

**BOARD OF SELECTMEN MEETING
REGULAR MEETING
March 5, 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: Assistant to the First Selectman Jennifer Naylor, Office Manager Noreen Thompson, Registrars JoAnn Bolin and Marie Greene, State Police Sgt. Ken Kramer, Police Officer Don Nevins, Representatives from Girl Scout Troops 4174, 4204, and 61126 and Brownie Troop 64295, Interested Citizens, and Members of the Press.

PLEDGE OF ALLEGIANCE

All joined in the Pledge of Allegiance lead by the Girl Scouts and Brownies.

GIRL SCOUT PROCLAMATION

First Sel. Davis read from his 2009 Girl Scout Week Proclamation.

CALL TO ORDER

First Sel. Davis called the Regular Meeting of March 5, 2009 to order at 7:30 p.m. in Room 205 of the Town Hall.

PUBLIC COMMENTS

None

ANNOUNCEMENTS/CORRESPONDENCE

1. Letter from the Southbury League of Women Voters regarding a public information meeting on charter revision scheduled for Wednesday, April 1, 2009.
2. Letter dated February 20, 2009 to the First Selectman from Historic District #1 requesting that the "Kingsland" property be included in the Historic District.
3. Copy of the Legal Notice for the Board of Finance Annual Budget Hearing scheduled for Monday, March 9, 2009.

4. March 2009 calendar
5. Building Department report for February 2009

With respect to Item 2, Sel. Kerin said he hoped the "Kingsland" property could be made a part of the Historic District. He said it was a historical property in the heart of the District that he had always assumed was a part of the Historic District. First Sel. Davis said that, since the land is town owned, Town Clerk Ginger Salisbury is looking into whether a referendum is necessary or whether the First Selectman, as chief town official, can agree to add the property to the Historic District.

MINUTES OF THE BUDGET WORKSHOP ON FEBRUARY 11, 2009
Upon a motion by Sel. Kerin, seconded by Sel. Turk, the minutes of the February 11, 2009 Board of Selectmen Budget Workshop were unanimously approved.

MINUTES OF THE BUDGET WORKSHOP ON FEBRUARY 12, 2009
Upon a motion by Sel. Hubert, seconded by Sel. Turk, the minutes of the February 12, 2009 Board of Selectmen Budget Workshop were unanimously approved.

MINUTES OF THE BUDGET WORKSHOP ON FEBRUARY 18, 2009
Upon a motion by Sel. Turk, seconded by Sel. McLaughlin, the minutes of the February 18, 2009 Board of Selectmen Budget Workshop were unanimously approved.

MINUTES OF THE BUDGET WORKSHOP ON FEBRUARY 24, 2009
Upon a motion by Sel. Hubert, seconded by Sel. McLaughlin, the minutes of the February 24, 2009 Board of Selectmen Budget Workshop were unanimously approved.

MINUTES OF THE PUBLIC HEARING ON FEBRUARY 19, 2009
Upon a motion by Sel. Turk, seconded by Sel. Hubert, the minutes of the February 19, 2009 Public Hearing were unanimously approved.

MINUTES OF THE REGULAR MEETING ON FEBRUARY 19, 2009
Upon a motion by Sel. McLaughlin, seconded by Sel. Kerin, the minutes of the February 19, 2009 Regular Meeting of the Board of Selectmen were unanimously approved.

CONSENT AGENDA

First Sel. Davis added the hiring of part time (7 – 14 hours per week) Registrar Clerk, Michele Clark, to the Consent Agenda.

Sel. Kerin noted the resignation of Stephen Moore from the Board of Education and that a replacement had to be found. First Sel. Davis said two candidates had applied so far. First Sel. Davis assured Sel. McLaughlin that the Board of Selectman would choose the replacement.

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

1. Resignations and Appointments

RESOLVED, that the Southbury Board of Selectmen hereby acknowledges with regret the resignation of Stephen P. Moore as a member of the Region District #15 Board of Education, effective February 6, 2009.

