

April 6, 2022

The meeting of the Sterling Board of Selectmen was called to order at 6:10 p.m.

Selectmen present-Lincoln Cooper, David Shippee, and Jack Joslyn.

Staff present-Matthew Maynard, Joseph Boucher, and Joyce Gustavson.

Also present-Frank Bood and Kenny Adler.

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

Audience of Citizens: No comment.

Approval of Minutes: J. Joslyn made a motion, seconded by D. Shippee to approve the 3/16/2022 special meeting and meeting minutes and the 3/23/2022 special meeting minutes as presented. All voted in favor of the motion.

Correspondence: None.

Unfinished Business:

**a. Commission Vacancies (Energy Committee, Inland Wetland & Watercourses Commission, Planning & Zoning Commission, and Zoning Board of Appeals):** J Gustavson reported that an appointment to the Planning & Zoning Commission shall be made later tonight. L. Cooper made a motion, seconded by D. Shippee to table this item to the next meeting as there are no other candidates. All voted in favor of the motion.

New Business:

**a. Approval of Bills:** J. Joslyn made a motion, seconded by D. Shippee to approve the bills for 4/06/2022 in the amount of \$96,198.62. All voted in favor of the motion.

**b. Excavation Application for Adler Brothers Construction, Inc. for 0 Jencks Road:** The following was submitted into record: Completed (Revised) Excavation Application, Site Plan Soil Erosion & Sediment Control Plan, Correspondence from Joseph Boucher of Towne Engineering, Inc., dated 3/25/2022. L. Cooper reported that the Town of Sterling's GIS mapping, (Exhibit A), showing the location of the proposed excavation site is included in the comments/observations submitted by Towne Engineering dated 3/25/2022. The Site Plan – Soil Erosion and Sediment Control Plan dated 11/17/2011, revised 12/28/2011 and 2/16/2012. Joseph Boucher and L. Cooper walked the site and noted very little activity had taken place.

Kenny Adler stated they shall start hauling from a small section of the site and see how that works out. If the material is not useable, work would stop.

J. Boucher stated that the location of the site limits all processing equipment to be no closer than 200 feet of any property line or 1,000 feet of a residential structure and unless the applicant can demonstrate that there is an area that meets the setbacks, then no crushing or screening would be allowed on that portion of the site.

D. Shippee made a motion, seconded by J. Joslyn that the Board of Selectmen grant the following waiver for the Application of Adler Brothers Construction, Inc. for the Earth Excavation of a portion of the property owned by Adler Brothers Construction, Inc. known as Map 06826 Block 013 Lots 28 & 29 as shown on plans entitled Site Plan – Soil Erosion and & Sediment Control Plan Block 13 Lots 26 & 29 Jenks Road Sterling, CT Prepared For: Adler Bros. Construction 604 Putnam Pike Smithfield, RI 02828; Date: November 17, 2011; Revised 12/28/11 & 2/16/12; Sheets 1 thru 3 of 3 in accordance with Appendix A of the Zoning Regulations Town of Sterling, Connecticut revised effective December 3, 2018:

- 1) Waivers to: Site plans requirements to accept the information submitted as referenced above, due to the fact that this information is sufficient to review the proposed excavation.

All voted in favor of the motion.

D. Shippee made a motion, seconded by J. Joslyn to approve the Excavation Permit Application for Adler Brothers Construction, Inc. for the Earth Excavation of a portion of the property owned by Adler Brothers Construction, Inc. known as Map 06826 Block 013 Lots 28 & 29 as shown on plans entitled Site Plan – Soil Erosion and & Sediment Control Plan Block 13 Lots 26 & 29 Jenks Road Sterling, CT Prepared For: Adler Bros. Construction 604 Putnam Pike Smithfield, RI 02828; Date: November 17, 2011; Revised 12/28/11 & 2/16/12; Sheets 1 thru 3 of 3 in accordance with Appendix

A of the Zoning Regulations Town of Sterling, Connecticut revised effective December 3, 2018 subject to the following conditions of approval:

**Conditions of Approval:**

- 1) That this approval be limited to excavation within the approximate 5-acre area shown on the plans submitted.
- 2) That no excavation occurs within 4 feet of any ledge or seasonal groundwater table.
- 3) That the final site restoration includes a minimum of 4 inches of topsoil and 8 additional inches of subsoil or topsoil.
- 4) That any erosion control matting used on the site be a biodegradable jute netting product.
- 5) That the final seeding be done with a State of Connecticut approved Conservation Grass Mix.
- 6) That a bond be posted and maintained in the amount of \$35,000 for Erosion and Sedimentation controls.
- 7) That the Applicant provide site inspection reports even during periods of shut down. Written reports shall be provided weekly to the Zoning Agent specifically during the initial phases of stripping of land and sediment control measures to be put in place, then afterwards monthly and after major significant storm events written reports shall be provided.
- 8) That the site be inspected by the Design Engineer weekly during the initial excavation phases and quarterly once excavation has commenced with any observations including deficiencies noted and reported in writing to the Selectmen within 3 days along with additional inspections made and reported in writing to the Selectmen following any 1 inch or greater rain fall event.
- 9) That the Town Engineer inspect the site semi-annually and following large stormwater events at a minimum plus any necessary follow-ups due to deficiencies noted to secure their resolve and that quarterly inspections be conducted by the Town's Land Use Agent.
- 10) That the Town's Application review costs be paid in full by the Applicant.
- 11) That a \$5000.00 deposit be made with the Town in cash for onsite supervision; such amount to be returned to the \$5,000.00 deposit level as \$2,500.00 of that amount becomes depleted upon notice from the Town. Any review fees by the Town's consulting Staff that have not been invoiced will be charged against this deposit.
- 12) That if at any time the supervision fees become deficient or the bond amount lapse, that the permit will become null and void.
- 13) That the hours of operation be limited to Monday through Friday 7:30 a.m. to 5:00 p.m. and Saturday from 8:00 a.m. to 12:00 p.m. That no work shall be conducted on Sundays, State or National Holidays.
- 14) That no topsoil or arable subsoil be permitted to be exported from the site until the entire site is fully excavated, restored and stabilized.
- 15) That no stumps or other land clearing debris be buried or permanently stockpiled onsite.
- 16) That no blasting, crushing, washing, screening, or rock splitting (hammering) shall be permitted under this permit.
- 17) That the Applicant provide approval from the current owner of the Gervasio property for excavation closer than 100 feet to the property line to the Board of Selectmen.
- 18) That no offsite materials be brought to the site except those necessary for the driveway construction and construction of the E&S measures proposed.
- 19) That any changes to the Conditions of Approval or Approved plans be returned to the Board of Selectmen for approval or disapproval as a modification of any permit granted.
- 20) That prior to the start of excavation that evidence of compliance DEEP Stormwater Permitting requirements in accordance with Appendix A Section 116.13.d of the Regulations has been provided to the Board of Selectmen commencement of any site improvements.
- 21) That unexecuted copies of the required bond be provided for the review and approval of the Town Treasurer and/or the Town Attorney.
- 22) Within 90 days of approval 2 sets of signed and sealed final plans and one set of mylars suitable for filing in the Land Records with the approved Conditions of Approval added to

the plans shall be submitted for review to the First Selectman in accordance with Section 107 of the Regulations unless a 90 day extension is requested and approved by the Board of Selectmen within the first 90 day period.

- 23) Final mylars shall be recorded in the Town Clerk's Office by the Applicant subject to the endorsement of the Town Engineer and First Selectman in accordance with the time requirements recited in Section 107 of Appendix A of the Regulations. The mylars will not be endorsed by the Selectman until all invoiced review fees have been paid, the required cash deposits have been made, and the executed bond has been provided to the satisfaction of the Town Treasurer and the Town Attorney.
- 24) Said permit shall be valid for a period of (5) five years commencing 15 days following publication of the notice of Approval. If the mylars have not been filed within the required time period, this Approval will become null and void.

All voted in favor of the motion.

**c. Discussion Regarding Cannabis Legalization:** F. Bood, Chairman of the Planning & Zoning Commission reported to the Board of Selectmen that the State has legalized the use of medicinal and recreational cannabis. The Town has the option to regulate the use of cannabis or opt out by creating a moratorium to prevent the sales or cultivation. The law includes a new source of revenue for municipalities which includes a three (3) percent municipal sales tax and the state shall receive six (6) percent state sales tax. The Town will seek to develop a host town agreement giving each individual two (2) licenses; one (1) retail; one (1) manufacturing. F. Bood stated that before the Planning & Zoning Commission can move forward in drafting regulations, he needs to know if the Town is for or against it. Discussion was held to add cannabis as a non-binding question to the next referendum.

D. Shippee made a motion, seconded by J. Joslyn to refer the legalization of cannabis to the Planning & Zoning Commission to schedule a public hearing. All voted in favor of the motion.

D. Shippee made a motion, seconded by J. Joslyn to add a question regarding cannabis, as a non-binding question to the next referendum. All voted in favor of the motion.

**d. Consider & Act on Moving Alternate Member John Angelone to Regular Member (3 yr. term expiring 12/1/2023) to Planning & Zoning Commission:** D. Shippee made a motion, seconded by J. Joslyn to move Alternate John Angelone, 879 Gibson Hill Road, Sterling, Ct 06377 from an alternate member to a regular member to a three (3) year term expiring 12/1/2023 to the Planning & Zoning Commission. All voted in favor of the motion.

**e. Consider & Act on Appointment of Alternate Jason McLevy (3 yr. term expiring 12/1/2022) to Planning & Zoning Commission:** D. Shippee made a motion, seconded by J. Joslyn to appoint Alternate Jason McLevy, 48 Miller Road, Sterling, CT 06377 to a three (3) year term expiring 12/1/2022 to fill the vacancy created by John Angelone to the Planning & Zoning Commission. All voted in favor of the motion.

**f. Resignation of Ginny Forcier-Robicheau from Family Day Committee:** L. Cooper reported that Darlene Larned, Family Day Committee member, received an email dated 11/23/2021 from Ginny Forcier-Robicheau, resigning from the Family Day Committee. In part...“I have greatly appreciated being a part of the Family Day Committee and loved every minutes of it”. D. Shippee made a motion, seconded by J. Joslyn to accept Ginny Forcier-Robicheau's resignation with regrets. All voted in favor of the motion.

**g. Resignation of Ed Duncan from Recreation Authority Board:** L. Cooper reported that J. Gustavson received an email dated 4/1/2022 from Ed Duncan resigning from the Recreation Authority Board. In part...“Due to family/work/sports obligations I am resigning immediately from the Recreation Authority Board. I am very grateful to have had the opportunity to serve on this Board and I appreciate all the support, help and kindness that was shown to me by everyone”. D. Shippee made a motion, seconded by J. Joslyn to accept Ed Duncan's resignation effective immediately with regrets. All voted in favor of the motion.

**h. Consider & Act on Proposal to Repair the Cupola – Sterling Municipal Building, 1183 Plainfield Pike:** L. Cooper reported that he solicited a proposal from Robert Battey of RWB

Construction to repair the cupola above the main entrance to the building. R. Battey submitted a proposal in the amount of \$1,200. L. Cooper also reported that the payment of this work needs to come out of the Capital Account, Facilities Maintenance. J. Joslyn made a motion, seconded by D. Shippee to award the proposal to Robert Battey of RWB Construction, 238 Calvin French Road, Sterling, CT 06377 in the amount of \$1,200 pending Board of Finance approval to repair the cupola above the main entrance of the Sterling Municipal Building, 1183 Plainfield Pike. All voted in favor of the motion.

**i. Consider & Act on Proposal to Add Six (6) Smoke Detectors in the Library and Clothing Bank Rooms – Sterling Municipal Building, 1183 Plainfield Pike:** L. Cooper reported that when Venture Communications & Security, LLC replaced and upgraded the existing fire alarm system, it was discovered that the Library and the clothing bank rooms did not have smoke detectors. Venture Communications & Security, LLC submitted a proposal in the amount of \$2,481.28 to hard wire six (6) smoke detectors in the Library and clothing bank rooms. L. Cooper also reported that the payment of this work needs to come out of the Capital Account, Facilities Maintenance. D. Shippee made a motion, seconded by J. Joslyn to award the proposal to Venture Communications & Security, LLC, 321 Main Street, Danielson, CT 06239 in the amount of \$2,481.28 pending Board of Finance approval to install six (6) hard wired smoke detectors in the Library and clothing bank rooms at the Sterling Municipal Building, 1183 Plainfield Pike. All voted in favor of the motion.

Any Other Business to Come Before the Board of Selectmen: 1) D. Shippee reported that Andy Tetreault mows **Riverside Cemetery** and the old part of the cemetery is owned by the Town. At one time the Highway Department was responsible for mowing part of it and later a gentlemen's agreement was in place between Fred Tetreault and the Town that F. Tetreault would mow the entire cemetery. The time has come for the Board of Selectmen to consider paying A. Tetreault for the fuel. 2) J. Joslyn asked for an update on the **boiler system** at the Sterling Municipal Building. L. Cooper reported that Frank Bood, Chairman of the Energy Committee, has been working with consulting companies to determine the replacement HVAC project at the Sterling Municipal Building. Colliers toured the building and has submitted an estimate for the design and build. Adjournment: J. Joslyn made a motion, seconded by D. Shippee to adjourn at 7:14 p.m. All voted in favor of the motion.

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