

**Board of Selectmen
Special Meeting
July 29, 2021**

Present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman Laura Garay, Member of the Press Kathryn Boughton; Member of the Public Richard Marcus; Administrative Assistant Christine Hayward.

First Selectman Jerram called the meeting to order at 7:06 PM.

He welcomed everyone and noted that the agenda was lengthy.

Operations updates:

First Selectman Jerram opened the meeting by informing all that the Town Highway Department had recently lost one of the town's longest tenured employees due to his death. Highway crew chief/maintainer Wallace (known as Joe) Wainman had 35 years of service to the town and died at the age of 56. His passing threw the Department of Public Works into shock. Joe was a talented machine operator. Jerram asked that the record show sincere condolences to his 3 boys and to his companion of 25 years, Andrea Di Lorenzo. The First Selectman stated that "Joe was at his best when this town was upside down after a storm; he could go all night long and work a marathon to put it back together." Jerram noted that Joe passed on a lot of knowledge, teaching some of the younger guys how to do certain things right. He will be hard to replace. "The Town has lost senior guys due to retirement over the past few years and this is another senior loss – we are trying to train the young guys to move up in the ranks, but there's nothing like experience. Will miss him," said Jerram.

Mr. Jerram stated that the Planning and Zoning Commission held an interesting zoning meeting the previous evening. He stated that the application set forth by Dollar General has been denied and the change of use application submitted by Daniel Raymond, requesting to hold functions in his barn, was approved. Jerram mentioned that he had written letters of support for indoor use; noting that neighboring towns with outside venues expressed that they have had issues with concerts. Mr. Jerram said that the approval included a list of restrictions/conditions in place to protect the residential area.

First Selectman Jerram informed the Selectmen that there are a couple of financial items that need to be taken to the Board of Finance for approval. The Finance Board has taken a couple of months off, but does plan to meet in August. Jerram stated that there is an additional appropriation request farther down on agenda; but there is also an operations request for a transfer of funds. Jerram stated that the pick-up truck approved for purchase this year came in slightly higher than what had been anticipated. There was a difficult time even finding a pickup truck due to the current mass shortage of computer chips. Mr. Jerram stated that there needs to be a request to transfer \$544.60 in capital from dump truck excess funds to capital for the pick-up truck. Jerram said that he has given a heads up to Chairman Wexler of the need to appropriate these additional funds for the pick-up truck.

MOTION: by Kennerson to approve a transfer from dump truck capital to pick-up capital and to recommend to BOF the approval of the same; seconded by Garay.

Unanimous

Jerram told the Board that there are a couple of items that he would like to see sold on Gov Deals as they are no longer of use to the Town. The skid steer needs to be replaced, it is not worth repairing and the old DARE truck is no longer useful. He asked the Board for approval to liquidate these items.

MOTION: by Kennerson to approve the liquidation of the skid steer and the former DARE truck; seconded by Garay.

Unanimous

First Selectman Jerram stated that the Litchfield Hills Triathlon held at Brodie Park was very successful once again. It had rained heavily the night before causing sand and gravel to wash out into roadway on West Hill Road and there was a need to get the road cleaned up prior to the bike leg of the event. He called in members of the crew on overtime to get the area cleaned up and it was completed prior to the leaders coming on the road. He praised the quick response of the highway department members.

There was some Facebook chatter about a couple of water bottles thrown along the side of the road, but it was an isolated event. The big picture was, that overall, the participants were neat and tidy. Jerram stated he was looking forward to a good event again next year. Kennerson suggested that it might work to ask residents to put out their recycle bins for runners to put water bottles in as they pass by. Jerram said that would be something to consider.

Mr. Jerram informed the Board that the Cedar Lane Bridge project had been put out to bid. The office distributed invitations to several companies. Hemlock Construction was the only bidder. Jerram stated there will be a change order that will include additional paving from the bridge to the end of Cedar Lane. This area is in need of repair. He stated that he will need to apply for an encroachment permit from the state for approval to be able to do this. He estimated that the work on the bridge will cause a closure for 2-3 weeks; school busses will be affected by the closure and there will be a temporary detour in effect. Funding for this project includes \$50,000 in capital last year and additional \$50,000 this year.

The Department of Public Health (DPH) conducted their 5-year sanitary survey at Browns Corner and Brodie Park. The only concern noted was that there were porta potties near the wellhead at Brodie. Jerram explained that the porta potties are not usually there; they were in place only temporarily as they were used at the Triathlon. DPH rated the parks as being compliant in all areas.

