

Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Watch Board of Selectmen meetings LIVE and rebroadcast on Comcast Channels 96, 1090, Frontier Channel 6071 and LIVE streamed or on-demand at www.simsburytv.org

SIMSBURY BOARD OF SELECTMEN

Regular Meeting – December 4, 2023 – 6:00 p.m.

Oath of Office Ceremony at 6:00 p.m. – Auditorium

Board of Selectmen Meeting Immediately Following Ceremony – Old Court Room

All Events are at Eno Memorial Hall, 754 Hopmeadow Street

PLEDGE OF ALLEGIANCE

PUBLIC AUDIENCE

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

FIRST SELECTMAN'S REPORT

TOWN MANAGER'S REPORT

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

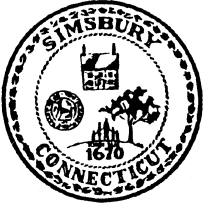
- Personnel
- Finance
- Public Safety
- Board of Education

SELECTMEN ACTION

- Appointment of Deputy First Selectman
- Board of Selectmen Rules and Procedures
- Board of Selectmen 2024 Regular Meeting Schedule
- First Selectman's Appointment of Board, Committee and Commission Liaison Assignments
- Stipend for First Selectman
- Reappointment of Town Counsel, Labor/Employment/Pension Counsel, and Bond Counsel
- Re-Authorization of Temporary Committees
- Tax Refund Requests
- Donation from Valley Simsbury Church

APPOINTMENTS AND RESIGNATIONS

- Proposed Appointment to Public Building Committee
- Resignation of Steven Antonio from Fair Rent Commission, Zoning Board of Appeals, and Building Code Board of Appeals



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

REVIEW OF MINUTES

- a) Minutes of October 23, 2023 Regular Meeting
- b) Minutes of November 13, 2023 Regular Meeting

COMMUNICATIONS

- a) Letter from R. DeCrescenzo re: Recusal of Updike, Kelly & Spellacy for Zoning Commission Application ZC-23-38, dated November 21, 2023

ADJOURN



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Appointment of Deputy First Selectman
2. **Date of Board Meeting:** December 4, 2023
3. **Individual or Entity Making the Submission:**
Wendy Mackstutis, First Selectman
4. **Action Requested of the Board of Selectmen:**
No action is required by the Board of Selectmen according to Chapter IV Section 402 of the Town of Simsbury Charter.
5. **Summary of Submission:**
As stated in Chapter IV, Section 402 of the Town Charter:
“At the organization meeting, the First Selectman or First Selectwoman shall appoint, from among the members of the Board of Selectmen, a Deputy First Selectman or Deputy First Selectwoman who shall serve as Acting First Selectman or First Selectwoman in accordance with the provisions of Section 411 of this Charter.”

Chapter IV, Section 411 of the Town Charter:

“The Deputy First Selectman or Deputy First Selectwoman shall serve as acting First Selectman or First Selectwoman in the event of the temporary absence or temporary disability of the First Selectman or First Selectwoman.”

First Selectman Wendy Mackstutis has asked Selectman Steven Antonio to serve as Deputy First Selectman, and Selectman Antonio has accepted the appointment.

Mr. Antonio is a life-long Simsbury resident and local business owner. He graduated from Simsbury High School in 1981, and received a bachelor's degree from Bryant University in 1985. Mr. Antonio returned to Simsbury and took over his family's eatery, Antonio's Restaurant in 1987, an iconic restaurant in Simsbury. He added the Sports Bar, Hoops N' Hops in 1993 and branched into commercial and residential real estate in the 2000's

He has served on many boards and commissions over the years, being a strong advocate for the residents and business community in our town. This includes being elected to the Zoning Board of Appeals and Design & Review Board, where he served as Chairman of both boards for many years. Mr. Antonio was also member of our Fair Housing Commission, the Building Code Board of Appeals, and a board member of our Simsbury Main Street Partnership.

He lives in Simsbury with his wife Lisa, children Katherine, Thomas and John Antonio as well as 13 sheep, 2 dogs and some mice in the barn he's been meaning to evict.

6. Financial Impact:

None

7. Description of Documents Included with Submission:

- a) Chapter IV, Section 402 of the Town Charter
- b) Chapter IV, Section 411 of the Town Charter

Chapter C. Charter

Chapter IV. Board of Selectmen and First Selectman or First Selectwoman

Section 402. Presiding officer, organization and procedure.

With the First Selectman or First Selectwoman presiding, the Selectmen shall meet after each municipal election on the first Monday in December for purposes of organization. At the organization meeting, the First Selectman or First Selectwoman shall appoint, from among the members of the Board of Selectmen, a Deputy First Selectman or Deputy First Selectwoman who shall serve as Acting First Selectman or First Selectwoman in accordance with the provisions of Section 411 of this Charter. At the biennial meeting of the Board of Selectmen, the Board shall, by resolution, fix the time and place of its regular meetings and provide a method for calling of special meetings, all such meetings to be held in accordance with the provisions of Section 1-225 of the General Statutes. The First Selectman or First Selectwoman shall file with the Town Clerk, not later than the time required by Section 1-225 of the General Statutes, the schedule of regular meetings of the Selectmen for the ensuing year. The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen to the following committees: public safety, personnel subcommittee, finance, welfare, and such other committees as may be established by the Board of Selectmen. The First Selectman or First Selectwoman shall preside over all other meetings of the Selectmen and perform such other duties consistent with the office as may be imposed by the Selectmen. The Board of Selectmen shall, by resolution, determine its own rules of procedure. All meetings of the Selectmen for the transaction of business except executive sessions as defined in Subsection (6) of Section 1-200 of the General Statutes shall be open to the public and shall afford to the Electors of the Town an opportunity to address to the Selectmen suggestions, petitions and complaints. The Board of Selectmen may convene in executive session in accordance with Section 1-225 of the General Statutes upon an affirmative vote of two-thirds (2/3) of the members of such body present and voting. The votes of all meetings shall be recorded as prescribed by Section 1-225 of the General Statutes. Four (4) members of the Board of Selectmen shall constitute a quorum. No ordinance, including an emergency ordinance, shall be adopted by the Selectmen by fewer than four (4) affirmative votes. Except as specifically otherwise provided in Sections 406, 503, 602, 803, 809, 810 and 1008 of this Charter or as specifically directed by statute, any other action, including any resolution, may be adopted by an affirmative vote of a majority of those Selectmen present, provided those present constitute a quorum.

*Town of Simsbury, CT
Thursday, December 2, 2021*

Chapter C. Charter

Chapter IV. Board of Selectmen and First Selectman or First Selectwoman

Section 411. First Selectman or First Selectwoman.

At each municipal election a First Selectman or First Selectwoman shall be chosen by the Electors of the Town as provided in Chapter III of this Charter. The First Selectman or First Selectwoman shall be the chief elected officer of the Town and shall receive a stipend as established for each term of office by the Board of Selectmen in accordance with the Connecticut General Statutes. The First Selectman or First Selectwoman shall not receive any form of compensation or be eligible for any employee benefits as defined in the Town Personnel Rules, including but not limited to pension benefits, health care benefits, vacation, accrual of vacation, sick days, accrual of sick days, personal days or any other form of employee benefit.

The First Selectman or First Selectwoman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at meetings of the Board.

The First Selectman or First Selectwoman shall chair the Board of Selectmen's Personnel Sub-Committee. The First Selectman or First Selectwoman or the designee of the First Selectman or First Selectwoman, as provided in Section 401 of this Charter, shall be an ex-officio member of all other Town boards, commissions and agencies, but without power to vote.

The First Selectman or First Selectwoman shall have all the powers, duties and responsibilities conferred or imposed on that office by the General Statutes or by Special Act except insofar as the same are inconsistent with the provisions of this Charter and perform such other duties consistent with his or her office as may be imposed by the Board of Selectmen. The Deputy First Selectman or Deputy First Selectwoman shall serve as acting First Selectman or First Selectwoman in the event of the temporary absence or temporary disability of the First Selectman or First Selectwoman.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Board of Selectmen Rules and Procedures

2. **Date of Board Meeting:** December 4, 2023

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

Lee C. Erdmann, Interim Town Manager

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

If the Board of Selectmen supports approving the attached Rules and Procedures, the following motion is in order:

Move, effective December 4, 2023, to approve the proposed Board of Selectmen Rules and Procedures.

If the Board of Selectmen would prefer to refer the Rules and Procedures to the Personnel Sub-Committee for review and potential updates, the following motion is in order:

Move, effective December 4, 2023, to refer the Board of Selectmen Rules and Procedures to the Personnel Sub-Committee for review.

5. **Summary of Submission:**

Attached are the Rules and Procedures that were recently used by the Board during the 2021 - 2023 term. These Rules and Procedures have been in place for some time.

There has been conversation around proposed updates to the Rules of Procedures, and staff has been working on researching other neighboring town's rules and procedures. Staff has provided a set of Rules and Procedures with recommended changes for the Board to consider at tonight's meeting. Should the Board of Selectmen wish to further review and potentially update the Rules and Procedures, I would recommend a referral to the Personnel Sub-Committee with the understanding that any recommended updates would be brought before the full Board of Selectmen for consideration.

6. **Financial Impact:**

None

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

- a) Board of Selectmen Rules and Procedures 2021 – 2023
- b) Proposed Board of Selectmen Rules and Procedures



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06700

BOARD OF SELECTMEN RULES OF PROCEDURE – ADOPTED DECEMBER 6, 2021

BE IT RESOLVED, that the Board of Selectmen adopts the following rules of procedure:

§A162-1. Adoption of standards. The Board of Selectmen adopts Robert’s Rules of Order as a general guide for the conduct of all regular and special meetings. The Board of Selectmen will conduct its business in accordance with all other applicable rules and regulations including state statutes and the Town Charter.

§A162-2. Inclusion of items on agenda; distribution of agenda. When possible, the agenda along with relevant resource material will be distributed to the Board members four (4) days prior to the meeting. Items not specifically included on the agenda may be included by a two-thirds vote of those present and voting. Except in emergency and unusual circumstances, action will not be taken on any agenda item so placed until the next meeting. Under no circumstances will any item be added to the agenda later than two hours after the beginning of the meeting. In accordance with Connecticut General Statutes, no items will be added to a special meeting agenda.

§A162-3. Placement of items on agenda by Board member. A member of the Board may have an item placed on the agenda by contacting the First Selectman or Town Manager at least seven days prior to the meeting.

§A162-4. State of the Town Message. The First Selectman may present a “State of the Town Message” at the beginning of one regular meeting per month.

§A162-5. Public participation. One period of not less than twenty minutes may be set aside at the beginning of each regular meeting of the Board of Selectmen to allow members of the public present to address the Board. Each speaker will be limited to five minutes. After all those who wish to speak have done so, previous speakers may be allowed to speak again at the end of the meeting for an additional five minutes, at the pleasure of the Board. When the First Selectman identifies a number of speakers who wish to speak in public audience which would exhaust the time allowed, a shorter period for each speaker shall be set. Any citizen so speaking shall identify himself/herself by name and address and if he/she is representing a group or organization, he/she may so state. The First Selectman, upon approval by unanimous consent, may allow additional public participation on an agenda item under discussion. From time to time, the Board of Selectmen may schedule special meetings or regular meetings devoted to a particular topic or topics.

Telephone (860) 658-3230
Facsimile (860) 658-9467

www.simsbury-ct.gov

An Equal Opportunity Employer
8:30 - 7:00 Monday
8:30 - 4:30 Tuesday through Thursday
8:30 - 1:00 Friday

Board of Selectmen Rules of Procedure

§A162-6. Time placement of agenda items. When a board, commission, organization, or individual is invited to the meeting to discuss a particular agenda item, that item shall be placed on the agenda at the time requested, if possible.

§A162-7. Routine agenda items. All other items of a routine nature, such as ratification of bid awards, tax rebates, resignations and appointments, communications, committee reports, etc., shall be placed in the final portion of the agenda.

§A162-8. Executive session. The Board of Selectmen may enter executive session as permitted by Connecticut General Statutes.

§A162-9. Votes and minutes of Board of Selectmen. In accordance with Chapter 14, Section 1-225 of the Connecticut General Statutes entitled Freedom of Information Act, the votes of each member of the Board of Selectmen upon any issue before the Board of Selectmen shall be reduced to writing and made available to the public within forty-eight hours. These votes shall also be recorded in the minutes of the Board of Selectmen meeting. Further, a draft of the minutes of the Board of Selectmen meeting shall be available for public inspection within seven days of the session to which they refer. The First Selectman's Office will post the actions taken by the Board of Selectmen and both the draft and final version of the meeting minutes on the Town's web-site when available.

§A162-10. Completion of meetings. It is the Board of Selectmen's objective to complete meetings by 10:30 p.m. when possible.

§A162-11. Expiration. These Rules of Procedure will be in effect until the end of the Board's term on December 4, 2023.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN RULES OF PROCEDURE – ADOPTED DECEMBER XX, 2023

BE IT RESOLVED, that the Board of Selectmen adopts the following rules of procedure: These Rules of Procedure establish the rules and procedures for Simsbury Board of Selectmen (“Board”) meetings. The provisions of the Simsbury Charter (“Charter”), the Simsbury Code or any ordinance adopted by the Board shall govern and apply in the event there is any conflict with these Rules.

§A162-1.1. General rules. All official meetings of the Board shall be open to the public and the media with the exception of executive sessions. Use of cellular telephones is prohibited in the meeting. It is the Board’s objective to complete meetings by 10:30 PM if possible. The Board will conduct its business in accordance with all other applicable rules and regulations including Connecticut General Statutes and the Charter.

§A162-1.2. Rules of Procedure. The Board adopts Robert’s Rules of Order as a general guide for the conduct of all regular and special meetings.

§A162-2. Meeting Types. There are two (2) types of Board meetings:

For regular Board meetings; the Board shall meet according to their regular meeting schedule. When a Board meeting falls on an observed holiday, the Board may determine an alternate day for the meeting or cancel the meeting.

For special meetings; a special meeting may be called by the First Selectperson or any four (4) Board members. Special meetings may be called in less than 24 hours, and without notice, for special topics, and to deal with emergencies involving injury or damage to persons or property or the likelihood of such injury or damage if the notice requirements would be impractical.

§A162-3. First Selectperson & Chair. The First Selectperson (“Selectman”, “Selectwoman”), shall be a voting member and, if present, shall preside as Chair at all meetings of the Board. In the event of absence or conflict of interest of the First Selectperson, the Deputy First Selectperson shall preside. In the event of absence or conflict of interest of both, First Selectperson and Deputy First Selectperson, the Board shall elect a Chair and the Town Manager shall call to order the meeting for the election of a temporary Chair.

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8:30 - 1:00 Friday

Board of Selectmen Rules of Procedure

The First Selectperson shall chair the Board's Personnel Sub-Committee. The First Selectperson may present a "State of the Town Message" at the beginning of one regular meeting per month.

