

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

**PRESENT:** First Selectman H. William Davis, Jr.  
Selectman Carol Hubert  
Selectman Kenneth Kerin  
Selectman John Turk

**NOT PRESENT:** Selectman Barbara McLaughlin  
Selectman Stuart Somers

**ALSO PRESENT:** Chairman of Inland Wetlands Commission Scott Martin, Treasurer Bill Sarosky, Director of Public Works Tom Crowe, Land Use Administrator Deloris Curtis, Police Sergeant Ken Kramer, Assistant to the First Selectman Jennifer Naylor, Office Manager Noreen Thompson, Interested Citizens, and Members of the Press.

**CALL TO ORDER**

First Selectman Davis called the Regular Meeting of February 5, 2009 to order at 7:33 p.m. in Room 205 of the Town Hall.

**PLEDGE OF ALLEGIANCE**

All present joined in the Pledge of Allegiance.

**PUBLIC COMMENTS**

None.

**ANNOUNCEMENTS/CORRESPONDENCE**

1. Notice from the State Department of Environmental Protection of tentative determination to approve the Town's application to stabilize the eroded river bank along the Pomperaug River.
2. Letter from Jim and Wendy Scianna to the First Selectman regarding the Space Swiss water contamination.

3. Letter dated January 30, 2009 from the Director of Health to the First Selectman stating the Health Department is prepared to pick up the annual samples at the Scianna residence.
4. Proposal for Southbury Model Air Park
5. Letter dated January 29, 2009 from Ed Wilson to the Board regarding establishment of an independent Police Department.
6. Calendar for February 2009.
7. Building Department report for January 2009.

In regard to item 4. Sel. Hubert asked if the town would be able to let the model airplane people use the proposed land since it is open space which was bought partially with state money. Land Use Administrator Curtis was unsure.

**MINUTES OF THE SPECIAL MEETING ON JANUARY 13, 2009**  
**Upon a motion by Sel. Turk, seconded by Sel. Kerin, the minutes of the January 13, 2009 Special Meeting of the Board of Selectmen were unanimously approved.**

**MINUTES OF THE PUBLIC HEARING ON JANUARY 15, 2009**  
**Upon a motion by Sel. Hubert, seconded by Sel. Kerin, the minutes of the January 15, 2009 Public Hearing were unanimously approved.**

**MINUTES OF THE REGULAR MEETING ON JANUARY 15, 2009**  
**Upon a motion by Sel. Turk, seconded by Sel. Hubert, the minutes of the January 15, 2009 Regular Meeting of the Board of Selectmen were unanimously approved.**

**MINUTES OF THE SPECIAL MEETING ON JANUARY 23, 2009**  
**Upon a motion by Sel. Kerin, seconded by Sel. Turk, the minutes of the January 23, 2009 Special Meeting of the Board of Selectmen were unanimously approved.**

### **CONSENT AGENDA**

First Sel. Davis added two appointments to the Resignations and Appointments section of the Consent Agenda. Dennis J. Dwyer will be appointed to serve as a member of the Board of Assessment Appeals for a term to expire on December 5, 2011 and Robert A. Weil will be appointed to serve as an alternate member of the Board of Assessment Appeals for a term to expire on September 30, 2009. In answer to a question by Sel. Hubert, Office Manager Noreen Thompson

said, Mr. Dwyer would replace and serve out the term of Robb Heering and Mr. Weil would fill one of two temporary alternate vacancies.

**Upon a motion by Sel. Turk, seconded by Sel. Kerin, the following items on the Consent Agenda, including the addition of the above two appointments, were unanimously approved:**

**1. Resignations and Appointments**

**RESOLVED, that the Southbury Board of Selectmen hereby acknowledges with regret the resignation of Mark R. Morrow as a member of the Board of Finance, effective immediately.**

**RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Republican Town Committee, hereby approves the following:**

**Move John L. Reilly from alternate member to regular member of the Board of Finance, for a term to expire on December 7, 2009**

**Appoints Kenneth W. Korsu of 272 Old Woodbury Road, to serve as an alternate member of the Board of Finance, for a term to expire on December 5, 2011**

**Appoints Jennifer Buchanan O'Neill of 284 Laurelwood Lane to serve as a regular member of the Economic Development Commission, for a term to expire on January 15, 2011.**

**RESOLVED, that the Southbury Board of Selectmen hereby acknowledges with regret the resignation of R. Carl Kampenhausen as an alternate member of the Historic District Commission, effective immediately.**

**RESOLVED, that the Southbury Board of Selectmen hereby acknowledges with regret the resignation of Robb Heering as a member of the Board of Assessment Appeals, effective immediately.**

**RESOLVED, that the Southbury Board of Selectmen hereby appoints Dennis J. Dwyer of 506 Luther Drive to serve as a member of the Board of Assessment Appeals, for a term to expire on December 5, 2011.**

