

**Board of Selectmen
Meeting Minutes
February 23, 2012**

Attendees:

First Selectman Clay Cope
Chris Jellen, Selectman

Andrea O'Connor, Selectman

First Selectman Clay Cope called the meeting to order at 7:01 p.m. at Mallory Town Hall.

I. Approval of Minutes

Regular meeting of January 26, 2012: Selectman O'Connor moves to approve the minutes, all approve. Special meeting of February 9, 2012: Selectman O'Connor moves to approve the minutes (with change of word "lieu" to "light"), all approve.

II. Correspondence

First Selectman Clay Cope relays the following items of correspondence:

- A. An email from Karen Cushnie to all the Selectmen, which notes that the library has contacted an attorney regarding the legality of the petition to rescind the library grant. There is also a letter from the library's attorney.
- B. A letter from Richard and Danielle Bertocci of Stonewall Lane, urging the Town to continue to support the library grant.
- C. A letter to the editor from Sherry Danosky
- D. A letter from Diane Bristol addressed to the people of Sherman in support of the library.
- E. A letter from New Opportunities re: Mayors for Meals, an event on March 21st.
- F. C.L.E.A.R. Newsletter
- G. Announcement from Girl Scouts of America – First Selectman Cope has a proclamation commemorating 100th anniversary for the Selectmen to sign re: Girl Scout Week.
- H. A letter from Summit, an air conditioning/heating company in New Fairfield.
- I. A letter from the School of Engineering in CT
- J. CCN's latest legislative priorities
- K. State of CT Department of Health approving temp water system in fire house
- L. A letter from Aquarium Water Company re: environmental champion awards program
- M. A letter from the Office of the Attorney General re: an antitrust meeting
- N. Interactive Health Solutions brochure
- O. A letter from CT Business and Industry Associates

- P. Letter from Peter Sylvester, who wants to rescind his signature from the library petition, as he signed it in error.

III. Public Comment

Karen Cushnie: Inquires if there was a correspondence from a petitioner, Peter Sylvester. First Selectman Cope adds this to the correspondence, above.

John Taylor, President of the Sherman Playhouse: He mentions that the playhouse has been without a water supply for 3 months. They can't flush the toilet, and they have to direct the audience to Town Hall. He is very concerned that they have a show coming up in March and no water supply.

Veronica Scheer: Inquires if the petition for the library is negated with Peter Sylvester's signature removal. First Selectman Cope notes that he checked with Jeff Sienkiewicz about this, and the signature cannot be rescinded.

Carol Faure: She says it is hard to hear these meetings without speakers in the room. She comments on the Park & Rec situation and feels that children should not be penalized. She thinks if a memo is sent to an employee of 25 years that you should resign and not suffer consequences of actions.

Bob Accosta: He and First Selectman Cope decide the firehouse discussion will occur later in tonight's meeting.

Thomas Piel: He is concerned about a 3 minute speaking guideline for these meetings. He thinks this has the potential to limit citizen involvement. He also thinks all citizens have a right to be in front of a microphone to make a clear recording. He feels the town needs a better audio system.

Chris Pitcher: He comments that the Firehouse project has been run horribly since the beginning, and it is a disaster. He feels First Selectman Cope should only tell people what he has been told, because there is no way to know what is going on until the project is done. He thinks there is no point in trying to fool people into confidence.

IV. Old Business

A. Progress report on Town Projects:

1. Emergency Services Facility project: A letter from Town Attorney Sienkiewicz addressed to Petrucelli & Associates. He has a system where subcontractors will be paid directly by the bonding company. The paperwork has been filled out by Merrit to submit around \$160,000 in claims to Western Surety. First Selectman

Cope has been told now that the bonding company is essentially the bank for Merrit, the process will move along. DEPPCO has been there over the past weeks, but there has been very little aside from that. First Selectman Cope notes that the town is trying desperately to avoid a default situation, and he has been told this is a step in the right direction. He notes that CT Boiler is just about done with what they need to do.

