

SIMSBURY BOARD OF SELECTMEN
Regular Meeting – November 13, 2023, at 6:00 P.M.
Main Meeting Room, Simsbury Town Hall

CALL TO ORDER

Present: Deputy First Selectman, Amber Abbuhl; Board of Selectmen Members: Sean Askham, Heather Goetz, Chris Peterson, and Eric Wellman; Interim Town Manager, Lee Erdmann; and Acting Deputy Town Manager, Tom Fitzgerald, and other interested parties.

Deputy First Selectman Abbuhl called the meeting to order at 6:00 P.M.

PLEDGE OF ALLEGIANCE

All present stood for the Pledge of Allegiance.

MOTION: Selectman Askham made a motion, seconded by Selectman Wellman, to allow Selectman Goetz to chair the remainder of the meeting. (5-0-0).

PUBLIC HEARING

a) Ordinances Prohibiting the Use of Tobacco, Vaping, and Cannabis Products on Public Property

Jodi Sandridge, 31 Hildurcrest Drive, Simsbury, stated that people who are not choosing to engage in an unhealthy habit will still be impacted if other people are allowed to do it in public spaces.

Joan Coe, 26 Whitcomb Drive, Simsbury, stated that she believes alcohol consumption should be added to the ordinance and that there should be no areas or events of exception.

David Bush, 4 Katherine Lane, Simsbury, stated that as the Chairman of Parks and Recreation they oversee the operation of Simsbury Farms Golf Course and have been asked to maximize revenue in any way possible because the golf course is the only public property that generates revenue. If there is no exception to the ordinance an entire demographic will be less likely to use it and revenue will decrease.

Laurie Boyko, 15 Oakhurst Road, Simsbury, stated that although people have the right to smoke, people also have the right to breathe fresh air. Public property is owned by everyone in town and people who want to smoke and use these products should only be allowed to do so on their own property or in their car.

MOTION: Selectman Askham made a motion, seconded by Selectman Wellman, to close the public hearing for the Ordinances Prohibiting the Use of Tobacco, Vaping, and Cannabis Products on Public Property. The motion carried unanimously. (5-0-0).

b) Proposed Amendments to Chapter 15 of Simsbury Town Code: Fair Rent Commission

Laurie Boyko, 15 Oakhurst Road, Simsbury, stated that as a realtor, a resident, and owner of a rental property she is aware of all the statutes in favor of renters. She mentioned that the town's population is under the number that would require a Fair Rent Commission, and it also goes against American governance. The Commission would require time and money. What a renter can pay should not impact the value of someone's property and what they price it as.

MOTION: Selectman Askham made a motion, seconded by Deputy First Selectman Abbuhl, to close the public hearing on the Proposed Amendments to Chapter 15 of Simsbury Town Code: Fair Rent Commission. The motion carried unanimously. (5-0-0).

PUBLIC AUDIENCE

Brian Cutino, 3 The Mews, Simsbury, stated that the utility work on Route 185 caused major traffic delays and impacted peoples' schedules. He would like an investigation on the utility work that took place there, how it was managed, and how it was communicated out to the public. He would also like the establishment of a committee that focuses on communication to residents.

Pat Weisbrich, 3 Lenora Drive, West Simsbury, stated that she did an analysis in town that itemized the number of apartments, condos, and planned urban developments. Of the unaccounted-for housing, we have about 14.5% of about affordable housing. She would like the town to advocate for an amendment to 8-30g to grandfather what has been built in the past or overturn 8-30g altogether. With the building rate we will never get to the 10% required from the State.

Joan Coe, 26 Whitcomb Drive, Simsbury, stated that she hopes the new Board of Selectmen will operate with integrity and collaboration with the community. She would like some budget items from 2023 to not be on the 2024 budget. She expressed concern for some hiring choices for the police department while applauding some of the talent we already have. She would like more access to the police and their non-emergency services.

Ellen Gilbert, 126 Hopmeadow Street, Unit 3B, Simsbury, advocated for going against 8-30g because it is ineffective for the renters, even when there are safety concerns.

