

**Town of Montville Town Council
Regular Meeting Minutes for December 14, 2009
7:00 PM – Town Council Chambers
Town Hall**

1. Call to Order – Chairwoman Jacobson called the meeting to order at 7:05 PM.
2. Pledge of Allegiance
3. Roll Call – Present were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Also present were Mayor Jaskiewicz and Town Attorney Bruce Chudwick.
4. Items to be Added to the Agenda - Motion by Councilor Hillman, Second by Councilor Beetham to make the following changes to the agenda: 1) Change Agenda Item 11 to read A) Town Administration / Rules of Procedure, B) Finance, and C) Public Works / Solid Waste Disposal; 2) add Item 13I to waive Rule 13C of the Town Council Rules of Procedure in order to fill a vacancy on the Parks and Recreation Commission; 3) add Item 13J to appoint John Geary to the School Building Committee as an alternate member; and 4) add Item 13K to appoint Mr. Scott LaVallie to the Parks and Recreation Commission as a full voting member. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.**
5. **Motion** by Councilor Beetham, Second by Councilor Hillman to approve the organizational meeting minutes of November 9, 2009. **Discussion:** Under Remarks from the Public, Ms. Eccelston spoke on behalf of keeping Councilor Caron as the Liaison for the Senior Center, and she presented the Council with a signed petition of over 200 signatures in support. Mr. Daniel Dunn spoke on behalf of the Youth Services Bureau. **Motion** by Councilor Beetham, Second by Councilor Caron to amend the minutes as noted. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.** Chairwoman Buebendorf called for a voice vote on the Motion on the table, as amended. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.**
6. Executive Session
 - A. **Motion** by Councilor Hillman, Second by Councilor Beetham to enter into Executive Session for the purpose of interviewing the following people for re-appointment to boards and/or commissions; Mr. William Pieniadz for re-appointment to the Planning and Zoning Commission, Ms. Christy Wojcik for re-appointment to the Public Safety Commission, Mr. Scott LaVallie for appointment to the Parks and Recreation Department, and Mr. Chuck Longton for appointment as an alternate member of the Zoning Board of Appeals. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** Council members entered into executive session at 7:12 PM; they returned at 7:35 PM and Chairwoman Jacobson stated that no formal votes were taken.
 - B. **Motion** by Councilor Buebendorf, Second by Councilor Hillman to enter into Executive Session with Mayor Jaskiewicz, Labor Counsel Eileen Duggan, and Human Resources Manager Katherine Christopher for the purpose of reviewing records, reports and statements of strategy or negotiations with respect to collective bargaining and an individual employment agreement with Katherine Christopher, Human Resources Manager. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** Council members entered into executive session at 7:36 PM; they returned at 8:39 PM and Chairwoman Jacobson stated that no formal votes were taken.
7. Remarks from the Public – *Mr. Chuck Longton, 31 Laurel Drive*, addressed the Council and stated that he is pleased that the Town has taken the step to hire a Human Resources Manager.
8. Communications
 - A. Notice from Chairwoman Lynn Malerba of the Mohegan Tribal Council regarding a dinner on Thursday, December 17, 2009. **Discussion:** Mayor Jaskiewicz asked that the Council members RSVP for this event as soon as possible, if they have not done so already.
9. Report from the Town Attorney on matters referred

Attorney Bruce Chudwick reported that his office has been working on organizational matters such as whether to appoint alternate members to the Public Safety Committee, and working with the Public Safety Building Committee. In response to a question by Councilor Beetham, Attorney Chudwick reported that Town Council Members cannot place bids on property being auctioned by the Town, according to §49-B3.
10. Remarks from the Mayor and/or Administrative Department Heads

Mayor Jaskiewicz reported on the following: 1) bids are in on the Oxoboxo Bridge project, with a tentative project start date of March 2010; 2) bids are now being accepted for asbestos removal at 275 Route 163; 3) thank you to John Geary, Ed Radgowski and Rosetta Jones for their service to the Town; 4) thank you to the police and fire departments, and all of the businesses in Town and members of the community who participated in collecting food to distribute to our local families in need. A large amount of goods were collected; 5) on January 5, 2010, there will be a meeting with officials from the Town of Norwich to discuss collaboration on fixing the Montville Bridge; and 6) the Mayor introduced Ms. Katherine Christopher, Human Resources Manager.