Fire Chief Bob Accosta laments that builders promised things would be done, and things were never done. Right now, the Firehouse has no heat, and volunteers have to stay in a heatless building. It has been three years, and they are fed up. They are losing volunteers and they want the project done. He notes that the playhouse doesn't have water because they don't have water. They are operating on a temporary C.O. now. Kathy Grant notes that it is impossible to run daily activities adequately because there are no proper facilities, training facilities, no facilities to decontaminate. They have been in the basement for 3 years, and they had been told 8 months. Jim Reilly, President of the Fire Department, mentions this started out as a 10 month project. He mentions that the contractor did not pay his subs - he took the money and ran. He took advantage of the switchover between Selectmen. The firemen are tired of waiting, and it is not the fault of the Fire Department. He says DEPPCO will not be coming back, and he thinks it is time to declare default. David Raines, Captain of the Fire Department, understands that the surety is moving forward. He notes that the secondary subs were more expensive than the primary subs. His bigger concern isn't that the surety company will move forward, but how the other items that are not complete will be paid for. He wants to know who will be overseeing the project. They are seeing failure of things that have already been completed, like the flooring and the electric. Someone or some entity has to step up to manage this project. First Selectman Cope agrees with this, and he wants to reach out to Dean Petrucelli, and he hopes that he will be the person to step up. Selectman O'Connor says the architect is part of the problem. First Selectman Cope says need someone with a breath of knowledge about this whole project. Berryl Taylor feels Dean is part of the problem - wouldn't it be more sensible to have Andrea O'Connor oversee this project? She inquires if the town ever got an accountant to look at how the expenditures were made up to now. Selectman O'Connor says there was no forensic accountant, submissions went to the architect for verification, and the architect signed off. The whole system needs to be redesigned to consider what is in default, according to Selectman O'Connor. First Selectman Cope mentions that in the event the \$160,000 is not making things move, the Town has prepared papers for default, although there are risks with moving to default.

2. Sherman Library Project: Mason Lord says they will receive their schematic budget on March 7th. The plans went to Enfield builders this week, and they will get their numbers. This is not sealed bids, this is them going out to trade

contractors and getting numbers on the project. Karen Cushine is concerned about people having time to obtain absentee ballots, with the referendum date so close. Selectman O'Connor does not think that absentee ballots can go out for this situation, and it is a problem. Town Clerk Carol Havens says they will in fact start issuing absentee ballots on this Saturday, 9-12. She notes that Town Meetings are always on Friday nights, and referendums are always on a Saturday, and this is the way the statute is set up.

3. Spring Lake Road paving project: First Selectman Cope reads a letter that Joe Wren requested he write to Nick Mancini. The letter notes the town's concern regarding the asphalt installed by the subcontractor. There are large areas where the pavement is buckling and cracking, and there are areas that do not meet 9 foot width and 2 ½ inch thickness requirements. At this point, the town will hold back any payment for paving because of concerns that the work does not meet specifications. The town wants the roadway brought to substantial conformance with specifications. Selectman O'Connor did not sign a check for NJR tonight, and put a note on it, suggested that an engineer look at it. For the record, Selectman O'Connor notes that before the road was paved, a surveyor staked the road and NJR put markings on the road to provide a visual guide for the pavers, and there is absolutely no excuse for what happened.
 4. Fox Run detention basin: First Selectman Cope reports now that we have a DEEP person, all he is requesting is that we send back a copy of the survey that had been signed off on by an engineer of record.
 5. Public Works: At the town garage, 2 underground tanks have been removed, and aboveground tanks are installed and operational. 10 tractor trailers full storm debris have been removed, and 75% of that cost is reimbursable. First Selectman Cope commends Ruth Byrnes for her work on this. Public Works Ad Hoc advisory committee – First Selectman Cope met with them on Feb. 7th, and he offered to work closely with Don Borkowski, will meet in August, encourages them to make recommendations and observations that First Selectman Cope should know about. He says he will take an active role in supervising them. Selectman O'Connor says they were working on a plan for equipment replacement, and First Selectman Cope says they are working on that as well. He says they are also looking at ways to actually wash the equipment, possibly a field trip to Middlebury to assess the cost of the system they use. Part of the problem with Public Works is that they can't wash their equipment properly.
- B. Facilities Manager job description discussion: First Selectman Cope met with Frank Spaziani and looked at all the buildings that comprise all of the Town Buildings: Town Hall, Playhouse, Scout House, The Town Garage, Sherman School, The Pavilion, Old Town Hall, Park & Rec Building, Town Beach,

Firehouse. First Selectman Cope thinks at the next meeting in March, they need to look at who will best manage these facilities.

- C. Discussion of Library Grant agreement: First Selectman Cope suggests tabling this discussion until the March meeting, in light of the petition. Selectman Jellen moves to postpone the issue to the next B.O.S. meeting, Selectman O'Connor seconds, all in favor.
- D. Park and Recreation request for legal fee reimbursement: P&R wanted the town to pay the attorney's bill, and the B.O.S. previously denied that. First Selectman Cope now feels he should not have voted on that decision, as he was not involved in the issue, although it is fine that Selectman O'Connor and Selectman Jellen did. Selectman O'Connor says the issue was that it should not come out of the General Fund budget. She notes that P&R has a checking account that has a surplus, and if P&R wants to reimburse these fees, they have the means to do it.

V. New Business

A. Approve tax refunds – \$1,610.00 for property, \$34.18 for motor vehicles. Selectman Jellen moves to approve, all concur.

B. Presentation by Town Assessor – Al Garzi and Kathy Retter have input on Ann Smith's presentation about the Assessor's Office making information available online. Al notes that presently field cards are not online, there is a small need for it – but not a great need. If we put field cards online, it would require a computer conversion. Our current software would need to convert from one vendor to another, just to put field cards online, and the cost would be around \$45,000. Our current vendor could do it for \$6,500, and the third option is to wait and do it at next reassessment in 2013. If we do it now with our current provider, we would still need to make changes with the next reassessment. He thinks it may be best to wait for the next reassessment. Ann Smith has a comment on this – she thinks Al brought up a good idea, exploring this around reevaluation time. She thinks if we couple with other towns in doing a reevaluation, we stand to reduce our costs for reevaluation, which could be found revenue for the town. Ann shows a visual poster of how far Sherman is behind other towns in online field cards & use of Vision - Danbury, New Fairfield, New Milford, Brookfield, Bridgewater, Kent, Newtown, Redding, Roxbury, and Warren all use Vision. She thinks Sherman should better explore this possibility. First Selectman Cope suggests exploring this topic more in a meeting with both Al and Ann.

C. Public Safety Communications discussion - David Hopkins and Chris Pitcher spoke on this issue. David Hopkins gives an overview of a correspondence sent to First Selectman Cope. Their current communications coverage uses hand held radios to communicate amongst themselves and the dispatch company that handles 911 calls for Sherman. Communications in town is a problem, and there are dead areas in the

northern and southern areas of town. A self-appointed volunteer committee is looking at how this coverage problem would be addressed and solved. Our UHF is hooked up and working, our base radio is hooked up and working, our LCD equipment is dormant, waiting on a contract from the state. He notes we don't know how much improvement there will be until final testing on that equipment. LCD can reach us; our problem is we can't always reach them. Sherman has never dealt with a repeater system, and they can be rather complex. We may need a few extra receivers scattered throughout town. An idea they had was for the town to retain a consultant who is knowledgeable in this area and could counsel the town on solutions to these problems with an unbiased opinion of pros and cons of each possible solution. This consultant could come to town, collect info, assess topographical problems, and provide education to project members to educate on this, and come up with possible solutions to solve our coverage problem, and a detailed cost estimate. He recommends we retain RCC (a company in New Jersey) as consultants, with a price of \$19,450.00 to do the job he described. This would be the first stage in a multi-stage process. Second stage would be equipment acquisition and installation. John Hodge has suggested that we take advantage of a New Fairfield tower, they would be cooperative in putting an antenna there, and there is an antenna near Bogus Hill that could take an antenna. First Selectman Cope asks for more information on the Sherman grid system. David says the industry believes that 95% of the town should be covered 95% of the time. Design people set out to come up with a plan of 100% coverage 100% percent of the time. RCC said New Fairfield had been divided into 1,000 grid squares. Chris Pitcher explains that Sherman has never dealt with a repeater system (he describes them) and they are complex. Carol Havens wonders if there are grants available for this sort of thing. David says he is not sure. First Selectman Cope states that if people have public comment on this issue, he would like to keep comment on this at the Board level, as it is the first time the Selectmen are hearing this issue. Eleanor Jettmar of Pepper Pond Road points out that when power goes out, people without cell phones have no way to reach the outside world or 911, because the landlines go down. Sid Head wonders if the Selectman's office can use contacts at the State to get things rolling. Chris Pitcher will email contacts to First Selectman Cope. Selectman O'Connor thinks we should move ahead with this, and put this on the budget as a capital non-recurring expense item. She notes there is still \$271,000 remaining unallocated, according to Eric. She thinks it is time to move forward on this, and thinks there is a critical need to find out what is best for Sherman. First Selectman Cope notes the report and recommendations of the committee are here, and this topic will be put on the agenda for the March meeting.

D. Cingular Wireless lease discussion – First Selectman Cope says we are now waiting to hear from Cingular, the ball is in their court. Town Attorney Sienkiewicz suggests putting this off until March. P&Z approved the application at the January meeting, and First Selectman Cope will have this in his office for perusal.

E. STEAP FY 2012 applications – First Selectman Cope says we have been working on the application for the playhouse bathrooms. The historic commission is delighted and

helpful, and has put the town in touch with Charlie Reppenhegen to create A.D.A. accessible bathrooms and hallways. A preliminary scheme has been developed, which includes about \$5,000 of septic updates, which desperately need to be done. He also notes that the playhouse window project is moving forward under a prior STEAP grant award.

F. 2012-2013 Budget – First Selectman Cope reminds the Selectmen that the workshop will be on March 3 from 9 AM to 1 PM.

G. Housatonic Resources Recovery Authority (HRRRA) Representative appointee and alternate – First Selectman Cope states that HRRRA would like to vote him in as a new Representative. Selectman O'Connor moves that First Selectman Cope be appointed HRRRA Rep, Selectman Jellen seconds. Ruth Byrnes will stay on as the alternate.

H. Housatonic Valley Council of Elected Officials (HVCEO) alternate – Clay Cope is the designate, asks if either Selectman O'Connor or Selectman Jellen would like to be alternate. Selectman Jellen volunteers to be the alternate, and First Selectman Cope makes the appointment.

VI. Selectman's Comments

First Selectman Cope would like items to be brought to the agenda for March, and he is always open to that from other Selectmen.

VII. Public Comment

Kate McConaghy: With respect to the facilities manager job description, she notes that even though the school is large, the school would be diligent in covering their maintenance problems. The facilities manager would only be brought in for critical issues. She is distressed at changing a job description based on the person being sought.

Tom Joyner: on the cell tower, he thinks it is a great idea, many years ago we wrote cell tower regulations. Language was put in there to do many of the things being proposed by this study, a comprehensive solution for emergency communications and residential cell phone coverage.

Gary Albert: He says the town should be thankful for our Fire Department. He is a bit disturbed by people caucusing and what legally would be considered a caucus. He noticed Selectman O'Connor and Selectman Jellen together in a room tonight signing checks with nobody else, and wonders if that could be construed legally as a caucus.

Willy Knaak: With Spring Lake Road, he recommends that the 2 ½ inches be measured after compression is done on the blacktop. He also comments on the Fire House, and hopes this does not impede our new library.

Chris Pitcher: He says the general public does not get a chance to go to the highway department. Having a wash facility should have been a priority a few years ago. This facilities manager could be a good thing if it is written out well. But, between that position and Donny Borkowski's position, we need to clarify where their boundaries are. Chris saw Bud Light bottles and cans down by the school generator, and right on the edge of the driveway. Someone needs to take initiative and pick them up. He says somebody is drinking around the school, get rid of them.

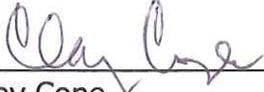
Sue Seeger, Board of Trustees for Library: She mentions that the 1 million from the town is all that the library will get. Anything over that would not be the responsibility of the town to pay.

Jim Reilly: He notes that Willy Knaak asked about the contract, there is a fine in there, \$100 a day. Jim has been told we are not going to see a dime of that. First Selectman Cope is told that we can go back for it. Selectman O'Connor says we left the whole issue of damages open. First Selectman Cope and Selectman O'Connor say the contingency is low, and First Selectman Cope will give that information to Jim. Donna Accosta: Wants to know why he was paid for work he never did. First Selectman Cope says he needs to look at the whole history of this project, that is why a surety was brought in. Rick Hudson: notes one point of information – he believes that the amount that was paid was \$30,000 on expectation that project would be done in 10 months. He thinks the Town committed to pay the money after the period expired.

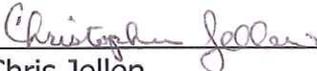
VIII. Adjournment

First Selectman Cope moves to adjourn the Board of Selectmen Meeting at 8:55 PM, with all Selectmen voting in favor.

Respectfully Submitted,
Laura Pettinato, Clerk



Clay Cope



Chris Jellen



Andrea O'Connor