

**Board of Selectmen
Regular Meeting
Tuesday, August 23, 2011**

Present: First Selectman Dan Jerram, Selectman Tom Klebart, Attorney Joseph Meaney, Administrative Assistant Christine Hayward.

First Selectman Jerram called the meeting to order at 7:00 PM, noting that the first item on the agenda was an Executive Session.

MOTION: by Klebart, second Jerram to enter into Executive Session at 7:00 PM for the purpose of discussion related to contracts for MSW (Municipal Solid Waste).

First Selectman Jerram invited Attorney Meaney and Administrative Assistant Christine Hayward into the Executive Session.

Unanimous

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

MOTION: by Jerram, second Klebart to come out of Executive Session at 7:35 PM.

Unanimous

At this point in the meeting, members of the public were invited into the Conference Room.
Attorney Meaney left the meeting.

Members of the Public present: Maria Moore, Barbara Coppinger, Valerie Wentworth, Art Rehermann, Heinz Beier, Jean Darlington, Ken Morton, Mickey Pinho, Jeff Radwick, Andy Mozlak, Mary Lou Griffiths, Janet Corey, Martha Hale, Maryanne Beier, JoAnn Jackson, Joe Jackson, Jack Casey, Daria Hart, Bob Moore, Dan Eddy, Rick Berneike, Paul Mahoney, Alesia Kennerson, Dan LaPlante, Donna LaPlante.

MOTION: by Klebart, second Jerram to accept the minutes dated July 26, 2011.

Selectman Klebart asked to make a change/correction to his statement regarding the discussion to go to a Town Meeting to seek an additional appropriation to fund repairs to Steele Road. Mr. Klebart wanted to clarify that he was of the opinion that additional appropriations should be for emergency type expenditures and that road reconstruction should be included in the general government budget. He is willing to seek an appropriation this one time due to the fact that the road is in such poor shape, but he does not feel that seeking funding in this manner should become a routine practice.

Motion by Jerram, second Klebart to approve the minutes dated July 26, 2011 as amended.

Unanimous.

First Selectman Jerram thanked the members of the public in attendance at the meeting for coming out and stated that he appreciated them attending the meeting.

First Selectman Jerram distributed copies of a letter he had written as information regarding the tree maintenance program. He went on to give a brief history of what has transpired at Brodie Park South with respect to tree maintenance. Mr. Jerram stated that tree pruning and trimming has been ongoing for approximately 18 months and was started when a member of the highway crew, Don Birden, approached him to discuss his concern that many of the trees in the area of the old golf course were being engulfed by vines. First Selectman Jerram noted that the level of care of the trees at the Park is below what should have been done. Mr. Birden has taken great care to make improvements

to the trees and has helped to save them from being choked out by the vines. Jerram stated that he is satisfied with the results.

Mr. Jerram commented that the Town has a licensed forester on staff and that tree cutting and trimming occurs on a regular basis and that the majority of tree cutting goes unnoticed. The First Selectman said that Callahan Park, Chapin Park and Jones Mountain have all had tree work done on site. He also stated that in addition to cutting trees, the town also plants trees as was the case at Browns Corner last year where several trees were planted. The First Selectman ended his introduction to the topic by stating that the tree trimming program is working – the trees are being saved.

Mr. Jerram invited members of the public to speak. Several individuals addressed the Board of Selectmen.

New Hartford resident Janet Corey expressed her dissatisfaction with the current tree maintenance program at Brodie South. She read a letter that was written by Victor Jarms, a New Hartford resident who identified himself as a retired Director of Parks and Recreation in Hartford. Mr. Jarms expressed his opinion that the Town should consider engaging the free services of a consulting forester that might be available through some agencies he recommended. He requested that the Town not prune the lower branches of the Norway Spruce. Mrs. Corey added that there are other ways to save the trees from the invasive vines, including chemical alternatives and natural alternatives.

