

Town of Montville Town Council
Regular Meeting Minutes for Monday, December 12, 2011
7:00 p.m. – Town Council Chambers – Town Hall

1. Call to Order

Chairperson Buebendorf called the regular meeting of the Montville Town Council to order at 7:00 p.m. after establishing a quorum.

2. Pledge of Allegiance

3. Roll Call

Present were Councilors Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Absent was Councilor Caron. Also present was Mayor Ron McDaniel, Finance Director Terry Hart and Town Attorney Bruce Chudwick.

5. Alterations to the Agenda

Motion made by Councilor Jones, seconded by Councilor Longton to;

- a. Amend agenda item 14 (d) to appoint Ms. Ellen Hillman to the Conservation Commission with a term to expire August 10, 2012;
- b. To correct the spelling of 14 (i) to Louis;
- c. Add an agenda item between #17 and #18 as follows; to consider and act on a motion to enter into executive session for the purpose of discussions regarding and ethics complaint.
- d. To consider and act on a motion to waive the rules to allow the Council to vote for all of the appointments and resignations listed under agenda item #14 Appointments and Resignations collectively as opposed to voting on each of them individually.

Voice vote, 6-0, all in favor, motion carried and the agenda was amended to reflect the changes.

6. To consider and act on a motion to approve;

- a. The organizational meeting minutes of November 14, 2011;
- b. The special meeting minutes of November 30, 2011.

Motion made by Councilor Tanner, seconded by Councilor Jones to approve the November 14, 2011 organizational meeting minutes and the November 30, 2011 special meeting minutes as submitted, discussion, none, voice vote, 6-0, all in favor, motion carried.

7. Executive Session

- a. To consider and act on a motion to enter into executive session for the purpose of interviewing the following candidates for Boards and Commissions; Mr. Rick Geiler to the Parks & Recreation Commission; and Mr. Rocco Basilica to the Public Safety Commission. Discussions held during executives session to include members of the Town Council and Mayor McDaniel.

Motion made by Councilor Longton, seconded by Councilor McFee to enter into executive session at 7:05 p.m., discussion, none, voice vote, 6-0, all in favor, motion carried and invited parties left Chambers for executive session at 7:05 p.m., returning at 7: 20 p.m. Chairperson

Buebendorf resumed the meeting and stated no formal votes were taken during the executive session.

4. Special Recognitions/Presentations

- a. Presentation by Chris Clark of the Mohegan Tribal Utility Association (MTUA) and Mr. Paul Formica, First Selectman of East Lyme, regarding an update to the Regional Water Supply.

Mr. Chris Clark apologized stating Mr. Formica was not able to attend the meeting due to a scheduling conflict. He updated the Council regarding the Regional Water Supply. He stated he has given this presentation/update to the Montville Water Pollution Control Authority and they suggested he present the information to the Town Council as well. He discussed the communities that are involved as depicted on the map titled "Regional Water Priority Planning Document" and their involvement in working on the water supply plan. Mayor McDaniel thanked Mr. Clark for his presentation and for helping to develop a Regional Water Supply Plan to the region. Mr. Clark discussed the five to ten year goals to work cooperatively to make it fair for all communities involved with the project. He discussed proposed water supplies and how the regional plan will benefit the communities that are deficient. He discussed incentives that may come out of the project once it is a regionalized project. Mayor McDaniel has a meeting with Mr. Formica tomorrow to discuss the proposal.

8. Remarks from the public relating to matters on the agenda with a three minute limit.

Lt. Bunnell, Montville Police Department spoke in favor of agenda item 16 (k), stating the Public Safety building is moving forward and the proposal to waive the bid is in the best interest of the Town.

Chairperson Buebendorf asked three times if there was anyone from the public who would like to come forward to address the Council.

9. Communications

- a. The November 2011 legal bills from Shipman & Goodwin, LLP.
- b. A memo from the Finance Director regarding the 2012/2013 operating budget request to all Department Heads.
- c. A resignation letter dated October 1, 2011 from Mr. Robert J. Baron,
- d. The statistic reports from the Police Department, Fire Marshal, Building Official, Chesterfield, Montville, Oakdale and Mohegan Fire Companies and Animal Control for the month of October;
- e. A copy of the draft by-laws of the Niantic River Watershed Committee.

10. Report from the Town Attorney on Matters Referred.

Attorney Bruce Chudwick reported he has been working on tax appeals and the issue with the letter to the editor but overall it has been a slow month.

11. Remarks from the Mayor and/or Administrative Department Heads to include Matters Referred.

Mayor McDaniel discussed the closure of the AES Thames sold at bankruptcy auction and how this will impact its employees and the Town of Montville as a whole with the loss of jobs and tax revenue. He discussed the Rand Whitney chemical spill and the sewer main break that the

WPCA is currently working on. He stated he has instructed the Social Services office to open five days a week to help serve the needs of the community and stated the current hours are Tuesday through Friday with appointments on Mondays by appointment only. He discussed his proposal to install a keycard system in for entry to the Town Hall to prevent vandalism and theft at the Town Hall. He stated he is speaking with the IT professional to determine if town meetings can be televised or webcasted for the convenience of the residents who do not have time to attend meetings but would like to stay informed. He stated the initial cost to install fixed cameras in the Council Chambers will be approximately five thousand dollars with approximately three thousand dollar per year operating cost per year. It was the consensus of the Councilors to move forward with pursuing the proposal and they asked if the IT Professional could attend the next meeting to discuss the proposal and answer questions from the public. Mayor McDaniel stated he is working with the Council secretary to provide meeting materials by email and to eventually make all the correspondence paperless. He discussed a meeting he will attend with local state representatives and senators and the Town Planner to discuss helping local businesses in the tough economy with low income business loans and grants. He discussed repairs being made around town and how the roads have been sanded each night due to the wet conditions causing ice on the roads. He congratulated Councilor Jones on her recent retirement from the Southeastern Community Foundation and stated he and Councilor Buebendorf were happy to have the opportunity to celebrate the event with her.

Ms. Terry Hart, Finance Director discussed the Finance Report with the Council, she reviewed line items that are currently running in the red including the unemployment and Public Works overtime. She stated the Town anticipates a reimbursement from FEMA in the amount of thirty thousand dollars for storm related manpower and repairs and thirteen thousand dollars from the town's insurance carrier for repairs to the air conditioning compressor over the summer.

12. Reports from Standing Committees.

a. Town Administration/Rules of Procedure

Councilor Tanner stated the committee met and elected a Chairperson and established their monthly meeting date for the third Monday of the month. She stated they are currently working on a noise ordinance.

b. Finance

Councilor Murphy stated there are several items on the agenda for discussion from the Finance Committee. Letters have gone out to all Department Heads requesting budget information.

c. Public Works/Solid Waste Disposal

Councilor Longton stated the sub-committee met and discussed a proposed "Pay as you Throw bag system" for garbage disposal and ways to reduce waste at the Transfer Station. The committee elected a Chairperson and established their 2012 meeting dates.

13. Reports from Special Committees and Liaison Councilors

a. Councilor Caron: Commission on Aging; Social Services; Montville Youth Services; Senior Center; School Building Committee

Councilor Caron was not present to report on the Commission activity.

b. Councilor Jones: Library; Planning & Zoning Commission

Councilor Jones stated the Library committee did not meet. Planning & Zoning met and approved the revisions to the Zoning Regulations as well as the Subdivision Regulations effective December 15, 2011. She discussed the affordable housing project and stated the Commission is in favor of supporting the proposal.

c. Councilor Longton: Economic Development Commission

Councilor Longton stated the EDC met and appointed a new Chairperson. The meeting was informative and the members discussed ways to get more involved in the community and they discussed joining local Chambers of Commerce. The commission has invited the heads of the local Chambers to attend their next meeting for discussion.

d. Councilor McFee: Volunteer Firefighters Relief Fund; Inland Wetlands Commission

Councilor McFee stated the commissions did not meet last month and he has nothing to report.

e. Councilor Murphy: Board of Education; WPCA; Public Safety Building Committee

Councilor Murphy discussed the DARE program and stated they are doing a great job. He has requested a year to date spending report and will forward it to the Councilors when he receives it. He discussed the WPCA and a water main break and stated the Public Safety building slab has been poured and the waiver of the bid for the tower is on the agenda.

f. Councilor Tanner: Parks & Recreation Commission; Non-Profit Organizations

Councilor Tanner reported the Parks & Recreation Commission meets on Wednesday and their Chairman has sent his resignation letter to the Council. She did not have anything to report on the Non Profit Organizations.

g. Councilor Buebendorf: Public Safety Commission; Regional Dispatch Committee

Councilor Buebendorf reported that a site walk for the proposed tower at the Public Safety building site took place, and that the proposal for the Public Safety Plan is on the agenda.

