

**BOARD OF SELECTMEN  
REGULAR MEETING  
November 5, 2009  
(Subject to Approval)**

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

**NOT PRESENT:** Selectman Kenneth Kerin

**ALSO PRESENT:** Treasurer Bill Sarosky, 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 November 5, 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.

**MOMENT OF SILENCE**

First Sel. Davis led a Moment of Silence in memory of Aubrey "Jay" Mays who died at age 92. He worked for Outside Properties from 1985 to 2005 where he planted the flowers to spell out messages at the Fire House.

**PUBLIC COMMENTS**

None

**ANNOUNCEMENTS/CORRESPONDENCE**

1. Letter dated October 21, 2009 from the University of Connecticut School of Engineering informing the Town that Thomas Crowe has completed the Connecticut Road Scholar Program.
2. Letter dated October 22, 2009 from Deborah Stevenson regarding Flag Swamp Road improvements.
3. Letter dated October 22, 2009 from Internal Revenue Service regarding the American Recovery and Reinvestment Act.
4. Copy of most recent H1N1 Situation Report.
5. Fire Marshal reports for August, September and October 2009.
6. Building Department report for October 2009.

7. Meeting Calendar for November 2009.

With respect to Item #2, in answer to a question from Sel. Hubert, First Sel. Davis said it is true that the town did not get prior approvals from the Wetlands Commission; but the Wetlands Enforcement Officer and the Chairman of the Wetlands Commission have said there is no problem and any necessary approvals will be obtained. Also, Mr. Davis said, the catch basin will be seen to be properly located at the side of the road when the road has been paved.

With respect to Item #3, in response to a question from Sel. Hubert, First Sel. Davis said the town is looking into helping the IRS in getting information about the tax provisions out to residents.

### **MINUTES**

**Upon a motion by Sel. Turk, seconded by Sel. McLaughlin, the minutes of the October 15, 2009 Regular Meeting of the Board of Selectmen were unanimously approved.**

### **CONSENT AGENDA**

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

#### **1. Appointments**

**RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Director of Parks and Recreation, hereby approves the hiring of the following as temporary fall employees, subject to satisfactory record checks, effective on or after November 6, 2009:**

**Glenn Anderson  
Peter Billias  
Brian Bowes  
Michael Breen  
John Brosz  
Howard Busse  
Howard Busse, Jr.  
Glenn Cantin  
Frank Capponi  
Ray Cowen  
Glenn Durante  
Ernie Fabrizon  
John Fleming  
Ken Ingram  
Tom Johnston  
Jackie Johnston  
Tom Kahl  
Patrick Kelley**

**Joseph Kepics  
Greg Klein  
Kathy Moore  
Ray Nappi  
Bill Orr  
James Post  
Harry Robinson  
Paul Rosetti  
Ken Theados  
Charlie Williams  
Joe Zukoski**

**2. 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 \$1,941.40.**

**3. Referrals from Land Use**

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

**PRINCIPAL: Pinner Partners LLC  
SURETY: Webster Bank  
PROPERTY: 41 Country Woods Lane, Lot 5  
(Town File 07-58)**

**PRINCIPAL: Pinner Partners LLC  
SURETY: Naugatuck Savings Bank  
PROPERTY: 174 Country Woods Lane, Lot 7CW  
(Town File 08-03)**

**PRINCIPAL: Thomas Hannibal  
SURETY: People's Bank  
PROPERTY: 210 Westenhook Terrace, Lot 7  
(Town File 06-94)**

**PRINCIPAL: RJS Builders, Inc.  
SURETY: Naugatuck Savings Bank  
PROPERTY: 275 Westenhook Terrace, Lot 15W  
(Town File 07-56)**

**PRINCIPAL: John Yannes  
SURETY: Webster Bank  
PROPERTY: 511 Old Waterbury Road, Lot 5SW  
(Town File 06-71)**

**PRINCIPAL:** Danziger Homes, Inc.  
**SURETY:** People's Bank  
**PROPERTY:** 386 West Purchase Road, Lot 7  
(Town File 06-62)

**PRINCIPAL:** Fox Hollow Associates  
**SURETY:** Savings Bank of Danbury  
**PROPERTY:** 185 Valley Stream Lane, Lot 50  
(Town File 06-96)

#### **4. Leave of Absence**

**RESOLVED**, that the Southbury Board of Selectmen hereby approves the request of June Knapp for a medical leave of absence extension, starting on October 19, 2009 through January 19, 2010 (approximately).

#### **STAFF REPORTS**

##### **1. Farmers' Market Report**

Land Use Administrator DeLoris Curtis sent the Board of Selectmen a written report of the 2009 season of the Farmers' Market with preliminary figures showing the Market came out \$1,268 to the good. Sel. Davis noted that the Farmers' Market was not meant to be a money making venture. It's more of a community venture he said.

##### **2. Director of Public Works**

Director Tom Crowe reported on the town road program. Purchase Brook Road has now been reconstructed from River Road up to Little York Road. They are ceasing their operations on Purchase Brook for the winter and will be picking them up again in the spring.

Director Crowe said that when they started on Flag Swamp Road they anticipated that the wetlands impact would be no more than the normal grading they do out there two or three times a year. But, as the work went on it did encroach on the wetlands. They have retroactively gotten permits for the work that has been done and will get a separate permit for the work yet to be done. Fill was placed during the normal grading process to fill in ruts. The fill was removed at the property owner's request.

Director Crowe addressed complaints received about Lakeside Road. He said there are a number of areas there that are in pretty bad shape and these areas will be taken care of sometime next week.

Director Crowe said they will be working on engineering work over the winter so several projects will be in the hopper to go next the spring.

Sel. Hubert and First Sel. Davis expressed the Board's congratulations to Director Crowe for completing the Connecticut Road Scholar Program at the University of Connecticut School of Engineering.

**3. Treasurer's Report**

Treasurer Bill Sarosky presented a written report comparing revenue and expense figures for the first quarter of FY 09/10 with the budgeted figures and, for revenue, with the first quarter of FY08/09 figures. Mr. Sarosky said it was premature to make significant assumptions. Sel. Somers noted that investment income was down. Mr. Sarosky said the rates had gone down from about 1.25% to about .25%. Sel. McLaughlin said that the report was very well done. Mr. Sarosky said he intended to present a monthly report each month at the second Board meeting.

**TRANSFERS**

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

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

<b>10-03</b>	<b>DEPARTMENT:</b>	<b>Social Services</b>	
	<b>FROM:</b>	<b>Fund Balance</b>	<b>\$200</b>
	<b>TO:</b>	<b>Operating</b>	<b>\$200</b>

**To transfer funds received in memory of a Southbury resident to the Needy Fund.**

A memo from Public Works Director said the wheel loader at the transfer station is inoperable and needs a remanufactured transmission and a replacement rental machine is needed during the down time. In answer to a question from Sel. Hubert, First Sel. Davis said they had looked into the matter and decided a remanufactured transmission made more sense than purchasing a new or used wheel loader.

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

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

<b>#10-04</b>	<b>DEPARTMENT:</b>	<b>Transfer Station</b>	
	<b>FROM:</b>	<b>Contingency</b>	<b>\$28,000</b>
	<b>TO:</b>	<b>Recycling Maintenance</b>	<b>\$23,000</b>
		<b>Rental Equipment</b>	<b>\$5,000</b>

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

**FURTHER RESOLVED, that the Board of Selectmen hereby schedules a Town Meeting to be held on Thursday, November 19, 2009 at 7:30 p.m. in Room 205 of the Town Hall to act on the above Transfer.**

## **NEW BUSINESS**

### **1. Request to Donate Property**

**Upon a motion by Sel. Somers, seconded by Sel. Turk, 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 accepts the donation of land from the estate of Arthur King, as shown on Map 19A, Block 72, Lots 28 – 30, subject to a deed of conveyance as approved by the Town Attorney.**

### **2. EMS Services**

Sel. Somers recused himself and left the table.

First Sel. Davis explained that Southbury Ambulance and Heritage Village Ambulance have been giving the town one-half their total billing for ALS (advanced life support services) and BLS (basic life support) where as the town's contract with the EMS services calls for only the net funds for ALS. Now, because the EMS services have fewer volunteers and more paid help they want to revert to the contract retroactively to 7/1/08. This means the town would pay Southbury Ambulance about \$47,000 and Heritage Village Ambulance about \$20,000. After discussion it was the general consensus that First Sel. Davis and Sel. Hubert will meet with two members of the Board of Finance to work out a new contract and consider the retroactive payments.

Sel. Somers returned to the table.

### **3. Employee Request for Military Leave of Absence**

In answer to questions from Sel. Somers, First Sel. Davis explained that Officer Rodriguez will be making more money in the military than as a Southbury Police Officer. The military will cover his health insurance and his family may be covered by the town under a special provision of COBRA.

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

**RESOLVED, that the Southbury Board of Selectmen hereby approves an unpaid Military Leave of Absence for David Rodriguez, for the period starting on November 18, 2009 and running for approximately 400 days, in**

**accordance with provisions of the Uniformed Services Employment and Reemployment Rights Act.****UPDATES**

First Sel. Davis reported on three matters:

1. The Code of Ethics Subcommittee (First Sel. Davis, Sel. McLaughlin, and Sel. Somers) is almost ready to present a proposed Code of Ethics. They want to run it by the town attorney one more time. A public hearing will have to be held on this change to the town Ordinances.
2. The contract with the town attorneys runs out in January. First Sel. Davis said the town department heads were quite positive when he asked them about their contracts with the town attorneys. He said the Assessor said the attorneys did very good work and had won law suits for the town. Mr. Davis said the two principal attorneys had always called him back quickly.
3. First Sel. Davis and his assistant, Jennifer Naylor, have been reviewing the employee evaluation forms. Sel. Hubert and Sel. McLaughlin reminded the Board that they were on the subcommittee that created the forms. First Sel. Davis said he and Ms. Naylor were basically considering how the questions on the forms were weighted rather than rewriting them. Mr. Davis said any changes would be run by the entire Board.

**REPORTS FROM SELECTMEN SERVING AS LIAISONS**

Sel. McLaughlin reported on the Senior and Veterans Property Tax Study Committee. She said the Board would be getting information on the Committee's recommendations before the November 19 Board of Selectmen Meeting. But Sel. McLaughlin wanted to mention one issue so the Board could be thinking about it. Some residents have had to cash in their 401Ks and IRAs due to medical hardship. This increases their taxable income so that their property tax break is affected. Since the property tax break is supposed to be based on neediness, Sel. McLaughlin, felt that it would be nice if somehow could be found to address this issue.

**Sel. McLaughlin moved, seconded by Sel. Turk, to adjourn the meeting at 8:07 p.m. All were in favor.**

Respectfully submitted,

Jocelyn Bagger