

**Board of Selectmen
Minutes
August 23, 2022**

Present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Laura Garay

Others Present: Dave Krimmel, Polly Pobuda, Martha Steenburgh, Jay Bailey, Mary Beth Greenwood, Kathryn Boughton (Republican- American), Madeline McClave; Christine Hayward, Administrative Assistant.

First Selectman Jerram called the meeting to order at 7:10 PM, commenting that there was a lengthy agenda for this evening and he welcomed all present. It was noted that although there was no “public comment” on the agenda, there would be opportunity for those present to speak on topics as is always the case with a regular meeting. First Selectman Jerram stated that it is standard procedure to allow those present an opportunity to participate in the meeting.

Status of water/wastewater assets:

PURA application

First Selectman Jerram stated that the application to PURA is still being completed. There have been a couple of minor “tweaks” to the final agreement between Aquarion Water Company and the town. One change is that a decision has been made to not transfer the access way to the Wastewater Treatment Plant to Aquarion. This will be an easement instead. This will allow the town to continue to use that access way as needed for entrance to the River Run Condominiums. Also, there is an additional piece of land up near the water storage tanks that was just discovered as town owned and will need to be transferred to Aquarion. This will need to be approved at a town meeting since it requires approval by the public to transfer ownership of town property.

tax abatement

There are also a few other items related to the water/wastewater asset sale that will need to be approved at a Town Meeting. A tax abatement agreement needs public approval as well as a revised ordinance that will govern the Water Pollution Control Authority and acceptance of an easement for Pine Meadow that will allow for maintenance of water and sewer lines.

Mr. Jerram explained that the tax abatement in the Asset Purchase Agreement is non-binding. An abatement needs to be approved by the Legislative Body/Town Meeting. The goal of the abatement is to cap taxes paid by Aquarion at \$10,000 per year for a period of 10 years. Jerram explained that the town is not currently receiving any tax revenue and that any taxes received post sale are additional revenue. The rationale for limiting the cap on taxes is to keep the expenses paid by Aquarion relatively the same that are incurred by the WPCA now. If expenses increase, there would be a need to raise rates to pay the taxes. This would be contrary to the goal of reducing rates for the users.

Pine Meadow Farms easement

An easement that allows for access to maintain sewer and water pipes within the Pine Meadow Farms Development has brought to light the need for road excavation specifications. The town attorney advises that there should be specifications that dictate how roads should be left when a contractor performs work within the town right of way. Specifications should be developed that the Highway Superintendent can then refer to when granting road cut permits. These specifications should be

developed by the Planning and Zoning Commission.

Other items to consider at town meeting with asset sale items

Mr. Jerram stated that there are still other items waiting to be brought before a Town Meeting. These items include an open burning ordinance (which gives the burning official the authority to issue tickets for various matters), an ordinance that addresses feeding bears; the acceptance of open space located on Barella Road (something that was supposed to be accepted years ago—but for whatever reason was left undone) and acceptance for a Food Truck Ordinance.

Selectman Garay asked if the town meeting needs to be held prior to the sale going before PURA.

Jerram replied that it did not. The ordinance regarding the WPCA takes effect post-closing when the duties of the WPCA will structurally change. The WPCA will no longer be responsible for the setting of fees or the regulations—those duties will belong to Aquarion as owner of the system.

Resident Jay Bailey asked if the WPCA will be the ‘watchdog’ over Aquarion. Mr. Jerram replied that the WPCA will have distinct responsibilities. They will be responsible for the sewer service area; specifically, maintaining the right to make changes/revisions to the area. They will also be the entity with the authority to mandate connections to the system. First Selectman Jerram stated that the WPCA has asked that they be the entity responsible for making recommendations for line extensions and also be the agency for entering into developers’ agreements. Mr. Jerram explained that Aquarion will not cede the responsibilities of entering into developers’ agreements as there are finances involved and this will be considered a business deal.

The Selectmen discussed the timing of a Town Meeting; agreeing that October would be the target. They discussed what they felt should be on this agenda, realizing that there are too many topics to be on one agenda. They agreed that matters pertaining directly to the sale were the priority and the Open Burning Ordinance and the acceptance of Barella Road could be additional items, if it wouldn’t be too much.

Resolution re: Fire District Consolidation:

First Selectman Jerram updated the Board on the status of the consolidation of the Pine Meadow and New Hartford Village Fire Departments. Jerram stated that there is a final plan for moving this initiative forward. The Town Attorney has drafted resolutions for the districts to adopt at their individual meetings. This resolution has also been developed for the Board of Selectmen to adopt to show support of this consolidation.

