



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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SIMSBURY BOARD OF SELECTMEN
Regular Meeting – March 28, 2022 – 6:00 p.m.
Main Meeting Room, Simsbury Town Hall

PLEDGE OF ALLEGIANCE

PUBLIC AUDIENCE

- Participants can address the Board of Selectmen in person at the meeting
- Email townmanager@simsbury-ct.gov by noon on Monday, March 28, 2022 to register to address the Board of Selectmen live through Zoom
- Written comments can be emailed to townmanager@simsbury-ct.gov. Written comments will not be read into the record, but forwarded to all Selectmen via email

FIRST SELECTMAN'S REPORT

TOWN MANAGER'S REPORT

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

- a) Personnel
- b) Finance
- c) Public Safety
- d) Board of Education

SELECTMEN ACTION

- a) Tax Refund Requests
- b) Request to Extend Fee Waivers for Temporary Outdoor Dining
- c) 2022 State House Bond Request
- d) Supplemental Appropriation of Paving Funds Received from Aquarion
- e) MIRA Update – FY 2022/2023 Contract
- f) 2022 Revaluation

APPOINTMENTS AND RESIGNATIONS

- a) Proposed Appointment of Joyce McKusick to the Housing Authority

REVIEW OF MINUTES

- a) Regular Meeting of March 10, 2022 – Budget Workshop
- b) Regular Meeting of March 14, 2022

EXECUTIVE SESSION

- a) Pursuant to CGS §1-200(6)(B) Concerning Pending Claims Litigation – MK Simsbury Group, LLC, et al. v. Town of Simsbury (Assessment Appeal)

SELECTMEN ACTION

g) Stipulated Agreement for MK Simsbury Group, LLC, et al. v. Town of Simsbury

ADJOURN



Town of Simsbury

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SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Tax Refund Requests
2. **Date of Board Meeting:** March 28, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Colleen O'Connor, Tax Collector
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports approving the tax refunds as presented, the following motion is in order:

Move, effective March 28, 2022, to approve the presented tax refunds in the amount of \$6,405.43, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds.

5. **Summary of Submission:**
Tax refunds need to be issued from time to time for motor vehicles, real property, and personal property. Some of the most common reasons tax refunds need to be issued for motor vehicles include: sale of the vehicle; the vehicle is destroyed; the vehicle is donated; the owner has moved out of state; or, the owner has successfully appealed the taxes. Real estate refunds are typically due to the fact that during the sale or refinancing of a property, both a bank and an attorney's office have paid taxes owed, resulting in an overpayment to the Town. Overpayments of personal property taxes are rare; often overpayments of personal property are due to a person or entity forgetting that they paid in full in July, then also sending the January installment.

In a legal opinion from the Town Attorney dated May 22, 2001, he stated that CGS §12-129 "requires that all applications for tax refunds be referred to the Board (of Selectmen) for their consideration and action." Once approved by the Board of Selectmen, the Town Manager will sign off on tax refund applications. As a reminder, the Tax Collector's Office is responsible for collecting revenue for the Fire District pursuant to Special Act #264 of the Legislature in 1945. However, tax refunds for the Fire District are not under the jurisdiction of nor approved by the Board of Selectmen and are therefore not included in the requested tax refunds presented.

6. **Financial Impact:**
The aggregate amount of all tax refunds as presented is \$6,405.43. The attachment dated March 28, 2022 has a detailed listing of all requested tax refunds.
7. **Description of Documents Included with Submission:**
 - a) Requested Tax Refunds, dated March 28, 2022

REQUESTED TAX REFUNDS
MARCH 28, 2022

	BILL NUMBER	TAX	INTEREST	TOTAL
List 2020				
Rechel, Shirley D	20-01-06597	\$41.66		\$41.66
ACAR Leasing Ltd	20-03-50035	\$212.12		\$212.12
Cary Benjamin	20-03-52742	\$12.13		\$12.13
CCAP Auto Lease Ltd	20-03-52932	\$817.40		\$817.40
Porsche Leasing Ltd	20-03-64673	\$4,139.94		\$4,139.94
Porsche Leasing Ltd	20-03-64674	\$1,057.88		\$1,057.88
Vault Trust	20-03-69044	\$72.09		\$72.09
ETA Landscaping LLC	20-04-81138	\$52.21		\$52.21
Total 2020		\$6,405.43	\$0.00	\$6,405.43
TOTAL 2020		\$6,405.43	\$0.00	\$6,405.43
TOTAL ALL YEARS		\$6,405.43	\$0.00	\$6,405.43



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Request to Extend Fee Waivers for Temporary Outdoor Dining

2. **Date of Board Meeting:** March 28, 2022

3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager *Maria E. Capriola*

4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports extending the fee waivers as presented, the following motion is in order:

Move, effective March 28, 2022, to extend fee waivers for administrative zoning and building permit fees through May 31, 2023 for restaurants seeking approval for temporary outdoor dining contingent upon approval by the Zoning Commission.

5. **Summary of Submission:**
In 2020 and 2021 the Board of Selectmen extended fee waivers for temporary outdoor dining permits to support the restaurant industry as they recovered from the pandemic.

HB 5271 extends the temporary provisions of Special Act 21-3 by 13 months to May 1, 2023. These temporary provisions were in response to the COVID-19 Pandemic and codified the Governor's initial Executive Orders that relaxed zoning requirements for the expansion or establishment of outdoor dining spaces. The legislature has made one minor change in HB 5271, which provides clarifying language that local building inspectors or ZEOs can enforce the ADA requirements of Special Act 21-3.¹ This bill has passed both the House and Senate and is awaiting the Governor's signature.

The Zoning Commission will be discussing Temporary Outdoor Dining for the 2022 season at an upcoming meeting. Previously the Commission has granted authority to staff to handle temporary outdoor dining requests.

6. **Financial Impact:**
The administrative zoning permit is \$25.00. A building permit is only required when tents are constructed that exceed 700 square feet in size or have utilities. In 2020 and 2021 the Town of Simsbury received 10 applications for the zoning fee waiver and 2 applications for the building fee waiver. The estimated revenue lost for zoning was \$250 each year and building fee revenue loss was nominal.

¹ Source: CCM Capitol Report

7. Description of Documents Included with Submission:

- a) Raised Bill No. 5271, An Act Concerning the Provision of Outdoor Food and Beverage Services and Outdoor Displays of Goods
- b) Letter from S. Nielsen, re: Request for Extend Fee Waiver for Temporary Outdoor Dining, dated March 24, 2022



General Assembly

February Session, 2022

Raised Bill No. 5271

LCO No. 1580



Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT CONCERNING THE PROVISION OF OUTDOOR FOOD AND BEVERAGE SERVICES AND OUTDOOR DISPLAYS OF GOODS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 1 of special act 21-3 is amended to read as follows
2 (*Effective from passage*):

3 (a) As used in this section:

4 (1) "Applicable laws of the state" means chapters 14, 97a, 98, 124, 126,
5 242 and 541 of the general statutes, section 22a-27j of the general statutes
6 and any special act, municipal charter, ordinance, resolution or
7 regulation;

8 (2) "COVID-19" means the respiratory disease designated by the
9 World Health Organization on February 11, 2020, as coronavirus 2019,
10 and any related mutation thereof recognized by the World Health
11 Organization as a communicable respiratory disease;

12 (3) "Food establishment" means a food establishment that is licensed
13 or permitted to operate pursuant to section 19a-36i of the general

14 statutes;

15 (4) "Local enforcement official" means a zoning enforcement officer,
16 or such officer's designee, or building official, or such official's designee;

17 (5) "Municipality" has the same meaning as provided in section 8-1a
18 of the general statutes; and

19 (6) "Outdoor activities" means outdoor food and beverage service or
20 outdoor displays of goods for sale. "Outdoor activities" shall not include
21 live entertainment.

22 (b) Notwithstanding the provisions of section 8-3b of the general
23 statutes, for the period commencing on [the effective date of this section]
24 March 31, 2021, and ending [March 31, 2022] April 30, 2023, if a zoning
25 administrator, chairperson of a zoning commission or planning and
26 zoning commission or chief elected official of a municipality finds that
27 a proposal to establish or change a zone or regulation to expand or
28 permit outdoor activities is necessary to respond to or provide economic
29 recovery from the COVID-19 pandemic, such zoning administrator,
30 chairperson or chief elected official may place such proposal on the
31 public hearing agenda of the zoning commission or planning and
32 zoning commission, as applicable, and such commission shall conduct
33 a public hearing and act on such proposal without the need to comply
34 with the requirements of said section of the general statutes.

