

**Board of Selectmen
Regular Meeting
Tuesday, April 24, 2012**

Present: First Selectman Dan Jerram, Selectman Jack Casey, Selectman Alesia Kennerson, Members of the Public Dan Eddy, Maria Moore, David Krimmel, Bob and Susan Vaskalis, Attorney Peter Herbst, Administrative Assistant Christine Hayward.

First Selectman Jerram called the meeting to order at 7:00 PM.

Minutes:

MOTION: by Kennerson, second Casey to accept the minutes dated March 27, 2012 as presented.

Unanimous.

Request for 8-24 referral – Vaskalis:

First Selectman Jerram gave the Selectmen some background information regarding the reason for this agenda item. He informed the Board that Mr. and Mrs. Vaskalis are property owners on Main Street who are seeking to purchase a strip of land from the Town that currently bisects their property into two parcels. The process for purchasing/selling town property is that the Board of Selectmen must approve the transaction and then refer it to the Planning and Zoning Commission for a review in accordance with CT General Statutes 8-24. A Town Meeting approval is the final step. Jerram noted that the Vaskalises have previously appeared before the Board of Selectmen and the Planning and Zoning commission with a proposal. The prior Board of Selectmen (Jerram, Gresczyk, Klebart) had no objection to the previous proposal, however, the P&Z did not act favorably with respect to the 8-24 approval.

Attorney Peter Herbst represents the Vaskalises in this matter and addressed the Board of Selectmen. Attorney Herbst noted that the Vaskalises could have asked the Selectmen to go forward to a Town Meeting without the 8-24 referral, but chose instead to consider the concerns presented by the P&Z and come up with a proposal that they might be in favor of.

Attorney Herbst stated that when the Vaskalises purchased the property, they assumed that the town had an easement that ran through their parcel. A few years ago, when they researched the property, they found that what they thought was an easement was actually a town owned strip of land that bisects their property into two parcels. Their pool area is separated from the rest of their yard by this strip of land. In June of 2011, The Board of Selectmen approved the Vaskalises request and moved it forward to the P&Z. The proposal met resistance with some members on the P&Z due to their concern that selling the land might prevent the town from ever being able to construct a bike/pedestrian path along the former rail trail that runs behind the properties on Main Street. Although there are no current plans to develop such a trail, the P&Z did not make a favorable recommendation in an effort to preserve future options. Attorney Herbst continued his presentation, stating that the Vaskalises re-worked their proposal that allows for a path to go around the edge of their property rather than bisecting through it. The town will be granted an easement for access to the sewerline and drainage ditch. (Mr. Vaskalis has maintained a drainage ditch that runs through the property). The town's planning consultant and the town's zoning officer have reviewed the revised proposal. Martin Connor, Town Planner, has opined that the current plan addresses the concerns expressed by the P&Z and shows a workable alternative.

Attorney Herbst summarized the proposal by stating that it shows a lot of 'give and take' – it protects the Town's future options and provides the homeowner with the opportunity to enjoy their land and maintain some privacy. Selectman Casey agreed that the current proposal does appear to meet the possible future need of the Town. He remarked that there are other options that would need to be overcome if, in fact, the Town pursued a 'rails to trails' path. He stated

that the property at the end of the old rail line is already privately owned, so that access is no longer available. (He added that he is the owner of that property).

New Hartford resident Maria Moore asked if Planning and Zoning Commission member David Krimmel would offer his opinion as to whether this proposal would satisfy the concerns of the P&Z Commission. First Selectman Jerram interjected that it was not appropriate for Ms. Moore to ask Mr. Krimmel to comment, noting that Mr. Krimmel will be reviewing the proposal at a future P&Z meeting and therefore must remain unbiased and not show any pre-determination on the matter. Ms. Moore stated her concern that the new proposal would not maintain a 'straight path' and that it would require a 'jog' around the perimeter of the property. Mr. Casey remarked that he has had extensive exposure to many bike/walking trails and stated that many of them often take an irregular route in order to avoid cutting through a parcel. Ms. Moore noted her disapproval that walkers/bikers would be required to go around the property if this proposal is approved.

General discussion ensued regarding what would be required if a bike /walking trail were ever proposed for this area. Mr. Jerram noted that there are many obstacles that would need to be overcome. ADA access would be a difficult, due to the elevations involved at one end of the old rail line. And, as Mr. Casey previously noted, there may be areas where the town no longer has the rights to the property needed. The Board of Selectmen agreed to table their decision on whether or not they approve this proposal for purchasing town land. They would like to conduct a site visit of the Vaskalis property in order to completely understand what is being proposed before taking formal action.

MOTION: by Kennerson, second Casey to table any decision on the Vaskalis proposal until after a site visit can be conducted.

Unanimous.

Operations Updates:

Burning officials:

First Selectman Jerram informed the Board of Selectmen that two new burning officials have been appointed to serve. Kevin Parsell and Bob Goodskey recently received training conducted by the Department of Energy and Environmental Protection. They will assist Dave Boyajian and Jim Farkas, currently serving in this capacity. Dave is the caretaker at Camp Sequassen and is not available during the summer months to issue permits. Jim Farkas is presently in the midst of relocation and is not as available as he once was. Kevin and Bob will alternate being 'on call' for this service.

USDA finalization:

Mr. Jerram notified the Selectmen that there has been some issues with USDA funds remaining following the completion of the Wastewater Treatment Plant. This problem has arisen due to the fact that the project came in under budget and the USDA had given the Town the loan and grant funds based on original contract prices. The confusion resulted due to the use of Bond Anticipation Notes (BANS) to fund the project initially. BANS were used to pay the debt and then the USDA funds were used to reimburse the town for the expenses. It was originally thought that perhaps the remaining funds could be used to assist in funding a sewer line extension in tandem with a STEAP grant which was written seeking State funding, however, the STEAP grant was not approved. Without the guarantee of these funds, the sewer line extension will not benefit from the remaining USDA funds. The USDA has stated that the WPCA can request that the excess funds be applied to several "fixes /upgrades" needed at the sewer treatment plant. The WPCA has come up with a list of items that total \$290,000 and the request has been forwarded to the USDA for consideration.

Selectman Casey asked if there was any chance that request for funding for a mural painted on the SBR tanks facing the river would be considered. Mr. Casey stated that such a mural would provide a draw to the river and could be beneficial to bringing visitors to New Hartford. Jerram commented that he liked Mr. Casey's suggestion of a mural, but did not think it would qualify for funding with the remaining USDA funds as it was not something that could be considered as

within the scope of original upgrade project.

Jerram updated the Board on the status of the Clean and Waste water study group. They have met twice and are currently trying to get an understanding of how the operations are handled today. The next topic of discussion will be “what would it take to bring the operations totally in-house?” Mr. Casey asked if any progress is being made with adding new users to the system. Mr. Jerram replied that the WPCA has been discussing benefit assessments, line extensions and mandatory connections, but added that there isn’t any easy way to handle any of those. One of the newest members of the authority is employed at the Simsbury treatment plant. He has a lot of knowledge regarding adding new users to the system due to his employment experiences. He has been offering guidance to the WPCA with respect to these discussions. Recently, the WPCA received notification that the sewer service area they had requested approval for has been denied due to inconsistencies noted by the State between state and local guidelines. Additional work in this area will be needed. The First Selectman summarized this area of discussion by stating that “making the \$8,000,000 plant viable is the biggest challenge in town.” Mr. Casey stated that he wondered why people who abut the sewerline were not forced to connect 60 years ago. Jerram replied that the current members on the WPCA are working hard to make up for the mistakes/oversights of previous WPCA boards.

FEMA submittal:

The First Selectman stated that the FEMA liaison assigned to New Hartford, Timothy Morrill, has completed his review of several roads submitted for consideration of FEMA reimbursement for expenses incurred during Storm Irene and Storm Lee (August and September 2011). Repairs done to Shadybrook Road have been disqualified due to not meeting the minimum dollar requirement of expenditures considered. The total reimbursement submitted is approximately \$80,000 of which the Town may receive 70%. Stedman Road will be evaluated separately. This road suffered structural damage and has partially collapsed. Mr. Jerram has asked for FEMA representatives to come and look at the road. There are different applications for different levels of assistance, and this road may qualify for additional funding. The difficulty with securing funding for this repair is that improvements cannot be made on privately owned land. This may present a challenge to Stedman Due to its proximity to private land.

Pension Plan update:

The Pension Board is close to completion of a defined contribution plan. They are considering a 457 type of plan to be consistent with what some employees are already participating in. Currently, employees have the option to voluntarily set aside earnings into a deferred compensation plan. The town does not contribute any funds into these existing plans. The retirement plan would be set up where the Town contributes 5% of salary to new employees and the employee would be required to contribute 1% of salary.

CLP Enhanced Tree Trimming:

CL&P will be in town to do tree trimming along several roads in New Hartford. 55 miles of tree trimming will be done in town. Several roads are slated for enhanced tree trimming. A map is available to show where trimming will be completed. Homeowners will be notified if there are trees being considered for removal near/abutting their property.

Budget Hearing:

The Selectmen agreed that the recent budget hearing was productive. Budgets were presented and the public had the opportunity to comment.

Park Rules:

The Recreation Commission has modified the 20 rules they recently re-adopted. The re-adoption of the rules caused some concern and the Recreation commission re-visited their decision. Jerram asked “Are they perfect?” and replied, “no, but they are workable.” Some of the rules remain subjective – i.e. noise. Rule 18 is a catch all, allowing for the Commission to grant exceptions. There already are several existing uses that are exceptions to the rules, such as the Farmers Market, the Lions club Flea Markets, New Hartford Day, boy scout camp-outs, celebrations at Chapin Park, to name a few. Jerram commented that the rules are better now than what they were. Selectman Kennerson asked where does this leave football? Mr. Jerram replied that it is his assumption that things will remain as they are now – practicing

at “Brodie South” until the field expansion at Antolini is complete. Recreation Commission member Dan Eddy interjected that there will be a meeting scheduled with representatives invited from several groups – recreation , football, and “Brodie South” to discuss the issue and hopefully come to an agreement. It is anticipated that this will be a ‘one-shot meeting.’ Jack Casey asked if the group known as ‘Brodie South’ is an official group. Mr. Eddy responded that the group does have spokespeople and that some of those members have represented themselves at recreation commission meetings. Jack Casey commented that holding such a meeting shows cooperation. Ms. Kennerson asked “If people are in violation of the rules, who stops them?” Mr. Jerram answered that there is no specific answer to that. That remains a gray area. Jerram remarked that modifying the rules was a tremendous step forward; however, no rules are “one size fits all.” He stated that as more people become aware of the rules, the more it will be self-policed.

Miscellaneous Items

Trees have been ordered for Brown’s Corner. The timeline for planting them has not yet been defined by the Landscaper; but it was necessary to get the order placed.

The State had mandated some water system upgrades at Brodie Park in order to be compliant with regulations pertaining to public water supply systems. A Sanitary Survey performed by the State outlined the deficiencies. A total of \$1800 was spent to rectify the problems noted.

Continued vandalism at the SK8 Park is a problem. The Fence was recently damaged and inappropriate graffiti has been problematic. Jerram noted that if there continues to be problems, it may be necessary to remove the ramps temporarily to signify that the park might be permanently closed if the abuse continues.

The Wood chipper has been repaired to the tune of \$5,000. This may seem high, but the cost of a new wood chipper is much more than that. The wood chipper has been used almost daily since the October storm.

Residents are questioning when Steele Road repairs will begin. There is extensive drainage work that needs to be completed prior to resurfacing. This will be attended to in late spring/early summer.

There have been several complaints regarding beavers. A property owner on Pine Hill is seeking town support for approval to remove beavers on his property. Another resident over in the Maple Hollow area has also had problems with beaver dams. Beavers on private property become the responsibility of the homeowner to take action, but sometimes the property owner needs assistance from the Town (i.e. a letter) confirming that there could be property damage if flooding were to occur. The Town has had to hire trappers (with DEEP approval) in a couple of locations in town due to potential of flooding which could render roads impassable and/or cause a homeowner to suffer property damage.

Discussion of proposed ordinance as requested by the Tax Collector:

First Selectman Jerram distributed a copy of an ordinance that the Tax Collector has requested be considered for adoption. The purpose of the ordinance is to allow the Town to withhold the approval of any land use, building, pool or demolition permit if there are delinquent taxes on the property. Other towns have ordinances like this one in place. The Selectmen reviewed the draft and agreed to have the Town Attorney review it. Once his review is complete, the Selectmen can take action as to whether or not to move it to a Town Meeting for approval.

Set time, date, manner of Annual Budget Meeting:

MOTION: by Kennerson, second Casey to hold the Annual Budget Meeting on Tuesday, May 1, 2012 at 7:00 PM in the Senior Center/Meeting Room of the New Hartford Town Hall.

Unanimous.

MOTION: by Kennerson, second Casey, in accordance with Section 7-7 of the CT General Statutes to remove item number 1 from the Call of Annual Budget Meeting (to consider and act upon the budget as recommended by the Board of Finance for the fiscal year beginning July 1, 2012) and take such item to referendum.

Unanimous.

Set time, date, manner of Budget Referendum:

MOTION: by Casey, second Kennerson to take such item (item number 1 that was removed from the call of the Annual Budget Meeting) to a referendum to be held on Tuesday, May 8, 2012 at the usual polling places between the hours of 6:00 AM and 8:00 PM using machine vote.

Unanimous.

Appointment of Alternate to Commission on Aging:

Mr. Jerram informed the Board that he has received a request from the Commission on Aging to fill an alternate vacancy. The Commission on Aging has recommended that Donna Howard be appointed to fill this slot.

MOTION: by Kennerson, second Casey to appoint Donna Howard to fill a vacancy and serve as an alternate on the Commission on Aging, term to expire 12/31/13.

Unanimous.

Requests for Refunds of Taxes:

MOTION: by Kennerson, second Casey to approve a request for refunds of motor vehicle property taxes to GMAC in the amount of \$242.88 as presented by the Tax Collector.

Unanimous.

MOTION: by Kennerson, second Casey to approve 3 requests for refunds of real estate property taxes in the amount of \$224.06 as presented by the Tax Collector (\$100.00 to Mary Holda, \$76.48 to BAC Tax Services Corporation for Skurski, \$47.58 to HSBC Bank USA N.A. for Kelly Holcomb).

Unanimous.

Opportunity for Public Comment on Agenda items:

Dan Eddy informed the Selectmen that there appears to be some type of 'homemade bike course' constructed within the boundaries of Callahan Park. He is concerned that there may be an increased liability to the Town since this is not an authorized structure and someone may injure themselves and then bring suit against the town. . It appears to be on Town property and therefore, he is bringing this to the attention of the Board of Selectmen as he is not sure where the property lines are in the Park and he might be mistaken. Selectman Casey agreed that if this is indeed on town owned property, it should be removed. The First Selectman assured the Board that he would look into it.

Maria Moore questioned the Selectmen on the actions taken regarding the Annual Budget Meeting. She asked if the legal notice that would be published in the newspaper has the item related to considering and acting on the budget on

the notice. Mr. Jerram replied that the notice in the newspaper is the same as the notice that was presented this evening. Ms. Moore questioned how that could be since the Selectmen have voted to remove that item from the agenda. She stated that this is misleading the public. Mr. Jerram replied that the Selectmen have the statutory right to remove the item from the agenda. Ms. Moore countered that the notice, in its present form, is misleading the public. She asked if an additional notice would be published informing the public that the item has been removed from the agenda. Mr. Jerram replied that the notice includes the information that the item will be taken to a referendum vote.

Ms. Moore continued to question the noticing process. Mr. Jerram informed her that he had answered her questions and asked if there were comments pertaining to any other topic. Hearing none, he declared the opportunity for public comment portion of the meeting closed.

Ms. Moore reiterated that the public was being misled and then stated that she would contact her attorney to contact the town regarding misleading the public and the actions taken by the Board of Selectmen regarding the budget meeting. She stated that she would bring legal action against the town and also stated that she would expect any fees incurred for this legal action to be paid by the town.

Correspondence:

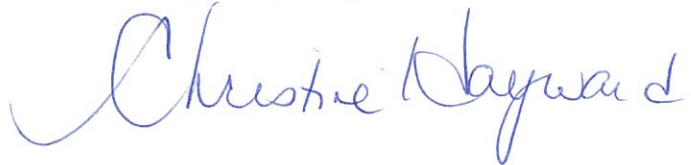
Mr. Jerram asked if there was any correspondence to be discussed. Administrative Assistant Hayward replied "none."

The First Selectman thanked those present for attending the meeting and asked for a motion to adjourn.

MOTION: by Kennerson, second Casey to adjourn at 8:45 PM

Unanimous.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Christine Hayward". The signature is fluid and cursive, with the first name "Christine" written in a larger, more prominent script than the last name "Hayward".

Christine Hayward, Administrative Assistant

ORDINANCE – TOWN OF NEW HARTFORD

CONCERNING APPROVAL OF LAND USE/BUILDING APPLICATIONS
FOR PROPERTY ON WHICH TAXES ARE DUE

BE IT ORDAINED BY THE VOTERS OF NEW HARTFORD LEGALLY ASSEMBLED that:

1. Notwithstanding any other act of the Connecticut General Statutes or ordinance enacted by the Town of New Hartford, the Town can assess, levy and collect taxes for general or special purposes on all properties, subjects or objects which may be lawfully taxed, and regulate the mode of assessment and collection of the taxes and assessments not otherwise provided for.

2. The Town hereby authorizes the Building Official, Zoning Enforcement Officer, Wetlands Enforcement Officer, Land Use Administrator or other responsible Town Official to withhold the approval of any land use, building, pool or demolition permit when taxes are delinquent for the property for which said application was made until such time as delinquent taxes, interest and other charges are paid in full.

3. The payment of the delinquent taxes, interest and other charges does not entitle the applicant to the approval or the issuance of the building application unless all other requirements set forth by the applicable agency or enforcement officer are complied with.

4. Nothing in this section shall prohibit the Building Official from issuing a permit to perform repairs to an existing structure which is unsafe within the meaning of the State Building Code if the Building Official determines that such repairs should be performed immediately to protect the safety of either the building's occupants or the public, or if such repairs should be completed within the fire safety code as determined by the Fire Marshall. The Land Use Administrator or Commissions may issue permits to remedy a public health, safety or welfare threat or to reduce or prevent environmental impacts without the requisite tax clearance.

5. The Tax Collector's Office with the approval of the First Selectman and appropriate Land Use Official may grant a temporary special waiver to the terms of this ordinance upon payment of at least one-half of the outstanding delinquent taxes.

6. This ordinance shall take effect fifteen (15) days after publication in accordance with C.G.S. § 7-157.

Voted at Town Meeting: _____

PUBLISHED IN THE _____, 2012

TOWN OF NEW HARTFORD
NOTICE OF ANNUAL BUDGET MEETING – MAY 1, 2012
NOTICE OF REFERENDUM – MAY 8, 2012

The Board of Selectmen of the Town of New Hartford, Ct hereby notifies all electors and citizens entitled to vote in Town Meetings in said Town of New Hartford, Connecticut that the Annual Budget Meeting will be held on Tuesday, May 1, 2012 at 7:00 pm in the Senior Center/Meeting Room of the New Hartford Town Hall, 530 Main Street, in New Hartford for the following purposes:

1. To consider and act upon the Town Budget recommended by the Board of Finance for the fiscal year beginning July 1, 2012.
2. Pursuant to Section 7-7 of the General Statutes of Connecticut, Revision of 1958, as amended, to adjourn said budget meeting at its conclusion and to submit Item number 1 on the call of this meeting to be voted upon using voting tabulators on Tuesday, May 8, 2012 between the hours of 6:00 a.m. and 8:00 p.m. Electors residing in the Voting District #1 shall vote at the New Hartford Town Hall, 530 Main Street in New Hartford. Electors residing in the Voting District #2 shall vote at the South End Fire House, 20 Antolini Road in New Hartford. Voters qualified to vote at town meeting who are not electors shall vote at their respective polling places. Absentee ballots will be available from the Town Clerk, 530 Main Street, New Hartford, CT and will be counted at their respective polling places. The question to be voted upon shall be placed on the ballots as: “Shall the Budget of the Town of New Hartford including General Government, New Hartford Board of Education and Capital Expenditures, recommended by the Board of Finance for the fiscal year commencing July 1, 2012, be accepted?”

Voters approving the question will vote “Yes” and those opposing the question will vote “No.”

Dated at New Hartford, CT this 24th day of April, 2012.

Daniel V. Jerram, First Selectman

Alesia Kennerson, Selectwoman

John H. Casey, Selectman

Donna LaPlante, Town Clerk