

**TOWN OF NEW HARTFORD**  
**SPECIAL TOWN MEETING**  
**SENIOR CENTER/TOWN HALL**  
**MAY 26, 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, May 26, 2016 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 Noel Gauthier, second Laura Garay to nominate Alesia Kennerson as Moderator. First Selectman Jerram asked if there are any further nominations. Motion Jim Jerram, second Linda Goff 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 Alesia Kennerson for Moderator. Motion unanimously approved by voice vote.

First Selectman Jerram then mentioned he would turn the meeting over to the Moderator.

Moderator Kennerson welcomed all present and thanked them for attending the meeting. 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 THURSDAY, MAY 26, 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 sale of town owned property known as Lot 13, Dorothy Road to Peter J. Rost and Patricia M. DeRosa of 13 Dorothy Road for the sum of \$8,000. An Agreement of Sale 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 sale of town owned property known as Lot 12, Dorothy Road to Nicole Cilbrith of 130 Winchester Road for the sum of \$7,500. An Agreement of Sale 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 acceptance of land to be conveyed as open space from Francis B. Cooley Jr and Louise M. Cooley to the Town of New Hartford shown as "Open Space 227,033 sq. ft. 5.212 acres to be deeded to the Town of New Hartford 15.02% of total site" on a map entitled "\*John Francis Estates\* Resubdivision modification prepared for Louise M. & Francis B. Cooley, Jr. #154 + #170 East Cotton Hill Road New Hartford, Connecticut Scale 1" = 80'; Approved Carmine J. Matrascia L.S. #70219 date: 3-5-2016," which map is on file for inspection in the Office of the First Selectman.
4. To take such action as the voters deem best with respect to the election of one member to the Stanclift Cove Authority, such term to expire June 30, 2019.
5. To take such action as the voters deem best with respect to the adoption of an ordinance, entitled "Land Use Bodies Ordinance," 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, CT this 10<sup>th</sup> day of May, 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, May 11, 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 Tuesday, May 17, 2016.

Dated this 26<sup>th</sup> day of May, 2016.

Daniel V. Jerram, First Selectman

## **ITEM 1**

**To take such action as the voters deem best with respect to the sale of town owned property known as Lot 13, Dorothy Road to Peter J. Rost and Patricia M. DeRosa of 13 Dorothy Road for the sum of \$8,000.**

Moderator Kennerson asked for a motion to approve the sale of Lot 13 to Peter J. Rost and Patricia M. DeRosa for the sum of \$8,000.

Motion Donna LaPlante, second Linda Goff to approve the sale of Lot 13 to Peter J. Rost and Patricia M. DeRosa for the sum of \$8,000.

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, January 13, 2016. (Attachment 1)

Moderator Kennerson asked if there are any questions on this item.

Gil Pratt asked how long the town has owned the land and why. Moderator Kennerson asked First Selectman Jerram to reply. He announced that the town acquired both parcels by tax sale in January, 2000 and they have been off the tax rolls since that time.

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 sale of town owned property known as Lot 12, Dorothy Road to Nicole Cilbrith of 130 Winchester Road for the sum of \$7,500.**

Moderator Kennerson asked for a motion to approve the sale of town owned property known as Lot 12, Dorothy Road to Nicole Cilbrith of 130 Winchester Road for the sum of \$7,500.

Motion Ted Stoutenberg, second Linda Goff to approve the sale of town owned property known as Lot 12, Dorothy Road to Nicole Cilbrith of 130 Winchester Road for the sum of \$7,500.

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, January 13, 2016. (Attachment 1)

Moderator Kennerson asked if there are any questions on this item.

Tim Goff inquired if non-buildable lots are taxable at the current tax rate. First Selectman Jerram stated that they are and showed a map onscreen indicating extensive wetlands on the property and stated that they are best utilized by the abutting property owners.