First Selectman Jerram read the resolution into the record:

Resolved, that the New Hartford Village Fire District, acting by its Board of Commissioners, and the Pine Meadow Fire District, acting by its Board of Commissioners, hereby jointly request that the State of Connecticut General Assembly enact special legislation pursuant to Connecticut General Statutes Section 2-14 for the following purposes:

1. To terminate and dissolve the Pine Meadow Fire District and to transfer all assets of said Pine Meadow Fire District to the New Hartford Village Fire District. Said assets shall include, but not be limited to: (i) all cash on hand; (ii) all tangible personal property; (iii) the powers to levy, collect and lien for real estate taxes, personal property taxes and motor vehicle taxes; and (iv) all accounts receivable for all unpaid taxes and all unsatisfied tax liens.

2. To expand the New Hartford Village Fire District service area to include the existing Pine Meadow Fire District area.
3. To validate all actions taken by the voters and the Board of Commissioners of the New Hartford Village Fire District with respect to the subject matter of this resolution prior to July 1, 2023.
4. To validate all actions taken by the voters and the Board of Commissioners of the Pine Meadow Fire District with respect to the subject matter of this resolution prior to July 1, 2023.

To establish an effective date of July 1, 2023 for the special legislation requested in this resolution.

MOTION: by Kennerson to adopt the resolution as read; seconded by Garay.

Selectman Garay asked if the Board of Selectmen should be adopting this prior to the districts adopting their resolution. Jerram replied that adopting this shows support of the districts to merge and it is fine to adopt the resolution prior to the Fire Districts taking action.

Polly Pobuda, Chairman of the Pine Meadow Fire District commented, "This has been a long time coming. This resolution is allowing us to accept the Statutes that govern the district and move the process along." She stated that Pine Meadow lowered their tax rate this year to match the rate of the Village Fire District. She said that there was a vote a year ago by both districts to consolidate and lots of people have worked hard to get his accomplished which is overall good for both districts. She explained that there is a contract in place to have fire protection for Pine Meadow provided by the New Hartford Fire Department. Mrs. Pobuda went on to state that Pine Meadow is a small district that consists of 100 homes; it has been impossible to generate the revenue to purchase equipment. The cost of fire hydrants are paid using tax revenue. The consolidation is a financial need as well as a safety issue.

Unanimous.

Surdam House- Historical Society correspondence/New Hartford Land Trust correspondence:

First Selectman Jerram informed all that a letter was sent out to both the New Hartford Land Trust and the New Hartford Historical Society letting them know that the Selectmen would entertain letters of interest regarding use of the town owned property known as the Surdam House, located at 280 East Cotton Hill Road. Letters of response were received from Chris Siphon, Madeline McClave and Anne Hall. It has been suggested that the Town should apply for the house to be listed on the National Register of Historic Places. Having this designation response gives opportunity for grant funding. The Land Trust and Historical Society would like to work together. Selectman Kennerson commented that both organizations seem to want a successful outcome with this house. Kennerson said she is agreeable to use of the building by the non-profits, but would like to take it step by step. Selectman Garay stated that she thought it was awesome that two well established community organizations want to work in partnership.

Resident Madeline McClave commented that she was excited to see what may come of this. The real expert who may be able to assist in preserving this house is resident Steve Bedford. She indicated that Steve is willing to advise and help as his schedule permits. The Selectmen need to take the first step and

get the property listed on the register. The First Selectman stated that he will investigate the registration process

51 Dorothy Drive – offer to purchase town owned property:

First Selectman Jerram informed the members of the Board that he had received email correspondence from a resident interested in possibly purchasing a small parcel of land owned by the town at 51 Dorothy Drive. This parcel is across the street from the interested resident. It is undevelopable land, but the ownership of the parcel would allow consideration of membership into the Laurel Acres Property Association (LAPOA) beach area on West Hill Lake. Selectman Kennerson questioned if LAPOA allows membership if there is not home ownership and just land ownership. Mr. Jerram replied that he was not familiar with the requirements of membership. Mr. Jerram stated that the resident had offered \$2500 for the parcel, which, according to the assessor's field card is valued at \$5400. Private ownership would offer tax revenue where there is currently no revenue from this town owned parcel. The Selectmen are not empowered to sell anything without Town Meeting approval, therefore this was a preliminary discussion of the matter.

Request for letter of support – New Hartford Lane Trust Grant opportunity:

A request has been received from the Land Trust for a letter of support for their acquisition of a parcel of land at 135 Southeast Road. The Land Trust is seeking grant funding to aid in the financing of this purchase. The land has conservation values, including the protection of water sources as it is located within the watershed area. This land provides core forest habitat and the Natural Diversity Data Base study performed revealed that there are box turtles, whippoorwills and hognose snakes present on this property.

MOTION: by Garay to support this plan and send a letter of support for the Land Trust to seek grant funding to acquire this parcel; seconded by Jerram.

Unanimous.

American Rescue Plan Act:

The First Selectman informed the Board that the town has received \$338,498.56 of the second round of ARPA funds due to the town. It is uncertain when the final payment will be received.

