

**Board of Finance
Regular Meeting
December 8, 2015**

Present: Chairman Jim Fitzgerald, Reggie Smith, Ben Witte, Steve Tuxbury; Alternate Bob Nilsson; Town Treasurer Gordon Ross, Members of the Public: Bob Howson, Bill Baxter, Bart Baxter, Jack Casey, Joe Toro, Mary Lou Rayno; Republican American Reporter Kathryn Boughton (in at 7:10); Administrative Assistant Christine Hayward.

Chairman Fitzgerald called the meeting to order at 7:00 PM.

Chairman Fitzgerald stated that Democrat Dan Charest was absent from the meeting, but noted that Alternate Bob Nilsson could not be seated due to minority representation. Chairman Fitzgerald stated that a full quorum was present.

Member Witte noted that there seemed to be people present who may want to comment on the special meeting that the Board held the evening before. He suggested moving Opportunity for Public Comment closer to the top of the agenda so that people could speak and then be free to leave the meeting while the Board attended to agenda items.

MOTION: by Witte to move Item number VII - Opportunity for Public Comment up to Item number IV; following Approval of Minutes; with the remaining items to follow in the order listed; seconded by Smith.

Unanimous.

Chairman Fitzgerald informed the Board that he had received notification from Town Clerk Donna LaPlante that the manner in which votes were conducted at the Special Meeting held to interview candidates for consideration of appointment to fill a Board of Finance vacancy was incorrect. She informed him that how members voted needed to be public record. Mr. Fitzgerald stated that since the meeting tonight was within 24 hours of the special meeting, he would like to poll the members and have them state publicly how they voted. Member Witte questioned this, stating that it was his understanding that voting for a replacement member could only be done at a Special Meeting of the Board of Finance. He noted that this meeting was a regular meeting and thus the votes would still not be legal. Member Smith commented that it was his intent to request that the Chairman call another Special Meeting of the Board to address the replacement; but agreed that members should reveal publicly who they voted for.

Chairman Fitzgerald asked the Board members to publicly announce their votes for the record.

Fitzgerald: nay for Baxter, nay for Eddy, Yea for LaMere

Tuxbury: nay, nay, nay

Smith: nay, nay, nay

Witte: Yea for Baxter, Nay for Eddy, Nay for LaMere

Chairman Fitzgerald stated that he had sent a note to the Democratic Town Committee Chairman informing him that the recommended candidate, Dan Eddy, was rejected. He also sent e-mails to Lamere and Baxter formally notifying them of their rejection, as well. Mr. Witte stated that he still did not understand the reasoning for entering votes into the public record at this meeting as it wouldn't change the fact that the vote was done illegally.

Chairman Fitzgerald stated that he was going to "look into this" with Town Clerk Donna LaPlante.

Approval of Minutes from November 10, 2015 meeting:

MOTION: by Tuxbury to approve the minutes of the Board of Finance meeting dated November 10, 2015; seconded by Smith.

Unanimous.

Opportunity for Public to Speak:

Chairman Fitzgerald discussed ground rules for the public comment portion of the meeting. He suggested a 3 minute time limit. Member Witte replied that he felt an overall time limit, such as 30 minutes of discussion; with no individual limit would be a fairer way so as not to cut anyone off and would allow them the opportunity to complete their statement. There was concern that someone might take most of the time which would leave little opportunity for others to speak. Witte replied that a 30 minute overall time limit would work with the Chairman being responsible for imposing time limits, if needed. Members agreed to the time limit.

Member Witte stated that he would like to begin the discussion, saying that he had some commentary to share. Member Smith interjected that Mr. Witte seemed angry and asked him if that was the case. Member Witte replied that he would explain and then stated that it was his opinion that the meeting "last night was a travesty." He stated that 4 Republicans denied 3 minority Candidates the right to join the Board and termed it "unacceptable." Mr. Witte went on to say that he had issues with the manner in which the voting was done; explaining that it was his understanding that in accordance with Roberts Rules of Orders, there should have been a "run off" due to the fact that 2 Candidates received one vote apiece and voting should have continued until there was a "winner". He noted that he may have changed his vote in order to declare a winner and suggested that others may have done the same. He stated that one of the candidates has children in both the local and regional school system and had a financial background – Mr. Witte could not understand how this candidate would not be viewed as acceptable. He stated "Who else will want to run for anything except your friends?" "What was done does not feel right and doesn't seem fair."

