

Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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SIMSBURY BOARD OF SELECTMEN Regular Meeting – October 14, 2020 – 6:00 p.m.

PLEDGE OF ALLEGIANCE

PUBLIC HEARING

- a) Proposed Amendments to the Tax Abatement for Volunteer Firefighter and Ambulance Personnel Ordinance

PUBLIC AUDIENCE

- Email written comments to ebutler@simsbury-ct.gov by 12:00 PM on Wednesday, October 14, 2020 to be read into the record; or
- Email tfitzgerald@simsbury-ct.gov by 12:00 PM on Wednesday, October 14, 2020 to register to address the Board of Selectmen live through Zoom.

PRESENTATION

- a) Economic Development Commission Annual Report

FIRST SELECTMAN'S REPORT

TOWN MANAGER'S REPORT

SELECTMEN ACTION

- a) Tax Refund Requests
- b) Acceptance of Donation from Big Y for the Simsbury Police Department's Blue for Pink 2020 Campaign
- c) Application for Community Connectivity Grant Firetown Road Sidewalk Extension
- d) Road Acceptance for Hendricks Lane
- e) Proposed Public Gathering Permit – Wedding Event
- f) Proposed Simsbury SPIRIT Council Statement of Purpose and Procedures
- g) Request for Rent Abatement – Simsbury Farms Restaurant
- h) Summary of Town Manager's Performance Review
- i) Town Manager's Employment Agreement, 2021-2025

APPOINTMENTS AND RESIGNATIONS

- a) Appointments to Simsbury SPIRIT Council

REVIEW OF MINUTES

- a) Special Meeting of September 29, 2020

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

- a) Personnel

- b) Finance
- c) Welfare
- d) Public Safety
- e) Board of Education

COMMUNICATIONS

- a) Memo from E. Wellman, re: In-Person Meetings, dated October 14, 2020
- b) Memo from M. Capriola re: Administrative Approval of Rain Date for Halloween Spooktacular Event, dated October 7, 2020
- c) Memo from M. Capriola re: Administrative Approval of Public Gathering Permit, dated October 8, 2020

EXECUTIVE SESSION

- a) Pursuant to CGS §1-200(6)(E), discussion of an exempt document

ADJOURN



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Public Hearing - Proposed Amendments to the Tax Abatement for Volunteer Firefighter and Ambulance Personnel Ordinance

2. **Date of Board Meeting:** October 14, 2020

3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager *Maria E. Capriola*

4. **Action Requested of the Board of Selectmen:**
No action is needed during the public hearing, other than to close the hearing. The Board will consider the proposed amendments to the ordinance at a later Board of Selectmen meeting.

5. **Summary of Submission:**
At the September 29, 2020 meeting, the Board of Selectmen scheduled a public hearing to receive public comment regarding the proposed amendments to the Tax Abatement for Volunteer Firefighter and Ambulance Personnel Ordinance for 6:00pm on October 14, 2020 based on scenario A that staff presented to the Board of Selectmen. Per the Town Charter, the Board of Selectmen is required to have at least one public hearing on a new or amended ordinance.

The public hearing notice is attached.

6. **Financial Impact:**
Once fully implemented, if the maximum amounts allowable are implemented, the estimated annual cost of the program would double to approximately \$135,000. As presented, Sample A would result in an unbudgeted revenue loss of \$33,500 for the current fiscal year.

Scenario A represents an aggregate financial impact of \$72,500 over 3 fiscal years with the greatest impact in Fiscal Year '21 and Fiscal Year '23.

7. **Description of Documents Included with Submission:**
 - a) Public Hearing Notice
 - b) Draft Amendments to Ordinance

**TOWN OF SIMSBURY
PUBLIC HEARING NOTICE**

Public Hearing Date: Wednesday, October 14, 2020 at 6:00 p.m.

Notice is hereby given pursuant to Section 404 of the Charter of the Town of Simsbury that the Board of Selectmen will hold a public hearing on Wednesday, October 14, 2020 at 6:00 p.m. to receive public comment regarding the proposed amendments to the Volunteer Firefighter and Ambulance Personnel Tax Abatement Ordinance (Simsbury Code of Ordinances, Article V, Chapter 141). A copy of the proposed revised ordinance can be found on the Town of Simsbury's website, www.simsbury-ct.gov on the Board of Selectmen's page. Pursuant to Executive Order No. 7B, issued by the Governor on March 14, 2020, in-person public access to the hearing is suspended. The public may view the meeting live and rebroadcast on Comcast Channels 96 and 1090, Frontier Channel 6071, or live on-demand at www.simsburytv.org. Members of the public may email statements to EButler@simsbury-ct.gov by 12:00 p.m. on October 14, 2020 to have their comments read into the record at the hearing. Alternatively, members of the public may email tfitzgerald@simsbury-ct.gov by 12:00 PM on Tuesday October 14, 2020 to register to address the Board of Selectmen live through Zoom.

**TOWN OF SIMSBURY
PROPOSED AMENDMENT OF TOWN ORDINANCE**

CHAPTER 141, ARTICLE V

Tax Abatement For Volunteer Firefighters and Ambulance Personnel

Chapter 141. Taxation

Article V. Tax Abatement For Volunteer Firefighters and Ambulance Personnel

[Adopted 4-23-2001]

§ 141-16. Purpose.

The Town of Simsbury is desirous of showing its appreciation for the faithful and courageous performance of the duties performed by the Simsbury Volunteer Fire Company and the Simsbury Volunteer Ambulance Association personnel in the Town of Simsbury and to encourage others to become firefighters and ambulance personnel. These reasons have provided for the Town to establish a tax abatement program pursuant to Section 12-81w of the Connecticut General Statutes as amended by Public Act No. 99-272, Section 6, for volunteer fire and ambulance personnel on the conditions set forth in this section and §§ 141-17 through 141-22.

§ 141-17. Abatement schedule.

[Amended ~~4-25-2016~~ 10-14-2020]

Each volunteer firefighter of the Simsbury Volunteer Fire Company and each volunteer of the Simsbury Volunteer Ambulance Association (collectively "volunteer") who is eligible pursuant to § 141-18 to receive a tax abatement shall have his or her real estate and/or motor vehicle property taxes owed to the Town of Simsbury for the current fiscal year abated in an amount equal to the lesser of the total amount of his or her real estate and/or motor vehicle property taxes owed to the Town of Simsbury for such fiscal year or an amount as calculated in the following schedule:

| Years of Eligible Volunteer Service to Simsbury Volunteer Fire Company and/or Simsbury Volunteer Ambulance Association | Dollar Amount of Taxes Abated Per for Fiscal Year 19/20 |
|---|---|
| 2 up to 5 years of eligible service | \$500 |
| 5 years of eligible service or more | \$1,000 |
| Years of Eligible Volunteer Service to Simsbury Volunteer Fire Company and/or Simsbury Volunteer Ambulance Association | Dollar Amount of Taxes Abated for Fiscal Years 20/21 & 21/22 |
| 2 up to 5 years of eligible service | \$750 |

| Years of Eligible Volunteer Service to Simsbury Volunteer Fire Company and/or Simsbury Volunteer Ambulance Association | Dollar Amount of Taxes Abated Per for Fiscal Year 19/20 |
|---|---|
| 5 years of eligible service or more | \$1,500 |
| Years of Eligible Volunteer Service to Simsbury Volunteer Fire Company and/or Simsbury Volunteer Ambulance Association | Dollar Amount of Taxes Abated for Fiscal Year 22/23 |
| 2 up to 5 years of eligible service | \$1,000 |
| 5 years of eligible service or more | \$2,000 |

§ 141-18. Eligibility.

[Amended 6-25-2007; 4-25-2016]

A.

To be eligible for the tax abatement pursuant to § 141-17 for any fiscal year, an eligible volunteer shall, on or before April 30 prior to such fiscal year, present to the Tax Collector a written statement certified by the Chief of the Simsbury Volunteer Fire Company or the President of the Simsbury Volunteer Ambulance Association, which statement shall include the name and address of said volunteer, that said volunteer has served as an active volunteer in good standing for the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association for not less than the two immediate preceding calendar years, and the total number of years of service of said volunteer. "Volunteer in good standing" for members of the Simsbury Volunteer Fire Company shall be defined as set forth in the bylaws of the Simsbury Volunteer Fire Company. "Volunteer in good standing" for members of the Simsbury Volunteer Ambulance Association shall be defined as a regular ambulance volunteer who has done 288 qualifying hours in the year preceding October 1. "Years of service" shall not be deemed to have been interrupted by medical leave authorized by the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association, leave for military service for the United States of America, or leave covered under the Connecticut Workers' Compensation Act.

B.

A person who terminates his or her volunteer service to the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association shall, upon his or her return to volunteer service to the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association, be eligible for the tax abatement provided under Section § 141-17 only after he or she completes one full calendar year of volunteer service. Such volunteer's total years of service shall then include any previous years of volunteer service to the Simsbury Volunteer Fire Company and/or the Simsbury Volunteer Ambulance Association.

C.

Any volunteer who a) has served for a minimum of 25 years of service as an active volunteer in good standing as defined in § 141-18 of this Article V; and b) terminates his or her volunteer service; and c) is otherwise eligible for the tax abatement program defined in this Article V, shall continue to receive a tax abatement in the amount ~~of \$1,000~~ designated for members with 5 years of eligible service or more as set forth in § 141-17 of this Article V per

annum as long as they continue to (1) reside in Simsbury or (2) own a motor vehicle registered to a Simsbury address or (3) own taxable property in the Town of Simsbury.

§ 141-19. Application.

The tax abatement provided under this article shall be applied first against any real property taxes owing to the Town of Simsbury and then against any motor vehicle taxes owing to the Town of Simsbury. In the event that the tax to which the abatement is applied is paid in installments, then the abatement shall be applied 50% to each installment. The tax abatement provided under this article shall be applicable for any real property or motor vehicle owned by a volunteer and eligible for such abatement regardless of whether such property is owned individually, jointly or as tenant in common with one or more other persons, provided that said ownership interest is recorded in the name of the volunteer on the Simsbury Grand List. For property acquired by the volunteer during the Grand List Year, the abatement shall be prorated in the same manner and to the same degree as the underlying tax liability. The tax abatement provided under this article only applies to taxes owed to the Town of Simsbury by volunteers in good standing who continue to (1) reside in Simsbury or (2) own a motor vehicle registered to a Simsbury address or (3) own taxable property in the Town of Simsbury.

§ 141-20. Records.

The Tax Collector of the Town of Simsbury shall maintain a record of all taxes abated in accordance with this article.

§ 141-22. Effective date.

Revisions to this article shall take effect and shall be applicable to taxes owing beginning with taxes on the Grand List of ~~October 1, 2018, for tax payments due July 1, 2019—June 30, 2020~~ October 1, 2019, for tax payments due July 1, 2020 – June 30, 2021.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Economic Development Commission Annual Report
2. **Date of Board Meeting:** October 14, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Melissa Appleby, Deputy Town Manager; Bob Crowther, Economic Development Commission Chair
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
No action requested at this time. This item is informational.

5. **Summary of Submission:**

The Economic Development Commission (EDC) Ordinance requires that the EDC present annually to the Board of Selectmen by October 31st, and that the Board of Selectmen provide direction to the EDC annually by November 30th.

Excerpted language, Chapter 9 Section 5 of the Code of Simsbury states:

A. On or before the 31st day of October each year, the Commission shall prepare and submit to the Board of Selectmen an annual report of its activities and, if applicable, recommendations for improving the economic condition and development of the Town. The Commission may be asked from time to time to present more frequent reports of its activities and to appear before the Board of Selectmen to report on those activities.

B. The Board of Selectmen will provide direction and goals to the Commission on an annual basis on or before the 30th day of November each year.

The Board of Selectmen adopted a 2019-2020 work plan for the EDC (attached) with four main areas of focus: business incentives; marketing; business outreach; and supporting entrepreneurs. This evening, EDC Chair Bob Crowther will provide an overview of the Commission's activities over the last year. A summary of their activities and observations is provided as an attachment.

The EDC will offer suggestions for 2020-2021 work plan activities over the coming weeks. BOS discussion on the work plan will tentatively begin October 26th, and will be a continued topic of conversation during November. The 2020-2021 EDC work plan will be finalized by the Board of Selectmen on or around November 23, 2020.

6. **Financial Impact:**
None

7. Description of Documents Included with Submission:

- a) Economic Development Commission 2019-2020 Annual Report
- b) Economic Development Commission 2019-2020 Adopted Work Plan

Town of Simsbury Economic Development Commission

Yearly Update
October 2019 – September 2020

Agenda

- Economic Development Commission (EDC) Mission & Team Members
- Overview of Economic Development in Simsbury and the Role of the EDC
- Review existing Workstream Projects and Team Assignments
- Accomplishments to Date
- Plans for next 6-12 Months
- Q&A Session
- Appendix

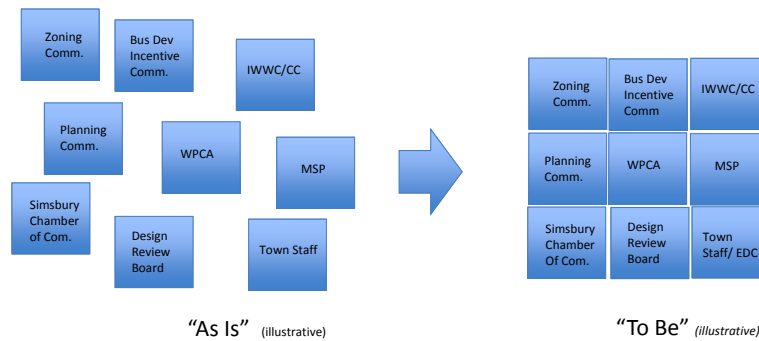
Economic Development Commission (EDC) Mission & Team Members

- EDC Mission Statement
 - *The Commission shall serve as an advisory board to the Board of Selectman. The purpose of the Commission shall be to promote and develop the economic resources of the Town and to advance the Town’s economic development goals as defined by the Board of Selectman. The Commission shall be empowered to conduct research into economic conditions and trends, and to collaborate with community organizations which promote economic development.*

- Team Members
 - Bob Crowther, Chair, Business Recruitment, Outreach & Retention, liaison to Sustainability Committee
 - Tom Earl - Business Incentives, liaison to Business Development Incentive Committee
 - Brooke Freeman - Support Entrepreneurs, liaison to MSP
 - Ron Jodice – Liaison to Zoning Commission
 - Peter Van Loon – Business Incentives, Co-working, liaison to Business Development Incentive Committee
 - Charmaine Seavy – Support Entrepreneurs, liaison to Tourism

- Staff Members, Ex-Officio Members, and Community Partners
 - Maria Capriola - Town Manager and ex-officio member
 - Melissa Appleby - Deputy Town Manager
 - Mike Glidden - Director of Planning & Community Development
 - Tom Fitzgerald – Management Specialist
 - Morgan Hilyard - Director of Simsbury Chamber of Commerce
 - Sarah Nielsen – Executive Director of Main Street Partnership
 - Bill Rice – ex officio member from the Planning Commission
 - Diane Madigan – ex officio member from the Zoning Commission
 - Andrew Sherman – Simsbury Library Business and Career Center Coordinator
 - Jackie Battos – Board of Selectmen representative and ex-officio member

The role of the EDC is to create an environment that will enable economic development to occur in Simsbury through effective communication and efficient processes



- **Communication** – The EDC will work across the groups to share information, help identify issues and assist in problem solving. We will do this by attending each others meetings, having a liaison to the other commissions, and reporting to the larger group.

- **Process** – Having efficient Economic Develop Processes will ensure that Simsbury is being responsive to existing and future business owners. We will do this through our Business Outreach process and continuous improvement of the Business Development approval process cycle.