The Chair shall call to order Board meetings. The Chair shall be responsible for maintaining and preserving order throughout the meeting and enforcing the rules of decorum. The Chair shall state all questions submitted for a vote and announce the result. The First Selectperson, as Chair, may participate in debate and shall refrain from making a motion or seconding a motion until it is apparent that no other Board member will do so. The Chair shall determine all motions and points of order, subject to the right of any Board members to appeal, by motion, to the Board. If the motion is seconded and passes by a majority vote, then the ruling of the Chair shall be overruled.

§A162-4. Decorum & Standards of Conduct. The Board supports the right of a resident to criticize their local government. The Board strongly urges that all comments addressed to the Board be made appropriately and responsibly, with civility and discretion. This section is not intended to deprive any person their right to freedom of expression or speech, but only to maintain, a safe, productive and harassment-free workplace and environment for Town staff and visitors. All meeting participants should address the Board, maintain a civil tone and should not impugn the motive, character or integrity of any individual. The Board reserves the right to curtail any speaker addressing the Board in a manner that is not consistent with this Section.

The following standards of conduct are considered the minimum requirements for elected and appointed officials, as well as, public audience and visitors.

- I. Elected and appointed officials shall conduct themselves in a mature, appropriate and professional manner, shall respect one another, and shall respect members of the public, and expect the same in return.
- II. Board members shall not communicate between or amongst themselves by any form of electronic communication during a Board meeting.
- III. Members of the public will refrain from behavior that disrupts, or threatens to disrupt, government operations.
- IV. No person attending a public meeting shall engage in disorderly conduct that disrupts, or threatens to disrupt, the orderly conduct of the meeting.
- V. In the event that an individual breach these standards of conduct, the Chair shall order that person to cease the offending conduct.
- VI. If any person continues to breach these standards of conduct following an order from the Chair to cease the offending conduct, the Chair, may order that person to leave the public meeting.
- VII. If any person refuses to leave the public meeting following an order from the Chair, then the Chair, may direct any law enforcement officer on duty to remove that person from the public meeting.

§A162-5. Board Agenda. A notice, in the form of an agenda, of a Board meeting will be posted publicly by the Town Clerk. When possible, the agenda for a regular meeting, along with relevant resource material, will be distributed to the Board

Board of Selectmen Rules of Procedure

members four (4) days prior to the meeting. Agendas for special meetings shall be posted in the correct timeframe as outlined in State Statute. The First Selectperson shall determine the agenda in consultation with the Town Manager.

When a board, commission, organizations, or individual is invited to a Board meeting to discuss a particular agenda item, in the interest of their time, that item shall be placed on the agenda at the time requested, if possible.

A Board member may place a legislative item on the agenda by contacting the First Selectperson at least seven (7) days prior to the meeting. The First Selectperson shall consult with the Town Manager and exercise discretion to determine if the matter should be included on the agenda.

Items not specifically included on the agenda may be included, and items included on the agenda may be deleted, by a two-thirds (2/3) vote of those present and voting. Except in emergency and unusual circumstances, action will not be taken on any agenda item so placed until the next meeting.

Under no circumstances will any item be added to the agenda later than two (2) hours after the beginning of the meeting. In accordance with Connecticut General Statutes, no items will be added to a special meeting agenda.

§A162-6. Public Audience. Recognition of a speaker by the Chair is a prerequisite and necessary for an orderly meeting. No comments shall be made from any other location other than those approved by the Board before the meeting. Any person may address the Board by written communication in regard to any matter concerning Board business for the meeting. The written communication may be submitted by direct mail, email or by addressing the communication to the Town Manager who will distribute copies to the Board. Written comments will be sent to all Board of Selectmen members but not read aloud at meetings or entered into the record.

One period of not less than twenty (20) minutes may be set aside at the beginning of each regular meeting of the Board of Selectmen to allow members of the public present to address the Board. Each speaker will be limited to five (5) minutes and will be asked to sign in ahead of speaking.

Prior to the start of public audience, the Chair may create a speaking list and require that all persons wishing to be heard, "sign in" by giving their name, their address, indicate if they are speaking on behalf of a group or organization. Any person who does not sign in may not be permitted to speak until all those who have signed in have given their testimony. The Chair may change the order of the speaker list and allow additional speaking time. When the Chair identifies a number of speakers who wish to speak in public audience, which would exhaust the reasonable length of time allowed, the Chair may set a shorter period for each speaker.

§A162-7. Public Hearing & Comment. The Chair, or Town staff, will introduce the agenda item, describe the matter under consideration, provide any presentation by the Town, the applicant shall have the opportunity to present information or respond to

Board of Selectmen Rules of Procedure

the Town's presentation, the Board shall have the opportunity to ask questions of Town staff and the applicant, the Chair will open the public hearing for public comment, and speakers must "sign in" because an official transcript of the public hearing is being made. After proponents, opponents and all other individuals who wish to speak regarding the matter under consideration have spoken, and after all questions have been addressed, the Chair closes the public comment component. If the volume of public comments requires a continuation, if additional information is required or if the Board determines that additional time is warranted to consider the matter of the public hearing, the Board may continue the public hearing to a later date and may re-open the public comment portion of the public hearing at any continued public hearing.

§A162-8. Presentations. Before presentations begin, the Chair, subject to the concurrence of a majority of the Board, may establish time limits and otherwise control presentations by placing parameters and boundaries on them. There will be no demonstrations during or after the conclusion of any presentation.

§A162-9. Consent Agenda. Any item of a routine nature, such as ratification of bid awards, grant applications, donations, public gathering permits, tax refunds, committee and board resignations and appointments, approval of minutes etc., may be placed in a consent agenda portion of that meeting's agenda.

All actions in the consent agenda may be accepted and approved through a unanimous vote by the Board. If there is no unanimous vote to approve the consent agenda, any item on the consent agenda may be removed and considered separately as an agenda item at the request of any Board member.

§A162-10. Votes & Minutes of Board of Selectmen. The minutes from each Board meeting shall be open to public inspection and kept by the Town Clerk. In accordance with Chapter 14, Section 1-225 of the Connecticut General Statutes entitled *Freedom of Information Act*, the votes of each Board member upon any issue before the Board of Selectmen shall be reduced to writing and made available to the public within forty-eight (48) hours. These votes shall also be recorded in the minutes of the Board meeting. Further, a draft of the minutes of the Board meeting shall be available for public inspection within seven (7) days of the session to which they refer. The Town Manager, in cooperation with the Town Clerk, will post the actions taken by the Board of Selectmen and both the draft and final version of the meeting minutes on the Town's website when available.

§A162-11. Expiration. These Rules of Procedure will be in effect until the end of the Board's term on December 1, 2025.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Board of Selectman 2024 Regular Meeting Schedule

2. **Date of Board Meeting:** December 4, 2023

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

Lee C. Erdmann, Interim Town Manager

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

If the Board of Selectmen is in concurrence with the proposed 2024 regular meeting schedule the following motion is in order:

Move, effective December 4, 2023, to approve the Board of Selectman 2024 regular meeting schedule as presented.

5. **Summary of Submission:**

The proposed 2024 meeting schedule follows past Board of Selectmen schedules. In recent years, the Board has not been meeting on the 2nd Monday of April (due to school vacation week), but rather the first Wednesday in April. This schedule changes that meeting to the third Monday due to their being a meeting on the 4th Monday of March. The meetings that would fall on state observed holidays have been moved to the following Wednesday to follow past practice as well.

Once approved, staff will file the adopted 2024 meeting schedule with the Town Clerk's Office in accordance with FOIA requirements.

6. **Financial Impact:**

None

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

a) Proposed 2024 Board of Selectmen Regular Meeting Schedule



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Lee C. Erdmann, Interim Town Manager

To: Trish Munroe, Town Clerk
Cc: Board of Selectmen
From: Lee C. Erdmann, Interim Town Manager
Date: December 4, 2023
Re: Board of Selectmen – 2024 Regular Meeting Schedule

At their meeting on December 4th the Board of Selectmen agreed to establish a regular meeting schedule for 2024. Meetings will be held at 6:00 pm monthly on the second and fourth Monday, with exceptions noted below.

Meeting dates are as follows:

January 8, 2024
January 22, 2024
February 14, 2024 (Wednesday)
February 26, 2024
March 9, 2024 (Budget Workshop)
March 11, 2024
March 25, 2024
April 15, 2024* (Third Monday)
May 13, 2024*
June 10, 2024
June 24, 2024
July 8, 2024*
August 12, 2024*
September 9, 2024
September 23, 2024
October 16, 2024 (Wednesday)
October 28, 2024
November 13, 2024* (Wednesday)
December 9, 2024*

*Only one meeting for the month

The meetings will be held virtually or in a location to be determined. Meetings will be properly noticed in accordance with FOIA requirements.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

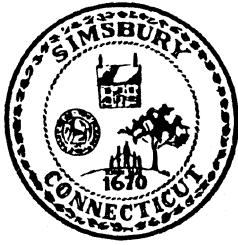
1. **Title of Submission:** First Selectman's Appointment of Board, Committee and Commission Liaison Assignments
2. **Date of Board Meeting:** December 4, 2023
3. **Individual or Entity Making the Submission:**
Wendy Mackstutis, First Selectman
4. **Action Requested of the Board of Selectmen:**
No action is required by the Board of Selectmen according to Chapter IV Section 402 of the Town of Simsbury Charter.
5. **Summary of Submission:**
As stated in Chapter IV, Section 402 of the Town Charter:
"The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen to the following committees: Public Safety, Personnel Subcommittee, Finance, Welfare, and such other committees as may be established by the Board of Selectmen."
6. **Financial Impact:**
None
7. **Description of Documents Included with Submission:**
 - a) Chapter IV, Section 402 of the Town Charter
 - b) List of Board and Commission Liaison Assignments

Chapter C. Charter

Chapter IV. Board of Selectmen and First Selectman or First Selectwoman

Section 402. Presiding officer, organization and procedure.

With the First Selectman or First Selectwoman presiding, the Selectmen shall meet after each municipal election on the first Monday in December for purposes of organization. At the organization meeting, the First Selectman or First Selectwoman shall appoint, from among the members of the Board of Selectmen, a Deputy First Selectman or Deputy First Selectwoman who shall serve as Acting First Selectman or First Selectwoman in accordance with the provisions of Section 411 of this Charter. At the biennial meeting of the Board of Selectmen, the Board shall, by resolution, fix the time and place of its regular meetings and provide a method for calling of special meetings, all such meetings to be held in accordance with the provisions of Section 1-225 of the General Statutes. The First Selectman or First Selectwoman shall file with the Town Clerk, not later than the time required by Section 1-225 of the General Statutes, the schedule of regular meetings of the Selectmen for the ensuing year. The First Selectman or First Selectwoman shall appoint members of the Board of Selectmen to the following committees: public safety, personnel subcommittee, finance, welfare, and such other committees as may be established by the Board of Selectmen. The First Selectman or First Selectwoman shall preside over all other meetings of the Selectmen and perform such other duties consistent with the office as may be imposed by the Selectmen. The Board of Selectmen shall, by resolution, determine its own rules of procedure. All meetings of the Selectmen for the transaction of business except executive sessions as defined in Subsection (6) of Section 1-200 of the General Statutes shall be open to the public and shall afford to the Electors of the Town an opportunity to address to the Selectmen suggestions, petitions and complaints. The Board of Selectmen may convene in executive session in accordance with Section 1-225 of the General Statutes upon an affirmative vote of two-thirds (2/3) of the members of such body present and voting. The votes of all meetings shall be recorded as prescribed by Section 1-225 of the General Statutes. Four (4) members of the Board of Selectmen shall constitute a quorum. No ordinance, including an emergency ordinance, shall be adopted by the Selectmen by fewer than four (4) affirmative votes. Except as specifically otherwise provided in Sections 406, 503, 602, 803, 809, 810 and 1008 of this Charter or as specifically directed by statute, any other action, including any resolution, may be adopted by an affirmative vote of a majority of those Selectmen present, provided those present constitute a quorum.



Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Wendy Mackstutis - First Selectman

MEMO TO: Board of Selectmen, December 4, 2023
FROM: Wendy Mackstutis, Re: Liaison Appointments

Liaison

Heather Goetz
Diana Yeisley
Wendy Mackstutis
Heather Goetz
Steve Antonio
Wendy Mackstutis
Heather Goetz
Curtis Looney

Liaison

Diana Yeisley
Wendy Mackstutis
Kevin Beal
Heather Goetz
Curtis Looney
Kevin Beal
Steve Antonio

Liaison

Diana Yeisley
Curtis Looney
Steven Antonio
Kevin Beal
Diana Yeisley
Steven Antonio
Diana Yeisley
Heather Goetz
Curtis Looney
Wendy Mackstutis
Curtis Looney
Kevin Beal
Steven Antonio

Board of Selectmen Sub-Committee

Public Safety, Chair
Public Safety
Personnel, Chair
Personnel
Personnel
Finance, Chair
Finance
Finance

Elected Board/Commission

Board of Education
Board of Finance
Library Board of Directors
Planning Commission
Zoning Commission
Board of Assessment Appeals
Zoning Board of Appeals

Appointed Board/Commission

Aging and Disability Commission
Board of Ethics
Building Code Board of Appeals
Conservation Commission/Inland Wetlands
Culture, Parks, and Recreation Commission
Economic Development Commission
Fair Rent Commission
Historic District Commission
Housing Authority
Open Space Committee
Police Commission
Public Building Committee
Retirement Plans Subcommittee

Heather Goetz
Kevin Beal

Retirement Plans Subcommittee
Water Pollution Control Authority

Liaison

Steven Antonio
Kevin Beal
Curtis Looney
Diana Yeisley
Kevin Beal
Curtis Looney
Diana Yeisley
Wendy Mackstutis
Curtis Looney

Temporary Board/Commission

Design Review Board
DEI Council
Juvenile Review Board
Performing Arts Center Board
Sustainability Committee
Technology Task Force
Youth Services Advisory Board
Hometown Hero Selection Committee
Hometown Hero Selection Committee




Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Stipend for First Selectman
2. **Date of Board Meeting:** December 4, 2023
3. **Individual or Entity Making the Submission:**
Lee C. Erdmann, Interim Town Manager 
4. **Action Requested of the Board of Selectmen:**
Pursuant to Chapter IV Section 411 of the Town of Simsbury Charter, the Board of Selectmen is responsible for establishing a stipend amount for the First Selectman. As a result, the following motion is in order:

Move, effective December 4, 2023, to approve the First Selectman's annual stipend in the amount of \$INSERT.
5. **Summary of Submission:**
Chapter IV Section 411 of the Charter states:
"The First Selectman or First Selectwoman shall be the chief elected officer of the Town and shall receive a stipend as established for each term of office by the Board of Selectmen in accordance with the Connecticut General Statutes."

The annual stipend for the 2017-2019, 2019-2021, and 2021-2023 terms were set at \$10,000 annually, distributed in 12 equal payments on the 1st day of the month. There is no specific amount mentioned in the Charter for the stipend.
6. **Financial Impact:**
The stipend has been budgeted at \$10,000 annually.
7. **Description of Documents Included with Submission:**
 - a) Chapter IV Section 411 of Town Charter

Chapter C. Charter

Chapter IV. Board of Selectmen and First Selectman or First Selectwoman

Section 411. First Selectman or First Selectwoman.

At each municipal election a First Selectman or First Selectwoman shall be chosen by the Electors of the Town as provided in Chapter III of this Charter. The First Selectman or First Selectwoman shall be the chief elected officer of the Town and shall receive a stipend as established for each term of office by the Board of Selectmen in accordance with the Connecticut General Statutes. The First Selectman or First Selectwoman shall not receive any form of compensation or be eligible for any employee benefits as defined in the Town Personnel Rules, including but not limited to pension benefits, health care benefits, vacation, accrual of vacation, sick days, accrual of sick days, personal days or any other form of employee benefit.

The First Selectman or First Selectwoman shall be a full voting and participating member of the Board of Selectmen and shall preside, when present, at meetings of the Board.

The First Selectman or First Selectwoman shall chair the Board of Selectmen's Personnel Sub-Committee. The First Selectman or First Selectwoman or the designee of the First Selectman or First Selectwoman, as provided in Section 401 of this Charter, shall be an ex-officio member of all other Town boards, commissions and agencies, but without power to vote.

The First Selectman or First Selectwoman shall have all the powers, duties and responsibilities conferred or imposed on that office by the General Statutes or by Special Act except insofar as the same are inconsistent with the provisions of this Charter and perform such other duties consistent with his or her office as may be imposed by the Board of Selectmen. The Deputy First Selectman or Deputy First Selectwoman shall serve as acting First Selectman or First Selectwoman in the event of the temporary absence or temporary disability of the First Selectman or First Selectwoman.



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

- Title of Submission:** Reappointment of Town Counsel,
Labor/Employment/Pension Counsel and Bond
Counsel
- Date of Board Meeting:** December 4, 2023
- Individual or Entity Making the Submission:**
Lee C. Erdmann, Interim Town Manager

- Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports reappointing the following legal counsel, the following motions are in order:

Move, effective December 4, 2023, to reappoint the firm of Updike, Kelly & Spellacy, P.C. as Town Attorney for a two year term through December 1, 2025 pursuant to Section 706 of the Town Charter and for Interim Town Manager Lee C. Erdmann to execute the engagement letter.

Move, effective December 4, 2023, to reappoint the firm of Ford Harrison LLP as Labor and Employment Counsel and as Pension Counsel for the Town of Simsbury for a two year term through December 1, 2025.

Move, effective December 4, 2023, to reappoint the firm of Pullman & Comley LLP as Bond Counsel for the Town of Simsbury for a two year term through December 1, 2025.

- Summary of Submission:**

Updike, Kelly & Spellacy have been General Counsel to the Town since July 1998. I recommend reappointing Updike, Kelly & Spellacy, P.C. as Town Attorney; the firm has provided quality work in a responsive manner. Our lead counsel with the firm is Attorney Robert (Bob) DeCrescenzo. The attached document is the written request from Attorney DeCrescenzo to continue as the Town Attorney.

Labor and Employment Counsel has been provided by Ford Harrison since August 2019 when Attorney Mike Harrington moved to that firm. Our secondary counsel with the firm is Attorney Johanna Zelman and Elizabeth (Beth) Smith. The firm has provided exceptional work in a responsive manner and I recommend reappointment of their firm. Pension Counsel has also been provided by, Ford Harrison through Attorney Rena Felton who is well qualified to perform this work and has been very helpful to staff. Staff is pleased with the quality of work and responsiveness from their pension counsel and I recommend appointing the firm as our Pension Counsel.

Bond Counsel services are provided by Pullman & Comley, LLC and Attorney Glenn Rybacki. Attorney Rybacki has provided quality work in a responsive manner and the Town Manager's Office and Finance staff are happy to keep working with him. At this time it is staff's recommendation to reappoint Pullman & Comley, LLC as Bond Counsel.

6. Financial Impact:

Updike, Kelly & Spellacy, P.C. has proposed an annual retainer of \$110,000 per year. This is the first time the rate has increased since 2008. UKS has also proposed to hold the hourly rate of \$250 for work outside the retainer. The current practice for the annual retainer for General Counsel has been 12 equal monthly payments, as well as invoices at \$250 per hour for any work done outside the scope of services in the retainer.

The hourly rate for labor counsel at Ford Harrison remains unchanged at \$285 for the remainder of FY 23/24 and then an increase to \$290 an hour for FY 24/25 and \$295 an hour for FY 25/26. Staff had asked if Attorney Harrington would quote the Town for a retainer fee. We were quoted for a fee of \$2,500 a month for remainder of FY24, \$2,600 for FY25, and \$2,700 for FY26. This retainer includes all general Labor and Employment matters, as well as 2 trainings a year. It does not include pension/benefits counsel, litigation matters, labor negotiations, arbitrations with State Board of Mediation and Arbitration, investigations, and interest arbitrations. It is staff's recommendation to continue with the hourly rate for Ford & Harrison's services.

Pullman & Comley's fees are calculated on a per project rate; please see the attached engagement letter dated November 20, 2023 for price breakdowns.

7. Description of Documents Included with Submission:

- a) Chapter VII Section 706 of the Town Charter
- b) Letter from Attorney DeCrescenzo Re: Appointment of Town Attorney, dated November 21, 2023 and Attorney Bio
- c) Letter from Ford Harrison Re: Continuation as Labor Counsel, dated November 29, 2021 and Attorney Bio Excerpts
- d) Letter from Pullman & Comley LLP re: Bond Counsel Fee Estimates, dated November 20, 2023 and Attorney Bio

Chapter C. Charter

Chapter VII. Administrative Officers and Departments

Section 706. Town Attorney.

The Board of Selectmen shall appoint not later than thirty (30) days after the commencement of its term of office, and may remove, a Town Attorney or firm of attorneys to represent the Town who shall serve for a term of two (2) years. The Town Attorney shall be an attorney at law admitted to practice law in this state. Except as otherwise provided by law, the Town Attorney shall appear for and protect the rights of the Town in all actions, suits or proceedings brought by or against it or any of its departments, offices, agencies, boards or commissions or board or commission members acting in their official capacity as defined by law, shall be the legal advisor of the Board of Selectmen, First Selectman or First Selectwoman and all Town administrative officers, boards and commissions in all matters affecting the Town. Upon written request from the Board of Selectmen, the Town Manager, or any board or commission of the Town the Town Attorney shall furnish a written opinion on any question of law involving their respective powers and duties within thirty (30) days after receipt of such request. Upon request the Town Attorney shall prepare or approve forms of contracts or other instruments to which the Town is a party or in which it has an interest. The Town Attorney shall have power, with the approval of the Board of Selectmen, to appeal from orders, decisions and judgments, and subject to the approval of said Selectmen, to compromise or settle any claims by or against the Town. If, in special circumstances or for investigation under Section 410 of this Charter, the Board of Selectmen deems it advisable, it, by resolution, may provide for the temporary employment of counsel other than or in addition to the Town Attorney.



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

November 21, 2023

Ms. Wendy Mackstutis
First Selectman
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Re: Appointment of Town Attorney

Dear Ms. Mackstutis:

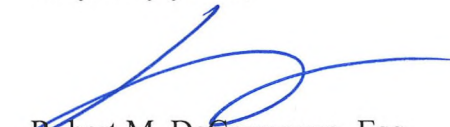
I am writing to request that the firm of Updike, Kelly & Spellacy, P.C. be reappointed as Town Attorney for a two year term beginning December 4, 2023, pursuant to Section 706 of the Town Charter.

We ask to continue under an annual retainer of \$110,000 per year, billable in monthly installments. Our current retainer of \$100,000 was established in 2008. Our hourly billing rate of \$250 for work outside the retainer will remain the same. We renew our commitment to providing training sessions free of charge and all other elements of the scope of our representation set forth in our original Proposals. We believe our current arrangement has enabled us to provide Simsbury with a high level of services as its Town Attorney at a predictable, reasonable cost.

It has been our privilege to serve as Town Attorney. Over the years we have become intimately familiar with all local issues, ordinances and regulations. We believe we have an excellent working relationship with all elected and appointed officials and Town staff.

Thank you for your consideration of this request. If you need additional information, please do not hesitate to contact me.

Very truly yours,



Robert M. DeCrescenzo, Esq.

RMDe/psm

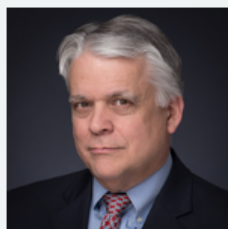
Updike, Kelly & Spellacy, P.C.

Goodwin Square • 225 Asylum Street 20th Floor • Hartford, CT 06103 (t) 860.548.2600 (f) 860.548.2680

www.uks.com

Robert M. DeCrescenzo

Shareholder, Hartford



[Download vCard](#)

Assistant:
Pamela McDonald

Robert M. DeCrescenzo has been engaged in the private practice of law with the Firm since 1987 except for the period between 1993 and 1997 when he served as Mayor of the Town of East Hartford. Upon his return to the Firm, Mr. DeCrescenzo has focused his practice in the areas of municipal representation and commercial litigation.

Mr. DeCrescenzo has extensive experience in the representation of municipalities before public agencies and enjoys a statewide reputation in the areas of municipal advocacy, municipal tax appeals, economic development, housing, neighborhood revitalization and downtown revitalization. He has represented many of Connecticut's municipalities, including Simsbury where he has been Town Counsel since 1998, Middletown, East Hartford, New Britain, Bridgeport and Manchester on matters ranging from interpretation of town ordinances and municipal employment issues, to matters of land use and zoning. He represents a number of clients with subsidized housing complexes including East Hartford, Manchester, Meriden and East Windsor. He also has substantial experience in municipal taxation issues including the methodology of assessing income restricted housing subject to government regulatory agreements. His knowledge of municipal law is applied to the many issues that arise in the course of representation of regulated industries (utilities) and companies in the fuel cell and alternative energy industry. Mr. DeCrescenzo is also General Counsel to the Capital Region Council of Governments.

Mr. DeCrescenzo is a former Majority Leader and member of the Glastonbury Town Council. He has served as Assistant Corporation Counsel for the Town of Wethersfield, and, in that capacity, he handled the town's tax foreclosures, health and building code appeals and defended more than fifty municipal tax appeals (a dozen of which went to trial and decision). He also is a former member of the East Hartford Board of Education.

Mr. DeCrescenzo is actively involved in various professional and community associations where he has been recognized for his leadership role. He is the recipient of the Rotary Club International Paul Harris Fellow Award, the Anti-Defamation League Distinguished Community Service Award and the Capitol Region Council of Governments Distinguished Service Award. He served as a member of the East Hartford Board of Education and is Past Chairman of the Old State House. Currently, he is Vice Chair of Riverfront Recapture, Inc., President of the East Hartford Interfaith Ministries and the Manchester Community Technical College Foundation, Inc. He is a member of the Board of Trustees of the Main Street Plus, Inc. and the Science Center of Connecticut, Inc. He serves as a Fellow of the American Leadership Forum and is a member of the Connecticut and Hartford County Bar Associations.

Mr. DeCrescenzo received his J.D., with honors, from the University of Connecticut School of Law in Hartford, his M.A. in Public Affairs, with distinction and his B.A. in Political Science from the University of Connecticut in Storrs.

PRACTICE FOCUS

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[Government Relations & Affairs](#)

[Municipal Law](#)

[Property Valuation & Tax Appeal](#)

[Utilities](#)

Writer's Direct Contact:

MICHAEL C. HARRINGTON
860-740-1366
MHarrington@fordharrison.com

December 1, 2023

VIA ELECTRONIC MAIL (lerdmann@simsbury-ct.gov)

Lee Erdmann, Interim Town Manager
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Re: Labor and Pension Counsel for Town of Simsbury

Dear Mr. Erdmann:

FordHarrison has enjoyed serving as the Town of Simsbury's Labor and Pension Counsel, and would like to be considered to continue to serve in those roles. FordHarrison would propose continuing its rate of \$285 an hour for the duration of this fiscal year (until June 2024) and request an increase to \$290 per hour for fiscal year 2024-2025, and \$295 for fiscal year 2025-2026.

Alternatively, the Town might be interested in a monthly retainer for general advice and assistance. If so, based upon the Town's past invoices, FordHarrison would propose a monthly retainer of \$2500 until June 30, 2024, then \$2600/month until June 30, 2025, and \$2700/month until June 30, 2026. The retainer would cover all general L&E matters, including answering questions, preparing/reviewing letters, drafting MOUs or separation agreements, as well as two training sessions a year. The retainer would not include, which would be subject to the proposed hourly rate:

- (1) Pension/Benefits plan drafting/amendments;
- (2) Litigation;
- (3) Labor Negotiations;
- (4) Arbitrations;
- (5) Investigations, and
- (6) Interest Arbitrations.

I have also included the biographies of all the attorneys in the Hartford office, as well as members of our Benefits Group.

I am glad to discuss this proposal with you. Thank you in advance for your consideration.

December 1, 2023

Sincerely,

A handwritten signature in black ink, appearing to read "Michael C. Harrington", with a stylized flourish at the end.

Michael C. Harrington

MICHAEL C. HARRINGTON

Partner / Hartford



Mike focuses his practice on providing legal guidance to public and private sector employers in managing all aspects of the employment relationship.

Mike litigates cases in state and federal courts and has argued numerous cases before the Court of Appeals for the Second Circuit, the Connecticut Appellate Court, and the Connecticut Supreme Court. He also frequently appears before the Connecticut Commission on Human Rights & Opportunities, the Massachusetts Commission Against Discrimination (MCAD), the Connecticut Employment Security Division, the Connecticut Workers' Compensation Commission, the state and federal Departments of Labor, the National Labor Relations Board, the State Labor Board, the Freedom of Information Commission, and OSHA/ConnOSHA. Mike's clients operate in a wide variety of industries including retail, healthcare, energy, and manufacturing. He has also represented political parties and candidates in various election matters.

Mike is adept in handling arbitrations and mediations, having represented employers in grievance and interest arbitrations before the State Board of Mediation and Arbitration and before arbitrators of the American Arbitrator Association. Mike's labor relations experience also includes defending employers in unfair labor practice/prohibitive practice investigations and hearings.

In addition to his litigation and labor relations experience, Mike routinely advises clients on how to achieve their objectives and minimize legal risk within the changing landscape of labor and employment laws. Mike, who has completed the MCAD's trainer course, regularly provides training to clients and industry groups on harassment prevention, union campaigns, and other topics to assist employers in maintain best practices.

Representative Experience

- » Successfully represented an employer before the Connecticut Supreme Court in establishing that punitive damages were not available under Connecticut Fair Employment Practices Act.
- » Successfully represented a law firm before the Connecticut

EDUCATION

- » Syracuse University College of Law (J.D., *summa cum laude*, 1995)
- » McGill University (B. Comm., *Great Distinction*, 1991)

BAR ADMISSIONS

- » Massachusetts
- » Connecticut

Supreme Court, establishing when a bonus is not considered a "wage" thereby avoiding double damages.