35 (c) (1) Notwithstanding any provision of the applicable laws of the
36 state, for the period commencing on [the effective date of this section]
37 March 31, 2021, and ending [March 31, 2022] April 30, 2023, any person
38 making a permit application to engage in outdoor activities shall make
39 such application to a local enforcement official, who shall review and
40 make a determination on each such application. If such outdoor
41 activities will occur on a state highway right-of-way, an additional
42 permit application shall be made by such person to the Department of
43 Transportation pursuant to chapter 242 of the general statutes. No local
44 enforcement official shall impose a fee for a permit application under
45 this subsection.

46 (2) Notwithstanding any provision of the applicable laws of the state,
47 for the period commencing on [the effective date of this section] March
48 31, 2021, and ending [March 31, 2022] April 30, 2023, any person who
49 makes a permit application to a local enforcement official to engage in
50 outdoor activities shall not be required to submit (A) plans stamped by
51 a licensed engineer, landscape architect or architect, (B) a site survey,
52 (C) a parking plan, (D) a traffic study or plan, (E) a sign plan, (F) a soil
53 erosion and sediment control plan, (G) a photometric lighting plan, or
54 (H) a stormwater management plan, provided such person submits, at
55 a minimum, a (i) drawing or illustration, roughly to scale or
56 dimensioned and depicting with reasonable accuracy the outdoor area
57 proposed to be used and what is proposed to be placed, built or erected
58 in the outdoor area, and (ii) written narrative describing any noise,
59 waste management, odor, light pollution or environmental impacts
60 expected in such outdoor area as a result of such outdoor activities and
61 an explanation of how such impacts will be mitigated. The local
62 enforcement official reviewing such application may require an
63 applicant to submit additional information that such officer deems
64 necessary to protect public health, safety or the environment, provided
65 such officer shall consider the need for expedited review of such
66 applications.

67 (3) Notwithstanding any provision of the applicable laws of the state,
68 for the period commencing on [the effective date of this section] March
69 31, 2021, and ending [March 31, 2022] April 30, 2023, each local
70 enforcement official shall approve, approve with conditions or reject
71 any application for outdoor activities and notify each applicant of such
72 decision in a manner prescribed by the local enforcement official not
73 later than (A) ten days after the receipt of such application, or (B) ten
74 days after the receipt of any additional information requested by the
75 local enforcement official pursuant to subdivision (1) of this subsection.
76 The failure of any local enforcement official to provide such notice shall
77 be deemed to be an approval of such application.

78 (4) Notwithstanding any provision of the applicable laws of the state,
79 for the period commencing on [the effective date of this section] March

80 31, 2021, and ending [March 31, 2022] April 30, 2023, if a local
81 enforcement official approves with conditions or rejects an application
82 pursuant to subdivision (3) of this subsection, the applicant may appeal
83 such decision, not later than seven days after the receipt of notice of such
84 decision, to the zoning commission, planning and zoning commission
85 or chief elected official of the municipality, as applicable. A public
86 hearing shall not be required for any such appeal.

87 (5) Notwithstanding any provision of the applicable laws of the state,
88 for the period commencing on [the effective date of this section] March
89 31, 2021, and ending [March 31, 2022] April 30, 2023, nothing in this
90 subsection shall affect an individual's right to submit a complaint to any
91 relevant municipal authority or the right of any such municipal
92 authority to enforce conditions or requirements associated with
93 permitted outdoor activities, impose fines or issue notices of violations
94 or cease and desist orders.

95 (d) Notwithstanding any provision of the applicable laws of the state,
96 for the period commencing on [the effective date of this section] March
97 31, 2021, and ending [March 31, 2022] April 30, 2023, any person
98 permitted to engage in outdoor activities may engage in such activities
99 (1) on public sidewalks and other pedestrian pathways abutting the area
100 permitted for principal use and on which vehicular access is not
101 allowed, (A) provided a pathway (i) is constructed in compliance with
102 physical accessibility guidelines, as applicable, under the federal
103 Americans with Disabilities Act, 42 USC 12101, et seq., as amended from
104 time to time, and (ii) such pathway extends for the length of the lot upon
105 which the area permitted for principal use is located, is not less than four
106 feet in width, not including any area on a street or highway, and remains
107 unobstructed for pedestrian use, and (B) subject to reasonable
108 conditions imposed by the municipal official or agency that issues right-
109 of-way or obstruction permits, (2) on off-street parking spaces or
110 parking lots associated with the permitted use, notwithstanding any
111 municipal ordinance establishing minimum requirements for off-street
112 parking, (3) on any lot, streetface, yard, court or open space abutting, or
113 noncontiguous lot that is not more than one lot, streetface, yard, court

114 or open space removed from, the area permitted for the principal use,
115 provided (A) such lot, streetface, yard, court or open space is located in
116 a zoning district where outdoor activities are permitted, (B) such use is
117 in compliance with any applicable requirements for access or pathways
118 pursuant to physical accessibility guidelines under the federal
119 Americans with Disabilities Act, 42 USC 12101, et seq., as amended from
120 time to time, and (C) such person obtains written authorization to
121 engage in such outdoor activities from the owner of such lot, streetface,
122 yard, court or open space and provides a copy of such authorization to
123 the zoning commission, and (4) until eleven o'clock p.m. on Friday and
124 Saturday and nine o'clock p.m. on all other days of the week, or until
125 times established by the zoning commission, planning and zoning
126 commission or chief elected official of the municipality, as applicable,
127 whichever is later.

128 (e) (1) Notwithstanding any provision of the applicable laws of the
129 state, for the period commencing on [the effective date of this section]
130 March 31, 2021, and ending [March 31, 2022] April 30, 2023, the
131 Department of Transportation may allow any person to engage in
132 outdoor activities on a nonvehicular portion of a state highway right-of-
133 way, provided the department establishes any conditions on such use,
134 as deemed necessary by the Commissioner of Transportation.

135 (2) For the period commencing on [the effective date of this section]
136 March 31, 2021, and ending [March 31, 2022] April 30, 2023, outdoor
137 activities shall be considered a special event for the purposes of section
138 14-298-262 of the regulations of Connecticut state agencies.

139 (3) Notwithstanding any provision of the applicable laws of the state,
140 for the period commencing on [the effective date of this section] March
141 31, 2021, and ending [March 31, 2022] April 30, 2023, any municipality
142 shall request a special event permit from the Department of
143 Transportation before closing any part of a vehicular portion of a state
144 highway right-of-way for outdoor activities, in accordance with the
145 provisions of section 14-298-262 of the regulations of Connecticut state
146 agencies. The Department of Transportation shall expedite its review of

147 any such request.

148 (4) Notwithstanding any provision of the applicable laws of the state,
149 for the period commencing on [the effective date of this section] March
150 31, 2021, and ending [March 31, 2022] April 30, 2023, any municipal
151 official having jurisdiction over local roads, in consultation with the
152 municipality's local traffic authority, may close a local road to permit
153 outdoor activities without conducting a public hearing, except that if
154 such local road is utilized as part of a public transportation route, such
155 official shall consult with the Department of Transportation.

156 (f) Notwithstanding any provision of title 30 of the general statutes
157 or any provision of the regulations of Connecticut state agencies, for the
158 period commencing on [the effective date of this section] March 31, 2021,
159 and ending [March 31, 2022] April 30, 2023, no entity that is licensed to
160 serve alcoholic beverages shall be required to obtain a patio or extension
161 of use permit to engage in outdoor activities, provided such entity: (1)
162 Complies with the provisions of this section, (2) complies with any rules
163 for outdoor dining, including, but not limited to, safety or social
164 distancing requirements issued by the Governor, the Department of
165 Economic and Community Development or other agency or entity
166 authorized by law or pursuant to an executive order, to issue such
167 requirements in response to the COVID-19 pandemic, (3) complies with
168 any municipal requirements related to outdoor dining or the sale of
169 alcoholic beverages that are consistent with the provisions of this
170 section, (4) complies with any provision of title 30 of the general statutes
171 or regulations of Connecticut state agencies regarding the prohibition of
172 the sale of alcohol to minors or intoxicated persons or regarding
173 restrictions on the times such entity may serve alcoholic beverages, (5)
174 complies with any rules in effect limiting or restricting the sale or
175 consumption of alcoholic beverages only to customers who consume
176 food on such entity's premises, (6) does not maintain an outdoor
177 consumer bar, as defined in section 30-62a of the general statutes, and
178 (7) does not provide live entertainment, unless such entertainment was
179 previously permitted in such entity's outdoor space or such entity
180 obtains permission from the applicable municipal official to provide live

181 entertainment, and the provision of such entertainment complies with
182 any relevant safety or social distancing requirements issued by the
183 Governor, the Department of Economic and Community Development
184 or other agency or entity authorized by law or pursuant to an executive
185 order, to issue such requirements in response to the COVID-19
186 pandemic.

