



Town of Simsbury

933 HOPMEADOW STREET

P.O. BOX 495

SIMSBURY, CONNECTICUT 06070

Thomas F. Cooke - Director of Administrative Services

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of submission:** Community Farm of Simsbury
Revised Lease, Sub-Lease and Plan of Use

2. **Date of submission:** November 8, 2013

3. **Date of Board Meeting:** November 13, 2013

4. **Individual or Entity making the submission:**

Thomas F. Cooke – Director of Administrative Services
Community Farms of Simsbury

5. **Action requested of the Board of Selectmen (Acceptance of gift, creation of reserve, approval of contract, information only, etc. Be as specific as possible with respect to the desired action of the Board.):**
The Individual or Entity making the submission requests that the Board of Selectmen:

Consider and approve proposed changes to the Town of Simsbury's Lease to the Community Farm of Simsbury (to include its Plan of Use as part of the Lease) and the proposed Sub-Lease for the Farmhouse

6. **Individual(s) responsible for submission (Please include complete contact information. The identified individual(s) should be prepared to present information to the Board of Selectmen at the Board Meeting.):**

Thomas F. Cooke – Director of Administrative Services – (860) 658-3230
Robert M. DeCrescenzo, Esq. – Town Counsel – (860) 548-2600

7. **Summary of Submission** (Include in your summary (i) relevant dates and timelines; (ii) parties involved; (iii) a description of financial terms and conditions specifically identifying the financial exposure/commitment of the Town of Simsbury; (iv) whether or not contracts, licenses and other legal documents have been reviewed by the Town's counsel; and (v) other information that will inform the Board of Selectmen's consideration of your submission. Include any additional information in an attached memorandum.):

The Town of Simsbury and the Community Farm of Simsbury ("CFS") have met to review the terms of renewal of CFS's lease of the farm. The changes include:

- Permission for CFS to merge with Gifts of Love, another 501(c)(3) organization dedicated to serving the poor Gifts of Love;
- The terms of a sublease of the Farmhouse to an individual assisting CFS with its use of the Farm;
- A new Plan of Use describing CFS's efforts to serve the poor of Simsbury and beyond and describing its expanded operations, including its expanded collaboration with schools; and
- New timelines providing for a longer lease period (5 years with 5 year renewal options).

Notably, the Plan of Use is incorporated into the Lease itself and is therefore an enforceable part of the lease.

As noted in Town Counsel's letter attached hereto, CFS has proposed that the requirement that the Farmhouse be sublet to an employee has been eliminated and further proposed that the tenant be "engaged by the Lessee to assist in the Permitted Use of the Land" as an alternative.

8. **Description of documents included with submission** (All documents must be in final form and signed by the appropriate party.):

The following documents are included with this submission and attached hereto:

Letter from Town Counsel dated November 8, 2013 with attachments



Robert M. DeCrescenzo
 (t) 860.548.2625
 (f) 860.548.2680
 rdcrecscenzo@uks.com

November 8, 2013

Mary A. Glassman
 First Selectman
 Town of Simsbury
 933 Hopmeadow Street
 Simsbury, CT 06070

Re: Community Farm of Simsbury

Dear Mary:

At your request, I have reviewed the following draft documents provided by the Community Farm of Simsbury ("CFS"):

1. November 5, 2013 Letter of Transmittal;
2. Revised Farm Lease;
3. Revised Farm Sublease; and
4. Revised Plan of Use.

The draft documents each reflect the changes we have discussed with CFS for the operation of the Community Farm. Please note that the proposed revision of Section 3(b) of the Farm Lease eliminates the requirement that the Farmhouse be subleased to a tenant that is an employee of Lessee. Under the new language, the tenant must be a worker (and their family) "engaged by the Lessee to assist in the Permitted Use of the Land". The sublease is terminated if the Lease is terminated. As a result, the sublease tenant will vacate the Farmhouse property if the Lease is terminated.

The proposed changes in the Lease and the Sublease are policy issues for consideration by the Board of Selectmen.

The proposed revised draft Lease and Sublease are approved as to form, subject to final review of the execution copies.

Should you have any questions, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read 'Robert M. DeCrescenzo'.

Robert M. DeCrescenzo, Esq.
 Town Attorney

RMDe/psm

Updike, Kelly & Spellacy, P.C.

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