

**Board of Selectmen
Regular Meeting
Tuesday, January 22, 2019
MINUTES**

Present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Open Burning Officials Dave Boyajian, Bob Diorio, Bob Goodskey (all Burning Officials out at 7:45 PM) ; Police Officer Pat Berardinelli(out at 7:45 PM); Members of the Public Laura Garay, Samir Patel, Chatali Patel; Administrative Assistant Christine Hayward.

First Selectman asked Boy Scout Samir Patel, present at the meeting for "Citizenship in the Community," to call the meeting to order. Samir called the meeting to order at 7:07 PM.

Request by Burning Officials for Ordinance regarding Open Burning:

Burning Official Bob Goodskey spoke on behalf of the current burning officials (Bob Diorio, Dave Boyajian and himself) to request that the Board of Selectmen consider drafting an ordinance that addresses Open Burning. Currently, the Burning Officials have no authority to take any kind of enforcement action against those who do not follow the guidelines of open burning. The burning officials often field calls from residents who contact them to voice concerns regarding burning occurring within their neighborhood. The officials often go on site to investigate and many times it is a case of burning without a permit which currently only requires that the fire be put out. The burning officials have requested that there be penalties for offenses and this would be accomplished by adopting an Ordinance.

Police Officer Pat Berardinelli supported this request; stating that the Police often receive calls regarding Open Burning and there is a gray area as to who can enforce and what can be enforced. An Ordinance would certainly help to clarify the matter.

A general discussion occurred regarding what the ordinance should include, with all agreeing that they would review sample ordinances currently used in other towns as a guideline for development of an ordinance for New Hartford.

The Selectmen agreed that they would consider endorsing such an ordinance as long as it was not too restrictive and was not too punitive. The Selectmen understand the reasons for outlining enforcement powers, but also do not want to prohibit people from having campfires; stating that many choose to live in a rural community because they enjoy having the opportunity to have campfires and small bonfires. The Burning Officials thanked the Selectmen for listening to their concerns and then exited the meeting.

Review/Action of Proposed Ordinances:

First Selectman Jerram informed the Selectmen that the town attorney has reviewed ordinances currently in place for the Planning and Zoning Commission at the request of the P&Z Chairman. Jerram presented two Ordinances related to the Planning and Zoning Commission for consideration by the Selectmen.

Ordinance regarding repeal of Ordinance 67-2: This ordinance repeals ordinance 67-2 that is in effect. Ordinance 67-2 currently states that terms of members begin in October and this needs to be changed to November as that is when elections take place.

Amendment to Ordinance 67-4: This ordinance clarifies the manner in which vacancies of both regular and alternate members of the Planning and Zoning Commission are filled. Previously, there was some confusion as to who filled alternate vacancies as it was not defined. This ordinance makes it clear that the P&Z members fill the vacancies of both regular and alternate members.

MOTION: by Kennerson to approve the Ordinances entitled “Ordinance regarding repeal of Ordinance 67-2” and “Amendment to Ordinance 67-4” and recommend such ordinances to a Special Town Meeting for consideration by the public for adoption; seconded by Jerram.

Unanimous

First Selectman Jerram presented the proposed “Ordinance Concerning Appointment of a Tax Collector” for consideration by the Selectmen. Mr. Jerram stated that the current Tax Collector has served the Town of New Hartford well and is retiring in mid-February. Jerram explained that this affords the is opportunity to change the position of Tax Collector from an elected official to an appointed position. He further explained that the term “appointed” may be confusing to some; clarifying that this would mean that there is a hiring process involved and the ceremonial appointment would be part of the process. He noted that both the position of Assessor and Zoning Enforcement Officer are appointed.

The First Selectman reasoned that the duties of a Tax Collector follow the laws as mandated by State Statute and therefore is not subject to being a political position. There is ‘no democrat or republican’ way to collect taxes. An elected position has no stipulations regarding certifications or training and only requires that the individual reside in town in order to be a candidate for the position. This could lead to the election of an individual who lacks the proper certifications for the job. A hiring process would allow for requiring that an individual is qualified to perform the duties of a tax collector. Although the Ordinance refers to reappointment by each Board of Selectmen following every election cycle, the appointment is ceremonial in nature. An appointed Tax Collector would be a member of the National Association of Government Employees union and as such would have the benefit of job security as afforded by the Union and would not be subject to dismissal ‘on a whim.’ Due process would need to be utilized in order to terminate the employ of an appointed/hired Tax Collector.

Selectman Kennerson remarked that having to run for re-election every two years to secure a job as Tax Collector may not be something that many people are willing to do. There are many towns that appoint their Tax Collectors and if someone is qualified and wants job security, they would probably choose to be Tax Collector in a town that appoints the position. This may lead to unqualified individuals being chosen to run for the elected position of Tax Collector. This could put the town at risk. Kennerson

noted that it may not always be a Town resident that fills an appointed (hired) position, but they would possess the credentials needed and that is very important.

First Selectman Jerram explained that he has a plan for a combined Tax office, consisting of the Assessor and Tax Collector sharing office space. This would result in efficiencies in operations. He noted that the current Assessor has taken classes in Tax Collection and is a certified Tax Collector. She will be able to assist the new Tax Collector when needed during busy times of the year. Additionally, two individuals sharing office space allows for back up in answering phone calls and answering questions for those who may be walk-ins when one or the other is already busy serving a customer.

Mr. Jerram stated that it is his intent to appoint/hire the current Tax Assistant, Karen Wieduwilt, to be the next Tax Collector. She has the experience, credentials and character to do the job. She has been doing working side by side with the current Tax Collector and is worthy of the position. Jerram said that he did not want to consider this kind of a change during the tenure of the current Tax Collector as there was no need to make that change. This retirement allows for consideration of a change in process.

