

TOWN OF NEW HARTFORD

SPECIAL TOWN MEETING

New Hartford Town Hall

MAY 29, 2014 7:00 PM

First Selectman Dan Jerram called the meeting to order at 7:05 PM. First Selectman Jerram opened the floor to nominations for Moderator. Motion Noel Gauthier, second Penny Miller and Jim Fitzgerald to nominate Reggie Smith as Moderator. Hearing no further nominations, First Selectman Jerram called for a vote to close nominations. Motion Denton Butler, Second Bob Howson to close nominations to elect Reggie Smith as Moderator. Motion to close nominations approved. By voice vote, motion was unanimously approved to elect Reggie Smith Moderator.

Moderator Smith 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 Thursday, May 29, 2014 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. Upon the recommendation of the Board of Finance, to take such action as the voters deem best with respect to an additional appropriation of an amount not to exceed \$90,000 to be used for previously unfunded special education costs; said appropriation to come from the undesignated/unrestricted fund balance.
2. Upon the recommendation of the Board of Finance, to take such action as the voters deem best with respect to an additional appropriation of an amount not to exceed \$120,000 to be used for additional expenses related to the purchase and installation of security equipment and improvements at the three (3) local school buildings; said appropriation to come from the undesignated/unrestricted fund balance.

Dated at New Hartford, Connecticut this 15th day of May, 2014.

Board of Selectmen
Daniel V. Jerram

Alesia R. Kennerson
John (Jack) H. Casey

Moderator Smith 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, May 19, 2014 and also published in the New Hartford+ Independent Community News, a newspaper published in New Hartford, Connecticut and having a general circulation in the Town of New Hartford, on Friday, May 23, 2014.

Dated this 29th day of May, 2014

Daniel V. Jerram, First Selectman

Moderator Smith identified the requirements to be able to vote in this evening's Town Meeting.

According to the General Statutes of Connecticut Section 7-6, At any town meeting other than a regular or special town election or at any meeting of any fire, sewer or school district or any other municipal subdivision of any town incorporated by any special act, any person who is an elector of such town may vote and any citizen of the United States of the age of eighteen years or more who, jointly or severally, is liable to the town, district or subdivision for taxes assessed against him on an assessment of not less than one thousand dollars on the last completed Grand List of such town, (October 2013) district or subdivision, or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (23), (25) or (26) of section 12-81, may vote, unless restricted by the provisions of any special act relating to such town, district or subdivision.

Motion Jim Fitzgerald, second Ted Stoutenberg to take tonight's vote to paper ballot. By voice vote, motion was unanimously approved.

ITEM NUMBER 1:

Upon the recommendation of the Board of Finance, to take such action as the voters deem best with respect to an additional appropriation of an amount not to exceed \$90,000 to be used for previously unfunded special education costs; said appropriation to come from the undesignated/unrestricted fund balance.

Moderator Smith recognized Josh Adams, Chairman of the Board of Education, who spoke about the process that the Board of Education uses in budgeting for Special Education costs. At times there are costs incurred throughout the year when needs change that exceed the budgeted amount. Past precedent has been to budget for known costs and unanticipated additional costs must be covered by returning to the Board of Finance for approval of additional funds.

Dr. Philip O'Reilly, Superintendent spoke about the law requiring the support for Special Education preschool students. The additional costs relate to two preschool students who moved into the district after the budget was set, but receive services at the magnet school in Avon. The originating towns are required to pay the costs of the special education students' transportation and special services, but not tuition.

Margaret Langston inquired if these students live in New Hartford but travel out of town for education. Dr. O'Reilly confirmed that is correct.

Brian Zelasko inquired if the students moved into the district after the budgeting process. Dr. O'Reilly confirmed that the preschool students did move into the district after the budget process.