The Bakerville Boundary Line Agreement has been completed and filed. Jerram reminded all that this was an agreement that had been made several years ago with the abutting property owners at Bakerville School to establish a boundary line. However, the paperwork was never executed and this oversight needed to be corrected. It was a previous administration that failed to complete the transaction. This came to light recently when the abutting property owners needed to have work done on their septic system and the Health Department wanted to be certain that that setbacks were being followed. It was discovered that there wasn't any formal paperwork filed that established the boundary line. Research showed that this agreement had been approved at a Town Meeting; therefore, it was fairly easy to rectify and get this completed.

Meetings continue with Aquarion as they work toward an agreement that will firm up the relationship with the town with respect to taxation. Adding parcels of land to holdings adds value to their

acquisitions. Hydrant taxes and real estate taxes should be a wash. The amount the town will pay in assessment and fees for hydrants should be equal to the taxes assessed for the properties that will be owned by Aquarion.

Jerram stated that he met briefly with Val Ferraro and Kevin Grindle regarding rails to trails. He wanted to discuss with them where things stand. Vacation schedules have interfered with setting up a committee meeting, but he will continue to try and get one scheduled.

First Selectman congratulated Aidan Maria as Troop 19's newest Eagle Scout. Jerram stated that New Harford Ambulance held an awards ceremony and recognized the contributions of various members.

Mr. Jerram mentioned that it is political caucus season and it appears that this Board will remain in place. He stated that he looked forward to continuing to work together and noted that keeping the Board in place offers stability for future projects.

Resident Trooper Contract:

First Selectman Jerram informed the Board that the State of CT has sent the renewal of the 2 year contract for services of one resident trooper. Jerram mentioned that there are a couple of slight changes in the contract. One major addition is that the contract requires that storage of police body cam video is the responsibility of the member town. This will lead to an unanticipated expense for the town, but there is no alternative.

Resolution: to authorize First Selectman Daniel V. Jerram to execute a contract with the State of Connecticut Department of Emergency Services and Public Protection for the services of one (1) Resident State Trooper for the contract period of July 1, 2021 to June 30, 2023.

MOTION: by Garay to approve the resolution; seconded by Kennerson.

Unanimous.

Discussion of request for special appropriation for funding of Police Vehicle:

First Selectman Jerram stated that the police car that had been damaged by an act of vandalism has been deemed a total loss by the insurance company. A boulder was tossed at the vehicle as it sat in the parking lot. The windshield was smashed as well as the driver's side door panel. There are computer components under the dash and it was raining which allowed moisture to get into the vehicle, causing a total loss of the electrical system. CIRMA will take possession of the vehicle and will issue payment in the amount of about \$10,000 to the town. However, this will not be enough to purchase a replacement vehicle. The police have gotten a quote a new vehicle and it is in the area of around \$45,000 (this includes the accessories – lights, radios, computer, etc.) Jerram cautioned that the price could go up due to supply and demand. He asked the Selectmen for their support in seeking an additional appropriation to purchase a vehicle. He suggested that the request be worded as a "not to exceed" number of \$55,000. There is a vehicle in the capital plan for 2022, but this vehicle is needed now.

MOTION: by Kennerson to request consideration from the Board of Finance of a special appropriation of not more than \$55,000 for a SUV police vehicle and ultimately move this request to a Special Town Meeting; seconded by Garay.

Unanimous

Recommendation to Board of Finance for approval of use of STEAP grant funds and Grant funds for Fire Marshal Equipment:

First Selectman Jerram also asked his Board for formal approval and acceptance of The STEAP GRANT that has been awarded to the town for construction of bathrooms at Brodie Park. Jerram noted that the town needs to approve the expenditure of the \$89,700 at Town Meeting. Additionally, the Fire Marshal has been awarded a grant in the amount of \$2,500 to purchase technology for the fire marshal office (laptop and/or camera equipment).

MOTION: by Kennerson to recommend approval to accept and expend the \$89,700 awarded to the Town of New Hartford through a STEAP grant for construction of bathrooms at Brodie Park; seconded by Garay.

Unanimous

MOTION: by Kennerson to recommend approval to accept and expend \$2500 in Grant funds from FM Global to purchase fire marshal equipment; seconded by Garay.

Unanimous

Continued Discussion of Charge for Post Transition Team :

The Selectmen reviewed the Transition Team charge as written. Garay expressed concern about having adequate representation from the Pine Meadow area of town and a representative of the Board of Finance (BOF) on the team. Mr. Jerram replied that he had presented the draft charge to the WPCA and they felt that Pine Meadow is currently well represented. There are members serving on the Authority now that live in that section of town. They also did not feel that BOF representation was necessary as they will keep the Board of Finance involved in the process. Garay asked if, in the future, a member of the BOF came forward and asked to be on the team, would that be request be considered? Jerram stated that all the current members of the WPCA would be on the team and they would remain as members of the transition team even if they chose to resign membership on WPCA. They feel that the number and makeup of the team is adequate at this time. The Board of Finance does not have governing authority of this asset sale; the Board of Selectmen is charged with the oversight. Members of the WPCA felt that rate subsidies are unknown at this time and there is no need for Finance Board input with respect to that issue. The Selectmen retain the right to add additional members to serve if warranted in the future.

MOTION: by Kennerson to create a post-sale transition team as an appointed subcommittee of the Board of Selectmen to follow the charge as written; seconded by Garay.

Unanimous

MOTION; by Kennerson to appoint Denton (Bud) Butler, Joe Toro, Mary Beth Greenwood, Polly Pobuda, Wesley Marsh, David Duyard, and Michael LeClair to serve as members of the Post Sale Transition Team.

The Selectmen agreed that retaining membership on the WPCA was not required in order to serve as a member on this subcommittee.

Unanimous.

Discussion of topics for next Special Town Meeting and Timeframe for meeting:

First Selectman Jerram reviewed the list of items that still need to be brought to Town Meeting. There are several ordinances that need to be addressed including Open Burning Ordinance, Fee ordinance for building and Land Use, blight/abandoned home ordinance, bear feeding ordinance and food truck ordinance. In addition to ordinances, there are some financial matters to consider. An additional appropriation to purchase a replacement police vehicle; authorization to expend funds granted by the STEAP GRANT and consideration of purchase of land to construct parking lot need to be discussed and acted upon at Town Meeting.

Mr. Jerram informed the Board that the open space parcel of land that was part of the Barella Road subdivision approval has never been properly deeded to the Town. This needs to go to Town Meeting to be formally accepted and then the deed needs to be recorded in the land records.

The Selectmen picked August 31, 2021 as a possible date for a Special Town Meeting. The items that they would like to see on the agenda of this Special Town Meeting include STEAP, Police Car funding, Fee Ordinance, and either Community Club/Parking lot or Barella Road.

Discussion regarding regulating “Recreational Cannabis” use on Municipal Property and outdoor sections of restaurants:

First Selectman Jerram stated that information from Rich Roberts from Halloran Sage has clarified that the Board of Selectmen can restrict or prohibit marijuana use on town property. There is also the option to create an ordinance, however restricting use on town property does not require an ordinance. The Municipality may also regulate certain areas like sidewalks or public spaces outside of businesses. Kennerson suggested that EDC should contact restaurants and see how they feel about recreational cannabis—would they want its use to be restricted near their place of business? Mr. Jerram believes use should be restricted on municipal property. Kennerson stated that a resolution has no “teeth” and if restriction is the goal, she believes that an ordinance would be the best way to proceed since it can provide for penalties to be incurred if it is not adhered to. The Selectmen discussed options and agreed that this topic is too new for the town to address. It can be revisited at a later date.

Request from Village Fire Department and Pine Meadow Fire Department re legal assistance
Mr. Jerram informed the Board that he had received a letter from the Village Fire District requesting permission to use the town attorney to assist them with the matter of consolidation of the Pine Meadow and New Hartford Fire Departments. The First Selectman stated that the first question that needs to be asked of Attorney Roraback is “Does he have time to take this on?” Jerram noted that Attorney Roraback has been very busy attending to a lot of real estate transactions and it is possible that he may be overwhelmed right now. Jerram also stated he is not opposed to helping out with the costs of these services, saying “it is half of the town population.” Kennerson commented that she would like to know estimate of time needed to do this and the cost prior to formal approval of the expenditure for this consolidation effort. Selectman Garay asked if this is a request for expertise or for monetary assistance? Jerram replied that Roraback has a lot of knowledge of municipal law and may be able to offer guidance or he may refer to someone else. Garay questioned Attendee Richard Marcus if he knew what the proper process to consolidate would be. Marcus stated he has some legal documentation that may be of some assistance and could help expedite the process. It is his belief that it should be fairly simple process – dissolve their (Pine Meadow Fire) corporation and turn over the assets. Jerram thinks it may require a Legislative Act. Jerram will contact Attorney Roraback to discuss.

