

# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

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**SIMSBURY BOARD OF SELECTMEN**  
**Regular Meeting – June 12, 2023 – 6:00 p.m.**  
**Main Meeting Room, Simsbury Town Hall**

## **PLEDGE OF ALLEGIANCE**

## **PRESENTATION**

- a) 2022 Revaluation Presentation

## **PUBLIC AUDIENCE**

- Participants can address the Board of Selectmen in person at the meeting
- Email [townmanager@simsbury-ct.gov](mailto:townmanager@simsbury-ct.gov) by noon on Monday, June 12, 2023 to register to address the Board of Selectmen live through Zoom
- Written comments can be emailed to [townmanager@simsbury-ct.gov](mailto: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**

- a) Personnel
- b) Finance
- c) Public Safety
- d) Board of Education

## **SELECTMEN ACTION**

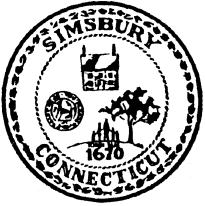
- a) Tax Refund Requests
- b) Acceptance of Yearly Matching Grant from Connecticut Department of Transportation, for Dial-A-Ride's Elderly and Disabled Demand-Responsive Transportation
- c) Abatement and Permitting Fee Waiver Request, 100 Grist Mill Road - EBAD
- d) FY 23/24 Non-Union GWI
- e) Board of Selectmen Rules of Procedure Discussion

## **APPOINTMENTS AND RESIGNATIONS**

- a) Resignation and Appointments to Various Boards and Commissions

## **REVIEW OF MINUTES**

- a) May 22, 2023 Regular Meeting Minutes



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## **COMMUNICATIONS**

- a) Administrative Approval of Public Gathering Permit Memo

## **EXECUTIVE SESSION**

- a) Pursuant to CGS Section 1-200(6)(E): Discussion of Draft Memorandum of Understanding with Simsbury Main Street Partnership

## **ADJOURN**

**Prior to this meeting, Pursuant to 1-200 (2), the Board of Selectmen and its Legal Counsel met as the Executive Search Committee**




# Town of Simsbury

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SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** 2022 Revaluation Presentation
2. **Date of Board Meeting:** June 12, 2023
3. **Individual or Entity Making the Submission:**  
Lee C. Erdmann, Interim Town Manager; Amy Meriwether, Finance Director; Francine Beland, Assessor  

4. **Action Requested of the Board of Selectmen:**  
This presentation is informational.
5. **Summary of Submission:**  
At the May 22, 2023 Board of Selectmen meeting, there were numerous public audience comments related to the most recent property revaluation. At the request of the Board of Selectmen, a presentation was prepared to provide further information on the revaluation process and related information. The Finance Director and Assessor will provide an overview of why we perform revaluations, how properties are valued, a timeline of the process, statistical data, take-aways, etc.
6. **Financial Impact:**  
None
7. **Description of Documents Included with Submission:**
  - a) Presentation Slides (Forthcoming)

# TOWN OF SIMSBURY

## 2022 REVALUATION

A Summary of the 2022 Revaluation

June 12, 2023

# WHY DO WE REVALUE?

- Mandated by statute to be completed every 5 years
- Property inspection required once every ten years, commonly referred to as a “Full Revaluation”
- Last revaluation completed for October 1, 2022 was a Full Revaluation
- Revaluation conducted by eQuality Revaluation Services, LLC for residential properties and Municipal Valuation Services, LLC for commercial properties

# PURPOSE OF REVALUATION

- To equalize tax base among all classes of taxable property.
- To establish current fair market value of all real estate, in order to eliminate inequities in assessment levels, and create an equitable distribution of taxes.
- Revaluations are not conducted to raise revenue.

# HOW WAS MY PROPERTY VALUED?

- All properties are valued as of October 1, 2022
- Method of valuation is dictated by State Statutes and guidelines
- Analysis of all sales between 10/1/21 and 10/1/22 were performed. This included a review of sales for validity and correction of the listing information as needed.
- Analysis of Income and Expenses data is performed
- Pricing models were developed
  - Residential property is based on sales data
  - Commercial property is based on Income and Expense data

# HOW WAS MY PROPERTY VALUED?

- These parameters are then applied to properties that have sold, the calculation resulting in an appraised value that is very close to the sales price
- As required by the State these parameters must be tested across all types of properties throughout the town and must consistently produce values that closely approximate the sales prices
- Once the parameters have been tested they are used to value “non-sale” properties



# HOW IS MY PROPERTY VALUED?

- There are 3 valuation models:
  - Cost approach
  - Sales Comparison approach
  - Income Capitalization approach
- ALL models are utilized for income producing properties
- The sales comparison approach is used for residential properties

# TYPES OF APPRAISALS

- Fee appraisal
  - Appraises one property at a time
  - The appraisal is done for an individual reason: purchase, refinance, etc
  - Values each property at a unique point in time
- Mass appraisal
  - Appraise many properties at a time
  - Always done for property tax purposes (ad valorem)
  - Appraises all properties as if they sold on the same date

# Fee vs Mass Appraisal

## Fee Appraisal

- **One property**
- **Date of appraisal – current date**
- **Equitable appraisals between properties is not a concern**
- **Adjustments to comparable sales determined for each appraisal and can differ depending on appraiser or time of appraisal.**
- **Single value produced**
- **No statistical tests to prove accuracy of appraisal**

## Mass Appraisal

- **Many properties**
- **Date of appraisal – 10/1/22**
- **Equitable appraisals among similar properties critical.**
- **Adjustments are built into a model and are the same for all similar properties**
- **Individual values for each component, land, building, outbuildings and site improvements**
- **Statistical tests to prove accuracy of appraisals**

# REVALUATION TIMELINE

Activity	Period
Request for Proposal Issued	September 2021
Request for Proposal Opening	October 2021
Contracted with Revaluation Firms	November 2021
Notices sent to property owners notifying them of the revaluation	Email Blast on May 18, 2022 notifying of the reval and data mailers were coming Data Mailers on May 31, 2022
Revaluation work commencement	November 2021
Notice of Assessment letters sent to residential property owners	January 27, 2023
Notice of Assessment letters sent to commercial property owners	December 16, 2022 & January 30, 2023

# REVALUATION TIMELINE

Activity	Period
Notification to commercial property owners that assessment notices were mailed	Email blast on December 21, 2022
Notification to residential property owners that assessment notices were mailed	Email blast on January 31, 2023
Informal hearings with the revaluation firms	December 2022 – February 2023
Presentation to the Board of Finance on findings	February 2023
Deadline to submit an appeal to the Board of Assessment Appeals	March 20, 2023
Board of Assessment Appeals Hearings	March and April 2023

# BOARD OF ASSESSMENT OF APPEALS (BAA)

- 3 elected member board with a 4 year term
- 3 alternates appointed by the Board of Selectmen
- Training is provided by Certified Connecticut Municipal Assessor (CCMA)
  - Handbook provided by Town of Simsbury
  - 3hr workshop is offered once or twice a year (elective)
- Allows property owners to challenge their assessments
- On February 27, 2018, in accordance with State Statute, the BAA voted to decline to hear appeals on commercial or apartment properties assessed at \$1,000,000 or more when resolution without resulting in court action is unlikely

# BOARD OF ASSESSMENT OF APPEALS (BAA) DATA

- Residential Property
  - 159 Appeals were filed (Less than 2% of properties)
  - 4 Applicants withdrew their applications
  - 7 Applicants did not show up for the process
  - 3 Appeals resulted in assessment increases
  - 26 Appeals resulted in no action
  - 118 Appeals resulted in assessment decreases\*\*
  - 1 Appeal resulted in a court filing

\*\*Note: Assessment reductions are at the discretion of the BAA, the reduction does not mean the assessments were not accurate

# BOARD OF ASSESSMENT OF APPEALS (BAA) DATA

- Commercial Property
  - 62 Appeals were filed (Less than 20% of properties)
  - 38 Appeals were not heard based on value
  - 24 Appeals were reviewed by the BAA
  - 18 Appeals resulted in no action
  - 6 Appeals resulted in an assessment decrease
  - 18 Appeals resulted in a court filing\*\*

\*\*Note: 16 filings were over the \$1,000,000 threshold and not heard by the BAA



# SIMSBURY DATA

- Average property assessment increases
  - Residential – 30%
  - Apartments – 58%
  - Commercial – 20% (including apartments)
  - Commercial – 9% (not including apartments)
  - Industrial – 31%

# COMPARABLE TOWN DATA

Town	Residential	Commercial w/o apartm.	Commerical w/apartm.	Industrial
Simsbury	30%	9%	20%	31%
Farmington	No Response from Request			
Glastonbury	26%	8.5%	Not Provided	Included in Commercial
Granby	34%	Not Provided	37%	7%
South Windsor	33%	7%	Not Provided	15%

# STATE REPORTING STATISTICS

- **Level of Assessment** – Overall or average relationship between assessed values and market values
  - Target ratio should be within plus or minus 10% of the required 70% assessment ratio
  - Simsbury Revaluation ratio was 67.1%
- **Coefficient of Dispersion (COD)** – Measure of appraisal uniformity. It measures, on average, how far each property ratios is away from the medial ratio
  - Target ratio should be below 15% for residential and below 20% for commercial (must have 15 or more sales)
  - Simsbury Revaluation ratio was 6.8%
- **Price Related Differential** – Measure of uniformity of property values
  - Target ratio should be between 0.98 and 1.03
  - Simsbury Revaluation ratio was 1.015
- **Unsold Ratio** – Comparing market of unsold properties before and after the revaluation
  - Target ratio should be between 0.95 and 1.05
  - Simsbury Revaluation ratio was 1.032

# LOOKING BACK

- What went well?
  - Flyover – New this year
  - Data mailer return process
  - Ease of access to scanned documents
  - Accommodations were made for all residents that missed the informal hearing sign up

# LOOKING BACK

- What can be improved?
  - Start the process sooner with “boots on the ground”
  - Data entry process
  - Stay current with building permits issued
  - Physical field review
  - Informal hearing deadlines
  - Income & expense reporting




# Town of Simsbury

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SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Tax Refund Requests
2. **Date of Board Meeting:** June 12, 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 June 12, 2023 to approve the presented tax refunds in the amount of \$2,499.68, 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 \$2,499.68. The attachment dated June 12, 2023 has a detailed listing of all requested tax refunds.
7. **Description of Documents Included with Submission:**
  - a) Requested Tax Refunds, dated June 12, 2023

REQUESTED TAX REFUNDS  
JUNE 12, 2023

	<b>BILL NUMBER</b>	<b>TAX</b>	<b>INTEREST</b>	<b>TOTAL</b>
<b>List 2021</b>				
Barman Martha	21-03-51013	\$255.51		\$255.51
Goodwin Dennis	21-03-57022	\$307.69		\$307.69
Hyundai Lease Titling Trust	21-03-58778	\$402.66		\$402.66
JP Morgan Chase Bank	21-03-59324	\$469.04		\$469.04
Roy Marc R	21-03-66114	\$294.53		\$294.53
USB Leasing LT	21-03-69180	\$355.52		\$355.52
Financial Ser Veh Trust	21-04-80985	\$414.73		\$414.73
<b>Total 2021</b>		<b>\$2,499.68</b>	<b>\$0.00</b>	<b>\$2,499.68</b>
<b>TOTAL 2021</b>		<b>\$2,499.68</b>	<b>\$0.00</b>	<b>\$2,499.68</b>
<b>TOTAL ALL YEARS</b>		<b>\$2,499.68</b>	<b>\$0.00</b>	<b>\$2,499.68</b>



# Town of Simsbury

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## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Acceptance of Yearly Matching Grant from Connecticut Department of Transportation, for Dial-A-Ride's Elderly and Disabled Demand-Responsive Transportation
2. **Date of Board Meeting:** June 12, 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 accepting the grant funds from Connecticut Department of Transportation to support our Enhanced Dial-A-Ride Program, the following motion is in order:  
  
*Move, effective June 12, 2023, to accept the FY 2023-2024 grant funds from Connecticut Department of Transportation to support our Enhanced Dial-A-Ride program and to authorize Interim Town Manager C. Lee Erdmann to execute all documents related to the grant award.*
5. **Summary of Submission:**  
The Town of Simsbury annually applies for a grant with Connecticut Department of Transportation for assistance with funding the operating costs of the Town's Enhanced Dial-A-Ride Program for Elderly and Disabled Residents.
6. **Financial Impact:**  
The proposed grant award is in the amount of \$34,050. This funding was anticipated and is budgeted as a revenue for FY 23/24 within the Senior Transportation budget.
7. **Description of Documents Included with Submission:**
  - a) Grant Application Documents



STATE MATCHING GRANT PROGRAM  
ELDERLY AND DISABLED DEMAND RESPONSIVE TRANSPORTATION

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**GRANT ASSIGNMENT CERTIFICATION**

SFY 2024 (JULY 1, 2023 THRU JUNE 30, 2024)	
Name of Municipality	<i>Town Of Simsbury</i>
Name of Coordinating Entity	<i>Town of Canton &amp; Martel Transportation</i>
<p><b>Please check the box (to the right)</b> acknowledging the municipality (named above) is participating in a consolidated grant application under the State of Connecticut 13b-38bb Elderly and Disabled Demand Responsive Municipal Grant Program (MGP). The municipality hereby assigns its grant apportionment from the State program to the above listed entity who will coordinate the operation of transportation services.</p>	
<input checked="" type="checkbox"/>	

***You may digitally enter your signature on the following line (please submit in WORD) or***

DIGITAL SIGNATURE

X

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***You may enter your name, title, and date below then printout and sign (please submit in pdf):***

*Click here to enter text.*

Name

X

Signature

*Click here to enter text.*

Title (i.e., Chief Fiscal Officer)

*Click or tap to enter a date.*

Date

**ADDITIONAL COMMENTS**

*Click here to enter text.*

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STATE MATCHING GRANT PROGRAM  
ELDERLY AND DISABLED DEMAND RESPONSIVE TRANSPORTATION

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**MAINTENANCE OF EFFORT CERTIFICATION**

SFY 2024 (JULY 1, 2023 THRU JUNE 30, 2024)	
Name of Municipality	<i>Town of Simsbury</i>
<p>The municipality (named above) hereby certifies that State of Connecticut 13b-38bb Elderly and Disabled Demand Responsive Municipal Grant Program (MGP) funds on transportation programs for seniors and persons with disabilities will be</p> <p style="text-align: center;"><i>in addition to current municipal levels of spending.</i></p> <p>If municipal levels of funding will be reduced, please enter below the percentage of applicant funding that will be reduced.</p> <p style="text-align: center;"><i>Click here to enter text.</i></p>	

***You may digitally enter your signature on the following line (please submit in WORD) or***

DIGITAL SIGNATURE

X

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***You may enter your name, title, and date below then printout and sign (please submit in pdf):***

*Click here to enter text.*

Name

X

---

Signature

*Click here to enter text.*

Title (i.e., Chief Fiscal Officer)

*Click or tap to enter a date.*

---

Date

**ADDITIONAL COMMENTS**

*Click here to enter text.*

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# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Abatement and Permitting Fee Waiver Request, 100 Grist Mill Road - EBAD
2. **Date of Board Meeting:** June 12, 2023
3. **Individual or Entity Making the Submission:**  
Lee C. Erdmann, Interim Town Manager

4. **Action Requested of the Board of Selectmen:**  
Should the Board of Selectmen approve the proposed Tax Abatement Agreement for 100 Grist Mill Road, the following motion is in order:

*Move effective, June 12, 2023 to approve the Tax Abatement Agreement for 100 Grist Mill Road and authorize Interim Town Manager Lee C. Erdmann to execute the agreement subject to final review and approval of the Agreement by the Town Attorney. Further move to approve the fee waiver request for EBAD.*

5. **Summary of Submission:**  
In April 2019 the Town received an abatement request from EBAD for substantial renovations they were doing to their properties. This abatement was approved over a 10 year time frame and was just for the new growth amount in taxes.

