

From: Susan Mazurski October 30, 2008 2:13:00 PM
Subject: Board of Selectmen Minutes 09/22/2008
To: SimsburyCT_SelectMin
Cc:

TOWN OF SIMSBURY
BOARD OF SELECTMEN
REGULAR MEETING MINUTES
SEPTEMBER 22, 2008

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, Robert Hensley, John Hampton, Michael Long and Richard Hogan. Others in attendance included: Director of Planning, Hiram Peck, and other interested parties.

ANNOUNCEMENTS

Ms. Glassman announced that two Town employees, Tony Amaral and Don Bordanaro, will be recognized at UCONN for having received a Connecticut Creative Solutions Award.

Ms. Glassman announced that the Town has received a packet of materials called "Bicycle Friendly Community Yearbook" and that CRCOG is planning to host a workshop entitled "How to Become a Bicycle Friendly Community". She noted that there is a lot of interest in Simsbury becoming the first "Bicycle Friendly Community" in the area. A CRCOG representative gave an overview of the criteria that needs to be met in order to acquire this designation. Ms. Glassman also noted that there have been an increasing number of complaints of residents regarding the ability of bikers and walkers to co-exist in a safe manner on the bike path. Ms. Glassman requested additional copies of the Yearbook.

PUBLIC AUDIENCE

Nancy Haase, 1 Stonehenge Drive, spoke as the Main Street Partnership liaison from the Economic Development Commission and introduced Richard Mercer, who is opening a new business in Simsbury called Bikram Yoga in the

Valley. She indicated that the new business is a fine example of land re-use as they are utilizing the former site of Valley Auto Body.

Richard Mercer, Simsbury, stated that the new facility will be open 7 days per week and that there will be morning and evening classes at 7 Deer Park Road. He hopes to be open in the late fall.

Jerry Lintner, 22 Massaco Street, Chairman of the Old Drake Hill Flower Bridge, stated that there will be a fundraiser held on October 3rd at the Arts Exclusive Gallery from 5:30 to 7:30 and the cost will be \$25. He noted that the Bridge was subjected to vandalism this year and the irrigation system needs replacing.

Kirsten Griebel, 7 Caryn Lane, stated that Simsbury Citizens First hosted a debate between the four candidates for Simsbury's State Representative last week and that it will begin airing on SCTV (Channel 5) on October 1st. The next scheduled debate will be on October 6th at 8:30 pm at the Simsbury Public Library and will be between the two candidates for the 8th District State Senate, Art House (D) and Kevin Witkos (R).

Robert Kalechman, Simsbury, stated that the Board promised to lower taxes and that has not happened and wondered where the money will come from for the charrette being proposed. He questioned the oversight involved when an extra \$250,000 can be found and noted that future tax revenues will not be there. He questioned the status of the municipal employees' pension fund, given the current economic conditions. He questioned what Town costs were incurred by a recent event at the Simsbury Airport. He cautioned the Board that frivolous spending needs to be curtailed.

Maria Ecke, 18 Meadowlark Road, stated that she had sent a letter to the First Selectman asking where the funding would come from to pay for the increases on non-union employees salaries that were approved by the Board in July. She stated that Ms. Glassman's written response did not answer her question.

Joan Coe, 26 Whitcomb Drive, felt that the upcoming survey being done by the Town should include questions relative to having a Town Manager, traffic gridlock and inadequate cell phone reception. She noted a bullying incident by a varsity baseball player that she felt was not properly handled by the Board of Education in that the victimized student was forced to withdraw and attend another school district to avoid a hostile environment. She questioned a managerial salary for a police captain whose duties have been transferred to another captain. She questioned why fines have not been imposed on properties that are zoned R-15 and being used as medical office buildings. She noted that Police Commission minutes are not posted on the Town website. She thought the Town should file for

intervenor status in the foreclosure that is scheduled for 10/21/08 between CHFA and the Eno Farms Coop Association since the Town owns the underlying land.

[Ms. Glassman noted that no Town costs were incurred at the Simsbury Airport Fly-in and that the Town is currently reviewing the status of the Town pension funds.]

AGENDA ITEMS

1. Open a Public Hearing scheduled pursuant to Section 404 of the Town Charter to receive public comment concerning a proposed revision to Chapter 94 of the Town Code of Ordinances entitled "Flood Damage Prevention".

Ms. Glassman asked for any public comment on the proposed change and there was none.

2. Close the Public Hearing.

Mr. Hampton made a motion to close the Public Hearing. Mr. Hensley seconded the motion and it passed unanimously.

3. Open a Public Hearing scheduled pursuant to Section 404 of the Town Charter to receive public comment concerning a proposed ordinance entitled "Ordinance Concerning Declaration of Local Disaster or Emergency".

Ms. Glassman asked for any public comment on the proposed ordinance giving the First Selectman, the Deputy First Selectman or the Board of Selectmen the authority to declare a disaster in order to receive federal funds under law and there was none.

4. Close the Public Hearing.

Mr. Hensley made a motion to close the hearing. Mr. Hampton seconded the motion and it passed unanimously.

5. Review, discuss and possibly take action concerning a proposed revision to Chapter 94 of the Town Code of Ordinances entitled "Flood Damage Prevention".

Mr. Hampton made a motion to approve a proposed revision to Chapter 94 of the Town Code of Ordinances entitled "Flood Damage Prevention". Mr. Long seconded the motion.

Mr. Long questioned if property owners who are specifically impacted by the change have been notified. Ms. Glassman stated that FEMA has identified

only five addresses in which there were some minor changes. Mr. Peck stated that there are several hundred properties located in the flood plain that are affected, but that the primary change is a date referencing a new set of maps that are required to be updated in order to meet the disaster flood plain guidelines. He added that no new properties were added to the flood plain, nor were any removed. Ms. Glassman stated that, since there was no change to the flood plain itself, an extensive notification program was not required. Mr. Peck added that the Zoning Commission adopted this change at their last meeting.

The motion passed unanimously.

6. Review, discuss and possibly take action concerning a proposed ordinance entitled "Ordinance Concerning Declaration of Local Disaster or Emergency".

Mr. Long made a motion to approve a proposed ordinance entitled "Ordinance Concerning Declaration of Local Disaster or Emergency". Ms Wertheimer seconded the motion and it passed unanimously.

Mr. Hampton noted that the Public Safety Committee unanimously supported this ordinance at their last meeting.

7. Update regarding status of Town Farm Dairy and discussion regarding issuance of a request for proposals.

Ms. Glassman noted that the lease of the property with the Friends of Town Farm Dairy expired on 7/31/08 and that there have been ongoing discussions with the Friends relative to their intent going forward. She indicated that the Friends have decided to discontinue operations at Town Farm Dairy. Given that the Town has a deed to use the farm for the poor of Simsbury, the Open Space Committee has drafted some proposals to explore the Town's intent. The Open Space Committee felt very strongly that the farm should continue to be farmed and would like to work closely with the Friends to identify other options for that land.

Ms. Wertheimer noted that the Attorney General would have to approve any future uses. Mr. Hensley asked about the wind down process. Ms. Glassman stated that the Town is the owner, not the operator and is in discussions with the Friends. Mr. Long felt that it would be important that any RFP's include an explanation as to the deed restrictions so that all parties would be informed.

Bill Dryden, representing the Friends of Town Farm Dairy, stated that they started out with a charitable mission and ended up being an operator that encountered a decline in revenue coupled with increased costs. He noted

that the farm is organically certified and that feed availability and costs became a problem. He stated that UCONN personnel felt that the property could sustain a viable operation. He added that the 501(c) (3) corporation framework, which would continue, would be useful for any future model. Potential land management/land conservation could include the production of hay to be sold to the dairy operation. He noted that there is a working processing plant in place and that the equipment is not owned by the Friends.

The Board extended their regrets that the Friends were unable to continue operations and commended them for their past efforts.

8. Review, discuss and possibly take action regarding a request by the Riverview Banquet Facility to locate a facility identification sign within the Town Road Right of Way on Winslow Place at Hopmeadow Street.

Ms. Wertheimer made a motion to authorize the use of the Town Road Right of Way to locate a facility identification sign on Winslow Place at Hopmeadow Street contingent on the following conditions: (1) Riverview must obtain all Land Use approvals for the sign, including the sign location demonstrating the safe sight lines and snow-shelf; (2) Riverview must provide a Hold Harmless agreement to the Town; and (3) an agreement, as approved by the Town Attorney, should be executed. Mr. Long seconded the motion and it passed unanimously.

9. Review, discuss and possibly accept a conservation restriction in favor of the Town of Simsbury for a 2-lot re-subdivision on property located at 38 Wildwood Road.

Mr. Peck indicated that the conservation restriction, which has been drafted according to the Town model and has been approved by the Town Attorney, is in lieu of the Planning Commission's conservation easement open space requirement and that there would be no Town maintenance required.

Mr. Hampton made a motion to accept a conservation restriction in favor of the Town of Simsbury for a 2-lot re-subdivision on property located at 38 Wildwood Road. Mr. Hogan seconded the motion and it passed unanimously.

10. Amendment to the Agenda

Mr. Hogan made a motion to amend the agenda to take up (1) a notification on the Town of Simsbury Meadowood Triangle and (2) a request from Town Counsel from Hasset and George regarding the donation of open space that needs to be referred to the Planning Commission. Mr. Long seconded the motion and it passed unanimously.

Ms. Glassman referred to a letter that was received from Brian Smith, who represents the Town on Meadowood, requesting an extension of the date on which the Town is scheduled to close on the purchase of the Meadowood Triangle from 9/30/08 to 10/6/08 in order to assure that the Town receives a State grant of \$350,000 and a pending \$500,000 grant prior to the close. Mr. Hensley and Mr. Long questioned if a week's extension was sufficient to assure the receipt of the funds.

Mr. Long made a motion to authorize counsel, on behalf of the Town, to agree to an extension of the closing date for the purchase of the Meadowood Triangle from September 30, 2008 to October 31, 2008. Mr. Hogan seconded the motion and it passed unanimously.

Ms. Glassman referred to a letter that was received from the attorneys representing the interests of Thomas and Mary Ann Rappenhiser on Oakwood Drive, who wish to donate land to the Town of Simsbury, which needs to be referred to the Planning Commission so that they can address it at their next meeting.

Mr. Hensley made a motion to refer this gift to the Planning Commission. Ms. Wertheimer seconded the motion and it passed unanimously.

11. Review, discuss and possibly authorize the First Selectman to execute a grant agreement with the Greater Hartford Transit District for funds in the amount of \$4,994.34 to offset FY 09 Operating Cost of the Dial-A-Ride Program.

Mr. Hampton made a motion to authorize the First Selectman to execute a grant agreement with the Greater Hartford Transit District for funds in the amount of \$4,994.34 to offset FY 09 Operating Cost of the Dial-A-Ride Program. Ms. Wertheimer seconded the motion and it passed unanimously.

12. Review, discuss and possibly authorize the First Selectman to execute an agreement with the ARC of the Farmington Valley.

Ms. Glassman stated that a contract has existed for many years and that ARC runs a number of programs for adult recreation, inspirational arts, hiking club and unified Special Olympics and provides guidance and education to the Town relative to compliance with disability requirements.

Mr. Long made a motion to authorize the First Selectman to execute an agreement with the ARC of the Farmington Valley. Ms. Wertheimer seconded the motion and it passed unanimously.

13. Review, discuss and possibly approve the use of Town Property for

the David Vidal Memorial Road Race scheduled for October 5, 2008.

Mr. Hogan made a motion to approve the use of Town Property for the David Vidal Memorial Road Race scheduled for October 5, 2008. Mr. Hensley seconded the motion and it passed unanimously.

14. Review, discuss and possibly approve a request by the Theater Guild of Simsbury to waive the rental fee for Eno Memorial Hall for an event scheduled for November 14, 2008 and review, discuss and possibly approve request to serve alcohol at the event subject to the review and approval of the Zoning Commission and the State of Connecticut Liquor Control Commission.

Ms. Glassman stated that this event has been held in the past for a number of years and that the request is to waive only the rental fee and not the custodial fee.

Mr. Hampton made a motion to approve a request by the Theater Guild of Simsbury to waive the rental fee for Eno Memorial Hall for an event scheduled for November 14, 2008 as well as a request to serve alcohol at the event subject to the review and approval of the Zoning Commission and the State of Connecticut Liquor Control Commission. Mr. Long seconded the motion and it passed unanimously.

15. Review, discuss and possibly approve tax refunds as requested and recommended by the Tax Collector.

Mr. Long made a motion to approve tax refunds in the amount of \$16,830.86, as requested and recommended by the Tax Collector. Ms. Wertheimer seconded the motion and it passed unanimously.

16. Consider and act on the following requests for use of Town property:

- (a) Request for Jim Calhoun Cancer Challenge Ride – June 13, 2009 at the Performing Arts Center
- (b) Request by HARC to hold a Walkathon on Iron Horse Boulevard – May 17, 2009.

Ms. Glassman stated that, relative to the Jim Calhoun Cancer Challenge Ride, the Performing Arts Center Board has suggested that the Town be able to recover their expenses (staff time) for hosting the event up to \$3,500. The HARC event would require an approval only and no additional costs for the Town would be involved.

Mr. Long made a motion to approve the use of Town property for both events. Mr. Hampton seconded the motion and it passed unanimously.

LIAISON REPORTS

Mr. Hampton noted that the Clean Energy Task Force will be holding its first meeting in two weeks.

Mr. Hensley stated that the Culture, Parks and Recreation Committee conducted a review of the use of various athletic fields about ten years ago and will be convening a subcommittee to perform an updated review in conjunction with area sports groups. Ms. Glassman noted that Gerry Toner has been contacting the various groups. She also noted that CP&R will also be discussing the creation of a dog park.

APPOINTMENTS AND RESIGNATIONS

Mr. Long made a motion to appoint Rev. Woodrow Eddins to fill a vacancy for a full time member of the Housing Authority with a term to expire on April 1, 2009.

Mr. Hampton noted that there is also a Republican vacancy on the Housing Authority.

SUB COMMITTEE REPORTS

Welfare

None.

Public Safety

Mr. Hampton stated that, at their last meeting, the disaster ordinance was discussed and approved and bike trail issues and solutions were discussed. The subcommittee also approved the Town's participation in the Department of Emergency Management and Homeland Security grant program.

Mr. Hogan asked if the subcommittee discussed a "no right on red" at Plank Hill Road. Mr. Hensley stated that the DOT is unwilling to make the change, but that the Chief of Police has been asking for the change during peak periods and should be providing a report in the future.

Personnel

Mr. Long stated that the meeting scheduled for October 6th will need to be rescheduled as he has a schedule conflict.

APPROVAL OF MINUTES

Mr. Hampton made a motion to approve the minutes of the September 8, 2008 Regular Meeting. Mr. Hensley seconded the motion and it passed unanimously.

EXECUTIVE SESSION

Mr. Hensley made a motion to adjourn to Executive Session at 8:45 pm for an update on Collective Bargaining discussions. Mr. Hampton seconded the motion and it passed unanimously.

Mr. Hensley made a motion to adjourn from Executive Session at 9:15 p.m. The motion was seconded by Mr. Hampton and it passed unanimously.

ADJOURNMENT

Mr. Long made a motion to adjourn the meeting at 9:15 p.m. Ms. Wertheimer seconded the motion and it passed unanimously.

Respectfully submitted,

Mary A. Glassman

Mary A. Glassman
First Selectman