Ken Morton of New Hartford noted that the vines have been allowed to get to the point of causing damage to the trees due to the fact that the Town has not performed regular preventive maintenance on the trees. Mr. Morton questioned the fact that “if there is a forester on staff, where has he been?” The First Selectman responded that he cannot answer for what may or may not have been done prior to his term in office with respect to tree maintenance and noted again that tree maintenance has been a regular part of his operations. Mr. Morton suggested that the Town utilize a tree expert to develop a maintenance program and oversee the trimming and cutting of trees. He stated that he couldn’t imagine it would be a big expense to hire someone to do this. Selectman Klebart asked how tree maintenance within Brodie Park North was handled. Mr. Jerram replied that there have been approximately 10 – 12 trees removed in Brodie Park North. Recreation Commission member Dan Eddy interjected that it was his understanding that the recreation director brings his concerns regarding trees to the First Selectman so that they can be addressed. A question was posed as to who authorizes the actual tree cutting. First Selectman Jerram replied that he is the Tree Warden and there are three additional deputy tree wardens ---Bruce Gresczyk, George Phillips and Brenda Schaufler. Any one of them can give direction to have a tree removed. He stated that it was he who authorized the tree trimming/pruning and cutting of trees in Brodie South. Dan Eddy commented that when invasive species were scheduled to be removed from Callahan Park, he was required by Planning and Zoning to have an expert come on site and mark the invasives to be removed. He added that this may have had something to do with working within the Farmington River Overlay District. Mr. Jerram noted that, to date, none of the trees at Brodie South have been removed –they have responded well to the removal of the vines. He added, however, that may not be the case with a few of the remaining trees scheduled for maintenance. A resident remarked that the canopy of the trees does not need to be removed; stating that the vines could be removed without ruining the canopy. Selectman Klebart agreed that the beauty of a Norway Spruce is the distinguishing lower canopy and questioned the removal of the canopy. Mrs. Corey added that the canopy provides a natural habitat and that is being ruined- she further stated that things should be allowed to take their natural course. To this, Mr. Jerram replied that “nature has taken its course and that is what has created this problem!” Mr. Klebart commented that it seems to be that the question is how to best maintain the trees and, if possible, preserve the canopy. Mrs. Corey asked that the Town investigate utilizing the services of volunteers to help remove the invasives and to consult with consultants who provide the service for free for answers as to how to properly care for the trees while maintaining the present look of the park. Administrative Assistant Christine Hayward commented that there are risks associated with relying on volunteers to perform duties that are normally reserved for paid staff or private contractors. The insurance company does not promote the use of volunteers to take on duties that could be dangerous. They are often consulted for their advice regarding what volunteers should and should not do. Ms. Hayward remarked that there have been several projects that have been conducted under the guidance of New Hartford resident Paul Mahoney that have served the town well. However, even these projects have raised the concern of potential liability to the Town. The use of volunteers to take on a project that involves the use of dangerous tools is not something that would be viewed favorably by the insurance company.

New Hartford resident Daria Hart, a former chairman of the Recreation Commission, stated that the area in question at Brodie South has been a passive area. She noted that soccer has practiced on that field, but she considered that to be more passive than football. She added that it doesn’t seem to make sense to mow back the fields to a larger area than

what has historically been done just to provide additional space for one particular group of users. Ms. Hart stated that there are those who use the area for walking, by wildlife, by the Boy Scouts and others; it should not be mowed any more than usual just to provide space for one specific group.

Jack Casey commented that the timing of the pruning of the trees seems to be timed to the use of the field by football. This then creates the concern that the property is being improved for football. Years of neglect have caused the trees to be overrun by invasive vines, yet the sudden maintenance of them makes it appear that there is a connection to football. First Selectman Jerram replied that these are separate issues. He agreed that, at the present time, there isn't any place for football; but added that the tree maintenance program has been occurring for 18 months. Jerram noted that football would like to have a non-controversial place to go, but unfortunately, there are no options right now. Mr. Casey stated that it would appear that the reason why the town is suddenly taking care of a property that has been neglected for so many years is because of football. Mr. Casey went on to say that he had been told by someone that there were trees that were coming down in order to clear the space for football. He added that is why he felt that there are so many in attendance at tonight's meeting. The neighbors in the area of Brodie South are concerned that the field may not be available to them to use in the same manner they have used it for so long. This concerns them. Mr. Casey asked if it was true that there was a committee that was studying the possibility of other areas in town for field space. Mr. Jerram replied that there was a group that was meeting to try and design a program of how best to use Brodie South in the future. Mr. Jerram noted that there are football people who would be willing to be part of that discussion. They want to have a place to 'be home' but right now there are no zoning approvals for additional field space and no guarantee of funding for any other field space to be purchased. "The use of the Brodie South is an interim use, but with no funding and no approvals for other space, no one can answer 'how long is interim?'" stated Jerram. Casey disagreed with this statement, saying that football has use of the fields right now and that limits the use of the fields for enjoyment by others. Mr. Jerram replied that 'everyone still has use of the fields' – noting that there are still trails along the meadows for people to hike and walk on.

Maria Moore asked if a letter had been sent to the Selectmen from the Brodie South Study Group asking that all tree work be halted until the Study Group had a chance to complete their evaluation. Mr. Jerram replied that he had received that request and that he felt that the request was beyond what the original scope of the group was charged with – the future uses of Brodie South. A determination of tree maintenance was not included in their scope. Rick Berneike, a member of the Brodie South Study group interjected that the letter was written as a response to a concern that a large stand of Norway Spruce would be taken down. He went on to state that he has learned that was not the intention. Mr. Jerram asked Mr. Berneike if the group "rendered a judgement based on inaccurate information." Mr. Berneike agreed that was the case.

Maria Moore asked if the arborist on staff (she was corrected that he is a forester) had been asked his opinion of the tree maintenance program. Mr. Jerram replied that he had spoken with him and that he was Ok with what was being done. Ms. Moore replied that she would "rather hear that from him."

Resident Gerry Kelly spoke to the Board asking that the First Selectman be "open and notorious" with what is going on at the park. It was his opinion that the town does not communicate effectively with its residents. He stated that there should be a way for people to know what is going on at the parks because they voted to buy Brodie Park and therefore they should have a say in how it used. He went on to add that there should be lights at Brown's Corner. Adding lights to the fields would make it easier to schedule sporting events because the facility could then handle more activities. He compared New Hartford's facility at Browns to facilities in several area towns stating that the other towns with facilities the size of Browns Corner have lights.

Mr. Jerram noted that sports programs have grown and continue to grow. There is a lack of adequate space for the needs of the different sports groups in town and there will continue to be a lack of space, especially if, at some point in time additional sports become organized. (he gave lacross as an example) He also noted that many sports now have leagues that play more than one season a year. There are fall sports and there are spring sports. Jerram explained that the needs of the different sports have a filet mignon appetite and a cheeseburger budget. Football is making use of the fields at Brodie South because that is what can accommodate them at this time.

The discussion reverted back to trees with Mrs. Beier stating that if there are multiple ways of taking care of trees, she would like to see the town start with the least intrusive form of tree management rather than cutting off the lower branches right away. She also would like to see the town attempt to pull off the vines rather than cutting the branches. Dan LaPlante, a New Hartford farmer, commented that he used to mow the lawn at Brodie Park and has also

mowed the “golf course” and the fields near the camp area. He commented that the trees that are shown in the photos attached to the letter distributed by the First Selectman are not healthy. He stated that they should come down. He also supported the cutting of the lower branches as it allows for easier access when mowing the area. Mr. LaPlante stated that it is near impossible to pull off the bittersweet vines that have engulfed the trees; adding that it would tear off branches if you pulled the vines. He noted that this would be a liability for the town to have any volunteers do that. Selectman Tom Klebart closed the discussion by stating that he would like to see if the town could have someone professional look at the trees, offer best management practices techniques and then have the town do the work.

Operations Updates:

First Selectman Jerram stated that road work had been the focus of the work performed by the highway department for the past few weeks.

Crack Sealing has been completed on West Hill Road, Littlebrook Road, Dutton Road and Pioneer Drive.

Chip Sealing has been or will be done on a portion of Ratlum Road, Troutwood Drive, Hoppen Road, Dings Road, Robbins Lane, Beeny Road, Lair Road, O’Keefe Lane and Hayward Road.

Whitbeck Road was paved at a cost of \$85,000.

Drainage repairs have been performed on Gibson Lane and are currently on-going on South Road, in the vicinity of Lair Road. Arrowhead Drive will also see benefit from some drainage improvements. Additionally, the “island” at the entrance to Gibson Lane has been removed. This island was a hindrance to snow removal operations.

Livery Pool Road and Highland Avenue are on the list to be paved within a few weeks. Jerram noted that paving costs have increased 7.5% this year.

The Town has purchased a 1999 John Deere grader complete with a wing plow and a front plow. A scarifier will need to be purchased separately; however, there are funds remaining due to the fact that a wing plow was budgeted for separate acquisition, but was included on this particular grader.

Lenard Engineering, Inc. has completed a structural evaluation of the Field House and has opined that the building is structurally sound and is a good candidate for restoration. Lenard also completed a recommendation for replacing the roof with a standing seam roof; however, those projected costs came in over budget. They have been asked to ‘go back to the drawing board’ and prepare a project that will “fix the leaks.”

Core samples need to be taken on Cedar Lane as part of the project scoping required by Department of Transportation for consideration of funding using the STIP Grant funds.

The Department of Transportation has agreed to change the location of the crosswalk that crosses from Central Avenue to Steele Road. They will paint the lines on the highway in the area requested by the Town.

The Tax Collector has hired a marshal to perform a Tax Sale in October. Residents owing back taxes have received notification if their properties are among those being considered for sale.

Torrington Savings Bank will hold a ‘Grand Opening’ Ceremony on Thursday. Five local non-profits will be receiving donations to their cause from the Bank. Those receiving donations include both libraries, the Antolini Playground fund, the Historical Society and the Neighbor to Neighbor community fund.

Catch basins are full and need to be cleaned out prior to winter. Doug Spencer is in contact with Wethersfield Sweeping Inc to schedule this maintenance.

Street signs are disappearing in record numbers. It’s hard to keep up with replacements.

The Building Oversight Committee has received the results of the cameraing of the sewer lines along Main Street and Central Avenue. This will allow them to proceed with the surveying of the area and then develop bid specifications.

The Sand/Salt Shed has been issued a final Certificate of Occupancy.

The Litchfield Hills Triathlon was held at Brodie Park (sponsored by the Hartford Marathon Foundation). It was a success, well attended with 400 – 450 participants. Mr. Jerram noted that a source of concern going forward is that he observed alcohol being served at the event. He has contacted the race organizers stating that this is a gray area and that they are on notice that this may not be allowed in the future. Mr. Jerram commented that no one was aware that this was part of the event. The group does provide a certificate of insurance for the event, but there needs to be additional investigation as to what the liability is to the town. Selectman Klebart agreed that this should be looked into. He and First Selectman Jerram agreed that there may need to be a written policy regarding alcohol at events.

CRRA contract discussion:

Mr. Jerram noted that the Selectmen had met earlier in the evening in Executive Session with an attorney to discuss matters related to contract negotiations with CRRA. No decisions or action was taken at that time. Jerram noted that CRRA is presently offering a price of \$59.95 per ton for 15 years. Covantha is the only other competitor, but they do not have a transfer station conveniently located to New Hartford/Regional Refuse Disposal District # 1. This would drive up the fees that RRDD would need to charge member towns due to the extra distances for hauling trash and recyclables. This matter will be taken up at a future Board of Selectman meeting.

Update re: Bill Case request for Boundary Line Agreement:

The draft of the agreement has been submitted by Attorney Case to Attorney Roraback for consideration and review.

Update re: Volunteer Tax Abatement:

First Selectman Jerram noted that it had been the intention of the Board of Selectmen to have members present from area Fire Departments to discuss a volunteer tax abatement. However, the Chiefs of two of the departments have requested that this be put off a bit. The Village Fire district is currently having issues with one of its fire stations and are occupied trying to deal with that and the South End Fire Department had recently undergone a transition with its Fire Chief.

Stormwater Survey – West Hill Lake:

Mr. Jerram briefed those in attendance on the work being done by the West Hill Pond Association in an effort to maintain the water quality at West Hill Lake. Skip Sly hosted a presentation at Berkshire Hall regarding stormwater runoff. The First Selectman has applied for a grant with the State to assist in resurfacing West Hill Road and improve the overall drainage on that roadway.

Discussion of items and possible dates for Town Meeting:

The Selectmen discussed the outstanding items that will need to be addressed at a future town meeting. The most pressing of these is the acceptance of a parcel of land from the “Cooley subdivision” that is being deeded to the town as a condition of subdivision approval. Also, funding for the reconstruction of the lower portion of Steele Road and funding for the purchase of an animal control van should be agenda items. The Selectmen agreed to hold a special BOS meeting when needed to set a town meeting date.

Proclamation re: Constitution Week:

MOTION: by Klebart, second Jerram to adopt the Constitution Week proclamation (see attached)
Unanimous.

Proclamation re: United Way:

MOTION: by Jerram, second Klebart to adopt the United Way Day proclamation (see attached)
Unanimous

Appointments/Resignations – Boards and Commissions:

MOTION: by Klebart, second Jerram to accept with regret and thanks the resignation of Marc Robazynski from the Economic Development Commission.

Unanimous.

MOTION: by Klebart, second Jerram to appoint Carla Lindquist to serve fill a vacancy and serve as a member of the Conservation Commission; term to expire 12/31/12.

Unanimous.

Request for Tax Refunds:

MOTION: by Klebart, second Jerram to approve 3 request for Refund of Motor Vehicle Property Taxes totaling \$569.31 as presented by the Tax Collector. (\$122.72 to CAB East LLC due to adjustment after payment received; \$367.27 to CAB East LLC due to adjustment after payment received, \$79.32 to Terri L. Morse due to adjustment after payment received).

Unanimous.

Opportunity for Public Comment:

No comments

Correspondence:

None received

MOTION: by Klebart, second Jerram to re-enter Executive Session to continue discussion related to MSW contract.

Unanimous.

Mr. Jerram announced that he was inviting Alesia Kennerson, Board of Finance member and future Board of Selectmen Member into the Session in order to introduce her to the topic at hand. He noted that if Jack Casey, Democratic representative to the Board of Selectmen for the next term were present, he would have included him as well.

Jerram, Klebart, Hayward, and Kennerson entered into Executive Session at 9:29 PM

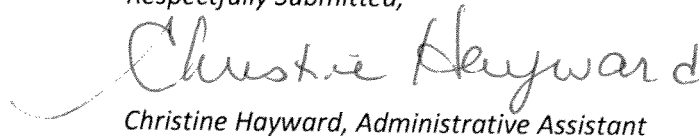
MOTION: by Jerram, second Klebart to exit from Executive Session at 9:36 PM.

Unanimous.

MOTION: by Jerram, second Klebart to adjourn at 9:37 PM.

Unanimous.

Respectfully Submitted,

A handwritten signature in cursive script that reads "Christine Hayward". The signature is written in dark ink and is positioned above the printed name.

Christine Hayward, Administrative Assistant

CONSTITUTION WEEK

WHEREAS: The Constitution of the United States of America, the guardian of our liberties, embodies the principles of limited government in a Republic dedicated to rule by law; and

WHEREAS: September 17, 2011 marks the two hundred twenty fourth anniversary of the framing of the Constitution of the United States of America by the Constitutional Convention; and

WHEREAS: It is fitting and proper to accord official recognition to this magnificent document and its memorable anniversary, and to the patriotic celebrations which will commemorate it: and

WHEREAS: Public Law 915 guarantees the issuing of a proclamation each year by the President of the United States of America designating September 17 through 23 as Constitution Week,

NOW, THEREFORE WE, the Board of Selectmen of the Town of New Hartford do hereby proclaim the week of September 17 through 23 as CONSTITUTION WEEK and ask our citizens to reaffirm the ideals the Framers of the Constitution had in 1787 by vigilantly protecting the freedoms guaranteed to us through this guardian of our liberties.

