

## **CALL TO ORDER**

The Regular Meeting of the Board of Selectmen was called to order at 6:00 p.m. on Zoon due to COVID-19. Present were: First Selectman Eric Wellman; Deputy First Selectman Sean Askham; Board members Jackie Battos, Wendy Mackstutis, Mike Paine and Chris Peterson. Other in attendance included Torn Manager Maria E .Capriola; Deputy Town Manager Melissa Appleby; Culture, Parks and Recreation Director Tom Tyburski; Planning and Community Development Mike Glidden; Town Engineer Jeff Shea; Zoning Enforcement Officer Tom Hazel; Library Director Lisa Karim; Lieutenant Sheehan; Police Chief Nicholas Boulter; Mark Scully; Public Works Director Tom Roy; Finance Director Amy Meriwether; Attorney Robert DeCrescenzo; Management Specialist Tom Fitzgerald and other interested parties.

## **PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

## **PRESENTATIONS**

### **a) Review of Police Department Policies and Procedures**

Mr. Wellman said over the summer the Police Chief and Police Commission conducted a review of Police policies, practices and procedures. This is quite a comprehensive document and he encouraged members of the public to read on the Police Department home page. Mr. Wellman said he looks at this as a partnership between the Police Department, Board of Selectmen, Police Commission and the Community.

Chief Boulter gave a presentation on the analysis of the Police Departments use of force policies, procedures and practices. He spoke about training for the Department, incidents with use of force, statutory requirements and Police expectations. He said the Department has a handcuff directive and the report also identifies some areas for consideration.

Chief Boulter said the Police Department has a great relationship with the Board of Selectmen, Police Commission, all Town Departments and the Community. He also said that the Police Commission accepted the Policies and Procedures on September 10, 2020.

### **b) Simsbury Sustainable CT Committee Update**

Mr. Wellman said the Town became a member of Sustainable CT in 2019 and we received a silver rating, which is the highest that can be received. The Committee is looking at creating a map of additional activities and investments that can be made now.

Cheri Calnan, Chairperson of the Sustainable CT Committee, said the Committee presented their 2019 report to the Board in February 2020. She said we are part of 169 municipalities with natural recognition areas of what achievements were submitted. They would like to create a student club as a sub-committee to include grades 7-12 now. They would like to do some fund raising and obtain their own web page.

Mark Scully said they are also working on water conservation, clean energy planning outreach, etc. They would also like to do an educational webinar. They want to be a good resource and educator.

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Mr. Roy said sustainability really does benefit Simsbury. When you reduce energy you save money, all with no cost to the Town. He said solar is saving about \$12,000 a year at Simsbury Farms. At Public Works, they save \$22,000 a year with solar. He also spoke about purchasing the street lights and how much the Town now saves with a better level of service.

**PUBLIC AUDIENCE**

- Email written comments to [ebutler@simsbury-ct.gov](mailto:ebutler@simsbury-ct.gov) by 12:00 p.m. on Monday, September 14, 2020 to be read into the record; or
- Email [tfitzgerald@simsbury-ct.gov](mailto:tfitzgerald@simsbury-ct.gov) by 12:00p.m. on Monday, September 14, 2020 to register to address the Board of Selectmen live through Zoom.

Dave Bush from the Culture, Parks and Recreation Commission joined on Zoom. He thanked the Board of Selectmen for all they do.

He spoke about the open space on 133 Holcomb Drive, item 1. He wants to support the acquisition of this property and wanted to implore the Board to do so. This property connects this property to the East Coast Greenway, which goes from Florida to Maine. The Rails-to-Trails cannot connect and East Coast Greenway through Simsbury without this property and this is a very unique opportunity.

Mr. Wellman read Benjamin Berger's e-mail, President of the Simsbury Soccer Club, who also spoke about open space at Meadowoods. He would like to add fields and parks for Simsbury, which are extremely important for our Town. He asked that his information be forwarded to Parks, and Recreation and the Board of Finance for review also.

Mr. Askham read an e-mail from Bryan Bulger, Simsbury Youth Lacrosse, who said he supports the Meadowoods purchase. One of the largest issues is not having enough field space availability. This space is truly need for our children. He would also like to have his letter given to the Board of Finance and Culture, Parks and Recreation.

Ms. Mackstutis read an e-mail from Joan Coe. She spoke about a special meeting for a public gathering permit, the golf course, Black Lives Matters issues, the Town Manager's contract, social distancing, pregnancy discrimination, and other issues.

Mr. Wellman read an e-mail from Steven Antonio about the orphaned property on 133 Holcomb Street. He said he has been very transparent in this purchase issue. He said he offering a conservation easement as no one can access this parcel without trespassing on his property. His neighbors agree that this should be approved and he should be allowed to purchase this land at full market value.

Mr. Askham read an e-mail from Lisa Antonio who also asked the Board to vote yes on their purchase of the orphaned land on their property. She said the Town figured out that orphaned properties don't create any value to the Town.

Mr. Wellman read an e-mail from Maria Ecke, who spoke about an ethics complaint, which was never addressed to her satisfaction. She spoke about salary increases, staff being dismissed, the Police Department, Town ethics, answering phones at Town Hall, the untimely death of her son, and other issues.

### **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**

#### **a) Road Acceptance for Murphy’s Turn**

Mr. Wellman said the Planning Commission approved the subdivision at 46 Hildurcrest Drive in 2013. The plan called for the construction of five single family homes that would be served by a public road. The developer has completed public improvements associated with this roadway and the utilities. Town staff is recommending that this roadway is now ready for acceptance by the Town.

Mr. Paine made a motion, effective September 14, 2020 to accept Murphy’s Turn roadway and related public improvements as a Town accepted roadway. Mr. Askham seconded the motion. All were in favor and the motion passed.

#### **b) Proposed Updates to Teen Services Librarian Classification**

Mr. Wellman said the Teen Services Librarian position is now vacant due to a resignation. After review of the description, some changes were made to class and pay level.

Ms. Mackstutis made a motion, effective September 14, 2020 to approve the proposed changes to the job description and pay grade for the Teen Services Librarian classification as presented. Mr. Askham seconded the motion. All were in favor and the motion passed.

#### **c) Tax Refund Requests**

Mr. Askham made a motion, effective September 14, 2020 to approve the presented tax refunds, in the amount of 22,291.45, 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.

#### **d) Public Gathering Permit – Simsbury Performing Arts Center – Mellon Farmers Free Concert**

Mr. Wellman said the Public Gathering Committee has approved the Mellon Farmers Free Concert to be held on September 27, 2020 at the Simsbury Performing Arts Center.

Ms. Battos made a motion, effective September 14, 2020 to approve the public gathering application for the 2020 Mellon Farmers free concert and to authorize the issuance of the public gathering permit for the event. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**e) Extension of Temporary Suspension of Acceptance of Cash Payments**

Mr. Wellman said Town staff is asking for the extension of suspending cash payments until January 1, 2021 due to COVID-19. This could help with the spread of this pandemic. Ms. Capriola said she has only received one complaint about not accepting cash transactions.

Mr. Askham made a motion, effective September 14, 2020, to extend the suspension of the acceptance of cash payments through January 1, 2021; exceptions may be authorized by the Town Manager or Finance Director, and further to waive transaction fees of \$5 or less through January 1, 2021 if electronic payments are not practicable. Aquatics, food concession transactions and all golf fees and purchases under \$5 should not be waived. This should remain in effect until revised or rescinded. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**f) FY2019/2020 Year End Financial Results**

Ms. Meriwether went through the 2019/2020 general fund revenues and expenditures. She said the general fund revenues are higher. Expenditures are under budget. She also went through the year end transfers.

Mr. Askham made a motion, effective September 14, 2020 to approve the schedule of year end transfers as presented. Mr. Paine seconded the motion. All were in favor and the motion passed.

**g) Proposed General Fund and Capital Transfers**

Ms. Meriwether went through the general fund and capital fund balances, which have a net increase to fund balance of \$2,996,644. She proposed General Fund and Capital Transfers.

After discussion, Mr. Askham made a motion, effective September 14, 2020 to approve the general fund and capital fund transfers as presented. Mr. Peterson seconded the motion. All were in favor and the motion passed.

**h) Proposed Police Private Duty Fund Transfers**

Ms. Meriwether went through the Police Private Duty Fund and how it should be closed out. She also went through some purchases that should be made for the Police Department. She said these purchases would save money for the Town if the purchases were done now.

After discussion, Mr. Askham made a motion, effective September 14, 2020 to approve using the Private Duty Fund for the purchase of three administrative vehicles for \$138,000 and car and body cameras at \$114,580. Mr. Paine seconded the motion. All were in favor and the motion passed.

**i) Proposed Settlement Agreement of Pending Tax Appeal for C-Tec Solar**

Mr. Wellman said this tax appeal was started two years ago for property at 1375 Hopmeadow Street. Attorney DeCrescenzo explained the settlement agreement and what happened in those two years. He said the Town Tax Collector and he discussed the settlement and how this would affect the Town.

After discussion, Ms. Mackstutis made a motion, effective September 14, 2020 to approve the attached settlement agreement for the tax appeal on the personal property located at 1375 Hopmeadow Street as

presented, and authorize Town Attorney Robert DeCrescenzo to execute the agreement. Ms. Battos seconded the motion. All were in favor and the motion passed.

**j) Proposed Settlement Agreement of Pending Tax Appeal for Willow Arms Apartments**

Mr. Wellman said the main contention of this appeal for 55 Elm Street is over the appropriate expense rate to be used for the valuation and below market rents and should reflect the restricted nature of the property.

Mr. Peterson made a motion, effective September 14, 2020, to approve the attached settlement agreement for the tax appeal on the property located at 55 Elm Street as presented, and authorize Town Attorney Robert DeCrescenzo to execute the agreement. Mr. Paine seconded the motion. All were in favor and the motion passed.

**k) Proposed Amendments to the Tax Credit for Elderly and Disabled Homeowners Ordinance**

Mr. Wellman said there were changes to the State Statutes which changed the eligibility for the program such that any owner of real property held in trust is eligible for the program if the owner is a grantor and beneficiary of the trust. Trusts were previously ineligible for the tax reduction.

Ms. Mackstutis made a motion, effective September 14, 2020 to schedule a Public Hearing at 6:00 p.m. at the Board of Selectmen's regular meeting on September 29, 2020 to solicit public comment regarding the proposed amendment to the Tax Credit for Elderly and Disabled Homeowners Ordinance. Ms. Askham seconded the motion. All were in favor and the motion passed.

**l) Disposition of a Portion of Open Space Located Along the Rear/Eastern Property Line for 133 Holcomb Street**

Mr. Wellman said the Town did listen to public comment on this open space property. The Board has discussed this issue several times as well.

After further discussion, Mr. Askham made a motion, effective September 14, 2020 to approve the sale of a portion of open space located along the rear/eastern property line for 133 Holcomb Street and the Board authorizes the Town Manager to negotiate sale price with the property owner of 133 Holcomb Street and further provision and sale should be tied to purchase of the easement. Ms. Battos seconded the motion. Mr. Wellman, Ms. Battos, Mr. Askham, Mr. Peterson, and Mr. Paine were in favor with Ms. Mackstutis against. Therefore, the motion passed.

**APPOINTMENTS AND RESIGNATIONS**

**a) Resignation of Edward LaMontagne from the Aging & Disability Commission**

Ms. Mackstutis made a motion, effective September 14, 2020, to accept the resignation of Edward LaMontagne as a regular member and Chairman of the Aging & Disability Commission retroactive to August 14, 2020 with thanks. Mr. Paine seconded the motion. All were in favor and the motion passed.

**b) Appointment to Simsbury Police Commission**

Mr. Askham made a motion, effective, September 14, 2020, to appoint Travis Schweizer (R) as a regular member to the Police Commission, with a term expiring on January 1, 2021. Ms. Battos seconded the motion. All were in favor and the motion passed.

**REVIEW OF MINUTES**

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

No changes were made to the Regular Meeting Minutes of August 10, 2020, and, therefore, the minutes were adopted.

**b) Special Meeting of August 28, 2020**

No changes were made to the Special Meeting Minutes of August 28, 2020, and, therefore, the minutes were adopted.

**c) Special Meeting of September 3, 2020**

No changes were made to the Special Meeting Minutes of September 3, 2020, and, therefore, the minutes were adopted.

**SELECTMEN LIAISON AND 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.

**COMMUNICATIONS**

- a) **Letter from M. Capriola and T. Roy, Re: temporary Traffic Calming Measures – Intersection of Notch and West Mountain Roads, dated August 10, 2020** – there was no discussion at this time.
- b) **Letter from M. Berry to PURA, Re: Eversource Response to Storm Isaias, dated August 19, 2020-** there was no discussion at this time.
- c) **Memorandum from M. Capriola Re: Administrative Approvals of Public Gathering Permits, dated September 2, 2020** – there was no discussion at this time.
- d) **Memorandum from M. Glidden Re: Affordable Housing Plan – Planning Commission, dated September 9, 2020** – there was no discussion at this time.

**EXECUTIVE SESSION**

- a) Pursuant to CGS §1-200(6)(E), discussion of a document that is exempt from disclosure under CGS §1-210(b)(10), documents that are covered by the attorney-client privilege
- b) Pursuant to CGS §1-200(6)(A): Town Manager’s Contract Renewal, January 2021 – January 2024

**c) Pursuant to CGS §1-200(6)(A) Town Manager’s Annual Performance Review**

Mr. Askham made a motion to adjourn to Executive Session Pursuant to CGS §1-200(6)(E), discussion of a document that is exempt from disclosure under CGS §1-210(b)(10), documents that are covered by attorney-client privilege at 9:13 p.m., and to include Mr. Tyburski, Ms. .Capriola, and Attorney Robert DeCrescenzo. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion to adjourn to Executive Session Pursuant to CGS §1-200(6)(A): Town Manager’s Contract Renewal, January2021-January 2024 and Pursuant to CGS §1-200(6)(A) Town Manager’s Annual Performance Review. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

**ADJOURN**

Mr. Askham made a motion to adjourn at 10:12 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio  
Clerk