The Ambulance has been issued a check for their request for funding. Mr. Jerram recently met with representatives of various youth sports organizations to see what they would like to see funds used for at Browns Corner. They will create a list and get that to him for consideration by the Board.

Refurbishing of the Basketball court at Browns and the installation of a pickleball court is one project that is underway at the park.

Affordable Housing Plan Review:

Mr. Jerram stated that there is a State requirement that every municipality must have an Affordable Housing Plan. A consultant has been retained to assist in the completion of this plan. It was noted that it is difficult for a community like New Hartford to offer affordable housing due to the fact that there are challenges to overcome for those who qualify for affordable housing. Public transportation and job opportunities are limited. It is difficult to solve the problem of affordable housing with a "one size fits all plan." The town currently has 86 units that are designated as affordable.

Operations updates:

STEAP

A Small Town Economic Assistance Program (STEAP) grant application has been submitted. Mr. Jerram informed the Board that he and Administrative Hayward had written the grant proposal to request funding to allow for access for fire apparatus along the river in the event that the river is needed as a water source for firefighting efforts in the downtown area. This grant funding is in response to the fire departments request for access. The funding being asked for is \$141,900 from the program with the town providing capital funds as their share.

Revaluation:

The Request for proposals is being finalized. Mr. Jerram stated that for the past couple of revaluations, data mailers have been used to collect most of the information. This makes the homeowner responsible for alerting the Assessor's office of any changes/additions/renovations that are not properly recorded on the Assessor's property card. While data mailers are useful, Jerram questioned if it might be beneficial to have additional physical inspections performed. He has asked the assessor to include several options for price proposals within the RFP. The pricing options would vary upon the number of physical inspections.

Cedar Lane Bridge:

Phase 1 has been completed; the under portion of the bridge has been reinforced with rocks to prevent scour. The next phase is to strip off the top of bridge and place a new membrane and then pave the bridge. Paving would include out to the intersection with route 202. The date of completion remains uncertain as contractors have not been able to commit to a paving timeline.

Police Officer:

A conditional offer of employment has been extended for an additional new police officer. The hiring process is proceeding and should be completed soon. This officer is familiar with New Hartford as he was a former State Police Officer at Troop B.

CIRMA:

The town's insurer – CIRMA has presented the town with another member equity distribution check. This check was in the amount of \$11, 690 and was given to the town as a return on premium due to low claim and loss notices.

Memorial Tree on Pine Meadow Green:

Mr. Jerram stated that a request had been received to plant a tree in the Pine Meadow Green in honor of longtime resident and friend of New Hartford – Chuck Calder. The family had asked permission to purchase a tree and have a memorial plaque made as a remembrance of his love for New Hartford. A certificate of appropriateness will need to be approved by the Historic District. The Selectmen supported this request.

Brodie bathrooms

Mr. Jerram reminded the Board that the architectural firm of Ames and Whitaker will be providing services for this project. They submitted a response to the Request for Proposals and are the chosen contractor. A meeting will be held with them to review what type of building would be best suited for the Park.

New Hartford Elementary and Town Hall roof projects:

Mr. Jerram has met with Bob Dunn and John Manners (experts in roofs and construction) to seek assistance with developing specifications for new roofs for the elementary school and town hall. It is becoming apparent that the prices have escalated considerably and there is insufficient set aside funding for these projects. \$175,000 in ARPA funds was designated for the school roof and the current estimate is nearly \$500,000.

Resident Madeline McClave asked if solar panels might be considered. Ms. Kennerson stated that she recently had solar panels installed on her home and is pleased with going this route. Mr. Jerram replied that he was not sure if the roof was suited for solar, but will check with those who are advising him.

Beekley Library expansion:

The First Selectman stated that the Beekley Library expansion project is another project that is seeing an escalation in pricing and is now on hold. There is a current cost estimate of \$3.5 million for the proposed renovation/expansion. There is some discussion of a possible 'makers space' – a smaller structure (barn style) being constructed instead. The Board discussed that they had been willing to contribute ARPA Funding toward the project but if it is not going forward as anticipated, the funding may no longer be available to the library. The Selectmen agreed that if there are changes to the original plan, they would like to discuss this with the Library Board and not just the building committee as they want to insure that 'everyone is on the same page.'

New Hartford night

First Selectman Jerram reminded all that New Hartford Night – the 2nd event of a newly "redesigned New Hartford Day" will be occurring on Saturday, September 17 at Brodie Park. Once again, there will be bands, food trucks and corn hole.

Selectman Kennerson commented that the banners that advertise the summer concert series at Brodie need to be updated. She stated that they only promote July concerts and the concerts have been extended into August.