Draft

The Commission was initially tasked with four (4) Work Streams with additional Work Streams being created through these efforts.

| Work Stream | Task | Assignments | Status |
|---|---|--|---|
| Business Incentives* | Complete research on business incentives. Provide recommendations/updates to Business Incentive Policy. | Tom Earl & Peter Van Loon Staff: Maria Capriola | Final draft is in review before submission to Board of Selectmen. Target implementation by 01/21. |
| Marketing* | Complete marketing materials refresh for tourism, real estate, and business recruitment | Charmaine Seavy & Brooke Freeman Staff: Sarah Nielsen | Activity impacted by COVID response. Funding carry forward to FY 20/21. Scope of work being prepared. |
| Business recruitment, retention & outreach* | Create a process to conduct business outreach. Collect & track feedback | Bob Crowther, Charmaine Seavy & Tom Earl Staff: Mike Glidden | Process has been created and began implementing in early 2020. Efforts impacted by COVID-19. |
| Strategic Vision* | Review past studies to identify items for implementation | Bob Crowther & Ron Jodice Staff: Melissa Appleby & Mike Glidden | Implemented recommendations for Zoning approval processes and consolidation of Land Use Regulations |
| Marketing | Assist with promoting Simsbury 350 th Anniversary events | Charmaine Seavy, TBD Staff: Lisa Karim | Impacted by COVID-19 |
| Support Entrepreneurs | Promote access to business resources, information and infrastructure for entrepreneurs. | Peter Van Loon & Ron Jodice Staff: Andrew Sherman | Work in progress |
| Support Entrepreneurs | Develop a town-wide plan to create co-working space | Peter Van Loon & Ron Jodice Staff: Andrew Sherman | Work in progress |
| Business Outreach * Original 4 Workstreams | Assist with gathering feedback on wayfinding signage needs (type, location, etc) | TBD – 2 Staff: Sarah Nielsen | Placed on hold due to no appropriation in FY 19/20 or FY 20/21. |

The Business Incentives team has completed extensive research and is preparing the final document recommendation for the Board of Selectmen to review and approve

- EDC Leads – Peter Van Loon, Tom Earl with Maria Capriola

Research

- Reviewed current Simsbury incentives
- Spoke to other towns about their incentives, processes and results, i.e. Windsor, West Hartford, Manchester
- Reviewed web sites of other states and cities
- Leveraged the EDC roundtable to query Simsbury business leaders and owners
- Reviewed recent survey spreadsheet of 30 towns in Connecticut that focused on types of business incentives each town offered
 - 7 of the 30 towns did not offer incentives
 - Several offered tax incentives and no or reduced permit fees.

Previous Activities in 2018-19

- EDC has a representative on the Business Development Incentive Committee
- Worked through the EBAD application process and ultimate approval of the Tax Abatements

Insights Gained/Lessons Learned

- Incentives are derived and subject to state law
- Transparency is a “must” into the process, from permitting to business incentive approval, and its ease of use is of primary importance.
- Financial incentives are not a primary reason for locating or expanding in Simsbury. Attitude and other economic factors, e.g. labor pool quality, quality of life, access to transportation, are of primary consideration
- Businesses desire certainty of government action for their own planning, i.e. “. . . **Get the process right!**”
- Town of Simsbury is regarded for its supportive attitude towards business

Activity in 2019-20

- Completed multiple iterations of draft recommendations for Town Policy on Business Incentives.
- Key elements of the policy include
 - Detailed Process* with clearly defined responsibilities for financial analysis, reviews, recommendations & approvals
 - Transparency* of the process by adding relevant documentation to the Town website
 - Accountability* by including anticipated benefits into the legal contract with provisions on tracking and reporting of said benefits.
- Plan to present to Board of Selectmen in 4Q 2020 for approval with targeted implementation is 01/21.

Strategic Vision - From the recommendations of the multiple Town Studies, the Economic Development Commission has completed its tasks on four (4) additional Work Streams

EDC Leads – Bob Crowther, Ron Jodice with Melissa Appleby & Mike Glidden

| Identified workstreams from 2019 analysis | Responsible parties | Status |
|--|---|-----------|
| 1. Review the application approval process for any new or existing land use proposals to ensure it is as efficient and effective as possible | Ron Jodice, Jackie Battos, Mike Glidden | Completed |
| 2. Review and amend Land Use regulations to consolidate and simplify zoning regulations to facilitate economic development | Mike Glidden | Completed |
| 3. Create an Economic Development Project Evaluation and Discussion Guide | Bob Crowther, Melissa Appleby | Completed |
| 4. Create an orientation and continuous education process for commission members | Team | Ongoing |

Draft

Business Recruitment, Retention and Outreach – A visitation process and schedule has been created to build relationships with Simsbury’s major businesses. Visitations were regrettably postponed due to COVID-19.

| Business | Month | Call participants |
|--|-----------|---|
| Curaleaf | January* | M Capriola, B Crowther, J Battos, M Appleby |
| Drake Hill Mall | February* | M Capriola, B Crowther, C Seavy |
| Dyno Nobel Inc | March | M Capriola, P Van Loon, R Jodice |
| Ensign Bickford Aerospace & Defense (EBAD) | April | M Capriola, P Van Loon, R Jodice |
| Highcroft Simsbury LLC | May | M Capriola, T Earl, B Crowther |
| Hoffman Brothers Auto | June | M Capriola, C Seavy, B Crowther |
| McLean Home Care | July | M Capriola, C Seavy, B Crowther |
| Micro Semi | August | M Capriola, R Jodice, B Crowther |
| Mitchell’s Auto | September | M Capriola, R Jodice, B Crowther |
| Simsbury Town Shoppes | October | M Capriola, R Jodice, B Crowther |
| Simsmore Square Enterprise | November | M Capriola, C Seavy, B Crowther |

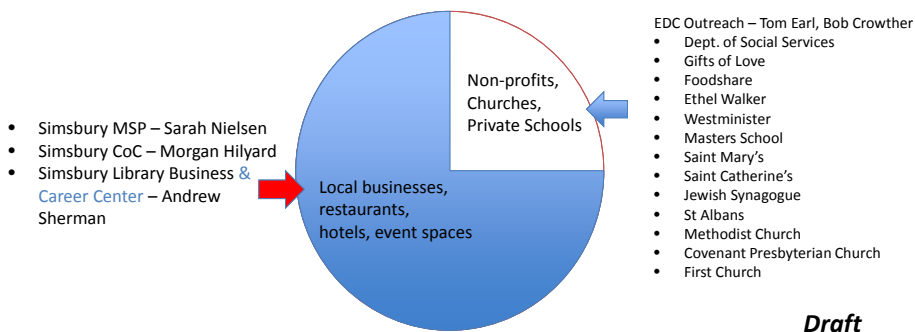
* Visitations completed in 2020

Draft

The EDC supported the Simsbury Long Term Recovery program effort from the COVID crisis through the Business Outreach process

Background

- Under the joint leadership of the State Department of Economic and Community Development, the Connecticut Department of Insurance, and the Division of Emergency Management and Homeland Security, the State of CT has created a Long-Term Recovery Committee.
- The Committee has reached out to each Town to have them implement a Long Term Recovery plan. The approach to creating the plan is one based on "lessons learned" from other local disasters such as Super Storm Sandy and Hurricane Maria. It is through the roll up of each Local Town's Plan that a state-wide approach to recovery can be created.
- In addition to our local businesses, the plan should take into account a holistic approach that includes participation of all community partners such as social services and faith-based organizations, local government agencies, private sector and philanthropic partners, and organizations that serve diverse populations to ensure the interest of all.
- Given that the Simsbury Mainstreet Partnership Program (MSP), Chamber of Commerce (CoC) and Library Business & Career Center were already actively engaged with the majority of businesses in the Town, the decision was made that the Town had an effective program in place.
- However, it left an opportunity to reach out to other organizations to gather a more holistic view.



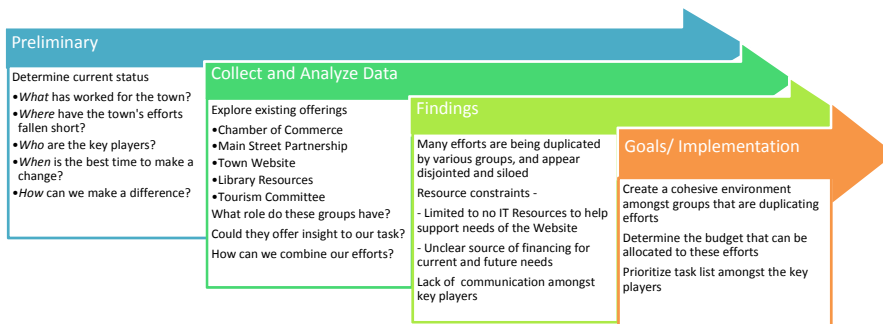
While all of these organizations have been able to manage through the crisis, many expressed concerns that their efforts are not sustainable and the uncertainty of what will happen as we head into the months ahead

Interview Findings Summary

- **Social Service Organizations** (Simsbury Department of Social Services, Gifts of Love, Foodshare)
 - Increased demand for food & clothing has generated an increased demand for public giving. The people of Simsbury have stepped up!
 - DSS increased their food pantry and food gift card distribution offering from 1 per month to 1 every 3 weeks.
 - Gifts of Love has been able to maintain the "Backpack" food program to 225 needy students in the Farmington Valley
 - Foodshare provides meals to over 100 people every 2 weeks with volunteer help from members of First Church
 - Concerned with sustainability of programs, especially as government programs end and the potential for greater demands on their programs
- **Private Schools**
 - Demand has increased as seen as "safe" options with lower class sizes and CT having control on virus
 - Many have secured Payroll Protection funding to keep staffs fully employed
 - Access to Testing critical to successful opening, as draw students from across the country
 - Will continue to need access to Personal Protective Equipment
- **Churches**
 - Many impacted by going to online Sunday services and seeing a decline in participation. St Mary's has resumed services, but to a much smaller group.
 - Mixed reviews on ability of members to handle technology for online services, some doing much better than others
 - With a decline in service participation, donations have remained strong and many have secured funding through Government programs, so doing OK financially.
 - Church "Giving" and volunteer programs have remained strong through out.
 - While many expressed that "... doing better now than what was anticipated back in March", concerned with what the next 6 months will bring as the weather forces folks back inside and uncertainty of availability of government programs
 - Senior citizens in the Churches most impacted as Church is a major source of socialization for many

Support Entrepreneurs – The workstream will be a long term effort as it expands to include overall marketing from design of the Town marketing brochure to participation in the Hospitality & Tourism Task Force.

- EDC Leads – Brooke Freeman, Charmaine Seavy with Sarah Nielson
- Goal – *Achieve a level of consistency of messaging across all Town marketing platforms*
- Activity in 2019-20
 - Secured funding for initial development of Town Marketing Brochure
 - COVID-19 response took priority for majority of year, so activity was put on hold
 - Received proposed scope of work from local marketing firm
 - Have funding for 20/21, and plan to sign contract with vendor for work in 4Q



Draft

The COVID crisis has created the opportunity to work with local businesses, the Chamber, MSP and the Library Business Resource Center to develop a Town approach to Coworking Space

- **Definition.** A co-working space has some combination of individual office space, open office space, conference rooms and shared services (e.g. internet, scheduling, printing). These spaces are not business incubators, where resident companies and entrepreneurs are often chosen and managed with the goal of turning a profit. Incubators are often focused on specific industries, services and/or technologies.
- **Background:** Co-working spaces have become popular in the last few years for entrepreneurs and occasional or permanent spaces for corporate work-at-home employees. The COVID crisis has only increased the demand for such spaces as individual and small business owners work at home.
- In Simsbury, the Public Library Business Resource Center is actively expanding to serve startups and other businesses. The success of the library's efforts will require space outside that building. The EDC is acting to catalyze such expansion and potentially subsidize it with fee waivers and tax abatements.
- *In the interest of simplicity and getting underway, EDC will work with CoC/SMSMSP/BRC to identify landlords eager to rent or even donate space for co-working, with coordination to be done between the individual worker and the landlord. The rationale is there are people now eager to take advantage of co-working. Any detailed planning will not only take time but will not be informed by incremental and immediate progress.*
- Over time, we can plan in greater detail for co-working spaces in town to address how, where, and for whom the spaces are to be developed and managed.
- Any co-working space in town should be marketed as one more positive reason for people to move to Simsbury

Going forward, the Team will continue to implement work on existing workstreams and entertain new initiatives

- One new workstream underway is to assign an EDC member to each of the large development projects currently working their way through the Town approval processes
- The goal is to begin to build a long-term relationship by being aware of the full history of the company through the approval processes to completion and implementation in the years ahead
 - Step 1 was to define a set of parameters for the role of the EDC member as an “Observer” of the process, i.e. not interfere or try to get involved with the process that requires specific knowledge of regulations and procedures
 - Step 2 – Mike Glidden will identify projects that are candidates for assignment.
 - Step 3 – A volunteer EDC member will be to assign to each project and begin to implement the process. Note: Tom Earl has volunteered to monitor the 1st project

- *Other opportunities / suggestions?*

- *Questions / Comments / Feedback ?*

Draft

2019-2020 EDC Work Plan - ADOPTED

| Work Stream | Task | Person/People |
|-----------------------|--|---|
| Business Incentives | Complete research on business incentives. Provide recommendations/update Business Incentive Policy. | Peter Van Loon, Tom Earl Staff: Maria Capriola |
| Marketing | Complete marketing materials refresh for tourism, real estate, and business recruitment purposes. | Brooke Freeman, Charmaine Seavy Staff: Sarah Nielsen |
| Marketing | Assist with promoting 350 th Anniversary events. | Charmaine Seavy, To be Determined Staff: Lisa Karim |
| Business Outreach | Conduct business outreach. Collect and track feedback. | Bob Crowther, Charmaine Seavy Staff: Mike Glidden |
| Business Outreach | Assist with gathering feedback on wayfinding signage needs (type, location, etc). | To be Determined (2) Staff: Sarah Nielsen |
| Support Entrepreneurs | Support infrastructure for entrepreneurs. Promote access to business resources, information, and infrastructure. | Peter Van Loon, Ron Jodice Staff: Andrew Sherman |
| Support Entrepreneurs | Develop a plan for co-working space. | Peter Van Loon, Ron Jodice Staff: Andrew Sherman |



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Tax Refund Requests
2. **Date of Board Meeting:** October 14, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Colleen O'Connor, Tax Collector
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports approving the tax refunds as presented, the following motion is in order:

Move, effective October 14, 2020 to approve the presented tax refunds in the amount of \$6,854.65, and to authorize Town Manager, Maria E. Capriola, to execute the tax refunds.

5. **Summary of Submission:**

Tax refunds need to be issued from time to time for motor vehicles, real property, and personal property. Some of the most common reasons tax refunds need to be issued for motor vehicles include: sale of the vehicle; the vehicle is destroyed; the vehicle is donated; the owner has moved out of state; or, the owner has successfully appealed the taxes. Real estate refunds are typically due to the fact that during the sale or refinancing of a property, both a bank and an attorney's office have paid taxes owed, resulting in an overpayment to the Town. Overpayments of personal property taxes are rare; often overpayments of personal property are due to a person or entity forgetting that they paid in full in July, then also sending the January installment.

In a legal opinion from the Town Attorney dated May 22, 2001, he stated that CGS §12-129 "requires that all applications for tax refunds be referred to the Board (of Selectmen) for their consideration and action." Once approved by the Board of Selectmen, the Town Manager will sign off on tax refund applications. As a reminder, the Tax Collector's Office is responsible for collecting revenue for the Fire District pursuant to Special Act #264 of the Legislature in 1945. However, tax refunds for the Fire District are not under the jurisdiction of nor approved by the Board of Selectmen and are therefore not included in the requested tax refunds presented.

6. **Financial Impact:**

The aggregate amount of all tax refunds as presented is \$6,854.65. The attachment dated October 14, 2020 has a detailed listing of all requested tax refunds.

