

## **CALL TO ORDER**

The Regular Meeting of the Board of Selectmen was called to order at 6:02 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: Eric Wellman, Sean Askham and Heather Goetz. Selectman Chris Peterson was absent. Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Director of Public Works/Town Engineer Tom Roy; Director of Culture, Parks and Recreation Tom Tyburski (by Zoom); Director of Community Planning and Development George McGregor; Glen Chalder from Planimetrics, Cheryl Cook and Nicole Kodak from the Diversity, Equity, and Inclusion Council, and other interested parties.

## **PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

## **PUBLIC HEARING**

### **a) Proposed Amendment to Chapter 67 of the Code of Ordinances, Bicycles**

- **Members of the public may address the Board of Selectmen live in person, or they may email [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov) by 12:00 p.m. on Monday, December 12, 2022 to register to address the Board of Selectmen live through Zoom. Alternatively, members of the public may email statements to [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov) by 12:00 p.m. on Monday December 12, 2022 to have their comments read into the record at the hearing**

Mr. Roy said this is part of the application for a bike friendly community and master plan. Right now there are no bikes allowed on sidewalks. A lot of this comes from the ABC house and children not being allowed to ride on sidewalks. This amendment would clean-up this ordinance for Police.

Jillian Caulfield supports cyclists and scooters being allowed on sidewalks. The roads are very busy and cars don't slow down for slower moving cyclists. The U.S. Department of Transportation said 30% of all cyclists injuries are due to car accidents. They are safer on the sidewalks.

Joan Coe, 26 Whitcomb Drive, said sidewalks are not multi-use spaces and made for walkers not bikers. People with disabilities would be challenged if bikes are allowed as the sidewalks are narrow. There is a reason sidewalks are called sidewalks as they are designed for walkers. Cyclist don't follow state law by stopping at stop signs. Why would this regulate their conduct? This ordinance change should not even be entertained as it is an accident waiting to happen. She doesn't want the proposed changes to be made to the ordinance.

Diana Moody, 7 Elsie Way, thanked the Town for continuing to update and modifying ordinances for the safety of residents and the Police Department. She agrees with Mr. Roy about children's safety being critical and will support whatever decision that is made by the Board.

Annie Wallock, 7 Vincent Drive, said she has lived here for 37 years and feels the ordinance is a bit contradicting for a bike friendly community. She is disabled and uses a power assisted tricycle and she does use the sidewalks. She didn't know she could be fined. She feels that some language like considerate and safe manor usage would be good to incorporate in the ordinance.

Darcie Gray is opposed to allowing non-motorized vehicles on sidewalks. This is very dangerous for deaf and hard of hearing people. They can't hear the audible signals or don't understand what they are or what direction they are coming from. She has been almost run over as cyclists don't slow down when they see her with her flagged scooter. It is also dangerous for the blind or vision impaired or people with mobility or cognitive issues as they don't have enough time to get out of the way of the cyclists. If this change moves forward she wants to make sure the language is very clear.

Debbie Thibedeau, 5 Woodcliff Drive, wanted to clarify these are her opinions and not the opinions of her committee. She said this ordinance dates back to 1990 and it prohibits bike riding on sidewalks. Section 14-286 of the CT code allows bikes, e-bikes or scooters on or along sidewalks or crosswalks unless prohibited by local ordinances. They need to yield to pedestrians and give an audible signal when passing. She supports updating the ordinance. Permitting bicycles on sidewalks is problematic. She would like consideration to a different concept that prohibits bikes from unsafe use on sidewalks or crosswalks or trails unless posted. This could increase safety of trails usage as well.

Cheryl Cook, 5 Newbury Court, said she has witnessed bicyclist being hit by cars and cyclists hitting pedestrians. Maybe there could be some nuancing of availability and accessibility of the rules.

Chuck Brody, 75 Latimer Lane, said he rides on the roads in Simsbury. He agrees that the bikes on sidewalks present a higher risk. If we allow bikes on sidewalks then children/students should be excluded as well as motorized vehicles if ADA usage.

Jillian Caulfield said she knows first-hand about traffic issues at middle and high school as she is a high school student. She feels vehicles are very inconsiderate to bicyclists. There are no bike paths for students to use when going to school. She is in support of the changes for the safety of students.

Ms. Goetz read a letter from Joe Treacy, 40 Berkshire Way, who said Simsbury's Bike Friendly Community encourages riders to enjoy the paths, trails and roads in Simsbury. He feels that has been an increase in older walkers due to the pandemic. He feels that sidewalks are walkers and trails and streets are more suited to riders. There should be some kind of provision so children can use the sidewalks.

Ms. Goetz read a letter from Annaliese Kyv who supports the revisions to the ordinance so that bicyclists can use sidewalks as needed.

Mr. Askham read a letter from Joe Bible, Alder Road, who expressed his concerns about allow bicyclists and scooters on sidewalks. This adds the possibility of falls due to surprising movements if using hearing aids or walking devices. He is a member of the Aging and Disabilities Commission and he is strongly recommending not allowing bikes and scooters on sidewalks for the safety of seniors and people with carnages.

