

**TOWN OF NEW HARTFORD
SPECIAL TOWN MEETING
SENIOR CENTER/MEETING ROOM
TOWN HALL
FEBRUARY 6, 2019**

First Selectman Dan Jerram called the meeting to order at 7:05 PM. He asked all present to rise and recite the Pledge of Allegiance.

First Selectman Jerram opened the floor to nominations for Moderator. Motion Carlene Jerram, second Penny Miller to nominate Alesia Kennerson for Moderator. Hearing no further nominations, First Selectman Jerram entertained a motion to close nominations. Motion Ted Stoutenberg, second Linda Hull to close nominations. *Unanimously approved by voice vote.*

First Selectman Jerram called for a voice vote on the motion to elect Alesia Kennerson Moderator. *Unanimously approved.*

Moderator Alesia Kennerson stated that copies of the call of the meeting are available for the public and inquired if there is anyone present who needs a copy. (Attachment 1) She then read the call of the meeting:

**TOWN OF NEW HARTFORD
NOTICE OF A SPECIAL TOWN MEETING**

The Board of Selectmen of the Town of New Hartford, CT hereby notifies all electors and citizens entitled to vote in Town Meetings in said Town of New Hartford, that a Special Town Meeting will be held on Wednesday, February 6, 2019 at 7:00 PM in the Senior Center/Meeting Room of the New Hartford Town Hall, 530 Main Street, in New Hartford, CT for the following purposes:

1. To take such action as the voters deem best with respect to the adoption of an ordinance entitled "Amendment to Ordinance 67-4;" such ordinance is on file for inspection in the Office of the First Selectman; 530 Main Street, New Hartford, CT 06057.
2. To take such action as the voters deem best with respect to the adoption of an ordinance entitled "Ordinance Regarding Repeal of Ordinance 67-2;" such ordinance is on file for inspection in the Office of the First Selectman; 530 Main Street, New Hartford, CT 06057.

3. To take such action as the voters deem best with respect to the adoption of an ordinance entitled "Appointment of a Tax Collector;" such ordinance is on file for inspection in the Office of the First Selectman; 530 Main Street, New Hartford, CT 06057.

Dated at New Hartford, Connecticut; this 22nd day of January, 2019.

Board of Selectmen

Daniel V. Jerram
Alesia R. Kennerson
Eric B. Claman

Moderator Kennerson read the Return of posting and Publication.

**RETURN OF POSTING AND PUBLICATION
OF NOTICE OF SPECIAL TOWN MEETING**

I, Daniel V. Jerram, First Selectman of the Town of New Hartford, Connecticut, hereby certify that I caused a copy of the foregoing Notice of the Special Town Meeting to be posted on the Town signpost on Monday, January 28, 2019 and also published in the Hartford Courant, a newspaper published in Hartford, Connecticut and having a general circulation in the Town of New Hartford, on Friday, January 25, 2019.

Dated this 6th day of February, 2018.

Daniel V. Jerram, First Selectman

ITEM NUMBER 1:

To take such action as the voters deem best with respect to the adoption of an ordinance entitled "Amendment to Ordinance 67-4".

Moderator Kennerson read the proposed Ordinance (Attachment 2):

AMENDMENT TO ORDINANCE 67-4

BE IT ORDAINED by the legal voters of the Town of New Hartford in meeting assembled:

To amend the ordinance identified as 67-4 adopted at the July 24, 1967 Town Meeting by making the following changes:

1. Delete the provisions of Section A. set forth in said ordinance 67-4 and add the following new Section A. to said ordinance:

A. All regular members and alternate members of the Planning and Zoning Commission shall be elected in the same manner as other town officers at the regular municipal election for the following terms:

1. The terms of the five regular members shall continue to be for five years with the term commencing on the Tuesday following the regular municipal election in each year in which the term of that regular member expires. For terms that expire in non-election years, the successor shall take office on the second Tuesday of November in that non-election year.
2. The terms of the alternate members shall continue to be five years commencing on the Tuesday following the regular municipal election in each year in which the term of that alternate member expires. For terms that expire in a non-election year, the successor shall take office on the second Tuesday of November in that non-election year.

2. Amend Section B. set forth in said Ordinance 67-4 to add Item number 1.

1. All vacancies in the office of regular and/or alternate members shall be filled by the regular members of the Planning and Zoning Commission for the full remainder of the unexpired term.

This Ordinance shall become effective fifteen (15) days after publication thereof in a newspaper having circulation in the Town of New Hartford.

Moderator Kennerson asked for a motion to adopt Amendment to Ordinance 67-4.

Motion Ted Stoutenberg, second Lou Helt to adopt Amendment to Ordinance 67-4.

Moderator Kennerson asked First Selectman Jerram if he would explain why the ordinance is being amended.

First Selectman Jerram explained that we have been reviewing the ordinances for Planning & Zoning at the request of the Chairman to resolve some minor discrepancies. One issue is that the original ordinance indicates the term begins in October. Additionally, this ordinance clarifies that the regular members of the

Commission shall to fill vacancies for the remainder of the term. Town Counsel also recommends that at some point, the terms be adjusted to an even number of years so that members are not elected in off years to begin serving the following year.

Moderator Kennerson asked if anyone had any questions or comments.

Hearing none, she called for a vote by show of hands to adopt Amendment to Ordinance 67-4. *Unanimously approved.*

ITEM NUMBER 2 :

To take such action as the voters deem best with respect to the adoption of an ordinance entitled “Ordinance Regarding Repeal of Ordinance 67-2”.

Moderator Kennerson read the proposed Ordinance (Attachment 3):

ORDINANCE REGARDING REPEAL OF ORDINANCE 67-2

BE IT ORDAINED by the legal voters of the Town of New Hartford in meeting assembled:

1. Ordinance 67-2 adopted at the April 26, 1967 Town Meeting regarding the addition of alternate members of the Planning and Zoning Commission is hereby repealed.
2. This repeal shall become effective fifteen (15) days after publication in a newspaper having circulation in the Town of New Hartford.

Moderator Kennerson announced that she would entertain a motion to adopt Ordinance Regarding Repeal of Ordinance 67-2.

Motion Ted Stoutenberg, second Mary Lou Rayno to adopt Ordinance Regarding Repeal of Ordinance 67-2.

Moderator Kennerson asked First Selectman Jerram if he would explain why the ordinance is being repealed.

First Selectman Jerram explained that the prior ordinance under Item 1 had addressed the issue of appointing alternates and as such this ordinance is no longer needed.

Moderator Kennerson asked if anyone had any questions or comments.

Hearing none, she called for a voice vote and show of hands to adopt Ordinance Regarding Repeal of Ordinance 67-2. *Unanimously approved.*

ITEM NUMBER 3:

To take such action as the voters deem best with respect to the adoption of an ordinance entitled “Appointment of a Tax Collector”

Moderator Kennerson read the proposed Ordinance (Attachment 4):

ORDINANCE CONCERNING APPOINTMENT OF A TAX COLLECTOR

BE IT ORDAINED by the legal voters of the Town of New Hartford in meeting assembled:

1. The term of office for the New Hartford tax collector which began the second Tuesday next following the day of the 2017 regular municipal election shall end upon the appointment of a tax collector as provided in this ordinance. The Board of Selectmen elected at the 2017 regular municipal election shall appoint the tax collector for the town for a term commencing on February 16, 2019 and ending on the day of the first regular meeting of the newly elected Board of Selectmen after the 2019 regular municipal election. Thereafter, the newly elected Board of Selectmen at its first regular meeting after every regular municipal election shall appoint the tax collector.
2. After the initial term set forth in section 1 above, the term of office for the tax collector shall be two (2) years commencing on the date of appointment and ending when a successor has been duly appointed and has qualified.
3. Any vacancy in the office of the tax collector shall be filled by the Board of Selectmen.
4. In accordance with a Memorandum of Understanding between the Town of New Hartford and the National Association of Government Employees Local RI-231, upon the appointment by the Board of Selectmen, this position shall be a full time Town of New Hartford town hall employee and therefore shall be subject to the terms and conditions

of employment as outlined in the National Association of Government Employees (NAGE) Local RI-231 Collective Bargaining Agreement.

This ordinance shall become effective fifteen days after its publication in a newspaper having circulation in the Town of New Hartford.

Motion Greg O'Brien, second Linda Hull to adopt ordinance entitled Appointment of a Tax Collector.

Moderator Kennerson asked First Selectman Jerram if he would explain why the ordinance is being considered.

First Selectman Jerram commented that the Town has had the benefit of quality and professional service for 33 years from retiring Tax Collector, Linda Sheffield. He asked Linda to stand and be recognized. He noted that her retirement has raised the issue of finding a competent and qualified replacement. The Board of Selectman studied how the office of Tax Collector is filled in other towns. Mr. Jerram shared a graphic showing the towns in Connecticut that appoint their Tax Collectors and noted that many of the elected Tax Collector positions are part-time. He also noted that the term appoint is designated by statute to indicate hiring a person for a full-time position. Mr. Jerram noted that the responsibilities of the position are mandated by State Statute and it is really not a political position. If the position is elected, the candidates are town residents who might be interested in doing the job with a sense of community but may not have the credentials to do so. There is also a lack of job security since they would need to run for office every two years. Appointing an individual allows a search to be conducted for the best qualified candidate and the NAGE contract specifies internal postings so the internal candidates may have the first option to apply for the position. He noted that the reappointment every two years is merely a ceremonial process as is currently done for the Assessor and the Zoning Officer. Mr. Jerram reassured all present that this will be professional process and a newly elected Board of Selectman cannot fire the prior collector due to union protections.

First Selectman Jerram also noted that he has received feedback that the Town of New Hartford does not pay enough to attract qualified candidates. He shared salary rates for surrounding towns showing that the salaries are similar.

Moderator asked if anyone had any questions or comments.

Marty Post asked if the salaries shown are starting salaries or current salaries. Mr. Jerram noted that the current salary of our Tax Collector is in line with surrounding towns.

Carmen Neal asked what the starting salary is in New Hartford. Mr. Jerram noted that the Town has not established a starting salary for the position as yet. He acknowledged that research needs to be done to compare salaries paid in towns in Litchfield County and statewide to determine the starting salary for the position.

Linda Sheffield noted that Barkhamsted is an elected Tax Collector.

Selectman Eric Claman commented that he believes this is a perfect example of democracy working based on the turnout tonight. He is saddened that we are voting tonight to no longer have the right to vote. Mr. Claman noted that he believes the ordinance is a great safety measure or emergency plan in case the town finds itself without a tax collector and without a qualified resident to fill the position. For the past 33 years we have been blessed with the continuity of having Linda as our Tax Collector. Taking her place will be Karen Wieduwilt who has worked with Linda for the past seven years, so we can expect the same level of service. Finally, he noted that the position should remain unbiased and not be subject to the oversight of the current selectman.

First Selectman Jerram noted that he appreciates Mr. Claman's service on the Board of Selectmen and agrees with most of his points, but he believes we should plan ahead rather than wait until it is an emergency to get the ordinance in place. By taking this action, we can codify the position and ensure we have a qualified individual in that role.

Anita Baxter mentioned that as a former First Selectwoman who served when the Town acquired Brodie Park, she is opposed to this ordinance. She also suggested that Dan respond to all comments at the end rather than individually. She noted that she believes we should table the issue rather than oppose it. At this point, if no starting salary has been established, how can the replacement start immediately after Linda leaves office. Mrs. Baxter noted that having the position become unionized is an issue because then an existing collector cannot be fired or unappointed without cause. She believes the townspeople need more time to digest this. Mrs. Baxter also noted that this decision should be made in

conjunction with a future decision to hire a Town Manager. At that time, the appointment to this position is taken out the realm of politics. The towns to the east of us have become Charter Towns and hire Town Managers who report to the Board of Selectmen. She noted that Linda has served for 33 years and her predecessor served for 25 or more years and the parties recognized their expertise to repeatedly endorse them.

Daria Hart as former Registrar of Voters noted that she had the joy of working next door to Linda. She watched her train someone to fill in for her to have a continuity of service when she could not be there. It is very important that we have continuity in the office of the Tax Collector and the Town Clerk to maintain the high level of service that residents have come to expect.

Mary Lou Rayno asked about the ordinance and why it is necessary for the appointment term to only be for two years. According to State Regulations, this body has the ability to appoint the individual for an indefinite term. Mr. Jerram noted that the recommended language is from the Town Counsel. He did not specifically ask if the term could be longer, it was just written to be consistent with the Assessor's term.

Mary Ann Gunning asked if it were to be an appointed position to whom would the person report on an organizational chart and could the person be supervised by the Town Clerk. Mr. Jerram noted that the organizational structure of the town is such that all employees report to him. He noted that the highway supervisor is an exception in that he has the highway crew reporting to him and works closely with Dan. He also noted that the resident state trooper oversees our police officers even though Dan is technically the Chief of Police. Regarding the inquiry about supervision by the Town Clerk, he indicated that it is not a function of the Town Clerk's position.

Tom Hart asked about the timing in the proposed ordinance. The initial paragraph specifies the appointment begins on February 16, 2019 but the last paragraph indicates that the ordinance becomes effective 15 days following publication. First Selectman Jerram noted that the Board of Selectman has the authority to appoint a replacement for the remainder of the term. Subject to the approval of the ordinance the position could then be posted for internal candidates and then reappointed.

Rosemary Swanke asked if there are additional costs for a union employee as opposed to an elected employee. Mr. Jerram responded no. The current arrangement is that the Tax Collector works 30 hours per week. There is an intent to create a unified tax office having the Assessor and Collector work closely together to develop efficiencies.

Donna LaPlante commented that on the subject of efficiency when we go from an elected to an appointed position we are going to lose those many hours that Linda worked for us as a salaried employee beyond the 35 hour work week that her replacement will be allowed to work. Creating a combined Tax Collection and Assessment department has been done in other towns. We need to understand that the job that has been done will now be limited to a 35 hour work week. She noted that she communicated with the Manchester Tax Assessor/Collector who works over 50 hours per week and gets paid for all of them. She noted that efficiencies work for a while but cannot be maintained year after year. She would like to see this position discussed with the Board of Finance and a proposal come out of it on how this department can be properly funded. She has been a strong proponent of cross training, having cross trained her current assistant when she was the Assistant to the Tax Collector. We need to realize that during Tax Collection is also one of the Assessor's busiest times. She would like to see this issue continued to a later date. Additionally, she would like to address the discussion of the incoming person not having as much experience as the predecessor. She noted that when she retires her replacement will have to do her job regardless of the amount of experience that they have. She would not want residents to receive less service than they have been.

Julia Cowans-Wilhem asked what type of town management is in place for the towns that have an appointed Collector. She also questioned if there is a conflict of interest in having the Assessor and Collector filling the same role. As an independent voter she sees the unionized position as the loss of her ability to have a voice. Mr. Jerram noted that all of Litchfield County except perhaps Torrington and Winsted are First Selectman form of management. In Hartford County many of the towns have Town Managers. Regarding the conflict of interest question, he does not see how the unionized positions could do anything which would enable the personnel to receive personal gain. Ms. Cowans-Wilhelm noted she questioned the objectivity in having those roles work together. Mr. Jerram noted

he does not see it. She asked about the check and balance when a letter goes out for reassessment, and the same person could be collecting the taxes.

Beth Paul noted that she used to be the Tax Assessor here and now works in Burlington and covers for the Tax Collector when she is out. She noted that she assigns the values to property being taxed and if the Collector is out she collects the money. Ms. Paul noted that Linda was elected 30+ years ago when everything was handwritten. Records are computerized now and there is a specific skill set needed to do this job. It would be better for the town to be able to select a qualified individual rather than someone who could be elected by being popular and well known in town.

Gordon Ross, Town Treasurer noted that he has been fortunate to work with Linda for nearly ten years. As Beth noted, Linda collects millions of dollars and turns it over to the treasurer electronically. He emphasized that this is not a position for amateurs. There is a certification process over three years and ongoing education required. It is absolutely essential that we have a qualified individual in this role and a screening process for appointment is a better opportunity for this. He noted that the Tax Collector and Town Clerk positions are impartial and treat all residents the same regardless of party affiliation. Once the individual is established they are not typically challenged and where is the democratic process in that.

Regina Wexler, Chair of the Board of Finance commented that from her perspective, not representing the Board, she does not believe this is a position for an amateur. From the position of a member of the Board of Finance, we need to take the person out of the position and we need to know as a town that we have a qualified person to handle the funds both coming in to the town and being expended. She commits to working with the Board of Selectmen to develop a plan for all of Town Hall. She noted that if the reappointment every two years is superfluous language it should not be in the ordinance. She would like to see the process professionalized but would like to see a cohesive plan.

Mr. Jerram asked Mrs. Paul for a comparison between Burlington and New Hartford. Mrs. Paul noted that their grand list is \$300 million higher than New Hartford with a population of 10, 000 to our 7,000 and they have a single full time collector.

Bill Baxter expressed his concern as a former First Selectman and minority Selectman that this process is moving too quickly without enough involvement. He

notes that we have had individuals serving in these positions long term and suddenly we are concerned about competent candidates. He does not believe we are going to run out of competent candidates. The process is upside down. Instead of looking at how we want to govern and where we want to be we are moving individual positions around. He believes we are rushing to judgment on this for the wrong reasons. He suggests appointing competent people from different boards to a citizens committee to look at where we want our town to be in the future.

Laura Garay commented that we have elected a Tax Collector for 33 years who has maintained an excellent collection rate. We are fortunate that we have someone else who is certified to perform the job of tax collector. There are compelling arguments on both sides of this proposal. If our electorate is capable of voting for the leadership of this town, that same electorate is capable of voting for the tax collector

Ann Olson noted that she has heard a lot of good points this evening and would like the opportunity to postpone this decision pending more research.

Greg O'Brien noted that we have been blessed to have Linda for 33 years and Karen who has been working with her for 7 years. He questions why we would wait to do this. If something had happened to Linda sooner we might have been in a position where we needed this sooner.

Peter Anderheggen asked how we can hire someone without knowing what we are going to pay them. Mr. Jerram noted that the Board of Selectmen will get together to evaluate the salary comparison shown tonight and evaluate the experience of the person being appointed. He would say the existing salary is a not to exceed number.

Mary Beth Greenwood noted that she thinks she understands the appointment concept and asks if as a union position would the opening have to be posted and accept resumes? Mr. Jerram noted that there will be an appointment for an interim period of time and should the ordinance pass there will be an internal posting as required under the union contract.

Anita Baxter asked if there is a motion on the floor. Moderator Kennerson indicated there is. Mrs. Baxter then asked the process to table the motion. Daria Hart commented that as a point of order she believed that the electorate should

have the ability to ask for additional information. Moderator Kennerson noted that she did not believe a motion on the floor could be tabled.

Reggie Smith noted that you can table an item on the agenda. He also noted that we could elect the Tax Collector as the legislative body is the Town Meeting.

Motion Lou Helt, second Tom Buzzi to move the question. Moderator Kennerson called for a vote by show of hands. *Motion Carries*

Motion Eric Claman, second Julia Cowans-Wilhelm to vote by paper ballot.

Moderator called for a vote regarding paper ballot by show of hands

Aye 64 Nay 43

Motion Carries

Moderator Kennerson appointed Jill Healey and Mary Lou Rayno on the credentials committee for to validate voters for a paper ballot.

All voters were checked against an official voter registry list and received a paper ballot. At the completion of voting the credentials committee sorted the ballots, counted and recounted.

The credentials committee announced the results of the vote by paper ballot.

Yes Votes: 67

No Votes: 48

Ordinance Passes.

Moderator Kennerson announced that since this Special Town Meeting and no other business can be conducted, she would entertain a motion to adjourn.

Motion Gordon Ross, second Ted Stoutenberg to adjourn. *Unanimously approved.*

Meeting adjourned at 9:38 PM.

A True Copy

Attest: Deborah M. Ventre
Assistant Town Clerk