

**TOWN OF SIMSBURY – BOARD OF SELECTMEN  
REGULAR MEETING MINUTES – JUNE 22, 2020**

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**CALL TO ORDER**

The Regular Meeting of the Board of Selectmen was called to order at 6:03 p.m. on ZOOM due to COVID-19. Present were: First Selectman Eric Wellman; Deputy First Selectman Sean Askham; Board members Michael Paine, Jackie Battos, Wendy Mackstutis and Chris Peterson. Others in attendance included: Town Manager Maria E. Capriola; Finance Director Amy Meriwether; Police Chief Nicholas Boulter; Planning and Community Development Director Mike Glidden; Town Engineer Jeff Shea; and Management Specialist Tom Fitzgerald.

**PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

Mr. Askham made a motion to add item g, under Selectmen Action, to approve the LGBTQ Proclamation on Pride Month. Ms. Battos seconded the motion. All were in favor and the motion passed.

**PUBLIC HEARING**

**a) Disposition of Holcomb Street Open Space Parcel**

Mr. Wellman reminded everyone to email [EButler@Simsbury-ct.gov](mailto:EButler@Simsbury-ct.gov) if they want their comments read during Public Audience.

Mr. Wellman said this Public Hearing is being held for the Proposal for the sale by the Town of a parcel of Town-owned open space land adjacent to 133 Holcomb Street pursuant to Simsbury Town Code §21-8 and upon positive referrals from the Planning Commission, Conservation Commission and Open Space Committee. Notice for this hearing was published twice in The Hartford Courant and also in The Valley Press.

Mr. Wellman read an email from Jon and Margaret Gooch, Bill and Karyn Cordner, Patricia Piano, Jane Moos, Lee Peters, Susan Fitzgerald, Camilla Thompson, Steve Noble, James and Diana Moody, Sara Burrows and Robert and Elizabeth Richards, who oppose the sale of open space to a private individual. This person already uses the property, while not owning it and maybe it would be possible for the Town to lease the open space to this person. They don't want this process to be rushed or limited due to the pandemic. They feel open space improved the quality of life for the residents of Simsbury.

Mr. Wellman read an email from Dave Chase, who is against the Town buying land from a private owner to create a land swap. He spoke about a lease agreement and not setting precedence.

Mr. Wellman read an email from Susan Masino, who doesn't want the Board to speak in general terms on orphaned parcels or open spaces as disposal. This is a valuable piece of property and has much potential. She said residents have been very clear about preserving open space and their voices shouldn't be ignored. She also spoke about the bike path and the needing for full disclosure of this swap.

Mr. Askham read an email from Lisa Antonio, who said she has respect and appreciation for preservation of open space. This property is right next to her property and she spoke about an old Zoning rule and how the piece was divided. She also spoke about her sheep grazing there. This is an orphaned parcel and they would like to be granted purchase of this property. They would create a deed restriction to this parcel guarantying the open space in perpetuity. She would like the Board to approve the sale to her family.

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Mr. Wellman read an email from Karyn Cordner who opposes the selling of this small parcel of land to a resident. She said the potential buyer is already encroaching/using the property illegally, which is horrible. Maybe there is a possibility of leasing this parcel to the resident.

Mr. Askham read an email from Danielle D’Ermo, who opposes the selling of this open space parcel. She feels each piece of open space needs to be preserved. She doesn’t want a precedence set by the Town for open space. We have already over-built in Town.

Mr. Wellman read an email from Wanda Colman, who also opposed the disposal of this open space. She feels that there has not been proper disclosure on this property. Every parcel of open space has great value to the environment not matter how small it is.

Mr. Askham read an email from Katie Galt, who is not in support of selling open space to an individual, which would reward them for illegal behavior as well as set a precedence for the sale of open space. She encouraged the Town to consider a lease agreement with this individual with restrictions.

Mr. Wellman read an email from Jan Beatty and Michael Park, who were disheartened to see that the Board is thinking of selling this parcel of open land. They feel open space is inherent to the character of the Town. They would like to see a lifetime leasing of the property, where the Town could gain some revenue.

Mr. Askham read an email from Ieke Sculy, who is also against selling or swapping open space to a private land owner. She feels leasing the land makes better sense.

Mr. Wellman read an email from Vitali Zhulkovsky, who is also opposed to the sale of any open space parcel. He considers all open space valuable and not portioned land.

Mr. Askham read an email from Lori Stethers, is also strongly opposed to the sale of open space to a private land owner. Open space makes Simsbury a great place to live and protects wildlife. She feels this should not be done while under a pandemic, but wants more discussion where people can attend a Public Hearing.

Mr. Wellman read an email from Joanne Dombrosky, who opposes the sale of open space and feels it is outrageous to give away the trails, trees, animal habitats for a few bucks.

Mr. Askham read an email from Linda Goodman, who objects to the sale of open space. She said the beauty of open space in Town was one of the deciding factors in purchasing a home here. She wants this parcel to be kept safe so others want to live here.

Mr. Wellman read an email from Linette Arnold, said it is not a time to decide on the sale of open space due to this time of uncertainty.

Mr. Askham read an email from Arlene Zappile, who opposes the sale of this open space especially during this time of COVID when there is no public access.

Mr. Wellman read an email from Sue Brachwitz, who objects to the sale, leasing, trading or giving away any open space. The sale of this space would sent precedence and possible encourage others to use open space for their own purposes. We need to protect open space as they are very important to the habitat. She spoke about the environmental purposes and wants open space preserved.

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Mr. Askham read an email from Anita Scopino is in love with the forest areas, small farms, and open space parcels. She is opposed of the sale of the open space to one individual, especially one who has been using the land illegally for some time. The Public Hearing needs to be an open hearing where residents can attend and not just send an email. She offered some alternatives that she heard from other residents.

Mr. Wellman read an email from David Galt, who also opposes the sale of open space, especially to someone who has been encroaching for many years. We should not be rewarding him with a sweet deal. It is also ill-advised to run the bike path down Rte. 315 and it might be better to run it down Wolcott Road.

Mr. Askham read an email from Heather Eversdyke, who is opposed to the sale of any open space. She said a lease agree with use restrictions could be a solution.

Mr. Wellman read an email from Steven Antonio, who is the person trying to purchase this parcel. He said there are 22 parcels of small open space in Simsbury. He gave the history of how he purchased his house and land. The property his is now trying to purchase are orphaned parcels near where his property is. He is agreeable to having a deed restriction on the orphaned parcel guaranteeing that the open space nature of the parcel will remain. Mr. Antonio said he did speak to his neighbors and they were ok with the purchase of this property. The said the Town Commissions also discussed the sale of this parcel and were in favor of the sale with restrictions. He said he has been very transparent on this proposal and the Town isn't losing anything and he doesn't want residents to rush to judgement.

Mr. Askham read an email from Helen Peterson, who is not only a resident, but a member of the Open Space Committee. She spoke about the Town expressing the purchase of an easement along Tariffville Road for the East Coast Greenway. This should be an independent easement. The action on the parcel on Holcomb Drive is ill-advised as it will have a damaging precedence for the Town. There is a process to follow for the purchase of open space and this process should be followed.

Mr. Wellman read an email from Diane Nash, who does not endorse the sale of the open space parcel on Holcomb Street. An informed Public Hearing cannot be conducted with transparency under the COVID-19 guidelines. The individual trying to purchase this open space has been illegally encroaching on this property and he thinks he has done a good thing. What is the value of this parcel? She also spoke about the bike path. She said this is not the way business should be conducted in the Town of Simsbury.

Mr. Wellman thanked everyone who participated in the Public Hearing. He feels residents are asking for more time to discuss this issue.

After comments, Mr. Askham made a motion to keep the Public Hearing on the Disposition of Holcomb Street open space parcel open until the August 10, 2020 Board of Selectmen meeting at 6:49 p.m. Ms. Battos seconded the motion. All were in favor and the motion passed.

### **PUBLIC AUDIENCE**

Mr. Wellman read an email from Judy and John Schaefer, who are also not in favor of selling open space as it improves the quality of life for residents of Simsbury. They also wondered about leasing this parcel

Mr. Wellman read an email from Joan Coe, who spoke about the tax bills, extending Ms. Capriole's contract, abuse of power, bears and the abuse of privilege by the Town Manager, Black Life Matters protest, and other issues.

Mr. Askham asked to invoke privilege on comments made in Public Audience. He and the rest of the Board feel these comments were out of line and nothing inappropriate about contacting the Animal Control Officer. They were trying to protect their family and it was very scary for that family. Mr. Peterson said there is an abuse of sharing certain information to other Town residents. It is very upsetting and needs to be followed up on. Mr. Paine said respect is given and earned by people's actions. He is very disappointed by the attack and said we are all better than that.

### **FIRST SELECTMAN'S REPORT**

First Selectman, Wellman, reviewed his First Selectman's report.

### **TOWN MANAGER'S REPORT**

Ms. Capriola said she and her family had an encounter with a bear at her house, where they had a hard time entering the house. She did what every other resident should do when encountering a bear and called Animal Control. This was not an abuse of power, they were very scared.

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

Ms. Mackstutis made a motion to add three appointments to the agenda under Appointments and Resignations. Mr. Askham seconded the motion. All were in favor and the motion passed.

### **SELECTMEN ACTION**

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

Mr. Paine made a motion, effective June 22, 2020, to approve the presented tax refunds in the amount of \$1889.71, 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) Proposed Deputy Chief of Police Classification**

Mr. Wellman said the budget for the new upcoming fiscal year includes a new position of Deputy Chief of Police. The proposed job description and salary range was approved by the Police Commission and Personnel Sub-Committee.

Mr. Askham made a motion, effective June 22, 2020, to approve the creation of the position classification of Deputy Chief of Police and the job description as presented. Further move to approve an annual salary range for the Deputy Chief of Police position of \$122,000 - \$128,300, which may be amended from time to time through resolutions of the Board of Selectmen. Mr. Paine seconded the motion. All were in favor and the motion passed.

Mr. Wellman said there is interest in accelerating this Body Cameras and Car Cameras due to national events. Ms. Capriola explained this project and said it was in the second year of the Capital Plan. We do have available funds that won't impact the general funds.

Chief Boulter went through the body camera proposal and the car cameras and their upgrades, etc. Ms. Meriwether when through the process of purchasing these cameras and the transfers needed.

Mr. Askham made a motion, effective June 22, 2020, to recommend to the Board of Finance a transfer of up to \$111,000 from the Private Duty Fund to the General Fund to offset the Police operating expenditures. Ms. Battos seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective June 22, 2020, to recommend to the Board of Finance a transfer of up to \$111, 000 from the General Fund to Capital Non-Recurring Fund, to cover the costs of the body worn cameras and car cameras. Ms. Battos seconded the motion. All were in favor and the motion passed.

**c) Proposed Ordinance to Prohibit the Intentional Feeding of Wildlife**

Mr. Wellman said a Public Safety workgroup was made to discuss and intentional feeding of wildlife. After much work on this issue and a lot of input from everyone, this is the draft ordinance that now needs to go to a Public Hearing.

Mr. Askham said all this ordinance does is eliminate the bears, but it officially make it so you should not be feeding wildlife and attracting them into your yard putting yourself and your neighbors in danger.

After discussion, Mr. Askham made a motion to hold a Public Hearing at 6:00 p.m. at the Board of Selectmen regular meeting on July 13, 2020 to solicit public comment regarding the proposed adoption of the Ordinance Prohibiting the Intentional Feeding of Wildlife. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**d) Vacation Carryover Requests**

Mr. Wellman said any vacation days, over 10, need to be approved by the Board of Selectmen.

Ms. Capriola said some of these requests are part of the COVID-19 issue, which limits the ability to take time off as requested.

Mr. Askham made a motion, effective June 22, 2020, to approve the vacation carryover requests as presented requiring Selectmen action. Further stipulate that the approved excess vacation days must be used on or before December 31, 2020. Any unused approved excess vacation days still on the books as of January 1, 2021 will be forfeited. Should the employee leave service for any reason, including but not limited to retirement or resignation, they will not be paid out for the approved unused excess vacation authorized by the Board of Selectmen. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**e) Town Manager's Draft FY 20/21 Goals**

Mr. Wellman said this draft was reviewed by the Personnel Sub-Committee. Mr. Askham said these goals are consistence with prior years.

Ms. Mackstutis made a motion, effective June 22, 2020, to adopt the Town Manager’s Goals for July 1, 2020 – June 30, 2021 as presented. Mr. Askham seconded the motion. All were in favor and the motion passed.

**f) Proclamation for LGBTQ Pride Month**

Mr. Wellman said this is a request from the LGBTQ community and he would sign this proclamation for the Board if they approve it.

Mr. Askham made a motion to adopt the LGBTQ Proclamation as read by First Selectman Wellman. Mr. Paine seconded the motion. All were in favor and the motion passed.

**APPOINTMENTS AND RESIGNATIONS**

**a) Proposed Appointment of Tolly Gibbs to the Library Board of Trustees**

Mr. Askham made a motion, to approve the appointment of Tolly Gibbs (D) as a regular member of the Library Board of Trustees, effective June 22, 2020, with a term expiring December 4, 2023. Mr. Paine seconded the motion. All were in favor and the motion passed.

Ms. Mackstutis made a motion, effective June 22, 2020, to appoint Erin Leavitt-Smith (D) as a regular member of the Aging and Disability Commission with a term expiring January 1, 2024; to appoint Phil Purciello (D) as a regular member of the Clean Energy Task Force, with a term expiring December 2, 2021; and to re-appoint Ronald Anastasio (D) as a regular member of the Housing Commission with a term expiring April 1, 2025. Mr. Askham seconded the motion. All were in favor and the motion passed.

**REVIEW OF MINUTES**

**Regular Meeting of June 8, 2020**

There were no changes to the Regular Meeting Minutes of June 8, 2020, and, therefore, the minutes were adopted.

**SELECT MEN LIAISON AND SUB-COMMITTEE REPORTS**

**a) Personnel** – Mr. Wellman spoke on how to proceed with the Town Manager’s contract and what the process was. They had feedback from 8 people. There were two members of the public who were not in favor of moving forward with her contract. Mr. Wellman feels that Ms. Capriola’s contract should be discussed and renewed.

Ms. Mackstutis said they are taking all comments into consideration. Her priorities seem to be in line and she feels the Board should move forward with another contract for Ms. Capriola.

Mr. Askham agreed with Ms. Mackstutis and feels Ms. Capriola and Mr. Wellman have set the community up for success. She exercises professionalism at all times and takes feedback well. She is willing to learn and does everything in an ethical way.

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Mr. Askham made a motion to empower the Personnel Sub-Committee to update and draft a contract for final adoption by the Board of Selectmen. Mr. Paine seconded the motion. All were in favor and the motion passed.

- 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** – Ms. Mackstutis spoke about the Equity Council and that we were already proactive. They are making a statement tomorrow. We are still waiting for more information on the opening of schools.

**COMMUNICATIONS**

- a) **Letter from M. Capriola, re: Appointment of Michael Berry as Emergency Management Director, dated June 18, 2020**

Mr. Askham spoke about Kevin Kowalski, Fire Marshall and Emergency Management Director, is retiring. He said Michael Berry will run point at the Emergency Management office and coordinates all needed if there is a crisis in our Town. He will do a great job.

Mr. Kowalski has blessed this Town with that position for a very long time. He gave some stories of Mr. Kowalski and said it was a honor to work with him. He would like the Town to properly honor Mr. Kowalski after COVID-19.

**ADJOURN**

Mr. Askham made a motion to adjourn at 8:15 p.m. Mr. Paine seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio  
Clerk