

February 4, 2015

The meeting of the Sterling Board of Selectmen was called to order at 6:00 p.m.

Selectmen present-Russell Gray, Lincoln Cooper and John Firlik.

Staff present-Demiañ Sorrentino, Kara Fishman, and Joyce Gustavson.

Also present-Atty. Mark Block, Kevin & Elizabeth Costa, Debbie & John Benoit, Tom Orr (6:05 p.m.), Atty. Kari Olsen (6:10 p.m.), and Frank Bood (6:56 p.m.)

Pledge of Allegiance: Everyone stood to recite the Pledge of Allegiance.

Audience of Citizens: No Comment.

Approval of Minutes: J. Firlik made a motion, seconded by L. Cooper to approve the 1/21/2015 regular meeting minutes and the 1/22/2015 and 1/28/2015 special meeting minutes as presented. All voted in favor of the motion.

Unfinished Business:

a. **Commission Vacancies (Energy Committee, Family Day Committee & Zoning Board of Appeals):** No new information. L. Cooper made a motion, seconded by J. Firlik to table this item to the next meeting. All voted in favor of the motion.

b. **Excavation Ordinance:** No new information. L. Cooper made a motion, seconded by J. Firlik to table this item. All voted in favor of the motion.

c. **Family Day Committee Request for Notice Sign:** Family Day Committee canceled their January meeting due to the snow storm. L. Cooper made a motion, seconded by J. Firlik to table this item until after the February Family Day Committee meeting. All voted in favor of the motion.

d. **2015-2016 Proposed Selectmen's Budget:** Per R. Gray's request the following handouts were distributed: Local Capital Improvement Plan has a balance of \$210,198 with anticipated revenue for 3/1/2015 in the amount of \$40,587 for a total balance in the amount of \$250,785; Road resurfacing has a balance of \$33,089 for FY 2014-2015; and Town Aid Highway has a balance of \$192,124. J. Firlik made a motion, seconded by L. Cooper to schedule a workshop for Tuesday, 2/10/2015 at 6:00 p.m. in Room 15 to review and discuss the budget. All voted in favor of the motion.

e. **2015-2016 Local Capital Improvement Plan:** The current balance for the Local Capital Improvement Plan (LoCIP) is \$210,198 and the anticipated revenue for 3/1/2015 is \$40,587, for a grand total of \$250,785. Culvert replacement and road resurfacing for Gibson Hill Road was discussed. L. Cooper made a motion, seconded by J. Firlik to table this item to the next agenda. All voted in favor of the motion.

f. **Low Income Veterans:** K. Fishman, Assessor presented a draft Ordinance Increasing the Additional Veterans Tax Exemption for 100% Disabled Veterans. Under Public Act 13-224, the exemption for income-qualified veterans under §12-81g of the Connecticut General Statutes is revised to allow a municipality to increase the exemption for income-qualified, 100% disabled veterans from two (2) times the basic veteran's exemption to three (3) times the basic veteran's exemption. Basically, instead of getting a \$12,000 reduction in their assessment it will be \$18,000, a tax revenue loss of approximately \$378. The State does provide a reimbursement for the revenue loss. A copy of the draft was given to K. Olsen, the Town Attorney, for review. J. Firlik made a motion, seconded by L. Cooper to submit the proposed draft Ordinance Increasing the Additional Veterans Tax Exemption for 100% Disabled Veterans to legal counsel for review and clarification of resolution/ordinance. All voted in favor of the motion.

g. **Sterling Park Campground:** (177 Gibson Hill Road) R. Gray introduced Kari Olsen, Town attorney and Mark Block, attorney representing Sterling Park Campground. K. Costa submitted an Option Agreement between himself and the owner of the campground, Roland Toutant. Demian Sorrentino, Zoning Enforcement Officer stated that the question is, "Does K. Costa have the legal right to represent Roland Toutant in front of the Board of Selectmen". The principal and agent of Gibson Park, LLC is R. Toutant. An Option Agreement between K. Costa and E. Costa and Gibson Hill, LLC, which is a different corporation, which D. Sorrentino could not find registered with the Secretary of State.