In 2022 EBAD asked for, and was approved for, a 50% fee waiver for permits issued in November and December 2020 associated with Phase II of their ongoing project. The value of this permit fee waiver was \$7,924.

EBAD purchased 100 Grist Mill Road on January 4, 2023. They purchased the property for \$2,700,000. The purchase generated \$6,750 in local conveyance tax and \$77 in recording fees to the Town. In its current condition, the property is valued at \$2,400,000 and assessed at \$1,680,000 generating \$62,840 in property tax revenue due to the town for the current Fiscal Year, 22/23. Based on revaluation, the revised valuation in its current condition will be \$2,585,000 and it will be assessed at \$1,809,500, generating \$55,769<sup>1</sup> in tax revenue for Fiscal Year, 23/24. We have received an abatement and permitting fee waiver request from EBAD for renovations of the property located at 100 Grist Mill Road. EBAD has stated that, "The improvements include significant demolition, new offices & conference rooms, updated toilet facilities, new lighting, significant upgrades to the mechanical systems, new production area, expanded parking facilities &, updated landscaping."

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<sup>1</sup> Utilizes FY23/24 Town mill rate of 30.82.

EBAD anticipates this the creation of approximately 200 new jobs mostly in the higher skilled manufacturing field and hired within a 2-year time period.

EBAD is seeking a ten-year abatement schedule consistent with the abatement that was approved in 2019 on both the real estate and personal property. The previous abatement schedule was only granted for the value of the new growth. The abatement schedule as requested would be as follows:

- 100% reduction in the tax bill for years 1 & 2 (FY 23/24 and FY 24/25)
- 95% reduction in the tax bill for year 3 (FY 25/26)
- 90% reduction in the tax bill for year 4 (FY 26/27)
- 85% reduction in the tax bill for year 5 (FY 27/28)
- 75% reduction in the tax bill for year 6 (FY 28/29)
- 75% reduction in the tax bill for year 7 (FY 29/30)
- 75% reduction in the tax bill for year 8 (FY 30/31)
- 75% reduction in the tax bill for year 9 (FY 31/32)
- 75% reduction in the tax bill for year 10 (FY 32/33)

If the requested abatement schedule was granted for the real estate, the abatement value is estimated at \$598,681 over ten years. The net real estate and new growth on personal property over the same ten-year period is a value estimated at \$200,167.

As a reminder, by statute, abatements may be granted for up to ten years, upon approval by the Board of Selectmen. The Town Attorney provided that, “the statute permits town legislative bodies to approve (a) tax fixing agreements of up to 10 years, (b) for office and/or manufacturing facilities, (c) for either new construction or rehabilitation of existing facilities. The law was changed in 2016 to eliminate the threshold values for the proposed improvements. As a result, in the change in the law, tax fixing agreements under Section 12-65b are no longer dependent on the value of the proposed improvements to determine the allowable amount or duration of a tax assessment reduction under the proposed agreement.”

At the time of the application, EBAD does not have an estimate on the value of the manufacturing equipment that will be added. However, as a reminder, state statute exempts manufacturing equipment from local taxation. Therefore, the Town does not have the ability to collect personal property taxes on manufacturing equipment, and no tax revenue will be derived from the addition of manufacturing equipment to the site.

EBAD is seeking a 50% fee waiver for building related permits for all of the trades including demolition, mechanical, electrical, and interior finishes associated with the renovation of 100 Grist Mill Road. EBAD has estimated that total permitting fees will be \$35,560; if that estimate is accurate, the value of a 50% fee waiver on local permits would be \$17,780.

As of March, the Planning and Land Use Department has received a permit application to renovate the interior of 100 Grist Mill Road, approximately 41,000 square feet of office space. The value of construction was estimated at \$1,250,000 and the cost of the permit was \$17,500, exclusive of state fees. If a 50% fee waiver was granted on this application, the value of the fee waiver would be \$8,890.

As a reminder, we are only permitted to waive local fees (not including Fire District or Sewer), upon approval by the Board of Selectmen.

The Business Development Incentive Committee met on May 24<sup>th</sup> to review and discuss this request by EBAD. At that meeting they voted to approve the abatement request and fee waiver as requested.

The Town Manager and Town Attorney will negotiate an abatement with EBAD based on the proposed scenarios.

**6. Financial Impact:**

The property was valued at \$2,400,000 when purchased. Following construction, EBAD is estimating the revised market value of 100 Grist Mill upon completion of the renovation to be \$5,500,000. Based on the estimated revised assessment of \$3,850,000, the additional estimated taxable real estate property value will be \$1,265,000. They are also estimating new personal property valued at \$500,000.

The abatement percentages are identical to the 2019 abatement. They are 100% in the first two fiscal years of the agreement, 95% in year three, 90% in year four, 85% in year five and 75% in years six through ten.

100				H			
101	Fiscal Year	Abatement Per Cent of Addition to Current Value	New Growth Amount	Abatement Amount	Net Real Estate Tax	New Growth on Personal Property	Net Real and Personal Property Tax
102	24/25	100%	\$72,315	\$72,315	\$0	\$13,024	\$13,024
103	25/26	100%	\$73,183	\$73,183	\$0	\$11,972	\$11,972
104	26/27	95%	\$69,816	\$66,325	\$3,491	\$10,706	\$14,197
105	27/28	90%	\$70,654	\$63,589	\$7,065	\$9,502	\$16,567
106	28/29	85%	\$71,502	\$60,777	\$10,725	\$7,779	\$18,504
107	29/30	75%	\$72,360	\$54,270	\$18,090	\$7,172	\$25,262
108	30/31	75%	\$68,170	\$51,128	\$17,042	\$8,474	\$25,516
109	31/32	75%	\$68,988	\$51,741	\$17,247	\$7,552	\$24,799
110	32/33	75%	\$69,816	\$52,362	\$17,454	\$7,328	\$24,782
111	33/34	75%	\$70,654	\$52,991	\$17,663	\$7,881	\$25,544
112	TOTALS		\$707,458	\$598,681	\$108,777	\$91,390	\$200,167

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

None



# Town of Simsbury

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SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** FY 23/24 Non-Union Compensation

2. **Date of Board Meeting:** June 12, 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 the proposed FY 23/24 general wage increase for staff in unaffiliated positions, the following motions are in order:

*Move to approve a 2.4% general wage increase for unaffiliated staff in a non-probationary status, effective July 1, 2023 pending a satisfactory annual performance evaluation.*

*Further move, to approve a 2.4% general wage increase for unaffiliated staff in a probationary status upon successful completion of their probationary period.*

*Further move, to adjust the salary ranges for non-union classifications as presented.*

5. **Summary of Submission:**

Section 903 of the Town Charter states that "the salaries, wages, or other compensation of all officers and all employees of the Town...shall be determined by the Board of Selectmen." The Town negotiates wage increases for its union employees during the collective bargaining process. Recommended changes in compensation and/or benefits for unaffiliated positions have been brought to the Personnel Subcommittee, then to the full Board of Selectmen for consideration.

The attached spreadsheet shows current pay rates of our unaffiliated positions, as well as the classification salary ranges. The column to the right of the current wages shows the scenario of a proposed 2.4% general wage increase. This increase was budgeted in the approved FY 23/24 budget.

The GWI would be effective July 1, 2023 for non-union employees. Prior to her departure as Town Manager, Maria Capriola met with the non-union staff who are direct reports to her to conduct performance reviews. For any position that is not a direct report to the Town Manager they will still need to undergo the review process and receive a satisfactory rating by their supervisor.

- *Internal Comparison*

The negotiated general wage increase for FY 23/24 for IBPO is 2.35% and for Dispatchers is 2.5%. We are currently negotiating with AFSCME and the CSEA units. Non-union staff for the Board of Education received a 3% GWI for FY 23/24.

Generally, we try to keep GWIs for both union and non-union staff similar but there have been differences in the past.

- *External Comparison*

CCM data from May 2023 indicates that the average FY 23/24 state-wide general wage increase for negotiated contract settlements is 2.56%. The proposed 2.4% is comparable with averages for state-wide data available while preparing the budget but is below the current trends that CCM is seeing.

We also engaged in a benchmarking analysis amongst our comparable communities and have recommended adjustments to the minimum and maximum ranges for the Finance Director, Planning Director and Parks and Recreation Director and actual salary adjustments to the Police Chief and Library Director positions.

### Notes

Since we are continuing to share Financial Management Services with the Board of Education, two scenarios are presented for the Finance Director position (Town only, Town and BOE combined). Effective July 1<sup>st</sup>, the Board of Education will compensate the Town for 30% of salaries for shared financial management positions with the “town” as a home base: Finance Director, Budget Director, Deputy Finance Director, Accountant. The first two positions are non-union and included in the attached.

Consistent with past practice, I am recommending that unaffiliated employees in a probationary status be awarded the GWI prospectively, upon successfully completing probation.

The Personnel Sub-Committee reviewed and endorsed this proposal at their June 8, 2023 meeting. At that meeting there was discussion if performance measures could be used as a metric for wage increases.

## **6. Financial Impact:**

Based on CCM salary data for negotiated settlements that was available during budget preparation, we budgeted 2.4% in contingency for a general wage increase for our unaffiliated employees. We also budgeted the estimated impact of the wage increase on payroll taxes in the appropriate benefits line item for FY 23/24. The estimated impact of the 2.4% general wage increase in FY 23/24 would be \$67,260 or \$72,406 when payroll taxes are factored<sup>2</sup> in

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

- a) Unaffiliated Salary Chart
- b) Non-Union Benchmarking
- c) Personnel Sub-Committee Minutes

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<sup>2</sup> 6.2% for social security, 1.45% for Medicare

Position	FY 22/23 (2.35%)			Proposed FY 23/24 (2.4%)		
	Minimum	Maximum	Current	Minimum	Maximum	Proposed
Chief of Police	89,677	151,218	151,218	96,829	159,847	159,847
Deputy Chief of Police	130,677	137,425	137,425	133,813	140,723	140,723
Deputy Town Engineer	97,233	122,820	122,820	99,566	125,768	125,768
Deputy Town Manager	106,491	145,725	119,831	109,047	149,222	119,831
Budget Director <i>(Shared with BOE)</i>	93,500	114,465	114,465	95,744	117,212	117,212
Director of Culture, Parks and Recreation	78,467	128,910	126,108	95,000	135,000	129,135
Director of Finance <i>(Shared with BOE)</i>	98,644	166,339	166,339	125,000	170,331	170,331
Director of Planning and Community Development	84,072	134,515	127,938	95,000	145,000	131,008
Director of Public Works/Town Engineer	127,938	161,713	161,713	131,008	165,594	165,594
Employee Benefits & Human Resources Coordinator	61,653	84,072	81,757	63,132	86,090	83,719
Library Director	78,467	121,295	121,295	89,050	132,906	132,906
Management Specialist	65,778	87,703	71,259	67,356	89,808	72,969
Outreach Worker	No Min	20.90	20.47	No Min	21.40	20.96
Recreation Coordinator	25.72	30.74	25.72	26.34	31.47	26.34
Accreditation Specialist	31.75	42.33	42.32	32.51	43.35	43.34
Information Technology Support Specialist	34.74	41.52	38.32	35.57	42.52	39.24
Property Appriaser	37.09	44.32	37.96	37.98	45.38	38.87
Youth and Family Social Worker	72,059	86,119	73,752	73,788	88,186	75,522
Librarians (Adult, Childrens - PT)	28.16	30.96		28.84	31.70	

Notes:

Finance Director and Budget Director are shared services with the BOE

The Outreach Worker, Recreation Coordinator, and Librarians are part time and hourly

As with past practice, non-union employees in a probationary status would be eligible for the GWI upon successful completion of their probator

Proposed market range adjustments and salary adjustments for the Chief and Library Director

Proposed market range adjustments to Dir. Parks and Rec, Planning, and Finance Director (town only) classifications

Effective July 1st the Board of Education will compensate the Town for 30% of the salaries for the Finance Director and Budget Director



**Salary Data as of May 2023**

	Parks and Rec Director			Planning Director			Finance Director			Library Director			Chief of Police		
	Minimum	Maximum	Actual	Minimum	Maximum	Actual	Minimum	Maximum	Actual	Minimum	Maximum	Actual	Minimum	Maximum	Actual
<b>Simsbury*</b>	<b>\$78,467</b>	<b>\$128,910</b>	<b>\$126,108</b>	<b>\$84,072</b>	<b>\$134,515</b>	<b>\$127,938</b>	<b>\$98,644</b>	<b>\$166,339</b>	<b>\$166,339</b>	<b>\$78,467</b>	<b>\$121,295</b>	<b>\$121,295</b>	<b>\$89,677</b>	<b>\$151,218</b>	<b>\$151,218</b>
Avon	\$75,223	\$105,242	\$97,616	\$94,846	\$132,739	\$134,380	\$102,279	\$143,213	\$138,380	\$94,846	\$132,739	\$126,229	\$115,000	\$157,500	\$154,500
Bloomfield	\$92,101	\$142,154	\$128,675	\$101,455	\$156,599	\$120,000	\$101,455	\$156,599	\$134,531	\$96,648	\$149,177	\$122,912	\$101,455	\$156,599	\$152,436
Canton															
Cheshire	\$84,452	\$135,524	\$102,553	\$94,762	\$158,111	\$131,743	\$94,762	\$158,111	\$140,222	\$84,452	\$135,524	\$112,478	\$94,762	\$158,111	\$143,107
Farmington	\$114,527	\$128,976	\$128,976	\$103,668	\$133,032	\$133,033	\$148,128	\$166,816	\$166,816				\$143,810	\$161,957	\$152,615
Glastonbury	\$106,899	\$144,280	\$144,280	\$112,203	\$151,456	\$137,501	\$119,496	\$161,304	\$154,986	\$96,856	\$130,845	\$118,508	\$119,496	\$161,304	\$155,528
Granby	\$83,161	\$101,179	\$101,179	\$106,668	\$129,779	\$129,779	\$115,614	\$140,663	\$137,231	\$92,559	\$112,612	\$96,261	\$114,889	\$139,778	\$139,778
South Windsor	\$80,000	\$142,000	\$115,000	\$80,000	\$142,000	\$127,000	\$100,000	\$157,000	\$150,000			\$120,000	\$100,000	\$157,000	\$150,000
West Hartford	\$100,000	\$165,000		\$100,000	\$165,000		\$100,000	\$165,000		\$100,000	\$165,000		\$100,000	\$165,000	\$165,000
Windsor	\$91,716	\$135,595	\$116,587	\$91,716	\$135,595	\$128,278	\$97,747	\$143,957	\$123,529	\$91,716	\$135,595	\$105,190	\$102,634	\$151,154	\$147,539
AVERAGE	\$92,009	\$133,328	\$116,858	\$98,369	\$144,923	\$130,214	\$108,831	\$154,740	\$143,212	\$93,868	\$137,356	\$114,511	\$110,227	\$156,489	\$151,167
Simsbury - Average	-\$13,542	-\$4,418	\$9,250	-\$14,297	-\$10,408	-\$2,276	-\$10,187	\$11,599	\$23,127	-\$15,401	-\$16,061	\$6,784	-\$20,550	-\$5,271	\$51
MEDIAN	\$91,716	\$135,595	\$115,794	\$100,000	\$142,000	\$130,761	\$101,455	\$157,000	\$139,301	\$94,846	\$135,524	\$118,508	\$102,634	\$157,500	\$152,436
Simsbury - Median	-\$13,249	-\$6,685	\$10,315	-\$15,928	-\$7,485	-\$2,823	-\$2,811	\$9,339	\$27,038	-\$16,379	-\$14,229	\$2,787	-\$12,957	-\$6,282	-\$1,218

\*Simsbury Finance Director is a shared service between the Town and BOE

	Deputy Chief of Police			Deputy Town Manager			HR Coordinator			Management Specialist			DPW/Town Engineer			Public Works Director		
	Minimum	Maximum	Actual	Minimum	Maximum	Actual	Minimum	Maximum	Actual	Minimum	Maximum	Actual	Minimum	Maximum	Actual	Minimum	Maximum	Actual
<b>Simsbury</b>	<b>\$130,677</b>	<b>\$137,425</b>	<b>\$137,425</b>	<b>\$106,491</b>	<b>\$145,725</b>	<b>\$119,831</b>	<b>\$61,653</b>	<b>\$84,072</b>	<b>\$81,757</b>	<b>\$65,778</b>	<b>\$87,703</b>	<b>\$71,259</b>	<b>\$127,938</b>	<b>\$161,713</b>	<b>\$161,713</b>			
Avon				\$87,737	\$122,858	\$91,851										\$102,279	\$143,213	\$139,622
Bloomfield	\$92,101	\$142,154	\$132,578	\$83,532	\$128,936	\$123,438	\$68,398	\$85,645	\$85,795							\$101,455	\$156,599	\$137,625
Canton																		
Cheshire	\$84,452	\$135,524	\$121,094	\$94,762	\$158,111	\$139,924				\$71,068	\$107,808	\$71,500	\$94,762	\$158,111	\$130,000			
Farmington	\$127,120	\$143,158	\$137,599	\$114,527	\$128,976	\$121,537				\$94,240	\$106,130	\$96,125	\$148,128	\$166,816	\$166,816			
Glastonbury	\$101,751	\$137,358	\$137,358				\$68,523	\$85,624	\$85,624				\$112,203	\$151,456	\$151,456			
Granby	\$100,643	\$122,445	\$122,445							\$70,343	\$77,665	\$73,185				\$105,779	\$128,696	\$128,696
South Windsor	\$80,000	\$142,000	\$135,451	\$125,000	\$160,000	\$160,000										\$100,000	\$157,000	
West Hartford	\$112,190	\$139,100					\$83,668	\$111,878								\$100,000	\$165,000	
Windsor	\$91,716	\$135,595	\$130,093	\$91,716	\$135,595	\$111,935	\$79,547	\$111,364	\$82,619	\$79,547	\$111,364		\$102,634	\$151,154				
AVERAGE	\$98,747	\$137,167	\$130,945	\$99,546	\$139,079	\$124,781	\$75,034	\$98,628	\$84,679	\$78,800	\$100,742	\$80,270	\$114,432	\$156,884	\$149,424	\$101,903	\$150,102	\$135,314
Simsbury - Average	\$31,930	\$258	\$6,480	\$6,945	\$6,646	-\$4,950	-\$13,381	-\$14,556	-\$2,922	-\$13,022	-\$13,039	-\$9,011	\$13,506	\$4,829	\$12,289	-\$101,903	-\$150,102	-\$135,314
MEDIAN	\$96,372	\$138,229	\$132,578	\$93,239	\$132,286	\$122,488	\$74,035	\$98,505	\$85,624	\$75,308	\$106,969	\$73,185	\$107,419	\$154,784	\$151,456	\$101,455	\$156,599	\$137,625
Simsbury - Median	\$34,305	-\$804	\$4,847	\$13,252	\$13,440	-\$2,657	-\$12,382	-\$14,433	-\$3,867	-\$9,530	-\$19,266	-\$1,926	\$20,520	\$6,930	\$10,257	-\$101,455	-\$156,599	-\$137,625



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## Personnel Sub-Committee Regular Meeting

Thursday, May 11, 2023

Zoom

### MINUTES

**Members Present:** Wendy Mackstutis, Amber Abbuhl, Sean Askham

**Staff Present:** Nicholas Boulter, Tom Fitzgerald, Eric Gomes

The meeting was called to order at 8:01 am.

#### 1) **Approval of Minutes**

The minutes of the February 9, 2023 regular meeting were approved by consensus.

#### 2) **Community for Care (C4C) Recruitment**

Mr. Fitzgerald gave an overview to the group about there being 5 candidates still interested. The group discussed sending out the written questionnaire used last time prior to scheduling interviews.

#### 3) **Economic Development Commission Recruitment**

Mr. Fitzgerald gave an overview of their being two openings. The group discussed advertising for an opening to the public.

#### 4) **FY 23/24 Non-Union Compensation**

Mr. Fitzgerald gave background to the group of Ms. Capriola giving performance reviews for non-union staff that reported to the Town Manager prior to her departure. In the past a successful completion of a performance review was needed for a GWI for non-union staff. The amounts presented have been budgeted including proposed market adjustments to Police Chief and Library Director. Ms. Mackstutis asked if the proposed chart could be included in the Board of Selectmen packet when this is discussed at the full board meeting. Mr. Askham asked why there was a reduction in the Deputy Town Manager rate. Mr. Askham made a motion to change the Deputy Town Manager to \$119,831, Ms. Abbuhl seconded the motion. Mr. Askham and Ms. Abbuhl voted for while Ms. Mackstutis voted against, the motion passed on a 2 to 1 vote. Ms. Mackstutis asked questions about the Budget Director and HR Coordinator positions, and Mr. Askham asked to send the Chief and Deputy Chief to the Police Commission so they were aware.

Mr. Askham made a motion to recommend to the full Board of Selectmen a 2.4% general wage increase for unaffiliated staff effective July 1, 2023 pending a satisfactory yearly performance evaluation, and that the salary ranges for those classifications be adjusted as presented. Further move to have the proposed general wage increase forwarded to the full Board of Selectmen. Mr. Askham also made a motion to recommend to the full Board of Selectmen a 2.4% general wage increase for unaffiliated staff in a probationary status be applied upon successful completion of their probationary period. Ms. Abbuhl seconded. All were favor.

5) Executive Session:

- a. Pursuant to General Statutes section 1-200(6)(A) To discuss personnel matter & compensation regarding Police Chief
- b. Pursuant to General Statutes section 1-200(6)(E) to discuss labor negotiations and strategy with AFSCME and CSEA

Mr. Askham moved to adjourn to executive session and invite Interim Town Manager Boulter, HR Coordinator Eric Gomes, and Labor Attorney Harrington at 8:23. Ms. Abbuhl seconded the motion. All were in favor.

**Adjourn**

Mr. Askham made a motion to adjourn from executive session and adjourn the meeting at 9:30am. Ms. Abbuhl seconded the motion. All were in favor and the motion passed unanimously.

Respectfully Submitted,  
Thomas Fitzgerald  
Acting Deputy Town Manager



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

**Personnel Sub-Committee**  
**Regular Meeting**  
Thursday, June 8, 2023  
Zoom

**MINUTES**

**Members Present:** Wendy Mackstutis, Amber Abbuhl, Sean Askham

**Staff Present:** Lee Erdman, Tom Fitzgerald, Eric Gomes

The meeting was called to order at 8:02am.

**1) Approval of Minutes**

The minutes of the May 11, 2023 regular meeting were approved by consensus.

**2) Community for Care (C4C) Recruitment**

Mr. Fitzgerald gave an overview to the group about contacting the 5 candidates that were still interested. One written questionnaire was received. Ms. Abbuhl asked if the interested candidate is eligible due to party affiliation previous member resigning in the middle of their term. Mr. Askham mentioned that he doesn't believe party rep should matter besides the state statute party minority representation due to the original creation of the committee being appointed by the Board based on qualifications not on traditional party appointments. Mr. Fitzgerald stated he will check in with the Town Clerk on this. Ms. Abbuhl asked the group if they are okay with using the submitted written responses as the person's interview. The group agreed with that.

**3) Economic Development Commission Recruitment**

Mr. Fitzgerald gave an overview of the town placing an ad for volunteers and that all received applications are in the packet. The group discussed the received applications and the interview process. Mr. Fitzgerald said he will send along a poll to find the availability of the group. Ms. Mackstutis asked if the group should invite EDC Liaison of the Board of Selectmen Selectman Goetz.

**4) FY 23/24 Non-Union Compensation**

Discussion on new presented data. Mr. Askham asked why this was back to the Personnel Sub-Committee when they voted to send this to the Board at their last meeting. After discussion between the members Mr. Askham made a motion to forward the proposed non-union compensation to the Board of Selectmen. Ms. Abbuhl seconded the motion. Mr. Askham and Ms. Abbuhl voted for, Ms. Mackstutis abstained. Staff clarified for the group that the data presented is as of May 2023.

Ms. Mackstutis asked if they are able to use performance as a metric for wage increases. After staff answered, Mr. Erdmann asked if that information changed Ms. Mackstutis' s vote to a yes. Ms. Mackstutis said yes.

**5) Future Meeting Dates & Times:**

Mr. Erdmann mentioned that his tentative work schedule is three days in the office and two remote. He asked if the group would be amenable to changing the meeting dates to days that he is in the Town Hall with Zoom still an option. Mr. Askham said he is okay with that as long as Zoom is still an option. Ms. Mackstutis said she likes the Zoom option because the meetings are recorded. The group discussed Wednesday mornings at 8:00 AM worked for everyone.

**Adjourn**

Mr. Askham made a motion to adjourn the meeting at 8:33am. Ms. Abbuhl seconded the motion. All were in favor and the motion passed unanimously.

Respectfully Submitted,  
Thomas Fitzgerald  
Acting Deputy Town Manager




# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Board of Selectmen Rules of Procedure Discussion
2. **Date of Board Meeting:** June 12, 2023
3. **Individual or Entity Making the Submission:**  
Lee C. Erdmann, Interim Town Manager 
4. **Action Requested of the Board of Selectmen:**  
No action needed at this time.
5. **Summary of Submission:**  
Board of Selectmen members have expressed an interest in discussing the Rules of Procedures and discussing a potential scope of work for a small workgroup to meet and discuss changes to be brought to the full Board of Selectmen.
6. **Financial Impact:**  
Should the Board of Selectmen wish to revise the Rules of Procedure, staff time may be needed for research and draft revisions.
7. **Description of Documents Included with Submission:**
  - a) Board of Selectmen Rules and Procedures
  - b) Draft Speaker Code of Conduct Card



# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## 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](http://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

## Town of Simsbury Public Meeting Code of Conduct

**Policy:** Please focus on the subject matter of an issue and never the person. All have a right to voice their opinion.

**Observe:** Follow these rules:

- Comment will be directed through the chairperson
- Time limits may be established
- no person shall approach a board or commission without permission of the chairperson
- Chairperson can stop comment after time has expired or if the commenter has violated public meeting guidelines and rules of decorum
- The chairperson can remove the commenter from the meeting if violation occurs.

**Listen:** Participants should actively listen to understand others' statements and build upon the conversation.

**Intention:** State your opinion or subject matter of fact plainly and in a straightforward manner. Everyone should have an opportunity to speak.

**Tolerate:** Respectfully disagree with others' statements. Democracy allows for all voices to be heard.

**Educate:** No person knows everything. Respectfully use the opportunity to educate boards, commissions, and your neighbors.

**Name:** \_\_\_\_\_

**Address:** \_\_\_\_\_

**Topic(s):**  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_




# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Update on Hazard Mitigation Assistance Grant – 1 Old Bridge Road Demolition
2. **Date of Board Meeting:** June 12, 2023
3. **Individual or Entity Making the Submission:**  
Lee C. Erdmann, Interim Town Manager; Thomas Roy, Director of Public Works/Town Engineer; Adam Kessler, Deputy Town Engineer
4. **Action Requested of the Board of Selectmen:**   
This item is informational. Should any action be needed a motion would have to be made.
5. **Summary of Submission:**  
In 2015 the Town applied for a Hazard Mitigation Grant through FEMA in a value of \$41,978 for a demolition of a private home at 1 Old Bridge Road. On June 9<sup>th</sup> FEMA, CT DEMHS, CT DEEP, State Sen. Seminara, State Rep. Osborne, Town staff and First Selectman Mackstutis had a discussion about FEMA's disagreement with the town's interpretation of open space at the location and if a specific study was needed to complete FEMA's close out of the grant.  
  
