

**Board of Selectmen
Regular Meeting (via ZOOM)**

Tuesday, July 28, 2020

MINUTES

Present: First Selectman Dan Jerram, Selectman Alesia Kennerson, Selectman David Rosengren; Numerous Members of the public present via ZOOM; Administrative Assistant Christine Hayward.

First Selectman Jerram called the meeting to order at 7:07 PM.

Operations Updates:

The highway department continues to work on “summer projects” and is currently completing some drainage projects on Stub Hollow Road and Carpenter Road. Chip sealing, a pavement preservation treatment, will be done on several roads next week. Most are smaller cul-de sacs located in the south side of town. The list of roads includes Indian Meadow, Garret Ridge Court, Kellogg Road, Blueberry Lane, Meadowview, Gibson Lane, Sloane and Windsor. This is about a \$65,00 contract and the town uses Comer Contracting for this work. Selectman Rosengren questioned the bidding process for this kind of work. Mr. Jerram explained that the town dove tails off of the State Bid Contract. The town is able to use the contractors that have gone through the State Bid process and gets the discount that has been given for the large scale buying. Discussion regarding tree work and the local vendor that the town uses for this work ensued, with Mr. Rosengren asking if a competitive bid process is in place for the town to use. Mr. Jerram responded that quotes are obtained for work on many occasions. Mr. Rosengren asked that the question of competitive bidding be on a future agenda. Mr. Rosengren stated that he would like to bring in an expert to talk to the Board about competitive bidding. Mr. Jerram replied that he is well versed in the process and the town has an attorney available for questions regarding bidding when needed.

Mr. Jerram informed the Board that the town is in the midst of the hiring process for a full time evening officer. An advertisement was placed and this is a competitive process with an exam being held on August 3 and oral interviews being conducted on the 4th.

The First Selectman stated that the majority of the paperwork for reimbursement of expenses incurred for Carpenter Road Bridge have been submitted to the State.

Submittals to FEMA for COVID related expenses are underway; the Selectman’s Office submits for both the Board of Education and the Town. The Town had minimal expenses.

Mr. Jerram explained that there is still some questions regarding proceeding with “in-person” public meetings. The virtual meeting presentation for Rails to Trails included discussion of an in-person meeting in order to be able to view large scale maps. It is difficult to view these maps virtually due to the size; but the process for in person meetings is still unclear and the town does not want to risk holding meetings where claims of inaccessibility could occur.

The Summer Concerts and the Beach at Brodie are all going well. Social distancing has been respected. The Recreation Department did try to hold a summer camp type program (following all of the required safe distance protocols) but the numbers have been weak. A couple of cabins at Brodie have had maintenance work done – the preschool cabin and the Cub Scout cabin have had some siding replaced

and both will receive fresh paint. Berkshire Hall was painted and looks good.

Roadside mowing is on hold due to the fact that the mower broke down. The replacement machine was approved in this budget and has been ordered; delivery is slated for mid-August.

The seasonal start up procedure for the well at Browns Corner has been completed. This is a Department of Public Health Requirement. Turning on the water was delayed due to the fact that spring sports were not held due to COVID-19. However, in anticipation of fall sports, the system has been turned on and all water tests have been completed and results submitted to the State.

As far as Economic Development goes, there are two new restaurants in town. SMOKEKING and Grey Area Tavern, both on Route 44/Main Street have recently opened. There have been a lot of inquiries to the Selectman's Office regarding possible development. A second brewery, a large scale gas station and a possible senior housing development have been mentioned. Selectman Rosengren asked for specifics of location and Mr. Jerram replied that he would not share that information at this time as there is no specific plan, only discussion. He did not want to reveal the identity of the developer or the specific site at this time while there may be negotiations occurring.

First Selectman informed the Selectmen that he has engaged the services along with the owner of Waring Park to conduct a study to develop a plan for the land next to Waring Park that has a large right or way that is limiting access to the parcel. Solving this access by possibly developing a town road might make this more appealing. Jerram did note that this would require Planning and Zoning approval and eventually a Town Meeting if it is deemed to be a viable plan.

Mr. Rosengren questioned the gas station inquiry. Mr. Jerram replied that someone had an interest in the possibility of a large scale gas station that included a grocery store. Mr. Jerram stated that he does not think that such a business would be a good idea due to the fact that the Town already has 2 gas stations along Route 44 and this station would also compete with the grocery store. Jerram said that "homeruns don't compete with other successful local businesses" but clarified that if this developer wanted to go ahead and speak directly with the Planning and Zoning Commission regarding this idea, there would be nothing stopping him from making that inquiry.

Selectman Rosengren questioned the status of Tax revenues. Mr. Jerram replied that they are coming in, but he had no percentage to report yet. Mr. Rosengren also questioned where things stood with end of the year revenues; wondering if the total collection of revenues was higher than what had been anticipated. Mr. Jerram answered by stating that all of the State Grants that were promised did come in but he could not state where the expenditures wound up yet because there are still invoices being processed.

Review of Recreation Program Expenses and Revenues:

Mr. Jerram informed the Board that the Recreation Program fund did show \$40,000 as an initial balance at the beginning of the camp/beach year. However, there was \$24,000 of payroll expenses that had not been reimbursed to the town for expenses already incurred. Therefore, not all \$40,000 was available to use as program expense for this year. Beach sales have been terrific and have exceeded expectations. These funds, along with the revenues received for the Summer "camp" program are what is used to pay the wages of the counselors and lifeguards. Mr. Jerram informed the Board that the attendance at the Summer program has not been what had been hoped. The numbers are already limited due to COVID and social distance requirements, so revenues are lower than what would normally be received. The director of the program is keeping an eye on the numbers for the next week and there may be a need

to cancel the session. The Recreation Commission does not want to run a deficit; therefore, if the revenues are not there, the program may end earlier than what had been projected.

Selectman Rosengren brought up the topic of the cutting/mowing at Brodie Park South. He stated that, to his knowledge, there had been no progress in stopping the cutting of the field. Mr. Jerram interjected that this has been discussed by the Recreation Commission and they have the authority, by their Ordinance, to make the decision regarding mowing. Mr. Rosengren suggested that Mr. Jerram intercede with the Parks Commission to see if groups could come together to find a solution. Mr. Jerram replied that it was his understanding that the Recreation Commission has reviewed this and that the commission is of the opinion that the park is being used more as a dog walking area and that the bird population has not been seen in the area. Mr. Jerram suggested that Mr. Rosengren go directly to the Recreation Commission to discuss this as they have already made a decision regarding this. He encouraged participation at the meeting. Mr. Rosengren asked Mr. Jerram to act as the CEO and go to the Commission and suggest that this be revisited. Mr. Jerram stated that he did not wish to undermine the Recreation Commission. Selectman Rosengren replied that it was not his intent to do that. Selectman Kennerson added that she felt that this issue has been addressed by the Commission and they have made their decision. She also encouraged attendance at a recreation commission meeting if there is a need for further discussion.

Discussion of timeframe for consideration of potential sale of Water/Wastewater Assets:

First Selectman Jerram explained that the public presentations regarding the potential sale of the water/wastewater assets came to a halt after the presentation held on March 5 at New Hartford Elementary School.

At a recent meeting of the Asset Evaluation Team, it was decided that they wanted to proceed with public presentations using the ZOOM Virtual platform. The AET has also decided to hold an additional afternoon session. They have discussed the dates and have decided to have an afternoon presentation on August 5 at 2:00 pm and then another evening meeting on August 17 at 7:00 pm.

Selectman Rosengren stated his objections with moving forward with additional presentations at this time. He stated that the presentations should not be held during the summer; they were scheduled to be held during the “business year.” He stated that people are away and they cannot be expected to tune in during the summer from their vacations. This is an important decision “regarding an \$8,000,000 sale to a private, for profit company.” He claimed that the presentation is inaccurate and stated that Mr. Butler’s presentation was largely put together by himself and does not allow for any contrary views. Selectman Rosengren expressed his concern and displeasure that answers have not been given to the questions that some have submitted to date. Mr. Rosengren said that basic questions such as “what are the rates going to be?” have not been answered. He referred to an article in the Washington Post regarding towns that sold their water systems and have come to regret it. He offered to send the link for the article to anyone who wants to read it. He stated that there should be a process for others to be involved in these presentations so that a fair and balanced information session can be occur. Mr. Rosengren referred to an attorney opinion that was rendered by Attorney Roraback regarding Ordinance 86-1. He said that it needs to be on the website. He said that the ordinance states that the town users are not obligated to pay for debt service or the capital expenses associated with the plant and Mr. Rosengren asserted that the town attorney confirms that in his letter of opinion. Mr.

