

**New Hartford Planning and Zoning Commission  
TOWN OF NEW HARTFORD, CONNECTICUT  
REGULAR MEETING MINUTES  
Wednesday, October 28, 2020 at 7:00 PM  
VIA ZOOM**

**PRESENT:** Chairman Ted Stoutenberg, Dan LaPlante, Martin Post (7:30PM), Jim Steadman Alternates Tom McLoughlin and Mike Misiorski; Zoning Enforcement Officer Mike Lucas and First Selectman Dan Jerram.

**ABSENT:** David Krimmel and Alternate Peter Ventre.

Chairman Ted Stoutenberg the meeting to order at 7:00PM. Mr. McLoughlin was seated for Mr. Krimmel.

**1. PUBLIC HEARINGS:**

None.

**2. NEW APPLICATIONS:**

None.

**3. PENDING APPLICATIONS:**

**A. 8-24 Regarding Proposed Sale of Water and Wastewater Assets.**

First Selectman Dan Jerram provided some history behind the formation of the Asset Evaluation Team (AET), reporting that they first convened in 2016. Mr. Jerram noted that after a series of events of the WPCA from 2012 through 2016, a charge was given to the AET to gain a working knowledge of both the wastewater and drinking water systems, to review and modify an RFP, and to make a recommendation to the Board of Selectmen regarding the RFP. Mr. Jerram noted that he and the other members of the AET (Bud Butler, Joe Toro, Tom Hart, and Kim Estep) have met with state and national officials in fulfilling their charge over the last four years. He reported that the AET had met with USDA, Atlantic States Rural Water and Wastewater Association, PURA, and DEEP, with nearly 100 documents and products of their work having been uploaded to the Town's website for public inspection. Mr. Jerram explained that the goal of this work was to provide assistance to the rate payers, reminding the Commission that the town's sewer plant built ten years ago has been operating at only 10% of its capacity. As a result, the users have paid very high rates.

Mr. Jerram noted that most of the assets are buried, referring to the 62,000 linear feet of water pipe and 50,000 linear feet of sewer pipe, pumps, pump stations, and drinking wells tucked in various areas of town. He praised the work of the AET and reported the recommendation that group has made to the Board of Selectmen to further a proposed sale. He noted that the WPCA has also made the same recommendation which was followed by the AET holding four public presentations. Those presentations included one at Town Hall with over 100 people, one in Pine Meadow with 75 people, and two more virtual presentations.

Mr. Jerram indicated the sale of the assets would include five parcels of land, easements and the transfer of tanks in the Industrial Park. He noted that easements would be retained for the Rails to Trails program.

Mr. Jerram shared the same slide presentation with this Commission that had been utilized at the four public meetings. He noted that the largest hurdle in the AET's review has been gaining a release from the USDA as the Town had been the recipient of grant funds.

Mr. Jerram reviewed the assets including the wells, the piping sized 2” to 12” that serve the 565 water customers and 326 sewer customers. He noted that the wastewater treatment plant is about five acres but indicated that the Town will retain rights to a small quarter-acre in front of it to build a future 2000 square foot wash bay for the Department of Public Works.

Mr. Jerram reminded this Commission that approximately half of the water pipes are older than 125 years. He noted that the wastewater treatment plant is ten years old already with an estimated life expectancy of twenty years. He noted that last year alone, the plant required \$50K of maintenance. Mr. Jerram indicated the WPCA has raised rates for users seven times over the past fourteen years. He noted that the last increase in 2017 resulted in no increase to revenue as there was a decline in usage.

Mr. Jerram noted that the sale of the assets will provide the Town with the following: retirement of the debt, funding for capital improvements such as the sewer extension in Pine Meadow, the subsidizing and stabilizing of rates, and connection assistance to the families in that area. More importantly, according to Mr. Jerram, it will protect the aquifer and provide protection to the drinking water supply in Pine Meadow. Mr. Jerram noted that the septic system at New Hartford Elementary, the one across from the school, and six or seven on Church Street are within the Department of Public Health radius of 200’ of public water aquifer with septic effluent.

Mr. Jerram noted the prospective purchaser, Aquarian, having an annual \$120M capital expenditure program. He explained that all of Aquarian’s 99000 customers in Connecticut share in that capital program. He indicated that this allows Aquarian to provide a means for stability thereby reducing rates in the long time.

The bid provided by Aquarian was \$8M, with the second bid being \$6.5M from Connecticut Water Company, whose capital program was roughly half of Aquarian’s. The AET’s recommendation includes paying off the USDA debt and every other sewer and water debt. Mr. Jerram indicated that to total to \$3.5M. Proceeds would also be used to install the sewer line into Pine Meadow at a cost of \$3.5M, a sum developed by the Town’s engineers and updated several times. The sewer line would be carried through Wickett Street, Black Bridge, Ten Street, and Church Street. The remaining ±\$972K would be used to buy down the rates of the users in that district for an estimated five-year period and provide connection assistance to everyone in the district, according to Mr. Jerram.

Reviewing projected rates, Mr. Jerram noted that the rate payers would likely see a 20% reduction in rates for five years.

Following a positive referral from this commission, the Board of Selectmen will likely forward the proposal to the Board of Finance, tentatively scheduled for November 10<sup>th</sup>, according to Mr. Jerram. After that, the ultimate decision lays with the town electors either through a referendum or a town meeting, he further explained. Mr. Jerram noted that should the Town approve, applications will be made to PURA, DEEP, and the Department of Public Health who will rule on the proposal.

WPCA Chairman Bud Butler reported that the WPCA and AET has worked diligently on the issue. He noted that options other than selling have been reviewed over and over.

In response to an inquiry from Mr. Post, Mr. Jerram confirmed that there have been expenditures to cover costs that have been spread out to all of the tax payers.

Mr. Post questioned whether the wastewater plant could be operated without a loss if there was relief from the debt. Mr. Jerram indicated it could not, as cashflow is being burned now without paying the debt. He spoke about the administrative costs associated with running the plant and the cost of the water technicians. Mr. Butler reported that exclusive of debt, there is approximately \$153K worth of accumulated operating expenses to meet regulatory compliance that there is no money to cover. As a result of that, tank inspections are going undone, tank repairs are going undone, and the water supply plan as mandated by the DPH has not been executed because of the lack of the \$34K cost, according to Mr. Butler.

Discussion ensued regarding the proceeds from the potential sale.

**MOTION:** Mr. McLoughlin, Mr. LaPlante second, in accordance with the provisions of the Connecticut State Statutes 8-24, the Town of New Hartford Planning and Zoning Commission recommends that the Town of New Hartford, at either a town meeting or a referendum, sell the Town's clean and wastewater assets to The Aquarian Water Company as recommended by the Board of Selectmen; Motion passed with Mr. LaPlante, Mr. McLoughlin, Mr. Steadman, Mr. Stoutenberg while Mr. Post was opposed.

**MOTION:** Mr. McLoughlin, Mr. Post second, the Planning and Zoning Commission which also acts as the Town's Aquifer Protection Agency authorizes its chairman, Ted Stoutenberg, to draft a letter to the Board of Selectmen in support of the installation of new sewer lines in the Pine Meadow section of New Hartford to protect the aquifer and its drinking water supply; unanimously approved.

#### **B. Discussion Regarding Farm Stand Regulations.**

Mr. Lucas reported having solicited the Planners ListServ, seeking input on farm stand regulations for other similar, rural towns. He noted that Stacy Stefcik, a former Land use Department employee, had provided some background information as she recalled the last time this topic was discussed in New Hartford. Mr. Lucas noted that his research found that much of the regulations surrounding this come down to definitions.

#### **4. NEW BUSINESS:**

None.

#### **5. OTHER BUSINESS PROPER TO COME BEFORE THE COMMISSION:**

None.

#### **6. APPROVAL OF MINUTES: October 14, 2020.**

**MOTION:** Mr. McLoughlin, Mr. Post second, to approve the October 14, 2020 Minutes; unanimously approved.

#### **7. ZONING ENFORCEMENT OFFICER'S REPORT:**

Mr. Lucas reported that the Special Permit application for an Accessory Apartment at 95 Burwell Road was withdrawn but would likely be returning with another application for the use at the beginning of 2021.

#### **8. CORRESPONDENCE:**

None.

**MOTION:** Mr. McLoughlin, Mr. LaPlante second, to adjourn at 8:25PM; unanimously approved.

**Respectfully submitted,**

**Pamela A. Colombie, Recording Secretary**