



Town of Sherman
Board of Selectman
Regular Monthly Meeting
March 27, 2014
7:00 p.m.
Mallory Town Hall

FINAL

Members Present: First Selectman, C. Cope, Selectman B. Ostrosky and Selectman A. O'Connor

Call to Order:

First Selectman C. Cope Called the Meeting to Order at 7:03p.m.

Approval of Minutes:

BoS Regular Monthly Meeting of January 23, 2014

Selectman B. Ostrosky Moved to Approve Minutes of BoS Regular Monthly Meeting of January 23, 2014 as amended.

Seconded by: Selectman A. O'Connor Vote: For: Unanimous

BoS Special Meeting of January 27, 2014

Selectman A. O'Connor Moved to Approve Minutes of BoS Special Meeting of January 27, 2014 as amended.

Seconded by: Selectman B. Ostrosky Vote: For: Unanimous

BoS Special Meeting of February 27, 2014

Selectman A. O'Connor Moved to Approve Minutes of BoS Special Meeting of February 27, 2014 as written.

Seconded by: Selectman B. Ostrosky Vote: For: Unanimous

BoS Regular Monthly Meeting of February 27, 2014

Selectman A. O'Connor Moved to Approve Minutes of BoS Regular Monthly Meeting of February 27, 2014 as written.

Seconded by: Selectman B. Ostrosky Vote: For: Unanimous

BoS Budget Hearing March 1, 2014

Selectman A. O'Connor Moved to Approve Minutes of BoS Budget Hearing of March 1, 2014 as written.

Seconded by: Selectman B. Ostrosky Vote: For: Unanimous

BoS Budget Hearing March 5, 2014

Selectman A. O'Connor Moved to Approve Minutes of BoS Budget Hearing of March 5, 2014 as written.

Seconded by: Selectman B. Ostrosky Vote: For: Unanimous

BoS Special Meeting of March 10, 2014

Selectman A. O'Connor Moved to Approve Minutes of BoS Special Meeting of March 10, 2014 as written.

Seconded by: Selectman B. Ostrosky Vote: For: Unanimous

BoS Special Meeting of March 13, 2014

Selectman B. Ostrosky Moved to Approve Minutes of BoS Special Meeting of March 13, 2014 as written.

Seconded by: Selectman A. O'Connor Vote: For: Unanimous

BoS Budget Hearing March 13, 2014

Selectman A. O'Connor Moved to Approve Minutes of BoS Budget Hearing of March 13, 2014 as written.

Seconded by: Selectman B. Ostrosky Vote: For: Unanimous

Correspondence-

D. Hopkins- correspondence in reference to a letter written by Carol Faure and published in the Citizen News, stating the letter is incomplete and inaccurate, Mr. Hopkins said he was not consulted.

E. Mard- to Janet Hopkins, a letter of resignation from the Historic District, due to her change in residence to Florida.

A. Gingert- requesting permission to place kestrel nesting boxes at Happy Acres Farm.

Public Comment-

P. Bailey- spoke in reference to the aforementioned kestrel boxes providing articles, photographs and other related material in support of placing kestrel boxes at Happy Acres Farm.

C. Reppenhagen- spoke in reference to the Senior Affordable Housing proposal, requesting the BoS's approval of lease terms to move to a Town referendum.

S. Lamhut- spoke in reference to concerns regarding RCC /cell tower expenditures, stating if the Town had requested AT&T to provide reports in reference to the best placement of cell towers, they would have done so, free of charge. He continued, stating he felt the delay was caused for political reasons, and advised the Town not to wait for a disaster to act. In closing, Mr. Lamhut stated, Sherman deserves better.

Old Business-

Progress Report on Town Projects

Emergency Services Facility Project-

This discussion will take place later during an Executive Session.

Public Safety Commission-

First Selectman Cope stated he has reached out to AT&T, to date there is nothing new to report.

Housing Commission Update-

The BoS briefly discussed concerns regarding the following; architectural preference, no control of guaranteed availability to the residents of Sherman, and the number of units proposed.

Proposed Lease to Sherman Housing Trust, Inc. review and possible action-

Both Selectman O'Connor and Selectman Ostrosky agreed, finalizing the Lease Agreement was long overdue.

Proposed Senior Housing Lease Resolution review and possible action-

A Special BoS Meeting was set for April 2, 2014 for discussion and possible Action on an amended Lease. Upon Approval of the Lease Agreement, a Town Meeting and Referendum will be set.

