

**Board of Selectmen
Special Meeting
Monday, December 14, 2015**

Present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Laura Garay; WPCA/School Building Committee Chairman Denton (Bud) Butler; Town Engineer Todd Parsons, Members of the Public: Joe Toro, Penny Miller, Dave Krimmel, Dave Helt, Jim Fitzgerald, Bob Howson, Donna LaPlante, Dan LaPlante, Mary Lou Rayno, Bill Baxter; Republican-American Reporter Kathryn Boughton; Administrative Assistant Christine Hayward.

First Selectman Dan Jerram called the meeting to order at 9:05 AM.

The First Selectman noted that there was an extensive agenda with a few items that were complex.

Approval of Minutes:

MOTION: by Kennerson to accept the minutes of the meeting dated November 24, 2015 as presented; seconded by Garay.

Unanimous.

Carpenter Road Bridge- easement conditions/approval:

First Selectman Jerram informed the Selectmen that he had a productive discussion with the property owners who abut the Carpenter Road Bridge. They discussed the fact that pursuing legal action to gain temporary rights would be costly for both parties. Appraisals would be required and legal fees would be incurred. Additionally, the courts do require that negotiation was attempted. Dan has been back and forth with the property owner to come to terms that would be agreeable to both parties. The property owners agreed to the easement with the following conditions attached:

\$4500 will be paid to the property owner for the 2016 construction season. If additional time is required, an additional \$3500 will be paid through 2017. Should the job not be completed by December 31, 2017, the "rental rate" would be \$5,000 per year until completion of the project. It is anticipated that this project is a one season job. Jerram mentioned that there is new legislation regarding migratory bats and tree cutting. There can be no tree cutting for construction purposes after April 15. The property owners have agreed to allow the tree cutting to be completed prior to the construction so that the project will not be delayed. The property owner did not want the fish habitat to be located on his property, so the DEEP was contacted to see if this requirement could be removed from the plan. The State agreed that they would remove this since there was objection to this on the private property and they (DEEP) did not want it upstream. The Selectmen reviewed the easement and had no objections to the conditions.

MOTION: by Garay to approve the Temporary Construction Easement between the Coppingers and the Town of New Hartford with the conditions as presented; seconded by Kennerson.

Selectman Kennerson remarked that she was “glad that we are finally able to move this forward and I hope it is completed by December 2016.” Selectman Garay agreed.

Unanimous.

Jerram noted that he had also discussed the bridge width with the property owners and he agreed that he would consider a narrower bridge that still met the guidelines for Grant funding. Jerram indicated that he had spoken with Francisco Fadul at the State seeking his expertise regarding adjusting the width of the bridge. They discussed the possibility of going from the 11 foot travel lanes down to 9 or 10 feet. Jerram asked Town Engineer Todd Parsons to contact Mr. Fadul and discuss the options for a narrower bridge, stating that he would like to have as narrow a bridge as possible. There was some discussion regarding the costs of engineering and Mr. Parsons suggested that the \$4,000 allowance in the budget for geo-technical services could be shifted to the engineering line as geo-technical costs will not be as high as originally estimated. This will allow for funds to cover the costs of redesign to decrease the width. Mr. Parsons noted that a traffic count may be required if the width is changed, and it would be impossible to get an accurate count now that the bridge is closed to traffic. The Selectmen asked him to investigate the possibilities.

MOTION: by Kennerson to have the Town Engineer contact Francisco Fadul at the State Department of Transportation to discuss modifying the bridge lane width to 25’ if possible, but 27’ maximum; seconded by Garay.

First Selectman Jerram stated that the bridge would still be 2 lanes, but would be 2 narrower lanes and would still serve the public.

Unanimous.

Recommendation from WPCA to Board of Selectmen (Bud Butler)

WPCA Chairman Bud Butler read into the record a document that he prepared regarding the recommendation made by the WPCA to the Board of Selectmen to take the next steps to pursue the potential sale for sale of these assets as recommended in 2012. (Memo attached). Butler mentioned that the current engineer of record for the WPCA is CDM Smith and the WPCA would recommend that CDM Smith be engaged to prepare an evaluation to determine value of the system and also determine what the impact would be if one asset (water) sold and the other (wastewater) didn’t. Additionally, an estimate of the impact of such a sale on the rates charged to customers could be part of the evaluation. Butler noted that it is most likely that the system would be sold to a “PURA Regulated” company, which means that PURA rate structure must be adhered to.

Mr. Butler noted that the estimate to hire CDM Smith for this task would be approximately \$20,000. First Selectman commented that there had been some interest expressed in the system a couple of

years back, but noted that “it did not go.” He stated that the wastewater system may be a challenge. Jerram questioned where the \$20,000 would come from – the WPCA or the Town? He also wanted to know if the \$20,000 covered both the water and the wastewater? Butler replied that the fee was for both water and sewer and stated that the \$20,000 would have to come from the Town due to the fact that assets actually belong to the Town as they are infrastructure and further stated that the WPCA does not have the authority to sell the system, they can make the recommendation but action needs to be approved by the Town. Jerram commented that having an outside party purchase the assets could provide relief for the ratepayers. He stated that “our independence has shown that we cannot provide the economies of scale that a larger company may be able to provide.”

Selectman Garay stated that she had attended the WPCA meeting and she supports the process but she expressed her concern about the \$20,000 engineering fee, wondering where those funds would come from. Jerram replied that the Board of Selectmen will need to meet to discuss this unanticipated expense and would also want to discuss what should be included in the evaluation.

Antolini School Project Update (Bud Butler):

First Selectman stated that Mr. Butler would now “switch hats” and present information related to the Antolini School Building Project to the Selectmen.

Mr. Butler began his presentation by noting that he was in attendance to provide information and that there would be no need for formal action taken by the Board of Selectmen.

He reminded the Board that due to changes in the way the State of Connecticut Department of Construction Services conducts business, it had been necessary to divide the Antolini School improvements into 2 separate segments. Butler updated the Board on the status of the roof project, noting that the soffit repair portion of the project has moved to the summer of 2016 for completion due to the fact that this was not able to be completed prior to students going back to School this past fall. Butler reviewed actions taken as part of the project and distributed a hand-out related to both portions of the project. He noted that the first part of the project (roof) came in under budget and also stated that some savings occurred due to the roof being more structurally sound than originally anticipated. Butler went on to discuss that second phase of the project; which is the ADA portion of the project. He informed the Selectmen that the State will be putting forth this part of the project to the Legislature for request for funding on Tuesday, December 15. Butler has notified the Superintendent of Schools that the Building Committee would like to use the excess funds from the roof project to expand the scope of the ADA Project. Butler noted that this request is not a formal commitment; it is just a “placeholder” at this time. If the request was not made at this point, there would be no option later on to include the use of the remaining funds. Butler stated that the School Building Committee will come back to the Board of Selectmen to discuss the project and see what the Board would like to do. The architect has been requested to price out the remaining ADA items that could be considered for funding by the excess dollars.

Kennerson asked Butler if he planned to go before the School Board for input prior to coming to the Board of Selectmen. Butler answered in the affirmative and noted that only ADA Code issues would be considered.

Jerram asked if soft costs would also be considered. Butler replied that they are not included in the projections and Jerram asked that they be added. Jerram noted that ADA improvements do receive the largest percentage of reimbursement and the Board of Selectmen does have the authority to modify the scope of the project if that is what is agreed to later on.

Appointments to Boards and Commissions:

MOTION: by Garay to appoint Regina Wexler to serve as a member of the Inland-Wetlands Commission for the term of 1/1/16 to 12/31/18; seconded by Kennerson.

Unanimous.

MOTION: by Kennerson to re-appoint Laura Garay and Karen Gauthier to continue to serve as members on the Commission on Aging; term to be 1/1/16 to 12/31/18; and also to appoint Pam Fitzgerald to serve as an alternate on the Commission on Aging; term to expire 12/31/18; seconded by Garay.

Unanimous.

MOTION: by Kennerson to re-appoint Roy Litchfield to continue to serve as a member of the WPCA for the term 1/1/16 – 12/31/18; seconded by Garay.

Unanimous.

MOTION: by Kennerson to appoint Polly Pobuda to serve as a member of the WPCA for a term beginning 1/1/16 and expiring 12/31/18; seconded by Garay.

Unanimous.

MOTION: by Kennerson to appoint Jim Surber to fill a vacancy as a member of the WPCA for a term that will expire 12/31/16; seconded by Garay.

Unanimous.

Discussion related to Bakerville School Closing:

First Selectman Jerram informed the Selectmen that, although he has not received formal notification from the Board of Education/Superintendent of Schools regarding the decision to close Bakerville School; he is aware that the decision was made formal at a recent Board of Education meeting. Mr. Jerram remarked that the closure of the school will require some action by the Board of Selectmen due to the fact that the building will be turned over to the town to maintain. He stated that there will be additional expenses incurred to the Town Budget to maintain the building; one of them being heating costs associated with the building.

