



Town of Sherman
Board of Selectmen Meeting
Sherman School Cafeteria
Friday, May 3, 2013

Attendees:

Clay Cope, First Selectman Andrea O'Connor, Selectman Chris Jellen, Selectman

Call to Order:

Meeting is called to order by First Selectmen Cope at 6:00pm, the Sherman School Cafeteria.

Pledge of Allegiance:

To be held at the beginning of the Town Meeting.

Approval of Minutes:

This has been tabled until the May 23rd meeting. Moved by Selectman O'Connor, Second Selectman Jellen; All in Favor.

Correspondence:

- Letter from ST of CT DOT regarding repairs to be done to the bridge at the intersection of Routes 37 and 39 South.

- Public Health regarding continued designation of Sherman as a HEART Safe community.

Public Comment:

- Chris McDermott: Stated that she was quite shocked at the number of trees down by the Town Beach and wondered who was supervising the project. She is concerned about erosion, etc. First Selectman Cope (FSC) stated that he and Ron Cooper were supervising and that the proposal was presented at a previous Board of Selectmen's (BoS) meeting. She also had questions about the dugout on Veteran's field. FSC stated that it was an Eagle Scout project and that he was told not to build it, but did it anyway. However, he did get approval from Parks and Rec. Selectman Jellen had stated that he was planning on bringing these subjects up in the General Discussion portion of the BoS meeting.

Old Business:

a) Progress report on Town projects

1. Emergency Services Facilities:

- Foley's has completed the chlorination. It will take 7 to 10 days to empty the well out of the chlorinated water.
- The Bonding company has decided not to continue with Allstate, the contractor for the fire suppression system. Two other contractors have been suggested: HTH out of Goshen and K&M.
- Silver Petrucelli is still working on putting together a punch list.
- The sprinklers need to be completed in order to receive a CO.
- Painting is almost done.
- Flooring peeling: The floor will be power washed and then repaired.
- The Bonding Company hired Preferred Maintenance for final clean up. They will start from the top and work their way down.
- FSC asked that Selectmen O'Connor and Jellen walk through the building next week.
- Selectman Jellen asked if the Fire Department was aware that they cannot use the building/offices yet. FSC stated that they were.
- All the screens for the windows have been placed and all are accounted for.
- All additional/left over materials that may be needed for future use are currently being stored in the elevator service room. They will need to be relocated to a more appropriate location.
- Selectman O'Connor asked about the list of items that the Town is committed to. FSC stated that he still did not have that completed but hoped to have it next week.
- Anderson installed the wiring for the light at the flag pole.
- Selectman O'Connor asked if P&Z has received the as-builts. FSC stated that Ron has them and is reviewing them now.
- Selectman O'Connor asked if the plantings are holding up. FSC stated that they were not, that maybe Public Works can do some weeding and possibly put down fresh mulch. Selectman O'Connor asked if any of the plantings had warranties. FSC stated that he did not believe so but would look into it further. FSC also stated that maybe he could ask someone, such as Victoria Taft, to supplement the plantings.

2. Sherman Library expansion Project: Mason Lord

- The roof, siding, electrical and plumbing are substantially complete.
- The cupola will be going up on Monday.
- The colors, etc have been chosen.

b) Public Safety Communications update: David Hopkins

- There has been good feedback that the Town wants better cell phone service.
- There are working on a two-part proposal regarding the scope of work.
 - First the communication needs of the Fire Department: "Bringing the 50,000 ft level down to ground level" with everything up to completion
 - Second the problem with cell phone coverage: Using the same two antenna's as the Fire Department.
- Have asked RCC for a proposal.
- Locating potential properties. Several people have expressed interest.

- RCC can proceed in parallel with the locating the property. Could probably begin implementation the proceed from there.
- FSC asked what was meant by the statement of bringing the 50,000 ft level down to ground level. Mr. Hopkins stated that it is a concept that it can work. Ground level view of what we need to do; equipment, structure placement, detail costs estimates, etc.

c) Housing Commission update:

- FSC stated that it was a very productive meeting yesterday and that many good points were made.
- Troy has provided an email to Jeff with information for wording.
- FSC asked if a formal vote was needed regarding the conveyance.
- Selectman O'Connor suggested that the BoS might want to consider the lease notion. This way the Town would still retain ownership which would allow P&Z to apply the regulations.
- Selectman O'Connor stated that she would like to think about it more.
- FSC asked who would the Town lease it to.
- Selectman Jellen stated that Jeff Sienkiewicz had said the entity was not a big deal, but the tax exemption is.
- Selectman Jellen stated that he would like to hold off. He stated that Mr. Sienkiewicz said the Town had time.

