

CALL TO ORDER

The Regular Meeting of the Board of Selectmen was called to order at 6:01 p.m. on ZOOM due to COVID-19. Present were: First Selectman Eric Wellman; Deputy First Selectman Sean Askham; Board members Wendy Mackstutis, Jackie Battos, Mike Paine and Chris Peterson. Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Finance Director Amy Meriwether; Public Works Director Tom Roy; Zoning Enforcement Officer Tom Hazel, Director of Culture, Parks and Recreation Tom Tyburski, Director of Planning Michael Glidden, Town Attorney Bob Decrescenzo, Town Engineer Jeff Shea, and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC HEARING

a) Short-Term Rental Ordinance

- **Email townmanager@simsbury-ct.gov by noon on Monday, November 8, 2021 to register to address the Board of Selectmen live through Zoom**
- **Written comments can be emailed to townmanager@simsbury-ct.gov. Written comments for the public hearing will be read into the record.**

Joan Coe, 26 Whitcomb Drive, spoke about omissions that she feels should be included in the short-term rental ordinance.

Carol Sanfilippo submitted written comments in opposition to the short-term rental ordinance.

Denise & Steve Woodruff, 11 Country Club Drive, submitted written comments in opposition to the short-term rental ordinance.

Gerard Toner, submitted written comments in opposition to the short-term rental ordinance.

Pat Egan, submitted written comments in opposition to the short-term rental ordinance.

Jay & Kelly DeVivo, 1 Five Gaits Farm, submitted written comments in opposition to the short-term rental ordinance.

Kay & Jim Yablecki, 6 Five Gaits Farm, submitted written comments in opposition to the short-term rental ordinance.

Tara & Tom Finn, 7 Five Gaits Farm, submitted written comments in opposition to the short-term rental ordinance.

Dan Sullivan, submitted written comments in opposition to the short-term rental ordinance.

Jane Toner, submitted written comments in opposition to the short-term rental ordinance.

**TOWN OF SIMSBURY – BOARD OF SELECTMEN
REGULAR MEETING MINUTES – NOVEMBER 8, 2021**

“D r a f t”

Page | 2

Mark & Faye Tomasello, 30 White Oak Lane, submitted written comments in opposition to the short-term rental ordinance.

Audra Harris submitted written comments in opposition to the short-term rental ordinance.

Art Boothby submitted written comments in opposition to the short-term rental ordinance.

Stephanie Riefe, 5 Trainor Drive, submitted written comments in opposition to the short-term rental ordinance.

Karl Lund, 5 Trainor Drive, submitted written comments in opposition to the short-term rental ordinance.

Mr. Askham made a motion to close the public hearing on the short-term rental ordinance. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

PUBLIC AUDIENCE

- **Email written comments to townmanager@simsbury-ct.gov by 12 P.M. on Monday November 8, 2021, to be read into the records; or**
- **Email townmanager@simsbury-ct.gov by 12:00 P.M. on Monday, November 8, 2021, to register to address the Board of Selectmen through ZOOM**

Joan Coe, 26 Whitcomb Drive, spoke about the recent Town election results, Town Manager performance, duplicative Town boards and commissions as well as her Twitter postings.

PRESENTATION

a. EDC Annual Report

Mr. Wellman shared that each year at this time the EDC shares a summary of what they have done over the past year. Mr. Crowther reviewed the EDC mission and team members. He discussed the role of the EDC and economic development in Simsbury. He reviewed the EDC's 2021-2022 Adopted Work Plan. Mr. Crowther shared that the EDC did a follow-up set of interviews in 2021 from the 2020 Long-Term Recovery Program to see how non-profit organizations fared through the pandemic; the interview findings were shared. He also stated that the Covid crisis has created an opportunity to work with local businesses, the Chamber, and Library Business and Career Center to develop a Town approach to co-working space. He stated that they worked with Dornenburg & Kallenbach Advertising to complete the initial fact-gathering process to refresh the marketing and branding for the Town. They also assisted with the golf course restaurant RFQ, participate in the short-term rental work group, and participated as a committee member in Chamber Government Affairs Committee.

Mr. Crowther shared that Ms. Capriola is working on getting funding for those initiatives listed on the Chamber of Commerce's proposal so no action is needed today. Ms. Mackstutis asked if people are actively pursuing this type of co-working environment. Ms. Hilyard, Executive Director of the Simsbury Chamber of Commerce, shared that co-working has been a trend for years and what they have been seeing from property owners is the revolving door of people wanting to be released from their leases due to Covid or other situations, but also having other leasers come in to fill those spaces but there has been a struggle to fill all of the spaces. What they have been seeing from Chamber members is that they are tired of working from home and have been inquiring the Chamber of Commerce for office space in the area, but they are less willing to commit to a longer term lease

FIRST SELECTMAN'S REPORT

Mr. Wellman, First Selectman, reviewed is First Selectman's Report.

TOWN MANAGER’S REPORT

Ms. Capriola, Town Manager, reviewed her Town Manager’s Report.

SELECTMEN ACTION

a) Tax Refund Requests

Ms. Mackstutis made a motion, effective November 8, 2021, to approve the presented tax refunds in the amount of \$34,095.36, and to authorize Town Manager, Maria E. Capriola to execute the tax refunds. Mr. Paine seconded the motion. All were in favor and the motion passed.

b) Donation from Archdiocese of Hartford

Mr. Paine made a motion, effective November 8, 2021, to accept a donation from the Archdiocese of Hartford in the amount of \$1,625 for the purpose of supporting our Food Programs, which assists residents in need. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

c) Proposed Acceptance of Greater Hartford Transit District Dial-A-Ride Assistance Grant

Mr. Wellman shared that this is an annual grant that the Town receives from the State where the Greater Hartford Transit District serves as a pass-through. The grant is for \$6,660.

Mr. Paine made a motion, effective November 8, 2021, to accept the FY 21122 grant funds from the Greater Hartford Transit District to support our Dial-A-Ride program and to authorize Town Manager, Maria E. Capriola to execute all documents related to the grant award. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

d) FY 2021 Homeland Security Grant Program

Ms. Mackstutis made a motion, effective November 8, 2021, to approve the Federal Fiscal Year 2021 State Homeland Security Grant Program Memorandum of Agreement, which makes the Town of Simsbury eligible for regional allocations made through the Region 3 Regional Emergency Planning Team. Further move, effective November 8, 2021, to approve the attached resolution that authorizes the Town Manager to execute all documents related to the grant award. Mr. Askham seconded the motion. All were in favor and the motion passed.

e) Proposed Use of Ellsworth Trust for Downtown Simsbury and Tariffville Beautification - Holiday Lighting

Mr. Tyburski shared that this project will be coordinated by both Public Works and Culture, Parks and Recreation. They will be hanging lights on the light poles from Town Hall to Drake Hill Road on both sides of the street. They will also be hanging them on the four poles on the Tariffville Green as well. That project will begin this week and the lights will be on through early January.

Ms. Battos asked if the Ellsworth Trust has been used for other items as well. Ms. Capriola shared that this is not a source that they have tapped into often, it is to be used for downtown beautification projects. There must be a minimum of \$3,000 left in the Trust and there is about \$18,000 available to work with.

Mr. Peterson asked how the Trust is funded and if there are continuous donations to it. Ms. Meriwether stated

that the money was donated and it has just been adding interest over the years and there are no active donations going into it.

Ms. Mackstutis made a motion, effective November 8, 2021, to approve the use of funds from the Ellsworth Trust for the acquisition of holiday lights to beautify downtown Simsbury and Tariffville. Ms. Battos seconded the motion. All were in favor and the motion passed.

f) Supplemental Appropriation Request – Emergency Repairs to Owens Brook Open Space Parcel

Mr. Roy shared that a slope failure was discovered in the Town-owned open space located on Owens Brook Blvd., and that has led to a steep and potentially unstable slope. If left unrepaired it would start to affect the parking lot at Meadowview apartments, and it could potentially undermine that area. Mr. Peterson asked if it is all within Mr. Roy’s staff’s capabilities and equipment. Mr. Roy stated that they have worked very closely with Planning and are using on-call contracts that they have with a tree service and an excavation contractor.

Ms. Battos made a motion, effective November 8, 2021, to approve a supplemental appropriation for the Owen's Brook open space parcel emergency repairs in the amount of \$60,000 and to recommend to the Board of Finance use of funds from the capital reserve to fund the work. Mr. Paine seconded the motion. All were in favor and the motion passed.

g) Firetown Road and Barndoor Hills Road Bridges over Bissell Brook – Grant Agreement

Mr. Wellman stated that this is a grant the Town applied for in 2018 to rehabilitate these two local bridges. The grant requires a 50% local match, which was previously budgeted.