Selectman Kennerson stated that there are 2 meetings scheduled for this evening (Monday, December

14) that will address this closure. One meeting is an informational meeting where people can ask questions and a PTO meeting will follow that.

Kennerson asked if it may be possible to find someone to market the building for the Town. Jerram replied that options will need to be looked at; stating that he did receive a letter from the Commission on Aging expressing their interest in seeing the building used as a Senior Center. Jerram stated that there may be other possibilities for use and added that a change in use to non-educational purposes may have legal requirements that need to be met. The Board agreed that this is a topic of discussion that will need to be delved into further.

Discussion and action regarding Board of Finance vacancy

First Selectman Jerram stated that the recent actions of the Board of Finance with respect to filling the vacancy on the Board has created some issues and the Board of Selectmen need to solve the problem and move things forward. He stated that it was his intent to start the “healing”, noting that the recent press coverage was not good for the Town. He further stated that it was a minority seat that needed to be filled and he would ask the minority member of the Board of Selectmen to make a recommendation to fill the vacancy.

MOTION: by Garay to nominate Bart Baxter to fill the vacancy on the Board of Finance noting that he has been on the Board of Finance and he was the highest vote getter for the Democrats last election; seconded by Kennerson.

First Selectman Jerram asked if there were any other nominations to fill the vacancy. He repeated this question three times. No other nominations were heard.

MOTION: by Kennerson to close nominations; seconded by Garay.

Unanimous.

First Selectman Jerram asked Selectman Garay if she believed that Bart Baxter could work harmoniously with the Board of Finance. Ms. Garay replied yes, adding the “he listens and is not quick to come to judgement. His character is fitting for someone to have this seat on the Board of Finance.

Selectman Kennerson commented that she would support this candidate based on what would be right for the town; adding that she believed that Mr. Bart Baxter was the best candidate that had come forward for this seat and would vote based on that qualification.

First Selectman Jerram called for a vote on the nominated candidate, adding that such an appointment would be until the next municipal election.

Unanimous

Special Town Meeting Items and discussion of dates:

First Selectman Jerram stated that there are several pending items that will need to be brought before a Town Meeting. He gave the Selectmen a “heads up” on the items that will be considered for a Call of a meeting. He noted that he is nearing completion of negotiations for sale of two town owned parcels of land. These parcels are on Dorothy Road and have sat as vacant land for many years. The abutting property owners are interested in purchasing the land and they are currently negotiating a price. Once completed, he will bring these to the Selectmen for consideration and then they would need to go to Planning and Zoning for 8-24 approval. There are also the 2 easements that the Selectmen approved and forwarded to P&Z. Those received favorable reports in accordance with 8-24 and are ready to be voted on at Town Meeting.

Jerram commented that another item for consideration is the adoption of State Statute 9-204(b) which provides for the election of members to the Board of Education. A recent election had the 2nd highest vote getter not being seated due to a technicality related to the Statute that currently governs the election of Board of Ed members. Adopting 9-204(b) still respects minority representation, but allows for vote tallies to be the determining factor in an election.

Other items for consideration include:

- 1.) Tax Abatement for the elderly
- 2.) Town Hill Cemetery – clarification of governance/ownership
- 3.) DEEP Planning Grant – acceptance of the actual grant award
- 4.) adoption of an ordinance that would allow a paid employee to serve on Planning and Zoning Commission

Jerram gave a very brief explanation for each of the above and indicated that additional discussion would occur before actually creating the Call of the meeting.

Selectman Garay stated that she had some questions regarding some of the items and would wait for the next meeting to seek clarification.

Requests for Refund of Taxes:

MOTION: by Kennerson to approve the Requests for Refunds of Taxes as presented by the Tax Collector (\$841.70 to Nationwide Advantage Mortgage (Krasow) due to payment in error; \$203.73 to VW Credit Leasing, LTD due to prorated after payment; \$401.97 to Chase Auto Finance due to sale of vehicle; \$24.89 to Joseph McNally Jr. due to prorated after payment.); seconded by Garay.

Unanimous.

MOTION: by Kennerson to adjourn at 10:20 AM , seconded by Garay.

Unanimous.

Respectfully Submitted,

Christine Hayward, Administrative Assistant