Jerram noted that the Town Attorney had prepared the Ordinance without number 4 -- a caveat that stipulates that this position would be a Union position and therefore would receive the benefits of a union position. Job Security comes with being in the Union. No one would be able to just dismiss the Tax Collector 'on a whim' -- due process would prevail. In order to insure that the intent of this position is to be Union position, Jerram added the following language to the Ordinance, which will be reviewed by the Town Attorney ; *Upon the appointment by the Board of Selectmen, this position shall be a full time Town Hall Employee and therefore shall be subject to the terms and conditions as outlined in the National Association of Government Employees (NAGE) Local RI-231 collective bargaining agreement.*

First Selectman Jerram stated that review of this language will be completed by the Town Meeting and it (or something similar) will be part of the Ordinance.

Mr. Jerram commented that this issue is being brought before the townspeople for consideration and they will have the ultimate decision as to whether or not this moves forward.

MOTION: by Kennerson to move the Ordinance Concerning Appointment of the Tax Collector to a Special Town Meeting for consideration of adoption by the townspeople; seconded by Jerram.

At this point in the meeting, it was noted that Selectmen Claman, who was not able to be present at the meeting, had sent a letter to be read regarding this proposal. Summary of letter- Mr. Claman supported the Ordinance being adopted by the Board of Selectmen but only brought to a town meeting in an emergency situation where there may be a need to appoint someone. Mr. Claman opined that the democratic process was being ignored by appointing a Tax Collector.

Selectman Kennerson commented that she wished Mr. Claman had been able to be present at the meeting in order to have a conversation regarding this matter; but she understood that sometimes it is not possible to be at a meeting.

Selectman Kennerson remarked that “Linda has done a wonderful job and we are lucky to have had her for so many years.”

First Selectman Jerram echoed those sentiments and added, “we are also very fortunate to have Karen Wieduwilt ready to take the reins. It is my hope that Karen will stay and work for the town for many years to come.”

A voice vote was taken on the motion remaining on the floor.

Unanimous.

Set Time, Date, Manner of Special Town Meeting:

First Selectman Jerram read the call of the Town Meeting.

MOTION: by Kennerson to approve the Call of the Meeting and hold a Special Town Meeting on Wednesday, February 6, 2019 at 7:00 pm in the Senior Center/Meeting Room at Town Hall, seconded by Jerram.

Unanimous.

Review of Capital Plan:

First Selectman Jerram and Selectman Kennerson reviewed the proposed Capital plan. Ms. Kennerson questioned the status of village parking expansion. Mr. Jerram replied that the Community Club had been in favor of granting an easement for land to be used for municipal parking. Unfortunately, the budget did not allow for this to go any further last year, but now it is time to circle back, re-visit and move forward.

Ms. Kennerson asked about the potential sale of the sewage treatment plant, wondering if such a sale would have a negative impact on the proposed construction of a wash bay for town trucks in that area. Jerram replied that the potential buyers (still in negotiation stage) are aware of a plan for a wash bay and have no objection.

MOTION: by Kennerson to approve the proposed 2019-2020 Capital Project list as proposed in the amount of \$475,000 to be forwarded to the Capital Expenditures Advisory Committee for review; seconded by Jerram.

Unanimous.

Operations Updates:

Mr. Jerram stated that the Carpenter Road Bridge project continues to move forward. The bridge is in and has been sealed and grouted. Stream bed restoration is in process. Jerram noted that incredible progress has been made. Claims for additional costs have not been agreed to by the town. No change orders have been approved. Hopefully, this project can be end and be put to bed soon!

Requests for Refunds of Taxes:

2017 Grand list:

Christopher Soltis	\$29.56
Christopher Soltis	\$30.47
Christopher Soltis	\$153.12
Kristine & Christopher Soltis	\$33.68
Amanda S. Hill	\$14.61
Amy B. Piana	\$103.51

MOTION: by Kennerson to approve the Requests for Refunds of taxes as recommended by the Tax Collector for the 2017 Grand List; seconded by Jerram.

Unanimous.

2016 Grand List:

Annelie or John King	\$88.62
Financial Service Vehicle Trust	\$229.49
Financial Service Vehicle Trust	\$472.82
Toyota Lease Trust	\$126.00
Neher and Sons	\$12.62
Maxine L. Koether	\$8.97

MOTION: by Kennerson to approve the Requests for Refunds of taxes as recommended by the Tax Collector for the 2016 Grand List; seconded by Jerram.

Unanimous.

Correspondence:

Jerram noted that a note of thanks had been received from Winchester Youth Services Bureau for restoring their funding. Mr. Jerram stated that the Board of Finance had transferred funds from contingency to Winchester Youth Services Bureau line item (rather than approving an additional appropriation) and asked that the Board of Selectmen take action to approve that line item transfer so that payment can be issued to the WYSB as agreed upon.

MOTION: by Kennerson to authorize the transfer of \$4000 from the Contingency line item to the Winchester Youth Service Bureau line item; seconded by Jerram.

Unanimous.

Minutes:

The Selectmen did not take action with respect to approval of minutes as they preferred to have the full board present to allow for Mr. Claman's input in case there were any amendments/corrections he wished to propose.

MOTION: by Kennerson to adjourn at 9:40 PM, seconded by Jerram.

Unanimous.

Respectfully Submitted,

Christine Hayward, Administrative Assistant

Attachments (submitted to Town Clerk to be available upon request)

Letter from Eric Claman Sr. dated January 22, 2019 re: Tax Collector Ordinance

Call of Special Town Meeting to be held February 6, 2019 w/proposed ordinances