

**ROXBURY BOARD OF SELECTMEN
REGULAR MEETING**

**July 6, 2009
MINUTES**

CALL TO ORDER

Barbara Henry, First Selectman, called the meeting to order at 7:30 p.m.
Present: Barbara Henry, First Selectman; Robert Lowe and Russell Dirienzo, Selectmen;
Dennis McDonald, Brian Duda, Members of the Public.

**MOMENT OF SILENCE FOR DOUG ERWIN, STAN MONGIN & TOBY
GOLDFARB**

Barbara Henry explained that they have lost three community members who all have served the Town of Roxbury. Doug Erwin served over 53 years as a Volunteer Fireman and over 25 years on the ZBA. Toby Goldfarb served on the Zoning Commission and BOF. Stan Mongin served as a Library Director and on the ZBA. Barbara Henry asked for a moment of silence to acknowledge the contributions these three men have made to the community and to thank them for their volunteer service.

APPROVAL OF MINUTES

Motion by Russell Dirienzo to approve the minutes of the Regular Meeting held June 1, 2009 as presented. The motion was seconded by Robert Lowe and carried unanimously.

TAX REFUNDS

Motion by Russell Dirienzo to approve the tax refunds of:
VW Credit Leasing - \$89.95 – excess payment
VW Credit Leasing - \$49.59 – excess payment
VW Credit Leasing - \$84.26 – excess payment
The motion was seconded by Robert Lowe and carried unanimously.

COMMUNICATIONS FROM THE PUBLIC

Dennis McDonald explained that he has come to the BOS to ask that the Zoning Commission positions become elected positions rather than appointed positions as they are now. He noted that he had issues with the Zoning Commission last year where communication from the public was not permitted. He explained that he was aware that First Selectman Barbara Henry had asked the town boards and commissions to allow for communication from the public on the agendas. Mr. McDonald was told by Chairman Robert Falconer that communications had been eliminated from the agenda. Barbara Henry clarified for Mr. McDonald that she merely asked that the boards and commissions to consider adding communications to the agenda.

Dennis McDonald further explained that when the lot size change was being proposed the Zoning Commission held public hearings which had outstanding turnouts. The consensus of the public was that there should not be any change to zoning; however, the Zoning Commission went ahead and made the changes. The appointed board did not want to listen to the public's opinion.

Russell Dirienzo clarified that a lot of members of the public did not have issues with the 4-acre zoning. He explained that the Zoning Commission made many changes to the original proposal based on the public comment coming from the two public hearings that they held. Russell Dirienzo explained that it is difficult to get people willing to serve on the boards and commissions. He would be concerned that it would be even more difficult if positions became political as elected positions. Russell Dirienzo explained that the BOS never politically appoints to positions. Their concentration is on finding qualified persons who are concerned with the best interest of the town.

Dennis McDonald explained that they had a good turnout to vote for the BOE. He feels that everyone should be able to participate in the election of the Zoning Commission as well. When asked by Barbara Henry, he clarified for her that he is not a registered voter in Roxbury and would not be able to vote.

Barbara Henry agreed that the BOS would consider his suggestion and that she did not have a problem with having the Zoning Commission elected. In the past her problem was that another Commission was asking for it. She noted that the Planning Commission is considering this to be put into the updated Plan of Conservation and Development as well as the combination of the Zoning and Planning Commissions.

COMMISSIONS AND BOARDS APPOINTMENTS

Inland-Wetlands Commission, Alt. – vacancy expiring 08/31/2011

Motion by Barbara Henry to table to appointment of Inland-Wetlands Commission, Alt. – vacancy expiring 08/31/2011. The motion was seconded by Robert Lowe and carried unanimously.

Recreation Commission – 3 yr term – 07/01/2009 – 06/30/2012

Motion by Barbara Henry to appoint Karen Puskas to the Recreation Commission – 3 yr term – 07/01/2009 – 06/30/2012. The motion was seconded by Robert Lowe and carried unanimously.

Recreation Commission – 3 yr term – 07/01/2009 – 06/30/2012

Motion by Barbara Henry to table the appointment of Recreation Commission – 3 yr term – 07/01/2009 – 06/30/2012. The motion was seconded by Russell Dirienzo and carried unanimously.

Conservation Commission – vacancy expiring 06/30/2010

Motion by Barbara Henry to appoint Trudy Swenson as a Regular member, up from an Alternate member, on the Conservation Commission – vacancy expiring 06/30/2010. The motion was seconded by Russell Dirienzo and carried unanimously.

Conservation Commission – 3 yr term – 07/01/2009 – 06/30/2012

Motion by Barbara Henry to reappoint Mary Van Riper as a Regular member of the Conservation Commission – 3 yr term – 07/01/2009 – 06/30/2012. The motion was seconded by Russell Dirienzo and carried unanimously.

Conservation Commission, Alt. – vacancy exp. 06/30/2011

Motion by Barbara Henry to appoint Erika Ketchum to the Conservation Commission, Alt. – vacancy exp. 06/30/2011. The motion was seconded by Russell Dirienzo and carried unanimously.

Zoning Board of Appeals – vacancy expiring 12/31/2013

Motion by Barbara Henry to appoint Nannette Falkenberg to the Zoning Board of Appeals as a Regular member, up from an Alternate member – vacancy of Stan Mongin expiring 12/31/2013. The motion was seconded by Russell Dirienzo and carried unanimously.

Zoning Board of Appeals, Alt. – vacancy expiring 12/31/2012

Motion by Barbara Henry to appoint James Garofalo to the Zoning Board of Appeals, Alt. – vacancy expiring 12/31/2012. The motion was seconded by Russell Dirienzo and carried unanimously.

Library Director – vacancy expiring 11/17/2009

Barbara Henry explained that the Library BOD has recommended David Sherman to serve the balance of Stan Mongin's term. Once the term expires his name will appear on the ballot for election.

Motion by Russell Dirienzo to appoint David Sherman to the Library Director – vacancy expiring 11/17/2009. The motion was seconded by Barbara Henry and carried unanimously.

IW Citation Hearing Officer

Russell Dirienzo recused himself.

Barbara Henry explained that under section 10.17.13. (b) Wetland Citation Hearing Procedure calls for an appointment of a Hearing Officer by the First Selectman but wanted to bring it to the Board's attention. She reported that Brian Duda has agreed to serve as the IW Citation Hearing Officer. He has served on the IWC and is currently a Land Trust member. Barbara Henry explained for Mr. Duda that there is no term for this position; however, he can resign at any time.

Motion by Barbara Henry to appoint Brian Duda as the IW Citation Hearing Officer. The motion was seconded by Robert Lowe and passed unanimously.

Russell Dirienzo was reseated.

Zoning Commission – vacancy expiring 12/31/2010

Barbara Henry explained that an alternate will be asked to fill Toby Goldfarb's seat.

Motion by Barbara Henry to table the appointment of the Zoning Commission – vacancy expiring 12/31/2010. The motion was seconded by Russell Dirienzo and carried unanimously.

Board of Finance – vacancy expiring 11/22/2011

Barbara Henry explained that the BOF is responsible to fill the vacancy on their Board. The BOS does not appoint this position.

BUSINESS

Thank You to Dave Baron – Service on BOE

Barbara Henry wanted to publicly acknowledge and thank David Baron for his service on the BOE since 2006. David's term was up and he did not want to run again. The BOS agreed to send a thank you note to Mr. Baron in appreciation of his service.

Squire Road Update

Barbara Henry reported that Doug DiVesta has given his final okay on the completion of the Squire Road project. She noted that the time period of lien waiver has expired and agreed to confirm with the Town Clerk that there are not any liens filed. Barbara Henry confirmed that they have received a check for the returned merchandise.

Motion by Robert Lowe to release the final payment of \$7,201.94 to Earth Artist Excavating for the Squire Road project. The motion was seconded by Russell Dirienzo and carried unanimously.

Tax Collector Correction; Collector Certifications; Collection Rate

Barbara Henry explained that according to bankruptcy code the Tax Collector cannot attempt to collect taxes after bankruptcy has been filed. She presented a list dated June 26, 2009 of delinquent taxes where this applies and asked the BOS to approve the list for tax collection correction.

A motion was made by Barbara Henry to approve the list of Tax Collector Correction dated June 26, 2009. The motion was seconded by Russell Dirienzo and carried unanimously.

Barbara Henry congratulated Kimberly Pokrywka and Cindy Fink for receiving their Collector Certifications and she noted that the collection rate was 99.14% this year which is outstanding in this economic climate.

Booth Free School Lease Update

Barbara Henry reported that she is scheduled to meet tomorrow morning with Mark Lyon and Bill Stuart regarding the Booth Free School lease. She was told that a letter sent by the Selectmen in April was only seen by the Superintendent and BOE Chair, but not the entire BOE. Another letter has been drafted and will be sent to every member of the BOE attaching the previous letter of which there was no response.

Barbara Henry explained that Mark Lyon is in favor in giving the BOE another year extension on the lease and then to apply pressure upon them to make repairs. Bill Stuart is not interested in extending the lease. Barbara Henry noted that she is not in favor of an extension either.

Russell Dirienzo reminded the Board that they had motioned to start charging the BOE \$3,300 per month rent if a lease was not signed by June 30th. The Board agreed that they should go forward with this charge on a month-to-month basis. The town will also require a Certificate of Insurance to protect the town's liability.

Russell Dirienzo noted that it has been six months since the review of the maintenance failure issues and very little has been done. Barbara Henry reported that she is awaiting the flat roof design they had requested before it goes out to bid. She has been told that they will be doing some work in the bathroom, replacing a door, routine repairs and minor painting over the summer.

Robert Lowe stated and Russell Dirienzo agreed that the lack of reaction to the disrepair of the school is due to arrogance. They noted that a lot of time was spent getting a list of repairs together and the Superintendent has failed to get costs for repairs and move forward as he had promised.

Barbara Henry agreed to follow through with the motion to charge \$3,300 a month rent to the Region on a month-to-month basis which can be increased at any time.

FAA Flight Paths over Southwest CT

Barbara Henry explained that Roxbury did not spend the \$30,000 to join the litigation regarding the flight paths which was a wise decision and thanked Atty. Barrie Goldstein for that recommendation to the BOS. She reported that the Attorney General went before the FAA and his claims were refuted. He will be filing an appeal.

Probate Court Update

Barbara Henry reported that although the House of Representatives has approved Roxbury's merger with Southbury's Probate Court, the Senate has not made a decision. She explained that the creations of districts were requested. The proposed Southbury District consists of Southbury, Roxbury, Washington, Woodbury and Bethlehem. The

districts are now being reviewed by the Probate court Judges as requested by the Governor. Barbara Henry noted that the proposed Southbury District would be acceptable to Roxbury as long as the actual court remains in Southbury.

Cell Tower – Transylvania Road

Barbara Henry reported that there are intentions of putting in a 170-foot cell phone tower on private property on Transylvania Road. The contact person for anyone concerned is Kevin Day with SAI Communications 1-732-267-3359. She noted that Mr. Day said that this is very preliminary and there are tests and plans to be done, which upon the completion of a report, will be forwarded to Roxbury.

Shepaug River – extension to complete work by end of August construction/testing

Do to the urgency of a reply, Barbara Henry reported that she agreed to a request by Edwin Matthews to the Joint Motion to Extend Time to Complete Conditions Subsequent Pursuant to Agreement and Stipulated Judgment regarding the Shepaug River litigation to August 2009 so that Waterbury can complete their field tests and site visit. All construction has been completed on the Shepaug Reservoir Dam, Wigwam Reservoir and gauging stations.

Approve Town Hall Rental Application

Motion by Barbara Henry to table the approval of Town Hall Rental Application. The motion was seconded by Russell Dirienzo and carried unanimously.

MOA for Homeland Security Grant Program for FY2008

Barbara Henry read aloud the following Authorizing Resolution of the Board of Selectmen:

RESOLVED, the Board of Selectmen may enter into with and deliver to the State of Connecticut Department of Emergency Management and Homeland Security any and all documents which it deems to be necessary or appropriate; and

FURTHER RESOLVED, that Barbara Henry, as First Selectman of the Town of Roxbury, is authorized and directed to execute and deliver any and all documents on behalf of the Town of Roxbury and to do and perform all acts and things which she deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents.

Motion by Barbara Henry to sign MOA for Homeland Security Grant Program for FY2008. The motion was seconded by Robert Lowe and carried unanimously.

CRRA Tip Fee Subsidy

Barbara Henry reported that CRRA has authorized the advance release of a specific reserve to provide a subsidy of \$6/ton offset to the adopted fiscal year 2010 tip fee of \$69/ton (of solid waste delivered) to members for use during fiscal year 2010 or allow CRRA to keep the money in an interest-bearing account until next fiscal year 2011.

Motion by Russell Dirienzo to take the CRRA Tip Fee Subsidy funds this year (fiscal 2010). The motion was seconded by Robert Lowe and carried unanimously.

Walk Historic Roxbury Event

Barbara Henry noted that the Friends of the Senior Center and the Historic District Commission will be holding a Historic District Walk and Tour on July 25, 2009.

Fire Marshal's Report – May

Barbara Henry reviewed the Fire Marshal's Report for May and noted that there were 13 calls. The report for June has not yet been submitted.

Other Business

First Light Shoreline Management Plan:

Barbara Henry explained that Roxbury has been asked to sign a letter of support for First Light to send to the Federal Energy Regulatory Commission in support of the new revised shoreline management plan.

Motion by Robert Lowe to send the letter in support of the new revised shoreline management plan. The motion was seconded by Russell Dirienzo and carried unanimously.

Resident State Trooper Retired:

Barbara Henry reported that Roxbury's Resident State Trooper, Frans Dielemans has retired as of June 30th. Trooper Glenn Messenger will be filling in until a replacement is hired.

Application of Chemical to Pond for Weed Control:

Barbara Henry brought up the suggestion made to her of applying the aquatic herbicide "Reward" to the pond for the weed control. Russell Dirienzo advised that this would be a costly option and has to be done every year. Barbara Henry noted that the Town Crew has pulled the weeds in the swim area as suggested by Brian Neff and it's beautiful for swimming at the moment.

Roads:

Barbara Henry reported that several roads have been chip sealed. There is a sinkhole on Ranney Hill caused by a similar problem that occurred on Pickett Rd. Doug DiVesta is working on a plan for its repair. Russell Dirienzo reported that Washington's IWC gave their approval to do the repair on Pickett Rd.

Budget:

Barbara Henry reported that they ended the year with over \$150,000 left in the budget. But we budgeted a deficit so it worked out well.

Hurlburt Park:

Barbara Henry reported that she has received complaints about skateboards and music after hours in the park. She noted that she will have the park patrolled after 9:00 p.m. to confirm that there is no music. Additionally, the Board agreed that they should patrol to confirm that parked cars have the appropriate stickers and to enforce the no skateboarding rule.

Motion by Robert Lowe to adjourn at 8:42 p.m. The motion was seconded by Russell Dirienzo and carried unanimously.

Respectfully submitted,

Tai Kern

Tai Kern,
Secretary

These minutes are not considered official until approved at the next Regular Meeting of the Roxbury Board of Selectmen.