

**Board of Selectmen  
Special Meeting  
February 9, 2012**

**Present:** First Selectman Dan Jerram, Selectwoman Alesia Kennerson, Selectman Jack Casey, Town Attorney Charles E. (Chip) Roraback, Building Oversight Committee Members Denton Butler, Roy Litchfield, Mike Dezzani; Water Pollution Control Authority Members Bob Krzys, Dave Rosengren, Steve Hanright, Economic Development Commission Chairman Dave Childs, Board of Finance Members Kate Rieger, Maria Moore, Town Clerk Donna LaPlante, P&Z Commission member (and Assistant Animal control Officer) Dan LaPlante, Democratic Registrar of Voters Daria Hart, Member of the Public Bob Moore, Member of the Press Kurt Moffett (Republican-American), Administrative Assistant Christine Hayward.

First Selectman Jerram called the meeting to order at 6:33 PM. Mr. Jerram noted that this was a special meeting of the Board of Selectmen and therefore only items on the posted agenda would be discussed.

**Consultation with Town Attorney regarding Ordinance 90-1**

The First Selectman noted that Town Attorney Chip Roraback was present in order to answer questions for the Board of Selectmen regarding the budget process. Mr. Jerram stated that there is currently an ordinance that states that the budget must go to a referendum vote. There have been a few people who have questioned the legality of this process, therefore, the Selectmen wish to clarify what role they play in the process.

Mr. Jerram asked Administrative Assistant Christine Hayward to summarize the process that has been in place for several years regarding how the budget is voted on in New Hartford. He asked Ms. Hayward to give this summary since she has been employed by the town as the administrative assistant to several First Selectmen and noted that the process has been the same throughout her employ of 12 years.

Ms. Hayward described the procedure that has been followed each year. After receiving input from governmental departments, boards, commissions, and other agencies, a budget is prepared by the Board of Selectmen. The proposed budget is presented to the Board of Finance at a workshop meeting held in March, along with budgets presented by the local Board of Education and the Regional Board of Education. Following this workshop, the Board of Finance decides whether to accept the budgets as presented or to seek adjustments. The Budget is then presented to the public at a budget hearing, for which the date and time has been set by the Board of Finance and publicly noticed in accordance with Statutory guidelines. Public comment is received at this meeting which the Board of Finance considers prior to adopting the budget. The Board of Finance adopts the budget after which the Board of Selectmen set the time and date for the Annual Budget Meeting, followed by the Annual Town Meeting. The Board of Selectmen, in a meeting held at least 5 days prior to the Annual Budget Meeting remove the budget vote from the agenda of the Budget Meeting and take it to Referendum, per Section 7-7 of the General Statutes. The Budget Meeting is held and a date and time is confirmed for the budget referendum. There is no opportunity to vote on the budget at the Budget Meeting as the vote has ceased to exist as an agenda item for the meeting.

Mr. Jerram began the discussion by asking the town attorney, "What happens if the ordinance is repealed, what changes?" Attorney Roraback replied that the Selectmen retain Statutory authority to remove any item off of the agenda of a Town Meeting and take it to referendum. The power to do that has not come from the Ordinance, but comes from Connecticut State Statutes. Jerram reiterated the statement that it has not been the ordinance that has caused recent budgets to be voted on at referendums, but rather the action of the Board of Selectmen using the Statute that provides for this action. Attorney Roraback commented that there isn't any process in the ordinance that

specifically directs the Selectmen to take the budget vote to referendum, it just states that the budget goes to referendum.

First Selectman Jerram asked what would happen if the ordinance was repealed and the Selectmen did not choose to go to referendum. The attorney replied that the budget would go to a Town Meeting vote, using the process outlined by Statutes for budget votes at Town Meeting. Selectman Casey stated that it was his understanding that there could not be any increase in the proposed budget; the public would not be able to add expenditures. Attorney Roraback replied that his understanding was correct. Reductions could occur, but no increases.

The First Selectman asked if Attorney Roraback would make any recommendations regarding changing the present format if the budget were to be voted on at a Town Meeting. Jerram specifically asked if there should be a level of consolidation of line items. Mr. Roraback replied that such a change in format would be a policy change and that he would defer that question/response to the elected officials. He did note however that his legal input would be that there would be nothing legally that could prevent the Board of Finance from reducing the number of line items set forth for consideration. Various line items could be combined so as not to be broken down into detail. Attorney Roraback stated that there could be a working budget that has several line items, but that the proposed budget could be consolidated.

Mr. Jerram asked what the process would be if the Board of Selectmen has already removed the budget item from the call of the budget meeting and a petition was brought forth requesting a town meeting for the budget vote. Attorney Roraback replied that the Selectmen would still have the right to remove the item from the town meeting and take the request to consider the budget at a town meeting to a referendum. Due to public noticing requirements, the budget vote date already in place would precede the vote regarding the town meeting budget vote.

Mr. Casey remarked that the budget was defeated 3 times in the early 1990's. He noted that the issue of how the budget should be adopted by the public has been an issue for over 21 years and he, for one, was pleased that this issue was being discussed. He added that he would like to be part of the Board of Selectmen that resolves this issue. He asked Attorney Roraback if it was possible to have both a town meeting vote on the budget AND a referendum vote. The attorney replied, "no." Mr. Casey asked if it was possible to discuss the budget, but not vote on it at the Town Meeting. Mr. Roraback replied that if the discussion and action of the item is totally removed from the agenda, then there is nothing to discuss as it ceases to exist as an agenda item.

Selectwoman Kennerson stated that she felt that there is ample opportunity to discuss the proposed budget at various meetings that occur before the Annual Budget Meeting. The referendum vote allows a greater number of participants to vote. Selectman Casey agreed, adding, "there are plenty of opportunities to advocate for change in the budget and it would be remiss in not going to a referendum"

Jerram again posed the question to Attorney Roraback, "have we done anything illegal?" Mr. Roraback replied, "no." and added again, "the authority to go to referendum vote is granted by Statute. Roraback also stated that due to the fact that the Ordinance 90-1 was voted on at a Town Meeting and adopted by a town meeting vote, there is no authority that can declare an ordinance invalid unless a judge in a court of law rules it to be so. The vote that approved the ordinance serves as the will of the people who voted on it.

The First Selectman stated that he votes voluntarily to go to referendum for the budget vote and he will continue to do so as long as he serves as a member of the Board of Selectmen. It affords the public the opportunity to cast their vote at a time that is convenient to them. He noted that it is his opinion townspeople have come to expect a day long vote. Mr. Jerram questioned if repealing the ordinance could be taken to a referendum vote, rather than a town meeting. Ms.

Kennerson stated her concern that if the ordinance continues to ‘muddy the waters,’ it should be repealed. However, another concern is that the general public won’t understand the reason for the repeal –they would think that budget would never go to a referendum as they wouldn’t understand that it isn’t the ordinance that allows for this action.

Mr. Casey remarked that he would like to see the budget continue to go to a referendum vote, but also thought it would be appropriate to leave the discussion of the budget on the agenda of the budget meeting with no action being taken. Jerram suggested that the Selectmen consider leaving the discussion of the budget on the agenda and have the action of the vote listed as a separate agenda item, which would then be removed from the meeting. Casey added that the public needs to be aware that there are opportunities currently available where changes to the budget can be addressed. He hoped that the Board of Finance would be amenable to look at suggestions carefully. Selectman Casey thought that the upcoming budget referendum might provide the opportunity to also repeal ordinance 90-1. The Board would then clearly be using the powers afforded by State Statutes and there wouldn’t be any issue with interpretation of the issue.

At this point in the discussion, First Selectman Jerram thanked Attorney Roraback for attending the meeting and aiding in the understanding of the options regarding acting on a proposed budget. He noted that he had allocated a half hour to this discussion and that it was now time to move on to the other items on the meeting agenda.

Member of the public Maria Moore asked if there would be an opportunity for the public to ask questions. Mr. Jerram replied that this was a special meeting and public comment was not an agenda item. Ms. Moore expressed her displeasure stating not allowing for public comment was interfering with the public’s right to question ‘their’ Town Attorney. Mr. Jerram replied that the Town Attorney consults with and responds to questions of the Board of Selectmen, not the general public.

**Discussion Concerning the future of clean and wastewater in New Hartford:**

The First Selectman introduced Bud Butler to those assembled. Mr. Butler has served as a member of the Building Oversight Committee which was established to oversee the construction of the wastewater treatment plant upgrade. Mr. Butler presented a brief summary of projects and status in order to bring the new members of the Board of Selectmen up to speed.

Butler noted that the Wastewater Treatment Plant Upgrade is complete. It is currently operating at one-fifth of its capacity (unless the Farmington River is at flood stage, at which point inflow is greatly increased). The plant could use additional biologics to assist in optimal functioning. The DEP has singled out the New Hartford plant as best operating. Butler noted that this is an accolade to the way it is being managed.

Mr. Butler stated that the BOC has performed investigation into several areas of the sewer line service area. He noted that the line is subject to failures in several places. The Farmington River line has trees and roots that may be compromising the integrity of the lines. There are a few manholes that have not yet been located. Two manholes are in poor condition; one of which is actually open and is responsible for tens of thousands of gallons of water getting into the system. The Jones Mountain line has issues with trees and roots and the water coming off the mountain during heavy rainfall has removed fill from the lines, leaving the lines close to being exposed. Manhole covers may be missing in some places. The Main Street sewer line is under investigation. All of the manholes are aged and subject to replacement. The water tanks have had a recent inspection, action items have been addressed. The pumping station has had minor issues. The biggest threat to the water system is the potential for septic failures within the Pine Meadow aquifer. The sewer system is plagued with issues; old lines, pipes that terminate at one end, undersized mains that don’t provide for adequate water pressure for fire safety.

The BOC presented a proposal to the First Selectman that consideration be given to the establishment of an evaluation task force assigned to the duty of investigation and recommending a plan of action with respect to the water and sewer systems in New Hartford. The task force will be comprised of 2 members of the WPCA, 2 former First Selectmen, 2

members of the Building Oversight Committee and the First Selectman, who will act as chairman of the group. First Selectman Jerram thanked Mr. Butler for his presentation. He stated that there is no downside to studying the water and wastewater systems. Mr. Jerram noted that the systems have a small user group and are battling financial difficulties. Any information to come out of this that can answer “how can we do this better?” and that might have the potential to provide savings to the users would be a benefit. Mr. Jerram noted that he had spoken with WPCA Chairman Bob Krzys and that it was decided that Mr. Krzys and Mr. Hanright would be the representatives from the WPCA. Mr. Butler commented that this evaluation would be completed within a 90-120 day period. There would be an analysis and a report generated at the end of the study. Ms. Kennerson commented that the timeframe seemed to be quite aggressive, considering that budget season is beginning. Mr. Jerram replied that he was more than willing to attempt to meet the schedule especially in light of the fact that there is a need to help relieve the burden of the small user group.

Bud Butler interjected that he had good news to report regarding the DEP priority list for funding. The Town of New Hartford is shown on the list as being eligible for funds for sewer line extensions on Cottage Street. He offered public congratulations to the WPCA and commended them on this initiative.

**MOTION:** by Kennerson, second Casey to establish a task group that will study, evaluate and make recommendations regarding the operations of the clean water and wastewater systems and to appoint the following individuals to serve as members of the task force: Roy Litchfield, Bud Butler, Bob Krzys, Steve Hanright, Kate Rieger, Bill Baxter, Dan Jerram; with Dan Jerram serving as the chairman of the group.

Mike Dezzani urged this group to complete the study as expeditiously as possible. He commented that the WPCA is in a difficult situation financially and added that there are possible problems with the system looming in the future.

*Unanimous*

**Capital Budget Discussion:**

First Selectman Jerram stated that he had compiled a list of requested capital expenditures from various departments. He noted that the highway department needs a new plow truck to replace a 1994 truck. The cost has been estimated at \$150,000. The last time a new truck was purchased was in 2008-2009 budget year. Jerram would like to see funds set aside each year so that a replacement schedule can be created.

