

**Board of Selectmen's
Regular Meeting**

Wednesday, March 16, 2016
7:30 PM - Town Hall

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

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

ACCEPTANCE OF MINUTES

1. 2/16/16 Special Meeting (Budgets)

MOTION:

Kathy Johnson moved to approve the 2/16/16 Special Meeting minutes as presented. This was seconded by Jeff Haney. All 3 Ayes. Motion carries.

2. 2/17/16 Special Meeting (Budgets)

MOTION:

Kathy Johnson moved to approve the 2/17/16 Special Meeting minutes as presented. This was seconded by Jeff Haney. All 3 Ayes. Motion carries.

3. 2/18/16 Special Meeting (Budgets)

MOTION:

Jeff Haney moved to approve the 2/18/16 Special Meeting minutes as presented. This was seconded by First Selectman George Temple. All 2 Ayes; 1 Abstention by Kathy Johnson. Motion carries.

4. 2/23/16 Special Meeting (Budgets)

MOTION:

Jeff Haney moved to approve the 2/23/16 Special Meeting minutes as presented. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

5. 2/24/16 Special Meeting (Budgets)

MOTION:

Jeff Haney moved to approve the 2/24/16 Special Meeting minutes as presented. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

6. 2/29/16 Special Meeting (Budgets)

MOTION:

Jeff Haney moved to approve the 2/29/16 Special Meeting minutes as presented. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries

7. 3/1/16 Special Meeting (Budgets and Capital Plan)

MOTION:

Jeff Haney moved to approve the 3/1/16 Special Meeting minutes as presented. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

8. 3/2/16 Regular Meeting

MOTION:

Jeff Haney moved to approve the 3/2/16 Regular Meeting minutes as presented. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

AMENDMENT OF AGENDA

1. Proposed Housatonic River Project Fund Application for New Inflatable Rescue Boat – Approve and Authorize First Selectman to Sign

MOTION:

Jeff Haney moved to amend the agenda to add Proposed Housatonic River Project Fund Application for New Inflatable Rescue Boat – Approve and Authorize First Selectman to Sign as Item #12 and move Report of First Selectman as Item #13. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

2. **Tax Agreement with CPV and act on the following *Resolution***

MOTION:

Kathy Johnson moved to amend the agenda to discuss the Tax Agreement with CPV and act on the following *Resolution*:

Resolve that:

A new Committee be formed within thirty days, to negotiate a tax agreement between the Town of Oxford and CPV.

Be it Further *Resolved* that:

The Committee be comprised of the Town's three Selectmen, the Town's Attorney, and three members of the community appointed by the Town's Selectmen.

And be it Further *Resolved* that:

The First Selectman serve as Chairperson of the Committee.

And be it Further *Resolved* that:

To assist the Committee in its deliberations, the Town hire both an outside attorney who specializes in contracts and taxes, and an energy consultant with experience in negotiations between municipalities and energy companies.

This was seconded by Jeff Haney for discussion. All 2 Ayes. 1 Abstention by First Selectman George Temple. Motion carries.

APPOINTMENTS

1. **Elderly Commission – Appoint Marilyn Serus**

MOTION:

Jeff Haney moved to appoint Marilyn Serus, of 256 Chestnut Tree Hill Road, to the Elderly Commission with a term to commence beginning April 1, 2016 and expire on 12/31/16. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

Discussion: First Selectman George Temple has known Marilyn Serus and she will do a terrific job. He supports this appointment.

2. **Lake Housatonic Authority Appointments**

MOTION:

Jeff Haney moved to re-appoint Scott Ames, of 551 Roosevelt Drive, and Michael Udall, of 437 Roosevelt Drive, both to the Lake Housatonic Authority with terms to commence immediately and expire on 12/31/17 and 12/31/18 respectfully. This was seconded by First Selectman George Temple. All 3 Ayes. Motion carries.

Discussion: First Selectman George Temple stated that committee does a great job and are very much involved, and they have to meet in various towns, and both of these members have been exemplary members.

NEW BUSINESS

1. Civic Award Nominee Recognition

First Selectman George Temple announced that a Certificate of Recognition under the Seymour-Oxford Rotary Club is presented to Ronald Stebar from the Quaker Farms Fire Department. He has been a member of the Quaker Farms Fire Department for 50 years, and is someone that everyone likes and respects. First Selectman George Temple wanted to acknowledge Ronald Stebar's service and contribution to the Town of Oxford and Chief Pelletier was asked to accept the Certificate on his behalf. First Selectman Temple wanted to thank all of the firemen and Ron Stebar for their service.

2. Agnes Tetlak Park (Aggie Park) Fields Committee Update – Discussion with Possible Action

Glen Schumitz, 197 Freeman Road, Oxford, and Chairman of the Aggie Park Fields Committee asked about the status of awarding the contract for the park. The Committee recommended Vas Quality Works from Bridgeport and the Committee talked to the State and other towns who have used Vas Quality Works, and the committee did their due diligence and wants to get the contract signed and project started and hopes the construction can begin this month. First Selectman George Temple stated that since the Town meeting, he has discussed it with others and would like to have an Oxford company do the project. It was asked about what kind of message will we be sending by giving preference to an Oxford company and their bids can't match the other company's bid. First Selectman did some research on Vas Quality Works and he has heard nothing bad about them. There was a large difference in their bid and the Oxford companies bids. He is prepared at this time to move that we award the bid to Vas.

MOTION:

First Selectman George Temple moved to award the bid for Agnes Tetlak Park (Aggie Park) to Vas Construction. This was seconded by Jeff Haney. All 3 Ayes.

Discussion: Kathy Johnson stated that so often we take the lowest bid and sometimes we have to go with it. If something goes wrong with this field, it will be on the committee's shoulders. First Selectman Temple stated this was not the lowest bid. Ms. Johnson will vote for this but does have reservations, and trusts Mr. Schumitz and the committee's recommendation. The committee would love to see a local company get the bid, but could not justify coming to the town and ask for that much more money for this project. However, that is why they spent a lot of time investigating this company. They did do test borings on the field and went down 14 feet and found water with muck. We don't know if we will hit ledge. We don't have a contract yet, but there is a 10% contingency in the specs. Jeff Haney stated that if our Town Engineer agrees he will follow his advice, but would like the contractor to understand that this is the project and this is what we are paying. Blasting will always be an issue. First Selectman Temple stated he will not sign a contract if a blasting clause is not in the contract. First Selectman Temple would have liked Jeff Haney to have been more involved with this committee. We would like to start this project in the spring and get this done. Kathy Johnson asked if First Selectman George Temple could go over the contract with a fine tooth comb. He stated that he will.

3. Non-Union Employees Compensation and Benefits – Discuss with Possible Action

MOTION:

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

4. Mountain Road Estates, LLC Performance Bond Release – Approve

MOTION:

Jeff Haney moved to release the off-site Performance (Excavation) Bond, in the amount of \$200,000.00, for Mountain Road Estates, LLC as requested in their letter dated 2/10/16 and as approved by the Land Use Engineer in his letter dated 3/1/16 and the Planning & Zoning Commission in their Memorandum dated 3/2/16. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

Discussion: These were voted on by the Planning & Zoning Commission upon the recommendation by the Town Engineer. First Selectman Temple stated that he does go along with it because they are the people who are responsible for the bonds. Jeff Haney stated if the Town Engineer is in favor of this, he will agree.

5. **2015 Grand List Tax Abatements – Approve**

MOTION:

Jeff Haney moved to approve the following items 1-4 as written on the 2015 Grand List Tax Abatement Applications as presented and recommended by the Tax Assessor in her letter dated 3/7/16. This was seconded by Kathy Johnson.

MOTION:

Jeff Haney moved to amend the motion to approve the following items 1-5 as written on the 2015 Grand List Tax Abatement Applications as presented and recommended by the Tax Assessor in her letter dated 3/7/16. This was seconded by Kathy Johnson.
All 3 Ayes. Motion carries.

1. **BPSIS, LLC** 90 Donovan Rd., Real Estate assessment \$568,300. This qualifies for Real Estate Abatement Program B, Year 2, abatement of 20% on taxes.

Soiltesting, Inc., C/O James DeAngelis, Personal Property is assessed at \$604,980. Prior Assessment was \$276,170, \$328,810 qualifies for Personal Property Abatement Program A, Year 2, abatement of 20% on taxes.
2. **ENTREPOT-BUI LLC** 7 Fox Hollow Rd. Real Estate assessment \$1,984,700. This assessment reflects an addition of \$155,500 due to improvement to the property for 2015 Grand List which qualifies for Real Estate Abatement Program A, Year 1, abatement of 25% on taxes for the addition.
3. **TOWER BUSINESS PARK** 106 Willenbrock Rd., Real Estate assessment \$759,400. This qualifies for Real Estate Abatement Program B, Year 3, abatement of 10% on taxes.
4. **WT Reality, LLC** 321 Riggs Street. Real Estate assessment \$777,100. This qualifies for Real Estate Abatement Program B, Year 1, abatement of 30% on taxes.
5. **Kovacs Construction Corp.** C/O Wanda McGarry. Personal Property is assessed for \$268,450. This qualifies for Personal Property Abatement Program A, Year 1, 25% on taxes.

6. **Dad's Truck Peddler's Permit – Approve**

MOTION:

Jeff Haney moved to approve the Peddler's Permit for Dad's Food Truck. Of 189 Punkup Road, with the following restrictions as approved by the Parks & Recreation Commission on 3/7/16:

1. No selling at Posypanko Park on Babe Ruth's Opening Day (Date TBD)
2. No selling at the Oxford Food and Arts Fest on June 12, 2016 (unless a paid and approved vendor for that event).

This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

Discussion: First Selectman George Temple stated that Dad's Food Truck has the best hotdogs in Oxford!

7. Newtown Savings Bank FDIC Insured Deposit Resolution – Approve and Authorize First Selectman to Sign

MOTION:

Jeff Haney moved to approve the following Newtown Savings Bank FDIC Insured Deposit Resolution and authorize the signatures:

RESOLVED, that the Oxford Board of Selectmen, hereby authorizes the First Selectman George R. Temple, Selectman Jeffrey Haney, Selectman Kathy Johnson, Treasurer Michael Angelini and Deputy Treasurer Vincent Palutis to open a series of FDIC insured deposit accounts with Newtown Savings Bank, and any other banking institution as they deem appropriate to conduct town business in full banking capacity.

This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

Discussion: First Selectman Temple stated that Newtown Savings is going to be another Oxford entity. Selectman Jeff Haney questioned the part which reads "any other banking institution as deemed appropriate" and if they have to come back to us? Yes they do. First Selectman Temple stated this is not a blanket approval.

8. Tax Refunds

MOTION:

Jeff Haney moved to approve the tax refunds, totaling \$5,531.05, as presented and recommended by the Tax Collector in her letter received on 3/14/16. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

9. FY 2015 – 2016 Appropriation Requests

MOTION:

First Selectman George Temple asked if there was a motion to table this item. So moved by Jeff Haney to table this item. This was seconded by Kathy Johnson. All 3 Ayes. Motion tabled.

10. FY 2015 – 2106 Transfer Requests

MOTION:

First Selectman George Temple moved to table this item. This was seconded by Jeff Haney. All 3 Ayes. Motion tabled.

11. Housatonic Valley Association's Road/Stream Crossing Inventory and Management Plan Grant Resolution – Approve and Authorize First Selectman to Sign Support Letter

MOTION:

Jeff Haney moved to approve the following Housatonic Valley Association's Road/Stream Crossing Inventory and Management Plan Grant Resolution and to authorize the First Selectman to sign the support letter:

WHEREAS, the frequency and magnitude of severe storms and flood events are expected to increase in the coming years due to climate changes, and previous severe weather events like Tropical Storm Irene (2011) and Superstorm Sandy (2012) have illustrated the need for proactive managements of town infrastructure;

WHEREAS, road/stream crossings (i.e., culverts) built using traditional methods may not be adequately designed to; (a) support predicted increases in precipitation and severe storm events and may therefore be vulnerable to flooding and (b) in many cases present barriers to fish and wildlife passage;

WHEREAS, the Town of Oxford currently lacks an inventory of road/stream crossings;

NOW THEREFORE, be it resolved that the Town of Oxford supports partnering with the Housatonic Valley Association (HVA) to assess road/stream crossings and commits to meaningful participation including provision of in-kind services and joint grant-seeking efforts necessary for prioritizing crossing and producing a road/stream crossing inventory and management plan that can be adopted into the town's natural or highway management plan.

This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

Discussion: First Selectman George Temple stated this makes sense environmentally and it has been a problem with other storms.

12. Proposed Housatonic River Project Fund Application for New Inflatable Rescue Boat – Approve and Authorize First Selectman to Sign

MOTION:

Jeff Haney moved to approve the proposed Housatonic River Project Fund Application for a new inflatable rescue boat for the Fire Department and to authorize the First Selectman to sign the application; as presented by the Acting Grant Writer in her letter dated 3/9/16. This was seconded by Kathy Johnson. All 3 Ayes. Motion carries.

13. Tax Agreement with CPV and act on the following *Resolution*

MOTION:

Kathy Johnson moved to discuss the Tax Agreement with CPV and act on the following *Resolution*:

Resolve that:

A new Committee be formed within thirty days, to negotiate a tax agreement between the Town of Oxford and CPV.

Be it Further *Resolved* that:

The Committee be comprised of the Town's three Selectmen, the Town's Attorney, and three members of the community appointed by the Town's Selectmen.

And be it Further *Resolved* that:

The First Selectman serve as Chairperson of the Committee.

And be it Further *Resolved* that:

To assist the Committee in its deliberations, the Town hire both an outside attorney who specializes in contracts and taxes, and an energy consultant with experience in negotiations between municipalities and energy companies.

This was seconded by Jeff Haney.

Discussion: Kathy Johnson stated there was a lot of division in town and would like First Selectman George Temple to take this into consideration. Jeff Haney agrees this should be done, but doesn't know if it should be done within 30 days. He would like to evaluate how we will choose people to be on the committee, and wants more information on these people who are experts on this. Kathy Johnson stated that it looks like we will be honoring the original agreement, and we would like to see if we can get the best deal we can get. It is time for us to come together and First Selectman Temple, being an attorney himself, could look this over and think about it. First Selectman Temple at this point would oppose this because he is having trouble getting CPV to answer his phone calls, and they got a great deal, and he has lost a tremendous amount of bargaining power, and had hoped to meet with them on Friday, but does not think that will happen. If there is one party that says they don't want to do it, then that is where we are. Their attitude now is they got a wonderful deal. First Selectman is not prepared to address this particular item tonight and would like to table it, and appreciates Kathy Johnson's suggestion, cooperation and leadership on this matter. The deal in Bedford, Mass. is not as good a deal as everyone thought it was. First Selectman Temple discussed the deal in Beacon Falls, and hopes they get it. We do not want 1 million gallons of water a day being used and he did not want to take it from the Pomperaug Water Shed and put it into the Naugatuck River. It is a lot to ask. Whereas in Beacon Falls, they have the Naugatuck River right there, where they can take it out and put it back into the Naugatuck River. First Selectman Temple talked to their first Selectman, and he hopes they get it. The first thing he would like to do is to see how they feel, and maybe take them to lunch. If the invitation is still open, Kathy Johnson would like to attend.

MOTION:

First Selectman George Temple moved to table this motion. This was seconded by Jeff Haney. All 3 Ayes. Motion tabled.

13. Report of First Selectman

1. First Selectman Temple would like to encourage everyone to go see the Play "South Pacific" at the High School tomorrow night. Jeff Haney will be going with First Selectman Temple. He would like everyone to show support for the kids at the school.
2. A Civic Award was presented to Ron Stebar. Also nominated from Oxford and received the award was Vicki Donahue, the Police Trooper, who has done a great job here in Oxford. She is concerned about the safety of our kids in Oxford. You will see her around Center School. She also did a great job when there was the problem with the dog being mistreated. She was bitten by the dog that was mistreated and starving. She also did a great job regarding the problem with the animal shelter, and did quite a job on the investigation. When it was the first anniversary of the shootings in Newtown, First Selectman insisted on having a police officer at each of the schools. Vicki was one of the cops in the grammar

school. We are happy to have her on board and want to recognize her for all she has done for the town of Oxford.

3. A letter was sent out regarding Max, the German Shepherd, to all of the people that donated for his care. This dog was left outside in the cold and had severe heart worm, and was starving. We are planning on placing him in a farm setting where he will have a nice place to roam and finish out his retirement. We raised \$4200 to help this dog. It was amazing how many people donated. This should be pretty close to what we need to retire Max.
4. There was an arson at the Power Plant site. The Town is not putting up with this and it is a felony. Nobody is pointing any fingers and it could be just a dumb kid, but nobody has a right to do damage to anybody or anybody's equipment. The trailer is destroyed. In the future, there will be surveillance equipment up there and added security. We cannot put up with this. We can't put one of our firemen at risk. Kathy Johnson stated she agrees with what was just said, but would like to thank the people up at the Greens for giving her the amendment and the resolution as good citizens to give to the Board of Selectmen to go forward. There will be more police patrols at the Power Plant. It is a crime and a crime that puts innocent of people at risk.

AMENDMENTS

None.

AUDIENCE OF CITIZENS

Mitchell Kuhn, 624 Troon Court, Oxford. Thank you for considering the Resolution. You will have a committee and you have it organized, and if and when CPV comes to the table you have a group. and you have education and you are ready to deal. Whether CPV is willing to come to the table that is uncertain. This group is ready to go when and if CPV is willing to renegotiate.

Peter Bunzl, 160 Country Club Drive, Oxford. Kathy Johnson made reference to the old agreement. You said we lost our bargaining power, have we lost? First Selectman Temple stated that under Section 7 if there is a modification in the power output there can be a modification in this agreement. We sat down where we had a 47% increase in power at very little additional cost for CPV. Right now we have 112% additional money and it is very hard to come back to someone and say we want more. They are paying under the old agreement. That old agreement is signed and bargained in good faith under the old agreement, and bargained in good faith to change the old agreement. They may or may not want to renegotiate. When the referendum came in for the vote, a lot of people wanted it to not to be built and thought that would happen if they voted against it. Peter Bunzl asked about the statement regarding Medford, Mass. and it not being what it appeared to be. We did have an expert on this. The same person that is recommended was the same as the last time. Exelon was going to be on a standby basis and they auctioned it out and Exelon got it and they get \$43 million a year just for

standing by. How do we know if CPV doesn't have a deal even better than that, so why are so ready to accept their \$112 million. If we have to sue them for more we just sue them for more.

Herman Schuller, 125 Meadowbrook Road, discussed Medford cleared the forward capacity market \$17.42 a unit. Towantic cleared that same market at \$9.52 a unit. So there is not as much money. The reason that Medway cleared the \$17.42 is that there is no transmission capability, and they have to build generation. If we are going to have a commission here to renegotiate, Mr. Schuller stated he would volunteer to be on this commission. Jeff Haney asked Peter Bunzl if this other company has a standby between two companies. Mr. Bunzl stated the two companies are ISO & Exelon. Jeff Haney used an example that if he is a carpenter and he has a partner that is paying him money, why should he be paying more taxes because he has a partner that is paying him extra money. Why should they be penalized because that company is making money? Peter Bunzl understands his point but does not agree with it. The town of Medway understands that just for sitting there they were getting \$43 million a year just in case they had to flip the switch. Herman Schuller stated we have a group of people here with the whole idea to get more money from the company, for the plant to pay more taxes is effectively to make it uneconomical to operate. That puts you in a position where you would be a stretch to allow any of you to negotiate in good faith with the company because you need to negotiate in good faith in order to basically get an agreement. If your mission is to kill the plant, it would disqualify yourself. The forward capacity of the market was invented by the ISO for the express purpose of stimulating investment so private investment in replacement technology so retiring generators could basically be reliably replaced on a three to five year basis. What we want is reliable energy.

Paul Coward, 505 Traditions Court South, Oxford. I struggle to understand why you don't understand what the town said at the Town Meeting and Referendum. I don't want that for our town fathers. You have done a wonderful job for this town of Oxford. We are looking forward to going into the grocery store but in this case the town has spoken and this is a lousy agreement. There is money on the table for CPV to give to Oxford. First Selectman George Temple would love to see money on the table, we negotiated for over two years, and we hit them with a lot, and now it's time to go to Plan B, and right now with everything that is going on, he doesn't think CPV has an inclination. Mr. Coward loves this town and is concerned about the town of Oxford and does not want to be bullied by CPV. First Selectman Temple stated he does not get bullied. The resolution will make you look like a king and queen, give us a chance to help you with this. First Selectman stated this has been tabled, and we will not take it off the table tonight, and we will discuss it and will take it under advice and will give it close consideration. Mr. Coward stated that there are people that have talent and that the Board of Selectmen has talent, and we can work together, and that is the purpose of this Resolution. Please listen to what the voters have said. Jeff Haney stated that a lot of supporters had "no" signs, and a lot of people said that a "no vote stops the plant." When the plant is being built what are you going to tell them now? I tell them they will get sick.

Mr. Dave Gliserman, 517 Traditions Court questioned First Selectman Temple regarding Mr. Schuller making reference of a shutdown of the coal fired Bridgeport Plant . There is already a replacement plant that is being built in Bridgeport with a higher output. This is not the cause of CPV plant. This is just informational. He heard this coming down tonight that the use of solar power is actually causing ISO to reduce its dependence on buying power. Does this reduction of need effect a plant that is predicated on increasing the need. First Selectman George Temple stated it does not affect the contract that was voted. Modern Marvels talks about power, and all of the energy that is needed to make things. The foundation of this country requires energy. Thank you for your comments.

ADJOURNMENT

MOTION:

Kathy Johnson moved to adjourn the meeting at 8:45 PM. This was seconded by Jeff Haney. All 3 Ayes. Motion carries.

Respectfully submitted,



Lynda Romanowski
Clerk, Board of Selectmen

16 MAR 21 PM 5:42
TOWN OF GUNFORD, CT
George Temple
TOWN CLERK