

**BOARD OF SELECTMEN
REGULAR MEETING
December 3, 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: Public Works Director Tom Crowe, 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 December 3, 2009 to order at 7:30 p.m. in Room 205 of the Town Hall.

PLEDGE OF ALLEGIANCE

All joined in the Pledge of Allegiance.

PUBLIC COMMENTS

1. Robert Woodside of 579 Brown Brook Road, Southbury was concerned about the proposed cell tower in the Purchase neighborhood. He thanked First Sel. Davis for attending the siting meeting and suggesting alternatives. Mr. Woodside asked for some follow up help from the town in opposing the cell tower at the Purchase site.
2. Matthew Poluhowish of 75 Garnet Road, Roxbury passed around a picture of the proposed tower location. He requested help from the town of Southbury in finding an alternate location for the tower.
3. Ryan Henry of 225 Perkins Road, Southbury said the proposed cell phone tower was going to be in his backyard. He said a big reason he bought the house (last June) was because of the view and the cell phone tower would spoil the view. Mr. Henry said he would appreciate any help the town could give in finding an alternate location for the tower.

Sel. Hubert asked what the time frame for the cell tower was. First Sel. Davis said the Siting Council was taking written comments for 30 days (from the public hearing on November 24). First Sel. Davis said he would again pass on the residents' concerns.

ANNOUNCEMENTS/CORRESPONDENCE

1. H1N1 Situation Report for November 20 to November 25, 2009.
2. Building Department report for November 2009.
3. Animal Control Report for November 2009.
4. Meeting Calendar for December 2009.

MINUTES

First Sel. Davis pointed out that on page 5 of the Minutes the Board moved into Executive Session at 8:52 p.m., not 9:52 p.m.

Upon a motion by Sel. Turk, seconded by Sel. Somers, the minutes of the November 19, 2009 Regular Meeting of the Board of Selectmen, as corrected above, were unanimously approved.

CONSENT AGENDA

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

1. Resignations/Appointments:

RESOLVED, that the Southbury Board of Selectmen, hereby reappoints the following as members of the Retirement Plan Oversight Committee:

Carol S. Hubert, for a term to expire on December 5, 2011

John O. Turk, as the Selectman alternate member, for a term to expire on December 5, 2011

Eugene H. Kaplan, as the Resident alternate member, for a term to expire on December 31, 2013

RESOLVED, that the Southbury Board of Selectmen hereby acknowledges with regret the resignation of Eric J. Kipperman as a member of the Board of Finance, effective immediately.

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Democratic Town Committee, hereby moves Edward Edelson from alternate member to regular member of the Board of Finance, for a term to expire on December 5, 2011.

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Democratic Town Committee, hereby appoints Justin A. Bette as an alternate member of the Board of Finance, for a term to expire on December 5, 2011.

2. Driveway Bond:

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Driveway Inspector, hereby releases the following

driveway bond in the amount of \$1,500, the work having been satisfactorily completed:

PERMIT NO.	PRINCIPAL	SURETY
608	Margaret Bartlomowicz 298 Westenhook Terrace Lot 11	Webster Bank Town File 06-106

3. Referral from Land Use:

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Land Use Inspector, hereby releases the following Inland Wetland bond in the amount of \$1,000:

PRINCIPAL: Meadow Woods Associates, LLC/Daniel Rado
SURETY: Naugatuck Savings Bank
PROPERTY: 88 Country Woods Lane, Lot 13
(Town File 06-79)

4. Refunds:

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Tax Collector and in accordance with State Statute 12-129, hereby approves the refunds for a total amount of \$1,984,85.

5. Conservation Easement:

RESOLVED, that the Southbury Board of Selectmen hereby approves acceptance of the Conservation Easement granted by Bryan Nettleton, as shown on a map to be filed in the Southbury Town Clerk's office entitled "The Subdivision of Parcel "A", T.C. Map #3237, Property of Bryan E. Nettleton, 44 Hemlock Ridge Road, Southbury, Connecticut", dated June 30, 2009, last revised November 23, 2009, prepared by Riordan Surveying, as approved by Inland Wetlands Commission and Town Counsel.

STAFF REPORTS

Director of Public Works Tom Crowe appeared before the Board to answer questions. First Sel. Davis mentioned that a letter had been received from Deborah Stevenson on Flag Swamp Road questioning the radius of the turn. He said that Sel. and engineer Stuart Somers checked the plans and found that the curvature of the road was fine.

Sel. McLaughlin asked Mr. Crowe about the excavators' complaints at the last Board of Selectmen meeting. Mr. Crowe said that although his communications could have been better, there was no intent to mislead anyone. He said that they do make a point not to promise work unless they are able to provide it. He admitted there were some things he could have done better over the past season.

Sel. McLaughlin asked about the bidding procedures. Mr. Crowe said that to the extent they can change things and make them better they will do so. First

Sel. Davis said the bidding procedures are being looked at by the Board of Finance and they seem to be in good shape.

Sel. Kerin raised the question of the pace of the road projects in connection with the funding available. Director Crowe said they wanted to and he believed that they have kept up with the pace of funding. He said they spent \$2.4 million this year. He said their goal was to carry over about \$1 million to next year.

