

CALL TO ORDER

The Regular Meeting of the Board of Selectmen was called to order at 6:04 p.m. on Zoom due to COVID-19. Present were: First Selectman Eric Wellman; Deputy First Selectman Sean Askham; other Board members Michael Paine, Jackie Battos, Wendy Mackstutis, and Chris Peterson. Others in attendance included: Town Manager Maria E. Capriola; Police Chief Nicholas Boulter; Director of Planning and Community Development Mike Glidden; Director of Public Works Tom Roy; Town Engineer Jeff Shea; Director of Social Services Kristen Formanek; Executive Director of the Performing Arts Center Missy DiNunno; Jim Baldis from the Fire District; Gary Wilcox from the Public Safety Sub-Committee; Aquarion Water Vice President of Supply Operations and Sustainability Jeff Ulrich; Zoning Enforcement Officer Tom Hazel; Aquarion Vice President of Engineering and Planning Dan Lawrence; Aquarion Director of Corporate Communications Peter Fazckas; Aquarion Director of Community Relations George Logan, and Management Specialist Tom Fitzgerald.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

Mr. Wellman reminded everyone to email EButler@Simsbury-ct.gov if they want their comments read during Public Audience.

Ms. Mackstutis made a motion to present a resolution to the Board in relationship to calling for the no excuse, really the COVID-19 voting, by absentee ballot, which the State has done by executive order for the primary but are going back in session this week to vote on it for November. Mr. Wellman seconded the motion. All were in favor and the motion passed.

PUBLIC HEARING

a) Ordinance to Prohibit the Intentional Feeding of Wildlife

Mr. Askham said this sub-committee of the Board of Selectmen was formed about one year ago to discuss issues with coyotes and bears after a cry for help from the residents. They have had substantial meetings with DEEP and the Police Department to discuss these issues. Residents need to be educated on feeding wildlife and also birds and then if the resident doesn't comply the ordinance could make them comply. This is not specific to bears, but the intentional feeding of wildlife.

Mr. Peterson said this is an imperfect situation and the Sub-Committee isn't trying to take any enjoyment away from residents. Feeding birds is attracting other animals that could be dangerous.

Mr. Wellman read comments from Danielle D'Ermo, who said she was not in favor of this ordinance. She feels dogs and be worse than bears and feels the Town shouldn't over regulate residents. She loves to feed the song birds and watching other birds. She wants nature just to be left alone. We should stop destroying nature habitats. . She doesn't trust the information from DEEP.

TOWN OF SIMSBURY – BOARD OF SELECTMEN
REGULAR MEETING MINUTES – JULY 13, 2020
“Approved”

Page | 2

Mr. Askham read comments from Despina Botham, who said she was saddened to hear that the Town would be making bird feeding illegal. Feeding the birds is one of her pleasures in life. She enjoys also seeing the bears. She has seen bears, but there has never been any harm done. She doesn't feel DEEP is trustworthy.

Mr. Wellman read comments from John Dording, who feels common sense needs to be applied and not “one size fits all.” We need to put locks on trash bins. Other things like walking dogs off leashes is more dangerous. If they see a bear and go after it then the owner attempts to retrieve the dog and then there is a bear attack. Wildlife seems to always pay the price. He would like to see data on this issue before going forward.

Mr. Askham read comments from Katie Boyle supports the passing of this ordinance. She feels this is long overdue. Feeding birds means there are usually large containers of bird seed, which bears can seek out. She is also asking for officials to go beyond bird feeding and advocate for other management strategies to protect residents from bears. Please read Senate bill 894 from 2019.

Mr. Wellman read comments from Cailyn Welsh who said she was in support of this ordinance. She feels this will protect both wildlife and humans. She thinks this has been a long time coming. There are far too many people in Simsbury who leave their birdfeeders out which encourages human/bear conflicts.

Mr. Askham read comments from Cindy Gilbert, who feels there is a possible need for an ordinance but not for feeding birds. She said we should use the same wording as the Barkhamsted Wildlife Ordinance uses.

Mr. Wellman read comments from Ronald and Susan Launsburg spoke about “bear proofing” their feeders. They gave some suggestions and feel these adjustments should be included in the exception clause of the ordinance.

Mr. Askham read comments from Helen Sabin said she and her family has had many bear encounters without having bird seed and keeping their trash bin in their garage. She has reported them to DEEP and they don't do anything. This is beyond feeding birds. Bears are not fazed by humans and all it takes is one accident.

Mr. Wellman read comments from Dawn Cohen, who thanked the Board of scheduling this meeting on evolving bear issues. She feels residents should go out of their way to care for their residents by storing feed, etc. properly. She feels an ordinance is in order. We must deal with the reality of the situation at this point. However, bird seed and garbage is not enough as bears cannot unlearn these behaviors now. The numbers of bears keeps increasing and something else needs to be done.

Mr. Askham read comments from Lou and Terry Moscaritolo, owners of Wild Birds Unlimited in Avon, said they are disappointed about this proposed ordinance. Experts in bird feeding should have been consulted about this issue as well. Research has showed that the bird population has declined by 30% by 1970. They feel the songbirds and be saved by not including them in this ordinance. The wording in this ordinance is too narrow and restrictive. Feeding birds is very relaxing, especially during this pandemic. You can feed them safely and where bears would not be attracted.

Mr. Wellman read comments from Susan Elliott had questions about when the ordinance would take effect and wants to know the rules about hummingbirds. Hummingbirds are only fed in the summer and shouldn't attract bears.

TOWN OF SIMSBURY – BOARD OF SELECTMEN
REGULAR MEETING MINUTES – JULY 13, 2020
“Approved”

Page | 3

Mr. Askham read comments from Carolyn Brand and Richard Clark who feel this ordinance is an overreach of authority. They hang their feeders out of reach of the bears and bring them in every evening. Their bird seed is kept in the garage or basement where bears can't get them. What about waking dogs in McLean Wildlife Sanctuary?

Mr. Wellman read comments from Sherry and Jim Marsh who said they are against the ordinance. The bear problem is rather new in Simsbury. They elderly or those confined inside enjoy birds feeding. They feels April 1st would be too early to cut-off bird feeding and December 1st would be too late to start feeding. They would like more consideration for this ordinance. Please leave things alone.

Mr. Askham read comments from Joan Coe who said she is against the ordinance as it is more government control. There shouldn't be a fine by Police. We need to co-exist with the environment. This ordinance will decrease income for the business industry. This ordinance is counter-productive and isn't good for economic development.

Mr. Wellman read comments from Kyle Testerman feels ordinances like this one have been effective in reducing human/wildlife conflicts. She would like to see Simsbury the first “Bear Smart” community. People need to have common sense and make the correct choices. He does support this ordinance with some suggested changes. He also spoke about additional training and investigating better trash bins.

Mr. Askham read comments from Brenda Ransley had some concerns about not living in a Homeowners Association style neighborhood or town. She is also concerned about how this ordinance would be reported and enforced.

Mr. Wellman read comments from Gary Wilcox said this ordinance is needed to live in harmony with our wildlife. Others towns and state have similar ordinances. Human feeding of wildlife not only endangers residents but the wildlife. We can all use foods to keep the bears away. He supports the ordinance and feels it is a step in the right direction.

Mr. Askham read comments from Susan Masino who supports this ordinance. The Simsbury Grange made a resolution supporting a state-wide policy was passed nearly one year ago. Killing nuisance wildlife can have unintended consequences. DEEP does have policies in the killing of bears. It is important that people understand that bears will not increase in population indefinitely. They are not over populated now just more visible. The most important thing to do right now is to make bears less comfortable around us.

Mr. Wellman read comments from Allison Burch who supports the ordinance. She encounters bears, raccoons, coyotes, skunks in her neighborhood all the time. It is time to address the issues and try to live in harmony with wildlife. There are people who intentionally feed these animals in her neighborhood.

Mr. Askham read comments from Kevin Keating who said he appreciates the Town's concern on this issue. He is concerned about the bird feeders. The problem isn't the feeders and other things can be done like bringing them in at night or putting certain things in the feed.

Mr. Wellman thanked everyone for their thoughtful comments.

Mr. Askham made a motion to close the Public Hearing at 7:00 p.m. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

PUBLIC AUDIENCE

Mr. Wellman read comments Dan Mudgett, who said he is opposed to sales of open spaces in Town, to avoid more situations like at the property on West Mountain Road.

Mr. Wellman read comments from Diane Nash, who said there is a scheduled continuation of the Public Hearing on the sale of open space on August 10th. There has been no disclosure from the Town. This transaction should be transparent. The parcel is an orphaned piece which has been managed by the potential buyer and not encroached upon. She is asking for the Board of make information on this parcel public.

Mr. Wellman read comments from Joan Coe who spoke about the last Board meeting in June and an attack on her, a Public Safety meeting challenge, her information being public, a two-tier government, wearing a hat during the Pledge, Zoom meeting issues, and other issues.

PRESENTATION

a) Aquarion Water Company – System Overview, Water Demands and Supply

Mr. Wellman said Aquarion would be doing a presentation about the dry end to the spring and heavier water usage. The Town has asked residents to conserve at times.

