

August 19, 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-Joyce Gustavson, Jamie Rabbitt (6:05 p.m.) and Kara Fishman (6:25 p.m.).

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

Audience of Citizens: None.

Approval of Minutes: L. Cooper made a motion, seconded by R. Gray to approve the 8/12/2015 regular meeting minutes as presented. Two voted in favor of the motion and one abstention.

Unfinished Business:

a. Commission Vacancies (Economic Development Commission, Sterling Recreation Authority, & 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. Discussion on Excavation Regulations vs. Excavation Ordinance: To clarify the confusion regarding having excavation as an Ordinance and included in the Zoning Regulations, Jamie Rabbitt, Town Planner received an email dated 8/18/2015 from Mike Zizka, legal counsel. In Attorney Zizka's email, he states Section 7-148(c)(8) of the Connecticut General Statutes, which allows, with one very important exception, the adoption of ordinances to "regulate the filling of, or removal of, soil, loam, sand or gravel from land not in public use in the whole, or in specified districts of, the municipality, and provide for the reestablishment of ground level and protection of the area by suitable cover." The major exception is "Except where there exists a local zoning commission." J. Rabbitt stated that when zoning was created, it took away the police powers from the Board of Selectmen and the powers to regulate excavation fell under Planning and Zoning. In M. Zizka's email, he states that the reason for keeping the ordinance intact despite the new regulations is as follows: If the ordinance is repealed, and zoning is later repealed in Sterling, the Town would be without any excavation regulations. If the ordinance is not repealed, however, Section 7-148(c)(8) provides a valid reason for ignoring it as long as the zoning commission continues to exist; the ordinance would be "statutorily superseded" by the zoning regulations. And since the Selectmen would be doing the enforcement under either method, there should be no practical reason for the continued existence of the ordinance to become an issue (copy on file).

c. Town Right-of-Way – Margaret Henry Road & Snake Meadow Hill Road: R. Gray reported that he did not have a chance to talk with the residents in regards to splitting the surveying cost. If the Town sells the right-of-way, lots with no frontage would be able to get frontage, which would make those lots conform to zoning. L. Cooper made a motion, seconded by J. Firlik to table action on this item until the next meeting. All voted in favor of the motion.

New Business:

a. Discussion on Website – Community Links & Protocols: K. Fishman reported that J. Gustavson received an email, dated 8/4/2015 from the Last Green Valley requesting that we post a link on the Town's website. Currently we have no page, place or policy to link outside entities. It was the consensus of the Board of Selectmen that this shall fall under Economic Development and the links could be used as a tool under a "visitor's page" or "things to do page" to highlight Sterling.

b. Application for Driveway Construction Permit for 167 Main Street: Thomas Guillot has submitted an application for a driveway construction permit dated 8/13/2015. R. Gray made a motion, seconded by J. Firlik to approve the application for a driveway construction permit for property located at 167 Main Street. All voted in favor of the motion.

Any Other Business: 1) R. Gray discussed J. Rabbitt's role in assisting the Planning and Zoning Commission; specifically after the late meeting start the Commission had in July. R. Gray stated that he would like to see the Commission make their own decisions and become less dependent on the Town Planner especially on routine applications. J. Rabbitt reported that the Chairman contacts him prior to a meeting to go over agenda items and he will continue to work with the Commission during the workshop sessions regarding the procedural process. 2) **Request for**

Refund of Excess Tax Payments: L. Cooper made a motion, seconded by J. Firlik to approve the request for refunds to: Andrew L. Tetreault, 16 Sawmill Hill Road, Sterling, CT 06377-1409 for \$140.93. All voted in favor of the motion.

Adjournment: L. Cooper made a motion, seconded by R. Gray, to adjourn 6:58 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary