning Commission effective September 9, 2010. Ms. Wertheimer seconded the motion. All were in favor and the motion passed.

- b. Appoint Gerald Post (R) to the Board of Selectmen effective September 13, 2010, filling the vacancy left by Tom Herlihy with an expiration date of December 5, 2011

Mr. Hensley made motion to appoint Gerald Post to the Board of Selectmen effective September 13, 2010, filling the vacancy left by Tom Herlihy, with an expiration date of December 5, 2011. Ms. Hampton seconded the motion. All were in favor and the motion passed.

- c. Administer Oath of Office to Gerald Post

Carolyn Keily, Town Clerk administered the oath of office to the new Board of Selectmen member Gerald Post. Ms. Glassman congratulated Mr. Post on behalf of the Board. Mr. Post thanked his family, friends and Republican Town Committee for nominating him for this important position.

PRESENTATIONS

## Recognition of the Simsbury Babe Ruth - Summer Baseball Team State Champions

Ms. Glassman introduced Brian Neary, head coach of the Simsbury Babe Ruth Summer Baseball Team. She thanked Mr. Neary and all the coaches for their hard work and great effort with the team. Mr. Neary said they had a lot of success on the field, but the best thing is the great feedback from everyone on how well they represented the Town of Simsbury. He then introduced the other coaches and players (list attached).

### TOWN OF SIMSBURY PROCLAMATION

Proclamation Re: Constitution Week

Ms. Wertheimer read the following proclamation:

“WHEREAS, September 17, 2010, Constitution Day, marks the 223rd anniversary of the signing of the Constitution of the United States of America, and;  
WHEREAS, We the People did ordain and establish a Constitution for the United States of America to secure the blessings of liberty for ourselves and our posterity; and

WHEREAS, it is important that all citizens fully understand the provisions, principles and meaning of the Constitution, so they can support, preserve and defend it against encroachment ; and

WHEREAS, the President and the Congress of the United States have designed September 17th through 23rd as Constitution Week; and

WHEREAS, Constitution Week provides the opportunity for all Americans to learn about and to reflect upon the rights and privileges of citizenship and its responsibilities; and

WHEREAS, the people of the Town of Simsbury do enjoy the blessings of liberty, the guarantees of the Bill of Rights, equal protection of the law under the Constitution, and the freedoms derived from it.

NOW, THEREFORE, LET IT BE KNOWN, I, Mary A. Glassman, First Selectman of the Town of Simsbury, do hereby proclaim September 17-23, 2010 as  
CONSTITUTION WEEK

And invite every citizen and institution to join in the national commemoration.

IN WITNESS THEREOF, I have placed my seal and the great seal of the Town of Simsbury.

Dated the 13th day of September, 2010.  
Mary A. Glassman, First Selectman

Proclamation re: Leukemia Lymphoma

Mr. Hampton read the following Proclamation:

TOWN OF SIMSBURY

PROCLAMATION

Leukemia, Lymphoma & Myeloma Awareness Month

WHEREAS, blood cancers currently afflict more than 912,000 Americans with an estimated 140,000 new cases diagnosed each year, and

WHEREAS, leukemia, lymphoma and myeloma will kill an estimated 53,000 people in the United States this year, and

WHEREAS, The Leukemia & Lymphoma Society (LLS), through voluntary contributions, is dedicated to finding cures for these diseases through research efforts and the support for those that suffer from them, and

WHEREAS, LLS maintains an office in Wilton and Meriden to support patients with these diseases and their family members in the State of Connecticut, and

WHEREAS, the State of Connecticut is similarly committed to the eradication of these diseases

and supports the treatment of its citizens that suffer from them, and

WHEREAS, the State of Connecticut encourages private efforts to enhance research funding and education programs that address these diseases,

NOW, THEREFORE, BE IT RESOLVED, that the Town of Simsbury joins with LLS in designating the month of September 2010 as Leukemia, Lymphoma & Myeloma Awareness Month to enhance the understanding of blood related cancers and to encourage participation in voluntary activities to support education programs and the funding of research programs to find a cure for them.