- » Obtained summary judgment for a private school faced with an age discrimination claim.
- » Successfully established that Workers' Compensation Commission did not have jurisdiction over managed care plan on behalf of construction and property management company.
- » Assisted clients in reducing citations and penalties issued by OSHA.
- » Successfully represented a client before the Connecticut Supreme Court on an appeal from the Freedom of Information Commission.
- » Obtained partial summary judgment for national footwear retailer faced with a disability discrimination claim.
- » Prevailed in arbitration challenging the dismissal of a long-term law enforcement officer.
- » Successful represented a political party before the Second Circuit Court Appeals regarding a ballot issue.

Honors & Awards

- » *Chambers USA: America's Leading Lawyers for Business*, Labor & Employment
- » *The Legal 500 United States*, Recommended attorney in Labor & Employment - Labor and Employment Disputes (2021)
- » *The Best Lawyers in America* - Employment Law - Management, Labor Law - Management, Litigation - Labor and Employment (2018 - 2024)
- » AV® Preeminent Peer Review Rated by Martindale-Hubbell
- » "Judge Maxwell Heiman Memorial Award," Hartford County Bar Association
- » "Impact Award," The Connecticut Law Tribune
- » *The Best Lawyers in America* "Lawyer of the Year," Hartford, Litigation - Labor and Employment (2018)
- » "Connecticut Super Lawyers," by *Thomson Reuters Super Lawyers* magazine, 2018-2021

Memberships

- » Connecticut Public Employer Labor Relations Association, Board of Directors

News & Insights

- » October 10, 2023 - Two FordHarrison Attorneys Named to 2023 Connecticut Super Lawyers List
- » August 17, 2023 - Five Hartford-Based FordHarrison Attorney Listed in the 2024 Best Lawyers in America
- » June 01, 2023 - FordHarrison Named Among Top Labor and Employment Law Firms in 2023 by Chambers USA
- » October 06, 2021 - New Connecticut Employment Laws
- » May 25, 2021 - FordHarrison Recognized by Chambers USA 2021 in Connecticut

Events

- » April 04, 2023 - NLRB's Recent Attack on Separation Agreements – What Are Employers to Do? - Complimentary Webinar
- » March 22, 2023 - The Biden Board: Current and Anticipated Changes in Labor Law by the NLRB - Complimentary Webinar
- » December 20, 2021 - Fasten Your Seatbelts, Connecticut's Paid Family and Medical Leave Program is about to Take Off - Complimentary Webinar
- » Recorded: Wednesday, May 20, 2020 - Returning to Work Phase 1- Practical Issues Every Employer Needs to Consider - Essentials for the Municipal Employer, Part III
- » Recorded: Tuesday, April 7, 2020 - Coronavirus (COVID-19) Essentials for the Municipal Employer - Part II - Complimentary Webinar

Offices

- » *Hartford:*
CityPlace II, 185 Asylum Street, Suite 820
Hartford, Connecticut 06103



Glenn G. Rybacki
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Hartford, CT 06103-3702
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grybacki@pullcom.com
www.pullcom.com

November 20, 2023

VIA E-MAIL

Lee Erdmann
Acting Town Manager
Town of Simsbury
Town Hall
933 Hopmeadow Street
Simsbury, CT 06070-0495

Re: Bond Counsel Fees and Services

Dear Lee:

You have asked my firm to represent the Town of Simsbury (“Client”) in connection with the authorization and issuance of bonds, notes, and other obligations of the Client, as described in the attached Scope of Bond Counsel Services (Attachment A). No one else shall be considered a client of the firm in this matter and our engagement shall remain in effect.

Additional Undertakings. If you ask the firm to perform any additional work beyond the scope of engagement as stated above, and if the firm agrees to undertake that work, then the firm will perform that work upon the same terms as stated in this agreement, unless we have obtained a new engagement agreement from you. Unless specified in the above referenced Scope of Bond Counsel Services, the firm is not agreeing to provide services for any court or administrative proceedings, arbitrations, appeals, bankruptcies, or post-judgment proceedings.

Client Responsibilities. Client agrees to pay our invoices as provided below. Client must also cooperate with us and provide complete and detailed information when requested. Client agrees to keep us informed of any changes in contact information.

Fees and Expenses. Our fees will be based on the attached Fixed Fee Schedule (Attachment B).

Legal services that are not provided pursuant to the fixed fee schedule, will be charged at hourly billing rates for each attorney and paralegal who may work on this matter. Generally, our billing rates for attorneys currently range from \$300 per hour for associates to \$745 per hour for senior partners. The hourly rate we charge for paralegal assistance currently ranges from \$195 to \$360 per hour. For this matter, we will bill at our standard discounted municipal hourly rates of \$455 per hour for members, \$310 per hour for associates with more than 4 years of experience, \$240 per hour for associates with experience of 4 years or less and \$140 per hour for paralegals.

These rates are subject to adjustment on an annual basis to reflect changes in the levels of experience of our attorneys and paralegals and economic factors affecting the firm.

We will include in our billings the expenses we incur on your matter. Examples of such expenses may include photocopying, delivery service, computerized research, authorized travel, search and filing fees. Our representation of you also may require the assistance of outside consultants, experts or service providers. You must pay these types of outside assistance expenses directly to the service provider. If you are unwilling or unable to make satisfactory arrangements to pay the additional expenses of such outside assistance, then we may not be able to retain these services even if your matter would benefit from them.

Billing. For bond counsel services described in the Scope of Bond Counsel Services, the firm will charge you for authorization upon the first borrowing pursuant to that authorization, and for each financing at issuance. For all other services, the firm will send you monthly invoices for its services. The firm will charge interest at the rate of 1% per month (12% per annum) on any bills that remain unpaid for more than 60 days. After 60 days, we reserve the right to cease performing services for you, and to seek to withdraw our representation in any court proceeding, until satisfactory payment arrangements have been made. You agree we may collect any unpaid fees and expenses due to our firm from any recovery by you or on your behalf in connection with your claims; or by setoff against sums of yours in our possession; or by securing payment of our fees by retention of your files consistent with the Connecticut Rules of Professional Conduct pertaining to retaining liens.

Opinions and Beliefs. During our representation we may offer Client advice and recommendations. Any statements we make, however, must be considered an expression of opinion only, based upon information available, and should not be construed as a promise or guarantee.

Municipal Conflicts. Our firm represents clients throughout the State of Connecticut, including municipalities, boards of education, companies, individuals, landlords, tenants, housing authorities, borrowers, lenders, financial institutions, governmental and quasi-governmental entities and associations that may have interactions with Client in civil or criminal matters, totally unrelated to this representation. Such unrelated representation may include the municipality or governmental agency involved in your matter. Our representation of other clients may include such things as representing the municipal government; representing the board of education; appearances before municipal boards and commissions, pursuing land use applications, appeals from agency decisions; property valuation appeals; tax refund requests; representing purchasers of municipal obligations; foreclosures of liens; and representation of parties in bankruptcy. Client agrees that we may represent other clients in unrelated matters, who may be adverse to the Town of Simsbury, provided such matters are not substantially related to our work that we have been engaged to handle in this agreement, and so long as we believe our responsibilities to Client would not be materially limited due to such other representation.

In the course of representing you, and in order fully to satisfy our professional obligations, we may from time to time need to consult with the lawyers in this firm responsible for advising

the firm on ethical issues that may involve our engagement with you. You acknowledge and agree that we are free to consult with our internal counsel on such matters without your consent and that such consultations are privileged and confidential. Notwithstanding this clause, we understand that Client is not agreeing this firm may make a claim for affirmative damages against Client on behalf of another client without Client's written consent. Presently, other attorneys in this firm is representing C-TEC Solar in connection with a tax appeal and Helmar Wolf in connection with a zoning matter. In addition, the firm will establish procedures to screen those firm professionals involved in the unrelated matter from access to the files in your matter.

Specific Conflict Consent. You acknowledge that another attorney within my firm currently represents DWW Solar II LLC ("DWW") which had been adverse in a siting and permitting dispute that DWW settled with the Town. This other matter is unrelated to the subject for which you have asked me to represent the Town. I have determined that my colleague's current representation of DWW in the unrelated matter will not materially limit my responsibilities to provide the Town with competent and diligent representation for the engagement covered by this agreement. By signing below, you consent to my firm continuing to represent DWW. In addition, the firm will establish procedures to screen those firm professionals involved in the unrelated matter from access to the files in your matter.

You acknowledge also that another attorney within my firm currently represents Church Home of Hartford Inc. ("Church Home") which had been adverse in connection with some resident and business matters. The Church Home matter is unrelated to the subject for which you have asked me to represent the Town. I have determined that my colleague's current representation of Church Home in the unrelated matter will not materially limit my responsibilities to provide the Town with competent and diligent representation for the engagement covered by this agreement. By signing below, you consent to my firm continuing to represent Church Home. In addition, the firm will establish procedures to screen those firm professionals involved in the unrelated matter from access to the files in your matter.

State of Connecticut. From time to time, the firm represents the State of Connecticut or some of its agencies on totally unrelated matters. We have determined that any such unrelated matter would not in any way materially limit our representation in this matter. If the Client wishes to discuss this further, then please feel free to contact me.

Electronic Technology. The firm uses various technologies, including e-mail and third party cloud-based services, to store documents, e-mails, video, and other data, and to exchange the same with our clients and others. We communicate with our clients by e-mail, facsimile, (mobile) telephone, video, or text. We may also obtain your execution of documents by a variety of remote video conference options. Some of the hosting technologies for these methods of communication reserve the right under limited circumstances to review the content of the communications on their systems. Both the terms of their conditions of use and the general acceptance of these methods of communications by the legal profession lead us to conclude that the risk of disclosure of your confidential communications with us by using these technologies is minimal, but you should be aware of such risk. Further, it is the firm's policy to recommend email rather than text messages to preserve the attorney-client privilege in communications with clients. You acknowledge the

risk of unsecure communications through text messaging. By engaging our firm, you consent to our using these technologies to represent you.

Wiring Instructions Warning. Due to the prevalence of fraudulent communications, you should orally confirm all wiring instructions with the contact person whom you know for your matter. Please be particularly suspicious if you receive any communications seeking to change previously arranged and confirmed wiring instructions.

FOIA Compliance. By entering into this engagement, the Client recognizes that the traditional rules of confidentiality of communications between a client and its lawyer may be impacted by the provisions of the Freedom of Information Act (“FOIA”). Client may for example receive FOIA requests for such things as our communications with Client or our billings. Accordingly, our billing time entries may be more circumspect than we might otherwise prepare for a non-governmental client to avoid the disclosure of confidential communications or advice in a billing entry. Further, we suggest Client separate our privileged communications to Client from records that are otherwise made available for public inspection. If Client receives a FOIA request to view our communications with Client, we would be happy to consult with Client about the propriety of any disclosures of our communications, but depending upon the circumstances of our retention, the municipal attorney and/or the municipal chief executive officer may have to be consulted as well.

Records Retention. Unless we have otherwise agreed with Client in writing, we reserve the right to determine what a “reasonable time” will be, to retain Client’s records after the conclusion of our representation. We do not concede that our firm’s records could be deemed “public records” under FOIA. If Client desires a longer retention period, then please notify us in writing.

Termination of Engagement. Either Client or the firm may terminate our representation at any time, by written notice, subject on our part to the Connecticut Rules of Professional Conduct. If Client terminates our services, then Client agrees to promptly pay all outstanding fees and expenses. Client also agrees to pay our fees until such time as any required Motion to Withdraw is granted. The firm reserves the right to terminate Client’s engagement of us if Client does not honor this engagement letter, including not paying the firm’s bills for the matter. If not formally terminated sooner, this representation will be considered terminated upon the conclusion of the matter for which Client has engaged us. If Client asks us to perform additional services after the termination of the engagement, the additional work will constitute a new matter. After completion of the representation, changes may occur in the applicable laws or regulations that could have an impact upon Client’s future rights and liabilities. Unless the terms of this agreement expressly provide otherwise, we have no continuing obligation to advise Client with respect to any such changes that occur after the termination of the engagement.

Choice of Law, Venue and Fee Dispute Resolution. The engagement of the firm for this work, or any subsequent work requested by you, and any dispute over our work, shall be governed by the procedural and substantive laws of the State of Connecticut, including application of the governing statutes of limitation, and shall be resolved exclusively in that venue. Any fee dispute

of any amount shall be resolved by binding arbitration under the Fee Dispute Resolution Program of the Connecticut Bar Association (CBA), whose details may be found at www.ctbar.org/public/resolution-of-legal-fee-disputes-program, or, should the CBA decline to accept the fee dispute, or be unable for any reason to appoint an arbitrator within three (3) months of being requested by any party, then by binding arbitration of the fee dispute pursuant to Conn. Gen. Stat. Sect. 52-407aa et seq. before a single arbitrator agreed upon by the parties, or, absent such an agreement, as appointed by a judge of a Connecticut Superior Court. Any claim by you asking for damages against the firm is not, however, eligible for arbitration. In the event you assert such a claim it must be resolved by a Connecticut court. If this is a commercial matter, you and any guarantor acknowledge the firm shall be entitled to recover its reasonable attorneys' fees and expenses to collect the sums due to the firm.

Municipal Funds. If, for any reason, we come into possession of municipal funds that we hold for the Client's benefit, the Client agrees in accordance with C.G.S. 7-402(b) that we may designate a bank in which the firm maintains its Trustee Accounts (currently Bank of America, which may be subject to change) as the temporary deposit location for the public funds. The Client further agrees that if the funds are to be held by the firm for less than ninety (90) days, they may be placed in an IOLTA Account, where any interest that accrues does so for the benefit of the indigent.

This letter agreement contains the entire agreement between the Town of Simsbury and Pullman & Comley, LLC regarding the requested representation and the fees, charges and expenses to be paid. If Client agrees with the terms of this letter, then please return a signed copy of this letter by mail, or by e-mail with a PDF attachment to my attention at grybacki@pullcom.com. Please do not hesitate to call me should there be any questions or comments concerning the matters set forth in this letter. On behalf of Pullman & Comley, LLC, I look forward to assisting you.

Best regards,



Glenn G. Rybacki

CONSENT TO REPRESENTATION ON STATED TERMS

The undersigned hereby approve and consent to each of the terms and conditions stated above.

TOWN OF SIMSBURY

By: _____
Name: _____
Title: _____
Date: _____

ATTACHMENT A

SCOPE OF BOND COUNSEL SERVICES

We have been engaged to advise the Municipality as Bond Counsel in connection with the issuance of the Municipality's general obligation bonds and notes (collectively, the "Bonds"). We are not undertaking to represent the Municipality or its interests in any other matter at this time. In the future we may agree to undertake additional matters for the Municipality as confirmed by us in a writing that specifies the scope of such new matter, which confirmation may be by e-mail. For purposes of this engagement, the Firm will be representing only the Municipality, and not any other persons, including persons affiliated with the Municipality.

