

**Board of Selectmen
Special Meeting
Thursday, December 29, 2016**

MINUTES

Present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Laura Garay; Administrative Assistant Christine Hayward.

Others Present: Town Clerk Donna LaPlante, Members of the Public John Burdick (exited at 12:15 PM), Joe Toro (exited at 12:15 PM), Bud Butler.

First Selectman Jerram called the meeting to order at 11:15 AM.

Annual Appointments to Boards and Commissions:

First Selectman Jerram announced that it was that time of year where the Board of Selectmen re-appoints those individuals who are currently serving as members on Boards and Commissions and whose terms are expiring, yet they wish to continue their service.

MOTION: by Garay to reappoint Eleanor "Penny" Miller, Fran LaCroix, and Karen Kuhl to continue to serve as members on the Commission on Aging; terms to expire December 31, 2019 seconded by Kennerson.

Unanimous

Ms. Garay stated that she had an individual in mind to serve as an alternate member on this Commission, but has not yet had the opportunity to have this person attend a meeting to meet the other Commission members and see if membership is something she wishes to pursue.

MOTION: by Kennerson to reappoint Harlan Gustafson and Gwen Ashbaugh to continue to serve as members on the Conservation Commission; terms to expire December 31, 2019 seconded by Garay.

Unanimous

It was noted that there are several vacancies on this Commission which impedes the ability to gain a quorum when a meeting is called. The First Selectman noted that this Commission may need some re-organization so that quorums can be achieved.

MOTION: by Garay to reappoint David Krimmel to continue to serve as a member of the Economic Development Commission; term to expire December 31, 2021; seconded by Kennerson.

Unanimous.

The First Selectman stated that there are 2 vacancies remaining on the EDC; one full seat and one alternate seat; adding that currently there are 3 individuals interested in 2 positions. The Board of Selectmen will take action on those appointments at a later date.

Laura Garay forwarded John Burdick's Curriculum Vitae to the Selectmen as information for their review.

MOTION: by Garay to reappoint Sibyl Pellow to continue to serve as a member on the Historic District Commission; term to expire on December 31, 2021; seconded by Kennerson.

Unanimous.

Ms. Garay stated that she had some individuals in mind to reach out to and see if they would be interested in serving on the Historic District Commission.

Selectman Kennerson asked if reappointment to the Farmington Valley Health District would be addressed at this meeting. Mr. Jerram replied that the current member, Mary Winer, did not wish to seek reappointment due to the fact that she will be moving out of town. Jerram noted that a replacement will need to be found.

MOTION: by Kennerson to reappoint Ann Hall to continue to serve as a member on the Inland Wetlands Commission; term to expire December 31, 2019; seconded by Garay.

Unanimous.

MOTION: by Garay to reappoint Jean Cronauer and William (Bill) Michaud to continue to serve as members of the Open Space Preservation Commission; terms to expire December 31, 2019; seconded by Kennerson.

Unanimous.

First Selectman Jerram stated that there were several members of the Recreation Commission whose terms were expiring as of December 31, 2016. The Chairman had asked those members with terms that were expiring to contact Town Hall if they wished to be considered for reappointment. One member did call and stated, that at this point in time, he would step away from membership due to other obligations. Quorums at meetings have been difficult to achieve; therefore consideration of new members would be advisable.

MOTION: by Kennerson to reappoint Sally O'Neill to continue to serve as a member of the Recreation Commission; term to expire December 31, 2021; seconded by Garay.

Unanimous.

MOTION: by Kennerson to appoint Roxanne Helt to serve as a member of the Recreation Commission; term to expire December 2021; seconded by Garay.

Unanimous.

Administrative Assistant Hayward clarified for some present in the room that although there were now 2 members with the last name Helt on the board; these individuals reside in different households.

MOTION: by Garay to reappoint Hans Andersen to continue to serve as a member on the Board of Directors for Regional Refuse Disposal District # 1; term to expire December 31, 2019; seconded by Kennerson.

First Selectman Jerram commented that Mr. Andersen has served on this Board for many years and is the longest serving member of any Board.

Unanimous.

MOTION: by Kennerson to reappoint Mary Beth Greenwood and Denton (Bud) Butler to continue to serve as members of the Water Pollution Control Authority; terms to expire December 31, 2019; seconded by Garay.

Unanimous.

Carpenter Road Bridge updates

First Selectman Jerram informed the members of the Board that LaRosa Construction had made valiant efforts to implement coffer dams at the construction site; but the flood channel proved to be more difficult than anyone had anticipated. Coupled with a lengthy approval process for administrative details required by the Commission on Human Rights and Opportunities, the project suffered a delay in its projected timeline. The Box Culvert was not able to be ordered until the administrative approval was received which now results in the box culvert not yet being completed. The contractor will be seeking advice regarding the best way to handle the dewatering of the silty soil that exists at the project site. The conditions there are considered to be out of the realm of normal conditions and have made it extremely difficult to dewater with success. Winter shut down will now occur, which will allow for some time to research and explore options for redirecting the water flow. Mr. Jerram noted that there have not been any excess financial liabilities incurred, the project remains within budget. Selectman Kennerson remarked that she felt it was important to be sure that “we are doing everything right; no need to rush.” Jerram added that ‘sometimes things just don’t work perfectly’ noting that it would have been nice to have the box culvert in place prior to winter shut down.

Exclusive Service Areas – Water Utility Coordinating Committee Update

Mr. Jerram updated the Board of Selectmen on the matter of designating an Exclusive Service Area (ESA). He stated that a letter was submitted to the Water Utility Coordinating Committee (WUCC) outlining the ESA. As previously discussed with the Selectmen, the ESA mirrors the area that has been designated as the Sewer Service Area by the Water Pollution Control Authority (note that the Sewer Service Area is still waiting for approval from the DEEP; but the map that was prepared for that designation is referred to for designation of the ESA).

Jerram noted that the Town declared the entirety of the remaining area of New Hartford as “exclusive unassigned.” Jerram stated that there are 4 other agencies that have made declaration for areas of New Hartford as part of their ESA. Torrington Water Company, Aquarion, the Department of Energy and Environmental Protection and CT Water have all laid claim to some portions of New Hartford. Jerram

commented that this is occurring in other towns as well –several entities laying claim to areas of town. The WUCC has asked that the towns meet with these other entities and come to an understanding as to who should lay claim to what. Mr. Jerram explained that the next meeting of the WUCC is scheduled for January 11 and noted that they would like to have these claims ironed out by then. The First Selectman stated that it may be best to consider asking for an extension regarding the filing of a final ESA to allow adequate time to meet with the various entities. Jerram noted that designations of ESAs is something that could affect future generations and these designations should not be made in haste and without some thought.

Another factor that is coming into play with the designation of the ESA is the Whitbeck Road waterline. There was a construction agreement executed several years back when a situation arose in the neighboring town of Harwinton where public water supply was needed for homes that had contaminated wells. The waterline ran from Torrington to Harwinton, but needed to pass through New Hartford along Whitbeck Road in order to reach its intended location. An agreement was put into place, but there are questions as to whether or not all formal procedures were followed in order to have this line run through New Hartford. There is the question of easements and exactly what was granted. Jerram noted that the agreement may need to be codified. He added that due diligence needs to be done so that the right of those involved (Torrington Water Company and the Town of New Hartford) are clearly understood.

Mr. Jerram circled back to the discussion of the Exclusive Service Areas, stating the Town is extremely fortunate to have Wes Marsh, a member of the Water Pollution Control Authority, being willing to attend the meetings called by the Water Utility Coordinating Committee. Wes has been providing representation for New Hartford and brings back the information gleaned from these meetings. Bud Butler, Chairman of the WPCA echoed these sentiments and added that the WPCA is being brought up to date on this subject as well and continues to consult with the Selectmen on this and other matters pertinent to the WPCA.

Jerram commented that the WUCC and the establishment of ESAs have nothing to do with the potential sale of the water and wastewater assets. It is pure coincidence that these items are being addressed at the same time.

Town Garage – remediation

The First Selectman informed the Selectmen that there was a recent visit by an inspector from the Department of Energy and Environmental Protection to the Town Garage to investigate an 'oil sheen' that was brought to the attention of the DEEP by way of a complaint. Jerram stated that the town garage has an issue with standing water in the garage bays, especially following a full day or night of snow plowing. The snow adheres to the trucks and plow blades and then melts and creates 5 or 6 inches of water in the garage bays. Several years ago, the town was ordered to block the floor drains due to the fact that the water draining into them was contaminated with grease and oil from the trucks and was eventually flowing into the river.

