

**TOWN OF SIMSBURY – BOARD OF SELECTMEN  
SPECIAL MEETING MINUTES – JULY 1, 2020**

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**CALL TO ORDER**

The Special Meeting of the Board of Selectmen was called to order at 3:30 p.m. on ZOOM due to COVID-19. Present were: First Selectman Eric Wellman; Deputy First Selectman Sean Askham; Board members Jackie Battos, Wendy Mackstutis and Chris Peterson. Others in attendance included: Town Manager Maria E. Capriola; Management Specialist Tom Fitzgerald; Planning and Community Development Director Mike Glidden; Project Manager for The Trust for Public Land Honor Lawler; Town Engineer Jeff Shea; and Culture, Parks & Recreation Director Tom Tyburski.

**PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

**PUBLIC AUDIENCE**

There was no public audience.

**SELECTMEN ACTION**

**a) Submission of Open Space and Watershed Land Acquisition Grant Application**

Mr. Wellman noted this application is connected to the acquisition of the Meadowood parcel and would be one of the grants necessary in order to acquire the parcel. He explained that this is being discussed during a Special Meeting because of the application deadline for this particular grant.

Ms. Capriola explained that the Town Charter has a requirement about grant applications needing to go before the Board of Selectmen. She noted this application deadline was today. The potential grant funding would be over \$1M, which could then be used towards the acquisition if the Town proceeds with the acquisition. If it is decided not to proceed with the acquisition, the Town may simply not accept the grant award.

Honor Lawler, Project Manager for The Trust for Public Land, addressed the Board, noting thanks for accommodating this last-minute meeting.

Mr. Askham noted the Board of Selectmen is involved because there is often a match component to grant applications.

Ms. Lawler indicated this program has historically been important to The Trust for Public Land and towns across Connecticut in order to be able to acquire public space and leverage municipal funding. She noted this application is for \$1.3M. She explained that municipalities can apply for up to 65% of the fair market value, adding that the value has not been determined yet because the appraisal is still underway. The Department of Energy and Environmental Protection (DEEP) Open Space Program has extended the deadline for appraisals until August 1. The funding part of the application will be able to be amended because of that deadline extension. Ms. Lawler noted the application is long, about 19 pages of narrative and about 20 pages of addendums and maps. She added this is an important opportunity to capitalize on this opportunity for state funding of open space. This grant would go towards the 140-acre open space component of the larger 288-acre purchase, with a small area excluded from that being the barns on Firetown Road. She added the State prefers to not have structures within their conservation easement area. The appraisal is for approximately 140 acres, excluding the barns. The remaining 140 acres on the maps would be subject to the conservation easement.

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Ms. Battos asked Ms. Capriola or Mr. Wellman to let the public know more about Meadowood. She added that this meeting is specifically about the grant and a decision has not been made.

Mr. Wellman noted there are several grants that would be required in order for the Town to pay \$2.2M for the larger 288-acre project. Today's motion would only allow the Town to apply for this grant. It would not require the Town to accept the grant.

Ms. Capriola added that there may be additional grant applications brought back to the Board of Selectmen. These would be potential funding sources for the acquisition. If the acquisition does not proceed, the Town can always say, “No thank you” to a grant award. If funds are awarded the purchase would be more affordable for the Town.

Ms. Battos clarified that no decision has been made on Meadowood.

Mr. Wellman agreed with that clarification.

Mr. Peterson added that the Town is far from a purchase and is walking through a very lengthy, due-diligent process, which would ultimately end up with a package presentation made to the Board of Selectmen and the Town to help them understand the financials and the value, and whether or not, at that point, the Town should proceed with this purchase. Assuming that the financial modeling is unchanged since first looking at this, Mr. Peterson asked that the Board be clear that obtaining this grant does not reduce the potential purchase outlay from the Town from \$2.2M to \$1.1M.

