

TOWN OF CHAPLIN
ANNUAL TOWN MEETING MINUTES
May 13, 2019

Approximately 46 electors and those authorized to vote at Town Meeting assembled at the Annual Town Budget Meeting on May 13, 2019 at 7:00 P.M. at the Chaplin Senior Center, 132 Chaplin Street, Chaplin, Connecticut and transacted the following business:

Items 6 will adjourn to referendum vote to be held on Tuesday, May 21, 2019 at the Chaplin Firehouse, 106 Phoenixville Road (Rte. 198) in said Chaplin from 12:00 Noon to 8:00 P.M.

1. The Town Clerk called the meeting to order at 7:05 P.M., read the call and opened the floor to nominations to elect a moderator for the meeting. Selectman William H. Rose IV moved to nominate Irene Schein. Hearing no further nomination, Irene Schein was declared moderator. She read each item on the call as it arose.
2. To nominate and elect to the Regional Board of Education of Regional District 11 one member for a full term of three years to commence July 1, 2019; Sally Ireland / Jaclyn Chancey moved / seconded to nominate Stephanie Harrington. Hearing no other nominations Stephanie Harrington was elected by acclamation to the Regional District 11 Board of Education. Mrs. Harrington stated that she appreciates the nomination and mentioned that she is now a full member and the district representative of the United Mental Health Services Board. She does a lot of work with the schools and welcomes communication with community members.
3. To nominate and elect five members of the Recreation Commission for terms of two years to commence July 1, 2019; Dave Stone / Matthew Foster moved / seconded to nominate Josh Woodward, Matthew Foster / Linda Carron moved / seconded to nominate Dave Stone, Dave Stone / William Hooper moved / seconded to nominate Amelia Nelson. Hearing no other nominations Josh Woodward, Dave Stone and Amelia Nelson were elected by acclamation to the Recreation Commission for 2-year terms commencing on July 1, 2019.
4. Whereas the Town is applying for Local Capital Improvement Grant Funds: therefore, to resolve to approve the CIP plan for FY 2020-2024 (on file with the Town Clerk); Jaclyn Chancey / Eugene V. Boomer, Jr. moved / seconded a motion to approve the CIP plan. Board of Finance Chairman Richard Weingart gave an overview of the CIP plan highlighting the total dollar amount recommended for the CIP plan of \$503,738 and a transfer of an additional 350,000 from the CIP fund to be dedicated to the North Bear Hill Road drainage project. Selectman Rose spoke in favor of the plan and feels this plan will maintain a reasonable budget and still maintain our infrastructure and quality of life. The Moderator called for a hand vote to approve the CIP plan; 36 in favor, 0 opposed, 0 abstentions. The motion to approve the CIP plan for FY 2020-2024 passed.
5. To appropriate for fiscal year 2018-2019 the transfer of an amount not to exceed \$30,000 from the General Fund Unassigned Fund Balance to the FY 2018-2019 Board of Education/Chaplin Elementary School budget (account number 25100). William Hooper / Eugene V. Boomer, Jr. moved / seconded a motion to approve the transfer. Chairwoman Chancey introduced members of the Board of Education present at the meeting including herself, William Hooper - Secretary, Eugene V. Boomer, Jr. - Vice-Chairman as well as Jean Lambert - member. Chairwoman Chancey mentioned \$150,000 in unanticipated expenses due to special education and is requesting \$30,000 to cover the expenses to carry through to the end of the fiscal year. Chairman Weingart spoke regarding changes that have been made in the process used by the Board of Education to budget and request additional funds for special education. Together the Board of Education and the Board of Finance is working to refine the process to pinpoint the unanticipated expenses in advance and to better document the transfer of funds from one line item to another. The Moderator called for a hand vote to approve the motion to transfer; 42 in favor, 0 opposed, 0 abstentions. The motion to approve the appropriation passed.
6. *To receive and approve the Annual Town Budget for the Fiscal Year July 1, 2019 - June 30, 2020 in the amount of \$8,647,901 as submitted by the Board of Finance and to appropriate funds required; (contingent on asterisk *);

