

**Board of Selectman
Meeting Minutes
July 30, 2012**

Attendees:

First Selectman Clay Cope
Chris Jellen, Selectman

Andrea O'Connor, Selectman

I. Call to Order

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

Selectman Jellen requests adding a discussion of the investigation regarding a possible security breach of the Town email accounts. On new business, First Selectman Cope notes a change needs to be made to item E under new business, to accept "such" instead of "each". All in favor of these changes to the agenda.

II. Pledge of Allegiance

III. Approval of Minutes

- a. Board of Selectmen Regular Meeting, May 24, 2012: Selectman O'Connor moves to approve, Selectman Jellen seconds, all in favor.
- b. Board of Selectmen Regular Meeting, June 28, 2012: Selectman O'Connor moves to approve, Selectman Jellen seconds, all in favor.
- c. Board of Selectmen Special Meeting, July 12, 2012: Selectman O'Connor moves to approve, Selectman Jellen seconds, all in favor.

IV. Correspondence

First Selectman Clay Cope relays the following items of correspondence:

- A. A letter dated July 26th to the B.O.S. from Pat Werme, Tax Collector, regarding a requested response to Selectman O'Connor regarding signing checks for Laura Pettinato in the tax office. Pat details her need for an assistant, how the lack of help in her office jeopardizes the Town, and her decision to have Laura continue working in her office.
- B. A letter dated June 18th from Catharine Cooke to the B.O.S. wherein she resigns as a member from the Housing Commission and recommends Charlie Reppenhagen as a replacement.
- C. An email from Steve Roffwarg regarding the July 16th Housing Commission meeting, noting that an accurate land survey and proper title search is required

before plans for "site control" of the Murphy property can go forward. The commission has limited funds, and they hope the Town will provide funds to help determine accurate boundaries.

D. A letter hand-delivered from Willie Knaak regarding the land at Colonial Park, detailing the history of the property and the Town's purchase of this property. The letter also details the history of Allen's Camp, the trails cut throughout these parcels, and the Iroquois Gas Agreement for open space in perpetuity at Colonial Park.

E. A July 24th email from Lt. Michael Hofbauer noting that Michael Saraceno has been approved as the next resident trooper for Sherman.

F. A letter to Bob Accosta at the Fire Department, from Matthew Knickerbocker (First Selectman, Town of Bethel), expressing gratitude for the assistance of the medical staff after he had a bicycle accident.

G. A July 6, 2012 HVCEO letter regarding the Transportation Planning Program.

H. An unsigned letter of correspondence to John Wrenn (cc'd to Clay and Andrea). The author of this letter makes complaints about Town Beach, including cars from out-of-town, a small child running around without a diaper/bathing suit, and a woman breastfeeding children on the beach. This person would like proper beach protocol.

I. Letter from Town Attorney Jeff Sienkiewicz, regarding the Sherman Library Grant.

J. The July monthly minutes from the Candlewood Lake Authority meeting.

K. Andrea speaks of a letter she received regarding a chain saw incident. First Selectman Cope says he did call CL&P and gave them the number where the accident occurred.

V. Public Comment

Joe Keneally reads a letter on behalf of the Democratic Town Committee, endorsing the Housing Commission and bringing senior housing to Town. This has been a critical need for 20 years and a goal for 20 years. They believe now is the time to build a small center on Town property and permit a survey of the Murphy land as the next step in reaching toward this goal.

Janet Hopkins speaks about a misunderstanding about the library building process at the last meeting. Mason Lord, Chairman of the Building Committee addresses this. He reads an email to Janet regarding the old portion of the library STEAP grant application. Mason notes that the building itself was and is in good condition, he struggled to find enough work for a grant, and it is the details of the building that are suffering. For example, the original slate roof is in the early stages of failure, and this has resulted in leaks and plaster popping off the interior ceiling. The renovation will stave off water penetration for the time being. He notes the lifespan of slate is 70-100 years. Mason also notes the front stairs have cracked mortar, the walkway needs attention, the front door leaks air, and the ceiling/roof is not insulated. As part of the renovation a new front door and windows will be installed, and the hardwood floor will be sanded and refinished. If the STEAP grant is awarded, the funds will go to further the roof, make

the chimney functional, insulation, exterior steps, and restoring the Nesbitt painting above the fireplace.

Janet says she is concerned that the Town does not maintain what we already have as it deteriorates, while in the process of making new buildings. She reads a paragraph from her letter that she wrote in support of the STEAP grant application for the library regarding the maintenance and preservation of buildings.

Ed Hayes speaks on the topic of affordable housing. He says unfortunately, he thinks the Commission went off track and developed a project that is not in keeping with the original charge. He says this now sounds like a HUD basic project. While there is nothing wrong with HUD basic projects, he does not think this fits the need and scope of the original commission. He leaves a copy of the Senior Housing Commission report. He says everything was done well along the way, and somehow this project went off of affordable. Originally, he thought the proposed site one was great, until he read Willie Knaak's comments on that land.

Fran Gileno (Wakeman Road) also comments on Willie Knaak's article. She has been here in Sherman for 43 years, and she says Colonial Field was a park, open space, and designed for a park, complete with a soccer field. When Kenny Grant did all the past paperwork, Colonial Field was an open space for a park. She feels there should not be any consideration to change this for any reason. She mentions she is not against senior housing, and notes that some seniors require care beyond housing, such as assisted living. She feels there needs to be more explanation and detail as to who will be in there, as this is our Colonial Park, and not a "Murphy tract" or a field to be cut through.

Kate McConaghy says Willie's article needs clarification. She says there is an easement for 36 acres of open space in the parcel. All the Senior Housing Commission is asking for is site control, which will go to referendum. Site control means a proof of concept test. If the site doesn't work and the Town doesn't want it, it will never happen. There are 12 more acres in that tract leaving everything the way it is, without disturbing anything. She says the open space caveats can still be respected.

Carol Faure says there is misinformation about this housing, and she wishes people would go to Washington or Roxbury to see how lovely this housing is. She doesn't understand why housing has such a terrible reputation. She thinks Willie Knaak should get his facts straight.

Michelle Hansen (Sherman Housing Commission) agrees with what Janet said about the Town not maintaining what we have. She also says the Town does not maintain what we will become. The Housing Commission explored every concept, and they request everyone's input. They don't want to take away open space. She asks that people keep an open mind and stresses that our seniors are important.

Willie Knaak says he has lived in Sherman over 50 years. He is here to stay, and he was involved in Colonial Park from day 1. People voted in the past to protect the park. His article in the Citizen News updates his position, and the headline reads "Save Colonial Park in Sherman".

VI. Old Business

A. Progress report on Town Projects

1. Emergency Services Facility Project: First Selectman Cope notes that the water tanks should be installed by August (they have been delivered), HVAC system controls is at 90% complete, HVAC and DEPPCO are doing duct work, at 95% complete, total interiors is at 85% complete, possibly 90% after Friday, metal windowsills complete, caulker expected onsite this week, masonry holes are patched, electric at 95% complete, MERIT trim carpentry at 95% complete, Mohegan flooring 100% installed, carpet & rubber treds will be installed later, metal doors at 100%, wooden doors to be started this week only in the areas of the vinyl tile. Two attic stairs will be installed toward the 3rd week of August, and the elevator company will be the very last of subs to come in. Selectman O'Connor comments that at the last meeting, Eric (Holub) reported & assured that checks that were signed were all that was paid out, and now there is an email from Liz (LaVia) to Eric identifying \$71,000 in invoices, and asking how should she charge them and pay them. She wants to know why these invoices would be gathering, and how are invoices being processed. First Selectman Cope says the Building Committee is reviewing all invoices, and nothing goes through the firehouse expansion project without their blessing. He thinks the only thing removed from the scope of the work was the tanks. Based on his conversation with the Town Attorney, the Town will pick up \$5,000 on the stairway to expedite their delivery. The reason behind this is because of the way the surety process is working, they need the stairway to get the trim work done and ceiling finished out. He likes the idea of having a meeting with Eric and John Tuz when Eric returns from China. First Selectman Cope had an email from Glen, and he thought it was a fine idea as well.
2. Sherman Library expansion project: Mason Lord, (Chairman, Building Committee) notes that bids are going out August 3rd, due in on the 23rd, and they will be opened at the Sherman Library. The library will receive GMP from Enfield Builders on Sept. 5th, the ceremonial ground breaking will be on Oct. 1st. The library's plans to move to the school were accepted by P&Z a few weeks ago. Selectman O'Connor inquires as to the status of the easement situation. Mason explains that the library has letters from their engineer that need to be signed by the library, and sent to Bill Manassas and the attorney for Mrs. Altvater, and with her approval they will have all the easements. Selectman

O'Connor believes that when that lease with the school for the use of space is approved, it will have to go to Town Meeting.

3. Spring Lake Road paving project: First Selectman Cope notes from Ron Cooper's report that 34 driveway aprons were prepared, and 33 were paved by A&J Paving. Some areas along the road were reseeded where grass didn't take. Patching pavement repairs were actually done today. The Town is still waiting for NJR to respond to the Town's requested warranty period. First Selectman Cope notes there is a verbal commitment for a 2 year warranty, but this is still going back and forth between the two attorneys.
4. Fox Run detention basin project: First Selectman Cope notes that Jeremy Oskandy from Arthur H. Howland & Associates has completed his review and design changes of the outlet structure located in the storm water detention basin. The modifications previously proposed by Joe Zarecki & Associates do not address peak flows from the pond. Jeremy's proposed modifications to the existing outlet structure will work together with the pond improvements to attenuate the smaller storm events. This is a great benefit, because smaller storms are considerably more frequent. The pond does have adequate volume to handle the larger storms.

B. STEAP applications update: First Selectman Cope states that all four STEAP applications have been submitted to O.P.M: i) The playhouse bathrooms (\$69,067.50) ii) The renovation of the 1926 library (\$99,000.00) iii) A wash station for public works First Selectman Cope notes we have a pretty solid estimate. (\$170,500.00), and iv) resurfacing the Town boardwalk (\$66,395.00).

C. Public Safety Communications follow up: David Hopkins provides an update. The contract with RCC was approved by the B.O.S .at the June 28th meeting, and signed by First Selectman Cope on the 29th. The committee has largely completed the first round of data collections, this includes radio in use inventories, details specifications for radios, details on LCD transmissions sites, list of user groups in Town, list of existing/potential sites for locating antennas, information on FCC licenses. The only remaining data to collect are from towns around us, with whom we want to communicate. Consultant Rich Touroonjian suggested that a GIS based map showing buildings in Town would be helpful. Coverage gaps where there are no buildings are less significant than where there are more buildings. George Blake at HVCEO says he can provide such a map at no cost to the Town. After data collection, Rich will perform a physical exam of terrain challenges, observe operating environment, visit existing Tower sites and potential sites, and will develop and analyze future solutions to existing problems.

D. Housing Commission affordable senior housing initiative discussion: First Selectman Cope presents copies of the Colonial Field map area to the other Selectmen. This is the

Richard Dibble map dated December 1992. First Selectman Cope found the map in the attic, and it clearly depicts the area that is supposed to be maintained as open space. Parcel A has 28 acres of open space, and parcel B has 8 acres. This is not an A-2 land survey, but a D survey. This map also depicts the area of trails and where the swamp is. Selectman O'Connor desires to correct some misconceptions about the Colonial Field property. While there is no question that the area is dedicated park, there has been talk and contemplation in the past of utilizing some of this land for other purposes, such as the firehouse or a potential site for an additional school. She notes that in the past, land was acquired in Town for open space purposes and future expansion/growth.

First Selectman Cope notes from the map that an issue would be road access for the proposed housing (either from Cedar Lane or a new road parallel to the church driveway). He notes that the Housing Commission has requested \$12,600 for a survey, and he does not know where the Town would get the money for that. He suggests it might be more prudent at this point for the Town to conduct less expensive perks and deeps, and to take the map to a land use attorney for additional clarification on how the property is to be used. Selectman O'Connor believes it is prudent to do the entire property, to see which portion of the property seems best for development purposes, since there isn't a Class A survey here. First Selectman Cope also suggests the possibility of having an engineer look at the property. He notes that Tim Simpkins took a look at Cedar Lane, and he says there is lots of ledge there. First Selectman Cope suggests presenting this map at the next Housing Commission meeting, and Selectman O'Connor agrees that the map will help the commission better identify an actual development location site. She notes that the Housing Commission was not asked to submit a budget for this year, and they will need financial support to gain site control. If Housing can better identify the area they want surveyed, then the proposed project should go to the people. Selectman O'Connor also notes that this would be a well/septic community. Michelle Hansen from housing says 24 units are being proposed, and she will email First Selectman Cope the date of the next Housing meeting. Selectman O'Connor asks for the Housing Development to be a continuing item on the agenda.