187 (g) Any outdoor activity allowed pursuant to Executive Order No.
188 7MM of Governor Ned Lamont prior to [the effective date of this
189 section] March 31, 2021, shall be deemed approved and permitted in
190 accordance with the requirements of this section until [March 31, 2022]
191 April 30, 2023, without need for reapplication, (1) provided an
192 additional application shall be made for any expansion of a previously
193 approved outdoor activity, except if such expansion is solely related to
194 alterations to reduce the width of a pathway required pursuant to
195 subdivision (1) of subsection (d) of this section, provided such pathway
196 is not reduced to less than four feet in width, and (2) except that any
197 person engaging in a previously approved outdoor activity on a state
198 highway right-of-way who seeks to continue such outdoor activity after
199 April 19, 2021, shall make an application to the Department of
200 Transportation pursuant to chapter 242 of the general statutes to ensure
201 compliance with relevant federal requirements.

202 (h) Notwithstanding any provision of the applicable laws of the state,
203 nothing in this section shall alter or affect a nonconforming use or
204 structure or prohibit any person from seeking or obtaining approval for
205 engaging in outdoor activities pursuant to existing municipal zoning
206 regulations.

207 (i) For the period commencing on [the effective date of this section]
208 March 31, 2021, and ending [March 31, 2022] April 30, 2023, any
209 minimum requirement for off-street parking or requirement prohibiting
210 outdoor activities from taking place on parking lots shall not apply to
211 the extent required to allow outdoor activities alone or in conjunction
212 with any other activity authorized by law, executive order or municipal
213 regulations, including any activity required to enable the response to the

214 COVID-19 pandemic.

215 (j) The provisions of this section shall be liberally construed to
216 promote the continuation of outdoor activities, as permitted by
217 Executive Order No. 7MM of Governor Ned Lamont.

218 Sec. 2. (*Effective from passage*) Section 182 of public act 21-2 shall take
219 effect May 1, 2023.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>from passage</i>	SA 21-3, Sec. 1
Sec. 2	<i>from passage</i>	New section

Statement of Purpose:

To extend the application of certain temporary provisions concerning the permitting of outdoor food and beverage services and outdoor displays of goods until April 30, 2023, and delay the application of certain permanent provisions concerning the permitting of outdoor food and beverage services until May 1, 2023.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]



March 24, 2022

Wendy Mackstutis, First Selectwoman

RE: Request for Extend Fee Wavier for Temporary Outdoor Dining

The Simsbury Main Street Partnership Inc. is once again formally requesting that the Board of Selectmen extend the fee waiver that was granted on April 7, 2021 for administrative zoning and building permits for restaurants seeking approval for temporary outdoor dining through May 1, 2023 to match HB 5271 which was approved on March 23, 2022.

The Board of Selectmen previously approved this on May 11, 2020 after a formal request by the Simsbury Main Street Partnership, and extended it on April 7, 2021 with another request by SMSP.

While Simsbury restaurants are slowly coming out of the effects of the pandemic, the cost of business interruptions, restrictions and mandates have put a heavy financial toll on our restaurant community. This small administrative fee of \$25 for zoning permits and any associated building fees has been nominal in lost revenue to the town, but is a critical show of support to the Simsbury restaurant community.

SMSP would again like to acknowledge the outdoor dining committee that has been in place over the past two years, and includes not only Sarah Nielsen but Patrick Tourville, Henry Miga, Jason Brown and of course Laura Barkowski who administers the program on behalf of the Planning Department and the Town of Simsbury.

SMSP is also working with town staff to extend the administrative approval process through the Zoning Commission as we have done in the past two years.

Best,
Sarah Nielsen
CEO Simsbury Main Street Partnership Inc.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** 2022 State House Bond Request

2. **Date of Board Meeting:** March 28, 2022

3. **Individual or Entity Making the Submission:**

Maria E. Capriola, Town Manager; Tom Tyburski, Director of Culture, Parks and Recreation

Maria E. Capriola

4. **Action Requested of the Board of Selectmen:**

If the Board of Selectmen supports submitting a 2022 state House Bond Request Form for improvements to Tariffville Park, the following motion is in order:

Move, effective March 28, 2022, to authorize Town Manager Maria E. Capriola to submit a 2022 House Bond Request Form in the amount of \$330,000 for improvements to Tariffville Park.

Should the appropriations request be awarded, the following additional motion is in order:

Move, to accept the appropriations request for improvements to Tariffville Park and authorize Town Manager, Maria E. Capriola, to execute all documents related to the award.

5. **Summary of Submission:**

Representative Hampton has reached to our First Selectman Mackstutis to inquire if the town would have an interest in applying for funds from the state to make additional improvements to Tariffville Park. Staff for Representative Hampton has informed us that in order to apply for the Bond Request we would need to submit a request form by March 31st.

A number of potential enhancements have been identified for Tariffville Park, which are not included in our capital plan. They are as follows:

- Softball Field Netting
- Parking Improvements
- River Access Improvements
- Gate Improvements
- Water fountain
- Security Camera Technology

If approved, staff will complete the form and submit the application.

6. Financial Impact:

The funding request will be in the amount of \$330,000. Please see attached list.

7. Description of Documents Included with Submission:

- a) Proposed List of Enhancements to Tariffville Park
- b) 2022 State House Bond Request Form

Tariffville Park Improvements Budget Summary

Item	Estimate	Funding Source
Pickleball Court Construction	\$350,000	Simsbury ARPA
New Playscape	\$50,000	Simsbury CNR
New Pavilion	\$75,000	Simsbury ARPA
Softball Backstop	\$15,000	Simsbury ARPA
Parking Improvements	\$100,000	State Bond Request
Field Safety Netting	\$25,000	State Bond Request
River Access Design/Improvements	160,500	State Bond Request
Roadway Pedestrian/Cyclist Safety Gates	\$6,500	State Bond Request
ADA Compliant Water Fountain	\$5,000	State Bond Request
Security Camera Technology	\$15,000	State Bond Request
Bike Repair Station	\$1,500	State Bond Request
Bike Rack	\$1,500	State Bond Request
Benches (4)	\$10,000	State Bond Request
Picnic Tables (5-6)	\$5,000	State Bond Request
State Bond Request Total	\$330,000	
TOTAL BUDGET	\$820,000	

2022 House Bond Request Form

- 1. Name of project:**
- 2. Address of project:**
- 3. Legislators supporting:**
- 4. Date submitted:**
- 5. Amount of state bond request:**
- 6. Total cost of project:**
- 7. Sources of other funding for this project and amounts: (i.e. federal, local, private)**
- 8. Description of project:**
- 9. Status of project: (i.e. current phase, permits received, designed, federal or local approval, ready for construction):**
- 10. Contact person and contact information**

11. Project is anticipated to begin upon receiving state funding (check one):

Immediately

Within 6 months

Within 12 months

Comments

12. Anticipated length of project (months/years):

13. Temporary jobs created or retained:

14. Permanent jobs created or retained:

15. Who will benefit from this project and how:

16. Additional details (if applicable):

**Please attach a detailed budget that accounts for how the funds will be spent.
Please attach site plans, quotes, pictures and any additional support information if applicable.**



Town of Simsbury

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BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Supplemental Appropriation of Paving Funds Received from Aquarion
2. **Date of Board Meeting:** March 28, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Amy Meriwether, Finance Director
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen approves the below supplemental appropriation the following motion is in order:

Move, effective March 28, 2022, to approve the supplemental appropriation request for road paving as presented.

5. **Summary of Submission:**
Public Works completes various road paving projects each fiscal year. At times these projects coincide with water main work conducted by Aquarion. Aquarion will coordinate and compensate the Town for pavement repairs not completed as part of the water main work. These funds will then be used by Public Works to complete the paving associated with the roadways impacted. At present, the Town has received \$462,543.35 from Aquarion for this purpose. It is anticipated all Town funds will be spent prior to the end of the fiscal year and the Aquarion funding will be needed to complete the annual paving maintenance in accordance with the Town's capital plan. Therefore, staff requests an additional appropriation of the \$462,543.35 to be utilized for road paving.

If approved, this matter will be forwarded to the Board of Finance for consideration.

A similar transaction related to funds previously received by the Town from Aquarion for paving restoration was reviewed by this Board at your November 23, 2020 meeting.

6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
None



Town of Simsbury

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SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** MIRA Update – FY 2022/2023 Contract
2. **Date of Board Meeting:** March 28, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Thomas Roy, Director of Public Works
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen is in agreement that now is the time to opt-out of the Town of Simsbury's contract with MIRA and procure a new vendor for the disposal of MSW and recyclables, the following motion is in order:

Move, effective March 28, 2022, to authorize the Town Manager to exercise the Town's opt-out provision of Simsbury's agreement with MIRA.

5. **Summary of Submission:**

In 2017, Simsbury entered into a long-term Tier 1 contract with MIRA that is valid until 2027, assuming MIRA is not disbanded or we do not elect to enforce our opt-out provision of the contract before then.

The MIRA board recently set the tip fee for MSW for Tier 1 communities at \$116/ton, an increase of \$11/ton, or 10.5% over last year, for the time period of July 1, 2022 to June 30, 2023. This increase is significant enough to allow Simsbury to invoke the contract opt-out provision. MIRA's operation is in decline and we are not confident they will continue to operate the Hartford facility.

Following the lead of many former MIRA communities, we are recommending the Board opt-out of our agreement with MIRA and eliminate our flow control ordinance to thereby allow the trash haulers that operate in Simsbury to deliver MSW and recyclables to any appropriately permitted facility. See attached memo for more detailed information.

If the Board opts out of the contract with MIRA we will need to proceed to schedule a public hearing to repeal our flow control ordinance effective July 1, 2022.

6. **Financial Impact:**

Simsbury, as a subscription trash service community, has a level of protection from the impact of the future increase in tip fees, when compared with other communities. If we move away from MIRA, the belief is that our haulers can negotiate better terms than the \$116/ton currently being offered by MIRA.

If the Board were to stay with MIRA, the new tip fee would result in an increase in the costs for all of our residents and businesses. With the tip fee being about half of the cost for trash service, the increase in disposal costs would be on the order of 5%.

Other increases in trash collection fees are still probable this year due to increases in fuel costs and inflation.

7. Description of Documents Included with Submission:

- a) Memorandum: MIRA Update – FY 2022 Contract
- b) T. Kirk Letter re: MIRA Fiscal Year 2023 Tipping Fees, dated February 28, 2022



Town of Simsbury

66 TOWN FOREST ROAD, WEST SIMSBURY, CONNECTICUT 06092

~ Department of Public Works ~

Memorandum: MIRA Update – FY 2022 Contract

To: Board of Selectmen
CC: Maria Capriola, Town Manager
From: Thomas J. Roy, PE - Director of Public Works
Date: March 24, 2022

Simsbury has been in a long-term, Tier 1 agreement with MIRA for the disposal of our municipal solid waste (MSW) and mixed stream recyclables since June 2017. This contract is valid until 2027, assuming MIRA is not disbanded or we do not elect to enforce our opt-out provision of the contract before then. The opt-out provision is based on a formula for a maximum increase in the tip fee compared with the consumer price index. Most years, the increases in the tip fee would allow Simsbury to opt out of our agreement.

The MIRA board recently set the tip fee for MSW for Tier 1 communities at \$116/ton. This value includes taking all mixed stream recycling at no fee. This is an increase of \$11/ton or 10.5% over last year and will be in effect from July 1, 2022 to June 30, 2023. This increase is large enough to allow Simsbury to invoke the contract opt-out provision.

With this drastic increase in disposal fee, the anticipated future increase to the tip fee, and the uncertain future of the facility, Simsbury has a couple options to consider:

1. Continue with our Tier 1 MSA agreement with MIRA:

MIRA is a quasi-municipal organization that was created to regionalize waste disposal for central Connecticut. Supporting MIRA as a nonprofit entity will provide some pricing stability within the region and may stave off future increases in tip fees.

With the number of communities currently opting out of their agreements with MIRA, there is a concern that MIRA may not be able to continue to operate their Hartford facility. If this facility were to close, our MSW may need to be redirected to other MIRA facilities with longer haul distances, impacting the overall cost to our residents and businesses.

MIRA has also offered a lower fee of \$111/ton if the Town forfeited our contractual opt-out provision. With the current issues with MIRA, this option is not recommended for consideration.

2. *Opt-Out of MIRA and eliminate our flow control ordinance:*

With Simsbury being a subscription trash service community, where each resident and business is able to select their own hauler, we have the ability to eliminate our flow control ordinance that dictates that our curbside MSW and recyclables must be sent to MIRA. By eliminating the flow control, our haulers would have the ability to negotiate tipping fees with any licensed disposal facility.

Recommendation:

Based on the current dynamic nature of the solid waste market in Connecticut and the number of communities that are leaving MIRA, **I recommend option #2, with the Town enforcing our opt-out provision with MIRA and releasing our flow control ordinance.** This option will allow our haulers to negotiate their own rates for disposal that should prove to be less expensive than MIRA.

Looking to the future, CRCOG has issued an RFP to hire a consultant to evaluate the current and future markets for MSW in Connecticut. Focuses of this study include evaluating the impact on the market if/when the MIRA facility closes and determining long-term options for solid waste disposal in Connecticut. The results of this study are not anticipated for several months and will not help with the current pricing issues. The hope is that this study, along with the work of CTDEEP and the legislature, will allow for improvements and additional options for the disposal of MSW in Connecticut. As new information becomes available, I will provide updates to keep the Board of Selectmen informed.

If you have any questions on this subject or our possible options, please let me know.

P:\Operations\LANDFILL\MIRA\Memo Trash to Energy Status 3-24-22 rev.docx



Materials Innovation and Recycling Authority

200 CORPORATE PLACE Suite 202 • Rocky Hill • CONNECTICUT • 06067 • TELEPHONE (860) 757-7700

February 28, 2022

The Honorable Eric Wellman
Town of Simsbury, First Selectman
933 Hopmeadow Street
Simsbury, CT 06071-0308

Re: MIRA Fiscal Year 2023 Tipping Fees

Dear First Selectman Wellman:

This letter is to provide our Connecticut Solid Waste System (CSWS) customer towns with the tipping fees established for Fiscal Year 2023 (FY2023) together with important information concerning the status of the CSWS and future plans.

On February 23, 2022, the Materials Innovation and Recycling Authority (MIRA) Board of Directors approved the Fiscal Year 2023 Tier 1 Short Term Disposal Fee applicable to towns executing the Second Amendment to Municipal Service Agreement (MSA Amendment) recently distributed by MIRA for execution. The MSA Amendment distributed for signature by the towns anticipated a Fiscal Year 2023 tipping fee of \$116. The MIRA Board's action reduced this tipping fee for Fiscal Year 2023 to \$111.00 per ton and authorized MIRA to execute modifications to the MSA Amendment reflecting this reduction. This action was taken to further encourage town favorable consideration and execution of the amendment.

The MIRA Board also adopted a lower than anticipated Fiscal Year 2023 tipping fee applicable to Tier 1 Long Term towns declining to execute the MSA Amendment. The Board intends this reduction to provide towns declining or undecided on the MSA Amendment a less costly disposal option as they consider their future waste management decisions.

Despite being heavily subsidized by reserves and non disposal revenues, tipping fees for FY 2023 are increased versus the prior 2022 fiscal year adopted MSW tipping fee. This increase was necessary to ensure continued reliable service to our participating towns and is attributed to a host of factors reducing revenue and increasing costs, including the potential for limited, reduced operation of the Hartford Trash-to-Energy Facility and the commencement of transfer and transportation of Town waste for disposal in out of state landfills.

In FY 2023 MIRA is continuing the practice of accepting and processing residential recyclables from its Tier 1 participating communities at a \$0/ton tipping fee.

Additionally, the tipping fees charged to all participating municipalities is the same regardless of whether MSW is delivered direct to the Hartford Trash-to-Energy Facility, or to the Torrington, Essex or Watertown transfer stations. All transfer costs, as well as the costs of processing, marketing and sale of

recycling commodities are included in the MSW tipping fee. The tipping fee for towns agreeing to the amended MSA (please provide the signed amendment to MIRA By March 31, 2022) will enjoy a lower tipping fee as a result of our ability to assure multi-year volume and term commitments to our contractors and disposal providers. The MIRA board of directors intends to maintain this pricing advantage for towns amending the MSA for the remaining term of the Agreement. The tipping fees effective July 1, 2022 through June 30, 2023 (FY2023) are shown below.

WASTE STREAM	7/1/2022 – 6/30/2023 Tipping Fee
Tier 1 Short Term - Amended Agreement (per ton) MSW	111.00
Tier 1 Long Term - Not Amended (per ton) MSW	116.00
Bulky Waste (per ton)	\$120.00
Mattress/Box Springs Surcharge (per unit)	\$30.00
Residential Recycling; Single or Dual Stream (per ton)	\$0.00

The full MIRA FY2023 budget is available for viewing at <http://www.ctmira.org/records-reports/budget/>

The MSAs also require an annual calculation of the Opt-Out Disposal Fee. This calculation establishes the tipping fee which, if exceeded, permits our Tier 1 Long-Term customer towns to unilaterally exit the MSA within the prescribed 30 day window. For FY 2023, the Opt-Out Disposal Fee calculates to \$73.72, signaling each Tier 1 Long Term town not signing the MSA Amendment is eligible to opt out of their MSA participation.

For your information, please know that because the town of Simsbury has an MSA with MIRA, private waste hauling companies serving commercial and residential subscription accounts in Simsbury are required to deliver Town MSW to MIRA and will also enjoy MSW disposal services at the municipal rates.

Finally, MIRA invites you to a meeting of the MIRA customer towns, scheduled for March 16 at 10:00 (via Zoom). We look forward to hearing from our towns and reviewing MIRA's future plans for disposal and recycling.

Thank you for your patronage of MIRA. We appreciate the opportunity to serve the residents and businesses of Simsbury. Please don't hesitate to contact me or any of the MIRA Directors (Directors contact information is attached) if we can be of any assistance.

Very Truly Yours,



Thomas D. Kirk
 President and CEO
TKirk@ctmira.org
 860-757-7700

MIRA Board of Directors

Don Stein	dstein@barkhamsted.us
Edmond Mone	emone@thomastonct.org
Carl Fortuna, Jr.	Carl.fortuna@oldsaybrookct.gov
Richard Soderman	richsoderman@gmail.com
James Hayden	James Hayden jimh@egtownhall.com
Susan Weisselberg	susanweisselberg@gmail.com
Dave Steuber	David.Steuber@hartford.gov
Luke Bronin, CSWS Project Ad Hoc	lbronin@hartford.gov
Thomas Swarr, CSWS Project Ad Hoc	Tomswarr@icloud.com
Bert Hunter	Bert.hunter@ctgreenbank.com
Leonard Assard	



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** 2022 Revaluation
2. **Date of Board Meeting:** March 28, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Melissa Appleby, Deputy Town Manager; Amy Meriwether, Finance Director *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen is in concurrence with staff's recommendation, the following motion is in order:

Move, effective March 28, 2022, to not proceed with delaying the 2022 revaluation process in Simsbury.

5. **Summary of Submission:**

In Connecticut, towns are required to complete a revaluation once every five years. Simsbury is scheduled for our revaluation to be completed in 2022, which would take effect for FY 23/24 and the October 1, 2022 grand list. A RFP was issued, two vendors were selected (one for commercial, one for residential), and the revaluation work is underway.

There is proposed legislation (HB 5167) currently pending (has not yet made it out of committee) that would permit municipalities to delay their 2022 revaluations. In order to be eligible to delay our 2022 revaluation, we would need to affirmatively add our name to the legislation. Currently only three towns have chosen to delay their upcoming 2022 revaluation: Orange, Wilton and Hartford.

If we do not conduct the revaluation this year, we will not capture any new revenue generated from the revaluation for the FY 23/24 budget. In addition, if we postpone the revaluation for one year, we would still need to conduct another revaluation in 2027 to stay on the schedule required by the state. In that case, we would only have four years between the revaluations. Finally, our 2022 revaluation work is already underway, and we would not be reimbursed for the funds we have expended thus far.

Staff has tentatively elected not to opt into the proposed legislation, as an initial response was requested by OPM last week. This evening we are seeking feedback from the Board of Selectmen on the matter.

If the Board ultimately disagrees with staff's recommendation and wants to delay revaluation, we can ask Representative Hampton and Senator Witkos to request an amendment to the proposed legislation to include Simsbury.

6. Financial Impact:

If we choose to delay the revaluation, it will impact revenues generated for the FY 23/24 budget, as well as the mill rate. The Town would not be reimbursed for the funds already expended for work performed for the 2022 revaluation.

7. Description of Documents Included with Submission:

a) H.B. 5167 An Act Authorizing a Delay in Property Revaluations



General Assembly

February Session, 2022

Raised Bill No. 5167

LCO No. 431

00431 _____ PD_

Referred to Committee on PLANNING AND DEVELOPMENT

Introduced by:
(PD)

AN ACT AUTHORIZING A DELAY IN PROPERTY REVALUATIONS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. (*Effective from passage*) Notwithstanding the provisions of section 12-62 of the general statutes or any municipal charter, special act or home rule ordinance, any municipality may, by vote of its legislative body, delay for a period not to exceed one year the implementation of a revaluation initiated prior to the assessment year commencing on October 1, 2023. The rate maker, as defined in section 12-131 of the general statutes, in any such municipality that defers such a revaluation may prepare new rate bills under the provisions of chapter 204 of the general statutes to carry out the provisions of this section. Any required revaluation after any delayed implementation of a revaluation pursuant to this section shall be implemented in accordance with the provisions of section 12-62 of the general statutes. Such subsequent revaluation shall recommence at the point in the schedule required pursuant to section 12-62 of the general statutes that such municipality was following prior to such delay.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>from passage</i>	New section
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Statement of Purpose:

To allow municipalities to delay the revaluation of real property by one year due to the COVID-19 pandemic.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Proposed Appointment of Joyce McKusick to the Housing Authority
2. **Date of Board Meeting:** March 28, 2022
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Trish Munroe, Town Clerk
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen accepts the recommended appointment, the following motion is in order:

Move, effective March 28, 2022, to appoint Joyce M. McKusick as a Resident Member of the Simsbury Housing Authority Board with a term ending April 1, 2025.
5. **Summary of Submission:**
The Simsbury Housing Authority Board of Directors consists of five members, appointed by the Board of Selectmen. One of the five members is required to be a resident living at the property. Sadly, resident and Board member Ronald Anastasio passed away on March 9, 2022. Mr. Anastasio had served on the Board since November 2017. His term was to expire on April 1, 2025. Mr. Anastasio was a registered Democrat, and therefore the remainder of his term must be filled by a member of the Democratic party.

The Town Clerk has received from Melissa Green, Executive Director of the Simsbury Housing Authority a recommendation to appoint Joyce M. McKusick (D) to serve as the resident member of the Simsbury Housing Authority Board, to fill the vacancy created by Mr. Anastasio's passing, with a term expiring April 1, 2025.
6. **Financial Impact:**
None
7. **Description of Documents Included with Submission**
 - a) Volunteer Form from Joyce M. McKusick



Simsbury, CT
933 Hopmeadow Street

Phone: (860) 658-3200

Volunteer Form

Good Government Starts with You

Date Submitted: March 17, 2022

Name: Joyce M McKusick

Home Address:

Mailing Address:

Phone Number(s):

Email Address:

Party Affiliation: D

Current Occupation/Employer: Retired

Narrative: Currently member of Resident Council for Simsbury Housing and I volunteer at the senior center. Was President of the VFW 583 in Middletown and District President for the county. I also volunteer at the Housing Authority.

Board(s) / Committee(s): HOUSING AUTHORITY

CALL TO ORDER

The Regular Meeting – Budget Workshop I of the Board of Selectmen was called to order at 5:30 p.m. in the Main Meeting Room of the Simsbury Town Offices. Present were: First Selectman Wendy Mackstutis; Deputy First Selectman Amber Abbuhl; Board members Heather Goetz, Eric Wellman, Chris Peterson and Sean Askham. Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Town Clerk Trish Munroe; Building Official Henry Miga; Director of IT Rick Bazzano; Assessor Francine Beland; Finance Director/Treasurer Amy Meriwether; Community and Social Services Director Kristen Formanek and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

OVERVIEW OF BUDGET

• Revenues and Budget Assumptions (Tab 2)

Ms. Capriola said the FY 22/23 grand list growth is very strong, up 3.72% due to real estate increases and the McLean expansion. The motor vehicle increased 27.56% and personal property increased 11.83% due to upgrades of the utility companies.

She gave a revenue recap and budgeting assumptions including an analysis of certified grand lists growth over the last 20 years, the average of which was from 0.79% to 1.00% without revaluation. They used the tax collection rate of 98.5% and local revenues remain strong.

Ms. Capriola said the Governor proposed a budget cap on motor vehicle mill rates at 29 mills with reimbursement contribution to the Town estimated at \$2,006,464. Also, the proposed ECS will increase by \$466,228.

• GENERAL GOVERNMENT REQUESTS

• Town Clerk (Tab 8)

Ms. Munroe said the Town Clerk’s office has three full time employees and their budget proposal will increase by 2.58%. They are focusing on applying for the CT State Library Historic Documents Preservation Grant of \$7,500. This grant is to preserve the Town’s permanent records and organize records on high capacity shelving in the vault. They want to draft and implement a training and procedures manual for the Town Clerk’s Department for cross-training. There is a proposed increase in salaries and computer software due to land record volume.

• Registrars/Elections (Tab 7)

Ms. Munroe said the proposed budget increase is 47.04% for the Registrars/Elections operating budget. FY 22/23 will include three elections. The increase includes salary increases, program supplies, equipment and maintenance, copy, printing, etc.

There was some discussion on the no excuse absentee ballot voting versus early voting.

- **IT (Tab 11)**

Mr. Bazzano said there are two full time employees in IT. They are asking for a 16.15% increase in their budget, which includes an increase in contractual services, salaries and benefits. He is asking for an Information Technology Specialist, staff computer replacements, the final phase of software upgrades and a cyber-security audit. His areas of focus are updating the disaster recovery plan, migrating remaining Town Departments to cloud-based email services, etc. He spoke about proposed service improvements due to a change in technology and the needs increase due to the scope of their responsibilities which include body and cruiser cameras, network storage, expanding Wi-Fi, video surveillance, on call support, etc. They are also on call 24/7. There was discussion on the technology challenges presented by COVID, and what they are looking for in a new employee.

- **Finances, including Revenue and Assessments (Tab 10)**

Ms. Meriwether said the Finance Department, Tax Collector, Assessment, and Board of Finance proposed budget proposed increase is 3.07%. Some of the increase is for wage increases and benefits. They want to maintain a Aaa bond rating and keep adequate reserves. They want to implement procedures, address the auditor’s comments, maintain the tax collection rate, continue to value property fairly, assist contracted vendors for 2022 revaluation, etc. A new Deputy Finance Director, who just came on board, will help us to move forward and streamline the auditor’s suggestions.

Ms. Meriwether went through the budget highlights which included a software increase, increase in contractual service contracts, related wage and negotiated contract increases, etc. Ms. Meriwether said they need help with a backlog of fieldwork which is cost neutral. This position was approved last year, but there hasn’t been a lot of interest in the position and others have not been qualified. They need to be more flexible with this position. There was some discussion on shared services for this position. They discussed the revaluation process and cost. This service has gone out to bid.

Ms. Meriwether said the proposed CNR project is to fund revaluation, which occurs every 5 years.

- **Town Manager’s Office, General Government, Legal (Tab 4)**

Ms. Appleby went through the Town Manager’s Office proposed FY 2022/23 budget increase of 2.19%. There are four full time employees in that office. There is an increase of 2.35% for salaries, as well as a small increase in the seasonal account due to the increase in minimum wage.

General government proposed increase is 8.56% which include tuition reimbursement, copying, postage, telephone, training, etc. She said there are anticipating an increase in telephone services and mobile data services, education and conferences. There was some discussion on education and conferences and how they were planned and funded.

- **Board of Selectmen Public Agencies/Community Service (Tab 5)**
- **Boards and Commissions (Tab 6)**

Ms. Appleby said the Board of Selectmen/Community Service on tab 5 proposed increase is just under 1% which includes the First Selectman stipend, funding for the Board of Selectmen clerk and other clerks.

Ms. Appleby said this tab also includes money for posting legal notices in the newspapers, dues and membership fees. There is an increase for Farmington Watershed, North Central EMS Council, Greater Hartford Transit District and Amplify, which are based on a per capita fee. Remaining funds in Public Agency Support reflects FY21/22 approved requests.

Outside agency grants are level funded, but there is a slight increase for those on a per-capita basis. There is one new request and SCTV, Main Street Partnership, Chamber of Commerce and Hartford Interval House are looking for increases. These items will be further discussed at the meeting on Saturday.

Ms. Capriola said the Health budget is regarding our contribution to the Farmington Valley Health District. They are asking for an increase of 3.43%. The census population has decreased. Our contribution is on a proportional share based on our population. The Health District is preparing a list of pandemic recovery needs and that could potentially be funded with ARPA dollars.

The Town Manager’s Office is focusing on updating rules and regulations which haven’t been updated since 2009, negotiating successor agreements to the collective bargaining agreements that are expiring or already expired. They also support the work of the Board of Selectmen and other committees, and they are focusing on spending the ARPA dollars. They are also working on the preservation of the Meadowood properties. There is a RFP out for the agricultural parcel and are looking forward to working with a good steward of that land.

- **General Liability and Workmen’s Compensation Insurance (Tab 19)**

Ms. Appleby said the proposed operating budget increase is 0.02% which includes liability, worker’s compensation, cyber, crime, underground storage tanks, etc.

Ms. Capriola said the health insurance fund is stable. They are recommending no increase. The estimated fund balance for FY 22/23 is 26% of expected claims, which is a good place to be. She went through the employee benefits assumptions, OPEB and pension.

- **Health Insurance Fund (Tab 25)**

Ms. Capriola said the Health Insurance Fund is in stable position. The estimated fund balance is 26% of expected claims. Claims have been down due to the pandemic. The employee benefits interest rate of assumption is 6.5% with the existing rate of 6.65%. Utilizing a 6.5% interest rate results in increases which applies to pension plans and OPEB trust.

- **CNR Projects**

Ms. Appleby went through the proposed FY 22/23 CNR projects which included Public Safety radio system maintenance and repairs. She said there will be a \$10,000 operating transfer. The Town and Fire District will split mutually agreed costs. Ms. Appleby said there are two expenses for FY 22/23 to replace the microwave link between Wintonbury Tower and Main Fire Station and the inspection of the Firetown Tower.

• **Community Development**

• **Building/Planning (Tab 12)**

Mr. Miga said there are 7.54 full time employees in the Building Department, including one employee that is contracted to Bloomfield. Ms. Appleby said there is an increase in planning salaries. Planning and Building use shared permitted software.

He went through the areas of focus including rewriting zoning regulations, creating a permit book, FEMA flood insurance rate maps, engaging in plan reviews, permitting and inspections, etc. They are trying to close out old permits for sold/transferred houses.

They will be engaging in residential development and reviewing security and inspections at Talcott Mountain, Highcroft Place, Barber Cove, etc.

• **Community Services**

• **Social Services (Tab 16)**

Ms. Formanek said they are asking for a 2.76% increase for Community and Social Services due to contractual increases and step increases. There are 6.31 full time employees in their department.

She said they are focusing on following the increase in demand in needed services due to the pandemic and the relocation of the Food Pantry and donations. She wants to higher two new social workers possibly using ARPA funds to help implement new programming. These funds need to be used by 12/31/26.

Ms. Formanek said there are some proposed service improvements including Youth and Family Social Worker and a Community Social Worker. There will be start-up costs when hiring the new staff along with supervision costs. An interim social worker will support pandemic recovery through mental health and well-being for the residents. They are focusing on following the increase in demand in services, knowledge of programs and services.

There was a lot of discussion on the increase in demand for referrals and not being able to refer people to anyone as no one is available.

The proposed Youth and Family Social Worker is about outreach and programs services for youth and families, which includes parent education. She said there is a new global trend for clinical social workers to work with the Police Department for cases related to mental health and family issues.

Ms. Formanek said the proposed community social worker would perform outreach services for residents under age 64 and follows up with police calls related to family violence, substance abuse, mental health crisis, etc. There is a mental health crisis in America, not just in Simsbury.

There was a lot of discussion on hiring two new people for these services and how to pay for them. The Board asked for more data on what social services does now and what the new employees will be used for. There will be further discussion at the budget meeting on Saturday.

ADJOURN

Mr. Peterson made a motion to adjourn at 9:00 p.m. Mr. Askham seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio
Clerk

CALL TO ORDER

The Regular Meeting of the Board of Selectmen was called to order at 6:00 p.m. in the Main Meeting Room of the Simsbury Town Offices and on Zoon. Present were: First Selectman Wendy Mackstutis; Deputy First Selectman Amber Abbuhl; Board members Chris Peterson, Eric Wellman, Sean Askham and Heather Goetz. Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Finance Director Amy Meriwether; Public Works Director/Town Engineer Tom Roy (by Zoom); Director of Culture, Parks and Recreation Tom Tyburski (by Zoom); Police Chief Nicholas Boulter; Director of Community Development and Social Services Kristen Formanek; Attorney Bob DeCrescenzo (by Zoom), and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC AUDIENCE

- **Participants can address the Board of Selectmen in person at the meeting**
- **email townmanager@simsbury-ct.gov by Monday, March 14, 2022 to register to address the Board of Selectmen live thru Zoom**
- **written comments can be emailed to townmanager@simsbury-ct.gov. Written comments will not be read into the record, but forwarded to all Selectmen’s emails**

Joan Coe, 26 Whitcomb Drive, spoke about the SPIRIT Council name change; Eno Farms Housing and Trust; CHFA funding, ARPA funding; grievances, and other issues.

Morgan Hilyard, Executive Director of the Simsbury Chamber of Commerce, spoke about requested funding, the tourism services provided at the office, and the Chamber’s efforts to host more community events.

FIRST SELECTMAN’S REPORT

The First Selectman, Wendy Mackstutis, reviewed her First Selectman’s report.

TOWN MANAGER’S REPORT

The Town Manager, Maria E. Capriola, reviewed her Town Manager’s report.

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

- Pension** - there was no report at this time.
- Finance** – there was no report at this time.
- Public Safety** – there was no report at this time.
- Board of Education** – there was no report at this time.

Ms. Abbuhl said there will be a Town-wide clean-up day co-hosted with State Representative John Hampton on Saturday April 23rd. She said there is more information to come.

SELECTMEN ACTION

a) Tax Refund Requests

Mr. Askham made a motion, effective March 14, 2022, to approve the presented tax refunds in the amount of \$4,394.25 and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Mr. Wellman seconded the motion. All were in favor and the motion passed.

b) Donation from Keith and Carol McLean-Shinaman

Ms. Abbuhl made a motion, effective March 14, 2022, to accept a donation from Keith and Carol McLean-Shinaman in the amount of \$1,850 for the purpose of supporting Simsbury Community and Social Services Department Food Pantry Program with our thanks. Mr. Askham seconded the motion. All were in favor and the motion passed.

c) Recommend Appointment of Director of Planning and Community Development Director

Ms. Capriola said they went through a process and interviews with external and internal chairs, etc. The preferred candidate is well qualified and she is excited to have him here.

Mr. Askham made a motion, effective March 14, 2022, to appoint George McGregor to the Director of Planning and Community Development position effective April 11, 2022 with an annual salary of \$125,000 and employee related benefits assigned to that position. Ms. Goetz seconded the motion. All were in favor and the motion passed.

d) Proposed State Historic Preservation Office Historic Preservation Enhancement Grant Appeal

Ms. Capriola they have been working on Meadowood property and applied for \$20,000 grant for architectural services for the barns. This would qualify for a local match.

Mr. Wellman made a motion, effective March 14, 2022, to approve the application for the State Historic Preservation Office Historic Preservation Enhancement Grant for Meadowood Barns. In the event that the grant is awarded, also move to accept the State Historic Preservation Office Historic Presentation Enhancement Grant for Meadowood Barns grant and to authorize Town Manager, Maria E. Capriola to execute all documents related to the grant award. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

e) Revisions to Animal Control Officer Job Description

Ms. Capriola went through the changes highlighted in the Animal Control Officer job description, which are mostly housekeeping.

Mr. Askham made a motion, effective March 14, 2022, to revise the Animal Control Officer job description as presented. Mr. Peterson seconded the motion. All were in favor and the motion passed.

f) Creation of Deputy Town Engineer Classification

Ms. Capriola said this is the final step in the reorganization in Public Works. This person would report to Tom Roy. She went through the proposed job description and said the position will be posted.

Mr. Askham made a motion, effective March 14, 2022, to endorse the creation of the position classification of Deputy Town Engineer and the job description as presented. Further move, to endorse a salary range for the Deputy Town Manager position of \$95,000 - \$120,000. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

g) Naming Rights Committee

Ms. Capriola said they are looking into various grant opportunities to complete the bandshell extension at the Simsbury Meadows Facility. She said the Performing Arts Center Board of Directors is interested in exploring donor options. Mr. Wellman thought the Naming Rights Committee should be re-enacted to discuss their progress and potential needs.

Mr. Wellman made a motion, effective March 14, 2022, to activate the Naming Rights Committee – the Committee is tasked with reviewing suggested names for the Performing Arts Center Facility Expansion and with recommend name to the Board of Selectmen. Further move, to adopt the following people to the Naming Rights Committee:

Eric Wellman, Board of Selectmen member

Sean Askham, Board of Selectmen member

Ms. Goetz seconded the motion. All were in favor and the motion passed.

h) American Rescue Plan Act (ARPA) Policy Resolutions

Ms. Mackstutis said they came up with ideas of where/what/when to use ARPA funding. She highlighted the areas of use of the funds during the budget process.

Ms. Capriola said Attorney DeCrescenzo thought the Board should adopt a resolution to state the approved uses of the funds and establish the process to use the money.

After some discussion, Ms. Mackstutis read the following resolution:

WHEREAS, the Town of Simsbury is in receipt of funding from American Rescue Plan Act (“ARPA”); and

WHEREAS, the intent of the funding is to assist the Town in meeting immediate pandemic needs and to promote long-term recovery from the effects of the COVID-19 pandemic; and

WHEREAS, on June 15, 2021 the Simsbury Board of Finance established a Special Revenue Fund for the recording of the receipt and expenditures of ARPA funding; and

WHEREAS, on January 1, 2022 the United State Department of the Treasury published its final Rule for the State and Local Fiscal Recovery Funds (“SLFRF”) program regarding the municipal expenditure of ARPA funds; and

WHEREAS, on January 24, 2022 the Board of Selectmen held a Public Hearing to solicit comments and recommendations for the expenditure of SLFRF Program funds; and

WHEREAS, the Board of Selectmen funds that the SLFRF Program funding to support the following programs listed herein is consistent with the ARPA Fund Rule and will assist the Town in its long-term recovery from the effect of the COVID-19 pandemic,

NOW, THEREFORE, BE IT RESOLVED,

1. The Board of Selectmen intends to use ARPA funding on COVID recovery programs, services, projects, and purchases such as but not limited to:
 - Public Health recovery
 - Business recovery
 - Non-profit recovery
 - Student educational recovery and literacy efforts
 - Mental health and well-being recovery
 - Diversity, equity, and inclusion initiatives
 - Capital projects that support air-quality and HVAC systems in Town-owned facilities
 - Capital projects and purchases that support Town-owned outdoor infrastructure such as parks, playgrounds, trails, open spaces, and other outdoor amenities
 - Other categories or items as may be determined by the Board at a later date
2. When possible, the Board of Selectmen will consider appropriation of ARPA dollars through the annual budget process. Other uses of ARPA dollars will be considered as a supplemental appropriation.

Ms. Abbuhl made a motion, effective March 14, 2022, to adopt the American Rescue Plan Act Program Funding Resolution as presented. Mr. Peterson seconded the motion. All were in favor and the motion passed.

Ms. Abbuhl made a motion to adjourn to Executive Session at 6:55 p.m. to include Town Manager Maria Capriola, Deputy Town Manager Melissa Appleby, Assessor Francine Beland, and Town Attorney Bob DeCrescenzo. Ms. Goetz seconded the motion. All were in favor and the motion passed

EXECUTIVE SESSION

a) Pursuant to CGS § 1-200(6)(b) concerning Pending Claims Litigation Simsbury Property Group, LLC and Town of Simsbury (Assessment Appeal)

Mr. Askham made a motion to adjourn the Executive Session at 7:04 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

h) Stipulated Agreement for Simsbury Property Group LLC vs Town of Simsbury

Mr. Wellman made a motion, effective March 14, 2022, to approve the stipulation for judgement for Docket HHBCB216066858-S Simsbury Property Group LLC vs. the Town of Simsbury for a tax appeal for the property located 88 Hopmeadow Street as presented and to authorize Attorney Bob DeCrescenzo to execute the agreement. Mr. Askham seconded the motion. All were in favor and the motion passed.

i) FY 22/23 Budget Discussion and Adoption

Ms. Capriola provided an overview of the remaining items for discussion, including the outside agency requests, service improvement requests, and ARPA funding priorities.

After review and discussion of the outside agency requests, the Board determined that outside agency requests will remain flat from the current year. Outside agencies will have an opportunity to apply for additional funding through the ARPA non-profit program.

Ms. Capriola went through the service improvement priorities including the IT specialist, network engineering support, CALEA specialist, police officer position, a pollinator initiative, Simsbury Farms anniversary, professional development, etc. There was some discussion on how to handle the pollinator project, such as using local nurseries. There was consensus to include the service improvements in the proposed budget.

Ms. Meriwether went through the levy calculation worksheet with net expenditures increasing by 2.39%. There was discussion on service improvements, ARPA revenue funds and flat mill rate funding.

Chief Boulter said the Police Department said they have 39 officers and they are already over budget in overtime. There was discussion on getting a comfort dog for the Police Department and how that would be paid for.

Ms. Capriola talked about the proposed service improvements for Community and Social Services. They are asking for two new Social Workers to provide new services due to the trends happening today. Ms. Formanek explained the difference between the proposed Social Workers and if these positions could be paid with the ARPA funding.

There was a lot of discussion on all budgets and possible savings initiatives that can be used for the budgets

Mr. Askham made a motion to move \$10,000 to the operating budget for the cost and maintenance stipend for the comfort dog. Ms. Mackstutis seconded the motion. Four members were in favor, with two against. Therefore, the motion passed.