K. Olsen asked who currently owns the property.

D. Sorrentino stated that the deed, Volume 143, Page 152 is Gibson Park, LLC. Gibson Park, LLC, according to the Secretary of State has the agent and principal as Roland Toutant.

K. Olsen asked if a Trade Name Certificate has been filed.

Kara Fishman, Assessor, stated she has a letter saying that the name of the business has changed to Gibson Hill RV Park and until they file a trade certificate name, which they have not filed to date, the personal property of the business is listed as Toutant Realty.

So the first part of the question is, does Mr. Costa have the legal right to represent Mr. Toutant or Gibson Park, LLC before the Board of Selectmen. Gibson Park, LLC was cited for the violation as the owner of the property. D. Sorrentino asked if Atty. Block has a say in that and is he here to represent Mr. Toutant or Gibson Park, LLC.

Atty. Block stated that he is representing Mr. Toutant and Gibson Hill, LLC and he is before the Board to deal with the order that the Board entered. He stated the real estate was transferred from R. Toutant to Gibson Park, LLC.

K. Olsen stated that the deed states Gibson Park, LLC and the Option Agreement states Gibson Hill, LLC.

M. Block stated he does not know why K. Costa presented the Option Agreement to the Board of Selectmen and we should forget about the Option Agreement and deal with what we have tonight with him representing Mr. Toutant; he can represent to the Board that Mr. Costa is the manager of the park and he is authorized by R. Toutant to deal with this situation and he can provide something in writing so we can deal with the issue before the Board.

K. Olsen stated that if Mr. Costa is here representing the owner of the property, she sees no reason that he cannot have the Costa's, if they have personal knowledge or facts, speak to the Board. Whatever the Board decides will be binding on the Costa's.

M. Block stated that R. Toutant foreclosed the mortgage back in the summer of 2013 becoming the owner of the property. Back taxes were paid and the park has been operating under Mr. Costa's management. As discussed earlier, the real estate was transferred to a limited liability company and he will straighten out the ownership and the names. It is his understanding that part of the issue is the year round occupancy, and it has been occupying year round residency for years, a situation that the Town has tolerated. The present problems with the park and its operations relate to a resident of the park who had a child who was registered in public school.

D. Sorrentino stated "partially" and R. Gray stated that is what brought it all about, but the Board realized that they were working against their own Town Ordinances and it was time to rectify that and either find out if they have a legal right under a "grandfather" provision or if they don't have the right, and in that case they need to move out of the campground. K. Costa is in the process of making that a 55+ gated community but that has not happened and he is long way from getting that done.

M. Block stated that he appeared in Superior Court last Friday, (1/30/2105) regarding the resident of the park who had the child registered in the school, in an eviction action, and there is a stipulating judgment against the resident and she has agreed to be out of the park by 3/18/2015. He also stated that Mr. Costa and Mr. Toutant are trying to convert the campground into an age restricted 55+ community and was reporting to the Town on several occasions within the last year. Norm Thibeault of Killingly Engineering Associates has been retained by R. Toutant to determine if the land is suitable and the number of sites that can be put on the property. To determine this, a septic analysis needs to be done. M. Block stated that Killingly Engineering Associates will do the analysis by 4/15/2015. He also stated that the third piece of this is the Board's request of the residents that are there now, on a year round basis, to vacate. The notice states March 18, and campers can return April 1, that is 12 days. It seems inconvenient to force people to vacate the place they are living for 12 days and then come back April 1st.

M. Block suggested that the Board consider vacating its order and let's see if we can make a good faith effort to determine if this property is suitable for a 55+ gated community. Knowing the Town's intent is to enforce the Ordinance and compel the people who live their year round to vacate, we can deal with that on a timely basis at the end of next season, this season is already gone.

K. Olsen stated to set the record straight and for members of the public to understand, she was first approached of this issue about two years ago and the Board of Selectmen, out of the goodness of their heart, took a step back and gave the property owner ample opportunity to do the development that they had promised. She found it ironic that N. Thibeault needs to determine if the septic system is adequate, the girl aside, this all came up well before this girl became an issue and the real concern about this is the health and safety issue, and one of the primary concerns is that the property is not properly improved for year round residency. The final straw that broke the camel's back may have been the issues with the girl, it was not the impetus for them and they really have taken a step back.

K. Olsen suggests if the Board were inclined to rescind its notice, that we have some type of stipulated understanding that if things are not squared away by the end of this next campground season, that there be an agreement so we do not have to issue another notice of violation and that whoever is residing there move out. If Mr. Costa does not comply with the agreement, then he

would still have to go to court, but we could save time and go in for immediate injunctive relief under the circumstances.

M. Block suggested if the Board were to consider rescinding the notice that he and counsel could work out a stipulation and report back to the Board of Selectmen at the next monthly meeting.

D. Sorrentino stated that this started back in 2008 and said the Town has not "tolerated" it, and now the Town has elected to take this to the next step. K. Olsen hit it on the head that out of the kindness of their hearts the Board did not want to displace people, but this has been an ongoing issue for a long time.

J. Firlik stated that the Board of Selectmen does not want the motion to be tied in to any progress reports or timelines. The Board would like the motion to be that we are willing to accept or forego this 18th (March) deadline, but when it is the end of the season, our Ordinance needs to be enforced 100 percent. They [the year round residents] are gone, regardless of any progress.

K. Olsen stated that she is here tonight to offer suggestions; it is up to the Board to decide how they want to proceed. She also stated that Atty. Block did reach out through Atty. Zizka, from her office; however, she did not receive the email until yesterday and did not have an opportunity to speak to Atty. Block prior to this meeting. It is her understanding she was coming tonight to give suggestions and she felt compelled, as she kept hearing about the school children issue to speak her piece.

K. Olsen stated that the motion should include that in consideration of extending the deadline to the end of the season that a new notice of violation will not have to be issued and the campground is waiving their right to an additional hearing after that date.

M. Block wanted to be clear that he is not waiving his right to come before the Board.

J. Firlik stated absolutely, you can come before the Board anytime and we would appreciate any progress update, but not tied in to the deadline which is being set.

D. Benoit, a resident of the campground stated that this is the first time she actually gotten involved. Bruce Henry, the previous owner never shared anything with anyone. She asked the Board, what is she to do, she loves it there and this is her home, you are playing with our lives.

K. Olsen stated, unfortunately, it is not legal for you to be living there year round. It is fine during campground season.

J. Firlik made a motion, seconded by L. Cooper to extend, not rescind, the period of which we request the evacuation from the property to the end of the regular campground season, (September 30, 2015) and this is not connected to any progress that is being made and the property owner has agreed that no new notice of violation or hearing will be required in consideration of the extension. All voted in favor of the motion.

L. Cooper stated that he feels this is a reasonable approach to resolving this issue; as far as he is concerned, there are two (2) issues here and this is the one that deals with the Ordinance and he is glad that the motion was made to deal with just the Ordinance.

New Business:

a. **Notice of Violation & Order -15 Old Greenwich Road:** J. Gustavson stated the agenda has the mailing address as 31 Bailey Road, but the Notice of Violation is 15 Old Greenwich Road. D. Sorrentino, Zoning Enforcement Officer, submitted a copy of the letter, dated 1/23/2105 (copy on file) notifying Thomas Orr (record owner of the property) of the Notice of Violation & Order for a prohibited mobile home and unpermitted construction activities for property located at 15 Old Greenwich Old. R. Gray stated that D. Sorrentino could not find any record of any permits. T. Orr stated that he knew nothing of what was going on except Mitch Boileau (resident) wanted permission, to set up his camper on the property, and I told him he