7. **Description of Documents Included with Submission:**

- a) Requested Tax Refunds, dated October 14, 2020

REQUESTED TAX REFUNDS
OCTOBER 14, 2020

| | BILL NUMBER | TAX | INTEREST | TOTAL |
|------------------------|-------------|-------------------|---------------|-------------------|
| List 2017 | | | | |
| EAN Holdings LLC | 17-03-55295 | \$502.96 | | \$502.96 |
| Total 2017 | | \$502.96 | \$0.00 | \$502.96 |
| List 2019 | | | | |
| Gardner Laurie | 19-01-04966 | \$3,262.62 | | \$3,262.62 |
| Asensio Robert J | 19-03-50707 | \$309.70 | | \$309.70 |
| Asensio Robert J | 19-03-50708 | \$147.62 | | \$147.62 |
| Boardman Lawrence J | 19-03-51651 | \$130.55 | | \$130.55 |
| Bodell donald E | 19-03-51668 | \$96.44 | | \$96.44 |
| Connelly Anne M | 19-03-53647 | \$20.77 | | \$20.77 |
| Daimler Trust | 19-03-54214 | \$590.55 | | \$590.55 |
| Dawe Shane R | 19-03-54407 | \$85.68 | | \$85.68 |
| Hawkes Piya | 19-03-57835 | \$51.18 | | \$51.18 |
| Heintz Clifford | 19-03-57923 | \$55.63 | | \$55.63 |
| Hess Landscaping Inc | 19-03-58033 | \$17.47 | | \$17.47 |
| Kellogg Peter | 19-03-59777 | \$28.15 | | \$28.15 |
| Kipetz Beth | 19-03-59972 | \$55.64 | | \$55.64 |
| Marsh James J | 19-03-61795 | \$41.91 | | \$41.91 |
| NCF Realty LLC | 19-03-63381 | \$154.37 | | \$154.37 |
| Orlova Svitlana | 19-03-64059 | \$45.33 | | \$45.33 |
| Peterson Dwight | 19-03-64762 | \$44.70 | | \$44.70 |
| Peterson Dwight | 19-03-64763 | \$16.32 | | \$16.32 |
| Pinnow Brian | 19-03-64899 | \$86.79 | | \$86.79 |
| Rocha David | 19-03-65862 | \$13.71 | | \$13.71 |
| Rosenbeck Carol A | 19-03-66059 | \$33.75 | | \$33.75 |
| Rubin Samantha R | 19-03-66229 | \$38.72 | | \$38.72 |
| Schwartz Barry J | 19-03-66798 | \$129.26 | | \$129.26 |
| Strong Barbara | 19-03-68115 | \$22.63 | | \$22.63 |
| Sun Alyssa A | 19-03-68212 | \$52.86 | | \$52.86 |
| Sun Raymond | 19-03-68218 | \$206.77 | | \$206.77 |
| Toyota Lease Trust | 19-03-68905 | \$542.51 | | \$542.51 |
| Wagner Richard | 19-03-69913 | \$5.00 | | \$5.00 |
| Williams Robert M | 19-03-70436 | \$27.37 | | \$27.37 |
| Williams Robert M | 19-03-70437 | \$2.27 | | \$2.27 |
| Zambuto Gracemarie | 19-03-70791 | \$35.42 | | \$35.42 |
| Total 2019 | | \$6,351.69 | \$0.00 | \$6,351.69 |
| TOTAL 2017 | | \$502.96 | \$0.00 | \$502.96 |
| TOTAL 2019 | | \$6,351.69 | \$0.00 | \$6,351.69 |
| TOTAL ALL YEARS | | \$6,854.65 | \$0.00 | \$6,854.65 |



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Acceptance of Donation from Big Y for the Simsbury Police Department's Blue for Pink 2020 Campaign
2. **Date of Board Meeting:** October 14, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Nicholas Boulter, Chief of Police
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports acceptance of the donation from Big Y, the following motion is in order:

Move, effective October 14, 2020, to accept a \$2,000 donation from Big Y to support Simsbury Police Department's Blue for Pink 2020 Campaign.
5. **Summary of Submission:**
The Simsbury Police Department has a mission of overall health and wellbeing for our community. October and November are notable cancer awareness months. To help raise awareness the Police Department will have a pink police cruiser out in the community.

Funds raised in this campaign will stay local to help Simsbury community members in their fight against cancer. For more information on the Blue for Pink 2020 Campaign including how you can help donate please see the Simsbury Police Department's Facebook page. This donation from Big Y will let the Police Department wrap a police cruiser in pink for this important campaign.
6. **Financial Impact:**
These funds will be deposited into the Police Department's Community Use Fund.

The Town will not directly accept donations from the public for the Blue for Pink 2020 Campaign; donations can be submitted online through the link provided on the Police Department's Facebook page.
7. **Description of Documents Included with Submission:**
None



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Application for Community Connectivity Grant
Firetown Road Sidewalk Extension
2. **Date of Board Meeting:** October 14, 2020
3. **Individual or Entity making the submission:**
Maria E. Capriola, Town Manager; Tom Roy, Director of Public Works; Jeff Shea, Town Engineer *Maria E. Capriola*
4. **Action requested of the Board of Selectmen:**
If the Board of Selectmen supports submitting the proposed Community Connectivity Grant application for the extension of sidewalks along the southern end of Firetown Road, the following motions are in order:

Move, effective October 14, 2020, to apply for the 2020 Community Connectivity Grant as presented.

In the event that the grant is awarded, the following additional motion is in order:

Move to accept the 2020 Community Connectivity Grant and to authorize Maria E. Capriola, Town Manager, to execute all documents related to the grant award.

5. **Summary of Submission:**
The State Department of Transportation is soliciting grants under the Connecticut Community Connectivity Grant Program (CCCGP Grant) that are intended to improve conditions for walking and bicycling within Connecticut's community centers. This grant program will award up to \$600,000 for the construction cost of selected projects. There are no matching requirements; however, the grant will not cover the costs for design services or purchases of land or rights-of-way.

This is the third round of funding through the CCCGP program and Simsbury has received grants under the first two rounds. Notably, Simsbury received \$169,764 in the second round of funding, which was used to provide advanced warning signage with rectangular flashing beacons at four critical trail crossings.

In reviewing possible projects for the grant, Town staff identified a gap in our existing sidewalk and trail network along Firetown Road. Currently, there is not a safe walking area between West Street and Plank Hill Road. We have received a number of requests for sidewalks in this area, especially since the development of the Mill Commons townhouses off of West Street. One such request from a student at Henry

Forest Court. This gap in our connectivity was also identified in our 2016 Pedestrian Bicycle Master plan.

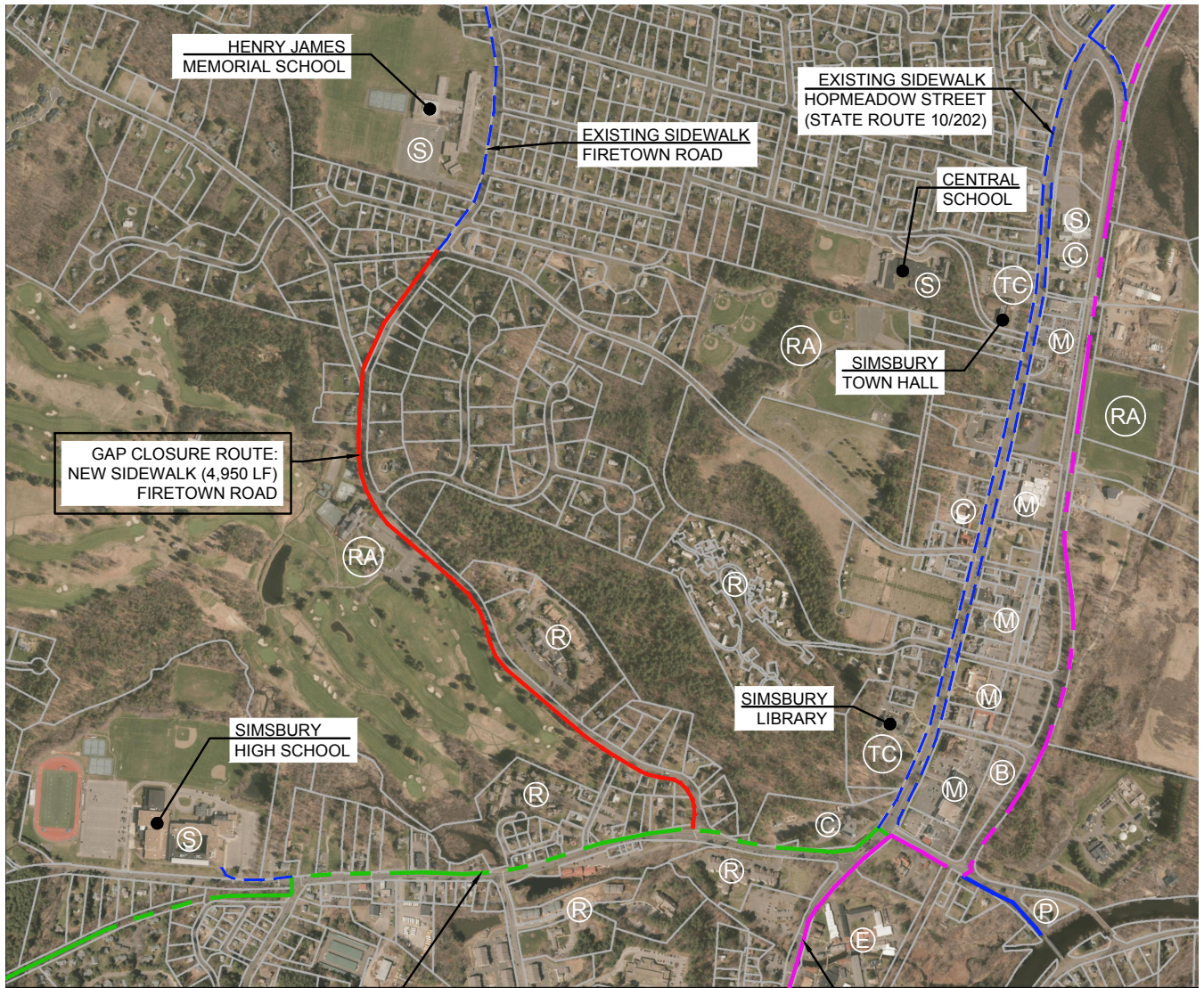
We sought a grant for this sidewalk a few years ago under the Capital Region Council of Government's (CRCOG's) LOTCIP program and were unsuccessful. The estimated cost for construction and the value of the grant is \$592,000. In order for this project to be successful, we will be working closely with area residents and businesses who will be impacted by the new sidewalk.

6. Financial Impact:

We feel the proposed grant amount of \$592,000 will adequately cover all construction costs to build the new sidewalk. Design and engineering work will be done by Town staff or a design firm that is paid through funding from the sidewalk improvement fund.

7. Description of Documents Included with Submission:

- a) Map of Proposed Project Area
- b) Letter from Henry James Middle School Student re: Need for Sidewalk
- c) Letter of Support from Belden Forest Court



GAP CLOSURE ROUTE:
NEW SIDEWALK (4,950 LF)
FIRETOWN ROAD

HENRY JAMES
MEMORIAL SCHOOL

EXISTING SIDEWALK
FIRETOWN ROAD

EXISTING SIDEWALK
HOPMEADOW STREET
(STATE ROUTE 10/202)

CENTRAL
SCHOOL

SIMSBURY
TOWN HALL

SIMSBURY
HIGH SCHOOL

SIMSBURY
LIBRARY

EXISTING MULTI-USE TRAIL
FARMINGTON RIVER TRAIL
WEST STREET (STATE ROUTE 167)

EXISTING MULTI-USE TRAIL
FARMINGTON CANAL HERITAGE TRAIL
(STATE ROUTE 10/202)

- | | |
|------------------------|-------------------------------|
| (R) RESIDENTIAL AREA | (TC) TOWN CENTER |
| (P) PARKS | (M) SHOPPING CENTERS |
| (RA) RECREATIONAL AREA | (E) LARGE EMPLOYMENT BUSINESS |
| (C) RELIGIOUS FACILITY | (B) BUS STOP |
| (S) SCHOOL FACILITY | (O) OTHER |

**LOCATION MAP: SIDEWALKS GAP CLOSURE
FIRETOWN ROAD**

Dear Town of Simsbury and whom it may concern,

My name is [REDACTED] and I go to Central school, I'm going to Henry James Memorial School this year. Starting this year a bus won't stop at my house. Because I live at [REDACTED] I either need to bike/walk down Hopmeadow Street and up Massaco Street to go to the middle school or I have to bike/walk to the high school and then take a bus to the middle school. So, here is my question is there any way the town could make a plan to continue the sidewalk from the corner of Plank Hill Rd and Firetown Rd along the golf course to the corner of Firetown Rd and West Street? I would also like to mention that I'm not the only person that would benefit from this new sidewalk my brother [REDACTED] is going to middle school next year and he would use this sidewalk, there are also other kids I know that live near Hopmeadow Country Club that would use this sidewalk, and kids who live near the Central School neighborhood can ride to the high school and library using this sidewalk.

If the town of Simsbury would consider creating a plan to extend the sidewalk from the middle school to West street it would create a safer walking and biking experience in our community.

Thank you,

[REDACTED]

[REDACTED]

Simsbury, CT. 06070

[REDACTED]

BELDEN FOREST COURT

Retirement Community

www.BeldenForestCourt.com

860-651-0438

40 Firetown Road
Simsbury, CT 06070

October 5, 2020

To Maria Capriola, Town Manager:

As Director of Belden Forest Court, an active living retirement community on Firetown Road in Simsbury, I am writing to support the project to add a sidewalk on Firetown Road between West Street and Plank Hill Road.

I have been Director at Belden for nearly 20 years, and every year, our seniors ask me why there is no sidewalk there now. Those walking the area now are confined to either circling the parking lot on pavement or venturing into uneven grass or the existing road which is not particularly safe given their advanced age or any age.

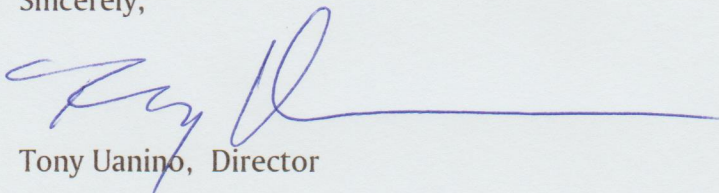
Our seniors would definitely utilize a sidewalk for walking for leisure, exercise, or as a means to get to the town center and the senior center which is only a mile away. Currently, approximately 50% of our seniors do not have a vehicle of their own and/or are on a fixed income which limits their transportation options. Many are still independent and physically capable of walking and they want to.

A sidewalk would also benefit our school age children and runners and walkers from the general public who I frequently see walking on the road or grass from the High School area to the Henry James area.

I strongly support this project which would benefit seniors living at Belden Forest Court and the general public. If the sidewalk goes on the side of the street where Hopmeadow Country Club is, I would also request that you consider adding a crosswalk for residents.

Thank you for your consideration.

Sincerely,



Tony Uanino, Director
Belden Forest Court



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Road Acceptance for Hendricks Lane

2. **Date of Board Meeting:** October 14, 2020

3. **Individual or Entity Making the Submission:**

Maria E. Capriola, Town Manager; Jerome Shea, Town Engineer; Thomas Roy, Director of Public Works; Mike Glidden, Director of Planning and Community Development *Maria E. Capriola*

4. **Action Requested of the Board of Selectmen:**

The next step in this process is for the Board of Selectmen to refer acceptance of the Hendricks Lane Roadway to the Planning Commission. The following motion is in order:

Move, effective October 14, 2020 to refer the acceptance of Hendricks Lane roadway to the Planning Commission pursuant to CGS 8-24.

5. **Summary of Submission:**

In June 2019, the Planning Commission approved the subdivision of 80 Climax Road. The plan called for the construction of nineteen (19) single family residences that would be served by a public road. The subdivision was approved as Hendrick Cottages subdivision and since renamed to Holcomb Village of Simsbury subdivision. Twelve of the nineteen homes have been constructed.

The developer has completed public improvements associated with the roadway, storm drainage and utilities. The roadway and associated improvements have been reviewed by town staff. After careful consideration, staff feels that the roadway is ready for acceptance by the Town of Simsbury. The Town Attorney has reviewed the deed and easements for the roadway and utilities.