Happy Acres Farm ad hoc Advisory Committee-

Acting Chair, Neil Volkmar spoke on behalf of the Committee, reading into record several Motions that were made as recommendations to the BoS at the HAFC Regular Monthly Meeting of March 19, 2014. *Please be advised, the following three Motions are extracted from the Meeting Minutes of the HAFC and are depicted within quotes and in italics to show they are not motions created by or necessarily supported by the BoS.

- “ * *J. Wozniak Moved to request the BoS consider the full perspective of the citizens of Sherman to be determined by public communication such as a write in survey to determine categories such as farm usage and funding of Farm operations. Seconded by: E. Smolen Vote: For: Unanimous*
- * *R. Lenihan Moved to recommend to the BoS to clarify what constitutes the parameters of “Maintenance” as it relates to the Trust Documents. Seconded by: L. LaVia Vote: For: Unanimous*
- * *J. Wozniak Moved to recommend to the BoS as a long term vision of the Farm be the following: maximum sustainable use of the property, community participation, environmental and agricultural education, protection of the farm as a symbol of Sherman’s enduring rural character and service to all citizens of Sherman. Seconded by: E. Smolen Vote: For:5 Abstain: 1”*

BoS Discussion continued regarding Mr. Volkmar’s willingness to continue as Chair. Mr. Volkmar stated he was willing to stay on to facilitate communication between the BoS and HAFC. Selectman O’Connor asked about the RFP Selectman Ostrosky sent to Town Counsel, adding she felt she was left out of this loop and would like to be included moving forward. Atty. Seinkeiwicz stated he will share the RFP he has been working on with the whole BoS as soon as possible. The BoS then discussed the HAFC and the possibility of forming an appointed group of five people to oversee the management of the farm, its’ Trust and other related duties. Selectman O’Connor stated she felt an independent body to oversee the Farm Trust, free of the political process would be best for Happy Acres’ future. Discussion took place in regard to the pros and cons concerning an appointed group vs. independent body. Further discussion will take place at the April BoS Regular Monthly Meeting.

ESF Rental Policy-

Discussion took place in reference to a Draft Charter Hall Rental Policy emailed to the BoS from Selectman A. O'Connor. Points discussed were: Still need a floor diagram from the Facilities Manager, to be included in the application as well as posted within the Charter Hall. Weekend Custodial rate of pay will be \$ 34.50, hourly. If food will be served at an event, custodial coverage will be required. The BoS agreed to offer non-profit organizations a 25% discount. Discussion continued in reference to the fee schedule for a full day and a half day, security and access: key vs. electronic access cards. The advantage of an access card would be the ability to limit access to certain portions of the building as well as time restrictions and the ability to deactivate the card once the rental is complete. Another option explored was charging a key deposit. Additional discussion took place regarding regular weekly cleaning of the facility ie: bathrooms & replenishment of paper products etc. The rental fees will be deposited into the General Fund.

New Business:

Historic District Commissioner Appointments-

Correspondence from Historic District Chair, Janet Hopkins was read into record in reference to the Appointment of the following: Alternate Joel Bruzinski will be appointed to complete the full Commissioner's seat vacated by Liz Mard who has resigned, the term will expire 1/1/2017. New to the Commission, Marilyn Dwyer will be appointed as an Alternate to complete the vacated Alternate seat created by Joel Bruzinski moving up to full Commissioner, this term will expire 1/1/2019. Also new to the Commission, Cynthia Osborne will be appointed as an Alternate to fill in the vacancy created by Robin Szendy who has resigned, the term will expire 1/1/2018.

Selectman A. O'Connor Moved to Appoint to the Historic District Commission; Joel Bruzinski as full Commissioner to expire 1/1/2017, Marilyn Dwyer as an Alternate to expire 1/1/2019, and Cynthia Osborne as an Alternate to expire 1/1/2018.

Seconded by: Selectman B. Ostrosky, Vote: For: Unanimous

Town Building Committee Formation discussion-

The BoS discussed what forming a Building Advisory Committee would entail. J. Keneally spoke from the audience, stating the suggestion of forming such a Committee came into discussion while the Search Committee was seeking applicants for the Facilities Manager. Stan Greenbaum also spoke from the audience, stating the thoughts were to have a representative from several departments or entities of the Town ie; BoE, Park and Rec., to meet with the Facilities Manager and discuss necessary repairs and replacements. The idea also was to oversee an expense Budget and a maintenance management plan. The BoS discussed briefly, First Selectman Cope said he will reach out to New Fairfield and Brookfield to see if there were comparable Committees and what the structure was. D. Raines also spoke from the audience, supporting the idea, stating it would be a good idea to assess the needs of buildings collectively, create a budget and prioritize the needs of projects and general over site.

