

**Board of Selectmen
Regular Meeting
Tuesday, September 27, 2011**

Present: First Selectman Daniel Jerram, Selectman Tom Klebart, Board of Finance Member Alesia Kennerson, Recreation Commission Member Dan Eddy, Democratic Registrar of Voters Daria Hart, Members of the Public Bob and Maria Moore (New Hartford Plus), Susan Ferrarotti, Brian Ferrarotti, Administrative Assistant Christine Hayward.

Absent: Selectman Bruce Gresczyk

First Selectman Jerram called the meeting to order at 7:06 PM.

Minutes:

Motion: by Klebart, second Jerram to accept the minutes dated 8/23/11 as presented.

(note: there were two typographical errors that were pointed out – one on page 3 (has to had) and one on page 4 (complete to complete) Errors were noted - no content change.

Unanimous.

Opportunity for Public Comment:

Bob Moore asked to speak regarding the “set town meeting date” item on the agenda; questioning if there would be consideration of removing the current practice of taking the annual budget to referendum on the agenda. First Selectman Jerram replied that the item would most likely not be addressed at this particular meeting, noting that the town attorney has been attending to other matters that have taken his time and that there has not been ample time for discussion of this matter. The urgency of this particular town meeting is to appropriate funding for repairs to Steele Road. Selectman Klebart stated that he would like to see the budget topic addressed and have it resolved prior to the budget season. Selectman Jerram noted that there was still plenty of time prior to the advent of budget preparation to include this on the agenda of a future special town meeting. Maria Moore interjected her concern that if this topic is not addressed by this Board prior to the election, it may be lost when the new board takes office. Her concern is that the present Board understands the issue and that the new Board members may not be familiar with the topic and therefore won't consider it a priority. She continued by stating that it was her belief that if this ordinance were to be challenged in the court system, it could result in having every budget that was passed using the ordinance procedure being declared ‘a non-approved budget’. Daria Hart, Democratic Registrar of Voters, challenged this statement; stating that she has looked into this and has been told by the Secretary of State's Office that the approved budgets with the corresponding mill rates set by the Board of Finance would stand. According to Hart, once the mill rate has been set and approved by the Board of Finance, it is binding and cannot be withdrawn. Ms. Moore urged the Selectmen to take the steps necessary to rescind the ordinance. First Selectman Jerram responded that the town attorney is of the opinion, that while the ordinance may be perceived as “illegal,” it was adopted by the Legislative Body and therefore is ‘the will of the people.’ Mr. Jerram added that there is no guarantee that the people will rescind it at a future town meeting. Selectman Klebart agreed, but reiterated that the issue should be brought to the people for a vote. Maria Moore expressed her displeasure that the rescission of the ordinance will not be included on the upcoming Special Town Meeting. Daria Hart commented that she does not agree with having the ordinance remain on the books, yet she understands the need for having the town attorney present at the meeting where this issue will be decided. Ms. Kennerson, a non-contested candidate for the Board of Selectmen, stated that she is familiar with the issue and stated that she would support holding a Special Town Meeting prior to the budget season in order to address this issue. Daria Hart noted that the Registrars of Voters have completed the draft of an emergency plan addressing various scenarios that could disrupt polling places. Each Municipality is required to adopt such a plan. If a plan is not adopted locally, the Secretary of State's Office will require that towns adhere to a plan developed at the State level. Ms. Hart will distribute the plan to the candidates for the Board of Selectmen for their review and comment. She requested that this plan be on the agenda of an upcoming town meeting.

Operations Updates:

First Selectman Jerram noted that two major storms (Tropical Storm Irene followed by Storm Lee) left their mark on New Hartford. The town was well prepared for the event. Emergency Preparedness measures included having arrangements all set for staffing and food supplies in the event that the Emergency Shelter had to be open. Additionally, the Wastewater Treatment Plant was staffed around the clock and an additional SBR tank was readied in case it had to be used to process excess levels of inflow.

The storm caused flooding along major roadways in town and washed out several dirt roads. A 30 foot section of Whitbeck Road was washed away due to an overflowing culvert. This road had just been repaved and now will have to be done again. Stedman Road suffered severe damage. The road has been severely undermined by the river that flows alongside of it. The Town Engineers have evaluated the situation and have made a formal recommendation that it is in the best interest of safety to close the road to traffic. The closure affects the middle portion of the road and residents along this road can gain access to their homes by using the end of the road that is closest to them.

The dirt roads in Town had extensive damage. Significant grading and fill was required to fix them. Several trees fell throughout town; some of them taking down wires which resulted in power failures in some areas. Some units in River Run Condominiums were temporarily evacuated due to concerns of the rising water level of the Farmington River. Shelter information was posted on the Town website. Daria Hart thanked the town for providing the information. She noted that she lives along the river and she and her husband did check the site to see where they could go if they needed to evacuate.