Mary A. Glassman, First Selectman

FIRST SELECTMAN'S REPORT

Ms. Glassman thanked the Aging and Disabilities Commission for their great volunteer effort for "Picnic in the Park". It was a great time for everyone.

Ms. Glassman said the Town has been trying to collect open space grants that go back to 2001. She said that over the past couple of weeks the Town received more than One Million Dollars for these grants. She thanked Town staff for working so hard to get this money.

PUBLIC AUDIENCE

Joan Coe, 26 Whitcomb Drive spoke about the unexpected resignation of a seat on the Board of Selectmen. She feels the people should decide who should take over this seat, not the Republican Party.

Ms. Coe spoke about the Town going to a Town Manager form of government again. She also spoke again about "alcohol road" and the BYOB policy at the Performing Arts Center.

Ms. Coe said the Chamber of Commerce will be serving alcohol at their event at the Community Farm. Also, the Town is being asked to approve the selling and consumption of alcohol at a fund-raiser at the Community Farm. She feels no alcohol should be consumed or sold at any Town events.

Ms. Coe asked about the greenhouse being built on the Community Farm; who approved it? There is no site plan or approval that she could find.

Ms. Coe also asked about the curbing being built on certain roads in the Town. She would like to challenge this policy as being unfair.

Mr. Kalechman, 971 Hopmeadow Street also feels that the citizens should vote on who takes over the seat on the Board of Selectmen, not the different parties.

Mr. Kalechman said in the minutes of July 12th, Ms. Schofield appeared and announced the land conveyance bill to acquire two pieces of land on Iron Horse Blvd. Ms. Rell vetoed the bill, but the House and Senate over-ruled her. However, they combined 5-6 laws into 1, and this shouldn't have been passed. He feels there is too much deal making in the Town.

Mike Paine, 72 Holcomb Street spoke to endorse Gerry Post to the Board of Selectmen. He has outstanding service to his country and town and feels he will be a positive addition to the Board of Selectmen. He feels the citizens will be well represented with the addition of Mr. Post.

Mary Turner, 11 Barnard Drive said she is very pleased that Mr. Post is now a member of the Board and also said that Mr. Post will be a valuable addition to the Board. She feels he will be of great service to the Town. She said the Town Charter is very clear on how a replacement is made for Selectmen, Boards and Commissions. She feels both parties have played by the rules. She too was also confused about the process of appointing new Board members. She feels the Democratic Party is now trying to play politics because of the petition for a special election. She would like some answers on this process.

David Richman, 1 Saddle Ridge Dr., also spoke about the petition. He feels

a special election will cost about \$12,000, and asked if that was true. He said if there is a cost, he opposes it, but if it can be put on the November ballot that would be fine.

Ms. Glassman said there seems to be a lot of confusion. The Charter and Statutes are pretty clear on replacing public officials after someone resigns. She said the Statute allows anyone to take out a petition and to force the Town to hold a special election. She said this has not happened, no petitions have been filed. This is the process that the law allows, everyone's right. This Board has not had any discussion on this. If wanted, this could be put on the next agenda.

Darren Cunningham, 199 Farms Hill Road, said there is no confusion that two things have happened on this election. Time is triggered tonight as it is only 15 days to fill the position. He wants more information tonight. He said there is a cost for a special election.

#### SELECTMEN ACTIONS

- a. Update of Performing Arts Center request for non-profit status  
No action taken

Mr. Hensley made motion to amend the agenda to include a discussion about petitions and special elections, at the end of the meeting, Ms. Wertheimer seconded the motion. Three were in favor with three against, therefore the motion didn't pass. There will be a special meeting to further this discussion, the Commission will need help with information the Board would like.

- b. Approve tax refunds

Mr. Hampton made motion to approve tax refunds in the amount of \$52,314.86 as recommended and approved by the Tax Collector. Mr. Hensley seconded the motion. All were in favor and the motion passed.

- c. Review and discuss Department of Public Works procedure for installation of curbing  
No action taken

- d. Review and discuss sale of State owned land on Firetown Road

Ms. Wertheimer made motion that the Town is not interested in the purchase of this parcel on Firetown Road and to authorize the First Selectman to execute a document to this effect. Mr. Hampton seconded the motion. All were in favor and the motion passed.

e. Approve request to approve Planning Department application for a Regional Economic Development Grant

Mr. Hampton made motion to approve the Planning Department application for a Regional Economic Development Grant. Ms. Wertheimer seconded the motion. All were in favor and the motion passed.

f. Approve resolution to formally delegate oversight of the Eno Study project to the Public Building Committee

Mr. Hensley made motion to delegate the Eno Study project to the Public Building Committee so they can send out a bid for an Architectural Firm. Ms. Wertheimer seconded the motion. All were in favor and the motion passed.

g. Review and refer Zoning Commission Application from Community Farm of Simsbury to the Planning Commission pursuant to C. G. S. 8-24

Mr. Hampton made motion to refer Zoning Commission Application from Community Farm of Simsbury to the Planning Commission pursuant to C. G. S. 8-24. Mr. Post seconded the motion. All were in favor and the motion passed.

h. Review and authorize the use of Town property for the 12th Annual David Vidal Road Race

Mr. Post made motion to authorize the use of Town property for the 12th Annual David Vidal Road Race on Saturday, October 2, 2010. Mr. Hampton seconded the motion. All were in favor and the motion passed.

#### Appointments and Resignations

a. Aging & Disability youth liaison

Ms. Heavner made motion to approve Tim Lim as a youth liaison to the Aging & Disability Commission. Ms. Wertheimer seconded the motion. All were in favor and the motion passed.

#### Acceptance of Minutes

a. August 23, 2010 Special Meeting

Ms. Wertheimer made motion to approve the minutes of the Special Meeting of August 23, 2010 as presented. Mr. Hampton seconded the motion. Four were in favor with Mr. Hensley and Mr. Post abstaining. Therefore, the motion passed.

## Selectmen Liaison and Sub-Committee Reports

1. Personnel - no report at this time
2. Finance - no report at this time
3. Welfare - no report at this time
4. Public Safety -

Mr. Hampton said there will be a Public Safety meeting Thursday, September 16th at 7 am in the Main Meeting Room.

He also said the "Senior Picnic" was a great event. Mr. Hampton also thanked the Chamber and all the volunteers for a great Home Improvement Show this past weekend.

Ms. Glassman said there will be an Open House at the new Fire Department at 7 p.m. on Wednesday, September 15th. Everyone is invited.

### 5. Board of Education

Ms. Heavner said that last Saturday, she and Mr. Hampton attended a great presentation at the Simsbury Free Library by the Simsbury High School students on Martin Luther King's trip to Simsbury. She thanked everyone for this great event. This presentation will be on SCTV soon.

Ms. Heavner said scholarships were granted to seven families for day camp and also six family pool passes were given out. She thanked everyone involved.

Ms. Heavner also noted that the Community Farm funded 35 scholarships this summer. She thanked everyone who donated the scholarships and time.

Ms. Wertheimer made motion to amend the agenda to allow another Public Audience session. Ms. Heavner seconded the motion. All were in favor and the motion passed.

Joan Coe spoke about a challenge recently made about the wording of a motion made at the PAD meeting. She spoke again about a Professional Town Manager. Her comments can be read on [www.Simsbury.com](http://www.Simsbury.com)

Mr. Kalechman said after listening to people who support Mr. Post, he feels this is right, this is not personal about him. He feels that there is a Town Charter and that should be adhered to, the Town Committee shouldn't

make a decision for the people.

Adjournment

Mr. Hampton made motion to adjourn at 8:50 p.m. Ms. Heavner seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Mary A. Glassman  
First Selectman