

**Board of Selectmen
Special Meeting
Tuesday, September 22, 2015**

Present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Jack Casey

Others Present: John Burdick, Joe Toro, Reggie Smith, Mike Companek, Laura Garay, Mary Lou Rayno, Troy LaMere; Administrative Assistant Christine Hayward.

(note; others were walking in during the meeting in order to attend the Joint meeting of the Boards of Education, Finance and Selectmen – names and times of entry not recorded on these minutes)

First Selectman Dan Jerram called the meeting to order at 6:32 pm.

Due to time constraints, Mr. Jerram stated that approval of minutes would be moved to the end of the meeting and addressed at that time; if time permitted.

Request for Refund of Taxes:

MOTION: by Kennerson to approve a request for refund of motor vehicle taxes (\$53.73 to Lila Tuxbury) due to prorated after paid, as recommended by the Tax Collector; seconded by Casey.

Unanimous.

Discussion/Approval of 2014-2015 Line Item Transfers:

First Selectman Jerram presented the line item transfers to the Board of Selectmen for approval. He noted that an error had been made in the initial presentation of the transfers to the Board of Finance which resulted in the finance board tabling the approval at their last meeting. Line item transfers will be revisited by the Board of Finance later in the evening. Mr. Jerram asked that the Selectmen review the transfers and approve them if they had no objections.

MOTION: by Casey to approve the Fiscal year 2014-2015 line item transfers as presented; seconded by Kennerson.

Unanimous.

Discussion/Approval of 2015-2016 Line item Transfers:

Mr. Jerram informed the Selectmen that the Ambulance Line item in the current budget (2015-2016) is currently underfunded due to action taken by the Board of Finance at their September 8, 2015 meeting. The Board decided to fully fund the Ambulance Association at their requested level. In order to cover that expense, it will be necessary to draw funds from another line item. It was the suggestion of the First Selectman that a transfer from the Resident Trooper line item be approved. Jerram noted that the Resident Trooper line item had been funded to cover 100% of the costs of a trooper due to the uncertainty of the funding level that was going to be provided by the State. The State did not require towns to pick up the entire tab, so there is some excess funding in that line item.

MOTION: by Kennerson to recommend to the Board of Finance a line item transfer in an amount not to exceed \$20,000 to fully fund the ambulance association; seconded by Casey.

Kennerson noted that she wants the Ambulance Association to continue to request their allocation in writing and does not want the town to automatically cut the check each quarter. She hopes that there may be some additional revenues for the Ambulance which would result in them not needing their full allocation from the town.

Unanimous.

Discussion of Special Town Meeting:

First Selectman Jerram announced that he had, once again, received a petition for a Special Town Meeting. The petition was circulated by the same individual who circulated the petition that was rejected by the Selectmen at their last meeting.

This petition is calling for a Town Meeting to respond to the question “Shall the Town of New Hartford create and enforce a Code of Ethics for all Town Officials, officers and employees elected and/or appointed, paid or unpaid?”

Mr. Jerram noted that this is a “yes or no” question. There is no attached proposed ordinance or any guidelines for consideration. The question will be answered by a simple yes or no vote. The timeframe to call a petitioned town meeting is 21 days, therefore the Selectmen will need to set a date and time for this meeting to insure proper legal noticing.

Set Time, Date , Manner of Special Town Meeting:

First Selectman Jerram read the call of the Special Town Meeting.

Selectman Kennerson asked if there had been any complaints with respect to unethical practices/procedures.

Jerram replied “no.” He added that New Hartford is fortunate to have a great group of volunteers, elected officials and employees. He stated that those who serve on Boards and Commissions do “a great job of recusing themselves and abstaining from any votes where there may be perceived conflict.” He noted his concern that volunteers may cease to volunteer if they feel they are not trusted or if they feel they are subject to scrutiny that is unreasonable. Jerram noted that if the Town Meeting says “yes to creating a Code of Ethics – we’ll need to create one.” He reiterated again that this particular meeting is not about accepting a Code of Ethics, it’s about creating one – there is no Code to act on at that meeting.

Selectman Casey commented that he felt this petition was coming at an inopportune time. He noted that it is 6 weeks away from the general election and felt that this was a political action. He commented that “I haven’t done anything unethical and I don’t know of anyone who has done anything unethical - I

think people who serve on our Boards and commissions would agree; however let it go forward and see what the Legislative Body thinks.

Ms. Kennerson agreed that the Legislative Body should make the decision regarding a code of ethics.

MOTION: by Casey to call a Special Town Meeting on Wednesday, September 30, 2015 at 7:00 PM in the Senior Center/Meeting Room at the Town Hall.

Unanimous.

Opportunity for Public Comment:

Mike Companeck addressed the Board, wanting to clarify that he, as the circulator of the petition for the Town Meeting was acting as a 'citizen and a resident' and not as the Chairman of the Democratic Town Committee.

Joe Toro asked the First Selectman what his goals are for education; Jerram replied that good quality education for everyone is the main goal.

Mr. Jim Fitzgerald asked Mr. Companeck what was it that prompted him to petition for a Code of Ethics. Mr. Companeck replied that during his campaigning, he has been talking to voters, especially those on the water and sewer system who have expressed their disappointment in the failure of the town to require a recently approved developer to connect to water services. The users had a reasonable expectation that new development would require a connection to the system. Mr. Companeck stated that he believed that the action taken to not require the hook up was unethical. Selectman Kennerson replied that a general code of ethics refers to financial gain and there wasn't any financial gain in the matter; therefore she found this to be an invalid example of an ethical breach. Mr. Jerram added that there wasn't any existing line to hook up to and noted that the attorney had opined that P&Z could not require that the developer to pay for a new line; thus no hookup was required.

Mary Lou Rayno identified herself as the Chairman of the Zoning Board of Appeals and stated that she was aware that the question of a code of ethics was brought up about ten years ago. At that time, it was determined that Boards and Commissions, employees and elected officials are all governed by the Code of Ethics included in State Statutes. She stated that there already is a code to follow and she saw no reason to have to adopt a second one. She cautioned that volunteers might not be willing to take on volunteer positions, especially if personal information is expected to be public information. \

As there was no other public commentary, the First Selectman recessed the meeting of the Board of Selectmen at 6:58 PM and stated he would call the meeting back to order at the time the joint meeting of the Boards of Finance, Selectmen and Education began.

NEW HARTFORD BOARD OF EDUCATION 2016/2017 BUDGET NEEDS/ISSUES:

Board of Education Members present: Chairman Joshua Adams, Sue Lundin, Jen Benaitis, Melissa Giaconia, Penny Miller, Pat Spaziani, Stacie Cull, Mike Linnetz, Jen Zenuh.

Board of Selectmen – Minutes – September 22, 2015 p. 4

Board of Finance Members present: Chairman Jim Fitzgerald, Steve Tuxbury, Reggie Smith, Ben Witte, Maria Moore, Bill Coates.

Board of Selectmen Members present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Jack Casey.

Others Present: Members of the Public: Joe Toro, John Burdick, Laura Garay, Mike Companeck, Troy LaMere, Bob Moore, Bud Butler, Gina Maroney, Bob Nilsson, Amanda Shaw, Mary Lou Rayno, Dan Eddy; Member of the Press Kathryn Boughton; Administrative Assistant Christine Hayward.

Board of Education Chairman Joshua Adams called the Special Meeting of the Board of Education to order at 7:05 PM.

Board of Finance Chairman Jim Fitzgerald called the Special Meeting of the Board of Finance to order at 7:05 PM. (Please see Board of Finance Special Meeting minutes for Tuesday, September 22, 2015 for complete meeting minutes).

First Selectman Jerram reconvened the Special Meeting of the Board of Selectmen at 7:05 PM.

BOE Chairman Adams stated that the purpose of this joint meeting was to have a general discussion among the Boards of the issues and needs of the 2016/2017 New Hartford Board of Education budget.

Chairman Adams noted that the main goal of the Board of Education is to continue to provide the best education for all of the children in New Hartford.

The challenges that the Board faces include adhering to State and Federal guidelines, being attentive to the Special Needs of students, tuition costs associated with students attending CREC Magnet Schools, the rising costs of employee benefits and contracted salary increases.

Mr. Adams informed those present that a review of the fixed costs (salaries and benefits) for next year's budget shows an increase of \$235,000 before any other spending is taken into consideration. This represents a 3% increase over this year's approved budget.

