

December 5, 2018

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-Demian Sorrentino and Joyce Gustavson.

Also present- Frank Bood, Zachary Buckland, Damon, Holly and Shea Hannan, Michael and Casey Toth, and Michael and Ericka Toth.

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

Audience of Citizens: F. Bood requested clarification of the Ordinance Concerning the Purchasing Procedures to assist the Commissions/Boards when it comes to the bidding process. He is looking for a formatted structure so Commissions/Boards can better understand and execute bids and purchases to save time and money rather than struggling to understand what can be purchased outright as opposed to going out to bid. R. Gray stated that F. Bood could draft a formal sheet and present it to the Board of Selectmen.

Approval of Minutes: L. Cooper made a motion, seconded by J. Firlik to approve the 11/7/2018 meeting minutes as presented. All voted in favor of the motion.

Unfinished Business:

**a. Commission Vacancies (Inland Wetland & Watercourses Commission, Family Day Committee, Economic Development Commission, and Planning & Zoning Commission):** J. Gustavson stated that an appointment to the Family Day Committee shall be made later tonight. J. Firlik made a motion, seconded by L. Cooper to table this item to the next meeting. All voted in favor of the motion.

New Business:

**a. Request of Refund of Excess Tax Payments:** J. Firlik made a motion, seconded by L. Cooper to approve the request of refunds to: 1) Hyundai Lease Titling Trust, 4100 Wildwood Parkway, Atlanta, GA 30339-8400 (mail to: 3161 Michelson Drive, Suite 1900, Irvine, CA 92612) for \$220.29; 2) Sheila and Theodore, Parsons, Jr., 1370 Plainfield Pike, Sterling, CT 06377 for \$59.50; 3) Thomas R. Scherp, 301 Church Street, Sterling, CT 06377-2012 for \$15.97; and 4) Vault Trust, 200 Renaissance Center MC482B, Detroit, MI 48265-0001 (mail to: Ally Financial, Louisville PPC, PO Box 9001951, Louisville, KY 40290-1951) for \$495.96. All voted in favor of the motion.

**b. Consider & Act on Appointment of Michael Rouillard (4 yr. term expiring 1/2/2020) to Family Day Committee:** J. Firlik made a motion, seconded by L. Cooper to appoint Michael Rouillard, 228 Pine Hill Road, Sterling, CT 06377 to a four (4) year term expiring 1/2/2020 replacing Kim Griffin to Family Day Committee. All voted in favor of the motion.

**c. Consider & Act on Appointment of Kim Smith-Barnett as an Alternate to the Planning & Zoning Commission (3 yr. term expiring 12/1/2020):** L. Cooper made a motion, seconded by J. Firlik to appoint Kim Smith-Barnett, 31 Porter Pond Road, Moosup, CT 06354 as an alternate member to a three (3) year term expiring 12/1/2020 replacing Walter Moriarty to Planning & Zoning Commission. All voted in favor of the motion.

**d. Resignation of Nathan Jordan from Energy Committee:** R. Gray reported that he received a letter dated 11/2/2018 from Nathan Jordan stating "At this time I would like to submit my resignation, effective immediately, from the Energy Committee. As much as I enjoyed being part of the Committee, my schedule is preventing me from attending future meetings. I wish everyone the best" (copy on file). J. Firlik made a motion, seconded by L. Cooper to accept Nathan Jordan's resignation from the Energy Committee with regrets. All voted in favor of the motion.

**e. Consider & Act on Appointment of Russell Bonner (3 yr. term expiring 11/7/2020) to the Energy Committee:** L. Cooper made a motion, seconded by J. Firlik to appoint Russell Bonner, 530 Sterling Road, PO Box 223, Sterling, CT 06377 to a three (3) year term expiring 11/7/2020 replacing Nathan Jordan to Energy Committee. All voted in favor of the motion.

**f. Request for Refund for Driveway Apron Bond #15-04 – Alex Jordan – 378 Margaret Henry Road:** R. Gray reported that Alex Jordan has requested release of driveway apron bond #15-04 in the amount of \$1,500. R. Gray approved the driveway apron has been installed properly. J. Firlik made a motion, seconded by L. Cooper to release driveway apron bond #15-04 in the amount of

\$1,500 to Alex Jordan, 378 Margaret Henry Road, Sterling, CT 06377. All voted in favor of the motion.

**g. Request for Refund of Cash Bond for Erosion & Sedimentation/Wetlands Remediation in the Amount of \$2,500 – Richard LaFleche – 0 Sterling Road:** L. Cooper reported that at the Inland Wetland and Watercourses Commission meeting held 11/29/2018 that the Commission is satisfied with the remediation to the site for property located at 0 Sterling Road and has voted unanimously to release R. LaFleche's cash bond in the amount of \$2,500. J. Gustavson reported that she received a telephone call earlier today from R. LaFleche requesting that \$1,000 be paid to the Revenue Collector and the remaining \$1,500 be refunded to him. L. Cooper made a motion, seconded by J. Firlik, per the applicant's unwritten request to release cash bond for Erosion & Sedimentation/Wetlands Remediation in the amount of \$2,500 to Richard LaFleche, 234 Pole Bridge Road, Woodstock, CT 06281 as follows: \$1,500 to R. LaFleche and \$1,000 payable to Sterling Revenue Collector. All voted in favor of the motion.

**h. Request for Release of Site Improvement Performance Bond in the Amount of \$5,000 – Louis Magiera – 68 Deerfield Drive:** L. Cooper reported that at the Inland Wetland and Watercourses Commission meeting held 11/29/2018 the Commission stated that the site for property located at 68 Deerfield Drive is stable and has voted unanimously to release L. Magiera's Site Improvement Performance Bond in the amount of \$5,000. J. Firlik made a motion, seconded by L. Cooper to release the Site Improvement Performance Bond in the amount of \$5,000 to Louis Magiera, PO Box 129, Oneco, CT 06373 for property located at 68 Deerfield Drive. All voted in favor of the motion.

Any Other Business: 1) R. Gray reported that the pumps for the sewer pump station have been shipped and moving of the electrical components to the top is near completion. 2) R. Gray reported that he received an **Official Notice of Violation & Order – Motorcycle/a/k/a Motorcross Race Track for property located at 282 Newport Road** dated 11/23/2018 from Demian Sorrentino, Zoning Enforcement Officer (copy on file). D. Sorrentino stated that in response to complaints that were submitted to R. Gray by an abutting property owner regarding the disturbance that was being created by disruptive motorcycle operation upon the property located at 282 Newport Road, issued a Notice of Violation for the "Ordinance Concerning the Establishment of Race Tracks in the Town of Sterling" and Section 7.02 from the Sterling Zoning Regulations regarding that it is considered a "use of land". Michael and Ericka Toth, property owners at 282 Newport Road were present per D. Sorrentino's order. A lengthy discussion followed seeking a possible compromise/resolution. D. Sorrentino suggests that the Board of Selectmen could have a discussion between the property owners and the abutters. Discussion could also include restrictions and adhering to the side yard setbacks. The people affected by this and the property owners should try to work out a solution. The homeowners have a right to use and enjoy their property, but they do not have the right to affect someone else's enjoyment of their property. Resolution should include limitation on the size of the track, proximity to property lines, the use of the track, and the number of people that can use it at one time. This item shall be placed on the Board of Selectmen's agenda scheduled for Wednesday 1/2/2019 at 6:00 p.m. in Room #15 at the Sterling Municipal Building, 1183 Plainfield Pike, Oneco, CT and D. Sorrentino shall notify the abutters. 3) R. Gray reported that he received an **Official Notice of Violation & Order – Habitation of Camper Trailer(s) Prohibited for property located at 301 Church Street** dated 11/23/2018 from Demian Sorrentino, Zoning Enforcement Officer (copy on file). R. Gray also reported that A. Scherp came in this week and informed him that no one is living in the campers. D. Sorrentino stated that this has been ongoing for five (5) years and he proposes contacting the abutting property owners and ask them provide us written testimony and also agree to provide us written testimony in court. D. Sorrentino would like to push this to Windham County Superior Court. This has been a constant problem; the condition of the property is atrocious; complaints have been received regarding sewage, burning garbage, and people throwing feces out the windows. 4) D. Sorrentino reported that he started looking again at the **Gibson Park Campground**. The Planning & Zoning Commission was suppose to have the regulation amendment done by April, but the process took longer than expected due to the complicated nature of the regulation. The

regulation amendment was done in February of the following year, moving the entire timeline. D. Sorrentino will review where the process is. The stipulation (Schedule A project timeline) states that two (2) years was the maximum time allowed and the stipulation was dated January 2017. Written into the stipulation of judgment was that if the process was not undertaken and completed within two (2) years that they admitted guilt and gave up their right to any further argument against it and the people were to be ordered to leave. D. Sorrentino also stated that he will coordinate with legal counsel and contact their attorney, Bill McCoy of Heller, Heller, and McCoy. 5) R. Gray stated that he received a letter from Demian Sorrentino, Zoning Enforcement Officer, dated 11/15/2018 regarding the proposed re-use of industrial property located at **10 Exeter Drive**, Assessor's ID: 33842-017-IP14. This letter is in response to Louisa Lamarre of Regional Industrial Services Corporation request for correspondence regarding the potential re-use of industrial property and/or the building(s) situated at 10 Exeter Drive for a Construction and Demolition (C&D) Material and Scrap Metal Recycling Facility. 6) R. Gray received a thank you from Gregory and Brenda Berndt dated 11/21/2018 thanking the highway crew for working on the storm drainage system on Ledge Hill Road and Church Street (copy on file).

Adjournment: L. Cooper made a motion, seconded by J. Firlik to adjourn at 7:05 p.m. All voted in favor of the motion.

Attest: \_\_\_\_\_  
Joyce A. Gustavson, Recording Secretary