

TOWN OF NEW HARTFORD
SPECIAL TOWN MEETING MINUTES
Tuesday, December 6, 2022

The Special Town Meeting of the Town of New Hartford was held on Tuesday December 6, 2022.

Attendees included Dan Jerram, Christine Hayward, Laura Garay, Alesia Kennerson, Lynn Florio, Greg O'Brien, Noel & Karen Gauthier, Robert Jerram, Michael Jerram, Carlene Jerram, Tom Buzzi, Mary Beth Greenwood, Daria and Thomas Hart, Bill Michaud, Mariah Pelletier, Tony Persechino, Polly Pobuda, Chris Brooks, Glenn Phillips, Bill Dedominicus, Charles Neale, Bernard Witte and others.

First Selectman Dan Jerram called the meeting to order at 7:02 PM.

Mr. Jerram opened the floor to nominations for Moderator.

Motion: Greg O'Brien to nominate Alesia Kennerson as moderator; seconded by Carlene Jerram.

Mr. Jerram asked if there were any other nominations. There were no other nominations.
Mr. Jerram asked for a motion to close nominations.

Motion: Marty Post to close nominations, seconded Shelley Lloyd.

Mr. Jerram called for a vote to elect Alesia Kennerson as Moderator.

Unanimous

Moderator Kennerson read the call of the Meeting:

TOWN OF NEW HARTFORD
NOTICE OF A SPECIAL TOWN MEETING
NOTICE OF PUBLIC HEARING

The Board of Selectmen of the Town of New Hartford, CT 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 Tuesday, December 6, 2022, 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 hold a public hearing regarding the adoption of a resolution entitled "Resolution of the Town Meeting of the Town of New Hartford authorizing the Town of New Hartford to assume and to exercise, as appropriate, all of the rights, powers, obligations and privileges under the Connecticut City and Town Development Act and Authorizing such other actions as may be necessary to implement the purposes of said Act."

A copy of the full resolution is available upon request from the Office of the Town Clerk; New Hartford Town Hall, 530 Main Street, New Hartford, CT.

2. To hold a public hearing regarding the adoption of a resolution entitled, "Resolution of the Town Meeting of the Town of New Hartford authorizing the Town of New Hartford to enter into a tax exemption agreement with Aquarion Water Company of Connecticut for the real property

and personal property used in the operation of the public water supply and wastewater systems serving certain areas within the Town of New Hartford.” A copy of the full resolution is available upon request from the Office of the Town Clerk; New Hartford Town Hall, 530 Main Street, New Hartford, CT.

3. To take such action as the voters deem best with respect to the adoption of a Resolution entitled, “Resolution of the Town Meeting of the Town of New Hartford authorizing the Town of New Hartford to assume and to exercise, as appropriate, all of the rights, powers, obligations and privileges under the Connecticut City and Town Development Act and Authorizing such other actions as may be necessary to implement the purposes of said Act.” A copy of the full resolution is available upon request from the Office of the Town Clerk; New Hartford Town Hall, 530 Main Street, New Hartford, CT.

4. To take such action as the voters deem best with respect to the adoption of a Resolution entitled, “Resolution of the Town Meeting of the Town of New Hartford authorizing the Town of New Hartford to enter into a tax exemption agreement with Aquarion Water Company of Connecticut for the real property and personal property used in the operation of the public water supply and wastewater systems serving certain areas within the Town of New Hartford.” A copy of the full resolution is available upon request from the Office of the Town Clerk; New Hartford Town Hall, 530 Main Street, New Hartford, CT.

5. To take such action as the voters deem best with respect to the acceptance of a Right of Way Easement granted from Pine Meadow Farms Homeowners Association, Inc. to The Town of New Hartford for the purpose of access to sewer and drinking water utilities. A copy of the easement is available upon request from the Office of the First Selectman; New Hartford Town Hall, 530 Main Street, New Hartford, CT.

6. To take such action as the voters deem best with the adoption of an Ordinance entitled, “Ordinance regarding the New Hartford Water Pollution Control Authority.” A copy of the proposed ordinance is available upon request from the Office of the First Selectman; New Hartford Town Hall, 530 Main Street, New Hartford, CT.

7. To take such action as the voters deem best with the adoption of an Ordinance entitled, “Open Burning.” A copy of the proposed ordinance is available upon request from the Office of the First Selectman; New Hartford Town Hall, 530 Main Street, New Hartford, CT.

Dated at New Hartford, Connecticut this 22nd day of November, 2022.

Board of Selectmen

Daniel V. Jerram

Alesia R Kennerson

Laura Garay

Moderator Kennerson read the Return of Posting and Publication of Special Town Meeting.

**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, November 23, 2022 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 Wednesday, November 30, 2022.

Dated this 6th day of December, 2022
Daniel V. Jerram, First Selectman

Moderator Kennerson read agenda Item number 1:

ITEM NUMBER 1:

To hold a public hearing regarding the adoption of a resolution entitled “Resolution of the Town Meeting of the Town of New Hartford authorizing the Town of New Hartford to assume and to exercise, as appropriate, all of the rights, powers, obligations and privileges under the Connecticut City and Town Development Act and Authorizing such other actions as may be necessary to implement the purposes of said Act.”

Moderator Kennerson read the resolution into the record.

She then explained the rules and conduct of the public hearing and noted that there would be no action taken regarding the resolution this time.

Moderator Kennerson invited First Selectman Jerram to come forward to explain the purpose of the resolution.

First Selectman Jerram explained the Town of New Hartford is under contract to sell the water and wastewater utilities to Aquarion Water Company. This transaction will involve the transfer five pieces of real estate which includes the sewer plant, a small piece of property next to it, the well house on Church Street, the well house on Blackbridge Road and the pumping station in the center of town along with the equipment that is in those properties, and, 60,000 plus feet of water pipe and 15,000 +/- feet of sewer pipe. These properties have never been taxed in the past and the purchase price is \$8,000,000. WPCA is a high \$600,000 – \$700,000 operation annually, roughly half water and half sewer paid by users of water and sewer. If you were to tax the 8,000,000 entity at 70% it would be an introduction of \$170,000 in taxation into that equation and that will have a negative impact on everyone. The purpose of sale was never to tax or make money on the sale but to control and keep rates as low as possible. In negotiations with Aquarion, it was proposed to cap the tax at \$10,000 per year for ten years. The town has the right to extend the agreement when it expires with town meeting approval. Tonight’s vote result will not stop the contract or sale. Approval of the resolution will designate Aquarion as a “sponsor” and the “public utilities” as a Development Property within the Connecticut City and Town Development Act and allow the town to issue a tax abatement. If the Resolution that allows this exemption to exist is passed, it shall remain in effect for five years. Individual tax agreements can be approved for up to 20 years. If the town chooses to extend it, they have to come back to the public again when it expires.

Discussion occurred regarding the rate making process. Questions were asked about how the rates are determined. Mr. Jerram explained that the Public Utilities Regulatory Authority will be seeking information from Aquarion during the hearing process to make final decisions about the rates that will be charged to New Hartford residents. Jerram explained that if Aquarion has to pay the town a large tax payment, the rates would need to rise in order to cover this expense. The goal of the sale was never to gain a revenue for the town through taxation, but rather to offer rate stabilization and hopefully lower rates to the current rate payers.

Following the close of public comment, moderator Kennerson asked for motion to close public hearing on Item Number 1.

Motion: by Tom Buzzi to close public hearing, seconded: Polly Pobuda *Unanimous*

Moderator Kennerson read agenda Item number 2:

ITEM NUMBER 2:

To hold a public hearing regarding the adoption of a resolution entitled, "Resolution of the Town Meeting of the Town of New Hartford authorizing the Town of New Hartford to enter into a tax exemption agreement with Aquarion Water Company of Connecticut for the real property and personal property used in the operation of the public water supply and wastewater systems serving certain areas within the Town of New Hartford."

Moderator Kenneson read the resolution into the record.

Moderator Kennerson mentioned that public hearing portion and noted that the public rules for this item remain the same as what was in place for Item 1 and that no action was being taken at this time.

She then invited Selectman Jerram to explain the purpose of this resolution.

Mr. Jerram reiterated what was previously discussed with Item #1 explaining that the first item was the tax exemption agreement, enabling the town to have such agreements and the second item is to allow the town to enter into individual agreements.

Jerram answered questions from Daria Hart and Mary Beth Greenwood regarding the Tax Exemption Agreement. Ms. Hart wanted to know how the town will be able to check and see if the tax money being abated is really being used in the manner in which it was promised. Mr. Jerram replied that reviewing the capital plan and the proposed expenditures versus actions taken will provide evidence as to whether or not the agreement is being followed. There are out clauses within the agreement that the Selectmen can enforce if it is found that they are non-compliant.

Ms. Greenwood questioned if the town will be seeking reimbursement from the State of Connecticut for tax revenues lost due to this arrangement. Mr. Jerram replied that there will be an application submitted for PILOT (payment in lieu of taxes), but there is no guarantee of state approval of the application.

Following the close of public comment, moderator Kennerson asked for a motion to close the public hearing portion of the Special Town Meeting.

Motion: by Shelley Lloyd, seconded: by Tom Buzzi *Unanimous*

Moderator Kennerson read agenda Item number 3.

ITEM NUMBER 3:

To take such action as the voters deem best with respect to the adoption of a Resolution entitled, "Resolution of the Town Meeting of the Town of New Hartford authorizing the Town of New Hartford to assume and to exercise, as appropriate, all of the rights, powers, obligations and privileges under the Connecticut City and Town Development Act and Authorizing such other actions as may be necessary to implement the purposes of said Act."

Moderator Kennerson stated that this resolution was already read into the record and unless someone specifically requests an additional reading, she would waive reading again.

Moderator stated that this agenda item was discussed during the Public Hearing, but would entertain any additional questions that attendees may have.

Tom Buzzi asked for clarification of his understanding that if this enabling resolution is passed that allows agreements to be negotiated, there would still need to be a town meeting approval for any and each exemption to be granted. Jerram replied yes, a town meeting approval would be needed before any specific exemption could be granted.

No additional questions were asked.

Motion: to adopt resolution as presented by Daria Hart, seconded: Shelley Lloyd
Unanimous

Moderator Kennerson announced that this motion passed.

Moderator Kennerson read agenda Item number 4.

ITEM NUMBER 4:

To take such action as the voters deem best with respect to the adoption of a Resolution entitled, "Resolution of the Town Meeting of the Town of New Hartford authorizing the Town of New Hartford to enter into a tax exemption agreement with Aquarion Water Company of Connecticut for the real property and personal property used in the operation of the public water supply and wastewater systems serving certain areas within the Town of New Hartford."

Moderator Kennerson stated that this resolution was already read into the record and unless someone specifically requested an additional reading, she would waive reading again.

She then stated that this agenda item was discussed during the Public Hearing, but opened the floor to questions.

No Questions.

Motion: to adopt resolution as presented by Polly Pobuda, seconded: Shelley Lloyd
Four Opposed

Moderator Kennerson announced that this motion passed.

Moderator Kennerson read agenda Item number 5.

ITEM NUMBER 5:

To take such action as the voters deem best with respect to the acceptance of a Right of Way Easement granted from Pine Meadow Farms Homeowners Association, Inc. to The Town of New Hartford for the purpose of access to sewer and drinking water utilities.

Moderator Kennerson invited First Selectman Jerram to explain what the purpose of this easement is.