14. Appointments and Resignations

Motion made by Councilor Longton, seconded by Councilor Tanner to approve agenda items 14 a, b, c, d, e, f, g, h, i, j, k, l, m, and n. Discussion, none, voice vote, 6-0, all in favor, motion carried.

- a. To consider and act on a motion to accept the resignation of Mr. Stan Gwudz from the Parks & Recreation Commission effective January 1, 2012.
- b. To consider and act on a motion to accept the resignation of Mr. Robert J. Baron from the Planning & Zoning Commission.
- c. To consider and act on a motion to appoint Ms. Karen Perkins to the Parks & Recreation Commission to fill the vacant term to expire October 12, 2015.
- d. To consider on a motion to appoint Ms. Ellen Hillman to the Conservation Commission to fill a vacancy with a term to expire August 10, 2012.
- e. To consider and act on a motion to appoint Ms. Meghan Leonard to the Youth Advisory Board to fill a vacancy with a term to expire December 13, 2012.
- f. To consider and act on a motion to appoint Mr. Timothy Shanahan to the Youth Advisory Board with a term to expire December 14, 2014.

- g. To consider and act on a motion to appoint Ms. Marilyn Williams to the Youth Advisory Board with a term to expire December 10, 2013.
- h. To consider and act on a motion to appoint Ms. Anita Katske to the Planning and Zoning Commission to fill a vacant term to expire November 9, 2013.
- i. To consider and act on a motion to appoint Mr. Louis Ziegler to the Commission on the Aging with a term to expire December 14, 2014.
- j. To consider and act on a motion to appoint Mr. Gary Wisniewski to the Historical Steering Committee with a term to expire December 14, 2013.
- k. To consider and act on a motion to appoint Mr. Donald Bourdeau to SCRRRA with a term to expire January 1, 2017.
- l. To consider and act on a motion to appoint Mayor Ron McDaniel to SCRRRA to fill a vacant term to expire November 14, 2013.
- m. To consider and act on a motion to appoint Mayor Ron McDaniel to SEAT (Southeastern Area Transit Authority) with a term to expire November 30, 2015.
- n. To consider and act on a motion to appoint Mayor Ron McDaniel as the representative to the Thames Valley Council for Community Action, Inc. (TVCCA) with a term to expire November 16, 2015.

15. Unfinished Business

16. New Business

- a. Resolution #2011-099. THE TOWN OF MONTVILLE HEREBY RESOLVES to refund taxes due to overpayments and corrections in the amount of \$575.96 (five hundred and seventy five dollars and ninety six cents) as requested by the Tax Collector and attached hereto as Schedule A. (Councilor Buebendorf)

Motion made by Councilor Tanner, seconded by Councilor Longton, discussion, none, Roll call vote, 6-0, voting in favor were Councilors Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- b. Resolution #2011-100. THE TOWN OF MONTVILLE HEREBY RESOLVES to make a onetime payment in the amount of \$9,621.77 (nine thousand six hundred twenty one dollars and seventy seven cents) to former Mayor Joseph Jaskiewicz for his unused accrued sick and vacation time. (Councilor Murphy)

Motion made by Councilor Longton, seconded by Councilor Tanner, discussion, it was the consensus of the Council a policy needs to be established for this purpose. The payout is based on past practice and pays out for thirty days of sick time and two and one half weeks of unused vacation during the 2011 calendar year. Mayor McDaniel stated the Mayor is entitled to four weeks of vacation and former Mayor Jaskiewicz used only a week and one half of his time. Roll call vote, 6-0, voting in favor were Councilors Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- c. To consider and act on a motion to discuss creating a policy for a Mayor's unused accrued sick and vacation time. (Councilor Murphy)

Motion made by Councilor Jones, seconded by Councilor Murphy, discussion, Councilor Murphy stated the Finance Committee has discussed the issue and determined the current policy is outdated and inconsistent and in need of revision. He stated it would be best to move the item to Administration to allow them to formulate a plan that is easily understood and consistent. He stated a policy was started in 2006 by the former Human Resource specialist and the framework for the policy is already laid out, it just needs new wording and consistency.

Motion made by Councilor Jones, seconded by Councilor Longton to forward this to Town Administration so they can establish a policy for the future regarding Mayor's unused accrued sick and vacation time. Discussion, none, voice vote, 6-0, all in favor, motion carried.

- d. Resolution #2011-101. THE TOWN OF MONTVILLE HEREBY RESOLVES to endorse the Regional Performance Incentive Program proposal referenced in Section 5 of Public Act 11=61 (an Act concerning responsible growth). Such proposal is attached to and made part of this record. (Councilor Buebendorf)

PROPOSAL

- Prepare a comprehensive plan and a model for shared services, equipment, and staff by all 20 SCCOG municipalities. The study would identify costs and savings for each service analyzed, and would outline steps necessary, including any required local or state legislative action, to implement. One of the outgrowths of this analysis could be future applications for RPI funding.
Grant Application Amount: \$330,000
- Create an index of all town clerk maps and the parcel data associated; establish an online open source database that can be used for searching information, data entry and is functional with the region's online GIS (AppGeo product and others); and create a printed index listing associated maps.
Grant Application Amount: TBD

Motion made by Councilor Murphy, seconded by Councilor Jones, discussion, Mayor McDaniel stated he did not add a third item regarding online building permits because it is expensive and not user friendly. If a grant is secured for this resolution there will be no cost to the town.

Roll call vote, 6-0, voting in favor were Councilors Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- e. THE TOWN OF MONTVILLE HEREBY RESOLVES to hire Almont's Associates of 6092 Sabah Hammock Circle, Port Orange, Florida 32128 in the amount of (\$48,600) forty eight thousand six hundred dollars to develop a Public Safety Plan for the Town of Montville. (Councilor Buebendorf)

Motion made by Councilor Murphy, seconded by Councilor Tanner, discussion, Councilor Murphy stated he would like to see the contracts that were submitted for review as well as a copy of the RFP prior to adopting the resolution.

Motion made by Councilor Murphy, seconded by Councilor Tanner to table this item until all three bids and the RFP are submitted to the Council for review. Discussion, none, voice vote, 6-0, all in favor, motion carried.

- f. Resolution #2011-102. THE TOWN OF MONTVILLE HEREBY RESOLVES to recognize the Niantic River Watershed Protection Compact signed on March 16, 2011 by Mayor Joseph W Jaskiewicz with the towns of East Lyme, Salem and Waterford and to hereby appoint two (2) representatives and one alternate. The initial term of one representative shall be (2) years, the other representative for (3) years and subsequently all appointments shall be made for a four year term. (Mayor McDaniel)

Motion made by Councilor Murphy, seconded by Councilor Tanner, discussion, Mayor McDaniel stated adopting this resolution will make it a part of the record and clean up any loose ends. Roll call vote, 6-0, voting in favor were Councilors Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- g. To consider and act on a motion to appoint Mr. David Turner to the Niantic River Watershed Committee with a term to expire December 14, 2015. (Mayor McDaniel)

Motion made by Councilor Tanner, seconded by Councilor Murphy, discussion, none, voice vote, 6-0, all in favor, motion carried, appointment made.

- h. Resolution #2011-103. THE TOWN OF MONTVILLE HEREBY RESOLVES to approve an addendum to the existing employment contract of Administrator Brian Lynch dated March 8, 2010. (Councilor Murphy)

Motion made by Councilor Tanner, seconded by Councilor Jones, discussion, Mayor McDaniel stated the amendment is a correction to a mistake made by the former Human Resources professional and the contract has already been negotiated in good faith, it adds the third year of the contract as it was originally meant to be. Roll call vote, 6-0, voting in favor were Councilors Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- i. Resolution #2011-104. THE TOWN OF MONTVILLE HEREBY RESOLVES to approve the addendum to the existing employment contract of Superintendent Thomas McNally dated September 17, 2009. (Councilor Murphy)

Motion made by Councilor McFee, seconded by Councilor Jones. Discussion, the Council discussed the changes made in the addendum and discussed the change to the contract that does not make getting a Class 3 license mandatory. Councilor Murphy inquired if the pay scale is based on the employee possessing a Class 3 license and if there should be a reduction in the pay scale to reflect the employee not obtaining the required license.

Roll call vote, 5-1, voting in favor were Councilors Jones, Longton, McFee, Tanner and Buebendorf, voting in opposition was Councilor Murphy, resolution adopted.

- j. To consider and act on a motion to discuss campaign endorsements by boards and commissions. (Councilor McFee)

Motion made by Councilor Longton, seconded by Councilor McFee. Discussion, Councilor McFee stated he does not feel the Chairman of the Youth Advisory Board, Mr. Daniel Dunn had the authority or the right to publish a letter to the editor endorsing a candidate on behalf of a board or commission. He stated the Youth Advisory Board did not authorize Mr. Dunn to write the letter and there should be a policy in place that states endorsements by town entities should not be allowed. He believes politics should stay out of the Boards and Commissions. He requested the Council send a letter to the Youth Advisory Board that requests Mr. Dunn to write a letter stating he sent the letter on his own accord. Councilor Jones stated there should be a policy in place and suggested sending the issue to Town Administration to establish a policy.

Motion made by Councilor McFee, seconded by Councilor Longton to send this matter to Town Administration to establish a policy. Discussion, none, voice vote, 6-0, all in favor, motion carried.

Motion made by Councilor McFee, seconded by Councilor Longton to send the Youth Advisory Board a request requesting they get a letter from Mr. Daniel Dunn stating he acted on his own accord when writing the letter to the editor suggesting the Youth Advisory Board endorsed a candidate during the election. Discussion, Councilors Tanner and Buebendorf stated it is a month past the time when something should have been done and at this point it is a moot point. Councilor McFee requested an amendment to the motion to state he would like a letter to go to the Montville Patch as well, stating he would additionally request the Council request the Youth Advisory Board send a letter to Mr. Dunn asking him to write a letter stating he acted on his own. Councilor Murphy agreed with Councilor McFee, stating he does not believe a member of a board or commission has the authority to write a letter on behalf of a board or commission without the board or commission's direction. He agreed a policy needs to be established to ensure this does not happen again and the Town Administration will address the issue. Roll call vote 1-5, voting in favor was Councilor McFee, voting in opposition were Councilors Jones, Longton, Murphy, Tanner and Buebendorf. Motion failed to pass.

k. Resolution #2011-105. THE TOWN OF MONTVILLE HEREBY RESOLVES to waive the sealed bid requirement in Section 708(a) of the Town Charter for the Communication Tower for Public Safety Building. (Mayor McDaniel)

Motion made by Councilor Longton, seconded by Councilor Tanner, discussion, Mayor McDaniel stated it is in the best interest of the town to waive the bid as this was an unforeseen circumstance and a waiver is required to move forward. The expenditure is covered under a bond and will not cost the town any additional expense and if the waiver is acquired the construction will proceed on schedule. Roll call vote, 6-0, voting in favor were Councilors Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

Executive Session

a. To consider and act on a motion to enter into executive session for the purpose of discussions regarding an ethics complaint to include members of the Town Council and Town Attorney Bruce Chudwick.

Motion made by Councilor Tanner, seconded by Councilor Jones, discussion, none, voice vote, 6-0, all in favor, motion carried and invited parties left Chambers for executive session at 8:42 p.m., returning at 9:04 p.m. Chairperson Buebendorf resumed the meeting and stated no formal votes were taken during the executive session.

17. Remarks from the Public

Chairperson Buebendorf asked three times if there was anyone from the public who would like to come forward to address the Council.

18. Remarks from the Councilors

Councilor McFee stated he was surprised to see the Chairman of the Parks & Recreation Commission, Mr. Stan Gwudz submit his letter of resignation. He stated he has done a great job over the years and he will be missed. He discussed the light parade in Niantic over the weekend and stated they did a great job and it was an impressive parade with a great turnout.

Councilor Longton relayed a message from Councilor Caron who stated he is out of state and is sorry he missed the meeting but submitted his reports to the Chairperson to read into the record.

Chairperson Buebendorf apologized for not reading Councilor Caron's reports into the record, stating she forgot to bring them to the meeting.

19. Adjournment

Motion made by Councilor Longton, seconded by Councilor Tanner to adjourn the meeting at 9:05 p.m. discussion, none, voice vote, 6-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.