Mr. Askham made a motion to add the items presented to be funded from ARPA as Ms. Meriwether has laid out from an accounting standpoint including:

- BOE – HVAC climate control upgrades
- Social Workers for Schools (2)
- Social Worker for Town (Youth and Family)
- Tariffville Park – Pickleball Court
- Simsbury Farms Playground (inflation impact)
- Dredging Town Forest Pond
- Library Variable Air Volume Control
- Town Hall Variable Air Volume Control
- Tariffville Park Pavilion Replacement
- Weatogue Backstop Replacement
- Tariffville Backstop Replacement
- Flower Bridge Design work
- Service Dog – vehicle
- Multi-use Trail Design – Curtiss to Tariffville

Ms. Goetz seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective March 14, 2022, to approve the Board of Selectmen 2022/2023 operating budget in the amount of \$25,466,760, to include the following changes from the Town Manager’s Proposed Budget:

- \$7,500 – For Pollinator Initiative
- \$7,500 – Increase for Simsbury Farms 50th Anniversary Community Events
- \$4,225 – Increase for Executive coaching
- \$117,242 – Increase for IT Specialist position
- \$5,000 – Increase for Supplemental Network Engineering Support
- \$20,000 – Increase for Construction Inspection
- \$283,551 – Increase for Two Patrol Officer positions
- \$110,789 – Increase for CALEA Specialist Position
- \$125,000 – Increase for Youth and Family Social Worker Position and Associated Costs
- \$10,000 – Increase for Service Dog Operating Costs
- \$564,574 – Increase for Cash for Capital
- \$3,757,833 – Transfer in from the American Rescue Plan Act Fund for Revenue Loss
- \$3,632,833 – Transfer out to Cash for Capital

Mr. Wellman seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective March 14, 2022, to approve the Water Pollution Control 2022-2023 Operating Budget in the amount of \$4,341,139 including Avon and Granby CWF share. Ms. Goetz seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective March 14, 2022, to approve the Residential Property 2022-2023 Operating Budget in the amount of \$54,172. Ms. Goetz seconded the motion. All were in favor and the motion passed.

Ms. Abbuhl made a motion, effective March 14, 2022, to approve the Simsbury Parks and Recreation Fund 2022 – 2023 Operating Budget in the amount of \$2,218,035. Mr. Askham seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective March 14, 2022, to approve the Debt Service 2022-2023 Operating Budget in the amount of \$6,371,523. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective March 14, 2022, to approve the Capital and Non-Recurring Plan for 2022-2023 in the amount of \$2,509,775 including:

- \$416,510 to be funded by General Fund via the Five-Year Payback Method
- \$763,753 to be funded by the General Fund
- \$191,500 to be funded by the Town Aid Road Fund
- \$280,000 to be funded by the Sewer Use Fund
- \$290,512 to be funded by the Capital Reserve Fund
- \$ 15,000 to be funded by Anticipated Trade-in Value
- \$ 59,000 from Project Savings
- \$ 18,500 from Donations
- \$140,000 from the Golf Equipment Fund

Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective March 14, 2022, to add the following new projects to the Capital Improvement Plan for 2022-2023 in accordance to Charter

Multi-use Connections/Trails Development (Curtiss Park in Tariffville)	\$300,000
Tariffville Park Court Replacements	\$350,000
District Climate Control Improvements	\$1,650,000

Mr. Peterson seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective March 14, 2022, to approve the Capital Improvement Program to include the following projects in 2022-2023 with initial funding of \$12,522,744 for 2022-2023:

	<u>Recommended funding</u>
Golf Course Irrigation System Replacement \$2,550,000	Bonds
Multi-Use Connections/Trails Development (Rte. 10 to Curtiss Park) \$1,582,744	Grants
Multi-Use Connections/Trails Development (Curtiss Park to Tariffville) \$300,000	ARPA Funds
PAC Grant Match/Rotary Park Restrooms \$350,000	Capital Reserve Fund
Tariffville Park Court Replacement \$350,000	ARPA Funds
Highway Pavement Management \$1,205,000	Bonds/Grants/Cash
Sidewalk Reconstruction \$200,000	Bonds
Municipal Site and Safety Improvements (Town Hall) \$450,000	Bonds
Old Drake Hill Flower Bridge Repairs (Design) \$280,000	ARPA Funds
Eno Entrance Improvements \$360,000	Special Revenue Fund/Trust
Eno Parking Lot Improvements \$245,000	Bonds
Primary Clarifier \$150,000	Sewer Use Funds
District Network Infrastructure \$400,000	Bonds
District Climate Control Improvements \$1,650,000	Bonds/ARPA Funds
Tootin Hill – Water Distribution & Drainage Systems \$480,000	Bonds
Central School - Electrical Service Distribution 1950 \$250,000	Capital Reserve Fund/Cash
Central School – Replace EPDM Roof (V3) \$370,000	Bonds/Grants
Tariffville School - Replace roof EPDM (V1, V2) \$1,000,000	Bonds/Grants
Tariffville School – Replace 1984 Modulars \$350,000	Cash

Mr. Peterson seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective March 14, 2022, to refer the following Capital Projects to the Planning Commission in accordance with CGS §8-24:

- Golf Course Irrigations System Replacement
- Multi-Use Connections/Trails Development (Rte. 10 to Curtiss Park)
- Multi-Use Connections/Trails Development (Curtiss Park to Tariffville)
- PAC Grant Match/ Rotary Park Restrooms
- Tariffville Park Court Replacements
- Highway Pavement Management
- Sidewalk Reconstruction
- Municipal Site and Safety Improvements (Town Hall)
- Old Drake Hill Road Flower Bridge Repairs (Design)
- Eno Entrance Improvements
- Eno Parking Lot Improvements

Primary Clarifier
District Network Infrastructure
District Climate Control Improvements
Tootin Hills – Water Distribution and Drainage System
Central School –Electrical Service Distribution 1950
Central School – Replace EPDM Roof (V3)
Tariffville School – Replace Roof EPDM (V1, V2)
Tariffville School –Replace 1984 Modulars

Ms. Goetz seconded the motion. All were in favor and the motion passed.

APPOINTMENTS AND RESIGNATIONS

a) Resignation of Peter VanLoon from the Economic Development Commission

Ms. Goetz made a motion, effective March 14, 2022, to accept the resignation of Peter VanLoon (D) as a regular member of the Economic Development Commission effective March 14, 2022 with our thanks. Mr. Peterson seconded the motion. All were in favor and the motion passed.

b) Proposed Appointment of Carrie Meckel to the Economic Development Commission

Mr. Peterson made a motion, effective March 14, 2022, to appoint Carrie Meckel (D) to the Economic Development Commission with a term ending October 10, 2024. Ms. Goetz seconded the motion. All were in favor and the motion passed.

c) Proposed appointment of Tom Earl to the Business Development Committee

Mr. Askham made a motion, effective March 14, 2022, to appoint Tom Earl as a regular member of the Business Development Committee with a term ending August 13, 2022. Mr. Wellman seconded the motion. All were in favor and the motion passed.

d) Appointment of David Blume to Library Board of Trustees

Ms. Goetz made a motion, effective March 14, 2022, to appoint David Blume as a regular member of the Library Board of Trustees with a term ending December 1, 2025 to fill the vacancy created by the resignation of Heather Goetz on December 8, 2021. Mr. Askham seconded the motion. All were in favor and the motion passed.

e) Resignation of Richard Cortes from the Public Building Committee, Building Code Board of Appeals and Planning Commission

Mr. Wellman made a motion, effective March 14, 2022, retroactive to February 28, 2022, to accept the resignation of Richard Cortes as a regular member of the Public Building Committee with a term that was due to expire on January 1, 2026 with our thanks. Also, retroactive to February 28, 2022, to accept the resignation of Richard Cortes as an alternate member of the Building Code Board of Appeals with our thanks. His term was to expire January 1, 1024. Also, retroactive to February 28, 2022, to accept the resignation of Richard Cortes as an alternate member of the Planning Commission with our thanks. Mr. Cortes' term was due to expire on December 4, 2023. Mr. Peterson seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a) Regular Meeting Minutes of February 28, 2022

There were no changes to the Regular Meeting Minutes of February 28, 2022, and, therefore, the minutes were adopted.

COMMUNICATIONS

a) Memo from Zoning Commission, re: Decision on ADU Opt Out, dated February 28, 2022

Ms. Capriola said the Zoning Commission will present an overview of the ADU issue at an upcoming Board of Selectmen meeting.

ADJOURN

Mr. Askham made a motion to adjourn at 10:33 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio
Clerk