VII. New Business

A. Authorize First Selectman Cope for Deferred Compensation Plans: This is a certificate of actions taken by the Town of Sherman, required by Nationwide, our savings plan. RESOLVED: that a new First Selectman of the Town of Sherman 403 (b) and employees deferred compensation plans has been appointed effective January 1st 2012, resolved that Clay Cope is an authorized representative that should take any and all steps to effectuate the foregoing action. This certificate is executed this 30th day of July 2012. Selectman Jellen moves to so authorize First Selectman Cope, Selectman O'Connor seconds, all in favor. Selectman O'Connor inquires as to why it took until now to get this done when she got this to First Selectman Cope in January. First Selectman Cope says it took awhile to get back to this.

B. Vacancy: Housing Commission: First Selectman Cope notes that Charlie Reppenhagen would like to formally submit his name for the Housing Commission, as he has expertise and experience as an architect with elderly housing. First Selectman Cope feels Charlie is an excellent choice. Selectman O'Connor moves for his appointment, Selectman Jellen seconds, all in favor. Selectman O'Connor notes that this is a 5 member staggered term board, with 1,2,&3 year terms staggered.

C. Linda Yannone, Gardenella Inc. Invoice discussion: Linda speaks about an invoice that she emailed to First Selectman Cope 15 minutes prior to this meeting. Linda says she did landscaping and planting work for the firehouse and has never been paid. She says that at the May/June meeting of the Sherman Conservation Commission in 2011, she was asked to revise the proposed landscaping for the Firehouse, and they agreed on a plan around June. She says she asked then First Selectman O'Connor about receiving payment, and she referred her to Mr. Hayes. Linda says Mr. Hayes had a verbal agreement with her, and he didn't think the bills needed to go before the Selectmen. Based on this verbal agreement, Linda designed the planting area, put all the plants where they should go, planted the white birch, planted the 911 area, and planted perennials. Linda notes that as of today, she still has not been paid for her work. She says in the spring of 2012, P&Z approved her final landscaping plan, and Ron Cooper transcribed her plans on the Town records. She asks that she be paid. First Selectman Cope notes that no written agreement can be found, and that he spoke with both Barbara Ackerman and Ed Hayes, who have no recollection of anything in writing or any agreement to pay. In fact, Ed's understanding was that this was donated. Selectman O'Connor says she dealt with this on numerous occasions at the time the whole landscaping issue was raised by P&Z. Ed Hayes was the owner's representative, all agreements on what would be paid outside of Merit's contract were handled by the building committee. Based on their approvals, it would come to the board for payment, and that did not occur. It was not the board's decision, but the Building Committee's. First Selectman Cope tells Linda the B.O.S. is not authorized to spend this money. Linda said that the planting was beautiful, and would still be beautiful if she had been paid. CC says it is not in scope of firehouse, and the B.O.S. is not authorized to pay. Selectman O'Connor says the original landscaping plan was not satisfactory to P&Z, and this adds to the complexity of the situation. P&Z then recommended that perhaps the conservation commission be consulted on this. However, there was a site contractor responsible for and paid for purchasing and planting within the scope of the original Merit contract.

D. Personnel Policy Discussion: Selectman O'Connor says the Personnel Policy was created with the assistance of legal counsel for a process of both advertising for and filling positions. She says she did not sign Laura Pettinato's paycheck, because Tax Collector Pat Werme had always insisted that her assistant be certified. She notes that in her letter of correspondence, Pat considers Laura's services clerical. Hence, Selectman O'Connor feels the pay should reflect clerical, not Assistant Tax Collector. First Selectman Cope notes that the position was in fact advertised, and that Pat gave

Laura tax ordinances to study prior to placement in the tax office. Selectman O'Connor says the appointment of the position should be by the Tax Collector, in consultation with the B.O.S, and that all appointments should be made in consultation with the B.O.S. First Selectman Cope apologizes for not bringing this to the B.O.S. Selectman O'Connor wants a statement from Pat that Laura meets Pat's criteria for certification.

Selectman O'Connor comments on the resignation of the two SPARK directors. She notes that SPARK is not a school program, and Park & Rec should have informed the B.O.S that there was a vacancy, so that they can advertise for this. The Park & Rec minutes mention that Susan Stein left, but that was not publicly announced.

