

**Board of Selectmen  
Regular Meeting  
Tuesday, August 25, 2015**

**MINUTES**

**Present:** First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Jack Casey, Water Pollution Control Authority Chairman Denton Butler, Members of the Public: David Childs, Regina Wexler, Jim Jerram, Maureen Jerram, Mary Lou Rayno, Dave Krimmel, John Burdick, Bob Diorio, Laura Garay, Dan Eddy, Joe Toro, Mike Companik, Troy Lamere; Republican American Reporter Kathryn Boughton; Administrative Assistant Christine Hayward.

First Selectman Dan Jerram called the meeting to order at 7:03 PM.

**MINUTES:**

**MOTION:** by Kennerson to approve the Minutes of the Board of Selectmen meeting dated July 16, 2015 as written; seconded by Casey.

*Unanimous.*

**WPCA UPDATE – BUD BUTLER:**

First Selectman Jerram introduced Bud Butler, Chairman of the Water Pollution Control Authority stating that Mr. Butler was present to provide an update regarding the WPCA.

Mr. Butler began by stating that he wished to clarify an action taken at the August 20 Special Meeting of the WPCA regarding reaffirmation of the sewer service area. He stated that the action taken at that meeting was to formalize the request made in 2010 to the Department of Energy and Environmental Protection (DEEP) to revise the Sewer Service Area. A different sewer service area (district) was identified in the Facilities Plan back in 2005 and there had been some actions taken to revise this original area. This request is currently pending approval as there has never been any formal action taken (by the DEEP) to recognize this change. Due to the length of time that has passed, the WPCA wanted to solidify their own approval of this so that there would be no questions regarding their recommended sewer service area. Butler went on to say that once this sewer service area is formally approved, the WPCA will have the right to request that developers connect to sewer within the defined area. Mr. Casey posed the question, "If a developer extends a sewer line at his cost and it passes along other properties and those properties eventually connect to the sewer, does that developer have the right to request that the abutters share in the cost of the line extension?" Mr. Butler replied that was correct. Mr. Butler summarized what business has been attended to by the WPCA during the past few months. He began by expressing thanks to all of his colleagues on the Authority, noting that they have all worked hard and that there has been a renewed sense of timing, urgency and commitment instilled in the members. They are oriented to getting things accomplished; so much so that they have agreed to

meet twice per month and also have been agreeable to having “homework assignments” that are accomplished outside of the meeting with results being shared at the meetings.

Butler highlighted some of the accomplishments thus far:

- a.)engaging the services of CDM Smith to act as professional engineers on behalf of the WPCA.
- b.)completion of an application for a planning grant
- c.)mapping future possible expansion of the sewer lines
- d.)improving the receivables ; including approving payment plans to help the customers catch up with their outstanding balances.
- e.)Placing liens on properties with large balances to insure payment of those balances
- f.)Collecting fees owed for services received in the past but not currently shown as being billed.

The WPCA is currently working on consistency within rules, regulations and ordinances and is re-visiting the notice of connections. Hydrant evaluation and repair has occurred, with several hydrants being identified as in need of some attention. One such hydrant was recently repaired; the repair consisting of switching from a 4” water main to a 6” water main in order to improve water pressure.

Butler also briefed the Selectmen on the ownership of the sewer Right of Way. He explained that a concern had been raised as to proper ownership of the old railroad bed. Research has been completed that determines the ownership is the Town. This area has been formally deeded to the Town and the maps are filed in the Town Clerk’s office.

Selectman Kennerson expressed her gratitude to Mr. Butler for the oversight provided to the WPCA and commended the group as a whole for the progress they have made in addressing some issues.

Selectman Casey echoed those sentiments stating. “as a Selectman, Business owner and Taxpayer, I am pleased with the direction this group is going in.” He further commented that “everyone will benefit from improved infrastructure.”

**ANTOLINI SCHOOL UPDATE:**

WPCA Chairman Bud Butler “switched hats” and next addressed the Board in his role as Co-Chairman of the Antolini School Building Committee. Butler presented some financial information, noting that the original projected budget was \$2,372,160. Due to receiving an excellent response from bidders for plans which translated into competition for the job, the bids came in lower than anticipated resulting in cost savings for the project. The current estimated cost for completion is a total of \$963,984. Kennerson asked how close to completion the project was, with Butler replying that there were only some minor things to finish and that those would be done during “non-school” hours. Jerram noted that since the actual cost of construction is lower than anticipated, there may be a lower reimbursement rate. Butler agreed that this might be a possibility. Butler also hinted that the School Building Committee may seek approval to use some of the savings towards an additional project.

**REVIEW OF NEW HARTFORD AMBULANCE PRESENTATION (presented to BOF in July):**

First Selectman Jerram informed the Selectmen that Guy Hayes, Treasurer for the New Hartford Volunteer Ambulance Association had attended the July Board of Finance meeting to present financial data to the Finance Board. Jerram recalled that the Finance Board had questioned the need for an increase in the ambulance funding and had reached out to Mr. Hayes for information. Due to his work schedule, Mr. Hayes was not able to accommodate a request for a meeting during the budget season but was available to attend the July meeting. Jerram noted that Mr. Hayes answered the questions posed to him by the Board and had explained that due to an increase in the costs associated with the paid day program coupled with a lack of revenues being received for mutual aid provided to Winsted, it was necessary to ask for an increase from the Town. Mr. Hayes presented financial statements to the Board of Finance and they indicated that they were satisfied with his explanation and understood the need for additional funding. Selectmen Kennerson and Casey asked that they be given the financial data to review and requested that this be an agenda item on the next Board of Selectmen meeting agenda.

**REQUESTS FOR PROPOSALS (2 DRAINAGE, 1 SIDEWALK):**

First Selectman Jerram announced that there were 3 requests for proposals issued recently for 3 projects. Two projects are replacement of existing drainage pipes and the third is for sidewalk extension and repair. One drainage project (on Ramstein Road) and the sidewalk repair (for the village center) have been awarded. The second drainage project (Lair Road) is out to bid with the due date of September 4, 2015.

**PETITION REQUESTING A SPECIAL TOWN MEETING:**

Mr. Jerram announced that his office had been presented with a petition calling for a special town meeting to vote on the question "Should commercial builders developing parcels in New Hartford be required to provide, as part of their project cost, minimum fire protection provisions as recommended by the Fire Chief of the New Hartford Fire District wherein the parcel lies?"

Jerram stated that the Petition had been forwarded to legal counsel for review and advice; noting that it had been sent to both the Municipal Attorney and the Land Use Attorney. The attorneys conferred and both agreed that the resolution would be illegal and there was no need to call a special town meeting.

Mr. Jerram read the response of the Attorney in its entirety to those assembled (copies of the letter were available for public review).

Mr. Jerram asked for comments on the matter following the conclusion of reading the letter. Selectman Kennerson stated that "as well intended as the resolution is, this just was not the right route to take." She suggested that the petitioner go to the appropriate Boards and Commissions and work with them to further the cause. Selectman Casey agreed, suggesting that the petitioner go to the Planning and Zoning Commission and discuss adopting regulations that would include consideration of fire protection. First Selectman Jerram commented that development has been guided by Planning and Zoning and, to a limited extent the Water Pollution Control Authority and other commissions; noting that "no one person controls how a property will be developed." Jerram noted that when applications for development go

through a Commission, there are resources available (such as engineers and legal counsel) to that Commission to guide them. This insures that no action is taken that is in conflict with “our own authorities.” Jerram further commented that had the petitioner come to the town to discuss the concerns, there would have been opportunity to clarify the regulations and explain the reasons for the actions taken. The Town may not have had to take the action of engaging legal counsel to review the petition and determine its legality had a discussion occurred.

**MOTION:** by Kennerson to deny the petition requesting that the Selectmen call a Special Town Meeting to vote on the question “Should commercial builders developing parcels in New Hartford be required to provide, as part of their project cost, minimum fire protection provisions as recommended by the Fire Chief of the New Hartford Fire District wherein the parcel lies?” seconded by Casey.

*Unanimous.*

Mr. Companik, circulator of the petition, asked for and was granted permission to speak to the Board. Mr. Companik said that volunteer firefighters are not professional firefighters and the intent of the petition was to help protect the firefighters and the homes and people in the area of the approved subdivision by getting a cistern for their use for firefighting. He commented that he had spoken with individuals in the fire service and they were concerned that the nearest hydrant was several hundred feet away which would mean that hoses would be in the middle of Route 44 and should there be a need for mutual aid from other towns, additional equipment would not be able to get close to the structure due to hoses being in the way. He further stated that he had learned that if the firemen did not monitor the pressures at the hydrant during the fire, it would be possible to ‘suck a hydrant dry’ which would result in no water available to fight the fire. This was of grave concern to him and he wanted to help protect the firefighters as well as neighboring properties.

Selectman Kennerson replied that watching the pressures is a responsibility of the firefighters. Kennerson again stated that she felt Mr. Companik’s desire to assist the firefighters was a good thought; but urged that his concerns be addressed to the P&Z Commission since they are charged with regulations.

First Selectman Jerram concurred with Ms. Kennerson, stating that the thought process was well intended, but the solution for change was illegal. He stated that the petitioner should have come forward to express concerns. Jerram stated that “I consider all our volunteers to be as professional as they get” and added that the Planning and Zoning commission did not entirely discount the need for fire protection in the subdivision; records will show that they did discuss that there may be a requirement for a cistern if and when there is additional development on that parcel. Jerram summarized that the action taken by the Board not to have a Town Meeting was appropriate - there will not be a special town meeting to address this. Jerram, citing the importance of commercial development to New Hartford, added “I hope the developer follows through with his plans to develop the parcel.”

**APPOINTMENT OF BUILDING INSPECTOR:**

First Selectman Jerram reminded the Board of the fact that the Building Inspector had abruptly left his position several weeks ago. Since that time, the Town has had a “fill-in” to cover the office while a replacement was found. Jerram noted that the position was advertised and no applications had been received. He had contacted the First Selectman in Goshen to see if he had any suggestions of anyone who could offer their services to New Hartford on a temporary basis. Mr. Ronald Malmberg, a retired building official who has assisted Goshen and other towns was referred to New Hartford by Goshen First Selectman Valentine. An agreement was reached between New Hartford and Mr. Malmberg and he has been working 3 part time days per week. Mr. Malmberg recently expressed an interest in taking on the job on a regular basis, not just as a fill-in substitute. Mr. Jerram noted that he discussed with Mr. Malmberg the need to check with Goshen to make sure that they would not be against this more permanent arrangement. Mr. Malmberg agreed to this and has stated that there is no conflict. Mr. Jerram commented that he is willing to have Mr. Malmberg appointed as an interim building official; stating that he hesitates to make it a permanent appointment due to the fact that Ron can only commit to 3 part time days. For now, this seems to be OK; however, Mr. Jerram is concerned that if “business picks up” in the spring, it may be necessary to seek another individual who could offer additional hours to the Town.

**MOTION:** by Kennerson to appoint Ronald Malmberg as interim building official for the Town of New Hartford, effective August 26, 2015 until further notice; seconded by Casey.

Mr. Jerram noted that he has reached out to the City of Torrington to see if there may be an opportunity to utilize their building official on a ‘fee for service’ base if the need were to arise.

*Unanimous.*

**OPERATIONS UPDATES :**

*Dare*

First Selectman Jerram updated the Selectmen on the status of the DARE program that had been briefly discussed at a prior BOS meeting. Jerram noted that he had met with Superintendent Murphy and Principal Shaw to discuss the possibility of bringing DARE back to the school curriculum. Principal Shaw would like to see this program at Antolini, but at a limited scope. She does not want to implement the program until at least after Thanksgiving. The classes would be held on 1 day during the week for 45 minutes for the four 6<sup>th</sup> grade classes. Ms. Shaw stated that the school would be willing to pick up the costs of any supplies needed for the program. Mr. Jerram commented that he did discuss with Ms. Shaw the fact that should there be a police matter that needs attention during a day /time when DARE is scheduled, the police matter needs to take precedence. Ms. Shaw understood this and agreed that it would not be a problem if there needed to be some last minute changes. Mr. Casey commented that he had received some correspondence from a resident who did not feel that the DARE program is worth it. Jerram stated that he had left the decision regarding the program in the hands of the educators and felt compelled to abide by their wishes.

*Roadwork:*

Mr. Jerram stated that there has been extensive drainage work performed on South Road. Areas of the road are scheduled to be paved on September 9 (schedule is weather dependent). Letters were mailed to residents informing them of the road work in the area. Detours will be necessary for the drainage improvements to be completed.

*Pavilion:*

The Pavilion project was presented to Zoning Board of Appeals and a variance was granted for the setback. Jerram noted that the variance was needed due to the fact that there are 2 separate town owned parcels of land upon which the pavilion will sit. Jerram has requested that the pavilion be presented to the Architectural Review committee for comment. This is a voluntary request for a meeting, due to the fact that the town is exempt from Architectural review; however, Mr. Jerram felt it would be appropriate to seek the input of this committee.

*CIRMA – equity distribution:*

Jerram announced that an equity distribution check in the amount of \$7516.00 had been received by the Town. These distributions are sent by CIRMA when their claim volume is below their anticipated budget; Member towns share in the savings afforded to CIRMA by decreased claims. This is CIRMA's way of "saying thank you for being diligent in risk control measures."

*Project Financing:*

Mr. Jerram stated that there had been a meeting with Municipal Financial Advisor Dennis Dix to discuss the financing for the school and bridge projects. Gordon, Dennis and Dan met to discuss the best way to proceed with financing these projects. To date, the school project has been financed solely using the General Fund, but it is time to seek interim financing so that the town coffers suffer no ill effect. The recommendation is to seek one year temporary notes and then go to Bond.

*RRDD:*

First Selectman Jerram stated that he had attended the monthly meeting of the Regional Refuse Disposal District Board to check on the status of the "contaminated oil" situation. He recalled that RRDD is on the hook for contaminating recycled oil that made its way to New Haven. The DEEP has traced back contaminants back to oil that was picked up at the Barkhamsted site for disposal. RRDD has hired Attorney Zimmerman as legal counsel for this matter.

*Stanclift Cove Trees:*

Mr. Jerram stated that concerns have been raised by both Barkhamsted and New Hartford residents regarding the MDC's proposal to remove several trees in the Stanclift Cove picnic area. MDC has stated that these trees are diseased and distressed and they need to be removed for safety reasons. MDC, in response to outcry from Stanclift Cove passholders have 'backed off' on their quest to cut the trees. This now leaves Barkhamsted First Selectman Don Stein and Mr. Jerram with questions regarding potential liability. If the trees were deemed a safety concern and were not cut by MDC and one happens to cause a mishap – who has the liability? Mr. Stein and Mr. Jerram have set a meeting to discuss this situation with the MDC.

*Peach Festival*

First Selectman Jerram announced that the Peach Festival was a success. The weather and the attendance were both great. Mrs. Kennerson, a parishioner of the North Congregational Church and the baker of the pies for the event, stated that it was a great event and noted that they sold out of everything. She gave kudos to her team of “peach peelers” who helped with peeling for pies and for the fresh peach shortcake.

*Community Picnic:*

The recreation department held a combined “end of summer camp/community picnic” on Sunday, August 23. It was a fun filled day and those that attended had a good time. Attendance was estimated at roughly 150 people.

*Plan of Conservation and Development:*

Mr. Jerram stated that he had met with members of the Community Club (tennis courts behind the post office ) to seek their approval to use a parcel of land owned by them for additional parking in the downtown area. This idea was met with enthusiasm and they have agreed to review a site plan showing the particulars. Mr. Jerram asked the Board to endorse his request to engage Lenard Engineering to prepare a site plan for a parking lot. Both Casey and Kennerson agreed to his request.

**DISCUSSION OF JOINT MEETING TO INCLUDE BOS, BOF, AND BOE:**

Mr. Jerram informed the Selectmen that he had received a request from Board of Education (BOE) chairman Josh Adams to participate in a joint meeting of the Selectmen, Finance Board and Board of Education tentatively scheduled for September 22, 2015. Mr. Casey noted that he may not be available on that date; Ms. Kennerson indicated that she would be. Mr. Jerram will get back to Mr. Adams.

**APPOINTMENTS TO BOARDS AND COMMISSIONS:**

First Selectman Jerram announced that Mr. Bill Bohan, a valued member of the Economic Development Commission had tendered his resignation.

**MOTION:** by Kennerson to accept, with regret and with thanks for his service, the resignation of Bill Bohan from the Economic Development Commission; seconded by Casey.

Mr. Jerram commented that it was sad to see Mr. Bohan go as he had been a great member of that commission.

*Unanimous.*

Jerram then announced that EDC alternate member Cindy Donaldson had tendered her resignation as an alternate member of the EDC so that she could be considered for a full seat on the board.

**MOTION:** by Casey to accept the resignation of Cindy Donaldson as an alternate member of the Economic Development Commission; seconded by Kennerson.

*Unanimous.*

**MOTION:** by Casey to appoint Cindy Donaldson to fill the vacancy as a regular member of the Economic Development commission, term to expire December 31, 2019; seconded by Kennerson.

*Unanimous.*

At this point in the meeting, First Selectman Jerram noted that the minutes of the June 23, 2015 meeting contained an error in the term of office for newly appointed Commission on Aging Member Laura Garay. The term of office for the seat that Laura filled is due to expire in December of 2015 rather than December 2016.

**MOTION:** by Kennerson to correct the term of office for Commission on Aging Member Laura Garay ; correction being that the term will end December 31, 2015; seconded by Casey.

*Unanimous.*

First Selectman Jerram announced that a letter of resignation had been received from Bill Smith, Chairman of the Retirement Board/Pension committee.

**MOTION:** by Kennerson to accept the resignation of member Bill Smith from the Pension Board with thanks for his service and dedication to the Board; seconded by Casey.

*Unanimous.*

**OPPORTUNITY FOR PUBLIC COMMENT:**

New Hartford Resident David Krimmel commended the Water Pollution Control Authority for their professionalism in taking necessary actions that will benefit the Town of New Hartford and the water and sewer users. He stated that he felt that the WPCA had a lot of challenges to deal overcome and felt that they are headed in a positive direction.

First Selectman Jerram, noting that Mr. Krimmel was a member on the Planning and Zoning Commission, stated that he would extend the “kudos” to the P&Z Commissioners for actions that they have taken recently that can benefit Economic Development and the Town, as a whole.

**CORRESPONDENCE:**

First Selectman Jerram stated that he had received correspondence from resident Nick Labbadia requesting a town ordinance prohibiting the feeding of the bears and also asking that Town leaders urge members of the Legislature to allow a bear hunting season. The Selectmen agreed that bear sightings and encounters have been occurring more frequently and they understood the concerns expressed by Mr. Labbadia. Mr. Jerram commented that the DEEP needs to have a greater understanding of the frequency of bear sightings so that they can take appropriate action. People need to use the online reporting to the DEEP so that they have accurate information which leads to informed decisions being made. If people don't report the sightings, it throws the data off. The Board agreed with this statement.



A memo written by Town Police Officer Dan Janco addressing concerns with sight lines at the Bridge Street/Route 44 intersection was read into the record. Officer Janco noted that the plantings in the island are interfering with being able to see oncoming traffic as vehicles exit from the downtown commercial area. The First Selectman noted that there is a signal light at the intersection, but recognized the fact that caution should be used when exiting from the area and stated that he would have the highway crew cut back some of the plantings so that sight lines could be improved. A second concern mentioned by Officer Janco was the pavilion location and the effect that may have on the downtown parking situation. His concern is that there may not be ample parking if a kayak/canoe launch is located in the center. His suggestion was that Callahan Park would be more appropriate for this use. The Selectmen discussed his concerns and stated that they do realize that there is insufficient parking in the downtown area and noted that they have been working on gaining additional parking areas to assist in combatting this problem. They noted that the parking area behind Town Hall is generally available on the weekends when canoe/kayaking would most likely be most active. Additionally, Mr. Jerram noted that the canoe/kayak launch is still in conceptual phase with no formal approvals occurring yet. Callahan Park may prove to be an alternate location in the future.

An additional piece of correspondence received was a “resolution” adopted by the local VFW asking that attention to the light pole illuminating the flag at Chapin Park be taken. There have been some problems with the electrical connection to the light, which sometimes causes the light not to work properly resulting in the American Flag not being properly lit at night. Mr. Jerram noted that there had been an ongoing problem with the connection and that the electrician was finally able to resolve the issue after troubleshooting the situation several times.

**PROCLAMATION – CONSTITUTION WEEK:**

First Selectman Jerram stated that once again, a request has been received from the Daughters of the American Revolution to issue a proclamation honoring Constitution Week 2015. Mr. Jerram read the proclamation and asked for a motion to accept the resolution.

**MOTION:** by Kennerson to approve the resolution for Constitution Week as read; seconded by Casey.

*Unanimous.*

**REQUEST FOR TAX REFUNDS:**

**MOTION:** by Kennerson to approve the Motor Vehicle Requests for Refunds of Taxes as submitted by the Tax Collector that total \$788.66 ( \$110.66 to LuAnn Longo – antique adjustment; \$199.30 – Toyota Lease Trust due to sale of vehicle; \$16.27 to Estate of Robert Stirber due to proration; \$7.58 to Estate of Robert Stirber due to proration; \$282.95 to Janet LaGrange due to proration due to relocation; \$171.90 to Gregory Lawrence due to total loss of vehicle)seconded by Casey.

*Unanimous.*

**ANY OTHER BUSINESS TO COME BEFORE THE BOARD:**

Selectman Kennerson stated that she had been contacted by a parent who had a concern regarding the location of a bus stop for a student attending Oliver Wolcott Technical School in Torrington. The bus stop is currently located at the “wrong end” of a road that is not maintained during the winter months. This will create a hardship for the student during the winter; yet the bus company does not understand the situation and has not modified the location. Mr. Jerram stated that he will address this with the bus company. He noted that it appears to be a matter of the bus company not being familiar with that particular road.

**MOTION:** by Kennerson, second Casey to adjourn at 9:08 PM.

*Unanimous.*

*Respectfully Submitted,*

*Christine Hayward, Administrative Assistant*