

Board of Selectmen Regular Meeting  
January 26, 2021

**HAND OUTS**

Letter of resignation from Selectman David Rosengren

Correspondence from W. David Zitzkat

List of Tax Refunds as recommended by the Tax Collector

Minutes – August 25, 2020; October 8, 2020; December 8, 2020 (Note: reference is made to November 10, 2020 minutes –however, these minutes were already approved at the December 8, 2020)

## Christine Hayward

---

**From:** David Rosengren <[rosengren@townofessex.com](mailto:rosengren@townofessex.com)>  
**Sent:** Tuesday, December 29, 2020 5:57 PM  
**To:** Christine Hayward  
**Cc:** Mary Beth Greenwood  
**Subject:** Resignation

Dear Christine,

Please forward this to my fellow Selectpersons as my formal resignation from the Board of Selectmen. As you may know, Sally and I are moving to Essex, Connecticut. Although the date is not yet certain, for the purpose of a smooth transition, the first of the year seems appropriate.

Thus with regret, I will be resigning effectively at midnight on December 31, 2020.

Thank you for your assistance for all your help this past year providing me with documents and information in response to my many requests.

Very Truly Yours,  
David E. Rosengren,  
Selectman

cc: Mary Beth Greenwood, Chair, Democratic Town Committee

W. David Zitzkat  
david@zitzkat.com

Jon-Marc LaRue Zitzkat\*  
jonmarc@zitzkat.com

\*Of Counsel

**W. DAVID ZITZKAT**  
**ATTORNEY AT LAW**

*PRACTICING EXCLUSIVELY IN IMMIGRATION LAW SINCE 1981*

442 STEELE RD  
NEW HARTFORD, CT  
06057

PHONE: (860) 404-2333  
www.zitzkat.com

New Hartford Board of Selectmen  
530 Main St,  
New Hartford, CT 06057

December 27, 2020

**Request to Appear Before New Hartford Board of Selectmen  
At Next Regular Meeting in February or at any Special Meeting Before  
That Time. Subject – Matter Described Herein**

Dear Board of Selectmen:

The purpose of this communication is to set up a meeting for me to appear before the BOS, hopefully AFTER, you have sent the Town Engineer to inspect the situation I am describing here prior to the meeting. (Because I am 77 years old, I will not attend in person, due to Covid, but I can do Zoom, or we could all meet (masked and social distancing) at my home (442 Steele Rd) to actually see the problem I will be discussing. If we do this, it should be in daylight hours.

The Problem: I want to put up a mailbox in front of my house on Steele Rd, but I am unable to at present because if I did so it would have to be in the middle of a drainage ditch. I have already purchased the mailbox I want to put up. It is a "Next Generation" large package mail box. I am a practicing Attorney, and because of covid, I am now working from home, and frequently receive fiduciary material, often in large envelopes from clients. I have been in practice over 40 years, and I intend to remain in practice until I die.

But there is another problem: Dan Jerram.

Now please don't get me wrong. I like Dan Jerram. I consider him a friend, and I think he is very intelligent and conscientious. I have been trying to work with him for 4 months to put up my mailbox and so far, I cannot say we have accomplished anything. I am sure he felt like he was helping me, but for four months we have not reached any agreement. I wanted him to agree that it is the obligation of the town to put in more drainage and cover it with gravel and perhaps also asphalt so that I could put my new mailbox, behind the drainage ditch, not in it, and have it safe for the mail truck to go over to get to the mailbox. I told Dan that I didn't want the mailbox in a drainage ditch. "Why not?" he responded, "The one you have now is in the drainage ditch and it works just fine." He even offered to set me up with a guy who installs mailboxes, who he

brought to look at the site and who he said could install my mailbox in the ditch. Well, for many reasons that would not have worked out. Please understand,

1. For the entire length of my road frontage on Steele Rd, my property is separated from Steele Rd by a drainage ditch which in some parts is around 5 feet deep. I, and my neighbors to the South, the Natali's, are the only properties on Steele Rd that do not have an underground drainage pipe.
2. The drainage ditch is entirely in the easement area (25 feet from the center line) managed by the Town of New Hartford.
3. My current driveway has previously washed out at the bottom completely, and the last time it happened (I don't remember exactly what that was but I have photos which I can find if needed) the town of New Hartford installed a new drainage pipe along with gravel and asphalt on top of it.
4. This past weekend, we had both melting snow and lots of rain. If you want to see how well the town-installed drainage pipe under my driveway worked, please see the following You-Tube:

<https://youtu.be/MtTC6lch9LQ>

5. Please note that the overflow in the above Youtube did NOT happen because the pipe was full of leaves or other things. The next day after this Youtube was filmed, we took the photos in Appendix C which show water flowing into the pipe and water flowing out of the pipe. The Youtube itself also shows that. Also, the photos in Appendix C show that asphalt from the ROAD ITSELF IS BEING ERODED by the overflow water.
6. I personally believe there is a need for the town to consider installing pipe along my ENTIRE frontage and covering it with at least gravel, along with a catch basin which will direct all of the runoff to a pipe that runs under Steele Rd to the wetlands across the street which is where the water ultimately goes anyway.
7. In the event the town engineer does not feel as I do that the entire amount of drainage from Steele Rd and adjacent areas should be underground, I would certainly like to know why when every other house on Steele Rd (except for Natali) has had underground piping installed, in most cases by the town. Also, I must absolutely insist that at least six feet of pipe, gravel and asphalt be added, so that I can have a legal and proper mailbox. I feel it is the town's responsibility to do this, not mine.
8. Finally, I DO NOT WANT MY MAILBOX IN A DRAINAGE DITCH. I am an attorney, not an engineer, but I have had a lot of science and math courses in college, and I am pretty sure it is bad engineering practice to install mailboxes in drainage ditches.

## **Additional information**

### **Appendix A – Why I need to have a pipe installed**

Since I am going to be working from home for at least the immediate future, I need a package size mailbox that is sabotage-resistant and secure. Have purchased a 21.5" X 16" X 12" PACKAGE MASTER mailbox and a 4" wide steel pole to hold it. See Appendix A

Normally, curbside mailbox should be installed with the face of the mail box 6"-8" from the street and 41" to 46" inches high. See Appendix A.

Finally (again Appendix A) the government website states, "avoid unyielding and potentially dangerous posts like heavy metal pipes, concrete posts and farm equipment." Unfortunately, I want (and have received) a very heavy mailbox, with a very heavy metal post, that will be planted in a 2' by 1' sonotube. Set next to Steele Rd this would be VERY DANGEROUS. Therefore, it must be set away from the road, which in my case means across the drainage ditch away from the road with a safe way for the mail truck to reach it, which means about 3' from the road on the opposite side of the drainage ditch from the road.

This cannot be done without at least six to eight feet of pipe being added to the South side of the driveway. Since this is a requirement of law, and since the town has maintenance responsibility for maintaining this drainage ditch, it is the town's responsibility to put in the pipe, the gravel and the asphalt. (*Walton v. New Hartford*, 223 Conn. 155).

### **Appendix B - The current mailbox**

The current mailbox is a Rube Goldberg contraption that has been hit by a car being driven by a drunk, a town snow plow, and probably several local New Hartford punks with baseball bats. You can see the post (4X4) has been broken and the top part is now bolted to a new (relatively) post. The whole thing is held up by a 2X4.

This is further proof that the new mailbox must be set on the FAR SIDE OF THE DRAINAGE DITCH FROM THE ROAD. A big mail box such as the one I purchased with a 4-inch wide steel pole and cement base could be very dangerous to drunk drivers coming around the curve.

### **Appendix C – Entry and Exit of Driveway Drainage Pipe Erosion of Steele Rd**

All photos in Appendix C were taken on December 27, 2020. All photos in Appendix A were taken on December 26, 2020. Pretty clear evidence that the overflow was not caused by a blocked drainage pipe.

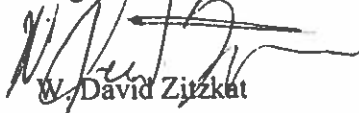
So, why do I want to appear before the BOS?

1. I would like the town engineer to look at my property and talk to me about the issues and make a recommendation.
2. If appropriate, I would like the town lawyer to explain to me why, if he feels my interpretation of the law is wrong,
3. I would like the town engineer to create a written report (which I believe he will anyway) and allow me to get a copy.
4. I would like the BOS to consider what the proper course is.

Finally, I would like to say that I have lived in this property since 1985, paying taxes to this town every year. My two kids were home schooled and went to private school for a few years. Neither went to New Hartford Schools. They are both attorneys today. I still pay about \$10,000 per year in taxes to New Hartford. This is the first thing I have asked for from New Hartford.

Hope to see you all soon.

Regards.



W. David Zizkat

**REFUNDS**

**OCTOBER 26, 2020**

TRU BLUE COLLECTIONS	2018	01	3021	37.58	10/14/2020	10/26/2020
----------------------	------	----	------	-------	------------	------------

**REFUNDS**

**OCTOBER 19, 2020**

BRODIEPARK INC	2019	02	40082	48.40	0.24	10.14.2020	10/19/2020
BRODIEPARK INC	2018	02	40088	62.92		10/14/2020	10/19/2020
ENTERPRISE FM TRUST	2018	03	52044	490.05			10/19/2020
HONDA LEASE TRUST	2018	03	53201	327.16		-	10/19/2020
HONDA LEASE TRUST	2019	03	53221	219.16		-	10/19/2020
KOHL EDWIN & RENEE	2018	03	53729	65.40		5/26/2020	10/19/2020
PARADIS WENDY	2017	03	55356	42.60		10/15/2018	10/19/2020
TOYOTA LEASE TRUST	2019	03	57018	340.70			10/19/2020
TOYOTA LEASE TRUST	2019	03	57021	296.04			10/19/2020
VW CREDIT	2019	03	57273	337.05			10/19/2020

