

**Board of Selectmen; Ordinance Committee
September 14th, 2020 8pm
Zoom Teleconference**

Members Present: Annmarie Drugonis, Bob Findley, Rob VanEgghen

Members Absent: None

Others present: Rory Burke, Rich Buturla

1. Call meeting to order

Annmarie Drugonis opened the meeting at 8pm.

2. Pledge of Allegiance

All stood for the pledge.

3. Public comment

There was no public comment.

Annmarie Drugonis made a motion to move Seymour WPCA from item 8 to item 4 on the agenda.

Motion by Bob Findley.

Second by Rob VanEgghen

4. Seymour WPCA

Rich Buturla told the Committee to look at the letter dated August 27th, 2020 which explains the deficiency with the existing Water Pollutions Control Authority. As you know, section 7-246A of the CT general statute states that the WPCA shall be formed by ordinance. The Seymour WPCA was not in fact formed by ordinance and was in fact formed by the Charter. State law also requires that no more than half of such terms shall expire within any one year and that is clearly in contradiction with the existing charter provisions, so to correct this, Buturla did a draft ordinance that was distributed to the Selectmen. The ordinance kept the language of the charter and added a term of office, because the charter had gone through a charter revision process, where a variety of the financial powers and obligations were altered to require certain things. The existing provisions are now divided up into an ordinance. The term of office, the way it is set up, is sufficient under the ordinance and the way that a number of other communities have set forth a provision of a term of office that pertains to a 5 member WPCA. This does comply with the ordinance and the statutory requirements. He advised that this Committee could send it back to the Board of Selectmen with a favorable recommendation.

Drugonis asked if the ordinance now said they were keeping the 5 members on a term of 4 years. She asked if it was a staggered four years.

Buturla said yes it is 5 members. The term for each is 3-year terms, all staggered. For the initial appointment, so that they are not all up at the same time, no more than two can be appointed together, to satisfy 7-246a. Therefore, the appointment dates will be as follows;

- December 31, 2021
- December 31, 2022

- December 31, 2023

Buturla said that he set it up as 3 year terms for each member but the Committee could make the decision if they would like 4 year terms.

Drugonis said she thinks a 3 year term limit is good.

Bob Findley asked if after they skip a term, would they be able come back and serve again.

Buturla said there was nothing requiring the members to skip a term. No more than two terms can expire in any one year. So when the first term is up, they decide if they would like to reappoint that person, but it is for a three year term so it moves that first person out past the next two dates of expiration.

Drugonis said it was good because that way there are people who are veterans of the board and can continue to further the goal and mission of the board instead of everyone leaving at the same time. She said she thinks this is a good idea.

Buturla said that if they are all okay with this, a motion to refer to the Board of Selectmen with a positive recommendation is all that would be necessary.

Findley asked if this agreed with the terms as stated in the charter.

Buturla said yes, it does go along with everything in the charter. Nothing was altered at all in terms of the substantive powers, but it was broken up to read like an ordinance instead of a large charter revision.

Drugonis asked about the differences between this and the Charter. She was trying to remember what the provisions of the Rate Board were.

Buturla said it is identical with the exception of the term of office language. The Rate Board was handled at the last charter revision, and it was taken out of the charter.

Findley asked if this flowed in the same way that the other Board's do in the Charter.

Buturla said it does because in the Charter provision it called for it being an administrative appointment of the First Selectman. The only addition that was made was "pursuant to the Seymour Town Charter".

Findley asked about the last portion of Buturla's letter says the existing WPCA can continue to hold office until new members are appointed in accordance with the ordinance.

Buturla said that is a provision in the Charter where basically any office holder continues until his or her replacement is appointed or elected. The people on the Board will continue until this is adopted, then the appointments will go on the agenda, and the various appointments will be made then. That can be done after the ordinance is effective.

Findley asked if in the public hearing, they will have to identify this as a mistake or an oversight.

Buturla said it is an unintentional oversight and correcting something that was not properly done to statute.

Findley said if he were a town resident hearing this, he would like to know how this oversight happened.

Buturla said things like this happen all the time, there was a Charter revision commission that created the original provision. It is a fertile ground for town council to have to interpret this so it's common to have some conflict. 7246a has been around for a very long time.

Drugonis asked for all in favor of moving this forward to refer it to the Board of Selectmen.

Drugonis- yes Findley- yes VanEgghen- yes

5. Noise Ordinance

Buturla said that the history of noise ordinances, sometime in the 80s the DEP put out a model noise ordinance that towns across the state adopted. The problem with noise ordinances is if they are enforceable or not. At one time the DEP was the enforcement, but they were the only ones in the state able to enforce it, which was a problem. Sometimes local enforcement without all the technical stuff. He asked what the Committee was specifically looking to do with this.

Drugonis said that they are trying to determine what constitutes a noise being over a decibel. Can they say "no loud music past 10pm" and then define loud music..

Findley said he would be careful on the levels of how loud, maybe instead make a rule that is time based.

VanEgghen said that part of the issue is the difference between a decibel level with duration and a nuisance. For example, trash pickup at 3am is probably not exceeding a decibel level but it is enough to wake someone up.

Buturla said there are also a number of exempt activities in these noise ordinances, one of them being motor vehicles and whether or not you can regulate motor vehicle noise or not. Findley reminded the Committee that the blasting in town needs to be considered when making these ordinances.

Buturla said yes that is true, and the blasting is regulated by the Fire Marshal's office.

Drugonis suggested looking into an ordinance concerning the time and it being of nuisance.

VanEgghen said he would be interested in seeing what some other town's are doing with this. Reasonable proximity is something they should take into account, for example, there are restaurants near residential areas that do live music. So having a decibel level would help in order to say "if you are 700 yards away, it should not exceed a certain decibel level."

Buturla said he will look at other town's ordinances and get back to them.

6. Non-profit assessment

Rory Burke said he would provide background. A few non-profits have come to us concerning assessments. These specific non-profits do not operate out of their facilities, they operate out of leased spaces. If a non profit comes to town, their personal property is exempt, but there is an application they must fill out, that they might not be aware of.

Buturla said he is not sure if creating this exemption for a leased space, would relieve them of filing for the quadrennial. The quadrennial must be filed by a certain date, and if it is filed after the date, it is taxable. There have been issues in the past where people forget to file their quadrennial, and then they end up getting upset with the tax assessor, even though the blame is on the nonprofit.

Findley asked what the problem is, considering if they miss the deadline that is not the town or the assessor's fault.

Buturla said that we are talking about nonprofits, which by their nature they are doing something good and benefiting the community overall. If they forget to file their quadrennial, they get put on the tax roll and end up getting upset because they are benefiting the town. Therefore, this puts the town in a race to find out how to fix it in a way that complies with the law because they are doing such good work . The other issue is that if you are a 501c3 in Connecticut, you cannot be taxed at all. This is not true.

Burke said that a nonprofit came to the First Selectman's office looking for some relief so the idea was just to bring it to the Ordinance Committee and see if there was anything put in place to see if we could avoid a similar situation going forward.

Findley asked if the only issue was the non profit not filling out the quadrennial form that was the issue.

Buturla said there are more issues, but that is just the recurring theme. The St. Joseph Supreme Court case factors within themselves cause a lot of problems. An even bigger problem is when they miss the time period in which to appeal. The issue Rory sent out and is included in the packet, he has a feeling is a very narrow exemption. He would like to check the history of it.

Drugonis asked if something could be included to state, if a nonprofit is looking not to pay the tax they must have their quadrennial filed and if they do not, it is on them. She would like it in the ordinance.

Buturla said he would like to look at some of the past cases they have had before they make a decision on that.

Findley asked how many non profits are in town and if perhaps we could send out a notice to remind nonprofits to file each year.

Burke said he wasn't sure how many were in town.

Buturla said he thinks that the Assessor's office might do this already. He would like to look into this more, and carry it over to another meeting and perhaps get the assessor to join us and give some input.

Findley said he would like to know more about the issue before putting something together, is it a large issue that happens every year.

Buturla said in the last ten years there has been at least three or four nonprofits, that have gotten to state court level dealing with a quadrennial.

Drugonis asked Rich to look at it and get back to them for next time.

VanEgghen asked for the most part what happens when a nonprofit does not fill out the nonprofit.

Burke said the existing nonprofit that moved to Seymour and therefore should have been aware of the quadrennial, there was no address on file with the assessor and he found it later.

Normally, they file the appeal process and try to work something out along the way. Where it gets to be interesting is when they miss the appeal period.

VanEgghen said they should work on preventing the problem instead of fixing the mistake.

Drugonis suggested doing a certified letter, to therefore show that they were notified of the upcoming deadline and did not follow through.

Buturla said that the assessor knows state law and follows through perfectly. There is no favorites whatsoever. He will look into it more before the next meeting and maybe Joe will be able to be there.

Findley asked what the timeframe was between when the quadrennial needed to be submitted and when the taxes are due.

Buturla said he did not have the information in front of him.

Drugonis suggested they all prepare questions for Joe before the next meeting.

7. Fire Commissioner's request to review terms of Fire Chiefs

Drugonis said that Clay sent over a letter concerning a couple new things concerning the Fire Chiefs. The letter was dated August 12, 2019. They are requesting the following changes;

- Request to add "deputy" chief between chief and assistant chiefs to all appropriate sections. This is to eliminate problems within the chain of command within the fire department.

She asked if it was not called this before.

Burke said that his understanding is it is just a name change. They used to have the Chief and then 1, 2, and 3 assistant chiefs. They nominated one of them to Deputy and they would like the language to reflect that.

Drugonis said she agrees with that. She said that speaking to the Chief, he wanted 3 assistant chiefs, however the Fire Commissioners have not met because they have issues with the Zoom meetings. She said if they are asking for sections 6-21 through 6-25 to be changed, she does not have an issue with that.

VanEgghen said he agrees as well.

Buturla said there is no problem and most towns do this. He said that this can be referred to the Board of Selectmen, but to do it at the next meeting so they have something written up for them tomorrow.

Findley said that looking at 6-21 there says "one or more assistant chiefs" and perhaps they should cap the number of chiefs.

Drugonis asked about changing the term limit to 4 years for each of them, so that by the time they become Chief they understand the roles very well. She was told that by Tom Eighmie, but she does not have it in writing.

Burke said he believes that will need to come from the fire commissioners.

Buturla asked to clarify, they are only adding deputy chief in between Chief and Assistant Chief. He said if that is the case they can refer to the BOS and tomorrow night he will pass something out. After that, it can be sent out for a public hearing and there can be comments from the Commissioners if they have a problem with anything they have done.

Findley asked if they do need to get rid of the "or more assistant chiefs"

VanEgghen said that right now they do not need to cap the Assistant Chiefs because right now there are three.

Drugonis said no, just in case the department gets bigger and they need more than what they have.

8. Fire Fighter's Abatement

Drugonis said the Fire Commissioners are requesting that a tax abatement committee be charged with viewing the program for updates and changes. She said she thinks this is good because instead of the Captain or Officers checking off abatements, the Fire Commissioners have a Committee made up of people from their firehouses, to approve those members who went to the calls. It is multiple sets of eyes instead of one set of eyes.

Findley asked if it was being used as a governance board.

Drugonis said it is being used more of a check and balance.

Findley said there should also be factual data that flows with who made which call.

Drugonis said yes but it only each Firehouse that sees this. Each Firehouse gives the list to the Commissioners and they go by the list.

Findley asked what this Committee would be doing differently to ensure this information is factual.

Drugonis said that she would check it to a third party audit. For example, when each Fire House gives the list to the Committee of who will be getting the abatement, the Committee would then go through lists of who was at the meetings, drills and attendance sheets.

Findley says he thinks this is more clerical work than Committee Work.

Drugonis said they could kick it back to the Fire Commissions and ask more detail on what this Committee would do.

Findley said he would just like more information on why they think this is important and why they think they need this.

Drugonis said she thinks they should send it back to the Fire Commissioners to send more detail.

The next issue the Board of Fire Commissioners asked them to take a look is requesting the following requirements for members over 65 years of age and 25 years of service, pursuant to the House Bill number 5277c, for an ordinance within the Town of Seymour;

- Any member over 65 years of age and 25 years of service not able to actively participate in the day-to-day operations of the department, but is able to maintain some level of activity for the benefit of the department, shall be eligible for this abatement.

VanEgghen said he is a huge fan of things like this, especially because they have already put in the 25 previous years of service. He is in support of this. He asked if there was a number of how many people this would affect.

Drugonis said she did not know. They have to look at the tax abatement because it is a W9, it is not really a tax abatement, and they end up paying taxes on it.

Burke said that the Auditors had an issue with the way things had been done so it needed to be change and now the fire fighters are paying taxes on the "abatement".

Drugonis said that her understanding was that the \$500 or \$1,000 was automatically coming off if they owned a home. Instead, we are giving them a W9 form and they end up paying taxes on it.

Buturla said his understanding was the IRS issued a ruling and the auditors passed it onto the town.

VanEgghen said he would like someone with a financial background to weigh in on the current process, but he is in favor of this.

Findley asked if we would give people the benefit of the doubt, if they moved to Seymour and had been a part of another municipalities fire department for 20 years, it would care over to us.

Drugonis read the House Bill, which states, "any ordinance may authorize inter-local agreements for the purpose of providing property tax relief, who live in one municipality but volunteer or volunteered their services in another municipality."

Buturla said they could choose to extend the benefit after you know what we are talking about in terms of the scope. On the other hand, we may need to ask questions about the Ambulance Corps and more.

Drugonis mentioned that the numbers will fluctuate from year to year. We could ask them and send this back to the Commissioners.

VanEggen said yes, they are fully in support of it, they would just like more information.

9. Discussion and take possible action on other ordinances forwarded by the Board of Selectmen

Drugonis said just to recap;

- Buturla is looking for more info regarding the noise ordinance and assessments for nonprofits
- Joe will come to the next meeting about the assessments for nonprofits
- From the Fire Cheif's get their request in writing about the term limits
- Fire Fighter's abatement just needs more data
- Seymour WPCA will be forwarded to the BOS meeting tomorrow night

VanEgghen made a motion for a Ordinance meeting on the 29th at 7pm.

Drugonis seconded.

All in favor.

10. Adjournment

Motion by Bob Findley

Second by Rob VanEgghen.

Meeting adjourned at 9:28pm.