Mr. Ulrich spoke about introduced the members of his Aquarion team. He said due to high demands there was a code red given to customers in order to keep the tanks at a comfortable level. They also spoke to customers who were using too much and discussed the issue with the Town. Finally, we got rainfall.

Mr. Ulrich said he does understand that usage has increased also due to the pandemic. He went through all the peak factors and said we are not the only community that was high. He went through some graphs to show different years of use.

Mr. Lawrence spoke about investing in the system. He spoke about improving the wells and water main replacements. He showed the proposal list for next year and the year after.

There was some discussion, but no motion was made at this time.

FIRST SELECTMAN’S REPORT

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

TOWN MANAGER’S REPORT

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

SELECTMEN ACTION

Ms. Battos made a motion to move item m) Review of Diversity and Inclusion Banner Proposal to item c. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

a) Tax Refund Requests

Mr. Paine made a motion, effective July 13, 2020, to approve the presented tax refunds in the amount of \$10,552.17, 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) Grant Application to Support Local Prevention Activities

Mr. Wellman said this is an annual grant application that Social Services applies for to provide funds for substance abuse and prevention. This year it has been asked that the grant focus on vaping.

Ms. Battos made a motion, effective July 13, 2020, submit a grant application to support local prevention activities and to authorize Town Manager, Maria E. Capriola to execute the grant application. Further move, to accept the local prevention activities grant and to authorize Maria E. Capriola, Town Manager, to execute all documents related to the grant award. Mr. Paine seconded the motion. All were in favor and the motion passed.

c) Review Diversity and Inclusion Banner Proposal

Mr. Wellman said he asked the community for designs on a banner to express the unambiguous message that racism has no place in Simsbury.

There was some discussion on how the design was read and how BURY needs to be more pronounced and Sims not really been seen.

Mr. Askham made a motion, effective July 13, 2020, to approve the submitted design by the Simsbury SPIRIT Council for an inclusivity banner to be hung across a roadway in Town. Mr. Peterson seconded the motion. All were in favor and the motion passed.

d) Donation from the Peterson Family

Mr. Peterson recused himself.

Mr. Askham made a motion, effective July 13, 2020, to accept the donation from the Peterson Family in the amount of \$1500 for the purpose of providing assistance to our residents in need with our sincere thanks. Ms. Battos seconded the motion. All were in favor, with one abstention, and the motion passed.

Mr. Peterson rejoined the meeting.

e) Simsbury Volunteer Fire Company Donation

Mr. Wellman said the Fire Company has offered to donate services and materials to refurbish the area outside of Town Hall where the ornamental clock is located, including brick pavers, replacing two benches and installing commemorative plaque.

Ms. Battos made a motion, effective July 13, 2020, to accept the donation from the Simsbury Volunteer Fire Company for resetting and replacing of the brick pavers; replacement of benches, and installation of a commemorative plaque on the walkway that surrounds the ornamental clock above Town Hall with our thanks. Mr. Paine seconded the motion. All were in favor and the motion passed.

f) Proposed Updates to (Human Services Aide) Social Services Assistant Classification

Mr. Wellman said the position is currently referred to Human Services Aide and they just want a name change to Social Services Assistant. There is no job description or wage change. This position will be vacant as a long-time staff member will be retiring.

Ms. Battos made a motion, effective July 13, 2020, to change the job title of Human Services Aide to Human Services Assistant and to approve the proposed changes to the job description for the classification as presented. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

g) Public Gathering Permit – PAC: 2020 Apogee Dance Academy Dance Recital

Ms. DiNunno explained how the Public Gathering Permits are completed. She said these are new events to the community. They are not overnight events.

Mr. Askham made a motion, effective July 13, 2020, to approve the public gathering application on behalf of the 2020 Apogee Dance Academy Dance Recital and authorize the issuing of the public gathering permit. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

h) Public Gathering Permit – PAC: 2021 Charity Concert and Motorcycle Ride

Ms. DiNunno spoke about the noise and possible traffic issues with this event.

Ms. Battos made a motion, effective July 13, 2020, to approve the public gathering application on behalf of the Simsbury Performing Arts Center, and to authorize the issuance of the public gathering permit for the 2021 Charity Concert and Motorcycle Ride. Mr. Askham seconded the motion. All were in favor and the motion passed.

i) Public Gathering Permit – Simsbury Airport 2020 Food Truck Event

Mr. Glidden said this is a version of the Fly-in. There will be 8-9 food trucks there within ½ mile. People will get paper menus and then go to cashier. The food will be delivered to their vehicles and they will be able to take the food home or go to a specified area to eat.

After some discussion on possible traffic issues, Mr. Paine made a motion, effective July 13, 2020, to approve the public gathering application on behalf of the Simsbury Airport and to authorize the issuance of the public gathering permit for the drive-thru food truck event, on the condition that all necessary food permits are obtained from the Farmington Valley Health District. Mr. Askham seconded the motion. All were in favor and the motion passed.

j) Road Acceptance for Murphy’s Turn

Mr. Wellman said the Planning Commission approved a subdivision on 46 Hildurcrest Drive. The developer has completed public improvements with the roadway and the utilities. The Town is comfortable with moving forward. The Town Attorney has reviewed the deed for the roadway and utilities.

After some discussion on erosion of the road and the rain, Mr. Askham made a motion, effective July 13, 2020, to refer the acceptance of Murphy’s Turn roadway to the Planning Commission pursuant to CGS §8-24. Mr. Paine seconded the motion. All were in favor and the motion passed.

k) Letter of Support for State Per Capita Funding for Local Health Departments

Mr. Wellman said the State is going to underfund its contribution to local health departments across the State. This would be about a \$17,000 reduction to the Farmington Valley Health District. They have been vital in their normal operations and now during this pandemic.

Mr. Askham made a motion, effective July 13, 2020, to demonstrate the Board of Selectmen’s support for fully funding the State Per Capita Funding for Local Health Departments, and to authorize the Town Manager’s Office to send a letter to the Governor’s office and the Acting Commissioner of the Department of Public Health. Ms. Battos seconded the motion. All were in favor and the motion passed.

l) Draft Ordinance to Prohibit the Intentional Feeding of Wildlife

Mr. Peterson said this wildlife situation is imperfect. The Committee tried to utilize all comments and put something that is meaningful and fair to all.

Mr. Askham made a motion, effective July 13, 2020, to adopt the proposed Ordinance Prohibiting the Intentional Feeding of Wildlife as presented, which shall be effective 21 days after publication in a newspaper having circulation within the Town of Simsbury. Further move to authorize a summary of the adopted Ordinance be published. Mr. Paine seconded the motion. All were in favor and the motion passed.

m) Letter to Governor, DEEP, and Other State Officials re: Wildlife Concerns

Mr. Wellman thanked everyone for their feedback on this issue. We are trying to make our Town a safer place to live. He said the Board has reached out to State Representative Hampton and Senator Witkos on this issue as well.

Mr. Peterson made a motion, effective July 13, 2020, to endorse the drafted letter about wildlife concerns in Simsbury. Further move to send the letter to the Governor, DEEP, and other State officials. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

n) Settlement Agreements to Resolve Claims Regarding: R. Newton/CSEA (MPP - 33825, MPP – 33831, Triple AAA Case 01-19-0004-1876

Ms. Capriola said this would be a final settlement on outstanding claims in this matter. She said the labor attorney negotiated with the union for this settlement.

Mr. Peterson made a motion, effective July 13, 2020, to approve the settlement agreements related to claims brought by R. Newton/CSEA including MPP-33825, MPP-33831, and Triple AAA Case 01-19-0004-1876. Mr. Paine seconded the motion. All were in favor and the motion passed.

Voting Process

Ms. Mackstutis read her proposed resolution to support the Governor Lamont’s executive order to use absentee ballots using COVID-19 during the primary ballots. She wants this order to include the November primary election as well.

There was discussion on poll workers concerns and how to comply with election laws. Mr. Askham doesn’t think it is right to push applications on people and doesn’t think the voter list is current.

Mr. Peterson said he thinks a letter, rather than a resolution, which really accomplishes the same thing, would be better. We just want to keep our residents safe.

Ms. Capriola said she and her staff would draft a letter and have a special meeting to discuss it and see if the Board wants to sign it.

REVIEW OF MINUTES

a) Regular Meeting of June 22, 2020

There were no changes to the Regular Meeting Minutes of June 22, 2020, and, therefore, the minutes were adopted.

b) Special Meeting of July 1, 2020

There were no changes to the Special Meeting Minutes of July 1, 2020, and, therefore, the minutes were adopted.

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) **Welfare** – there was no report at this time.
- d) **Public Safety** – there was no report at this time.
- e) **Board of Education** - there was no report at this time.

COMMUNICATIONS

- a) **Memo from M. Glidden, re: FEMA Flood Map Update, dated June 22, 2020** – there were no comments at this time.
- b) **Memo from M. Capriola, re: FY 19/20 Town Manage Performance Review Process and Timeline, dated July 9, 2020** – there were no comments at this time.
- c) **Memo from T. Roy, re: Revised Paving Schedule 2020, dated July 9 2020** – there were no comments at this time.

ADJOURN

Mr. Askham made a motion to adjourn at 9:25 p.m. Mr. Paine seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio
Clerk