**REFUNDS DECEMBER 23 2020**

NAME		ACCOUNT		REFUND				
ACAR LEASING LT	2019 03	50033		324.64	10/21/2020			12/23/2020
ANDREWS SUZANNE	2019 03	50164		15.93	10/21/2020			12/23/2020
BEDFORD LAURA	2019 03	50436		17.15	10/21/2020			12/23/2020
BORATKO ELAINE	2017 3	50576		10.99	8/30/2018			12/23/2020
BOYAJIAN LORI	2019 03	50632		17.58	10/21/2020			12/23/2020
CALDER PIERRETTE	2019 03	50878		77.25	10/21/2020			12/23/2020
CELLCO	2019 02	40111		97.70	10/21/2020			12/23/2020
DALPE, ERIC & JENNIFER	2017 01	672		10.48	4/18/2019			12/23/2020
DAMORE DEIRDRE	2019 03	51516		31.15	10/21/2020			12/23/2020
DEARDON JOHN	2019 03	51598		6.35	10/16/2020			12/23/2020
DOLAN PETER	2019 03	51822		5.57	10/21/2020			12/23/2020
FOLLERT JAMES	2019 03	52264		68.24	10/21/2020			12/23/2020
HAUT DOUGLAS	2109 03	52990		6.12	10/21/2020			12/23/2020
KONOPKA JAMES	2019 03	53785		45.85	10/21/2020			12/23/2020
LAFLAMME DENISE	2019 03	53915		17.43	10/21/2020			12/23/2020
LEWIS ROBERT	2109 03	54090		36.42	10/21/2020			12/23/2020
LEWIS ROBERT	2109 03	54091		24.32	10/21/2020			12/23/2020
LOVALLO VINCENT	2019 03	54176		17.40	10/21/2020			12/23/2020
MARCHENA DAVID	2019 03	54346		55.35	10/21/2020			12/23/2020
MCCARD JAMES	2019 03	54490		140.29	10/21/2020			12/23/2020
MURPHY NORA	2019 03	54905		28.40	10/21/2020			12/23/2020
OTT JOSEPH	2019 03	55291		23.58	10/21/2020			12/23/2020
PARADIS WENDY	2019 03	55360		47.85	10/21/2020			12/23/2020
PERRI ANTHONY	2019 03	55484		241.67	10/21/2020			12/23/2020
TAYLOR FRIEDA	2019 03	56871		27.29	10/21/2020			12/23/2020
VCFS AUTO LEASING CO	2018 03	57186		105.27	9/23/2019			12/23/2020
VW CREDIT	2018 03	57258		53.30	10/14/2020			12/23/2020
VW CREDIT	2019 03	57269		440.98	10/21/2020			12/23/2020
WENTWORTH JOHN	2019 03	57451		7.65	10/21/2020			12/23/2020
				<b>2002.20</b>				



**Board of Selectmen  
Regular Meeting  
August 25, 2020**

**MINUTES**

**Present:** First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman David Rosengren, Administrative Assistant Christine Hayward; others present via ZOOM.

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

**Operations Updates:**

First Selectman Jerram began his updates by talking about the recent windstorm that hit the area in early August. He expressed his frustration with the handling of the power outages by Eversource. He felt that communication and ineffective dispatch by Eversource was an issue. This was a big storm with over 700,000 outages in the State. He stated that it was his opinion that the way the repairs are handled are not always the best way. They look for numbers and try to get a larger area back on when there are some smaller, more immediate fixes that could be done in the interim.

Carpenter Road Bridge paperwork has been submitted to the State, as discussed at the last meeting. There has not been any response yet to the submittals. Selectman Rosengren asked if there has been a release received from the contractor. Mr. Jerram replied that the contractor has not followed the contract and the last communication received was in March. They sent a demand for payment, however, the town is assessing late fees. The matter is in the hands of the attorney who is guiding the town through the process.

Mr. Jerram informed the Board that an offer has been extended to an individual who interviewed for the vacant evening police position.

FEMA COVID filings are being worked on with a FEMA Specialist for school COVID related expenses.

Mr. Jerram stated that there is a shortage in certified Assessors and the town continues to seek an Assessor who can provide instruction to the individual currently working as the clerk in the Assessor's office. This person is interested in becoming a certified assessor but does need oversight in the interim during the training period.

First Selectman Jerram reviewed data related to the tax collections. He stated that the collections look like the town will be ok. There was uncertainty due to COVID as to what the effect might be on tax collections, but it all appears to be fine.

Mr. Jerram informed the Board that the Regional 7 School has decided to do a hybrid form of instruction when school resumes in September. Half of the school population will attend in person on 2 days while the other half receives virtual instruction on those 2 days and they will swap and do the opposite on 2 days with Wednesdays being a day used to disinfect the schools. Splitting the classes allows for more social distancing and adequate spacing while in the school buildings. The local elementary schools will be in person instruction on site at the schools 5 days.