Mr. Askham made a motion, effective November 8, 2021, to accept the Local Bridge Program Grant in the amount of \$402,500, and to authorize Town Manager, Maria E. Capriola to execute all documents related to the State Municipal Grant Agreement. Mr. Paine seconded the motion. All were in favor and the motion passed.

h) Public Gathering Permit – Simsbury Performing Arts Center – Memorial Ceremony

Mr. Hazel shared that due to the expected attendance level the PAC would like to host the Memorial Ceremony to honor Mr. Crowley.

Mr. Askham made a motion, effective November 8, 2021, to approve the public gathering application on behalf of the Simsbury Performing Arts Center and to authorize the issuance of the public gathering permit for the Memorial Ceremony at the PAC. Mr. Paine seconded the motion. All were in favor and the motion passed.

i) Proposed Short-Term Rental Ordinance

Ms. Battos shared that a short-term rental is not permitted in the Town’s zoning regulations. There are already short-term rentals in Simsbury and the whole reason to do this ordinance was to put a framework around it. In the ordinance, there are limits on how long an owner can rent it out for, and there are safety items in there as well. Mr. Peterson requested that all those who wrote in public comments and those that have concerns about the ordinance, read through it as many of the concerns are addressed in there.

Ms. Capriola shared that upon a final look at the ordinance with staff, they would suggest that under “Conduct” the wording is changed from ‘excessive noise’ to ‘unreasonable noise’ to be consistent with state statute. She also suggested removing item “iii” referring to decibel as that is difficult to enforce.

Mr. Paine made a motion, effective November 8, 2021, to adopt the proposed Short-Term Rental Ordinance as presented, which shall be effective 21 days after publication in a newspaper having circulation within the Town of Simsbury. Further move to authorize a summary of the adopted ordinance be published. Ms. Battos seconded the motion. All were in favor and the motion passed.

j) National Opioid Settlement Opt-In

Mr. Wellman shared that in July, the CT Attorney General announced a settlement agreement to resolve litigation brought by several states against three drug companies. In order for Simsbury to receive some of the dollars from this settlement the BOS needs to opt-in.

Ms. Mackstutis made a motion, effective November 8, 2021, to opt-in to the national opioid settlement, and to authorize Town Manager, Maria E. Capriola or her designee, to execute and submit all required documentation. Mr. Paine seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a. Regular Meeting of October 13, 2021

There were no changes to the Regular Meeting minutes of October 13, 2021, and, therefore, the minutes were adopted.

LIAISON AND SUB-COMMITTEE REPORTS

- 1. Personnel – no report at this time.**
- 2. Finance – no report at this time.**
- 3. Public Safety – no report at this time.**
- 4. Board of Education – no report at this time.**

Ms. Mackstutis thanked the Aging and Disability Commission for the great Trunk or Treat they put on.

Mr. Peterson encouraged the Board to read the memo from Mr. Tyburski related to the CT Bobcat Program.

COMMUNICATIONS

- a) Memo from M. Capriola, re: Public Gathering Permit, dated October 7, 2021**
- b) Memo from L. Karim, re: Library DEI work, dated October 11, 2021**
- c) Memo from T. Tyburski, re: Connecticut Bobcat Program, dated November 1, 2021**

EXECUTIVE SESSION

- a) Pursuant to General Statutes Section 1-200(6)(D): Possible Purchase of a Parcel of Land (56 Wolcott Road)**

Ms. Battos made a motion to adjourn to Executive Session pursuant to General Statutes Section 1-200(6)(D): Possible Purchase of a Parcel of Land (56 Wolcott Road) at 8:03 p.m. and to include Town Manager Maria E. Capriola, Deputy Town Manager Melissa Appleby, Attorney Robert DeCrescenzo and

**TOWN OF SIMSBURY – BOARD OF SELECTMEN
REGULAR MEETING MINUTES – NOVEMBER 8, 2021**

“D r a f t”

Page | 6

Public Works Director Tom Roy. Mr. Paine seconded the motion. All were in favor and the motion passed.

- b) Pursuant to General Statutes Section 1-200(6)(E): Attorney Client Privileged Document and Documents that Constitute Exempt Records under Section 1-210(5)(A)(B): Request for Approval of Assignment of the ISCC Ground Lease**

Mr. Roy left Executive Session at 8:21 p.m.

Ms. Mackstutis made a motion to adjourn from Executive Session at 8:43 p.m. Mr. Paine seconded the motion. All were in favor and the motion passed.

ADJOURN

Ms. Mackstutis made a motion to adjourn at 8:43 p.m. Mr. Paine seconded the motion. All were in favor and the motion passed.

Respectfully submitted,
Heather Taylor
Clerk