Finance Director, Terry Fafard, reported on the following: 1) a meeting will be held with Mr. Bob Lucas, Tax Management Associates, to discuss performing business property audits. The cost is approximately \$50,000.00 to start the project, but there is a potential that the Town would receive a 3-to-1 return on that investment; 2) she has a meeting with Mr. Brian Lynch, WPCA, regarding setting up a payment plan for that department to pay back the Town. Ms. Fafard will provide an update at January's meeting; and 3) on the agenda tonight is the matter of the Town entering into a one-year contract with Point and Pay LLC in order to allow customers to use credit card and e-pay options, which will give customers the option of paying at the counter, online or through an 800 number. There will be one in the Building Department and one in the Town Clerk's office. There are no set up fees for this service. Ms. Fafard reported that she received approval from the Town Attorney to go ahead with the contract.

11. Reports from Standing Committee

A. Town Administration / Rules of Procedure – Councilor Hillman reported that Town Administration met to discuss cultural awareness on November 17th, with a follow up meeting scheduled on December 15th.

B. Finance – Items on the agenda.

C. Public Works / Solid Waste Disposal– Councilor McFee reported that there was a special meeting held on December 1st to discuss the Montville Road Bridge. Other focus has been on clean-up; there will be a bulky waste pickup in the Spring for metal only, with another one in the Fall. Waiting on bids for the Palmertown project.

12. Reports from Special Committees and Liaison Councilors

Councilor Murphy reported on the Board of Education: 1) BOE elected a new Chairman, Republican David Rowley; 2) Montville High football team won the ECC Medium Division; 3) Montville High Girls' soccer team won the ECC Medium Division; 4) Montville High student Tyler Leeman scored a record-breaking 28 goals in soccer. He has been selected to be on the First Team All New England; 5) BOE is working on their budget.

Councilor Caron reported on the following: 1) Commission on the Aging met about creating a new program called Chicken Soup to reach out to the homebound seniors in our town; 2) Youth Services' pie judging contest was a success. Please read Youth Scoop in order to find out about special events involving the Youth Services Bureau. Youth scoop can be found on the counter to your left as you enter Town Hall; 3) Social Services is working on the holiday baskets, which will be ready for delivery or pickup on Saturday; and 4) Economic Development Commission – no meeting.

Councilor Beetham reported on the following: 1) the Raymond Hill Library had to take funds from their treasury in order to cover some of the costs for renovations to fix damages after the pipes froze earlier this year; and 2) Planning & Zoning items are on the agenda.

Councilor Buebendorf reported on the following: 1) the Parks and Recreation Department job description for a Recreation Director is on the agenda; 2) basketball is in full swing and going well; 3) looking at current recreation fees to assess if fees are appropriate; and 4) Public Safety has a meeting next week, and one of the agenda items for discussion is possible police regionalization with Ledyard and Preston.

Councilor Hillman reported on the following: 1) WPCA met on December 7th; Mr. Brian Lynch made a presentation on the WPCA facilities and possible changes in the future; 2) discussion was held on sewer avoidance areas in town; 3) the sludge contract was awarded to the Metropolitan District for 2010, they will pay \$230.00 per dry ton, resulting in a \$70,000.00 savings; 4) facilities plan is almost complete and should be completed by February 2010; 5) Two new sewer connections last month; and 6) water meter replacement project has begun on older portions of the water system. New meters will be measured in gallons instead of cubic feet.

Councilor McFee reported on the following: 1) met with Jackie Becka regarding the Montville Fair LLC and what the current situation is, and it does not look good that this program will continue. Maybe we could consider alternative programs for the community.

Chairwoman Jacobson reported on the following: 1) Public Safety Building Committee item is on the agenda; and 2) the BOE School Building Committee is 99% done, and will now go to the auditing stage.

13. Appointments and Resignations

Motion by Councilor Buebendorf, Second by Councilor Caron to waive Rule 13C of the Town Council Rules of Procedure in order to fill a vacancy on the Parks and Recreation Commission. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.**

A. **Nomination** for Mr. Chuck Longton by Councilor Buebendorf, Second by Councilor Caron. **Nomination** for Ms. Rosetta Jones by Councilor Beetham, Second by Councilor Hillman. **Roll Call Vote:** For Mr. Chuck Longton; Councilors Buebendorf, Caron and Murphy. For Ms. Rosetta Jones; Councilors Beetham, Hillman, McFee and Jacobson. **Carried 4-3; Ms. Rosetta Jones** will fill the unexpired term on the Board of Assessment Appeals, with a term to expire on November 14, 2011.

B. **Nomination** for Mr. Chuck Longton by Councilor Caron, Second by Councilor Buebendorf. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Carried 7-0; Mr. Chuck Longton** will fill a vacancy for an alternate member of the Board of Assessment Appeals, with a term to expire on November 14, 2011.

C. **Nomination** for Mr. David Jetmore by Councilor Buebendorf, Second by Councilor Hillman. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Carried 7-0; Mr. David Jetmore** will fill a vacancy for a full voting member of the Public Safety Commission, with a term to expire on January 9, 2013.

D. **Nomination** for Ms. Deborah Schober by Councilor Beetham, Second by Councilor Caron. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Carried 7-0; Ms. Deborah Schober** will fill a vacancy for a full voting member of the Water and Sewer Commission, with a term to expire on January 9, 2014.

E. **Nomination** for Mr. John Geary by Councilor Buebendorf, Second by Councilor Hillman. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Carried 7-0; Mr. John Geary** will fill a vacancy for a full voting member of the Commission on the Aging, with a term to expire on November 11, 2010.

F. **Nomination** for Mr. Jim Toner by Councilor Beetham, Second by Councilor Caron. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Carried 7-0; Mr. Jim Toner** will fill a vacancy for a full voting member of the Economic Development Commission, with a term to expire on June 12, 2011.

G. **Nomination** for Mr. James Andriote, Sr. by Councilor McFee, Second by Councilor Beetham. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Carried 7-0; Mr. James Andriote, Sr.** will fill a vacancy for a full voting member of the Economic Development Commission, with a term to expire on June 9, 2013.

H. **Nomination** for Ms. Laura Tanner by Councilor Murphy, Second by Councilor Buebendorf. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Carried 7-0; Ms. Laura Tanner** will fill a vacancy for a full voting member of the Youth Advisory Board, with a term to expire on December 8, 2010.

I. **Nomination** for Mr. John Geary by Councilor Buebendorf, Second by Councilor Caron. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Carried 7-0; Mr. John Geary** will fill a vacancy as an alternate member of the BOE School Building Committee.

J. **Nomination** for Mr. Scott LaVallie by Councilor Buebendorf, Second by Councilor Caron. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Carried 7-0; Mr. Scott LaVallie** will fill a vacancy as full voting member of the Parks and Recreation Commission, with a term to expire on October 5, 2012.

14. Unfinished Business

A. **Resolution #2009-124.** The Town of Montville Hereby Resolves to approve and adopt the ordinance entitled "An Ordinance Regarding the Conveyance of Real Property Located at 1887 Route 32.", as read at a public hearing on Monday, December 14, 2009. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-124 Adopted 7-0.**

15. New Business

A. **Resolution #2009-125.** The Town of Montville Hereby Resolves to refund taxes due to overpayments and corrections in the amount of \$1,983.05 (One Thousand Nine Hundred Eighty-Three Dollars and Five Cents), at the request of the Tax Collector and as outlined on Schedule A and made a part of the agenda. **Motion** by Councilor Beetham, Second by Councilor Caron. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-125 Adopted 7-0.**

B. **Resolution #2009-126.** The Town of Montville Hereby Resolves to close Town Hall at 1:00 PM on Thursday, December 24, 2009, in observance of the Christmas holiday. **Motion** by Councilor Hillman, Second by Councilor Caron. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-126 Adopted 7-0.**