**BE IT FURTHER RESOLVED, that the Board appoints Robert A. Weil of 33 Old Field Road to serve as an alternate member of the Board of Assessment Appeals, for a term to expire September 30, 2009.**

**RESOLVED, that the Southbury Board of Selectmen hereby appoints the following to serve as members of the Emergency Medical Services Committee:**

**Heritage Village Ambulance Representatives**

**George Goodwin, term to expire on January 15, 2011**

**David Rentz, term to expire on January 15, 2010**

**William Gray, alternate member, term to expire on January 15, 2011**

**Southbury Ambulance Association Representatives**

**Geralyn Hoyt, term to expire on January 15, 2011**

**Southbury Training School Representative**

**Christine Pratt, term to expire on January 15, 2011**

**Timothy Baldwin, alternate member, term to expire January 15, 2011**

**RESOLVED, that the Southbury Board of Selectmen hereby reappoints Jane S. Ferris to be the Town of Southbury's representative to the Central Naugatuck Valley Mental Health Area Council #20, for a term to expire on May 31, 2011.**

**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 a winter employee, subject to a satisfactory record check, effective on or after February 6, 2009:        John Fleming**

## **2. Driveway Bond Release**

**RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Highway Department, hereby releases the following driveway bonds in the amount of \$1,500, the work having been satisfactorily completed:**

<b>PERMIT NO.</b>	<b>PRINCIPAL</b>	<b>SURETY</b>
<b>690</b>	<b>T. R. C. Inc.</b>	<b>Wachovia Bank</b>
	<b>68 Perkins Road</b>	<b>(File #08-19)</b>

### **STAFF REPORTS**

1. Director of Public Works Tom Crowe reported that, with respect to the Spruce Brook Road project, he has a meeting set up on Monday with the DEP and the Army Corp of Engineers regarding the permits for the project. The Army Corp of Engineers did not like the original concept for the project. Hopefully this meeting will get things straightened out.

Mr. Crowe also said that they were exploring the possibility of closing the Transfer Station on Mondays. They estimate this would save \$25,000 in salaries. He said Monday is one of their lightest days. Copes, who picks up in the Village, comes in on Mondays and would probably have to change their schedule.

### **TRANSFER**

**Upon a motion by Sel. Turk, 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:**

**#09-10 DEPARTMENT: Highway Department**

<b>FROM:</b>	<b>Contingency</b>	<b>10130-56060</b>	<b>\$92,000</b>
<b>TO:</b>	<b>Sand &amp; Salt</b>	<b>10120-53072</b>	<b>\$92,000</b>

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

**NEW BUSINESS**

**1. Acceptance of Westenhook Terrace**

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

**RESOLVED**, that the Southbury Board of Selectmen, upon the recommendation of the Planning Commission, the Highway Department, and the Land Use Inspector, and pursuant to Section 8-24 of the Connecticut General Statutes, hereby accepts Westenhook Terrace into the town road system subject to completion of the following item:

**1. Submission of a one-year maintenance bond in the amount of \$86,000 (10% of the original road bond amount).**

**BE IT FURTHER RESOLVED**, that the Southbury Board of Selectmen reduces the following bonding:

**PRINCIPAL: N.O.P.E., LLC**  
**SURETY: Naugatuck Savings Bank**  
**PROPERTY: Westenhook Farm Estates Subdivision**

	<u>From</u>	<u>To</u>
Road & Drainage Bond	\$102,000	\$0
Underground Water Storage And Landscaping	\$28,000	\$28,000
Street Trees	\$30,000	\$30,000
Soil Erosion	\$20,495	\$20,495
	<u>\$180,495</u>	<u>\$78,495</u>

**(Town File 06-05)**

**2. Donation of Property – Joseph R. Palmer**

First Sel. Davis read the draft Resolution to accept the donation of property from Joseph R. Palmer *subject to the payment of any outstanding taxes*. Land Use Administrator Curtis asked what the policy was on accepting gift property on which taxes were owed. She said that they had not been considering back taxes when accepting gifts of property in the Berkshires. Sel. Hubert asked if taxes were

owed on the Palmer property, but no one had the answer. Sel. Kerin said he didn't think unpaid taxes would be huge on small gift property and forgiveness of back taxes would be a reasonable practice with gift property. Sel. Hubert said the town needed a definite policy going forward and noted that the goal was for the town to aggregate as many pieces of land as it can. The consensus was to go ahead with the resolution accepting the Palmer property without the outstanding taxes clause.

**Upon a motion by Sel. Turk, seconded by Sel. Kerin, 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 property from Joseph R. Palmer, as shown on Map 19, Block 58, Lot 17, subject to a deed of conveyance as approved by the Town Attorney.**

### **3. Tuition Reimbursement Requests**

Sel. Hubert noted for the record that Officer Burns' commanding officer approved his request and said that the course does relate to his work.