6. **Financial Impact:**

None

7. **Description of Documents Included with Submission:**

a) Map of Subdivision

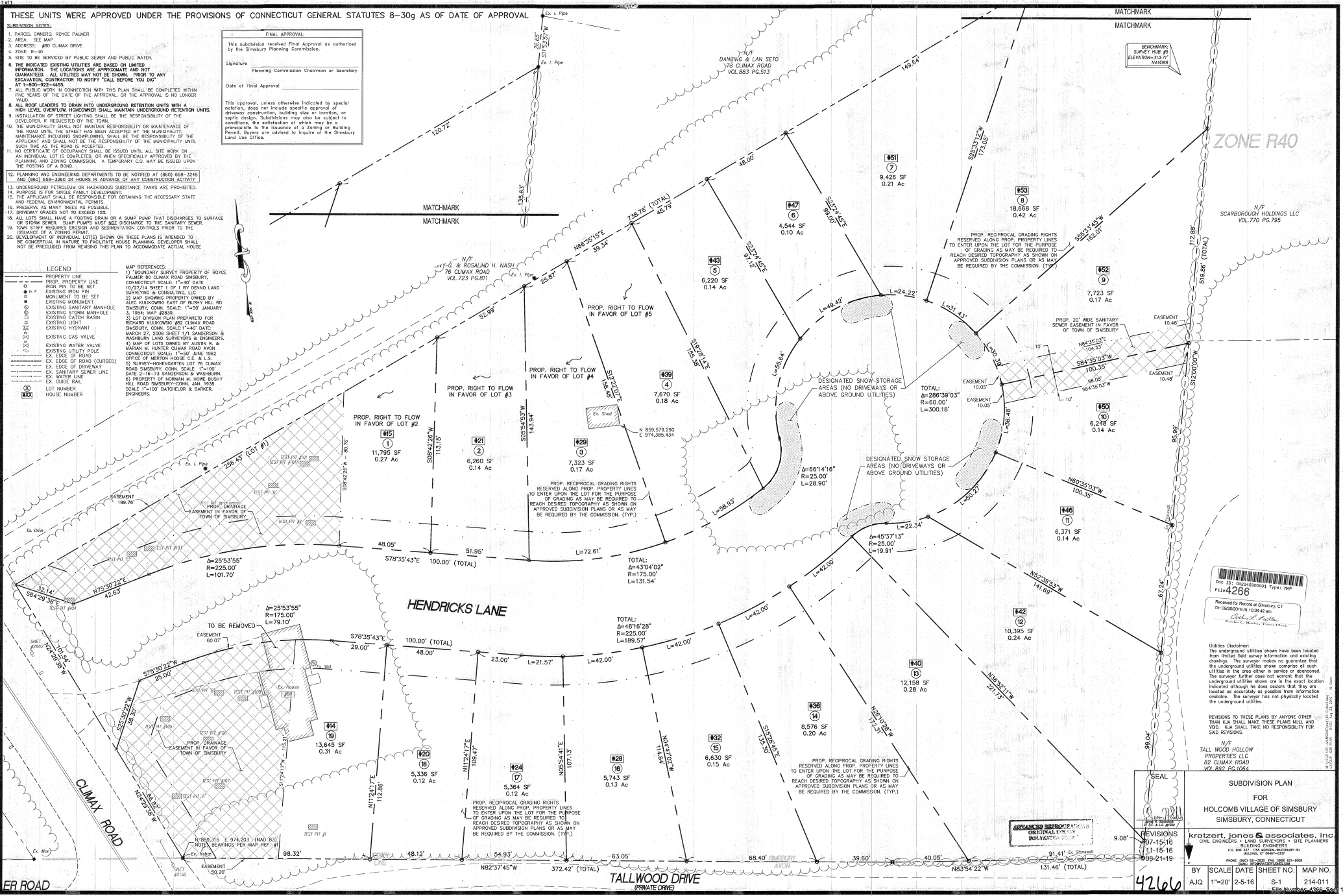
THESE UNITS WERE APPROVED UNDER THE PROVISIONS OF CONNECTICUT GENERAL STATUTES 8-30g AS OF DATE OF APPROVAL

- SUBDIVISION NOTES:**
1. PARCEL OWNERS: ROYCE PALMER
 2. AREC: SEE MAP
 3. ADDRESS: 890 CLIMAX DRIVE
 4. ZONE: R-40
 5. SITE TO BE SERVED BY PUBLIC SEWER AND PUBLIC WATER.
 6. THE INDICATED EXISTING UTILITIES ARE BASED ON LIMITED INFORMATION. THE LOCATIONS ARE APPROXIMATE AND NOT GUARANTEED. ALL UTILITIES MAY NOT BE SHOWN. PRIOR TO ANY EXCAVATION, CONTRACTOR TO NOTIFY "CALL BEFORE YOU DIG" AT 1-800-922-4466.
 7. ALL PUBLIC WORK IN CONNECTION WITH THIS PLAN SHALL BE COMPLETED WITHIN FIVE YEARS OF THE DATE OF APPROVAL, OR THE APPROVAL IS NO LONGER VALID.
 8. ALL ROOF LEADERS TO DRAIN INTO UNDERGROUND RETENTION UNITS WITH A HIGH LEVEL OVERFLOW. HOWEVER, MAINTAIN UNDERGROUND RETENTION UNITS.
 9. INSTALLATION OF STREET LIGHTING SHALL BE THE RESPONSIBILITY OF THE DEVELOPER, IF REQUESTED BY THE TOWN.
 10. THE MUNICIPALITY SHALL NOT MAINTAIN RESPONSIBILITY OR MAINTENANCE OF THE ROAD UNITS. THE STREET HAS BEEN ACCEPTED BY THE MUNICIPALITY. MAINTENANCE INCLUDING SNOW REMOVAL SHALL BE THE RESPONSIBILITY OF THE APPLICANT AND SHALL NOT BE THE RESPONSIBILITY OF THE MUNICIPALITY UNTIL SUCH TIME AS THE ROAD IS ACCEPTED.
 11. CERTIFICATE OF OCCUPANCY SHALL BE ISSUED UNTIL ALL SITE WORK ON AN INDIVIDUAL LOT IS COMPLETED, OR WHEN SPECIFICALLY APPROVED BY THE PLANNING AND ZONING COMMISSION. A TEMPORARY C.O. MAY BE ISSUED UPON THE POSTING OF A BOND.
 12. PLANNING AND ENGINEERING DEPARTMENTS TO BE NOTIFIED AT (860) 658-3245 AND (860) 658-3560 24 HOURS IN ADVANCE OF ANY CONSTRUCTION ACTIVITY.
 13. UNDERGROUND PETROLEUM OR HAZARDOUS SUBSTANCE TANKS ARE PROHIBITED.
 14. SURFACES FOR SINGLE FAMILY DEVELOPMENT.
 15. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING THE NECESSARY STATE AND FEDERAL ENVIRONMENTAL PERMITS.
 16. PRESERVE AS MANY TREES AS POSSIBLE.
 17. DRIVEWAY GRADIES NOT TO EXCEED 18%.
 18. ALL LOTS SHALL HAVE A FOOTING DRAIN OR A SUMP PUMP THAT DISCHARGES TO SURFACE OR STORM SEWER. SUMP PUMPS MUST NOT DISCHARGE TO THE SEWER SEWER.
 19. TOWN STAFF REQUIRES EROSION AND SEDIMENTATION CONTROLS PRIOR TO THE BEGINNING OF CONSTRUCTION.
 20. DEVELOPMENT OF INDIVIDUAL LOTS SHOWN ON THIS PLAN IS INTENDED TO BE CONCEPTUAL IN NATURE TO FACILITATE HOUSE PLANNING. DEVELOPER SHALL NOT BE PRECLUDED FROM REVISING THIS PLAN TO ACCOMMODATE ACTUAL HOUSE.

FINAL APPROVAL:
This subdivision received Final Approval as authorized by the Simsbury Planning Commission.
Signature: _____
Planning Commission Chairman or Secretary
Date of Final Approval: _____

This approval, unless otherwise indicated by special notation, does not include specific approval of driveway construction, building size or location, or septic design. Subdivisions may also be subject to conditions, the satisfaction of which may be a prerequisite to the issuance of a Certificate of Building Permit. Buyer are advised to inquire of the Simsbury Land Use Office.

- LEGEND:**
- PROPERTY LINE
 - PROP. PROPERTY LINE
 - IRON PIN TO BE SET
 - EXISTING MONUMENT
 - EXISTING SANITARY MANHOLE
 - EXISTING CATCH BASIN
 - EXISTING LIGHT
 - EXISTING HYDRANT
 - EXISTING GAS VALVE
 - EXISTING WATER VALVE
 - EXISTING UTILITY POLE
 - EX. EDGE OF ROAD (CURBED)
 - EX. EDGE OF DRIVEWAY
 - EX. SANITARY SEWER LINE
 - EX. WATER LINE
 - EX. GUIDE RAIL
 - LOT NUMBER
 - HOUSE NUMBER
- MAP REFERENCES:**
- 1) TOWNSHIRE SURVEY PROPERTY OF ROYCE PALMER 80 CLIMAX ROAD SIMSBURY, CONNECTICUT SCALE: 1"=40' DATE: 10/27/14 SHEET 1 OF 1 BY DENNO LAND SURVEYING & CONSULTING, LLC
 - 2) MAP SHOWING PROPERTY OWNED BY ALEC KALONOSKY EAST OF BUSHY HILL RD SIMSBURY, CONN. SCALE: 1"=50' ANNUARY 1982
 - 3) LOT DIVISION PLAN PREPARED FOR ROYCE PALMER 890 CLIMAX ROAD SIMSBURY, CONN. SCALE: 1"=40' DATE: MARCH 27, 2008 SHEET 1/3 SANDERSON & WASHINGTON LAND SURVEYING & ENGINEERS
 - 4) MAP OF LOTS OWNED BY ANASTASIA & MARKUS W. HENRICKS 1000 CLIMAX ROAD, CONNECTICUT SCALE: 1"=50' JUNE 1982 OFFICE OF METRIC HOLDINGS, LLC
 - 5) SURVEY-HIGHGARDEN LOT 76 CLIMAX ROAD SIMSBURY, CONN. SCALE: 1"=50' DATE: 2-16-73 SANDERSON & WASHINGTON
 - 6) PROPERTY OF NORMAN M. HOWE BUSHY HILL ROAD SIMSBURY-CONN. JAN. 1936 SCALE: 1"=400' BATHCHELOR & BARKER ENGINEERS.



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Received for Record at Simsbury, CT
On 06/29/2019 at 10:38:42 am
C. J. ...
C. J. ...

UTILITIES DISCLAIMER:
The underground utilities shown have been located from limited field survey information and existing drawings. The surveyor makes no guarantee that the underground utilities shown conform to such utilities in the area either in service or abandoned. The surveyor further does not warrant that the underground utilities shown are in the exact location indicated through the data source that they are located as accurately as possible from information available. The surveyor has not physically located the underground utilities.

REVISIONS TO THESE PLANS BY ANYONE OTHER THAN KJA SHALL MAKE THESE PLANS NULL AND VOID. KJA SHALL TAKE NO RESPONSIBILITY FOR SAID REVISIONS.
N/E TALL WOOD HOLLOW PROPERTIES LLC
82 CLIMAX ROAD
VOL. 822 P. 1064

| | | | |
|--|----------|-----------|---------|
| SUBDIVISION PLAN FOR HOLCOMB VILLAGE OF SIMSBURY, CONNECTICUT | | | |
| Kratzen, Jones & Associates, Inc. CIVIL ENGINEERS & LAND SURVEYORS • SITE PLANNERS REGISTERED PROFESSIONAL ENGINEERS P.O. BOX 307, 1252 WOODS-HOLLOW RD. Simsbury, CT 06068 PHONE: (860) 592-3638 FAX: (860) 592-8700 | | | |
| REVISIONS | DATE | SHEET NO. | MAP NO. |
| 07-15-16 | 11-15-16 | 1 | 214-011 |
| 09-21-19 | | | |

BY AJJ SCALE 1"=20' DATE 2-5-16 SHEET NO. S-1 MAP NO. 214-011
42166



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Proposed Public Gathering Permit –Wedding Event
2. **Date of Board Meeting:** October 14, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Mike Glidden, Director of Planning and Community Development, Tom Hazel, Code Compliance Officer
Maria E. Capriola
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports approving the public gathering permit application as presented, the following motion is in order:

Move, effective October 14, 2020 to approve the public gathering application and to authorize the issuance of the public gathering permit for a wedding event.
5. **Summary of Submission:**
The Public Gathering Committee has approved the application for the wedding event. The event will be held on November 2, 2020 at the Flower Bridge from 2:00 PM to 5:00 PM.

The applicant has consulted with FVHD and is approved for the event from the FVHD for COVID precautions.
6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
 - a) Application, Map and Summary of Event



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

PUBLIC GATHERING PERMIT APPLICATION

A Public Gathering Permit (PGP) is required when a proposal is made for a gathering of a number of people on Town property which may cause questions or raise concerns regarding traffic circulation and access issues involving local or state roadways, public safety, or issues regarding a required Special Exception permit from the Zoning Commission.

Application should be completed in full, **including original signatures**, before submitting to the Zoning Enforcement Officer at the Simsbury Town Offices, Planning & Zoning Department, 933 Hopmeadow Street, Simsbury, Connecticut 06070. **Please include 6 copies of your completed application IN ADDITION TO the original when you submit it.** Applications must be received in office at least **6 WEEKS** prior to the date of the proposed event. The Board of Selectmen has the final authority to approve or deny public gathering permit applications. The Town reserves the right to cancel an event that does not obtain complete approval, as specified herein.

Organization's Name: _____

Applicant's Name: _____

Mailing Address: _____

Phone: _____

Event Location: Old Drake Hill Flower Bridge

Exact Date(s) of proposed Public Gathering: (MUST include all required "set up" and "tear down" time, as well as the actual dates of the Public Gathering.)

Exact Time(s)/Date Begin: 11/2/20 at 2pm End: 11/2/20 at 5pm

Number of people expected to be present for the event (incl. staff, volunteers, attendees): 8

- *The Town of Simsbury reserves the right to limit the number of attendees. The maximum number of permitted attendees will be determined after consultation with the Town of Simsbury.*

A Certificate of Insurance made out to the Applicant AND Town of Simsbury, evidencing coverage of \$1,000,000 in force for the duration of the event, must be submitted with this application. This Certificate of Insurance must include a hold harmless agreement for the Town.

TOWN OF SIMSBURY USE ONLY:

| | | | |
|---------------------|------------------------------|-----------------------------|------------------------------|
| Fee Received: | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| Insurance Received: | YES <input type="checkbox"/> | NO <input type="checkbox"/> | N/A <input type="checkbox"/> |
| Request Approved: | YES <input type="checkbox"/> | NO <input type="checkbox"/> | MORE INFO: _____ |

Signature: _____ Date: _____

EVENT INFO

Description of Event: Small elopement Ceremony

Please indicate whether you will be bringing:

Additional trash and recycling receptacles: YES NO NUMBER: _____

- You are responsible for proper collection and removal of all waste generated by your event.

Portable toilets: YES NO NUMBER: _____

- If yes, please show locations on attached site plan.

Tent: YES NO SIZE: _____
OPEN SIDES ENCLOSED

- Tents must be in compliance with State of Connecticut tent regulations. The Town of Simsbury's Building Official or Fire Marshal can advise on tent requirements.

Lighting and/or sound equipment: YES NO

- If yes, please attach a list of the equipment you plan to use along with a stage plot with locations for the equipment.
- Lighting must meet the requirements of the Town of Simsbury Fire Marshal.

Does your event require electrical access? YES NO

- If so, a plan for electrical access will need to be reviewed with the Town of Simsbury Building Official or Fire Marshal.

Will food be sold or given away at your event? YES NO

- If food is to be served, whether prepared on- or off-site, you must obtain a Temporary Food Permit from the Farmington Valley Health District (www.fvhd.org).

Will alcohol be served at your event? YES NO

- If alcohol is to be served, you must obtain all pertinent State permits and abide by all Town and State laws and regulations. An additional list of policies applies if alcohol is to be served.

Will road closure(s) be necessary? YES NO

- Details of proposed traffic circulation and closings must be presented to the Chief of Police prior to his signing of the PGP application. If State roads are proposed for closing, a permit from the CT DOT may be necessary.

PLANNING & ZONING DEPARTMENT
933 HOPMEADOW STREET, SIMSBURY, CT 06070

860-658-3245

Alcohol

- Does your event require a Special Exception? YES NO
- Has the Zoning Commission approved a S.E.? YES NO
- Have you obtained a State of CT liquor license? YES NO

Signage

- Will your event require temporary signs? YES NO
 - No signage may be erected without written permission granted from the Zoning Enforcement Officer
- Has your organization secured permits for such? YES NO

Attachments:

Site Map

- The site plan/ map of the proposed Public Gathering should be to-scale and show exactly:
 - Layout of the Event (tents, booths/vendors, rides, aisles, etc.)
 - Location of Lighting
 - Parking Layout

FARMINGTON VALLEY HEALTH DISTRICT
95 RIVER ROAD, CANTON, CT 06019

www.fvhd.org
860-352-2333

If food will be prepared or dispensed at your event, you must obtain a Temporary Food Permit from Farmington Valley Health District.

Has a Temporary Food Permit been secured? YES NO

<http://www.fvhd.org/food-protection1.html>

BUILDING DEPARTMENT

933 HOPMEADOW STREET, SIMSBURY, CT 06070

860-658-3234

Tent:

YES NO CAPACITY: _____
OPEN SIDES ENCLOSED
SQUARE FOOTAGE: _____

- Tents may require a Building Permit, depending on square footage, capacity, enclosure (or not), and if there will be heat and/or electrical. You should contact the Building Official to determine if a permit will be necessary.