Generally, Bond Counsel's advice in connection with the issuance of municipal debt falls into three categories: state and local law compliance, federal and state tax law compliance, and securities law compliance. Set out below is the typical role of Bond Counsel in each of these categories in connection with a "plain vanilla" general obligation bond issue, which services we would expect to perform as part of this engagement.

State and Local Law Compliance

Bond Counsel's opinion on an issue of municipal bonds, notes or other obligations ("bonds") typically addresses the following state and local law subjects: (1) the due and legal organization of the issuer; (2) the authority of the issuer to issue the bonds; (3) the validity of the proceedings for the issuance and delivery of the bonds; (4) compliance with any debt limitation law; (5) the validity of the bonds themselves; and (6) the source of payment or security for the bonds (e.g., that the bonds will be general obligations and that the issuer has the power to levy property taxes to pay the bonds).

In conjunction with preparing and rendering its opinion, Bond Counsel is typically involved in:

- reviewing the provisions of local charters and ordinances and state statutes applicable to the procedure for authorizing, selling and delivering the bond issue, advising as to applicable limitations on various types of financings, and, if necessary, drafting enabling legislation
- assisting in determining the appropriate amount of the borrowing authorization and the bond issue to include necessary issuance costs and capitalized interest
- preparing notices, resolutions, meeting minutes, certificates and other legal documents to be included in the bond transcript
- advising as to compliance with the Freedom of Information Act
- advising as to compliance with the election laws applicable to referenda, absentee ballots, and the preparation and distribution of explanatory materials

- advising as to the structuring of the issue, including maturity limits, paydown requirements and principal structuring limitations
- preparing notices of sale and bid proposal forms distributed to potential bidders; and advising as to compliance with bidding requirements
- addressing legal issues raised by the rating agencies
- coordinating with the issuer's financial advisor, certifying bank, registrar and paying agent
- preparing bond certificates and other closing documents, including any bond insurance and book-entry depository documentation

Federal and State Tax Law Compliance

Bond Counsel's opinion generally addresses the tax status of the municipal bonds for both state and federal income tax law purposes. If the municipal bond pays tax-exempt interest, investors will be willing to purchase the bond at a lower interest rate than they would a bond generating taxable interest income. This results in debt service cost savings for the issuer. Certain tax-exempt municipal bonds (so-called "bank-qualified" bonds), if held by a bank or other depository financial institution, receive additional preferential federal income tax treatment, thus making the bonds attractive at lower interest rates to these investors. Also, certain tax-exempt bonds do not generate interest income subject to state or federal alternative minimum tax. Bond Counsel aids a municipal issuer in this respect by:

- analyzing whether any "private activity" use and payments with respect to the financed project would preclude tax-exempt financing or require compliance with additional federal tax law requirements (including subjecting interest income to the federal alternative minimum tax)
- analyzing project cashflow needs and sizing the issue such that the Municipality may invest the proceeds without restricting the investment yield to the reoffering yield on the bonds.
- advising the issuer as to compliance with the requirement that arbitrage earnings, in the absence of an applicable exception, must be "rebated" to the Federal Treasury in order to maintain the tax exemption of the issue, including assistance in the preparation and filing of rebate returns with the IRS
- advising the Municipality as to the various exceptions to the arbitrage rebate requirement and aiding the Municipality in documenting compliance with any applicable exception
- analyzing whether the bonds can be issued as "bank-qualified" and preparing the necessary election

- ensuring that the bonds are issued in registered form, when required
- preparing a tax compliance or regulatory agreement memorializing the issuers' representations and covenants with respect to tax law compliance
- preparing and filing the applicable IRS informational return required for each tax-exempt bond issue

Securities Law Compliance

The issuance of municipal securities is subject to various federal and state securities laws. The "Official Statement" prepared for a municipal bond issue serves the dual role of being a marketing document for the issuer and a disclosure document containing material information necessary to comply with the securities laws anti-fraud provisions. Bond Counsel generally aids municipal issuers in complying with securities laws by:

- preparing the text of the portion of the Official Statement related to the opinion of Bond Counsel as to validity and federal and state tax exemption and the discussion of related federal and state income tax matters
- reviewing other portions of the Official Statement, especially those portions regarding the bond terms, the authorized purposes, the security for the bonds and bondholders' remedies, outstanding and authorized debt and debt ratios, compliance with statutory debt limits and the description of the authorization process
- preparing certifications as to the adequacy of the disclosure to be delivered by the municipal officials to the winning underwriter
- advising the issuer and its consultants with respect to compliance with statutory and regulatory provisions applicable to the sale and delivery of bonds
- preparing the Continuing Disclosure Agreement required under SEC Rule 15c2-12 documenting the issuer's undertaking to provide annual financial information and operating data and notices of material events for the term of the bonds

Our services as Bond Counsel in this engagement would not include the following matters, unless we were separately engaged to provide such assistance to the Municipality:

- preparing requests for tax rulings from the Internal Revenue Service
- preparing blue sky or investment surveys with respect to the Bonds
- drafting state constitutional or legislative amendments
- pursuing test cases or other litigation
- making an investigation or expressing any view of the creditworthiness of the Municipality or the Bonds

- representing the Municipality in Internal Revenue Service examinations or inquiries, or Securities and Exchange Commission investigations
- after the Bond closing, providing continuing advice to the Municipality or any other party concerning any actions necessary to assure that interest paid on the Bonds will continue to be excludable from gross income for federal income tax purposes (e.g., our engagement does not include rebate calculations for the Bonds)
- except as described in above, assisting in the preparation or review of an official statement or any other disclosure document with respect to the Bonds, or performing an independent investigation to determine the accuracy, completeness or sufficiency of any such document or rendering advice that the official statement or other disclosure document does not contain any untrue statement of a material fact or omit to state a material fact necessary to make the statements contained therein, in light of the circumstances under which they were made, not misleading
- any other matter not specifically set forth above that is not required to render our opinion, as described above, with respect to the Bonds

If we are asked to provide services that would not be included within the services provided pursuant to the fee schedule attached to this letter, we would consult with the Municipality regarding the basis on which such services will be billed.

ATTACHEMENT B

FIXED FEE SCHEDULE

Bond Counsel fees are based on the amount of bonds or notes authorized or issued, and are divided into three components:

1. Bond Authorization
2. Note Issues
3. Bond Issues

The percentage component of the fee calculation decreases as the size of the authorization and financing increases.

Bond Counsel costs can be included in project costs and financed by bonding, just like other project costs, to avoid charges against the annual budget.

Bond Authorizations: Fees pertaining to authorizations are calculated on a per project basis:

<u>Amount of Authorization</u>	<u>Fee</u>
\$2,500,000 or less	\$2,500
Over \$2,500,000 but not more than \$10,000,000	.001 of authorization amount (\$1,000 per \$1,000,000)
Over \$10,000,000	\$10,000 <u>plus</u> .0005 of amount over \$10,000,000 (\$500 per \$1,000,000)

We normally postpone billing for authorization services until the first bond or note issue, so that funds are available to make payment. If a financing authorization is not approved or a financing is not consummated, we will expect to be compensated at our normal hourly rates for time actually spent on the Municipality's behalf, plus client charges, but not in excess of the fee schedule amounts. When we bill, we provide a brief description of the services provided, the amount of the fee and the amount of each type of disbursement. If more detail is needed, it can be provided.

Note Issues: Fees pertaining to note issues vary based on the size of the issue, as follows:

<u>Amount of Notes</u>	<u>Fee</u>
\$2,500,000 or less	\$5,000
Over \$2,500,000 but not more than \$7,500,000	\$7,000
Over \$7,500,000	\$10,000 <u>plus</u> .0005 of amount over \$10,000,000 (\$500 per \$1,000,000)

Bond Issues: Fees pertaining to bond issues vary based on the size of the issue, as follows:

<u>Amount of Bonds</u>	<u>Fee</u>
\$2,500,000 or less	\$10,000
Over \$2,500,000 but not more than \$7,500,000	\$15,000
Over \$7,500,000	\$20,000 <u>plus</u> .001 of amount over \$10,000,000 (\$1,000 per \$1,000,000)

We normally bill for bond or note issuance services at or near the delivery date. If an issue does not go forward, we will expect to be compensated at our normal hourly rates for time actually spent on the Municipality's behalf, plus client charges, but not in excess of the fee schedule amounts. When we bill, we provide a brief description of the services provided, the amount of the fee and the amount of each type of disbursement. If more detail is needed, it can be provided.

Refunding Bonds: There is a minimum of \$20,000 per issue for refunding bonds. There is an additional \$5,000 fee if the refunding escrow includes securities other than U.S. Treasury SLGs.

Negotiated Issues: The fee is based on the par amount of the bond or note plus any original issue premium to the extent not applied to Underwriter's discount.

Disbursements: Pullman & Comley, LLC's charges for disbursements and other expenses incurred on a client's behalf are based on the accompanying "Schedule of Selected Client Recoverable Disbursements". This schedule is subject to periodic adjustment.

Please Note: This fee estimate is provided as a guide to estimate our current fees as Bond Counsel. The schedule is based on our experience in terms of average time, complexity and responsibility for recent bond or note issues. Our fees may vary if unusual or unforeseen circumstances arise which require a significant increase in our time or responsibility. If at any time we believe that circumstances may require an adjustment of our fees, we will consult with the Municipality.

SCHEDULE OF SELECTED CLIENT RECOVERABLE DISBURSEMENTS

Charges for disbursements and other expenses incurred on a client's behalf are based on the following schedule. Charges apply to all offices. This schedule is subject to periodic adjustment.

Audio Visual Services	At Firm cost
Automated Document Preparation/Word Processing	\$46.00 per hour
Automobile Travel	At IRS standard business mileage reimbursement rate
Courier and Overnight Delivery Services	Actual invoice cost
Electronic Document processing and Hosting	Actual invoice cost
Filing, Recording, Valuation, Registration Fees	Actual invoice cost
Food Service	Actual invoice cost
 <u>Reprographics</u>	
Impressions B/W (copy/print/scan)	\$.15 per copy
Impressions Color (copy/print/scan)	\$.60 per copy
Digital Media	\$5.00 per item
Reprographic Supplies	At Firm cost
 <u>Postage</u>	
	Actual cost when postage is \$1.00 or more. No charge when postage is less than \$1.00
 <u>Presentation Tools</u>	
Oversized Color Prints	\$20.00 per sq. ft.
Oversized Black & White Prints	\$1.25 per sq. ft.
Desktop Publishing	\$35.15 per hour
Exhibit Preparation	\$2.75 per sq. ft. per exhibit (including materials)
Projector Equipment	\$150.00 per day for use of equipment
Secretarial and other Support Staff Overtime	No charge except in extraordinary situations
Specialized Software Fees for Tax Preparation	\$48.00 per return
Videoconferencing Equipment	\$125.00 per hour per site



Glenn G. Rybacki

Member

90 State House Square • Hartford, CT 06103-3702

Glenn G. Rybacki represents a variety of issuers of tax-exempt and taxable bonds as bond counsel and regularly represents underwriters, lenders, borrowers and trustees in all manners of debt transactions. He has served as bond counsel on general obligation bonds and notes, revenue bonds, refunding bonds, tax credit bonds, pension obligation bonds, clean water fund financings, and conduit borrowings. While Glenn provides counsel on all aspects of debt issuance, he focuses much of his practice on the federal tax aspects of tax-exempt, tax credit and other tax benefit bonds. He has prepared and advised on post-issuance tax compliance procedures for municipalities, state agencies and conduit borrowers, and regularly conducts compliance training seminars for municipal issuers and conduit borrowers. Glenn combines his experience as bond counsel with his experience as a state tax auditor to effectively and efficiently represent municipalities, conduit borrowers and other issuers before the Internal Revenue Service.

In addition to his public finance practice, Glenn has provided state and local tax advice and representation to a variety of clients, ranging from Fortune 500 corporations to startups. Before entering private practice, Glenn was a tax manager in the multistate practice group at Deloitte & Touche and a revenue examiner for the State of Connecticut Department of Revenue Services.

Practice Areas

Governmental Financing

Public Finance

Public/Private Development Financing

Tax

Tax Credit Financing

Underwriter, Credit Enhancer and Trustee Representation

Bar and Court Admissions

Connecticut

pullcom.com  @pullmancomley

BRIDGEPORT
203.330.2000

HARTFORD
860.424.4300

SPRINGFIELD
413.314.6160

WAKEFIELD
401.360.1533

WATERBURY
203.573.9700

WESTPORT
203.254.5000

WHITE PLAINS
914.705.5355

Glenn G. Rybacki

New York

Education

Quinnipiac University School of Law, J.D., 1998

Providence College, B.S., 1984

Alerts and Newsletters

IRS Arbitrage and Rebate Rules Return to the Forefront

02.03.2023

Professional Affiliations

American Bar Association - Business and Tax sections

Connecticut Bar Association - Business and Tax sections

Government Finance Officers Association of Connecticut

Governmental Finance Officers Association of the United States and Canada

National Association of Bond Lawyers

New York State Bar Association - Business and Tax sections



Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Re-Authorization of Temporary Committees

2. **Date of Board Meeting:** December 4, 2023

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

Lee C. Erdmann, Interim Town Manager

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

Move effective, December 4, 2023 to re-authorize the following temporary committees, with members' terms being co-terminus with the Board of Selectmen:

- Business Development Committee
- Sustainability Committee
- Hometown Hero Selection Committee
- Juvenile Review Board
- Simsbury DEI Council
- Technology Task Force
- Youth Services Advisory Board
- Community for Care

5. **Summary of Submission:**

Temporary Committees are created by the Board of Selectmen by resolution of the Board pursuant to Charter Section 403 which limits the terms of office for Temporary Committees to the Board's two-year term cycle. Temporary Committees are normally re-established at the organizational meeting of the Board following the municipal election.

"...The Selectmen shall have the power to enact, amend, or repeal ordinances not inconsistent with the provisions of this Charter or the General Statutes, and may by ordinance create, consolidate or abolish boards, commissions and offices not specifically authorized in this Charter, provided further that nothing herein shall be construed to prohibit the Board of Selectmen from appointing, by resolution, special or temporary boards, commissions, or committees as it may from time to time deem necessary and appropriate to the operation of the Town government, but in such event, the term of any such special or temporary boards, commissions, or committees shall not exceed two (2) years, and shall be coterminous with the appointing Board of Selectmen..."

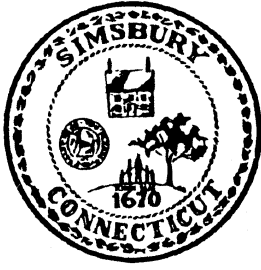
Staff is not recommending Community for Care be reauthorized. After discussions with Kristen Formanek, Director of Community and Social Services, I have asked her to write a memo outlining our reasons for this recommendation.

