

**Board of Selectmen  
Regular Meeting  
May 28, 2019**

**MINUTES**

**Present:** First Selectman Dan Jerram, Selectman Alesia Kennerson; Member of the Press Kathryn Boughton (Republican American); Administrative Assistant Christine Hayward.

*NOTE: Selectman Claman participated by teleconference – in at 7:00 PM; out at 7:20 PM.*

First Selectman Jerram called the meeting to order at 7:00 PM. He asked that there be a Moment of Silence in honor of former First Selectman Bruce Gresczyk who passed away earlier this month, on May 1st.

Following the tribute, Mr. Jerram commented on the seven years of service given by Mr. Gresczyk as First Selectman. He noted that Mr. Gresczyk left a legacy in this town, especially with his farming operations. Both Mr. Jerram and Ms. Kennerson expressed their thanks to Mr. Gresczyk for his contributions and stated that he will be missed.

The Selectmen agreed to change the order of items on the agenda in order to allow Selectman Claman to participate in the discussion regarding the Helen Butler Trail Easement via phone call. Item number 2 – Request for Consideration of 8-24 approvals for 395 Town Hill Road and Community Club parcel on Church Street North was moved to Item Number 3 and Item Number 3 – Review of updated Easement – Helen Butler Trail, was moved to Item Number 1.

**Review of updated Easement – Helen Butler Trail:**

First Selectman Jerram stated that the Land Trust President, Madeline McClave had sent a revised Section 4.4 of the draft conservation easement for the Butler Riverfront Trail. A meeting was recently held at Town Hall attended by members of the Open Space Preservation commission and Land Trust to review and discuss the draft. Mr. Jerram sent the proposal to the Selectmen to review and this meeting presents an opportunity to discuss it. Jerram noted that it was his interpretation that the revised draft meets the needs of the town. Section 10.2 which had financial implications to the town has been removed and language regarding allowance of a spur trail was added. Section 4.4 was revised to allow for improvement of the trail with a permeable surface and also allows for consideration of connectivity to a larger trail system as long as there is Town Meeting approval. The Selectmen discussed the draft section and agreed that Attorney Roraback should be given the draft for final review prior to formal acceptance by the Board. Jerram stated that one of the major revisions is that the term of “mutual consent” was removed in several places of the easement; which allows the Townspeople to take action at a Town Meeting without needing consensus from the Land Trust. Jerram commented that the Land Trust is sincere with their desire to implement best management practices, but noted that the townspeople

should have the ultimate authority with respect to the parcel. The Selectmen also discussed the fact that the Town should not be restricted in perpetuity with respect to whether the trail surface is paved or not. Jerram stated that although there is no intent to pave the trail at this point in time, one never knows what the future needs might be.

No formal action was taken with respect to the Conservation Easement. It will be discussed further at the next Board meeting in June.

NOTE: Selectman Claman did not participate in the remainder of the meeting due to a conflict in his schedule.

**Operations Updates:**

First Selectman Jerram presented several updates to the Board:

Memorial Day Weekend was a busy weekend of events; Race Around the Lake was well attended – kudos to Brodie Park Inc for another successful event. A concert hosted by the Farmington River Coordinating Council was held at the downtown pavilion on Sunday afternoon. Memorial Day Ceremonies were held at Chapin Park and at Memorial Park on Hoppen Road.

The Town has received formal acknowledgement that funds have been released for the Rails to Trails Grant. There is paperwork that needs to be formally executed. Jim Brett has resigned from the Economic Development Commission but has asked to remain a member of the Rails to Trails Committee. Mr. Jerram expressed his opinion that the Rails to Trails Committee now needs to be expanded to include members at large. This should now become a formal committee established by the Board of Selectmen and not considered as a subgroup of the Economic Development Commission. The grant is with the Town and will need oversight by the Board of Selectmen.

