

Town of Sherman
Board of Selectmen
Regular Monthly Meeting
December 21, 2017
7:00 p.m. Mallory Town Hall

DRAFT

MEMBERS PRESENT: First Selectman Clay Cope, Selectman Bob Ostrosky, Selectman Don Lowe.

Audience and Invited: Business Administrator Liz LaVia, Selectman Elect Kevin Keenan and audience of approximately 40.

CLERK: Ruth Byrnes

CALL TO ORDER: First Selectman Cope Called the Meeting to Order at 7:00p.m.

SELECTMAN'S PRESENTATION: First Selectman Elect Don Lowe thanked First Selectman Cope for his service over he past six years, and presented him with a gift with the hopes of starting a new tradition.

CORRESPONDENCE:

- Letter from Jeannene Burrano, P & Z Chairman, with resolution to opt out of Public Act 17-155. This act concerns temporary healthcare structures commonly known as "Granny Pods".
- Letter from Cramer & Anderson regarding Public Act 17-155, citing the same concerns as the letter from the P & Z Chairman.

Selectman Ostrosky moved to add to Administrative Action Items (4a) to "Resolve the Sherman Board of Selectman does hereby opt out of the provisions of Public Act 17-155."

Seconded by Selectman Lowe.

Vote For: Unanimous.

- Letter dated November 22, 2017 from Secretary Benjamin Barnes regarding legislation signed by Governor Malloy amending the state budget for fiscal year 2018 – 2019.
- Letter from Christine Branson resigning as the Board of Selectman Clerk effective 12/6/17.
- Email from Roseanne DiMatteo congratulating Phyllis Schaer on being re-elected as CLA's Chairman and thanking her for her service.
- Email from Phyllis Schaer providing clarification on recent issues with the marine patrol.
- Minutes from CLA's Annual Meeting.
- Minutes from CLA's November Meeting.

ADMINISTRATIVE ITEMS:

Selectman Lowe moved to approve the following resolution on Public Act 17-155. Seconded by Selectman Ostrosky. Vote For: Unanimous.

WHEREAS, Public Act 17-155 allows municipalities to “opt out” of the requirements of that Act; and

WHEREAS, the Board of Selectmen of Sherman, Connecticut believes that it is appropriate for Connecticut municipalities to provide for caregivers for persons requiring such assistance due to age, disability or illness, however:

WHEREAS, the Town of Sherman is rural, and lacks sufficient volunteers or staff to comply with many of the procedural requirements of the Act; an example being the 15 day period for Planning & Zoning Commission action on any application under the Act when the Commission does not meet every 15 days; and

WHEREAS, the Act itself contains inconsistencies, such as notice requirements (certified mail) which conflict with Connecticut General Statutes Section 8-7d(a), and the Act fails to specify the procedure by which approvals are to be granted thereby creating ambiguities and potential appeals; and

WHEREAS, the Board of Selectmen for Sherman, Connecticut feels that if such uses are appropriate for Sherman, locally adopted zoning regulations resolve those procedural problems while still addressing the legitimate need which created the Act; and

NOW, THEREFORE, BE IT RESOLVED, that the Board of Selectmen of Sherman, Connecticut, do hereby affirmatively opt out of the provisions of Public Act 17-155; and hereby adopt an opt out resolution to Public Act 17-155.

Dated at Sherman, Connecticut, this 21st Day of December 2017.

Board of Selectmen: First Selectman Clay Cope, Selectman Bob Ostrosky, Selectman Don Lowe

Approval of Minutes: Selectman Lowe moved to approve the 11/16/17 and 10/26/17 BoS minutes. Seconded by Selectman Ostrosky. Vote For: Unanimous with the following amendments to 11/16/17 minutes–

- Under Correspondence, strike the words “**very important**” West COG meetings.
- Under Cell Service Ad Hoc Committee, strike sentence “**Selectman Ostrosky shared his thoughts earlier directly with Selectman Lowe**”. It was discussed at an earlier BoS meeting.

Vote For: Unanimous with the following amendments to 10/26/17 minutes–

- On page 3, Selectman Lowe voted against the Town Engineer. The vote was 2 – 1.
- Under Public Comment on page 2, Town Treasurer’s statements needs to be corrected to read, “The BoS agreed to moving this question to a Town Meeting during the budget process in 2017.”

Tax Refunds: Selectman Ostrosky moved to approve 1 motor vehicle tax refund \$216.15. Seconded by First Selectman Cope. Vote For: Unanimous.

6 Month Financial Review: Business Administrator Liz LaVia stated that we are tracking where we should be. ESF maintenance continues to be an issue, with equipment malfunctioning.

Appropriation Transfer: First Selectman moved to transfer \$8800 from Public Works Salary line to Public Works Part Time Wages line. Second by Selectman Ostrosky. Vote For: Unanimous.

Commission Appointments/Reappointments:

- First Selectman Cope moved to appoint James Reilly as OEM Director, and David Raines as Deputy OEM Director for 3 months. Seconded by Selectman Ostrosky. Vote For: Unanimous.
- First Selectman Cope moved to reappoint Karen Kellett to Parks & Rec Commission, 3 year term to expire 1/1/2021. Seconded by Selectman Lowe. Vote For: Unanimous.
- First Selectman moved to reappoint Mickey Goldfine and Michael Humphreys to Inland Wetlands Watercourse Commission, 4 year term to expire 1/1/2022. Seconded by Selectman Lowe. Vote For: Unanimous.
- First Selectman Cope moved to appoint Rick Hudson as full commissioner to Zoning Board of Appeals to fill the remaining term vacated by Dale Baird. Seconded by Selectman Ostrosky. Vote For: Unanimous.
- First Selectman Cope moved to appoint Jared Bonner as alternate commissioner to Zoning Board of Appeals until 1/1/19 at which time he comes a full commissioner having been elected in November 2017. Seconded by Selectman Ostrosky. Vote For: Unanimous.
- First Selectman Cope moved to reappoint Patricia Bailey to Conservation Commission, 3 year term to expire 1/1/2021. Seconded by Selectman Lowe. Vote For: Selectman Lowe. Vote Against: First Selectman Cope. Abstain: Selectman Ostrosky. Tabled until January BoS meeting.
- First Selectman Cope moved to appoint John Motsinger to Conservation Commission, 3 year term to expire 1/1/2021. Seconded by Selectman Ostrosky. Vote For: Unanimous.
- First Selectman Cope moved to reappoint Carol Faure to Housing Commission, 3 year term to expire 1/1/2021. Seconded by Selectman Ostrosky. Vote For: Unanimous.
- First Selectman Cope moved to reappoint Betsy Scholze as full commissioner to Historic District Commission, 5 year term to expire 1/1/2023; and to reappoint Cynthia Osborn as alternate commissioner to Historic District Commission, 5 year term to expire 1/1/2023. Seconded by Selectman Ostrosky. Vote For: Unanimous.
- First Selectman Cope moved to reappoint Bob Judd as Tree Warden, term runs concurrent with First Selectman's, expires on 1/1/2020. Seconded by Selectman Ostrosky. Vote For: Unanimous.
- George Linkletter does not wish to continue as Sherman's representative on the Charter Cable Advisory Council.
- First Selectman Cope moved to reappoint Daniel Leary as the Land Use Citation Hearing Officer, term runs concurrent with First Selectman, expires 1/1/2020. The Alternate Land Use Citation Hearing Officer is vacant, Selectman Lowe asked for a recommendation from Planning & Zoning Commission.
- First Selectman Cope moved to reappoint Phyllis Schaer as Sherman's delegate to the Candlewood Lake Authority, 3 year term to expire 1/1/2021. Seconded by Selectman Lowe. Vote For: Unanimous.
- First Selectman Cope moved to appoint First Selectman Elect Lowe as member of HRRA, term to expire 1/1/2020. Seconded by Selectman Ostrosky. Vote For: Unanimous.
- First Selectman Cope moved to reappoint Ruth Byrnes as alternate member of HRRA, term to expire 1/1/2020. Seconded by Selectman Ostrosky. Vote For: Unanimous.

Approval of 2018 Board of Selectman Meeting Dates and Budget Meeting Dates: First Selectman Cope moved to approve the 2018 BoS Meeting and Budget Meeting Dates. Seconded by Selectman Lowe. Vote For: Unanimous.

Sherman Players Lease: The current 5 year Sherman Players Lease for the use of the Sherman Playhouse expires on 12/31/2017. The current agreement requires the Sherman Players pay for 5 months of utilities

around the summer months, and the Town pay the utilities the remainder of the year. The current draft of the lease for the next five years ends 12/31/2022 and calls for the Players to pay utilities for the entire year. It was noted that the Town does not use the Playhouse at all and has paid for all structural improvements and maintenance. This will be tabled to the January BoS meeting giving First Selectman Elect Lowe time to discuss with the Sherman Players. It will then be brought to Town Meeting for the residents to vote on.

Winter Sand Bid Opening:

Town of Sherman received a total of 4 bids. The lowest price for screened sand delivered to Public Works was from Domain Sand & Gravel at \$16.50 per ton. The lowest price for screen sand picked up by Public Works was from Harlem Valley Sand & Gravel at \$11.95 per ton.

First Selectman Cope moved to award the screened sand for winter road use to Harlem Valley Sand & Gravel. Public Works picks up their sand, and they currently are using Harlem Valley and are pleased with the product. Seconded by Selectman Lowe. Vote For: Unanimous.

ADMINISTRATION TRANSITION ITEMS:

Progress on Town projects

- George Washington University students visited Sherman to help with the water issue regarding elevated sodium content. They are getting credits for the work they are doing.

SVFD Radio Communications

- Chris Fuchs (SVFD) spoke about the Equipment Lease Agreement between East Mountain Communications and Town of Sherman for vastly improved radio service.
- The lease and request for authorization from the Capital Non-Recurring Fund for the purchase of a Simulcast radio communications system will need to go to Town Meeting tentatively set for Saturday, January 20, 2018 at 10AM at Mallory Town Hall. First Selectman Elect Lowe will contact New Fairfield's new administration regarding the Tower Hill lease.
- SVFD's new utility vehicle has been delivered, and currently in service. The old vehicle was sold to an SVFD member through auction.

Lake Noise Ordinance Draft

- State Senator McLachlan and State Representative Smith are taking the lead to get legislation changed for noise on Candlewood Lake. Currently noise falls under DMV's jurisdiction and not DEEP's. First Selectman Cope will draft something for First Selectman Elect Lowe to present at the January BoS meeting.

LoTCIP update: Wakeman Hill Road

- The repaving of Wakeman Hill Road is put on pause. The governor has not yet approved the previously approved/funded projects that are now "paused."

Cell Service Ad Hoc Committee

- Selectman Lowe shared a draft of the Mission Statement and Bylaws for the Sherman Telecommunications Committee (STC) for discussion. This was tabled to January's BoS meeting at which time members can be appointed.

Tax Deferment Program

- This will be tabled to the January Bos Meeting and allow the new administration to be part of the decision making.

Cricket Valley Power Plant

- Nothing to report at this time.

OTHER BUSINESS: Suggestions by Selectmen for future agenda.

Selectman Ostrosky attended a Board of Education Budget meeting. He joined the Strategic Planning Committee which will meet for the next four months.

Selectman Ostrosky suggested creating a website page where Administrative Assistant Ruth Byrnes can post the documents/correspondence rather than having to scan/send/print as Board of Selectmen meeting materials come in.

FS Cope confirmed that his email will have a forwarding message when he leaves office.

PUBLIC COMMENT: S. Maletz (2 Pepper Pond Rd) gave an update on Tower Hill. The antennas are up, and the workers there expects it (Verizon) to be operable next week.

Phyllis Schaer (Candlewood Lake Authority) shared that the number of mapped milfoil patches dropped from 1500 last year to 712 this year. Over 8000 sterile grass carp have been introduced into the lake along with 2 shallow draw downs.

Stan Greenbaum (9 Peace Pipe Lane) objected to the approval of the 10/26/17 and 11/16/17 meeting minutes. One inaccuracy states “2009 purchasing policy” when he said “2015 ordinance”.

Rolf Martin (1 Barlow Farm Lane) thanked FS Cope for his years of service. Very concerned about the Cricket Valley emissions. Will be sending calculations on a similar power plant and will be sending his findings to the CT Department of Health. Encourages all Selectmen to get involved in the Symposium. Going to the town beach this past year was much more enjoyable for R. Martin than in past years due to less milfoil.

Joe Keneally’s (50 Route 37 East) questions were answered by FS Cope: We do have sand on hand and it is purchased as needed. Wakeman Hill Road core bore testings were stopped in time once FS Cope was informed that funding was on hold.

Willy Knaak thanked FS Cope for “job well done in the last six years.”

First Selectman Cope moved to adjourn the meeting at 8:15PM. Seconded by Selectman Ostrosky.

Vote For: Unanimous

Respectfully Submitted,

Ruth Chen Byrnes