Selectman Rosengren asked who is keeping track of the number of COVID cases in the area. Mr. Jerram responded that Farmington Valley Health District is the entity charged with keeping track of the numbers and following up with quarantine procedures.

Mr. Jerram stated that due to the guidelines in place for social distancing and the increased need for cleaning and sanitizing currently in place, it might be best to have an alternate community get together in lieu of the traditional New Hartford Day celebration in September. He suggested that a concert with

some food trucks might be a viable alternative. Ms. Kennerson agreed. The concerts have been a hit this summer as they provide an opportunity to gather safely in an outdoor setting. Mr. Jerram suggested that this event be held on a Saturday rather than a Sunday and suggested September 19. The Selectmen agreed to this alternate celebration.

Mr. Jerram informed the Board that the STEAP grant application is due this Friday. He stated that there had been past discussion about applying for STEAP funding for a charging station in the downtown area. However, due to not being able to get approvals finalized for an additional parking lot near the Post Office due to complications caused by COVID restrictions on public meetings, Mr. Jerram would like to consider requesting funds for bathroom facilities at Brodie Park instead. He stated that this project is already co-funded due to having capital funds in the budget to go towards the expense of the construction of this facility. This project would be considered "shovel ready" and might have a better chance of receiving Grant funding.

Mr. Jerram informed the Board that the American Red Cross will be using the Senior Center on Friday to hold a blood drive. He stated that since the Senior Center is not currently active, the Red Cross is able to use this for their drive.

The First Selectman informed the Board that there were no excessive expenditures incurred as a result of the recent windstorm. There was some overtime, but nothing extraordinary. Mr. Jerram stated that there may be some storm damage expenses incurred at RRDD# 1 and some expenses incurred by the WPCA, but he will need to look into that further.

Selectman Rosengren asked if the new roadside mower has been received. Mr. Jerram replied that it has been delivered. Mr. Rosengren asked if quotes were obtained from various distributors prior to purchasing the mower. Mr. Jerram replied that there were quotes provided and stated that the quotes were available for review if Mr. Rosengren wanted to see them.

**Review/update of various resolutions – Affirmative Action, Fair Housing Resolution, Fair Housing Policy Statement, Certified Resolution re: Emergency Services and Public Protection:**

Mr. Jerram read the following into the record:

*"Resolved, that the Board of Selectmen of the Town of New Hartford may enter into with and deliver to the State of Connecticut Department of Emergency Services and Public Protection, Division of Emergency Management and Homeland Security any and all documents which it deems necessary or appropriate; and Further Resolved, that Daniel V. Jerram, as First Selectman of the Town of New Hartford Board of Selectmen, is authorized and directed to execute and deliver any and all documents on behalf of the Town of New Hartford and to do and perform all acts and things which he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents."*

**MOTION:** by Kennerson to approve the resolution as read, seconded by Rosengren.

*Unanimous.*

Mr. Jerram stated that the Affirmative Action, Fair Housing Resolution and the Fair Housing Policy Statement were all included in the packet of resolutions to consider and asked for a motion to approve the resolutions as submitted.

**MOTION:** by Kennerson to approve the policies that were just listed by Mr. Jerram; seconded by Rosengren.

Mr. Jerram noted that these resolutions and policy statements are longstanding policies of the town and are worthy of being renewed.

*Unanimous.*

**Opportunity for Public Comment:**

No comments received.

**Any Other Business to Come Before this Board:**

Selectman Kennerson stated she had some business to bring before the Board. She stated that she had read in the newspaper that the Town of Canaan is considering adopting 3 different ordinances. Blight, Food Trucks and a Tax Abatement Ordinance are being presented for consideration in Canaan. Ms. Kennerson would like to follow the progress of these ordinances and talk about these in the future. Mr. Jerram commented that a blight ordinance had been considered many years ago and it did not go well. More recently, the Board of Selectmen had briefly discussed looking into this again. Mr. Jerram stated that since the documents were not posted for the public to be able to view, it would be best to hold off on discussion of these items and address them at a future meeting.

Mrs. Kennerson gave a brief overview of a proposed tax abatement ordinance that Canaan is considering. Mr. Jerram stated that there is an ordinance (06-02) already in place that requires a town meeting approval which makes it a cumbersome process. Selectman Rosengren commented that one needs to be careful of unintended consequences of such an ordinance. The Selectmen agreed that this discussion should be held at a future meeting.

**Executive Session regarding negotiations related to the potential sale of the water and wastewater assets of the Town of New Hartford:**

First Selectman Jerram stated that this item was placed on the agenda in response to a request made by Selectman Rosengren.

Selectman Kennerson stated that she did not feel that a virtual meeting was not an appropriate setting for an Executive Session discussion due to the fact that she was not comfortable with not being assured that there were no unauthorized attendees present in the rooms where discussion was taking place.

