

February 13, 2019

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- Normand Thibeault, Bill McCoy, and Kevin Costa.

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 2/6/2019 public hearing and meeting minutes and the 2/11/2019 Board of Education/Energy Committee and Tri-Board meeting minutes as presented. All voted in favor of the motion.

Unfinished Business:

a. Commission Vacancies (Inland Wetland & Watercourses Commission, Economic Development Commission, and Planning & Zoning Commission): L. Cooper made a motion, seconded by J. Firlik to table this item to the next meeting as there are no candidates. All voted in favor of the motion.

b. Solar Presentation by Titan Energy and Greenskies: R. Gray reported that Titan Energy and Greenskies gave a presentation on the solar project for the Sterling Community School and the Sterling Municipal Building to the Board of Education and the Energy Committee on 2/11/2019. The contract shall be reviewed once it is received. L. Cooper made a motion, seconded by J. Firlik to table this item to the next meeting. All voted in favor of the motion.

c. Consider & Act on Desktop Computers, Monitors and Licensing Bids for Town Municipal Building: J. Gustavson reported that the Computer Assessment Committee is scheduled to meet on 2/20/2019 at 7:00 p.m. at the Sterling Municipal Building, 1183 Plainfield Pike, Oneco, CT. 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. Approval of Bills: L. Cooper made a motion, seconded by J. Firlik to approve the bills for 2/14/2019 in the amount of \$26,552.10. All voted in favor of the motion.

b. Gibson Park, LLC, 177 Gibson Hill Road: Bill McCoy of Heller, Heller & McCoy stated that he represented Gibson Park, LLC on a piece of litigation that was brought by the Town and is here tonight on their behalf. After reaching out to K. Costa, B. McCoy discovered that the regulation amendment was approved by the Planning and Zoning Commission last January to allow for age restricted housing for property located at 177 Gibson Hill Road.

N. Thibeault of Killingly Engineering Associates stated that he was retained by K. Costa to do the work at 177 Gibson Hill Road that needs to be done before presenting a formal application for age restricted housing to the Planning and Zoning Commission (P&ZC) and Inland Wetland and Watercourses Commissions. To date, the wetlands have been flagged by Ian Cole, Professional Soil Scientist, the wetlands have also been located, as well as the interior improvements: access roads; driveways; existing trailers and outbuildings; and a portion of the boundary survey has been completed. The big hurdle regarding engineering and design is to determine what they have for septic system(s) and if the soils can support on-site sewage disposal for the proposed age restricted development project. The original approval date for the age restricted housing regulations was 4/1/2017 and it took the Sterling P&ZC longer to approve the regulations, however, the deadline to complete the project was not changed. The applicant is requesting that the Board of Selectmen give a little extra time to complete design of the age restricted housing project. If the weather allows, the plans should be done and ready for permitting by June 2019.

B. McCoy stated that under the court's stipulation, the Board of Selectmen can "pull the plug" and say time is up, but we are asking you to consider the fact that there was a long delay in getting the regulation amendment approved, and give us to summertime to finish plans and submit an application. In the next four (4) months, N. Thibeault plans to complete the boundary survey, determine the extent of the septic system(s), where the septic systems are and the capacity of the septic systems. One advantage is that the Public Water Supply permit has been issued by the

Connecticut Department of Public Health (CT DPH). The biggest hurdle is figuring out the septic system(s).