6. Financial Impact:

None

7. Description of Documents Included with Submission:

a) Memo from K. Formanek re: Community for Care, dated November 22, 2023



Town of Simsbury

754 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

Community and Social Services Department

To: Lee Erdmann, Interim Town Manager
From: Kristen Formanek, Director of Community and Social Services
Date: November 22, 2023
Re: Community for Care

Appointed by the Simsbury Board of Selectmen, the Community for Care Committee was formed in 2014 to bring town and school officials together with community members to discuss, communicate, and problem-solve issues of mental health and substance use disorder in our community. The committee meets four times each year. It is the goal of the committee to host a psychoeducational presentation for the community around substance misuse prevention, healthy relationships, and positive youth development at each quarterly meeting.

Over the past several years, Community for Care has struggled with its membership, quorum at meetings, and the ability to provide programming. The responsibility of planning quarterly programming has fallen on Social Services staff. In February 2022 the composition of the committee was reduced from nine to seven, and formal procedures were adopted by the Board of Selectmen. Following this, the call for new members was made and the Personnel sub-committee interviewed new members who were later appointed.

Unfortunately, the committee still continues to struggle. Five of the seven slots have been filled and we continue to struggle to make quorum. Of the four scheduled meetings this year three were held and none had a quorum. Our department did plan one presentation with very low attendance. What the community is receiving from this committee is not proportional to the amount of staff time it takes to coordinate it.

It is again my formal recommendation for this committee to sunset. It was a wonderful resource for the community for many years. Our department, with three professional social workers, has absorbed the goals of the committee into our own. We have provided and will continue to provide programming for the community in the most needed focus areas. In particular, our Youth Service Bureau is focused on the same areas and provides presentations and programming for our community. I am confident that the needs of the community will continue to be met by our Department.



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:** December 4, 2023
3. **Individual or Entity Making the Submission:**
Lee C. Erdmann, Interim Town Manager; Colleen O'Connor, Tax Collector
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 December 4, 2023 to approve the presented tax refunds in the amount of \$2,505.14, and to authorize Interim Town Manager, Lee C. Erdmann, 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 \$2,505.14 the attachment dated December 4, 2023 has a detailed listing of all requested tax refunds.
7. **Description of Documents Included with Submission:**
 - a) Requested Tax Refunds, dated December 4, 2023

REQUESTED TAX REFUNDS
DECEMBER 4, 2023

	BILL NUMBER	TAX	FIRE	INTEREST	TOTAL
List 2020					
Burk Daniel	20-3-52238	\$20.57			\$20.57
Burk Daniel	20-3-52239	\$38.88			\$38.88
Total 2020		\$59.45			\$59.45
List 2021					
Reynolds, Dana	21-3-65526	\$131.47	\$4.05		\$135.52
Total 2021		\$131.47	\$4.05		\$135.52
List 2022					
Bonner Robert	22-03-51790	\$144.85	\$4.70		\$149.55
D & N	22-2-40277	\$20.11			\$20.11
Acar Leasing	22-3-50097	\$468.62	\$15.20		\$483.82
Baryza-Ly Janine	22-3-51146	\$153.55	\$4.98		\$158.53
Conway John	22-3-53691	\$55.10	\$1.79		\$56.89
Honda Lease Trust	22-3-58532	\$500.42	\$16.24		\$516.66
Honda Lease Trust	22-3-58596	\$190.37	\$6.18		\$196.55
Honda Lease Trust	22-3-58554	\$65.06	\$2.11		\$67.17
Irving Brogit E	22-3-59042	\$37.23	\$1.21		\$38.44
Nissan Infiniti LT LLC	22-3-63928	\$504.46	\$16.37		\$520.83
Toyota Lease Trust	22-3-69313	\$71.13	\$2.31		\$73.44
Tritt Chad E	22-3-69446	\$80.35	\$2.61		\$82.96
VW Credit Leaing LT	22-3-70166	\$213.89	\$6.94		\$220.83
					\$0.00
					\$0.00
Total 2022		\$2,505.14	\$80.64	\$0.00	\$2,585.78




Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Donation from Valley Simsbury Church
2. **Date of Board Meeting:** December 4, 2023
3. **Individual or Entity Making the Submission:**
Lee C. Erdmann, Interim Town Manager; Kristen Formanek, Director of Community and Social Services

4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports acceptance of the Valley Simsbury Church donation, the following motion is in order:

Move, effective December 4, 2023, to accept a donation from Valley Simsbury Church in the amount of \$1,800 for the purpose of supporting Simsbury Community and Social Services Department's Food Pantry program.
5. **Summary of Submission:**
Valley Simsbury Church has provided a financial donation in the amount of \$1,800 to the Community and Social Services Department. The donation will be used to provide funding for Simsbury's Food Pantry.

Chapter 100 of our Code of Ordinances, "Gift Policy," Section 100-2 "Monetary Donations" states that no donation of more than \$1,500 may be accepted without Board of Selectmen approval. If the donation is accepted I will direct staff to send a thank you letter to Valley Simsbury Church.
6. **Financial Impact:**
The \$1,800 donation from Valley Simsbury Church will be used to purchase fresh produce, and household cleaning and hygiene items for distribution at our monthly Cheese Day program. We are currently serving an average of 80 households per month. The funds would be deposited into a Social Services special revenue fund used for this purpose.
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:** Appointment to Public Building Committee
2. **Date of Board Meeting:** December 4, 2023
3. **Individual or Entity Making the Submission:**
Lee C. Erdmann, Interim Town Manager; Trish Munroe, Town Clerk

4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports the appointment as presented, the following motion is in order:

Move, effective December 4, 2023, to appoint Dagny Griswold as a Regular Member of the Public Building Committee.
5. **Summary of Submission:**
The Town Clerk has received from the Democratic Town Committee the recommendation that Dagny Griswold (D) be appointed as a Regular Member of the Public Building Committee. The appointee will fill the vacancy created by the resignation of Richard Ostop (D) from this position effective April 30, 2023. Since the original appointee to this position was a member of the Democratic party, the replacement appointee must be affiliated with the same party. The appointee will serve until January 1, 2026, which is the end of the 4-year term.
6. **Financial Impact:**
None
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:** Resignation of Steven Antonio from Fair Rent Commission, Zoning Board of Appeals and the Building Code Board of Appeals

2. **Date of Board Meeting:** December 4, 2023

3. **Individual or Entity Making the Submission:**
Lee C. Erdmann, Interim Town Manager; Trish Munroe, Town Clerk

4. **Action Requested of the Board of Selectmen:**
If the Board of Selectmen supports the resignations as presented, the following motion is in order:

Move, retroactive to December 3, 2023, to accept the resignation of Steven Antonio as a Regular Member of the Zoning Board of Appeals, Building Code Board of Appeals.

5. **Summary of Submission:**
The Town Clerk has received the resignation of Steven Antonio (D) from the following boards:

1. Regular Member of the Zoning Board of Appeals. Pursuant to our Charter, since the vacancy occurred mid-term, it must be filled by the same political party, which in this case, is the Democratic party. The appointee will serve until December 1, 2025, which is the end of the 4-year term.
2. Regular Member of the Building Code Board of Appeals. Pursuant to our Charter, since the vacancy occurred mid-term, it must be filled by the same political party, which in this case, is the Democratic party. The appointee will serve until January 1, 2024, which is the end of the 5-year term.
3. Regular Member of the Fair Rent Commission. The Fair Rent Commission has not met since November 13, 1990. Therefore, terms for all prior members of the commission have expired and no action is needed at this time.

6. **Financial Impact:**
None

7. **Description of Documents Included with Submission:**
a) Resignation letters from Steven Antonio for the Zoning Board of Appeals, Building Code Board of Appeals and Fair Rent Commission, dated November 20, 2023

133 Holcomb Street
Simsbury, CT 06070

November 20, 2023

Trish Monroe
Town of Simsbury Town Clerk
933 Hopmeadow Street
Simsbury, CT 06070

Dear Ms. Monroe,

I have been proud to serve the Town of Simsbury for the last several years as a member of the Building Code Board of Appeals. It is with great gratitude, and a little bit of sorrow, that I must resign from this position, effective 12/3/2023.

Being elected to the Simsbury Board of Selectmen, I will not have the time and ability to give this board the attention it deserves. I hope to continue to serve the town we love, and will do whatever I can to facilitate a smooth transition.

Sincerely,



Steven T. Antonio

TOWN CLERK'S OFFICE

RECEIVED
TOWN OF SIMSBURY, CT
2023 NOV 20 P 6:28

133 Holcomb Street
Simsbury, CT 06070

November 20, 2023

Trish Monroe
Town of Simsbury Town Clerk
933 Hopmeadow Street
Simsbury, CT 06070

Dear Ms. Monroe,

I have been proud to serve the Town of Simsbury for the last several years as a member of the Fair Rent Commission. It is with great gratitude, and a little bit of sorrow, that I must resign from this position, effective 12/3/2023.

Being elected to the Simsbury Board of Selectmen, I will not have the time and ability to give this board the attention it deserves. I hope to continue to serve the town we love, and will do whatever I can to facilitate a smooth transition.

Sincerely,



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2023 NOV 20 P 6:28

133 Holcomb Street
Simsbury, CT 06070

November 17, 2023

Trish Monroe
Town of Simsbury Town Clerk
933 Hopmeadow Street
Simsbury, CT 06070

Dear Ms. Monroe,

I have been proud to serve the Town of Simsbury for the last several years as a member; as well as Chairman of the Zoning Board of Appeals. It is with great gratitude, and a little bit of sorrow, that I must resign from this position, effective 12/3/2023.

Being elected to the Simsbury Board of Selectmen, I will not have the time and ability to give this board the attention it deserves. I hope to continue to serve the town we love, and will do whatever I can to facilitate a smooth transition.

Sincerely,



Steven T. Antonio

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CALL TO ORDER

The Regular Meeting of the Board of Selectmen was called to order at 6:00 p.m. in the Main Meeting Room of the Simsbury Town Offices. Present were: First Selectman Wendy Mackstutis; Board members Chris Peterson, Eric Wellman, Sean Askham and Heather Goetz. Others in attendance included: Interim Town Manager Lee C. Erdmann; Deputy Town Manager Tom Fitzgerald; Finance Director/Treasurer Amy Meriwether; Planning and Community Development Director George McGregor, and other interested parties.

PLEDGE OF ALLEGIANCE

Everyone stood for the Pledge of Allegiance.

PUBLIC HEARING

a) Proposed Revision to Town Code 85-6.1, Complex Projects

Ms. Mackstutis said this Public Hearing is to receive public comments on changing the Town Code Section 85-6.1 as to what and when the Inland Wetlands and Conservation Commissions can do for large and complex projects.

Mr. McGregor said the proposed change to the Town Code now allows our land use commissions to secure outside technical assistance costs to be applied to the application costs. This proposal would allow technical assistance beyond the staff's ability or time that they might have and defines complex projects specifically over 100,000 sq. ft. of a development and/or 2000 parking spaces. Inland Wetlands and Conservation Commissions are asking for this threshold to be removed. Planning and Zoning is not asking for this.

Ms. Winters said they have had a few applications where they could have used more help from an outside technical assistant on large complex projects.

Susan Masino, 41 Madison Lane, wondered if development would be for the environment in general or for environmentally friendly and sustainable.

After no further comments, Mr. Askham made a motion to adjourn the Public Hearing at 6:33 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

PUBLIC AUDIENCE

- **Participants can address the Board of Selectmen in person at the meeting**
- **email townmanager@simsbury-ct.gov by noon on Monday, October 23, 2023, to register to address the Board of Selectmen live through Zoom**
- **Written comments can be emailed to townmanager@simsbury-ct.gov. Written comments will not be read into the record but, forwarded to all Selectmen via email**

Mark Orenstein, SCTV, said new microphones have been used since September 27, 2023. You can see the green light in the ceiling, and they were purchased by a grant. Hopefully, they will be able to get more for the Board of Education meetings as well.

John Alexopoulos, 40 Cambridge Court, spoke about the developer at Cambridge Crossing and his absent promises. He said these are other issues since the last meeting. This is an unprecedented situation at this point. He said they are not guaranteed services that were supposed to be provided for, such as plowing, trash removal, lawn/property maintenance. The residents have now contracted with Paine's Trash Removal and have to mow their own lawns and take care of their own properties. He said the residents don't own the roads so they don't feel they can hire anyone to plow the roads. The contractor has been in the news, and it doesn't look good for the residents. They are asking for the Town to plow their roads, that are under a mile long, for a short period of time until they get this issue resolved.

Robert Barslow, 106 Cambridge Court, spoke about three issues: neighborhood infrastructure like drainage issues; snow removal issues. Nothing is being scheduled consistently at this point. There are also issues with foreclosures. He said the HOA should be functioning and taking care of all of this, but it doesn't seem to be functioning and they don't get any answers from the contractor. They really need the Town's help to expedite the process on these issues and help in resolving them.

Ms. Mackstutis said the Board should review this issue to the Town Manager, Public Works, and Attorney DeCrescenzo. Hopefully they can get a plan together for discussion at the next meeting.

Katie Barslow, 106 Cambridge Court, said they really need some kind of answers before the snow comes. They don't know their limitations and need feedback on these issues or some kind of plan. There are 33 families that need help, and they would like to have a good relationship with the Town and have a contingency plan in place their property.

Joan Coe, 26 Whitcomb Drive, spoke about the Interim Town Manager's presentation at the Board of Finance meeting on September 19, 2023, where the Volunteer Ambulance Association is looking for financial assistance. She spoke about plantings on the corner of Seminary and Firetown Roads obstructing the line of sight; the East Coast Greenway study concerns; new Board and new Town Manager coming in November; conflicts of interest issues; prompt responses to concerns, etc.

Susan Masino, 41 Madison Lane, spoke about the grand finale of the Beaver Pond Wildlife series on November 9th (social time is a 6 p.m. and film is at 7:00 p.m.); the open space draft POCD, which is in progress, and some confusion on this issue.

Lori Boyko, 15 Oakhurst Road, spoke about her tax increases and mortgage increases this year. She said insurance doesn't cover flooding and wants to know what to do if they have flood situations. She also spoke about Main Street Partnership being a 501(c)(3) and the \$50,000 they get every year. She said this is taxation without representation.

a) Farmington Valley Visiting Nurse Association

Nancy Sheets said the Farmington Valley VNA is also a non-profit organization, a homecare and hospice agency. She thanked the Town for supporting them. She went through some of the things they do for the Town such as glucose and blood pressure clinics. They also sit on the Public Safety Commission and partner with the Fire and Ambulance services with "steps to safety." They provide free skilled visits to assist people who want to stay in their homes instead of going into a facility. They also offer CPR and AED training and COVID mask fitting, as well as other help they can offer the Town, etc. They did have to secure their financial future and have now partnered with VNS of Litchfield County. They will always take care of the residents.

b) Fair Rent Commission Status Update

Mr. Fitzgerald said the Fair Rent Commission was started in 1986, but it hasn't met since November 1990. He said the Fair Rent Commission has the power to study, investigate and have public hearings on complaints received on rental charges and accommodations. They also have the power to issue subpoenas and issue corrective orders.

He said the Town sent a letter to the Department of Housing that the Town does have a Fair Rent Commission, even though it hasn't met in 30 years, and therefore needs some updates/changes. He went through the proposed ordinance changes such as 7 members to 5 with 2 alternates. He said the Board needs to schedule a public hearing to discuss these changes further. After some discussion, the Board will schedule a public hearing.

FIRST SELECTMAN'S REPORT

Ms. Mackstutis, First Selectman, reviewed her First Selectman's report.

TOWN MANAGER'S REPORT

Interim Town Manager, Lee C. Erdmann, reviewed his Town Manager's report.

Mr. Askham made a motion to add item J to the agenda: The Greater Hartford Transit. Mr. Wellman seconded the motion. All were in favor and the motion passed.

SELECTMEN LIAISON AND SUB-COMMITTEE REPORTS

- a) **Personnel** – there was no report at this time.
- b) **Finance** – there was no report at this time.
- c) **Public Safety** – Mr. Askham said Public Safety met last week and updates will be given to the Board and public. He noted that AMR is struggling with their own staffing in Avon and Simsbury has had to go to help them. We hear that ambulance service is struggling state-wide. We have some plans for our future and will be discussing them further. He also noted that there is a state process if you want to change ambulance services, we just can't do it ourselves.
- d) **Board of Education** – there was no report at this time.

Ms. Goetz said she attended the Main Street Partnership meeting where they discussed their Taste of Simsbury Event had "best year yet" and some fundraising ideas moving forward.

Ms. Mackstutis said there was no Finance Sub-Committee meeting, but Ms. Meriwether is going to give them a list of projects that can be worked on.

SELECTMEN ACTION

a) Proposed Revision to Town Code 85-6.1 Complex Projects (1:24:13)

Mr. Askham made a motion, effective October 23, 2023, to adopt the proposed revision to Town Code 85-6.1 Complex Projects as presented, which should be effective 21 days after publicized in a newspaper, having a

circulation withing the Town of Simsbury. Further move, to authorize a summary of the adopted ordinance to be published. Ms. Goetz seconded the motion. All were in favor and the motion passed.

b) Discussion on Plan of Conservation and Development

Ms. Mackstutis said the Board has the opportunity to bring up issues on the POCD or if there is any consensus of what the Board wants to bring forward to the Planning Commission, they do have the chance to bring them up to the meeting tomorrow night. She said the Board has a chance to endorse it, reject it or just receive it without comment.

Ms. Mackstutis said she found some potential ideas for the new Board to look at like different agencies, like Main Street and the Chamber, working together with the EDC. Also, having a Housing Advisory Commission for changes in the community.

After some discussion, no motion was made at this time.

c) Fiscal Year 22/23 Year End Financial Results

Ms. Meriwether went through the General Fund Revenues and Expenses. She also went through the employee benefits section, Simsbury Farms Funds, Health Insurance Funds, and different transfers. She also went through the Board of Education revenues and expenses. She also went through CNR items. Ms. Meriwether went through fund balances and different transfers to be made.

There was discussion on the different proposed funding projects like IT, the PAC, Police Department wants and Fire Safety issues. The PAC and Fire Marshall need to come to a Board meeting to discuss their projects further.

After further discussion, no motion was made at this time.

d) FY 22/23 Year End General Fund and Capital Transfers (2:57:25)

Mr. Askham made a motion, effective October 10, 2023, to transfer \$3,465,000 from the General Fund to the Capital Reserve Fund in the amount of \$3,300,000 and CNR Fund in the amount of \$165,000 and further move to appropriate the CNR Funds for the following projects: (1) Managed Network Detection and Responses (\$18,000), (2) Network Switches (\$37,000); (3) Police Road Side Cameras (\$39,900) and Compensation and Classification Study (\$75,000) and recommend to the Board of Finance. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective October 23, 2023, to roll over encumbrances totaling \$ 68,319.00 and appropriate the funds in the FY24 budget in accordance with the “Open Purchase Order Detail” report and recommend to the Board of Finance. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective October 23, 2023, to approve the year end budget transfers in accordance with the “General Fund Budget Transfers – Budgetary Basis” document and recommend to the Board of Finance. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion, effective October 23, 2023, to approve the capital transfers in accordance with the “Capital Transfers Request” document and recommend to the Board of Finance. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

e) Tax Refund Requests (3:01:05)

Mr. Askham made a motion, effective October 10, 2023, to approve the presented tax refunds in the amount of \$11,159.91 and to authorize Interim Town Manager, Lee C. Erdmann to execute the tax refunds Mr. Wellman seconded the motion. All were in favor and the motion passed.

f) Appropriation of Funds for CT Department of Agriculture Farm Viability Grant (3:01:53)

Mr. Fitzgerald said the Board authorized the application of the grant and now they need to authorize spending of the funds.

Mr. Askham made a motion, effective October 23, 2023, to appropriate the grant funds, if awarded and recommend said appropriation to the Board of Finance. Mr. Wellman seconded the motion. All were in favor and the motion passed.

g) Simsbury Public Library Grant Application for CT Humanities Implementation (3:03:14)

Mr. Fitzgerald said this is similar to the trial grant, which went well. The total implementation would be \$20,000, with the grant being \$10,000 and a Town match of \$10,000.

Mr. Askham made a motion, effective October 23, 2023, to authorize the Simsbury Public Library to submit a grant application to CT Humanities Implementation for \$20,000 and to authorize Interim Town Manager, Lee C. Erdmann, to execute the grant application.

In that the grant is awarded: Move to accept the grant and to authorize Interim Town Manager, Lee C. Erdmann, to execute all documents related to the grant award. Further move to appropriate the grant funds, if awarded. And recommend the said appropriation to the Board of Finance. Mr. Wellman seconded the motion. All were in favor and the motion passed.

h) Schedule a Public Hearing for Proposed Ordinance Prohibiting the Use of Tobacco, Vaping, and Cannabis Products on Public Property (3:04:21)

Ms. Mackstutis said this meeting had to be rescheduled as there was no quorum at the last meeting. More information was included in the packets.

Ms. Goetz made a motion, effective October 23, 2023, to set a Public Hearing to receive public comment on the proposed Ordinance to Prohibit the use of Tobacco, Vaping, and Cannabis Products on Public Property for 6:00 p.m. on Monday, November 13, 2023. Mr. Askham seconded the motion. All were in favor and the motion passed.

i) Schedule a Public Hearing for Proposed Amendments to Fair Housing Commission Ordinance (3:04:55)

Mr. Askham made a motion, effective October 23, 2023, to set a Public Hearing to receive public comment on the proposed amendments to the Fair Rent Commission Ordinance for 6:00 p.m. on Monday, November 13, 2023. Ms. Goetz seconded the motion. All were in favor and the motion passed.

j) Greater Hartford Transit (3:05:32)

Mr. Askham made a motion, effective October 23, 2023, to accept the FY 23/24 grant funds from the Greater Hartford Transit District to support our Dia-a-Ride program and to authorize Interim Town Manager, Lee C. Erdmann, to execute all documents related to the grant award. Further move, to appropriate the grant funds, if awarded, and recommend said appropriation to the Board of Finance. Mr. Wellman seconded the motion. All were in favor and the motion passed.

REVIEW OF MINUTES

a) September 27, 2023 Regular Meeting Minutes

There were no changes to the minutes and, therefore, they were adopted.

EXECUTIVE SESSION (3:06:16)

a) Pursuant to General Statutes Section 1-200 (6)(A): Town Manager Employment Agreement

b) Pursuant to General Statutes Section 1-200 (6)(B): Discussion of Pending Claim

Mr. Askham made a motion to adjourn to Executive Session pursuant to General Statutes Section 1-200 (6)(B): Discussion of Pending Claim at 9:08 p.m. and to include Interim Town Manager, Lee C. Erdmann, Deputy Town Manager Tom Fitzgerald and Attorney Robert DeCrescenzo. Ms. Goetz seconded the motion. All were in favor and the motion passed.

ADJOURN FROM EXECUTIVE SESSION

Mr. Askham made a motion to adjourn Executive Session at 9:32 p.m. Mr. Wellman seconded the motion. All were in favor and the motion passed.

SELECTMEN ACTION

k) Town Manager's Employment Agreement

Mr. Askham made a motion, effective October 23, 2023, to execute the Town Manager's Employment Agreement between the Town of Simsbury, CT and Marc Nelson, for a three-year term commencing on January 8, 2024 and expiring on January 7, 2027. Mr. Wellman seconded the motion. All were in favor and the motion passed.

ADJORN

Mr. Askham made a motion to adjourn at 9:34. Mr. Wellman seconded the motion. All were in favor and the motion passed.

Respectfully submitted,

Kathi Radocchio
Clerk

47 **b) Proposed Amendments to Chapter 15 of Simsbury Town Code: Fair Rent**
 48 **Commission**

49
 50 **Laurie Boyko, 15 Oakhurst Road, Simsbury**, stated that as a realtor, a resident, and owner
 51 of a rental property she is aware of all the statutes in favor of renters. She mentioned that the
 52 town's population is under the number that would require a Fair Rent Commission, and it also
 53 goes against American governance. The Commission would require time and money. What a
 54 renter can pay should not impact the value of someone's property and what they price it as.

55
 56 **MOTION:** Selectman Askham made a motion, seconded by Deputy First Selectman Abbuhl,
 57 to close the public hearing on the Proposed Amendments to Chapter 15 of Simsbury Town
 58 Code: Fair Rent Commission. The motion carried unanimously. (5-0-0).

59
 60 **PUBLIC AUDIENCE**

61
 62 **Brian Cutino, 3 The Mews, Simsbury**, stated that the utility work on Route 185 caused major
 63 traffic delays and impacted peoples' schedules. He would like an investigation on the utility work
 64 that took place there, how it was managed, and how it was communicated out to the public. He
 65 would also like the establishment of a committee that focuses on communication to residents.

66
 67 **Pat Weisbrich, 3 Lenora Drive, West Simsbury**, stated that she did an analysis in town that
 68 itemized the number of apartments, condos, and planned urban developments. Of the unaccounted-
 69 for housing, we have about 14.5% of about affordable housing. She would like the town to
 70 advocate for an amendment to 8-30g to grandfather what has been built in the past or overturn 8-
 71 30g altogether. With the building rate we will never get to the 10% required from the State.

72
 73 **Joan Coe, 26 Whitcomb Drive, Simsbury**, stated that she hopes the new Board of Selectmen will
 74 operate with integrity and collaboration with the community. She would like some budget items
 75 from 2023 to not be on the 2024 budget. She expressed concern for some hiring choices for the
 76 police department while applauding some of the talent we already have. She would like more
 77 access to the police and their non-emergency services.

78
 79 **Ellen Gilbert, 126 Hopmeadow Street, Unit 3B, Simsbury**, advocated for going against 8-30g
 80 because it is ineffective for the renters, even when there are safety concerns.

81
 82 **PRESENTATIONS**

83
 84 **a) Recognition of Outgoing Board Members (31:00)**

85
 86 **Deputy First Selectman, Amber Abbuhl**

87 **MOTION:** Selectman Askham made a motion, seconded by Selectman Wellman, effective
 88 November 13, 2023, to congratulate Deputy First Selectwoman Amber Abbuhl on her
 89 tenure on the Board of Selectmen from 2021 to present; further move to express the Board's
 90 gratitude to Ms. Abbuhl for her service to her community. The motion carried
 91 unanimously. (5-0-0).

92 Selectman Goetz highlighted Deputy First Selectman Abbuhl’s achievements and acts of
 93 service as the Deputy First Selectman, and as a member of the Board of Selectmen,
 94 Personnel Sub-Committee and Finance Sub-Committee, as well as her role of liaison to the
 95 Zoning Commission, Aging and Disability Commission, and the Housing Authority.

96 Deputy Board of Selectman Abbuhl expressed gratitude for serving alongside the talent of
 97 the Board members and Town Staff. She has plans to continue her volunteer work and
 98 collaboration with the Town.

99 Board of Selectmen members complimented her advocacy for various necessary fundings,
 100 prioritizing community unity over opposite viewpoints, ability to help peers maintain their
 101 passion and viewpoints while retaining diplomacy, and breadth of service to Simsbury.

102 **Selectman Sean Askham**

103 **MOTION:** Selectman Wellman made a motion, seconded by Selectman Goetz, effective
 104 November 13, 2023, to congratulate Selectman Sean Askham on his tenure on the Board
 105 of Selectmen from 2011 to present; further move to express the Board’s gratitude to Mr.
 106 Askham for his service to his community. The motion carried unanimously. (5-0-0).

107 Selectman Goetz highlighted Selectman Askham’s achievements and acts of service as
 108 Deputy First Selectman, and a member of the Board of Selectmen, Public Safety Sub-
 109 Committee, Personnel Sub-Committee, Town Manager Search Committee, and numerous
 110 other committees and work groups.

111 Selectman Askham stated that he comes from a family of people who have served
 112 Simsbury and that they have encouraged him to work with everyone to do what is right.
 113 He humbly reflected on the mistakes and triumphs throughout his time on the Board. He
 114 expressed gratitude for the Town staff. He pointed out that his daughters were present
 115 because he wanted to encourage the younger generation to be of service.

116 Board of Selectmen members complimented Selectman Askham’s skills in partnership,
 117 leadership, and institutional knowledge, as well as his ability to create solutions with people
 118 of different ideologies, and breadth of service.

119 **Selectman, Chris Peterson**

120 **MOTION:** Selectman Wellman made a motion, seconded by Deputy First Selectman
 121 Abbuhl, effective November 13, 2023, to congratulate Selectman Chris Peterson on his
 122 tenure on the Board of Selectmen from 2017 to present; further move to express the Board’s
 123 gratitude to Mr. Peterson for his service to his community. The motion carried
 124 unanimously. (5-0-0).

125 Selectman Goetz highlighted Selectman Peterson’s achievements and acts of service on the
 126 Board of Selectmen and other numerous committees and work groups, as well as his role
 127 as liaison to the Cultures, Parks and Recreation Commission, Chair of the Short-Term

128 Rental Ordinance Work Group and Chair of the 1 Old Bridge Road Park Naming Rights
129 Committee.

130 Selectman Peterson stated his family's involvement in Simsbury's government and
131 encouraged being of service and the commitment of volunteers. He will miss being a part
132 of Public Safety, Culture, Parks, and Recreation, and the Juvenile Review Board. He
133 acknowledged the talent and dedication of the Town staff. He reflected on his achievements
134 of advocating for an additional social worker, advocating for Public Works, and brought
135 cannabis into the public conversation. He leaves hoping he positively contributed and that
136 he was able to help others learn. His advice for the incoming Board of Selectmen was to
137 leave the ballot letter next to their name at the door, ask vulnerable questions, and change
138 their minds.

139 Board of Selectmen members complimented Selectman Peterson's skill in asking questions
140 that create solutions, ability to explain how and what the Board is doing will lead to a
141 positive result, his framework in approaching problems, strategic way of navigating
142 progress, pragmatic approach, and ability to change people's minds.

