

**Board of Selectmen
Regular Meeting
Tuesday, June 22, 2021**

MINUTES

Present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Laura Garay (via telephone); Member of the Public Robert Chappell, Member of the Press Kathryn Boughton (Republican American), Administrative Assistant Christine Hayward.

First Selectman Dan Jerram called the meeting to order at 7:04 PM. He welcomed Mr. Chappell to the meeting and informed the others that Mr. Chappell was present to participate in the discussion regarding the Food Truck ordinance as he has a hot dog cart that he is anxious to get permitted. Mr. Jerram stated that Mr. Chappel currently rents business space on Main Street from Mr. Jack Casey. He has an antique/re-sale shop and would also like to operate a hot dog stand on Mr. Casey's property. Mr. Casey has no objection to this and supports this endeavor; Jerram stated that they would discuss this further when reviewing the Food Truck Ordinance.

Review Call of Town Meeting and set Time and Date of Special Town Meeting:

First Selectman Jerram read the Call of the Meeting into the record. He briefly explained the purpose of each of the items on the agenda. He stated that the vacancy on the Stanclift Cove Authority was due to the expiration of the term belonging to Penny Miller. He stated that she is willing to continue serving in this capacity and just needs to be re-elected at the Town Meeting in order to do so.

The second item on the agenda is to approve a Grant that has been awarded to the Fire Marshal. In order to spend the funds, the Grant needs to be approved at Town Meeting.

Another agenda item is to consider an Ordinance that changes the method of employment for the Town Clerk; it does not change the duties, only changes the position from elected to appointed. This has been discussed by this Board prior to this meeting. Mr. Jerram saw no need to reiterate the reasoning behind seeking this change to this office; except to state that an appointed position will retain the integrity of the position by ensuring that those who are hired for this position will have the necessary qualifications to be Town Clerk. He stated, for the record, that the Board of Selectmen plan to appoint the current Town Clerk to this position if the ordinance passes.

The next item on the agenda is the consideration of a Food Truck Ordinance. First Selectman Jerram reminded the Selectmen that he had met with the owners of Brewery Legitimus to hear their concerns about the proposed ordinance. They had raised some concerns regarding fees and limiting the number of times an out of town food truck can be present at a specific location. They expressed concern that there are limited Food Trucks that are available and they visit many different breweries, which makes for fierce competition. Having to limit frequency will make the process even more difficult. This can be discussed further later.

The final agenda item has to do with the acceptance of a piece of property that abuts the land on Town Hill that the town has already approved to lease from the Beekley family. The intent is to use all of the land for a park. This property is located on Stub Hollow Road and is part of an open space gift that

resulted from a subdivision requirement- no money has been paid for this parcel. A Quit claim deed has been prepared and the map is on file.

MOTION: by Kennerson to approve call of Special Town Meeting as read; seconded by Garay.

The First Selectman stated that the Call of the Meeting has been published in the newspaper, therefore no changes can be made to the Call, but he would allow for some discussion related to the agenda items and explained that changes to the draft ordinance can be discussed at the Town Meeting.

Business owner Rob Chappel raised concerns about “food truck” versus “hot dog stand”. First Selectman Jerram clarified the definition of food trucks and stated that there are also mobile pubs that serve alcohol that will fall under this definition. Mr. Chappel stated that he believes that his hot dog stand is not the same as a food truck because it “is not coming and going.” The cart will remain in one location. He stated that the cart will be subject to property taxes, which does provide a source of revenue to the town. He will file with the Town Clerk for a trade name. The trailer is registered with Motor Vehicles, so taxes are being paid on that, as well.

Chappel would have liked to go through P&Z and have it approved as a permanent structure to the site – but P&Z had said that they had nothing currently in place to regulate this. Mr. Chappel would like to operate 4 days per week – Thursday through Sunday. Mr. Chappel does not want to have to move this truck every night, he would like it to remain in one place for those days. The proposed ordinance does not allow this. Mr. Chappel would like to see this revised.

The First Selectman stated that Alesia went to the recent P&Z meeting to see if the Commission was interested in regulating Food trucks – they did not feel it was in their purview. They reviewed the proposed ordinance and had a couple of questions, but did not want to discuss it much further. Mr. Jerram stated that they do have a lot on their plate right now – there are several applications and they are busy and an ordinance takes this out of their hands.

Mr. Jerram stated that Food Trucks “are coming.” There are several in different locations in neighboring towns. This is something that will need regulation and this ordinance is a way to do that. The Selectmen discussed the ordinance, making changes to the draft as they went along. They discussed permit fees and an appeal process. Ms. Garay would like to make sure that success of new Hartford eateries is not compromised by the approval of food truck permits.

Having no further discussion on the agenda items of the Special Town Meeting, Mr. Jerram called for a vote on the motion to approve the call.

Unanimous

Operations Updates:

American Rescue Funds:

First Selectman Jerram informed the Board that American Rescue funds have been received. Projects that will be considered will need to go through an approval process. Jerram stated that there should be discussion of appropriate use of funds. He further suggested that there be a discussion with the Board of Finance to see what they feel might be the best use. He wondered if it might be good to

form a committee to consider use of funds. He commented that water and sewer projects are one of the approved uses of funds. Ms. Kennerson asked if trails could benefit from this. Jerram replied that there has to be an economic benefit to the use of funds. Jerram noted that there will be additional funds coming to the Board of Education. This is the first of 2 payments that will be given to the town. Another payment will come next year.

Asset Sale:

The First Selectman stated that the Asset Purchase Agreement has been reviewed by town counsel and a preliminary meeting was held with Aquarion to discuss and review the agreement. There are a few areas that will be revised. There has been a mutual agreement to hire a Title Searcher and split the costs between the town and Aquarion.

Fire District Consolidation:

The Pine Meadow Fire District consolidation effort is moving forward. The Village Fire District and the Pine Meadow district have had district meetings and both districts have approved the consolidation and it will now move onto the next phase. The Fire Districts are independent of the town, “but if they need our help, the town is ready to assist”, stated Jerram.

Community Club Parking Lot:

Community Club Parking lot – Communication has been received from the Community Club. They keep adding on different things that they want the town to take care of as part of the deal. They most recently asked the town to consider buying the parcel for \$12,000. Garay stated that she thought the price was reasonable. Kennerson would like to have an appraisal on the property. Garay would like to pursue this. Jerram stated he would obtain a couple of quotes and try to keep the fee for the work reasonable.

MOTION: by Kennerson to retain an appraiser to have the property evaluated; seconded by Garay.

Unanimous.

Cottage Street re-design of intersection:

Jerram informed the Board that the non-conforming island at Cottage Street and Route 219 has been removed. Lenard Engineering has been retained to make an attractive and safe entrance to Cottage Street and to Callahan Park.

Police Vehicle:

First Selectman Jerram notified the Selectmen of the decision by the Town’s insurance company to total the police vehicle that was recently damaged by an act of vandalism. There are two options for the town to consider regarding disposition of the vehicle. The town can turn the vehicle over to CIRMA and receive payment in the amount of \$10,582. If the town wishes to keep the vehicle, CIRMA will pay the town \$7,863. Jerram suggested that perhaps the town should keep the vehicle and attempt to sell it on GovDeals. Jerram asked the Selectmen to think about it.

Roads:

Paving season is in full swing. Ramstein Road has been completed and Barella Road was also paved; Jerram noted that the back half of Barella had already been paved and had fallen into disrepair.

Camp:

Mr. Jerram informed the Selectmen that Camp and Beach Sales have been very good. This is a sign that things are moving forward and in the right direction. People want to start doing things again.

Senior Housing Development:

The First Selectman stated that he had a good meeting with developer Tim Bobroske earlier today. He and his attorney has countered the tax abatement proposal. Attorney Ziogas proposal has the first 5 years of valuation capping at \$100,000 and the second 5 years capped at \$1,000,000 and then the next 5 years capped at \$11,000,000. This type of development coming to this town is huge for this community. Jerram suggested that town counsel be consulted to see if this is worth consideration and to offer advice as to what should be included if these projections do not come to fruition.

Kennerson asked if CCM should be consulted to see if there are other towns that have used these types of abatements and find out what their experience has been.

Dan informed the Board that Mr. Bobroske had commented to Dan that the town is being very business friendly and he is very pleased with how everyone is working together, including the WPCA who has been agreeable to modifying regulations.

Post Transition Team:

Mr. Jerram reminded the Selectmen that a request had been made by the Water Pollution Control Authority to serve as a “post transition team” with regards to the sale of assets to Aquarion Water Company. Jerram noted that the Referendum for the sale of the assets had a very specific ballot question that outlined various components of the tasks that would be part of the transition following the sale of the assets to Aquarion. Mr. Jerram presented a draft of a charge he developed for discussion by the Board prior to presentation to the WPCA for their consideration to act as the “post transition team.”

The WPCA will no longer be a rate making authority once the sale is completed and there will need to be a new role defined for them. This will require modifications to the existing Ordinance.

Jerram suggested that the Selectmen review this proposed charge and “mark it up.” The charge needs to reflect what was empowered by the Referendum. This charge will then be forwarded to the WPCA for their consideration. Garay stated that she will need time to review the document and offer her commentary.

Carpenter Road Bridge:

Garay asked if any progress has been made with getting reimbursement from the State for Carpenter Road Bridge. Jerram replied that there has been no action on their part. He has sent in requests for updates to the State.

Appointments to Boards and Commissions:

First Selectman Jerram has received a request from the Historic District Commission to fill a vacancy as an alternate on the Commission.

A new resident to the district has expressed an interest in this position.

MOTION: by Garay to appoint Catherine (Cat) Kinne to Historic District, filling a vacancy as an alternate, term to expire December 31, 2023, seconded by Kennerson.

Unanimous

Correspondence:

First Selectman Jerram informed the Board that a letter has been received from neighboring property owners expressing displeasure with the location of the proposed driveway for the Beekley Views parcel on Town Hill Road. Dan stated that there is an existing driveway that could be used; however, access is via a shared driveway with the neighboring house and Mr. Jerram did not think that this was a good situation. The driveway is very close in proximity to the house. An alternate location was chosen by an engineer who was hired to develop a site plan, taking site lines and wetlands into consideration. The new proposed driveway was put in a location with the least impact on wetlands and was scheduled to be presented at a wetlands meeting. The lease agreement for use of this parcel of land as a park was accepted by the town two years ago. These concerns have just now been raised. Mr. Jerram has asked the engineer to see if there is an alternate location for the driveway. He stated that the site lines at the crest of the hill may not allow for a change in the proposed location due to safety reasons, but he will have the engineer review this and see if changes can be made.

Garay asked if the abutter's biggest concern is the loss of privacy; Jerram replied that seems to be the case here.

The Selectman received an Email from resident Gary Colbert asking the Board to consider adopting an ordinance regarding feeding of bears. His email explained that one of his neighbors has been putting food out for the bears and this has resulted in a significant increase in bears in the area. Mr. Jerram stated that he did let Mr. Colbert know that he is not opposed to adopting such an ordinance. Kennerson asked that Barkhamsted be consulted to see if there has been any issue with non-compliance of this ordinance and see if they have any suggestions on modifications or revisions that might need to be considered.

Jerram stated that there is still the open burning ordinance that needs to be addressed; therefore, this could be placed on the same agenda of a future town meeting.

Jerram noted that there have been a couple of attempts to hold a multi trails meeting, but due to conflicting schedules, it has not happened.

Other Business:

First Selectman Jerram told the Board of Selectmen that the Regional 7 Graduation ceremony was nicely done. He stated "hats off to Gary Franklin and Judy Palmer for coordinating the event."

Mr. Jerram asked the Selectmen if they would be willing to consider modifying the usual New Hartford Day format. He asked if there was interest in holding a concert/food truck festival on Saturday with Open Farm Day following on Sunday. Garay agreed that there has been waning interest in New Hartford Day in recent years and changing the format might be a good idea.

MOTION: by Garay to adjourn at 9:31 PM; seconded by Kennerson.

Unanimous.

Respectfully Submitted, Christine Hayward, Administrative Assistant

ATTACHMENTS: (available from the Town Clerk upon request)

Call of Special Town Meeting June 29, 2021

Correspondence – letter of concern from residents abutting Beekley Views