Moderator Kennerson called for a voice vote.  
*Motion Carried Unanimously*

### **ITEM 3**

**To take such action as the voters deem best with respect to the acceptance of land to be conveyed as open space from Francis B. Cooley Jr and Louise M. Cooley to the Town of New Hartford.**

Moderator Kennerson asked for a motion to approve the acceptance of land to be conveyed as open space from Francis B. Cooley Jr and Louise M. Cooley to the Town of New Hartford shown as:

“Open Space 227,033 sq. ft. 5.212 acres to be deeded to the Town of New Hartford 15.02% of total site” on a map entitled “\*John Francis Estates\* Resubdivision Modification Prepared For Louise M. & Francis B. Cooley, Jr. #154 + #170 East Cotton Hill Road New Hartford, Connecticut scale 1” = 80’; Approved Carmine J. Matrascia L.S. #70219 DATE: 3-5-2016,” such map to be filed on the land records upon approval of this conveyance?.

Motion Les Archer, second Daria Hart to approve the acceptance of land to be conveyed as open space from Francis B. Cooley Jr and Louise M. Cooley to the Town of New Hartford shown as:

“Open Space 227,033 sq. ft. 5.212 acres to be deeded to the Town of New Hartford 15.02% of total site” on a map entitled “\*John Francis Estates\* Resubdivision Modification Prepared For Louise M. & Francis B. Cooley, Jr. #154 + #170 East Cotton Hill Road New Hartford, Connecticut scale 1” = 80’; Approved Carmine J. Matrascia L.S. #70219 DATE: 3-5-2016,” such map to be filed on the land records upon approval of this conveyance?.

Moderator Kennerson noted that this conveyance of land deeded as open space is part of the approval granted for a subdivision on this land and is in accordance with the Subdivision Regulations adopted by the Planning and Zoning Commission.

Moderator Kennerson asked if there are any questions on this item.

Linda Goff asked how much will be lost in tax dollars by accepting this parcel as Open Space. First Selectman Jerram explained that there is a requirement to allocate Open Space to the town to obtain subdivision approval. He explained that the parcel being allocated connects the town owned parcels near Antolini School and the Surdam property.

Jim Jerram inquired where the parcel is located. First Selectman Jerram explained that the parcel is located at the top of East Cotton Hill Road on the left hand side.

Daria Hart asked if this is a housekeeping item on a subdivision that had previously been approved but not executed. First Selectman Jerram confirmed that it is.

Gil Pratt asked for clarification from the chair of the Planning & Zoning Commission on whether the Commission has discretion to not require the Open Space allocation.

Ted Stoutenberg, Chairman of the Planning & Zoning Commission confirmed that State Statutes do permit the Commission that option, but the Commission established regulations several years ago to preserve Open Space in town when subdivisions are established. This is an ideal parcel connecting two other Town owned parcels.

Gil Pratt commented that in his years on P&Z he disliked this requirement and finds it to be a 15% grab by eminent domain.

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 election of one member to the Stanclift Cove Authority, such term to expire June 30, 2019.**

Moderator Kennerson announces that the Stanclift Cove Authority is the governing body of the Stanclift Cove, a swimming area located on the MDC reservoir that is jointly operated by the Towns of Barkhamsted and New Hartford. Representatives from both towns are elected to serve on the Authority.

Moderator Kennerson asked for nominations.

Motion Tom Hart, second Mary Lou Rayno to nominate Daria Hart.

Moderator Kennerson asked if there are any further nominations. Motion Les Archer, second Donna LaPlante to close nominations. Motion to close nominations unanimously approved by voice vote.

Moderator Kennerson then called for a voice vote to elect Daria Hart as member of the Stanclift Cove Authority, term to expire June 30, 2019.

*Motion Carried Unanimously*

## **ITEM 5**

**To take such action as the voters deem best with respect to the adoption of an ordinance, entitled “Land Use Bodies Ordinance,”**

Moderator Kennerson read the proposed ordinance:

### **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 part-time municipal employees who work less than seven hundred (700) hours per year 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.

Moderator Kennerson asked for a motion to adopt the ordinance entitled “Land Use Bodies Ordinance”.

Motion Daria Hart, second Mary Lou Rayno to adopt the ordinance entitled “Land Use Bodies Ordinance”.

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

First Selectman Jerram commented that at the Special Town Meeting on January 21, 2016 we had a tie vote on the initial proposed ordinance with comments from the residents present that the language was too broad. The revised language in the ordinance submitted tonight limits the number of employees who would qualify under this ordinance, to include only the Animal Control Officers, election workers, one of the Registrars of Voters, summer camp staff and possibly a part-time road crew member.

