

**BOARD OF SELECTMEN  
REGULAR MEETING  
Monday, January 5, 2015  
Minutes**

Members Present: William H. Rose IV, Irene Schein, John Smith, Suzanne Gluck, Administrative Assistant and Recording Secretary

Members Absent: None

Others Present: Dick Weingart, Board of Finance; Andrew Daniels, Treasurer

**Regular Meeting**

**1. Call to Order**

Bill Rose called the meeting to order at 7:06pm.

**2. Additions to Agenda**

Bill Rose stated that a new agenda item, 5E, needs to be added for the Treasurer's Report. Irene Schein motioned to add "5E – Treasurer's Report", John Smith seconded the motion. All in favor.

**3. First Audience of Citizens**

Dick Weingart inquired on the status of the boundary study. Bill Rose reported that a council meeting was held and there are more questions regarding this matter. The survey has not been done yet.

**4. Approve minutes of: Regular Meeting Minutes of December 4, 2014.**

Irene Schein made a motion to approve minutes of the December 4, 2014 Regular meeting. John seconded the motion. Bill Rose requested some corrections to "7D – Discussion Regarding Shuba Lane". Mr. Rose stated that Attorney Dennis O'Brien's name spelling needs to be corrected. Also to clarify that resident's have access to their property in back, but it is inconvenient now. This is not a civil matter between the two residents but a private matter. Also a letter from Attorney O'Brien was submitted which all of the BOS member reviewed and he recommends the letter be attached to the minutes. All in favor. No abstentions.

**5. Communications and Reports**

**A. Trooper Report – December 2014**

Mr. Rose reviewed the trooper report and stated the new format was nice, easier to see the trends from month to month. John Smith asked where the DUI's show on the report, Sue Gluck to follow-up with Trooper Black.

**B. Board Members Reports**

Mr. Smith inquired about the status of the water at Darling Pond Dam. He explained that the pond wasn't draining over the weekend and many trees are down due to the beavers. Mr. Rose stated that the DPW crew checked it today. The BOS will assess the area and Bill Rose will reach out to Tip Garrett, Animal Nuisance Control Officer for the Town of Chaplin.

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**C. Board of Finance Discussion**

Dick Weingart stated that there was a lot of activity to wrap up the 2013-2014 audits. A management conference meeting was held with auditors Darren Offerdahl and Jason Michaud, also at the meeting was Valerie Garrison and Bruce Raymond. The audit report, financial statements, budgets, and actuals were discussed. CIP project information was also submitted by Mrs. Garrison. The revised financial statements were received last week and the auditors will come to the Board of Finance meeting next week to present the audit to the Board. There is a statement that needs to be signed by the First Selectman, this is not an acceptance of the audit results but a statement agreeing that all the information was provided to the auditors as requested.

Mr. Weingart also reported that they invited Ken Henrici to that meeting due to the Board of Education deficit of \$60,000.00 for special services. Mr. Henrici brought a projection based on one student stating that they were out placed in October and could cost up to \$170,000 for the year. Some portion of that cost is reimbursable under a Special Education Excess Cost grant. The town would have to cross a threshold and basically endure \$80,000-90,000 in costs which can be refundable. We will have another deficit next year due to the special services. The business office will apply for the grant and in the past, excess cost reimbursement has gone to the Town and the Town will appropriate the funds for the BOE deficit.

Dick Weingart reported that budget requests are due to the town hall at the end of this month. Board of Finance will be taking a look at General fund and CIP fund policies. They are looking into other town's policies and if they find some they will share in February's meeting. Mr. Rose stated that they received some templates from the auditors. We will also need to complete the job descriptions at the same time.

**D. Correspondence**

Mr. Rose reported that an Emergency Medical Plan needs to be done. The State of CT deadline is January 2015, we didn't get notification until October 2014 and it looks like none of the towns will have it completed by then. This plan is very detailed and there are no templates to use and must be developed from scratch. Mr. Rose stated he will be meeting with Ben Brockett, Bill Musket, and James Lillipp to develop the plan for Chaplin. In reviewing the ambulance services it is understandable why there are increases in costs for services. We are working with Windham Hospital on rates and once this is resolved maybe our procedures will tie in better.

**E. Treasurer's Report**

Andrew Daniels reported that he has been keeping track of his work hours and will not be submitting for a salary of \$12,000 for the Town Treasurer. Mr. Daniels will be recommending a reduction of salary due to the amount of hours he is currently working. An average work week is 1.5 to 3 hours to complete money transfers, deposits and check signing; it is not a 5-6 hour work week under the current job description. He is recommending reducing to 3 hours a week averaging \$35.00 an hour. Irene Schein made a motion that the BOS start working on changing the Treasurer position to a hired position so they have more control.

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John Smith seconded the motion. Mr. Rose stated that if it becomes a hired position it should be more than 3 hours a week with more responsibilities. The accountant job description needs to be reviewed also to see where the responsibilities should be. Ms. Schein stated that the job description should be done first for the Treasurer. Mr. Rose suggested the BOS have an agenda item for the February meeting. Bill Rose will talk to Dennis O'Brien, look at other towns and see what they do. They will include the auditors in the discussions. Irene Schein made a motion to table the motion. John Smith seconded the motion, all in favor.

**6. Old Business**

**A. STEAP Grant (Darling Pond, North Bear Hill Bridge)**

Bill Rose reported that the North Bear Hill Bridge design is being worked on then it will go out to bid. For Darling Pond we are waiting for the grant and nothing can be done until we get the award.

**B. Discuss All Pending and New FOI Requests**

None at this time

**C. Building/Infrastructure**

Mr. Rose reported that all town buildings are sound at this point. Railings are on the Tower Hill Road Bridge, but need to be painted. Bill Rose also reported that we have a couple of quotes for the siding repairs at the firehouse. Damage was done from paint balls and the repairs will be done through building, grounds, and maintenance money. For now this will be on hold until the spring.

Bill Rose reported that the DPW staff will work on the old post office walls, trim windows, and then paint in primer so when we start showing to potential tenants it will be more presentable. They just completed the Trooper's office.

John Smith reported that he checked into the lights at the DPW building. We can do an energy program for all the lights, but for the one light that is out just replace it. You can change the whole fixture and do all 7-8 lights at once in the energy program. Bill will contact Steve to replace that one for now.

**D. Discussion regarding Recreation Commission**

Mr. Smith stated that TruGreen contacted him about the contract for the fields. Mr. Rose suggested getting another quote from a second company.

**E. Annual Report**

Mr. Rose stated that the BOS Annual Report is complete and turned in.

**F. Discussion regarding Shuba Lane**

Mr. Rose reported that the landowners signed an agreement (see attached) to hold the town harmless when plowing and sanding Shuba Lane, therefore to maintain status quo, the town will continue. The court date was today for a judge to hear both cases from the Bullard's and Dziavit's but was postponed until the end of the month on the 30<sup>th</sup>.

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If at some point there is a judgment that it is recognized as a town road, it would go to Town Meeting for residents to accept it as a town road. If they deny it, then this will continue as a private matter between the Dziavit's and the Bullard's.

**7. New Business**

**A. Tax Collector Refunds:**

John Smith moved to approve tax refunds to:

Annette M. LaPlante – 21.74

Andrew Mastronunzio - 491.40

Irene Schein seconded the motion and it passed unanimously.

**B. Resignations/Appointments**

None at this time

**C. Discussion regarding Annual Budget**

Mr. Rose reported that the budgets are due the end of this month and that a Special Meeting should be held to review it. The BOS agreed to hold a Special meeting on January 20, 2015 at 7pm at the Town Hall for a Budget Workshop.

**D. Status of School Study**

Mr. Rose reported that a facilitator was hired to run the January meeting. There is grant money for this public presentation which pays for attorney (contracts, statutes, expansions, retractions, etc). Chaplin submitted background of school study, BOE contracts for Chaplin and RD11. Donna Merritt from SERC who works as an educational consultant will have someone set up a projector to list questions on a computer screen. Milone and MacBroom will give report first and what options are available. Then a Q&A session and provide answers at that time, if not, then we will have a second session to answer questions. A meeting is scheduled Wednesday to set a date and time for the Q&A session.

**E. Resolution: Historic Documents Preservation Grant #024-PC-15, Cycle 2, FY2015**

Bill Rose read the resolution to the Board and made a motion to accept. Irene seconded the motion. All in favor

**8. Other Business**

None at this time

**9. Second Audience of Citizens - Note: Comments are limited to agenda items and subject to Chair discretion.**

Mr. Weingart requested that Mr. Rose write the CIP memo to request project details – documentation is needed for the projects slated this year. He also requested he be informed of the next Medical Insurance bid meeting. Mr. Rose stated that he believes the next meeting on February 24, 2015 at Parish Hill is the one determining which medical insurance plan will be chosen, but will confirm for Mr. Weingart.

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**10. Agenda Suggestions for next meeting**

Communications and Reports

Trooper Report  
Board Member Reports  
Board of Finance Discussion  
Correspondence  
Building/Infrastructure  
Discussion Regarding Recreation Commission

Old Business

STEAP Grant (Bedlam Road Bridge, Darling Pond, North Bear Hill Bridge)  
Discuss All Pending and New FOI Requests  
Discussion regarding Shuba Lane  
Discussion regarding Treasurer Position  
Annual Budget  
Status of School Study

New Business

Tax Collector Refunds  
Resignations/Appointments

**11. Date, time, and place of next meeting (February 5, 2015 @ 7:00pm @ the Town Hall)**

**12. Adjourn**

The meeting adjourned at 8:29pm.

**ACCESS AGREEMENT**

This Agreement (the "Agreement") is made as of December 24, 2014, by and between ALLEN W. DZIAVIT and MELINDA DZIAVIT (collectively, the "Owner"), and the TOWN OF CHAPLIN (the "Town").

**RECITALS:**

A. The Owner is the self-purported owner of a portion of the end of that certain way known as Shuba Lane, Chaplin, Connecticut (the "Access Area").

B. The Town has agreed to enter upon the Property in connection with the removal of snow and ice from the Property, as more particularly hereinafter provided. Owner agrees to grant access to the Property subject to the terms, provisions and conditions hereafter set forth.

**NOW, THEREFORE**, in consideration of the mutual covenants and agreements set forth herein, and for other valuable consideration, the parties hereto agree as follows:

1. **Grant of License.** Subject to the terms and conditions hereafter set forth, Owner hereby grants a revocable license to the Town to enter the Access Area for the sole purpose of removing snow and ice there from (including, without limitation, the application of salt, sand or other similar products thereon; such purposes being the "Permitted Activities"). Owner agrees not to place any obstructions to prohibit or impair the Town from using a certain portion of the premises known as 42 Shuba Lane, Chaplin, CT, for the purposes of turning around snow plows and storing snow in connection with snow plowing on Shuba Lane. The Permitted Activities shall be conducted at the sole cost and expense of the Town. The Town shall not transfer or assign its rights under this Agreement without the prior written consent of the Owner. The Town agrees to perform the Permitted Activities in a reasonable manner so as to minimize any damage resulting there from to the Access Area.

2. **Indemnity.** Owner shall indemnify and hold the Town, its agents and employees harmless from and against any and all claims, obligations, and liabilities incurred or assessed (collectively "Claim") against the Town resulting from damage to the private way arising from the Permitted Activities, provided, however, that the foregoing indemnification shall not extend to any damages, claims, obligations or liabilities which result from gross negligence or willful misconduct of the Town, its employees, agents or contractors.

3. **Revocable License.** This Agreement shall constitute a revocable license, which may be revoked by Owner or by the Town at any time in its sole discretion by written notice to the Town or Owner.

**IN WITNESS WHEREOF**, the undersigned have executed and delivered this Agreement as of the date set forth above.

**OWNER:**  
**ALLEN W. DZIAVIT**

*Allen W. Dzavit*

**MELINDA DZIAVIT**

*Melinda L. Dzavit*

**TOWN OF CHAPLIN**

By: *William H. Rose, IV*

**WILLIAM H. ROSE, IV**  
**First Selectman**  
**Duly Authorized**

Snow Removal – Shuba Lane  
42 Shuba Lane  
Chaplin, Connecticut

**LICENSE AND HOLD HARMLESS AGREEMENT**

In consideration of the Town of Chaplin's continuation of its historical practice of snowplowing and applying sand, salt and ice melting substances before, during and after winter storms ("Snowplowing") on that certain way known as Shuba Lane and pending resolution of a controversy concerning the legal status of Shuba Lane and the respective rights of persons claiming to own portions of Shuba Lane or easements or rights of way over and across Shuba Lane, the undersigned, Sarah Elizabeth Bullard, as Trustee of the Andrea G. Bullard Grantor Trust Agreement dated June 17, 1997 (the "Owner") grants the Town of Chaplin ("Town") the license described in the following paragraph.

The license granted by the Owner is a license to use a portion (referred to as the "Premises") of the Owner's parcel of land which is commonly known as 42 Shuba Lane for the purposes of turning around snow plows, storing snow cleared from the way, and other historical uses of the Premises by the Town in connection with Snowplowing on Shuba Lane. The Premises consists of that entire portion of 42 Shuba Lane historically used by the Town as a turnaround in connection with Snowplowing and is located approximately as shown on the aerial photographic depiction attached to this letter agreement as Attachment A.

The Owner shall hold harmless the Town of Chaplin, its elected officials, officers, employees and agents from all claims or actions under law otherwise actionable by the Owner, her agents, servants, tenants, or invitees, arising out of the exercise by the Town of Chaplin of the license granted herein alleging bodily injury, property damage, or any other losses, damages, claims or liabilities including judgments and penalties arising out of, or resulting from, the negligent acts errors or omissions of the Town of Chaplin, its elected officials, officers, employees and agents occurring on or resulting from the use of the Premises in the exercise of the license granted herein.

*Sarah Elizabeth Bullard*  
Sarah Elizabeth Bullard, as Trustee of the  
Andrea G. Bullard Grantor Trust Agreement  
dated June 17, 1997

**ACKNOWLEDGMENT**

STATE OF CONNECTICUT  
COUNTY OF Windham

s.s. at Mansfield

On this 20th day of December, 2014 before me, the undersigned officer, personally appeared Sarah Elizabeth Bullard, as Trustee of the Andrea G. Bullard Grantor Trust Agreement dated June 17, 1997, who acknowledged him/herself to be the person whose name is subscribed to the within instrument and acknowledged that they, being duly authorized to do so, executed the same for the purposes therein contained as their free act and deed.

IN WITNESS WHEREOF, I hereunto set my hand and the official seal.

*Karen Latterell*  
Commissioner of the Superior Court/  
Notary Public - Seal Required  
My Commission Expires 8/31/14







Attachment A



42 Shuba Lane, Chaplin, CT

Google earth



Shuba Lane

Hi Storm call - Storm photo

