

**TOWN OF NEW HARTFORD**  
**SPECIAL TOWN MEETING**  
**SENIOR CENTER/TOWN HALL**  
**JANUARY 21, 2016**

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 Thursday, January 21, 2016 at 7:00PM.

First Selectman Dan Jerram called the meeting to order at 7:04 PM.

First Selectman Jerram asked Mr. Paul Pobuda to lead the assembly in the Pledge of Allegiance.

First Selectman Jerram opened the floor to nominations for Moderator. Motion Denton Butler, second Jack Casey to nominate Alesia Kennerson as Moderator. First Selectman Jerram asked if there are any further nominations. Motion Paul Pobuda, second Mary Lou Rayno to close nominations. Motion to close nominations unanimously approved by voice vote. First Selectman Jerram then mentioned he would turn the meeting over to the Moderator. Registrar of Voters, Daria Hart made a point of order that there must be a vote on the original motion. First Selectman Jerram then called for a vote on the motion to nominate Alesia Kennerson for Moderator. Motion unanimously approved by voice vote.

Motion Denton Butler, second Paul Pobuda to waive the reading of the call of the Special Town Meeting. Registrar of Voters, Daria Hart inquired if the Town Attorney had opined on the waiver of reading of the call. First Selectman Jerram indicated that he has not. Maria Moore inquired if all the items on the call would be addressed. Moderator Kennerson indicated that one of the items will be withdrawn. Ms. Moore inquired if that item would be read when it would be addressed. Moderator Kennerson stated that it would. Jim Fitzgerald inquired as to the purpose for waiving the reading of the call. Mr. Butler indicated that it was to avoid the long and onerous process of reading it when it is available for all

present to read. Mrs. Hart suggested that since there had been questions that the call should just be read. Mr. Butler withdrew his motion.

Moderator Kennerson 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, January 21, 2016 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 granting of a proposed drainage easement from the Town of New Hartford to Carver Properties LLC; such easement 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 granting of a proposed easement between the Town of New Hartford to Peter & Sally O'Brien for the installation of a septic system on 130 Maple Hollow Road; such easement 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 an appropriation in the amount of \$18,900 in addition to the \$30,000 appropriation approved at the April 21, 2015 Annual Town Meeting and the acceptance of a Connecticut Clean Water Fund 55% planning grant for reimbursement of up to \$26,895.00; and to authorize the First Selectman to enter into and sign contracts on behalf of the Town of New Hartford and to execute any such other documents as may be required.
4. To take such action as the voters deem best with respect to the adoption of an ordinance that adopts the provisions of CT General Statutes Section 7-421(e); such ordinance is on file for inspection in the Office of the First Selectman, 530 Main Street, New Hartford, CT 06057.

5. To take such action as the voters deem best with respect to the adoption of an ordinance that adopts the provisions of CT General Statutes Section 9-204b regarding the election of members to the Board of Education; such ordinance is on file for inspection in the Office of the First Selectman, 530 Main Street, New Hartford, CT 06057.
6. Upon approval of the Board of Finance to authorize an additional appropriation in the amount of \$20,000 to fund costs associated with the evaluation of the public water supply and sanitary sewer systems' assets; said appropriation to be funded from the General Fund.

Dated at New Hartford, Connecticut, this 12<sup>th</sup> day of January, 2016.

Board of Selectmen

Daniel V. Jerram

Alesia R. Kennerson

Laura Difelice Garay

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 Wednesday, January 13, 2016, 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, January 14, 2016.

Dated this 21st day of January, 2016.

Daniel V. Jerram, First Selectman

Moderator Kennerson announced that item number 6, the authorization of an additional appropriation in the amount of \$20,000 to fund costs associated with

the evaluation of the public water supply and sanitary sewer systems' assets; has been removed from the call of this meeting. The Board of Finance agreed to a line item transfer from unexpended capital funds to the general government budget to cover the majority of the costs of this evaluation, and remaining expenses will be covered from the general government operating budget; with line items to be determined.

## **ITEM 1**

**To take such action as the voters deem best with respect to the granting of a proposed drainage easement from the Town of New Hartford to Carver Properties LLC; such easement is on file for inspection in the Office of the First Selectman, 530 Main Street, New Hartford, CT 06057.**

Moderator Kennerson asked for a motion to approve a drainage easement from the Town of New Hartford to Carver Properties LLC allowing for the installation of a drainage pipe and connection to the Town's storm drain.

Motion Denton Butler, second John Burdick to approve a drainage easement from the Town of New Hartford to Carver Properties LLC allowing for the installation of a drainage pipe and connection to the Town's storm drain.

Moderator Kennerson announced that the Planning and Zoning Commission reviewed this request in accordance with Connecticut General Statutes 8-24 and issued a favorable report at a regular meeting held on Wednesday, December 9, 2015. (Attachment 1)

Moderator Kennerson asked the First Selectman to give a brief explanation of this easement agreement

First Selectman Jerram explained that the request came from the property owner, Mary Beth Greenwood to allow an underground drainage pipe to avoid the formation of an ice hazard on the sidewalk as a safety concern. He added that this is a unique situation in that this is a moveable easement which can be relocated at a future date if the Town requires it to be moved. Mr. Jerram shared a map showing the area to be considered. (Attachment 2) In answer to an inquiry from the floor, Mr. Jerram confirmed that the property owner would bear the expense of the installation of the pipes.

Moderator Kennerson called for a voice vote.

Motion Carried Unanimously

## **ITEM 2**

**To take such action as the voters deem best with respect to the granting of a proposed easement between the Town of New Hartford to Peter & Sally O'Brien for the installation of a septic system on 130 Maple Hollow Road; such easement is on file for inspection in the Office of the First Selectman, 530 Main Street, New Hartford, CT 06057.**

Moderator Kennerson asked for a motion to approve an easement from the Town of New Hartford to Peter & Sally O'Brien for the purpose of installation of a septic system on 130 Maple Hollow Road which septic system shall serve property at 121 Maple Hollow Road.

Motion Troy LaMere, second Ted Stoutenberg to approve an easement from the Town of New Hartford to Peter & Sally O'Brien for the purpose of installation of a septic system on 130 Maple Hollow Road which septic system shall serve property at 121 Maple Hollow Road.

Moderator Kennerson asked the First Selectman to give a brief explanation of this easement agreement

First Selectman Jerram mentioned the coincidence that the O'Briens had an issue with their septic system at the same time as the town had been approached by Ms. Greenwood. As Maple Hollow Road is not located in the center of town, this would not need to be a moveable easement. The property owner has been advised of the pavement requirements to repair the road after installation of the connecting pipe. A map was provided to illustrate the location of the proposed easement. (Attachment 3) He added that the Planning and Zoning Commission reviewed this request in accordance with Ct General Statutes 8-24 and issued a favorable report at a regular meeting held on Wednesday, December 9, 2015. (Attachment 1)

Mr. Peter O'Brien addressed the assembly to explain that their lot is tiny and until they purchased the property across the road they had no other option, but would like the ability to install a real septic system. He thanked the assembly in advance for their consideration.

Moderator Kennerson called for a voice vote.

Motion Carried unanimously.

### **ITEM 3**

**To take such action as the voters deem best with respect to an appropriation in the amount of \$18,900 in addition to the \$30,000 appropriation approved at the April 21, 2015 Annual Town Meeting and the acceptance of a Connecticut Clean Water Fund 55% planning grant for reimbursement of up to \$26,895.00; and to authorize the First Selectman to enter into and sign contracts on behalf of the Town of New Hartford and to execute any such other documents as may be required.**

Moderator Kennerson asked for a motion to (a) approve an appropriation in the amount of \$18,900 in addition to the \$30,000 appropriation approved at the April 21, 2015 Annual Town Meeting to cover expenses associated with studies related to sewer infrastructure upgrades for the WPCA for a total project cost of \$48,900; more specifically to include not more than \$24,450 from the Town's General Fund and \$24,450 from the WPCA operating budget with the General Fund being fully reimbursed by the DEEP grant funds." And (b) to accept a Connecticut Clean Water Fund planning grant and to authorize the First Selectman to enter into and sign contracts on behalf of the Town of New Hartford and to execute any such other documents as may be required.

Motion Denton Butler, second Ted Stoutenberg to (a) approve an appropriation in the amount of \$18,900 in addition to the \$30,000 appropriation approved at the April 21, 2015 Annual Town Meeting to cover expenses associated with studies related to sewer infrastructure upgrades for the WPCA for a total project cost of \$48,900; more specifically to include not more than \$24,450 from the Town's General Fund and \$24,450 from the WPCA operating budget with the General Fund being fully reimbursed by the DEEP grant funds." And (b) to accept

a Connecticut Clean Water Fund planning grant and to authorize the First Selectman to enter into and sign contracts on behalf of the Town of New Hartford and to execute any such other documents as may be required.

Moderator Kennerson asked the First Selectman to give a brief explanation of this funding.

First Selectman Jerram indicated this is a follow-up motion from a town meeting on April 21, 2015 when the WPCA requested a cash flow loan where the funds would be fully reimbursed by a DEEP grant. The funds at that time estimated a cost of \$60,000 which was a commitment of \$30,000 from the town. The contract came in for a lower amount and the purpose of this is for transparency to be clear with the lower amount to be borrowed from the town.

Mr. Butler added that the work has begun on the project and the first two invoices have been paid by the WPCA. This was never intended to be anything but a loan from the town. Anytime a grant is received, the Town must certify that the grant funds have been used as intended.

Daria Hart inquired what specifically the grant will cover. Mr. Butler indicated that this is a planning grant for the potential expansion and remediation of the town's sewer system.

Maria Moore asked how much the state money will reimburse the WPCA. Mr. Butler indicated 55% of the total contract. \$26, 895 is returning to the General Fund. Ms. Moore clarified that she would like to know how much of the WPCA's expenses would be reimbursed to the WPCA. Mr. Butler indicated that Mr. Jerram had stated he would return any funds beyond the Town loan to the WPCA. Ms. Moore inquired why the WPCA users are paying for the study which would benefit the economic development of the entire town. Mr. Butler indicated that it is not an economic development study. He respectfully disagreed with Ms. Moore's interpretation that system expansion is related to economic development. Ms. Moore opined that the study should be on the town's expense not the users.

Mr. Jerram clarified that the town was asked a year ago if we would loan the WPCA funds while waiting for the grant funds. It was proposed as a 50/50 split and that has not changed.

Moderator Kennerson called for a voice vote.

Motion Carried with One Opposed

#### **ITEM 4**

**To take such action as the voters deem best with respect to the adoption of an ordinance that adopts the provisions of CT General Statutes Section 7-421(e); such ordinance is on file for inspection in the Office of the First Selectman, 530 Main Street, New Hartford, CT 06057.**

Moderator Kennerson asked for a motion to adopt an ordinance that adopts the provisions of CT General Statutes Section 7-421(e).

Motion Penny Miller, second Peter Ventre to adopt an ordinance that adopts the provisions of CT General Statutes Section 7-421(e).

Moderator Kennerson asked the First Selectman to give a brief explanation of this proposed ordinance.

Mr. Pobuda asked what the statute reads. First Selectman Jerram indicated he would summarize since the statute is quite lengthy. Unless the town specifically adopts an ordinance to the contrary, town employees cannot serve on land use boards. He clarified that in a larger municipality, the town planner who might be serving on one of the boards could be swayed by a large contribution from a developer. As a small town, we have few volunteers and it was brought to the Selectmen's attention that our Assistant Animal Control Officer is serving on one of these boards. He added that the State has recently increased the education requirements to become a certified Animal Control Officer. It is now much more time consuming to become certified and our existing officers retain their certification. Any new officers would need to make a substantial time commitment to attend the required training which is not always possible due to their other job commitments.



Jim Fitzgerald asked what the wording of the proposed ordinance is. Mr. Jerram read the proposed ordinance that was prepared by and approved by the Town Attorney.

### **LAND USE BODIES ORDINANCE**

BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF NEW HARTFORD IN MEETING ASSEMBLED:

1. Pursuant to the provisions of Connecticut General Statutes §7-421(e), the Town of New Hartford hereby authorizes its municipal employees to serve on (A) any body exercising zoning powers pursuant to chapter 124; (B) any body exercising land use powers pursuant to chapter 125a; (C) any body exercising planning powers pursuant to chapter 126; or (D) any body regulating inland wetlands and watercourses pursuant to chapter 440.
2. This ordinance shall become effective fifteen (15) days after its publication in a newspaper having circulation in the Town of New Hartford.

Mr. Fitzgerald read the relevant passages of the statute and expressed frustration that this issue had been overlooked for so long. He stated that this door should not be opened for the same reason that members of the Board of Finance do not work in the Town Finance Department. This type of situation is exactly why we need an ethics commission as had been addressed at a prior Town Meeting. He urged all present to vote against this ordinance.

Daria Hart commented that she serves on the Stanclift Cove Authority and for years that was a Commission until they learned that they could not be a multi-town Commission. The Town then moved to correct that. She believes that as difficult as it is to get individuals to serve on these Boards, people should not be disqualified because they serve the town in another capacity.

Bob Moore commented that he believes it is inappropriate to have town employees serve on these commissions due to a conflict of interest.

Steve Tuxbury questioned whether passing this ordinance would allow the Building Inspector to serve on the Planning & Zoning Commission. Mr. Jerram indicated that the Building Inspector is not a resident. Chairman of the Planning

& Zoning Commission, Ted Stoutenberg commented that there is a separate statute that does not permit the Zoning Officer to serve on the Commission. He believes the greater issue is finding qualified individuals to serve on that Commission. Anytime there has been an individual sitting on that commission where they may have been a conflict that individual has recused himself.

Jack Casey indicated that while the state statute permits an ordinance to allow employees to serve, that could also be reversed in the future.

Mary Beth Greenwood asked for clarification of what is being voted on this evening. Mr. Jerram advised that the text of the ordinance was on the back of the handout featuring the call of the meeting.

David Krimmel opined that in certain cities the individuals running for office had not been properly vetted. He believes that in our town if an individual was running for a seat on one of these commissions responsible citizens would have vetted the candidates to decide whether they are qualified. He does not believe we need an ethics commission.

Maria Moore indicated that if this ordinance applied only to Mr. LaPlante she would vote for it in an instant. However, this ordinance is much more general and in the future the administration could pressure an employee into being seated. She believes that Mr. LaPlante could be assigned to Barkhamsted to eliminate the conflict.

Mary Ann Gunning indicated that she believes that having the Animal Control Officer and the Planning & Zoning Commission in the conversation is skewing the issue. She does not believe that town employees who have an allegiance to the governing body should serve on Commissions.

Mary Beth Greenwood read the ordinance and believes that the language is too vague and should not be approved.

Jack Casey stated that only the Planning & Zoning Commission & Inland Wetlands Commission would be impacted by this Ordinance.

Pat Spaziani commented that we need to remove the individual from the conversation. That job may be held by a different individual in the future.

Peter Ventre commented that the ordinance proposed is verbatim from the statute that allows this change but did not permit employees to serve on the Board of Finance. He believes that this is permitted by the statute for an exception that may be needed in certain towns like ours.

John Burdick expressed that we need to take the person out of the question. The Town Meeting on the Board of Ethics determined that we did not need a Board of Ethics because we have statutes, but if we allow ordinances to change the statutes there is the potential for indiscretions.

Polly Pobuda questioned if this proposal was reviewed by the Town Attorney. Moderator Kennerson indicated that it was. Mrs. Pobuda pointed out the first line of the statute which states that any employee may serve on any Board or Commission except any body which has responsibility for direct supervision of such employee.

Mr. Jerram clarified that the Board of Selectmen endeavors to run the town in accordance with all state statutes. The statute permits this change and leaves it to the discretion of the legislative body as it indicates by Home Rule Ordinance.

Bob Moore indicated we are not in compliance unless we approve the ordinance or do not permit Dan to continue as Animal Control Officer. He expressed that with the town paying a member of the Planning & Zoning Commission the employer would be able to exert undue influence on that employee.

Mr. Jerram commented that if that were the case, there would be multiple lawsuits against the Board of Selectmen and the Town. There are so many consequences that would protect the employee.

Bob Nilsson expressed that he believes this is being pushed through as a knee jerk reaction to an oversight.

Peter Anderheggen commented that the ordinance is broad and vague and would suggest that we reject it and send it back with the recommendation to narrow and make it more specific.

Daria Hart suggested that the body could table the motion to have it modified. Mr. Jerram commented that a motion to table would bring the same ordinance back to be visited again.

Motion David Krimmel, Second Paul Pobuda to Move the Vote.

Voice vote to end discussion. Motion Passed

Motion Jack Casey, Second Ted Stoutenberg to vote by paper ballot.

Motion Failed by Voice Vote.

Moderator Kennerson called for a vote on the question.

Reggie Smith suggested that the vote be by hand count and 2 individuals count both sides of the room. Reggie Smith and Penny Miller were selected to count each side of the room.

Moderator Kennerson asked the Recording Secretary to read back the motion. Assistant Town Clerk, Debbie Ventre read the motion:

To take such action as the voters deem best with respect to the adoption of an ordinance that adopts the provisions of CT General Statutes Section 7-421(e); such ordinance is on file for inspection in the Office of the First Selectman, 530 Main Street, New Hartford, CT 06057.

Vote by Show of Hands

Approved    29                      Opposed    29           Motion Fails.

## ITEM 5

**To take such action as the voters deem best with respect to the adoption of an ordinance that adopts the provisions of CT General Statutes Section 9-204b regarding the election of members to the Board of Education; such ordinance is on file for inspection in the Office of the First Selectman, 530 Main Street, New Hartford, CT 06057.**

Moderator Kennerson asked for a motion to adopt an ordinance that adopts the provisions of CT General Statutes Section 9-204b.

Motion Denton Butler, second Penny Miller to adopt an ordinance that adopts the provisions of CT General Statutes Section 9-204b.

Moderator Kennerson asked the First Selectman to give a brief explanation of this proposed ordinance.

First Selectman Jerram explained that under Connecticut Statutes the Board of Education has restricted voting.

Mr. Jerram read statute 9-204b

**Sec. 9-204b. Optional alternative system for towns with four-year terms for board of education.** Notwithstanding the provisions of any general statute to the contrary, in any town which provides for four-year terms for members to be elected to the board of education and whose legislative body adopts the provisions of this section by charter or ordinance, and the number of members to be elected is odd or even, any elector may vote for all of that number and the persons receiving the greatest number of votes shall be elected, except that when the number of members of any one political party who would be elected without regard to section 9-167a exceeds the maximum number as determined by said section, then only the candidates of such political party with the highest number of votes up to the limit of such maximum, shall be elected. The next highest ranking candidates, not from such political party, shall be elected, up to the number of places to be filled in such election. Each political party shall have the right to nominate as many persons as there are vacancies on the board and those names shall be placed upon the ballot.

He then clarified that currently the state determines how many seats can be voted by the public. He showed the ballot from the November election where the 4 full term seats were not contested and all were elected. (Attachment 4) The 2

vacancy seats were initially to be voted by the body, but the State then changed that position so that only one from each party could be elected. As a result the candidate who received the second highest number of votes in that race could not be seated.

Daria Hart, clarified that an error was made on the last ballot because the Secretary of State changed the list of offices that had been submitted by the Town Clerk. Just before the election, it was determined that the Secretary of State's ruling had been incorrect. Since both parties had already nominated candidates and they could not be fairly eliminated the ballot remained and the Town Attorney ruled that one candidate from each party should be elected.

Jim Fitzgerald inquired if accepting this ordinance would change the results of the November election allowing the highest vote getter, Mr. Linnetz to be seated on the Board of Education. Moderator Kennerson indicated that it would not. Mr. Fitzgerald expressed that he believes this ordinance should be supported.

Reggie Smith supports the ordinance and asks everyone to vote in favor of it.

Mr. Jerram clarified that the ordinance would become effective fifteen days from publication and therefore could not look backward. Mr. Jerram read the ordinance:

**ORDINANCE ADOPTING C.G.S. §9-204b**

BE IT ORDAINED BY THE LEGAL VOTERS OF THE TOWN OF NEW HARTFORD IN MEETING ASSEMBLED:

1. The Town of New Hartford hereby adopts the provisions of §9-204b of the Connecticut General Statutes regarding the election of members of the board of education.
2. This ordinance shall become effective fifteen (15) days after its publication in a newspaper having circulation in the Town of New Hartford.

Daria Hart commented that she does not agree with the ordinance because this is being changed for one individual who did not get seated and the prior item on the call was defeated because it was an ordinance for one individual also.

Mr. Jerram clarified that the Board of Selectmen is bringing this forward in an effort to move forward and provide the voters with the right to vote for all members of the Board of Education.

Pat Spaziani questioned minority representation and offered an example of 7 from one party and 2 from another. Moderator Kennerson commented that our Town Clerk does an excellent job and endeavors to communicate to both parties what the limitations are regarding the minority representation rules before candidates are nominated.

Donna LaPlante, Town Clerk commented that when the Board of Education term length was changed from 6 years to 4 years the restricted voting had a greater impact. When there were six year terms, 3 people were elected every municipal election and each party could nominate 2 people for the 3 seats. When the term lengths were changed, one municipal election we elect four seats the next election we elect five seats. In the year that five seats are up each party can nominate 3 and the balance can shift. When four seats are elected, each party nominates 2 candidates and they are automatically elected.

Jim Fitzgerald expressed his disbelief that the change in term lengths is a valid reason for the inability of either party to change the balance of power on the Board of Education and his disappointment over the manner in which the Board of Education seats were allocated in the last election as the Republican candidate Mr. Linnetz who was the next highest vote getter was unable to be seated.

Motion Reggie Smith, second Troy LaMere to Move the Question.

Unanimously approved by voice vote.

Moderator called for a voice vote

Motion Carried with 3 Opposed.

## **ITEM 6**

**Upon approval of the Board of Finance to authorize an additional appropriation in the amount of \$20,000 to fund costs associated with the evaluation of the public water supply and sanitary sewer systems' assets; said appropriation to be funded from the General Fund.**

Moderator noted that since Item Number 6 has been removed from the Call of this Town Meeting and there is no other business to come before this town meeting, a motion to adjourn will be entertained.

Motion Penny Miller, second Troy LaMere to adjourn at 8:33 pm. Unanimously approved.

A True Copy

Attest: Deborah M. Ventre, Assistant Town Clerk