Camp Brodie/Brodie Beach:

Mr. Jerram informed the Board that the summer camp revenue was excellent. The camp did well and there were 698 beach passes sold. Jerram thanked the New Hartford Land Trust for volunteering their time to teach the children about trees. Members Fran Stoffer, Anne Hall, Holly Hall and Ellen Childs assisted the children with the completion of a booklet that contained poems about trees written by the children. Jerram noted that the Land Trust has been doing this for several years and he wanted to be sure that they were recognized for their contribution to the summer camp program.

Electric Vehicle Charging Station:

The First Selectman stated that he is continuing to pursue options for an electric vehicle charging station to be located in the last row of the town hall parking lot. He met with one vendor and has an additional vendor coming in to provide an additional quote.

Ms. McClave asked if the town was considering "fast charging" for these spaces. Jerram replied that the quotes were for various options.

Stream flows

First Selectman Jerram mentioned that there has been concern raised regarding the water level in the Farmington River due to the current drought situation. He stated that the MDC, the Army Corps of Engineers, Department of Environmental Protection and the Department of Public Health had all met to discuss this situation, but no one is taking real action to improve the water flow. Each entity seems to feel that it is the responsibility of the “other one.” Jerram stated that he had received a copy of a letter that the owner of the local business Main Stream Canoe had sent to Legislators requesting assistance in getting someone to increase the water level of the river. It is upsetting to local businesses that rely on the River to see the levels so low.

Request for Tax Refunds

The Tax Collector has submitted the following requests for refund of taxes to the Board of Selectmen for approval:

\$3.98 to Michael Butler for motor vehicle overpayment

\$90.48 to Michael Butler for motor vehicle overpayment

\$161.21 to Pamela W. Chambers for motor vehicle overpayment

\$40.16 to Pamela W. Chambers for motor vehicle overpayment

\$798.61 to Julio or Donald Hobro for motor vehicle overpayment

\$131.75 to Travis Martin for motor vehicle overpayment

MOTION: by Kennerson to approve the requests for refunds as recommended by the Tax Collector; seconded by Garay.

Unanimous.

Any Other Business that may Come Before this Board:

First Selectman Jerram informed the Selectmen that the Planning and Zoning Commission had met on August 17, 2022 and held public hearings related to the topic of accessory dwellings and regulation of cannibas.

The Commission chose to opt out of “certain provisions of Public Act 21-29.” Planning and Zoning Chairman Stoutenberg had stated that the Town of New Hartford currently has regulations regarding accessory apartments that has served the community well and therefore he saw no need to take additional action and asked the commissioners for their commentary. There were no additional comments. The Board voted to opt out. Mr. Jerram explained that if no action had been taken by January 2023, anyone would be able to add an accessory dwelling without any restrictions as it would be a “matter of right.”

Regarding the changing of regulations with respect to the regulation of cannibas, the Board chose to adopt a moratorium on cannibas establishments and any related uses. This action affords the Board the extra time to consider regulations and how to ultimately integrate potential new regulations with existing regulations.

The Board of Selectmen is required to ratify the actions taken by the Planning and Zoning Commission with respect to the accessory dwellings. Jerram commented that the P&Z Commission has reviewed

several applications for accessory dwellings or ADUs (accessory dwelling units) over the years and has always been able to find an outcome that is agreeable to both the homeowner and the Commission. Mr. Jerram recommended that the Board allow residents to continue to apply under existing regulations.

MOTION: by Kennerson to support the actions taken by the Planning and Zoning Commission with respect to accessory dwelling units; seconded by Garay.

Unanimous

First Selectman Jerram notified the Board that he had received correspondence from Mrs. Laura Polakow of Cedar Lane expressing her annoyance and frustration at a large gathering that was recently held at a residence located at 150 Gillette Road. She stated that this was a large party where general admission was charged and it was advertised on the internet. She said that the traffic was extreme and unsafe for a small, windy country road like Gillette Road. There was amplified music and she called the police to voice a concern that this function was occurring in a residential setting. The Police did go to the location and the music was turned down and the people disbursed shortly after that.

The First Selectman informed the Selectmen that numerous complaints were received regarding this matter. The Land Use Administrator was involved and spoke with the homeowner notifying him that this type of event was not allowed. The owner of the property stated that there will be no more events of this nature.

Selectman Kennerson rebutted that there are other events currently being advertised. She stated that there are advertisements on home rental sites that state it is available for weddings and private parties. Mr. Jerram repeated that the Land Use office is monitoring the situation. Jerram noted that there is only one permitted event facility – and that is the “red barn in Bakerville.”

The First Selectman also stated that if there are concerns, the prudent thing to do is to document violations so that proper action can be taken.

MOTION: by Kennerson to adjourn at 9:25 PM; seconded by Garay.

Unanimous.

Respectfully Submitted,

Christine Hayward, Administrative Assistant

No attachments filed with these minutes