Mr. Jerram stated that he had spoken with Freedom of Information Commission to see if these Executive Sessions are allowed during a virtual meeting setting. The FOIA Commission does not have an issue with holding them as long as they are approved by the Board.

**MOTION:** by Rosengren to go into Executive Session for the purpose of discussion related to the negotiations for the proposed sale of water and wastewater assets at 8:13 PM, seconded by Kennerson.

*Unanimous*

Jerram, Rosengren, Kennerson entered into Executive Session

No action was taken during Executive Session which ended at 8:31 PM.

**MOTION:** by Kennerson to adjourn at 8:31 PM, seconded by Rosengren.

Unanimous

*Respectfully Submitted,*

*Cristine Hayward, Administrative Assistant*



Attachments (available from the Town Clerk upon request)  
Resolution – Emergency Management and Homeland Security  
Affirmative Action Policy Statement  
Fair Housing Resolution  
Fair Housing Policy Statement

**Board of Selectmen  
Special Meeting (Via ZOOM)  
Thursday, October 8, 2020  
MINUTES**

**Present:** First Selectman Daniel Jerram, Selectman Alesia Kennerson, Selectman David Rosengren, Administrative Assistant Christine Hayward.

First Selectman Jerram called the meeting to order at 7:05 PM and stated that the full Board was present, along with some members of the public participating via electronic means.

**Discussion/Action regarding 8-24 referral of proposed water and wastewater asset sale to Planning and Zoning Commission:**

First Selectman Jerram informed those present that the final presentation regarding the proposed water and wastewater asset sale had been completed on October 6, 2020, and that the next step in the process is to go before the P&Z Commission for an 8-24 review.

**MOTION:** by Kennerson to forward the potential sale of water and sewer assets to the Planning and Zoning Commission for their 8-24 consideration; seconded by Jerram.

Mr. Jerram stated that the most recent presentation held on Tuesday evening allowed for a lot of questions and answers and felt that it was a success. He stated that there were about 35 people in attendance (via ZOOM) and that there were new and different questions presented. Ms. Kennerson agreed, stating that she believes it is apparent that it (the proposed sale) is something that the townspeople should have the opportunity to vote on.

Selectman Rosengren asked what authority the Planning and Zoning Commission has with respect to this transaction. Mr. Jerram explained that this is a Statutory Requirement (CT General Statutes 8-24) for P&Z to consider whether or not this proposal is consistent with the Plan of Conservation and Development. A positive referral from the P&Z would mean that if a vote were to occur, it would require approval by a simple majority whereas a negative referral would require a 2/3 majority approval. Mr. Rosengren questioned why this approval is necessary. Mr. Jerram replied that all sales of property or leases are required to go through this process. Mr. Rosengren stated that this is not property that is being sold. Mr. Jerram countered that there are some components of real property being sold, such as the underlying land beneath the wells and the Wastewater Treatment Plant. Mr. Rosengren stated that this is the first he has heard of that and stated further that the sales agreement does not mention real property. Mr. Jerram replied that the final sales agreement has not yet been drafted. Mr. Rosengren stated that he believes it is premature to go before the P&Z without a definition of what property will be part of the sale. The First Selectman stated that there are 4 pieces of real property that are included in the sale and identified them as the Wastewater Treatment Plant and the land beneath it, the two well houses and the land, and the wet well and the land it sits on. Jerram further explained that the Blackbridge Well sits on property that abuts the New Hartford Elementary School and will be subdivided into a separate parcel when the sale occurs. Selectman Rosengren expressed his dissatisfaction that the property is not clearly defined at this point and stated that he is not in favor of this proposal. Ms. Kennerson stated that she was of the opinion that this should go forward. Jerram called for a vote on the motion.

In Favor: Kennerson, Jerram

Opposed: Rosengren

Motion Carries.

**Discussion of Downtown Pavilion Ceremony to honor David Childs – Saturday, October 10, 2020:**

First Selectman Jerram announced that a ceremony has been planned for Saturday to honor David Childs. He stated that this is an opportunity for friends and family to get together to honor his contributions to New Hartford. David was a member of the Board of Finance, the Economic Development Commission and devoted countless personal hours on many projects. He created and administered the Fishing Derby for roughly 10 years prior to his death. He was involved in the Bear Affair and Dog Daze and was recognized by the Chamber of Commerce with a Lifetime Achievement Award in 2009. David created the Friends of New Hartford charitable giving fund which has raised over \$100,000 and has donated things such as the Community Announcement Board for the benefit of New Hartford.

Mr. Jerram proposed that the pavilion be named the Friends of New Hartford Pavilion in David's honor. Mr. Jerram further proposed that the pavilion be designated as a place to honor volunteers each year; perhaps gathering nominations around Thanksgiving and then have recipients honored by raising their names into the rafters of the Pavilion each year. Jerram noted that Dave set a high standard of volunteerism.