PRESENTATIONS

a) Recognition of Outgoing Board Members (31:00)

Deputy First Selectman, Amber Abbuhl

MOTION: Selectman Askham made a motion, seconded by Selectman Wellman, effective November 13, 2023, to congratulate Deputy First Selectwoman Amber Abbuhl on her tenure on the Board of Selectmen from 2021 to present; further move to express the Board's gratitude to Ms. Abbuhl for her service to her community. The motion carried unanimously. (5-0-0).

Selectman Goetz highlighted Deputy First Selectman Abbuhl's achievements and acts of service as the Deputy First Selectman, and as a member of the Board of Selectmen, Personnel Sub-Committee and Finance Sub-Committee, as well as her role of liaison to the Zoning Commission, Aging and Disability Commission, and the Housing Authority.

Deputy Board of Selectman Abbuhl expressed gratitude for serving alongside the talent of the Board members and Town Staff. She has plans to continue her volunteer work and collaboration with the Town.

Board of Selectmen members complimented her advocacy for various necessary fundings, prioritizing community unity over opposite viewpoints, ability to help peers maintain their passion and viewpoints while retaining diplomacy, and breadth of service to Simsbury.

Selectman Sean Askham

MOTION: Selectman Wellman made a motion, seconded by Selectman Goetz, effective November 13, 2023, to congratulate Selectman Sean Askham on his tenure on the Board of Selectmen from 2011 to present; further move to express the Board's gratitude to Mr. Askham for his service to his community. The motion carried unanimously. (5-0-0).

Selectman Goetz highlighted Selectman Askham's achievements and acts of service as Deputy First Selectman, and a member of the Board of Selectmen, Public Safety Sub-Committee, Personnel Sub-Committee, Town Manager Search Committee, and numerous other committees and work groups.

Selectman Askham stated that he comes from a family of people who have served Simsbury and that they have encouraged him to work with everyone to do what is right. He humbly reflected on the mistakes and triumphs throughout his time on the Board. He expressed gratitude for the Town staff. He pointed out that his daughters were present because he wanted to encourage the younger generation to be of service.

Board of Selectmen members complimented Selectman Askham's skills in partnership, leadership, and institutional knowledge, as well as his ability to create solutions with people of different ideologies, and breadth of service.

Selectman, Chris Peterson

MOTION: Selectman Wellman made a motion, seconded by Deputy First Selectman Abbuhl, effective November 13, 2023, to congratulate Selectman Chris Peterson on his tenure on the Board of Selectmen from 2017 to present; further move to express the Board's gratitude to Mr. Peterson for his service to his community. The motion carried unanimously. (5-0-0).

Selectman Goetz highlighted Selectman Peterson's achievements and acts of service on the Board of Selectmen and other numerous committees and work groups, as well as his role as liaison to the Cultures, Parks and Recreation Commission, Chair of the Short-Term

128 Rental Ordinance Work Group and Chair of the 1 Old Bridge Road Park Naming Rights
129 Committee.

130 Selectman Peterson stated his family's involvement in Simsbury's government and
131 encouraged being of service and the commitment of volunteers. He will miss being a part
132 of Public Safety, Culture, Parks, and Recreation, and the Juvenile Review Board. He
133 acknowledged the talent and dedication of the Town staff. He reflected on his achievements
134 of advocating for an additional social worker, advocating for Public Works, and brought
135 cannabis into the public conversation. He leaves hoping he positively contributed and that
136 he was able to help others learn. His advice for the incoming Board of Selectmen was to
137 leave the ballot letter next to their name at the door, ask vulnerable questions, and change
138 their minds.

139 Board of Selectmen members complimented Selectman Peterson's skill in asking questions
140 that create solutions, ability to explain how and what the Board is doing will lead to a
141 positive result, his framework in approaching problems, strategic way of navigating
142 progress, pragmatic approach, and ability to change people's minds.

