

**TOWN OF SIMSBURY – BOARD OF SELECTMEN  
REGULAR MEETING MINUTES – NOVEMBER 23, 2020**

“ Approved ”

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**CALL TO ORDER**

The Regular Meeting of the Board of Selectmen was called to order at 6:00p.m.on ZOOM due to COVID-19. Present were: First Selectman Eric Wellman; Deputy First Selectman Sean Askham; Board members Jackie Battos; Mike Paine; Chris Peterson; and Wendy Mackstutis. Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Director of Finance Amy Meriwether; Director of Public Works Tom Roy; Planning Director Mike Glidden; Town Engineer Jeff Shea; Attorney Robert DeCrescenzo; and other interested parties.

**PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

**PUBLIC AUDIENCE**

- Email written comments to [ebutler@simsbury-ct.gov](mailto:ebutler@simsbury-ct.gov) by 12 P.M. on Monday, November 23, 2020, to be read into the record; or
- Email Tom Fitzgerald at [tfitzgerald@simsbury-ct.gov](mailto:tfitzgerald@simsbury-ct.gov) by 12 P.M. on Monday, November 23, 2020, to register to address the Board of Selectmen through ZOOM

Shannon Knoll, representing the Aging and Disabilities Commission, spoke to the Board about encouraging and supporting them in the formation of an Affordable Housing Task Force. She said the Task Force could go under the guidance of a consultant, if needed, and could include priorities such as employment applications, transportation, health care, affordable housing, etc. She feels the Task Force could help Simsbury move forward with the long term sustainability plan.

Mr. Wellman read comments from Kristen Morrow, who spoke about SMCO’s working group who also feels a Committee is needed to help with the affordable housing plan. They could be a liaison between the Board of Selectmen, Planning, Zoning and the residents and can assist in the 2020-2025 affordable housing plan.

Mr. Wellman read comments from Rich Collins. Mr. Collins said someone sent him a note saying it was his life’s work to give people tools to get out poverty. He feels Simsbury can be a leader in breaking poverty and desegregation.

Mr. Askham read comments from Joan Coe, who spoke about the November 9<sup>th</sup> meeting where her pictures were not shown. She spoke about the Barndoor Hill triangle and paddle courts. She also spoke about Eno Farms affordable housing and her FOI requests.

Mr. Wellman read comments from Nancy Yannopolus, who also spoke about Connecticut being a state with more separate and unequal housing than elsewhere in the country. She said she supports a Task Force to help expanding research on housing options, determining best practices, surveying other community practices, determining possible sites, etc. She feels a positive and cohesive plan is needed.

**FIRST SELECTMAN’S REPORT**

Mr. Wellman, First Selectman, reviewed his First Selectman’s report.

## **TOWN MANAGE’S REPORT**

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

## **SELECTMEN ACTION**

### **a) Tax Refund Request**

Mr. Askham made a motion, effective November 23, 2020, to approve the presented tax refunds, in the amount of \$12,553.65, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Ms. Battos seconded the motion. All were in favor and the motion passed.

### **b) Social Media Account Requests for the Sustainability Team and The Clean Energy Task Force**

Mr. Wellman said the Sustainability Team and the Clean Energy Task Force are both looking for separate Facebook accounts. He feels both teams are doing great work and feels this should be passed.

Ms. Mackstutis made a motion, effective November 23, 2020, to approve the creation of a Simsbury Sustainability Team Facebook account to be used by the Committee to publicize their efforts, of which Town staff will have oversight and to approve the creation of a Simsbury Clean Energy Task Force Facebook account to be used by the Committee to publicize their efforts, of which Town staff will have oversight. Mr. Askham seconded the motion. All were in favor and the motion passed.

### **c) Budget Status Report**

Ms. Meriwether went through highlights of the budget revenues and variances. She went through the Police Department and Simsbury Farms budget expenditures and variances. She also went through Health Insurance and the Total Reserve account. Ms. Meriwether spoke about the issues with COVID-19 and how they affect the budget.

After discussion, there was no action at this time.

### **d) Supplemental Appropriation**

Ms. Meriwether said there was a request for road paving. While this work is being done, Aquarion also needed work done and the Town will do it. Aquarion will then pay the Town back and this extra money needs approval.

Ms. Meriwether said there was a grant approved in 2018 for bike and pedestrian use and it is now necessary to get approval to spend this money.

