

**Town of Sherman
Board of Selectmen Monthly Meeting
Mallory Town Hall and Zoom
August, 28 2025 at 7pm**

Present: First Selectman Don Lowe; Selectman Joel Bruzinski; Selectman Bob Ostrosky; Treasurer Andrea Maloney

Absent: Business Manager Liz LaVia

Invited & Audience: PW Supervisor Kris Fazzone; Jean Robbins; Chris Fuchs; Ryan Peburn; Roland Hanley; Denise Schlesinger; Linda Hubbard; Jill Finch; Tim Laughlin; Christy Bonaiuto; Dave Jellen; John Dwyer; Jeannene Burruano; Chris Suttmeier

Clerk: Nicole Zegley

Call to Order: First Selectman Don Lowe called the meeting to order at 7:02pm followed by the Pledge of Allegiance.

Public Comment: None

Correspondence: None

Administrative Items:

a.

Approval of July 24, 2025 Minutes

Motioned By: First Selectman Don Lowe

Seconded By: Selectman Joel Bruzinski

All in Favor: Unanimous

Approval of June 29, 2025 Special Meeting Minutes

Motioned By: First Selectman Don Lowe

Seconded By: Selectman Bob Ostrosky

All in Favor: Unanimous

Approval of August 9, 2025 Special Meeting Minutes

Motioned By: First Selectman Don Lowe

Seconded By: Selectman Bob Ostrosky

All in Favor: Unanimous

b. **Financial Review:** Business Manager Liz LaVia was absent. First Selectman Don Lowe updated the board by reading her report. The General Fund summary is current through August and racking normally. The main audit is underway with another to follow in September.

- c. **Tax Refunds:** First Selectman Don Lowe announced that there was one tax refund up for approval.

A Motion was made to approve a tax refund of \$4,224.20.

Motioned By: First Selectman Don Lowe

Seconded By: Selectman Bob Ostrosky

All in Favor: Unanimous

- d. **Acknowledgments/Appointments:** None

Information & Discussion:

- a. **SVFD:** Fire Chief Chris Fuchs updated that the Fire Department has responded to 268 emergency calls for August. Including a call on August 15th for a drowning on Candlewood Lake, southeast side of Deer Island. Search was called off after 6 hours and resumed the next morning. The victim was found after 7 hours and brought closure to the family. One new member joined this month and interviewed two more that are likely to join in September. Lastly, Chief Fuchs thanked the community for their participation in the Firemen's Ball and helping make it a success.
- b. **SVFD Capital Request:** Fire Chief Chris Fuchs made a capital request for 12 tri-band portable radios for this fiscal year and an additional 12 radios for the next fiscal year. The total project cost would be \$140,000. The 80/20 split would equal a cost of \$28,000 to the SVFD and \$112,000 to the Town.

A Motion was made to move to Town Meeting an amount not to exceed \$112,000 out of the Capital Non-recurring Fund for purchase of 12 tri-band portable radios.

Motioned By: Selectman Joel Bruzinski

Seconded By: Selectman Bob Ostrosky

All in Favor: Unanimous

- c. **Public Works:** PW Supervisor Kris Fazzone updated the board on the 4-5 days of repairs to dirt roads with additional material being added. Additional cleanup has been taking place at Veteran's Field in preparation for upcoming events. Winter maintenance has begun on the trucks and equipment. Especially truck #2 (Adam's truck) as it is 15 years old and requires more upkeep. Two workers (Adam and Matt) will begin a Public Works training class over a 6 week period. Kris will be attending a traffic safety class in September to learn about traffic control devices. Tree cutting will continue September 2nd-4th on town properties, near the beach, municipal campus and Volunteer Park. Selectman Joel Bruzinski inquired as to the removal of a branch on the wires of Church Road. PW Supervisor Kris Fazzone explained that they are not permitted to touch branches on wires. Multiple calls have been made to Frontier, but the branch has yet to be addressed. Calls will continue to be made for its removal. First Selectman Don

Lowe requested a future meeting with PW Supervisor Kris Fazzone to discuss Farm Road.