143 **Selectman, Eric Wellman**

144 **MOTION:** Selectman Askham made a motion, seconded by Selectman Goetz, effective
145 November 13, 2023, to congratulate Selectman Eric Wellman on his tenure on the Board
146 of Selectmen from 2017 to present; further move to express the Board's gratitude to Mr.
147 Wellman for his service to his community. The motion carried unanimously. (5-0-0).

148 Selectman Goetz highlighted Selectman Wellman's achievements and acts of service as
149 First Selectman, a member of the Board of Selectmen, Personnel Sub-Committee, and
150 Hometown Hero Selection Committee, as well as his role as liaison to the DEI Council and
151 Clean Energy Task Force.

152 Selectman Wellman stated that he cannot describe what it means for a community to have
153 faith in you leading them. He reflected on his important decision in choosing a Town
154 Manager. He worries about civic engagement fraying and encourages the future Board to
155 invest money in things that unites the community. He thanked the past and current Town
156 manager and the Town staff for their hard work, as well as the Simsbury community for
157 the opportunity to serve them.

158 Board of Selectmen members complimented Selectman Wellman's dedication to work,
159 prioritizing what is best for a community over public appearance, leading with empathy
160 and kindness, putting people first and seeing them as complete human beings rather than
161 something for political gain, experience, advice, courageous decision making, and
162 efficiency.

163 **b) Simsbury Diversity, Equity, and Inclusion Housing Sub-Committee Presentation**
164 **(1:19:00)**

165

166 Rick Brush presented that the community wants the Town to be proactive in attracting the
167 type of development that we want, and there needs to be inclusivity with sharing of
168 opinions.

169
170 Nicole Kodak presented that community members from varying backgrounds and
171 circumstances all share in wanting to have input and control over the decision making and
172 progress.

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174 Mario Chiappetti presented that local businesses want affordable housing so that their
175 employees can live in town near work, stakeholders are really seeing a need for it for
176 vulnerable demographics like the elderly and those with low-income, and Simsbury is not
177 as welcoming with visitors who are of color and low-income looking to move here.

178
179 Mr. Brush presented from a survey community members agreed more housing
180 options/choices would make Simsbury better, that affordable options should be expanded
181 so all income levels can live here, and the Town should prioritize housing that increases
182 diversity of residents.

183
184 Edward LaMontagne presented that they held various educational events for the
185 community.

186
187 Rachel Hayes spoke about the community forum the group held to hold a constructive
188 conversation about the topic of Affordable Housing in Simsbury.

189
190 Ms. Cook stated that they recommend that the Board of Selectmen endorse expansion of
191 Affordable and Inclusive Housing, in December they assign two liaisons to the DEI
192 Council, during goal-setting when they meet with the Town Manager and Director of
193 Community Planning and Development they prioritize and develop a timeline for the
194 Affordable and Inclusive Housing Plan, the Town proactively encourage Affordable and
195 Inclusive Housing, EDC and Simsbury Main Street Partnership attract desirable developers
196 interested in Affordable and Inclusive Housing, that they offer more, frequent, and
197 accessible public engagement opportunities, and the creation of a Town Affordable
198 Housing Committee.

199
200 Town Manager, Lee Erdmann stated that between six months and a year there is a realistic
201 possibility for an established plan.

202
203 Selectman Askham stated that there needs to be a tax abatement strategy that will
204 incentivize development that makes 8-30g affordable for developers and communities and
205 fixes the percentage problem.

206
207 Selectman Peterson recommended the Town have a not-for-profit that purchases land or a
208 home with SEED money that ensures the renovations or buildings are good quality and
209 then sell it into affordable housing and then any money goes to purchasing the next property
210 and eventually it wouldn't be coming out of the Town's budget.

211

FIRST SELECTMEN’S REPORT (2:16:52)

First Selectman Mackstutis will have her report posted on the Town website.

