

**ROXBURY BOARD OF SELECTMEN
REGULAR MEETING**

**September 8, 2009
MINUTES**

CALL TO ORDER

Barbara Henry, First Selectman, called the meeting to order at 7:31 p.m.
Present: Barbara Henry, First Selectman; Robert Lowe and Russell Dirienzo, Selectmen; Alexandra Gross, Dennis McDonald, Tom and Shelly Holroyd, Hugh Rawson, Patricia O'Conner, and Stewart Kellerman, Members of the Public.

APPROVAL OF MINUTES

Motion by Russell Dirienzo to approve the minutes of the Regular Meeting held August 3, 2009 and Special Meeting held August 17, 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:

Frank White - \$12.70
Walter Mang - \$32.68
Walter Mang - \$13.55
Jennifer Berth - \$27.39
Joann Opulski - \$5.19
Kimberly Bedini - \$5.42
Lisa Burgess - \$9.68
Blane G Withers or Dennis Masters - \$36.46
Charles or Lorri Hilton - \$46.32
Denise Heimbrock - \$10.00
Ed Pressman & Annie McEnroe \$4,295.15
Ed Pressman & Annie McEnroe -\$4,295.15
William & Lynn Fichtel - \$1,907.92
Thomas or Elizabeth Kalinsky - \$9.43
Chase Auto Finance Corp. - \$76.91
Honda Lease Trust - \$45.98

The motion was seconded by Robert Lowe and carried unanimously.

COMMUNICATIONS FROM THE PUBLIC

Tom Holyroyd explained that he and his family are property owners in Roxbury. He read a statement noting reasons and examples for the need for change to the Town Charter regarding zoning. He explained that his right to farm has been delayed for five years due to the leaders of the town not understanding agriculture and the right to develop property within regulations. It is his opinion that Zoning and Planning Commissions

should be merged and the Zoning Commission positions should be elected for accountability.

Barbara Henry explained that she has heard his issues; however, could not comment regarding specific incidents and applications mentioned due to pending litigation between the Holroyds and the Zoning Commission. Shelly Holroyd explained that the lawsuit is to protect their rights and voiced her disapproval with regard to Barbara Henry's reluctance to comment.

Tom Holroyd asked the Board to list what they felt the Zoning Commission does well. Russell Dirienzo explained that the Zoning Commission is composed of volunteers without agendas, only beliefs which the Holroyds may not agree with. The members do not serve for money or power. They are charged with the task of following the town's regulations, which they did not write. They volunteer a lot of time to this task and do not deserve to be spit upon. It was noted that the BOS was not present for their application and do not oversee individual applications. They have hired a certified ZEO who is not from Roxbury to assist in making fair and equitable decisions.

Robert Lowe explained that the elected process may not change a thing. The same people may end up in the same positions. Tom Holroyd explained that he would like the Commission members to rely upon facts and research as Patricia O'Conner and Stewart Kellerman do as Commission members. Barbara Henry explained that this is a good example of how you cannot please everyone. She noted that Dennis McDonald asked to have Patricia O'Conner removed from the IWC due to incompetence.

Patricia O'Conner noted that the change the Zoning Commission would be a bad idea. There is no ground swell in favor of this change. The only people who are in favor of the change are those with a beef with Zoning or Planners who wish they were Zoners. Planners should spend their time planning. Dennis McDonald agreed that Planning should be involved with big picture items. Re-zoning the whole town should have been a planning issue.

Hugh Rawson reiterated that the Conservation Commission's position is that Planning and Zoning should remain separate. They do not have a position regarding the election of the Zoning Commission. He explained that his personal opinion is that Zoning did not introduce the acreage change well. Also, there is more that Planning can do in the role of planners.

Stewart Kellerman explained that there are problems finding volunteers. He feels that both Commissions should be appointed, which may ultimately help them to work better together. Keeping the two commissions separate is correct.

COMMISSIONS AND BOARDS APPOINTMENTS

Inland-Wetlands Commission, Alt. – 09/01/02009 - 08/31/2012

Motion by Barbara Henry to table the appointment of Inland-Wetlands Commission, Alt. – 09/01/02009 - 08/31/2012. The motion was seconded by Robert Lowe and carried unanimously.

Zoning Commission, Alt. – vacancy expiring 12/31/2011

Motion by Barbara Henry to appoint John Friedman as Zoning Commission, Alt. – vacancy expiring 12/31/2011. The motion was seconded by Russell Dirienzo and carried unanimously.