Officer Daniel Janco described a situation that arose the day after that vote with a vicious dog where he was bit, the Assistant Animal Control Officer was also almost bit, and the dog had to be put down. He was very grateful that the Assistant Animal Control Officer came out to assist with that difficult situation. He believes that our existing Animal Control Officers perform their jobs very well. If we did not have our two part-time officers we would have to hire a full time officer at additional expense to the town.

First Selectman Jerram commended Dan LaPlante on his actions in recusing himself from all votes at the Planning & Zoning Commission since the January Town Meeting until this issue could be resolved.

Linda Goff inquired about the issue raised at the January meeting about members of the Board of Selectmen exerting influence on an employee. She mentioned a previous member of the Board of Selectmen who was a land developer. First Selectman Jerram stated that taking any such action would result in lawsuits against the town for violation of numerous regulations. He also noted that this body can rescind this ordinance at any time.

Jamie Hall commented that we are a relatively small town in terms of the number of willing volunteers in our town. He believes that if there is a legal barrier preventing someone from volunteering who is willing and able to do so that should be addressed. He also noted that these Boards and Commissions have requirements that members recuse themselves and possibly leave the room if



there is any possibility of a conflict of interest. He does not see a problem with the proposed ordinance.

Daria Hart noted that the members of these boards are all elected. She believes that the way these candidates are presented establishes the ethics of the Commission members.

First Selectman Jerram asked the Moderator to request that Les Archer, the Animal Control Officer explain the new training standards. Mr. Archer explained that all new officers have to complete 120 hours of training and continuing education to become an Animal Control Officer at a minimum cost to the Town of \$6,000. He and Mr. LaPlante are already certified. He noted that bringing in a new staff member would raise additional difficulties in training opportunities because of the inconsistent volume and infrequency of calls. He further added on a personal note that Mr. LaPlante has never had any issue in performing his duties and he feels that losing him would be a considerable loss to the Town.

Joshua LaPlante asked how long the town has been out of compliance with this ordinance. First Selectman Jerram noted that it was brought to the Board of Selectman's attention after the November election. Mr. LaPlante indicated that his question related to how long the town had not been in compliance not how long they had been attempting to remedy it. He also asked who brought it to their attention. First Selectman Jerram indicated he did not know when the law was passed. He did not recall who brought it to his attention noting that it may have been a member of the Board of Finance. Mr. LaPlante noted that passing this ordinance would allow the town to be in compliance, but also noted that nothing improper had occurred in the time that the town was not in compliance with the statute.

Tim Goff inquired if this statute would affect any other employees. First Selectman Jerram stated that he is not aware of any others.

Ted Stoutenberg indicated he would like to express his agreement with Mr. Hall's earlier comments on the difficulty in finding willing volunteers and this individual has done a wonderful job for several terms.

Regina Wexler asked if someone has responsibility to address compliance issues and ensure that this does not occur in the future or that the employees do not go over the 700 hours.

First Selectman Jerram noted that the Selectmen addressed this as quickly as possible through legal counsel. However, Labor Counsel is on retainer so each issue is billed to the town at an hourly rate which can get expensive.

Daria Hart commented that she knows this is not the first time that there has been a compliance issue. In the past, there was a Stanclift Cove Commission until they learned that a body with members from two towns needed to be an Authority and both towns moved quickly to remedy that.

Gil Pratt noted that he agrees with Mr. Stoutenberg and Mr. Hall in what they have stated about volunteers in town. He wishes that he had been present in January to break the tie. He also noted that many people do not realize that there are regulations in place to prevent shenanigans by members of these Commissions.

Hearing no further questions or comments, Moderator Kennerson called for a voice vote.

*Motion Carried Unanimously*

Moderator noted that having no other business to come before this town meeting, a motion to adjourn will be entertained.

Motion Noel Gauthier, second Linda Goff to adjourn at 7:48 pm.

*Unanimously approved.*

A True Copy

Attest: Deborah M. Ventre, Assistant Town Clerk