Does your event require electrical access? YES NO

- Will you be utilizing portable generators? YES NO

FIRE MARSHAL

871 HOPMEADOW STREET, SIMSBURY, CT 06070

860-658-1973

DEPARTMENT OF PUBLIC WORKS (DPW)
66 TOWN FOREST ROAD, SIMSBURY, CT 06070

860-658-3222

Will barricades/signage be required:

- For the day of the event?
- In advance?

YES NO

DATES: _____

Are DPW trucks required for use as barricades?

YES NO

QUANTITY: _____

- The fee schedule below is for one (1) Truck and one (1) staff member.
- All fees will begin when Public Works Trucks leave the DPW Campus.
- Each Truck will be filled with sand and operated by a single staff member.
- The number and positioning of the Trucks shall be determined by the Simsbury Police Department.
- The fees for using DPW trucks as barricades are as follows:
 - \$250 for first four (4) hours
 - \$50/hour for each additional hour during regular hours
 - \$75/hour for each additional hour on Federal holidays and Sundays

TOTAL FEE DUE: \$250 + (_____ hours x \$50/\$75) = \$ _____

Fee is payable by check made out to the Town of Simsbury

Please note:

- **No markings on the roadways or custom signage is allowed.**
- **Traffic cones shall not be provided by DPW.**

POLICE DEPARTMENT

933 HOPMEADOW STREET, SIMSBURY, CT 06070

860-658-3100

Is this event a concert and/or festival?

YES NO

If yes, please list recent prior venues that have hosted this concert/festival:

Will on-site private security be provided?

YES NO

NUMBER: _____

Will on-site emergency medical services be provided?

YES NO

NUMBER: _____

- Where will they be located? _____

SIMSBURY VOLUNTEER AMBULANCE ASSOCIATION
64 WEST STREET, SIMSBURY, CT 06070

860-658-7213

Will there be any athletic competitions or other activity/activities that could increase the likelihood of injury or illness? YES NO

Will the attendance be equal to or greater than 5000? YES NO NUMBER: _____

Attendance will be:
STAGGERED OVER COURSE OF EVENT AT A SPECIFIC TIME TIME: 2pm

CULTURE, PARKS & RECREATION
100 OLD FARMS ROAD, SIMSBURY, CT 06070

860-658-3836

Are you serving food? YES NO
• If so, trash recycling barrels are required at Permittee's expense

Will you require any special field lining or set up? YES NO

Do you intend to use "staked" tents on athletic fields? YES NO

Will athletic field lighting be necessary? YES NO

Have you provided a parking plan on your site map? YES NO

Portable toilets must be provided at the rate of 1 toilet per 50 patrons, at the Permittee's expense.
• ATTENDANCE: _____ / 50 = _____ PORTABLE TOILETS REQUIRED

**Public Gathering Permit
Required Declaration**

I declare that the information provided on this application is true and correct to the best of my knowledge and belief. I understand that if the information I have provided is a misrepresentation of the actual event, or that the actual event digresses in a manner from the approved permit, that the permit will be revoked.

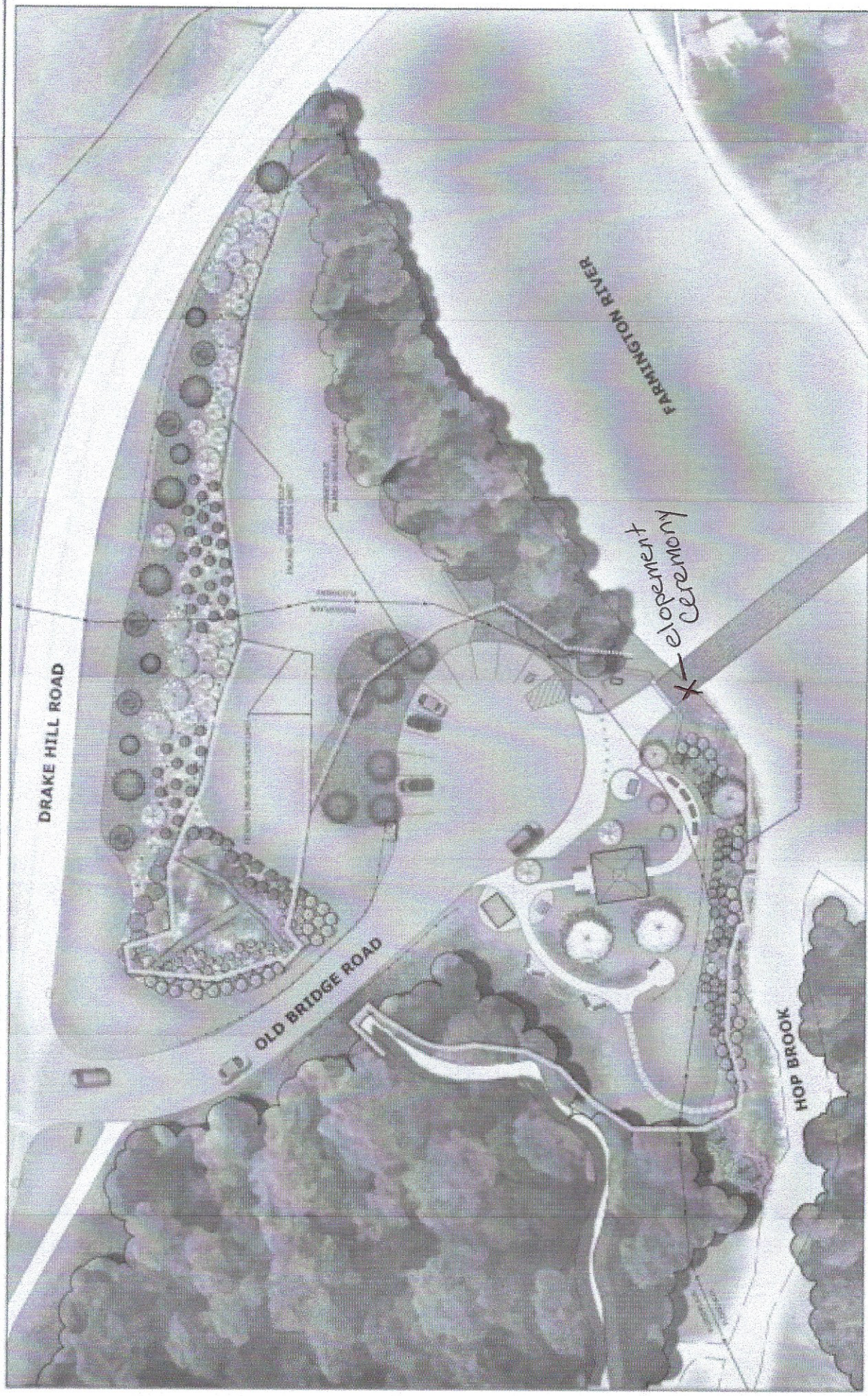
Applicant's Name (Printed): _____

Applicant's Signature: _____

Date Signed: 9/21/20

REQUIRED SIGN OFFS (in order required)

| | <u>Received Date:</u> | <u>Received By:</u> | <u>Approved By:</u> | <u>Action Date:</u> |
|---|-----------------------|---------------------|---------------------|---------------------|
| Culture Parks And Rec. Director | | | | |
| Zoning Commission (As may be required by ZEO) | | | | |
| Building Official | | | | |
| Police Chief | | | | |
| Dir of Public Works | | | | |
| Dir of Health FVHD | | | | |
| Fire Marshal | | | | |
| Zoning Enforcement Officer | | | | |
| Board of Selectmen | | | | |



DRAKE HILL ROAD

OLD BRIDGE ROAD

FARMINGTON RIVER

HOP BROOK

Ceremony
*
→

SITE PLAN RENDERING

ONE OLD BRIDGE ROAD
SIMSBURY, CONNECTICUT JULY 17, 2018

HILCHIE & MACBRIDE





Town of Simsbury

933 HOPMEADOW STREET

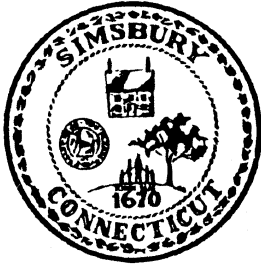
SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Proposed Simsbury SPIRIT Council Statement of Purpose and Procedures
2. **Date of Board Meeting:** October 14, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Kristen Formanek, Director of Community and Social Services *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports the proposed Simsbury SPIRIT Council Statement of Purpose and Procedures, the following motion is in order:

Move, effective October 14, 2020, to adopt the proposed Simsbury SPIRIT Council Statement of Purpose and Procedures as presented.
5. **Summary of Submission:**
The procedures for the Simsbury SPIRIT Council outlines the purpose of the committee, membership requirements and goals of the group. The purpose of the SPIRIT Council is to help Simsbury become more inclusive, fostering awareness, action, and a community where all voices are welcomed and each and every individual can live, work, learn and play in a safe environment with meaningful and healthy relationships.

The Town Manager, Director of Community and Social Services, and the Management Specialist contributed to drafting these procedures in consultation with the First Selectman and Co-Chairs of SPIRIT. These procedures are similar to recently adopted procedures for the Youth Services Advisory Bureau and Juvenile Review Board, which are also staffed by Community and Social Services and of the Economic Development Commission.
6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
 - a) Draft Simsbury SPIRIT Council Statement of Purpose and Procedures



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

SIMSBURY SPIRIT COUNCIL STATEMENT OF PURPOSE AND PROCEDURE *Approved by Board of Selectmen on XXXXX, 2020*

1. Purpose

- A. The Simsbury SPIRIT Council is a special committee tasked with welcoming, celebrating, and taking actions to support diversity and inclusion among current and future community members.
- B. The purpose of the Simsbury SPIRIT Council shall be to represent the Simsbury community at large and serves as diversity champions to help Simsbury become more inclusive, fostering awareness, action, and a community where all voices are welcomed and each and every individual can live, work, learn and play in a safe environment with meaningful and healthy relationships. The Council is comprised of representatives from the community at-large, town departments, and the Simsbury Public Schools.

2. Effective Date

This policy shall remain in effect until revised or rescinded. The Town reserves the right to amend this policy as necessary.

3. Goals

- A. The goals of the SPIRIT Council are:
 - 1) To identify and resolve diversity and inclusion issues in our community.
 - 2) To foster a welcoming atmosphere for all in Simsbury

4. Composition/Voting/Meetings

- A. The size of the Council shall consist of eighteen (18) members. Membership on the Council shall be comprised of representatives from the community at-large. Staff liaisons are ex-officio members with full participation rights, but are non-voting members and do not count towards the appointed composition of Council.
- B. The Director of Community Social Services, or other staff member as assigned by the Director, will be a standing staff liaison. The Town will aspire to have a staff liaison from each of the following departments as assigned by the department head: Simsbury Police Department and Simsbury Public Library.

- C. The Simsbury Board of Education has created an Equity Council to act in a similar capacity as SPIRIT Council. SPIRIT Council will have a consistent educational liaison as a part of their membership. The liaison will share the ongoing work of the Simsbury Public Schools' Equity Council as well as update the Board of Education with pertinent information relative to the SPIRIT Council.
- D. The initial term for members will expire December 5, 2021. Thereafter, members shall have two (2) year terms coterminous with the Board of Selectmen.
- E. For the initial appointment recommendations, the Council will submit recommendations to the Board of Selectmen. For subsequent terms, beginning December 6, 2021, the Board of Selectmen and its Personnel Sub-Committee will use its usual process and procedure for identifying and appointing candidates. The Board of Selectmen may alternatively choose to seek recommendations from the Council.
- F. One of the 18 membership slots on the Council will be designated for a parent or guardian of child or children participating in the Open Choice program in the Simsbury Public Schools.
- G. One of the 18 membership slots on the Council will be designated for a youth representative who attends the Simsbury Public Schools.
- H. A single Chair and Vice Chair, or Two Co-Chairs and a Vice Chair, (to be determined by the Council) shall be elected by the Council on their first meeting following a new term. Chair/Co-Chair and Vice Chair appointments can be considered as frequently as annually, but not fewer than once every two years coinciding with the beginning of a new term.
- I. Any member of the SPIRIT Council may be removed by the Board of Selectmen, upon the recommendation of the Town Manager, for cause. Such member will be afforded an opportunity for a public meeting with the Board of Selectmen prior to a final decision being made regarding their status for removal. The purpose of the public meeting is to give the member an opportunity to be heard in person before the Board of Selectmen prior to a final decision being made.
- J. Any member who is absent from more than fifty (50) percent of SPIRIT Council meetings during any twelve (12) month period may be removed, and the vacancy shall be filled as outlined in Section 4B. An exception may be granted by and at the discretion of the Town Manager due to a member's illness or other exigent circumstances.
- K. Each of the 18 appointed representatives shall have one vote. As ex-officio members, staff liaisons do not have voting rights.
- L. Meetings shall be held as often as necessary to carry out the purpose and meet established goals, but generally monthly. Attendance shall be recorded in the minutes of the meeting. A quorum shall be determined by the number of appointed members, with a quorum being one more than half the number of members. A quorum is not

needed to run a meeting if no action is being taken. A quorum must be present for formal action to be taken.

- M. Regular meeting schedules shall be established annually and filed in accordance with Connecticut General Statutes, currently no later than January 31st annually.
- N. SPIRIT Council meetings are open to the public, and guests may make comments during the portion of the meeting agenda that permits public audience.
- O. A member of the Council will act as secretary and record all minutes and actions.
- P. The Community and Social Services Department shall be responsible for scheduling and cancelling meetings, distributing minutes and the filing of said minutes, as well as other duties that may be necessary.
- Q. The Council shall follow Roberts Rules of Order and may establish additional rules and/or procedures to govern the conduct of meetings, and review those rules and procedures on an annual basis. All FOIA rules and regulations will be adhered to.
- R. The SPIRIT Council shall provide an update to the Board of Selectmen at least once per year. The update may be oral or written.

5. Expenses

- A. **No Compensation, Reimbursement of Expenses.** Members of the Council shall receive no compensation for their services. However, members shall be reimbursed for necessary expenses incurred in the performance of their official duties, when such funds are available in the Town's approved budget and authorized in advance by the Director of Community and Social Services.
- B. **Commitment of Town Funds.** In the performance of its duties, the Council shall not incur any expense, or obligate the Town to pay any expense, unless funds have been appropriated by the Town specifically for the use of the Council and authorized in advance by the Director of Community and Social Services.

6. Subcommittees

The SPIRIT Council shall be permitted to have Subcommittees comprised of members of the Council. Subcommittee meetings shall be open to the public similar to meetings of the full Council and shall be formed to help the Council fulfill its goals listed in Section 3.A. All sub-committees will report back to the full Council at its monthly meeting. Sub-Committees shall also file an annual calendar as outlined in Section 4.J. ~~4.J.~~ Sub-Committees shall also prepare minutes as outlined in section 4.O. Sub-committees shall also follow Robert's Rules of Order and FOIA rules as outlined in Section 4.Q.

- A. **Events Subcommittee:** To create opportunities that promote diversity and inclusion allowing for personal growth through exposure to a variety of ideas, experiences and cultures that make meaningful contributions to our community.

- B. **Outreach Subcommittee:** Promote awareness of SPIRIT committee and partner with other organizations locally and regionally to drive progress in diversity, equity and inclusion efforts.
- C. **Data/Audit Subcommittee:** To gather data and to assess progress towards DEI goals developed by the Simsbury SPIRIT Council.

DRAFT



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Request for Rent Abatement – Simsbury Farms Restaurant
2. **Date of Board Meeting:** October 14, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Tom Tyburski, Director of Culture, Parks and Recreation *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectman supports reducing the final 2020 Simsbury Farms restaurant lease payment, the following motion is in order:

Move, effective October 14, 2020 to reduce the 2020 Simsbury Farms Restaurant lease payment by \$4,637.50 due to the impact of COVID-19 and authorize Town Manager, Maria E. Capriola to execute the proposed agreement and general release.

5. **Summary of Submission:**
On June 15, 2020, Culture, Parks and Recreation Director, Tom Tyburski received a request for a 35% rent abatement from Ryan Krieger, golf course restaurant lessee, for this season's rent due to a drastic decrease in revenue early in the season due to COVID-19 restrictions put on the restaurant industry by the State Of Connecticut. Mr. Krieger stated that from March 1 to May 31 the Golf Course Restaurant had \$6,074 in gross sales compared to \$32,263 the previous year; this is not inclusive of an additional \$21,000 in lost revenue that could have been derived from golf events that were held in the same time period in 2019. He was able to resume business with limited outdoor dining on May 20th. He was able to resume 50% capacity indoor dining June 17.

The annual base rent due for the Simsbury Farms Golf Course Restaurant is \$26,500. The request to lower the rent by 35% would have been a loss of revenue of \$9,275 to the Parks and Recreation Fund. After further discussion Mr. Krieger has agreed to accept an amount equal to 50% of his initial request totaling \$4,637.50 if the BOS is in agreement.

COVID-19 has had a tremendous impact on many sectors of our local and national economies, but especially so for many small restaurant operators. While we were able to successfully start the 2020 golf season in mid-March, the Farms Restaurant was not able to do so. While some restaurants were able to operate minimally with carry out or delivery operations this past spring, the golf course restaurant is really not positioned well to operate in that fashion. Revenue from several large golf outings was lost as

COVID-19 restrictions made it impossible to run these type of events. Recovery in June and July has been slow as business had to be recaptured after golf patrons had become used to the food and beverage service not being available.

The vendor had been up to date on payments in prior seasons and his contract with the Town is set to expire at the end of the 2020 golf season. He has been our tenant since spring of 2017. A RFP process is currently underway for the golf course restaurant lease, and the current vendor has indicated he does not intend to bid on the lease moving forward.

The attached Simsbury Farms Restaurant Agreement and General Release has been prepared by our Town Attorney.

6. Financial Impact:

Based on a reduction of the 2020 season's rent by \$4,637.50 the total golf course restaurant lease payments for the year will now be \$21,862.50.

7. Description of Documents Included with Submission:

a) Proposed Simsbury Farms Restaurant Agreement and General Release

AGREEMENT AND GENERAL RELEASE

Simsbury Farms Golf Course Restaurant Lease

This Agreement and General Release (the “Agreement”) is made and entered into as of September __, 2020 by and between **TOWN OF SIMSBURY**, a Connecticut municipal corporation having an office and principal place of business at 933 Hopmeadow Street, Simsbury, Connecticut (“the Town”) and **KRG, LLC**, 19 Forge Hill Drive, Barkhamsted, Connecticut 06063 (“the Lessee”), The Town and the Lessee are sometimes collectively referred to herein as the “Parties.”

1. Recitals. This Agreement is made with reference to the following facts:

1.1 The Lessee is the operator of the Simsbury Farms Golf Course Restaurant under the terms of a Lease dated February 22, 2017 (“the Lease”). The rent obligations are found in Section 5a of the Lease. In that section, the Lessee is obligated to pay \$26,500 per year. The First Amendment to Lease extended the term of the Lease and allowed the Lessee to pay rent in unequal monthly installments, depending on the level of Golf Course activity.

1.2 Under Paragraph 2 of the First Amendment to Lease, the Term of the Lease will expire on December 1, 2020.

1.3 Under Paragraph 3 of the Lease the Lessee is obligated to be open and operate the restaurant during the months of the golf season for the minimum number of hours agreed to by the Director. Under Paragraph 9 of the Lease, the Lessee can be held in default if he fails to: (a) operate the Leased Premises as a restaurant; (b) pay the rent due or (c) breaches any other covenant of the Lease.

1.4 On June 15, 2020 the Director of Culture, Parks and Recreation received an email from the Lessee requesting a 35% rent abatement for this season due to a drastic decrease in revenue early in the golf season due. The Lessee attributed the decrease in revenue to the COVID-19 restrictions put on the restaurant industry by the State of Connecticut.

1.5 The Lessee states that from March 1 to May 31 the restaurant collected \$6,074 in gross sales compared to \$32,263 the previous year. This amount does not include an additional \$21,000 in lost revenue derived from golf events that were held in the same time period in 2019. The restaurant was able to resume business with limited outdoor dining on May 20 and was able to resume 50% capacity indoor dining June 17.

1.6 The annual base rent due under the Lease is \$26,500. The request to lower the rent by 35% will result in a loss of revenue of \$9,275 to the Parks and Recreation Fund.

1.7 The COVID-19 restrictions on restaurant operations began on March 16, 2020 and are found in Executive Order No. 7D, which prohibited indoor dining operations at all restaurants in Connecticut and limited restaurant sales to off premises consumption.

1.8 In consideration of the promises, covenants and conditions contained in this Agreement, and for good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

2. Payment and Obligations.

2.1 The Town agrees to lower the Lessee's Base Rent from \$26,500 to \$21,863. As a result of the reduction in Annual Rent, the Final Lease Payment shall be reduced by \$4,637. In consideration of the reduction, the Lessee will make or cause to be made to the Town a payment in the total amount of \$21,863 on or before December 1, 2020.

2.2 The Lessee will surrender the Lease premises to the Town the later of December 1, 2020 or the end of the Golf Season as required by the Terms of the Lease.

2.3 The Lessee will continue to perform all of his obligations under the Lease, including the covenant of continuous operation of the Lease Premises, as require by the terms of Section 3 of the Lease.

2.4 Failure to continue operation of the Golf Course restaurant will be a default of the Lease and the reduction in annual rent will be null and void and the full amount of Base Rent under the terms of the Lease shall be due and owing.

3. Release.

3.1 Lessee for themselves and, as applicable, their heirs, beneficiaries, executors, administrators, legal representatives, predecessors, successors, parents, subsidiaries, agents, members, affiliates and assigns, and for other good and valuable consideration the sufficiency of which is hereby acknowledged, agree to release and forever discharge the Town and, as applicable, its present and former officers, directors, managers, members, employees, partners, trustees, consultants, predecessors, successors, subsidiaries, parents, attorneys, affiliates, assigns, insurers and agents, and all persons acting by, through, under, or in concert with them from any and all claims, demands, damages, bills, judgments, actions, or causes of action, known or unknown, which the Lessee ever had, now have or may have for, upon or by reason of any matter, cause or thing whatsoever related to administration of the Funds, release of the Transfer Amount, or any other matter related to or contemplated by this Agreement, from the beginning of time to the date of the Lessee's execution of this Agreement.

3.2 The foregoing release constitutes a general release and shall extend to all claims of every nature and kind whatsoever, known or unknown, suspected or unsuspected, whether arising in equity or at law, including, but not limited to, any claims based on contract, tort, statute, breach of duty, negligence, recklessness, bad faith or any other theory of liability, common law or statutory.

4. General Provisions.

4.1 Integration. Except as otherwise set forth herein, this Agreement is intended to be and constitutes the final, complete and exclusive agreement regarding the subject matter of this Agreement and all prior or contemporaneous agreements, understandings, representations and statements, oral or written, are merged into and superseded by this Agreement. No parol or extrinsic evidence of any kind and no course of dealing or usage of trade or course of performance shall be used to vary, contradict, supplement or add to the terms of this Agreement.

4.2 Amendment. No amendment, modification, termination or waiver of this Agreement or any of its provisions shall be valid unless it is in writing and signed by the Party against which such amendment, modification, termination or waiver is sought to be enforced.

4.3 Waiver. No waiver of any breach of any provision or term of this Agreement shall be deemed a waiver or a breach of a similar or dissimilar provision or condition at the same time or any prior or subsequent time or of the provision or term itself.

4.4 Binding Effect. This Agreement shall bind and inure to the benefit of the Parties and their respective successors, assigns and legal representatives. Except as otherwise stated in this Agreement, no person or entity other than the Parties shall have any rights under, or be deemed a beneficiary of, this Agreement.

4.5 Survival. All representations, warranties, covenants and agreements contained in this Agreement shall survive its execution and delivery and any and all performance in accordance with this Agreement.

4.6 Governing Law. This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Illinois without regard or reference to choice of law provisions or rules.

4.7 Jurisdiction and Venue. Any dispute relating in any way to this Agreement shall be litigated only in a state court located in Hartford County, Connecticut.

4.8 Rules of Construction. The section headings contained in this Agreement are for reference purposes only and shall not affect the meaning or interpretation of this Agreement. References to a section without further attribution shall refer to the section of this Agreement. When indicated by the context, each number, both singular and plural, includes all numbers, and each gender includes all genders. As used herein, the terms "include," "including" and similar terms shall be construed as if followed by the words "without limitation;" the term "person" includes a natural person, firm, partnership, corporation, limited liability company, association and any other private or public entity; and the term "provisions" shall be construed as if followed by the words "covenants, agreements, representations, warranties, indemnities, terms and/or conditions."

4.9 Severability. If any one or more of the provisions of this Agreement shall for any reason be held to be invalid, illegal or unenforceable in any respect, then such invalidity, illegality or unenforceability shall not affect any other provisions of this Agreement and this

Agreement shall be construed as if such invalid, illegal or unenforceable provisions had never been included in this Agreement.

4.10 Interpretation. This Agreement has been negotiated at arm's length. Any rule of law or legal decision that would require interpretation of this Agreement against the drafter is not applicable and is waived.

4.11 Effectiveness. This Agreement shall become effective when it has been executed by the Parties. Facsimile and electronically stored, scanned signatures and delivery by facsimile or electronic mail transmission shall be valid and effective.

[remainder of page intentionally left blank; signature page to follow]

[Signature Page to Agreement and General Release]

IN WITNESS WHEREOF, the Parties have executed this Agreement as of the date first above written.

TOWN OF SIMSBURY

By: _____
Name: Maria E. Capriola, MPA
Title: Town Manager
Duly Authorized

KRG, LLC as LESSEE

By: _____
Name: Ryan Krieger
Title: Authorized Signatory Duly
Authorized



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Summary of Town Manager's Performance Review
2. **Date of Board Meeting:** October 14, 2020
3. **Individual or Entity Making the Submission:**
Eric Wellman, First Selectman – On Behalf of Personnel Sub-Committee

4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports the Town Manager's performance review summary findings, the following motion is in order:

Move, effective October 14, 2020 to accept the Town Manager's performance review summary.

5. **Summary of Submission:**
Each fall, the Board of Selectmen (BOS) completes a performance review for the Town Manager. Each member of the BOS reviews the Town Manager's performance based on six attributes and four goals. For each attribute and goal, the Town Manager's performance is evaluated on a quantitative scale and she also receives qualitative feedback. A summary document of the Town Manager's performance is included in this submission. For the 2019/2020 review, she received a rating of Above Expectations.

Typically, this process is also accompanied by a contractual increase in salary that is in line with what other non-affiliated staff receive. Due to the Covid-19 pandemic, the Personnel Subcommittee has not yet developed a recommendation on how annual salary increases will be handled.

6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
 - a) Summary of Town Manager's FY 19/20 Performance Review

Maria Capriola Performance 2019/2020 – Review Results Summary

Date of Review – September 29, 2020

Review Type – end of year full review

Feedback Summary

| Category | Component | Rating | Core Commentary |
|-----------|--|---|--|
| Attribute | Financial Management | Above Expectations | <ul style="list-style-type: none"> • Diligent on best practices for budget preparation and thorough in preparation for related meetings. • Supports practices that maintain AAA bond rating. • Opportunity to proactively assist newer Board of Selectmen members in understanding the budget process. |
| Attribute | Organizational Management and Leadership | Above Expectations | <ul style="list-style-type: none"> • Brings a focus to the organization on customer service and problem solving. • Conducts annual performance reviews of each department head. • Holds department heads and staff at all levels to high expectations of performance. • Managed the town well through the challenges posed by the Covid-19 pandemic. |
| Attribute | Professional Development | Above Expectations | <ul style="list-style-type: none"> • Values professional development for herself and staff. • Supports opportunities to engage in executive coaching for self and other department heads. • Engaged in 360 review process to get feedback from her leadership team. |
| Attribute | B.O.S. Policies, Initiatives, Goals | Above Expectations | <ul style="list-style-type: none"> • Highly responsive to Board of Selectmen. • Uses Board of Selectmen priorities when identifying strategic and tactical priorities for the Town. • Actively participates in Board of Selectmen subcommittees and work groups, and prepares thoroughly for such meetings. |
| Attribute | Effective and Timely Communications | Meets Expectations / Above Expectations | <ul style="list-style-type: none"> • Communicates with Board of Selectmen in a timely and effective manner. • Agenda preparation for Board of Selectmen meetings, subcommittee, and work group meetings is thorough. • Effectively communicates with community stakeholders as |

| | | | |
|-----------|----------------------|--------------------|--|
| | | | <p>needed.</p> <ul style="list-style-type: none"> • Focus on continuing to build relationships with Board and Commission members and other community stakeholders |
| Attribute | Economic Development | Meets Expectations | <ul style="list-style-type: none"> • Devotes time to the Economic Development Commission and related activities. • Engages the Main Street Partnership and the Chamber of Commerce where appropriate. • Focus on continuing to build relationships in the business community. |

| Category | Component | Rating | Core Commentary |
|----------|--------------------------|---------------------------------------|---|
| Goal | H.R. and Labor Relations | Above Expectations | No comments in this section |
| Goal | Economic Development | Meets Expectations/Above Expectations | No comments in this section |
| Goal | Financial Management | Above Expectations | No comments in this section |
| Goal | Special Projects | Above Expectations | No comments in this section |
| Overall | Global Summary | Above Expectations | <ul style="list-style-type: none"> • Has completed a high percentage of her goals tied to Board of Selectmen priorities. • Key strengths: <ul style="list-style-type: none"> ○ Financial management ○ Preparation ○ Responsiveness to Board of Selectmen priorities • Key areas of opportunities: <ul style="list-style-type: none"> ○ Develop collaborative and strong relationships with Boards/Commissions, the business community, and other community stakeholders. ○ Continue to contribute to the expansion and effectiveness of economic development activity and improve expertise in this area. |



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Town Manager's Employment Agreement, 2021-2025
2. **Date of Board Meeting:** October 14, 2020
3. **Individual or Entity Making the Submission:**
Eric Wellman, First Selectman
4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen is in support of authorizing the Town Manager's employment agreement as proposed, the following motion is in order:

Move, effective October 14, 2020 to execute the Town Manager's Employment Agreement between the Town of Simsbury, Connecticut and Maria E. Capriola, for a Four-year term commencing on January 29, 2021 and expiring on January 29, 2025.
5. **Summary of Submission:**
Attached please find a proposed successor employment agreement with the Town Manager. The proposed agreement is for a four-year term and has been reviewed by the Town Attorney.

The Town Manager's most recently completed performance review was positive, in keeping with previous reviews. The proposed agreement extends the term of the Manager's current employment agreement which expires January 28, 2021, and incorporates the updated base salary in the successor contract.

From my perspective the proposed agreement is fair and reasonable to both the Town and the Town Manager.
6. **Financial Impact:**
The Town Manager's current annual salary is \$162,212. A monthly vehicle allowance is also provided.
7. **Description of Documents Included with Submission:**
 - a) Proposed Town Manager Employment Agreement, 2021-2025

**EMPLOYMENT AGREEMENT
BETWEEN
THE TOWN OF SIMSBURY
AND
MARIA E. CAPRIOLA, TOWN MANAGER**

This Employment Agreement (the “Agreement”) is made and entered into this ____ day of _____, 2021, pursuant to Chapter V of the Charter of the Town of Simsbury (the “Charter”) as effective on December 4, 2017, by and between the Town of Simsbury, Connecticut, a municipal corporation (the “Town”), acting by its Board of Selectmen (the “Board”), and Maria E. Capriola, hereinafter referred to as the “Town Manager.”

In consideration of the promises herein contained, the parties mutually agree as follows:

WHEREAS, the Board desires to employ the services of Maria E. Capriola as Town Manager of the Town of Simsbury, pursuant to Chapter V of the Charter and in particular “Section 501. Appointment of Town Manager;” and

WHEREAS, the Board, pursuant to Section 501 of the Charter, may contract with the Town Manager for such services; and

WHEREAS, it is the desire of the Board to provide certain benefits, establish the conditions of employment, and set the salary of the Town Manager; and

WHEREAS, it is the desire of the Board to appoint the Town Manager and to provide inducement for her to remain in such employment; and

WHEREAS, the parties intend that this Agreement shall be for a term of three (3) years, but subject to renewal for successive term(s) and the earlier termination provisions set forth in Section III.

NOW, THEREFORE, in consideration of the covenants contained herein, the parties agree as follows:

SECTION I: FUNCTIONS & DUTIES

The Board agrees to employ Maria E. Capriola as Town Manager. The Town Manager shall perform the functions and duties of the Chief Executive Officer of the Town in accordance with Chapter V of the Charter of the Town of Simsbury, the position description attached hereto as Appendix A, and such other duties and functions as the Board shall, from time to time, legally assign to her.

SECTION II: TERM

- A. This Agreement shall have a term of **four (4) years, beginning on January 29, 2021 and expiring on January 29, 2025** unless earlier terminated under the provisions of this Agreement and the Charter.
- B. The Board may terminate the services of the Town Manager, in accordance with the provisions set forth in Section III, paragraphs A and B of the Agreement.