Jerram explained the easement that grants town access to sewer and water pipes within the Pine Meadow Farms development was overlooked many years ago and needs to be formally accepted so that the town can grant those rights to Aquarion once the sale of the assets is completed.

No questions.

Moderator Kennerson asked for a motion to accept the Right of Way Easement granted from Pine Meadow Farms Homeowner Association, Inc. to The Town of New Hartford.

Motion: by Polly Pobuda, seconded Noel Gauthier.

Unanimous

Moderator Kennerson announced that this motion passed.

Moderator Kennerson read agenda Item number 6.

ITEM NUMBER 6:

To take such action as the voters deem best with the adoption of an Ordinance entitled, "Ordinance regarding the New Hartford Water Pollution Control Authority."

Moderator Kennerson announced that copies of the proposed ordinance have been made available to the public and asked if there was any objection to waiving the reading of the ordinance.

Moderator Kennerson asked Mr. Jerram to explain why there are changes being made to this Ordinance.

Mr. Jerram explained that the responsibilities of the WPCA will not be the same so the proposed ordinance would rescind the current ordinances, which created the WPCA and the terms of office members, and would maintain the required power and authority as described in #7 of ordinance. The ordinance is conditioned on the sale. Those that are serving on the WPCA at this time will remain as members under the new ordinance. There will be a slight change to the make-up of the Board still consisting of 7 members, but 4 will be users and 3 can be non-users. This change is being made due to the difficulty of finding volunteers to serve and the base of non-users is larger than users, so hopefully, vacancies can be filled. Mr. Jerram stated that the Selectmen are always looking for volunteers to serve on boards and commissions.

Moderator Kennerson asked for a motion to adopt the Ordinance entitled “Ordinance regarding the New Hartford Water Pollution Control Authority?”

Motion: by Polly Poluda, seconded Sibyl Pellum.

Discussion occurred regarding minority representation and quorums on the WPCA.

Shelley Lloyd thanked the WPCA members for their service and applauded them.

Moderator Kennerson asked for a vote.

One opposed

Moderator Kennerson announced that this motion passed.

Moderator Kennerson read agenda Item number 7.

ITEM NUMBER 7:

To take such action as the voters deem best with the adoption of an Ordinance entitled, “Open Burning.”

Moderator Kennerson announced that copies of the proposed ordinance have been made available to the public and asked if there was any objection to waiving the reading of the ordinance.

Moderator Kennerson asked for a motion to adopt the Ordinance entitled “Open Burning”

Motion: to adopt ordinance as presented Bob Goodskey, seconded Polly Pobuda.

Tom Hart asked First Selectman Jerram to explain why adoption of this ordinance is being considered.

Mr. Jerram stated that there is no current law and the new ordinance applies to open burning which is burning brush. Having an Ordinance was at the request of fire officials and current burning officials. The ordinance provides a way to make people accountable and to allow enforcement and penalize offenders. Permittees must follow the fire index rating and not burn when the index is very high or extreme. Permits are for 90 day, cost \$25 and agricultural permits are good for one year.

Selectman Jerram and Bob Goodskey answered questions from Shelley Lloyd, Tom Buzzi , Jason Reder and Daria Hart regarding permits, regulation and price. Karen Griswold Nelson made comments that burning when rainy or foggy creates a public health and safety issue resulting from the smoke and asked that people be respectful when burning.

Motion: to correct language Section-6 C. from “Open Building Official” to “Open Burning Official” by Daria Hart and seconded by Sybil Pellum.

Ms. Kennerson asked for a vote to adopt Ordinance entitled, “Open Burning.”

Seven Opposed

Moderator Kennerson announced that this motion passed.

Moderator Kennerson asked for a motion to adjourn at 9:20 PM

Motion: Shelley Lloyd, seconded Polly Pobuda.

Respectfully Submitted, Lynn Florio, Town Clerk