**MOTION:** by Kennerson to reorganize the existing Rails to Trails subcommittee into a new committee composed of 7-8 members to include members at large that will report to the Board of Selectmen; seconded by Jerram.

*Unanimous*

The Emergency Management Planning Grant (EMPG) for the period of 10-1-2016 – 9/30/2017 has been formally completed for reimbursement of expenses incurred during that timeframe. Mr. Jerram noted that the EMPG runs in arrears.

An advertisement for weed monitors to work in conjunction with the West Hill Lakeshore Property Owners Association and West Hill Pond volunteers has been placed and hopefully, candidates will apply for this 'up to 20 hours per week' position. These monitors will be Town of New Hartford employees; however, the Town will be reimbursed for expenses incurred. A training session will be held at town hall on Saturday, June 22 for folks interested in volunteering to assist in this endeavor. Paid employees will be utilized on the weekends to insure that monitoring occurs during periods of heavy boat traffic at the boat launch.

The Freedom of Information complaint filed with respect to documents related to Carpenter Road Bridge has been rescinded. The complainant has withdrawn the complaint. All public documents requested were released, including many emails.

The First Selectman stated that the saga regarding the completion of the Carpenter Road Bridge continues. The town engineer alleges that when the contractor used vibratory machines to pull out the sheet piling, the box culvert shifted and caused a small gap. The Engineer told the contractor to stop removing the sheet piling so that an assessment could be made prior to continuing removal. The town feels that the contractor has the responsibility for the handling of the sheet piling because the contract states that the bridge contractor is responsible for the means and methods of dewatering during the construction. The sheet piling was put in place to create a dry area for the installation of the box culvert. The contractor has now asked the town for additional funds to pay for the sheet piling, which they have decided should remain in place rather than be removed. The Town has replied that the contractor must get approval from DEEP to leave the sheet piling as this is a deviation from the original plans. The contractor alleges that there is a change in conditions at the site and therefore they feel that a change order for extra expenses is warranted. Mr. Jerram is reticent to approve any request for additional funding because this design is the contractors design. Jerram commented that the late fees now exceed the remaining value of the contract. Mr. Jerram requested that a formal letter advising the contractor that they need to return to work be issued immediately. He noted that site restoration could be in progress while waiting for approval from DEEP with regards to the sheet piling.

The Asset Evaluation Team (AET) continues to move ahead with planning for the potential sale of water and wastewater assets of the Town of New Hartford. A public meeting was recently held where the AET presented a brief update of where things stand in the process. There continue to be meetings with USDA to discuss the best path forward with attempting to gain relief from repayment of the USDA grant. It was decided that the AET can no longer wait for a final answer from the USDA regarding this possible relief prior to presenting information to the public. The process is taking too long and it is important to start public presentations and allow the public to gather information regarding this potential sale. A formal contract with Aquarion will be developed for review by the USDA.

The First Selectman informed the Selectmen that the MDC and the Army Corps have been having a 'spirited discussion' regarding the administration of the dam at Colebrook. The Hogback Commission is responsible for recreational use of the Farmington River from the Hurley property to the Massachusetts border. Mr. Jerram serves as the town's representative to the Commission.

Brodie Beach gates will be locked when there are no lifeguards on duty at Brodie. When there is a permitted swim area with buoys, a dock and lifeguards – it is important to limit access to the actual beach area. Since there are gates present at the beach road entrance, it will be practice to unlock these only when lifeguards are present. When the ropes, dock and lifeguards are not present (before Memorial Day and after Labor Day) the gates can be unlocked as there will no longer be a permitted swim area and it becomes a 'park only' once again.

**Request for Consideration of 8-24 approvals for 395 Town Hill Road and Community Club parcel on Church Street North:**

First Selectman Jerram informed the Board that a long term lease agreement will be developed and an easement will be granted to allow the Town to use space currently owned by the Community Club to create a parking lot. This space is adjacent to the New Hartford Post Office. Maintenance will be town responsibility. Jerram sees this as an opportunity to increase parking in the downtown area. He noted that this is included in the Plan of Conservation and Development.

