

Town of New Hartford

Board of Finance – Regular Meeting November 10, 2020

HAND OUTS:

Minutes of October 27, 2020

Communications:

Letter to Chairman Wexler dated November 7, 2020 from Tom Hart .. “I am writing to the Board of Finance regarding my concerns....”

Motion for consideration – distributed to Board of Finance in advance of meeting in order to allow time to review and prepare for discussion

**Town of New Hartford  
Board of Finance  
Virtual Special Meeting (via ZOOM)  
MINUTES  
October 27, 2020**

**Present (via ZOOM):** Chairman Regina Wexler, Steve Tuxbury, Ben Witte, Paul LeClair, Dan Charest, Kerry Guilfoyle, Alternates Lourena Helt, Ryan Bingham, Bart Baxter and Recording Secretary Penny Miller.

**Also, Present:** First Selectman Dan Jerram, Supt. of Schools Brian Murphy, BOE Chair Tim Goff and Director of Student Services Barbara McLean

Chairman Wexler called the meeting to order at 7:03 pm

There was no need to seat any alternates.

Chairman Wexler said absent to any objection #9 Other business is removed from the agenda as this is a special meeting.

**Minutes:**

Chairman Wexler asked if there were any corrections to the minutes dated September 8, 2020. Hearing none, she deemed the minutes accepted as presented.

**Reports**

*Board of Education / Superintendent Report:*

Chairman Wexler welcomed Supt of Schools Brian Murphy and BOE Chairman Tim Goff to the meeting. Chairman Goff said that Barbara McLean, Director of Student Services, was also present to answer any questions. Chairman Goff said the board wants to be transparent with the BOF with any unanticipated costs happening in the school district. School started August 31<sup>st</sup> and is going well. There were a few bus issues but as far as school goes everything is going well. We are anticipating some unexpected and unanticipated costs associated with special education. Supt. Murphy said 10% of the students are doing full distance learning. This is down from the beginning of the year. Six students are fully home schooled and are disassociated from the school district. The school district spent a lot of money to open the schools up. A total of \$109,000 was spent in related COVID costs. Most of the cost went to PPE such as: face shields, masks, and hand sanitizers. They purchased student dividers, additional desks & chairs and 3 water bottle filling stations. Additional Chromebooks were purchased so each student now has a one to use. New Hartford Public Schools will need the \$100,000 for these costs. Chairman Wexler asked for the line item cost for all items. A copy is filed with these minutes. Member Helt asked if the 6 home schooled students are working independently from our district. Mr. Murphy said that those students are working independently. Mr. Tuxbury asked about what revenues have been received from the state. Mr. Murphy replied

they had received \$36,000 in reimbursement from the state for COVID19. Mr. Tuxbury asked if there was anymore coming. Mr. Murphy didn't think so at this time but said he will continue to talk to the State Department of Education about getting more. Selectman Jerram said that he and Mr. Murphy had been working together to run these expenses through FEMA.

Unfortunately, all requests for PPE reimbursement of COVID related expenses was disqualified as they weren't associated with the police and fire department. Mr. Goff said the state was initially going to allocate an additional \$20,000 to New Hartford. But after pressure from the cities that amount was shorted. Mr. Goff said that tonight in both scenarios – COVID and Special Education - they weren't asking for additional dollars but wanted to give the Board of Finance a heads-up. He continued that they would try to mitigate any costs through cost savings throughout the school year. But these numbers are large enough to let the BOF know what was happening. Chairman Wexler asked Mr. Murphy if he felt they had enough PPE equipment to get them through to the end of the year. Mr. Murphy said for most of the supplies they are in good shape. Member Guilfoyle said if things go back to distance learning are you all set with Chromebooks? Mr. Murphy said they are all set. Mr. Goff said they are well prepared if they need to pivot to distance or hybrid learning.

Chairman Wexler asked if there were any additional expenses for added bus routes? Mr. Murphy said that no additional bus routes were added as the majority of the parents are driving their children to school. She said looking at the forecast will you never have to worry about snow days? Will the schools be switching to distance learning? Mr. Murphy said the state just came out with guidelines about distance learning and snow days. If the schools have to be closed on Friday, it will be a traditional snow day. No distance learning.

Chairman Wexler said you had some issued with unanticipated costs for special education. Mr. Murphy said after the budget was approved, there are 2 additional outplacement students. They have specialized needs that can't be met within the district. With those additional costs they are looking at a totality of \$190,000 deficit after the excess cost reimbursement that goes directly to the town, they are forecasting about \$85,000 and the BOE is looking at a deficit of \$105,000. They are going to be conservative in future spending. Chairman Wexler asked if these are children that just moved into town or children that had been taught here and now need to be outplaced. Mr. Murphy citing confidentiality would not say. Member Witte said you aren't breaking any confidentiality to say they were in district or just moved into town. Mr. Murphy said tonight's purposes is to inform the BOF of these additional costs for these students. We are mandated to educate these students. Member Tuxbury said it is hard to prove funding if we can't know if they are new students or not. Both Mr. Tuxbury and Mr. Witte said it was important to know the student's status. It isn't breaking a confidence if they are in school or just moved into town. Mr. Murphy said they are New Hartford students and they need to be educated. Member Helt asked how many students are currently outplaced. Mr. Murphy didn't respond. Chairman Wexler asked were efforts made last year to provide special education for these students in-house. Mr. Murphy said this is part of the education process.

Barbara McLean, Director of Student Services, spoke about providing information about excess cost. As of our state reporting October 1 data we are at the state average for students receiving special education which is at 15%. In the district they take great pride in insuring equity and

access for all of the learners. One of the ways they have worked to keep high cost special education students in district is the RISE program. That program currently serves 5 students who otherwise might be placed out-of-district. She spoke on how the school does its best to identify those students that need help. There are unique circumstances where excess cost comes into play. They provide on-going training for the staff in support of students with certain disabilities. This includes dyslexia, autism, speech language impairments to name a few. Grant funding was received that provided training for all of the district's special education teachers. But there are unique circumstances where the cost goes above and beyond the average per pupil expenditure. That is when excess cost comes into play. The purpose of excess cost is to support and enhance costs, for example, tuition, speech and language services, OT and PT. Once they reach a threshold – that's 4-1/2 times the average per pupil expenditure. The per pupil expenditure is around \$19,000 times multiplied by 4-1/2 times which comes out to be around \$86,000. That's your threshold. Each child whether in or out of district has to meet that threshold. And then the district is eligible to receive up to 70% of what is left over. We try to mitigate services where we can. We also look into ride sharing with Canton & Torrington. Member Guilfoyle said in February it was noted that there was a full-time student and recovering costs in-house for this student was far less than outplacement. Does this change any of the resources that were built into the budget for this student? Mrs. McLean said because of confidentiality she can't speak about any student. She did say that the figures didn't change. They do track the high cost of students whether they are in district or out-placed. We could be eligible to receive excess cost funds for any high cost student that exceeds that threshold. Member Witte said he gathers from her comments is that it is impossible to tell exactly what the costs might be. But you are saying it wasn't reasonable in April of this year to determine that you were going to have a transport cost and some other out-placement. Mrs. McLean responded saying she didn't know that in April.

#### Bookkeeper: Revenue & Expenditures Fiscal YTD

First Selectman Jerram reported they were just rounding out the first quarter. The town doesn't have the financial challenges that the school board has. The revenue collections are strong at \$11.4 million which is greater than 50% of our anticipated collection. This is because of the personal property and car taxes collected upfront. There are no anticipated surprises in the expense side of the budget. The hiring freeze was maintained into September. The town is now fully staffed with a 4<sup>th</sup> policeman and a new highway person. Mr. Jerram concluded that he doesn't see any unusual expenses. Chairman Wexler asked if the collections are on track compared to a usual year. Mr. Jerram responded it looks good. He doesn't have a 3-year roll on the revenue. Collection of past due taxes is shown at almost \$100,000.

When asked about any problems with the town's commercial properties Mr. Jerram said we have had some new openings - Petricone's Pharmacy, Smoke King, Grey Area Tavern and Koverage Insurance agency replacing Bakker Insurance. A new barber shop will be coming in next to the Town Hall.

