

**Board of Selectman
Meeting Minutes
August 23, 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 moves to add item VI (e) to the agenda, to discuss the investigation of a possible security breach follow up, Selectman O'Connor seconds, all in favor.

II. Pledge of Allegiance

III. Approval of Minutes

- a. Board of Selectmen Special Meeting, July 19, 2012: Selectman O'Connor moves to accept (although not present for that meeting), Selectman Jellen seconds, First Selectman Cope in favor, Selectman O'Connor abstains.
- b. Board of Selectmen Regular Meeting, July 30, 2012: Selectman Jellen moves to approve, Selectman O'Connor seconds, all in favor.

IV. Correspondence

First Selectman Clay Cope relays the following items of correspondence:

- A. A letter from State of CT, Dept. of Transportation, regarding the State Bridge Program as it pertains to Route 37 over Greenwoods Brook. First Selectman Cope has the letter and map in the correspondence folder.
- B. An invoice from Arthur H. Howland & Associates re: the Fox Run Basin. First Selectman Cope notes a zero balance, and no charge for the work.
- C. A letter from Charter regarding their participation in the Connecticut statewide Emergency Preparedness Exercise.
- D. A letter from Northeast Utilities, regarding CL&P filing a sub petition with the Connecticut Siting Council, proposing work on CL&P's transmission right-of-way in Sherman.
- E. A notice from Joel & Roberta Judd regarding the Community Challenge event on Sept. 29, 2012 (rain date Sept. 30th).
- F. A letter from OLR Research, regarding pesticide application at schools.

V. Public Comment

David Raines speaks as Assistant Fire Chief. The Fire Department is disappointed with the lack of honesty during the project, the inability of the architect paid \$400,000 to date, the lack of coordination in the project, the lack of project management, and poor workmanship. They ask the B.O.S. to change the current path of the way things are being done, and that they try to pull this project together. The Fire Department is at the point where everyone needs to hear that they are not moving forward, and they can't continue to operate safely this way – mechanically, physically, or code-wise. They want to keep this in the forefront of Town business.

Veronica Scheer inquires what Bridge First Selectman Cope was referring to in the above correspondence, and First Selectman Cope advises it is Old Greenwood Bridge.

VI. Old Business

A. Progress report on Town Projects

1. Emergency Services Facility Project: First Selectman Cope notes quite a bit of progress. The water system installation is in process, the exhaust fan from the kitchen hood system has been received, the phone system is basically complete, the fire pump transfer switch set for delivery this week, interior painting is ongoing, the Fire Dept. has installed their shelving, the temperature control system checkout is basically complete, HVAC equipment checked out by supplier, so it can be charged by DEPCO and started for air conditioning, the gear washer is operational, the dryer will be checked out for operation when the vent system is complete, VCT flooring on the upper level is complete, exhaust system from dryers complete (except for exiting the building), installation of wood doors and hardware is in progress, clear finish on wainscoting in the meeting room is complete, elevator inspection by the State scheduled for 8/30, masonry patching is basically complete, the trophy cases will be installed tomorrow (Friday), fitness equipment has been delivered and installed, the pull down stairs are being delivered tomorrow, R&R at 60% for the water tanks, mechanical could be another two weeks. First Selectman Cope hopes to be able to do a financial meeting on Sat. Sept 1st, 9 a.m. at Mallory Town Hall. Selectman O'Connor inquires about heat. First Selectman Cope notes that CT Boiler still has to come and get the water system up. They say they are at 90% complete.
2. Sherman Library expansion project: Millie Loeb (Library Director) says they have had their walkthrough, and they sent out invitations to bid. Bids are coming to the library, at 2:00 on the 28th. GMP will be on Sept. 5th. Selectman O'Connor requests that the Board be noticed on the time and place of the meeting.

3. Spring Lake Road paving project: First Selectman Cope notes from Ron Cooper's report that on Friday, July 27th, Joe Wren – the Town Engineer and representatives from the paving company met and discussed resetting catch basin tops, cutting asphalt in areas where the base material was not compacted properly and patching the areas with pavement where the repairs were made. As of this date, the repair work has not started. The Town continues to withhold payment until an agreement is reached with NJR.
4. Fox Run detention basin project: First Selectman Cope notes that now that we have modification by Arthur Howland, the bid package is being prepared, and should go out next week. Selectman O'Connor asks that the bid opening be scheduled as a meeting with the B.O.S.

B. Public Safety Communications follow up: David Hopkins provides an update that First Selectman Cope reads. The data collection from RCC is complete, several trial coverage maps were produced by Rich Touroonjian (consultant). First Selectman Cope would like for David to bring these to the next meeting. These maps are not final. When Rich produces his best estimate of the existing situation, the fire department will have to vet the maps to make sure they correspond to reality as closely as possible. George Blake (HVCEO) has made some contributions to mapping, including a parcel map, road map, building map, and contour map which provide a clear picture of coverage areas in town. First Selectman Cope has seen these maps, and notes that they show every single residence in Sherman.

C. Housing Development follow up: First Selectman Cope spoke with a land use attorney regarding the proposed area on the parcel at Colonial Park, behind American Pie (the 22 acres or so that the Housing Commission is looking at) and the entire parcel. Matt Willis conducted a title search, and there do not seem to be any limitations on the property and the parcel is not encumbered by the Open Space declaration. First Selectman Cope has relayed this information to the Chairman of the Housing Commission. First Selectman Cope suggests that the B.O.S. attend the next Housing Commission meeting, to see what they would like the B.O.S. to do. The B.O.S. has to determine if they will go with "site control". Selectman O'Connor inquires about deeps and perks, and First Selectman Cope would like to have this done, although it will cost several thousand dollars. He notes that the proposed development will have to be taken to the Town at some point as well, to see if the Town wants to do what is being proposed. Selectman O'Connor notes that a checklist of what they will be doing will be helpful to the B.O.S. and the Housing Commission.

D. Tax Collector's Assistant follow up: First Selectman Cope reads a letter from Pat Werme to the B.O.S. regarding Laura Pettinato's application for the advertised position of Assistant Tax Collector. The deadline for resumes was April 28th, Pat gave Laura (an attorney) state statutes to read prior to starting the job. In the letter, Pat informs the

B.O.S. of Laura's hire. First Selectman Cope notes he should have brought this hire to the B.O.S. sooner.

E. Town Computer Policy follow up: First Selectman Cope notes that this agenda item will blend with the added agenda item proposed by Selectman Jellen. First Selectman Cope reads a letter from Tony Vas, from the Network Support Company used by the Town. The letter addresses the Town's internet security and IT security. In this letter, Tony recaps the internet transmission in question. If the user and recipient were not using Town email, this would not be a security breach. In the event the sender or recipient did use Town email, this still would not represent a breach of security. Tony notes that Town users are supposed to use email as a form of communication. While the situation may not be a prudent choice, it is not a security issue. Tony suggests that the Town revamp IT security at Mallory Town Hall, so it is better suited for today's environment and current industry practices. Changes could include a complex password policy, reviewing the Users and Security Groups in Active Directory, maintain a list of users with remote access to the Mallory Town Hall network, and removing old vendors.

Selectman Jellen feels the Town computer use policy and security breach are two separate issues. He agrees that the B.O.S. should explore together what they can do to increase internet security at Mallory Town Hall. Selectman Jellen notes that the transmission in question was not a case of 2 public accounts, as one person was using a Mallory Town Hall account. First Selectman Cope notes that Tony covered this scenario in his letter as well. Selectman Jellen notes that they do not know who breached the system, if it was a Town employee or an outsider, and this troubles him. He feels if it was a Town employee who breached the system, that would be a violation of Town policy and the B.O.S. could act on that.

First Selectman Cope notes that he went over a hundred different scenarios with Tony about how and where the transmission could have been printed. He also spoke with Town employees about this situation. He says all that can be done at this point is to try to tighten up the computer security at Town Hall. He notes that Tony says there are firewalls that prevent the Town computer system from being hacked. First Selectman Cope notes that employees in Town Hall left passwords on computers in the past, and he has asked employees to stop doing this and to provide him with updated passwords. He also notes that anyone can walk into the First Selectman's office at anytime when he is not there, for example when he is at the firehouse or in the bathroom. First Selectman Cope says he will continue to work on this diligently. Selectman O'Connor asks First Selectman Cope how he thinks the message was intercepted, and First Selectman Cope does not know. The B.O.S. decides to enter Executive Session to discuss the Human Resources angle of this situation. Selectman O'Connor moves to enter Executive Session at 7:35 p.m., Selectman Jellen seconds, all in favor. Selectman O'Connor moves out of Executive Session at 7:50 p.m., Selectman Jellen seconds, all in favor. Selectman O'Connor moves that First Selectman Cope continue the investigation, Selectman Jellen seconds, all in favor.

VII. New Business

A. Statewide Emergency Preparedness Exercise Update: David Raines reports on this drill conducted July 30th and 31st. The drill simulated a category 3 hurricane, and was based on 8-10 pre-planning meetings on what would happen in the state in such a situation. 150 towns participated, logging into a statewide web emergency operation program. The goal was to play out "what if" scenarios, with curve balls tossed in. In this program, Sherman looked at their action plan. The most important element of this exercise was to test the new CL&P statewide emergency management program. All towns now have a management CL&P person assigned to them. Sherman's person will be embedded in our emergency operations. These managers have things like hot spot/micro cell phones, if we lose wireless. This program worked well for Sherman in the drill. There is also a state program to train citizens to help out in an emergency.

B. Appointments:

1. SPARK: Selectman Jellen moves to appoint Morgan Hill and Nancy Parker as co-directors of SPARK, Selectman O'Connor seconds, all in favor.
2. CLA Marine Patrol Special Constables: Selectman O'Connor moves to appoint Jason Broad, Ronald Barnard, Stephen Barteck, and David Hartman as special constables, Selectman Jellen seconds, all in favor.

C. Act on "Hold Harmless and Indemnification Agreement" – CLA Marine Patrol Special Constables: First Selectman Cope reads a Hold Harmless & Indemnification agreement between CLA and the Town regarding the CLA employed Lake Patrol Officers. In the agreement, Sherman appoints the Lake Patrol Officers as special Constables for a term of one year. Furthermore, CLA agrees to hold harmless, defend, and indemnify Sherman for any and all claims, demands, causes of action, losses, costs, expenses, damages, or liability arising from any incident, act, or omission of a Special Constable performing his duties as a Lake Patrol Officer. Selectman O'Connor moves to authorize First Selectman Cope to sign this agreement, Selectman Jellen seconds, all in favor. Selectman O'Connor asks that these types of documents be forwarded to the other Selectmen prior to meetings in the future.

D. HVCEO Grant Applications to CT OPM: Jonathan Chew (HVCEO Director) sent this letter to First Selectman Cope, which includes a Resolution of Endorsement for HVCEO Planning Grant Applications to the CT Office of Policy and Management Regional Performance Incentive Program. Selectman O'Connor moves to approve the following resolution, Selectman Jellen seconds, all in favor:

Be it Resolved that the Sherman Board of Selectmen supports and endorses grant applications by the Housatonic Valley Council of Elected officials to the CT OPM Regional Performance Incentive Program. The Sherman Board of Selectmen took this

action on August 23, 2012, when it adopted this resolution as required for this grant program by Section 5 of CT Public Act 11-61, An Act concerning Responsible Growth. The applications are attached to and made a part of this record and are summarized below:

1. Regional Plan for Permanent collection Centers for Household Hazardous Waste to reduce collection vendor fees. For the Housatonic Resources Recovery Authority, \$150,000.
2. Six Town Plan for emergency Pet Sheltering for use during major emergencies. For the Regional Animal control Services District (Bridgewater, Brookfield, New Fairfield, New Miflond, Roxbury and Sherman), \$45,000.
3. Regional Plan for functional Needs Emergency Sheltering of medically vulnerable populations. For the Housatonic Valley Regional Public Health Emergency Planning Committee (health department officials), \$85,000.

E. CIRMA Members Equity Distribution: First Selectman Cope reads a letter from CIRMA regarding presenting to the Town of Sherman and the B.O.E. a Members' Equity Distribution check in the amount of \$7,413. This is an unrestricted distribution, and CIRMA would like to know how the Town intends to use the distribution. Selectman O'Connor moves that the CIRMA Equity Distribution check in the amount of \$7,413 be directed toward expenses incurred in the 2 storms that were not reimbursed by FEMA, Selectman Jellen seconds, all in favor.

F. Leukemia, Lymphoma & Myeloma Awareness Month Proclamation: First Selectman Cope reads a resolution recognizing September as Leukemia, Lymphoma & Myeloma Awareness Month. No action is required by the B.O.S. on this resolution.

G. To Discuss the Investigation of a Possible Security Breach: This was addressed in Section VI(e) above, and in Executive Session.

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

Selectman O'Connor brings up a few items for the next agenda:

- i) cell phone bills for Town employees, to establish an equitable policy for people who do use cell phones as part of their employment.
- ii) a status report on the Public Works Department as well as a Human Resources issue regarding an employee, which she would like warned for Executive Session
- iii) Town Attorney Jeff Sienkiewicz suggested that the Selectmen meet on how they can meet the cost of litigation (estimated to be \$25,000) in an ongoing legal matter. Selectman O'Connor notes that the Town has already expended 39% of the legal funds budget. She would like to schedule a meeting with the B.O.S. to discuss this and the EFS building/architect problems with Jeff. This

could be either Executive Session at the next meeting, or a Special Meeting with Jeff after Sept. 1st.

First Selectman Cope mentions that the bathrooms at Veteran's Field are open, and they now have 2 coats of epoxy on the floor so they can be cleaned.

IX. Public Comment

Barbara Ireland comments that the Housing Commission had a consultant in the past, and suggests consulting this individual (**Leslie Biddal**) on how to bring this to the Town. With respect to the computer issue, she mentions that many workplaces have monitoring systems in place that can catch hacking as well as information not intended to leak out on the web. These systems can also report misuse and protect everyone.

Kate McConaghy suggests a more effective communication policy for the B.O.S. with the B.O.E. She refers to the recent past and budget discussions, where she perceives missteps. Specifically, there were discussions with the B.O.E. Chair (Bob Gamper) that should have gone to the Superintendent instead. She notes the B.O.E. Chair was asked for an updated position on the Facilities Manager, and he rendered his opinion without the benefit of a B.O.E. meeting. Part of the school Superintendent's criteria is being graded on how they interact with press and local government officials. Mr. Gamper is a private citizen when not sitting on the Board, and when he is a private citizen he should not be put in an awkward position.

X. Adjournment

Selectman Jellen moves to adjourn the Board of Selectmen Meeting at 8:22 PM, with Selectmen O'Connor seconding and all voting in favor.

Respectfully Submitted,
Laura Pettinato, Clerk

Clay Cope

Chris Jellen

Andrea O'Connor