SECTION III: TERMINATION & SEVERANCE PAY

- A. In the event the Town Manager is terminated by the Town prior to the expiration of the term of this Agreement or any renewal term as set forth herein, and the Town Manager is otherwise willing and able to perform the duties of Town Manager, the Town shall provide to the Town Manager severance benefits as follows:
 - a. For a termination occurring during the life of this Agreement, January 29, 2021-January 29, **2025**, eight (8) months of base salary and eight (8) months of continued health insurance benefits with the Town maintaining the employer share of the health insurance premium. In the event of termination by the death of the Town Manager during the term of this Agreement, the Town agrees to three (3) months of continued health insurance benefits for the Town Manager's immediate family with the Town maintaining the employer share of the health insurance premium.

These severance benefits shall be in addition to any unused, accrued leave, which may be owed to the Town Manager.

- B. In the event the Town Manager is terminated for breach of this Agreement, criminal conduct, willful misconduct, unreasonable refusal to perform lawful duties as outlined in the Simsbury Town Charter, Code of Ordinances and other applicable law or the intentional violation of Town policies and procedures including but not limited to policies or procedures pertaining to harassment and/or discrimination, the Town shall have no obligation to pay the severance benefits designated in paragraph A above.
- C. Town Manager's receipt of the benefits enumerated in paragraph A above shall be conditioned upon the Town Manager's execution of a general release of all claims against the Town which shall be prepared by Town Counsel in a form acceptable to the Town. Such General Release may be reviewed and commented on by Town Manager's Counsel at her discretion and at her cost.
- D. In the event the Town Manager terminates her position with the Town before the expiration of the term of this Agreement, the Town Manager shall give the Town not less than sixty (60) days' written notice in advance, unless the parties agree otherwise. A copy of the resignation shall be filed with the Human Resources Office, the six members of the Board

of Selectmen, and the Town Clerk. In the event the Town Manager terminates her position, the benefits enumerated in paragraph A above shall not apply.

SECTION IV: RE-APPOINTMENT

The Board and the Town Manager, provided each has notified the other in writing of their desire to commence negotiations to renew the Agreement, will endeavor to reach agreement on a successor agreement prior to the expiration of this Agreement. If the Town Manager is not re-appointed on or before the expiration date of this Agreement, nothing in this Agreement shall preclude the Town Manager from finishing the remainder of her term with its then applicable salary and benefits. It is understood that if the Board does not intend to renew this Agreement, the Town Manager shall receive at least a six (6) month notice of non-renewal.

SECTION V: COMPENSATION

- A. **Base Salary:** Pursuant to Section 501 of the Charter, the Town Manager shall be paid an annual base salary of \$162,212, less all applicable withholdings and deductions, effective January 29, 2021. The salary for the Town Manager shall be payable in weekly installments at the same time as other Town department managers. The Town Manager's salary may be adjusted in accordance with annual performance reviews and evaluations under Section VII provided the Town Manager's performance is satisfactory or better than satisfactory, and shall be consistent with the general wage increase awards for non-union full-time staff and shall further become effective on the effective date applicable to non-union full-time staff.
- B. **Reduction in Salary:** The Town Manager's salary shall not be reduced below the amount set forth in Section A, except in the event of a general reduction in salaries instituted for all Director-level employees of the Town.
- C. For the purposes of the Fair Labor Standards Act and state law, the Town Manager shall be an "exempt employee."

SECTION VI: BENEFITS

- A. **General:** A summary of the benefits available to the management-level employees of the Town who are not represented by a union is attached hereto as Appendix B. The Town Manager shall be entitled to participate in all such benefits upon the same terms and conditions as other non-represented management-level employees with the exceptions noted in this Section VI.
- B. **Health and Dental Insurance:** In the event the Town Manager is terminated by the Town under conditions pursuant to Section III A of this Agreement, the Town shall pay its normal share of premium costs for said insurance benefits pursuant to the provisions of

Section III. Terms of this subsection shall become effective on the day this contract is executed.

- C. **Vacation:** In accordance with Section 9 of the Personnel Rules entitled “Employee Benefits,” the Town Manager will accrue vacation at a rate of 5 weeks per year. Should the Town Manager separate from employment with the Town the Town Manager shall be paid only for any unused vacation that would be due to the Town Manager upon separation from service in a manner consistent with that for non-union Director-level positions with the Town.

SECTION VII: GOALS & OBJECTIVES

- A. The Board shall conduct an annual review of the Town Manager and evaluate the Town Manager’s accomplishment of the goals and objectives discussed below. This review and evaluation shall be in accordance with specific criteria developed jointly from time to time by the Board and the Town Manager. Further, the First Selectman/Selectwoman of the Board or his or her designee shall provide the Town Manager with a written statement of the findings of the Board and provide an adequate opportunity for the Town Manager to discuss her evaluation with the Board.
- B. On an annual basis the Board and the Town Manager shall define such goals and performance objectives as they determine necessary for the proper operation of the Town and the attainment of the Board’s policy objectives, and shall further establish a relative priority among the various goals and objectives, and said goals and objectives shall be reduced to writing. They shall generally be attainable within the time limits specified, within the annual operating and capital budgets and appropriations provided by the Town and within existing circumstances and external conditions affecting the Town.

SECTION VIII: EXPENSES

- A. **Automobile Expenses:** The Town Manager shall be provided with an annual vehicle allowance of \$350.00 per month paid in monthly installments. This allowance shall provide for all necessary travel mileage, tolls, and related costs. Reimbursement for work-related parking costs shall be paid upon submittal of receipts by the Town Manager. The Town Manager will provide the Town with a certificate of insurance demonstrating insurance coverage in advance of the employment date and anniversary thereof annually.
- B. **Professional Development:** Annually, the Town and the Town Manager shall discuss appropriate professional development opportunities. The Town shall pay the Town Manager’s registration fee(s) and related expenses for the International City/County Management Association’s Annual Conference or for an alternative professional development opportunity, provided that professional development costs must be reasonable. Upon prior approval by the Board, the Town shall pay the Town Manager’s registration fee(s) and expenses to and from short courses, institutes, and seminars that are deemed relevant and appropriate for the Town Manager’s professional development and for the good of the Town, including the cost of the “credentialing” program of ICMA. The Town agrees to budget and pay for the

professional dues and subscriptions for the Town Manager necessary for membership in the ICMA and any other professional organizations deemed necessary and desirable for her continued professional participation, growth, and advancement for the good of the Town.

- C. **Cell Phone and Laptop**: The Town will issue and pay for a cell phone, a laptop with docking station and such other technology as the Board deems appropriate for the Town Manager's use in connection with Town business.
- D. **Other Expenses**: The Town Manager shall be reimbursed for any reasonable expenses incurred in the performance of her duties, or as an official representative of the Town, including attendance by her at civic events.

SECTION IX: OTHER

- A. **Succession Planning**: The Town Manager and the Board agree that succession planning for the office of the Town Manager is an important consideration. It is further agreed that, should a vacancy occur in the position of Town Manager, the Board of Selectmen may wish to consider the incumbent Deputy Town Manager for appointment as Temporary and/or Permanent Town Manager. In recognition of this, the parties agree that the Town Manager will confer with the Board of Selectmen as part of the process through which the Town Manager appoints a future Deputy Town Manager.

SECTION X: OUTSIDE ACTIVITIES

The Town Manager may accept speaking, writing, lecturing, teaching, or other paid engagements of a professional nature as he/she sees fit, provided they do not interfere with the performance and discharge of his/her duties and responsibilities as Town Manager. Any such engagements, activities, or work must be approved in advance by the Board, whose approval will not be unreasonably delayed or denied, and shall not be in violation of the Town's Conflict of Interest policies as set forth in Chapter 13, Code of Ethics, in the Town's Ordinances and Section 1003 of the Charter.

SECTION XI: HOURS OF WORK

The position of Town Manager is an exempt position under state and federal law and may require work weeks of forty (40) hours or more. As an exempt employee, the Town Manager is not entitled to overtime pay. Recognizing that the Town Manager will be devoting a great deal of time outside of the normal work schedule and provided that the Town Manager is completing her work on a timely basis, the Town Manager will be allowed to establish an appropriate work schedule and to use appropriate flex time.

The Town Manager will devote full time and attention to the business of the Town and will not engage in any other business, except with the prior approval of the Board.

SECTION XII: BONDING & INDEMNIFICATION

The Town shall indemnify and save harmless the Town Manager from any claim, loss, liability or damage including punitive damages, reasonable legal fees and costs in an amount not more than \$1,000,000 for any errors or omissions of the Town Manager within the scope of her employment with the following exceptions:

- (a) The Town Manager shall not be so indemnified for an intentional violation of civil rights. For the purposes of this Agreement, an intentional violation of civil rights shall mean bad faith conduct made with the intention to deprive an individual of his or her civil rights under as State or Federal civil rights statute. Any conduct the Town Manager performed with the knowledge and acquiescence of the Board shall not be deemed an intentional violation of civil rights under this agreement.
- (b) The Town Manager shall not be so indemnified for criminal acts.
- (c) This section shall survive any termination of this Agreement.

SECTION XIII: SEVERABILITY

If any provision or any portion thereof of this Agreement is found to be unconstitutional, invalid or unenforceable, it shall not affect the remainder of said Agreement but said remainder shall be binding and remain in full force and effect.

SECTION XIV: EXECUTION

This Agreement shall be executed in two counterparts, each of which shall be deemed to be an original, and both of which, taken together, shall be deemed one and the same instrument.

SECTION XV: GOVERNING LAW

This Agreement shall be governed by and constructed and enforced in accordance with the laws of the State of Connecticut, without regard to conflict of law principles.

SECTION XVI: COMPLIANCE WITH CODE OF ETHICS

The Town Manager shall be required to execute a Conflict of Interest disclosure as required by the Chapter 13 of the Town Ordinances and Section 1003 of the Charter and shall further be required to update that disclosure in the event of a change in circumstances resulting in a conflict or potential conflict. Any violation of the Town's conflict of interest Ordinance or Section 1003 of the Charter shall be considered cause for termination and the separation benefits set forth in Section III.A. above shall not apply.

SECTION XVII: NOTICES

Any and all notices required or permitted to be given under this Agreement will be sufficient if furnished in writing, sent in person, by certified mail, and /or by Federal Express or UPS in such fashion that a receipt for delivery is obtained. to his/her last known residence, in the case of the Town Manager, or the First Selectman/Selectwoman of the Board in the case of the Town.

IN WITNESS THEREOF, the parties have hereunto signed and sealed this Agreement and a duplicate thereof the _____ day of _____ in the year 2020, such Agreement to be effective as of January 29, 2021 until January 29, 2025.

TOWN OF SIMSBURY
by its Board of Selectmen

Maria E. Capriola
Town Manager

Eric Wellman, First Selectman

Sean Askham, Deputy First Selectman

Approved as to form only:

Jackie Battos, Selectwoman



Robert M. DeCrescenzo, Town Counsel

Wendy Mackstutis, Selectwoman

Michael Paine, Selectman

Chris Peterson, Selectman

Appendix A
Position Description

Appendix B
Benefits Summary

Appendix C
Conflict of Interest Form



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Appointments to Simsbury SPIRIT Council
2. **Date of Board Meeting:** October 14, 2020
3. **Individual or Entity Making the Submission:**
Maria E. Capriola, Town Manager; Kristen Formanek, Director of Community and Social Services *Maria E. Capriola*
4. **Action Requested of the Board of Selectmen:**

Move, effective October 14, 2020, to appoint the following individuals to the Simsbury SPIRIT Council with terms expiring on December 6, 2021:

- Dana Albrycht (D)
- Sara Batchelder (D)
- Carol Clark-Flanagan (U)
- Cheryl Cook (R)
- Meg Evans (D)
- Annalise Febus-Barlow (U)
- Mary-Margaret Girgenti (D)
- Lisa Grant (D)
- Tenesha Grant (D)
- Rebekah Hatch (D)
- Lloyd Huie (U)
- Chris Kelly (D)
- Nicole Kodak (U)
- Nkosi Lee (D)
- Gene Ott (D)
- Diana Yeisley (D)

5. **Summary of Submission:**

At the September 29, 2020 Board of Selectmen meeting, the SPIRIT Council was created as a Special Committee of the Town and authorized to have 18 membership slots. The SPIRIT Council terms will be co-terminus with the Board of Selectmen, thus the initial appointed members will have terms expiring on December 6, 2021.

A number of staff members from the Department of Community and Social Services, Library, Police Department and Board of Education actively participate in this

Committee. They will serve as ex-officio members with full participation rights, but will not be able to vote. I have assigned Kristen Formanek, Director of Community and Social Services, as the lead staff support person for this committee.

6. Financial Impact:

None

7. Description of Documents Included with Submission:

a) Legal Opinion from R. DeCrescenzo, re: Spirit Council, dated October 8, 2020



Robert M. DeCrescenzo
(t) 860.548.2625
(f) 860.548.2680
rdecrescenzo@uks.com

October 8, 2020

Via Email

mcapriola@simsbury-ct.gov

Maria E. Capriola, M.P.A.
Town Manager
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Re: Spirit Council

Dear Ms. Capriola:

The Board of Selectmen has by resolution created the SPIRIT Council as a special committee under Charter Section 403. The Board would like to appoint the members of the Council at their October 14, 2020 meeting.

Before appointing members to the SPIRIT Council, the Board requests advice on the question of whether a non-electer can be appointed as a voting member of a special committee created by resolution under Charter section 403. The intention is to appoint one or more parents of children participating in the Simsbury Board of Education's Open Choice program as members of the Council.

Charter section 601 defines the three types of appointed boards, commissions and committees. The two types of appointed committees relevant here are regular, permanent boards and commissions formed by the Charter or by ordinance, as defined in section 601(a) and special committees formed by resolution of the Board of Selectmen, as defined in section 601(c). The "Regular Boards" listed in Section 601(a) are the permanent boards, commissions and committees of the Town. The "Special Committees" are those ad hoc committees created by the Board of Selectmen by resolution, usually focused on a single issue or policy concern, that serve coterminous with the Board that created them.

Eligibility for appointment to all appointed boards, commissions and committees as defined in section 601 is governed by Charter Section 602. Under section 602, eligibility for membership on permanent or "regular" boards and commissions defined in Section 601(a) is limited to electors of the Town:

Maria E. Capriola
Page 2
October 8, 2020

All members of such Town boards and commissions as are described in Section 601 of this chapter shall be appointed in accordance with the provisions of Sections 203[*minority representation*] and 301(b) [*terms of office*] of this Charter. . . . **No person shall be eligible for appointment to any regular Town board or commission, except the Building Code Board of Appeals, who is not at the time of his or her appointment an Elector of the Town** and any person ceasing to be an Elector of the Town, shall thereupon forfeit his or her membership on the board or commission (*emphasis added*).

The elector requirement cited above specifically references “regular town boards and commission”, as defined in the list of them contained in Charter Section 601(a). Special committees, as defined in Charter Section 601(c), are not included in the list of permanent “regular” committees found in section 601(a), and therefore, the elector requirement does not explicitly apply to their membership.

The membership of special committees must, however, comply with the minority representation provisions found in Charter section 203. That section incorporates General Statutes section 9-167, which states that no more than two-thirds of the membership of a committee of more than nine members may be enrolled in the same political party. You have indicated that the Board contemplates appointing 18 members to the Spirit Council. According to the provisions of General Statutes section 9-167a, in an 18 member Council, no more than 12 members may be enrolled in the same political party.

Very truly yours,



Robert M. DeCrescenzo, Esq.
Town Attorney

RMDe/psm

The Special Meeting of the Board of Selectmen was called to order at 6:00p.m. on Zoom due to COVID-19. Present were: First Selectman Eric Wellman; Deputy First Selectman Sean Askham; Board members Jackie Battos, Chris Peterson, Mike Paine, and Wendy Mackstutis. Others in attendance included Town Manager Maria E. Capriola; Deputy Town Manager Melissa Appleby; Recreation Director Tom Tyburski and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC HEARING

a) Proposed Amendment to the Tax Credit for Elderly and Disabled Homeowners Ordinance

Mr. Wellman said the Public Hearing is to receive comments on the proposed Tax Credit for Elderly and Disabled Homeowners Ordinance.

There were no comments or questions on this Ordinance, therefore, Mr. Askham made a motion to adjourn the Public Hearing. Ms. Battos seconded the motion. All were in favor and the motion passed.

