

August 5, 2015

The meeting of the Sterling Board of Selectmen was called to order at 6:01 p.m.

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

Staff present-Joyce Gustavson, Demian Sorrentino (6:30 p.m.) and Kara Fishman (6:05 p.m.).

Also present-Betsy Chamberland, Kimberly Bettencourt, Andy Tetreault, and Ethel Tetreault.

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

Audience of Citizens: K. Bettencourt inquired about a piece of land that she is interested in purchasing off of Margaret Henry Road and Snake Meadow Road that a Town Right-of-Way, known as Main Street goes through. D. Sorrentino, Zoning Enforcement Officer stated that the deed is on file, but not the map. Dutch Associates recently completed a survey for Phyllis Bellavance who owns the two parcels that are for sale. If the Town sells the Right-of-Way, lots with no frontage would be able to get frontage to make them conform to Zoning. Before the Town can sell, a survey needs to be done on the parcels, the Planning and Zoning Commission would need to review an 8-24 to make sure the parcels are consistent with the Plan of Conservation and Development and finally a Town meeting to get approval to sell the Right-of-Way. The first step is for the Town to hire Dutch Associates and have the land surveyed.

Approval of Minutes: L. Cooper made a motion, seconded by J. Firlik to approve the 7/15/2015 regular meeting minutes and the 7/29/2015 special meeting minutes as presented. All voted in favor of the motion.

Unfinished Business:

a. Commission Vacancies (Economic Development Commission & Sterling Recreation Authority): 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.

New Business:

a. Request for Refund of Excess Tax Payments: J. Firlik made a motion, seconded by L. Cooper to approve the request for refunds to: 1) Amy Beauregard & Susan Thomas, 46 Jared Hall Hill Road, Sterling, CT 06377 for \$1,603.86; 2) Leslie Bourque, 144 Snake Meadow Hill Road, Sterling, CT 06377-1609 for \$90.97; 3) Elaine R. Durrigan, 230 North Sterling Road, Sterling, CT 06377 for \$63.00, \$94.50 and \$94.80; 4) Jeffrey R. Felker, PO Box 7, Oneco, CT 06373-0007 for \$26.38; 5) Mark S. Gercich, PO Box 266, Sterling, CT 06377-0266 for \$46.38; 6) Germani Law Offices, 931 Jefferson Boulevard, Suite 2006, Warwick, RI 02886 for \$2,049.08; and 7) Harold A. Robbins, Jr. & Deborah A. Robbins, 201 Ekonk Hill Road, Moosup, CT 06354-2215 for \$11.03, and \$9.80. All voted in favor of the motion.

b. Consider & Act on Re-Appointments to Zoning Board of Appeals – S. Offiler, R. Lassar, & D. LeDuc: L. Cooper made a motion, seconded by J. Firlik to re-appoint Stephen Offiler, 638 Snake Meadow Hill Road, Sterling, CT 06377, Robert Lassar, 88 Gibson Hill Road, PO Box 127, Sterling, CT 06377, and Diane LeDuc, 7 Old Cranston Road, Sterling, CT 06377 for a three (3) year term expiring 8/12/2018 to the Zoning Board of Appeals. All voted in favor of the motion.

c. Removal of Alternate Member of Zoning Board of Appeals – J. Perry: L. Cooper made a motion, seconded by J. Firlik to not re-appoint Alternate Jim Perry, 65 Barber Road, Sterling, CT 06377 to a three (3) term expiring 8/12/2018 to the Zoning Board of Appeals due to lack of attendance. All voted in favor of the motion.

d. Consider & Act on 25 Year Ground Lease Extension and Resolution: L. Cooper made a motion, seconded by J. Firlik to adopt the following 25 year Ground Lease Extension and Resolution to SBA Infrastructure, LLC for the cell tower, located at 24 Exeter Drive, Sterling, CT 06377.

Resolution

WHEREAS, the shareholders and board of directors of the Corporation on the 5th day of August, 2015, duly adopted a resolution for an Amendment to Lease (“Amendment”) on the property described in Exhibit “A” to **SBA Infrastructure, LLC** (“SBA”), to amend the Lease, dated May 17, 2006, as evidenced by that certain Notice of Lease recorded June 13, 2006, in

Volume 115, Page 862, and ultimately assigned to SBA, as evidenced by that certain Memorandum of Assignment recorded September 24, 2012, in Volume 137, Page 242, both recordings of the Town of Sterling, Windham County, Connecticut, as amended and assigned from time to time ("Agreement") to SBA by and between the Corporation as Lessor and SBA, as Lessee.

