

**Board of Selectmen
Special Meeting
Monday, September 10, 2018**

MINUTES

Present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Eric Claman, Members of the Public: Jean Darlington(out at 7:00 pm), Madeline McClave (out at 7:25 pm), Ann Hall, Caren Ross (out at 7:00 pm), Rusty Warner (out at 7:00 pm), Karen Griswold-Nelson (out at 7:00 pm), John Burdick (in at 6:20 pm, put at 7:00 pm), Joe Toro (in at 7:00 pm), Dan LaPlante (in at 7:00 pm); Donna LaPlante (in at 9:00 pm) Member of the Press Kathryn Boughton (in at 7:16 pm); Administrative Assistant Christine Hayward.

First Selectman Jerram called the meeting to order at 6:10 PM; Selectman Claman apologized for his tardiness due to weather and traffic.

Mr. Jerram noted that the agenda was quite lengthy and there would be opportunity for public comment during the meeting; but noted that discussion may need to be limited, if time became an issue.

Helen Butler Riverfront Trail Conservation Easement and Fencing quotes (if completed):

Mr. Jerram stated that one of the conditions of the acquisition of the Butler property was that fencing would be installed. To that end, he has contacted a couple of fencing companies to provide sealed quotes. He has not yet received any quotes and will follow up with the companies to see when they could be expected. He informed the Board that it was his intent to use Capital funds earmarked as "downtown improvement" for the fence. The Trail is in the downtown area and will be an asset to this part of town.

Discussion turned to the proposed Conservation Easement that had been briefly discussed at the Board of Selectmen meeting held on July 31, 2018. At that time, a cursory review of the document had been performed. The Selectman have the document and have had a chance to review it. Mr. Jerram noted that he had consulted with a contractor to gain information about "pervious pavement." He stated that he had been told that this is a type of pavement that is used in the southern states and is not typically used in this part of the country due to its susceptibility to the freeze/thaw cycle. Ms. Griswold-Nelson, present in the audience, commented that she has been involved in projects that have used permeable pavers (different than pavement) with success. These pavers are very costly as they are a complex system of varied materials. Mr. Rusty Warner concurred with this information. Ms. Jean Darlington questioned if Mr. Jerram had considered stone dust as an alternative to pavement for the trail. Ms. McClave commented that the stone dust used on the trail belonging to the Land Trust that exists behind Town Hall has held up extremely well over the years. Mr. Jerram agreed with her statement. Types of material for the trail will be determined at a later date.

Mr. Jerram stated that it is his opinion that the proposed easement is too large of a document and puts a lot of restrictions on the trail. He stated that the State Conservation Easement that was filed for the

agricultural easement portion of the Butler property is much more compact and less restrictive. Ms. McClave argued that the easement that has been prepared by the Land Trust is a model and is used widely in the State for many Open Space transactions. She stated that much of the document consists of definitions and concepts. Selectman Kennerson agreed with Mr. Jerram's view that the terms in the document are "too restrictive." She expressed her concern regarding the perpetuity of the restrictions. Ms. Kennerson stated that while it may not be advantageous to pave the trail at this time, it should not be a restriction for the future. Ms. McClave expressed her concern that the Selectmen were having a discussion regarding the proposed easement without having formally notified the Open Space Commission that this review would be occurring. Mr. Jerram countered that this had been discussed at the prior meeting and that he was having the Board of Selectmen make suggestions and comments and offer their opinions and concerns prior to presenting the easement to the Town Attorney for review. He noted that there will be additional review of the easement before all is said and done. This is still a preliminary discussion of the easement and the Board of Selectmen need a chance to express their thoughts regarding the document.

Mr. Jerram referred to the easement that the State had just filed and repeated again that there is a difference in the content. Ms. McClave claimed that the State easement focuses on agricultural use of the property while the conservation easement focuses on protection of the river through protection of the riparian buffer while allowing public access and enjoyment of the trail. Selectman Claman agreed that the proposed easement seems a tad restrictive; referring specifically to language that limits "no more than 6 benches on the trail." Ms. Darlington commented that limiting the number of benches available prevents "hanging out" on the trail. Ms. Ross asked the Selectmen if there were fundamental objections to the easement; asking the Selectmen to point out specifics. Selectman Kennerson replied that she did not like having a restriction to bicycles and also felt that references to mutual agreement to changes needed to be removed. Mr. Jerram concurred, adding that the trail will belong to the Town of New Hartford and it will be the Town of New Hartford that will maintain this trail. The Town is the entity granting the easement, not the other way around. Mr. Butler asked for, and was granted, permission to read an email he had sent to Open Space Chairman Jean Cronauer into the record to document his views on bicycle use on the trail.

Selectman Claman stated that his biggest concern is "who will have the ultimate say of how things will be done" in the future.

Karen Griswold-Nelson spoke directly to the Board of Selectmen asking them to please pay attention to details that could have an effect on the river. She noted that the purpose of restricted trail use is to protect the river and water quality. She spoke passionately about this topic.

Jerram ended the discussion by proclaiming that the observations noted in the minutes regarding this discussion will be forwarded to the town attorney for consideration when developing a draft easement for review by the Board. The First Selectman also commented that town meeting approval will be necessary for any easement prior to implementation.

WWTP Debt Service – discussion of continuation of modification to the 61/39 debt service split and Temporary Suspension of WPCA debt service payments

First Selectman Jerram informed the Selectmen that the modification to the debt service schedule approved five years ago was due to revert back to its original format in this fiscal year. Mr. Jerram commented that the anticipated growth in the sewer service area has not occurred and this has left the WPCA without the growth in revenues they expected to have by now. Mr. Butler, Chairman of the Water Pollution Control Authority, interjected that there have only been 2 additional sewer connections and 0 additional water connections in 5 years. Butler also noted that the consumption of water has decreased significantly which also has had a negative impact on revenues. Butler stated that the WPCA is current with their payables but noted that they expect to receive larger than normal non-routine charges for this past month, due to services required for placing risers on manhole covers during the paving of Route 44.

Mr. Jerram stated that the Board of Selectmen had authorized a temporary suspension of debt service payments in 2017-2018, due to financial difficulties experienced by the WPCA. He asked the Selectmen for their consideration of a temporary suspension of payment due for the current period, in addition to the extension of the modification of the debt service repayment schedule.

MOTION: by Kennerson to extend the modification to the debt service repayment schedule originally approved in May of 2014 for one full year keeping the WPCA obligation at \$66,147.09; seconded by Claman.

Jerram reminded all that the WPCA and Town of New Hartford are currently entertaining a Request for Proposal for the possible sale of the water and wastewater assets; therefore it is unknown at this time how long debt service payments will continue to be an obligation for the town/WPCA.

Unanimous.

MOTION: by Kennerson to temporarily suspend the 08-01-2018 debt service payment owed to the Town of New Hartford, seconded by Claman.

Unanimous.

Carpenter Road Bridge Update issuance of permit/consent order:

First Selectman Jerram notified the Selectmen that all the necessary permits for the Carpenter Road Bridge have been received. Army Corps of Engineers and the Department of Energy and Environmental Protection permits are all in order. A Consent Order was entered into between the Town and DEEP (on file with the Town Clerk). A requirement of the Consent Order was for the Town to participate in an Environmental Remediation Project. This consisted of the town agreeing to stock the Farmington River with fish. Jerram noted that an agreement was reached that included the contractor and the town engineer contributing to this cause. The fish were placed in the river in time for the Memorial Day Annual David Childs Fishing Derby. This was beneficial to the derby, as well. First Selectman Jerram explained that the DEEP had some concerns with the channel that had been installed by the contractor.

It was their contention that the limits of disturbance to the Wetlands did not follow the approved plan that had been agreed to by DEEP. It was noted that Army Corps did not have an issue with the plan, and they had been willing to renew permits months ago. However, DEEP did not like the position of the pipe. The dewatering plan is the responsibility of the contractor. Sheet piling will be used and Jerram noted that telephone pole relocation is needed due to interference with the machinery that will be used to install the sheet piling. Mr. Jerram acknowledged that legal fees have accumulated for this project and he estimates the cost to be in the \$15,000 – 17,000 range thus far. Jerram stated that the cost of the project remains the same – no change orders for additional expenses have been approved. The legal fees are a by-product of needing legal intervention to get the project back on track. Jerram is hopeful that mobilization will occur soon and the bridge deck can be removed. The First Selectman did note that this project relies heavily on good weather conditions. Jerram commented that the approved plan for construction needs to be followed to a “t” and it is his intent to make sure that it is closely watched.

The First Selectman noted that the Consent Agreement is on file in the Office of the Town Clerk and is also available in his office and he can answer any questions that anyone may have regarding the agreement.

Stormwater Management MS4 public awareness presentation:

First Selectman Jerram presented information related to the Storm water Management Plan that New Hartford is now required to follow. Jerram noted that the Town of New Hartford was recently designated a “Tier One” town. This designation is a change from the prior Tier 2 designation. Tier 1 Towns are towns that the State has identified as having an “urbanized area” with a population of greater than 1,000 in an area that has been defined by the State. Jerram commented that the “urbanized area” of New Hartford encompasses a portion of Route 44 from the Canton Line up towards Barkhamsted and then crosses over into areas of West Hill/Niles Road, and includes the Arrowhead Road area. Being designated a Tier 1 town places an increased burden on the town with respect to storm water management responsibilities. The entire town becomes subject to increased storm water responsibilities. Tier 1 towns are required to perform GIS mapping of the entire storm water and drainage system in the town. All catch basins and piping must be mapped within 10 years of the permit start date. The Town must also educate residents and increase awareness of storm water runoff and its effects on water resources. Topics that the town is encouraged to provide outreach and education for include proper disposal of pet waste, use of pesticides, trash management and others. The Town must also keep logs regarding the amount of sand and salt that is used on each road during each storm. Each Town Truck will be required to keep track of the quantity of sand/salt distributed along their route. Jerram explained that while some of the recordkeeping and public awareness training can be done through his office, there will be additional engineering expenses associated with this designation as there will be a need for professional assistance/guidance with respect to reporting and implementation of the requirements of this permit. Mr. Jerram stated that the Storm water Management Plan is available on the town website on the highway department page.

Fiscal year 2017-2018 Line Item Transfers:

The bookkeeper has completed the year end accounting of all departments. Debt service is the only department that is over budget. All other departments are within their department funding levels. Line item transfers within departments have been recommended by the Bookkeeper for approval (list is attached). The First Selectman commented that the overages in the salary line items are due to accrued payrolls. This occurs when a pay period includes two fiscal years. The current fiscal year is charged the entirety of the obligation which accounts for a slight overage. He explained that the Assistant Bookkeeper line item is over expended due to the fact that budgeted hours were based on 15 – 20 hours per week, but this individual performed some special projects which required her to work above the allocated hours. Her assistance with matters pertaining to the RFP for the asset sale of the WPCA and taking charge of a records retention project in order to gain storage space were extra duties assigned to her. Town Hall electricity line item is also over expended and is a result of increased transmission rates. The Pension Line item also shows an overage and this is due to the fact that the actuarial report was done in 2017-2018 which has a fee associated with it. However, the General Administration department is not over-expended and the transfers of lines within this department can be accomplished due to savings in some other lines within the department.

Selectman Claman expressed his concern that there are still fundamental differences between how the Board of Finance expects line item transfers to be done and how they are currently being handled. He would prefer that there be a threshold of a balance in a line item (he suggested \$5,000) that dictates when pre-approval for a line item transfer should occur; rather than holding off until after the fact. He stated that he feels as if the Board of Selectmen is “playing chicken” and taking chances by not seeking prior approval of transfers.

Selectman Kennerson disagreed, stating that the Board of Selectmen is relying on the interpretation and advice of the town attorney who has opined that transfers of line items within a department are within the purview of the Board of Selectmen. She noted that the transfers as proposed are not outside of departments. Jerram interjected “with the exception of debt service – which is backed by the full faith and credit of the Town and therefore is not subject to the same within department guidelines as the other transfers.” Kennerson saw no reason to change current and past practice.

Claman countered that his main goal is to do ‘what is best for New Hartford’ and asked, “Do you think that a continued rift between the Board of Selectmen and the Board of Finance is in the best interest of the Town of New Hartford?” Jerram replied that he has surveyed almost all of the other Statutory towns in the Northwest Corner regarding their line item transfer practice and they all do it the way New Hartford does -----one single reconciliation at the end of the fiscal year. Jerram reiterated his concern that having to seek approval to fund a line item due to higher than anticipated expenses in one particular line within an overall department impedes the continuity of operations. Mr. Claman replied to this by stating his opinion that it is not in the best interest of New Hartford to continue to be dysfunctional. The First Selectman took exception to that statement and stated, “this town has relied on the legal opinions of a well- respected attorney who has been the town’s attorney long before I was in office and that attorney has continued to opine that line item transfers are being handled properly.”

Jerram added that he has no rift with the Board of Finance.

Mr. Jerram summarized that the total request for line item transfers is \$75,000 which is insignificant in a \$24 million budget.

MOTION: by Kennerson to approve the 2017-2018 line item transfers in the amount of \$74,828.01 as itemized by the Bookkeeper; seconded by Claman.

Approved: Kennerson, Jerram

Opposed: Claman

Motion carries.

Operations Updates:

First Selectman Jerram informed the Selectmen that the survey for the “old canal” Hoag property donation has been completed. A formal transaction of the parcel can be completed and the survey can be filed on the land records.

Summer work has kept the highway department very busy. Lots of clean up at the town garage.

Organization of the inside, disposal/sale of old and unused equipment. Maintenance of vehicles, pothole patching, road grading, mowing, and numerous other jobs.

The tractor was purchased and has been delivered and is in full use at the parks.

Callahan Park has benefited from a facelift. The basketball courts have been re-done, tennis courts resurfaced and new nets are in place.

Recreation Director Christy Tellier had the camp children assist in painting some new decorative garbage cans for the downtown. Pizza Pete was thrilled to be a recipient of a new can painted with a pizza theme.

The Friends of New Hartford have had a contractor put in some steps that allow for access from the Pavilion down to the grassy area near the river.

Pioneer Drive and Loomis Heights have been resurfaced.

Dunkin Donuts has reached an agreement to connect to a sanitary sewer located across Route 219 in the area of the old laundromat. An easement will be granted to the town and this easement will be reviewed by the Town Attorney.

The Senior Director position has been advertised; applications have been received and interviews will be scheduled.

A police officer candidate has been extended an offer of employment. Rob Janco, former State Trooper, will be employed as a Town of New Hartford Police Officer effective September 19, 2018.

Selectman Claman asked if there would be an opportunity to combine the part time Senior Director position with the part time Recreation Director, resulting in one full time position. Mr. Claman stated that he thought there would be some benefit to having a combined position. He said that having full time hours may result in being able to use hours more effectively. He added that the part time hours limit what can be done; whereas full time hours give the opportunity to continue to work on something and allows for prioritizing of areas of concentration depending on specific need at the time. Jerram replied that the suggestion was “a little late” but that it might be worth consideration at some point in

the future. He did express concern that combining the positions would not add any additional hours to either position and was not sure that would be an improvement over what is currently available. There would, however, be significant costs involved administratively due to having a full time position that requires benefits in accordance with existing union contracts. Claman expressed his desire to see some more stringent accountability with respect to the obligations of the Senior Director.

Selectman Kennerson questioned the status of a new map for Jones Mountain. Jerram replied that it has been completed and he will plan to get it posted on the town website.

Discussion of Communication to residents; Facebook, Website, Email , etc

Mr. Jerram stated that Mr. Claman had asked for this agenda item and asked Mr. Claman to take the lead on this discussion.

Selectman Claman stated that he is concerned with how residents can get information regarding what is going on in New Hartford. He stated that he had polled about 100 people and found that 68 of them use social media and that 37 get information from the website, yet only 12 of them had e-subscribed. He felt that it is the duty of the Selectmen to try and figure out effective ways of communication. He noted that he did not have a real answer as to what to do and wanted this to be a general ongoing discussion of what might be done to improve the communication. All of the Selectmen agreed that there is a problem with keeping people informed, and Ms. Kennerson asked if it really is the responsibility of the town to reach out or should people take individual responsibility for being able to be reached. She stated that the e-subscribe to information through the website does offer a lot of opportunity to stay informed, but one must sign up for it. Claman noted that there are many who don't know how to do that. It was suggested that upon the completion of the website upgrade, it might be beneficial to have a town wide mailing that informs people how to get news and information to come to them.

Members of the audience were asked how they keep informed and the majority stated that they subscribe to the email alerts; they found those to be very informative.

The Selectmen all agreed that communication to residents is a difficult challenge and they will continue to try and seek new ways of communication.

Endorsement of Proclamation for Constitution Week:

First Selectman Jerram informed the Selectmen that the annual request for a Proclamation recognizing and honoring Constitution Week has been received from the Daughters of the American Revolution. He read aloud the 2018 Proclamation naming September 17 – 23 as "Constitution Week" and asked for endorsement of this action by the full Board.

MOTION: by Kennerson to endorse the Proclamation as read and recognize September 17 – 23 as Constitution Week; seconded by Claman.

Unanimous.

Correspondence:

Mr. Jerram stated that the Selectmen had all received correspondence from a resident who was interested in having a dog park in New Hartford. Mr. Jerram noted that New Hartford has the distinction of being number 2 in the State of Connecticut with respect to the number of dogs licensed in towns with populations under 10,000. The Selectmen asked Assistant Animal Control Officer Dan LaPlante (present at the meeting and seated in the audience) if he had an opinion on dog parks. Mr. LaPlante responded that he, personally, was not in favor of the idea. He explained that in his line of work, he has seen too many dogs that are not under the control of their owners. He felt that there could be liability to the Town with a town owned dog park.

The Selectmen did not make any decisions regarding this request, but noted that the correspondence had been received.

Request for Refunds of Taxes:

The following requests for refunds of taxes were presented to the Board for consideration by Tax Collector Linda Sheffield:

James Gilson, request for refund of motor vehicle property taxes in the amount of \$35.08 due to proration after payment made; Gwen or Peter Stedman request for refund of real estate property taxes in the amount of \$97.07 due to overpayment; Deborah Woodworth request for refund of motor vehicle property taxes in the amount of \$14.54 due to overpayment; David S. Fearon request for refund of motor vehicle property taxes in the amount of \$98.21 due to overpayment; Tiffany T. Perri request for refund of motor vehicle property taxes in the amount of \$59.26 due to sale of vehicle; Dean Ouelette request for refund of motor vehicle property taxes in the amount of \$72.70 due to totaled vehicle resulting in adjustment after payment; ASI Underwriters Inc request for refund of motor vehicle taxes in the amount of \$315.17 due to sale of vehicle; Luke Button Jr. request for refund of motor vehicle taxes in the amount of \$12.77 due to total loss of vehicle after payment.

MOTION: by Kennerson to approve the requests for refunds of taxes as presented by Tax Collector Linda Sheffield; seconded by Claman.

Unanimous.

Minutes:

Mr. Jerram allowed the Selectmen to have a few minutes to review the minutes of 2 prior meetings. He asked if there were any changes or corrections to the minutes, noting that there was one correction that needed to be made to the July 5, 2018 meeting minutes. Jerram stated that a mistake had been made in identifying those present at the meeting. The Minutes state that Bill Ferrigno was present, when in fact it was Bill DeDominicus.

MOTION: by Kennerson to amend the minutes of July 5, 2018 by replacing the name Bill Ferrigno with the name Bill DeDominicus; seconded by Claman.

Unanimous.

MOTION: by Kennerson to accept the minutes dated July 31, 2018 as presented; seconded by Claman.

Unanimous.

Executive Session for the purpose of discussion of potential settlement re Carver Properties:

MOTION: by Kennerson to enter into Executive Session at 8:55 PM for the discussion of a potential settlement to avoid litigation with respect to Carver Properties; seconded by Claman.

Jerram, Kennerson, Claman and Hayward entered into Executive Session at 8:55 PM.

No action taken with respect to discussion that occurred in Executive Session.

MOTION: by Kennerson to adjourn at 9:10 PM; seconded by Claman.

Unanimous.

Respectfully Submitted,

Christine Hayward, Administrative Assistant