D. Sorrentino stated the Stipulated Judgment, dated 2/6/2017, item #13, states in part...“The parties recognize that the approval of the text amendment by the Sterling Planning and Zoning Commission (P&ZC) should occur on or before 4/1/2017 in order for the defendants to be able to meet the timeline (Schedule A). Should such text amendment approval be delayed, it is the agreement of the parties that the remaining deadlines in Exhibit A shall be similarly extended...”. D. Sorrentino also stated that he has calculated the number of the days between 4/1/2017 and when P&ZC actually approved the regulation amendment, and it was three hundred and three (303) days. This was partially due to the fact that the P&ZC not only had to prepare Appendix B for the age restricted housing overlay, but also Appendix C because Sterling had no formal site plan requirements. If stipulation item #13 were the only item that established the timeline, the end date of the project would be extended to 3/30/2019. Additional stipulations beyond item #13 such as, item #15, states...“In no event shall any extension described hereunder permit defendants to go beyond two (2) years from the date this Stipulated Judgment is entered by the court in meeting the overall and final approvals for the project (date being 2/7/2019). This termination date refers to the time when the year-round use of the campground is required to stop. The people who are there year-round need to be removed from the property, and the property needs to be brought into compliance with the Sterling Mobile Parks and Trailer Ordinance, which limits occupation in seasonal campgrounds from April 1 to September 30, annually. The termination date does not stop the owners from moving forward with the age restricted housing development, and the Town sincerely hopes that they do proceed. The 2/7/2019 termination date in the Stipulated Judgment is not shutting the applicant down from moving forward on the project; rather, it is the use of the property as a year-round campground that needs to stop.

B. McCoy stated that the Board has two choices: 1) go back to court and enforce the stipulation; or 2) allow a grace period to deal with this through the summer.

D. Sorrentino stated that the engineering and permitting process can take place regardless of whether or not the Town chooses to enforce the Stipulation's termination date through the courts. The age restricted housing regulations now exist and the project can be permitted at any time. The issue is whether or not to pursue eviction of the people who are there now, which would displace those affected for approximately six (6) weeks, until they are allowed to return on April 1 at the start of the permitted seasonal camping season.

It was the consensus of the Board of Selectmen to discuss this matter with legal counsel. L. Cooper made a motion, seconded by J. Firlik to refer the matter to legal counsel.

c. Recognition of Years of Service for Neil and Marlene Cook: R. Gray reported that Neil and Marlene have dedicated years of service to the Town of Sterling. A celebration will be held at the Ekonk Community Grange, 723 Ekonk Hill Road, Sterling, CT on Sunday, 2/17/2019 at 2:00 p.m. L. Cooper made a motion, seconded by J. Firlik to declare Sunday, February 17, 2019 as Neil and Marlene Cook day in the Town of Sterling. All voted in favor of the motion.

d. Consider & Act on Re-appointment of Roger Gibson, Jen Mossner, and Alt. James Hawkins, Jr., to (3 yr. term expiring 2/19/2022) to Inland Wetland and Watercourses

Commission: J. Firlik made a motion, seconded by L. Cooper to re-appoint Roger Gibson, 370 Porter Pond Road, Moosup, CT 06354; Jen Mossner, 188 Church Street, Sterling, CT 06377; and Alternate James Hawkins, Jr., 351 Pine Hill Road, Sterling, CT 06377 to the Inland Wetland and Watercourses Commission for a three (3) year term expiring 2/19/2022. All voted in favor of the motion.

Any Other Business: A) R. Gray reported that L. Cooper changed the emergency backup batteries at the Jordan Center. B) R. Gray reported that Russell Bonner, member of the Energy Committee representing the Sterling Community School submitted the following five (5) estimates for the removal of two hundred forty-seven (247) Bodine battery units, rewiring the fixtures, and disposing of the units: 1) C&C Electrical Contractors, LLC-\$11,626.50; 2) Village Electric, LLC-\$21,930.00; 3) Millennium Electric-\$32,875.00; 4) Paquette Electric Co., Inc.-\$4,644.75; and 5) Tewksbury

Electric-\$9,000.00. L. Cooper made a motion, seconded by J. Firlik to forward the removal of the battery units to Russell Bonner and Frank Bood, Chairman, Energy Committee for review and to table this item to the next meeting. All voted in favor of the motion.

Adjournment: R. Gray made a motion, seconded by L. Cooper to adjourn at 6:40 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary