

**TOWN OF SIMSBURY – BOARD OF SELECTMEN
REGULAR MEETING MINUTES – SEPTEMBER 28, 2022
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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 and via Zoom. Present were: First Selectman Wendy Mackstutis; Deputy First Selectman Amber Abbuhl; Board members: Heather Goetz, Eric Wellman, Chris Peterson and Sean Askham (via Zoom). Others in attendance included: Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Public Works Director/Town Engineer Tom Roy; Finance Director Amy Meriwether (via Zoom); Director of Culture, Parks and Recreation Tom Tyburski (via Zoom);

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC AUDIENCE

- Participants can address the Board of Selectmen in person at the meeting
- Written comments can be emailed to townmanager@simsbury-ct.gov. Written comments will not be read into the record, but forwarded to all Selectmen via email.

Joan Coe, 26 Whitcomb Drive, spoke about comments made during the September 12, 2022 Board of Selectmen meeting regarding the approval of the minutes, and her recent request for a personnel file at the Police Department.

FIRST SELECTMAN’S REPORT

Ms. Mackstutis, First Selectman, reviewed her First Selectman’s Report.

TOWN MANAGER’S REPORT

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

LIAISON AND SUB-COMMITTEE REPORTS

- Personnel** – no report at this time.
- Finance** – no report at this time.
- Public Safety** – Mr. Askham reported that they had a Public Safety meeting last week. They received the first report from their ambulance SVAA partners on the Car 17 second ambulance numbers, so those numbers were requested and their intent is to include those in the minutes.
- Board of Education** –no report at this time.

Mr. Peterson shared on behalf of Zoning that on October 17th there will be two discussions for public comment. The first is the likely extension of the moratorium for an additional six months on the allowance of a cannabis establishment in Town. The second is regarding retail cannabis in Town.

Mr. Wellman shared that the DEI Council was recognized by the Department of Justice for the good work they have done over the past couple years.

Ms. Abbuhl shared that the Arts & Crafts Festival held at the PAC was a great success with about 3,000 people attending. On October 24th from 4:30-6:30 p.m. there will be the sensory friendly

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Trunk or Treat event sponsored by the Aging and Disability Commission. Also, on October 20th at the Senior Center there will be a luncheon and fashion show from 12:00-2:00 p.m.

Ms. Goetz shared that the library will be having their pumpkin decorating contest on October 26th.

Mr. Peterson shared that at the Zoning Committee meeting there was a plan that's been ongoing but was a little more formalized regarding the Willow Arms Apartment Renovation. He stated there is a significant investment going on in that project and there are complete plans for the public to view.

Ms. Mackstutis made a motion to table item C in the appointments and resignations as the Town is looking at the history and timing of the past appointments and the outcome was not available for tonight. Mr. Wellman seconded the motion. All were in favor and the motion passed.

SELECTMEN ACTION

a) Tax Refund Requests

Mr. Wellman made a motion effective September 28, 2022 to approve the presented tax refunds in the amount of \$6,812.45, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

b) Communities Challenge Grant – Simsbury Meadows Band Shell Expansion

Ms. Capriola shared that this grant opportunity was brought to the Board of Selectmen last fall and they did apply under round one of the funding, unfortunately this project was not selected. Round Two of the funding is now open and they did ask the PAC to produce a business plan as part of the application so they have done that. The PAC did take the lead on updating the grant application. There is a match that is required, \$350,000 was allocated in the Town CIP for restrooms, however, it could be reallocated to the larger project should the grant be awarded. The PAC has provided match funds from their reserves as well as some sizable donations that they have received. The grant could be as little as \$740k but there could potentially be additional funds. Ms. Capriola stated that there could be a gap between the cost of the project and the revenue available; in the event that this happens they would need to come back to the BOS and evaluate options. Mr. Tyburski shared that the grant is due October 7th. Ms. Mackstutis recommended listing that we have a DEI Council in Town.

Ms. Goetz made a motion effective September 28, 2022, to authorize submittal of a grant application for the Communities Challenge Grant for the Performing Arts Center Facility. Mr. Wellman seconded the motion. All were in favor and the motion passed.

c) Alcohol Waiver Request – Apple Barn Event

Mr. Tyburski shared that there is going to be hosting a Paint & Sip night on October 20th as they try to expand their programming. The suggestion is to let the event be BYOB, it would be a 21 and over event.

Ms. Abbuhl made a motion effective September 28, 2022, to issue an alcohol permit for the legal possession and use of alcohol for an event at the Apple Barn on October 20, 2022. Mr. Wellman seconded the motion. All were in favor and the motion passed.

d) Proposed Revision to the Capital and Capital Non-Recurring (CNR) Fund Policy

Ms. Meriwether shared that this provision is something that came up during the Board of Finance policy

review. At the end of every fiscal year they do a closeout of any completed CNR projects, they offset any project overages with any project savings. The update to this policy just documents the current practice and it sets limits on how much may be overspent per project without coming back to the boards for formal approval.

Ms. Goetz made a motion effective September 28, 2022, to endorse the proposed revision to the Capital and Capital Non-Recurring (CNR) Fund Policy as presented. Mr. Peterson seconded the motion. All were in favor and the motion passed.

e) Creation of Work Group to Develop an Ordinance Prohibiting the Use of Tobacco, Vaping and Cannabis Products on Public Property

Ms. Mackstutis shared that this work group would coincide with the work being done by the Zoning Commission to make sure people understand there will be limitations on use if this regulation moves forward. She stated they are looking for two Board members to serve on this work group.

Ms. Abbuhl and Ms. Goetz volunteered.

Mr. Wellman made a motion effective September 28, 2022 to establish a Board of Selectmen work group to review the feasibility of establishing an ordinance to prohibit the use of tobacco, vaping and cannabis products on public property. Further move to appoint Amber Abbuhl and Heather Goetz to the work group. Mr. Peterson seconded the motion. All were in favor and the motion passed.

APPOINTMENTS AND RESIGNATIONS

a) Resignations from Community for Care Committee and Aging and Disability Commission

Mr. Wellman made a motion, retroactive to July 1, 2022, to accept the resignation of Deb Schwager as a Regular Member of the Community for Care Committee. Move, retroactive to September 15, 2022, to accept the resignation of Sally Rieger as a Regular Member of the Community for Care Committee.

Move, retroactive to September 12, 2022, to accept the resignation of Erin Leavitt-Smith as a Regular Member of the Aging & Disabilities Commission. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

b) Appointments to Various Boards and Commissions

Ms. Abbuhl made a motion effective September 28, 2022, to appoint Joleen Benedict as a Regular Member of the Design Review Board to fill a vacancy for a term ending/ December 6, 2025. Move, effective September 28, 2022, to appoint Elaine Lang as Regular Member of the Historic District Commission to fill a vacancy for a term ending January 1, 2023. Move, effective September 28, 2022, to move Jennifer Seiderer from an Alternate Member of the Aging & Disability Commission to a Regular Member to fill a vacancy for a term ending January 1, 2024. Mr. Wellman seconded the motion. All were in favor and the motion passed.

c) Reappointments to Business Development Committee

This agenda item was tabled.

REVIEW OF MINUTES

a) Regular Meeting of September 12, 2022

No changes were made to the September 12, 2022, Regular Meeting Minutes. Ms. Mackstutis declared the minutes approved and requested that they be put on record.

COMMUNICATIONS

- a) Memo from M. Capriola re: Public Gathering Permits, dated September 15, 2022
- b) Draft Written Comment from M. Capriola re: Proposed Aquarion Rate Increases, dated September 29, 2022

Ms. Capriola shared that for those residents who are on Aquarion’s system, the potential rate increase residents could see over a 3 year period is just under 28%. She stated she believes there are a number of factors that should be considered when Pura looks at this, i.e. inflation, assurances made during acquisition and high mineral content. She stated that there is an opportunity for residents to submit written comment in regards to the proposed rate increase. Mr. Roy thought it may be prudent for the Town to provide written comments on the proposed increases. Mr. Wellman stated that there is a piece of their proposal that he personally does support which is the tiered structure. The Board members supported that as well. The Board also agreed to signing the communication on behalf of the full Board.

- c) Letter from T. Roy re: Firetown Road Sidewalk Gap Closure Project, dated September 12, 2022

EXECUTIVE SESSION

Mr. Peterson made a motion to adjourn to Executive Session at 6:43 p.m. For the first item the attendees will include Town Manager Maria E. Capriola; Public Works Director Tom Roy; Superintendent Matt Curtis; and the full Board. For the second item, the attendees will include Town Manager Maria E. Capriola; Public Works Director Tom Roy; and the full Board. Item (c) will include only the Board of Selectmen. Ms. Goetz seconded the motion. All were in favor and the motion passed.

- a) Pursuant to General Statutes Section 1-200(6)(D): Purchase and Sale of Real Property – 2 Farms Village Road

- b) Pursuant to General Statutes Section 1-200(6)(D): Purchase and Sale of Real Property – Parcel A, Intersection of County Road and Holcomb Street

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

Ms. Abbuhl made a motion to adjourn from Executive Session at 9:04 p.m. Mr. Wellman seconded the motion. The motion passed with all in favor.

ADJOURN

Ms. Abbuhl made a motion to adjourn at 9:04 p.m. Mr. Wellman seconded the motion. The motion passed with all in favor.

Respectfully submitted,
Heather Taylor
Clerk