Barden Farms went into a larger space and a cabinet maker will go into their old space.

### First Selectman's Report

First Selectman Jerram reported they are processing payments for fall paving. The Rec Commission has been doing a lot of work at the park. Work was also done on Berkshire Hall and 2 of the cabins along with a lot of tree work. Next month will see more expenditures. In regard to FEMA it was disappointing to see so much money coming into the CARES Act only to see that the money will go to the first responders. He said they did try all avenues to get as much money for the town.

The Registrar of Voters participated in a grant program through the Secretary of the State office. As part of the process there was a review by the National Guard of our IT system. They made a few recommendations to our IT person, Curt Lange, but we did get high marks for the previous security system provided by the BOF. Chairman Wexler said that former member Reg Smith with his expertise did a great job in helping us get started on this.

Mr. Jerram said the AET did a final presentation on October 6<sup>th</sup>. The final edits on the Q's and A's fact sheet is being done and should be on the website this week. They are ready to give a presentation to the Board of Finance.

Mr. Jerram said in preparing for the vote on November 3<sup>rd</sup>, some changes have been made by moving to larger facilities. The first district will vote at the New Hartford Elementary School and the second district will vote at Antolini School. There will be some costs related to this change but they are working to keep those costs down. Over 1200 absentee ballots have been requested. The registrars are working to meet the spacing requirements as set forth by the Secretary of State.

Some of the town's trucks are being readied for the anticipated snow on Friday.

### **Communications and Other Items presented to the Board**

Chairman Wexler said there were letters from David Rosengren, Joe Toro and Scott Goff. These 3 letters were distributed to the Board and will be attached to the Minutes as correspondence along with two letters received from Aulay Carlson. There was no discussion on the letters. Two new letters were received today from Mr. Carlson and they will go with the next BOF meeting minutes.

### **Public Comment**

Kelly Howard, Bee Mountain Road, asked if she could speak on the Special Education Unanticipated Expenditures. Ms. Howard said Mrs. McLean did a good job of explaining special education hitting on all the key terminology such as the OG (Orton Gillingham) training, reading instruction but she would argue with the unknowing and unanticipated costs as she has been through this. She will follow up her comments in a letter to the BOF with additional information. Children that our outplaced because they didn't receive the literacy instruction that they needed is known. The children can be screened early. If they get 1 on 1 instruction these achievement gaps can be remediated and closed. And so, parents are forced to seek outplacement. Ms. Howard said that she has provided this information to Superintendent Murphy and Mrs. McLean and they are very aware of this. She has approached them about training that is available and would address these needs that would cost the taxpayers a lot less money than an outplacement. The training would cost around \$15,000 for all of the K-3 teachers that teach these children to read rather than an outplacement and legal fees for remediation. Because the

children are protected by IDEA the town is not going to win in a due process because we are supposed to be providing these services to the children to teach them to read. She would like the board to know that these costs are available. We will continue to see an increase in special education unless we address the training. We need to have more teachers trained in the science of reading to provide 1 on 1 intervention and it's not provided by a para who doesn't have this specific training. She will provide Supt. Murphy, Mrs. McLean and the BOF with additional information.

#### **Discussion on AET timeline**

Mr. Jerram hopes to set a time to discuss this proposal with the Board at a meeting where it is a single item agenda. Chairman Wexler said this is the most significant financial decision that the board has had to make in recent years. We need an opportunity to read the materials posted and the answers to the questions that have been presented. There have been multiple opportunities to see the presentations made to the public. She asked if there was a way to make a note when a new item is posted on-line. Member Witte said this has been on the table forever. He asked Mr. Jerram when the Q's and A's would be posted to the website. Mr. Jerram responded by Thursday. There are 22 Frequently Asked Questions from the AET and 16 from the BOF. Mr. Witte asked why this can't be placed on the agenda for the November meeting with a possible vote on the sale. What questions do we have that aren't answered? Chairman Wexler asked if there was just one document that answers Frequently Asked Questions or are there more primary materials to be posted. Mr. Witte thinks the BOF members should be clear on the questions they have. We have plenty of time to bring the answers to the November meeting. Mr. Jerram responded by saying there are only two documents – the Frequently Asked Questions and the questions from the Board of Finance to be posted. Most of the questions have been posted to the website. Chairman Wexler said that the November 10<sup>th</sup> meeting could be a one item agenda where the sale of the AET is discussed. She asked Mr. Jerram what he wanted at this meeting. Mr. Jerram said after a discussion with counsel a singular motion that links the sale with the appropriation and impowers the board to go forward with this to a referendum. Chairman Wexler asked for a proposed motion to be sent to her by this weekend. Mr. Jerram will contact the lawyer for this. November 17<sup>th</sup> will also be blocked off as an additional meeting on the AET.