RESOLVED, that the Southbury Board of Selectmen hereby appoints Paul C. Katzmark, 646-B Heritage Village, as a Southbury representative on the Charter Cable Advisory Council, for a term to expire on July 1, 2011.

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Registrars of Voters, hereby approves the hiring of Michele Clark of Southbury, for the position of Registrar Clerk, 7 hours per week at a salary of \$9.00 per hour, effective March 13, 2009.

2. Referral from Land Use

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Planning Commission, hereby reduces the following bonding:

PRINCIPAL: David Dicks
SURETY: People's Bank
PROPERTY: Renaissance Estates Subdivision –
Purchase Brook Rd.

	<u>FROM</u>	<u>TO</u>
Road & Drainage	\$110,268	\$110,268
Monuments & Pins	\$11,165	\$0
Street Trees	\$500	\$500
Soil Erosion	\$28,962	\$28,962
Common Driveway	<u>\$6,000</u>	<u>\$6,000</u>
	\$156,895	\$145,730

(Town File 07-22)

3. 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 \$1,345.21.

4. Fair Housing Plan/Resolution

RESOLVED, that the Southbury Board of Selectmen hereby adopts the Fair Housing Resolution and the Fair Housing Plan for the Town of Southbury.

TRANSFERS

Sel. McLaughlin questioned the \$12,000 transfer for tax refunds. Office Manager Thompson said that \$85,000 had been budgeted for refunds to taxpayers this year, but more refunds had been approved.

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

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

09-11	DEPARTMENT: Highway Department		
FROM:	Highway Safety	10120-53055	\$8,000
TO:	Traffic Lights	10120-52050	\$8,000
09-12	DEPARTMENT: Solid Waste Disposal		
FROM:	Salaries – Full time	10119-51002	\$10,000
TO:	Salaries – Part time	10119-51003	\$10,000
09-13	DEPARTMENT: Refunds		
FROM:	Fund Balance	10001-49000	\$12,000
TO:	Refunds – Tax	10131-56080	\$12,000

UNFINISHED BUSINESS

1. State Police Discussion/NexGen

First Sel. Davis reminded the Board that he had to call Lt. Cheryl Malloy of the State Police the next morning to tell her what had been decided regarding Southbury's use of NexGen, the State Police reporting software. He said he thought it was time to make the decision between accepting NexGen or refusing NexGen (recognizing that if the town did not accept NexGen the resident state trooper may be withdrawn and the town would have to form its own police department and hire a chief of police).

Sel. Kerin said he thought the only information needed to make the decision was the financial information – the cost of a state trooper versus having our own police department.

Sel. McLaughlin felt that cost was an important factor, but not the dominate factor. She said having a professional efficient police department was important. The police would take pride in their own department and there would be a career path for the officers. She

reminded the Board that Southbury would still get services from the state police as needed.

In answer to a question from Sel. Somers, First Sel. Davis said the state would give the town the NexGen system and it would cost the town nothing. Sel. Kerin remarked that the town would have to pay for future upgrades of NexGen. Sel. Somers wondered if the state might mandate NexGen for all towns whether they had state troopers or not. The consensus seemed to be that the state could mandate what had to be reported, but would not mandate the software vendor. First Sel. Davis pointed out that the upgrade of the Hunt system (which Southbury uses) will interface with NexGen.

Sel. Somers did not think the Board had enough information to decide between a state trooper and the town's own police department. Sel. Turk said he had consulted with someone he felt was neutral between the state police and nearby police chiefs. Sel. Turk also has been working on the numbers. He reminded the Board that the town already has the facilities needed for a police department. Sel. Hubert did not feel comfortable that she has all the information she needs to answer questions voters will ask.

First Sel. Davis asked for a vote on whether to accept NexGen or not since he had to tell State Police Lt. Malloy in the morning.

Upon a motion by Sel. Turk, seconded by Sel. Kerin, it was unanimously agreed to tell the State that the Town is not accepting NexGen.

First Sel. Davis suggested special meetings of the Board of Selectman to which the selectmen would bring all their questions (regarding the structure of the department, the cost, the transition, the ability to link with other towns and the state police, etc.)

Sel. Somers suggested getting the town attorneys to draw up a schedule of the steps (public hearing, referendum, hiring a chief, etc.) that would have to be taken to set up a police department . He also suggested getting a lawyer's opinion on how the police union contract would fit in.

NEW BUSINESS

1. Natural Hazard Pre-Disaster Mitigation Plan

First Sel. Davis said a Natural Hazard Pre-Disaster Mitigation Plan was required by the State. Emergency Services Director George Slaiby will be at the public hearing to answer questions.

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 March 19, 2009 at 7:00 p.m. in Room 205 of the Town Hall to hold a Public Hearing on the Town of Southbury Natural Hazard Pre-Disaster Mitigation Plan.

2. First Light Agreement

First Sel. Davis briefly explained the Agreement and said that the town attorneys had reviewed it. First Light (which is under Federal Government control) owns Lake Zoar to the mean water level. Under the agreement the town will inspect and approve structures (like docks) on First Light property.

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

RESOLVED, that the Southbury Board of Selectmen hereby authorizes First Selectman H. William Davis, Jr. to sign the Agreement between First Light Hydro Generating Company and the Town of Southbury.

3. Request fo Donate Property – Caron/Lakeside Road

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

RESOLVED, that the Southbury Board of Selectmen, upon the recommendation of the Planning Commission, hereby votes not to accept the offer of Gloria C. Caron to donate property, identified as Map 25C, Block E, Lot 43, to the Town of outhbury.

REPORTS FROM SELECTMEN SERVING AS LIAISONS

Sel. Hubert reported that the Board of Education would hear the Superintendent's budget on Monday night (March 9, 2009). She also reported that the Parks & Recreation subcommittee was looking at

inexpensive improvements to Community House Park, like a walking trail. Also the subcommittee was going to schedule a field trip to look over Hidden Pond Park.

Sel. Turk reported the Charter Commission would be attending a forum presented by the League of Women Voters on the charter revision on April 1, 2009 at 7:00 p.m. in the Town Hall. In answer to a question from Sel. McLaughlin, Sel. Turk said the charter revisions would go into effect on 12/1/09 unless a later date was stipulated (as, for example, for a 4-year First Selectman term). Sel. Hubert noted that the charter revision recommendations come before the Board of Selectmen before going to referendum. Sel. Turk brought up the question of how many separate questions would be on the referendum. With regard to the Economic Development Commission, Sel. Turk said he had received a call from the State about the corporate park.

ANY OTHER BUSINESS THAT MAY PROPERLY COME BEFORE THE MEETING

First Sel. Davis brought up the following matters:

1. It was discovered that AT&T owes Southbury more taxes. The check should arrive by April 1 and would cut the current deficit about in half;
2. The Board of Assessment Appeals has new members and a chairman. All have been trained and the Board of Assessment Appeals has 180 meetings set up in March;
3. Sel. Turk, Sel. Hubert, and First Sel. Davis will be an interview team to interview candidates for a replacement member of the Board of Education; and
4. Judge of Probate Tom Sutnik and First Sel. Davis have been active in trying to put together a regional probate court located in Southbury. Their efforts may come to fruition in the next month or so.

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 8:42 p.m. to discuss the purchase of property.

EXECUTIVE SESSION

The Executive Session was called for the purpose of discussing the purchase of property.

Selectmen Present

First Selectman Davis
Selectman Carol Hubert
Selectman Kenneth Kerin
Selectman Barbara McLaughlin
Selectman Stuart Somers
Selectman John Turk

Also Present

Jennifer Naylor, Asst. to First Sel.

First Selectman Davis declared the Executive Session closed at 8:57 p.m. and the regular meeting continued.

Upon a motion by Sel. Hubert, seconded by Sel. Turk, it was unanimously agreed to decline the purchase of land on Kuhne Road.

Sel. McLaughlin moved, seconded by Sel. Turk, to adjourn the meeting at 8:59 p.m. All were in favor.

Respectfully submitted,

Jocelyn Bagger