Ms. Kennerson approved of the idea of having nameplates in the rafters, but did express concern that they be able to be seen. Mr. Rosengren stated that this is "a noble idea and long overdue."

**MOTION:** by Kennerson to officially name the Pavilion "The Friends of New Hartford Pavilion," seconded by Rosengren.

Mr. Jerram stated that he would investigate the cost of a plaque that could be placed on the pavilion and also would get an idea of how much the cost would be for individual nameplates that could be used to honor volunteers in the future.

*Unanimous.*

Mr. Jerram extended a public invitation to all to attend the dedication ceremony on Saturday. Mr. Rosengren expressed concern that public assembly was being promoted. He asked what protocols would be in place to protect the safety of all who attend due to the current COVID situation. Mr. Jerram replied that he would have masks available for those who may need them. Mr. Jerram also stated that the current restrictions in place for outside assembly are limited to 150 people and it was doubtful that there would be that many in attendance.

**MOTION:** by Kennerson to adjourn at 7:35 PM, seconded by Jerram.

*Unanimous.*

*Respectfully Submitted,*

*Christine Hayward, Administrative Assistant*

**NO ATTACHMENTS**

**Board of Selectmen  
Special Meeting/Virtual via ZOOM**

**Tuesday, December 8, 2020  
MINUTES**

**Present (virtually):** First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman David Rosengren, Administrative Assistant Christine Hayward.

Others present (not a complete list due to joining at various times of the meeting and some participants attended by phone which does not identify the attendee).

Regina Wexler, Shaw Izikson, Bruce Delaini, Elizabeth Domas, Mary Beth Greenwood and others

First Selectman Jerram called the meeting to order at 6:03 PM and noted that this meeting was a Special Meeting and therefore would be limited to the items on the posted agenda only.

**Appointments to Boards and Commissions:**

First Selectman Jerram stated that he had reached out to those Board and Commission members whose terms are expiring at the end of the year to see if they were interested in being reappointed. There are a couple of individuals who had decided not to seek reappointment which will leave some vacancies on some Boards/Commissions that will need to be filled at some point.

**MOTION:** by Kennerson to reappoint Christine Ringuette to continue to serve as a member of the Commission on Aging, for the term 01/01/2021 - 12/31/2023; seconded by Jerram.

*Unanimous.*

**MOTION:** by Kennerson to reappoint Alison Murdock to continue to serve as a member of the Conservation Commission for the term 01/01/2021 - 12/31/2023; seconded by Rosengren.

Mr. Jerram stated that Ms. Murdock has served as a member on this Commission since the early 1980's and thanked her for her years of service.

*Unanimous.*

**MOTION:** by Kennerson to reappoint John H. Casey AND John Burdick to continue to serve as members of the Economic Development Commission for the term 01/01/2021 - 12/31/2025; seconded by Rosengren.

Mr. Jerram stated that both Mr. Casey and Mr. Burdick have been valued members of the EDC and thanked them for their willingness to continue to serve.

*Unanimous.*

**MOTION:** by Kennerson to reappoint William F. Baxter to continue to serve as an alternate member of the Economic Development Commission for the term 01/01/2021 - 12/31/2025; seconded by Rosengren.

Mr. Jerram thanked Mr. Baxter for his willingness to stay on as an alternate member of the EDC.

*Unanimous.*

*Minutes – Board of Selectmen 12/8/2020 page 2*

**MOTION:** by Kennerson to reappoint Gary Colbert to continue to serve as a member of the Historic District Commission, for the term 01/01/2021 - 12/31/2025; seconded by Jerram.

Mr. Rosengren commented that he did know Mr. Colbert and abstained from the vote.

**AYE:** Kennerson, Jerram                      **ABSTAIN:** Rosengren

**MOTION:** by Kennerson to reappoint Steven Unger AND Nancy Schroeder-Perez to continue to serve as members of the Inland Wetlands Commission for the term 01/01/2021 - 12/31/2023; seconded by Rosengren.

Mr. Jerram commented that Mr. Lou Moscaritolo was not seeking reappointment on this Commission and noted that he had been a valuable member of the Commission and his presence would be missed.

*Unanimous.*

**MOTION:** by Kennerson to reappoint Madeline McClave to continue to serve as a member of the Open Space Preservation Commission for the term 01/01/2021 - 12/31/2023; seconded by Rosengren.

Mr. Jerram stated that Ms. McClave is a passionate preservationist and is a valued member of the Open Space Commission.

*Unanimous.*

**MOTION:** by Kennerson to reappoint Terrence Moreschi, Jr. to continue to serve as an alternate member of the Open Space Preservation Commission for the term 01/01/2021 – 12/31/2023; seconded by Jerram.

First Selectman Jerram referred to Mr. Moreschi as “an alternate emeritus” and publicly acknowledged the many years of service Mr. Moreschi has provided to the Town.

