

**BOARD OF SELECTMEN
REGULAR MEETING
September 17, 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, IT Consultants Jack Rutherford and Frank Salamone, Office Manager Noreen Thompson, Interested Citizens, and Members of the Press.

CALL TO ORDER

First Sel. Davis called the Regular Meeting of September 17, 2009 to order at 7:31 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 requested a moment of silence in memory of Warren A. Carlie, Sr. who died last week. Mr. Carlie had been a member of the Planning Commission from December 1999 to January 2007. First Sel. Davis said Mr. Carlie was one heck of a guy.

ANNOUNCEMENTS/CORRESPONDENCE

1. Animal Control Officer's report for August 2009.

MINUTES

Upon a motion by Sel. Hubert, seconded by Sel. McLaughlin, the minutes of the September 3, 2009 Regular Meeting of the Board of Selectmen were unanimously approved.

CONSENT AGENDA

Upon a motion by Sel. Turk, seconded by Sel. Somers, 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 Lucy Sheridan, Mark LaChance, Brendan Burgess, Greta Perrin and Maria Papiro as winter swim coaches, subject to satisfactory records checks, effective on or after September 21, 2009.

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Interview Committee, hereby approves the hiring of Victoria Walsh of Southbury as a Library Assistant for 9 hours per week, subject to a satisfactory records check.

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 \$6,937.88.

3. Driveway Bond Release

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
540	Howard Sears 213 Horse Fence Hill Road Lot 48	People's Bank Town File 05-47

TRANSFER

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:

#10-01	DEPARTMENT:	Fire Department	
	FROM:	Contingency	\$27,400
	TO:	Operating	\$27,400

BE IT FURTHER RESOLVED, that the Board of Selectmen hereby schedules a Town Meeting to be held on Thursday, October 15, 2009 at 7:30 p.m. in Room 205 of the Town Hall to act on the above Transfer.

UNFINISHED BUSINESS

1. Tuition Reimbursement Request

First Sel. Davis explained that Police Officer Kevin Burns requests tuition reimbursement for two courses given by UConn, Civil Rights and Social Anthropology. Each course would cost \$2,644 including fees and textbooks. Sel. Somers said he did not think one officer taking Social Anthropology was worth \$2,644 to the town. Sel. McLaughlin agreed with Sel. Somers. First Sel. Davis pointed out that an abbreviated version of the Social Anthropology course was taught at the police academy. Sel. Turk said he agreed with Sel. Somers.

Upon a motion by Sel. Turk, seconded by Sel. Hubert, it was (with Sel. Turk, Sel. Hubert, and First Sel. Davis voting aye; Sel. McLaughlin voting nay; and Sel. Somers abstaining)

RESOLVED, that the Southbury Board of Selectmen hereby approves the request of Officer Kevin Burns for tuition aid reimbursement for three credit hours for the term starting on August 29, 2009 and running through December 11, 2009 subject to successful completion with a 2.67 grade point average or better, and also subject to him still being employed by the Town of Southbury upon completion of the course. (Civil Rights).

Upon a motion by Sel. Turk, seconded by Sel. Hubert, Officer Burns' request for tuition aid reimbursement for a three credit Social Anthropology course was unanimously denied.

Sel. McLaughlin said that if the town feels strongly enough to pay for college tuition thinking that an officer is a better officer if he has a baccalaureate degree, then perhaps the town should consider making a college degree a job requirement for the police. Sel. Hubert suggested that someone should be employed for a stated period of time before being entitled to tuition aid reimbursement.

2. IT Computer Consultants

First Sel. Davis recommended extending the contract for the two IT Consultants for three months, until December 31. In answer to a question from Sel. Turk, he said the consultants cost about \$900 per week. In response to a question from Sel. Hubert, the IT Consultants, Jack Rutherford and Frank Salamone, said they were in agreement with extending the contract for three months.

Upon a motion by Sel. McLaughlin, seconded by Sel. Somers, the Board of Selectmen unanimously approved extending the contract of the IT Consultants, Jack Rutherford and Frank Salamone, for another three months until December 31, 2009.

NEW BUSINESS

1. Committee to Study Tax Relief

It was decided to reactivate the Committee to Study Tax Relief. Members of the Committee are: Ken Kerin; Barbara McLaughlin; Treasurer Bill Sarosky; Tax Collector Permelia Cognato; and Assessor Michael Moriarty. The Committee will look into the situation and, after due diligence, make its recommendations for next year's tax relief program.

2. Code of Ethics Ordinance

First Sel. Davis suggested putting off consideration of the new proposed Code of Ethics Ordinance until after the revised Town Charter is voted on in November. This is because, if the revised Town Charter fails and the new Code of Ethics Ordinance has been approved, then the Conflict of Interests sections (§§701 & 702) of the old Charter will conflict with the extensive Conflict of Interests rules in the new Code of Ethics Ordinance.

Sel. Hubert said she wanted to move forward with the discussion of (and possible revisions of) the proposed Code of Ethics and with the public hearing. And then after the discussion and the public hearing, she suggested, the Board could adopt the proposed Code of Ethics ordinance to be effective upon the adoption of the revised Town Charter.

Sel. McLaughlin objected to the inclusion of "citizens" in the first paragraph of the proposed Code of Ethics ordinance where it says the purpose of the Code "is to guide elected and appointed Town officials, Town employees and citizens." She said this represents too much government intrusion into the lives of citizens. Sel. Hubert said the proposed Code refers here to citizens who might be thinking of giving a gift to town officials or to citizens who might want to know how to make ethics complaints. Sel. McLaughlin suggested it might be better to say, "to guide elected and appointed Town officials and Town employees and to *inform* citizens."

Sel. Somers thought §2. B. 5. (a) and (b) on page 4 regarding former public employees or officials were too restrictive. Sel. McLaughlin was bothered by §2. B. 5. (c) on page 5.

The consensus of the Board was to send the proposed Code of Ethics ordinance to the Town Attorney for his review.

3. Pavement Rehabilitation of Main Street South

Public Works Director Tom Crowe explained the work to be done and the contract. The work will be mostly paid for with \$466,638 of federal stimulus money. The Town will probably have to pay \$75,000 - \$100,000. It is intended to award the contract next February and do the work next April.

Upon a motion by Sel. Turk, seconded by Sel. Somers, it was (with four aye votes and Sel. McLaughlin abstaining)

RESOLVED, that First Selectman H. William Davis, Jr. is authorized to sign the agreement entitled:

"Agreement Between the State of Connecticut and the Town of Southbury for the Construction, Inspection and Maintenance of the Pavement Rehabilitation on Main Street South Utilizing Federal Funds under the American Recovery and Reinvestment Act of 2009".

4. Request to Close Middle Road

Virginia Abraham of the Southbury Historical Society described the Society's fundraiser. They will be offering rides in a horse drawn wagon between the South Britain Congregational Church and the Old Library along Middle Road. They are waiting to hear about a permit from the State to cross Route 172. The wagon will have lights. In response to a question from Sel. Hubert, Ms. Abraham explained they were holding the event after dark to get a harvest feel. Since the Historical Society will be offering food, Sel. Hubert asked if the Society has checked with the Pomperaug Health District. Ms. Abraham said they would do so.

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

RESOLVED, that the Southbury Board of Selectmen hereby approves the request of the Southbury Historical Society to close Middle Road to thru traffic during the hours of 6:00 p.m. to 8:30 p.m. on October 10, 2009 for their Fall Fundraiser.

IT IS FURTHER UNDERSTOOD, that the sponsor is responsible for acquiring all the necessary permits, and for the removal of all litter, papers, trash or other offensive material from Southbury Town roads; and that police, medical and ambulance coverage will be the responsibility of the sponsor.

REPORTS FROM SELECTMEN SERVING AS LIAISONS

Sel. Hubert reported on Region 15: The ECS grant from the State is still in place; \$40,000 (less a CL&P grant) will be paid to put a cover on the indoor pool at the high school which will save \$20,000 a year; School buildings were closed on Fridays during the summer to save on air conditioning and other costs; and the PTO is sponsoring Board of Education candidates forum on October 20 from 7-9 p.m. which will probably be televised.

Sel. McLaughlin moved, seconded by Sel. Turk, to adjourn the meeting at 8:27 p.m. All were in favor.

Respectfully submitted,

Jocelyn Bagger