RESOLVED, the Corporation shall be and is hereby authorized and directed to grant the Amendment and in connection therewith Russell M Gray, as First Selectman, of the Corporation, is hereby authorized, empowered and directed to execute and deliver for, on behalf of, and in the name of the Corporation, the Amendment, and any and all documents in connection with the Agreement as First Selectman, or the signing officer in his/her sole and absolute discretion deems to be in the best interest of the Corporation; and it is

Further Resolved, that Russell M. Gray be and is hereby authorized to execute in the name and on behalf of this Corporation, to take or cause to be taken, any and all actions necessary to enter into, execute, deliver and perform the Amendment and any and all documents and documentation (all of which are to be in the form and substance as the person executing the same may deem necessary or desirable, the execution thereof by Russell M. Gray, is conclusive evidence of approval of such form and substance by Russell M. Gray, that may be required or contemplated under the terms of the Agreement and to do any and all things which in his/her discretion he/she may deem to be necessary or appropriate in connection with or in furtherance of the forgoing resolution; and it is

Further Resolved, that the signature of Russell M. Gray on the Amendment, and any other documents and instruments executed in connection therewith or pursuant thereto shall be conclusive evidence of his/her authority to execute and deliver such instruments or documents.

Further Resolved, that all actions previously taken by the Corporation in connection with the Amendment, and the transactions contemplated by the foregoing resolution thereby be and they hereby are adopted, ratified, confirmed and approved in all respects.

All voted in favor of the motion.

e. Keith Richards, 7 Pond Street – Damage to Fence from Past Winter: Keith Richards sent an email to the Board of Selectmen dated 7/27/2015 requesting financial help for damage done this past winter by pay loaders and plows to his fence for property located at 7 Pond Street (copy on file). R. Gray reported that the damage done to the fence was not the result of a Town plow or pay loader, but was told it was a State loader; and when the bridge was being cleared, the State loader scooped the snow from the bridge and dumped the snow on the fence. The pictures indicate that the fence was rotten. J. Firlik made a motion, seconded by R. Gray to deny Keith Richard's request for partial reimbursement to repair the damaged fence resulting from this past winter as the fence was rotten and it was not a Town truck that dumped snow on the fence; however, a State loader when the snow was scooped from the bridge and dumped on the fence. All voted in favor of the motion.

f. Consider & Act on Request for Refund for Driveway Apron Bond #07-01 – D. Lane, 468 Main Street - \$500.00: On 1/16/2007 Darryl Lane submitted an application for driveway construction permit to the Board of Selectmen to gain vehicle access to the back of his property. The application was approved on 1/16/2007. On 10/24/2007 Inland Wetlands Agent, Joe Theroux issued a Cease and Desist stating that it was a violation of the Land Use Ordinance to construct the driveway within ten feet of any side or rear lot line or if it is an internal access drive, it could not be located within the 25 foot side yard setback areas. J. Theroux reported that the project for the second driveway has been abandoned, and upon inspection finds that grass has

grown in preventing access and requests that the Board of Selectmen return the bond in the amount of \$500.00. L. Cooper made a motion, seconded by J. Firlik to table this action and have R. Gray go to the property and check to see if the second driveway is impassable. All voted in favor of the action.

g. Consider & Act on Proposals by Matthew Cooper to Scrape, Paint & Caulk the Gym Entrance (Columns, Window & Door Trim)-\$500; Repair Window Trim on Front Municipal Entrance (Clean, Prime, & Paint Gable End, including Shutters)-\$1,125 at Sterling Municipal Building, 1183 Plainfield Pike, Oneco, CT: Matthew Cooper submitted two proposals for work to be done at the Sterling Municipal Building, 1183 Plainfield Pike, Oneco, CT. The first proposal is to scrape, paint, and caulk the front entrance to the gym for \$550, including material and labor; the second proposal is to repair the window trim on the front main entrance gable of the building, including cleaning, priming, and painting the gable end and priming and painting the shutters for \$1,125 (\$325 for material and \$800 for labor). J. Firlik made a motion, seconded by R. Gray to have Matthew Cooper paint, scrape, and caulk the gym entrance including the columns, window and door trim for \$500 including material and labor and to clean, prime and paint one (1) gable at the main entrance of the building, including cleaning, priming, and painting the gable end and priming and painting the shutters for \$325 for materials and \$800 for labor for a total of \$1,125 at the Sterling Municipal Building, 1183 Plainfield Pike, Oneco, CT. All voted in favor of the motion.

h. Consider & Act on Regional Revaluation Program Resolution: Kara Fishman, Assessor, stated the Northeastern Connecticut Council of Governments (NECCOG) sent out and received responses to a request for proposals for reappraisal and revaluation services related to a regional revaluation program, and the responses show that there are projected savings resulting from a regional revaluation program for the Town. L. Cooper made a motion, seconded by J. Firlik to adopt the following resolution.