**AYE:** Kennerson, Jerram                      **ABSTAIN:** Rosengren

**MOTION:** by Kennerson to reappoint Anne Hall AND Debra Lindell to continue to serve as members of the Town Hill Cemetery Committee for the term 01/01/2021 - 12/31/2026; seconded by Rosengren.

Mr. Jerram stated that the members of this committee maintain the Cemetery on Hoppen Road and thanked them for their work.

*Unanimous.*



**MOTION:** by Kennerson to reappoint Michael LeClaire AND Joseph Toro to continue to serve as members of the Water Pollution Control Authority for the term 01/01/2021 - 12/31/2023; seconded by Jerram.

First Selectman Jerram stated that Mr. LeClaire and Mr. Toro and the other members on the WPCA have done great work.

*AYE: Kennerson, Jerram*

*ABSTAIN: Rosengren*

Mr. Jerram stated that all appointees will need to be sworn in.

**Appointment of Interim Assessor:**

First Selectman Jerram stated that the prior Assessor left over a year ago. He noted that former Assessor and current town resident Beth Paul has done a tremendous job in helping out with the 'mini-crisis' of staffing this office. Beth has been providing oversight to the Assessor in training in the office. Recently, Rae Ann Walcott was recommended by Beth to be the Assessor to be on staff to train Elizabeth Domas, the current Assessor trainee. Rae Ann has over 20 years of experience and is currently the Assessor in Woodbury. Jerram noted that Rae Ann is only helping out for a few months as she does not have the time to take on additional responsibilities. Mr. Jerram stated that it is a requirement to appoint the Assessor who will have the obligation of signing the Grand List. He recommended that Rae Ann be appointed for a term to last until the end of March. Mr. Jerram explained that due to training, Elizabeth has a modified work schedule which allows her the flexibility to meet with Rae Ann and get training when Rae Ann is available.

**MOTION:** by Kennerson to appoint Rae Ann Wolcott to serve as Interim Assessor through the end of March 2021; seconded by Jerram.

Ms. Kennerson stated that she is comfortable with appointing Ms. Wolcott since she comes recommended by a former Town of New Hartford Assessor.

*Unanimous.*

**2021 Meeting Schedule:**

**MOTION:** by Kennerson to approve the Board of Selectmen 2021 Meeting Schedule as presented, seconded by Rosengren.

*Unanimous.*

**2021 Holiday Schedule:**

**MOTION:** by Kennerson to approve the 2021 Town Hall Holiday Schedule as presented, seconded by Rosengren.

First Selectman Jerram informed the Board that the Holiday Schedule has remained the same for several years; there are no additions or subtractions to the schedule.

*Unanimous.*

**Consideration/possible action of updated motion for proposed sale of Water and Wastewater Assets:**

First Selectman gave a brief summary of events leading to the revision of the original motion related to the proposed sale of the water and wastewater assets. He stated that the Board of Finance had some concerns with the original motion that had been approved and recommended to the Board of Finance. Mr. Jerram said that he had met with Board of Finance member Dan Charest and the town attorney and a revised motion was prepared that it is being put forth for consideration this evening. He stated that exhibits have been added and specific dollar amounts have been inserted into the motion. First Selectman Jerram stated that there are five components to the motion; 1.) the proposed sale; 2.) disposition of debt; 3.) installation of sewers in the Pine Meadow Area 4.) subsidization of rates; 5.) connection assistance.

Mr. Rosengren stated his objection to the fact that exhibits mentioned in the motion were not readily available with the Board of Selectmen agenda on the town website. Mr. Rosengren said that he felt that the public was denied the right to have the documents in their hand during this discussion. First Selectman Jerram replied that the attachments and the motion are available on the town website, albeit with the Board of Finance meeting agenda, but asserted that was sufficient as the Executive Order regarding attachments does not discern where they should be posted.

It was noted that the motion being considered was posted on the website and therefore available to the public in its entirety.

**MOTION:** by Kennerson to approve the language of the revised motion regarding the sale of the water and wastewater assets with a date of December 8, 2020; seconded by Jerram.

Jerram opened the floor for discussion. He thanked Mr. Charest for working on the motion and hoped that it met the needs of the Board of Finance.

Selectman Rosengren questioned the ownership of the future Pine Meadow sewer extension. He asked Mr. Jerram when Aquarion would be taking over that ownership. Mr. Jerram replied that he did not have an exact date and he could not recollect what might have been stated by Aquarion. Mr. Rosengren stated that it was his understanding that the new lines would be owned by the Town for a period of years. He asked Mr. Jerram to answer the question of how many years the town would have to own the lines. Mr. Jerram responded that the goal of the Town would be to transfer ownership of the lines to Aquarion as soon as possible. Mr. Rosengren expressed concern that the town would be owning the lines, but Aquarion would be reaping the benefit from collecting the fees from the users during a period of time when they did not have ownership. Selectman Kennerson interjected that this might be a concern that could be addressed in an operational agreement with Aquarion. The agreement could address the responsibility of the maintenance of the lines during the period of time when the Town retains physical ownership of the line. First Selectman Jerram explained that the goal of the plan is to create a long term partnership with Aquarion for the benefit of the users. The water source will be protected, the rates will be lowered, connection assistance will be available as part of the proposal.

Rosengren then asked who has the responsibility for the protection of the drinking wells, specifically asking if it is the users responsibility or the entire town. Mr. Jerram replied that the question was subjective and could be answered in several ways and added that this specific proposal offers that protection. Mr. Rosengren questioned the language of the motion with respect to the delegation of authority to spend money on connection assistance. He asked if a legal review had been sought to determine if the Board of Selectmen have the legal right to spend money in this way – questioning if that right to spend is held by the WPCA and the Board of Finance. Mr. Jerram stated that the town attorney had drafted this motion and therefore there is no need to ask for a legal opinion on the matter. Mr. Rosengren then stated that he would like to amend the motion and read into the record the following amendment to the motion:

**MOTION:** by Rosengren

*Whereas the Asset Evaluation Team has publicly stated that its primary goal is to benefit the users of the sewer and water systems from the sale of those systems to a private company, the Aquarion Water Company; and Whereas it is therefore necessary for any Referendum language to adequately ensure that the sewer users, both current and future, are so protected and benefited; and Whereas the currently proposed Referendum language fails to accomplish the stated purpose of the sale to guarantee amounts to be allocated for the benefit of the sewer users; and Whereas, as acknowledged by the AET that the sale price has never been the subject of any negotiations with the proposed Buyer; and Whereas the AET has determined that the proposed Pine Meadow sewer line extension is in substantial part being proposed for the protection for the Town's Acquifer and is therefore a Town-wide responsibility and should not be bornesolely by the sewer users; NOW, THEREFORE, THE BOARD OF FINANCE HEREBY RECOMENDS THE FOLLOWING TO A TOWN MEETING: 1. The sale of all the assets (the "Sale") of the Town of New Hartford public water supply and sanitary sewer system (the "Assets") to Aquarion Water Company of Connecticut ("Aquarion") for the contract price of \$8,250,000; 2. 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; 3. The appropriation of not more than \$3,000,000 for the design and construction of a gravity sewer in strict and full accordance with a plan dated May 2016 for a P-2 gravity sewer drafted by CDM Smith ("Pine Meadow Extension), a copy of which is attached hereto; 4. All the remainder of the proceeds of sale to be used upon closing and thereafter for the benefit of the current and future users of the system to subsidize sewer rates for a period of not less than 5 years and to subsidize connection fees of any future users ordered to hook up to the Pine Meadow Extension.*

There was no second to the amendment. First Selectman Jerram ruled that the amendment (which he stated was not an amendment but was an alternate stand- alone motion) had failed. He called for a vote on the original motion that remained on the floor.

In favor: Kennerson, Jerram  
Motion Carries.

Opposed: Rosengren

At this point in the meeting, Mr. Jerram stated that the agenda allowed for a recess by the Board of Selectmen so that they could attend the Board of Finance meeting. He stated that the Board would reconvene following the adjournment of the Board of Finance meeting. Jerram called a recess at 6:53 PM.

The Board of Finance meeting was called to order at 7:06 PM. Minutes of the Board of Finance meeting for December 8, 2020 are on file. The Board of Finance Meeting was closed at 8:44 PM.

First Selectman Jerram reconvened the Board of Selectmen Meeting at 8:45 PM. It was noted that Selectman Kennerson was present, but Selectman Rosengren was absent. Mr. Jerram picked up the meeting at Item 6 – Minutes.

**Minutes of November 10, 2020 BOS meeting:**

**MOTION:** by Kennerson to approve the meeting minutes of the November 10, 2020 Board of Selectmen meeting; seconded by Jerram.

*Unanimous.*

**Tax Refunds as submitted by Tax Collector:**

It was noted that there were no Requests for Refunds of Taxes submitted by the Tax Collector at this time.

**Discussion of Special Town Meeting/Public Hearing dates:**

First Selectman stated that since the Board of Finance has accepted the proposal to sell the water and sewer assets, it will be necessary to call a public hearing/town meeting.

Ms. Kennerson stated that she thought it would be beneficial to send a mailing to residents to alert them to the public hearing and town meeting. She noted that during COVID, there are challenges due to not being able to hold in-person meetings. The Selectmen discussed developing a timeframe for consideration at the next Selectman's meeting for moving the proposal forward. Mr. Jerram stated that he would begin working on a draft mailing to be reviewed by the Selectmen at their next meeting.

**MOTION:** by Kennerson to adjourn at 8:52 PM, seconded by Jerram.

*Unanimous.*

*Respectfully Submitted,  
Christine Hayward, Administrative Assistant*

*ATTACHMENTS – available upon request in the Town Clerk's Office*

*MOTION re: proposed sale of water and wastewater assets*

*2021 Regular Meeting Schedule for Board of Selectmen*

*2021 Holiday Schedule*