

**Board of Selectman
Meeting Minutes
September 27, 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 7:00 p.m. at Mallory Town Hall. Selectman O'Connor moved to add items to the agenda, which appear in these minutes in the sections indicated below:

- i. To reconsider the allocation of the current dividend from disaster relief to court and counsel VI(H)
- ii. To discuss an equitable policy for reimbursing employees for cell phone expenses related to employment VI(G)
- iii. An update on Public Works Department VI(E)

First Selectman Cope notes he had these items under Selectman's comments on the agenda, but Selectman O'Connor says the public should be given proper warning of subjects by formally putting them on the agenda.

II. Pledge of Allegiance

III. Approval of Minutes

- a. Board of Selectmen Regular Meeting, August 23, 2012: Selectman O'Connor moves to accept, Selectman Jellen seconds, all in favor with the following amendment: The section approval of minutes should reflect that Selectman O'Connor abstained. On page 3, the proposed area behind American Pie should be referred to as "at Colonial Park, behind American Pie".
- b. Board of Selectmen Special Meeting, September 1, 2012: Selectman Jellen moves to approve, Selectman O'Connor seconds, all in favor with the following change: Selectman Jellen notes paragraph 3 should be amended to say that First Selectman Cope explained that on the advice of the Town Attorney, the meeting did not warrant Executive Session, and at that point First Selectman Cope declared it a public meeting and reserved the right to move to Executive Session if needed.

IV. Correspondence

First Selectman Clay Cope relays the following items of correspondence:

- A. A letter to the B.O.S. from Ellen Hipp, notifying them that she is retiring as Assistant Town Clerk on October 1, 2012.
- B. A letter to First Selectman Cope from Michelle Battaglia, stating that she is resigning from her position as Planning and Zoning Clerk.
- C. A letter from the State of CT D.O.T. advising that no change will be made to the passing zone on Rt 37E in the vicinity of house #35.

V. Public Comment

Gary Albert would like to see a new flag for the Senior Center, as the old one is faded. He also wants to remind people about the fund raising for community relief on Saturday, as information did not reach the papers in time. There is a baking contest, and the recipes are at the IGA.

Eric Holub (Town Treasurer) hands out financial update sheets to the B.O.S. He notes the audit is almost complete. The General Fund balance is \$875,660 – 6.8% of revenue this year, close to where it was predicted to be. For the General Fund balance, the goal is 10%, and the minimum 7%. Much of the \$440,000 transfer to Capital Nonrecurring was used for Spring Lake Road. The \$350,000 is for the school roof, and another \$300,000 for ESF.

Regarding the status of the Capital Non-Recurring Fund, Eric notes a total fund balance of \$239,872, with a YE June 2012 Fund Balance as % of revenue of 1.9%. \$73,320 is still due to the state for Greenwoods Bridge, so that is why the balance decreases from the June 20, 2012 cash balance of \$313,192. Eric further notes that there are still anticipated funds coming in from STEAP grants. On the horizon, there will still need to be work on the bridge at Old Greenwoods Extension. Eric notes that while the EFS is not completely finished, there should be adequate funding set aside for that right now.

Regarding Additional Balances/Obligations, Eric comments on the Defined Benefit Pension that the actuarial value is underfunded by \$244,751, and the actuary is recommending annual contributions of \$61,286. We've budgeted \$47,929 so there is a shortfall of \$13,357. Recent and committed long term debt issuances total \$10,250,000 and this includes infrastructure repairs, ESF, open space Towner Hill, Happy Acres bonding, Happy Acres mortgage to Owner, and the library expansion.

VI. Old Business

A. Progress report on Town Projects

1. Emergency Services Facility Project: First Selectman Cope notes that the bonding company requested that Merit provide a Project Schedule, so they can make progress payments. First Selectman Cope says several sub-contractors did not come to work on

Monday, because they had not received checks. They came back to work on Tuesday. DEPCO is back doing HVAC, Merit has been installing ceiling stairs, and there is finally an up tick in work. Selectman O'Connor inquires what work has been done from Monday through Thursday, and First Selectman Cope believes that approximately 80% of the items in print on the schedule have been completed: the electrical above the ceiling and elevator shaft is done, DEPCO began the lower level vent system finish out, the boiler breeching is done, the 2 remaining interior doors door may not have the hardwood done. The trophy case finishes are done, trophy case glass and mirrors are supposed to be here tomorrow.

2. Sherman Library expansion project: Karen Cushine (Library Board President) notes a new G.M.P. was presented at the annual meeting. The ceremonial groundbreaking will be 9:30 am on Friday, October 5th. Construction will begin the week of the 15th, the easement will be complete and filed early next week. The B.O.E. and parents had strong concerns about the library using the space at the school, so now the library is looking for another place in Town. All the library programs will be offsite, and book discussions will be at the senior center. The library will close on Oct. 3rd to prepare for the move, people can return items up to the 14th. The total construction costs are \$2,526,615. Selectman Jellen recommends a meeting between the B.O.S., the library, and Eric Holub regarding financial documentation that will be required under the lease agreement. Selectman Jellen notes a discrepancy under #4 of the lease agreement. He notes the B.O.S. agreed at the meeting with Town Attorney Jeff Sienkiewicz to a maximum of \$75,000 in expenses incurred by the Town to be charged against the grant, and the final agreement states \$50,000. Now that the lease is obsolete, the issue of who pays the \$725.00 for the drafting of the lease agreement arises. First Selectman Cope says the library is responsible for the legal expenses. Selectman O'Connor says the lease was drafted prematurely. Her concern is that the Town is not a party to this lease, so why should the Town be responsible for the fee. The library will reach out to the B.O.E. on this.

3. Spring Lake Road paving project: First Selectman Cope received a letter from the State of CT O.P.M, noting that they cannot reimburse the Town for the work related to the reconstruction of Spring Lake Road, as the funds already expended for this violate Section 1 of the Grant Award, *Use of Grant Funds*, which states that grant funds shall not, without advance written approval by the O.P.M, be obligated prior to the starting date or subsequent to the end date of the grant period. The award also stated that the day of the execution of the Notice of Grant award is when the grant period begins. The grant was considered fully executed on 6/8/12, and grant period would continue through 6/7/13. The work on Spring Lake Road was done far in advance of the contractual grant period and performed prior to even receiving the official award of the grant. This means the Town will not be reimbursed for funds already spent on Spring Lake Road. However, First Selectman Cope says there is a Section 3 in the grant, that could provide for a possible reallocation of these funds. First Selectman Cope reached out to his contact at O.P.M., and documentation must be submitted to support a

reallocation of STEAP funds. First Selectman Cope suggests trying to apply these funds to Farm Road (even though it is not a "scenic road", as specified in the grant application), as the funds have to go to a similar project, and Farm Road is in need of major repairs. Selectman O'Connor notes that at the time the bid was awarded, the B.O.S. was troubled that bids came in over what had been anticipated. The B.O.S. at the time all agreed to move forward, because of the condition of the road. She notes that the STEAP awards came in late, and she knows that a project can't be started before the award of a grant. She is fine with Farm Road as a possible substitution for Spring Lake Road. Eric notes he discussed this situation with the auditor, and how this should be presented in the financial report. He notes that because the STEAP was awarded, the plan was to get it reimbursed in last fiscal year, and they were going to report a receivable from the state, but now they can't do that. The auditor thinks they can address this as a subsequent event. Eric notes this is a messy situation, and not how they would have liked it to work out. He wonders if this issue should go to a Town Meeting, to ask for administrative spending. The priority is to get that \$150,000.

4. Fox Run detention basin project: First Selectman Cope notes that Arthur Howland and Associates are creating the bid package. Once this is awarded, construction can begin. However, this will not take place until the dry season, likely June or July 2013.

B. Public Safety Communications follow up: David Hopkins notes that Rich Touroonjian (consultant) came to Sherman to complete his data collection process. First Selectman Cope, Selectman Jellen, Marty Head, and Fire Chief Chris Pitcher joined in this. The process included examination of radio equipment and equipment on trucks, to help clarify what equipment has been installed. Existing and potential antenna sites were visited. Monty Clark, Chad Beatty, and Chris Pitcher reviewed/modified maps based on their experience. Rich will complete his analysis and work on developing steps that can improve the system and analyze technology alternatives, and the pros/cons of each alternative to be considered. Chad Beatty has taken Chris Pitcher's place on the committee. First Selectman Cope and David note that the focus now is on public safety communications systems, and not cell phones.

C. Housing Commission Update: First Selectman Cope received an email from Steve Roffwarg, regarding the Sept. 17th Housing Commission meeting, wherein the Commission voted to request funding to undertake an A-2 survey, title search, and percs and deeps on the 10-acre possible housing site, located on the 67 acre "Murphy Property". The Commission has several bids from surveyors. They request that the B.O.S. put aside a sum not to exceed \$20,000 to under take these steps. If funding is approved, this can all be done before winter this year. Much of the 67 acres will continue to be used as walking trails. 10 acres will be used for the housing. First Selectman Cope has concerns as to how the Town can afford the cost of the A-2 survey. Selectman O'Connor suggests going to a Town Meeting, to see if the people in town are interested in this and support this. Eric Holub and First Selectman Cope discuss the possibility of sending additional bills to taxpayers to cover this cost.

Selectman O'Connor notes there is money in Capital Non-recurring that could cover this. However, the people in Town should be given the opportunity to say "no" or "yes" to this concept. Selectman Jellen is not inclined to go with additional tax bills. Selectman O'Connor moves to bring this to a Town Meeting, and Selectman Jellen seconds. While First Selectman Cope has concerns with variables with this, all in favor. This item has been put on the Town Meeting for October 19th. Steve Roffwarg notes that this could all be more in the range of \$14,000 actually. He mentions the Housing Commission has been at this for over 2 years now, and they have had substantial positive feedback from a forum they had in June. He does not want to lose momentum on this, he wants to move forward.

D. Town Computer Policy/Investigation follow up: First Selectman Cope notes that Tony (Vas) at network support had been scheduled to conduct employee interviews. However, his supervisors did not want our field man to conduct interviews. The supervisors will conduct interviews, hopefully before the next B.O.S. meeting.

E. Selectmen's comments follow up: First Selectman Cope provides a Public Works Department status update. He is in constant communication with supervisors, daily schedules are created by the Supervisor, equipment is serviced and maintained on a regular basis, but equipment can't be washed. First Selectman Cope notes that if the STEAP application for the wash station isn't granted, the Public Works Supervisor and Ron Cooper attended a forum in New Milford with other Towns, regarding a HVCEO feasibility study for regional washing facilities for public works vehicles. Building maintenance has improved with bi-weekly bathroom cleanings, detention basins are installed, road maintenance is a top priority, and the Supervisor had improved communications with newly purchased equipment. Selectman O'Connor inquires about a schedule for the replacement of vehicles. First Selectman Cope notes that he and Don (Borkowski) have been working on this, but due to budget constraints they are not sure what they can acquire. In the next budget they would like some clothing apparel money, for boots etc. Selectman O'Connor notes that the thinking behind the uniform was so that the public would be able to recognize the public workers and when they are working in their job capacities, not as independent contractors.

First Selectman Cope reviews the FEMA reimbursement money received for storm Alfred (75% of all applied for funds received): applied for \$6,189.55 and received \$4,642.16 for use of trucks, fire engines, generators, man power, shelter at school, bag lunches, etc. Applied for \$42,584.75 received \$31,938.76 for chipping & removal of brush/debris. Applied for \$1,974.00 for 141 volunteer hours, received \$1,480.50. Total received from FEMA: \$38,061.00

First Selectman Cope also mentions there will likely be a need to budget for improvements at the Veteran's Field restrooms next year.

F. Human Resource Issue (Executive Session anticipated): First Selectman Cope moves into Executive Session at 8:02, Selectman O'Connor seconds, and the Selectmen recess. At 8:12 First Selectman Cope moves out of Executive Session, Selectman O'Connor seconds, and the meeting resumes.

G. Cell phone policy for public works: First Selectman Cope notes that most other Town employees are stationary. First Selectman Cope will monitor this use to see if it would be effective or beneficial to other Town employees. Selectman O'Connor notes there is a cell phone on the van for emergencies. There are other employees using cell phones in conjunction with their work who need to make calls from the field, for example the Land Use Enforcement Officer. Selectman O'Connor believes there should be some sort of policy for them. First Selectman Cope will look into this and bring some information back of what other towns are doing on this for the October meeting.

H. The CIRMA dividend: Selectman O'Connor wants to reconsider the CIRMA dividend. The question is whether to rescind the prior action/vote from the previous meeting, where it was decided to allocate it to disaster relief. Selectman O'Connor moves to rescind that prior vote, Selectman Jellen seconds, all in favor.

VII. New Business

A. Tax Refunds: Selectman O'Connor moves to approve motor vehicle tax refunds in the amount of \$1,544.07, Selectman Jellen seconds, all in favor.

B. Electricity Supplier Rate discussion and possible renewal: Ruth Byrnes has been tracking electricity costs, and she has some numbers from Constellation New Energy. First Selectman Cope suggests waiting to see what numbers come in from another company, and then voting on this at the October meeting.

C. Revaluation Bid Packages discussion and possible award: Al Garzi says three bids were received. Appraisal Resource was for \$48,000 to use our current software. Their software would be \$77,000, E-Quality Valuation services would cost \$190,000, and J.F. Ryan Associates would cost \$112,000. Al was hoping not to have to deal with the conversion, because they come with hidden expenses. Al recommends going with Appraisal Resource (he has not worked with them before), his second choice would be J.F. Ryan, but that price is almost double what was anticipated. Al does not recommend a conversion. He notes the reevaluation is being done because it is state mandated every 5 years. Al notes that mailings will be sent to residents to confirm property information and details. Selectman O'Connor moves to accept the bid from Appraisal Resource, Selectman Jellen seconds, all in favor.

D. Resignations/Appointments: Helen Bray resigned from the Zoning Board of Appeals, and in a letter from Dale Baird it is suggested that Rick Hudson be appointed to this position. Selectman O'Connor notes Rick was elected to a full position to begin in Jan.

2013, so he would be positioned from now to January as an alternate. Selectman O'Connor moves to appoint Rick Hudson, Selectman Jellen seconds, all in favor.

E. Candlewood Echoes Petition: Selectman Jellen recuses himself from this item. Candlewood Echoes has a petition requesting that the area be established as their own tax district. First Selectman Cope consulted with the Town Clerk, and this is warned for a meeting on Saturday, October 6th at Mallory Town Hall. The meeting will then be turned over to a Candlewood Echoes moderator.

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

No new items brought up.

IX. Public Comment

Willie Knaak would like people to respect the name Colonial Park for the area he has repeatedly heard referred to as "the Murphy Property". He says a contest was held decades ago to name the land Colonial Park.

Christine Lent from the Library Board of Trustees is disappointed, and she does not feel support from the B.O.S. She says the library is trying to do good things for the Town, and people will be upset when they find out it will be closed for a few months until they find a place for it. She also finds the situation with the \$750.00 owed for the lease agreement frustrating.

X. Adjournment

Selectman Jellen moves to adjourn the Board of Selectmen Meeting at 8:27 PM, with Selectmen O'Connor seconding and all voting in favor.

Respectfully Submitted,
Laura Pettinato, Clerk

Clay Cope

Chris Jellen

Andrea O'Connor