Ms. Lawler responded by noting The Trust for Public Land tries to get the best deal for the communities with which they work. In the event that a full \$1.3M is obtained from the Open Space and Watershed Land Acquisition grant program and more was obtained from the Highlands grant program, potentially the Town would need to put in less.

Mr. Peterson clarified that these assumptions are based upon a reflective number already shown, simply modeling at this point. This grant doesn't lessen the Town's potential outlay. All other input is assumed to be the same and certainly not successfully acting in a timely fashion could significantly increase the purchase model.

Mr. Askham noted that this should not be new, adding it is similar to how the Ethel Walker acquisition of over \$11M was handled with over three opportunities to vote via referendum for that project with three phases. He further referenced the Tulmeadow acquisition, which took years. It is a multi-year approval process and there will be ample opportunity to exit the deal if the taxpayers chose not to go forward with it. This will be on the referendum at some point given the amount. This is a very standard and normal process.

Ms. Mackstutis asked about the references to DEEP in the attachments and whether the State of Connecticut has any rights or “say” over this land.

Ms. Lawler responded that when a municipality applies for an in-fee purchase, the Town of Simsbury would be the buyer of the Meadowood property. The Open Space award would go to the Town of Simsbury for the fee purchase. In return for those funds, which can fund up to 65% of that fee purchase, a conservation easement would be granted by the Town post closing on the property, 148 acres in this case. The State holds several rights and restrictions, including the Town ensuring public access and the Town must ensure that the natural resource values are protected and that the land stays, for the most part, in its natural state. For example, this is

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not a program for athletic fields or commercial timber land. It is for open space and it should remain wild and natural. Managing invasive species and putting in trails are allowed.

Ms. Mackstutis asked that it be clarified whether DEEP would have enforcement rights or if it would fall under the Town of Simsbury.

Ms. Lawler responded that it would fall under the Town of Simsbury. She added that DEEP would want to see these contracts honored and benefiting the public.

Mr. Askham added there is the same easement on a portion of the Ethel Walker property.

Referring to the grant application, Mr. Wellman inquired about the question on environmental contamination, noting the grant application indicates “no,” and asked what is known about this property in regard to that and what would need to be done if the property is acquired.

Ms. Lawler responded that the contamination was strictly confined to the farmland component, which is not included in this portion. She noted Griffin has provided the closure reports, which indicate that those are the areas contaminated and they have been taken care of. She indicated the Town is working to do an environmental review but the State is well aware of those issues on the other side of the property and there are none on this side of the property.

Mr. Wellman clarified that this particular grant only applies to a specific part of the property.

Ms. Lawler agreed.

Mr. Askham noted the environmental pollution issues were why this development was turned down approximately 15 years ago. He said the Town went to court over this piece of property and there was a court-ordered settlement in which the developer was required to remediate the pollution. The Town had to acquire a piece, known as “the Triangle,” for \$3.5M. He noted the Meadowood property is substantially larger than the Triangle.

Mr. Glidden added this was in 2014 and noted he was on site at the time of the excavation of material from the field referred to as Hoskins 7. He noted this was pursuant to the court settlement and was completed.

Mr. Wellman asked if there were any further questions and there were none.

Mr. Askham made a motion, effective July 1, 2020, to submit the FY 2020/2021 OSWA application and authorize Maria E. Capriola, Town Manager, to execute the grant application. Ms. Battos seconded the motion. All were in favor and the motion passed.

Ms. Lawler was thanked for her work on the grant.

Ms. Capriola asked that a resolution be made authorizing the attached resolution to be signed by Town Clerk Ericka Butler certifying that the Board of Selectmen approved having the Town submit the grant application.

Mr. Askham made a motion to approve the resolution that accompanied the grant application. Mr. Wellman seconded the motion. All were in favor and the motion passed.

**ADJOURN**

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Mr. Askham made a motion to adjourn at 3:58 p.m. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Karen Haberlin  
Commission Clerk