

**BOARD OF SELECTMEN
REGULAR MEETING
November 19, 2009
(Subject to Approval)**

PRESENT: First Selectman H. William Davis, Jr.
Selectman Carol Hubert
Selectman Kenneth Kerin
Selectman Barbara McLaughlin
Selectman Stuart Somers
Selectman John Turk

ALSO PRESENT: Selectman Elect Chad Landmon, Selectman Elect Joseph Santonocito, Assistant to the First Selectman Jennifer Naylor, Office Manager Noreen Thompson, Interested Citizens, and Members of the Press

CALL TO ORDER

First Sel. Davis called the Regular Meeting of November 19, 2009 to order at 7:34 p.m. in Room 205 of the Town Hall.

PLEDGE OF ALLEGIANCE

All joined in the Pledge of Allegiance.

PUBLIC COMMENTS

1. Kate Beardsley of Beardsley Excavating, Southbury spoke regarding road work her firm was hired to do on Flag Swamp Road. She said they were told in April they were doing the job, but could not start work until August because of waiting on permits improperly applied for by Public Works. Then after 10 weeks they were shut down again because of permit problems. Ms. Beardsley said she has turned down other jobs while waiting on the town. She feels that Public Works is not doing their job. Ms. Beardsley suggested that the town work should be divided among all the excavators in Southbury.
2. Robert Kimball of 740 Purchase Brook Road, an excavation contractor with a bid in with the Public Works office to do work on Purchase Brook Road, said he has had trouble getting in touch with the Public Works Director who forgot an appointment with him in August. He suggested that the Public Works Director needs an assistant.
3. Harry Stone of H. I. Stone, Southbury said he does not think the work in Southbury is being properly delegated.
4. Peter Weissmann of Southbury said that PALS (People for the Animals League of Southbury) had raised \$4,000 for the dog pound and he asked if the money had been put into the town's general fund.
5. Jon Norris of 145 Hornet Nest Road asked if there was a written bidding policy that the town adheres to and, if so, was it available to the public.

ANNOUNCEMENTS/CORRESPONDENCE

1. Memo from the Office of Policy and Management listing the qualifying income program for 2009 grand list.
2. H1N1 Situation Report for November 6 to November 12, 2009.
3. Animal Control Report for October 2009.
4. Letter received November 17, 2009 from Lisa Hanggi, Executive Director of YFS stating she will be resigning effective January 31, 2010.

With respect to Item #1, Sel. Kerin commented that since the state circuit breaker program had gone up to maximum income of \$39,500, the town circuit breaker match program would be going up to a maximum income of \$49,500.

MINUTES

Upon a motion by Sel. McLaughlin, seconded by Sel. Turk, the minutes of the November 5, 2009 Regular Meeting of the Board of Selectmen were approved with five aye votes and Sel. Kerin abstaining.

CONSENT AGENDA

Upon a motion by Sel. Turk, seconded by Sel. Hubert, the following items on the Consent Agenda were unanimously approved:

Resignations:

RESOLVED, that the Southbury Board of Selectmen hereby acknowledges with regret the resignation of Edward H. Gittines as an alternate member of the Zoning Commission, effective November 12, 2009.

RESOLVED, that the Southbury Board of Selectmen hereby acknowledges with regret the resignation of Wendi Majal as an alternate member of the South Britain Historic District Commission, effective November 2, 2009.

STAFF REPORTS

Treasurer Bill Sarosky's written summary of expense and revenue projections as of 10/31/2009 has been given out to the Board. In answer to a question from Sel. Hubert, First Sel. Davis said the audit was not finished yet. Sel. Hubert remarked that there seemed to be quite a large surplus. Sel. Hubert said she would like to compare the Treasurer's last projections for last year with the audit report.

TRANSFER

Upon a motion by First Sel. Davis, seconded by Sel. Hubert, it was unanimously

RESOLVED, that the Southbury Board of Selectmen hereby approves and refers the following Transfer to the Board of Finance:

10-05 DEPARTMENT: Committee Expenses

FROM:	Fund Balance	\$2,800
TO:	Historic District	\$2,800

To fund for a matching grant for a historic district public information brochure.

UNFINISHED BUSINESS**1. Code of Ethics**

First Sel. Davis passed out to the Board a copy of a memo from Attorney Jeff Tinley with four minor changes to the proposed Code of Ethics which had just been received late that afternoon. First Sel. Davis suggested incorporating Attorney Tinley's changes into the document and then discussing the proposed Code on Ethics at the Board's next meeting on December 3rd.

Some questions were raised and suggestions made:

With respect to Section A.3. on the first page, Sels. Kerin and Hubert asked why should not "residents" rather than "voters" be able to raise concerns regarding possible conflicts of interest.

With respect to Section B.3.a. on the second page, Sel. Hubert asked for a definition of the "fourth degree".

In the third line of Section C.2. on the second page, Sel. Kerin suggested putting a comma after the word "Ordinance" and deleting the word "to".

With respect to Section K.1. and K.2. on the fourth page, there was a discussion as to why 1. (removal and dismissals) refers to "appointed office" and "employment with the Town" whereas 2. (disciplinary actions) refers to "officer, employee or member of a Town board or commission". It was suggested that the difference in treatment of various persons in K.1. and 2. should be clarified.

2. Committee to Study Tax Relief

Sel. Kerin reviewed the four recommendations of the Senior's and Veteran's Property Tax Study Committee:

1. The current income and benefit levels for the CB match program should remain unchanged for the coming year. Sel. Kerin passed out a sheet showing the number of participants and the total dollar amounts for the state and local circuit breaker programs. He said the committee decided not to raise the income level by excluding social security income. Sel. Kerin pointed out that it would have an unequal effect to exclude social security as, for example, some people get over \$30,000 a year in social security while, on the other hand, military benefits would not be excluded;
2. The statutory cap should be raised from 0.8% to 1.0% of property tax assessments. State law says any amendments to the circuit breaker system

should come as recommendation from the Board of Finance to the Board of Selectmen. So, it will be necessary for the Board of Finance to recommend the cap be raised to 1.0% of property tax assessments;

3. Once again the town should undertake a timely town-wide promotion of the Circuit Breaker and CB Match programs to make sure the people in need are reached; and

4. The qualifying income (same as for the CB Match program) for the "Local Option" veterans program should remain unchanged for the coming year. Sel. Kerin pointed out that there are also two state veteran property tax exemption programs.

Sel. Kerin brought up the problem of residents who have had to cash in 401Ks and IRAs due to medical hardship. This raises their income so that their property tax break is affected. Sel. McLaughlin said that Assessor Michael Moriarty said that for the 10 or 12 people who might have this problem he could ask to see the IRA or 401K and the medical bills and accordingly adjust their income. There was a discussion of the medical privacy rules. Sel. Kerin said he will ask the Board of Finance to recommend changing the ordinance if necessary to allow this.

Sel. Turk said he is concerned about the medical privacy rules. Sel. Turk suggested the letter telling residents about the circuit breaker programs also inform the residents of the veterans programs. The consensus was that adding the veterans information is a good idea. First Sel. Davis noted that all this information would be on the town website.

UPDATES

Performance Evaluations

Copies of two revised performance evaluation forms, one for department heads or supervisors and one for other employees were given out to the Selectmen. Sels. Somers and Kerin were concerned with the weighting of the questions. They felt, for example, that for some jobs people skills should be heavily weighted whereas for other jobs accuracy should be heavily weighted.

Sel. Kerin said that the supervisor should assign the weights, which should add up to 100%. He also felt that the weights could be used as a good communication device during the evaluation.

Sel. McLaughlin was concerned that meritorious employees be suitably awarded. She noted that the evaluation forms can indicate meritorious behavior by means of comments and the 0 – 4 ratings. Sel. McLaughlin suggested a few changes to the wording on the forms.

Sel. Kerin felt that in the future employees should be considered for one raise per year based on merit. He felt there should be no cost-of-living raises. Sel. Kerin also felt the merit increases should be in the form of salary increases, not bonuses.

Sel. McLaughlin suggested merit increases should be bonuses awarded on an employee's anniversary. She felt these merit awards should be in addition to a general raise given to all satisfactorily performing employees.

Sel. Hubert remarked that this question of increases to salary versus bonuses would have to be revisited.

NEW BUSINESS

Upon a motion by Sel. Turk, seconded by Sel. Hubert, it was unanimously agreed to add an appointment to the Rural Preservation Advisory Committee to the Agenda.

First Sel. Davis moved the appointment of Joe Santonocito to the Rural Preservation Advisory Committee for discussion purposes, seconded by Sel. Somers.

Sel. Hubert asked Sel. Elect Santonocito if he wanted to serve on the Rural Preservation Advisory Committee. Sel. Elect Santonocito was ambivalent.

Upon a motion by Sel. Hubert, seconded by Sel. Turk, the appointment of Joe Santonocito to the Rural Preservation Advisory Committee was unanimously tabled.

REPORTS FROM SELECTMEN SERVING AS LIAISONS

None

ANY OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE MEETING

Sel. Somers said that the people who came before the Board tonight with comments on the road program have valid comments. Sel. Somers said that the Board should have Public Works Director Tom Crowe come in at the next Board meeting and discuss the situation. Mr. Somers said there is a lot of money sitting in the road fund and in 2009 no work was done until almost August. He said the work is not getting done. Sel. Somers said that Public Works should have plans with permits done a couple of years ahead so that, if for some reason a particular job is not allowed to go forward, there is already permitted work lined up which can be done instead. Sel. Hubert pointed out that the money is in a capital account and is not going to go away.

Upon a motion by First Sel. Davis, seconded by Sel. Turk, it was unanimously agreed that the Southbury Board of Selectmen move into Executive Session at 9:52 p.m. to discuss law suits.

EXECUTIVE SESSION

The Executive Session was called for the purpose of discussing law suits.

Selectmen Present

Also Present

First Selectman H. William Davis Jennifer Naylor,
Selectman Carol Hubert Asst. to First Selectman
Selectman Kenneth Kerin Chad Landmon
Selectman Barbara McLaughlin Joseph Santonocito
Selectman Stuart Somers Noreen Thompson
Selectman John Turk

First Selectman Davis declared the Executive Session closed at 9:18 p.m. and the regular meeting continued.

Sel. McLaughlin moved, seconded by Sel. Turk to adjourn the meeting at 9:19 p.m. All were in favor.

Respectfully submitted,

Jocelyn Bagger