

**ROXBURY BOARD OF SELECTMEN
REGULAR MEETING**

**October 6, 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 and Special Meetings held September 3, 2008 as presented. The motion was seconded by Robert Lowe and carried.

TAX REFUNDS

Motion by Robert Lowe to approve the tax refunds of:

- Marc Katzenberg - \$47.22 – excess payment
- Marc & Susan Katzenberg - \$14.48 – excess payment
- William J. Hirleman - \$12.00 – excess payment
- Christopher Spring - \$9.26 – excess payment
- Honda Lease Trust - \$34.33 – excess payment
- Dennis Cusack - \$8.47 – excess payment
- Diane Stanley - \$5.44 – excess payment
- David Kellogg - \$17.73 – excess payment
- Lewis Latanzi or Vickie Bessel - \$8.48 – excess payment

The motion was seconded by Russell Dirienzo and carried.

COMMUNICATIONS FROM THE PUBLIC

Dennis McDonald

Dennis McDonald spoke regarding the motion in last month's minutes to change the speed limit on dirt roads. He noted that there are two types of dirt roads; one lane and two lanes. He feels that 20 mph on a one lane dirt road is too fast and from the town's standpoint this would be a liability if there is an accident. It is his opinion that 15 mph is safer.

Barbara Henry explained that at this time they do not have speed limit signs posted on most dirt roads and that their purpose in setting a limit was to be able to post signs in order to enforce a speed limit. She noted that the limit had been discussed with both the public and the Resident Trooper. Robert Lowe noted that regardless of the limit they set the possibility of an accident and town liability will always be present.

Mr. McDonald also questioned whether the property where the tower is to be placed on Garnet Road can be accessed from Roxbury. The BOS confirmed that access was to be gained from Southbury on private property.

Mr. McDonald noted that he had not received notification from Jim Pierpont regarding the bridge on his property. He requested a copy of the instruction given to Gail McTaggart regarding the issue of whether it was a structure. Mr. Dirienzo noted that he read this instruction given to Gail McTaggart into the minutes. Barbara Henry explained that the instruction most likely was given in e-mail form between Karen Eddy and Attorney McTaggart. Barbara Henry agreed to provide the cost of this legal advice.

Mr. McDonald presented questions regarding the drainage at 115 Wellers Bridge Road. He noted that it appears that a culvert is being reconstructed privately that Butch was unaware of. Russell Dirienzo noted that he recalls a driveway had been approved on the road by the IWC which always requires drainage. Mr. Dirienzo agreed to take a look at the issue. Barbara Henry agreed to follow up with Butch.

Mr. McDonald requested an explanation of Barbara Henry's comment printed in the newspaper dated 10/6/08; "We all have people who are just waiting to trip up people at Town Hall".

Barbara Henry explained that this article was regarding the state mandate to post minutes of town board and commission meetings within 7 days of the meetings on town websites, if available. She explained that Roxbury minutes are taken by either part time employees or contracted help and the uploading to a website within this time limit would be difficult; which may thereby cause the town to incur an FOI violation. The BOS agreed that the unfunded mandates by the state make it difficult for small towns to comply. Russell Dirienzo noted that he agrees that the information should be and is accessible to the public; however, unfunded mandates cause tax increases. The BOS work very hard to keep costs down. Mr. McDonald commented; "This tax payer appreciates you holding the taxes down. Roxbury has done a good job of this by not trying to have everything for everybody."

Gary Lord

Gary Lord spoke about the School Board. He noted that the School Board has consisted of the same people since 2003 and explained that it is difficult to find new people and enough people for this board. He suggested that the board be reduced from 12 members to 8 members. This can be done without changing the proportion of members for each town by including one member from Roxbury, one member from Bridgewater and four members from Washington. He explained that many member's terms are about to expire; thereby, providing an ideal opportunity to implement this.

Russell Dirienzo noted that he is in support of this; however, explained that this BOS has in the past sent correspondence to the School Board with this suggestion. Robert Lowe questioned whether the other towns are interested in pursuing this at this time. Gary Lord confirmed Washington has shown an interest in the reduction; however, he has not spoken with anyone from Bridgewater.

Russell Dirienzo noted that he would like to discuss the recent issue of deregionalization. He explained that he feels that none of the towns can afford to educate their children to the current standards individually. He noted that he is opposed to the idea.

The Board of Selectmen agreed to speak further about these issues under the Other Business portion of the agenda.

COMMISSIONS AND BOARDS APPOINTMENTS

NW Regional Housing Authority Member

Barbara Henry explained that it has been difficult to find someone interested in this position.

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

BUSINESS

Booth Free School Lease Update

Barbara Henry reported that she recently reprioritized the list of repairs and the list is with the Facilities Committee. The BOS agreed that it is important the Board of Ed continue to see that the school is repaired and maintained. The BOS noted that due to the current economy the time has past to consider new school options.

Barbara Henry explained that the School Board has had the lease for quite some time now; however, it is not yet signed. She explained that Washington's list of repairs is very long and this could be what is holding up the lease signing. The lease cannot be signed until all three towns are in agreement. Ms. Henry explained that she feels that the School Board has demonstrated good faith by performing some of the repairs and she would like to see them continue with the list and adhere to the timelines. The new lease stipulates they have 5 years to complete all the repairs. She is requesting that the Building Committee give notification to the BOS prior to performing future repairs.

Motion by Russell Dirienzo for the First Selectman to send a notice to the Region 12 Board of Education requesting that the BOS is notified in advance of any repairs or modifications to the building prior to the lease being signed. The motion was seconded by Robert Lowe and carried.

Roxbury Responds - \$800 to Am Red Cross – Galveston, TX

Barbara Henry reported that there is \$872.41 remaining in the *Roxbury Responds* fund which she proposes they send to the American Red Cross to be used toward relief for Galveston, TX.

Motion by Russell Dirienzo to donate the \$872.41 remaining in the *Roxbury Responds* fund to the American Red Cross for relief in Galveston, TX. The motion was seconded by Robert Lowe and carried.

Resolution Historic District Commission

Barbara Henry reported that the Historic District Commission is working on a book entitled "A Survey of the Barns of Roxbury with an Oral History of Farming in this Community." They are interviewing the farmers and taking pictures of all the old barns and farms. She noted that there is a grant up to \$30,000 available for this project.

Barbara Henry proposed the following Resolution:

That the First Selectman is authorized and directed to file an application on forms prescribed by the Connecticut Commission on Culture and Tourism for financial assistance in accordance with the provisions of Public Act 03-06 of the Connecticut

General Assembly, in an amount not to exceed \$30,000, and upon approval of said request to enter into and execute a funding agreement with the state for such financial assistance to this municipality.

Motion by Russell Dirienzo in favor of the Resolution regarding Historic District Commission grant as read by Barbara Henry. Seconded by Robert Lowe and carried.

Barbara Henry explained that the Historic District Commission will be working on this project November 2008 through November 2009 and expect to have the book available for the 2009 holiday season.

Judds Bridge Award of Bid

Barbara Henry reported that she received a letter from the state authorizing the award of the bid for Judds Bridge to Schultz Corp. She noted that this was the lowest bid at \$112,000.

Motion by Russell Dirienzo to award the bid for the Judds Bridge construction project to Schultz Corp. Seconded by Robert Lowe and carried.

Minor's Bridge Update

Motion by Barbara Henry to table Minor's Bridge Update. The motion was seconded by Robert Lowe and carried.

Smart Development Study Committee

Barbara Henry reported that the Smart Development Study Committee has formed the following subcommittees:

Adaptive Reuse: Wayne Piskura and Gary Steinman

Condominiums: George Madsen and Toby Goldfarb

Planned Development: Georgette Miller and Steve Zaleta

Squire Road Update

Barbara Henry reported that Squire Road is not complete and they have compiled a list of four items to be addressed. Russell Dirienzo suggested that a letter to Mr. Lowe should be composed noting a set date for the completion of these items and if not met the bond is to be pulled. The notice to him should include a calculation of the daily penalty based upon a five day work week. Barbara Henry agreed to calculate this amount. The BOS agreed that the set date for completion should be October 31, 2008.

The BOS agreed that a yellow line should be placed on this road. Barbara Henry noted that many people have commented on how nice the road came out.

Ambulance Association

Russell Dirienzo congratulated Barbara Henry on joining Roxbury EMS.

Barbara Henry asked the BOS whether they felt that the Town should be on the title of the new ambulance. The BOS agreed that they did not want to be listed on the title or have any liability. They discussed whether the amount the Town will be contributing toward the new ambulance should be entitled a restricted gift or if they should pay the amount set aside directly to the vendor.

Motion by Russell Dirienzo to pay the amount they have aside for the new ambulance directly to the vendor. The town should not be listed on the title of the ambulance. Seconded by Robert Lowe and carried.

Probate Court

Motion by Russell Dirienzo to table the discussion regarding the Probate Court. The motion was seconded by Robert Lowe and carried.

Flight Pattern Update

Barbara Henry explained that she received an e-mail summary from Attorney Barrie Goldstein regarding the flight pattern litigation effort. It is her recommendation that Roxbury should not invest in this effort. She confirmed that there are petitioners representing the town's interests; however, it is unlikely they will prevail. The change in flight pattern should not significantly affect the Roxbury area. Attorney Goldstein is a Roxbury resident with a practice in Washington Depot and is watching this issue on our behalf pro bono.

COST Meeting

Barbara Henry reported that there will be a COST meeting held January 21, 2009. Russell Dirienzo and Robert Lowe agreed to attend.

Town Historical Society Barn – Future Use

Motion by Russell Dirienzo to table the discussion regarding the future use of the Town Historical Society Barn. The motion was seconded by Robert Lowe and carried.

Policy for Filming Guide

Motion by Barbara Henry to table the discussion regarding the Policy for Filming Guide. The motion was seconded by Robert Lowe and carried.

Fire Marshal's Report – September

Motion by Russell Dirienzo to table the review of the Fire Marshal's Report for September. The motion was seconded by Robert Lowe and carried.

Other Business

Motion by Russell Dirienzo to add to the agenda Region 12 reapportionment, deregionalization and Judds Bridge. Seconded by Robert Lowe and carried.

Judds Bridge

Barbara Henry reported that Malone & MacBroom prepared a proposal for their services as a construction consultant in the amount of \$22,000.

Motion by Russell Dirienzo to accept proposal by Malone & MacBroom for their services as construction consultants on the Judds Bridge project. Seconded by Robert Lowe and carried.

Reapportionment of Region 12 BOE

The BOS agreed to send a letter to the Region 12 BOE asking them to consider reapportionment as member's terms expire. A copy of this letter should be sent to Bridgewater and Washington.

Motion by Russell Dirienzo to send a letter to the Region 12 BOE requesting a consideration of the reduction of board members from 12 to 8. Seconded by Robert Lowe and carried.

Deregionalization

Russell Dirienzo suggested that the BOS should state their position regarding this issue to the BOE since all three towns must agree on this. He explained that he feels they have a good education system and there is no need for deregionalization. It would be difficult, expensive and likely to fail. The BOE should not waste their energy considering this idea if everyone is not in agreement.

Motion by Russell Dirienzo that on the subject of deregionalization the Roxbury BOS opposes and will not support. Seconded by Robert Lowe and carried

Motion by B. Henry to add to the agenda an Executive Session. Seconded by Russell Dirienzo and carried.

Motion by B. Henry to enter into Executive Session at 8:35 PM to discuss a real estate matter. Seconded by Russell Dirienzo and carried. Motion by Russell Dirienzo to come out of Executive Session at 8:45 PM. Seconded by Robert Lowe and carried.

Motion by Russell Dirienzo to adjourn at 8:45 PM. The motion was seconded by Robert Lowe and carried.

Respectfully submitted,

Jai Kern

Tai Kern,
Secretary

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