Currently, there is no way to dispose of this water. The DEEP suggests that an oil/water separator be installed. The water poses a safety hazard to the employees and some corrective action needs to be

taken. It cannot be pumped out onto the parking lot and it cannot remain where it is. Jerram noted that he did investigate the idea of creating a wash bay at the wastewater treatment plant, but was told by the operators that they cannot treat that type of water. The Selectmen agreed that this situation will need to be addressed and that there may be a need to seek funding for corrective measures.

MS4 Storm water permitting update:

Jerram briefed the Selectmen on another water issue – storm water permitting. This is an unfunded mandate that will cost the Town of New Hartford unanticipated expense to implement. Jerram explained that the state has changed the designation of some towns to Urban area which places them in a category of a “Tier 1 Stormwater reporting town.” New Hartford is one such town. Jerram explained that it is, in his opinion, a ridiculous designation and noted that he spoke against this designation at public hearings, to no avail. The designation requires New Hartford to perform documentation of all storm water piping and drains located on local roads; they must be mapped to show where they are and where the water they carry goes to. There are additional testing and policies that need to be implemented. Jerram stated that CDM Smith, an engineering firm that has assisted New Hartford in the past with some engineering tasks has reached out to the town and has stated that they are able to provide the technical expertise needed to comply with the new regulations. Jerram will reach out to them to see what they offer and what the cost estimate might be. He will also discuss this with the town’s consulting engineer – Lenard Engineering, Inc.

Capital Plan Review:

The First Selectman distributed the current 5 year capital plan to the Selectmen for review. He noted that many of the capital items in the current year have been completed. He informed the Board that the lighting upgrade for Town Hall will be underway soon. The Town has been fortunate to receive a \$9,000 grant towards replacing the old lighting with new energy efficient lighting. This is an unexpected bonus and will be of great help with the overall cost of becoming more efficient which will be beneficial in the long term. Jerram noted that one half of the building had already been upgraded with new lighting when town hall had the sprinkler damage.

Jerram asked the Selectmen to review the capital plan for the next few years and be prepared to make recommendations at a future meeting for changes and additions.

Annual Audit FYE June 30, 2016:

Mr. Jerram informed the Selectmen that the audit has been completed. He informed the Board that the audit “says a lot about management.” He stated that there were no findings noted; which means that things are being done the way they need to be done. There will be some recommendations of things that might be done differently, but those are recommendations only which does not mean that the current way of conducting business is incorrect.

Jerram stated that the revenues and expenses show that some revenues exceeded expectations and some fell short. However, revenues overall were \$79,000 - \$80,000 ‘in the good.’ Originally, it had been expected that there would be a need to use \$542,000 of prior year surplus to fund the budget, however, due to good management and revenues, only \$3,843 was needed. Jerram noted that every

department (with the exception of Libraries) were under budget for the fiscal year. He stated that this shows that “there is good work all around; we watch our expenditures.” He thanked his Selectmen for their due diligence in reviewing each and every purchase order to insure that expenses are necessary. He commented that they question purchases and expenditures if they have concerns and expressed his appreciation that they “pay attention to the details.”

Mr. Jerram said that he will be asking the Board of Finance again to adopt a policy that codifies how much the Town will keep in surplus funds. A policy stating a ratio of excess funds to budget is needed in order for the town to retain a good credit rating. This was brought to light during the refunding/refinancing earlier this year when the town was seeking a rating. Both Moodys and Standards and Poors have stated that having an established policy can be a critical factor in assigning a rating.

Line Item Transfers:

The Selectmen reviewed the expenditures as of December 2016. They noted that no departments were over-expended.

There are three lines out of 152 line items that are above the budget for their line. The Selectmen reviewed them:

Election workers and Supplies is currently \$684.33 above the allocated funds. Jerram noted that this was a Presidential election and that training and supplies were higher than what the Registrars anticipated. However, he noted that the department is not over-expended. He asked the Selectmen if they wished to make any adjustments at this time.

Ms. Kennerson noted that there only seems to be adequate funds to cover one referenda and was not comfortable transferring funds out of one line to cover another line at this time; especially since there is no way of knowing whether there are sufficient funds to cover that line item until those funds are used for the intended purpose.

Wastewater Treatment Principal is over expended by \$1.00. This is due to rounding. There were no recommendations at this time, the Board preferred to wait and handle this at some point in the future.

Torrington Water company hydrants is over expended due to the fact that there was an increase in this assessment after the budget process was completed. Both Kennerson and Garay expressed their desire to wait and see what happens in other lines before making any recommendations for transfers in order to avoid having to perform multiple transfers in and out of one line.

Budget Timeline/discussion of meetings:

The Selectmen discussed possible dates for future meetings, noting that the budget season will require additional meetings. They agreed on the following tentative dates (all subject to change):

January 5, 2017 – Board of Selectmen Special to discuss Capital Plan (6:00 pm)

January 12, 2017 – Capital Expenditures Subcommittee (6:00 pm)

January 17, 2017 – Board of Selectmen Special to discuss budget (6:00 pm)

January 24, 2017 – Board of Selectmen regular meeting (7:00 pm)

February 7, 2017 – Board of Selectmen Special to discuss budget (6:00 pm)

January 2017 Newsletter:

The Selectmen discussed the creation and distribution of a newsletter to be mailed to homes at the end of January. Items to include are: Carpenter Road Bridge update; Butler Farm; Antolini School Renovation update; Economic Development; Pavilion update, Need for volunteers to serve on Commissions; Budget information; Website – access to information and sign up for alerts, agendas, minutes, etc.

Operations Updates:

The First Selectman informed the Board that the sidewalk lighting along Route 219 heading toward the center of town is now functional. He stated that this stayed within budget and noted that there are plans for this sidewalk to connect to additional sidewalk with lighting that will be installed when the new Dunkin Donuts is constructed.

The pavilion project is well underway. Jerram stated that he had a conversation with a member of the Beekley family who was “thrilled to see something being done on the land that was donated by her father to the town.” Jerram noted that recreation department has some ideas for utilization of the site. The First Selectman commented that the Department of Agriculture is finalizing the survey/mapping for the Butler farm property.

Mr. Jerram has been in discussion with a local upholsterer to see what it might cost to have the chairs in the Sessions Room re-upholstered; noting that the room is a reflection of the town and it needs to be kept in shape. Kennerson and Garay agreed.

Jerram noted that the Economic Development Commission recently sent a letter in support of Ski Sundown’s request use of water from MDC for snowmaking. Mr. Jerram recommended that the Board of Selectmen also go on record as being in support of this.

Selectman Laura Garay asked if the Selectmen were aware of opposition currently being expressed on Social media regarding the Borghesi Satans Kingdom development. She stated that she was surprised at this since she had attended a P&Z meeting where this was approved and no one there spoke against the plan. She asked if anyone knew what spurred this concern. Jerram replied that there was concern expressed by Canton residents when there was development proposed on the Canton side a while back which resulted in the “Save Satan’s Kingdom” group. The current proposal will only be occupying a small portion of the total site and added that the building is being constructed “in a hole’ which allows for a natural berm to surround the site. He also reminded Ms. Garay that the Board of Selectmen sent a letter of support to P&Z regarding the current proposal, adding that the Board did request that there be a buffer of trees to remain in place and the P&Z agreed to this. Jerram then stated that those concerned with development had ample opportunity to purchase the parcel and preserve it had the wanted to do that.

Ms. Garay remarked that she was pleased that the Capital Plan has funds for a waterline extension since access to public water supply for fire suppression along Route 44 has been a concern expressed by the Fire Department. Jerram replied that he has asked Torrington Water Company, the operator for the WPCA water operations, to provide cost proposals for both a 1500 foot water main and a 2000 foot

water main. Jerram stated that the funds proposed in the Capital plan may not be adequate for a full extension, but “it’s a start.” It may need to be done in stages. Jerram also mentioned that it may be a good project for a STEAP grant, although he noted that those grants are very difficult to come by lately.