PUBLIC AUDIENCE

- Email written comments to ebutler@simsbury-ct.gov by 12 p.m. Tuesday September 29, 2020 to be read into the record or
- Email tfitzgerald@simsbury-ct.gov by Tuesday, September 29, 2020 to register to address the Board of Selectmen live on Zoom

Mr. Wellman read an email from Joan Coe. She spoke about a Hartford Courant article, transparency, the Hometown Hero Award, the Police Department and Police Commission, the Recreation Department master plan, pickle ball, a Board of Finance meeting, the Meadowood property, Griffin land and other items.

Mr. Wellman read an email from Jonathan Hellitzer, who spoke about the open space parcel on Holcomb Street. He feels the property owner should be allowed to purchase this orphaned piece of property as long as it is never developed.

PRESENTATION

a) Spirit Council and Resolution Declaring Racism a Public Health Crisis

Mr. Wellman introduced Cheryl Cook and Nicole Kodak, co-chairs of the SPIRIT Council, which was developed last year with the Department of Justice. He said they have done a lot of work and thanked them for all their hard work

Ms. Cook said the SPIRIT Council operates as a sub-committee under Community for Care. There was a community forum in May of 2019 with the Department of Justice and that is how the SPIRIT Council was formed. She introduced the Council, who have prepared this presentation.

Ms. Kodak said the SPIRIT Council wants to become a Town Committee and would like a resolution approved by the Board.

Ms. Cook went through the SPIRIT Councils timeline and Ms. Kodak went through their vision and mission. Ms. Kodak said there are 24 active members who are very committed. Their banner is across Iron Horse Boulevard.

Nkosi Lee, Chair of the Event Sub-Committee, spoke about creating opportunities that promote diversity and inclusion and personal growth. They meet the first Thursday of every month to discuss different subjects.

Lloyd Huier, Chair of the Outreach Sub-Committee said they plan to promote awareness of what the SPIRIT Council does. They are reaching out and connecting with different organizations and want to partner with different Simsbury groups and collaborate with regional and state entities.

Rebekah Hatch, Chair of Data/Audit Sub-Committee said they are gathering data and analyzing it. They are going to follow up on plans or actions with committee involvement and maintain their progress.

Tenesha Grant spoke about the resolution they are asking for, which declares racism a public health crisis. This will help them gain access to the help that people need.

Ms. Kodak spoke about their next steps and asked the Board to approve them as a Town Committee tonight. She said they will have budget requests and will work on organizing and housekeeping.

The Board thanked them for all the hard work they have done.

Ms. Kodak said the Equity Council has just adopted an Equity Statement, which is making changes to the climate student referrals and other things for school children. They are working with the Board of Education.

After some discussion, Mr. Askham made a motion, effective September 29, 2020, to create the SPIRIT Council as an official Town Special Committee with 18 members. Mr. Peterson seconded the motion. All were in favor and the motion passed.

All of the Board members read the resolution declaring racism a public health crisis. Ms. Mackstutis made a motion, effective September 29, 2020, to adopt the resolution a declare racism a public health crisis. Mr. Peterson seconded the motion. All were in favor and the motion passed.

Mr. Wellman made a motion, effective September 29, 2020, to have the Town Manager work the Department Heads to review policies and procedures with an equity lens and come back to the Board of Selectmen with the recommendations on changes, improvements and updates. Mr. Askham seconded the motion. All were in favor and the motion passed.

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) Tax Refund Requests

Ms. Battos made a motion, effective September 29, 2020, to approve the presented tax refunds in the amount of \$4,825.01 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) FY 20/21 Emergency Management Performance Grant (EMPG) Application

Mr. Wellman said the Town is interested in applying for an Emergency Management Performance Grant, which is nearly \$25,000. The grant goes to the Fire District and the Town serves as a pass through.

Ms. Battos made a motion, effective September 29, 2020, to apply for the 2020/2021 Emergency Management Performance Grant as presented and to authorize Maria E. Capriola, Town Manager to execute all documents related to the grant award should it be awarded. Mr. Paine seconded the motion. All were in favor and the motion passed.

c) Center for Technology and Civic Life COVID-19 Response Safe Elections Grant

Mr. Wellman said the Town has an opportunity to apply for a grant from the Center for Tech and Civic Life which provides technical assistance to elections administrators across the county. This would help cover certain costs incurred by the new COVID-19 protocols.

Ms. Mackstutis made a motion effective September 29, 2020, to submit the Center for Tech and Civic Life COVID-19 Response Grant and to authorize Maria E. Capriola, Town Manager, to execute the grant applications. Mr. Paine seconded the motion. All were in favor and the motion passed.

Ms. Mackstutis made a motion to accept the Center for Tech and Civic Life COVID-19 Response Grant and to authorize Maria E. Capriola, Town Manager to execute all documents related to the grant award. Ms. Paine seconded the motion. All were in favor and the motion passed.

d) Proposed acceptance of Greater Hartford Transit District Dial-a-Ride Assistance Grant

Mr. Wellman said the Town is anticipating a grant of approximately \$6,600 from the Greater Hartford Transit District to support the Dial-A-Ride program.

Ms. Battos made a motion, effective September 29, 2020 to accept the FY20/21 grant funds from the Greater Hartford Transit District to support our Dial-A-Ride program and to authorize Town Manager, Maria E. Capriola to execute all documents related to the grant award. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

e) Proposed update to Golf Course Superintendent Classification

Mr. Wellman said now that the Golf Course Superintendent is retiring after 16 years of service. The classification is from 2004 and most of the changes are housekeeping.

Ms. Mackstutis made a motion, effective September 29 2020, to approve the proposed changes to the job description for the Golf Course Superintendent classification as presented. Mr. Askham seconded the motion. All were in favor and the motion passed.

f) Public Gathering Permit – Simsbury Performing Arts Center – Art Trail Closing Ceremony

Mr. Wellman said the Public Gathering Committee has approved the application for the Art Trail Closing Ceremony for October 6, 2020 at the Performing Arts Center.

Ms. DiNunno said there will be social distancing at the event and some catering will be available along with beer and wine.

Mr. Paine made a motion, effective September 29, 2020, to approve the public gathering application for the Art Trail Closing Ceremony and authorize the issuance of the public gathering permit for the event. Mr. Askham seconded the motion. All were in favor and the motion passed.

g) Public Gathering Permit – Simsbury Performing Art Center – Benefit Concert for SMPAC

Mr. Wellman said there is a benefit concert scheduled for October 10 2020 at the Performing Arts Center to support the Performing Arts Center. It will include performances.

Ms. DiNunno said the band offered their services for free and the Committee thought it would be a great benefit for the Performing Arts Center. Information can be seen on Simsbury Meadows Music.com.

Ms. Battos made a motion, effective September 29, 2020, to approve the public gathering application for the 2020 SMPAC Benefit Concert and to authorize the issuance of the public gathering permit. Mr. Paine seconded the motion. All were in favor and the motion passed.

h) Public Gathering Permit – Simsbury Performing Arts Center / Iron Horse Blvd. – Spooktacular Drive-thru

Mr. Wellman said the Town is teaming up with the Performing Arts Center and the Chamber of Commerce to hold a drive-thru trick or treating event on October 18th.

Mr. Tyburski said they thought long and hard on how they could make this work. They are hoping for good weather. Tickets are almost sold out and you can get them on www.simsburyrec.com.

Mr. Askham made a motion, effective September 29, 2020 to approve the public gathering application for the 2020 Spooktacular Drive-thru and authorize the issuance of the public gathering permit. Mr. Paine seconded the motion. All were in favor and the motion passed.

i) Proposed Public Gathering Permit – Trinity Church/First Church – Pumpkin Patch Event

Mr. Wellman said this permit is for the annual pumpkin sale organized by Trinity Church and First Church, which will take place outside Boy Scout Hall from September 30, through November 7, 2020.

Mr. Paine made a motion, effective September 29 2020, to approve the public gathering application on behalf of Trinity Church and First Church and authorize the issuance of the public gathering permit for the fall 2020 pumpkin patch event. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

j) Administrative Approvals for Public Gathering Permits

Mr. Wellman said this would expand administrative approvals for public gathering permits for recurring events. Last year it was decided the Performing Arts Center recurring events could be approved at an administrative level. This would extend administrative approvals to all recurring events as long as there are no changes from previous years.

After some discussion, Mr. Askham made a motion, effective September 29, 2020, to authorize the Town Manager to approve public gathering permits administratively for recurring events without substantive changes. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

k) Proposed Amendments to the Tax Credit for Elderly and Disabled Homeowner’s Ordinance

Mr. Wellman said there was a Public Hearing for the amendments for Tax Credits for elderly and disabled homeowners. This will make sure our Town ordinance remains consistent with the State statutes which includes trusts. If the property owner and the beneficiary of the trust are the same person they would now be eligible for a tax reduction.

Mr. Paine made a motion, effective September 29, 2020, to adopt the proposed amendments to the Tax Credit for Elderly and Disabled Homeowner’s Ordinance as presented, which will be effective 21 days after publication in the newspaper having circulation in the Town of Simsbury and further to authorize a summary of the adopted ordinance published. Mr. Askham seconded the motion. All were in favor and the motion passed.

l) Proposed update to Volunteer Firefighter and Ambulance Personnel Tax Abatement Ordinance

Mr. Wellman said the State has given towns the ability to increase the tax abatement for volunteer Firefighters and Ambulance personnel. A workgroup was formed on this issue. There are various scenarios in the packet.

Kevin Kowalski, Chief Baldis and Gary Wilcox explained the updated ordinance. They asked the Board to approve the increased abatement as it is written by the State statute and not phase it in. They explained the hard work of both the Volunteer Firefighters and Ambulance personnel and explained what they have to succeed in before they can get the abatement. It has been 15 years since the last increase of the abatement.

After discussion, Ms. Battos made a motion, effective September 29, 2020, to schedule a Public Hearing for 6:00 p.m.at the Board of Selectmen Regular Meeting on October 14, 2020 to solicit public comment regarding the proposed amendment to the Volunteer Firefighter and Ambulance Personnel Tax Abatement Ordinance. Scenario A would be the proposed amendment to the ordinance. Mr. Askham seconded the motion. All were in favor and the motion passed.

m) Town Manager’s Employment Agreement 2021-2024

Mr. Wellman said the Personnel Sub-Committee was asked to provide a recommendation whether to extend the Town Manager’s contract, which expires the end of January. The Committee obtained public input. In June a contract extension was recommended. There are a few changes in the contract including an increase in vacation

time and in the event the Town Manager passes away while in her role, her family would be allowed to stay on her health insurance for a 3 month period. This insurance benefit should be extended to all Town employees. There was also some change in code of ethics, Town Charter or Law, she would still be eligible for 8 months of salary.

After some discussion, Mr. Askham made a motion, effective September 29, 2020, to execute the Town Manager’s employment agreement between the Town of Simsbury, CT and Maria E. Capriola for a three year term commencing January 29, 2021 and expiring on January 29, 2024. Ms. Mackstutis seconded the motion.

After discussion regarding the timing of the contract expiration, Mr. Askham withdrew his motion. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

After some discussion, Mr. Askham made a motion to table this discussion to further discuss the timeframe of the contract. Mr. Paine seconded the motion. All were in favor and the motion passed.

APPOINTMENTS AND RESIGNATIONS

a) Reappointments to the Economic Development Commission

Ms. Battos made a motion, effective September 29 2020, to reappoint Tom Earl and Charmaine Seavy to the Economic Development Commission effective October 10, 2020 and expiring October 20, 2023. Mr. Paine seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a) Regular Meeting of September 14, 2020

There were no changes to the Regular Meeting Minutes of September 14, 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** – Ms. Mackstutis asked about kids going back to school. She said enrollment is down 18%. Bus riding is also down.
- Ms. Mackstutis said the Aging and Disability Commission has reorganized and Diane Yiesley is now the Chair.

COMMUNICATIONS

- a) **Memo from M. Capriola Re: Administrative approvals of Public Gathering Permits, dated September 23, 2020** – no discussion at this time.

EXECUTIVE SESSION

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

Ms. Mackstutis made a motion to adjourn to Executive Session with Maria E. Capriola to discuss her annual performance review at 8:13p.m. Ms. Battos seconded the motion. All were in favor and the motion passed.

ADJORN

Mr. Askham made a motion to adjourn at 9:15 p.m. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio
Clerk

MEMORANDUM

TO: BOARD OF SELECTMEN

FROM: ERIC WELLMAN, FIRST SELECTMAN

SUBJECT: IN-PERSON MEETINGS

DATE: OCTOBER 14, 2020

CC: MARIA CAPRIOLA; MELISSA APPLEBY

I would like to have a conversation with the Board of Selectmen about a possible move to in-person meetings. As you know, since March, the Board has been meeting virtually. The public has been able to view our meetings live on cable, and live and on demand on the Internet. Public audience has consisted of reading letters into the record that are submitted ahead of time. Starting in September, members of the public have also had the option of joining our Zoom meeting and sharing their comments live, albeit virtually.

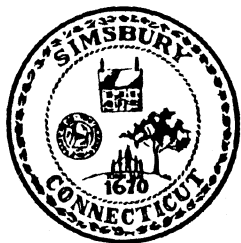
I have received limited inquiries from the public about when we plan to return to in-person meetings. In-person meetings present certain logistical challenges, including but not limited to:

- Holding the meeting in an auditorium-type space to ensure adequate social distancing.
- Sanitizing the lectern between speakers.
- Ensuring volunteers with SCTV are available to record the meeting for tape and broadcast.
- Providing a virtual option for Board members. I feel strongly that any Board member who does not feel comfortable meeting in person be able to participate fully remotely.

My recommendation is that we continue to meet virtually for the foreseeable future. My reasons are as follows:

- Ensuring full virtual participation while meeting in-person presents several logistical hurdles in terms of how the broadcast comes together, how people will hear each other, how shared content will be viewed, and more. I don't believe it's insurmountable, but may be clunky.
- Everyone, including Board members will be fully masked and sitting at least six feet apart. The inability to read facial queues and the distance apart could make meaningful dialogue challenging.
- It could disenfranchise people with a hearing disability due to the inability to read lips while the speakers are masked.
- The public participation in our virtual meetings has been at least as strong, and in some cases, stronger than in the past when people were required to come to Town Hall to participate.

To be clear, I want to return to in-person meetings as soon as it is safe and logistically feasible to do so. I am open to considering other viewpoints if members of this board feel differently at this point in time and welcome the conversation.



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Maria E. Capriola - Town Manager

MEMORANDUM

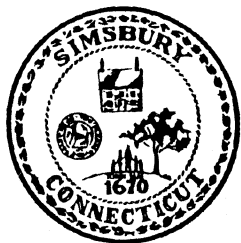
To: Board of Selectmen
From: Maria Capriola, Town Manager
Cc: Mike Glidden, Director of Planning and Community Development; Tom Tyburski, Director of Culture, Parks and Recreation; Nick Boulter, Chief of Police
Date: October 7, 2020
Subject: Administrative Approval of Rain Date for Halloween Spooktacular Event

The public gathering permit for the Halloween Spooktacular event was approved by the Board of Selectmen at your September 29, 2020 meeting. In the event of rain, the partnering/sponsoring organizations have a desire to schedule a rain date of October 25, 2020, with no other changes to the event from the permit approval granted on September 29th.

This memo is to inform the Board of Selectmen that I have approved the rain date via an administrative approval.

| Name of Event | Date | Type |
|--|------------------|---------------------------------|
| PAC, Spooktacular Halloween drive thru event (Rain Date) | October 25, 2020 | Entertainment Event (Rain Date) |

Should you have any questions or concerns about the above, please contact me so staff and I can help answer those questions.



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Maria E. Capriola - Town Manager

MEMORANDUM

To: Board of Selectmen
From: Maria Capriola, Town Manager
Cc: Mike Glidden, Director of Planning and Community Development; Tom Tyburski, Director of Culture, Parks and Recreation; Nick Boulter, Chief of Police
Date: October 8, 2020
Subject: Administrative Approval of Public Gathering Permit

This memo is to inform the Board of Selectmen of the public gathering permit I have approved via an administrative approval.

Staff from Planning, Police, Culture, Parks and Recreation, Public Works, the Fire District, and the Farmington Valley Health District reviewed the application to ensure compliance and safety measures were addressed prior to approval. Following completion of that process, the following public gathering permit has been approved by me:

| Name of Event | Date | Type |
|--|-------------------|------------|
| Simsbury Airport Drive-Thru Food Truck Event | November 14, 2020 | Food Event |

Should you have any questions or concerns about the application listed above, please contact me so staff and I can help answer those questions.