

**ROXBURY BOARD OF SELECTMEN  
REGULAR MEETING**

**December 1, 2008  
MINUTES**

**CALL TO ORDER**

Barbara Henry, First Selectman, called the meeting to order at 7:30 PM.

Present: Barbara Henry, First Selectman; Robert Lowe and Russell Dirienzo, Selectmen; Members of the Public

**APPROVAL OF MINUTES**

Motion by Russell Dirienzo to approve the minutes of the Regular Meeting held November 3, 2008 as presented. The motion was seconded by Robert Lowe and carried.

**TAX REFUNDS**

N/A

**COMMUNICATIONS FROM THE PUBLIC**

**Todd Wheeler**

Mr. Wheeler requested permission to clear some brush in order to make the proposed skating pond at the Hurlburt Park site accessible. Mr. Dirienzo agreed that clearing in order to perform the survey would be acceptable as long as once the survey is complete Mr. Wheeler would go to the Inland-Wetlands Commission with the proposed skating pond plan.

Mr. Wheeler confirmed that the cleaning of the old firehouse is moving forward and that only the Boy Scouts' belongings and the luminaries are remaining. He noted that they will begin work on the firehouse next week.

**Dennis McDonald**

Barbara Henry explained that Mr. McDonald has written a formal complaint regarding Wellers Bridge Road and called regarding water on Davenport Road. Russell Dirienzo reported that Mr. McDonald called him from Florida regarding these issues. Barbara Henry reported that a curb has been installed on Wellers Bridge Road to remedy the problem; however, part of the problem is being caused by a pipe under the driveway at #97. The water problem he complains about is not all sheet flow off the road as he insists. Additionally, Ms. Henry noted that the blocked drain on Davenport has been cleared and a pipe has been installed.

## **Mark Lowe**

Motion by Barbara Henry to add Mark Lowe to the agenda. The motion was seconded by Robert Lowe and carried.

Mr. Lowe questioned when the Selectmen were going to discuss with him the \$200 per day penalty that was noted in last month's minutes. Barbara Henry explained that she reminded Mr. Lowe of the contractually agreed penalty twice when the project was behind.

Mr. Lowe confirmed for the Board that he considered the project complete around the end of September to beginning of October. He explained that although the contract noted a July 31 finish date, the project did not note a start date or a number of days allocated to do the job. Mr. Lowe noted that the town-supplied material had not been made available until June 2<sup>nd</sup>. He reminded the Board that after his original proposal it was determined that the town would purchase the materials in an effort to keep costs down. Although the contract was awarded on May 10<sup>th</sup> and Barbara Henry gave verbal permission to begin the project, he was unable to begin due to the unavailability of material.

Russell Dirienzo questioned why Mr. Lowe did not make them aware of this issue when he signed the contract. Mr. Dirienzo explained that it is the Board's policy to treat all contractors the same and if they were to waive the penalty it would set a bad precedence regarding their enforcement of contract dates. Mr. Lowe explained that he signed the contract in good faith knowing that the Board was aware of these delays and never expected it to be turned on him.

Mr. Lowe explained that he did not think it would be fair to charge him for any days due to the delay in the start date and rain dates which totaled 35 days according to his stats. Mr. Dirienzo questioned whether those dates included weekend days. Ms. Henry explained that the 40 days over agreed date was conservative. She did not count weekends, rain dates and allotted two weeks for additional work.

The Board agreed they would review dates, consult with Mr. Parsons and obtain a copy of engineer Doug DiVesta's report and then resume discussion at a Special Meeting.

## **COMMISSIONS AND BOARDS APPOINTMENTS**

### **NW Regional Housing Authority Member**

Motion by Barbara Henry to table the appointment of NW Regional Housing Authority Member. The motion was seconded by Russell Dirienzo and carried.

### **COA, 3 yr term 01/01/2009 – 12/31/2011**

Motion by Barbara Henry to appoint Alice Griffin, Reverend Michael Phillips and Janice Steers to the COA, 3 yr term 01/01/2009 – 12/31/2011. The motion was seconded by Russell Dirienzo and carried.

### **HDC, 5 yr term 01/01/2009 – 12/31/2013**

Motion by Russell Dirienzo to appoint Wendy Walker and Tom Cole to HDC, 5 yr term 01/01/2009 – 12/31/2013. The motion was seconded by Robert Lowe and carried.

### **LLA, 4 yr term 01/01/2009 – 12/31/2012**

Motion by Russell Dirienzo to appoint Sara Howard to LLA, 4 yr term 01/01/2009 – 12/31/2012. Seconded by Robert Lowe and carried.

**LLA, 4 yr term 01/01/2009 – 12/31/2012**

Motion by Russell Dirienzo to table the appointment of LLA, 4 yr term 01/01/2009 – 12/31/2012. Seconded by Robert Lowe and carried.

**Zoning Commission 3 yr term 01/01/2009 – 12/31/2011**

Motion by Russell Dirienzo to appoint Robert Falconer and Mary Elizabeth Peck to Zoning Commission 3 yr term 01/01/2009 – 12/31/2011. Seconded by Robert Lowe and carried.

**ZBA, 5 yr term 01/01/2009 – 12/31/2013**

Motion by Russell Dirienzo to appoint Mary Wright, Stanley Mongin and Judith Kelly to ZBA, 5 yr term 01/01/2009 – 12/31/2013. Seconded by Robert Lowe and carried.