Ms. Mackstutis read a letter from Dianna Yeisley, Chairman of Aging and Disability Commission, who has concerns and is against taking action on this matter. Non-motorized bikes and scooters would create a very serious hazard to seniors and disabled residents. Often they can't get out of the way fast enough as to not cause injuries to either parties. The CT bike laws, stating bicyclist need to yield to the right of way of the pedestrians, and they are not always followed, creating a big hazard. She wants the Board to consider the safety and enjoyment of seniors and people with disabilities who rely on sidewalks as a necessity.

Ms. Abbuhl read a letter from Joanne Dombrosky, 4 Glenn Hollow Lane, who said she is against the change in the ordinance. She doesn't understand why pedestrians are being asked to give up their right of way to a

bicyclist. There are bike lanes that have already been created on Simsbury roads. Bikers on sidewalks do not always signal when approaching pedestrians, creating a hazard. She feels a clearer definition is needed on these changes. She wants the rights of pedestrians to be protected.

Mr. Wellman read a letter from Michael Jennings, 12 East Wiggins Farms Drive, who said he was in a wheelchair and said he can't turn around to see a cyclist racing by him. He said these are sidewalks and walking trails not roads or bike paths. He feels the Town doesn't look like an Age Friendly Community when enacting a proposal that would cause hazards for the older residents when they are out in the community.

Mr. Wellman also read a letter from Mark and Dianne Orenstein, 82 Old Meadow Plain Road, who said they have some reduced mobility and have concerns on bikes being allowed on sidewalks in the Town center on Hopmeadow Street, especially on the Eno block. They have no issues with bikes on Iron Horse Blvd. They also asked if power assisted bikes are considered motorized.

There was discussion on what the next steps would be in consideration of the proposed amendment to Chapter 67 of the Code of Ordinances. Ms. Mackstutis said the intent to change this ordinance was well meaning, but there are a lot of nuances out there to look at.

After no further comments, Mr. Askham made a motion to close the Public Hearing at 6:35 p.m. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

### **PUBLIC AUDIENCE**

- **participants can address the Board of Selectmen in person at the meeting**
- **email [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov) by noon Monday, December 12, 2022, to register to address the Board of Selectmen thru Zoon**
- **written comments can be emailed to [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov). Written comments will not be read into the record, but will be forwarded to all Selectmen via email**

Joan Coe, 26 Whitcomb Drive, spoke about the Town Manager's position, reconvening the Charter Revision Committee, firearms, an FOI request, and other issues.

### **PRESENTATIONS**

#### **a) Plan of Conservation and Development Update**

Mr. McGregor said the update of the Plan of Conservation and Development has begun. They received about 600 public responses to their survey. They are having Glen Chalder, who worked on this in 2007 and 2017 do the work again.

Mr. Chalder said he is collecting data now. COVID has changed a lot of the dynamics of issues. There have been a lot of business challenges. They hope to have a public meeting sometime in January 2023. They want to discuss the results of the survey so they can continue to move forward. Then in the spring/summer they hope to have a refined plan. The feedback has a lot of good issues to discuss. He hopes that the Board will support them with the implementation of the plan.

**b) Simsbury Diversity, Equity and Inclusion Council Update**

Cheryl Cook said the Committee has some vibrant goals. They are hoping that their goals will fit in with the POCD goals. They are trying to increase resident engagement with their work; increasing government engagement. They would like the Board of Selectmen to help promote their mission.

Nicole Kodak went through some of their events. The housing event was a great event and they are going to air that video on SCTV. They also have a data collection project in progress. The grant project has been expanded for housing until June 2023. They have submitted a non-supplemental budget request for 23/24 for the outside agency grant application. They would also like to update their website to become more user friendly. They are also talking to many residents about what they like or don't like about living in Simsbury. She said their next event will be held in February and other activities are to follow. Mr. Askham, liaison, said there is still a lot of work to do, but they are getting it done.

**FIRST SELECTMAN'S REPORT**

First Selectman, Wendy Mackstutis, reviewed her First Selectman's report.

**TOWN MANAGER'S REPORT**

Town Manager, Maria E. Capriola, reviewed her Town Manager's report.

**SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS**

- a) **Personnel** – there was no report at this time.
- b) **Finance** – there was no report at this time.
- c) **Public Safety** – Mr. Askham said Public Safety will be meeting on Thursday.
- d) **Board of Education** – there was no report at this time.

Mr. Askham said he, the First Selectman and Town Manager met with the SVAA Board and they are going to engage in more discussions on short, mid and long term funding. They are going through data points and financial models and recommendations and will bring the information back to this Board. This will make sure the Town residents get the type of ambulance services they need.

Ms. Mackstutis said the Finance Committee is pre-reviewing budget items.

Ms. Abbuhl said the Senior Center and Social Services are very busy. Before this meeting there was a Sensory Friendly Santa event at Eno. Social Services is accepting donations that will help residents with heat, rent and food assistance. The Senior Center will continue to hold lunches on Tuesdays and Thursdays, but will be closed on December 23 and 26.

Mr. Wellman made a motion to remove item d) from the agenda. Mr. Askham seconded the motion. All were in favor and the motion passed.

## **SELECTMEN ACTION**

### **a) Tax Refund Requests**

Mr. Wellman made a motion, effective December 12, 2022, to approve the presented tax refunds in the amount of \$1,526.15, and to authorize Town Manager, Maria E. Capriola to execute the tax refunds. Mr. Askham seconded the motion. All were in favor and the motion passed.

### **b) Donation from Mark and Dianne Orenstein**

Ms. Mackstutis said this is a very generous donation to help residents with heating bills.

Ms. Goetz made a motion, effective December 12, 2022, to accept a donation from Mark and Dianne Orenstein in the amount of \$1,620 for the purpose of supporting Simsbury Community and Social Service Departments Keep Simsbury Warm Programs with our thanks. Mr. Askham seconded the motion. All were in favor and the motion passed.

### **c) Simsbury Farms Men’s Club, Inc. Donation**

Ms. Mackstutis said the Simsbury Golf Club is a 501c7 and they want to donate a hydraulic spike seeder to the golf course. Mr. Tyburski said this would pound spikes into the ground for the seeds to grow better.

Mr. Askham made a motion, effective December 12, 2022 to accept a donation of a hydraulic spike seeder, valued at \$3,200, from the Simsbury Farms Men’s Club for the purpose of improved fairway seeding practices at Simsbury Farms with our thanks. Mr. Wellman seconded the motion. All were in favor and the motion passed.

### **d) Reallocating of Savings and Use of Town Aid Roads for Public Works Truck Purchase**

Ms. Capriola said the truck dealer said they cannot fill our order for the new Ford F350 truck now. The replacement vehicle now has an increase in costs and is from a different dealer.

Mr. Roy said they didn’t allocate the truck trade-in value correctly. They did place a purchase order back in July, but now there are issues. They need to track the trade-in differently than in the past. This truck is a dual wheel/heavy truck and will be used for heavy duty needs like getting an ambulance where it needs to go.

After some discussion, Mr. Askham made a motion, effective December 12, 2022, to increase the appropriation for the purpose of the replacement Highway Division 1-ton truck and related equipment by \$29,661 to be funded by CNR project savings, increase trade-in value, and a Town Aid Road contribution as presented. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

### **e) Proposed Referendum Mailer**

Ms. Capriola said a budget mailer is always done for the budget referendum that is sent to all property owners that are able to vote. This would be a similar concept for the special referendum. There was a typo that will be corrected.

Ms. Mackstutis provided one point of clarification to state that the Boards of Selectmen and Finance approved the additional site work along with the Board of Education.

After some discussion, Ms. Goetz made a motion, effective December 12, 2022, to approve and authorize issuance of the mailer for the January 7, 2023 Referendum as presented with adding Board of Selectmen and Board of Finance to question #3. Staff is authorized to make changes as recommended by the SEEC or Town Attorney. Mr. Askham seconded the motion. All were in favor and the motion passed.

#### **f) Town Manager Performance Review and Compensation**

Ms. Capriola recused herself.

Ms. Mackstutis said this annual review is done by the Personnel Sub-Committee and the Board of Selectmen. They always rate six attributes and four goals. The Board held two executive sessions and have put together a summary document. She said if approved, Ms. Capriola’s wages would also increase.

Ms. Mackstutis said it is Ms. Capriola’s fifth year as Town Manager. For 21/22 her key goals and priorities were met. She handled the pandemic very safely. Her new focused area of recommendations to focus on is communications and this will be discussed further in six months.

Mr. Askham said the process is very consistent. The Board each get to score each individual section and the scores are compiled. Those scores are available to the public. The summary provides each of the Board members reviews.

Mr. Askham made a motion, effective December 12, 2022, to accept the Town Manager’s performance review summary. Further, to increase the Town Manager’s salary by 2.35% to \$173,749 retroactive to July 1, 2022. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Ms. Capriola rejoined the meeting.

#### **REVIEW OF MINUTES**

- a) **Regular Meeting of November 28, 2022** – there were no changes to the Regular Meeting of November 28, 2022 and, therefore, the minutes were adopted.
- a) **Special Minutes of November 30, 2022** – there were no changes to the Special Meeting Minutes, and, therefore, the minutes were adopted.

#### **EXECUTIVE SESSION**

- a) **Executive Session per General Statutes Section 1-200(6)(b): Discussion of the Lease of Real Estate to Simsbury Babe Ruth League**

Mr. Askham made a motion to adjourn to Executive Session per General Statutes Section 1-200(6)(b) and to include Maria Capriola and Tom Tyburski at 7:42 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

**ADJOURN FROM EXECUTIVE SESSION**

Mr. Askham made a motion to adjourn from Executive Session at 7:56 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

**ADJOURN**

Mr. Askham made a motion to adjourn at 7:56 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio  
Clerk