

**Board of Selectmen
Regular Meeting
May 28, 2013**

Present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Jack Casey, School Building Committee Chairman Bud Butler, Town Clerk Donna LaPlante, Members of the Public Dan LaPlante, Peter Anderheggen, Steve Tuxburry, Bob Moore, Maria Moore, Rob Janco; Daria Hart (in at 7:27pm) Administrative Assistant Christine Hayward.

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

First Selectman Jerram informed the Board of Selectmen that he had some information to share regarding pending legal action and he asked the Board for their consideration of adding an Executive Session at the end of the agenda to discuss pending legal matters.

MOTION: by Casey, second Kennerson to add an Executive Session to the end of the agenda of this meeting for the purpose of discussion of pending legal matters.

Unanimous.

Minutes:

MOTION: by Kennerson, second Casey to accept the minutes dated March 13, 2013 as presented.

Unanimous.

MOTION: by Kennerson, second Casey to accept the minutes dated April 3, 2013 as presented.
First Selectman Jerram noted that there was a typographical error in the date of the minutes; the year was recorded as 3013, should be 2013.

The motion was amended by Kennerson, seconded by Casey to accept the minutes as amended.

Unanimous.

MOTION: by Casey, second Kennerson to accept the minutes dated April 11, 2013 (meeting # 1) as presented.

Unanimous.

MOTION: by Casey , second Kennerson to accept the minutes dated April 11, 2013 (meeting # 2) as presented.

Unanimous.

Bud Butler – School Building Committee survey findings; next steps?

First Selectman Jerram informed the Board that Mr. Butler was present at the meeting to discuss the recent defeat of the school security funding initiative. He informed the Board that the committee had conducted an

informal survey in an effort to gain insight into why there wasn't support for this project. The most frequent response was that the project was too costly. There were references made to the other capital expenditures that are pending; i.e. Carpenter Road Bridge, Stedman Road; people are concerned about the costs of all of these projects.

Mr. Butler stated that the Board of Education had recently met. A facilities assessment completed by the architectural firm that had designed the plans for the school security project was presented. After attending the Board of Ed meeting, Mr. Butler and Mr. Litchfield felt it prudent to send an e-mail to the Chairmen of the Boards of Education, Finance and the First Selectman suggesting that a joint meeting of those boards be held to review the assessment together. They suggested that the meeting include discussion of setting priorities, determining funding level and developing a timeframe for completion. Mr. Butler added that the Building Committee would like to develop guidelines, gather and disseminate information regarding any proposal developed between now and Labor Day. The School Building Committee will need direction from the Boards as to how they should proceed.

Butler informed the Selectmen that the Legislature has approved a new reimbursement package for school security measures. There are funds available to qualifying school districts, with an emphasis on those districts that currently have no security measures in place. The approved reimbursement rate is 51.7%, which is considerably higher than most school building projects in recent history. The grant application must be submitted to the State by July 29, 2013. The work would need to be completed by July 26, 2015. Butler felt it was important to develop an application and submit in order to secure potential funding. This application would be a placeholder. Butler noted that each school's security improvements could be considered as individual applications. There would then be no risk in applying for considerations for Bakerville School. If the measures are not needed due to any decision made to close the school, the application could be withdrawn without affecting the other applications.

Mr. Butler stated that the Facilities Assessment includes the school security items – it does not break those items out as a separate project. Selectman Casey stated that it may have been a good thing that the referendum failed since this new legislation regarding reimbursement rate came after the defeat at the polls. First Selectman Jerram commented that he felt additional outreach to the public needed to be done and additional feedback needed to be sought to determine if there is support for school security measures. Casey stated that he had heard that the question of reimbursement was a deciding factor for many; the uncertainty of whether or not there would be any state funding towards the project had led people to vote against the proposal. Selectman Kennerson asked if the office re-location would remain as part of the plan, as she felt that many were against that aspect of the project. Butler replied that there were options available in the facilities assessment.

Selectman Casey asked if a decision has been made to proceed with filing for grant funding for the project. Butler replied that the Board of Education will need to make that decision.

Operations Update:

Bud Butler updated the Selectmen on the progress of the Main Street Sewer Repair Project. The project is scheduled to commence on June 3 and should be completed by June 5. In addition to the repair of a section of the Main Street line, it is anticipated that there will be some spot repairs to the Brook Street line. The post

office parking lot will be used as a staging area, which will result in the public having to park along Church Street in order to access the post office.

First Selectman Jerram announced that the Friends of Brodie Race Around the Lake held on the Sunday of Memorial Day weekend was once again a success. There was a nice turnout, with approximately 300 + runners. New Hartford resident Josh Adams was the overall winner of the race.

Memorial Day Ceremonies held at Chapin Park and at Town Hill Cemetery Bell site were nicely attended. The Bell restoration project was completed in time for attendees to see the bell back in its rightful spot. The total budget allocated for the restoration project was \$10,000 and the First Selectman was happy to announce that the project came in under budget, totaling \$8,000.

The First Selectman congratulated the Antolini School Playground Committee on the successful completion of the installation of the new play space. Three years of fundraising led to \$65,000 being raised and the support of many volunteers provided the labor to install the playground equipment at the school site. Mr. Jerram thanked the Chairman of the Committee, Jill Healey, and also expressed thanks to all those who assisted.

The Commission on Aging hosted a "Senior Roundtable" event in the Senior Center which was very well attended. Representatives from several social service agencies and providers were on hand to present information to Seniors alerting them to the services that are available to those in need. First Selectman Jerram praised Commission on Aging member Ellen Durstin for all of the effort she put into organizing the event and thanked the members of the Commission for their involvement. He stated that he hoped this was an event that would be repeated in the future.

The Center Island re-planting project is on the list of projects to be completed. Home Depot has offered to donate 5 trees to be planted. Kenmark Landscaping will grind the existing stumps in place. It was determined that removing them might prove to be difficult due to the location of underground utilities in the Island.

The State DOT (Department of Transportation) will be re-paving a portion of Route 219—beginning at Hoppen Road and heading South to the intersection of Route 202. This is approximately 2.1 miles. Beaver issues in the culvert near the Steadman Tree Farm (near Dings Road) caused some initial delays with the project schedule. Some drainage issues were addressed on Ramstein Road; some areas of the roadway were re-paved, but not the entire road. Maple Hollow Road will be resurfaced, as well as Dings Road. Jerram noted that concerns regarding the condition of Old Steele Road have been raised by residents and that this maintenance to this road will also need to be considered.

The contract for services for Resident State Troopers will need to be renewed for July 1. Jerram noted that the Board of Selectmen has been discussing changing to one resident trooper and hiring an additional constable in its stead. However, hiring a constable will take some time and a reduction at this time in the total number of police officers would not be advisable. Jerram stated that the contract provides for an "out clause" – the town would only need to provide a 30 day notice to the State in order to terminate the services of a trooper. Jerram suggested that the Board approve the renewal of the existing contract for 2 Resident Troopers and then, if things move forward with hiring an additional constable, provide the state with the required notice of

termination. Selectman Casey agreed that this would be the preferred way to proceed since it would avoid any lapse in services.

The Selectmen discussed the escalation of the costs to the Towns that participate in the Resident Trooper program. All of the Selectmen agreed that the services provided by the trooper program have been very good; but the costs are beginning to outweigh the benefits. Casey stated that he felt that the cost of a trooper and the cost of a town constable may be fairly equal; especially when considering that the Town would have to purchase an additional vehicle and take on the fuel and operations expense for that vehicle. Jerram noted that the difference is that a town hired constable would not be 'pulled out of town' to assist troopers in other towns. He noted that there has been an issue with troopers being pulled into service to aid other towns when they are on duty in New Hartford.

MOTION: by Kennerson, second Casey to renew the contract with the State of Connecticut for the services of 2 resident state troopers effective July 1, 2013 and to authorize First Selectman Daniel V. Jerram to execute the contract on behalf of the Town of New Hartford.

Unanimous.

First Selectman Jerram informed the Board that he had received a request from members of the highway department asking for consideration of a one-time pay out for unused vacation days. He noted that several members of the crew have not taken their allocated vacation time and there is concern that if taken now, many projects would not get completed prior to the fiscal year end. Questions were asked as to why the employees had so many days remaining. Jerram replied that several of them are long term employees who have 4 weeks of earned vacation, plus most of them have 5 days carried over from last year. He also explained that there is a clause in their contract that prohibits them from taking vacation from November through April; therefore the window of when they can take vacation days is narrower than most. Selectmen were in agreement that there should be consideration of removing this clause from the contract during the next negotiations. Vacation requests need approval and if a vacation is requested during a time when bad weather is forecasted, the vacation can be denied. Conversely, if weather is not an issue, then vacation time can be granted. Removing the limitation of when vacation can be taken would help to decrease the chances of everyone scrambling to take vacation at the end of the fiscal year. No action was taken on the request for a pay-out, the matter was tabled. The First Selectman mentioned to the Board that planning would begin for the Founders Day Celebration being planned for July at Brodie Park.

Resolution re: Historic Documents Preservation Grant:

Town Clerk Donna LaPlante has once again applied for a Historic Documents Preservation Grant. This is a non competitive grant available to municipalities who apply for funding to be used to help preserve and maintain town records. The State requires a resolution from the governing body (Board of Selectmen) authorizing the Town Clerk to apply for funding.

MOTION: by Kennerson, second Casey to approve the following Resolution:

RESOLVED: That Daniel V. Jerram, First Selectman of the Town of New Hartford, 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.

Town Clerk Donna LaPlante informed the Selectmen that the funding will be used to preserve 8 books of vital statistics.

Unanimous.

Discussion of Town Meeting Date and agenda items:

First Selectman Jerram informed the Selectmen that there are still some unfinished items to be taken to Town Meeting for action. The easement with the library had been conceptually approved by the Board, but additional discussion took place with other interested parties following a meeting at Town Hall and a suggestion was made to alter the location of the parking spaces. The revised conceptual design would still provide for the additional parking spaces, but it will cost more. Additionally, a change in an easement between the library and an abutting property owner will be necessary. The property owner needs to agree to this change before anything can move forward. Dan stated that he hopes this can be resolved soon so that the library easement can be completed, agreed on and then submitted to Town Meeting for action. The other outstanding issues that need resolution are (1) an elderly tax abatement, (2) recreation park rules ordinance and (3) a request by the tax collector for an ordinance that prevents property owners from being able to get building permits if they have delinquent taxes. The Selectmen discussed possible dates for the meeting, agreeing that either June 27 or July 11 would work.

Requests for Refunds:

MOTION: by Kennerson, second Casey to approve 2 requests for refund of taxes as submitted by the Tax Collector. (\$519.06 to Nissan Infinity; \$86.64 to Torrington Savings Bank).

Unanimous.

Correspondence:

First Selectman Jerram informed the Board that the Town's insurance carrier CIRMA, has notified him that the town will receive a "member equity distribution" in the amount of \$10,144. This payment will occur sometime after July 1, 2013 and will be deposited into the General Fund as a revenue.

Any Other Business to Come Before this Board:

Selectman Casey asked "what happened to the Farmer's Market?" Mr. Jerram replied that the Farmers Market was not a town sponsored market; it was run by a group of volunteers who formed their own "Farmers Market" Association and this year, those who carried the burden of the responsibility needed to focus their energies on their own businesses this year. There were a few other groups of people in town who had contemplated taking this on, but they were not able to carry through with their plan. Selectman Kennerson stated that she had spoken with Anita Barden, one of the organizers of the Farmers Market and Anita stated that the Market was not a "money-maker" and that it required a lot of time and effort to organize and plan it every week. Anita said that she would take the year off, and would re-evaluate next year.

Selectman Jack Casey informed the Selectmen that he had been asked to read a statement prepared by the New Hartford Democratic Town Committee (DTC) addressed to the Board of Selectmen regarding the handling of the “noose incident” that occurred at Brodie Park about 3 weeks ago. Mr. Casey stated that he was told that the statement had been sent as a press release to local newspapers in advance of this evening’s meeting. He then read the statement aloud to all present. “town officials squandered an opportunity to support both free and fair elections, civil rights and diversity, the New Hartford Democratic Town Committee said” “Dennis Minor, the Town’s Recreation Director, one of whose offices is located at Berkshire Hall is the first African American candidate to run for First Selectman in New Hartford. The appearance of a noose in his workplace is not an act to be minimized or chalked up to youthful shenanigans.” “The noose is a powerful symbol of violence and intimidation in American history,” “If young people in New Hartford don’t understand what a noose means, than we as a town have failed to teach our children one of the most basic lessons of American history” “We ask that the act be publicly condemned and that an apology to Dennis Minor be issued by the First Selectman’s office.” The statement further indicated the displeasure of the DTC that Jerram had termed the incident a gag. Following the reading of that statement, First Selectman Jerram remarked that he was “stunned and upset by the statement...it shows careless disregard for the entirety of truth.” Jerram went on to state that he, in his official statement regarding the incident did not characterize the incident as a gag; the term gag was the word used by the youth in the official police report regarding the matter. Jerram stated that the Democratic Town Committee were the ones to miscategorize a statement and he suggested that they take the time to read the official press release issued by the State police regarding the incident. He expressed his displeasure that he was being misquoted.