Resolution

WHEREAS, Section 2 of Public Act 09-60 provides that “any two or more towns may enter into an agreement, as provided in section 7-148cc of the general statutes, to establish a regional revaluation program. Towns participating in such an agreement shall provide for the revaluation of all parcels of real property encompassed within such towns at the same time and not less than once every five years, or shall annually revalue approximately one-fifth of all such parcels over a five-year period” (the “Public Act”); and

WHEREAS, the Town of Sterling wants to establish and enter into a regional revaluation program with the [Town of Ashford, Town of Brooklyn, Town of Canterbury, Town of Chaplin, Town of Eastford, Town of Killingly, Town of Plainfield, Town of Pomfret, Town of Putnam, Town of Scotland, Town of Sprague, Town of Sterling, Town of Thompson, Town of Union, Town of Voluntown and Town of Woodstock] (along with the Town, each is a “Participating Town” and together all are the “Participating Towns”); and

WHEREAS, pursuant to the Public Act, any agreement to establish a regional revaluation program shall establish or designate an entity, which may be a regional planning organization, as the coordinating agency for implementation of the regional revaluation program; and

WHEREAS, the Town wants to designate the Northeastern Connecticut Council of Governments, a regional council of governments (“NECCOG”) as the coordinating agency; and

WHEREAS, NECCOG has sent out and received responses to a request for proposals for reappraisal and revaluation services related to a regional revaluation program, and the responses show that there are projected savings resulting from a regional revaluation program for the Town; and

WHEREAS, the Town must approve the Town entering into the Regional Revaluation Contract with the Contractor, NECCOG and the other Participating Towns and the Agreement Regarding Services Related to Regional Revaluation Contract with NECCOG and the other Participating Towns, as required by Section 7-148cc of the Connecticut General Statutes.

NOW THEREFORE, BE IT RESOLVED, THAT:

1. The Town is authorized to enter into the regional revaluation program with the other Participating Towns.
2. The Town hereby designates NECCOG as the coordinating agency for the implementation of the regional revaluation program.
3. Russell M. Gray of the Town is authorized to enter into the Regional Revaluation Contract, in substantially the form presented to the Town, and the Agreement Regarding Services Related to Regional Revaluation Contract, in substantially the form presented to the Town. The Authorized Officials may negotiate or make changes to the Regional Revaluation Contract and the Agreement Regarding Services Related to Regional Revaluation Contract that they determine in their discretion are in the best interests of the Town. The Authorized Officials are authorized to enter into amendments to the Regional Revaluation Contract and the Agreement Regarding Services Related to Regional Revaluation Contract.
4. The full faith and credit of the Town are pledged to the payment obligations of the Town under the Regional Revaluation Contract and the Agreement Regarding Services Related to Regional Revaluation Contract.
5. The Authorized Officials are also authorized to take or cause to be taken any and all such actions and to deliver any and all such documents, instruments or certificates as may be required in connection with the regional revaluation program, the Regional Revaluation Contract and the Agreement Regarding Services Related to Regional Revaluation Contract.
6. The Authorized Officers shall take or cause to be taken any and all such additional actions deemed necessary by such Authorized Officers to be in the best interest of the Town to carry out the intent of the preceding resolutions.
7. All prior acts of the Authorized Officers in connection with the regional revaluation project, are hereby approved, ratified and confirmed in all respects.

All voted in favor of the motion.

i. Discussion on Excavation Regulations vs. Excavation Ordinance: J. Gustavson reported that when the Planning and Zoning Commission adopted the Excavation Ordinance under the Zoning Regulations on 3/24/2015 with an effective date of 4/4/2015 the Ordinance was not rescinded. In email communications with Kari Olsen, the Town Attorney, it was advised to adopt the new regulations as an amended excavation ordinance, replacing the old one and removing it from the Zoning Regulations as the Selectmen are expected to enforce them. The excavation regulations are more enforceable under the Planning and Zoning Commission, but it is the Selectmen who issue the fees. J. Firlik made a motion, seconded by L. Cooper to table action on this item and have Jamie Rabbitt, Town Planner come to the Selectmen's meeting at 6:00 p.m. on Wednesday, 8/19/2015 for further discussion. All voted in favor of the motion.

Any Other Business: None.

Adjournment: J. Firlik made a motion, seconded by L. Cooper, to adjourn 6:52 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary