

Town of Sherman
Board of Selectmen
Regular Monthly Meeting
November 16, 2017
7:00 p.m. Mallory Town Hall

DRAFT

Present: First Selectman Clay Cope, Selectman Bob Ostrosky, Selectman Don Lowe.

Audience and Invited: Treasurer Eric Holub, Business Administrator Liz LaVia, Selectman Elect Kevin Keenan and audience of approximately 50.

Clerk: Ruth Byrnes

CALL TO ORDER: First Selectman Cope Called the Meeting to Order at 7:03p.m.

First Selectman Cope asked to amend the agenda to move "Tax Deferment Committee" Report after "Tax Refunds" due to Treasurer E. Holub's prior commitment at 7:45p.m. Selectman Ostrosky moved to amend the agenda to re-order item V. Information & Discussion – H – Tax Deferment Committee report to be heard after Tax Refunds. Seconded by Selectman Lowe. All voted in favor.

PUBLIC COMMENT: Stan Greenbaum, 9 Peacepipe Lane, speaking to the minutes of October 26, 2017. Seven days after 10/27/17 meeting, he requested and received a copy of the minutes as well as a copy of the recording. The minutes did not accurately reflect his comments. Mr. Greenbaum handed the selectmen a copy of his comments, with the written minutes in purple, and what he said on the recording in black ink. He clarified that he did not request additional information on the hiring process of Town Engineer and the Tennis Court project, nor did he ask about the posting of a Town Engineer job description, or that cost of engineering should have been built into the cost of the tennis courts. Mr. Greenbaum did question the legality of the process followed, based on the 2009 purchasing policy addressing services and materials.

Mr. Greenbaum stated that Selectman Ostrosky explained the 2009 purchasing **policy** allows for hiring of professional services without having to follow the 2015 purchasing **ordinance**. The point of his public comment at the last BoS meeting was to say that the Board of Selectmen did not follow the purchasing ordinance, and that the numbers in the minutes on calculating engineering costs are incorrect and not what he stated. The tennis court project bid package clearly states that the company chosen must perform engineering and design services, therefore the hiring of a separate engineer was unnecessary and a waste of taxpayer monies. Lastly Mr. Greenbaum stated that his comments were inaccurate in the written minutes and he considers that to be tampering with government records.

CORRESPONDENCE:

- Western CT Council of Government's 2018 Meeting Schedule. First Selectman Cope advised First Selectman Elect Lowe to decide if he plans to attend these very important meetings or delegate an alternate.
- CIRMA Annual Meeting, 1/26/18 in Rocky Hill. To be discussed further at December BoS meeting.
- Council of Small Towns (COST) 2018 Town Meeting, 2/14/18.

- Email from Joel Bruzinski (SDTC Chairman) to First Selectman Cope regarding CT election law. Mr. Bruzinski requested reading of email from Ted Bromley (staff attorney with CT Secretary of State Office) stating that unlike other states, Connecticut does not have Recall/Revote Elections according to the state statutes. CT Supreme Court does not permit towns to provide for revote in local charter.
- Email from George Linkletter (SRTC Chairman) to First Selectman Cope, requested reading. Mr. Linkletter believes election results were tainted by Selectman Lowe's failure to disclose bankruptcy during campaign. Proposes that Selectman Lowe resign on 1/2/18 and allow for a special election.

ADMINISTRATIVE:

Minutes for approval for 10/26/17 BoS Regular Meeting: Selectman Ostrosky moved to approve, First Selectman Cope seconded motion. Discussion: Selectman Lowe had voted against approval of the Town Engineer and requests the 9/28/17 minutes be corrected on the website. All voted in favor of the change.

First Selectman Cope moved to table these 10/26/17 minutes to December BoS meeting. Selectman Lowe seconded motion. All voted in favor.

Tax Refunds: Total of 6 tax refund requests. Personal Property \$31.36. Motor Vehicles \$524.14. Selectman Ostrosky moved to approve, Selectman Lowe seconded motion. All voted to approve.

Tax Deferral Committee Report: Eric Holub (Treasurer) shared with the Board of Selectmen, a recommendation made by the Tax Deferral Committee (Eric Holub, Bernadette Schopfer, Bruce Hoag, Donna Tuck, and James Philipakos. The Committee met with Assessor Al Garzi and Assistant Assessor Kathy Retter to better understand the Tax Deferral for the Elderly state statutes. The highlights of their recommendations are as follows:

- Committee recommends having an optional Tax Deferral Program for age 65 or older Sherman residents.
- tax deferred on principal residence, must live here at least 183 days a year.
- this is a deferral program, not a tax credit or tax elimination program so the taxes will eventually be paid with interest.
- 100% of deferred amount at simple interest, not compounded.
- Town puts a "friendly lien" on property and will be paid before any mortgage holder; if property is not mortgage/lien free, homeowner must get mortgage holder's permission to allow for the Town to be paid first.
- resident must have paid taxes in Sherman for at least 1 year prior to application
- combined income must not exceed 75k in the calendar year prior to application.
- deferred amount is up to 100% of tax bill due annually, may defer lesser amount.
- maximum cumulative amount deferred is up to assessed value of property (70% of market value)
- application period for this 2 year program is January 1 through March 31. This allows for accurate budget setting.

- total amount due (deferred taxes and interest) to Town when house changes ownership or when it is no longer principal residence, surviving spouse must be 60 or older to continue tax deferment.
- cost of new program is estimated to be \$30,000 to \$35,000 annually.

Mr. Holub asked the Board of Selectmen to provide feedback and timing of program. The Committee will make any revisions to the ordinance. This will be added to December BoS meeting agenda.

Monthly Financial Summary Review: Memo from Business Manager Liz LaVia stating that this month's BoS meeting is early due to Thanksgiving holiday, the monthly accounting update is incomplete. The month will not close until next week. The one line that may be of remark is the State Trooper's OT line. The summary will be distributed next week.

Town Meeting: To be held on December 1, 2017 if date works for all Selectmen.

- *To authorize an expenditure not to exceed \$5000 from Capital Non-Recurring Fund for test borings, laboratory testing and geo-technical study for improvements at Wakeman Hill Road, as a requirement for the Local Town Capital Improvement Program (LoTIP) grant.* First Selectman Cope explained that this must be done in order to apply for this grant. This grant is being reassigned from Taber Road to Wakeman Hill Road, with an increased grant amount from approximately \$400,000 to \$750,000.
- *To authorize an expenditure not to exceed \$130,000 from the Capital Non-Recurring Fund for the installation of new equipment, controls and modifying existing ventilating equipment in the Multi-Purpose room of the Sherman School to provide cooling in this room, as requested by the Board of Education and the Superintendent/Principal.* Tom Hackett (Board of Education member) stated that the room is a very hot room and needs to be cooled.

Selectman Lowe supports the cooling system, but expressed concerns over the engineering costs in addition to the \$91,000 accepted bid and 10% contingency fee. Selectman Lowe and Ostrosky both agreed to bring both items to Town Meeting, allowing townspeople to ask questions on the engineering costs on the school air conditioning project.

First Selectman Cope moved to bring the two items listed above in italics to a Town Meeting on Friday, December 1, 2017 at 7pm. Selectman Ostrosky seconded motion. All voted to approve.

Appointment: Town Attorney

First Selectman Cope stated he is suggesting appointment of Randy DiBella from Cramer & Anderson as the Town Attorney due to his responsiveness, and having institutional and historical knowledge of background on current transactions. First Selectman moved to go into executive session at 7:48pm for the purpose of discussing Item F. Appointment of Town Attorney and Item G. Legal Matters Relating to Negotiations Pertaining to Site Leases. Selectman Ostrosky seconded the motion. All voted to approve.

First Selectman Cope moved to come out of Executive Session at approximately 7:56 pm. Selectman Ostrosky seconded the motion. All voted in favor. First Selectman Cope stated that the Board of Selectmen will not appoint a town attorney at this time. No action taken on site leases.

Project report on Town Projects:

Water issue regarding elevated sodium content - The next meeting is in December, no date has been set as of yet. Will include Selectman Lowe and Selectman Elect Keenan on the email list. George Washington University graduate students are expected to visit Sherman, date to be determined.

SVFD radio communications – cell tower lease negotiations continues.

Lake Noise ordinance draft – DEEP comments on our ordinance draft is being analyzed by our attorney. DEEP considers this to fall under DMV (boats are moving vehicles).

LoTCIP update – Town Engineer and WCOG staff are reviewing application on 12/1/17. First Selectman Cope suggests either Selectman Lowe or Selectman Keenan attend the meeting with him.

Happy Acres Farm Report – Herd count at 48. Monthly report was received too late to read. Will table the report until December meeting.

Cell Service – The Town has signed the TMobile lease; waiting for TMobile to sign and return to the Town.

Mobile has signed the lease, waiting for the lease to be returned to the Town.

Cell Service Ad Hoc Committee – Selectman Ostrosky shared his thoughts earlier directly with Selectman Lowe. Selectman Lowe stated that most likely at the December meeting, he will have draft of updated objectives and goals, guidelines (possibly by-laws).

Cricket Valley Power Plant – Selectman Lowe agreed to be the point person going forward for this issue.

OTHER BUSINESS: Selectman Ostrosky is compiling instructions for First Selectman Elect Lowe for NIXLE and the town website. Kathy Retter will likely be the primary person, Selectman Ostrosky can be backup contact. Selectman Ostrosky will meet with Selectman Lowe to show him how both work. There are still at least 2 channels open on NIXLE that can be used for other events or by other departments. The website administrators are Clay Cope, Bob Ostrosky, Kathy Retter, and Christine Branson. And end of his term, First Selectman Cope will take himself off and add Selectman Lowe as administrator.

PUBLIC COMMENT:

James Maharg spoke to the “bullying” done by some SRTC officers to C. Jellen (First Selectman Candidate), K. McConaghey (Tax Collector Candidate) in past elections, and now D. Lowe (First Selectman Elect). Mr. Maharg stated that filing for bankruptcy or divorce are personal and painful decisions, and no amount of bullying will change the election results.

Ed Hayes stated that this controversy hurts both Selectman Lowe and the entire Board of Selectmen. He would like to see an end to the outrageous claims on social media from both sides. He hopes to start the new year with a good board and to put the fighting behind us.

Stan Greenbaum stated he was pleased the 10/26/17 BoS minutes were tabled. On 10/27/17 First Selectman Cope had notified Mr. Greenbaum that payment for installation of the BBQ grills was being withheld due to a notice of violation from the Fire Marshal. It turned out to be an email stating some concerns about the installation. It was determined that the fix is a 50 cent bolt to stop the swiveling of one of the grills. Mr. Greenbaum is very concerned with engineering fees of 27k paid for tennis courts project, and potential payment of over 10k for the Sherman School MPR Air Conditioning project. Lastly Mr. Greenbaum stated he supports air conditioning for the MPR but feels it does not require an engineer to supervise the installation.

Jen Freed encouraged all to research the potential health problems caused by power plants such as Cricket Valley (due to start in 2020). One can go on Facebook (@stopcricketvalley) or do an internet search on natural gas power plants and fine particle emissions.

ADJOURNMENT: First Selectman Cope move to adjourn the meeting at 8:19 p.m. Selectman Ostrosky seconded the motion. All voted in favor.

Respectfully submitted,

Ruth Chen Byrnes