Dan Jerram thanked Superintendent of Schools Dr. O'Reilly for contacting personnel and having them ready to assist at the shelter, if needed. He also thanked Maria Moore for posting information on her website regarding emergency procedures.

The Town will submit to FEMA to see if any of the expenses associated with the storm will be reimbursed. As an aside, Mr. Jerram noted that the Town has received word of approval for the December storm submittal. A reimbursement in the amount of \$36,549.58 is on its way.

First Selectman Jerram announced that Emergency Management Director Jim Farkas will be relocating to Virginia. He will be "sorely missed" and "difficult to replace".

Livery Pool Road and Highland Avenue are in the queue for road resurfacing.

The Taste of Litchfield Hills held at Ski Sundown over the Labor Day weekend was a success with an attendance estimated at roughly 3500. For a first year at this new location, this is considered to be a good response.

An Emergency Sewer Repair was performed in the area of 537 Main Street. The BOC (Building Oversight Committee) continues to gather information needed in order to develop plans and specs for the Main Street Sewer repair. The plan is to go through the sidewalks rather than the road surface. The sidewalks will then be replaced.

Mr. Jerram met with representatives of the DOT regarding the Cedar Lane resurfacing project that has been submitted to the State for consideration of funding. Core samples have been taken and sent to the lab as requested by the state. The Brodie Field House roof specs have been distributed to several parties. Bids will be due on October 11, 2011.

Authorization to sell town owned equipment:

Dan informed the Selectmen that he and highway foreman Doug Spencer have discussed "what to do with the old grader that remains at the Town Garage." It is their belief that it would be best to try and sell this.

MOTION: by Klebart, second Jerram to authorize the sale of town owned equipment, specifically the 1952 Caterpillar Road Grader.

Unanimous.

Update re: Bill Case request for establishment of boundary line:

The First Selectman informed those present that the Town Attorney had contacted him regarding the boundary line agreement that had been submitted to him by Mr. Case for review prior to any action being taken on the matter. The Attorney notes that there is additional information needed before he can make any kind of recommendation to the Town regarding moving forward with this.

Appointment to Retirement Board/Pension Committee:

A vacancy exists on the Retirement Board due to the resignation of member Steve Nolan. A recommendation has been made to appoint Friday Easton to fill this vacancy.

MOTION: by Klebart, second Jerram to appoint Friday Easton to fill a vacancy and serve as a member of the Retirement Board/Pension Committee, term to expire 12/31/2013.

Unanimous.

Resignation of Commission on Aging member:

The First Selectman stated that a resignation letter has been submitted by Lucie Martocchio, a member of the Commission on Aging.

MOTION: by Klebart, second Jerram to accept the resignation of Lucie Martocchio with regret and thanks for her years of service.

Unanimous.

Set date of Special Town Meeting:

The Selectmen reviewed the calendar to see what date would be best for a town meeting, taking into consideration time needed for proper noticing and setting the call of the meeting.

MOTION: by Klebart, second Jerram to hold a Special Town Meeting on Tuesday, October 18, 2011 at 7:00 PM in the Senior Center -- call to be developed at a later date.

Unanimous.

Opportunity for Public Comment on Agenda Items:

No comments

Correspondence:

none discussed

MOTION: by Klebart, second Jerram to adjourn at 8:24 PM.

NOTE: at this point, First Selectman Dan Jerram realized that he had one other topic to discuss that should have been included in the operations updates and therefore he would like to withdraw his second on the motion to adjourn. Daria Hart (who is a parliamentarian) suggested that he state "for the good of the order, I would like to repeal the motion to adjourn."

Jerram repeated "For the Good of the order, I would like to repeal the motion to adjourn" Selectman Klebart agreed to this request.

Jerram presented information regarding the municipal solid waste removal contract that is nearing the end of its term with CRRA. He noted that although other options have been explored, there really isn't any other choice than to stick with the present arrangement. The Town of New Hartford has an intermunicipal agreement with the Towns of Barkhamsted and Winsted to use services provided by Regional Refuse Disposal District # for municipal solid waste and recycling services. RRDD#1 currently uses the transfer station in Torrington that is affiliated with CRRA. CRRA has

proposed a renewal fee of \$59.95 per ton. Barkhamsted and Winsted are in favor of extending the existing relationship with CRRA.

MOTION: by Klebart, second Jerram to support retaining CRRA as the Municipal Solid Waste agent for the Town of New Hartford through its agreement with RRDD# 1.

Unanimous.

MOTION: by Klebart, second Jerram to adjourn at 8:32 PM.

Unanimous.

Respectfully Submitted,

Christine Hayward, Administrative Assistant