

Special Board of Selectmen's Meeting Minutes
Wednesday, June 4, 2014
Sessions Conference Room – Town Hall
6:00PM

The meeting was called to order at 6:00pm to discuss the following agenda items.

- Item 1. Executive Session (RE: Case vs New Hartford)
- Item 2. Potential Action of Executive Session Issue
- Item 3. Vacancies on Boards & Commissions

In attendance were First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Jack Casey and Christine Hayward, Administrative Assistant to the First Selectman. Due to preparation for the Inland Wetlands meeting in Sessions Conference Room, the Selectmen volunteered to move their meeting to the Employee Lounge.

With regard to Item 1. There was a motion made by Kennerson, seconded by Casey to enter Executive Session to discuss the litigation pertaining to a boundary line dispute at Brodie Park (southern parcel – southwestern border). There was no discussion. All members voted in favor of the motion. The Selectmen exited Executive Session at 6:20pm.

With regard to Item 2. The following public discussion was held regarding Case vs New Hartford. First Selectman Jerram reminded the Board of Selectmen that the Town had been engaged in a dispute regarding the southwestern corner of the southerly portion of Brodie Park (a.k.a. Brodie South). When the Town purchased the property and it was surveyed, a “survey closure line” was included on the survey and a “boundary line agreement” was recommended. Now, over 20 years later, the owner of the land on the other side of the “closure line” is seeking to modify the location of the line into an area that was commonly thought to be owned by the Town as part of the park. Over the past year, the Town has been willing to discuss a possible relocation of the boundary line, if the adjoining property owner (Case) would release any possible rights of access to their parcel through Brodie Park.

The First Jerram indicated that we have two possible ways of settling the case before going to trial. The first being willing to consider relocating the boundary line, possibly in favor of Case, if Case would release any and all rights of access they may have over Brodie Park in perpetuity, or second the Town could offer to purchase the entirety of the Case parcel shown as containing 6.117 acres on the “Survey Prepared for William & Tria Case”, eliminating the boundary dispute entirely. Otherwise, the town would have to prepare for trial, noting that there would be costs.

First Selectman Jerram indicated that both General Counsel Charles Roraback and Land Use Counsel Mark Branse have indicated that either of these two solutions would be in the best interest of the Town, as they would settle the dispute and protect the park from the possibility of an access driveway (to the Case parcel) being constructed through the park at some time in the future.

Selectman Casey stated that he was glad this was coming to an end, that the due diligence had been done and hopefully the park would be protected.

First Selectman Jerram asked the Board: Would you like to see the boundary line adjusted or would you like to see the Town attempt to purchase the Case parcel, thereby settling the lawsuit?

At that point a motion was made by Kennerson, seconded by Casey, that stated: Motion to authorize the First Selectman to work with our attorneys to settle the lawsuit Case vs New Hartford by either of the following two options: 1. By adjustment of the location of the "boundary closure line" contingent on Case releasing all rights of access through Brodie Park in perpetuity or 2. By purchasing the entirety of the Case parcel shown as containing 6.117 acres on the "Survey Prepared for William & Tria Case" for a price not to exceed \$48,000.

After the motion was seconded by Casey, First Selectman Jerram reminded the Board that legal counsel has advised us that either of these two solutions would act in the best interest of the Town and that while the Case parcel was rear land, acquiring the property did offer a connecting trail to State of Connecticut DEEP property and Boy Scout land to the west. There was no further discussion. All members voted in favor of the motion.

With regard to Item 3. First Selectman Jerram notified the Board that while we had filled most seats on Boards & Commission some vacancies still exist. Recently after many years of service, David Krimmel had submitted a letter of resignation from his position as Town Historian. Mr. Krimmel had indicated that an ideal candidate existed in Anne Hall, whose grandfather Newman Hall was Town Historian before him. There was a motion by Casey, seconded by Kennerson to accept Krimmel's resignation with regret. Having the motion and a second, there was no further discussion. All members voted in favor of the motion.

There was a motion by Casey, seconded by Kennerson to nominate Anne Hall for the position of Town Historian. Having the motion and a second, First Selectman Jerram stated that he had spoken with Ms. Hall and she indicated that she would be more than happy to accept the nomination and follow in her grandfather's footsteps. All members voted in favor of the motion.

After a brief conversation of additional vacancies, there was a motion by Kennerson, seconded by Casey to nominate Gray Horn to the Open Space Planning Commission. Having the motion and a second, First Selectman Jerram reminded the Board Mr. Horn's nomination comes at the request of the Commission. There was no further discussion. All members voted in favor of the motion.

With no further business on the agenda, there was a motion by Kennerson, seconded by Casey to adjourn the meeting at 6:40pm. All members voted in favor of the motion.

Respectfully Submitted,

Dan Jerram, First Selectman