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

**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 semester starting on January 24, 2009 and running through May 2, 2009 (Constitutional Rights and Liberties), contingent upon satisfactory completion of the course 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.**

Sel. Hubert noted that the courses Officer Nevins was taking included Immigration and Naturalization Law and that this was claimed to relate to his work. She asked how much longer Officer Nevins had before getting his law degree. Police Sgt. Ken Kramer said Officer Nevins had this spring semester and one more year. Sel. Hubert asked how long Officer Nevins had to work for the town after completing his reimbursed courses. First Sel. Davis said Officer Nevins only has to work for the town until he completes the course for which he is getting

reimbursed. He said the issue should be looked into at the next contract session.

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

**RESOLVED, that the Southbury Board of Selectmen hereby approves the request of Officer Donald Nevins for tuition aid reimbursement for six credit hours for the semester starting January 2009 and running through May 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.**

First Sel. Davis noted that the two officers started their courses in January and are only now asking for tuition reimbursement. He said they should be getting these approvals before they start the courses.

#### **4. Amendment to Fee Schedule at Transfer Station**

Sel. Kerin asked why the fee for box springs dropped from \$15 to \$10 when all the other fees went up. Public Works Director Crowe answered that box springs weighed much less than mattresses which fact had not been considered before. Sel. Hubert asked why the fees were being increased. Director Crowe replied that it was costing the town 25% more to dispose of its bulky items; and they tried to have the non-residential garbage portion of the transfer station be self-supporting.

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

**RESOLVED, that the Southbury Board of Selectmen hereby sets the date of February 19, 2009 at 7:30 p.m. in Room 205 of the Town Hall to hold a Public Hearing to amend the fee schedule at the Transfer Station.**

### **UNFINISHED BUSINESS**

#### **1. Proposed Amendment to Fee Schedule**

(This matter was postponed from before consideration of New Business because Inland Wetland Commission Chairman Scott Martin had not yet arrived.) Chairman Martin said that Inland Wetlands did not need to be covered by the proposed amendment to the Town Ordinance Fee Schedule because a similar provision has been included in the Inland

Wetlands Regulations since 2005 and Inland Wetlands has been collecting fees accordingly. Mr. Martin added that he assumed Inland Wetlands was not specifically included in the Ordinance Fee Schedule because the ordinance was written before Inland Wetlands existed. There ensued a discussion as to whether the Inland Wetlands fee schedule should be included in the Town Ordinances or whether all the fee schedules should be taken out of the Town Ordinances leaving only general language governing fees (including Inland Wetlands fees). The consensus was to take up the matter at the first Board Meeting in March and, in the meanwhile, vote on the Amendment as presented at the Public Hearing less the last sentence.

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

**RESOLVED, that the Amendment to the Town Ordinance Fee Schedule as presented at a Public Hearing held on January 15, 2009, less the last sentence, be approved effective March 1, 2009.**

#### **REPORTS FROM SELECTMEN SERVING AS LIAISONS**

1. Sel. Turk reported that there are only six meetings of the Charter Revision Commission left. He said the powers of the First Selectman and the Board of Selectmen and the issue of ethics/conflict of interest are left to consider. He reported that the Economic Development Commission has created a draft of a website for the EDC and a new brochure for Southbury Corporate Park, and updated Southbury Corporate Park on the current town website.
2. Sel. Hubert reported that the Parks & Recreation Subcommittee had discussed the issue of noise and lights being left on at Community House Park. The Subcommittee felt that better signage and a better handle on who turns on and off the lights would help. First Sel. Davis noted that it was a matter of enforcement rather than policy. Sel. Hubert reported that Parks & Recreation was concerned that the senior center portion of the joint building could not be used by anyone younger than 62 for five years. First Sel. Davis stated that part of the money for the building was funded through a Grant from the State. This money was to go towards a Senior Center, not a Community Center, and the State put the age restriction on use of the building. First Selectman said he thought we would just have to live with it for the five years. Sel. Hubert reported that Region 15 was working on their budget and waiting to hear what the State was going to do.

3. Sel. Kerin reported that they have entered into a contract with QScend Technologies and the web site working group was now working with QScend. He also reported the two part time consultants were working with the staff in a collegial atmosphere. He reported that the IT Committee would now be looking at upgrading the financial application of the town's computer system.

**ANY OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE MEETING**

Sel. Kerin said he hoped another letter telling residents about property tax relief for seniors would be sent out this year since it was so successful last year.

**Upon a motion by Sel. Kerin, seconded by Sel. Turk, it was unanimously agreed to adjourn at 8:17 p.m.**

Respectfully submitted,

Jocelyn Bagger