

**Roxbury Board of Selectmen
Regular Meeting
May 5, 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

The minutes of the Special Meetings of April 2 and April 7, 2008 were reviewed.
Motion by Robert Lowe to approve the minutes of the April 2nd and April 7th Special Meetings.
The motion was seconded by Russell Dirienzo and carried.

TAX REFUNDS

Motion by Russell Dirienzo to approve the following tax refund:

- EA Excavating - \$47.97 – excess payment

The motion was seconded by Robert Lowe and carried.

COMMUNICATIONS FROM THE PUBLIC

Mrs. Henry noted that there were several members of the Zoning Commission present and she thanked them for coming. Mr. Goldfarb noted that they are attending as citizens, not as members of the Zoning Commission.

No further comments were offered from members of the public.

COMMISSIONS AND BOARDS APPOINTMENTS

**NW Regional Housing Authority Member
ZBA, Alt. – 5 year term (01/01/08 – 12/31/09)**

Motion by Mrs. Henry to table appointments of both positions. The Motion was seconded by Russell Dirienzo and carried.

Municipal ADA Coordinator - Motion by Barbara Henry to add this to the agenda. Mrs. Henry explained that the position is currently held by the Director of the Senior Center but involves issues outside of the scope of that position. She felt that Judi Moker would be very capable of handling the position and that one does not have to be a resident to hold it. Motion by Barbara Henry to appoint Judi Moker to the position of Municipal ADA Coordinator. Motion seconded by Robert Lowe and carried.

BUSINESS

CT Clean Energy Communities – Energy Task Force

Energy Task Force Representative David Wolfe was introduced. He spoke about the CT Clean Energy Communities Program, which offers towns a free solar electric system. To qualify for this offer the town needs to commit to buying 20% of its energy from a clean source like wind or hydro; either 10% or 100 households (whichever is less) must sign on; and the town has to buy the clean power. Mr. Wolfe noted that Washington has already signed up.

Beth Byron of the CT Clean Energy Communities gave background information on the CT Clean Energy Fund. Beth Byron said the State Legislature set up the Clean Energy Fund in 2000 as a quasi-public State organization. Some of the funding comes from the State and a small amount comes from CL&P. She noted that CL&P users pay for the fund from the systems benefit charge. The Fund is used for investments, research, installation and outreach with communities to promote clean energy. The main program is to encourage communities to purchase 20% of their energy as clean energy by 2010. Beth Byron distributed handouts that describe the various aspects of the program. The actual required purchase is 13% for towns because the state must also purchase 7% by 2010. She noted the clean energy website on one of the handouts. There are also grants and incentives to promote educational programs. Beth Byron distributed a sample town resolution from Greenwich.

Beth Byron recently trained a Shepaug teacher on solar energy education. If the three towns of Region 12 join onto the campaign the requirement would be 100 residents combined from the three communities. In that case a local task force would be enlisted to decide where the free solar system would be placed. Beth Byron suggested the High School as a great location to tie it to classroom activities.

They work under the Department of Public Utility Control (DPUC) being regulated by the DPUC to offer the clean energy options program, which has two supplies—either Community Energy or Sterling Planet. She also noted that renewable energy credits could be purchased from outside suppliers. Mrs. Henry noted that the town currently uses Constellation Energy and wondered how that would work.

Ms. Byron responded that they would begin by creating a baseline of usage. Then a cost analysis would be done for the various suppliers. She advised the town to check with Constellation energy to find out what options they have for renewable energy credits.

Robert Lowe verified that there were 24 residents from Roxbury already signed up. Barbara Henry wondered if the article by the Energy Task Force in the town newsletter resulted in new sign-ups. Mr. Wolfe said it had not. Mr. Stracks wondered how many of that number were generating their own energy. Mr. Wolfe said he knew of one Roxbury resident who generates his own energy from solar and added that the cost is 1.1 cent per kilowatt-hour per household.

Barbara Henry said she had recently spoken about saving energy at the Middle School. She cautioned about symbolism over substance or supporting programs that sound good, but don't realize a cost/savings benefit. She said the BOS would look into the matter because the Energy Task Force has brought it to their attention. She said she would speak to Constellation about it and added that she did not want to commit unless she was sure they could do it.

Mr. Wolfe said their goal would be to find enough savings so they aren't paying more and to offset any potential added cost. There are 2.8% or 24 residents signed up in Roxbury now and they are looking for 86. He added that the town would not get anything for free unless it signed on.

Mrs. Henry thanked them for bringing this to the Boards attention. She noted that the Energy Task Force has already looked into ways to save energy at the Senior Center and that was appreciated.

Letter from Ed Tierney re: Open Space

Barbara Henry read a letter from Mr. Tierney dated April 16, 2008. The letter expressed his concern about the recent Revaluation in Roxbury, which increased the value of open space parcels from \$1,000 per acre to \$5,000 per acre and how it directly impacted him. Mr. Tierney feels that the value of open space is particularly unfair when compared with farmland and forestry land.

Barbara Henry explained that according to the Assessor, Patty Braislin, nothing could be done this year because the Grand List had been signed off. The Assessor said she would be meeting with the Litchfield County Assessor's to discuss what is going on in other towns.

Russ Dirienzo felt that Mr. Tierney makes a strong case and he would like to see the Assessor revisit the matter next year. He calculated that the increase would translate to \$55 more per acre of open space land. Mrs. Henry noted that difference between open space and (residential) lots was \$1,000 vs. \$25,000, which represents a huge break for the landowner.

Robert Lowe noted that Mr. Tierney appeared at the last BOS Meeting and they were sympathetic to his position but they agreed it was a matter for the Assessor. Barbara Henry noted that the Assessor said she would not take up the matter unless the BOS requested it.

Motion by Mr. Lowe to request that the Assessor look into the matter of the increase in the value of Open Space Land. Motion seconded by Mr. Dirienzo and carried.

Judds Bridge Update & Info Meeting

Barbara Henry noted that the DEP Permit has been obtained and the DOT has been assigned to administer the STEAP Grant. The DOT questioned why the town did not attempt to secure Federal Bridge Program funds. She explained that the guidelines could not be met so she secured a STEAP Grant. She will meet next Friday with the DEP, DOT and Malone and MacBroom to iron out final details. The Board agreed that a meeting should take place with the affected residents once all the details of the project are finalized.

Milone & MacBroom Contract Addendum Approval for Judds Bridge

Barbara Henry explained that an added service fee of \$3,500 is being requested to cover the cost of additional services related to survey and data collection and regulatory approvals of FEMA and the DEP.

Motion by Russell Dirienzo to approve the additional scope of work for \$3,500 based on a proposal dated April 11, 2008. Motion seconded by Robert Lowe and carried.

Line of Credit

Barbara Henry explained that she had met with the Chairman of Board of Finance and Kim Baron, Treasurer, regarding securing a line of credit with the First National Bank of Litchfield. The issue will be discussed by the BOF at their next meeting.

Northeast Recycling Council – recycle assistance grant

Barbara Henry explained that the USDA offers a grant for recycling assistance to the first 3 small towns in the northeast who apply, which she has secured for Roxbury. The thrust is the dissemination of information on recycling to the public.

Smart Development Committee & PA 07-4 - Incentive Housing Zones

Barbara Henry explained that OPM could make grants to municipalities for technical assistance in planning incentive housing zones, adoption of incentive housing regulations, review and revision of applicable subdivision regulations and final approval of incentive housing zones. She noted that \$50,000 is available for technical assistance to establish an incentive housing zone under a program called Smart Development. Barbara Henry said residents and former residents who are interested in forming a Smart Development Committee to research the development of an

active adult community for Roxbury have approached her. Former residents George Madsen and Ric Sonder along with residents Georgette Miller, David Peters and Bernie Meehan have expressed interest. The board discussed the idea and Robert Lowe said he saw no problem with setting up a Smart Development Study Committee.

Joan Stracks said she has known of others who think this is an idea worth looking into. She personally knows Messrs. Madsen and Sonder and feels they would be excellent committee members. Barbara Henry added that she knows of people ready for retirement that want to stay in Roxbury, but feel they must down-size and would like such an option.

Russell Dirienzo said he feels that towns like Roxbury are becoming extinct. As a small town, we can't be everything to everybody. Kids want to stay here and they can't. Let's build this community and that community. After a while what we're all here for disappears because we try to placate everybody. The problem with Roxbury is that our land will not allow us to develop (condominiums). The soils on the hills are causing lots of problems with drainage. Mr. Dirienzo said, "I'm not opposed to looking into this idea, but it scares the living heck out of me because I've seen them in other towns and they look terrible." He understands that people want to stay here, but cautioned that we should tread lightly and be careful. He said, "This is how it begins."

Mr. Goldfarb expressed concern that such a committee would need to have a specific charge. He worried that the committee would attempt to locate such a development without the appropriate input from experts like Russ Dirienzo and the Health Officer.

Mrs. Henry said she didn't know what the charge would look like. She said she was not opposed to looking into whether something like this would fit in Roxbury.

Mr. Lowe reminded of the trouble they experienced in finding property for the school because of wetlands issues, etc. He was not opposed to the formation of a committee and would be interested in seeing what they came up with.

Mr. Goldfarb felt the BOS should provide guideline for the committee.

Mr. Falconer suggested that that the Zoning Commission could look into the issue. Mr. Dirienzo felt it should be a function of the Planning Commission.

Mr. Falconer suggested a joint meeting with the Zoning & Wetlands Commissions to determine water and sewer feasibility to support this type of density. He noted that the town does not have the infrastructure for this type of development. Mr. Falconer talked about his parents who live in a retirement community in Florida, which they love. However, they have town water and sewers to support this type of housing. He reiterated that the Zoning Commission would be happy to look into it.

In light of recent issues, Mr. Goldfarb disagreed that Zoning would be the best Commission to handle this.

Mr. Stracks thought Planning would be the right group to initiate a review, and then a subcommittee could look into appropriate areas of Roxbury. This would be followed by the engineering. Russell Dirienzo agreed that Planning should look into it. He felt it was possible with two-acre zoning, but it must be done carefully. He felt that drainage is the main concern. He cautioned that cutting driveways has unleashed water that is perched under the ground. Mr. Dirienzo admitted he was not a fan of the idea. He said, "If we let it go, it will be gone forever."

Mr. Dirienzo said he would favor a situation similar to the Senior Housing where it was off the road. He noted there a piece of land close to the town line with open acreage that will be coming before Wetlands soon.

Mrs. Stracks suggested a committee composed of somebody from Planning and Zoning along with residents. Mrs. Henry said that people are finding it too taxing to serve on numerous committees.

Responding to Mr. Strack's question about senior housing, Mrs. Henry said that it was done by a committee established for that purpose and it took 10 years to complete. Mr. Dirienzo added that the land was donated for that purpose.

After further discussion, Board members agreed with the idea of forming an advisory committee to the BOS from the volunteers and asking for a volunteer from the Planning Commission.

Mr. Kellerman suggested that the committee formulate their charge and make a proposal to the BOS who could modify it. Board members agreed that nonresidents should not be (voting) committee members, but could attend meetings and participate. Mrs. Henry asked if Mr. Stracks would be willing to serve on the committee. He said he was not sure.

Mrs. Henry said she would speak to the volunteers and would get the word out on the Web Site. She will also ask the Planning Commission for a volunteer.

Motion by Russell Dirienzo to approve the formation of the Smart Development Study Committee as an adhoc committee to the BOS. Motion amended by Mr. Lowe to prohibit the use of Federal dollars. Amended motion seconded by Russell Dirienzo. The amended motion carried.

Transfer Station – E-recycling event

Mrs. Henry reported that over 9,000 lbs. of mixed electronics and 490 ft. of fluorescent bulbs were collected. She noted the bill was \$2,800 and all materials were accepted, certified and will be recycled per the regulations. She suggested doing another such event at some point and noted that the Hazardous Waste Day will still be conducted in August with the Town of Bridgewater.

CT Coalition to Eradicate Lyme disease HB 5852

Mrs. Henry explained that Lyme disease has taken off in the state and this bill will direct the DEP to eliminate Lyme disease by controlling the deer population. The Northwest Council of Governments has joined the Coalition and they have requested that Roxbury become the 28th town to join.

Motion by Russell Dirienzo to join the CT Coalition to Eradicate Lyme Disease. Motion seconded by Robert Lowe. Motion carried.

Historic Documents Preservation Grant

Mrs. Henry said she hopes to get a \$38,000 grant to redo the vault downstairs. She said she had missed the April 30, 2008 deadline because she was not aware that a class was required prior to applying for the grant which was offered in January. She plans to take the class in January 2009 and make application next April.

Friends of the Roxbury Senior Center

Mrs. Henry reported that the Friends would like to use the old meat market (South Street) or the Historical Society Barn to set up a consignment shop as a fund raising vehicle to support the Senior Center. Mr. Falconer confirmed that this would require zoning approval. The traffic issues connected with the Old Meat Market were discussed. Mr. Falconer said that a consignment shop could only be located in the Commercial Zone. Mr. Dirienzo suggested that they take their request to the Zoning Commission.

Mr. Stracks asked if all the monies would go to the Senior Center. Susan Stauffacher said she thought it would be a true consignment shop whereby the donator would get a set percentage. Mrs. Henry felt that the Friends needed to provide a more detailed plan before further consideration was given.

Proposed BOD for Senior Center

Mrs. Henry reported that the town attorney has developed an ordinance to establish a Board of Directors for the Senior Center. She requested permission to send the new ordinance to a town meeting for approval. She reviewed the key points covered in the ordinance.

Mr. Dirienzo made a motion to send the Ordinance establishing a Board of Directors for the Senior Center to town meeting. The motion was seconded by Mr. Lowe and carried. Mrs. Henry said it would be on the Annual Meeting agenda on May 20th.

Proposed Emergency Services Ordinance change for FD

Mrs. Henry explained that the proposed ordinance change is only for the FD criteria from 20 to 25 points to qualify for the \$1,000 tax abatement. She also noted that there would be no payment for less than 25 points.

Motion by Mr. Dirienzo to put the proposed change to the Emergency Services Ordinance on the agenda of the annual town meeting. The motion was seconded by Mr. Lowe and carried.

Addition to Dug Outs

Mrs. Henry Reported that Mark Lowe has asked for permission to put a small addition onto the baseball dugouts in order to store equipment. The board did not see a problem with the request.

Land Use Enforcement Officer

Motion by Barbara Henry to table discussion pending further information. Motion seconded by Russell Dirienzo and carried.

Squire Road Update & 8-24 Referral

Barbara Henry reported that the Squire Road Project has gone out to bid. She read the 8-24 Referral from the Planning Commission, which concurred that the proposed project was in accordance with the POCD.

The bids were more than budgeted as follows:

\$599,115 – Earth Artists

\$679,800 – Stone Construction

\$965,000 – Dayton Construction

Mrs. Henry proposed that the pipes and catch basins be pulled from the bid and purchased separately for a savings of at least \$10,000. She noted that the budget is for \$516,000. She asked how the Board felt about requesting \$84,000 from this year's road improvement budget and awarding the bid.

Following discussion the BOS decided that the drainage plan for the project was necessary and should not be altered. Mr. Dirienzo questioned the range of the bids. It was noted that Stone and Waters have been used for past projects.

Mr. Goldfarb questioned the cost of the catch basins.

Mr. Lowe questioned whether they should go with the lowest bidder rather than with contractors that they had more experience with in order to save a few dollars. Mrs. Henry noted that S&S Paving was contracted under both low bids.

Mr. Dirienzo felt the bidders should be interviewed again to make sure that the scope of the project is similar on the bids. It was decided that a meetings would be set up for Friday morning at 7:30 and 8:00 a.m. All board members would attend.

Wellers Scour

Motion by Barbara Henry to table discussion. The motion was seconded by Russell Dirienzo and carried.

Fire Marshal's Report – April

Barbara Henry reviewed the Fire Marshal's Report noting 11 calls were made.

OTHER BUSINESS

Plan of Conservation and Development - Motion by Barbara Henry to add the Plan of Conservation and Development to the agenda.

Barbara Henry reported that the cost for the POCD would be \$20,000. A second component would be the development of a GIS database, which would be \$2,000 + \$4-\$7 per parcel. The board felt it need additional information on the GIS proposal.

Motion by Russell Dirienzo to approve the Planning Commission request to hire Mr. Woods to prepare the Plan of Conservation and Development.

WW2 Veterans Recognition -- Barbara Henry reported that there would be a WW2 Veterans Recognition on June 18th at the Roxbury Town Hall. The Secretary of State will attend it and Bridgewater and Washington will also participate in the event.

Earth Day Collection -- Susan Stauffacher reported on a wonderful Earth Day. She said that 100 bags were distributed at the transfer station and the roads look really good now. Mrs. Henry noted that Butch spent three hours driving almost every road and picking up garbage and she thanked him for his efforts. Susan Stauffacher wondered if the town would put a sign on Weller's Bridge thanking people for not throwing garbage on the roads. Mrs. Henry said she had been working on such a sign, but one would have to come down before another one could go up.

The Zoning Commission Decision - Motion by Russell Dirienzo to add the Zoning Commission 4-acre decision to the agenda. The motion was seconded by Robert Lowe and carried.

Russell Dirienzo said he had read in the (Planning Commission) minutes that they want to have the Zoning Commission elected by the people. He said he felt the issue was being raised as the result of the recent decision by the Zoning Commission and was too personal right now. He also said he did not feel the issue should be discussed for at least 8 months. He feels the BOS work hard to make sure they appoint the right people to the Zoning Commission. They look for people without an agenda and who are middle of the road. He felt that the BOS should rule that they are not going to address any changes to the Zoning Commission and let things cool down.

Mr. Dirienzo continued that the reason people said we shouldn't change from three to four acres is because "if it isn't broke don't fix it". He feels the same applies to Zoning. He said that while he did not agree with the four-acre zoning, he applauded the Commission for bringing up the discussion. He said he feels that it's not how big the parcel is, but what is done on it. He would like to see Zoning consider restricting impervious surfaces. He noted that Westport instituted a 25% impervious surfaces restriction per lot. This prevents the large compounds, which he fears are coming this way. Mr. Dirienzo said that with the drainage problems, rock and amount of water in Roxbury, whether we have 3 or 4 acres, the land will protect itself. He received many calls from people in favor of the decision, but they did not come out. He felt the Commission made a brave decision.

Mrs. Henry said a petition has been threatened and if it comes in, it should be accepted and pondered. Mr. Stracks asked about the town's regulation regarding the selection of commissions. Mrs. Henry explained that there is a town ordinance, which mandates the appointment of the Zoning Commission and to change the ordinance would require a town

meeting. She said she has not received a formal petition and that why this issue was not on this agenda.

Mr. Dirienzo said that the BOS previously discussed this issue and made the decision to take no action. Apparently, this decision was not communicated to Planning. Mrs. Henry said that the Planning Commission minutes said the BOS didn't want to get into the process. She argued that they had discussed it and said no. Mr. Lowe said we did get into the process. We discussed it and we decided not to change it. Mrs. Henry noted that she had communicated their decision back to Planning. Mrs. Henry continued that a determination of whether the Zoning Commission is elected or not, is totally outside of the province of the Planning Commission. If a petition is submitted, it will get accepted and turned over to our legal counsel. Mr. Lowe said it is like the tail wagging the dog.

Mr. Dirienzo said there have been questions raised about whether the up-zoning decision should have been done at a referendum. Mrs. Henry said this is strictly a zoning decision and it would be illegal to bring this issue to a referendum. She explained that Zoning decisions are not made by popular vote. She researched how many towns elect their Zoning Commissions and found that 80 are elected and 70 are appointed. In Washington the Planning Commission is elected and the Zoning Commission is appointed. Some towns that have combined Planning and Zoning are also appointed. It was noted that the selection of the ZBA is also covered under ordinance.

When people have complained about the four-acre decision, Mrs. Henry said she reminds them that there are still conservation subdivisions and the grandfathering clause for six acres. Mr. Conway commented that there are still three-acre lots available and feels that people don't really understand the new regulation.

Mrs. Henry commented that the Commission could have done a better job of educating the public. The concern that our kids aren't able to live in Roxbury is a fact now and is being driven by the market, not the BOS or Zoning. She reiterated that up zoning is totally under the pervue of the Zoning Commission. She said she would like to get more information about the new regulation out onto the website.

Mr. Lowe said he would be interested to know how many parcels of land could be grandfathered with the three acres parcels. He questioned whether there would be much difference in the count following the four-acre change.

Barbara Henry said that only subdivisions would be affected. She explained that the land available for subdivision lends itself to lots larger than four acres. After allowance for two septic systems, consideration of wetlands and other environmental issues, lots end up being four plus acres. She noted that a developer who opposed the decision, admitted that they had not developed lots of less than six acres because of the land issues and because it was more desirable. She did not feel it is as "earth-shaking" as people are making it out to be. She also noted that she has heard from as many who were in favor of the decision as who were against it. The problem was they did not come out to speak about it.

Mrs. Henry said we have a lot of hard working volunteers on our commissions and boards and we appreciate them all. They all have the best interest of Roxbury at heart.

Motion by Robert Lowe to adjourn the meeting at 9:18 PM. The motion was seconded by Russell Dirienzo and carried unanimously.

Respectfully submitted,

Karen Eddy,
Acting Secretary

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