**BUSINESS**

**Town Meeting Agenda December 9<sup>th</sup>**

- 1) Probate Court Resolution**
- 2) Squire Road – Reserve for Capital Funds**
- 3) Form Committee to Reduce Number of Members on BOE**
- 4) Purchase Pick Up Truck**

Barbara Henry reviewed the Warning of Special Town Meeting dated December 1, 2008. She noted that Southbury would hold a similar meeting regarding the Probate Court and then they would go to the General Assembly. Regarding Squire Road, she explained that the unexpended funds from the Road Improvement line will be moved to the Town's Reserve for Capital Undesignated Fund at the end of the fiscal year. She noted that the two other towns in the region will have to hold their own meetings regarding the number of members on the BOE. Finally, she suggested that now would be a better time to discuss the purchase of a truck rather than next July.

Motion by Russell Dirienzo to approve the Warning of Special Town Meeting dated December 1, 2008. Seconded by Robert Lowe and carried.

**Booth Free School Lease Update**

Barbara Henry reported that she has signed the extension to the existing lease with an addendum. This addendum extends the existing lease until June 30, 2009 with the following addition: The BOE will give prior notification to appropriate Selectmen before initiating any work.

**Judds Bridge Update**

Barbara Henry reported that the contractor is on schedule and the entire top decking and stringers of the bridge have been removed. She explained that while it was removed she requested that they check both abutments and she approved a \$6,000 repair to one of the abutments. They will be checking the New Milford side as well and get back to her. Ms. Henry reported that they are under budget on this project.

**Resolution for Emergency Services Award Plan/Ericson as Investment Rep**

Barbara Henry explained that as previously discussed a motion needs to be made to specifically approve Ericson as Investment Representative for the above Award Plan.

Motion by Russell Dirienzo to approve Ericson as Investment Rep for the Emergency Services Award Plan. Seconded by Robert Lowe and carried.

### **Letter from ZEO**

Barbara Henry read a letter of resignation from the ZEO and IWEO, Jim Pierpont. He agreed to continue in his position until March 1, 2009 or until a replacement is found.

Motion by Robert Lowe to accept the resignation of Jim Pierpont as ZEO.

Seconded by Russell Dirienzo and carried.

Barbara Henry noted her appreciation for all that Mr. Pierpont has done for the town and all the time he has put in.

### **Squire Road Update**

Barbara Henry explained that they expect to receive Doug DiVesta's report shortly and will schedule a special meeting for further discussion.

### **CRRA – Mid-Conn Solid Waste Agreement**

The Board confirmed their receipt of the Agreement and did not have any recommendations. She noted that effective January 1, 2009 the tip fees would be lowered from \$76 to \$62 per ton.

### **Transfer Station – Mattresses/Old Guard Shack**

Barbara Henry reported that the town paid \$900 in disposal fees April through October for mattresses. She noted that there is a \$20 charge for the town to dispose of them.

Motion by Russell Dirienzo to charge residents a disposal fee of \$20 per mattress effective January 1, 2009. Seconded by Robert Lowe and carried.

The Board agreed that those interested in the old guard shack should make an offer and the best offer can take it.

### **Town Historical Society Barn – Future Use**

Barbara Henry reported that she agreed to allow the Friends of the Senior Center to use the barn for their Festival of Trees event on December 6<sup>th</sup>. After this event she will do a walk through to try and determine how the barn can best be utilized. She noted that there have been several requests to use the barn.

### **Fire Marshal's Report – November**

Barbara Henry explained that she has not received the Fire Marshal's Report for November.

Motion by Barbara Henry to table the Fire Marshal's Report for November.

Seconded by Russell Dirienzo and carried.

### **Policy for Filming Guide**

Motion by Barbara Henry to table the discussion regarding the Policy for Filming Guide. Seconded by Russell Dirienzo and carried.

### **Other Business**

Motion by Barbara Henry to add to the agenda Plan of Conservation and Development, the Holiday Schedule and the Board of Selectmen Regular Meeting Schedule for 2009. The motion was seconded by Russell Dirienzo and carried.

### **Plan of Conservation and Development**

Barbara Henry explained that Planning has mailed out a *State of Our Town* report to all commission members asking them to fill out an attached survey which will be online as well. A postcard will be mailed to all residents asking the same.

### **Holiday Schedule**

Barbara Henry reported that there are 13 holidays scheduled for 2009.

Motion by Russell Dirienzo to approve the 2009 Holiday Schedule. The motion was seconded by Robert Lowe and carried.

**Board of Selectmen Regular Meeting Schedule for 2009**

Motion by Russell Dirienzo to approve the Board of Selectmen Regular Meeting Schedule for 2009. The motion was seconded by Robert Lowe and carried.

**Paramedic Contract**

Motion by Barbara Henry to add to the agenda the Paramedic contract. Seconded by Russell Dirienzo and carried.

Barbara Henry explained that the Paramedic contract went out to bid. The lowest bid came in from Danbury Ambulance for \$258,000 and the next bid was from Campion Ambulance for \$278,933. The bids were forwarded to the Paramedic Oversight Committee who recommended continuing with Campion Ambulance who they have been with for several years. Barbara Henry reported that Campion has not increased their price in three years. The Board agreed that Barbara Henry should ask Campion to meet the low bid.

Motion by Robert Lowe to award the Paramedic contract to Campion with discussion. Seconded by Russell Dirienzo and carried.

**Executive Session – Real Estate Transaction**

Motion by Barbara Henry to convene in Executive Session at 8:37 pm. The motion was seconded by Russell Dirienzo and carried.

Motion by Russell Dirienzo to go out of Executive Session at 9:00 pm. The motion was seconded by Robert Lowe and carried.

Motion by Russell Dirienzo to allow Barbara Henry to get appraisals on 3 vacant Nasturwich properties bordering Rocky Mountain Road and Wellers Bridge Road. The motion was seconded by Robert Lowe and carried.

Motion by Robert Lowe to adjourn at 9:04 PM. The motion was seconded by Russell Dirienzo and carried.

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.*