143 **Selectman, Eric Wellman**

144 **MOTION:** Selectman Askham made a motion, seconded by Selectman Goetz, effective
145 November 13, 2023, to congratulate Selectman Eric Wellman on his tenure on the Board
146 of Selectmen from 2017 to present; further move to express the Board's gratitude to Mr.
147 Wellman for his service to his community. The motion carried unanimously. (5-0-0).

148 Selectman Goetz highlighted Selectman Wellman's achievements and acts of service as
149 First Selectman, a member of the Board of Selectmen, Personnel Sub-Committee, and
150 Hometown Hero Selection Committee, as well as his role as liaison to the DEI Council and
151 Clean Energy Task Force.

152 Selectman Wellman stated that he cannot describe what it means for a community to have
153 faith in you leading them. He reflected on his important decision in choosing a Town
154 Manager. He worries about civic engagement fraying and encourages the future Board to
155 invest money in things that unites the community. He thanked the past and current Town
156 manager and the Town staff for their hard work, as well as the Simsbury community for
157 the opportunity to serve them.

158 Board of Selectmen members complimented Selectman Wellman's dedication to work,
159 prioritizing what is best for a community over public appearance, leading with empathy
160 and kindness, putting people first and seeing them as complete human beings rather than
161 something for political gain, experience, advice, courageous decision making, and
162 efficiency.

163 **b) Simsbury Diversity, Equity, and Inclusion Housing Sub-Committee Presentation**
164 **(1:19:00)**

165

166 Rick Brush presented that the community wants the Town to be proactive in attracting the
167 type of development that we want, and there needs to be inclusivity with sharing of
168 opinions.

169
170 Nicole Kodak presented that community members from varying backgrounds and
171 circumstances all share in wanting to have input and control over the decision making and
172 progress.

173
174 Mario Chiappetti presented that local businesses want affordable housing so that their
175 employees can live in town near work, stakeholders are really seeing a need for it for
176 vulnerable demographics like the elderly and those with low-income, and Simsbury is not
177 as welcoming with visitors who are of color and low-income looking to move here.

178
179 Mr. Brush presented from a survey community members agreed more housing
180 options/choices would make Simsbury better, that affordable options should be expanded
181 so all income levels can live here, and the Town should prioritize housing that increases
182 diversity of residents.

183
184 Edward LaMontagne presented that they held various educational events for the
185 community.

186
187 Rachel Hayes spoke about the community forum the group held to hold a constructive
188 conversation about the topic of Affordable Housing in Simsbury.

189
190 Ms. Cook stated that they recommend that the Board of Selectmen endorse expansion of
191 Affordable and Inclusive Housing, in December they assign two liaisons to the DEI
192 Council, during goal-setting when they meet with the Town Manager and Director of
193 Community Planning and Development they prioritize and develop a timeline for the
194 Affordable and Inclusive Housing Plan, the Town proactively encourage Affordable and
195 Inclusive Housing, EDC and Simsbury Main Street Partnership attract desirable developers
196 interested in Affordable and Inclusive Housing, that they offer more, frequent, and
197 accessible public engagement opportunities, and the creation of a Town Affordable
198 Housing Committee.

199
200 Town Manager, Lee Erdmann stated that between six months and a year there is a realistic
201 possibility for an established plan.

202
203 Selectman Askham stated that there needs to be a tax abatement strategy that will
204 incentivize development that makes 8-30g affordable for developers and communities and
205 fixes the percentage problem.

206
207 Selectman Peterson recommended the Town have a not-for-profit that purchases land or a
208 home with SEED money that ensures the renovations or buildings are good quality and
209 then sell it into affordable housing and then any money goes to purchasing the next property
210 and eventually it wouldn't be coming out of the Town's budget.

211

212 **FIRST SELECTMEN’S REPORT (2:16:52)**

213

214 First Selectman Mackstutis will have her report posted on the Town website.

215

216 **TOWN MANAGER’S REPORT (2:17:05)**

217

218 Mr. Erdmann reported:

- 219 • Culture, Parks, and Recreation’s “Simsbury Celebrates” will be held on Saturday,
- 220 November 25th, from 5:00 P.M. until 8:00 P.M. on Hopmeadow between Drake Hill and
- 221 Plank Hill Roads.
- 222 • Public Works will be collecting bagged leaves from November 27th through December 7th.
- 223 • Simsbury Public Library has promoted Kai Pietraroia to full-time Adult Services
- 224 Librarian.

225

226 **SELECTMEN LIASON AND SUB-COMMITTEE REPORTS (2:20:18)**

227

228 **a) Personnel**

229

230 Selectman Peterson reported:

- 231 • the first AED is being installed at Simsbury Farms
- 232 • The small playground at Simsbury Farms is completed and the one for older
- 233 children is in progress.

234

235 **b) Finance**

236

237 Deputy First Selectman Abbuhl reported that there is an estate planning workshop on

238 November 16th from 10:30 A.M. until noon in the Old Court Room at Eno Hall. The

239 registration deadline is November 14th.

240

241 **c) Public Safety**

242

243 Selectman Askham reported that:

- 244 • The Veteran’s Memorial event on Veteran’s Day was well done and our police
- 245 department, fire department, and ambulance received first responder awards.

246

247 **d) Board of Education**

248

249 No report.

250

251 Selectman Goetz reported:

- 252 • The Main Street Partnership will be putting on their “Shop Small” event on
- 253 November 24th and 25th.
- 254 • There are two new business in town: Suburban Living and The Weekend Home.
- 255 • Modern Twist Makers is moving from Tariffville to 961 Hopmeadow Street and
- 256 will be opening at the end of November.
- 257 • Roux Cajun Eatery has closed their location in town.

258 **SELECTMEN ACTION**

259

260 **a) Follow Up on PAC Life Safety Analysis Year End Transfer Request (2:24:43)**

261

262 Missy DiNunno stated that Simsbury Meadows has a 10,000 capacity and there is currently
263 nothing in place to prepare for something unexpected like an active shooter. For example,
264 there is a need for a proportionate amount of egress gates. They have selected an
265 experienced firm that would be able to figure out the necessary safety measures.

266

267 Selectman Askham stated that \$35,000 towards creating safety measures for a hypothetical
268 event of a magnitude the Town has no intention of having again is not essential. The
269 safeguards are for the venue renter to have large crowds and make money. This does not
270 benefit the Town and will cost the taxpayers.

271

272 Fire Marshal, Patrick Tourville, stated that any event with 6,000 people or more, which
273 Simsbury plans on having, requires a life safety evaluation.

274

275 Selectman Wellman stated that because the Town funds the Meadows, and this involves
276 safety he recommends moving forward with allocating the funds.

277 **MOTION:** Selectman Askham made a motion, seconded by Selectman Wellman, effective
278 November 13, 2023, to transfer \$35,000 from *the* General Fund to the CNR Fund for the
279 PAC Life Safety Analysis and to amend the motion from the October 23, 2023, meeting to
280 reduce the transfer from the General Fund to the Capital Reserve fund from \$3,295,100 to
281 \$3,260,100. The motion carried unanimously. (5-0-0).

282 **b) Proposed Ordinance Prohibiting the Use of Tobacco, Vaping, and Cannabis Products**
283 **on Public Property (2:48:16)**

284

285 Selectman Goetz stated that the Board can continue to consider public comment extend the
286 decision making to a further date, or they can act and have a few options to consider in
287 terms of exceptions and all products.

288

289 Selectman Askham suggested reducing this to only cannabis on public grounds like town
290 buildings, playgrounds, and parks.

291

292 Selectman Wellman stated that he does not see public smoking as a big problem for
293 Simsbury to the point where it impacts the quality of life to the extent that there needs to
294 be an ordinance on where they can do it. He wants to limit to just cannabis in public spaces.

295

296 Selectman Goetz stated that residents who are making healthy decisions are impacted by
297 people who are not. The damaging effects on secondhand smoke are significant. She is
298 comfortable applying the ordinance to all the substances.

299

300 Selectman Peterson would like to ban it all completely because if not there is discrimination
301 somewhere. Also, it does not make sense to allow unhealthy habits in places that encourage

302 healthy lifestyles like the golf course. It's not appropriate to allow smoking on Town Hall
 303 grounds when it will eventually cost taxpayers. He stated that cannabis is the ultimate
 304 reason this is being brought up and can get behind focusing on limiting that.

305
 306 Deputy First Selectman Abbuhl was in support of addressing cannabis and limiting where
 307 people can smoke to not include town hall, playgrounds, and parks. And does not support
 308 the golf course having an exception.

309
 310 Selectman Askham stated that in the "Purpose" section he would like to remove "tobacco
 311 and vaping." In "Definitions" remove, "Tobacco Product" and "Vaping Product". Amend
 312 Section IV to read "Cannabis Products on Public Property". In that section remove,
 313 "tobacco or", "nicotine or", and "or vaping product." Section V can be removed.

314
 315 **MOTION:** Selectman Askham made a motion, seconded by Deputy First Selectman
 316 Abbuhl, effective November 13, 2023, to adopt the amended ordinance on Prohibiting the
 317 Use of Cannabis Products on Public Property which shall be effective 21 days after
 318 publication in a newspaper having circulation within the Town of Simsbury. Further move
 319 to authorize a summary of the adopted ordinance be published. The motion carried
 320 unanimously. (5-0-0).

321
 322 **c) Proposed Amendments to Chapter 15 of Simsbury Town Code: Fair Rent**
 323 **Commission (3:10:59)**

324
 325 **MOTION:** Selectman Goetz made a motion, seconded by Deputy First Selectman Abbuhl,
 326 effective November 13, 2023, to adopt the proposed amendments to Chapter 15 of
 327 Simsbury Town Code: Fair Rent Commission as presented, which shall be effective 21
 328 days after publication in a newspaper having circulation within the Town of Simsbury.
 329 Further move to authorize a summary of the revised ordinance be published. The motion
 330 carried unanimously. (5-0-0).

331
 332 **d) Proposed Revisions to Fair Rent Commission Rules of Procedures (3:08:54)**

333
 334 **MOTION:** Selectman Goetz made a motion, seconded by Selectman Wellman, effective
 335 November 13, 2023, to adopt the proposed revisions to the Fair Rent Commission Rules
 336 of Procedure. The motion carried unanimously. (5-0-0).

337
 338 **e) Tax Refund Requests (3:21:35)**

339
 340 **MOTION:** Selectman Wellman made a motion, seconded by Selectman Goetz, effective
 341 November 13, 2023, to approve the presented tax refunds in the amount of \$7,949.48, and
 342 to authorize Interim Town Manager, Lee Erdmann, to execute the tax refunds. Selectman
 343 Askham opposed the motion. The motion carried. (4-1-0).

344
 345
 346
 347

348 **f) Donation from Dianne and Mark Orenstein (3:22:29)**
 349

350 **MOTION:** Selectman Askham made a motion, seconded by Deputy First Selectman
 351 Abbuhl, effective November 13, 2023, to accept a donation from Dianne and Mark
 352 Orenstein in the amount of \$1,800 for the purpose of supporting Simsbury Community and
 353 Social Services Department programs. The motion carried unanimously. (5-0-0).
 354

355 **g) Proposed Public Gathering Permit – Charity Walk & Talk at the PAC (3:22:59)**
 356

357 **MOTION:** Selectman Askham made a motion, seconded by Deputy First Selectman
 358 Abbuhl, effective November 13, 2023, to approve the public gathering application on
 359 behalf of the Simsbury Performing Arts Center and to authorize the issuance of the public
 360 gathering permit for the Charity Walk & Talk at the PAC. The motion carried unanimously.
 361 (5-0-0).
 362

363 **h) Proposed Public Gathering Permit – Unite by Light Event (3:23:51)**
 364

365 **MOTION:** Selectman Askham made a motion, seconded by Deputy First Selectman
 366 Abbuhl, effective November 13, 2023, to approve the public gathering application on
 367 behalf of For All Ages, Inc to authorize the issuance of the public gathering permit for
 368 Unite by Light along Hopmeadow Street. The motion carried unanimously. (5-0-0).
 369

370 **APPOINTMENTS AND RESIGNATIONS (3:24:28)**
 371

372 **a) Resignation of Elizabeth Peterson from the Technology Task Force**
 373

374 **MOTION:** Selectman Askham made a motion, seconded by Selectman Goetz, retroactive
 375 to November 6, 2023, to accept the resignation of Elizabeth Peterson as a Regular Member
 376 of the Technology Task Force. The motion carried unanimously. (5-0-0).
 377

378 **REVIEW OF MINUTES (3:25:00)**
 379

380 **a) October 23, 2023, Regular Meeting Minutes**
 381

382 Selectman Goetz stated that under “Liaison Reports” her report on the Main Street
 383 Partnership reads, “they discussed their best year yet,” when that comment is for the Taste
 384 of Simsbury Event.
 385

386 **MOTION:** Selectman Askham made a motion, seconded by Selectman Wellman, to
 387 approve the Minutes of the October 23, 2023, Regular Meeting as amended. The motion
 388 carried unanimously. (5-0-0).
 389

390 Selectman Goetz announced that the organizational meeting for the new Board of Selectman will
 391 take place on December 4th at Eno Hall at 6:00 P.M.
 392
 393

394 **ADJOURNMENT (3:26:03)**

395

396 **MOTION:** Selectman Askham made a motion, seconded by Selectman Wellman, to adjourn the
397 meeting. The motion carried unanimously. (5-0-0).

398

399 Selectman Goetz adjourned the meeting at 9:25 P.M.

400

401 Respectfully Submitted,

402

403 Amanda Blaze

404 Commission Clerk

405



Robert M. DeCrescenzo
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rdcrescenzo@uks.com

November 21, 2023

Via Email

lerdmann@simsbury-ct.gov

Lee Erdmann
Interim Town Manager
Town of Simsbury
933 Hopmeadow Street
Simsbury, CT 06070

Re: Recusal of Updike, Kelly & Spellacy, P.C.:
Zoning Commission Application ZC 23-38 of
SL Simsbury, LLC for a Master Site Development Plan

Dear Lee:

This is to inform you that Updike, Kelly & Spellacy, P.C. (the "Firm") is recusing itself from providing any and all legal advice or services related to the above-referenced application currently pending before the Zoning Commission. (Application ZC 23-38, of SL Simsbury, LLC, for a Master Site Development Plan Type 4 Application on the Hartford South property to allow a ± 580 unit, mixed-unit type, residential development on a 124.64 acre parcel at 200 Hopmeadow St. (Assessor's ID Map F17, Block 154, Lot 009-2)).

The reason for the recusal is that the Applicant, the Silverman Group is a client of the Firm.

We have identified Attorney Lou Spadaccini as conflicts counsel for purposes of providing the legal services that may be needed in processing the Application. I have asked Attorney Spadaccini to send me a proposed engagement letter for review by the Board of Selectmen.

Very truly yours,

Robert M. DeCrescenzo, Esq.
Town Attorney

RMDe/psm
cc: Town Clerk
Chair, Zoning Commission
George McGregor, Town Planner

Updike, Kelly & Spellacy, P.C.

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