Continued discussion of proposed tax abatement – Senior Housing Development:

Attorney Roraback has been consulted and asked to draft formal language for a tax abatement proposal for the proposed senior housing development. Jerram stated that it is difficult to approve an abatement when the plan is not yet final. The abatement agreement should be based on what has been approved by Planning and Zoning. There needs to be protection for both the town and the developer. Jerram and the Board confirmed that they want to partner with the developer but would prefer to finalize the tax abatement agreement when final approval for the development is granted. There is no concern with the years 1-5 but the town wants to protect the developer in years 11 – 15. This Board does not want to see the developer stuck with an agreement that would require him to pay taxes based on an assessment of \$11,000,000 if he only has been able to construct 50% of his goal due to unforeseen circumstances. As of right now though, the developer would like some kind of formal agreement in place. Therefore, Jerram would like to conceptually approve the proposal to show the willingness to work with the developer.

MOTION: by Kennerson to conceptually approve the request for abatement presented by Attorney Mark Ziogas but no final approval of an abatement will be accepted until P&Z has formally approved the development; at which time the agreement will be modified by the Board based on the final plans; seconded by Garay.

Unanimous.

American Rescue Plan Funding:

First Selectman Jerram stated that the town has received the first payment of the American Rescue Plan Funds. \$984,923.54 has been deposited into the General Fund and these funds are intended to be used to remediate areas affected by COVID. Generally, infrastructure is not approved unless it is used for water, sewer or broadband. Co-mingling funds with other towns to partner on a project is an approved use of funding. Jerram spoke with Facilities Representative Tom Buzzi to see if there are needs at the

local schools. Clean Air is an approved use of funds and the Superintendent of Schools is concerned about clean air due to mold issues caused by a leaky roof. Jerram stated that he will look into seeing if roofs are an eligible expense.

The Selectmen reviewed and discussed possible uses of the funds.

Jerram suggested that some of the funds be set aside for the sewer expansion.

The Ambulance Association would like funds for a new ambulance, 2 of the 3 vehicles are over 10 years old. Mr. Jerram noted that Barkhamsted shares the ambulance and they would need to be in on this.

Selectman Garay commented that an ambulance is something that would be used by everyone; therefore she feels this would be a worthy cause.

Jerram suggested that investigation into use of funds for improvements to the parks might be an area worth consideration. Parks saw increased use of the facilities during COVID.

A resident has suggested that some of the funds be used to extend the waterline along Route 44. This could be supplemented by using the funds that developer Borghesi intends to use to put in a water cistern as required by the Planning and Zoning Commission. A waterline would be more useful to the town than a cistern.

Garay asked about increased communication, wondering if an alert system or some form of mass communication is an allowable expense.

The Selectmen will continue this discussion after reviewing the guidelines in place for use of the funds.

Appointment of Deputy Fire Marshal:

First Selectman informed the Board that Fire Marshal Diorio has asked that Terry Ferrarotti of Harwinton be appointed as Deputy Fire Marshal for New Hartford. Fire Marshal Diorio explained that he fills that position in Harwinton and this would be good for the Town. Mr. Ferrarotti and Bob Diorio of New Hartford will cover for each other as needed. There will be no compensation for these deputy services.

MOTION: by Kennerson to appoint Terry Ferrarotti as deputy fire marshal to provide mutual aid assistance; seconded by Garay.

Appointment of Eva Barham as alternate to Open Space Commission:

A request has been received from the Open Space Commission Chairman to fill an alternate position on the Commission.

MOTION: by Garay to appoint Eva Barham as an alternate member of the Open Space Preservation Commission, term to expire in 2023, seconded by Kennerson.

Unanimous.

It was noted that Terry Moreschi has resigned as an alternate on open space and this will be addressed under correspondence.

Approval of Minutes:

MOTION: by Kennerson to approve the minutes of the June 1, 2021 Board of Selectmen minutes; seconded Garay.

Unanimous

Correspondence:

Mr. Jerram informed the Board that Terry Moreschi has sent in a letter, resigning as a member of the Open Space Preservation Commission. Dan Jerram noted that Terry is 90+ years old and is a great guy. He stated that he has 'Fond appreciation of his years of service.' The Selectmen echoed this sentiment.

MOTION: by Garay to adjourn at 9:50 PM, seconded by Kennerson.

Unanimous.

Respectfully Submitted,

Christine Hayward, Administrative Assistant

ATTACHMENTS (available from the Town Clerk upon request)

Post Transition Team – DRAFT CHARGE For discussion

Tax Abatement Proposal