Jim Fitzgerald, of the Board of Finance, clarified that the amount was not included in the budget because the amount was unknown and the Board of Finance agreed that if additional expenses were incurred the expenses would be covered through approval of the legislative body. Mr. Fitzgerald indicated that the Board of Finance, at a special meeting held on April 14, 2014, unanimously approved the request from the Board of Education for a \$90,000 special appropriation to cover these unfunded costs. (Attachment 1)

Art Jackman inquired about whether there have been times in the past where the allotment for special education has not been fully used and has been returned to the Town. Dr. O'Reilly indicated that during his nine year tenure, he is aware of occasions where excess funds have been returned.

Doraine Richards inquired about an article from the Independent about the per student costs of \$23,000 for Special Education students and wondered who decides that the students attend these magnet schools. Dr. O'Reilly indicated that the amount from the article was in error but indicated that it is the parents decision where their children receive the best services.

Robert Fulton inquired about the cost to the town per student if these children did not attend the magnet school. Dr. O'Reilly indicated that the cost would be less but there would still be additional

costs to assist the special education students although some of the personnel would be shared who currently provide existing services.

Daria Hart commented that she believes the Board of Finance should be commended for not budgeting based upon estimates that would increase the residents' taxes and instead request for additional funds as needed.

Maria Moore spoke to clarify the confusion regarding the article that appeared in the Independent. She indicated that it was difficult to accurately compare the costs between the districts because of differences in cost allocation in each district. She elaborated that she did not recall any funds being returned to the Town from the Board of Education budget during the past five years when she has either served on or reported upon the Board of Finance and Board of Education. She would like to see a mechanism where the unexpended Special Education funds are automatically returned to the Town.

Brian Zelasko asked a procedural question about whether the \$90,000 is a state mandate and if the funds were not approved tonight what action would need to be taken to cover those funds. Dr. O'Reilly indicated that he would have to make substantial cuts in order to cover those funds. Moderator Smith clarified that the Board of Finance would need to be involved to find the funds if the Board of Education budget did not have sufficient funds remaining.

David Krimmel asked Dr. O'Reilly what he would look to cut from his existing budget to cover the \$90,000 shortfall. Dr. O'Reilly indicated he would have to cut expenses related to curriculum development scheduled for the end of the school year and library materials that had been ordered this spring would have to be returned.

Robert Fulton inquired as to whether there is a cap on mandated special education costs based upon the size of the town. Dr. O'Reilly indicated that there is no cap.

Melissa Giaconia spoke as a member of the Board of Education to note that each year there are special education costs that are frequently in excess of the budget that are covered within the Board of Education budget. This year, Antolini required emergency repairs totaling over \$50,000 and we were required to bring problems in the building up to code in order to be able to keep the school open. This impacted their ability to cover the excess Special Education costs.

Daria Hart speaking for the Registrars of Voters proposed that the vote on both items on the call be held at the same time. She then explained the new process where the tickets received at check-in upon arrival would be exchanged for ballots to vote and then the voted ballots would be placed in the ballot box.

David Krimmel inquired as to whether both questions would appear on the same ballot. Daria Hart explained that there would be a separate colored ballot for each question. The pink ticket would be exchanged for the pink ballot for Item 1 and the white ticket would be exchanged for the green ballot for Item 2.

Motion Selectman Jack Casey, Second Bill Michaud to vote both ballots at the same time. By voice vote, Motion carried.

Jennifer Zenuh, Vice Chair of the Board of Education indicated that she has been on the Board of Education for 5 years. She is aware of times that the Board of Education has returned excess budget funds to the Town. She stressed that parents have the right to choose to send their children to the magnet schools or Ann Antolini which was named as a School of Distinction. We have a declining enrollment and they did reduce a first grade teacher this year because the class size is small, but losing 4 or 5 students in a grade is not sufficient to be able to cut a whole teacher and then the cost per student does increase. She reminded everyone that Ann Antolini is also the town emergency shelter and needs to be kept in good repair.

Jim Fitzgerald asked for clarification of the voting process. Moderator Smith indicated that once discussion is finished he will entertain a motion to table discussion of question one and open discussion on question two.

Motion Jack Casey, second Carlene Jerram to table discussion on Question 1. By voice vote, motion carried.

ITEM NUMBER 2:

Upon the recommendation of the Board of Finance, to take such action as the voters deem best with respect to an additional appropriation of an amount not to exceed \$120,000 to be used for additional expenses related to the purchase and installation of security equipment and improvements at the three (3) local school buildings; said appropriation to come from the undesignated/unrestricted fund balance. (Attachment 2)

Moderator Smith opened discussion on Item Number 2.

Tom Beaudin inquired about the amount that the town has committed to spend on school security. Denton Butler clarified that 367,000 has been previously committed. Mr. Beaudin questioned why the town is being asked to expend 67% more and how the project could have run over costs so much.

Denton Butler explained that the project was initially budgeted at 367,300 but the lowest bid came in at \$120,000 more than the initial budget. The State's share did not change from the initial cost but the town share did.

Mr. Beaudin elaborated that his understanding was that the project approved at referendum was at a cost of 179,886 to the Town. The town is now asking residents for an additional 120,000 which is a 67% increase. Denton Butler indicated that he would not argue that point as those calculations are correct.

Martha Busemeyer commented that although no one is happy about the additional costs, she would like to point out that the project was approved at the total cost without the state grant. The town did not approve the 179,886 at referendum but rather the total cost.

Denton Butler clarified that the initial cost of the project was to be 565,000 which was defeated at referendum. The building committee then refined the project and qualified for the grant funding from the state which remains unchanged although the cost estimates for the project exceeded the planned budget by \$120,000.

Dan Jerram clarified that the \$367,000 project was approved at Town Meeting and that the promised State reimbursement from the State takes many months after the project is completed so the Town needs to fully fund and pay for the project and then await reimbursement.

Katherine Leonard inquired if the Town voted Yes that we would fund \$367,000 for the school security project. She believed that if that was the case then Martha's interpretation was correct.

Moderator Smith indicated that her interpretation is correct, that yes we did vote for the \$367,000 at Town Meeting.

David Krimmel indicated that he does not believe the 120,000 should be spent on the school security system. He would be happy to appropriate the funds for a new roof. Spending these funds would not keep someone from attacking our children.

Dan Jerram clarified that when we held the second vote to approve the funds at town meeting, the grant funds were in place when the project was approved. The grant funds do have an expiration date of June 30, 2015.

Daria Hart elaborated that when we vote on an issue the vote is based on the entire project and information provided at the time, not just the one sentence that the attorney prepared for the question.

Denton Butler asked to be allowed to provide a point of clarification to David Krimmel's comment. The building project is not just for security. 21 sets of doors are being replaced due to corrosion in the door frames and although the new doors will have an element of security many of the items being replaced are being favorably viewed for reimbursement by the State grant whereas the cost would be much greater if this were a simple building maintenance project which would have no state reimbursement. If this item is defeated, this project could in fact cost the town a great deal more in the future.

Melissa Giaconia clarified there is a stipulation in the law that we can keep the building open without security enhancements, but as soon as we apply for a construction assistance grant for any improvements to the State of Connecticut on a school building we must then meet the security requirements. If this project is not done at this time, when we apply for a grant for a new roof we will have to make the changes to security at our own expense to qualify for a grant.

Jim Fitzgerald stated that this project encompasses a great deal more than security and he doesn't believe that our children and staff are any less valuable than the older students at Regional 7 who have a security system and controlled access to the building.

Margaret Langston questioned the increase in cost estimates in less than a year and wondered why there is such a large gap between the estimate and the actual bids in such a short period of time and wondered if the contractors are taking advantage of the town because of the situation.

Denton Butler agreed that her analysis is reasonable and that there was some dating because time had passed. We had to advertise for bids twice because of low response. Contractors don't always lay out their bids by the same line items that we use to break down the project. They may front load the line items that will be paid first. In addition, the project must be done during the school summer vacation.

Mary Beth Greenwood questioned whether the scope of the project had changed in any way with the increased costs. Denton Butler clarified that the scope of the project remains the same. Ms. Greenwood asked if the project will have to go out to bid again. Mr. Butler replied that if the project is defeated tonight, all funds spent so far would be wasted, the low bidder would withdraw their bid and the project would be dead. If approved, the Building Committee has a tentative appointment next week to sign contracts and move forward with Millenium Builders to get the project moving.

Jack Casey stated that he is in favor of spending the additional \$120,000 to make the schools safer and believes that everyone in town should be in favor. Mr. Butler and the Building Committee have done their due diligence.

Robert Fulton, questioned the need for cameras implying that a gate guard restricting access might be more effective.

Brian Zelasko indicated that he believes the discussion has deteriorated into an emotional debate. He questioned why if this is defeated, is the project dead? Doesn't the town have funds in surplus?

Denton Butler clarified that the reason we are at this meeting is because the Board of Finance has referred this matter to the Town meeting to draw the funds from surplus. The Board of Finance, at a regular meeting held on May 13, 2014, unanimously approved a \$120,000 additional expenditure to be taken out of undesignated fund balance for increases in costs to the School Security project. (Attachment 3)

Moderator Smith clarified that taxes will not be going up based upon this vote.

Kim Grustas questioned the plan to go with the low bidder. Being married to a contractor, she knows that the low bidder does not often remain the low bidder because there can be cost overruns. She wondered if this is approved, will we be done? Denton indicated that every effort will be made to keep the project within the \$487,643 and the contractor has indicated willingness to work with the committee.

Dan Jerram asked Dr. O'Reilly to clarify what impact the lack of the security system has on the staff. Dr. O'Reilly deferred to Chris Barberet on how they handle 40+ visitors to the school each day. She detailed that when the door buzzer sounds they must get up to admit visitors, return to their normal tasks which include serving the staff and over 300 students and then after the guests leave they have to get up again to confirm that the door is secure because the doors do not close.

Daria Hart clarified that cost overruns happen anytime there is a construction project. It happened with the Town Hall construction and at Brodie Park.

Maria Moore asked Denton if there is a middle of the road if the project is not approved tonight. Can the project can be whittled down to keep the project within the original allocation. Denton clarified that the project has already been whittled down and the Committee did not want to exclude a school thereby endangering some students while protecting others. Additionally, dropping a school from the project will also reduce the grant funding as each school is viewed separately.

Motion Ann Sullivan, Second Bob Howson to table discussion and call the question. Voice vote passed by majority.

Moderator Smith recognized Registrar of Voters Daria Hart to clarify the process. She announced that the Moderator would call those present to vote by rows. The Registrars would call at the end of voting to announce the close of the polls to ensure all votes were cast. She also asked if anyone was eligible to vote but had not checked in and received tickets for ballots. All had checked in. Registrar of Voters Lila Tuxbury indicated that residents will give their tickets to Daria and receive the ballot from her.

Paper ballot voting began at 8:20 pm

At 8:35 pm Daria Hart announced that the polls are closed. The Registrars of Voters proceeded to count the paper ballots.

RESULTS: Registrar Daria Hart read the results of the paper vote.

Question 1 Upon the recommendation of the Board of Finance, to take such action as the voters deem best with respect to an additional appropriation of an amount not to exceed \$90,000 to be used for previously unfunded special education costs; said appropriation to come from the undesignated/unrestricted fund balance.

55 Yes 27 No

Item 1 passes

Question 2 Upon the recommendation of the Board of Finance, to take such action as the voters deem best with respect to an additional appropriation of an amount not to exceed \$120,000 to be used for additional expenses related to the purchase and installation of security equipment and improvements at the three (3) local school buildings; said appropriation to come from the undesignated/unrestricted fund balance.

58 Yes 24 No

Item 2 passes

Moderator Smith: "Having no other business on the agenda of this special town meeting, I will entertain a motion to adjourn."

Motion Jim Fitzgerald, second Dan Jerram to adjourn. Motion carried.

Meeting Adjourned at 8:47pm.