C. **Resolution #2009-127.** The Town of Montville Hereby Resolves to approve Holiday Bonuses in the amount of \$100.00 for full-time permanent staff, \$25.00 for part-time permanent staff that work an average of at least 15 hours per week, and \$50.00 for the Registrar of Voters, who work 20 hours per week. **Motion** by Councilor Beetham, Second by Councilor Caron. **Discussion:** **Motion** by Councilor Beetham, Second by Councilor Buebendorf to amend the resolution to include Minutes Clerks that have been working with Town Commissions and Boards for at least one year. **Voice Vote:** Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. **Roll Call Vote on the Resolution as amended:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-127 Adopted 7-0.**

D. **Resolution #2009-128.** The Town of Montville Hereby Resolves to approve the funding for and to authorize the Mayor to execute the Employment Agreement negotiated by the Mayor between the Town of Montville and Local 1303-341, Council #4, AFSCME, AFL-CIO (Water Pollution Control Authority which shall be in effect from July 1, 2009, through June 30, 2010. **Motion** by Councilor Caron, Second by Councilor Buebendorf. **Roll Call Vote:** In Favor; Councilors Buebendorf, Caron, Hillman, Jacobson and Murphy. Opposed; Councilors Beetham and McFee. **Resolution #2009-128 Adopted 5-2.**

E. **Resolution #2009-129.** The Town of Montville Hereby Resolves to approve the funding for and to authorize the Mayor to execute a Side Letter dated November 6, 2009, with Local 1303-341, Council # 4, AFSCME, AFL-CIO (Water Pollution Control Authority) concerning clarification of leave issues with respect to the change of the term dates of the contract. **Motion** by Councilor Buebendorf, Second by Councilor Caron. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-129 Adopted 7-0.**

F. **Motion** by Councilor Hillman, Second by Councilor Buebendorf to approve and authorize the Mayor to

execute an employment agreement for the term of November 30, 2009, through June 30, 2011, with Katherine Christopher, Human Resources Manager. **Discussion: Motion** by Councilor Hillman, Second by Councilor Caron to postpone this matter in order to send to Town Administration for review. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Carried 7-0. Postponed and send to Town Administration.**

G. **Motion** by Councilor Hillman, Second by Councilor Buebendorf to approve the Memorandum of Understanding between the Teamsters Local 493 (non-management Town Hall employees) concerning a temporary increase to the rate of pay for the Administrative Assistant in the Recreation Office for the length of time that the Recreation Director position remains vacant. **Discussion: Motion** by Councilor Hillman, Second by Councilor Beetham to postpone this matter in order to send to Town Administration for review. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson and McFee. Opposed; Councilor Murphy. **Carried 6-1. Postponed and send to Town Administration.**

H. **Resolution #2009-130.** The Town of Montville Hereby Resolves to approve and adopt the position description for the position of Recreation Director as prepared by and requested by the Parks & Recreation Commission. **Motion** by Councilor Buebendorf, Second by Councilor Caron. **Discussion: Motion** by Councilor Hillman, Second by Councilor Buebendorf to amend the position description to include requirement that the applicant must be able to lift at least 25 lbs. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** Chairwoman Buebendorf called for a Roll Call Vote on the Resolution as amended. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-130 Adopted 7-0, as Amended.**

I. **Resolution #2009-131.** The Town of Montville Hereby Resolves that Joseph W. Jaskiewicz, Mayor of the Town of Montville, Connecticut, is hereby authorized to execute the Local Bridge Program Supplemental Application on behalf of the Town of Montville for the Old Colchester Road over Oxoboxo Lake, Bridge No. 085005 project. **Motion** by Councilor Murphy, Second by Councilor Buebendorf. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-131 Adopted 7-0.**

J. **Motion** by Councilor Murphy, Second by Councilor Caron to continue to retain the firm of Shipman & Goodwin, LLP as legal counsel for the Town for the term of January 1, 2010, through December 31, 2011; and further, to authorize the Mayor to execute the Fee Agreement as presented in a letter of December 3, 2009, from current Counsel Bruce A. Chudwick. **Discussion: Motion** by Councilor Hillman, Second by Councilor Beetham to postpone this matter in order to send to Town Administration for review. **Voice Vote:** In Favor; Councilors Beetham, Hillman, Jacobson and McFee. Opposed; Councilors Buebendorf, Caron and Murphy. **Carried 4-3. Postponed and send to Town Administration.**