Director of Public Works/Town Engineer Tom Roy and Deputy Town Engineer Adam Kessler have provided you a memo summarizing the project from the beginning up to where we are currently. Town staff will be available at tonight's meeting to discuss the project and all current options available
6. **Financial Impact:**  
The grant amount awarded the Town was \$41,978. that the Town may have to conduct a Hydrologic and Hydraulic (H&H) Study with a potential cost of \$60,000.
7. **Description of Documents Included with Submission:**
  - a) Memo from T. Roy re: Hazard Mitigation Assistance Grant – 1 Old Bridge Road Demolition DEMHS Grant No. FMA-PJ-01-CT-2015.001, dated June 12, 2023



# Town of Simsbury

66 TOWN FOREST ROAD, WEST SIMSBURY, CONNECTICUT 06092

Phone (860) 658-3222

E-mail [troy@simsbury-ct.gov](mailto:troy@simsbury-ct.gov)

~ Thomas J. Roy, P.E. – Director of Public Works ~

June 12, 2023

Re: Hazard Mitigation Assistance Grant – 1 Old Bridge Road Demolition  
DEMHS Grant No. FMA-PJ-01-CT-2015.001

In 2015, the Town of Simsbury applied for a FEMA Hazard Mitigation Grant with a value of \$41,978 for the demolition of a private home with a history of flooding that was located along the banks of the Farmington River. Our intention with this grant was to facilitate the removal of this residential home from the floodway, protect the land with a deed restriction, and creation of a park providing access to the river for residents.

In September 2017, the Town formally accepted the grant. The Master Plan for the site depicted a pavilion, a shed, and walkways as a concept to guide the design of a public park with river access following the demolition of the house. This Master Plan was provided to DEMHS for review. At that time, DEMHS requested a memo from the local Floodplain Manager that could be forwarded along with the Master Plan to FEMA. The Town provided all requested information to DEMHS.

Based on comments made at a June 9, 2023, meeting with FEMA staff, it became clear that FEMA was unaware of the Master Plan and any subsequent design plans for creating a public park. It should be noted that the Town has been transparent all along and provided all documentation necessary to DEMHS since 2017. All Town communication was made through DEMHS; we are not clear, at this time, if they provided FEMA with the Town's Master Plan.

On January 13, 2023, due to the man-made structures within the floodway, FEMA requested a no-rise analysis (H&H Analysis) as part of the close-out procedure of the grant. Town Staff have maintained that the request is beyond the scope of the project and is not practical, given the nature of this work and the grant provided. Our local Floodplain Manager, Engineering staff, and the State of Connecticut DEEP staff have all agreed that the work performed by the Town will ultimately improve the conveyance of the river. Further, due to the location of the property at the confluence of Hop Brook and the Farmington River, and the adjacencies of the two bridges, the H&H Analysis would likely be inconclusive (and still cost approximately \$50,000 - \$60,000).

FEMA needs to close their grant by mid-August 2023. If we have not resolved our issue from our grant, they will revoke our grant, even though we have already received the payment.

Based on FEMA's interpretation, we are in violation of their regulations by having made improvements/performed construction within the floodway, and therefore need to either

remove the improvements or complete the H&H study to show no-rise in the Farmington River. The violations consist of the split rail fence, some pavers and the walkway down to the river (not the shed, gazebo or benches). Town staff believe, if we had not applied for this grant, these minor improvements could have been approved at the local level and would not have required FEMA oversight.

Returning the grant was discussed (this is less expensive than conducting the H&H study), but FEMA feels that, since they now know of the violation, they would therefore still require the H&H study or the removal of the offending items.

We offered to have a site walk, possibly during the last week of June, to review which specific items would need to be removed. Town staff stated that we would consider removing the lower section of the walkway down to the kayak launch area, and offered to have a plan in place to remove the fence rails in advance of flooding; however, staff maintained that removing the brick pavers seemed unreasonable. If we can agree on these items, then the H&H study would not be required.

It should be noted that the H&H study is not capable of capturing the changes in the river flow associated with the fencing, pavers and walkway that have been installed. This computer model uses river cross sections with various factors to represent the friction of the water flowing in a given section of the river. The software is useful for determining the impact of structures, such as bridge or changes in the channel slope on the flow of the river, but is not useful in determining the impact of minor surface changes.

Attachments:

1. Correspondence Summary
2. Pre-Demolition Property Survey
3. As-built Survey
4. Consultant Response to Regulatory Comments

	DATE	ACTION
1	2015-07-23	<i>FEMA Grant Application Submission</i>
2	2015-08-10	<i>Motion to Accept Open Space Recommendation</i>
3	2016-06-27	<i>Approval of Master Plan for Flower Bridge (consultant)</i>
4	2017-09-08	Simsbury provides <b>Master Plan</b> to DESPP/DEMHS and requests to add removal of timber retaining wall based on engineering evaluation.
5	2017-09-11	<i>Acceptance of FEMA Grant by Simsbury (\$41,978.48)</i>
6	2017-09-14	CT DESPP/DEMHS review of <b>Master Plan</b> - Requested local Floodplain Manager sign-off on the Master Plan. DESPP/DEMHS will submit proposed development to FEMA for their review and determination.
7	2017-10-27	Simsbury Inter-Office Memo (Floodplain Manager to Town Engineer) regarding <b>Master Plan</b> and allowed activities within regulated area.
8	2018-03-13	Simsbury request to DESPP/DEMHS for executed grant agreement.
9	2018-03-28	<b>CTDEEP Pre-Application Meeting</b> - All work above OHW & no structures within floodway.
10	2018-03-28	Simsbury request to DESPP/DEMHS for executed grant agreement.
11	2018-04-17	CT DESPP/DEMHS returns fully executed sub-grant award.
12	2018-05-01	Simsbury provides DEMHS with 9/14/2017 correspondence regarding scope change (wall removal & hazardous materials) and local sign-off
13	2018-07-30	Simsbury Conservation Commission Approval
14	2018-08-30	Simsbury request to DEMHS for scope, budget, and schedule change. (Hazardous Materials & Retaining Wall)
15	2018-10-16	Simsbury request to DEMHS for scope, budget, and schedule change. (Hazardous Materials & Retaining Wall)
16	2018-10-23	DEMHS confirmation of grant extension submission "in process" & requests new project timeline
17	2018-10-29	Simsbury provides DEMHS new project timeline
18	2018-10-31	FEMA requests a new request for grant extension - document previously submitted in August 2018.
19	2018-11-02	Simsbury ZBA Approval - Shed location within front yard setback
20	2018-11-05	Simsbury submits to request for grant extension to extend grant to 10/15/2019
21	2018-11-14	CTDEEP FMC General Certification (Applicant - DEMHS) Provided to DEMHS
22	2018-11-16	FEMA notifies Consultant that project should not be initiated with approval of Scope of Work change. Additionally, BCA will be required for the Scope of Work change request.
23	2018-11-20	Simsbury (MMI) provides FMC General Certificate to DESPP for signature and transmittal to DEEP. Included complete set of plans.
24	2019-01-03	BCA analysis completed and sent to DEMHS
25	2019-01-23	Simsbury Zoning Commission Approval - Site Plan Amendment
26	2019-01-23	Simsbury Zoning Commission Approval - Special Exception for work within Floodplain
27	2019-01-28	Simsbury request to DEMHS for update on FMC and BCA
28	2019-02-15	Simsbury (MMI) request to DEMHS for update on FMC and BCA
29	2019-02-20	Simsbury (MMI) request to DEMHS for update on FMC and BCA

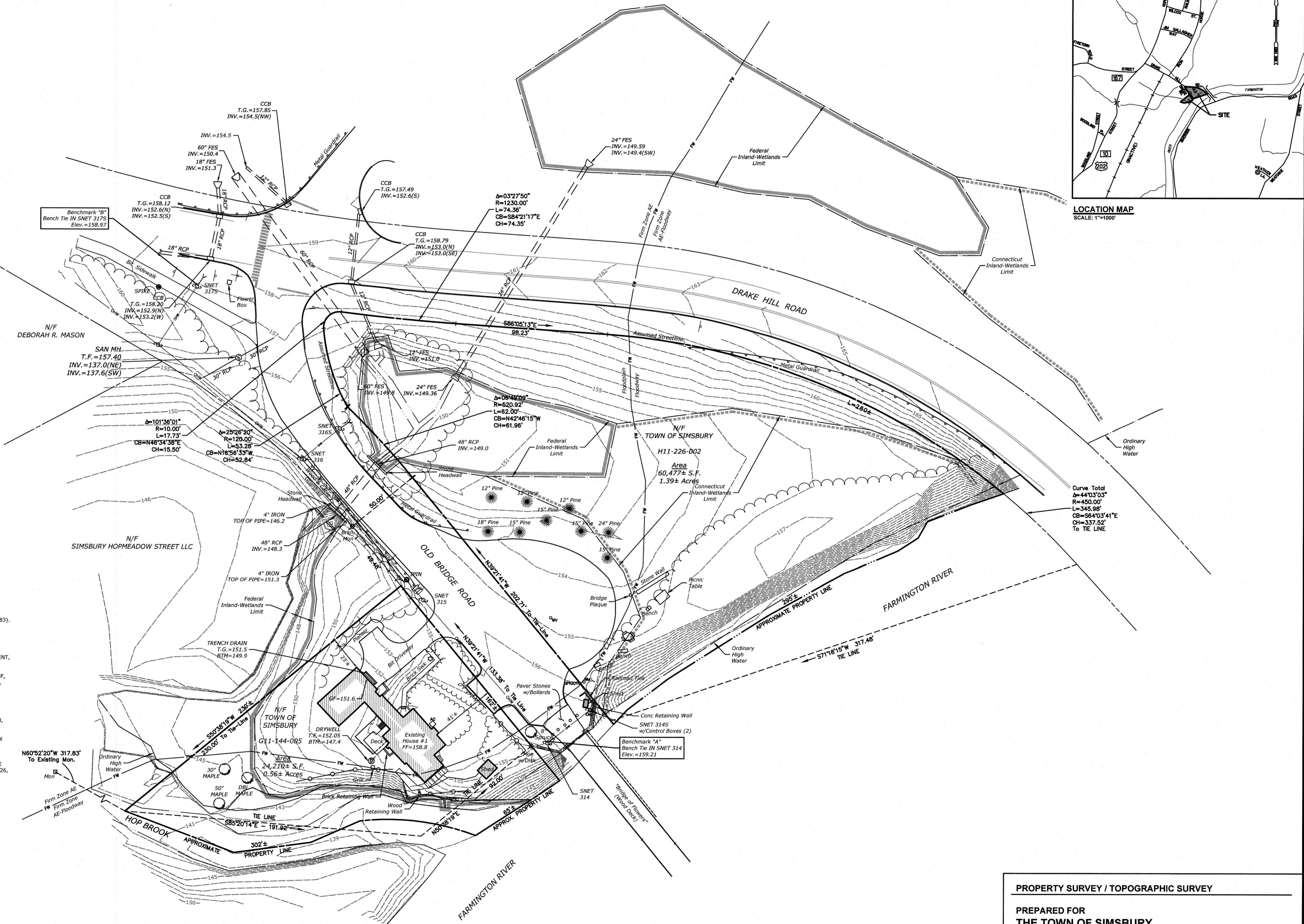
30	2019-03-06	Simsbury (MMI) request to DEMHS for update on FMC and BCA
31	2019-03-29	Simsbury request to DEMHS for formal response regarding scope change of grant.
32	2019-04-30	NPS Letter regarding review of plans, consistency with Wild and Scenic River designation, and support for the bio-engineered slope
33	2019-04-30	FEMA Region 1 internal email regarding removal of wall in response to NPS letter.
34	2019-05-01	FEMA Region 1 request to DEMHS for final plans and scope modification
35	2019-05-01	Simsbury provides DEMHS bid set and requested documents
36	2019-05-14	Simsbury asks DEMHS if FMGC application was submitted to DEEP
37	<i>2019-06-01</i>	<i>Construction</i>
38	2019-11-08	DEMHS asks if Simsbury is still interested in extension... Simsbury confirms and updates DEMHS that abatement and demo are complete
39	2019-12-03	DEMHS working with FEMA on extension request - new letter needed for retroactive request.
40	2019-12-09	Retroactive Extension Request submitted and DEMHS notified that construction is substantially complete.
41	2020-01-28	Simsbury asks DEMHS for Extension Request update
42	2020-08-06	Simsbury provides history to DEMHS - <b>Grant expired 10/31/2018, demo/abatement completed 9/16/2019</b>
43	<i>2021-01-25</i>	<i>DEMHS Letter to FEMA Region 1 - Amended Request Date for Extension Letter Dated 10/30/2020</i>
44	<i>2021-02-17</i>	<i>FEMA Region 1 Letter to DEMHS - Approved Request for Extension (Amendment #3)</i>
45	2021-03-19	DEMHS requests signed Revised Notice of Grant Award
46	2021-03-26	Simsbury provides Revised Notice of Grant Award
47	<i>2021-04-01</i>	<i>FEMA Region 1 Letter to DEMHS - Notification of Period of Performance Expiration</i>
48	2021-04-01	Reimbursement Request sent to DESPP/DEMHS
49	2021-11-10	Final Close-out by DEMHS & request for site photos.
50	2021-11-10	Simsbury provides photos of finished project.
51	2021-11-15	DEMHS requests discussion regarding pavilion concerns
52	2021-12-06	Simsbury provides history of project to DESPP/DEMHS regarding the plan, lack of red flags in response to depicted improvements. Local Flood Plain Manager concurs that all improvements meet regulations, etc. Email includes 9/14/2017 response to Master Plan.
53	2022-04-28	DEMHS sends simsbury the FEMA Findings/Recommendations
54	2022-05-04	Simsbury provides DEMHS email responding to Findins/Recommendations
55	2022-06-02	DEMHS requests additional information per FEMA email requesting calculations by MMI.
56	2022-07-12	DEMHS follows up 6/2 email.
57	2022-07-14	Simsbury notifies DEMHS that MMI is looking into the requested calculations and support documentation
58	2022-07-28	SLR Letter to Simsbury responding to FMGC Comments
59	2022-07-31	Simsbury provides SLR letter to DEMHS
60	2023-01-13	DEMHS provides Simsbury with FEMA request for immediate response to the status of the grant.

61	2023-02-08	Simsbury provides DEMHS with Town Manager Letter responding to 1/13 FEMA request
62	2023-04-20	DEMHS provides Simsbury with FEMA Letter responding to 2/8 letter with continued request for H&H Analysis



**LEGEND**

- STREET LINE
- PROPERTY LINE
- WATERCOURSE
- TREELINE
- GUARDRAIL
- OVERHEAD WIRES
- SANITARY MANHOLE
- CATCH BASIN
- FLARED END SECTION
- WATER METER
- WATER VALVE
- ELECTRIC METER
- UTILITY POLE
- GUY WIRE
- LIGHT POST
- SIGN
- MONUMENT FOUND



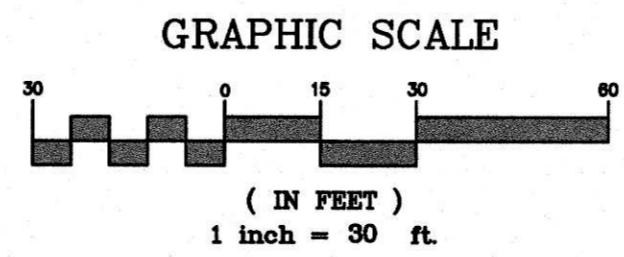
- NOTES:**
1. THIS SURVEY HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300B-1 THROUGH 20-300B-20 AND THE "STANDARDS FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON SEPTEMBER 26, 1996. IT IS A PROPERTY SURVEY/TOPOGRAPHIC SURVEY BASED ON A RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2 AND TOPOGRAPHIC ACCURACY CLASS T-3 AND IS INTENDED TO DEPICT EXISTING SITE CONDITIONS.
  2. NORTH ARROW AND BEARINGS ARE BASED UPON THE CONNECTICUT COORDINATE SYSTEM (NAD 1983).
  3. ELEVATIONS, CONTOURS AND BENCHMARKS ARE BASED UPON NAVD 1988.
  4. REFERENCE IS HEREBY MADE TO THE FOLLOWING MAPS:
    - A. "DRAKE HILL ROAD FROM HOPMEADOW STREET TO FARMINGTON RIVER" BY HIGHWAY DEPARTMENT, TOWN OF SIMSBURY, SIMSBURY, CONN., SCALE: 1"=40', DATED: 7-14-1960 (SLR MAP #679)
    - B. "MAP OF LAND OWNED BY HARTFORD NATIONAL BANK & TRUST CO. TRUSTEE UNDER THE WILL OF, MARY P. ENSIGN NORTHERLY OF DRAKE HILL ROAD SIMSBURY, CONNECTICUT", SCALE: 1"=100', DATED: JANUARY, 1970, BY HODGE SURVEYING ASSOCIATES, P.C. (SLR MAP#1413)
    - C. "PROPERTY OF ESTATE OF DOROTHY E. TOOMEY DRAKE HILL ROAD SIMSBURY, CONNECTICUT", SCALE: 1"=40', DATED: APRIL 1979, BY SANDERSON & WASHBURN (SLR MAP#1976)
    - D. "RECONSTRUCTION OF DRAKE HILL ROAD", BY CONNECTICUT DEPARTMENT OF TRANSPORTATION, DATED: 1985, REVISED TO: JUNE 16, 1986, SHEET NO. 11A AND SHEET NO. 13 OF 82
    - E. "PERIMETER SURVEY OF LAND OWNED BY ENSIGN-BICKFORD REALTY CORPORATION HOPMEADOW STREET - ROUTE 10 & DRAKE HILL ROAD SIMSBURY, CONNECTICUT", SCALE: 1"=100', DATED: NOVEMBER 2002, BY HODGE SURVEYING ASSOCIATES, P.C. (SLR MAP #3560)
  5. THE PROPERTY IS LOCATED IN ZONES AE AND AE-FLOODWAY PER THE NATIONAL FLOOD INSURANCE PROGRAM RATE MAP PANEL 331 OF 675, MAP NUMBER 09003C0331F, EFFECTIVE DATE SEPTEMBER 26, 2008.

Curve Total  
 $\Delta=44^{\circ}03'03''$   
 $R=450.00'$   
 $L=345.98'$   
 $CB=56^{\circ}40'34''E$   
 $CH=337.52'$   
 TO TIE LINE

TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

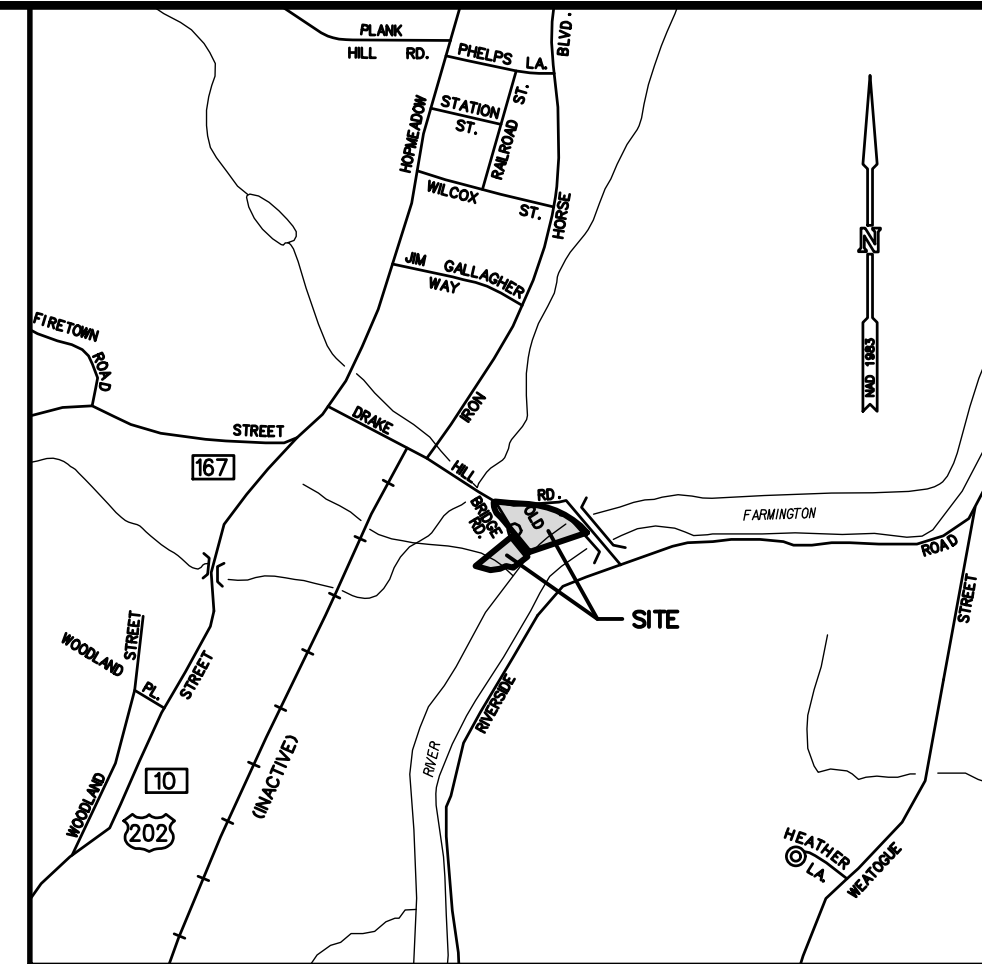
*Gregory A. Szyszkowski*

GREGORY A. SZYSZKOWSKI  
 L.S. #70095  
 MAP IS NOT VALID WITHOUT A LIVE SIGNATURE AND EMBOSSED SEAL.



<b>PROPERTY SURVEY / TOPOGRAPHIC SURVEY</b>			
PREPARED FOR <b>THE TOWN OF SIMSBURY</b> OLD BRIDGE ROAD AND DRAKE HILL ROAD SIMSBURY, CONNECTICUT			
MC/JC FIELD	TJP DRAWN	GAS CHECKED	1613-15 PROJECT NO.
SCALE: 1"=30'			<b>1 OF 1</b>
DATE: AUGUST 8, 2017			SHEET NO.
08-25-2018 I-W Limit on Lot 5 & Tie-Line Dimensions Updated 08-17-2018 FIRM Zone Line Added 08-21-2017 Inland-Wetlands Limits Added; Boundary Updated DATE REVISION			
MILONE & MACBROOM® 99 Realty Drive Cheshire, Connecticut 06410 (203) 271-1773 Fax (203) 272-9733 www.MiloneandMacBroom.com			

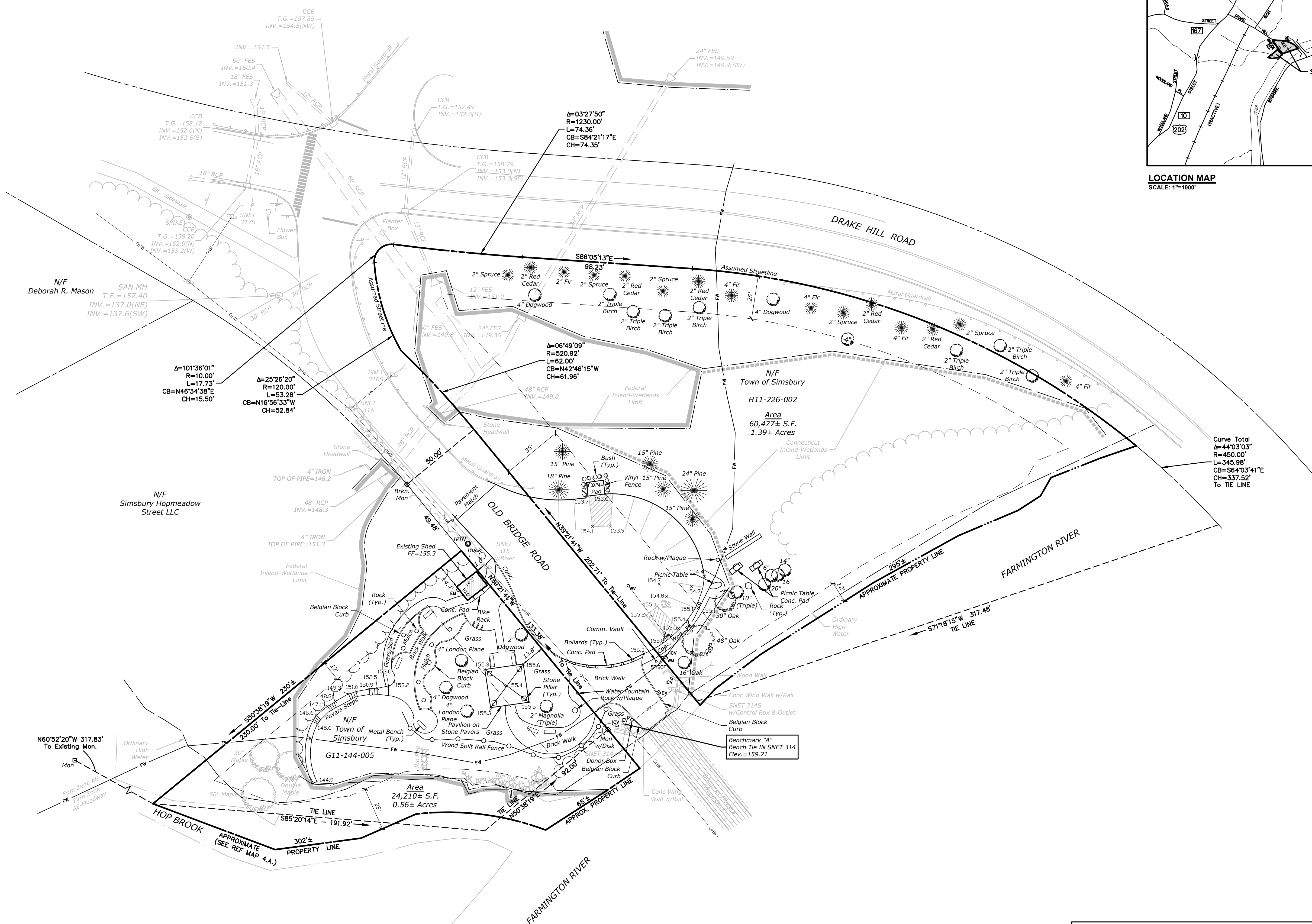




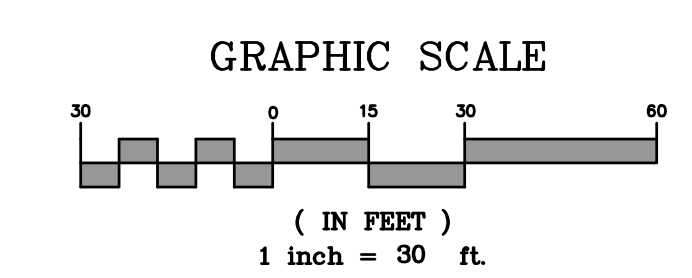
LOCATION MAP  
SCALE: 1"=100'

LEGEND

- STREET LINE
- PROPERTY LINE
- WATERCOURSE
- WETLAND
- TREELINE
- GUARDRAIL
- SPLIT RAIL FENCE
- OVERHEAD WIRES
- WATER LINE
- SANITARY MANHOLE
- CATCH BASIN
- FLARED END SECTION
- WATER METER
- WATER VALVE
- ELECTRIC METER
- ELECTRIC VAULT
- IRRIGATION CONTROL VALVE
- UTILITY POLE
- GUY WIRE
- LIGHT POST
- SIGN
- MONUMENT FOUND
- IRON PIN FOUND



- NOTES:
- THIS SURVEY HAS BEEN PREPARED PURSUANT TO THE REGULATIONS OF CONNECTICUT STATE AGENCIES SECTIONS 20-300b-1 THROUGH 20-300b-20 AND THE "STANDARDS AND SUGGESTED METHODS AND PROCEDURES FOR SURVEYS AND MAPS IN THE STATE OF CONNECTICUT" AS ADOPTED BY THE CONNECTICUT ASSOCIATION OF LAND SURVEYORS, INC. ON AUGUST 29, 2019. IT IS AN IMPROVEMENT LOCATION SURVEY BASED ON A DEPENDENT RESURVEY CONFORMING TO HORIZONTAL ACCURACY CLASS A-2.
  - NORTH IS BASED UPON THE CONNECTICUT STATE PLANE COORDINATE SYSTEM (NAD 1983).
  - ELEVATIONS ARE BASED UPON NAVD 1988.
  - REFERENCE IS HEREBY MADE TO THE FOLLOWING MAPS:
    - "PROPERTY SURVEY / TOPOGRAPHIC SURVEY PREPARED FOR THE TOWN OF SIMSBURY OLD BRIDGE ROAD AND DRAKE HILL ROAD SIMSBURY, CONNECTICUT", SCALE: 1"=30', DATED: AUGUST 8, 2017, REVISED TO 09-25-2018, PREPARED BY MILONE & MACBROOM.
    - "SITE PLAN - LANDSCAPING, SITE IMPROVEMENTS-ONE OLD BRIDGE ROAD SIMSBURY, CONNECTICUT", SCALE: 1"=20', DATED: MARCH 7, 2019, PREPARED BY MILONE & MACBROOM.
  - BOUNDARY, WETLANDS, ORDINARY HIGH WATER, FLOODWAY DEPICTED PER MAP REFERENCE IN NOTE 4.A.
  - ALL UNDERGROUND UTILITIES MAY NOT BE SHOWN. UNDERGROUND UTILITY, STRUCTURE AND FACILITY LOCATIONS DEPICTED HEREON HAVE BEEN COMPILED, IN PART, FROM RECORD MAPPING AND OTHER DATA SUPPLIED BY RESPECTIVE UTILITY COMPANIES, GOVERNMENTAL AGENCIES AND/OR OTHER SOURCES. THESE LOCATIONS MUST BE CONSIDERED APPROXIMATE IN NATURE. ADDITIONALLY, OTHER SUCH FEATURES MAY EXIST ON THE SITE, THE EXISTENCE OF WHICH ARE UNKNOWN TO MILONE & MACBROOM, INC. THE EXISTENCE, SIZE AND LOCATION OF ALL SUCH FEATURES MUST BE DETERMINED AND VERIFIED IN THE FIELD BY THE APPROPRIATE AUTHORITIES PRIOR TO BEGINNING CONSTRUCTION. CALL "CALL BEFORE YOU DIG" 1-800-922-4455.