- d. **Sherman School Renovation Update:** First Selectman Don Lowe updated the board on the progress of the school renovation. The temporary building is almost complete and on schedule for the school opening. Selectman Joel Bruzinski added that the look of the outside of the school did not begin to tell the story of what is occurring inside. A massive amount of work has taken place.
- e. **Sherman School Renovation Project Owner's Representative:** First Selectman Don Lowe led the discussion on the past termination of the Owner's Representative. After extensive discussions with town residents and some valuable insight the board will revisit the need for the position. The position would include coordinating tasks and strategies, communicating back to the board, and they would oversee the task checklists of each company's job. Selectman Bob Ostrosky stated that it was worth pursuing further, having the best interest of the Town and Taxpayers in mind, funding would come from Capital Non-Recurring, have the job run in 2-3 month increments, and would need to go to Town Meeting. Selectman Joel Bruzinski added that it would be beneficial to have someone who understands the local environment. First Selectman Don Lowe suggested circulating the job description and a future Special Meeting.
- f. **Proposed Sherman Senior Center Update:** First Selectman Don Lowe updated the board on the upcoming dates of the Senior Center Building Committee "Public Outreach", providing information and updates of the project progress. A series of Public Town Forums will begin Sunday September 21 at Charter Hall, Sunday October 25th, a Zoom Only on Wednesday October 29, Thursday October 30 at the Senior Center at noon, Sunday November 16 at 2pm. The plan is to move to Referendum tentatively for Saturday December 13th, 2025. A Town Meeting will likely be Saturday November 29th. The Building Committee will continue to discuss and provide information and Nixel will also be used. Christy Bonaiuto inquired as to the location of the proposed Senior Center. First Selectman Don Lowe confirmed that it would be located at Colonial Field, but the exact location would be shared shortly.
- g. **Planning & Zoning Regarding Legal Use:** First Selectman Don Lowe read a correspondence from the Planning and Zoning Commission. Followed by First Selectman Don Lowe reading the Board of Selectmen response.

August 8, 2025

Dear Selectmen,

The planning and Zoning Commission would like to bring to your attention our concerns regarding constraints and Legal Counsel access.

Background

The Planning and Zoning Commission's budget was reduced by 16.7% for the fiscal year 2025-2026, bringing the total to \$10,000. Additionally, the Counsel and On-Going Litigation budget saw a 33% reduction. These cuts make the commission highly conscious of every dollar spent on Land Use Counsel.

Impact of Staffing Changes

For the past 18 months, the Commission has received minimal legal support from the Zoning Enforcement Officer. Previously, Ron Cooper, had offered seasoned guidance and legal expertise, which helped minimize the need for outside legal counsel. With his retirement, the Commission has felt this loss acutely. A new, qualified ZEO has recently been hired in agreement with the First Selectman. This individual is expected to help the Commission review State Statutes and case law thoroughly as they make decisions. However, there will be a period of adjustment as the new ZEO becomes familiar with the Town, their responsibilities, local regulations, and the Commission's objectives.

Regulatory Interpretation and Legal Access

Planning & Zoning Commissioners strive to interpret and apply regulations faithfully and fairly, despite the current climate of short tempers and heightened personal expectations. When the legality of a request or decision has been uncertain, historically, Mr. Cooper would recommend a consult with the Commission's attorney, ensuring that actions remained within legal bounds and providing a measure of protection for the Commission.

Due to recent budget limitations and reduced access to legal counsel, the Commission has added a clause to Special Permit applications. This clause notifies applicants that they may be responsible for peer review costs, including attorney fees, in connection with their permit-potentially leaving them financially accountable for legal questions.

Current Process and Commission Concerns

The Commission is making every effort to comply with the funding approved via referendum. However, First Selectman Lowe has directed that any request for legal counsel must go through him for approval or denial. This requirement creates delays in application processing-a process bound by timelines set forth in State Statutes-and is seen as disrespectful to Commission members, who believe they are best positioned to judge when legal counsel is necessary.

Request to the Board of Selectmen

Given these circumstances, the Planning and Zoning Commission asks the Board of Selectmen to reconsider the mandate requiring pre-approval by the First Selectman for Land Use Counsel expenditures from the approved budget. The Commission, as a duly

elected body responsible for upholding the Town's regulations and ensuring fair process, must have timely and independent access to legal guidance. This is vital not only to protect the Commission but also to safeguard residents' interests. Direct access to allocated legal funds will enable the Commission to fulfill its responsibilities effectively and transparently, upholding the standards expected by the Town of Sherman.

Sincerely,

*Planning and Zoning Commission
Sherman, CT*

August 27, 2025

TO: Sherman Planning and Zoning Commission

Dear Commissioners,

The Board of Selectmen has received your letter from August 8, 2025 that requests the following:

- 1. More budgeted operating money for legal expenses*
- 2. Direct access to legal representation without pre-approval*

The Board of Selectmen will gladly revisit the Planning and Zoning legal budget for both consultation and ongoing court costs in the next budget cycle. For now, we must work with the 2025/2026 budget approved by the voters. It is refreshing to read your statement "These cuts make the commission highly conscious of every dollar spent on Land Use Counsel." This equally mirrors the Board of Selectmen's consideration toward taxpayers' dollars spent on legal work and we commend you.

Out of respect for its taxpayers and to create a sense of order, the Board of Selectmen will continue with the pre-approval process. This is standard procedure in every municipality that the First Selectman has conferred with. To allow Planning and Zoning commissioners direct access without approval to legal assistance would be financially unwieldy and would also set a dangerous precedent concerning legal access for commissioners of all boards and commissions. The First Selectman is a phone call or an email away and can, in almost all cases, be easily reached for permission. With that said, the First Selectman has informed LUEO John Cody that if he encounters an emergency and cannot reach him, to go ahead and confer with legal. We would understand that situation.

Thank you to your entire commission for the service you provide to the Town of Sherman.

Best wishes,

Board of Selectmen

Selectman Joel Bruzinski agreed with the letter and went on the record to offer recognition and appreciation of the work being done by Planning and Zoning, including regulation enforcement.

Selectman Bob Ostrosky added that at any point during a fiscal year, if a commission feels their budget will be exceeded, bring the concern to the Board of Selectmen as certain situations have required it in the past.

Selectman Joel Bruzinski suggested that the Planning and Zoning track this year and bring concerns to the next budget meeting for discussion.

Selectmen to officially sign the letter at the adjournment of the meeting.

h. Happy Acre Lease: First Selectman Don Lowe explained that David Jellen, Happy Acres Farm Manager, has a five year lease expiring in January 2026. He continued by commending Mr. Jellen on the fine work he has done on the farm and for the community. First Selectman Don Lowe expressed personally that he would like to see Mr. Jellen with a long term lease that would allow him to grow in the town. The lease would need to contain an escape cause for both The Town and Mr. Jellen.

Selectman Joel Bruzinski agreed with First Selectman Don Lowe, but the number of years needed adjustment.

Selectman Bob Ostrosky suggested asking what Mr. Jellen what he would expect from the lease.

Selectman Joel Bruzinski suggested researching other towns for similar situations.

First Selectman Don Lowe also suggested a 5 year lease with an auto-renewal if The Town's needs are met. The Board agreed the vocabulary in the lease needed to be reviewed at a possible Special Meeting. A private meeting with David Jellen and taking it to a September meeting were suggested.

Selectman Bob Ostrosky suggested considering the need for liability insurance.

i. Lescynski Lease: First Selectman Don Lowe discussed renewing the Lescynski lease, as well as reconfiguring fence lines.

Selectman Joel Bruzinski agreed that rules and guidelines need to be set. The Board agreed to follow the same procedure with the Lescynski Lease as they are following with David Jellen's Lease.

j. **Bidding Ordinance Review:** First Selectman Don Lowe suggested increasing amounts to \$25,000 and over would require 3 bids. As well as, increasing the 3 quote amount to \$5,000-\$25,000

A Motion was made to move to Town Meeting a Bidding Ordinance Change, the changes are: a minimum of \$5,000-\$25,000 will require 3 Quotes, and an amount of \$25,000 and over will require going out to bid.

Motioned By: First Selectman Don Lowe

Seconded By: Selectman Joel Bruzinski

All in Favor: Unanimous

k. **Ballot Box Camera:** Selectman Joel Bruzinski informed of notification given to the Town Clerk in June by the State that moving forward that Ballot Boxes will require 24 hour surveillance. The deadline was July 30, 2025. One quote received is currently \$5,500. There may be a possible cost savings as 9 have been removed from the school building.

A Motion was made to bring to Town Meeting an amount not to exceed \$6000 from the Capital Non-Recurring Fund for an installation of a state complying and required surveillance camera system for the voting drop box.

Motioned By: Selectman Joel Bruzinski

Seconded By: Selectman Bob Ostrosky

All in Favor: Unanimous

l. **Arts Brochure Expense:** Selectman Don Lowe shared that the Commission for the Arts would like to produce a town wide arts brochure. The cost of the brochure would be \$1000. As budget procedures have changed for this fiscal year, the \$1600 expense budget is shared by 3 commissions.

Selectman Joel Buzinski requested a final copy to review before it goes to final print.

Art Commission member Christy Bonaiuto agreed that a final copy could be submitted for final review. The Commission for the Art would like to have the brochures printed in time for Farm Day at Happy Acres. Mrs. Binaiuto also clarified that the \$1000 would pay for 1000 printed copies that would be distributed throughout town.

First Selectman Don Lowe suggested having Jean Robbins review the brochure for printing to see if a cost savings may be possible. He also commended the Commission for the Arts on finding their mission and purpose.

m. **Capital Projects/Town Meeting Dates:** First Selectman Don Lowe shared a list of items to move to Town Meeting and shared holding off on the Anderson Road paving project and Basketball Courts.

PW Supervisor Kris Fazzone explained that as the weather has begun to change, paving becomes more difficult. He also explained that the basketball courts were needed for the start of school, as they will be used for gym class during school construction.

First Selectman Don Lowe read the Town Meeting list.

Future Town Meeting Items:

1. Elderly and Disabled Tax Threshold
2. Veterans 100% Disabled Tax Exemption
3. Bidding Ordinance Review (re-motion)
4. Emergency Expense for \$7264.66 at Firehouse
5. 11K from Capital for Park and Rec Gazebo Roof
6. \$5500 from Capital for Park and Rec Summer Office Roof
7. \$6000 Ballot Box Camera
8. Radios

A Town Meeting date was set for Thursday September 17, 2025 at 7pm.

- n. **Scout House Update:** First Selectman Don Lowe updated that Contractor Joe Beatty is doing a great job and coming in under budget and should be completed at the end of September. A celebration or ribbon cutting may follow.
- o. **Hometown Heroes Project:** First Selectman Don Lowe revisited the Hometown Heroes Project and requested permission to move forward and reiterated that saying yes does not limit the town as to placement, pricing, etc.

Selectman Bob Ostrosky clarified that the banners go up before Memorial Day and come down for Labor Day to preserve them during the winter months.

Selectman Joel Bruzinski added that he was in favor of the idea, but Sherman needed to do it better than other towns. The lack of maintenance to the banners is disrespectful. Selectman Bruzinski also suggested the Town Green for placement where he felt they could be appreciated.

First Selectman Don Lowe agreed to reach out to Todd Lobraico to move forward. He also clarified that the banners are for Veterans that currently live or have lived in Sherman.

- p. **Town Entity Email and Social Media Account Policy Review:** Selectman Joel Bruzinski updated that a few town individuals were doing town business without a town email, and has been corrected.

First Selectman Don Lowe informed that Nixel will be used more now that the Tribune isn't readily available anymore.

Selectman Joel Bruzinski informed that there is a function on the town website that says "stay engaged and keep informed". It contains every town entity that can be subscribed to for daily email notifications of events.

q. Town Beach Dock Addition and Redesign Work Update: First Selectman Don Lowe sat with Brian Wood and the application was moving along. There were changes implemented and required a meeting with engineering. No action expected for the 2025 year. All the islands on Candlewood Lake due to sanitation and overuse FNo updates at this time.

Other Business: None

Public Comment:

Jeannene Burruano of Farm Road thanked PW Supervisor Kris Fazzone on behalf of the gardeners for delivering water.

Chris Suttmeier of Benchmark Road disliked the dock design plan. He felt that the limited room would result in accidents and injuries.

First Selectman Don Lowe offered to go to the docks and meet about ideas.

Roland Hanley of Hillside Drive added that the cove down by the beach has a larger number of non-motorized vessels, such as paddleboards and kayaks, and offered to take First Selectman Lowe on his boat for a better view of the problem areas. The depth of the lake is also inaccurate.

Tim Laughlin of Benchmark Road agreed that the depth isn't what it once was. The channel is not for novice boaters.

John Dwyer of Spring Lake Road inquired as to who enforces Cease and Desist orders from Planning & Zoning?

First Selectman Lowe to reach out privately to Mr. Dwyer.

Adjournment:

Motioned By: First Selectman Don Lowe

Seconded: Selectman Joel Bruzinski

Time: 8:47pm

Respectfully Submitted By Nicole Zegley