



Town of Sherman
Board of Selectmen Regular Meeting

Monthly Meeting Minutes
Thursday, July 28, 2022
Mallory Town Hall @ 7:00 p.m.

Members Present: Don Lowe (First Selectman), Joel Bruzinski (Selectman), Bob Ostrosky (Selectman)

Members Absent: None

Other Attendees: Eric Holub (Treasurer), Liz LaVia (Business Manager), Chris Fuchs (Fire Chief), David Lathrop (Fire Marshall) and members of the public

Clerk: Christine Aruza

Call to Order: First Selectman D. Lowe called the meeting to order at 6:59 p.m.

Public Comment:

Jessica Williams (16 Smoke Ridge Drive) attended the meeting to petition for upgrades to the Parks and Recreation web site. She would like to see the department process payments online to eliminate paper form inefficiencies and fraud. She stated the small, potential increase in costs to move to online payment processing would be offset by the benefits. J. Williams offered to facilitate and provide guidance to the town on how to execute the transition if needed. D. Lowe thanked her for her comments and noted her request.

Eric Holub had three comments on the agenda. With regards to the Sherman Volunteer Fire Department (SVFD) request for American Rescue Plan Act (ARPA) funds to purchase new tools he recommended against an 80-20 percent split. Rather he would recommend a 100% distribution from the grant to ensure the need is fully funded. His second comment pertained to the space behind American Pie. He had requested via email on July 6th that a 2nd question be added to the referendum. After reviewing the comments and results recorded in the latest Plan of Conservation and Development (POCD) survey, he sees a clear division on this issue in the town. He would like to see a second question that asks if the space should be kept open permanently to allow voters to weigh in on both matters. If the second question passes, he would suggest the Board of Selectman (BOS) restrict the land with an easement so the issue does not arise again in two years. His third comment pertained to the Sherman School building committee's request for \$10,000 for engineering and attorney's fees. The engineering fee is

already \$9770 which would not leave funds for the attorney. D. Lowe stated he anticipated changing either the amount or how it was funded in their discussions. D. Lowe also acknowledged E. Holub's second point and stated they would discuss it if the senior housing project goes t to referendum.

Correspondence:

No new correspondence.

Administrative Items

A. Approval of Minutes:

June 23 Minutes

Bob Ostrosky made a motion to approve the June 23 minutes

Seconded by: J. Bruzinski

Vote: Unanimous For

July 8 Special Meeting Minutes

Joel Bruzinski made a motion to approve the July 8 special meeting minutes

Seconded by: D. Lowe

Vote: Unanimous For

B. Tax Refunds

D. Lowe made a motion to approve the \$7307.70 in tax refunds

Seconded by: B. Ostrosky

Vote: Unanimous For

C. Appointments: Zoning Board of Appeals

There are two appointments to the Zoning Board of Appeals which are two-year terms as alternate commissioners. The two appointments are Scott Guinta (previously appointed in December to the Board of Assessment Appeals) and Andrea O'Connor.

D. Lowe made a motion to approve Andrea O'Connor to the Zoning Board of Appeals as an alternate commissioner with a two-year term expiring July 1, 2024.

Seconded by: J. Bruzinski

Vote: Unanimous For

D. Lowe made a motion to approve Scott Guinta to the Zoning Board of Appeals as an alternate commissioner with a two-year term expiring July 1, 2024.

Seconded by: B. Ostrosky

Vote: Unanimous For

D. Financial Review

Liz LaVia stated she had provided the BOS with the FY 2021/2022 year-end figures and the FY 2022/2023 beginning budget. FY 2022/2023 is tracking as expected. For FY 2021/2022 the expense side is closed but there will be a few minor adjustments. She advised they are almost at a break even on the expense side and can field any related questions.

Per L. LaVia they will start a couple of audits within the next few weeks including a Worker's Compensation audit. She also shared an update on the cyber security policy. There is still an issue with internal emails and multi-factor authentication. Network Support staff indicated that in-house MFA is not feasible. They have provided the name of an alternative insurance company to review.

Information & Discussion

A. SVFD Monthly Report

SVFD Fire Chief Chris Fuchs provided his monthly report. Per C. Fuchs they have responded to-date to 240 calls. June was particularly busy for the SVFD. Since May the department has responded 11 times to Candlewood Lake with their boats for various rescues. There was a drowning that involved a 5-day incident with multi-jurisdiction involvement. They conducted a productive after-action review with involved agencies and captured actionable items to pursue.

In addition, he reminded everyone that SVFD has its annual roast beef BBQ fundraiser on August 6th from 4:00-8:00 p.m. Tickets are \$30 each and can be purchased online via the SVFD website.

Other SVFD activities for the month included filling the tank at the community garden and engaging in public service details.

B. SVFD Request

D. Lowe introduced the SVFD request for funds to purchase new rescue tools. He is in favor of E. Holub's suggestion to utilize ARPA funds for the full amount to satisfy the request. D. Lowe invited C. Fuchs or David Lathrop (SVFD Fire Marshall) to explain the requested new tools (cutter, spreader and ram). Per C. Fuchs their current set of hydraulic tools for vehicle extrication – commonly referred to as the 'jaws of life' – are over 20 years old, are leaking hydraulic fluid and they are unable to obtain replacement parts. The SVFD wants to purchase the tools at the beginning of the fiscal year to avoid

anticipated price increases occurring in September. The lifespan of the tools is 15-20 years. According to D. Lathrop the new tools are battery operated and have more strength than some of the current hydraulic tools. Batteries are located on the apparatus and are being charged at all times. He advised in July alone they responded to four roll-over accidents in the town of Sherman and these tools would especially help for rescues down embankments.

B. Ostrosky inquired about the disposal of the old equipment. C. Fuchs stated the manufacturer informed them the tools have no trade-in or resale value. – they could be stripped for parts. He advised the SVFD will donate the old equipment to Ukraine or another worthy cause.

D. Lowe explained for the attending public that the BOS will bring this request to the town for a vote probably in August. The discussion will entail whether it will be paid out of the capital fund at an 80-20 percent split or the ARPA at 100%. C. Fuchs explained that the requested funds included a contingency amount.

B. Ostrosky made a motion to request from the ARPA an amount not to exceed \$40,000 and move to a town meeting in order to purchase a new cutter, spreader and ram.

Seconded by: D. Lowe

Vote: Unanimous For

C. Proposed New Senior Center

D. Lowe informed the other selectman that he has made the decision to walk away from pursuing the Schneckenburger house as an option for the proposed new senior center. He then opened up the discussion for the other selectman to comment. B. Ostrosky is aligned with walking away from the Schneckenburger house and seeking another alternative. He proposed exploring utilization of the land at the community gardens as a reasonable option for the taxpayers due to its location, existing road and topology. D. Lowe believes there is merit in that option. However, he shared that the senior center workshop group had concerns about that parcel of land.

J. Bruzinski shared his thoughts regarding the related POCD survey responses. While he believes surveys tend to trend negatively in general, he was surprised about the degree of negative feedback with respect to building a new senior center. According to J. Bruzinski the survey evidenced a request for more programs rather than a new location to host those programs. To that end, he believes existing spaces in town could fill this need and allow for program expansion. He suggested as an option the barn meeting space at the library that the town invested in. In addition, he advised that in the last budget they made an increase for the library to hire a programs person. D. Lowe queried if perhaps it would make more sense to offer a wider range of activities to a wider range of seniors first – then if they are well attended pursue the plan to build a new center.

B. Ostrosky then offered to clarify his comment. He agreed that the concept of a new senior center must have town consensus. In his view, the Schneckenburger house eroded consensus at the outset based on a long list of concerns. Starting a new build on a flat piece of property the town already owns eliminates issues up front that can erode consensus. He then inquired if there can be a consensus spot where something like this has a chance and can provide an opportunity to offer a dual service purpose (e.g., Parks & Recreation) to the town? D. Lowe also theorized if they could make better use of the Jewish Community Center (JCC) or Charter Hall. He offered that perhaps this year it would be best to spend time working out and planning more programs in synergy with Parks & Recreation.

D. Lowe will bring this to the next senior center working group meeting. He invited members of that group in attendance – Rick Hudson (20 Crooked Furrows Lane) and Ed Hayes (4 Circle Drive) to comment. R. Hudson stated there has been a high interest for programs at the senior center for years. He explained the reason more seniors don't use the programs now are due to the lack of parking at the current center and the need to park across the street. It is a significant barrier to expanding programs. According to R. Hudson he attempted to contact Father Wolfe of Saint Edwards about possibly using the Holy Trinity building after it was taken down. However, the universal reaction to the proposal was negative. R. Hudson indicated the north meadows site is still a viable option but need positive reinforcement to evaluate further. What he finds disheartening is the universal pushback and he would welcome an opportunity to explain to the town in a forum what ideas they have explored.

E. Hayes concurs with the comments made by R. Hudson. He shared that what is on the back burner right now is the second round of solicitations for an architect for the proposed Route 39 N site. They were put on hold during evaluation of the Schneckenburger house. He expressed frustration with new sites being proposed at this juncture. D. Lowe acknowledged the frustration and emphasized that they want to ensure they get it right and center in on a plan and a location that everyone can get behind. J. Bruzinski agreed with R. Hudson's comment that the current location could be smothering current interest. He reiterated the importance of using existing town facilities to re-ignite interest and thereafter measurably demonstrate the level of need to the public at large. E. Hayes stated the reasons seniors did not prefer to go to the JCC or Charter Hall is that they didn't want the program locations to be split. Both R. Hudson and E. Hayes thanked the selectman for their suggestions and offer to help. B. Ostrosky recommended to the working group that if they have a tactical request for the town to spend funds for the solicitation of the architect they need to submit it. He also stressed the reason to look at the other locations is to rule them out and gain consensus. He advised the working group that if they bring the request for funds forward, justify the expense and pick the site he will support it.

D. Possible Referendum

D. Lowe circulated to the board for their review text changes recommended by the attorney to the referendum's language. The attorney suggested the following language if the town pursues the referendum:

“Shall the Town of Sherman lease the 15.229 acre property located behind the American Pie restaurant for the purposes of Senior Housing at \$1 per year for 100 years to an entity determined by the Board of Selectmen and approved by the legislative body of the Town?”

B. Ostrosky stated since the last BOS meeting all he has received is questions, confusion, and negative feedback on this project including responses in the POCD survey. He is concerned if the project goes forward to a referendum in its current state it will not pass and the opportunity will be lost for a generation. Per B. Ostrosky the town of Sherman has been burned in the past by quick decisions which breeds distrust. He applauds the yeoman's work done by the senior housing committee but feels it is not enough. J. Bruzinski thinks the POCD survey results were alarming and he concurs with selectman Ostrosky that it will fail if it goes to referendum now. However, sending it to referendum sparks public interest and serves as a deadline date for the process to educate the public at large. D Lowe stated if an entity has done the work on a meaningful topic and has done their due diligence, he wants to honor that if they are seeking a referendum. He shares the concerns of his fellow selectmen about the measure not passing and subsequently tarnishing the notion of senior housing in Sherman in the future.

D. Lowe invited Ted Hollander (19 Mauweehoo Hill) of the senior housing commission to comment. T. Hollander understands the concerns completely. In his perspective, the wording doesn't state accurately what the commission is asking. In simple terms the commission is asking for the town to agree that piece of property would be suitable for senior housing. They are not ready to bring in a developer which is how it sounds now. Nor are they asking for an approval of a facility or a concept. Per T. Hollander the overall picture is that Sherman is a small town with 4-acre zoning that is restrictive and the town has no senior, assisted or affordable housing. He believes given the current climate they have a responsibility to shift the culture a little bit. B. Ostrosky agrees with T. Hollander's points and queried if there was voting value in a referendum question to obtain information vis-à-vis to institute action. T. Hollander responded that they have certain actions they need to take before it goes to referendum. The commission could work with the BOS to change the wording of the referendum and conduct more public education in order to set a date or /not set a date for a referendum. All selectman on the board agreed with the proposed plan of action.

E. Change in Public Works Supervisor Job Description

According to D. Lowe, changes to the Public Works Supervisor job description cannot occur without entire BOS approval. The only change to the job description is one word. The present word “may” which appears in the job summary would be changed to “will”.

D. Lowe made a motion to change the Sherman town job description for the Public Works Supervisor to change the fourth word under the job summary from “may” to “will”. The job summary will read, “Supervises, schedules and will participate in duties and services which maintain, enhance, and develop Sherman roads, streets, recreational fields and facilities, buildings and other Sherman property in accordance with safety standards, statutes, and generally accepted standards of performance.”

Seconded by: J. Bruzinski

Vote: Unanimous For

F. School Building Committee Report

Per J. Bruzinski they have a request for proposal (RFP) put together for design services. They have put a lot of emphasis on getting the RFP right and avoiding the sentiment that keeps arising, “We don’t want another firehouse”. They are trying to get the RFP to a point where it protects the town’s interests in every conceivable manner (e.g., financially, exposure, etc.). The school building committee wants to make it clear to any architectural firms that bid on the project that the goal is to make the facility mechanically sound and serviceable, functional, and safe for students and staff and to position the town to make sure there are no financial surprises. J. Bruzinski advised they had legal tighten the language of the RFP submitted by the building committee to reduce any exposure. Series 7100 bylaws for the Board of Education (BOE) do give the building committee the ability to spend money as they see fit but they need to request the funds from the town in order to pay for the incurred legal fees. The initial request was for \$7500 for attorney services and not to exceed that amount. However, that amount has been lumped together with the engineering fees. B. Ostrosky inquired if this would go to a town meeting and be taken from capital funds in addition to what the RFP was specifically for, for the sake of transparency and to counter misconceptions. J. Bruzinski shared the committee had a ‘Good, Better, Best’ approach to the building. What the advisory committee determined is there are massive mechanical problems – known as MEP – with the building at large (e.g., the roof, plumbing, etc.). Design services by an architectural firm are required to reverse engineer mechanical needs from educational specification needs. The building committee is seeking the ‘Better’ approach.

Pam Bonner (44 Anderson Road), who is Chair of the school building committee, spoke further on the RFP matter. P. Bonner advised the RFP document which is 44 pages, will be released tomorrow if the BOE approves it tonight. The RFP starts with the roof repair, continues with reconnecting the water and then addresses the issues with the historical wing (pre-K) to put that section back into service. The committee wants to look at the 61 Wing and see if it can accommodate HVAC needs. It is an all-encompassing RFP to renovate, not remodel, the school and bring it back to complete use in a safe environment for the students and the staff.

Discussion then shifted to attorney’s fees. P. Bonner advised E. Holub they have incurred some fees. Per D. Lowe \$6000 of attorney fees have been consumed. He cautioned they are trying to play catch up and get the train back on the tracks. As such

additional expenses may occur. Per P. Bonner they are trying to do it once and do it right. E. Holub has concerns about what they can spend ARPA on and what they can't. He has seen water infrastructure within the guidance. He would suggest the use of ARPA if it is justified within the rules as they have not spent a lot of that money. B. Ostrosky agrees that it makes a lot of sense to utilize ARPA funds as it appeals to the taxpayer to use grant money.

G. Sherman School Building

D. Lowe then shifted the discussion to the engineering fees for the playground. There were some things missing in the original plan that was presented to the BOS. In addition, an entire year has gone by since it was approved and expenses are higher. The original appropriation was for \$300k. To date they have spent \$12k but D. Lowe cautioned the original allocation would not cover it all and he is confident they will have to go back to the town and ask for additional funding. For this reason, D. Lowe believes they should take the engineering fees out of the \$300k so work can commence.

J. Bruzinski first wanted to address the engineering proposal. It is a given that they need to know exactly where the septic system is before building a new playground. He was surprised to receive a bill for \$8900 to locate the septic system as that information should be on file with the town in the form of an A2 and as-built from the school. P. Bonner advised there is an as-built on file approved by the state, however, since 2000 when the school was erected, they have found inconsistencies in the as-built. In addition, there are new changes in health rules and regulations that must be met. Therefore, the engineer has to come in and do exploratory work to validate exactly where the field is before digging to put up the new structure. Per B. Ostrosky there was no building committee in the past and that can never happen again. All selectmen thanked P. Bonner for her leadership of the committee.

PB then informed the board that the playground is scheduled for delivery in August. The committee is managing the project now and wants to erect it as soon as it arrives. B. Ostrosky recommends the committee total up all of the extra costs so they only go back to the town once. P. Bonner requested a little more time to tally the costs with corresponding explanations.

D. Lowe made a motion to go to a town meeting for an amount not to exceed \$7500 from either the capital non-recurring fund or ARPA funds (if we are allowed) for the legal work on the RFP for the Sherman School repair.

Seconded by: J. Bruzinski

Vote: Unanimous For

H. Report on Current Bids

D. Lowe informed the board and public that the bids for the new Mallory Town Hall walkways, roof and chimney have been sent out and are due August 18th.

Other Business

Discussion then moved to the need to interview public works supervisor candidates. D. Lowe would like to interview candidates on Thursday, August 4th? B. Ostrosky and J. Bruzinski can conduct interviews on that date.

B. Ostrosky wants Parks & Recreation invited to the next meeting to understand the key questions about electronic forms and payment processing. He knows it is simple but knows there is a cost to it and it requires a business person to oversee it. He believes the affordable cost of Parks & Recreation programs make Sherman special and the change would be merited even if they have to slightly raise fees. D. Lowe also mentioned that part of such a change will require a revamp of the town website which is an ongoing agenda item. D. Lowe advised he will invite Parks & Recreation to the next meeting.

Public Comment

D. Lowe then opened up the discussion to additional public comment. Anne Weisberg (3 Upland Pastures Road) inquired about the use of ARPA funds – how much did the town receive and what is the criteria? D. Lowe advised that is debated by many towns as the criteria is wide-ranging. According to E. Holub there are two payments and the town just received its first payment. The first payment was for \$500k. The second tranche will be around \$514k. A. Weisberg then asked if there was a deadline to use the funds. L. LaVia stated it is required to spend the first amount within one year and the town must report on it two times a year. A. Weisberg suggested to use it to update the website which the selectmen agreed was a good recommendation. Per E. Holub some towns have failed audits due to actual fraud. Per E. Holub if the government comes back and says the expense is disallowed then the town has to find a way to pay for it. According to L. LaVia most infrastructure projects and emergency services are considered within the guidelines.

E. Holub requested a return to the discussion on the playground. He inquired if the approved \$300k would be used to pay the bill for playground which will be delivered in August. P. Bonner stated she doesn't want to complete the project and overspend the allotted dollars before going back to the town first. She wants it to go to a town meeting by end of August. The school building committee has a meeting on August 9th to go over the project and anticipated changes such as whether or not to use woodchips or to switch to a poured in place surface for improved upkeep, maintenance and costs. The committee is working with Ron Cooper (Sherman Zoning Enforcement Officer) who is concerned about potential flooding associated with the use of woodchips. Per B. Ostrosky she should come on the 10th for a special meeting with D. Lowe and J. Bruzinski so they can get it out for a town meeting.

Katy Osborn (5 Osborn Road) asked if the playground was already delivered per an article she read in the local paper. P. Bonner advised what was delivered was a new part for the pirate ship back in May, which needs to be installed. The main playground will arrive in the middle of August for the older kids.

D. Lathrop wished to take the time to point out that C. Fuchs is an important asset to this community. Selectmen Ostrosky and Bruzinski lauded the level of professionalism in the after-action report submitted by C. Fuchs in addition to how the firehouse is run. D. Lowe underscored their praise of C. Fuchs and also D. Lathrop.

Jared Bonner (48 Anderson Road) inquired where the public works supervisor job is posted. Per D. Lowe it is on the town website and it was advertised in the Town Tribune. The deadline to apply for the position is 2:00 p.m. tomorrow.

In closing, D. Lowe reminded everyone about the art show (ArtFest 2022) at the JCC on the weekend of August 5th. According to Linda Hubbard there are 18 artists represented at the event and 29 artists have become members in the Sherman Artists Association.

Adjournment

D. Lowe made a motion to adjourn

Seconded by: J. Bruzinski

Vote: Unanimous For

D. Lowe adjourned the meeting at 8:41 p.m.

Respectfully submitted by Christine Aruza
Next meeting: Thursday, August xx, 2022, @ 7:00 p.m., Mallory Town Hall