Chairman Wexler deemed the meeting closed at 8:18 pm

Respectfully submitted,

Penny Miller  
Recording Secretary

BOE COVID expenses filed with these minutes.

BoF 11.10.2020

Thomas Hart  
598 Main St.  
New Hartford, CT

Regina Wexler  
Chair, Board of Finance  
New Hartford, CT

November 7, 2020

Dear Ms. Wexler:

I am writing to the Board of Finance regarding my concerns about the proposed sale of the Town's water and sewer assets.

As you know, I am a member of the Asset Evaluation Team, and I did vote to recommend the sale approximately a year ago; however, as a result of the public information sessions and my research since then, I no longer support the sale for several reasons. Among them are the uncertainty of Aquarion's tax liability to both the Town and the fire districts, the need for taxpayers to have more financial details before voting, and unanswered questions about the cost of extending the sewer lines into Pine Meadow. Were it possible to rescind my vote, I would do so. Below, please find explanations of the reasons for my decision to share my concerns with the Board of Finance. In a nutshell, there are some important unanswered financial questions whose answers, I believe, should be precursors to sending this proposed sale to a referendum.

- 1. A professional asset valuation has not been completed.** One of the most frequently asked questions at the public information meetings concerned the assessed value of the assets being sold and the potential addition to Town tax revenues that the buyer would provide – an addition that could have an impact of the property taxes each taxpayer. This issue came up at several AET meetings, and the answer was always that taxes paid would be a wash with the hydrant fees paid by The New Hartford Village and Pine Meadow Fire Departments. According to Torrington Water, in 2019 the Pine Meadow Fire District paid \$10,122 and The New Hartford Village Fire District paid \$23,618 for a total of \$33,740 toward public fire protection. One problem I have with the position that the taxes would be a wash with the hydrant fees is that this approach assumes that we know the value of the asset. You must know the value of an asset before tax liability can be determined. What is the value and how was the value determined? The first selectman referred me to the appraisal provided by CDM Smith which appears on the Town web site. Here is the summary found at the end of CDM Smith's appraisal: "We would anticipate that the purchase prices that New Hartford could receive is in the broad range of \$850,000 to \$10 million. However, based on the financial status of the sewer system, we would anticipate that the amount paid will be on the low end of that range (less than \$1 million). We did searches for other comparable market transactions and did not find much. We did find a press release from Aqua America announcing that it had acquired several systems in Virginia, Texas, Pennsylvania and North Carolina. From the press release, the systems ranged in size from 100 residents to approximately 1,200 with the purchase prices ranging from \$50,000 to \$600,000. Unfortunately, we were unable to find any detailed information about those transactions, but it does reinforce our sense that the purchase price will be at the lower end of the range noted above." I am not an appraiser, but a statement that the value of the assets could be between \$850K and \$10 million is not what I would call an appraisal. If you were considering whether to sell your house, would you be satisfied with an appraisal that said the value of your house is between

\$85K and \$1 million? In addition, I searched CDM Smith's web site and could not find any employees who are certified appraisers. Most, if not all, are engineers.

2. **The relationship between hydrant fees and taxes has not been accurately calculated.** The idea that hydrant fees and taxes would be a wash ignores the fact that property owners in New Hartford pay taxes to two entities – the Town and one of the three fire districts. So the taxes paid to the fire district may be a wash (If we knew the appraised value of the assets, we could evaluate that proposal), but what about the taxes due to the Town? Either no one thought about this or the Town plans to charge the buyer \$0 in lieu of a tax bill. Participants at the public information sessions, I believe, thought that the buyer would be paying taxes which would in some way reduce the tax burden for taxpayers. If we assume that the buyer's fire district taxes would be a wash with the hydrant fees of \$33,740, I would offer this estimate. My 2020 fire district taxes were \$357 and my Town real property taxes were \$6,428, making my Town taxes 18 times my fire district taxes. Extrapolating, the buyer's Town taxes would be 18 times \$33,740 or \$607,320, probably making the buyer one of the largest taxpayers in town. Considering these amounts, should the people of New Hartford know about the potential tax bill the buyer would pay?
3. **Aquarion's tax liability has not been determined.** When I raised the appraisal/tax bill issue with the AET, the response was this. If the buyer pays property taxes, those payments would be an expense that would be reflected in an increase in sewer and water rates to cover that expense. Should a business be given a substantial tax break because sewer and water users would ultimately pay the price? I am a sewer and water user and a taxpayer. I would like to have lower sewer and water rates, but as a taxpayer I want all property owners to pay their fair share. I have to believe that Aquarion carefully analyzed their potential tax liability before they submitted their bid for the assets, but the only answer the AET received was that the taxes and hydrant fees would be a wash. Is that because that approach represents a windfall?
4. **The impact on fire district taxpayers is unclear if hydrant fees and taxes are a wash.** If the hydrant fees and the taxes owed to the fire districts are a wash, do we have a guarantee from the fire districts that fire district taxpayers will see a commensurate reduction in fire taxes? Because the hydrant fees are now an expense that the fire districts budget for, removing that expense from their budgets should yield a tax savings for taxpayers. For example, the \$10,122 in hydrant fees now paid by Pine Meadow Fire District account for slightly more than 25% of its annual budget of \$38,926. Will taxpayers see a commensurate reduction in their tax bills? I realize this is a question for the fire districts, but has anyone even asked the districts this question?
5. **The Town will be asking taxpayers to vote on a significant financial issue when there is not a pre-determined the value of the assets and Aquarion's tax liability has not ascertained.** After the first public session, I learned that there is a statute in Connecticut that mandates an appraisal in this sort of sale. I quote it below in its entirety.

"Connecticut General Statutes

Sec. 7-131w. Municipal sale of certain real property; appraisal required. For the purposes of this section, "municipality" means any town, consolidated town and city or consolidated town and borough. Prior to the sale of any real property (1) owned by a municipality, (2) with an assessed value of more than two hundred fifty thousand dollars or whose value has not been assessed by the town, and (3) that includes



or is part of a watershed or encompasses a well or reservoir, such municipality shall cause an appraisal of the fair market value of such real property to be completed. Not later than sixty days prior to such sale, such municipality shall make such appraisal public on such municipality's Internet web site, or if no such Internet web site exists, through other practicable means as determined by such municipality.

(P.A. 17-238, S. 13.)”

The plain meaning of this remarkably brief statute is that there shall be an appraisal at least 60 days before the sale. On February 11, 2020, I emailed the first selectman via Christine asking for this statute to be put on an agenda of the AET. I made two similar requests in succeeding months. The issue did not appear on an agenda until October, nine months after my initial request. At that meeting, I was told several things. One was that the statute requires an appraisal to be completed and published at least 60 days prior to a sale. I believe that such an appraisal relates directly to the question of the buyer's tax liability, a question many people had at our public meetings, and that it should be completed and published prior to a referendum on the sale, not simply 60 days prior to the proposed sale. Would you put your house on the market before you knew its appraised value? Scheduling a referendum now is premature when we do not have a date set for the receipt of a formal appraisal conducted by a qualified appraiser or even an appraiser under contract to complete the job. In addition, we do not have a formal enforceable agreement with the buyer regarding its tax liability. How could we have such an agreement if we do not know the appraised value of the assets? The question of taxes should be answered before property owners are asked to vote on a sale.

