

Town of Montville Town Council
Regular Meeting Minutes for January 12, 2009
7:00 p.m. – Town Council Chambers
Town Hall

1. Call to Order – Chairperson Buebendorf called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance
3. Roll Call – Present were Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Also present were Mayor Jaskiewicz and Town Attorney Lisa Gladke. Absent was Councilor Jones.

Mayor Jaskiewicz and Councilor Caron together, on behalf of the Economic Development Commission (EDC), presented a plaque to James Radgowski and Paul Botchis for their work in the Palmertown area. EDC Chairman, Albert Skulczyck, addressed the Council and stated that the EDC was very appreciative of the work that these gentlemen have done for the economic development in the Town of Montville. Mr. Skulczyck explained that presenting a plaque for appreciation was a new program, and that Mr. Radgowski and Mr. Botchis were the first to receive this honor. Mr. Skulczyck stated that the EDC looks forward to presenting similar plaques of recognition, quarterly, to others in the future.

Chairperson Buebendorf called for the following changes to the agenda: 1) Remove Agenda Items 5 as Mr. Jambor was not present; 2) Move Agenda Item 14I to be heard after Agenda Item 6; 3) Add Agenda Item 12D – to appoint a full voting member to the Parks & Recreation Commission, and choose between Ellen Hillman, Scott LaVallie and Phil Orbe; 4) Agenda Item 14B – change the word “hear” to “accept”; 5) Agenda Item 14C – change the word “discuss” to “consider”; 6) Add Agenda Item 14L to discuss the Planning & Zoning’s request to retain Attorney Ron Oschner; and 7) Remove Agenda Item 16. **Motion** by Councilor Geary, Second by Councilor Beetham to accept the changes to the agenda. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Motion Carried 6-0.**

4. **Motion** by Councilor Radgowski, Second by Councilor Caron to approve the regular meeting minutes of December 8, 2008, and the special meeting minutes of December 11, 2008 and December 15, 2008. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Motion Carried 6-0.**

5. Agenda Item removed – the Council did not enter Executive Session.

6. Remarks from the Public

Ms. Lisa Tomaszek, 611 Rte. 163, addressed the Council regarding Agenda Item 14K and stated that she is not in favor of the Council approving the discontinuance of community tag sales on Sundays. Ms. Tomaszek distributed letters to the Council of other residents that feel as though the tag sales should be allowed on Sundays. She explained that this program has generated a lot of monies that have significantly assisted the community.

Ms. Sandie Gregory, 59 Jerome Road, addressed the Council regarding Agenda Item 14K and stated that she has been running the re-use program for a very long time and that has been instrumental in its success and effectiveness to the community throughout the years, so she clearly understands how important this program is. However, she stated that there has been only one group that has requested that their tag sales be held on Sundays. Ms. Gregory stated that having the tag sales on Sundays has put a strain on the re-use volunteers and it has become a burden to such volunteers. She reported that the program has been very successful throughout the years with only Saturdays being used to hold community tag sales, and she is requesting that the Council approve the Solid Waste Sub-Committee’s recommendation to the Council that these tag sales be held only on Saturdays.

The Council entered into executive session to hear Agenda Item 14I. **Motion** by Councilor Geary, Second by Councilor Radgowski to enter into executive session with Labor Counsel Eileen Duggan, Mayor Jaskiewicz and Finance Director Terry Fafard for the purpose of reviewing reports and statements of strategy or negotiations with respect to collective bargaining. This action is taken without prejudice and the Council’s right to discuss in private, strategy and negotiations with respect to collective bargaining pursuant to Connecticut General Statutes. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Motion Carried 6-0.** Council members entered executive session at 7:19 PM; they returned at 7:37 PM and Chairperson Buebendorf stated that no formal votes were taken in executive session.

7. Communications – A) Mayor Jaskiewicz reported on the package that he had sent to Governor Rell regarding shovel-ready projects, and reported that he received a response back already from the Department of Transportation that the following projects have been accepted by the State under this federal economic stimulus package; Oxoboxo/Old Colchester bridge, both Oakdale projects, the public safety building and the community center. The following projects have not been accepted; Silver Falls bridge, Montville Road Bridge, Derry Hill Road Bridge and the Meeting House Lane Bridge. The Mayor explained that these projects were not accepted under the shovel-ready program primarily due to permits not being signed and ready; B) Chairperson Buebendorf reported that the Council had received a letter from Mr. James Butler, Director of the Parks & Recreation Department, thanking everyone for their participation in the 2008 Holiday Parade.

8. Remarks from the Town Attorney on matters referred – None.

9. Remarks from the Mayor and/or Administrative Department Heads

Mayor Jaskiewicz stated that everyone should remember to go and vote at Tuesday's public referendum on the school projects at Fair Oaks School. Voting will be open from 12:00 PM until 8:00 PM. He reported that he had met with Representative Joseph Courtney to discuss the proposed federal stimulus package, and noted that ultimately the State will control where this stimulus money will be applied, and we will have to wait to see if the projects we have proposed will be accepted and funded. The Mayor reported that he has met with the Department of Environmental Protection and the Department of Transportation regarding the Oxoboxo Bridge repairs, and that this project should move forward now. Regarding the Town Budget, the Mayor stated that he is asking all departments, including the Board of Education, that no requests for increase in their individual budgets be submitted for 2009. Regarding the storm this past weekend, the Mayor reported that the Public Works Department did a great job of keeping the roads clear; however, the budget was completely depleted.

Finance Director Terry Fafard introduced Mr. Scott Bassett of McGladrey & Pullen accounting firm to give a report on the Town audit. Mr. Bassett reported that there are a number of surpluses in various funds. Mr. Bassett stated that the Town is financially healthy, the Fund Balance is appropriate, and that both the Town and the Board of Education have kept excellent records as compared to other towns that his Firm has audited. Councilor Beetham requested a list of surpluses, and Finance Director Terry Fafard stated that she would provide him with that report. Chairperson Buebendorf requested a brief summary of the future liabilities of retiree benefits, and Mr. Bassett provided a brief explanation of such.

Mr. Donald Bourdeau, Public Works Director, reported that the last snow storm completely depleted the sand and salt budget, and that the Town is now in the red for that budget.

10. Reports from Standing Committees

A. Town Administration – Councilor Beetham reported that at the next meeting, they would be reviewing the proposed job description for the Human Resources position. He also reported that they would be reviewing a proposed ordinance for abandoned properties and houses.

B. Finance – No meeting.

C. Rules and Procedures – No meeting.

D. Public Works – Report given by Public Works Director Donald Bourdeau.

E. Solid Waste Disposal – Items on the agenda.

11. Reports from Special Committees and Liaison Councilors – All Councilors stated that there was nothing to report.

12. Appointments and Resignations

A. **Motion** by Councilor Geary, Second by Councilor Radgowski to re-appoint Mr. Eugene Jambor to the Water & Sewer Commission (WPCA), with a term to expire on January 14, 2013. **Discussion:** Councilor Murphy expressed concern that the Council had set a precedent that all members of Boards and Commissions would be interviewed before re-appointment, but Mr. Jambor has not been interviewed. Councilor Geary stated that Mr. Jambor has been involved with the WPCA for a long time and that he brings much experience and knowledge to the Commission. Councilor Geary stated that a memorandum had been distributed to the Council outlining Mr. Jambor's qualifications for sitting on the Commission. Chairperson Buebendorf stated that she has a concern that Mr. Jambor is not available and present at enough meetings. Councilor Beetham agreed that since the Council made a decision to interview all applicants for re-appointment, Mr. Jambor should not be treated differently and would need to be interviewed if he wished to be re-appointed. **Roll Call Vote:** In Favor; Councilors Geary and Radgowski. Opposed; Councilors Beetham, Buebendorf, Caron and Murphy. **Motion Fails 2-4.**

B. **Motion** by Councilor Murphy, Second by Councilor Geary to accept the resignation of Ms. Irene White from the Parks and Recreation Commission. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Motion Carried 6-0.**

C. **Motion** by Councilor Beetham, Second by Councilor Caron to accept the resignation of Mr. Jeremiah Ross from the Economic Development Commission. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Motion Carried 6-0.**

D. **Motion** by Councilor Murphy, Second by Councilor Caron to appoint someone to the Parks and Recreation Commission, and to choose between Ellen Hillman, Scott LaVallie, and Phil Orbe. **Roll Call Vote:** Councilors Caron, Geary, Murphy and Radgowski voted in favor of appointing Ellen Hillman. Councilors Beetham and Buebendorf voted in favor of appointing Scott LaVallie. **Motion Carried 4-2 to appoint Ellen Hillman** to the Parks and Recreation Commission as a full voting member, with a term to expire on October 5, 2012.

13. Old Business

A. **Resolution #2009-001.** To consider and act on a Resolution to adopt the position description submitted by Mayor Jaskiewicz for the position of Human Resources Manager. **Motion** by Councilor Caron, Second by Councilor Murphy. **Discussion:** Councilor Beetham made a **Motion** to table this matter until after the Town Administration Committee has had a chance to discuss this matter further at its next meeting.

There was no second to this Motion. Councilor Geary requested that the Mayor's proposed job description be updated to include that the person assuming this position be knowledgeable in FOI administration; the Mayor and the Council agreed that this update be made. **Roll Call Vote:** In Favor; Councilors Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; Councilor Beetham. **Resolution #2009-001 Adopted 5-1.**

14. New Business

A. Resolution #2009-002. The Town of Montville hereby resolves to refund taxes due to overpayments and corrections in the amount of One Thousand Two Hundred Eighty-Three and Eighty-Eight Cents (\$1,283.88), at the request of the Tax Collector and as outlined on Schedule A, attached to the agenda. **Motion** by Councilor Murphy, Second by Councilor Radgowski. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Resolution #2009-002 Adopted 6-0.**

B. Resolution #2009-003. To consider and act on a Resolution to accept the Town audit, as submitted by Mr. Scott Bassett, McGladrey & Pullen accounting firm. **Motion** by Councilor Beetham, Second by Councilor Murphy. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Resolution #2009-003 Adopted 6-0.**

C. Motion by Councilor Caron, Second by Councilor Radgowski to set a meeting date of Thursday, January 15, 2009, 6 PM, to discuss the proposed changes to the Town of Montville Charter, as submitted by the Charter Revision Commission. **Discussion:** Councilor Geary stated that he would not be able to attend the meeting on Thursday night. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Motion Carried 6-0.**

D. Resolution #2009-004. The Town of Montville hereby resolves to donate fire marshal and police services for the 2nd Annual Chinese New Year Festival to be held on February 22, 2009, by the Chinese & American Cultural Assistance Association; said services not to exceed One Thousand Dollars (\$1,000.00). **Motion** by Councilor Caron, Second by Councilor Murphy. **Discussion:** Mayor Jaskiewicz stated that the Town had donated the same in-kind services for last year's festival, and he supports the Council approving these funds. Chairperson Buebendorf reported that she supports the Council approving this request as it is good for the community, and there was no fair last year in Montville, nor are there any plans for one this year either. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Resolution #2009-004 Adopted 6-0.**

E. Resolution #2009-005. The Town of Montville hereby resolves to accept the conveyance of a sanitary sewer and access easement and the pump station and its land known as the "Lower Marina Pump Station" on Kitemaug Road from Jensen's Inc. of Southington, Connecticut; said property and easement described on the Warranty Deed which deed is made a part of these minutes, and to authorize the Mayor to execute documents necessary to complete the transaction. **Motion** by Councilor Geary, Second by Councilor Radgowski. **Roll Call Vote:** In Favor; Councilors Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; Councilor Beetham. **Resolution #2009-005 Adopted 5-1.**

F. Motion by Councilor Geary, Second by Councilor Radgowski to award Bid Number 09-02 for general town engineering services to Nathan Jacobson & Associates, Inc., and to authorize the Mayor to execute an Agreement for the services with terms and fees as stated in their bid proposal. **Discussion:** Mayor Jaskiewicz explained the process that occurred in order to come to the decision to select this particular Firm. He stated that the Public Works Director, Planning & Zoning, as well as an engineer from the town of East Lyme met with four (4) firms and rated such firms on a point rating system. Nathan Jacobson & Associates, Inc. had the highest score, and the Mayor supports this decision. Councilor Caron inquired as to how long the contract will be valid, and that information could not be confirmed. The Council decided to postpone voting on this matter until all information was available. **Motion** by Councilor Beetham, Second by Councilor Caron to table this matter and re-visit it at the January 15th special meeting. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Motion Carried 6-0.** Matter has been tabled to be discussed at the January 15, 2009, special meeting.

G. Resolution #2009-006. The Town of Montville hereby resolves: a) that Nevada Road (aka 12 New York Road) has never been used as a public road nor ever used by the public and therefore is not of common convenience and necessity to the public; and, b) that therefore the Town Council discontinue Nevada Road pursuant to Connecticut General Statutes Section 13a-49 and the Montville Town Charter Section 304 A(4); and, c) that the discontinuance of Nevada Road be referred to a Special Town Meeting for its approval in accordance with Connecticut General Statutes Section 13a-49; and, d) that the Special Town Meeting be warned and held on Monday, February 9, 2009, at the hour of 6:30 PM in the Town of Montville Council Chambers, and that the Town Clerk cause legal notice of such meeting to be posted and published in accordance with the law. **Motion** by Councilor Murphy, Second by Councilor Caron. **Discussion:** Mayor Jaskiewicz spoke briefly on this matter to give some background. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Resolution #2009-006 Adopted 6-0.**

H. Resolution #2009-007. The Town of Montville hereby resolves to approve and authorize the Mayor to execute a settlement agreement between the Town of Montville and Edward and Marlis Jacobowitz concerning tax assessments; said matter is known as Docket Number KNL-CV-07-4008588-S in the civil court system. **Motion** by Councilor Geary, Second by Councilor Caron. **Discussion:** Mayor Jaskiewicz

stated that this matter was settled before the actual court date, and that he felt it was necessary for the Council to approve this matter. He stated that he is in favor of the Council approving this matter. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Resolution #2009-007 Adopted 6-0.**

I. This matter was moved and addressed after Agenda Item #6.

J. Resolution #2009-008. The Town of Montville hereby resolves to approve the funds necessary to implement the written agreement and the terms of the written agreement between the Town of Montville and the Public Works Union Local No. 1303-051 of Council #4, AFSCME, for the period of September 1, 2008 through June 30, 2012. **Motion** by Councilor Murphy, Second by Councilor Caron. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Resolution #2009-008 Adopted 6-0.**

K. Resolution #2009-009. The Town of Montville hereby resolves that the community tag sales be held on Saturdays only, as per the recommendation of the Solid Waste Sub-Committee. **Motion** by Councilor Murphy, Second by Councilor Caron. **Discussion: Motion** by Councilor Radgowski, Second by Councilor Buebendorf to amend the motion to honor the Sunday dates that have already been scheduled for 2009. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Resolution #2009-009 Adopted 6-0.**

L. Motion by Councilor Murphy, Second by Councilor Caron to discuss the Planning & Zoning's request to retain Attorney Ron Oschner. **Discussion:** Councilor Beetham stated that he was in agreement to retain Attorney Oschner based on his experience and reasonable billing rates. Mayor Jaskiewicz stated that the Town-appointed firm, Shipman & Goodwin, has just as much experience in such land matters, and that the special concession should not be made for individual departments. Councilor Radgowski concurred with the Mayor. Chairperson Buebendorf stated that when the new firm was assigned, the Council knew that there would be a learning curve and that she supports keeping one firm for all Town matters. Councilors Caron and Geary suggested that the matter be tabled to the February meeting for further discussion. All Council members were in agreement to table this matter to the February meeting. **Matter tabled to February 9, 2009.**

15. Remarks from the Public

Mr. Gary Pike, 38 Bergman Drive. Mr. Pike addressed the Council and stated that he is very concerned with the construction equipment being stored on the property abutting his, 36 Bergman Drive. Mr. Pike stated that he has complained to the Planning & Zoning Department, both in July and August, and that nothing had been done to rectify this situation. Mr. Pike stated that he had visited the Planning & Zoning office again on December 15th, and was assured that a Cease & Desist Order would be issued in this matter to the property owner; but he stated that this did not happen. Mr. Pike explained that he has spoken with the Building Department and was told that this was not a building matter but a zoning matter.

Ms. Rosanne Sobleski, 60 Sharp Hill. Ms. Sobleski addressed the Council and stated that she is very pleased with their decision to limit the community tag sales to Saturdays only.

Ms. Sandie Gregory. Ms. Gregory thanked the Council for making the decision to limit the community tag sales to Saturdays only.

Mr. Dana McFee, Montville Road. Mr. McFee expressed his disappointment that the Montville Bridge was not going to be repaired. Mayor Jaskiewicz stated that due to the extensive water rundown from the last storm, the bridge has sustained more damage and will cost approximately \$170,000,000.00 to fix. Mr. McFee asked that the Council consider further the estimate provided by Nathan Jacobson & Associates, Inc. Chairperson Buebendorf stated that the Council would consult with the Firm on this matter.

16. Executive Session – Item was removed from the Agenda. The Council did not enter into Executive Session at this time.

Remarks from Councilors

Councilor Beetham stated that he has driven by 36 Bergman Drive, and that he concurs with Mr. Pike's comments that the property is not within Zoning regulations, and that the matter should be addressed.

17. Adjournment – **Motion** made by Councilor Caron, Second by Councilor Radgowski, to adjourn the meeting. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Motion Carried 6-0. The meeting adjourned at 8:52 PM.**

Respectfully Submitted by:

Sandra Anderson CPS
Minutes Clerk
Montville Town Council