Rosengren also asked if the town accountant has a copy of the ordinance and the attorney opinion so that they (the auditors) can correctly determine what expenses are charged to the town as a whole and what expenses are the responsibility of the WPCA.

First Selectman Jerram responded to Mr. Rosengren. He began his response by stating that he does not like it when Mr. Rosengren describes volunteers that work hard as creating work that is 'inaccurate' or "deliberately deceptive." He continued by stating that he has Town Meeting minutes that show that there were agreements and understandings made at the Town Meeting that were voted on by the people regarding responsibilities for the debt and expenses and how they would be paid and by whom. When it comes to a Town Meeting and it gets voted on, it becomes an agreement. There are also minutes that show that there were statements made by Mr. Rosengren as a member of the WPCA that the rates were fine and there was only a slight problem with revenue at the time. Mr. Jerram stated that the WWTP debt is not the problem; the WPCA has not been paying their share of the debt for several years.

Mr. Jerram explained that there was a vote in 2008 at a ratio of 90% by the public and 10% by the WPCA where the WWTP failed because the split was not agreeable to the public. It then was voted on again where the split was changed to 61%/39%. Mr. Rosengren questioned the accuracy of that statement and countered that a flyer was mailed in 2009 and it said the users of the system would only pay 19% and that is why the referendum was successful. Mr. Jerram countered and said that the percentage of the debt service being paid by the WPCA is irrelevant and is not the issue due to the fact that the WPCA is currently not paying the debt. The WPCA is not paying anything toward the debt service and has not for the past 3 years. It is the administration costs that are the issue. Mr. Jerram went on to state that there was a lot of misrepresentations and a lack of homework done on the part of the WPCA at the time when the WWTP upgrade was being considered. Mr. Jerram stated that there was a problem back then with infiltration that should have been discovered. There were also issues with "scofflaws" – connections that were active but not being paid for. Rates are not sufficient to cover the expenses. Mr. Rosengren said that the promise of the 19% share being paid by the WPCA users was what was passed at the referendum. He continued by stating that the WPCA was not aware of the legal opinion that states the WPCA does not have to pay for the debt service associated by the plant upgrade. Selectman Rosengren asked Mr. Jerram when he initially knew of this attorney opinion. Mr. Rosengren accused Mr. Jerram and WPCA Chairman Mr. Butler of deliberately withholding "material information." Mr. Jerram responded to the accusation by stating that he could not state exactly when he became aware of the opinion and went on to state that there is a fundamental lack of knowledge in interpreting the opinion. Mr. Jerram explained "precatory versus mandatory." He said that the option of the town to pay debt service on the part of the WPCA is "precatory" –not mandated. The WPCA ordinance states that the WPCA must maintain a breakeven operation but it does not address the amortization of indebtedness – it states that the WPCA may or may not enter into agreements. Mr. Jerram stated that in the case of the WWTP upgrade, the WPCA chose to enter into agreements. The agreements have "strings attached" that are presented to different Boards – i.e. the Board of Finance and they are then formalized at the town meeting. Mr. Jerram stated that the WPCA chose to enter into agreements and it is the duty of the Board of Selectmen to make sure that the agreements/deals made are adhered to. Mr. Jerram added that it would appear that Mr. Rosengren is of the opinion that agreements can be broken and not adhered to. Mr. Jerram agreed that agreements made by and with the WPCA are not easy to deal with. He agreed that it has been a challenge because there was a whole lot of bad

