

**TOWN OF SIMSBURY – BOARD OF SELECTMEN  
REGULAR MEETING MINUTES – FEBRUARY 24, 2020**

**“Approved”**

Page | 1

---

**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. Present were: First Selectman Eric Wellman; Board members, Michael Paine, Jackie Battos, Chris Peterson; and Wendy Mackstutis. Deputy First Selectman Sean Askham was absent. Others in attendance included Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Police Chief Boulter; Parks and Recreation Director Tom Tyburski; Public Works Director Tom Roy; Finance Director Amy Meriwether, and other interested parties.

**PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

**PUBLIC AUDIENCE**

Robert Kalechman, 971 Hopmeadow Street, spoke about MIRA trash issues discussed at the last Board meeting; the Charter revisions and personnel; the Town Manager’s position; Police Commission issues and other items.

Michael Rinaldi, Pinnacle Mountain Road, spoke about disabled parking issues at the Performing Arts Center; and other issues. He feels there needs to be some kind of compromise for handicapped parking.

Joan Coe, 26 Whitcomb Drive, spoke about time allotted for public audience speakers; her FOI requests; Police Department issues; Police Commission responsibilities and other issues.

Mr. Peterson made a motion to amend the agenda to add a discussion on Officer Trombly to the Executive Session. Mr. Paine seconded the motion. All were in favor and the motion passed.

Mr. Peterson made a motion to amend the agenda to move the MIRA discussion before the Presentations. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**MIRA STATEMENT OF INTEREST**

Mr. Paine recused himself.

Mr. Wellman said MIRA had two questions for the Board – paying \$145/ton tip fee and the Town signing a 30 year commitment without an opt out clause.

Mr. Roy said we did send MIRA questions. He said there is a house bill pending in the Legislature which would allow or provide \$30,000,000 bonding for MIRA. They did say the tip fee would go down to competitive fees. We also asked if we didn’t respond to their statement of interest or said no, would we lose the ability to participate in the final decision and their answer was no. He did share his proposed letter with surrounding Towns as they have the same issues.

After some questions and discussion, it was decided that there would be experts or consultants invited to the Board meetings, after May, to further discuss this issue. Mr. Roy and Ms. Capriola will revise the letter of concerns and options and Regional support for the next meeting.

Mr. Paine returned to the meeting.

## **PRESENTATIONS**

### **a) Town Manager’s Proposed FY 20/21 Budget**

Ms. Capriola presented her Town Manager’s budget. She explained the budget objectives including, maintaining current services and programs; advancing Board of Selectmen initiatives and priorities; maintaining and investing in existing assets and infrastructures; and strengthening long term financial stability.

Ms. Capriola went through the FY 20/21 General Fund Revenues, Expenditures, Expenditure trends, Service Improvements, and Board of Selectmen Initiatives. She also went through FY 20/21 Capital Budget Revenues and Expenditures, Capital Town Projects and CNR Revenues and Expenditures. She also went through Capital and Debt Service Budget Model.

Ms. Capriola said the impact on Taxpayers would be an increase of \$3.00 or 0.03%.

Ms. Capriola said she did receive many requests from agencies to increase their budgets, but she level funded them. At the Budget Workshop on March 7<sup>th</sup>, she will discuss OPEB and pension funding. She said the budget needs to be presented to the Board of Finance by March 17<sup>th</sup>.

### **b) FY 18/19 CAFR**

Mr. Wellman said BlumShapiro completed the audit for the 2018/19 FY. They issues an unmodified “clean” opinion.

Ms. Meriwether went though some of the highlights of statements. The Building Department fees and property tax were excess of budget. There were some unanticipated school building grants. Therefore, they did close out some special revenue funds that were in a deficit position, etc.

Ms. Meriwether said BlumShapiro did note that the Town should consider implementing a Positive Pay System with the Bank. They also suggested that the Town and Board of Education have a Fraud Risk Assessment performed. They also performed additional required audits over Federal and State grants which also received an unmodified “clean” opinion.

## **FIRST SELECTMAN’S REPORT**

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

## **TOWN MANAGER’S REPORT**

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

### **SELECTMAN ACTION**

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

Ms. Mackstutis made a motion, effective February 24, 2020, to approve the presented tax refunds in the amount of \$52,177.28, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Mr. Peterson seconded the motion. All were in favor and the motion passed.

#### **b) Designation of Code Enforcement Officer and Wetlands Officer**

Mr. Wellman said the Town Charter gives the Board the authority to appoint these positions. This is needed with the staff turnover.

Ms. Battos made a motion, retroactive to February 10, 2020, to designate Thomas Hazel as an Assistant Conservation, Inland Wetlands Officer and as the Code Enforcement Officer. These designations shall remain in effect until rescinded or Mr. Hazel's separation from service, whichever comes first. Mr. Paine seconded the motion. All were in favor and the motion passed.

#### **c) Proposed Anti-Harassment Policy**

Mr. Wellman said staff has been working on creating an Anti-Harassment Policy that would protect staff from all harassment. The Personnel Sub-Committee reviewed the draft and voted to forward this to the Board of Selectmen for consideration.

Mr. Paine made a motion, effective February 24, 2020, to adopt the Anti-Harassment Policy as presented. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

### **APPOINTMENTS AND RESIGNATIONS**

#### **a) Simsbury 350<sup>th</sup> Committee Appointment**

Mr. Paine made a motion, effective February 24, 2020, to appoint Nancy Grandin (D) to replace Jean Summer on the 350<sup>th</sup> Anniversary Committee and to convert the membership slot for the Simsbury Woman's Club to a community member slot. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Paine made a motion, effective February 24, 2020, to increase the number of membership slots on the Simsbury 350<sup>th</sup> Committee by one community member slot, for a total of 19 members and to further move to appoint Joseph Campolieta (D) to the Simsbury 350<sup>th</sup> Committee. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

#### **b) Proposed Re-appointment and Resignation for Technology Task Force**

Mr. Wellman is looking to best leverage the Technology Task Force to understand where their gaps are, especially since the change in form of government. Once we know where we are going we can figure out who else should be appointed.

**TOWN OF SIMSBURY – BOARD OF SELECTMEN  
REGULAR MEETING MINUTES – FEBRUARY 24, 2020**

**“Approved”**

Page | 4

Ms. Mackstutis made a motion, effective February 24, 2020, to re-appoint the presented members as Regular Members to the Technology Task Force with terms expiring December 6, 2021. Mr. Paine seconded the motion. All were in favor and the motion passed.

Ms. Mackstutis made a motion, effective February 24, 2020, to accept the resignations of Lawrence DiSciacca, Mark Orenstein and Jeremy Wallman as regular members of the Technology Task Force. Mr. Paine seconded the motion. All were in favor and the motion passed.

**c) Appointment of Melissa Brett to the Hometown Heroes Committee**

Ms. Battos made a motion, effective February 24, 2020, to appoint Melissa Brett (R) to the Hometown Heroes Committee, representing the business community. Mr. Paine seconded the motion. All were in favor and the motion passed.

**REVIEW OF MINUTES**

**a) Regular Meeting of February 10, 2020**

Ms. Mackstutis made a motion, effective February 24, 2020, to accept the Regular Meeting Minutes of February 10, 2020 with the following correction:

Page 3 – Mr. Mackstutis is changed to Ms. Mackstutis.

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

**SELECTMEN AND LIAISON SUB-COMMITTEE REPORTS**

- a) Personnel** – 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.
- e) Board of Education** – no report at this time.

Ms. Mackstutis noted that the Board of Education will vote on their budget tomorrow. She also noted that the Henry James project is on budget and on time. She said there was a presentation from a student on Styrofoam trays, which are being used at the school and the issues they cause.

Ms. Mackstutis said there is a Task Force meeting on February 26<sup>th</sup>, but there is no public audience.

Mr. Peterson said there is a Culture, Parks and Recreation Committee meeting on Thursday at 6:00 p.m. in the Main Meeting Room.

**COMMUNICATIONS**

- a) Revisions to Parks and Recreation Department Refund and Transfer Procedures**
- b) Administration Approvals for Public Gathering Permits**
- c) Economic Development 626 Form from Ericka**
- d) Memo from E. Wellman re: Canoe/Kayak Rentals, dated February 24, 2020**
- e) Update to Pesticide Pre-Emption Committee, dated February 13, 2020**
- f) COST 2020 Legislative Priorities**

**TOWN OF SIMSBURY – BOARD OF SELECTMEN  
REGULAR MEETING MINUTES – FEBRUARY 24, 2020**

**“Approved”**

Page | 5

---

Mr. Wellman said he would like to discuss about the Town creating a legal path to grant kayaks and canoes for different companies. He said this will take staff time to apply for permits, etc. He would like to know if this Board has any interest in pursuing this.

After discussion, the Board is in favor of pursuing this issue and getting recommendations of how to do this.

**EXECUTIVE SESSION**

**a) Pursuant to CGS §1-200(6)(B) concerning Pending Claims and Litigation – Martin v. Simsbury**

Mr. Peterson made a motion to adjourn to Executive Session at 8:17 p.m., and to include Town Manager, Maria E. Capriola, Deputy Town Manager, Melissa Appleby, Mike Glidden, Attorney DeCrescenzo, and Attorney Jonathan Zellner for item a) pursuant to CGS §1-200(6)(B) concerning Pending Claims and Litigation – Martin v. Simsbury. Also, to include Ms. Capriola, Ms. Appleby, Attorney DeCrescenzo, and Attorney Mike Harrington in the added Executive Session on Officer Trombly. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Peterson made a motion to adjourn the executive session at 9:10pm. Ms. Mackstutis seconded the motion. All were in favor and it passed unanimously.

**ADJOURN**

Mr. Peterson made a motion to adjourn the regular meeting at 9:10pm. Ms. Mackstutis seconded the motion. All were in favor and it passed unanimously.

Respectfully submitted,

Kathi Radocchio  
Clerk