Ms. Meriwether also spoke about COVID-19 related expenditures. The Board of Finance is asking for an appropriation to spend over and above of what has already been spent. The Town did receive a State grant and has applied for a FEMA grant already.

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After some discussion, Mr. Wellman made a motion, effective November 23, 2020, to approve the following supplemental appropriations: \$25,000 for Public Works; \$10,000 for Police; \$15,000 for Culture, Parks and Recreation; \$10,000 for the Elections; \$5,000 for Town Manager; and \$10,000 for Social Services. Mr. Paine seconded the motion.

After discussion, Mr. Wellman removed his previous motion and Mr. Paine removed his second.

After more discussion, Mr. Peterson made a motion, effective November 23, 2020, to approve the supplemental appropriation requests for road paving, bike and pedestrian crossing improvement expenditures as presented. Ms. Battos seconded the motion. All were in favor and the motion passed.

**e) Proposed Police Private Duty Fund Transfer**

Mr. Wellman said the Private Duty Fund is when the Town gets paid when Police staff private events. The approximately \$151,000 balance, as of the end of June, usually goes into the capital reserve fund, which allows the Town to spend funds for smaller capital projects.

After discussion, Ms. Mackstutis made a motion, effective November 23, 2020, to approve the Police Private Duty Fund transfer request as presented. Mr. Peterson seconded the motion. Mr. Wellman, Ms. Battos, Ms. Mackstutis, Mr. Peterson and Mr. Paine were in favor and Mr. Askham was against the motion. Therefore, the motion passed.

**f) Road Acceptance for Hendricks Lane**

Mr. Wellman said this is a road, off Climax Road, like Murphy's Tur, where homes now require Town services.

Ms. Mackstutis made a motion, effective November 23, 2020, to accept the Hendricks Lane roadway and related public improvements as a Town accepted roadway. Mr. Peterson seconded the motion. All were in favor and the motion passed.

**g) Building Resilient Infrastructure and Committees Grant –CROCG Regional Natural Hazard Mitigation Plan Update**

Mr. Wellman said CROCG has applied to FEMA for a Brick Grant to fund an update to the Capital Region Natural Hazard Mitigation Plan. CROCG is looking for commitment letters from member municipalities.

Ms. Capriola said this is a regional grant that is similar to grants in the past. Mr. Glidden said we need to maintain a positive mitigation plan in order to have eligibility should we apply for a FEMA mitigation grant.

Mr. Paine made a motion, effective November 23, 2020, to approve the attached commitment letter to participate in the Capitol Region Building Resilient Infrastructure and Committees Natural Hazard Mitigation Planning Grant Program and to authorize Town Manager, Maria E. Capriola, to execute said document. Ms. Battos seconded the motion. All were in favor and the motion passed.

**h) Bridge Easements and McLean Game Refuge – Legal Counsel Conflict Waiver Request**

Mr. Wellman said the Town is going to rehabilitate two bridges that are adjacent to the McLean Game Refuge.

In order to perform this work the Town needs easements from the McLean Game Refuge. McLean has asked Day Pitney Law Firm to work with the Town attorney to establish the easements. Day Pitney represents the Town as Bond Counsel on totally unrelated matters. Our Town attorney is advising this Board to approve a conflict waiver request in this matter.

Mr. Askham made a motion, effective November 23, 2020, to approve the attached conflict waiver request from Day Pitney, LLP, to represent the McLean Game Refuges, Inc. in connection with the Town's request for easements to perform rehabilitation of two bridges adjacent to the Game Refuge property. Ms. Battos seconded the motion. Mr. Wellman, Mr. Askham, Ms. Battos, Ms. Mackstutis, and Mr. Peterson were in favor with Mr. Paine abstaining. Therefore, the motion passed.

**i) Purchase and Sale Agreement for Disposition of a Portion of Open Space Located Along the Rear/Eastern Property Line for 133 Holcomb Street and Route 315 Bike Path Easement**

Mr. Wellman said this is a proposed agreement to sell a piece of open space that is adjacent to 133 Holcomb Street and to purchase an easement for a bike path along Route 315. The owners of 133 Holcomb Street owns a business property along Route 315 where the Town is going to build a bike path. As part of the agreement, the Town would purchase this easement and sell a small parcel of open space near their back yard, which is not accessible by the public. There have been two public hearings on the sale of the open space. The cost of the easement would be \$52,000 and the Town would receive \$6,000 for the sale.