*At its meeting held on May1, 2019 the Board of Selectmen voted, pursuant to CGS § 7-7, that item #6 of the Call of the Annual Town Meeting be submitted to a referendum vote at an Adjourned Town Meeting to be held May 21, 2019 at the Chaplin Firehouse, 106 Phoenixville Road (Rte. 198) in said Chaplin from 12:00 Noon to 8:00 P.M. The question on the ballot label at said referendum shall read as follows:

1. "Shall the Town of Chaplin appropriate the sum of \$8,647,901 for the General Government and Education Expenditures for Fiscal Year July 1, 2019 through June 30, 2020 as recommended by the Board of Finance?"

Absentee ballots shall be available as provided by law to persons applying in person at the office of the Town Clerk during its regular business hours. Copies of the proposed Annual Town Budget is available for inspection in the Office of the Town Clerk.

Copies of all proposed Ordinances are available for inspection at the Office of the Town Clerk during its regular business hours, and will also be made available at the Annual Town Meeting on May 13, 2019.

Chairman Weingart gave an overview of the budget stating that the Town's mill rate will stay the same at 32.5 mils even though there is a budget surplus due to a 15% increase in personal property taxes from the Algonquin property resulting in \$900,000 of additional tax revenue. It is not recommended at this time to drop the mil rate because of the following considerations; the Governor's budget recommended a decrease in the Town's educational cost sharing grant of approximately \$240,000, also that there was a considerable amount of infrastructure work added to the CIP plan and that there is a bridge on Bedlam Road that will need repairs that we do not currently have money set aside for. The Board of Finance is projecting a budget surplus of \$388,000 that will go into the Town's Fund project until there is cost figures available for the North Bear Hill drainage project.

Chairman Weingart spoke about the work the Board of Education and Board of Finance has been doing to improve the budgeting process and special education costs for the Board of Education. The new principal Mr. Chavez and new special education director are reassessing special education services at the school from the standpoint of students needs and cost effectiveness. When the review is complete, and a figure is known we will have a special town meeting to ask for an appropriation.

Board of Education Chairwoman Chancey spoke regarding the success of Chaplin Elementary School and mentioned that the State puts out a score card that talks about test scores and growth of students over time regarding test scores. There are 25 districts in North Eastern Connecticut and Chaplin was ranked 2nd among the 25 districts. Guy Ricklin asked about the increase in the technology coordinator's salary. Chairwoman Chancey explained that the position was split between two people and it is a matter of getting the salary to be similar to what it would be in other places. Christopher Komuves asked why the police protection budget figure is increasing by 10,000 in upcoming budget. It was understood that Officer Black who has retired was paid a high salary because he was a senior person and that if our new trooper is a less senior person the cost may go down. Chairman Weingart indicated the figure that is in the budget is set by the State for the Trooper cost sharing program and it is the figure that we have to work with right now. At this point it is not known who will replace Trooper Black and what the cost will be.

7. To appropriate for fiscal year 2018-2019 the transfer of an amount not to exceed \$350,000 from the General Fund Unassigned Fund Balance to CIP Fund Project #3305.9 (North Bear Hill Road Drainage). Sally Ireland / Jaclyn Chancey moved / seconded the motion to approve the transfer. The Moderator called for a hand vote to approve the motion; 40 in favor, 0 opposed, 0 abstentions. The motion to approve the appropriation passed.
8. Public Hearings and possible action to:
 - A. The Moderator read #8a of the call to "Discontinue the first section of Old Hampton Road starting at the intersection of Cross Road and continuing in a Westerly direction towards Rt #6 in its entirety all the way to the Route 6 DOT right of way.". Selectman Rose discussed the reasons for closing the road. He stated that the road was given to the Town in 1962 but the deed was not signed over until 1984. At that time Selectman Ferrara blocked off the road because there was a lot of loitering and dumping. The road has not been resurfaced since 1962 and it is deteriorating, there is a bridge which would be very costly for the Town to inherit. The Town does own the road bed as it was deeded over to the Town and therefore could reopen the road in the future. At this time, due to liability costs Selectman Rose would like to close the road. Robert Dubos asked if there is any intent to spend money on the road as it is now. Selectman Rose said there was not. Christopher Komuves asked who the abutting property owners are. Selectman Rose answered that Walter Landon is and that he has spoken to his engineer and does not see the closing of this road to be an issue in terms of him developing his property. It was stated that the advantage of closing the road is to limit the Town's liability of maintaining the road. It was further stated that land owners would not lose access to their property. William Hooper / Christopher Komuves moved / seconded the motion to approve the ordinance to discontinue the first section of Old Hampton Road. Hearing no further discussion, the Moderator called for a hand vote; 40 in favor, 0 opposed, 0 abstentions. The motion to discontinue the first section of Old Hampton Road passed.

- B. The Moderator read #8b of the call to “Discontinue the second section of Old Hampton Road starting at 50’ west of SNET pole #5214 and continuing in a westerly direction for 610’”. Selectman Rose / Robert Dubos moved / seconded to make a motion to postpone the discontinuation of the second section of Old Hampton Road indefinitely. The Moderator called for a hand vote; 35 in favor, 0 opposed, 0 abstentions. The motion of postpone the discontinuation indefinitely carried.
- C. The Moderator read #8c of the call to “Authorize the transfer by quitclaim deed executed by the First Selectman of an access easement owned by the Town of Chaplin in the Natchaug River Subdivision on Route 198 to Joshua’s Trust to enable the Trust to access, inspect and maintain 9.5 acres of open space land previously duly deeded to the Trust by the Town of Chaplin”. Robert Dubos explained that the Chaplin subdivision regulations require that a certain portion of the land being subdivided be deeded to the Town as a conservation easement. It was proposed that 9 ½ acres of land along the Natchaug be given to the Town with the intent to protect the Natchaug River waterway from development. The problem is that Chaplin has no means to maintain the integrity of the easement. It was thought it would be best if Joshua’s Trust took control of the conservation easement. That was approved by the Town however the deed still states that it is employees of the Town of Chaplin are the ones that have the right to cross over private land to access the property. It is a technicality of changing the wording in the deed so that the people that do the actual inspection for Joshua’s trust are the people that have the right to cross over private land to access the property. Attorney O’Brien commented that we are asking for the Town Meeting to approve the transfer of the declaration of easement to Joshua’s Trust. William Hooper asked if the open space land is protected land not for public use. Robert Dubos answered that it is not for public use because the only way to get to it is through the private property. The moderator called for a hand vote of all in favor of approving the motion of the transfer of the access easement; 35 in favor, 0 opposed, 0 abstentions.
- D. The Moderator read #8d of the call to “Enact a Snow Removal Ordinance. Doug Cates / Joe Pinto moved / seconded a motion to enact the Snow Removal Ordinance”. Selectman Rose discussed issues regarding snow being pushed into the road and that it becomes a safety hazard and is happening more often. This ordinance will give the ability to be able to first warn and then fine offenders. It defines an appeal and hearing process and explains how much the Town will contribute to the cost of repairing mailboxes and how they will be replaced. Doug Dubitsky asked regarding the last sentence of section 4 that reads “when clearing snow residents and landscapers cannot push the snow across the street and deposit it in front of the neighbors house.” He asked if it is meant to prevent people from pushing snow across the street and depositing it in front of a neighbor’s house or if it is one or the other. He also asked if it is prohibited to push snow across the street or if it is only prohibited if snow is left in the street. Public Works director Dave Stone explained that the intent of the ordinance was to prevent putting snow in the road as it is very damaging to the road and causes costly repairs. Christopher Komuves / Doug Dubitsky moved / seconded to strike “and deposit in front of the neighbors house” and replace with “except with permission of the property owner:” to read “When clearing snow residents and landscapers cannot push snow across the street except with permission of the property owner.” Section 7: Violations was noted as conflicting in that it allows snow to temporarily be placed in the road. Doug Dubitsky / Jean Lambert moved / seconded a motion to postpone the Snow Removal Ordinance. The Moderator called for a hand vote of all in favor to postpone the Snow Removal Ordinance; 33 in favor, 1 opposed, 1 abstention. The Snow Removal Ordinance did not pass and was postponed.
- E. The Moderator read #8e of the call to “Enact a Hearing Procedure for Citations Ordinance. Robert Dubos / Richard Weingart moved / seconded to enact the Hearing Procedure for Citations Ordinance”. Attorney O’Brien gave an overview of the ordinance explaining that this ordinance is a good thing to have in place because it sets up a process whereas if there are other ordinances in Chaplin that call for a fine or penalty you can use this ordinance to enforce them. If a person is in violation of an ordinance which requires a fee they can go through the hearing process. If the person in violation loses the hearing, the Town can file a motion in the Superior Court for \$8 and receive a judgement decision that the violator owes x amount of dollars and the Town can place a lien on the violator’s property. Attorney O’Brien answered questions, stating there is not a penalty charge if the fines remain unpaid, and there are no overlapping ordinances. Doug Dubitsky stated that the Zoning Violation Ordinance is similar to the Hearing Procedure for Citations Ordinance that we are now voting on, but it does have some significant differences. He requested for the record of this meeting to reflect that the Hearing Procedure for Citations Ordinance does not supersede the Zoning Violation Ordinance and the Planning and Zoning Violation Ordinance will continued to be used for Zoning. Richard Weingart asked if the volunteer hearing officers are protected from legal action by the individuals who are cited in a manner similar to a town

employee executing their duties lawfully. Selectman Rose will research the issue with CIRMA. Warren Church asked what prompted this ordinance and asked if there are problems enforcing other ordinances. Selectman Rose explained that this ordinance is in concert with the other ordinances being proposed tonight and provides a mechanism to enforce ordinances that call for fines. William Hooper spoke in favor of enacting the ordinance, Guy Ricklin felt it should be rewritten. The Moderator called for a hand vote to enact the Hearing Procedure for Citation Ordinance; 27 in favor, 0 opposed, 1 abstention. The motion to enact the Hearing Procedure for Citations Ordinance passed.

- F. The Moderator read #8f of the call to “Enact a Fire Marshal Inspection and Fee Ordinance”. William Hooper / Joe Pinto moved / seconded a motion to approve the Fire Marshal Inspection and Fee Ordinance. Selectman Rose discussed amendments including under “Agencies exempt from fees; exception” #1 to change “Agencies and departments” to “All government agencies”. The ordinance also references an attached fee schedule and Selectman Rose clarified that the fees are to be determined by the Board of Selectmen. Once the ordinance passes the Board will meet and set the fees. They could then be changed as needed. Fire Marshal Meyer defined under #2 what “required State education fees” are, stating that if a Town is exempt under this ordinance from paying fees, the required State education fees are not exempt and would still need to be paid. The education fees go to the State of Connecticut for the education and certification of building inspectors and fire marshals. William Ireland / Guy Ricklin first / seconded a motion to postpone enacting the ordinance until the wording is straitened out. The Moderator called for a hand vote to postpone the enactment of the ordinance; 11 in favor, 21 opposed, 0 abstentions. William Hooper / Jaclyn Chancey first / seconded a motion to amend #1 to strike everything up to “shall be exempt from the payment of fees...” and replace with “All Governmental Agencies” so that #1 would then read “All Governmental Agencies shall be exempt from the payment of fees set forth in the attached schedule of fees”. The Moderator called for a hand vote to enact this first amendment; 31 in favor, 1 opposed, 2 abstentions. Doug Dubitsky / William Hooper moved / seconded to amend under the “Agencies exempt from fees; exception:” section to add the word “pay” after the word “and”, add the word “State” after the word “required” and further modified the amendment to change “exempt agencies and departments” to “All Government Agencies shall still be required” so that #2 would then read “All Governmental Agencies shall still be required to obtain all permits and or inspections pursuant to the general statutes and pay the required State education fees”. The Moderator called for a hand vote to enact the second amendment; 31 in favor, 0 opposed, 1 abstention. William Hooper / Christopher Komuves moved / seconded a motion to approve the ordinance as amended in its entirety; Further discussion around the “Establishment of fees” and “Penalties for offenses” section and if the fees and penalties are reasonable if the fee schedule is not attached. Fire Marshal Meyers discussed the reasons for enacting this ordinance and that it will help him enforce the law while doing his inspections of commercial buildings. The Moderator called for a hand vote of all in favor of enacting the Fire Marshal Inspection and Fee Ordinance as amended; 28 in favor, 1 opposed, 0 abstentions. The motion to enact the Fire Marshal Inspection and Fee Ordinance as amended passed.