IN WITNESS WHEREOF, We have hereunto set our hands and have had the Town Clerk of the Town of New Hartford affix the Town Seal this 23rd day of August, 2011.

Daniel V. Jerram

Bruce H. Gresczyk

Thomas T. Klebart

Proclamation

WHEREAS: The United Way of Northwest Connecticut is a trusted organization that unites donors, volunteers, human service providers and their clients to give hope and change lives, here in Northwest Connecticut; and

WHEREAS: The United Way of Northwest Connecticut builds strong partnerships with community leaders, business, labor, and government, allowing them to target critical social issues affecting quality of life; and

WHEREAS: The United Way of Northwest Connecticut has a trusted 68-year history of efficient, responsible and accountable stewardship of donor support; and

WHEREAS: The United Way of Northwest Connecticut is investing in the following three priority areas: Children and Families, Hungry and Homeless, and Sick and at –risk; and

WHEREAS: One donation supports 24 local agencies that deliver programs in the 16 communities of Northwest Connecticut including Barkhamsted, Canaan-Falls Village, Colebrook, Cornwall, Goshen, Harwinton, New Hartford, Litchfield, Morris, N. Canaan, Norfolk, Salisbury-Lakeville, Sharon, Torrington, Winsted, West Hartland.

THEREFORE BE IT RESOLVED THAT, on behalf of the Members of the Legislative Body of the Town of New Hartford, I, First Selectman Dan Jerram, do hereby proclaim **September 12th** as “**United Way Day**” as the Board of Directors and Campaign Cabinet officially kicks off their annual fund drive to give hope and change lives here in Northwest Connecticut.

Signed

Daniel V. Jerram
First Selectman



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

Dear New Hartford Residents,

August 22, 2011

Over the past 18 months, members of the Highway Crew have been actively pruning and/or removing trees from all of our publically maintained parks. Over the past week this office has received a few questions regarding the maintenance of trees at Brodie Park South. To fully address the situation, I thought I would put in writing an outline of the plan so there is no confusion.

Early last summer, during a regular inspection of the property, members of the Highway Crew approached me concerning the deteriorating condition of many of the Spruce trees at Brodie South. These trees have been engulfed by a stubborn vine that is strangling and killing them. Since then we developed a plan to prune the trees in an attempt to save them. Roughly 6 to 8 trees have been pruned over the past year and are making a remarkable comeback and I think they look great. Unfortunately, we also found several dead trees at the park that need to be removed for safety reasons.

So that all of you can understand what trees are under consideration to be pruned and/or removed, I have had trees marked with colored ribbons. A "pink" ribbon means that a tree will be pruned. There are roughly 10 - 15 trees in the area surrounding the field near the parking lot. To understand what is meant by pruning, one needs to look to the southwest to see the trees that have already received this treatment. The canopies have been raised roughly 4 to 5 feet and the vines removed.

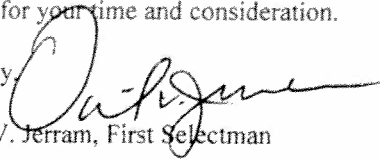
An "orange" ribbon means a tree will be removed. Most of these trees (10 - 15) consist of standing dead or near dead hard woods mostly located in the peninsula north of the field (beyond the goal posts). One of these trees includes a "widow maker" so please be wary if you plan on viewing these trees up close. These trees are a liability to the town and must be removed.

Trees that have both pink and orange ribbons (total of 2) will be pruned and evaluated to see if they can be saved. These two large Norway Spruce trees are fully engulfed by the vine. In one case, the vine has collapsed the top of the tree. Pruning may save the trees, but only time will tell. They may have to be removed.

Should you have questions pertaining to the maintenance program, please feel free to call me at Town Hall. Should you wish to discuss the program in detail, I request that you take the time to visit the park and view the trees up close in order to properly evaluate the damage being caused by the vines as well as view the success of the pruning program.

Thanks for your time and consideration.

Sincerely,


Daniel V. Jerram, First Selectman

Telephone: 860-379-3389 - Fax 860-379-0940 - Web: www.town.new-hartford.ct.us

An Equal Opportunity Provider and Employer

Daniel V. Jerram
First Selectman



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View of an overgrown tree (left) next to two well pruned trees (center and right)
as seen from the parking area looking southwest.

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06057



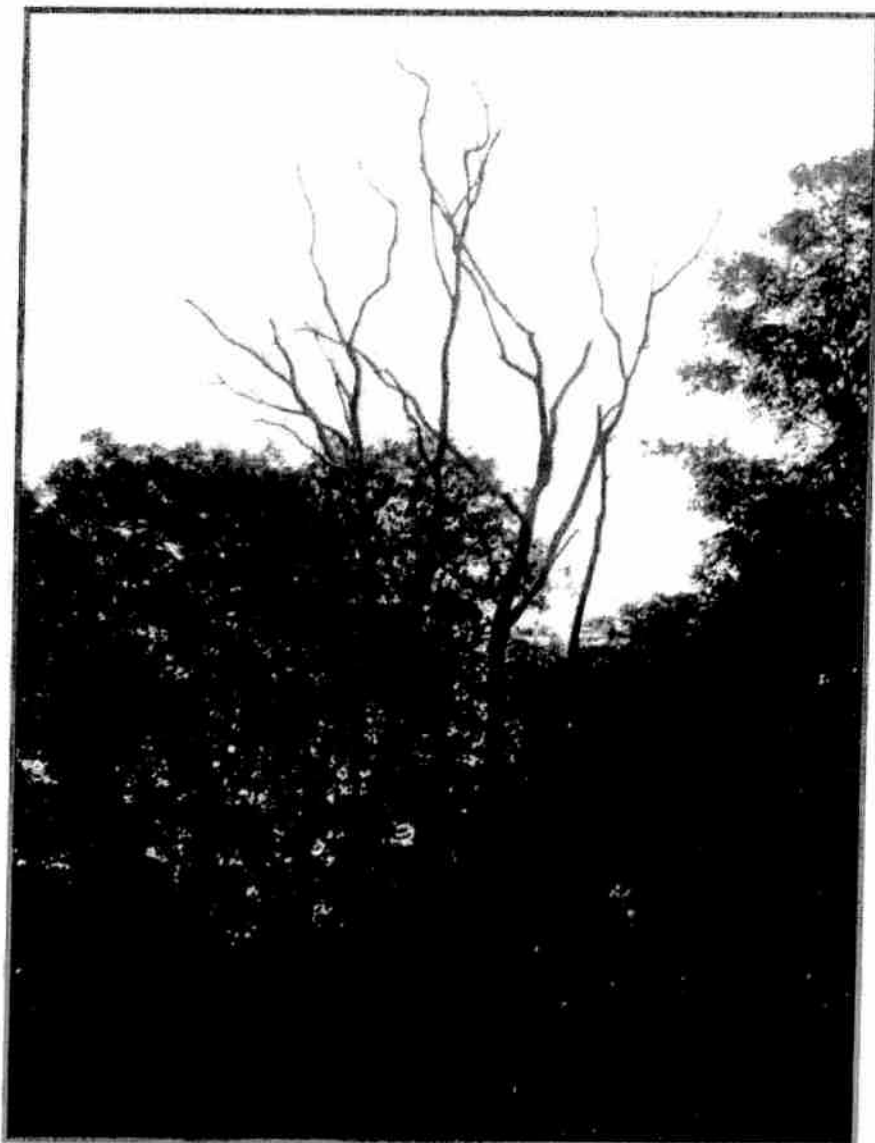
Another one of the many overgrown trees at Brodie South located northwest of the parking area (between the field and meadow). This tree lost its crown.

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View of one of the many standing dead trees at Brodie South located northwest of the parking area in the tree line between fields. This is a liability to the Town.

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