

MINUTES
**Board of Selectmen's
Regular Meeting
Wednesday, May 1, 2013
7:30 PM - Town Hall**

The meeting was called to order by First Selectman George Temple at 7:35 p.m. and the Pledge of Allegiance was recited.

Present: First Selectman George Temple, Selectman Jeffrey Haney, Selectmen Dave McKane.
Also present: Joanne Pelton, Administrative Assistant, James Hliva, Finance Director and Attorney Kevin Condon.

ACCEPTANCE OF MINUTES

1. 4/3/13 Regular Meeting

MOTION:

Selectman McKane moved to approve the 4/3/13 Regular Meeting minutes as presented. This was seconded by Selectman Haney. All (3) Ayes. Motion carries.

AMENDMENT OF AGENDA

MOTION:

Selectman McKane moved to amend the Agenda to add the following items: Land Trust 25th Anniversary Proclamation, Award Catch Basin Cleaning Bid, Award Street Sweeping Bid, Establish a senior Center Facility Manager Position and Oxford Cultural Arts Commission Fund Raising Activity Prior Approval Requirement Request. This was seconded by Selectman Haney. Motion Carries.

APPOINTMENTS

1. Oxford Center School Building Committee – Appoint Lisa Suttile and Jeff DiIulio

MOTION:

Selectman Haney moved to appoint Lisa Suttile, of 1 Sarah Drive, and Jeff DiIulio, of 22 Oakcrest Road, both to the Oxford Center School Building Committee. This was seconded by Selectman McKane. Discussion: Lisa is the PTO president and Jeff is an independent contractor and they will be an asset to this committee. All (3) Ayes. Motion carries

2. Website Committee – Appoint Donald Joy and David Heim

MOTION:

Selectman McKane moved to appoint Donald Joy, of 43 Peach Farm Road, to the Website Committee with a term to commence immediately and expire on 12/31/17. This was seconded by Selectman Haney. All (3) Ayes. Motion carries.

MOTION:

Selectman McKane moved to appoint David Heim, of 330 Quaker Farms, to the Web Site Committee with a term to commence contingent upon a vacancy and expire on 12/31/16. This was seconded by Selectman Haney. All (3) Ayes. Motion carries.

Motion made by Selectman McKane to take New Business items three and six as the next two items of business (after Audience of Citizens). This was seconded by Selectman Haney. All (3) Ayes. Motion carries.

AUDIENCE OF CITIZENS

Lenore Nolan of 35 Penn Street, Hamden attended the meeting to discuss the property that she owns on Old Good Hill Road, Oxford and understands that there is a suit against the Town of Oxford by a land owners who also own property on Old Good Hill Road. The Plaintiffs in the suit are claiming that the road is a Town approved road and the Town claims that it is a private road. Attorney Condon noted that the suit has been brought against the Town by several property owners. They are claiming that the road has been approved as a Town road and that it has not been maintained by the Town. The Town is objecting to the Plaintiff's claims. A pretrial will be held on May 21, 2013 in Milford Superior Court.

NEW BUSINESS

3. Carriage Estates Phase II and III Bond Release Request

James Nemargut attended the meeting.

MOTION:

Selectman Haney moved to remove this matter from the table. This was seconded by Selectman McKane. All (3) Ayes. Motion carries.

MOTION:

Selectman Haney moved to approve the release of the Carriage Estates Phase II and III Performance Bond, in the amount of \$44,434, as requested by the applicant. This was seconded by First Selectman Temple. Discussion: Attorney Condon indicated that the

bond release was made by James Nemargut, who he has met with. The Board asked Attorney Condon to write an opinion regarding the release. His opinion of the Planning & Zoning regulations and the Connecticut General Statute differed somewhat from Mr. Nemargut's and his counsel's and they recognized that a situation such as this usually results in a court trial being necessary. However, the parties worked further to reach settlement and have done so. Mr. Nemargut has agreed that if the Board of Selectmen will move in his favor in releasing the Performance Bond, that he will donate to the Town (specifically for the playscape) the sum of \$20,000. Attorney Condon noted that he is a reasonable person, is helping the Town, and is avoiding a possibly costly and time consuming effort if the matter were to go to court. It is Attorney Condon's recommendation to the Board that they consider the above agreement.

Selectman Haney amended his **Motion** to approve the release of the Carriage Estates Phase II and III Performance Bond, in the amount of \$44,434, as requested by the applicant, contingent upon the Town of Oxford receiving \$20,000 from James Nemargut to be used for the proposed playscape. This was seconded by First Selectman Temple. All (3) Ayes. Motion carries.

6. Town Clerk's Historical Document Preservation Grant Resolution – Approve and Authorize First Selectman to Sign

Margaret West attended the meeting.

MOTION:

Selectman Haney moved to approve the Town Clerk's Historical Document Preservation Grant, to approve the following Resolution and Authorize First Selectman to sign; all as presented and recommended by the Town Clerk:

RESOLVED: That George R. Temple, First Selectman, is empowered to execute and deliver in the name and on the behalf of the Town of Oxford a contract with the Connecticut State Library for a Historical Documents Preservation Grant.

This was seconded by Selectman McKane. Discussion: Margaret indicated that she applied for a \$4,000 grant to upgrade the indexing system that she has. It includes a computer that will be on the counter in the Town Clerk's office that will work with the cash drawer. A label printer will be used with the system. Extra funds needed for the upgrade will come out of the Historical Document Fund. First Selectman Temple thanked Margaret for her efforts. Selectman McKane also thanked her. All (3) Ayes. Motion carries.

1. Town of Oxford's Emergency Operations Plan for Emergency Election Procedures – Approve and Authorize Board of Selectmen to Sign

MOTION:

Selectman McKane moved to remove this matter from the table. This was seconded by Selectman Haney. All (3) Ayes. Motion carries.

MOTION:

Selectman Haney moved to approve the Town of Oxford's Emergency Operations Plan for Emergency Election Procedures, as submitted by the Registrars of Voters and reviewed and approved by Town Counsel, and to authorize the Board of Selectmen to sign all three copies. This was seconded by Selectman McKane. Discussion: First Selectman Temple noted that this is recommended by the Secretary of State. All (3) Ayes. Motion carries.

2. Department of Transportation Master Municipal Agreement for Construction Projects (MMAC) Resolution – Approve and Authorize First Selectman to Sign

MOTION:

Selectman Haney moved to remove this matter from the table. This was seconded by Selectman McKane. All (3) Ayes. Motion carries.

MOTION:

Selectman McKane moved to approve the Department of Transportation Master Municipal Agreement for Construction Projects (MMAC), approve the following Resolution and authorize the First Selectman to sign:

RESOLUTION

RESOLVED, that the Honorable George R. Temple, First Selectman, is hereby authorized to sign the Agreement entitled "Master Municipal Agreement for Construction Projects".

This was seconded by Selectman Haney. All (3) Ayes. Motion carries.

4. Establish Great Oak Garden Committee, Approve Charge, Appoint Members Approve and Authorize Board of Selectmen to Sign

MOTION:

Selectman McKane moved to remove this matter from the table. This was seconded by Selectman Haney. All (3) Nays. Motion fails.

5. Hire Parks & Recreation Summer Employees

MOTION:

Selectman McKane moved to hire the Parks & Recreation summer employees, with the pay rates as listed, and as presented and recommended by the Parks & Recreation Director in her letter dated 5/1/13. This was seconded by Selectman Haney. All (3) Ayes. Motion carries.

7. Approve Use of Town Hall Parking Lot for Car Show Fundraiser

MOTION:

Selectman McKane moved to approve the use of the Town Hall parking lot between the hours of 2:00 PM to 9:00 PM on Saturday, July 27, 2013 for spectator parking during a Car Cruise Fundraiser event which is being held at the Oxford Center Firehouse. This was seconded by Selectman Haney. All (3) Ayes. Motion carries.

8. Department of Energy & Environmental Protection's Local Hazard Mitigation Plan Update – Approve and Authorize First Selectman to Sign

MOTION:

Selectman Haney moved to approve the Department of Energy & Environmental Protection's Local Hazard Mitigation Plan Update, pending review and report from Kathleen O'Neil and Scott Pelletier, and authorize the First Selectman to sign. This was seconded by Selectman McKane. All (3) Ayes. Motion carries.

9. Resident State Trooper's Contract 7/1/13 – 6/30/15 – Approve

MOTION:

Selectman McKane moved to approve the State of Connecticut Resident State Trooper Contract for the period July 1, 2013 through June 30, 2015 as presented. This was seconded by Selectman Haney. Discussion: First Selectman Temple noted that he would request another State Trooper until an additional local police officer is hired. All (3) Ayes. Motion carries.

10. Oxford Grange Setback Waiver Request – Approve

MOTION:

Selectman McKane moved to approve the waiving of the Zoning Board of Appeals application fees, in the amount of \$463.00, for the Oxford Grange with regards to the application for the construction and installation of a handicapped ramp at the Oxford Grange. This was seconded by First Selectman Temple. (2) Ayes. Selectman Haney disqualified himself. Motion carries.

11. FY 2012 – 2013 Transfer Requests

MOTION:

Selectman McKane moved to approve the following FY 2012-2013 transfer requests as presented and recommended by the Finance Director in his letter dated 4/30/13:

TO: Registrar of Voters	Wages Deputy Registrar	5465-517-29	\$1,700.00
FROM: Registrar of Voters	Wages Primary	5465-517-85	\$1,429.50
FROM: Registrar of Voters	Election Expense Primary	5465-594	\$270.50
TO: Registrar of Voters	Conferences/Mtg. Deputy	5465-559	\$220.00
FROM: Registrar of Voters	Election Expense Primary	5465-594	\$220.00
TO: Elderly	Outside Serv. Late Notices	5295-736	\$1,396.75
FROM: Finance	Contingency	5320-560-5320	\$1,396.75
TO: Elderly	Alarm System	5295-900	\$186.00
FROM: Elderly	Vehicle Repairs	5295-812	\$186.00
TO: Tax Collector	Dues	5505-585	\$30.00
FROM: Tax Collector	Wages PT Seasonal	5505-517-98	\$30.00
TO: Tax Collector	Conference and Meeting	5505-555	\$241.97
FROM: Tax Collector	Wages PT Seasonal	5505-517-98	\$241.97
TO: Library	Conference and Meeting	5390-555	\$220.00
FROM: Library	Supplies Departmental	5390-769	\$220.00
TO: Library	Computer Catalog	5390-560	\$37.99
FROM: Library	Facility Maintenance	5390-613	\$37.99
TO: Library	Dues	5390-585	\$300.00
FROM: Library	Supplies Departmental	5390-769	\$300.00
TO: Tax Collector	Education	505-590	\$129.95
FROM: Tax Collector	Supplies	5505-770	\$129.95

TO: Building	Supplies Office	5230-770	\$250.00
FROM: Building	Equipment	5230-603	\$250.00
TO: Fire	Background Checks	5325-570-136	\$100.00
FROM: Fire	Waste Removal	5325-798	\$100.00
TO: Tax Collector	Education	505-590	\$1,608.00
FROM: Finance	Contingency	5320-560-5320	\$1,608.00

This was seconded by Selectman Haney. Discussion: Jim Hliva noted that the last item on the list for the Tax Collector is for a new work station in an office outside the Tax Collector's office (in Town Hall). A camera will be installed in the office. All (3) Ayes. Motion carries. *This matter will be forwarded to the Board of Finance.*

12. Supplemental Appropriation Workers Compensation Request

MOTION:

Selectman Haney moved to approve a Supplemental appropriation, in the amount of \$101,568.00, to the Workers Compensation Account number 1-5305-794 to be taken from the General Fund Balance of budget year 2012-2013 in order to cover a shortage in the Workers Compensation Account and as presented and recommended by the Finance Director in his letter dated 4/12/13. This was seconded by Selectman McKane.

Discussion: Jim Hliva indicated that in May 2012 the Town received a letter from Trident Insurance that our policy would not be renewed. CIRMA insurance company has written a policy for the Town. The cost of the policy is higher than budgeted. All (3) Ayes. Motion carries. *This matter will be forwarded to the Board of Finance and then to Town Meeting.*

13. Excavation and Landscaping Contract, Town of Oxford and Earthworks Excavating & Landscaping, Inc., Oxford High School Athletic Complex – Approve and Authorize First Selectmen to Sign

MOTION:

Selectman Haney moved to approve the Excavation and Landscaping Contract between the Town of Oxford and Earthworks Excavating & Landscaping, Inc. of Oxford, for the Oxford High School Athletic Complex, as presented and reviewed by Town Counsel, and to authorize the First Selectmen to sign. This was seconded by Selectman McKane.

Discussion: First Selectman Temple indicated that the Contract is to have Earthworks create a shot put, javelin and discus throwing area within the field area. Originally the plan was to have the shot put, javelin and discus throwing area at another location near the high school. An estimate was received for \$98,000 to do the work. Earthworks will be paid \$9,500 to do the work. A donation of \$25,000 from Earthworks was given to the Town for the field. Selectman Haney commented that the original plan was to create the shot put, javelin and discus throw area at the west field area (included in the budget). All (3) Ayes. Motion carries.

14. Third Annual Ryan VerNooy Memorial 5K Road Race, September 15, 2012 – Approve

MOTION:

Selectman McKane moved to approve the third annual Ryan VerNooy Memorial 5K Road Race which is to be held on Saturday, September 14, 2013 from 8:00 AM though approximately 11:00 AM. The 5K loop will commence at the Colonial Tavern on Hawley Road, Pope Road, Donovan Road, Ridge Road, Christian Street and back onto Hawley Road to Colonial Tavern; all as presented and recommended in their letter dated 4/4/12. This was seconded by Selectman Haney. Discussion: Selectman McKane noted that this is a great family and a great cause. He had hoped when the first 5K road race was organized that it would become an annual event and is pleased that it has. All (3) Ayes. Motion carries.

15. Helmos, LLC Peddler's Permit - Approve

MOTION:

Selectman Haney moved to approve the Peddler's Permit for Helmos, LLC, of 33 Sachem Road in Seymour, contingent upon the following conditions, with the following explanations, and as approved and recommended by the Parks & Recreation Commission at their meeting of 5/1/13:

1. No selling at Posypanko Park on Babe Ruth's Opening Day (Date TBD)
2. No selling at Jackson Cove during "Summer Nights at The Beach" series, which includes Summer Concerts (Tuesday Nights)

Explanations to the conditions above:

1. Babe Ruth sells hot dogs and ice cream on its opening day. There's also a safety concern as the parking lot is very busy with heavy car traffic and kids running to and from the ice cream truck could be hazardous.
2. In order to generate some revenue toward completion of the concession stand at Jackson Cove, Parks & Recreation intends to once again open the concession stand on weekends and during special events (i.e., summer concerts) to sell light/pre-packaged refreshments and soft drinks.

The Commission feels that these regulations are reasonable and should be applied to all businesses that apply for Peddler's Permits to sell in town parks.

This was seconded by Selectman McKane. All (3) Ayes. Motion carries.

16. Report of First Selectman

See page 10.

AMENDMENTS

1. Land Trust 25th Anniversary Proclamation

MOTION:

Selectman McKane moved to establish that June 9, 2013 be Oxford Land Trust Day to celebrate 25 years of saving open space in Oxford. The administrative assistant will write a Proclamation and to authorize the First Selectman to sign the Proclamation. This was seconded by Selectman Haney. Discussion: Selectman McKane noted that all are welcome to attend the event at Jackson's Cove between 10 a.m. and 5 p.m. Food will be available and hikes in the area can be enjoyed. All (3) Ayes. Motion carries.

2. Award Catch Basin Cleaning Bid

MOTION:

Selectman Haney moved to award the Catch Basin Cleaning bid to High Tec Sweeping PowerVac for \$19.50 per catch basin. This was seconded by Selectman McKane. All (3) Ayes. Motion carries.

3. Award Street Sweeping Bid

MOTION:

Selectman Haney moved to award the Street Sweeping bid to High Tec Sweeping PowerVac for \$278.00 per mile. This was seconded by Selectman McKane. All (3) Ayes. Motion carries.

4. Establishing a Senior Center Facility Manager Position

MOTION:

First Selectman Temple moved to Table this matter. This was seconded by Selectman McKane. (2) Ayes. Selectman Haney disqualified himself. Motion carries.

5. Oxford Cultural Arts Commission Fund Raising Activity Prior Approval Requirement Request

MOTION:

Selectman Haney moved to approve the Oxford Cultural Arts Commission's Fund Raising Activity as presented in their letter dated 4/18/13. This was seconded by Selectman McKane. All (3) Ayes. Motion carries.

AUDIENCE OF CITIZENS

Dave McKane, 11 Tram Drive commented that he has not seen any items from the punch list for the Great Hill Road project being worked on.

REPORT OF FIRST SELECTMAN

First Selectman Temple noted that he attended the recent boys' volleyball game between Oxford High School and Cheshire High School. It was an enjoyable event. He attended the Boys' and Girls' Club awards dinner in Shelton on Friday night which was an enjoyable event. He attended opening day at Posypanko Park. He noted that the field is improved, looks great and it was an enjoyable event.

ADJOURNMENT

MOTION:

Selectman McKane moved to adjourn the meeting at 8:50 PM. This was seconded by Selectman Haney. All (3) Ayes. Motion Carries.

Respectfully submitted, subject to approval

Marni Soss
Marni Soss, Clerk

13 MAY -3 PM 1:15
TOWN OF OXFORD, CT
Margaret A. West
TOWN CLERK