First Sel. Davis reminded everyone that Purchase Brook Road could not be started until the town knew for sure that the project would not get stimulus funds. But in the meantime, he said, other roads were being milled and repaved. In answer to a question from Sel. Somers, Director Crowe listed the road work that was done this past season and the road work that they intended to do in the spring, referencing the Five-Year Plan.

Sel. McLaughlin emphasized the need to keep up the funding of the road account.

Sel. Turk asked Director Crowe if he knew how he was going to do things better with contractors. Mr. Crowe said communications would be better so that people know where they are. He said they will make perfectly clear that people should not count on work until they are specifically given that work. Director Crowe said they would make sure what their goals are and what they propose doing. They will use a letter to define the scope of the work, the start date, and other similar information. Director Crowe said that the town generally acts as the general contractor with this work. Sel. Somers and Mr. Crowe agreed that as general contractor even more good communication is required.

First Sel. Davis introduced the new resident state trooper, Sgt. Mike O'Donnell.

UNFINISHED BUSINESS

1. Code of Ethics

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

RESOLVED, that the Southbury Board of Selectmen hereby sets the date of Thursday, December 17, 2009 at 7:30 p.m. in Room 205 of the Town Hall to hold a Public Hearing to amend the Code of Ethics Ordinance.

NEW BUSINESS

1. Stones Way Subdivision – North George's Hill Road

Sel. Hubert asked about the safety of the modification of the road width from 26 feet to 22 feet. First Sel. Davis said that it was only an 11 lot subdivision so there would not be much traffic. Also, he said, the narrower road would encourage slower speeds. And, he said, the Fire Marshall had approved the 22 foot width because two 10,000 gal. fire tanks were installed.

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

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Planning Commission, hereby approves road construction plans for the proposed road for the Stones Way Subdivision, with the modification of the pavement width from 26 ft. to 22 ft. for the proposed new road, and the installation of the shoulders at 6 ft. rather than 12 ft. to minimize impact on the site; and

FURTHER RESOLVED, that the Town agrees to the acceptance of conveyances of drainage easements, maintenance easements, the road right-of-ways and the open space parcels, and that all are in forms acceptable to Town Counsel for filing on the land records at the appropriate time.

2. Request to Purchase Town Property – Hastedt

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

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Planning Commission and in accordance with Section 8-24 of the Connecticut General Statutes, hereby approves the request of Muriel and John Hastedt to purchase property as shown on Map 19A, Block 51, Lot 49, subject to the following:

1. That the property owner needs to provide proof that the property they own is an approved building lot in order to meet the criteria under the Town's disposition policy.
2. That this lot becomes a part of the current property (Map 19A, Block 51, Lots 1 – 3, 36 – 43, 46 – 47) as a whole and remains as one parcel, without consideration of subdivision;
3. That the purchase price for this lot is the assessed value \$80;
4. That the deed of conveyance be acceptable to Town Attorney;
5. That the buyer is responsible for any and all fees associated with the sale of this property.

3. Addition to the Agenda – Platt Appointment

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

Upon a motion by Sel. Somers, seconded by Sel. McLaughlin, it was unanimously

RESOLVED, that the Southbury Board of Selectmen hereby appoints Edward Platt as a member (farmer representative) of the Rural Preservation Advisory Committee, for a term to expire on January 15, 2012.

REPORTS FROM SELECTMEN SERVING AS LIAISONS

Sel. Kerin mentioned the issue of library assistants. There is only one category of library assistant but the library assistants have different pay structures. Sel. Kerin feels there should be two categories of library assistant instead. Sel. Kerin said he enjoyed his tenure on the Board and enjoyed working with everyone on the Board.

Sel. McLaughlin wished First Sel. Davis and the new Board of Selectmen a good two years. Sel. McLaughlin complimented Sel. Carol Hubert for her service saying that Sel. Hubert has always put the Town of Southbury first. Sel. McLaughlin thanked five members of the staff who, she said, have been particularly helpful to her and made her a better selectman: Police Cpl. Brian Hughes, State Police Sgt. Ken Kramer, Treasurer Bill Sarosky, Assessor Mike Moriarty, and Office Manager Noreen Thompson. Lastly, Sel. McLaughlin thanked the voters of Southbury for the opportunity to serve them for the last five and one-half years.

First Sel. Davis thanked the three Selectmen who are leaving for their service: Sel. Stu Somers for coming to serve when he was asked and for his institutional memory; Sel. Ken Kerin for his reporting and bull dog attitude toward getting at facts and presenting them fairly and accurately; and Sel. Barbara McLaughlin for her devil's advocate positions.

Sel. Hubert said that this make up of the Board has been magical. She said this Board has worked well together and accomplished more in the short time it has been together than other Boards in longer time periods. She added that the Board had taken on really difficult subjects.

Sel. McLaughlin moved, seconded by Sel. Turk, to adjourn the meeting at 8:06 p.m. All were in favor.

Respectfully submitted,

Jocelyn Bagger