

**TOWN OF NEW HARTFORD**  
**SPECIAL TOWN MEETING**  
**SENIOR CENTER/TOWN HALL**  
**SEPTEMBER 30, 2015**

A special town meeting of the electors and citizens qualified to vote in town meeting of the Town of New Hartford, Connecticut, was held in the New Hartford Town Hall, 530 Main Street, in the Town of New Hartford, Connecticut on Wednesday, September 30, 2015 at 7:00PM.

First Selectman Dan Jerram called the meeting to order at 7:00 PM. First Selectman Jerram opened the floor to nominations for Moderator. Motion Jim Fitzgerald, second Bob Howson to nominate Reggie Smith as Moderator. First Selectman Jerram asked if there are any further nominations. Motion John Casey, second Sharon Wilbur to close nominations. Motion to close nominations unanimously approved by voice vote. First Selectman Jerram then called for a vote on the motion to nominate Reggie Smith for Moderator. Motion unanimously approved by show of hands.

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 Wednesday, September 30, 2015 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 purpose:

1. To take such action as the voters deem best with respect to the question: "Shall the Town of New Hartford create and enforce a Code of Ethics for all Town Officials, officers and employees elected and/or appointed, paid or unpaid?"

Dated at New Hartford, Connecticut this 22nd day of September, 2015.

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 Wednesday, September 23, 2015, 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 Thursday, September 24, 2015.

Dated this 30th Day of September, 2015

Daniel V. Jerram, First Selectman

Moderator Smith indicated that Daria Hart was acting as his Parliamentarian and read from Roberts Rules of Order and indicated the debate would be conducted in a respectful manner. He asked that all participants keep their comments focused on the question at hand and not directed at any individuals.

Paul Pobuda asked that the meeting be opened by the Pledge of Allegiance and led the assembly in the pledge.

Jim Fitzgerald asked that Moderator Smith read the question.

**ITEM 1**

**To take a vote on the question “Shall the Town of New Hartford create and enforce a Code of Ethics for all Town Officials, officers and employees elected and/or appointed, paid or unpaid?” Voters approving the question will vote “Yes” and those opposing the question will vote “No.”**

Following reading the question, Moderator Smith recognized Jim Fitzgerald.

Jim Fitzgerald stated that he believes that individuals have responsibly policed themselves and the proposal would be a detriment to staffing on Boards and Commissions.

Mary Lou Rayno spoke against the petition because the petition language is vague and leaves too many unanswered questions such as who will interpret the code at a cost to the town and whether there would be an appeals process which could also incur costs to the town. She believes that the town boards and commissions provide a forum for residents to express their opinions and membership can be changed at election or by appointment. Illegal activities can be addressed with law enforcement.

Denton Butler read from the minutes of the Board of Selectmen meeting of September 22 related to the town meeting and Mr. Companik's comment that not requiring the developer to connect to the water and sewer system is unethical. Mr. Butler as Chairman of the WPCA indicated that he is confident that the WPCA follows all statutory rules and regulations. He was also confident that Mr. Companik did not intend to insult the ethics of the members of the WPCA and believed that an apology would be forthcoming. On March 5, 2015 when the developer appeared before the WPCA the property in question was not located within the sewer service area, so the WPCA did not have the authority to require connection. Mr. Butler stated he was not in favor of the question.

Moderator Smith gave Mr. Companik an opportunity to respond to those comments and speak in favor of his petition. Michael Companik clarified that the question was deliberately stated in that manner in order to allow the voters to select the type of Code of Ethics they would like to see implemented. He did not recall stating that the behavior of the WPCA was unethical but apologized nevertheless. Mr. Companik noted that there are a number of individuals both present and not present who donate countless hours on the Boards and Commissions of the town. He stated that he had spoken with numerous residents who are on the water and sewer system who were unhappy with the costs of the water and sewer system. Mr. Companik believed that there was a need for a

vehicle for citizens to turn to. Additionally, he noted that 140 of the 169 Connecticut towns have some form of a Code of Ethics. There are many options for the type of Codes throughout the State ranging from a one page sheet to an extensive plan. Mr. Companik began to give a history of the issue of sewer service hook-ups beginning with the 2005 Plan of Conservation and Development. Moderator Smith cut off that line of discussion to return to the topic of the question.

Moderator Smith re-read the question in order to draw the discussion back to the topic at hand.

Dan Eddy was recognized by Moderator Smith and noted that the only topic to be decided this evening is whether the Town of New Hartford should have a Code of Ethics. The Code will not be established this evening. Kent has a very simple code of just 10 items. The State offers samples on their website. Mr. Eddy commented that the town does not have to look far back into our history to find situations where individuals viewed their actions differently that resulted in termination. He cited various circumstances where the town has clear guidelines on building, park behavior and library use. A Code would give our friends and neighbors guidelines as to how we expect them to represent us.

Meg Toro spoke to suggest that all municipalities should have a code of conduct. The State Code is intentionally broad but encourages towns to develop a more specific code. She does not support any code of ethics that would require periodic disclosure of financial information for volunteers who serve on the Boards and Commissions. She would suggest that a volunteer committee be established that does not consist of town employees or current volunteers who could serve impartially to develop a code. She is concerned that votes tonight would be based upon personal feelings or misinformation.

Robert Penzerro indicated that he will vote yes because he believes the Selectmen and other town officials should be held accountable for how they spend the town's money. Mrs. Hart raised a point of order that discussion is to be related to the topic on the floor. Moderator Smith instructed Mr. Penzerro to keep his comments to the topic at hand.

Tom Hart shared an article that he read in the Hartford Courant regarding a donation made by the Avon Superintendent of Schools to a charity supported by the Chairman of the Board of Education. Avon has a Code of Conduct which makes this action questionable. He believes that the Code is important to keep all officials in line. If New Hartford had a Code it would not deter him from serving on a Board or Commission.

Gil Pratt spoke against the proposal as a former volunteer on the Planning & Zoning Commission. In his years on the Planning & Zoning Commission he noticed many situations where members recused themselves from votes that they felt could be inappropriate. He believes that this is a common practice on all the Boards and Commissions. Mr. Pratt indicated that he believes that the system currently in place works well. The few exceptions to this system have been terminated which demonstrates that the system works. He believed that there is confusion between opinions and ethics. We elect individuals to make decisions and if we don't like those decisions then we need to run for office.

Jack Casey, Selectman pointed out that the question before the floor relates to a Code of Ethics not a Code of Conduct.

Sharon Wilbur spoke against the question.

Regina Wexler mentioned that she did not intend to speak this evening, and has no objection to a code of ethics or conduct which can be considered interchangeably. She found the fact that this was proposed at this time to be inappropriate because of the implication against the current administration and seated members. Ms. Wexler stated that she has no problem with anyone now serving. She suggests that a bi-partisan group be established after the election to investigate this matter and consider what other towns of our size have for Codes.

Daria Hart stated that she has lived in town for over 30 years and has served on many Boards and Commission who have all been governed by their own set of rules. She indicated that this question is not about those individuals who follow the rules and behave ethically. We do not have a police force for those individuals who obey the laws, we have a police force for those few individuals

who do not. A Code of Ethics is a set of guidelines to help govern how to behave in the event of a question. If the Code is well written it will speak to the situation not the individuals. She believes we should develop our own Code of Ethics that would cover issues and not personalities while speaking to the future of the Town.

Troy LaMere commented that he agrees with Regina Wexler and does not believe that this issue should be decided this evening.

Jim Fitzgerald reminded those present that prior administrations were ousted at election due to improper conduct. There are currently rules in place for functions of Town Government such as the contract bidding process.

Motion Jim Fitzgerald, second Jack Casey to move the question and end discussion.

Motion Denton Butler, second Meg Toro- to table this item to a future date.

Town Clerk, Donna LaPlante advised Moderator Smith that there had not been a motion to move the question for discussion.

Motion Jim Fitzgerald, second Jack Casey to move the question to the floor for discussion. Unanimously Approved.

Moderator Smith then called for a vote on the Motion to Table to a future date proposed by Denton Butler, and seconded by Meg Toro.

Vote by show of hands : 23 Yes, 41 No - Motion to Table Fails

Regina Wexler commented that this question can always be brought up again.

Motion Jim Fitzgerald, second Jack Casey to move the question and end discussion. Unanimously approved by voice vote.

Moderator Smith requested a Motion to call for the vote.

Daria Hart clarified that the petition was the motion and those signers were the second, so there need not be a motion from the floor. Moderator Smith can call for a vote.

Moderator Smith called for a vote by show of hands all in favor of item number one. In favor 7.

Moderator Smith called for a vote by show of hands all opposed to item number one. Opposed 49. Motion fails to implement item #1.

Moderator Smith announces that having no other business to conduct, he would entertain a motion to adjourn.

Motion John Burdick, second Jim Fitzgerald to adjourn at 7:47 pm. Unanimously approved.

A True Copy

Attest: Donna N. LaPlante, Town Clerk