

**Board of Selectmen
Regular Meeting
December 18, 2012**

Present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Jack Casey, Economic Development Chairman David Childs, Economic Development Commission member David Kimmel, New Hartford Plus (Independent) reporters Maria Moore, Bob Moore; Administrative Assistant Christine Hayward.

First Selectman Dan Jerram opened the meeting by requesting that all present participate in a moment of silence to honor the victims of the Sandy Hook School shootings in Newtown, CT. Following the moment of silence, Mr. Jerram stated that thoughts and prayers are with all of the families of the victims and with the first responders who arrived at the scene. He noted that many lives have been altered forever.

Minutes:

First Selectman stated that Mr. Casey had indicated that he had a commitment following the meeting and therefore in the interest of time, this agenda item would be removed.

Operations Updates:

Mr. Jerram informed the Board that there had been a candlelight vigil held on the Pine Meadow Green organized by residents Anita Barden, Crystal Litchfield, the Wabreks and others on Friday evening. Then, on Sunday evening a multi-denominational service was hosted at St John's Episcopal Church. Clergy from St. Johns, North Congregational Church, and the Buddhist Temple participated in the service. Mr. Jerram had a prayer wreath made for the service. The wreath included 26 angels, symbolic of the lives lost in the Newtown tragedy. The wreath has been placed in the foyer of Town Hall to honor those victims. Mr. Jerram commented the message of peace and healing is sent to all during this difficult time. The Governor is calling for a statewide moment of silence and bell ringing this Friday, one week after the event. The First Selectman stated that he will pull together Town Hall staff to comply with those wishes.

Rails to Trails – Economic Development Commission:

First Selectman Jerram stated that he has had a couple of meetings with Barkhamsted First Selectman Don Stein to discuss a possible 'rails to trails' path that would traverse through New Hartford and Barkhamsted. He noted that Dave Childs, Don Stein and he had walked a portion of the land where the trail could possibly be located. Jerram stated that it was an easy walk and much of the area is fairly level. One hurdle that would need to be overcome is the close proximity of hunting in the area. The Hogsback area is noted to be a popular hunting ground, and "as we all know hunting and biking don't mix well."

Selectman Alesia Kennerson informed the Board that she had recently attended a meeting of the Economic Development Commission and a member of the Farmington Valley Trails Council was present to offer some advice to the EDC regarding how to move a rails to trails project forward. This person advised that a separate committee should be formed to oversee this initiative. Additionally, investigation should begin to see if this project could be placed on the Litchfield Hills Council of Elected Officials list for endorsed Federal Enhancement Funding, which is generally an 80/20 funding opportunity. It was also suggested that a partnership between Barkhamsted and New Hartford be established as partnerships generally have an increased chance for funding. Ms. Kennerson commented that when she first went to the meeting, she was doubtful that such a project could be accomplished; however, since listening to the presenter at the meeting, she no longer feels that this is insurmountable. Ms. Kennerson also noted that there was mention made that sometimes sewer line projects are done in tandem with a rails to trails project; getting required easements is sometimes less cumbersome

when projects are paired together. The Board of Selectmen had no objection to continue moving forward with investigating options for a trail. They will continue to consult with Dave Childs and the Economic Development Commission.

Resolution – LHCEO Regional Performance Incentive Program (Materials screener)

First Selectman Jerram informed the Selectmen that the Litchfield Hills Council of Elected Officials (LHCEO) is pursuing the purchase of a materials screener as another addition to cooperatively owned equipment. Currently, member towns share ownership of a catch basin cleaner and a street sweeper. A grant proposal for purchase of a screener is being submitted and needs an authorizing resolution from member towns.

MOTION: by Kennerson, second Casey to endorse the Regional Performance Incentive Program for the “Cooperative Purchase of a Mobile Materials Screener.”

Unanimous.

Finalization/approval of Capital Plan:

The Selectmen once again reviewed the Capital Plan for 2013-2014. They had discussed this at the December 4, 2012 special meeting and held action for this meeting. Mr. Jerram informed the Selectmen that the F550 truck currently used by the highway department has been the recipient of \$12,000 worth of repairs within the last 6 months. It is poorly designed and therefore labor intensive when something needs to be fixed. The estimate for replacement of this truck is \$60,000 when one adds the cost of the sander and spreader. Jerram would like to change the \$40,000 line item under “plow truck” to \$60,000 to more provide a more accurate figure for this truck. The First Selectman noted that the total capital budget on the draft capital plan is \$340,000. He stated that this will need to be pared down to a more palatable figure in the area of \$275,000. The Selectmen discussed whether or not any savings could occur with the revaluation line item – could this be reduced? However, they were reluctant to make any changes to this figure and left it as projected. The Carpenter Road Bridge repair will be an expensive project. The elevation of the roadway will most likely need to be increased which will result in an increased bridge span. Mr. Jerram will check to see if there is any grant funding available under a hazard mitigation grant for this repair. Downtown improvements were discussed, with the Selectmen being in agreement that a few more lights in the down town area would be a worthy investment. However, Kennerson commented that when one looks at the scope of the capital projects, the downtown improvements comes out the “weakest need.” The Selectmen also discussed that the Recreation Department/Commission needs to chime in on what they feel are important projects. Jerram noted that highway operating funds were used to offset what originally had been proposed as capital projects by the recreation dept. The driveway/walkway leading to Berkshire Hall was completed this past fall. Capital funds were not used, but the project was completed as requested. Painting of Berkshire Hall was also presented as a capital project, and the highway department will cover this project as well. Therefore, things are getting done, albeit from a different funding source.

The Selectmen voted on the 2013-2014 capital plan.

MOTION: by Kennerson, second Casey to make the following changes to the capital plan:

Plow Truck - \$60,000; Revaluation – remain at \$40,000; Technology – remain at \$10,000; Town Hall Equipment – remain at \$10,000; Recreation Dept & Municipal Projects – \$50,000; Carpenter Road Bridge- \$50,000; Downtown

Improvements - \$15,000; Drainage - \$33,000; Bridge improvements - \$5,000; Zoning POCD - \$15,000; Town Garage - \$50,000; for a total capital expenditure budget of \$298,000.

Unanimous.

Mr. Jerram stated that expenses for this year are on target thus far. The Board of Finance did approve the concept of transferring funds from the RRDD assessment line item to pay for the plow truck. Jerram noted that “hanging out there” is the request from the PTO to help fund the Playscape at Antolini. \$57,000 has been raised toward the goal of \$75,000 according to Jill Healey. The First Selectman informed the Selectmen that he had indicated to Jill that the Town would work with the Board of Education to find the funds so that the playground can be completed this spring. Selectman Casey supported this claim. Selectman Kennerson stated that she, too “absolutely supported this.” Mr. Jerram asked if he could make the call to Mrs. Healey and let her know that she can plan to move forward with full support of the Board. They all agreed.

Request for Tax Refund:

MOTION: by Kennerson, second Casey to approve a refund of motor vehicle tax in the amount of \$62.20 as presented by the Tax Collector.

Unanimous.

Correspondence:

First Selectman Jerram presented a letter that had been delivered to him by Ron Miller, President of the New Hartford Business Council. Mr. Jerram stated that Mr. Miller had paid him a visit to discuss what was, at that time, the impending removal of the trees in the center island. As everyone present knew, the trees were removed the day following that visit and the presentation of the letter. Although the trees have been removed, Mr. Jerram noted that he had written a letter of response to the Business Council in order to address some of their concerns. He shared both letters with the Selectmen. Mr. Jerram stated that the Business Council letter did have some inaccurate information contained within its text and he wanted to clarify those points. The Business Council made reference to five trees being slated for removal, when, in fact only four trees were present in the Island due to the fact that one of the original trees was removed several years ago (by the State). Additionally, the letter states “the plans of the State and Town to cut down the trees....” The First Selectman clarified that the town is not and nor has been involved in any plan to cut down the trees. The State owns the land as it is their right of way. The Town was granted permission to plant within the right of way, however, the State did not relinquish their rights of ownership and therefore, they are responsible for maintenance of the right of way. The Business Council did extend an offer to hire an arborist to prune the trees, but the Town is not the entity to grant such a request; a permit to work within the state right of way would be required as well as adherence to State guidelines and requirements for insurance and bonding. Therefore, pruning the trees would not be a decision that could be made by the Town. Mr. Jerram noted that he had several discussions with the State regarding their intentions to remove the trees and he did ask them to prune them rather than remove. The response he received was that it was their belief that the pruning would be extensive and one-sided, leaving trees that looking less than desirable. The State was also of the mindset that the trees were overgrown and removal was the best option. They stated that sight lines were compromised and safety was an issue. Mr. Jerram did ask if the Town would be allowed to re-plant in this island and he was promised that it would be allowed. The First Selectman has conferred with several individuals seeking their advice regarding what would

best be suited for this area. Plans are to replace the pin oaks with lower growing flowering trees and shrubs. Mr. Jerram outlined all of this in his response to the Business Council. The Selectmen had no issue with the response. Selectman Casey stated that he felt it was best to move forward with this issue – energy would be best spent planning the next steps rather than rehashing a decision that was made by the State of which the outcome has already occurred.

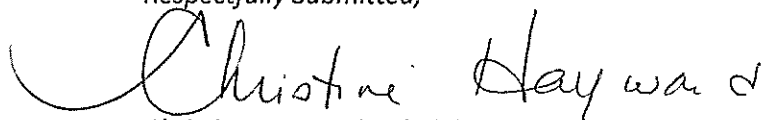
Opportunity for Public Comment:

Maria Moore expressed her displeasure that the First Selectman had not responded sooner to the letter delivered by the Business Council. Mr. Jerram replied that the cutting of the trees occurred the morning after his meeting with Mr. Miller. At that point, there was no action that could be taken as requested in the letter. Ms. Moore questioned if the town had applied for a permit to prune the trees themselves rather than have the trees removed. Mr. Jerram replied that no such permit had been requested as there was no intent on the part of the town to prune them using town forces as the trees were located along the State highway within the State Right of way and therefore were under the jurisdiction of the state. The trees had been heavily damaged by the October storms and there were several limbs that were broken. The town had even reached out to the State to ask them to trim some branches that appeared ready to fall and cause potential damage to vehicles. The State had been on site to begin the removal of the trees a few weeks prior to the Business Council meeting on the 12th however, they experienced technical difficulties with their woodchipper and left the job unfinished; vowing to be back to complete the cutting. At that time, Mr. Jerram again asked that they review the trees one more time before removing them. The State did take another look, but stuck with their original plan to remove the trees, returning back to complete their job the day after the Business Council formally notified the First Selectman of an offer to pay for an arborist to prune the trees. Ms. Moore continued her questioning of why the trees were removed without intervention from the Town. Mr. Casey replied that it was time to stop second guessing what might or could have been and time to move forward. He commented that he saw the trees being removed as an opportunity for exposure for some of the downtown businesses. He noted that one now has a clear view of Chatterleys and the Hardware Store as they drive toward Winsted. Selectman Casey said that he would like to be part of the positive and that he was committed to assist in efforts to replant the center island. “ It’ll all be good in the end,” he said.

MOTION: by Casey, second Kennerson to adjourn at 8:05 PM.

Unanimous.

Respectfully Submitted,


Christine Hayward, Administrative Assistant



P.O. Box 618
New Hartford, CT 06057

December 12, 2012

Dan Jerram, First Selectman
Town of New Hartford
Town Hall
530 Main St.
New Hartford, CT 06057

Dear Mr. Jerram:

The New Hartford Business Council (NHBC) has learned that the State DOT plans to cut the five trees down in the very near future. We understand that the Selectmen support the removal of the five trees, even though a State Arborist has reportedly advised that the trees are healthy, should not be cut down, and can be expected to thrive for many years with periodic pruning by a licensed Arborist.

According to our records, the five Pin Oak trees in the commercial center of New Hartford were purchased and planted by the NHBC in 1983 and cared for by the NHBC for some period thereafter. Five New Hartford businesses contributed \$500 each, \$2,500 total, for the purchase of the five trees.

The Board of Directors of the NHBC passed a motion at a meeting this morning protesting the plans of the State and Town to cut down the trees considering that it is unnecessary and would have a major negative impact on the appearance of New Hartford's center. The NHBC has appropriated \$500 to pay a licensed Arborist to appropriately prune the trees in the immediate future, dependent on suitable weather. A local licensed Arborist has agreed to the \$500 fee and has advised that proper pruning at this time will result in the trees being in good condition and providing no hindrance to vehicles and traffic signal sightlines on Main St. Periodic pruning would again be required at some point in the future to maintain the proper size and shape of the trees.

The NHBC understands that the Town has planned to plant new, small trees in the spring of 2013 to replace the five Pin Oaks after they are cut down. This presumably would be at some significant cost to the taxpayers. We would like to point out that, by not cutting down the Pin Oaks, an additional Town expenditure to replace the trees will not be needed.

The New Hartford Business Council, representing approximately 70 New Hartford Businesses, sincerely requests that the Town consider and honor its request and stop any and all plans and actions to cut down the five Pin Oak trees. I would appreciate receiving early notification by email of the Town's receipt of and response to this letter.

Sincerely,

A handwritten signature in cursive script that reads 'Ron Miller, President NHBC'.

Ron Miller
President
New Hartford Business Council
email: ronm331@yahoo.com

Daniel V. Jerram
First Selectman



Town Hall
530 Main Street
Post Office Box 316
New Hartford, CT
06057

Ron Miller, President
The New Hartford Business Council
Post Office Box 618
New Hartford, CT 06057

December 18, 2012

RE: Route 44 Tree Cutting by CONN DOT

Dear Ron:

Thanks for coming to see me to discuss the State of Connecticut Department of Transportation's (DOT) plan to remove trees within the New Hartford village center. As I'm sure you know, since we had our conversation, the DOT has returned to our town, and the four state-owned trees we discussed have been removed by State employees.

As difficult as it is to deal with the State DOT's decision to cut the trees, we must remember that these State employees are in the difficult position of having to balance the safety needs of the traveling public with aesthetic beauty trees can provide. All in all, DOT maintains over 3,700 miles of highway in Connecticut. To complete this job professionally, state officials have implemented strict engineering specifications that they are required to maintain to ensure public safety. By maintaining roads to these specifications, lives are ultimately saved, and legal liability concerns are minimized.

Throughout this difficult process, I have advocated for the Town of New Hartford and its business community. Neither I, nor the Board of Selectman had any desire to have these trees removed and we did not initiate this process. When I was first informed that State forces were coming to evaluate the trees for cutting, I visited nearly every downtown business to inform them of the State's impending action. I requested that the State make any and all attempts to prune the trees first before any tree would be cut down. When the State returned with their decision to completely remove the trees, I asked them again to reconsider their decision. As a result of my request, the State agreed to take one final look at the situation. They did, but unfortunately they didn't change their minds.

In the end, the State ruled that the trees had grown far too big for the location. They explained that the trees were protruding well into the travel portion of the road obscuring site lines and had even been hitting vehicles (mostly trucks) who's owners have been calling the state complaining that these same branches were causing them to have to cross the center line (into oncoming traffic) to avoid damaging their vehicles. By extending so far into the travel portion of the road, the trees were non-conforming to state specifications and they had to be addressed. Pruning was considered, but ultimately the State decided to remove the trees.

Daniel V. Jerram
First Selectman



Town Hall
530 Main Street
Post Office Box 316
New Hartford, CT
06057

Please note, that while Town officials input was welcome during the process, the decision was ultimately made based on the DOT's engineering specifications to ensure public safety. While it would have been nice to be able to overrule the state, when you consider all the relevant facts, that these are state-owned trees, within a state-owned island along a state-owned highway, we must respect the fact that they are maintained by State Officials who have to adhere to State Regulations so that safe travel can occur.

The Board of Selectman is resolved to restore the island to its former glory. Representatives of the DOT have promised that the Town will be granted a permit to replant the island. As you know, since my election, some 60+ new trees have been planted to beautify town properties, and we will continue this process and this island will be replanted in the spring of 2013!

I have reached out to "master gardeners" on both the Conservation Commission and the Garden Club seeking their advice as to what kind of trees the Town could plant to beautify our village center. I have also consulted with many of the businesses within the village center for their suggestions.

In the coming months the Board of Selectman will settle on a design, appropriate the funds, acquire the state and local approvals and come spring we'll have a newly replanted island for all to enjoy for years to come. I would like to ask the members of the New Hartford Business Council to join with the Board of Selectman and become a part of this islands renewal.

I appreciate your care and concern for the well being for the Town of New Hartford, our village center and our entire business community. Let's get together soon and talk more about how to make New Hartford a better place to live, work and play!

Sincerely,

Daniel V. Jerram
First Selectman