

From: Susan Mazurski May 14, 2009 9:45:43 AM  
Subject: Board of Selectmen Minutes 04/27/2009 AMENDED  
To: SimsburyCT\_SelectMin  
Cc:

TOWN OF SIMSBURY  
BOARD OF SELECTMEN  
AMENDED REGULAR MEETING MINUTES  
APRIL 27, 2008

#### CALL TO ORDER

The Regular Meeting of the Simsbury Board of Selectmen was called to order at 7:04 p.m. in the Main Meeting Room of the Simsbury Town Offices. Present were: First Selectman Mary Glassman; Board members Moira Wertheimer, Robert Hensley, John Hampton and Michael Long. Absent was Richard Hogan. Others in attendance were: Brandon Robertson, Richard Sawitzke, Gerry Toner, Dave Ryan, Police Chief Ingvertsen, Fire Marshall Kevin Kowalski, Sarah Nielsen, and other interested parties.

#### PUBLIC HEARING

The Board of Selectmen will hold a Public Hearing to receive public comment on a proposed "Signal Booster/BDA" (Bi-Directional Amplifier) Ordinance. The ordinance requires that covered buildings shall be required to support adequate public safety radio coverage for the Simsbury Police Department and Fire District. The ordinance would require that covered buildings that cannot support the required level of radio coverage must be equipped with either a "radiating cable system" or an "internal multiple antenna system" with battery back-up.

Mr. Hampton made motion to call the Public Hearing to receive public comments on a proposed "Signal Booster/BDA" ordinance. Mr. Hensley seconded the motion. All were in favor and the motion passed.

Fire Marshall Kevin Kowalski spoke about the proposed ordinance. He said reliability on communication is vital for the Town and its Police and Fire District. The Fire District works on a VHF consistent with the Police Department and Ambulance.

Mr. Kowalski said current standards require proper communications as a number one safety item for the fire service. There are still failures of the system in larger buildings with the radio waves. This creates a

tremendous problem with safety throughout the nation.

Mr. Kowalski said the National Fire Protection Association standard has added these requirements to the annex in the 2009 Fire Prevention Code. However, that the code that will be adopted this is actually one written in 2003. Mr. Kowalski asked the Board to approve the new ordinance as presented.

There were some questions about adding radio transmitters to help this problem. Mr. Kowalski said he didn't feel this would help as it is the density of the building. There could be a transmitter right outside of the building and they may still not be able to hear.

Robert Kalechman, 971 Hopmeadow Street asked for a dollar amount that needs to be spent to make these departments safe. Mr. Kowalski said this is a cost that the owner/builder of the building would have to pay, not the Town. The average cost is \$10,000 - \$25,000 per building. They will try the radio system they have now before asking the owner/builder to spend this on safety.

Chief Ingvertsen noted that West Hartford is the only community in Connecticut with a signal booster ordinance. The City of New Haven has a draft ordinance that is currently under review. There is a booster at the Hoyt's Theater building.

Joan Coe, 26 Whitcomb Drive asked if there would be an incentive if a builder/owner puts a system in such as a reduction in their insurance rate. That is something that can be further looked at.

After no further public comment, Ms. Wertheimer made motion to close the Public Hearing at 7:27 p.m. Mr. Hampton seconded the motion. All were in favor and the motion passed.

National Day of Prayer - May 7, 2009

The Board was given an Official Statement, from Governor Jodi Rell, about the annual observance of National Day of Prayer on May 7, 2009.

Ms. Glassman said Simsbury would hold a service on May 7, 2009 at noon at the Simsbury Town Hall clock.

PUBLIC AUDIENCE

Julie Meyer, 3 Eastview Drive was upset about the Board's decision to have Gresczyk Farms plant potatoes and corn at the triangle property. She asked why they didn't pick organic and didn't understand the process in which

this decision was made.

Ms. Meyer was very concerned about pesticide usage. She also didn't understand why they didn't pick a local farmer. She felt that price being paid to the Town was the only issue. Her comments are attached.

Ms. Glassman said she appreciated her concerns and did raise her concerns to an agricultural expert. The one lease was pending the DEP approval of the use of the pesticides. The three pesticides she was most concerned about will not be used by Gresczyk Farms at this property.