There was a lot of discussion on acreage. There seems to be some discrepancies, but the purchaser can purchase the parcel with the good faith effort presented or we will have to start this process all over.

Mr. Askham made a motion, effective November 23, 2020, to approve the purchase and sale agreement regarding an easement at 20 Tariffville Road for the proposed multi-use trail from Route 10 to Curtiss Park and the sale of a portion of open space located along the rear/eastern property line of 133 Holcomb Street. Further, move to authorize Town Manager, Maria E. Capriola, to execute a Purchase and Sale Agreement with the property owners of 133 Holcomb Street and 20 Tariffville Road once the final mapping and surveying of the Holcomb property has been completed to the Town Attorney's satisfaction. Mr. Peterson seconded the motion. Mr. Wellman, Mr. Askham, Ms. Battos, Mr. Paine, and Mr. Peterson were in favor. Ms. Mackstutis was opposed. Therefore, the motion passed.

**j) Economic Development Commission 2020-2021 Work Plan**

Mr. Wellman said the Work Plan is essentially unchanged from what the Commission is working on such as business incentives, refreshing marketing, outreaching to businesses, etc. He is recommending they complete all these tasks before adding new items.

After some discussion, Ms. Mackstutis made a motion, effective November 23, 2020, to adopt the Economic Development Commission's 2020-2021 Work Plan as presented. Mr. Paine seconded the motion. All were in favor and the motion passed.

**APPOINTMENTS AND RESIGNATIONS**

**a) Proposed Reappointment of Jennifer Caulfield to the Police Commission**

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Mr. Askham made a motion, effective November 23, 2020, to reappoint Jennifer Caulfield (U) as a regular member to the Police Commission to a term beginning on January 1, 2021 and to expire on January 1, 2025. Ms. Battos seconded the motion. All were in favor and the motion passed.

**b) Proposed Appointment of Jen Batchelar to the Sustainability Team**

Ms. Battos made a motion, effective November 23, 2020, to appoint Jen Batchelar (R) representing the Board of Education to the Sustainability Team, replacing Jeffrey Tindall. Mr. Peterson seconded the motion. All were in favor and the motion passed.

**REVIEW OF MINUTES**

**a) Regular Meeting of November 9, 2020**

Mr. Peterson made a motion to approve the minutes of the Regular Meeting of November 9, 2020 with changes: To add deed restriction to properties that were subject to tax sales and small city grants. Mr. Paine seconded the motion. All were in favor and the motion passed.

**SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS**

- a) Pension** –no report at this time.
- b) Finance** - no report at this time.
- c) Welfare** – no report at this time.
- d) Public Safety** – no report at this time.

Mr. Askham spoke about COVID-19 warnings for gatherings at Thanksgiving and contact tracing. He said there was a big private party, where a COVID patient attended, which made businesses and schools close down. He said kids and adults need to take this seriously and adhere to the warnings. He has asked the Town, as a resident, to investigate this party further as a possible criminal case.

Ms. Capriola also spoke about this party, stating there is a limit of 10 people at a gathering. She said all residents have a responsibility to adhere to the gathering size and the COVID warnings. This issue was very disappointing.

- e) Board of Education** –Ms. Mackstutis said Erin Murray is leaving after 14 years. The Board of Education talked a little about the capital review plan and Techtron, which will all be brought up at the Tri-Board meeting. They also discussed the 2.7 million dollars that are needed for school maintenance.

Ms. Mackstutis said she attended the last Planning Commission meeting where approximately 10 people attended. They spoke about the affordable housing issues, but most people want diversity and inclusion. Most people are interested in an advisory committee or task force.

Mr. Peterson also attended this meeting and he said he feels residents have interest and subjectivity, but much more data is needed on the affordable housing issues.

Mr. Wellman said the important thing is to define the problems and understand the goals. Should there be diversity and affordability; both or neither.

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**COMMUNICATIONS**

**a) Memo from M. Capriola Re: Board of Finance FY 21/22 Budget Guidelines**

Ms. Capriola said this draft document from the Board of Finance will be discussed at Tri-Board. Her initial thoughts are to recommend goals and priorities of the Board of Selectmen and Board of Education. The Board of Finances information requests would need much more staff to fulfil. The budget guidelines will need to be fully discussed at the Tri-Board meeting.

**ADJOURN**

Mr. Askham made a motion to adjourn at 8:13 p.m. Ms. Battos seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio  
Clerk