Member Smith commented to Mr. Witte that he felt that there were issues with all of the candidates and that he, as a Board of Finance member, needed to be fair to the general public and vote for candidates that would serve the general public well. He explained that he was considering Mr. Bart Baxter until Mr. Baxter mentioned that he had concerns with the Water rates in Town. At that point, Mr. Smith changed his mind and felt he could not support Mr. Baxter due to a potential conflict. He then added that he would not support Troy LaMere and would not vote for Dan Eddy.

Mr. Witte reiterated that there were viable candidates who came forward, one being recommended by the Democratic Town Committee and two others who have been very involved in the community. Witte further stated that the purpose of having minority representation is to have different views expressed. He stated that “it sounds like we are fishing for a candidate you would like.”

Town Treasurer Gordon Ross commented that he had heard from several people that they could not believe that “this is how the Town of New Hartford operates.” He stated his personal embarrassment regarding a comment in the newspaper that was made by one of the Board of Finance members about the Candidates. He said that people think “we are acting irresponsible and mean.” Chairman Fitzgerald stated again that he had sent notification to the Chairman of the Democratic Town Committee that the meeting had ended without the acceptance of a candidate and that he encouraged them to solicit unaffiliated or other democrat candidates to be considered for the vacancy.

Bill Baxter, a former First Selectman, addressed the Board. He stated that it appeared that there was a pre-ordained outcome of the meeting and asked “why would you put these people through an interview process if you already have a candidate?” “You brought people in here, you demeaned them, you embarrassed them.” He asked, “why are you still playing an election game – you won your seats, you were elected; you have the majority....Congratulations - the campaign is over, now get on with the work of the Town.” He went on to say that in his years of experience as an elected official and member of various Boards, there may have been disagreements between political parties, but differences were set aside in order to do what was in the best interest of the Town. He commented that he was disappointed that this isn’t happening; noting that recent actions are setting a poor example and are “changing the culture of this town.” The Democrat party has the right to appoint someone for minority representation. “You don’t respect the process.” Baxter exclaimed “I never thought that I would have to stand before you and have to talk about ethics.” Baxter made mention of the wall of photos of individuals who have served as First Selectman and noted that they would all be disappointed in the current turn of events.

Bart Baxter took the floor and stated to “Reggie, Steve, and Jim – Two candidates who were presented before you have dedicated a lot of time to public service and deserved your consideration; He stated that he could understand how the Board may have felt that he did not deserve to be appointed; but the others did. He went on to say that “good politicians build consensus and put the Town ahead of the party, you don’t.” He noted that Steve and Reggie have dedicated years to public service and he could not understand why they were looking to squelch dissent; noting that minority representation is part of history. Mr. Baxter ended the commentary by stating “the vote was illegal, you should have figured it out beforehand –last night’s vote was to embarrass everyone and you did a good job.”

Jack Casey spoke to the Board as well, echoing the sentiments of those before him. He added that the comment in the newspaper regarding the candidates not being accepted by the voters was irresponsible. Mr. Casey noted that the candidates may not have won the election, but they were supported and accepted by the Democratic Party and should be respected for that.

Mary Lou Rayno stated that approximately 25 years ago, she ran for a seat on the Zoning Board of Appeals and was not elected. She noted that Reggie Smith Jr was First Selectman at the time and following the election, he called her and offered her the opportunity to fill a vacancy since she had ran for a position. "You didn't extend that same courtesy to the candidate last night. I'm disappointed."

Mr. Bill Baxter returned to the floor to add some additional commentary. He stated that public servants need to respect each other's differences. "It's gotten divisive in this town, and it never used to be." Public servants need to be "the person that people expect you to be." Be "humble in victory and gracious in defeat." "There are seats at the table for some of those who did not get the majority vote – it's compassion and kindness."

Member Smith replied that he sincerely wanted the Board to get back together as a Board and review the process.

Chairman Fitzgerald commented that he had respect for the Democratic Town Committee (DTC), but he was not at all embarrassed by the actions taken regarding the vote. He repeated his earlier statement that the DTC could present democrats or unaffiliated for consideration and added that "we'll find someone; if someone else in the community comes forward, we should honor them, too."

Gordon Ross replied to Mr. Fitzgerald stating that there were 3 candidates presented that paid the price of the process that should be reconsidered. He added "if you go out and solicit another candidate, you will raise suspicions of a pre-determined outcome."

Some discussion occurred regarding the timeframe for filling the vacancy. It was stated that there are provisions for the Board of Selectmen to fill the vacancy if the Board of Finance fails to do so within 30 days of the vacancy. It was clarified that "after Thursday" the Selectmen can take action, if they choose to do so.

Update on Audit – FYE June 30, 2015:

Chairman Fitzgerald distributed DRAFT copies of the 2014-2015 audit. He asked that the Board members review the audit and if they had any questions or concerns, they should send him an e-mail noting their concern and he would forward that to the auditors, King & King. Mr. Fitzgerald stated that the audit needs to be filed by December 31, 2015; therefore concerns should be expressed by Friday, December 11.

Mr. Fitzgerald stated that there was a finding issued by the auditors relative to the Board of Education and the unbudgeted payment made to CREC for an outstanding balance due to them for magnet school tuition. Fitzgerald noted that there has been information shared with the Finance Board that there is an unanticipated \$70,000 expense for tuitions expected this fiscal year. That will need to be addressed at some point within the next few months.

He stated that he will get the surplus funds figure from the auditors as soon as that is available and would be prepared to share that information with the Board.

Reports:

Chairman Fitzgerald noted that Bookkeeper Annie Witte was not present to give a report. He asked if anyone had any questions regarding the revenue and expense reports that had been sent to Board members.

Member Tuxbury expressed his desire to have a projection of the costs associated with the 27th payroll issue. He asked that the Chairman request that a report be given at the next meeting outlining what the impact to the Budget will be.

Chairman Fitzgerald noted that First Selectman Dan Jerram had a prior commitment at the High School and therefore was not present to report on any updates at tonight's meeting.

Treasurer's Report:

Town Treasurer Gordon Ross informed the Finance Board members that the BAN sale had been completed and all went well. The Town has received the funds and everything is in good shape. He stated he was pleased with the way everything turned out. He noted that interest rates have gone up a bit and the outlook is a little better than it has been for the last 2-3 years.

Election of BOF Chair for 2016:

Chairman Fitzgerald announced that it was time to elect a Chairman of the Board for the 2016 calendar year.

MOTION: by Smith to nominate Jim Fitzgerald to serve as Board of Finance Chairman; seconded by Tuxbury.

Smith commented that Mr. Fitzgerald was doing a great job as Chairman.

AYE; Smith, Tuxbury, Witte

ABSTAIN: Fitzgerald

Motion passes, Fitzgerald re-elected as Chairman.

2016 BOF Meeting Schedule:

Chairman Fitzgerald distributed the proposed meeting calendar for Calendar year 2016. Regular Board meetings will be held on the second Tuesday of each month at 7:00 PM at Town Hall.

MOTION: by Smith, to adopt the 2016 Board of Finance meeting schedule as presented; seconded by Tuxbury.

Unanimous.

Chairman Fitzgerald also discussed the Budget Timetable. He distributed a calendar of dates of meetings for the budget process. A brief discussion was held regarding the date for the Budget Public Hearing. Administrative Assistant Christine Hayward noted that the Senior Center would not be available on Tuesday, April 5 due to the Seniors' planning to use the large TV to watch the finals of the NCAA Women's Basketball tournament. Ms. Hayward commented that each year, there are residents who make the comment that they do not attend the Public Hearing due to the fact that the UCONN Women are usually playing during the hearing time and they stay home to watch the game. She noted that

Minutes – Board of Finance – December 8, 2015 p. 6.

moving the hearing date might result in increased attendance. It was noted that an adjustment to the Annual Budget Meeting/Town Meeting date would need to be made so that legal timeframes could be met.

MOTION: By Tuxbury to modify the New Hartford 2016/2017 Budget Timeline as discussed, moving the public hearing from 4/5/16 to 4/6/16 and the Town Meeting /Budget Meeting from 4/19/15 to 4/20/15; seconded by Smith.

Unanimous.

Chairman Fitzgerald informed the Board that there had been a meeting of local Board of Finance Chairmen and First Selectmen with the Regional Board of Education to discuss the upcoming 2016-2017 Regional School budget. He stated, that due to work commitments, he was unable to attend but noted that First Selectman Jerram had been present to provide input. Mr. Fitzgerald distributed some information that had been sent to him.

Other Items to Come Before the Board:

Chairman Fitzgerald ended the meeting with additional commentary regarding the meeting held to fill the vacancy on the Board of Finance. He stated that “it was unfortunate that we had a miss, the only miss was not having our names on the ballots; I’m not sure that we would’ve had a runoff.” He again encouraged the Democratic Town Committee to solicit additional candidates as well as re-submit the candidates who received votes.

Member Smith added that it was not the intent to disrespect anyone and stated that “if anyone from the public comes forward, they have the right to be considered.”

MOTION: by Tuxbury to adjourn at 8:10 PM; seconded by Smith.

Unanimous.

Respectfully Submitted,

*Christine Hayward, Administrative Assistant
substituting for Recording Secretary Penny Miller*