Ms. Glassman also noted that this is not a new issue and has been on the agenda for months now. The Board didn't rush to get a farmer at the property. The RFP was not sent out for organic farming only. All of the information has also been on the Town website. Everything was done in good faith by the Board.

Richard Sawitzke said Gresczyk Farms listed all pesticides that might be used. They are all registered on the DEP list. After the concerns on three of the pesticides, the Farm will not use these pesticides.

Peggy Shanks thanked the Board and staff for their hard work on the budget. She also thanked Ms. Meyer for her flyer and hard work to inform residents on the pesticides. She doesn't want another water issue because of these pesticides. There were enough problems with EDB the last time. She wants the local farmers to have better opportunities in Town.

Robert Kalechman, 971 Hopmeadow Street urged everyone to vote no on the budget, so it is made tighter.

Mr. Kalechman said he would like one acre of the triangle set aside for a community garden. He would also like more discussion on the farming at the property.

Sarah Nielsen from Simsbury Main Street Partnership said Eno Memorial Hall is starting to look great. She read a letter from Emil Dahlquist about hiring a qualified consultant to keep the preservation of the building design work. They are urging the hiring of a qualified person before more renovations are made.

Ms. Glassman introduced Eagle Scout, Courtland Carter from Troop 175. Mr. Carter said he is with Troop 175 from St. Mary's Parish. He built eight recycling bins at the cost of \$963.40. He raised the money by holding a car wash. He said they are made of cedar and pine and the design idea was his moms.

The Board and public thanked him for his project.

Anthony Napolitano, Old Farms Road also spoke about concerns of pesticide use at the triangle. He would also like community gardening. He would like the Board to reverse their decision and make a portion of the triangle organic gardening.

Alex Jamieson, Firetown Road also spoke about pesticides and fish kills and said the government is also thinking of going totally organic. He used to be a potato farmer and knows all about farming potatoes.

Mr. Jamieson said the UConn Agricultural Department would be willing to come and look at the land and explain how to handle it. It wouldn't cost the Town anything for them to come.

Paul Mikkelson, 11 Whitcomb Drive said he was also against Gresczyk Farms because of the pesticides. He felt the residents voted for open space.

Chris Noble, 15 Fairchild, a volunteer with SCTV, said they need volunteers to help community broadcasting and asked the community to help.

Susan Masino, 41 Madison Lane was also upset about use of chemicals and asked the Board to only allow local/organic farming at the triangle.

Diane Nash, 5 Merrywood thanked the Board for supporting the Arbor Day Celebration.

She noted that the Town Farm Dairy can start growing organic immediately. She said some of the buildings at the Dairy do need some upgrades. The property should be used to produce food for the poor and educational programs.

Ms. Glassman said the Board is awaiting a draft lease agreement for Town Farm Dairy.

Joel Mandell, 7 Harriet Lane spoke about the flyer on item c. He said there will be two votes at the Town Meeting and the flyer is misleading.

Mr. Mandell applauded the Performing Arts Committee for bringing Earth, Wind & Fire to the Town.

Mr. Mandell noted that there will be two Memorial Day Parades - at 9 am in Tariffville and 1:30 pm in Simsbury. There will be ceremonies after each parade.

Joan Coe, 26 Whitcomb Drive spoke again about a Town Management form of

government.

Ms. Coe is also concerned about pesticides at the triangle property. She asked that the Board withdraw the contract with Gresczyk Farms. Ms. Coe gave the Board a picture of the pool on the property. She also gave an article about pesticide usage.

Ms. Coe spoke about the receptionist allegedly being discriminated against.

Ms. Coe asked that the Board vote no on the purchase of Aquarion as the Town is not in the Real Estate management. The purchase is not in the best interest of the tax payers.

Ms. Coe had a picture of a license holder for cars being sold by Hoffman showing it is in Avon even though the Town of Simsbury just gave them a tax abatement. These license holders should be changed to say Simsbury.

Ms. Coe said the Board should deny the request for the sale of liquor on Town property for the Earth, Wind and Fire Concert due to a liability issue for the Town.

She asked that the residents vote no on the Capital Expenditure budget.

All of Ms. Coe's comments can be read on [Simsbury.com/forum](https://www.simsbury.com/forum).

Sue Bednarczyk, 119 East Weatogue Road said she received a flyer on pesticide usage and went on the internet to look up further information. She asked the Board to reconsider their contract with Gresczyk Farms.

Leon Interrante, 9 Whitcomb Drive said he is three properties from the triangle property at issue. He asked that the Board take time with looking into everything before making a decision on this property and asked that UConn come out to help us with this issue.

Nancy Scott, 143 Bushy Hill Road asked that the Board step back and look at what better products can be grown at the property. There needs to be an overall plan and more discussion on this property before any plans are made.

Dennis Ramos, 136 Holcomb Street said there are enough poisons in the environment and read a few other articles about premature birth and other health issues. He doesn't want pesticides used either.

Lisa Harris, 436 Firetown Road looked at all other chemicals listed from the Farms as well. They are all hazardous and she feels the neighborhood should be protected from pesticides.

Mark Turpin, 16 Sanctuary Drive said there is an increase in autism and allergies with an increase in a toxic environment. The Town needs to weigh the risk with the rewards.

Mr. Long made motion to suspend the rules and amend the agenda to add another item for consideration tonight - to reconsider the action taken at the April 13, 2009 meeting to approve the Gresczyk Farms agricultural use of the Barndoor/Firetown/Holcomb Triangle. Ms. Wertheimer seconded the motion. All were in favor and the motion passed.

Ms. Glassman thanked everyone for their comments. She noted that the Board also had some concerns and there was a deliberate process that was followed. There were many discussions on this property, open to the public. There was no rush on this issue. The Board has heard everyone tonight.

Ms. Wertheimer noted that the decision was not only about the money. She feels that surrounding Towns are part of Simsbury. Also, she felt that this farmer was very knowledgeable about farming, especially seeing that he was a former Agricultural Commissioner.

Mr. Hensley noted that the Board had the best interest of the Town at heart. He is apprehensive going further with anything at this time.

Ms. Glassman said that she doesn't want complaints when residents see all weeds there or if they do decide to go organic, she doesn't want complaints about the smells from there.

After discussion, Ms. Wertheimer made motion to table the issue on the triangle property. Mr. Hensley seconded the motion. All were in favor and the motion passed.

## PRESENTATION

Presentation by Town Meeting Moderator Joel Mandell regarding proposed revised Rules and Procedures for the Conduct of Town Meetings.

Mr. Mandell said he is preparing for the Town Meetings. He went through the proposed rules that he redrafted. He said these drafted rules conform to the Town Charter. He held a Public Hearing to public comment. This draft is done with the Town Attorney's approval. The changes are also on the Town's website and will be voted on at the Town Meeting.

After going through the changes/corrections, Ms. Glassman thanked Mr. Mandell for his time and hard work.

## ACTION ITEMS

a) Review, discuss and possibly approve minutes of the following regular and special meetings:

\* April 13, 2009 Special Meeting Minutes

Mr. Hampton made motion to approve the minutes of the April 13, 2009 Special Meeting. Ms. Wertheimer seconded the motion. All were in favor and the motion passed.

\* April 13, 2009 Regular Meeting Minutes

Mr. Hensley made motion to approve the minutes of the April 13, 2009 Regular Meeting with a spelling correction to Sarah Nielsen. Mr. Long seconded the motion. All were in favor and the motion passed.

b) Review, discuss and approve the Annual Town Meeting Notice, which includes an item to approve the date, time and location of the referendum.

Mr. Long made motion to approve the Annual Town Meeting Notice, including the date, time and location of the referendum. Mr. Hensley seconded the motion. All were in favor and the motion passed.

c) Review, discuss and approve a budget flyer as required by C.G.S. Sec. 9-369b.

Mr. Long made motion to approve a budget flyer as required by C.G.S. Sec. 9-369b. Mr. Hensley seconded the motion. All were in favor and the motion passed.

d) Review, discuss and possibly authorize the First Selectman to execute an agreement with the Metropolitan District Commission for Household Hazardous Waste Collection Event.

Ms. Wertheimer made motion to authorize the First Selectman to execute an agreement with The Metropolitan District Commission for Household Hazardous Waste Collection Event, to include 1 lb. propane tanks, as presented. Mr. Long seconded the motion. All were in favor and the motion passed.

e) Review, discuss and possibly authorize the First Selectman to execute a License Agreement with the Reach Foundation for a musical concert entitled "The Reach Music Festival featuring, Earth, Wind & Fire."

Mr. Ryan said the Earth, Wind & Fire Concert will be held on August 29, 2009, with no rain date. He noted that Mark Wilson, President of Reach

Foundation will be asked to sign the modified agreement as the Performing Arts Board has approved the license agreement.

Mr. Long made motion to approve the contract and license agreement to access land owed by the Town of Simsbury for the Reach Foundation musical concert entitled "The Reach Music Festival featuring, Earth, Wind & Fire" with the corrections noted. Mr. Hensley seconded the motion. All were in favor and the motion passed.

Mr. Hensley made motion to move item g before item f. Ms. Wertheimer seconded the motion. All were in favor and the motion passed.

g) Review, discuss and possibly approve a request as may be approved by the Performing Arts Center Board, to authorize the First Selectman to execute an application to the Zoning Commission, as property owner, to allow Rider Productions and the Reach Foundation, to apply for permission to sell alcohol on the premises of the Performing Arts Center at Simsbury Meadows in conjunction with the Earth, Wind and Fire Concert as may be approved as agenda item (e).

Mr. Ryan said the Performing Arts Board did not make a recommendation on serving alcohol at this concert. They do feel that this Foundation has done this before, might be a good pilot project, and would be responsible. They haven't made a study on this, but do recommend the Board apply for permission for this licensee.

Ms. Glassman said the Board felt that they would like more clarification on what they want to sell, if there are trained servers, and how they would regulate the sales.

After further discussion, the Board did not feel comfortable with the sale of alcohol at the concert and would like further study. No action was taken

f) Review, discuss and possibly approve tax refunds in the amount of \$802.66 as requested and recommended by the Tax Collector.

Mr. Long made motion to approve tax refunds in the amount of \$802.66 as requested and recommended by the Tax Collector. Mr. Hensley seconded the motion. All were in favor and the motion passed.

## REPORTS

a) Report regarding review of Code of Ethics-Acknowledgment Forms as filed in the First Selectmen's Office.

Ms. Glassman noted that everyone has filed their Code of Ethics forms as



required.

b) Initial report regarding review of Tax Abatement Program

Ms. Glassman said the Board has a lot of information in their packets and further information will be obtained on this issue for the next meeting.

#### SUB-COMMITTEE REPORTS

a) Personnel

Review, discuss and possibly approve the purchase of a vehicle as requested by the  
Superintendent of the Wastewater Treatment Plant.

Mr. Long made motion to approve the purchase of a Ford F150 pick-up truck as presented by the Wastewater Treatment Plant Superintendent. Mr. Hampton seconded the motion. All were in favor and the motion passed.

Mr. Long said the staff should consider the best use for the replaced vehicle.

Mr. Long noted that there should be a policy in place for requests for the purchase of vehicles and reuse of vehicles. This should come from the office of the Director of Public Works.

b) Finance - no report at this time.

c) Welfare -no report at this time.

d) Public Safety

Review, discuss and possibly take action regarding a proposed  
“Signal Booster/BDA (Bi-Directional Amplifier Ordinance.

Mr. Long made motion to table item d. Ms. Wertheimer seconded the motion. All were in favor and the motion passed.

#### APPOINTMENTS AND RESIGNATIONS

None at this time.

#### LIAISON REPORTS

None at this time.

#### EXECUTIVE SESSION

\*Pending claim regarding Captain Peter Sevetz pertaining to his  
separation from  
Town service

\* Pending claim regarding Robert Wise

Mr. Hensley made motion to adjourn to Executive Session at 10:23 p.m. Mr.  
Long seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Mary A. Glassman  
First Selectman