

Board of Selectmen's
Regular Meeting

November 18, 2015
7:30 p.m. town Hall

Present: First Selectman George Temple, Jeff Haney, Kathy Johnson, Joanne Pelton, Administrative Assistant

The meeting was called to order by First Selectman George Temple and the Pledge of Allegiance was recited.

ACCEPTANCE OF MINUTES

1. 9/16/15 Regular Meeting

MOTION:

Jeff Haney moved to remove this matter from the table. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

MOTION:

First Selectman George Temple moved to file the minutes of the 9/16/15 Regular Meeting as presented with the Town Clerk since Selectman Jeff Haney was not present at the meeting. All 3 Ayes.

2. 10/22/15 Special Meeting

MOTION:

Jeff Haney moved to approve the 10/22/15 Special Meeting minutes as presented. This was seconded by First Selectman George Temple. 2 Ayes, 1 abstention by Kathy Johnson. Motion carries.

3. 11/12/15 Special Meeting

MOTION:

Jeff Haney moved to *table* the 11/12/15 Special Meeting minutes as the Town Clerk's scanning machine has been broken and the minutes have not yet been uploaded. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

AMENDMENT OF AGENDA

None.

APPOINTMENTS

1. Conservation Commission/Inland Wetlands Agency – Re-Appointment

MOTION:

Jeff Haney moved to re-appoint Susan Purcella Gibbons, of 30 Little Punkup Road, to the Conservation Commission/Inland Wetlands Agency with a term to commence on 1/1/16 and expire on 12/31/18. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

Discussion: Susan Purcella Gibbons has always been a good member of this Board and we are delighted she has agreed to do it again.

2. Elderly Commission Appointments

MOTION:

Jeff Haney moved to appoint Joyce Niestemski, of 123 Chestnut Tree Hill Road Extension, and Connie Koskelowski, of 16 Wyant Road, both to the Elderly Commission with terms to commence on 1/1/16 and expire on 12/31/19. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

Discussion: Jeff Haney wanted to thank the members on this board that served for four years, and wanted them to know we appreciate their work. A letter will be sent to them.

3. Oxford Center Fire Company 2016 Chief – Re-Appoint Scott Pelletier

MOTION:

Jeff Haney moved to re-appoint Scott Pelletier as the 2016 Chief for Oxford Center Volunteer Fire Company as they requested in their letter dated 11/10/15. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

Discussion: The Board of Selectmen has always had a good working relationship with Scott Pelletier and he has always done a great job with the fire department.

4. Oxford Housing Authority – Re-Appoint Peter Aiksnoras

MOTION:

Jeff Haney moved to re-appoint Peter Aiksnoras, of 785 Oxford Road, to the Oxford Housing Authority with a term to commence 1/1/16 and expire on 12/31/20 as requested on the Chairman's letter dated 11/11/15. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

Discussion: First Selectman George Temple has known Peter Aiksonoras for a long time, and is happy to have him on this Board.

5. Northwest CT Public Safety Communications Center – Re-Appoint Victor Noll

MOTION:

Jeff Haney moved to re-appoint Victor Noll, of 17 White Gate Road, to the Northwest CT Public Safety Communications Center with a term to commence 1/1/16 and expire on 12/31/17 as requested on the Executive Director's letter dated 11/15/15. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

Discussion: Victor Noll is a good re-appointment and is very dependable and does a good job.

AUDIENCE OF CITIZENS

David McKane, 11 Tram Drive, wanted to state that he did not have an opportunity at the last meeting to thank the Board of Selectmen publicly but wanted to do so tonight. He thanked the Board of Selectmen for the opportunity to work with them for the last four years, and thanked them for the plaque that was given to him. He hopes they will have the same relationship with Kathy Johnson.

John Downs, 66 Roosevelt Drive, wants to state a complaint pertaining to the Board of Selectmen's meetings being cancelled, and not enough notice is given. First Selectman Temple stated there is no requirement for advance notice of cancellation. Mr. Downs has come to Town Hall three times in the last six months and the meeting was cancelled.

NEW BUSINESS

1. Establish Board of Selectmen's Regular Meeting Dates and Times

MOTION:

Jeff Haney moved to approve the following schedule for the regular Board of Selectmen meeting dates for 2016. The regular meetings will be held on the first and third

Wednesday of each month and will begin at 7:30 PM in the S. B. Church Memorial Town Hall:

January 6, 2016 *	July 6, 2016
January 20, 2016	July 20, 2016
February 3, 2016	August 3, 2016
February 17, 2016	August 17, 2016
March 2, 2016	September 7, 2016
March 16, 2016	September 21, 2016
April 6, 2016	October 5, 2016
April 20, 2016	October 19, 2016
May 4, 2016	November 2, 2016
May 18, 2016	November 16, 2016
June 1, 2016	December 7, 2016
June 15, 2016	December 21, 2016

* January 6, 2016 will be a Special Meeting

This was seconded by Kathy Johnson.

Discussion: First Selectman George Temple stated that sometimes we have to have Special Meetings. Rather than cancel meetings we would like to not schedule them for July and August. The July 20, and August 17th meetings should be taken off from this list, and if we need to do work, we can have a Special Meeting. December 21st, we won't have very many people at that meeting. Jeff Haney stated that it is true that the agenda is very light during July and August, and by doing it now, it is a good idea. In the event if we have a lot going on, we can always schedule another meeting.

MOTION:

First Selectman George Temple moved to approve the schedule above with the deletion of July 20, 2016 and August 17, 2016 for the regular Board of Selectmen meeting dates for 2016. The regular meetings will be held on the first and third Wednesday of each month and will begin at 7:30 PM in the S. B. Church Memorial Town Hall

This was seconded by Jeff Haney. All 3 Ayes. Motion carries. This matter will be forwarded to the Town Clerk.

2. Re-Appoint/Appoint Administrative Assistant

MOTION:

Jeff Haney moved to re-appoint Joanne Pelton as the Administrative Assistant to the First Selectman with a term to commence immediately and expire on 11/21/17. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

3. Designate Acting First Selectman

MOTION:

Jeff Haney moved to designate Jeffrey Haney, Sr. as the Acting First Selectman. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

Discussion: This is if First Selectman George Temple is not here, Jeff Haney will take over with the same authority.

4. Designate Deputy Treasurer

MOTION:

Jeff Haney moved to appoint Vincent Palutis, of 75 Rees Drive, as the Deputy Treasurer with a term to commence immediately and expire 11/21/17. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

Discussion: Every week Mr. Palutis audits the Tax Collector. He is very conscientious.

5. Re-Appoint/Appoint Town Counsel

MOTION:

Jeff Haney moved to appoint Attorney Kevin Condon, of Condon & Savitt, P.C., as Town Counsel with a term to commence immediately and expire 11/21/17. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

6. Re-Appoint/Appoint Town Engineer

MOTION:

Jeff Haney moved to appoint Brian Nesteriak P.E., L.S., of B&B Engineering located at 39 New Haven Road in Seymour, as the Town Engineer, with a term to commence immediately and expire on 11/21/17, at a pay rate of \$60.00 per hour. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

Discussion: Brian Nesteriak has done a very good job.

MOTION:

Jeff Haney moved to appoint Jim Galligan, P.E., of Nafis & Young Engineers, Inc. located at 1355 Middletown Avenue in Northford, as the Land Use Engineer, with a term to commence immediately and expire on 11/21/17, at a pay rate of \$60.00 per hour. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

Discussion: Both of these positions are interchangeable and we are very fortunate to have two good engineers.

7. Re-Appoint/Appoint Council of Government Representative and Alternate

MOTION:

Jeff Haney moved to appoint First Selectman George R. Temple and Joanne Pelton as the Council of Government Representatives and Jeffrey Haney, Sr. as the Council of Government Alternate and for a term to commence immediately and expire on 11/21/17. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

Discussion: Joanne Pelton has done a good job with the Mayor's and Selectmen on the Council of Government, and when she is not there, First Selectman Temple is in attendance.

8. Fire Department's Capital Funds Request for CTI Voter Monitoring System

MOTION:

Jeff Haney moved to appropriate the funding for the Fire Department in the amount of \$25,000.00, to be taken from the Long Term Recurring Capital Fund, for the CTI Voter Monitoring System as approved in the FY 2015-2016 Municipal budget and as requested by the Board of Chiefs in their letter dated 10/21/15. This was seconded by first Selectman George Temple. All 3 Ayes. Motion carries. This matter will be forwarded to the Board of Finance.

Discussion: Scott Pelletier discussed that this is for the Town radio system, and receiver cites and that there is no way to monitor those. If one of them hangs up due to a bad ground, this system will allow them to monitor this. Mr. Pelletier discussed the benefits in detail.

9. Award Town Hall Copiers Lease Or Purchase Bids

MOTION:

Jeff Haney moved to award the Town Hall Copiers Lease Or Purchase Bid to The Office Works, Inc., of 45 Corporate Avenue in Plainville, for a monthly cost of \$599.50 and with the specifications as presented in their bid. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries. This matter will be forwarded to the Board of Finance.

Discussion: This item went out to bid since we were having problems with the current system. This was the lowest bid.

10. Tax Refunds

MOTION:

Jeff Haney moved to approve the tax refunds, totaling \$4,871.42, as presented and requested by the Tax Collector and request two signatures. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries

11. Proposed Tax Stabilization Agreement between the Town of Oxford and CPV Towantic, LLC – Discuss with Possible Action

Discussion: Towantic Energy is coming into Town Hall next week to introduce the First Selectman and other people in town to the Plant Manager/Site Director. We have the choice either to go by the previous tax agreement which is not great or try to get them to accept another tax agreement. First Selectman Temple spent two years, and suggested that Kathy Johnson negotiate a new contract for the town and she would have an opportunity to give her thoughts to them. First Selectman Temple stated they were kind of hostile to renegotiating this, but they will be here. If we can renegotiate it, we are going to send it to the voters by the beginning of next year and go to a referendum if we are able to renegotiate. Whichever way the town wants to go, that will be what happens.

Kathy Johnson stated she respectfully declines. She is against the power plant. Ms. Johnson stated that we were told we would have to go back to the original agreement, so why do we have to revisit it. I don't think we can renegotiate. Ms. Johnson stated we were not getting enough tax money, and doesn't believe it is good for the town, and therefore she will not renegotiate. First Selectman George Temple will take over to negotiate and try to resurrect the other agreement to get this behind us. First Selectman George Temple stated we are not in the position with new businesses that come into town and that is to assess them 70%, because we have an outstanding tax agreement with them. If we can get that modified, without bringing them into a law suit, that is the way to go. The State is not dependable. The State can say because we have such a shortage of power, all power plants are tax-exempt now, and then where are we? If we have a tax

agreement with them, they cannot make a law in retrospect, so that agreement gives us stability. This is what we are going to proceed with.

Kathy Johnson stated she hasn't looked at the new Charter, but when at the Town meeting, anyone could have moved to go to a referendum and nobody did. How do you go to a referendum to another agreement when it was turned down? First Selectman George Temple stated we can petition it, and then there is no debate. We put it up to the voters. A Secret Ballot was denied by the Moderator at the last Town meeting.

12. Agenda Format – Discuss with Possible Action

MOTION:

Jeff Haney moved to discuss the possibility of having only one (1) Audience of Citizens either at the beginning or end of the agenda. This was seconded by First Selectman George Temple.

Discussion: Jeff Haney questioned if we have it at the end, people will be sitting here waiting and suggests we have it at the beginning of the meeting. First Selectman George Temple stated that sometimes it goes a little long, and it should be at the end so people can comment as to what went on at the meeting.

Kathy Johnson, stated that as far as the length of the meeting, the Chair has ways to address this issue. One other time 15 years ago, there was a person who wanted to take away the Audience of Citizens and that was voted down. Kathy Johnson stated that she does not mind both audiences of citizens and keep both of them as a service of this town. People who want to stay to the end, it is their right. Ms. Johnson stated it is strange that after 15 years this Board thinks that this meeting goes too long. She is against this.

MOTION

Kathy Johnson moved to table this matter. First Selectman George Temple seconded the Motion. All 3 Ayes. Motion carries.

13. Report of First Selectman

First Selectman George Temple stated he was delighted that the new Oxford Library got approved, and will be located across from Great Oak School. Construction is expected to begin this year.

Construction of the teaching gardens at Great Oak School will also begin. The garden will be placed in the tennis court area and will grow plants and flowers, and will be a very good learning experience for the students.

First Selectman George Temple discussed the upgrade of the baseball fields at the High School once the money is received from the Cell Tower agreement. This will be a good addition to the fields.

Cameras will be installed at Lily Park also when the Cell Tower monies come in.

The Christmas and holiday season is approaching and the town will hold the annual "Tree Lighting" event on December 4, 2015. Everyone is invited. Santa Claus will be there.

AMENDMENTS

None

AUDIENCE OF CITIZENS

David McKane, 11 Tram Drive, asked about the money that is coming in from the Cell Tower, does it go into the General Fund? First Selectman George Temple stated yes, it will. Mr. McKane asked if there are expenditures from that, does it go to a town meeting. First Selectman George Temple stated yes it does. First Selectman Temple stated we do have an understanding with the Board of Finance that they will recommend it. Mr. McKane stated that he has been a member of the Board of Selectmen and never felt the meetings went too long that it couldn't justify two audiences of citizens. We felt it was that important even though it is Selectmen's meeting but does give citizens a chance to voice their concerns or ask questions, so he hopes that it gets revisited to keep both Audience of Citizens, especially in light of cancelling two meetings in July and August. Mr. McKane feels that the Board is gradually reducing the role of the Audience of Citizens by these actions. Also relative to the Town of Oxford and CPV, Mr. McKane is totally confused by this, and asked if we are back to the old contract or continue with the latest one that was defeated and why would CPV make phone calls and send people out to try to get it to pass at \$112 million when it failed and reverted back to the \$55 million? Also, if this is successful and it goes to petition or town meeting and to a referendum, if the referendum is defeated then what happens? Will language be put into the new contract that will somehow give a time line that will solve these issues should it be defeated? First Selectman George Temple will answer these questions at the end of meeting.

Dave Glisarman, 512 Traditions Court South, was bothered by the way the First Selectman talked to Ms. Johnson. None of the Board of Selectmen has a vested interest on how this CPV agreement plays out. He asked if the Board would consider having a disinterested third party negotiate with CPV? First Selectman George Temple stated we have an attorney and they have an attorney, it is an agreement between two entities, and we don't need a mediator. Mr. Glisarman stated that First Selectman Temple indicated that he is the negotiator not the Town attorney. He doesn't understand the process, and thinks the First Selectman should recuse himself and let a neutral third disinterested party handle those negotiations. A lot of people in Oxford have a trust issue.

August Palmer, 11 Red Barn Road. Back in 1975, a young councilman was elected to a minority party, in the town of Stratford, with an 11 member counsel. Whoever wanted to talk came to the meeting a half hour ahead of time. Slowly other councilmen started showing up. He ran for the State House and 10 years later came back and they called it an Audience of Citizens, so he had it before the meetings, it has to be outside the deliberative body. It was a gripe session. Mr. Palmer also discussed the circle on Rt. 188 where Rt. 334 meets, it has sidewalks and handicap crossings there. He stated he drove around and there is not a sidewalk within 4 miles from that site. What is wrong with that picture? He asked what did it cost the State to put that project there? It cost \$3 million for the State to put that in.

Ken Sanford, 613 Championship Drive, Oxford as you know there is an appeal brought against the Citing counsel by the town of Middlebury, and yet there is someone clearing the land at the CPV site. Isn't that a little premature for them to be up there clearing the land before that appeal is decided? First Selectman George Temple stated it is their property to do whatever they wish. They can clear their property, nobody can stop them. Jeff Haney stated that as a builder, he can own a piece of property, he can do whatever he wants to his property before he builds on it. First Selectman George Temple stated that before February, CPV will be breaking ground.

Mr. Sanford said they are clearing an area that is very distinctly described as town property. What gives them the right to do that? First Selectman George Temple stated they have an easement from the town from years ago. Mr. Sanford asked if they have permission to deal with wetlands? No. Mr. Sanford asked when does the town of Oxford supersede state regulations on wetlands? First Selectman George Temple stated it doesn't.

Herman Schuler, 125 Meadowbrook Road, to address this concern, everything around CPV has already been permitted by all the town agencies and the Army Corp. of Engineers. There is construction drawings and everything that is needed. This was processed through the town by himself personally. That takes care of that issue.

Wayne McCormack, 593 Putting Green Lane, with all this discussion about the assumption of the power plant, he would like to remind the Board that the argument before the State Superior court has not begun yet. This is not a done deal. First Selectman George Temple stated that the Citing Counsel has never lost. When they find the facts, those are the facts and you cannot attack them. The power plant is extremely confident that they will win. Mr. McCormack doesn't think that the town should presume the court's opinion.

Herman Schuler stated that the fact is with the litigation that has been filed, CPV can proceed and develop their own property at their own risk pending the outcome of the litigation. The fact that they are willing to proceed shows how confident they are.

Dave McKane asked for a response to his questions. First Selectman George Temple stated that what CPV was interested in was they wanted a firm figure one way or another, if the referendum was defeated, we have got to sue them under an unjust enrichment theory, and if we do that we have to show that their offer to us was not fair. No judge will say it is not fair, no town would get taxes per megawatt higher than what Oxford will get, so no judge will say that is not fair. They are interested in that they were able to say this is it. If the referendum is shot down, then

they can't say that, because First Selectman George Temple already told them the town would sue, and bring them into court.

Dave McKane stated that everybody should have known about this. First Selectman George Temple asked why would they even want to renegotiate unless I didn't threaten them with a law suit. We will be bringing them into court for litigation for two to three years. We already have an agreement with them. Dave McKane asked if it would be fair to say that the \$55 million contract is non-existent so far. Does the \$55 million contract exist? As far as the Town Attorney Kevin Condon knows it is in effect because the proposed contract that we did negotiate was negated by the Town meeting. Whether it is enforceable or not becomes an issue of law and of going to the courts. We are in a better position to try to negotiate with them again and try to get a better deal.

ADJOURNMENT

MOTION:

First Selectman George Temple moved to adjourn the meeting at 8:28 PM. This was seconded by Jeff Haney. All 3 Ayes. Motion carries.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lynda Romanowski". The signature is fluid and cursive, with the first name "Lynda" and last name "Romanowski" clearly distinguishable.

Lynda Romanowski
Clerk, Board of Selectmen



TOWN OF OXFORD
S.B. CHURCH MEMORIAL TOWN HALL
486 OXFORD ROAD, OXFORD, CONNECTICUT 06478

TAX COLLECTOR

To: The Board of Selectmen
From: Sharon Scinto, Tax Collector
Date: November 18, 2015
Re: Tax Refunds

The Town is required to give refunds for overpayments of Real Estate, Motor Vehicles, and Personal Property Taxes when requested by the taxpayer.

The Taxpayer (can be a Leasing Company or Resident) requests a refund on Motor Vehicle Taxes by giving the Assessor's Office the information required to either remove the motor vehicle from the Grand List or reduce the assessment.

Real Estate overpayments can be requested by either the homeowner or their mortgage company as long as everything is documented. The overpayments normally occur when the homeowner refinances and the taxes are paid at the closing and by the original escrowing company or it can just be that the homeowner made a mistake writing the check.

Personal Property refunds are given for businesses that have closed or moved and have been deleted by the Assessor's Office.

The Total Refunds Requested this month is \$4871.42.

REAL ESTATE REFUNDS TOTAL \$0.

PERSONAL PROPERTY REFUNDS TOTAL \$414.83.

MOTOR VEHICLE REFUNDS TOTAL \$4456.59.

SEWER USAGE REFUNDS TOTAL \$0.

TOWN CLERK

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