Adams noted that although there has been a steady decline in enrollment figures, this does not translate as substantial savings in the budget due to fixed costs. Member Linnetz added that there have been some savings in variable costs but the fixed costs continue to increase. Mr. Linnetz stated that the Board of Finance expects cuts to the budget while the Board of Education struggles with providing quality services; which results in 'no one being happy.'

Member Patricia Spaziani commented that this joint meeting was initiated at her request to the Chairman to hold a meeting that included the 3 Boards (Finance, Education and Selectmen) where discussion could be held in a collaborative way to gather suggestions on how to keep taxes down while at the same time provide good education. She emphasized that this meeting was not about 'looking for

a fix' – but was more about cooperation and commitment to the community to work together to problem solve.

Board member Melissa Giaconia stated that one topic that she would like to address is the CREC magnet school invoice issue. An invoice for tuition costs for New Hartford students attending magnet schools for the past 3 years was recently paid using funds from 2015-2016 operating budget. The invoice had been pending due to uncertainty as to responsibility for the tuition of magnet preschool programs. That issue has now been resolved. The tuition costs that were BOE responsibility were absorbed by salary line items that had excess funding due to retirements. Ms. Giaconia expressed her concern that tuition fees of this type are an “unknown” and they can have a detrimental effect on yearly operations. She noted that 17 children are attending Magnet Schools this current year and it is expected that those costs will be approximately \$80,000. She questioned the best way to handle these fees-- Should the payment be made by reducing the ECS grant that is given to the town? Ms. Giaconia said that this option would leave the budget intact.

Board of Finance Member Maria Moore wondered if there were areas where consolidation of services between the Town and the Board of Education would result in savings. She suggested IT services and bookkeeping; in addition to contracting with Shared Services for Special Education needs.

Ms. Giaconia replied that there may be some economies for services, but she was not in favor of revisiting contracting with Shared Services due to the volatility of Special Education costs. Ms. Moore stated that she was having a hard time understanding how Shared Services would not work for New Hartford when it seems to be working for the other member towns. Chairman Adams interjected that Shared Services has been looked at already. Board of Finance Member Tuxbury remarked that it would be beneficial for the Board of Finance to have the facts regarding what the exact costs would be for Shared Services.

First Selectman Jerram reverted commentary back to the issue of the tuition for the CREC Magnet School students. He stated that paying the tuition off the top of the ECS money would not be an approved practice. He explained that the expense for the tuition has to be accounted for in the budget. Ms. Giaconia reiterated that it doesn't seem right to have to budget for an unknown cost. She noted that the Board is billed approximately \$4,500 for each student. Ms. Moore commented that if the Town is only paying \$4,500 per student attending a CREC School, there should be a savings somewhere in the budget since the budgeted per pupil cost for the school budget is higher than that.

Discussion then turned to the topic of School Consolidation. Board of Finance Chairman Fitzgerald stated that the problem at hand is “how do we get school spending costs under control?” He stated that School Consolidation is at the hands of the Board of Education. It is the Board of Education that is the only entity that is legally entitled to close a school. Member Giaconia stated that she recognizes three school buildings is inefficient, but as a resident and a taxpayer, she is uncomfortable closing a building without knowing what would happen to the empty building.

First Selectman Jerram tossed out the idea of looking at transportation contracts. He suggested that the local Board of Ed and Regional Board of Ed try to align their transportation contracts as a way to be able to negotiate better terms for both. Board of Selectman member Jack Casey commented that no one was addressing the “elephant in the room” which he said was the issue of declining enrollment but escalating costs.

Board of Education Linnetz stated that the Board has already made plans to hold a public meeting to discuss consolidation. That meeting will be held in October.

Ms. Moore replied that she was surprised to hear that such a meeting had been scheduled without reconvening the School Consolidation Committee. She felt that it would be advantageous to do so that data that was compiled could be updated.

Discussion occurred regarding some of the pros and cons of consolidation – i.e. uncertainty and unpredictability of future enrollment figures, concern of increased length of bus routes, future use of an empty building and outdated code compliance if the building needed to be used as a school again.

Mr. Fitzgerald rendered his opinion that there is plenty of space between Antolini School and New Hartford Elementary to hold 814 students.

Board of Finance Member Tuxbury commented that “beyond consolidation, I’m not sure what else can be shared – it’s the Board of Education that needs to make those decisions.”

