

**Board of Selectmen
Regular Meeting
June 28, 2011**

Present: First Selectman Dan Jerram, Selectman Tom Klebart, Selectman Bruce Gresczyk, Board of Finance Member Alesia Kennerson, Building Oversight Committee Members Roy Litchfield, Denton Butler, Mike Dezzani, New Hartford Residents/New Hartford Plus reporters Bob and Maria Moore, New Hartford resident Daria Hart, Animal Control Officer Les Archer, Assistant Animal Control Office Daniel LaPlante, Administrative Assistant Christine Hayward.

First Selectman Jerram called the meeting to order at 7:01 PM.

Minutes:

MOTION: by Gresczyk, second Klebart to accept the minutes dated May 24, 2011 and June 13, 2011 as presented.

Unanimous.

Building Oversight Committee (BOC) Grant Update: Main Street Sewer and Downtown Revitalization:

Mr. Jerram began the presentation by stating that Lenard Engineering had done a schematic drawing of the proposed downtown revitalization project (Central Avenue and Bridge Street). Prior to having any work begun on the area, it seemed logical to perform an evaluation of the infrastructure. If major repairs to sewer lines are needed, then it would be best to have that work completed prior to redesigning the intersection. Members of the Building Oversight Committee were present to provide information regarding the findings of the recent sewer investigation work performed on Main Street and the Brook Street/Central Avenue areas.

Bud Butler reported that the original timetable for the investigation of the sewer lines had been delayed due to state mandated contract language changes as well as winter weather interference. However, it has recently been completed and there are several areas of concern. Mr. Butler distributed copies of a summary report for review by the Selectmen. Mr. Dezzani presented the findings to those assembled. The investigation showed areas of collapsed pipes, buried manholes and lack of maintenance along sewer line right-of-ways. There is also a build-up of grease and sludge in the area of manhole number 18. Mr. Jerram noted that the WPCA has been working on implementation of ensuring that food establishments are adhering to legislation regarding fats, oils and grease. Resident Hart asked if there was an indication as to the origin of the grease. Mr. Dezzani replied that the information regarding the findings at this manhole was passed on the operators of the Wastewater Treatment Plant.

Mr. Klebart asked if it was the intent of the BOC to meet with CDM (engineers) to review the findings and come up with a plan of how to proceed. Mr. Butler replied that the BOC was waiting for receipt of the video and the formal report from NEPCCO; once that is received, a meeting will be held. Mr. Dezzani added that recommendations 1, 2, and 3, in his opinion, really need to be done. The recommendations consist of the following: 1.) repair an area of sewer line on Brook Street not included in the original Brook Street project; 2.) repair at least a 100' section of sewer line in the vicinity of the post office on Route 44; and 3.) initiate repairs in the area of 555 Main Street.

Following the discussion of the lines along Main Street, Mr. Butler stated that he has been in discussion with the plant operator at the WWTP and together, they shared information regarding their findings of sewer lines. Mr. Hoffman (WWTP operator) recently performed a "walk-through" of the sewer line in the Pine Meadow – Jones Mountain area and he expects to present his concerns to the members of the WPCA at their next meeting. The members of the Building Oversight Committee and WWTP management company (the Waterplanet Company) are in agreement that a

system-wide assessment of the status of the wastewater collection system is needed. Mr. Butler stated that he wanted to create awareness of this situation and that is why he was discussing this with the Selectmen.

Butler briefly touched upon the status of the downtown revitalization grant stating that it was his understanding that a budget was prepared for the project and that a response from the State approving the project and formalizing a contract is the next step in the process. Mr. Jerram replied that it was his understanding that formal design plans need to be created so that they can be submitted to the state for approval. Jerram will contact DECD to see what they require in order to proceed.

Continuation of discussion re: Correspondence from Bill Case re: Brodie South:

Mr. Jerram informed the Board that Mr. Case was unable to make the meeting and therefore has requested that this item be included on the agenda for the next Board of Selectmen meeting. The Selectmen looked at the maps and there were some questions regarding the boundary lines. The matter will be discussed at the July meeting.

Operations Updates:

Mr. Jerram updated the Board on several items.

Winchester Road Bridge:

Completed and open for traffic.

Sand /Salt Shed at Industrial Park:

Near final completion – some minor landscaping remains to be finished. STEAP grant reimbursement in the amount of \$225,000 was applied for and received. The State will release the remaining \$25,000 following the actual completion of the project.

Compliance:

Stormwater Permits have been filed for all existing facilities in need of permitting. The sand/salt shed at the Industrial Park was a renewal of a newly issued permit, the town garage was a renewal of an existing permit and the sand salt facility at the Antolini site is a newly registered site. Although it has been in existence for several years, permitting on the facility had not been done. The Town is now in full compliance with respect to these required permits.

Mr. Jerram commented that “compliance issues are never-ending.” It is very difficult to keep track of all of the required permits and registrations that should be in place and are sometimes missing due to non-renewal or lack of knowledge of the specific requirements. He pointed out that while researching the septic system at Brodie, he discovered that the Park should be registered as a public water supply. The paperwork has been completed and the Park is now a registered system.

A water meter has been installed at the Brodie Park pumphouse in an effort to determine the water usage at the park. This is a necessary first step in determining what is needed for a septic system at the park. Training regarding the reading of the meter will be scheduled.

Field House:

The Field House turnbuckles are being investigated by Lenard Engineering. There has been some question as to whether or not they have accomplished what needed to be done. Lenard Engineering contacted Jeff Manufacturing of Torrington, CT, the installers of the turnbuckles. Jeff Mfg. stated that it had been their instruction following the installation that they be “turned” every six months or so. It is doubtful that this has been done. Lenard will have someone with expertise in this area go on site to the Field House to physically inspect the situation.

Road Grader:

The search for a road grader continues. Mr. Jerram has contacted representatives from John Deere and Caterpillar to assist in the search.

Animal Control Issue:

First Selectman Jerram introduced Animal Control Officer Les Archer and Assistant Officer Dan LaPlante to those in attendance. Mr. Archer gave a brief update regarding an animal cruelty case in New Hartford. He explained that several animals (dogs, cats and birds) were seized and are presently being held in various locations. This is a complicated situation that will take a while to resolve. The current owner of the animals has not signed over her rights of ownership; she wants to retain ownership of some of the animals. Due to the fact that cruel treatment of animals is involved, the Town needs to try and gain custody of the animals. This is done by filing paperwork with the Court and proceeding with a civil complaint. Mr. Archer informed the Board that this will be a costly event since it requires the assistance of the Town Attorney. Additionally, boarding fees are being incurred for each day the animals are being held.

Grants Updates:

Dan Jerram informed the Board that he completed two STEAP grant applications and they have been submitted to the Office of Policy and Management for consideration. The first application is for the extension of sewer line to service the Greenwoods Industrial Park, Meadow Street and Cottage Street. An additional grant was filed for funds to be used to aid in the planning and design of a senior center.

Mr. Jerram also completed 2 other grant applications. One was for funding through the STIP-Urban Rural program for an overlay on West Hill Road from Niles Road to the Torrington town line, funding in fiscal year 2013. The second was through the local accident reduction grant program, seeking funding to straighten out a curve in an area of Niles Road south of Brodie Park South. This section of roadway has been the scene of several accidents. Jerram also noted that last year he had submitted a grant for consideration of funding for Cedar Lane improvements. That grant is next in the "queue" for funding, which should be available in 2012.

Selectman Klebart stated that he was not pleased with the process that was used on West Hill Road. He felt that the microsurfacing did not hold up well over the winter. He has noticed that it is full of cracks. Mr. Jerram agreed with Mr. Klebart's comments, stating that the microsurfacing was the process the State had insisted on and that since it was grant funded, that is what had to be done. Jerram went on to state that there will be core sampling done on Cedar Lane as part of the review done by DOT prior to determining what process will be used. It is Jerram's intent to make sure that the town has a say as to whether or not they wish to follow the recommendation. Applying for the grant does not bind the town in any way – decisions as to whether or not to accept funding can be made when all of the details are worked out.

Discussion of Annual Budget Meeting Process:

Selectman Tom Klebart began the discussion by reviewing documents he had that outline the process used for approval of the annual budget. An ordinance that was adopted in 1990 states that the budget is presented and discussed at a Town Meeting and then submitted for a vote at a referendum. This ordinance was declared invalid in 1992 by then town attorney Jack Picard. Attorney Picard recommended a process to use that would allow the budget to go to referendum using state statute guidelines. Mr. Klebart stated that he would like to see the ordinance repealed since State Statute does not allow for an automatic referendum. It was his opinion that there are times when a referendum may not be needed and to automatically go to one each year may be costing the town money. He stated that if the public wants the budget to go to referendum, there are ways that it can be accomplished; by petition or by the Board of Selectmen taking it to referendum. He is not adverse to taking the budget to referendum, but wants it to be done in a legal fashion. His concern is that the public does not currently have the right to make any changes to the budget and that is a right that should not be taken away by an illegal ordinance. First Selectman Jerram stated that there is

currently opportunity for public comment on the budget; the budget hearing is the venue for that and having a referendum that is held all day affords voters the opportunity to vote at a time that is convenient to them. A town meeting vote, on the other hand restricts the time period of a vote to a short timeframe. Daria Hart, clarifying that she was speaking as a New Hartford resident and not in the capacity of a Registrar of Voters, agreed with Mr. Klebart. She stated that it was her belief that “you have taken away the rights of the people to make changes to the budget.” Mr. Jerram responded “This process has been in place for a very long time, roughly 20 years,” “The current Board of Selectmen has not taken away anybody’s rights.” Selectman Gresczyk explained that many years ago there were fraudulent petitions presented requesting referendum budget votes in an effort to ‘get more people involved in the budget voting process.’ Following lengthy discussions of the process, an ordinance was presented and passed at a town meeting that automatically takes the budget to referendum. The existing ordinance, like any other town ordinance is passed by the Legislative Body of the town and is considered to be the “will of the people.” Mr. Gresczyk stated that he was not adverse to sending the item to a future town meeting; for consideration by the people of the town. First Selectman Jerram agreed to this also.

Administrative Assistant Hayward stated that she would need to consult with the Town Attorney regarding language for the call. Selectman Gresczyk replied that it would be to repeal the ordinance. Ms. Hayward explained that the attorney would also have to clarify the process for what can and cannot be done with respect to changing the budget. It would be best for all to have a clear understanding of that so that everyone is well informed and questions can be answered if they arise at the meeting. All Selectmen agreed that this would be an agenda item for a future special town meeting, timeframe uncertain as there are details that need clarification.

Appointments to Boards and Commissions:

First Selectman Jerram informed the Board of Selectmen that he has received a recommendation from the Recreation Commission that the Board appoint Paul Korzynski to the vacancy on the Commission created by the resignation of Laura McCarthy.

MOTION: by Klebart, second Gresczyk to appoint Paul Korzynski to fill a vacancy as a member of the Recreation Commission, term to expire 12/31/2014.

Unanimous.

Request for Refund of Taxes:

MOTION: by Gresczyk, second Klebart to approve five Requests for Refunds of Motor Vehicle Property Taxes as presented by the Tax Collector amounting to \$767.32.

(\$20.13 to Darcy Dufresne due to adjustment after payment, \$19.19 to Neil Dufresne due to adjustment after payment, \$243.33 to Chase Man Auto Fin. Corp due to adjustment after payment, \$310.08 to Nissan Infiniti LT due to adjustment after payment, \$174.59 to Toyota Motor Credit Corp due to adjustment after payment.)

Unanimous.

Correspondence:

None noted

Any Other Business to Come Before this Board:

Communication:

Selectman Klebart stated his displeasure regarding what appears to be a lack of communication between the Recreation Commission and the Board of Selectmen. He stated that he was confused about what happened with the capital expenditures requests from the Recreation Department, noting specifically that there seemed to be discontent with the way projects were prioritized. At the time the budget was being prepared, Mr. Klebart was under the impression that the roof on the field house was a priority and therefore supported it; however, it now seems that the septic system was more of a need. He questioned how this discrepancy came to be. Board of Finance Member Alesia Kennerson, chairman of the Capital Expenditures Committee, offered to respond to this. She stated that when the capital expenditures committee requested information from the Recreation Director regarding the septic system; they received no response. There was no documentation submitted to support the dollars figures associated with the repair and they questioned how that figure came to be. Since they were uncertain that the funds would be sufficient to cover the costs, the Board of Finance did not support the request. Mr. Jerram added that the Recreation Director had personally told him that the Field House rehabilitation project was crucial to the success of future programming. Recreation Commission member Dan Eddy summarized that it was apparent that no one individual or group was responsible for lack of communication. He acknowledged that the communication was incomplete on all levels and suggested that awareness of this weakness lead to improved attempts to communicate better and more efficiently.

Historic Document Preservation Grant:

Town Clerk Donna LaPlante has once again been approved for funding through the Historic Documents Preservation Grant. She has been awarded \$3,500.00. In order to enter into a contract with the State Library, a resolution must be approved the Board of Selectmen.

MOTION: by Gresczyk, second Klebart to approve the following resolution:

RESOLVED: That Daniel V. Jerram, First Selectman, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for an Historic Documents Preservation Grant.

Unanimous.

Opportunity for Public Comment on Agenda Items:

No public comments.

Executive Session for the purpose of discussion related to contract negotiations:

MOTION: by Gresczyk, second Klebart to enter into Executive Session at 8:50 PM for the purpose of discussion related to contract negotiations.

First Selectman Jerram invited Administrative Assistant Christine Hayward into the executive session.

Unanimous.

(Jerram, Klebart, Gresczyk and Hayward entered into Executive Session)

MOTION: by Gresczyk, second Klebart to exit from Executive Session at 9:13 PM.

Unanimous.

MOTION: by Klebart, second Gresczyk to approve the NAGE Local RI- 231 Union Contract for Town hall employees, expiring June 30, 2014 as presented to the Board of Selectmen.

Selectman Klebart asked that he be given until the following day to review the document carefully in order to insure that the contract language mirrored the discussion of the changes taking effect. If he found any discrepancies, he will call the office and make notification of such and changes would be made accordingly.

Unanimous.

Selectman Klebart thanked First Selectman Jerram for the time and effort put forth in the negotiations, stating that he “liked the changes.” Selectman Gresczyk echoed those sentiments, adding that it was an “outstanding effort.” Both Selectman were pleased that the town is making an effort to move away from a defined pension plan and moving towards a 401A retirement plan for future employees.

MOTION: by Klebart, second Gresczyk to adjourn at 9:16 PM.

Unanimous.

Respectfully Submitted,

Christine Hayward, Administrative Assistant