6. **Estimates for a sewer extension have not been conducted in a timely manner to reflect actual costs.** I also have concerns about the proposal to spend nearly half of the proceeds of the sale on extending the sewer lines into Pine Meadow. Would adding users help stabilize sewer rates? Perhaps. Are Pine Meadow sewer systems in danger of polluting the aquifer? That is what the engineers say. My concerns are not about those issues. My concerns are financial. The estimate of \$3.5 million for the extension was last updated in 2019 by CDM Smith. A year old estimate in today's COVID economy is a lifetime. If you have priced building materials lately, you know that there has been a dramatic increase practically across the board and that their availability is limited. I am concerned that the real cost of the sewer line extension could be much greater in a post-COVID environment than it was in 2019 when the AET voted on the proposal and when the estimate was last updated.

Also, if the sewer extension goes forward and then exceeds the estimate, where do the additional funds come from? The users? The money set aside to subsidize water and sewer rates? Taxpayers? Not only am I concerned about the uncertainty of the estimate and the consequences of a cost overrun, but the CDM Smith states in their estimate that it is based on a benefit assessment of \$9K to each property on the new line; however, I believe the WPCA plan for the extension does not include the imposition of a benefit assessment.

7. **Confidence in Eversource, Aquarion's parent company, is low.** Finally, I have concerns about actions this year by Eversource, Aquarion's parent company. First, they asked for and instituted a huge rate increase which raised monthly electric bills by nearly 50%. Although that increase has been put on hold while the State investigates, the fact that Aquarion's parent company increased rates so drastically raises concerns when sewer and water users are in dire need of reduced rates. Second, Eversource attempted to seek a bail out from the legislature. Would Aquarion ask the Town to bail it out? As I write this, there are press reports that another rate hike has been announced to begin in January 2021. Third, Eversource's performance during the storm last summer was poor. It was not even a hurricane, and some residents were without power for nearly a week. If Eversource was not prepared for a tropical storm, what will happen when a hurricane hits? Finally, the systems that allow users to report outages

and seek information about restoration of power were down at the beginning of the storm. Never have I heard Aquarion distance itself from the actions and failures of its parent company. I realize that these are concerns about Aquarion's parent company and not Aquarion, but they demonstrate a troubling pattern.

As you can see, I have a variety of concerns about the proposed sale, all of which have arisen after the AET voted to recommend a sale of the sewer and water assets. All of them raise questions that should be answered before we move to a referendum and ask taxpayers to vote on a question that would take the town down a path from which there is no return. I believe they should be addressed and the responses publicized well before a decision is made about whether to take the proposed sale to a referendum and certainly well before taxpayers vote in a referendum.

Sincerely,

Thomas Hart

Motion for Consideration BOF 11.10.2020

To recommend to the Town Meeting (i) the sale of all the assets of the Town of New Hartford public water supply system and sanitary sewer system (the "Assets") to Aquarion Water Company of Connecticut or any parent, subsidiary or affiliate of Aquarion Water Company of Connecticut (together, "Aquarion") for the contract price of \$8,000,000.00, as the same may be adjusted at the consummation of said sale; (ii) the appropriation of so much of the sale proceeds as is necessary to repay in full all indebtedness pertaining to the Assets owed to the United States Department of Agriculture, Rural Development, and to the Town of New Hartford; (iii) the appropriation of an amount not to exceed \$3,500,000.00 for the design and construction of extensions and improvements to the sanitary sewer system in the Pine Meadow area of the Town of New Hartford as shown on a schematic map entitled "New Hartford, CT Pine Meadow Residential Area Option P-2 Gravity Sewers with Pump Station, Portion of Easement 1 inch = 300 feet DRAFT May 2016" prepared by CDM Smith, a copy of which map is available for inspection in the office of the New Hartford Town Clerk; (iv) the appropriation of such amount of the balance of the sale proceeds available after the appropriations set forth in subsections (ii) and (iii) above as determined appropriate by the Board of Selectmen to fund the subsidization of public water and public sewer use fees; and (v) the appropriation of the balance of the sale proceeds available after the appropriations set forth in subsections (ii), (iii) and (iv) above to subsidize sewer lateral connection fees and costs for new sanitary sewer system users as allocated by the Board of Selectmen.