MOTION: by Board of Education member Spaziani to form a subcommittee consisting of members from the Board of Education, Board of Finance and Board of Selectmen to investigate ways to consolidate services to benefit the Town of New Hartford; seconded by Linnetz.

Discussion occurred and member Benaitis commented that she would like to see a time frame regarding the formation of the committee and a timeframe for when they should report findings.

AMENDED MOTION by Spaziani to form a subcommittee within the next two weeks that would then begin to meet immediately thereafter to get ideas for consolidation of services before the budget season begins in January; seconded by Linnetz.

Chairman Adams asked for a vote on the amended motion;

Unanimous.

Board of Education member Miller expressed her desire to be a member of the committee.

Selectman Jerram asked if there were suggestions on how many members the subcommittee should consist of. He noted that larger committees are often hard for scheduling mutually convenient meeting times and suggested that the group be kept small. He suggested that there be 1 member from each Board. Ms. Benaitis replied that she would like to see 2 from each Board; Jerram countered that he did not want a quorum from the Board of Selectmen but was not against 2 from each of the other Boards. The Board of Finance will decide on their own whether they will have 1 or 2 representatives.

Ms. Giaconia stated that she would like the School Consolidation committee reconvened especially since they technically adjourned their committee for reconsideration in the future.

Discussion bounced back to the CREC Magnet School charges. Member Giaconia restated that the Education operating budget is being “eaten up” by 17 children attending magnet schools and again indicated that the ECS funding should cover those expenses. Board of Finance member Ben Witte replied that ECS funds need to be treated as a revenue; explaining that they cannot be treated as a “wash” due to the fact that the funds are used to fund the overall education budget not a specific cost.

Giaconia asked if the Board of Selectmen and the Board of Finance were amenable to reconvening the School Consolidation Committee. First Selectman Jerram replied that since there is a public meeting already planned for October, it would make sense to wait and hear from the public and see what direction they want to go in.

Board of Finance Chairman Fitzgerald reiterated his earlier comment that the Board of Education has the authority to ‘give the keys to the building back to the town.’ Board of Finance member Smith added, “if the numbers tell you to close the school, then do it; if they don’t, then don’t.”

PUBLIC COMMENT:

Board of Education Chairman Adams opened the floor to Public Comment.

New Hartford resident Gina Maroney read from notes that she had written regarding the subject of the financial needs of the New Hartford Public Schools. Highlights include:

respect for teachers in the system

Board of Education has had to deal with tough budget cuts, which have had a detrimental effect on the quality of education provided in New Hartford.

Unfunded mandates are responsible for increased costs which result in hardships.

Unfunded mandates include: Paraprofessionals can attend PPTs, staff needs to be trained in physical restraints, Certified staff need training in detection and recognition of dyslexia.

Ms. Maroney urged the Board of Finance to keep the cost of unfunded mandates in mind when the Board of Education presents their 2016-2017 school year budget.

New Hartford resident Denton Butler asked the Boards if members of the public would be included on the new subcommittee that was discussed earlier in the evening. He noted that outside resources sometimes provide the best critique. "It is most difficult to police yourself," he stated.

New Hartford resident Dan Eddy reinforced Mr. Butler's suggestion that members of the public be added to the subcommittee.

Mr. Butler was asked if he was offering to serve on the committee; he replied that he would consider it.

Board of Education member Spaziani stated that she would like to add to the make-up of the subcommittee that had been approved earlier in the evening.

MOTION: by Spaziani to form a subcommittee composed of up to 2 members each from the Boards of Education, Finance and Selectmen and 2 members of the community to discuss ways to consolidate services to benefit the Town of New Hartford; seconded by Linnetz.

AYE: Miller, Zenuh, Linnetz, Cull, Lundin, Benaitis, Spaziani ABSTAIN; Adams, Giaconia

MOTION CARRIES.

MOTION: by Lundin to adjourn the Special meeting of the Board of Education at 8:45 PM, seconded by Spaziani.

Unanimous

MOTION: by Kennerson to adjourn the Special Meeting of the Board of Selectmen at 8:45 PM seconded by Casey.

Unanimous.

Respectfully Submitted,

Christine Hayward, Administrative Assistant to the First Selectman