E. To consider and recommend to town meeting supplemental appropriations to the FY 2012 budget and to set to a town meeting for consideration of such supplemental appropriations: First Selectman Cope recommends setting a date of August 17th, a Friday, for the Town Meeting. The other Selectmen are available on that date. The warning: To consider and act upon the following appropriations supplemental to the FY 2012 annual budget: An appropriation of \$19,091 to the B.O.E; an appropriation of \$8,225 to Account 007-01, Building Inspector; an appropriation of \$32,481 to Account 022-45, FEMA Emergency Fund; an appropriation of \$618 to Account 036-65, SPARK Salaries; and an appropriation of \$1,461 to Account 036-04, Parks & Recreation Other Programs. This will be at the school cafeteria, and First Selectman Cope has the warning ready now for signature. Selectman Jellen moves to consider and recommend to Town Meeting the supplemental appropriations to the FY 2012 budget and to set to a Town Meeting for consideration of such supplemental appropriations, Selectman O'Connor seconds, all in favor. Don Fital says the number they actually settled out at was \$21,281.60 and Mr. Gamper says he needed the appropriation of \$19,091, and this is what was mentioned to Eric Holub.

F. The investigation regarding a possible security breach of the Town email accounts: Selectman Jellen says this issue arose when a copy of an email was sent to a Selectman and given to a Selectman who was not an intended recipient of the email. He notes that several scenarios could explain this, one being that there is a security breach in the Town's email system. First Selectman Cope refers to the Town Policy on internet use, which states that the Town computers are Town property, intended for Town business, and not personal use. The policy also states that computer use may be monitored, that there is no right to privacy with Town email, and people should not be using Town computers for personal use. Selectman O'Connor also notes that the policy says monitoring can be done when there is concern about misuse of the computer system, and another section of the policy refers to snooping in other people's emails.

Selectman Cope says he does not know who gave him the email in question. Selectman O'Connor and Selectmen Jellen are concerned, because if this came from a person who is not an employee or authorized by the First Selectman's Office, it could be an outside breach in the security system, which is a serious matter. The Selectmen decide they will

initiate an investigation to find out how the information was obtained. Selectman O'Connor suggests checking with network support. First Selectman Cope will speak with network support, copy Selectmen Jellen and O'Connor on all communications pertaining to this issue, and will warn that there is no privacy on Town Hall computers. The B.O.S. will continue with this item on the next agenda.

VIII. General Discussion: Items to be brought up by Selectmen for future agendas

Selectman O'Connor notes (not for a future agenda) that First Selectman Cope had the hallways rewired at a cost of \$700 to provide more efficient, brighter lighting. She notes the B.O.S. need to make decisions on what money has been authorized, as this expense could have been deferred this fiscal year.

IX. Public Comment

Janet Hopkins is confused as to whether Linda actually purchased the plants for the firehouse and was not reimbursed. Selectman Cope says he is not sure. Janet also asks for clarification of the term "site control" with respect to Colonial Park. Selectman O'Connor explains that this means the right to use a particular piece of property. She explains that either a 501 (c) 3 entity or housing trust that the commission has been thinking about would manage this project. The lease would be between the Town and that entity for a specific portion of that land, for them to explore the feasibility of housing there. A lease of Town property needs to go to Town meeting, as that would be first indication of Town's appetite for that use of the land. Janet inquires if this should go to a Town vote first, to see if the people want to use Colonial Field this way. First Selectman Cope responds the first step should be to narrow the scope of where the development could possibly be, now that the open space has been identified on the map.

Carol Faure says that there are many misconceptions about the proposed housing project, and she suggests that a really carefully outline be kept in the papers of what is being proposed.

Anne Chiramonte feels the word HUD is a "dirty name", but it is not dirty anymore. People are misinformed, and should find out what HUD really is. She also inquires about the status of the bathrooms at Veteran's Field. First Selectman Cope says they are contemplating an epoxy floor or a better upgrade. He is waiting to get rough prices on this back from local contractor Michael Carpanzano. Ultimately, this would go out to bid before anything is done. Selectman O'Connor is concerned with how long the facility has been out of commission, and the double-paying (the cost of the facility and now a porta potty at a cost of \$250 a week, in response to Joe Keneally's question about cost). First Selectman Cope notes that the facility has been cleaned, but remains locked due to security issues and the plywood being unsanitary. He also notes that the toilets

at the pavilion have minor vandalism, and they are maintained on a regular basis. Finally, Anne expresses concern about a breach in the email security system. First Selectman Cope clarifies that it was not an email communication in question, but rather a printed out copy.

X. Adjournment

Selectman Jellen moves to adjourn the Board of Selectmen Meeting at 8:54 PM, with Selectmen O'Connor seconding and all voting in favor.

Respectfully Submitted,
Laura Pettinato, Clerk

Clay Cope

Chris Jellen

Andrea O'Connor