Resolution for Master Municipal Agreement for Construction Projects-

Selectman A. O' Connor Resolves that the Honorable First Selectman C. Cope is hereby authorized to sign the Agreement entitled "Master Municipal Agreement for Construction Projects"

Seconded by: Selectman B. Ostrosky Vote: For: Unanimous

Resolution for Connecticut State Library for a Historic Preservation Grant-

Selectman A. O' Connor Resolves 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.

Seconded by: Selectman B. Ostrosky Vote: For: Unanimous

Resolution for State Matching Grant for Elderly and Disabled Demand Responsive Transportation ("Dial-a-Ride")-

Selectman A. O' Connor Resolves that the Town of Sherman may enter into and deliver to the State of Connecticut Department of Emergency Services and Public Protection (formerly the Department of Emergency Management and Homeland Security) any and all documents which id deems to necessary or appropriate: and Further resolved, that Clay Cope, as First Selectman of the Town of Sherman, is authorized and directed to execute and deliver any and all documents on behalf of the Board of Selectman and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

Seconded by: Selectman B. Ostrosky Vote: For: Unanimous

The BoS agreed to re-order the Agenda to allow Public Comment before the Executive Session

Public Comment:

J. Wozniak- Spoke on behalf of the HAF Outreach Sub-Committee, stating she was disappointed the First Selectman and other Selectmen did not make a point to attend a presentation the Outreach Committee had prepared specifically for them. Ms. Wozniak and several Members of the HAFc waited for several hours to present a proposal to consider creating a foundation for the farm.

First Selectman C. Cope- expressed his sincere apologies for missing the presentation, stating he was at the Hospital visiting a resident who was ill.

Selectman B. Ostrosky - stated he was unaware of the presentation.

J. Molito- Also a member of the HAF Outreach Sub-Committee shared disappointment. Mr. Molito requested the BoS reschedule the presentation, many members of the HAFc have worked long hours preparing concepts to bring educational events and opportunities to bring public awareness of the importance of the Farm. In closing Mr. Molito encouraged the BoS and attendees of this meeting to visit the Facebook page, " Friends of Happy Acres".

W. Knaak- requested the BoS to clarify the use of the funding available for HAFc, stating he was confused why there is so much discussion about the use of the farm. In closing Mr. Knaak stated he would like to continue the use as it is, with cows.

D. Raines- shared financial information in reference to the Litchfield County Dispatch funding request for FY 014-15. Last FY 2013-14 Sherman approved funding in the amount of \$ 35, 235.00, the request for FY 2014-15 is in the amount of \$ 35,713.92 an increase of approximately \$ 400.00

S. Greenbaum- recommended implementing a returnable key fee for the use of the Charter Hall.

Executive Sessions-

Selectman A. O'Connor Moved to recess the Regular Meeting at 9:15 p.m. to enter into an Executive Session to discuss Simons vs. Town of Sherman pending legal matters, the BoS invited Town Attorney, J. Seinkeiwicz into the Session.
Seconded by: Selectman B. Ostrosky Vote: For: Unanimous

I- Simons vs. Town of Sherman Litigation-

Selectman A. O'Connor Moved to close the Executive Session and reconvene the Regular Meeting at 10:05 p.m.

Selectman B. Ostrosky in connection with the case of Angela M. Simons, et al v. Connie T. Wilson et al, Danbury Superior Court # DBD CV 12 5009055 S, I move that the Board of Selectman approve the settlement terms as set forth in the Stipulation and Settlement Agreement dated February 27, 2014 as on file with the court and recorded at Volume 154, Page 734 of the Sherman Land Records.
Seconded by: Selectman A. O'Connor Vote: For: Unanimous

II- ESF Project-

No action took place.

III- Happy Acres Farm cell tower lease-

Selectman B. Ostrosky Moved to authorize the Town Attorney proceed as discussed in the Executive Session with regard to the default by Cingular Wireless P.C.S., LLC in the payment of rent.
Seconded by: Selectman A. O'Connor Vote: For: Unanimous

IV- Pending Threatened Claims against the Town

Selectman B. Ostrosky Moved to enter into an Executive Session in order to discuss threatened claims against the Town and to discuss strategy with respect to matters of collective bargaining, the BoS invited Atty. Stephen Sedor into the Session.
Seconded by: Selectman A. O'Connor Vote: For: Unanimous

No action took place.

Adjournment:

Selectman B. Ostrosky Adjourned the Meeting at 10:35 p.m.

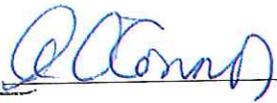
APPROVED as written at April 24th, 2014 RMM



First Selectman C. Cope



Selectman B. Ostrosky



Selectman A. O'Connor