TO MY KNOWLEDGE AND BELIEF, THIS MAP IS SUBSTANTIALLY CORRECT AS NOTED HEREON.

GREGORY A. SZYSZKOWSKI L.S. #70095

MAP IS NOT VALID WITHOUT A LIVE SIGNATURE AND EMBOSSED SEAL.

IMPROVEMENT LOCATION SURVEY - RECORD			
PREPARED FOR <b>THE TOWN OF SIMSBURY</b> OLD BRIDGE ROAD AND DRAKE HILL ROAD SIMSBURY, CONNECTICUT			
MC/JC FIELD SCALE DATE	TJP DRAWN 1"=30' JANUARY 8, 2020	GAS CHECKED	1613-15 PROJECT NO.  1 OF 1 SHEET NO.
<p>99 REEDY DRIVE CHESTER, CT 06410 203.271.1771 WWW.MILONE.COM</p>		<p>DATE _____ REVISION _____</p>	
		<p>Copyright Milone &amp; Macbroom, Inc. - 2020</p>	



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July 28, 2022

Mr. Adam Kessler  
Deputy Town Engineer  
Town of Simsbury  
933 Hopmeadow Street  
Simsbury, CT 06070

**Re: Regulatory Response to Comments for Flood Management General Certification  
Flower Bridge Park at Farmington River  
Simsbury, Connecticut  
SLR #141.11613.00015**

Dear Mr. Kessler,

The following letter has been prepared by SLR International Corporation (SLR) (formerly Milone & MacBroom, Inc.) per your request to address comments raised by the Connecticut Department of Energy & Environmental Protection (CTDEEP) and Department of Emergency Services and Homeland Protection (DESPP) regarding Federal Emergency Management Agency (FEMA) floodplain and floodway activities for the Flower Bridge Park that were permitted and constructed in 2019. The Town of Simsbury (Town) purchased a 2.3 acre residential property located on the western bank of the Farmington River at 1 Old Bridge Road. The Town removed the existing single-family home located on the property and constructed the "Flower Bridge Park." The parcel is wholly located within the FEMA designated "AE" Special Flood Hazard Area (SFHA) as defined by FEMA Flood Insurance Rate Map panel 09003C0331F (refer to Figure 1) and is therefore subject to inundation by the 1% Annual Chance of Exceedance (ACE) or 100-year flood. Certain features located near the waterward portion of the site were also located within the FEMA designated 100-year floodway, which included approximately 70-feet of existing timber bulkhead, as well as overly steep eroding riverbanks. As part of the project, this bulkhead was removed down to the ordinary high-water mark of the river. As a result, approximately 140 linear feet of bank was stabilized. The state funded floodplain and floodway construction actions required the need for a CTDEEP Flood Management General Certification (FMGC).

The CTDEEP Bureau of Water Protection and Land Reuse's Land and Water Resources Division (LWRD) requires a Flood Management General Certification (FMGC) or Flood Management Certificate (FMC) for all actions in or affecting regulated floodplains. Approval for a FMGC requires consistency with the provisions of the National Flood Insurance Program (NFIP) and local floodplain development regulations verifying the actions will not reduce the effective base flood storage volume of the floodplain. Pursuant to these

requirements, the quantity of material removed and imported to the site was computed, as described below.

SLR developed engineering design drawings and construction documents/specifications in support of the park creation and FMGC application. Design plans titled “Site Improvements - One Old Bridge Road, Bid Drawings” dated March 7, 2019, sheets numbered 1 through 13 were referenced in order to evaluate the earthwork or quantity of material needed to complete the intended design. Please note that the “Bid Drawing” plans are consistent with the regulatory plans provided within the FMGC application dated May 29, 2018. SLR completed a volumetric earthwork assessment to compute the amount of fill and cut within the floodplain and floodway of the river between existing and proposed conditions. This assessment was computed by comparing the difference between elevations of the existing topographic surface and the proposed topographic surface using the AutoCAD Civil 3D computer program. A composite volumetric surface was created with the program to determine the volumetric differences between existing and proposed condition surfaces. The existing surface was created from topographic survey as presented on the above-referenced plans (sheet EX), and the postconstruction surface was created using the proposed contours (sheet SP).

Computations were performed for the overall site in its entirety including the new structures such as the garden shed and pavilion to evaluate the change in earthwork within the floodplain and floodway, as depicted on the above-mentioned plans.

As presented on Sheet CS, a majority of the material removal within the floodway was associated with the removal of the timber bulkhead and the resulting slope stabilization for the restoration of a naturalized riverbank. This work is graphically depicted below in Figure 2. The volumetric assessment summary of site (i.e., cut) and fill volumes are summarized below in Table 1 and the supporting cut/fill reports are appended.

**Table 1: Flower Bridge Park FEMA 100 Year Floodplain and Floodway Earthwork Summary**

Action	Fill Volume (Cubic Yards)	Removal Volume (Cubic Yards)	Net Change (Cubic Yards)
Earthwork in the Floodplain (including Floodway)	360	409	-49 (Removal/Cut)
Earthwork in the Floodway	0	167	-167 (Removal/Cut)

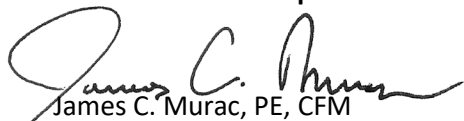
The results of the volumetric analysis for the Flower Bridge Park indicate that the Town removed material from both the floodplain, as well as the floodway resulting in a net gain in floodplain storage volume. SLR’s computations were performed in accordance with standard engineering practices and indicate that the

proposed work did not result in a reduction in the effective base flood storage volume of the Farmington River floodplain.

Please feel free to contact me at (203) 271-1773 should you have any questions about the project or this analysis.

Sincerely,

**SLR International Corporation**

  
James C. Murac, PE, CFM

Principal Water Resources Engineer

cc: Tom Roy PE - Simsbury

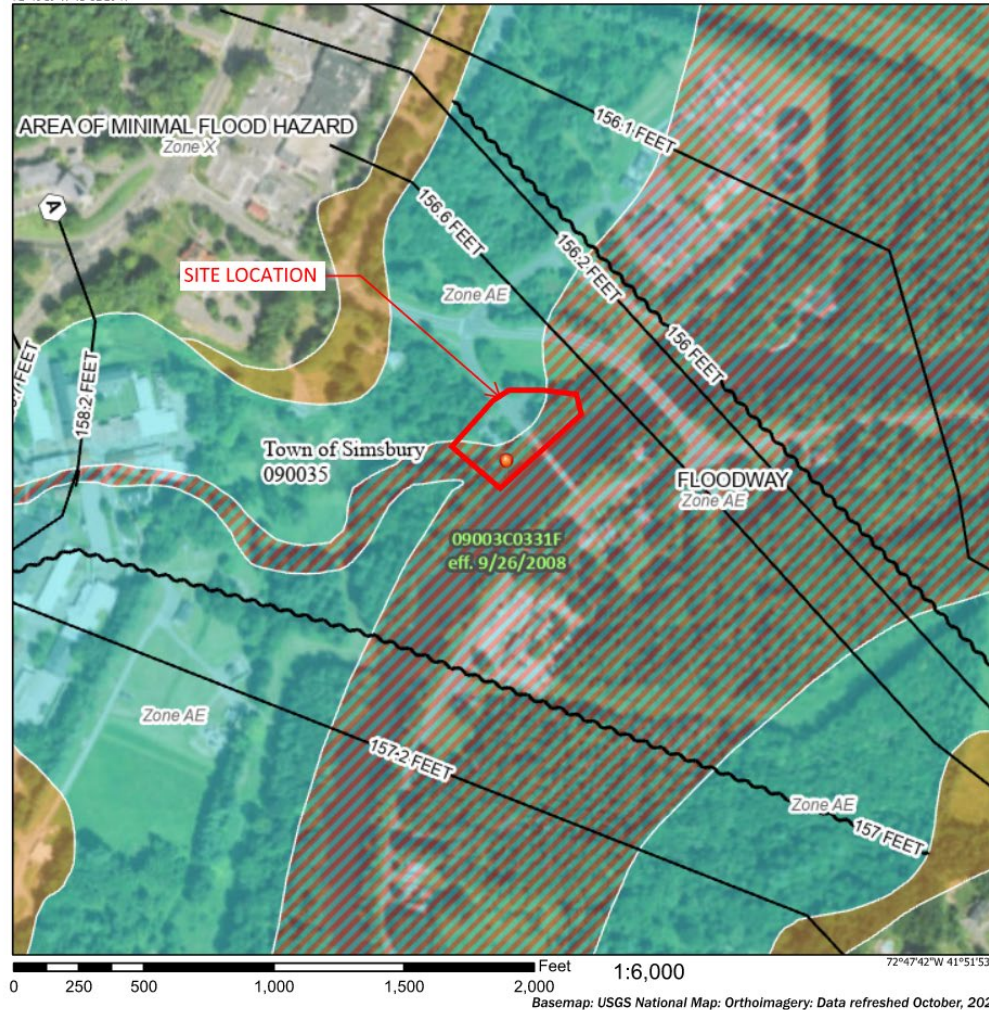
Enclosures: Figure 1  
Figure 2  
AutoCAD Cut/Fill Reports

141.11613.00015.jl2822.ltr

# National Flood Hazard Layer FIRMeTte



72°48'19"W 41°52'20"N



## Legend

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT

<b>SPECIAL FLOOD HAZARD AREAS</b>	Without Base Flood Elevation (BFE) Zone A, V, A99						
	With BFE or Depth Zone AE, AO, AH, VE, AR						
	Regulatory Floodway						
<b>OTHER AREAS OF FLOOD HAZARD</b>	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X						
	Future Conditions 1% Annual Chance Flood Hazard Zone X						
	Area with Reduced Flood Risk due to Levee. See Notes. Zone X						
	Area with Flood Risk due to Levee Zone D						
<b>OTHER AREAS</b>	NO SCREEN Area of Minimal Flood Hazard Zone X						
	Effective LOMRs						
	Area of Undetermined Flood Hazard Zone D						
<b>GENERAL STRUCTURES</b>	--- Channel, Culvert, or Storm Sewer						
	Levee, Dike, or Floodwall						
<b>OTHER FEATURES</b>	20.2 Cross Sections with 1% Annual Chance Water Surface Elevation						
	17.5 Water Surface Elevation						
	Coastal Transect						
	Base Flood Elevation Line (BFE)						
	Limit of Study						
	Jurisdiction Boundary						
	Coastal Transect Baseline						
	Profile Baseline						
	Hydrographic Feature						
<b>MAP PANELS</b>	<table border="1"> <tr> <td><input type="checkbox"/></td> <td>Digital Data Available</td> </tr> <tr> <td><input type="checkbox"/></td> <td>No Digital Data Available</td> </tr> <tr> <td><input type="checkbox"/></td> <td>Unmapped</td> </tr> </table>	<input type="checkbox"/>	Digital Data Available	<input type="checkbox"/>	No Digital Data Available	<input type="checkbox"/>	Unmapped
<input type="checkbox"/>	Digital Data Available						
<input type="checkbox"/>	No Digital Data Available						
<input type="checkbox"/>	Unmapped						

The pin displayed on the map is an approximate point selected by the user and does not represent an authoritative property location.

This map complies with FEMA's standards for the use of digital flood maps if it is not void as described below. The basemap shown complies with FEMA's basemap accuracy standards

The flood hazard information is derived directly from the authoritative NFHL web services provided by FEMA. This map was exported on 7/26/2022 at 12:35 PM and does not reflect changes or amendments subsequent to this date and time. The NFHL and effective information may change or become superseded by new data over time.

This map image is void if the one or more of the following map elements do not appear: basemap imagery, flood zone labels, legend, scale bar, map creation date, community identifiers, FIRM panel number, and FIRM effective date. Map images for unmapped and unmoderized areas cannot be used for regulatory purposes.

Figure 1: FEMA FIRMeTte for Project Site showing Floodplain and Floodway

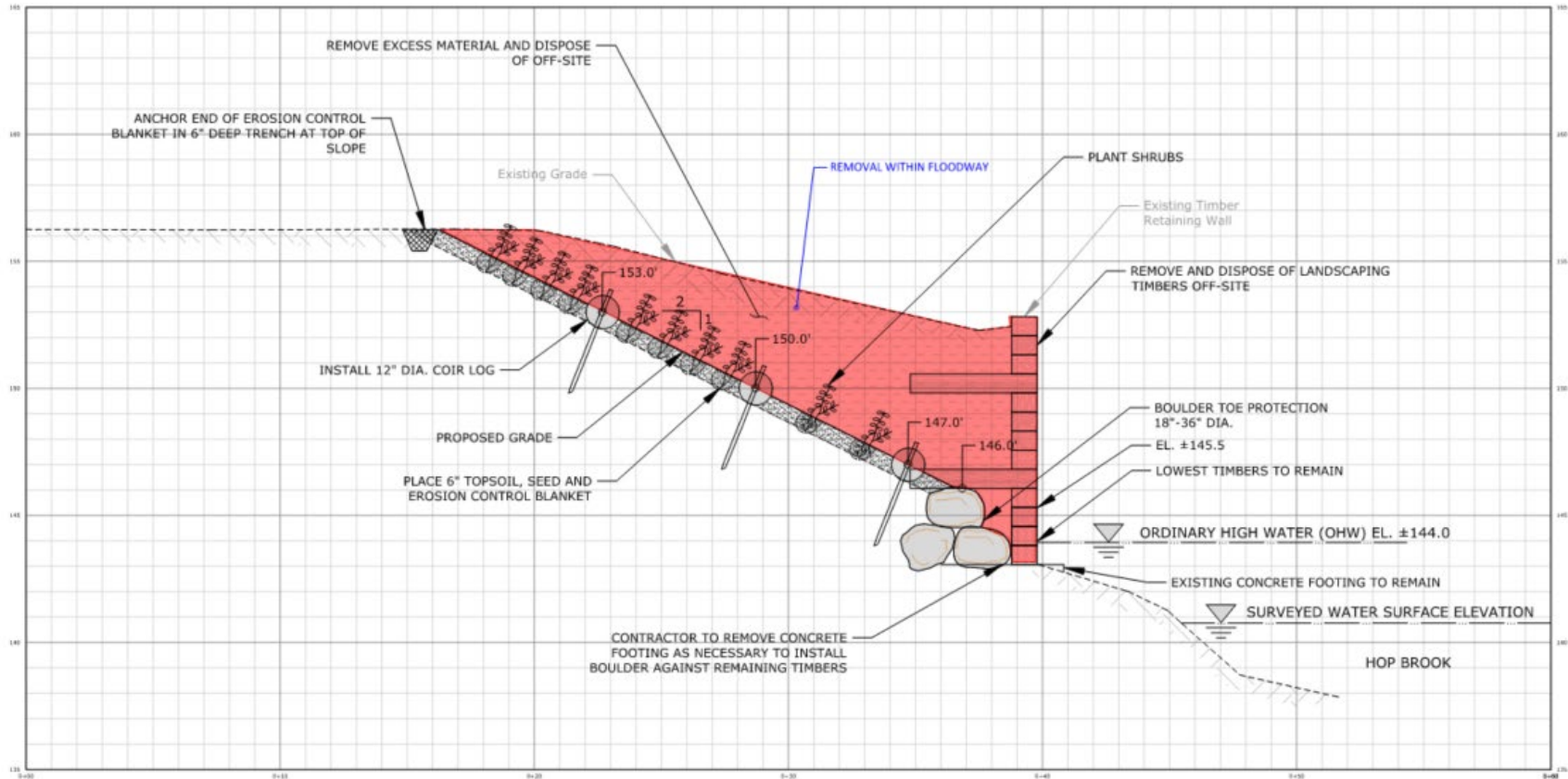


Figure 2: Removal within Floodway to Restore Riverbank

# Cut/Fill Report

**Generated:** 2022-07-28 18:04:04

**By user:** apierce

**Drawing:** C:\Users\apierce\OneDrive - SLR Consulting Limited\Documents\Projects\One Old Bridge Road\C:\Users\apierce\OneDrive - SLR Consulting Limited\Documents\Projects\One Old Bridge Road\y-volume.dwg

Volume Summary							
Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
FLOODPLAIN	full	1.000	1.000	26666.08	409	360	49<Cut>

Totals					
		2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total		26666.08	409	360	49<Cut>

\* Value adjusted by cut or fill factor other than 1.0

# Cut/Fill Report

**Generated:** 2022-07-28 18:05:34

**By user:** apierce

**Drawing:** C:\Users\apierce\OneDrive - SLR Consulting Limited\Documents\Projects\One Old Bridge Road\C:\Users\apierce\OneDrive - SLR Consulting Limited\Documents\Projects\One Old Bridge Road\y-volume.dwg

Volume Summary							
Name	Type	Cut Factor	Fill Factor	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
FLOODWAY	full	1.000	1.000	2689.99	167	0	167<Cut>

Totals				
	2d Area (Sq. Ft.)	Cut (Cu. Yd.)	Fill (Cu. Yd.)	Net (Cu. Yd.)
Total	2689.99	167	0	167<Cut>

\* Value adjusted by cut or fill factor other than 1.0





# Town of Simsbury

933 HOPMEADOW STREET

SIMSBURY, CONNECTICUT 06070

## BOARD OF SELECTMEN MEETING AGENDA SUBMISSION FORM

1. **Title of Submission:** Resignations and Appointments to Various Boards & Commissions

2. **Date of Board Meeting:** June 12, 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 accepts the resignation and appointments, the following motions are in order:

*Move, retroactive to May 30, 2023, to accept the resignation of Kevin E. Gray as a Regular Member of the Zoning Commission.*

*Move, retroactive to June 6, 2023, to accept the resignation of Susan Rubenstein as a Regular Member of the Library Board of Trustees.*

*Move, effective June 12, 2023, to appoint Tony Braz as a Regular Member of the Zoning Commission.*

*Move, effective June 12, 2023, to appoint David Moore as a Regular Member of the Public Building Committee.*

*Move, effective June 12, 2023, to appoint Pradeep Bajaj as a Regular Member of the Simsbury Housing Authority.*

*Move, effective June 12, 2023, to appoint Rachel Hayes as a Regular Member of the Simsbury Diversity, Equity and Inclusion Council.*

*Move, effective June 12, 2023, to appoint Mei Knight as a Regular Member (Student representative) to the Simsbury Diversity, Equity and Inclusion Council.*

*Move, effective June 12, 2023, to appoint Michael Schulitz as a Regular Member of the Simsbury Sustainability Committee with a term ending December 4, 2023.*

5. **Summary of Submission:**  
The Town Clerk has received the resignations of Kevin E. Gray (D) as a Regular Member of the Zoning Commission effective May 30, 2023 and Susan Rubenstein (D) as a Regular Member of the Library Board of Trustees. Mr. Gray's term was to expire December 1, 2025 and Ms. Rubenstein's term was to expire December 6, 2027.

Section 205 of the Charter, "Vacancies: elective offices," states:

"... any vacancy, except a vacancy on the Board of Selectmen, in any elective Town office, including the Board of Education, shall be filled within forty-five (45) days of such vacancy by appointment by the Board of Selectmen, for the unexpired portion of the term or until the next regular municipal election, as defined in Section 9-1 of the General Statutes, whichever shall first occur."

Pursuant to our Charter, since Mr. Gray is a Democrat, his replacement must be from the same political party, and this vacancy must be filled no later than August 1, 2023.

Pursuant to our Charter, since Ms. Rubenstein is a Democrat, her replacement must be from the same political party. Therefore, this vacancy must be filled no later than July 21, 2023. The appointee will serve until December 4, 2023, which is the date that the newly elected Library Board of Trustees Member will assume the position for the 4 years remaining in the original 6-year term.

The Town Clerk has received from the Democratic Town Committee the following recommendations for appointments:

1. Tony Braz (D) as a Regular Member of the Zoning Commission to fill the vacancy created by Mr. Gray's resignation. The appointee will serve until December 4, 2023, which is the date the newly elected Zoning Commission member will begin serving the remaining two years of the term.
2. David Moore (D) as a Regular Member of the Public Building Committee. The appointee will fill the vacancy created by the resignation of Richard Ostop and serve until the term ends on January 1, 2026.
3. Pradeep Bajaj (D) as a Regular Member of the Simsbury Housing Authority. The appointee will serve a 5-year term ending on April 1, 2028.

The Simsbury DEI Council has recommended the appointment of Rachel Hayes (D) to fill a vacancy created by Gene Ott's resignation. The appointee will fill the vacancy until the term ends on December 4, 2023. The Simsbury DEI Council has also recommended Mei Knight (student) to be appointed to the student representative role.

The Town Clerk has received from the Republican Town Committee the following recommendation for appointment:

1. Michael Schulitz (R) as a Regular Member of the Simsbury Sustainability Committee. The appointee will fill the vacancy created by the resignation of Tim Walczak (R) from this position effective May 16, 2022. 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 Republican party. The appointee will serve until the term ends on December 4, 2023.

**6. Financial Impact:**

None

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

- a) Copy of Kevin Gray's resignation dated May 1, 2023
- b) Copy of Susan Rubenstein's resignation dated June 6, 2023
- c) Bio of Tony Braz
- d) Bio of Rachel Hayes
- e) Bio of Pradeep Bajaj
- f) Bio of Mei Knight
- g) Bio of Michael Schultiz

May 1, 2023

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

Dear Ms Munroe

RE: Revised Resignation Date

I hereby resign from the Town of Simsbury Zoning Commission effective May 30, 2023. I am transitioning to retirement and a new life in Maine, "the way life should be".

I want to express my appreciation to the citizens of Simsbury who elected me three times to this position. I am both humbled and grateful that you put your trust in me. It has been my pleasure to serve the town on the Zoning Commission and previously on the Design Review Board for a total of over three decades.

For those who find it incredulous, yes, I will also be leaving the Simsbury Historical Society after 37 years of active membership and participation.

Thank you and God bless the citizens of Simsbury.

Best Regards,

Kevin E. Gray



A handwritten signature in black ink, appearing to read "Kevin E. Gray", written over the typed name and extending to the right.

RECEIVED  
TOWN OF SIMSBURY, CT  
2023 MAY 18 A 11:17  
TOWN CLERK'S OFFICE

**From:** Simsbury CT via Simsbury CT <[cmsmailer@civicplus.com](mailto:cmsmailer@civicplus.com)>

**Sent:** Tuesday, June 6, 2023 4:53 PM

**To:** Town Clerk <[townclerk@simsbury-ct.gov](mailto:townclerk@simsbury-ct.gov)>

**Subject:** Form submission from: Resignation Submission Form

Submitted on Tuesday, June 6, 2023 - 4:53pm

Submitted by anonymous user: 2a09:bac2:a626:1973::289:ac

Submitted values are:

Member's Name: Susan Rubenstein

Address:

Phone #:

Email:

Type of Member: Regular

Name of Board/Commission: Library Board Trustee

Effective Date of Resignation: 06062023

Reason for Resignation: Work and Travel conflicts

Any Additional Comments: It was a privilege to serve.

The results of this submission may be viewed at:

<https://www.simsbury-ct.gov/node/98363/submission/31061>

TOWN CLERK'S OFFICE

RECEIVED  
TOWN OF SIMSBURY, CT  
2023 JUN -8 A 9:09

## **TONY BRAZ**



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### **PROFESSIONAL EXPERIENCE**

CHUBB CORPORATION  
**Claims Department** 2014 – 2016

HAMILTON SUNDSTRAND CORPORATION  
**Associate General Counsel** 2002 – 2013

UNITED TECHNOLOGIES CORPORATION  
**Assistant General Counsel** 1999 – 2002

OTIS ELEVATOR COMPANY  
**Assistant General Counsel** 1994 – 1999

UNITED TECHNOLOGIES CORPORATION  
**Assistant General Counsel** 1991 -1994

DAY, BERRY & HOWARD  
**Associate – Litigation Department** 1987 – 1991

UNITED STATES COURT OF APPEALS, SIXTH CIRCUIT  
**Law Clerk** 1986 – 1987

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### **EDUCATION AND COMMUNITY SERVICE**

**Juris Doctor**

DUKE UNIVERSITY SCHOOL OF LAW – Durham, North Carolina - 1986

**Bachelor of Arts in Political Science**

UNIVERSITY OF RHODE ISLAND – Kingston, Rhode Island – 1983

**Current member and Secretary of the Simsbury Historical Society Board of Directors**

**Past member of the following Boards/Committees:**

**Board of Directors and Board of Trustees – Nutmeg Big Brothers/Big Sisters**

**Board of Directors – American Red Cross (Connecticut Chapter)**

**Advisory Board – Pro Bono Partnership (Hartford Office)**

**Simsbury Farms Complex Committee**

**Volunteer – Pro Bono Partnership:**

**Provided legal support to the Tariffville Village Association and Town Farms Dairy, including assisting in obtaining 501c3 status for both**

**Rachel Hayes 5.8.23**



**Contact Info:**



**Bio**

Rachel is a Simsbury resident who attended Simsbury Public Schools, graduated from The Master’s School in 2016, Stoney Brook University with her Bachelor’s degree in 2020 and MBA in 2021. She is currently preparing for the LSAT exam. She is also a Court Appointed Special Advocate working with abused and neglected children, their families and the court system.

Rachel is a great example of a young adult wanting to return to Simsbury. Her interest in joining the DEI Council is to help Simsbury become more welcoming and inclusive. Rachel has actively volunteered with the Simsbury DEI Council and the Housing Workgroup. She was central to supporting and running the recent Community Housing Forum. As a member of the Council, Rachel will be our social media expert and will continue working with the Housing subcommittee.

We request the Board of Selectmen appoint Rachel to DEI Council membership to filling one of three vacant seats. She is a registered democrat. Her term would begin immediately through Jan. 5, 2024 concurrent with other members



## Bio of Pradeep Bajaj:

Pradeep Bajaj, a 30-plus year resident of Simsbury, CT, came to this country in 1976 from Mumbai, India to complete his MBA in Marketing and International Business at the University of Hartford. After working in the private sector for 20 years, Pradeep started his own business, Local Color Ink, Inc., a direct mail company, some 20 years ago in Simsbury. He and his wife, Brenda Miller who serves as the Executive Director, Culture and Communications for Hartford Public Library, raised their two children, Priya and Ben, in the Simsbury Public School system. Pradeep has been an active volunteer in Simsbury, first serving on the Central School PTA and coaching soccer while their children were young. Additionally, Pradeep has served on the Board of Directors for the ABC House; the Board of Directors for the Simsbury Chamber of Commerce; and, on the Board of Directors of the Simsbury / Granby Rotary Club. A former volunteer for the Simsbury Senior Center, Pradeep was a senior center caller, checking in on older residents in the community on a regular basis. Pradeep looks forward to joining the Simsbury Housing Authority and actively supporting its mission to provide safe, affordable and high quality housing for all Simsbury residents. He also recognizes that from Benjamin Franklin to present day, volunteerism is and has been a defining value of American civic life and one he embraces wholeheartedly.

**Mei Knight**

Mei is a rising senior at SHS. She is academically driven and has taken several AP courses. This year she has been elected President of the Asian American Student Association. She is a member of the National Chinese Honor Society, Math Honor Society where she is a TA for Algebra 1 non-honor students, and the National Honor Society Secretary.

Mei has played cello since 1<sup>st</sup> grade and currently plays in CT Youth Symphony. She plays in the SHS orchestra and her Capstone project will be connecting more people to extracurriculars, most notably music which she advances helps expand perspectives to different global insights, improve memorization skills, connect with new people and collaborate in something bigger than the individual.

During her summers, Mei interns at Hartford Institute of Community Research. She has done field research on housing and language barriers as contributors to youth crime rates. This summer's project will be address unequal housing access in Hartford especially for single parent families.

Her interest in the DEI Council grew out of the negative waves of Asian hate, even within SHS, since the pandemic. As part of the National Chinese Honor Society, she believes the best way to combat racism is educating people. She supported the pilot of the new AAPI History course within SHS and appears in the video speaking to the importance of this course.

Of note, Mei was recommended by Michelle Henry, SHS teacher piloting the AAPI History course, Gene Ott, SUMC pastor, and Rohan Rajappan, current student on the DEI Council.

**Bio of Michael Schultz:**

Michael Schultz has been a Simsbury resident for over 20 years. He is married to his wife Karen and has two sons in college. He has been active in youth sports and cub scouts in the Town of Simsbury. Serving on the Boards of Simsbury Youth Football and the Simsbury Gridiron Club. Currently, he is starting his fourth season as a coach for freshmen football at Simsbury High School. He has worked in the Financial Services Industry for over 30 years - holding senior Sales and Investment positions at Prudential, Metropolitan Life, Lincoln Financial Group, Wilshire Associates and Voya. He graduated Union College with a Bachelor of Science in Mathematics, and holds an MBA in Finance from the Stern School of Business at New York University. He is a Chartered Alternatives Investment Analyst and a Certified Financial Planning Practitioner

## **CALL TO ORDER**

The Regular Meeting of the Board of Selectmen was called to order at 6:00 p.m. in the Main Meeting Room of the Simsbury Town Offices and via Zoom. Present were: First Selectman Wendy Mackstutis; Deputy First Selectman Amber Abbuhl; Board members: Heather Goetz, Chris Peterson and Sean Askham. Others in attendance included: Interim Town Manager, Nick Boulter, and Acting Deputy Town Manager Tom Fitzgerald.

## **PLEDGE OF ALLEGIANCE**

Everyone stood for the Pledge of Allegiance.

## **PUBLIC HEARING**

### **a) Neighborhood Assistance Act Program Proposals**

Ms. Mackstutis shared that at the last meeting, the Board of Selectmen scheduled a public hearing to receive public comment on the Neighborhood Assistance Act Program Proposals for the Simsbury Grange and Simsbury Community and Social Services Department.

Ms. Masino, 41 Madison Lane, spoke in favor of the program. It is money given out by the state every year to help community groups. She spoke regarding the updates the program has assisted them to accomplish.

## **PUBLIC AUDIENCE**

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

Joan Coe, 26 Whitcomb Drive, spoke about the Town's budget, taxes and lawsuits against the Town regarding property assessments. She also spoke about food truck permits in Town and police department recent gun upgrades

Jeff Dornenburg, 225 Old Farms Road, Chair of the Simsbury Meadows Performing Arts Center shared that it is an exciting season coming up. They have Little River Band in June, Talcott Mountain Music Festival all through July as well as Circus Smirkus and Brewstock in August. He thanked BOS and Town staff stating the paved lot and fence is amazing. They are also working with CPR to put in native plants and pollinator pathway.

Sarah Nielsen for Simsbury Mainstreet Partnership, shared that they have been hearing for many property owners this year regarding complaints about property values. Many cases property assessments have doubled, they are asking the BOS to help avoid costly litigation. She stated there is an unprecedented number of vacancies in Simsbury and they are pricing Simsbury so high that people are going to move to other towns.

David Richman, 52 Wood Duck Lane, commercial property owner, shared that increasing assessments force them to raise rents due to increased maintenance and utility costs.

Steve Antonio, 133 Holcomb Street, spoke regarding increase in commercial property values. He shared that the Town Assessor is saying that commercial properties increased in value 35.1% over the past 60 months. He stated they are being forced to sue themselves and they are the Town of Simsbury. The legal fees are also going to be expensive for the Town as it cannot be a class action suit.

Melissa Brett, 77 Seminary Road, spoke regarding commercial value assessments, stating they put their blood, sweat in tears in their properties, it is their retirement. Her taxes will be increases 23% with the new mill rate

Andy Andreo, 10 Sugar Hollow Lane, spoke regarding commercial property assessments. He shared that from 2017-2022 values went up 100% and he has no recourse other than a lawsuit and the cost of litigation is high.

Bill Daum, 19 Adams Road, spoke regarding commercial property assessments stating that these public audience members who spoke are also Simsbury residents so they are double tax payers.

Ms. Mackstutis suggested they talk to the Finance Director who works with the Assessor and there might be data that they can get to see what kind of trends there are.

Nord Christensen, Simsmore Square, shared that he is a 6th generation resident and has never seen anything like the present commercial property values. He stated that notices came out between Christmas and New Years, received half of them and had to call to get the others. He stated that they have 70 commercial/residential tenants and have been at 100% occupancy since 2009. They are not charging what they should get for rents. He is also expecting 10% increase across the board on insurance.

Matt Natcharian, 3 Ridgebury Road, shared that in over 5 years since they have been commercial property owners in Town, they haven't made any money on their property yet the valuation still goes up. They need more support in being successful.

Mike Beconsall, 18 White Oak Lane, on behalf of ISCC, spoke reminding everyone that small business ownership is the foundation of every town.

Susan Masino read a comment by Diane Nash, 5 Merrywood, regarding Simsbury's affordable housing proposal and Simsbury's eligibility for a moratorium as the latest housing proposal undermines the principles and objectives of Simsbury's core values.

Susan Masino, 41 Madison Lane, spoke regarding the inclusive housing forum she attended. She would like the town to get on a positive path on this. She also stated the Grange Fair is on June 10<sup>th</sup>. The second episode in the beaver wildlife series is this Thursday.

Mr. Peterson spoke regarding the public comments on commercial property values, and how much he is part of the small business ecosystem. He stated he feels that no one on the BOS doesn't want to respond to their requests to the depth that they can and he appreciates everyone coming out tonight.

## **PRESENTATIONS**

### **a) LGBTQ+ Pride Month Proclamation, Pride Flag Raising Ceremony**

#### **Proclamation Recognizing June 2023 as LGBTQ+ Pride Month in Simsbury**

Whereas, the Town of Simsbury is committed to supporting the visibility, dignity, and equity for everyone in our community and affirms our obligation to protect the most vulnerable among us; and

Whereas, Simsbury recognizes the contributions of LGBTQ+ residents, students, employees, and business owners to the cultural and civic fabric of our town and remains committed to protecting their civil rights in our unified effort to forge a more open and just society; and

Whereas, advancements have been made with respect to equitable treatment of LGBTQ+ people throughout the nation, but there continues to be discrimination, injustice and acts of hate making it important for towns like Simsbury to stand up and show support for members of our community who identify as LGBTQ+; and

Whereas, Simsbury joins many cities and towns across the United States in recognizing and celebrating June as LGBTQ+ Pride Month as a commitment to standing in solidarity with all LGBTQ+ Americans; and

Whereas, the rainbow flag is widely recognized as a symbol of pride, inclusion, and support for social movements that advocate for LGBTQ+ people in society; and

Whereas, the Pride Walk along Iron Horse Boulevard serves as Simsbury’s ongoing and unwavering commitment to diversity, equity, and inclusion; and

Whereas, we ask for and encourage everyone to reflect on ways we can all live and work together with a commitment to mutual respect and understanding; and

NOW, THEREFORE BE IT RESOLVED that we, Members of the Simsbury Board of Selectmen, hereby proclaim June 2023 Pride Month in the Town of Simsbury, in support of our LGBTQ+ community and

BE IT FURTHER RESOLVED that the rainbow flag will be raised on this day, June 1st, 2023, recognizing all LGBTQ+ members of our community whose influence, advocacy and contributions to our neighborhoods make the Town of Simsbury a vibrant community in which to live, work and play.

IN WITNESS THEREOF, we have placed our signatures and the great seal of the Town of Simsbury.

Dated the 22nd day of May 2023.

Wendy Mackstutis  
First Selectman

Amber Abbuhl  
Deputy First Selectman

Sean Askham  
Selectman

Chris Peterson  
Selectman

Heather Goetz  
Selectman

Eric S. Wellman  
Selectman

Move, effective May 22, 2023, to endorse a Proclamation in honor of Pride Month. Further move, to authorize the Pride Flag to be raised outside of Town Hall for the month of June 2023.

### **FIRST SELECTMAN’S REPORT**

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

### **TOWN MANAGER’S REPORT**

Mr. Boulter, Interim Deputy Town Manager, reviewed the Town Manager’s Report.

**LIAISON AND SUB-COMMITTEE REPORTS**

- a. **Personnel** – no report at this time.
- b. **Finance** – no report at this time.
- c. **Public Safety** – no report at this time.
- d. **Board of Education** –no report at this time.

Ms. Goetz shared that The Friends will begin collecting used books for the book sale starting next week.

Ms. Abbuhl shared that the Senior Center will be closed on Monday for the holiday.

**SELECTMEN ACTION**

**a) Tax Refund Requests**

Mr. Askham made a motion, effective May 22, 2023 to approve the presented tax refunds in the amount of \$283.16, and to authorize Interim Town Manager, Nicholas J. Boulter, to execute the tax refunds. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

**b) Neighborhood Assistance Act Program Proposals**

Mr. Peterson made a motion, effective May 22, 2023 to approve the Neighborhood Assistance Act Program applications as presented and to authorize Interim Town Manager Nicholas J. Boulter to submit the application to the Department of Revenue Services. Further move to designate Acting Deputy Town Manager Thomas Fitzgerald as the municipal liaison. Mr. Askham seconded the motion. All were in favor and the motion passed.

**c) 55 Hoskins Road Easement (Map H05 Block 103 Lot 024)**

Ms. Goetz made a motion, effective May 22, 2023 to authorize Interim Town Manager Nicholas J. Boulter to execute an easement on land owned by DESRI TVS REAL ESTATE HOLDINGS LLC to the Town of Simsbury for the purposes of constructing, using and maintaining outdoor classroom area for use by Squadron Line School of way on the southwest side of 55 Hoskins Road on Assessor Map ID H05, Block 103, Lot 024. Mr. Askham seconded the motion. All were in favor and the motion passed.

**d) Proposed Public Gathering Permit – Art on the Green**

Ms. Mackstutis shared this event will be held on June 4<sup>th</sup> on the Tariffville Green and it is a new event.

Mr. Askham made a motion, effective May 22, 2023, to approve the public gathering application for the Art On The Green Vendor Market and to authorize the issuance of the public gathering permit for the event. Ms. Goetz seconded the motion. All were in favor and the motion passed.

**e) Proposed Public Gathering Permit – Brewstock**

Ms. Mackstutis shared that this is a new event at SPAC in August with 8 breweries coming, the ticket includes sampling.

Mr. Askham made a motion, effective May 22, 2023, to approve the public gathering application for the Brewstock event and to authorize the issuance of the public gathering permit for the event. Mr. Peterson seconded the motion. All were in favor and the motion passed.

Ms. Abbuhl commented that the DD ticket price was an important consideration.

**f) Proposed Public Gathering Permit – Juneteenth Celebration**

Ms. Mackstutis shared that this event will be held in conjunction with a few neighboring towns and will be held at the SPAC.

Mr. Askham made a motion, effective May 22, 2023, to approve the public gathering application for the Juneteenth Celebration 2023 and to authorize the issuance of the public gathering permit for the event. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

**g) Termination of Local Emergency Order Related to COVID**

Mr. Askham made a motion, effective May 22, 2023 to authorize Interim Town Manager Nicholas J. Boulter and First Selectman Wendy Mackstutis to execute the Termination of Local State of Emergency related to COVID. Ms. Abbuhl seconded the motion. All were in favor and the motion passed.

Mr. Askham made a motion to amend the agenda to include item h) a discussion giving direction to town staff or not on what their options might be for the tax appeal process. Ms. Mackstutis seconded the motion. All were in favor and the motion passed.

Mr. Askham shared that his understanding is that the process is extremely regimented from a state statute standpoint. He stated that if it is the consensus of the Board they can empower Mr. Boulter and Mr. Fitzgerald to work with counsel to find out what options there might be. He also encouraged all property owners to exercise all their appeal options. Ms. Mackstutis shared that she would be interested in getting some metrics regarding how many commercial businesses reached out to the reval company in that initial period and then second, had to go to the Board of Assessment Appeals and then third how many are seeking litigation. Ms. Abbuhl stated she thinks they should have the Town’s attorney not only advise on what the process is going forward but also take a look at some of the methodology to see if it drove some of the valuations. Ms. Goetz shared that she agrees that they need to at least explore it as it does sound like the assessments have been quite surprising.

**APPOINTMENTS AND RESIGNATIONS**

**a) Appointment to Simsbury Youth Service Bureau Advisory Board**

Ms. Abbuhl made a motion, effective May 22, 2023, to appoint Story McCarty (Student) as a non-voting youth member of the YSB, with a term to expire on June 7, 2024, upon her graduation. Ms. Goetz seconded the motion. All were in favor and the motion passed.

Ms. Mackstutis confirmed that no one had a conflict for the next meeting as it is during high school graduation.

**REVIEW OF MINUTES**

- a) May 8, 2023 Regular Meeting**
- b) May 15, 2023 Special Meeting**

No changes were made to the May 8, 2023, Regular Meeting Minutes or the May 15, 2023 Special Meeting Minutes. Ms. Mackstutis declared the minutes approved and requested that they be put on record.



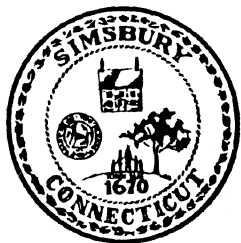
**COMMUNICATIONS**

a) Memo from N. Boulter re: Administrative Approval of Public Gathering Permits, dated May 18, 2023

**ADJOURN**

Mr. Askham made a motion to adjourn at 7:14 p.m. Mr. Peterson seconded the motion. All were in favor and the motion passed.

Respectfully  
submitted,  
Heather Taylor  
Clerk



# Town of Simsbury

933 HOPMEADOW STREET ~ SIMSBURY, CONNECTICUT 06070

Lee Erdmann - Interim Town Manager

## MEMORANDUM

**To:** Board of Selectmen  
**From:** Lee Erdmann, Interim Town Manager  
**Cc:** George McGregor, Planning Director; Laura Barkowski, Code Compliance Officer; Tom Tyburski, Director of Culture, Parks and Recreation; Nick Boulter, Chief of Police; Chris Davis, Deputy Chief of Police; Greg Samselski, Police Lt.; Tom Roy, Director of Public Works/Town Engineer; Patrick Tourville, Fire Marshal  
**Date:** June 12, 2023  
**Subject:** Administrative Approval of Public Gathering Permits

This memo is to inform the Board of Selectmen of public gathering permit(s) that have been approved via an administrative approval from the Town Manager's Office since the last Board of Selectmen meeting.

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

Name of Event	Location	Date	Type
Simsbury-Granby Rotary River Run	PAC	September 22, 2023	Running Race

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