information presented to the public at the time of the planning of the wastewater treatment plant upgrade. There was information presented that the town needed to build a plant that could handle 400,000 gallons per day. The current daily processing is 40,000 gallons per day. Jerram restated that the agreements that have been made need to be honored. Sometimes the agreements have to be “tweaked” but they still stand and need to be honored. He noted that, over the years, there have been modifications to the debt service agreements- the responsibility of the debt service payments has had modifications to the payment plan to alleviate some of the burden on the WPCA. Mr. Jerram stated that “reneging” on agreements is not an option. Mr. Jerram stated that it was his belief that there was a good plan in place moving forward with a potential sale to Aquarion that would provide for lower rates and expansion of the existing sewer lines. Jerram noted that Mr. Rosengren’s plan is to raise taxes. Selectman Kennerson agreed that the public needs to get involved and listen to the presentations and state their thoughts and opinions. She stated that the past presentations have allowed for questions to be asked and meetings have allowed for time to answer them. Mr. Jerram suggested that residents take the time to read and review the meeting minutes of the Town Meeting and the other various board and commission meetings. He noted that this is all public record and is a history of the process. Mr. Jerram explained that it is his belief that the plan put forth for line extensions and getting additional users on the system is the best way to move forward. He stated that the capital budget for Aquarion is extensive and the proceeds of sale can allow for expansion of the system at no expense to the taxpayers. Selectman Rosengren countered that the Wastewater Treatment Plant is like the schools and should be funded in the same manner. Mr. Rosengren stated that he wants an opportunity to present information to the public. He suggested that he and Mr. Butler present their opposing views at a public presentation and let the public decide what is the best way to proceed. He wants to present a counter to the information currently being disseminated. He believes the information being given is one sided. He accused Mr. Jerram of controlling the message to get the desired response. Mr. Jerram stated that in all of the discussions that have occurred thus far, there has been no alternate solution presented by Mr. Rosengren. Mr. Jerram challenged Mr. Rosengren to state his solution and Mr. Rosengren replied that he was not willing to do so at this meeting. When pressed further, Mr. Rosengren stated that he has repeatedly said that he is of the belief that the Wastewater Treatment Plant is a town wide obligation. Mr. Jerram interjected that the entire town has already been paying the freight. Mr. Rosengren stated that the town is starting to feel the slow decay of a town because it is poorly run. He commented that the taxes are not keeping up with the rate of inflation. He said that the town is starving and he stated that having three schools for the number of students serviced is not needed and suggested that the Education Budget could be cut back if it didn’t have to support three schools. He also expressed his dissatisfaction at having a Dunkin Donuts and a gas station as the only things one sees when passing through the center of town. He stated that there has been a 10% decline in property values in the past three years. Mr. Rosengren commented that a failure to keep taxes at a level to be able to properly care for the needs of a town is a concern of his. He was also concerned with the lack of development in the town.

Mr. Jerram stated that it was time to move on and went on to address the next agenda item.

Request for Refunds of Taxes:

Connor Capell and Ashley Marshall	\$222.34	MV
Michelle Delayo	\$48.16	MV
Charles and Susan Lindsey	\$60.00	Real Estate
Nissan Infiniti LT	\$141.33	MV
Toyota Lease Trust	\$163.56	MV
Ford Credit Personal Property Tax	\$177.57	MV
Donna or Gary Colavecchio	\$26.62	MV

MOTION: by Kennerson to approve the requests for refunds of taxes as recommended by the Tax Collector; seconded by Jerram.

Unanimous

Opportunity for Public Comment:

No commentary

Any Other Business to Come Before The Board:

Selectman Rosengren asked if there had been any resolution from the Town Attorney with respect to Mr. Rosengren’s questions about rules for town meetings. Mr. Rosengren stated that he wanted to have standard rules in place for meetings. He suggested that an ordinance be adopted so that everyone knows what the rules are. Selectman Kennerson commented that she felt that meetings were being run without any issue and that there was no need to adopt any rules for the conduct of meetings at this time. Mr. Rosengren countered that not having rules for meetings is in violation of State Statutes. Mr. Jerram refuted this and then stated that there would be no more discussion on this matter and asked for a motion to adjourn.

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

Unanimous.

*Respectfully Submitted,
Christine Hayward, Administrative Assistant*