K. **Motion** by Councilor Buebendorf, Second by Councilor Caron to accept and incorporate into the Town roadway system the extension of Elberta Place to the cul-de-sac at its end; said road is located in the McCloy Subdivision. **Discussion: Motion** by Councilor Beetham, Second by Councilor Hillman to postpone this matter. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Carried 7-0. Postponed.**

L. **Resolution #2009-132.** The Town of Montville Hereby Resolves to enter into a grant agreement with the State of Connecticut Department of Emergency Management & Homeland Security for the FFY2008 Homeland Security Grant, and further, to authorize Mayor Joseph W. Jaskiewicz to execute and deliver any and all documents on behalf of the Town of Montville and to do and perform all acts and things that he deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents. **Motion** by Councilor Hillman, Second by Councilor Caron. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-132 Adopted 7-0.**

M. **Resolution #2009-133.** The Town of Montville Hereby Resolves to establish a new fund called Oxoboxo Road Bridge. **Motion** by Councilor Murphy, Second by Councilor Caron. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-133 Adopted 7-0.**

N. **Resolution #2009-134.** The Town of Montville Hereby Resolves to establish a new fund called Palmertown Water Phase II. **Motion** by Councilor Murphy, Second by Councilor Caron. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-134 Adopted 7-0.**

O. **Resolution #2009-135.** The Town of Montville Hereby Resolves to enter into a one year agreement with Point and Pay LLC to provide Credit Card processing services. **Motion** by Councilor Murphy, Second by Councilor Hillman. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-135 Adopted 7-0.**

P. **Resolution #2009-136.** The Town of Montville Hereby Resolves to transfer \$20,000 to Unemployment (#10420-52018) from Contingency (#10480-52164). **Motion** by Councilor Murphy, Second by Councilor McFee. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-136 Adopted 7-0.**

Q. **Motion** by Councilor Beetham, Second by Councilor Caron to transfer funds in the amount of \$5,650.00 (Five Thousand Six Hundred and Fifty Dollars) from Contingency (#10480-52164), as outlined on Schedule B attached hereto. **Roll Call Vote:** In Favor; Councilors Beetham, McFee and Jacobson. Opposed; Councilors Buebendorf, Caron, Hillman and Murphy. **Resolution Fails 3-4.**

R. **Resolution #2009-137.** The Town of Montville Hereby Resolves to:

- 1) Repeal Resolution #2009-050 and Resolution #2009-070;
- 2) Establish a special committee to be known as the Public Safety Building Committee for the purpose of planning, designing, and constructing an approximately 16,000 square foot new public safety building on the Town owned property located at 909 Norwich-New London Turnpike (The Haughton

Cove site). The Committee shall implement the Town of Montville Public Safety Building Ad Hoc 2008 Final Report (the "Report), including the Space Needs Assessment included therein, in the final design and construction of the building. The Committee is authorized to search and apply for all available funding from any legal entity. The Committee shall not authorize expenditures in excess of funding approved by the Town Council or Referendum. The Building Committee's charge as attached hereto as Schedule C is hereby approved; the Committee shall be composed of seven (7) members and two (2) alternates. One (1) member each shall be from the Public Safety Commission, the Police Department, and the Fire Marshal's Office or the Emergency Management Department, and four (4) members and the two (2) alternates shall be from the public at large;

- 3) Establish a line item in the Town's 2009-2010 budget with an appropriation per Section C705A, Subsection A of the Montville Town Council of \$500.00 for the Public Safety Building Committee, and fund such from the Contingency Fund.

Motion by Councilor Beetham, Second by Councilor Hillman. **Discussion:** **Motion** by Councilor Buebendorf, Second by Councilor Murphy split this into two separate Motions; one to Repeal the original Resolutions, and the second to establish the Committee and give them their charge. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** **Motion** by Councilor Hillman, Second by Councilor Caron to amend the resolution further to split it into a third separate Motion to fund the Committee from the Contingency Fund. Finance Director Terry Fafard confirmed that there is sufficient funds in Contingency to support this line item. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** Chairwoman Jacobson called for a Roll Call Vote on the Resolution, as amended. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2009-137 Adopted 7-0.**

S. **Motion** by Councilor Hillman, Second by Councilor Murphy to appoint the established membership of the Public Safety Building Committee consisting of Jack Platt, Jonathan Leonard, Leonard Bunnell, David Jetmore, William Bucko, Paul Lewis and John MacNeil. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.**

T. **Motion** by Councilor Hillman, Second by Councilor Beetham to appoint the current established alternate members of the Public Safety Building Committee consisting of Ray Coggeshall and Chris Ida. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.**

16. Remarks from the Public

Lt. Bunnell thanked the Council for amending the resolutions regarding the Public Safety Building Committee.

Jim Andriote, 23 Tra-Mat Drive, stated that he is opposed to regionalization with Ledyard and Preston, towns that are across the river. In favor of regionalization with towns on the same side of the river.

17. Remarks from Councilors

Councilor Hillman wished everyone Happy Holidays!

Councilor Beetham stated that he likes the new format of the Town Council meeting agenda; and Merry Christmas to all.

Councilor McFee thanked Parks and Recreation on a great job on the Holiday parade, stating that he feels it gets better and better each year.

18. Adjournment – **Motion** made by Councilor Caron, Second by Councilor Hillman, to adjourn the meeting. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0. The meeting adjourned at 10:17 PM.**

Respectfully Submitted by:

Sandra Anderson CPS
Minutes Clerk
Montville Town Council

SCHEDULE C

CHARGE FOR THE PUBLIC SAFETY BUILDING COMMITTEE

BE IT RESOLVED:

Section 1 - Establishment; Duties. The Public Safety Building Committee (the "Building Committee") established by the Town Council shall serve as the building committee for the construction of a new public safety building in Montville. The Building Committee's duties and responsibilities shall be as follows:

- (a) Preliminary plan development. The Building Committee shall:
 - (1) Solicit proposals from qualified architects to prepare schematic drawings and project cost estimates, including costs of construction, engineering, finance, legal, contingency, independent construction monitoring and oversight, and other appropriate costs.
 - (2) Select an architectural firm(s) and negotiate a contract to be entered into between the Town and said firm(s), subject to approval of the Town Council. The architectural work will be contracted for in two phases:
 - (i) Phase one will consist of pre-referendum services, including the preparation of schematic drawings and cost estimates, including structural site work, grading and drainage, presentations to Town boards and commissions and other services and costs as determined by the Building Committee.
 - (ii) Phase two services will complete the project through Town acceptance and final payment to the contractor(s). The phase two contract will include the architectural fees and expenses to take the project through the design development, contract document, and administrative services phases during construction, including the preparation of bid documents and contract documents, the evaluation of bids and the determination of appropriate bonding, insurance and other soft costs. The contract(s) shall provide that the architect will not proceed beyond phase one services until the Building Committee has issued a notice to proceed after the approval of funding for the entire project; and that the Town has no financial obligation beyond phase one fees and expenses if the project funding is not approved.
 - (3) Obtain from the architect a certificate attesting to the architect's errors and omissions insurance coverage that will be valid throughout the duration of the project.
 - (4) Request sufficient funds from the Town Council to pay for the architect's phase one services. Upon approval of such funding, the Building Committee shall execute the contract with the architect for such services.
 - (5) Decide what type of owner's representative to use (if other than the architect) such as a clerk of the works, construction manager or general contractor. If a

construction manager is to be used, the Building Committee shall solicit proposals from qualified firms and negotiate services and fees for the pre- and post-referendum phases.