could set it up for the time being but to get everything he needed that is required by the Town. T. Orr submitted a building and zoning permit application, pictures of a house, septic and well information to re-build farm help-house, which D. Sorrentino will review. The original house was burned down as a fire training exercise. The camper is occupied approximately two to three (2/3) days a month as the resident works out of state. D. Sorrentino will work with T. Orr and review the paperwork. J. Firlik made a motion, seconded by L. Cooper to have D. Sorrentino review the building and zoning permit application and work with the applicant. All voted in favor of the motion.

b. Request for Refund of Excess Tax Payments: J. Firlik made a motion, seconded by L. Cooper to approve the request for refunds to: 1) Contract Loan Company, PO Box 281, North Kingstown, RI 02852 for \$54.37; 2) Sterling Hills, LLC, 30 Riverview Dr., North Providence, RI 02904 for \$290.12; 3) Acar Leasing, LTD, 4001 Embarcadero Dr., Arlington, TX 76014 for \$67.13; and 4) Leonce S. Bedard, 186 Main St., Sterling, CT 06377 for \$400.00. All voted in favor of the motion.

c. Road Sweeping: R. Gray stated every year the Town sweeps the roads. The Department of Energy and Environmental Protection (DEEP) has a bill before the legislation that changes the requirements for street sweeping, cleaning of catch basins, leaf-collection and the monitoring of storm water discharges. M. Bourque has performed the road sweeping every year and has sold the sweeper. R. Gray reported that he made a deal with the Town of Voluntown that they will sweep our roads and we will assist them with sweeping their roads.

d. FY 2013-2014 Selectmen Budget Transfer Requests: J. Gustavson reported that she inadvertently omitted this from the Selectmen's agenda. The Board of Finance approved the FY 2013-2014 Selectmen Budget Transfer Requests with an email vote in December of 2014 and this was confirmed at the Board of Finance meeting held on 1/14/2015 in the amount of \$107,593. L. Cooper made a motion, seconded by J. Firlik to ratify the Board of Finance's findings to confirm the appropriation for FY 2013-2014 budget transfers in the amount of \$107,593. All voted in favor of the motion.

Any Other Business: K. Fishman asked what the status is for property located at 151 Porter Pond Road with the numerous unregistered motor vehicles. D. Sorrentino reported that he mailed a notice of violation and has not received a response from the homeowner.

Adjournment: J. Firlik made a motion, seconded by L. Cooper to adjourn 7:11 p.m. All voted in favor of the motion.

Attest: 
Joyce A. Gustavson, Recording Secretary

STERLING BOARD OF SELECTMEN
2013-2014 BUDGET TRANSFER REQUEST

STERLING BOARD OF SELECTMEN
2013-2014 BUDGET TRANSFER REQUEST

TRANSFER FROM

TRANSFER TO

<i>Audit</i>	
AUDIT	1,700.00
BOOKKEEPING	1,000.00
<i>Building Enforcement</i>	
EMERGENCY FUND	200.00
<i>Cemeteries</i>	
CARE OF SOLDIERS GRAVES	400.00
CEMETERY FUND	200.00
MEMORIAL DAY PARADE	300.00
<i>Employee Benefits</i>	
FICA/MEDICARE	200.00
RETIREMENT CONTRIBUTION	500.00
<i>Highways</i>	
BRIDGES & REPAIR	2,000.00
EQUIPMENT & REPAIRS	1,110.00
ROAD RESURFACING	23,000.00
<i>Insurance and Bonds</i>	
BONDS	400.00
FIRE/LIABILITY PACKAGE	1,500.00
PUBLIC OFFICIAL/EMP. LIAB.	1,000.00
VEHICLE INSURANCE	1,500.00
<i>Professional Expenses</i>	
LEGAL SRVCS. - TOWN COUNS.	10,000.00
P&Z LEGAL EXPENSES	4,000.00
P&Z SUBDIVISION EXPENSES	1,278.00
PROBATE COURT EXPENSES	200.00
TOWN ENGINEER	5,000.00
<i>Public Safety</i>	
HOMELAND SECURITY	400.00
TRAINING	200.00
<i>Revenue Collectors</i>	
COMPUTER SERVICES	861.00
<i>RPJ Community Center</i>	
TELEPHONE FOR ALARM	226.00
<i>Sanitation Control</i>	
V/S TRANSFER STATION	12,363.00
<i>Stationery/Printing/Postage</i>	
STATIONERY	1,232.00
<i>Town Clerk</i>	
MICROFILMING	308.00
VERIFICATION	600.00
VITAL STATISTICS	94.00
<i>Town Garage</i>	
MAINTENANCE	50.00
<i>Town Hall Expenses</i>	
CONFERENCE AND DUES	500.00
EDUCATION/TRAINING	600.00
HEAT	4,107.00
LIGHTS	5,800.00
MAINTENANCE	200.00
MILEAGE - TOWN BUSINESS	244.00
OE PURCHASE/REPAIR	1,200.00
OE LEASE	480.00
UNEMPLOYMENT COMP.	2,400.00
<i>Town Memberships</i>	
CCM	100.00
NECCOG	150.00
<i>Wages</i>	
BOARD OF ASSESSMENT APPL.	150.00
ELECTION WRKRS & REGIST.	1,800.00
HIGHWAY DEPT - WRKS/MAINT	9,086.00
RECORDING SECRETARY	1,000.00
RPJ CENTER JANITOR	800.00
SITE MANAGERS MEALS - S.C.	1,668.00
TOWN CLERK	2,623.00
WATER METER READER	1,863.00
ZONING ENFORCEMENT OFFIC.	1,000.00
TOTAL TRANSFERS FROM:	107,593.00

<i>Animal Control</i>	
DOG DAMAGE	144.00
SUPPLEMENT	32.00
<i>Assessor</i>	
COMPUTER SOFTWARE	850.00
MAPPING UPDATES/SUPPLIES	1,743.00
PRICING GUIDES	594.00
<i>Audit</i>	
OTHER AUDIT COSTS	830.00
<i>Employee Benefits</i>	
BLUE CROSS/BLUE SHIELD	1,744.00
<i>Highways</i>	
CONTRACTED SERVICES	6,080.00
<i>Insurance and Bonds</i>	
WORKERS COMPENSATION	3,855.00
<i>Professional Expenses</i>	
ENGINEERING SERVICES	1,688.00
INLAND WETLANDS - PROF.	1,602.00
SPECIAL LEGAL SERVICES	562.00
<i>Public Safety</i>	
PARAMEDIC INTERCEPT	990.00
STREET LIGHTS	1,421.00
<i>Revenue Collectors</i>	
REFUNDS	13,721.00
<i>RPJ Community Center</i>	
HEAT	564.00
LIGHTS	920.00
MAINTENANCE	4,029.00
<i>Snow Removal</i>	
CONTRACTED SERVICES	23,315.00
EQUIPMENT MAINTENANCE	614.00
MATERIALS	11,512.00
<i>Stationery/Printing/Postage</i>	
POSTAGE	607.00
PRINTING	281.00
<i>Town Clerk</i>	
HISTORIC PRESERVATION	250.00
COMMUNITY INVESTMENT	4,000.00
<i>Town Garage</i>	
HEAT	3,495.00
LIGHTS	452.00
SUPPLIES	188.00
TELEPHONE	504.00
<i>Town Hall Expenses</i>	
SUPPLIES	1,851.00
TELEPHONE	1,137.00
<i>Wages</i>	
BUILDING OFFICIAL	173.00
SNOW REMOVAL	17,297.00
WETLANDS AGENT	548.00
TOTAL TRANSFER REQUESTS TO:	107,593.00