Fire Marshal, Deputy

Motion by Russell Dirienzo to appoint Janet Morgan as Fire Marshal, Deputy. The motion was seconded by Robert Lowe and carried unanimously.

BUSINESS

Environmental Task Force – Alexandra Gross

Alexandra Gross introduced herself and explained that she is a recent graduate of Fairfield University who plans on living in Roxbury at least another year. She is looking for ways to become involved and volunteer her time to the community. She explained that she organized a successful #5 Recycling Program at Fairfield University, which would transfer well to this size town. This program would ultimately save money for the town in recycling fees; however, the town would incur costs in shipping fees. She distributed additional information to the Board.

Barbara Henry stated that was ready to suggest forming an Environmental Task Force but then explained that Alexandra Gross has volunteered to work with the Energy Task Force to educate the public about this program. Alexandra Gross noted that there would not be a need for a new task force at this time. This is something that could be done by working with the existing commissions. Additionally, she has several other ideas she would like to propose. Hugh Rawson noted that the Conservation Commission would be receptive to her ideas.

Barbara Henry thanked Alexandra Gross for her enthusiasm and for bringing this idea to the Selectmen. The BOS agreed that Alexandra Gross should move forward with the #5 Recycling Program as Roxbury's Environmental Coordinator. They welcomed any additional ideas she may have in the future.

Senior Center Garden – permanent garden posts

Barbara Henry reported that the Senior Center Garden Committee is proposing the addition of permanent cedar posts in the Senior Center Garden. She reviewed the specific proposal with the Board. Since the garden is on Town property they need the permission of the BOS. The proposed posts will be drilled as an event in the Tractor Parade; therefore, they would like a decision prior to the event. The BOS approved the proposal with the condition that all Zoning requirements are met.

Senior Center BOD – Trust Fund for Fundraising

Barbara Henry reported that she reviewed with the BOF the proposal to set up a Trust Fund for the Senior Center BOD which would also allow them to use it for seed money and profit deposits from their fundraising efforts. She explained that the Senior Center BOD are having a fundraising event to benefit the Center and would like to deposit the proceeds into an account separate from the General Fund, which would allow them to use for future fundraising events. She noted that the BOF approved of the account but need the recommendation from the BOS to move forward.

Motion by Barbara Henry to have the Town Treasurer set up a Senior Center Fund for use by the Senior Center BOD. The motion was seconded by Russell Dirienzo and carried unanimously.

Telephone Upgrade – LOCIP funds

Barbara Henry reported that she reviewed with the BOF the proposal to upgrade the Town Hall's telephone system. She explained their current outdated system is in need of another repair and the cost is \$7,743.00.

Motion by Robert Lowe to use LOCIP funds for a Town Hall telephone upgrade. The motion was seconded by Russell Dirienzo and carried unanimously.

Judds Bridge Contract – Milone & MacBroom – ARRA Funds

Barbara Henry presented the contract with Milone & MacBroom to finish Judds Bridge. She reminded the Board how part of the rehab project was put on hold due to gusset plates on the trusses; however, the ARRA funds designated for the project are available and we need to move forward. She noted that Milone & MacBroom would be

working with her and the state on the stimulus paperwork as well as dealing with the DEP and DOT. She noted that there is a time limitation with regard to the stimulus funds.

Barbara Henry discussed the difficulties they face with closing the bridge and noted that this is something she will be discussing in a meeting with the DOT tomorrow. Russell Dirienzo noted that the quoted cost seems high. Barbara Henry agreed to discuss this with Milone & MacBroom at the meeting tomorrow.

Motion by Barbara Henry to add the JAG Grant to the Agenda as it also referred to the ARRA funds. Second by Russell Dirienzo and carried unanimously.

JAG Award – ARRA Justice Grant

Barbara Henry reviewed the application for funding in the amount of \$9,100 through the Justice Assistance Grant. She explained that they worked on this Grant with the Resident Trooper to use the funds toward some of the items the Town can use, i.e. a digital camera. If we did not find a use for the money, it would revert to the CSP) Conn. State Police.

Motion by Russell Dirienzo to sign the JAG Grant contract. The motion was seconded by Robert Lowe and carried unanimously.

FD Engine 10 & Brush Truck Surplus – Set Town Meeting

Barbara Henry reported that she discussed with the BOF using the surplus funds from the Brush Truck for the repair of FD Engine 10. The BOF is in agreement with this proposal; however, a Town Meeting will need to be set.

Motion by Russell Dirienzo to allow the surplus funds from the FD Brush Truck purchase to be used towards the repair of FD Engine 10. The motion was seconded by Robert Lowe and carried unanimously.

Barbara Henry suggested that the Town Meeting regarding the movement of these funds should be combined with the informational meeting regarding the proposed cell tower on Transylvania Road.

Public Hearing – Cell Tower Transylvania Road

Barbara Henry explained that she has asked AT&T to come and educate the public regarding the proposed cell tower on Transylvania Road at a Public Hearing. Additionally, she would like them to float the balloon again to give people an opportunity to see where the tower will be located. We were supposed to be notified before they did this and we were not. The First Selectman of Woodbury has asked to be invited. She would also like to invite the Siting Council to hold their meeting here in Town Hall after the application is submitted to them by AT&T. She noted that AT&T has 60 days until they can file an application for this project with the Siting Council. The BOS agreed to schedule a Town Informational Meeting regarding this matter on Thursday, September 24, 2009 at 7:30 p.m. Residents will be notified.

POCD Draft - Comments

Barbara Henry reported that the POCD draft is available for review online. A Public Hearing is scheduled for November 12, 2009. The Planning Commission has asked for comments from the BOS. The Board agreed that they will review and discuss their thoughts at the next regular meeting in October.

Probate Court Update

Barbara Henry reported that Art O'Neil read into the record Barbara Henry's written testimony at a meeting held in Hartford regarding the merging of the Probate Courts. The testimony stated that the Town of Roxbury was in agreement with the merger with Southbury as long as the physical court remained in Southbury.

Volunteer Recognition Picnic

Barbara Henry reported that the Volunteer Recognition Picnic is scheduled for Sunday, September 20 from Noon to 2:00 p.m. She noted that they have plans to specifically recognize certain volunteers.

Patriot Day Observance – Friday, September 11

Barbara Henry reported that the Town will observe Patriot Day on Friday, September 11 at 10:10 a.m. with the tolling of the church bells. They have asked all town employees to come outside in observance at that time. The children of Booth Free School will also participate. Additionally, they ask that residents do a good deed on that day in remembrance of those who died that day in 2001.

Bid Awards:

Senior Center Painting

Barbara Henry explained that the bids for the Senior Center Painting have been thoroughly researched.

Motion by Barbara Henry to award the Senior Center painting bid to Image One for \$15,800. The motion was seconded by Robert Lowe and carried unanimously.

Ranney Hill Road Drainage

Barbara Henry reported that FSM came in with the low bid of \$28,150. Doug DiVesta reviewed their proposal and gave his okay.

Motion by Barbara Henry to award the Ranney Hill Road Drainage bid to FSM. The motion was seconded by Robert Lowe and carried unanimously.

Discussion of Zoning Commission

Barbara Henry said she would allow members of the audience to participate in the discussion.

Barbara Henry reported that the BOS has had their meeting with the Planning, Zoning and Conservation Commission members regarding their thoughts on the merging of the Planning and Zoning Commissions and electing the Zoning Commission members. She noted that there was no outcry either way. She explained that some even suggested that both commissions be appointed. She explained that the BOS has to decide whether to pose this question on the November ballot and whether it should be binding or nonbinding.

Russell Dirienzo noted that he feels it should be a binding vote. He explained that the issue regarding merging the Commissions is a policy issue for the BOS to set. The general public cannot understand the workload of these commissions. He explained that it is his opinion that there would be too much work for one commission. He noted that Planning could be doing more work and wishes the commissions would work together better. Robert Lowe noted that there seems to be a personality issue which may not be resolved by a change.

A long discussion ensued. Hugh Rawson suggested that there should not be too many questions asked at the same time, i.e., Zoning elected or appointed and merging P & Z. He reminded everyone that any changes can be reversed if they do not work out. Patricia O'Conner noted that nobody would vote against having the members elected not knowing the current system. Dennis McDonald explained that making the members elected promotes their accountability and makes it easier on the BOS regarding recruiting volunteers and making appointments. Tom Holroyd suggested that they should have two-year terms. Hugh Rawson suggested that a public meeting be held to educate the public so that the people will understand what they are voting about.

Shelly Holroyd noted that the Commission members should be accountable to the people. She explained that applicants are looking for direction. Russell Dirienzo

explained that legally members are not permitted to direct applicants. They should follow regulations methodically.

Dennis McDonald suggested that the public participation section on the agenda become an ordinance. Barbara Henry stated she was not in favor of that and explained that the chairman sets the agenda. He has the right to make that call. These are business meetings where applications have to be addressed. The meetings can go long and must be planned accordingly. Barbara Henry explained that the chairman must know what you plan to speak about when you ask to be on the agenda. If you do not want to disclose that, he doesn't have to put you on. Dennis McDonald disagreed noting that he will let the members know that when he speaks.

Dennis McDonald reported that a written complaint he filed to Zoning regarding a neighbor's encroachment has not be addressed in four months. The BOS agreed to follow up on this issue for Dennis McDonald.

Stewart Kellerman explained that if the Zoning Commission positions become elected it will diminish volunteerism by forcing the political process upon volunteers. It will become particularly difficult for the registered Independent to be on the Commission. Only those with strong opinions will participate in the process. He believes that the BOS should appoint both the Planning and Zoning Commission and feels they would work better together as appointed members.

Dennis McDonald asked what is wrong with a contested race. Patricia O'Conner noted that most voters in Roxbury are Independent. They would have to go to the parties for endorsements; thereby, removing several good members from serving.

Russell Dirienzo noted that he supports bringing the idea to the people. Barbara Henry recommended an informational meeting to educate the public about the issue. Russell Dirienzo explained that people would not attend. He noted that the few people who have come forward regarding this issue want the chairman removed. The BOS confirmed for Hugh Rawson that the Board has not been petitioned regarding this idea. Barbara Henry noted for Tom Holroyd, who had previously requested what the procedure was to remove a member, that there is no procedure in place to do this – no reference in our Zoning ordinance or state statutes.

Motion by Russell Dirienzo to bring the following question to a binding machine vote during the November election: "Shall the Town of Roxbury change the way the Zoning Commission members are selected from an appointed position to an elected position." The motion was seconded by Robert Lowe and carried unanimously.

Fire Marshal's Report - August

Barbara Henry explained that the Fire Marshal has been away and she has not received a report for August.

Motion by Barbara Henry to table the Fire Marshal's Report for August. The motion was seconded by Russell Dirienzo and carried unanimously.

Other Business:

Congressman Chris Murphy

Barbara Henry reported that she had invited Congressman Chris Murphy to hold a Town Hall Meeting regarding health care reform, It was held at SVHS, was well attended and very civil. She commented that he did a great job.

Freedom Lawn

Barbara Henry reported that the Conservation Commission has agreed to take on the Freedom Lawn project.

Motion by Barbara Henry to add to the agenda discussion regarding roofs, AT&T easement, Shepaug River Notice of Completion, and Dr. Clark's letter to the Town. The motion was seconded by Robert Lowe and carried unanimously.

Roofs

Barbara Henry reported that the roof on Booth Free School is moving along. Permits are in place and it is nearly completed. The process is going well and she has no complaints. The Town Hall roof is completed and Andy's Roofing did a great job.

AT&T Easement

AT&T plans on adding equipment to the telecommunications box located in the PW area. Construction is scheduled to begin on September 17th. They have been asked to forward information regarding specifics of the project to the Town.

Notice of Completion – Shepaug River

Barbara Henry reported that they have received a Notice of Completion regarding the Shepaug River. The increased water flow will be released when the river is low. A celebration is set for September 12 in Steep Rock. Barbara Henry regrets being out of town and will not be able to attend.

Dr. Clark- Letter regarding skateboarders at the park

Russell Dirienzo noted that Dr. Clark's letter regarding skateboarding in the park should be addressed. He is concerned someone will get hurt and the Town will be liable. Barbara Henry confirmed that there are no skateboarding signs posted and the Town Constable and Resident Trooper have been asked to beef up patrols. It was agreed the parks should be patrolled by constables year round. At the next BOS meeting they will appoint constables for all the parks with one year terms.

Motion by Russell Dirienzo to appoint all special constables to patrol all parks year round. The motion was seconded by Robert Lowe and carried unanimously.

Motion by Russell Dirienzo to adjourn at 10:07 p.m. The motion was seconded by Robert Lowe 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.