State Trooper Rob Janco, present at the meeting, asked who was responsible for the issuance of the statement and then asked if anyone had consulted with Dennis Minor prior to releasing the statement. Janco went on to state that initially, the State Police had talked with Mr. Minor and were informed that there had been a phone apology and that Mr. Minor was satisfied with the way that went. A week or more later, the police were notified that he had changed his mind and that he wanted a chance to meet personally with the youth. The police were instrumental in facilitating a ‘face to face’ meeting with the youth and Mr. Minor. The police arranged for a time and place due to the fact that they were concerned about keeping the young man’s identity private, due to the fact that he is a juvenile. Police were present at this location, but did not sit in on the meeting – allowing the young man and Mr. Minor to meet privately. Following that meeting, Mr. Minor was asked if he was satisfied with the outcome and he stated he was. Very recently, Trooper Janco received word that Mr. Minor had changed his mind and was now no longer satisfied with the way the matter was handled. Trooper Janco expressed his frustration with this entire situation as the police consider this matter to be closed.

Trooper Janco stated that the police have never been of the belief that Mr. Minor was an intended victim in this matter. Trooper Janco said that the initial concern of the police when this incident occurred was that this incident may have been somehow related to a more serious incident that happened a few months ago (an attempted suicide at a sports event in Winsted). Janco stated that the police were of the belief that if this was targeted towards Mr. Minor, there would have been “some statement, something written, some derogatory note.....” Trooper Janco also commented that the string was not tied in a typical noose fashion; this was not an

'obvious racial crime.' After questioning the young man regarding the noose and the boy's intentions, the police, according to Trooper Janco, were satisfied that this was a case of bad judgment and that there was no criminal intent. Selectman Casey commented that the first thought that had come into his mind when he heard of the finding at Berkshire Hall was not "Dennis Minor or racism, but the first thought was 'could this be related to the incident in Winsted?" Mr. Casey further stated that it is clear that there are different opinions within the Town as to how this incident was or should have been handled. Casey also stated that he was pleased that Mr. Minor had agreed to a phone call discussion with the young man since the media had become intense and the child was a juvenile and therefore it was necessary to protect him from any photo opportunities.

Selectman Kennerson stated that she was disappointed that the letter Mr. Casey read was brought forth at this meeting. She felt that it was political in nature and that bad judgment prevailed in reading it.

Trooper Janco reiterated his disappointment that this issue was being raised at this time, especially since Mr. Minor had told him personally that he was "fine" and everything was "all set." Considering that was the stance being taken by Minor, Janco felt that releasing this letter now was 'bad timing all around.'

First Selectman Jerram commented that he felt that the press release/statement was 'fraught with error' – asking "where in my statement did I personally refer to the incident as a gag or a shenanigan?" The statement that was released by the police investigating the matter used those terms.

Selectman Casey responded by saying "for the sake of our town, we need to agree to disagree" regarding how this was handled.

Daria Hart, a member of the Democratic Town Committee, addressed the Board of Selectmen. She stated that the Democratic Town Committee was not pleased with the response from the town in regards to this incident. Members felt that the town had missed the opportunity to address and educate children and residents regarding racial discrimination. Trooper Janco responded to this, stating that "I would agree with that if the child had intended to disparage a person due to race; but that was not the case here." He added, this youth came forward and amid all of the publicity surrounding this admitted to the act and clarified that he had no idea who the person was who worked at the facility- he had no idea what race the person was.

Jerram stated that he stood by his summation of the incident as a "youthful indiscretion, an act that lacked judgment." He added that the statement/press release referring to the indiscretion as more than that and tying it to discriminatory and racial actions is "an insult to this community." "

The First Selectman thanked Trooper Janco for giving a factual account of what transpired with regards to police involvement in this matter.

Executive Session re: Pending Legal Matters:

MOTION: by Kennerson, second Casey to enter into Executive Session at 8:39 pm in order to discuss pending legal matters (Case vs. Town of New Hartford)

Unanimous.

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

MOTION: by Kennerson, second Casey to exit from Executive Session at 8:49 PM

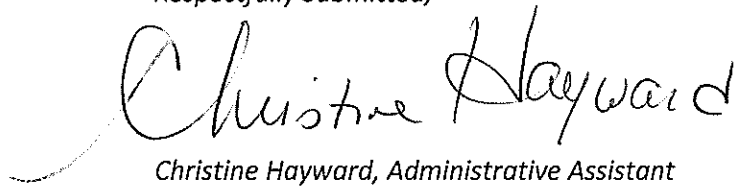
Unanimous.

No action taken regarding the Executive Session discussion.

MOTION: by Kennerson, second Casey to adjourn at 8:49 PM.

Unanimous.

Respectfully Submitted,

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

Christine Hayward, Administrative Assistant