Additionally, the highway department is requesting funds for a compactor and a large roller. Currently, the method used for compaction is to overfill the area and drive the larger trucks over the area.

Revaluation should be included as a recurring expenditure so as to have funds available when needed. This next revaluation is estimated to cost approximately \$80,000. \$40,000 was set aside in last year’s capital budget and this \$40,000 would be the second installment of a two year plan to finance the reval.

Technology is always a recurring expense. As equipment ages, replacements need to be purchased.

Recreation is requesting funding for several things –including recreation software, a ropes course, improvements to Callahan Park, Trail upgrades, funding for a study for the Brodie house. Jerram noted that there was a major shift in the direction of their capital expenditure items. There are no requests for a septic system as they would like to look into the use of the Brodie House (which has an existing working septic system) as additional recreation program space.

Regarding the ropes course, Mr. Jerram stated that, although he is not opposed to this if it increases recreation programs, but he is not in favor of the current location that is being proposed. He noted that the proposed location is in an area currently used by Scouts for campfires. Jerram would like to see an alternate site and also stated that there is a ropes course in place at Antolini School and it is no longer used. Selectman Casey asked if there was an option to dismantle the old course and move it to Brodie; adding that he did not see the need to spend funds on a new course at this time.

Mr. Jerram stated that the software for recreation is a cloud based internet program. He has asked the IT consultant to familiarize himself with the software and make a recommendation as to whether or not it should be considered for use by the recreation department. Mr. Casey didn't feel that there was a need for the software. He felt that data entry could be accomplished by hiring someone to do it at a lower cost than what was being requested.

Mr. Jerram asked the Selectmen their opinion regarding the Antolini Field Improvements, noting that the recreation commission had not included any of those expenses in their capital request. The Selectmen agreed that funding should be set aside for that use and lumped into the recreation capital request.

First Selectman Jerram informed the Board that funds would be needed to augment the grant funds for the Downtown Improvements. Parking improvements, sidewalks and a small park next to the library are all part of the proposed project and the STEAP funds will not be enough to complete the project. He would like to include funding for this project as a capital line item. The Selectmen agreed to this.

Capital Requests have averaged around \$290,000 for the past few years. He asked the Selectmen for their recommendations regarding this year's request. It was decided that the ropes course, the recreation software and the compactor would be removed from the proposal, leaving a total of \$310,500 requested.

**MOTION:** by Kennerson, second Casey to endorse the revised Capital Expenditure proposal (removing the recreation software, the ropes course and the compactor) and forward it for review by the capital sub-committee; a net total proposal of \$310,500.

*Unanimous.*

**Operating Budget Discussion:**

First Selectman Jerram notified the Selectmen that the circumstances of the enrollment at Regional will work against the Town of New Hartford. Although overall enrollment is declining, New Hartford has a large 6<sup>th</sup> grade class going in and therefore will be assessed at a higher level than the other towns who are experiencing a drop in their numbers. The local Board of Education has released a preliminary budget proposal showing a 3.7% increase.

Mr. Jerram asked the Selectmen for input as to where they would like to see the numbers fall for the general government budget. Ms. Kennerson replied that she would like to see Mr. Jerram try to keep the general government budget increase under 2%. Mr. Casey agreed to this.

Mr. Jerram stated that he would have a budget proposal ready for review at the February Board of Selectmen meeting. He commented that he might try to pull together a special meeting prior to the regular meeting for the purpose of a budget workshop, if a convenient time could be arranged.

**MOTION:** by Casey, second Kennerson to enter into Executive Session for the purpose of discussion related to negotiations at 8:34 PM.

*Unanimous.*

(Casey, Kennerson, Jerram and Hayward entered into Executive Session )

**MOTION:** by Kennerson, second Casey to exit from Executive Session at 9:11 PM.

*Unanimous.*

First Selectman Jerram noted for the record that no action would be taken regarding Executive Session discussion.

**MOTION:** by Kennerson, second Casey to adjourn at 9:13 PM.

*Unanimous.*

*Respectfully Submitted,*

*Christine Hayward, Administrative Assistant*

