

September 8, 2021

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

Selectmen present-Lincoln Cooper, Peter Rabbitt, and David Shippee.

Staff present-Mike Zizka, Joseph Boucher, and Joyce Gustavson.

Also present-Harry Heller, Andrew McCoy, David McKay, Frank Bood, Victoria Robinson-Lewis, Jason Klein, Melanie Duncan, Barry Goldberg, Raymond & Kristen Locicero, Grace Roberts, and Susan Doyle.

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

Audience of Citizens: No comment.

Approval of Minutes: D. Shippee made a motion, seconded by P. Rabbitt to approve the 8/18/2021 meeting minutes as presented. All voted in favor of the motion.

Correspondence: None.

Unfinished Business:

a. Commission Vacancies (Economic Development Commission, Inland Wetland & Watercourses Commission, Planning & Zoning Commission, Water Pollution Control Authority, and Zoning Board of Appeals): P. Rabbitt made a motion, seconded by D. Shippee to table this item to the next meeting as there are no candidates. All voted in favor of the motion.

b. Special Excavation Application by American Industries, Inc. for Property Located at 609 Sterling Road (Owner: Grace Harriot Roberts) Map 03830, Block 022, Lot 0102: L. Cooper reported that the Board of Selectmen received a letter from Joseph Theroux, Wetlands Enforcement Officer, dated 9/8/2021 stating it was the consensus of the Commission that the revisions and proposed activities regarding the revisions are over 600 feet from the delineated wetlands and watercourses and that a new wetlands permit application is not necessary, thus the wetlands permit that was issued (Application IW-20-01) is still valid. L. Cooper also reported that for the benefit of tonight's meeting, Appendix A of the Zoning Regulations was reviewed; specifically, Section 105.1 -The Selectman may also accept public comment at any such meeting, but they shall not be obliged to do so. Public comment shall be limited to five (5) minutes per person and only new testimony shall be heard.

Mike Zizka of Halloran & Sage, LLP, legal counsel for the Town, stated that the Board of Selectmen have followed the Zoning Regulations, Appendix A, properly to render its decision. Once the Town had zoning, State law no longer allowed the Town to regulate excavation by ordinance, and the old ordinance was turned into Appendix A of the Zoning Regulations.

Harry Heller of Heller, Heller, & McCoy stated that he is representing the applicant, American Industries, Inc., and here with him tonight is Andrew McCoy, associate of Heller, Heller, & McCoy and David McKay, Design Engineer of Boundaries, Inc. H. Heller stated that he has no presentation tonight but would like to submit for the record a superimposed aerial photograph of the project site for the Proposed Gravel Excavation Plan Prepared for American Industries, Inc., for property located a 609 Sterling Road. H. Heller also addressed the following issues/concerns from the Board of Selectmen's meeting held on 8/18/2021: 1) Traffic congestion; 2) Site line at the intersection of the project proposed access road with Sterling Road; 3) Testimony provided by B. Goldberg concerning property values which was considered expert testimony. Submitted for the record are search results from the State of Connecticut, Consumer Department of Protection, all the licenses available for Real Estate Appraisers (copy on file). B. Goldberg can give lay testimony, but not expert testimony; 4) Damage to wells. H. Heller stated that the excavation will have no impact to neighboring wells; 5) Total excavation area from both parcels is limited to 21.4 +/- acres on the sixty (60)+ acres; and 6) Excavation Activities must be no closer than two hundred (200) feet to a residence from the extraction and removal of the earth product.

Public comments were received. B. Goldberg submitted for the record excerpts from the Site Plan that was submitted on 8/18/2021 showing line of site (copies on file). Other concerns that were discussed include correspondence to Joe Boucher, Towne Engineering, Inc. from Richard Chapman, State of Connecticut Department of Transportation (DOT) dated 8/11/2021 regarding speeds and line of site, correspondence from Silverstein Appraisal Services, LLC dated 12/13/2019 regarding

negative value to depreciation of property, Excavation Permit Criteria, Section 103 addressing traffic congestion, safety of the general public, noise, property values, etc. A lengthy discussion followed site line and the location of the driveway. Other comments included environmental pollutants, dust, ground water and why this project is in this residential area.

H. Heller stated that the traffic study was done pre-covid; the excavation is a limited duration operation; traffic engineers do not evaluate the carrying capacity per se, but rather the impact that the traffic in the system will have on intersections within that system and the delay it may cause; the application limits the trucks to seventy-five (75) round trips per day; and the location of the proposed gravel operation in a residential area is due to the quality of aggregate material and the fact that it is not found everywhere. Discussion followed regarding site line stopping distance and the requirements from (DOT).

D. Shippee, a firefighter in Town for forty-three (43) years expressed his concern with safety and accidents stating that every year there are at least three (3) accidents in that area and asked if a stop light could be installed.

P. Rabbitt, stated that he lived in Sterling his entire life, was fire chief for twenty (20) years and an EMT for twenty-two (22) years and stated that he has seen a lot of accidents on that corner and is concerned regarding safety in that area.

L. Cooper agrees with both Selectmen that the corner is dangerous, and this is an unsafe area.

M. Zizka stated that the Selectmen are required to make these findings in order to approve the application. M. Zizka referred to the Excavation Permit Criteria, Appendix A, of the Zoning Regulations, particularly Sections 103.2 – that the use(s) and any associated structure(s) be arranged, constructed, and operated in a manner that protects the health, safety and welfare of the citizens of Sterling; 103.3 – the transportation services are adequate and no traffic congestion or undue traffic generation will result that would cause a deleterious effect on the local welfare or the safety of the general public; and 103.4 – that the use and any associated structure(s) will be in harmony with the appropriate and orderly development of the zoning district in which it is proposed to be situated, and that it will not be noxious, offensive, or detrimental to the area by reason or odors, fumes, dust, noise, vibrations, appearance, or other similar reasons. M. Zizka stated that traffic is a big concern and referred to Sections 116.4 – truck access to the lot and the work area shall be so arranged as to minimize traffic hazards on streets and to avoid nuisances to residents of the neighborhood, and 116.13(b) – applications involving significant truck traffic (i.e. 25,000 cubic yards annual excavation or 15 or more trucks per day) shall provide a detailed traffic study, impact analysis, and mitigation plan to avoid any adverse impacts resulting from the activity proposed. Regarding Section 116.13(b) the Selectmen could look at that section and decide that the information that has been provided regarding those impacts is not sufficient to satisfy those concerns. When talking about access onto a State road, there is joint jurisdiction.

The Selectmen would like a more detailed traffic study and discussion followed regarding the placement of a standard red/green/yellow traffic light.

H. Heller stated that this is a technical issue and the likelihood of DOT installing a traffic light is not likely in his professional opinion. H. Heller offered to provide a current traffic study for the Selectmen to consider.

H. Heller submitted a letter dated 9/8/2021 granting the Board of Selectmen a thirty-five (35) day extension of the time period within which it is required to render a decision on the above referenced excavation application, for property located at 609 Sterling Road.

D. Shippee made a motion, seconded by P. Rabbitt to table this item to Wednesday, 10/20/2021. All voted in favor of the motion.

New Business:

a. Approval of Bills: P. Rabbitt made a motion, seconded by D. Shippee to approve the bills for 8/25/2021 in the amount of \$35,968.38 and 9/8/2021 in the amount of \$38,400.80. All voted in favor of the motion.

b. Resignation of Marnie Reynolds-Bourque from Library Board: L. Cooper reported that the Board of Selectmen received a resignation letter from Marnie Reynolds-Bourque dated 8/26/2021

stating, in part...“It is with regret that I submit my resignation from the Library Board”. “Thank you for the opportunity, I enjoyed my time with the Library ladies, they are a wonderful group of women”. D. Shippee made a motion, seconded by P. Rabbitt, to accept Marnie Reynolds-Bourque’s resignation effective immediately with regrets. All voted in favor of the motion.

c. Consider & Act on Northeastern Connecticut Council of Governments (NECCOG)

Contract – Paramedic Intercept Services: L. Cooper reported that he received the Paramedic Intercept Services contract from Northeastern Connecticut Council of Governments (NECCOG). D. Shippee made a motion, seconded by P. Rabbitt to authorize the First Selectman to sign the Paramedic Intercept Services contract on behalf of the Town of Sterling. All voted in favor of the motion.

P. Rabbitt made a motion, seconded by D. Shippee, to add to the agenda under Unfinished Business, item c. Heating system at the Town Highway Garage and Item d. Security system at the Town Highway Garage. All voted in favor of the motion.

Unfinished Business Cont’d.:

c. Heating System - Town Highway Garage, 215 Main Street: L. Cooper reported that the heating system at the Highway Garage located at 215 Main Street is thirty-five (35) years old. It is propane fired and needs to be replaced with newer units. Pricing was not available for tonight’s meeting. P. Rabbitt made a motion, seconded by D. Shippee to table this item to the next meeting. All voted in favor of the motion.

d. Security System – Town Highway Garage, 215 Main Street: L. Cooper reported that he is working on a bid notice to install a security system and to have lights installed (inside/outside) at the Highway Garage located at 215 Main Street. P. Rabbitt made a motion, seconded by D. Shippee to table this item to the next meeting. All voted in favor of the motion.

Any Other Business to Come Before the Board of Selectmen: Frank Bood, Chairman of the Board of Education, reported that the school received Covid relief money and will be returning to the Town’s General Fund in excess of \$500,000. As a taxpayer, F. Bood would like to see some of the money spent on roads and town equipment, such as a bucket truck so the Highway Department could cut back trees, and possibly hire another employee to work with the Highway Department.

Adjournment: P. Rabbitt made a motion, seconded by D. Shippee to adjourn at 7:44 p.m. All voted in favor of the motion.

Attest: _____
Joyce A. Gustavson, Recording Secretary