New Business:

a) Tax Refunds:

1. Property Tax for \$6,553.46: Selectman O'Connor moved, Selectman Jellen second; All in Favor.
2. Motor Vehicle Tax for \$91.53: Selectman O'Connor moved, Selectman Jellen second; All in Favor.

b) Happy Acres:

- Selectman O'Connor stated that she had met with Tony Hapanowich and that he was charmed by the Town's offer to help with mowing the fields. Mr. Hapanowich would get back to the BoS when and if he needs this help.
- Selectman O'Connor also asked Mr. Hapanowich about how he envisioned the future of Happy Acres. Mr. Hapanowich stated that the Town owns Happy Acres and they should determine it. It could be used for cattle, horses, etc.
- Selectman O'Connor also stated that Mr. Hapanowich is open to a tenant farmer, as there was space created for his brother.
- Selectman O'Connor stated that she believed there was talk of a foundation being formed and does not believe it has happened. She would be happy to work together with the Land Acquisition Fund Advisory Board and the Conservation Commission to create a plan on how to manage the farm in the future. Creating an independent foundation to manage the farm.
- Selectman O'Connor asked for the BoS blessing for these two groups to do this work.
- FSC stated that CIRMA wanted to know how many employees there were, etc. FSC and CIRMA walked the property to look at all the out buildings. The insurance policy will need to be increases to cover all those buildings.
- FSC stated that he really likes the idea of a committee consisting of LAFAB, Conservation, Private Citizen(s), possibly someone like Victoria Taft and/or an organic farmer. There may be a way to create an education agricultural program.
- Selectman O'Connor suggested Naromi also.

- FSC hoped to have the group together by the next BoS meeting on the 23rd.
- Selectman Jellen stated this to be a great idea.

c) **Hold Harmless Agreement for CLA Lake Patrol Officers:**

- Letter:

Hold Harmless and Indemnification Agreement

This Hold Harmless and Indemnification Agreement ("Agreement") is by and between The Candlewood Lake Authority ("CLA") and Town of Sherman ("Sherman") (hereinafter referred to jointly as "The Parties").

WHEREAS reference is made to a certain Memorandum of Agreement Between the Department of Environmental Protection ("DEP") and Candlewood Lake Authority for Delegation of Boating Law Enforcement Authority, signed May 2, 2012 by CLA and May 4, 2012 by the DEP, respectively.

WHEREAS CLA desires to employ Lake Patrol Officers who are permitted to enforce all of the boating laws on Candlewood Lake. The Parties agree that, as requested by CLA, Sherman shall, by and through its Chief Executive Officer, appoint Lake Patrol Officers as Special Constables of Sherman for a term of one year in accordance with Conn. Gen. Stat. § 7-92.

THEREFORE, in consideration of the foregoing, CLA agrees to hold harmless, defend, and indemnify Sherman, its officials, officers, employees, volunteers and agents, from and against any and all claims, demands, causes of action, losses, costs, expenses, damages, or liability for injury to property or persons in any manner, including any reasonable attorneys' fees and costs, which arise out of or incident to any negligent act or omission of a Special Constable of Sherman in the performance of his or her duties as a Lake Patrol Officer who was appointed Special Constable at the request of CLA, which Special Constables are set forth in Exhibit A attached hereto. In the event any such claim is presented to Sherman, Sherman shall immediately notify CLA of the claim.

This Agreement as to each Special Constable shall remain in effect for as long as the Special Constable is employed by CLA as a Lake Patrol Officer and for any claims that arose during the period[s] in which the Special Constable was a Lake Patrol Officer and ceases in the event the Special Constable is not longer employed by CLA as a Lake Patrol Officer. The indemnification provisions herein shall survive the termination of this Agreement. This Agreement shall inure to the benefit of the successors and/or assigns of The Parties.

The persons executing this Agreement on behalf of CLA and Sherman warrant and represent that they have the authority to execute this Agreement and bind their respective parties and other persons or entities described herein.

Agreed and accepted:
Candlewood Lake Authority

Town of Sherman

By: HOWIE BERGER
Duly Authorized CLA CHAIRMAN

By: [Signature]
Duly Authorized

Date: 5-8-13

Date: 5-3-13

EXHIBIT A

Ronald Barnard 35 Prindle Avenue, Ansonia, CT 06401

Stephen Bartek 192 Nashville Road, Bethel, CT 06801

David Hartman 460 Chestnut Street, Cheshire, CT 06410

- Selectman O'Connor moved to accept with respect to the Constables, Selectman Jellen second; all in favor.

d) **Parks and Rec Commissioner Appointment:**

- FSC stated that Denise DePalma would like to join the Parks and Rec commission and that Fran Frattini approves.
- Selectman O'Connor moved to appoint Mrs. DePalma to fill the position previously held by Sue Stein, Selectman Jellen second; all in favor.

e) Historic Preservation Grant:

TOWN CLERK'S OFFICE
 MALLORY TOWN HALL
 P.O. BOX 39
 9 ROUTE 39 NORTH
 SHERMAN, CONNECTICUT 06784-0039
 860-354-5281

CAROL L. HAVENS
 TOWN CLERK

RESOLVED: That Clay Cope, First Selectman, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for an Historic Preservation Grant.

- Selectman O'Connor moved, Selectman Jellen second; all in favor.
- Selectman O'Connor stated that Carol needed to be asked, "What does she plan on doing with the monies?"

General Discussion:

- Selectman Jellen requested a Special Board of Selectman's meeting to be scheduled to discuss:
 1. Violations at Veteran's Field with regards to the dugout that has been placed at the Field
 - To include the Zoning Enforcement Officer, Parks and Rec, Eagle Scout Leader and possibly the Eagle Scout
 2. To further discuss the logging on the Murphy Tract
 - To include Mr. Munch
 - A meeting has been tentatively scheduled for Thursday, May 9th 7:00pm at Mallory Town Hall.
- Selectman O'Connor asked if the window protection for the Playhouse had been put out to bid. FSC stated that he is no longer waiting for STEAP for the Playhouse bathrooms and septic, and the bid request for the window preservation is going out next week. It was asked if the BoS had the precise instruction from the Playhouse to be included in the bid.
- A representative from the Playhouse Board asked about funding for the necessary work to the electrical system. There are some safety violation that are potentially hazardous and there may not be enough money in the Sherman Player's budget to cover this. FSC stated that such expenses would come from the Capital Non-

Reoccurring fund. FSC would like three bids to be gotten and will help the Players get them. FSC will reach out to Robin or Patricia to discuss further.

- Selectman O'Connor asked about the Fox Run Retention basin. FSC stated that he hoped to be getting help with the bid language at the beginning of next week and then it will go out. Selectman O'Connor asked if he St gave its blessing. FSC stated yes.
- Selectman O'Connor stated that she had requested the legal opinions provided by Mr. Sienkiewicz as reflected in recent billings. Selectman O'Connor stated that she had spoken with Ruth and that Ruth tried to pull the bills and get the rulings. FSC stated that he should have the rest next week. Selectman O'Connor stated that the BoS/Town needs to be notified in a more timely manner.

Public Comment:

- Spring Lake Road: Finishing up the curbing in the next two weeks and a letter will be going out to residents.
- Happy Acres: Suggested that Selectman O'Connor be a part of the proposed Committee.

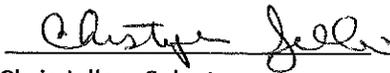
Adjournment:

Adjournment for the special meeting was called by First Selectman Cope at 7:46pm. Selectman O'Connor moved, Selectman Jellen second; All in Favor.

Respectfully submitted by,
Tabitha Fazzone, Clerk


Clay Cope, First Selectman


Andrea O'Connor, Selectman


Chris Jellen, Selectman

* Please note there is no recording because the meeting was held at the Sherman School Cafeteria.