TOWN MANAGER’S REPORT (2:17:05)

Mr. Erdmann reported:

- Culture, Parks, and Recreation’s “Simsbury Celebrates” will be held on Saturday, November 25th, from 5:00 P.M. until 8:00 P.M. on Hopmeadow between Drake Hill and Plank Hill Roads.
- Public Works will be collecting bagged leaves from November 27th through December 7th.
- Simsbury Public Library has promoted Kai Pietraroia to full-time Adult Services Librarian.

SELECTMEN LIASON AND SUB-COMMITTEE REPORTS (2:20:18)

a) Personnel

Selectman Peterson reported:

- the first AED is being installed at Simsbury Farms
- The small playground at Simsbury Farms is completed and the one for older children is in progress.

b) Finance

Deputy First Selectman Abbuhl reported that there is an estate planning workshop on November 16th from 10:30 A.M. until noon in the Old Court Room at Eno Hall. The registration deadline is November 14th.

c) Public Safety

Selectman Askham reported that:

- The Veteran’s Memorial event on Veteran’s Day was well done and our police department, fire department, and ambulance received first responder awards.

d) Board of Education

No report.

Selectman Goetz reported:

- The Main Street Partnership will be putting on their “Shop Small” event on November 24th and 25th.
- There are two new business in town: Suburban Living and The Weekend Home.
- Modern Twist Makers is moving from Tariffville to 961 Hopmeadow Street and will be opening at the end of November.
- Roux Cajun Eatery has closed their location in town.

SELECTMEN ACTION

a) Follow Up on PAC Life Safety Analysis Year End Transfer Request (2:24:43)

Missy DiNunno stated that Simsbury Meadows has a 10,000 capacity and there is currently nothing in place to prepare for something unexpected like an active shooter. For example, there is a need for a proportionate amount of egress gates. They have selected an experienced firm that would be able to figure out the necessary safety measures.

Selectman Askham stated that \$35,000 towards creating safety measures for a hypothetical event of a magnitude the Town has no intention of having again is not essential. The safeguards are for the venue renter to have large crowds and make money. This does not benefit the Town and will cost the taxpayers.

Fire Marshal, Patrick Tourville, stated that any event with 6,000 people or more, which Simsbury plans on having, requires a life safety evaluation.

Selectman Wellman stated that because the Town funds the Meadows, and this involves safety he recommends moving forward with allocating the funds.

MOTION: Selectman Askham made a motion, seconded by Selectman Wellman, effective November 13, 2023, to transfer \$35,000 from *the* General Fund to the CNR Fund for the PAC Life Safety Analysis and to amend the motion from the October 23, 2023, meeting to reduce the transfer from the General Fund to the Capital Reserve fund from \$3,295,100 to \$3,260,100. The motion carried unanimously. (5-0-0).

b) Proposed Ordinance Prohibiting the Use of Tobacco, Vaping, and Cannabis Products on Public Property (2:48:16)

Selectman Goetz stated that the Board can continue to consider public comment extend the decision making to a further date, or they can act and have a few options to consider in terms of exceptions and all products.

Selectman Askham suggested reducing this to only cannabis on public grounds like town buildings, playgrounds, and parks.

Selectman Wellman stated that he does not see public smoking as a big problem for Simsbury to the point where it impacts the quality of life to the extent that there needs to be an ordinance on where they can do it. He wants to limit to just cannabis in public spaces.

Selectman Goetz stated that residents who are making healthy decisions are impacted by people who are not. The damaging effects on secondhand smoke are significant. She is comfortable applying the ordinance to all the substances.

Selectman Peterson would like to ban it all completely because if not there is discrimination somewhere. Also, it does not make sense to allow unhealthy habits in places that encourage

healthy lifestyles like the golf course. It's not appropriate to allow smoking on Town Hall grounds when it will eventually cost taxpayers. He stated that cannabis is the ultimate reason this is being brought up and can get behind focusing on limiting that.

Deputy First Selectman Abbuhl was in support of addressing cannabis and limiting where people can smoke to not include town hall, playgrounds, and parks. And does not support the golf course having an exception.

Selectman Askham stated that in the "Purpose" section he would like to remove "tobacco and vaping." In "Definitions" remove, "Tobacco Product" and "Vaping Product". Amend Section IV to read "Cannabis Products on Public Property". In that section remove, "tobacco or", "nicotine or", and "or vaping product." Section V can be removed.

MOTION: Selectman Askham made a motion, seconded by Deputy First Selectman Abbuhl, effective November 13, 2023, to adopt the amended ordinance on Prohibiting the Use of Cannabis Products on Public Property 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. The motion carried unanimously. (5-0-0).

c) Proposed Amendments to Chapter 15 of Simsbury Town Code: Fair Rent Commission (3:10:59)

MOTION: Selectman Goetz made a motion, seconded by Deputy First Selectman Abbuhl, effective November 13, 2023, to adopt the proposed amendments to Chapter 15 of Simsbury Town Code: Fair Rent Commission 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 revised ordinance be published. The motion carried unanimously. (5-0-0).

d) Proposed Revisions to Fair Rent Commission Rules of Procedures (3:08:54)

MOTION: Selectman Goetz made a motion, seconded by Selectman Wellman, effective November 13, 2023, to adopt the proposed revisions to the Fair Rent Commission Rules of Procedure. The motion carried unanimously. (5-0-0).

e) Tax Refund Requests (3:21:35)

MOTION: Selectman Wellman made a motion, seconded by Selectman Goetz, effective November 13, 2023, to approve the presented tax refunds in the amount of \$7,949.48, and to authorize Interim Town Manager, Lee Erdmann, to execute the tax refunds. Selectman Askham opposed the motion. The motion carried. (4-1-0).

f) Donation from Dianne and Mark Orenstein (3:22:29)

MOTION: Selectman Askham made a motion, seconded by Deputy First Selectman Abbuhl, effective November 13, 2023, to accept a donation from Dianne and Mark Orenstein in the amount of \$1,800 for the purpose of supporting Simsbury Community and Social Services Department programs. The motion carried unanimously. (5-0-0).

g) Proposed Public Gathering Permit – Charity Walk & Talk at the PAC (3:22:59)

MOTION: Selectman Askham made a motion, seconded by Deputy First Selectman Abbuhl, effective November 13, 2023, 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 Charity Walk & Talk at the PAC. The motion carried unanimously. (5-0-0).

h) Proposed Public Gathering Permit – Unite by Light Event (3:23:51)

MOTION: Selectman Askham made a motion, seconded by Deputy First Selectman Abbuhl, effective November 13, 2023, to approve the public gathering application on behalf of For All Ages, Inc to authorize the issuance of the public gathering permit for Unite by Light along Hopmeadow Street. The motion carried unanimously. (5-0-0).

APPOINTMENTS AND RESIGNATIONS (3:24:28)

a) Resignation of Elizabeth Peterson from the Technology Task Force

MOTION: Selectman Askham made a motion, seconded by Selectman Goetz, retroactive to November 6, 2023, to accept the resignation of Elizabeth Peterson as a Regular Member of the Technology Task Force. The motion carried unanimously. (5-0-0).

REVIEW OF MINUTES (3:25:00)

a) October 23, 2023, Regular Meeting Minutes

Selectman Goetz stated that under “Liaison Reports” her report on the Main Street Partnership reads, “they discussed their best year yet,” when that comment is for the Taste of Simsbury Event.

MOTION: Selectman Askham made a motion, seconded by Selectman Wellman, to approve the Minutes of the October 23, 2023, Regular Meeting as amended. The motion carried unanimously. (5-0-0).

Selectman Goetz announced that the organizational meeting for the new Board of Selectman will take place on December 4th at Eno Hall at 6:00 P.M.

394 **ADJOURNMENT (3:26:03)**

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396 **MOTION:** Selectman Askham made a motion, seconded by Selectman Wellman, to adjourn the
397 meeting. The motion carried unanimously. (5-0-0).

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399 Selectman Goetz adjourned the meeting at 9:25 P.M.

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401 Respectfully Submitted,

402

403 Amanda Blaze

404 Commission Clerk

405