**MOTION:** by Kennerson to forward the 21 Church Street parking lot proposal concept to the Planning and Zoning Commission for consideration under CT General Statutes 8-24; seconded by Jerram.

It was noted that this land is currently owned by a non-profit that is tax exempt and therefore, no tax dollars will be lost in this transaction.

*Unanimous.*

Mr. Jerram presented a second concept for consideration by the Board. He stated that the Beekley foundation has approached him to consider acceptance of a parcel of land known at 395 Town Hill Road. This parcel has incredible northern views that are 'spectacular' according to Jerram. It is the wish of the foundation that this parcel be used for passive recreation and perhaps be the sight of a future observation tower. The taxes being paid are currently \$2700 per year. Acceptance of this parcel would see a loss in that revenue. This acquisition would be subject to town meeting approval.

**MOTION:** by Kennerson to forward the Beekley Gardens at Northviews at 395 Town Hill Road to the Planning and Zoning Commission for consideration in accordance with CT General Statutes 8-24; seconded by Jerram.

Jerram expressed his opinion that this is a generous gift worthy of consideration.

*Unanimous*

**Appoint Michael Lucas as Zoning Enforcement Officer:**

First Selectman Jerram informed that Board that Michael Lucas has been employed as the Land use Administrator for several months. It is his recommendation that Michael be appointed as the Zoning Enforcement Officer for the Town. It was noted that the Planning and Zoning Commission are charged with recommending this appointment, but the Board of Selectmen can endorse the candidate. Mr. Jerram stated that Mike has been doing a great job. He has the right temperament for the position and has done well under the tutelage of former Town of New Hartford ZEO Rista Malanca.

**MOTION:** by Kennerson to appoint Michael Lucas as Zoning Enforcement Officer pending formal recommendation by the Planning and Zoning Commission; seconded by Jerram.

*Unanimous.*

**Appointments/Resignations go Boards and Commissions:**

First Selectman Jerram stated that there are currently 3 vacancies on the Economic Development Commission. He noted that, as stated earlier in the meeting, Jim Brett has resigned as a member of EDC. Mr. Jerram publicly thanked Mr. Brett for his contributions as an EDC member and stated he was glad that Mr. Brett would like to continue as a member on the Rails to Trails committee.

**MOTION:** by Kennerson to appoint Meg Toro to fill a vacancy as a full member on the Economic Development Commission pending receipt of her resignation as an alternate; seconded by Jerram.

*Unanimous.*

**Requests for Refunds of Taxes:**

**MOTION:** by Kennerson to approve the requests for refunds of taxes as approved by the Tax Collector; seconded by Jerram.

<i>JP Morgan Chase Bank</i>	<i>\$376.04</i>	<i>sale of vehicle</i>
<i>Nissan Infiniti LT</i>	<i>\$67.04</i>	<i>overpayment</i>
<i>Nissan Infiniti LT</i>	<i>\$61.83</i>	<i>overpayment</i>
<i>Margaret Vaughan</i>	<i>\$53.46</i>	<i>overpayment</i>
<i>Nissin Infiniti LT</i>	<i>\$284.50</i>	<i>overpayment</i>
<i>Peter Humphrey</i>	<i>\$10.11</i>	<i>overpayment</i>
<i>James &amp; Caryl Mitsch</i>	<i>\$61.91</i>	<i>overpayment</i>

**Any Other Business to Come Before the Board:**

Mr. Jerram thanked the Scouts of Scouts BSA Troop 2019 for the community service project they recently completed which was cleaning the headstones at Nepaug Cemetery. He commended them for their hard work.

**MOTION:** by Kennerson to adjourn at 8:30 PM; seconded by Jerram.

*Unanimous.*

*Respectfully Submitted,*

*Christine Hayward, Administrative Assistant*