Ms. Garay then asked about a purchase order she has reviewed recently seeking funds to change batteries in the smoke detectors at the Field House. She questioned the cost associated with this, noting that it was around \$300.00. Jerram replied that due to the facility being used for public assembly (Camp Brodie uses the facility for some camp programming), there are strict codes that must be adhered to. Hard wired smoke detectors are a must in the facility and their placement is dictated by Code. The detectors are in an area where a utility truck is needed to access these units. The Recreation Department Program Account is used to pay for the service of contracting once per year with the town’s electrician to replace the batteries (all at the same time to avoid duplication of cost of service).

Administrative Assistant Christine Hayward informed the Selectmen that there were 2 errors on the recently approved Holiday Schedule for 2017 and she asked that the Selectmen approve a revised schedule. She noted that Martin Luther King Jr Day and Presidents Day were incorrect on the original listing.

MOTION: by Kennerson to approve the revised 2017 Holiday Schedule; seconded by Garay.

Unanimous.

Ms. Hayward noted that Tax Collector Linda Sheffield had prepared several requests for refunds for taxes and had hoped that they could be addressed at this meeting so that refunds could be issued prior to the end of the Calendar year.

MOTION: by Kennerson to approve the requests for Refunds of Taxes as presented by the Tax Collector; seconded by Garay

(\$374.73 to Ally Bank due to sale of 2011 Jeep Liberty; \$107.29 to Ally Bank due to sale of 2014 Jeep Wrangler; \$121.46 to Ally Bank due to sale of 2014 Jeep Grand Cherokee; \$26.83 to Daniel Eddy due to donation of 2006 Ford Crown Vic; \$129.75 to Honda Lease Trust due to sale of 2013 Honda CRV LX; \$30.76 to Jay Bailey, Tree Service due to junked Nissan Altimas S 2006; \$143.51 to Honda Lease Trust due to sale of 2013 Honda Accord E; \$264.33 to Nissan Infiniti LT due to sale of Nissan Rogue S/2012)

Unanimous.

First Selectman Jerram discussed the issue of the withholding a percentage of funds from various organizations for the first two quarters of the Fiscal year. He noted that an unanticipated 200K in revenues (due to back taxes being paid on a recently sold parcel of land) should have a positive effect on the fiscal year, and therefore he felt more confident about authorizing the full release of budgeted allocations to organizations. He stated, however, that he felt this was a good practice to continue for the next year; noting that with the uncertainty of the State budget, it is best to be cautious.

Town Clerk Donna LaPlante asked for permission to speak regarding Operations. She commented on the proposed development in the Satan's Kingdom area, noting that it was her opinion that development is good for New Hartford. She stated that she has heard remarks made by some who believe that developers have the means to pay for waterline extensions and these same folks believe that developers should be forced to do so. Ms. LaPlante opined that this would not be in the best interest of economic development due to the fact that if developers were forced to pay for these types of improvements, they would go elsewhere. It is her belief that the Board of Selectmen are doing the right thing by investing in this infrastructure improvement.

Ms. LaPlante then asked the Board if they could address the status of Stedman Road. She stated that this road "does not seem to be on anyone's radar." Selectman Kennerson responded that it is not "off the radar," noting that there have been discussions regarding including funds in the capital plan, but that other things have taken priority causing it to moved farther back. Mr. Jerram agreed, adding that although the road closure is inconvenient to the local residents, it has not been an issue that has been a top priority to address. Ms. LaPlante expressed her concerns with the site lines at the intersection of Route 202 and Stedman Road and noted that if this is to be the only permanent entrance/exit for the residents, she would like to have someone look at the situation and come up with a formal plan. Mr. Jerram replied that he recently had a meeting with officials from the Department of Transportation to discuss some other concerns with intersections on Route 202. He will ask that they look at this area, as well.

Executive Session for the Purpose of discussion related to Union Negotiations:

MOTION: by Garay to enter into Executive Session at 2:15 PM for the purpose of discussion related to Union Negotiations; seconded by Kennerson.

Unanimous.

(Jerram, Kennerson and Garay entered into Executive Session)

Board members exited Executive Session at 2:50 PM.

No action was taken following Executive Session.

MOTION: by Kennerson to adjourn at 2:50 PM; seconded by Garay.

Unanimous.

Respectfully Submitted,

Christine Hayward, Administrative Assistant