- G. The Moderator read #8g of the call to “Enact an Open Burning Ordinance”. Joe Pinto / Jaclyn Chancey moved / seconded a motion to enact the ordinance. Doug Dubitsky / Christopher Komuves moved / seconded to postpone the ordinance based on a number of problems and inconsistencies in the verbiage. Others agreed there are many issues with the way the ordinance is written. The Moderator called for a hand vote on the motion to postpone the Open Burning Ordinance; 23 in favor, 0 opposed, 3 abstentions. The Open Burning Ordinance did not pass and was postponed.
- H. The Moderator read #8h of the call to “Enact a False Alarm Fire Ordinance”. Joe Pinto / William Hooper moved / seconded for a motion to enact the False Alarm Fire Ordinance.
- Doug Dubitsky / William Hooper moved / seconded a motion for a first amendment to strike in the first sentence the words “through intentional misuse” in the “Intent” section. The Moderator called for a hand vote of all in favor of passing the amendment; 29 in favor, 0 opposed, 0 abstentions. The motion for the first amendment passed.
 - Joe Pinto / William Hooper moved / seconded a motion to enact the ordinance with the first amendment. Further discussion ensued.
 - William Hooper / Joe Pinto moved / seconded for a second amendment to amend the first sentence under the “Fines and penalties. Unintentional False Alarms” to amend from “Any alarm system shall be activated only when a fire emergency exists” to “Any alarm system shall be activated only when an appropriate emergency exists”. Also, to further amend from page 2 and the “Administration” section by striking all of subsection B and all of subsection C so that the Administration section will now read “Administration. A) Unless otherwise

stated, all warnings, notices and fines and penalties required by the Ordinance shall emanate from the First Selectman or his or her designee. Fines / penalties shall be paid to the First Selectman or the First Selectman's designee." The Moderator called for a hand vote to enact the second amendment; 30 in favor, 0 opposed, 0 abstentions. The motion to enact the second amendment passed.

- First Selectman Rose / William Hooper moved / seconded for a third amendment to amend the third paragraph under "Fines and Penalties. Intentional False Alarms." to add the number "1" after "d)" and to add the number "2" before "In Addition," so that it would read:
 - "D.1- The second and any subsequent false alarms set off from an alarm system in any calendar year shall result in a fine of \$100 per false alarm set off.
 - D.2 - In addition, the owner of the alarm system shall be responsible for and bear the expense of the department's response to any such intentional false alarm. The expense shall be determined by the chief of the Fire Department and billed to the alarm system owner; provided, however, that no such charge, exclusive of any penalty imposed, shall exceed \$250 per response."
- The Moderator called for a hand vote to approve the third amendment; 30 in favor, 0 opposed, 0 abstentions. The motion to enact the third amendment passed.
- Jaelyn Chancey / Joe Pinto moved / seconded to pass the ordinance as amended in its entirety. The Moderator called for a hand vote to enact the False Alarm Fire Ordinance as amended; 30 in favor, 0 opposed, 0 abstentions. The motion to enact the False Alarm Fire Ordinances as amended passed.

9. The Moderator called for all in favor of adjourning the meeting. All were in favor, 0 opposed, 0 abstentions. The meeting was adjourned at 9:56 P.M.

Respectfully submitted:

Shari Smith
Chaplin Town Clerk