- (6) Submit the completed schematic drawings to the Town's Planning and Zoning Commission for informal review and recommendation and make such changes as appropriate in accordance with the contract for architectural services.
- (7) Submit the completed schematic drawings and project cost estimates to the Town Council for approval.
- (8) Upon Town Council approval of the schematic drawings and project cost estimates, request that the Town Council:
 - (i) Set a Town Meeting (and referendum if necessary) for the total project cost based on the cost estimates prepared by the architect and/or construction manager; and
 - (ii) Refer the project to the Town's Planning and Zoning Commission for a report under Section 8-24 of the Connecticut General Statutes.

(b) Final plan development. If the project is approved at the Town meeting (or referendum, if necessary) the Building Committee shall:

- (1) Complete final plans, working drawings and specifications, bid documents and contract documents. After approval by the Town Planning and Zoning Commission, the Building Committee shall submit the final plans to the Town Council for approval. Upon approval by the Town Planning and Zoning Commission, the Town Council and the Building Committee, the Building Committee shall, in accordance with the Town's established bidding procedures, put the project out to bid. After receipt of the bids, the Building Committee shall analyze the bids and make a recommendation to the Town Council. After approval by the Town Council, the Building Committee shall award the contract or contracts to the successful bidder.
- (2) Meet with the architect, general contractor (or construction manager) and clerk of the works to be certain that they reconcile any differences and agree as to what is required by the final plans, drawings and specifications, bid documents and contract documents. The Building Committee shall negotiate the construction contract(s) to be entered into by the Town and said construction firm(s), subject to approval of the Town Attorney and Town Council.
- (3) Ensure that the project is in substantial compliance with the functional intent of the building and the estimated cost of each building. The Building Committee shall seek guidance and approval from the Town Council if there is any question regarding substantial compliance of the functional intent or estimated cost.
- (4) Determine the scheduling/phasing of the planning and construction of the project.

- (c) Initiation, continuation and completion of construction. The Building Committee shall:
- (1) Award the architectural contract for administrative services during the construction phase, which contract is subject to the approval of the Town Council.
 - (2) Authorize the start of construction.
 - (3) Monitor the construction process to include meetings with the architect, clerk of the works and construction contractor as necessary to resolve any differences.
 - (4) Coordinate communication between the Building Committee and the Town Council to keep all parties up-to-date on developments.
 - (5) After reviewing with the Mayor, review and approve all requests for payment of project costs, and authorize the release of funds which have been withheld or designate those funds to be withheld pending completion of any unfinished work or for any other appropriate reason.
 - (6) After reviewing with the Mayor, consider and promptly act on change orders, making certain that any increase in the cost involved in any change order is within the amount appropriated for the project.
 - (7) Monitor the preparation by the architect of a list of items (punch list) which are not fully completed or which require further attention when the architect has certified that a building is substantially complete. The Building Committee shall make certain that such items are completed properly.
 - (8) Review the certification by the architect that construction has been completed in full compliance with the contract documents or review the list of items which are not yet satisfactorily completed.

Section 2 - Structure; Membership. The Building Committee will consist of seven (7) members. The members shall be appointed by the Town Council. The Town Council shall fill all vacancies on the Building Committee. The Building Committee shall choose its Chair, Vice Chair and Secretary. The Building Committee shall perform the duties and functions provided in this Resolution.

Section 3 - Administration. The Building Committee members shall not receive any compensation for their services. Necessary expenses of the Building Committee shall be included in the cost of the project. In carrying out their functions, the Building Committee shall comply with all aspects of the Connecticut Freedom of Information Act, as amended.

Section 4 - Grant and Loan Applications. The Building Committee shall assist the Mayor in applying for any federal, state or other grants or loans for the project and ensure that the grant or loan application and other documentation is filed expeditiously so that the Town receives any grant or loan funds on a timely basis.

Section 5 - Mayor's Responsibility for Coordination of Process. Throughout the planning and construction process, the Mayor shall be responsible for coordinating the process and working with the Building Committee or its designees/liaisons and making full

use of the Town staff and appropriate outside services as required. Within budgetary limits, the Mayor is authorized to obtain outside services as he believes are needed.

Section 6 - Execution of Contracts. The Mayor shall execute all contracts entered into by the Town for the project. The Town Attorney shall review all contracts before they are entered into by the Town and shall oversee the execution of such contracts and compliance with appropriate bonding and insurance requirements.

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