

Town of Montville Town Council
Special Meeting Minutes for Wednesday, July 6, 2011
7:00 p.m., Town Council Chambers, Town Hall

1. Call to Order

Chairperson Jacobson called the special meeting to order at 7:00 p.m.

2. Pledge of Allegiance followed by a moment of silence in honor and support of our troops.

3. Roll Call

Present were Councilors Beetham, Caron, Hillman, McFee, Murphy and Jacobson. Absent was Councilor Buebendorf. Also present was Town Attorney Bruce Chudwick.

4. Remarks from the Public with a three minute limit.

Mr. Gary Murphy, 6 Carolina Drive, Oakdale, read the following letter into the record (also attached as Schedule A) addressed to Chairperson Jacobson, dated July 6, 2011 from himself and Councilor Buebendorf as follows; Unfortunately the investigation into the ethics complaint we submitted to you on May 9, 2011 is still incomplete, and almost two months later has been limited to merely interviewing the two of us. Most notably, neither the Norwich Bulletin new reporter nor Ms. Jones (both of whom are central to the issues raised) has been interviewed as part of this investigation. In addition, Lucy Beit, the Town Assessor, has not been interviewed to ask if she contacted the press about the earlier ethics complaint. It is hard to understand why this particular interview was not conducted since Attorney Chudwick specifically invited speculation by each of us during our interviews as to the possibility that she could have provided information to the press. The Town Council granted Attorney Chudwick extended time to June 22, 2011 within which to complete the investigation, yet the delay continues. In the meantime, the political parties in Montville have endorsed candidates for the upcoming municipal elections to be held in November. Ms. Jones has been endorsed as a candidate for Town Council by the same political parties that are represented by four members of the current Council, two of whom are running for re-election to the Town Council and one who is running for Mayor. It seems unrealistic to expect, given the context of the active political environment and Ms. Jones' candidacy, that the Town Council will be able to reach an unbiased conclusions regarding this ethics complaint. While we still feel strongly that an ethics violation has occurred, we hereby formally withdraw our complaint of May 9, 2011 for the following reasons; (1) pursuant to Montville's Ethics Code and the time extension granted by the Town Council, the time period within which the investigation should have been concluded has expired; (2) the undue delay has place the ethics complaint in the midst of political election activities; and (3) the unanticipated expense of protracted investigation has the potential of placing an unwarranted burden on the taxpayers of Montville. The letter is signed by Councilors Buebendorf and Murphy.

Councilor Murphy left the meeting at 7:04 p.m.

Ms. Rosetta Jones, 61 Old Colchester Road Extension, Oakdale, CT. introduced herself, stating she is the subject of the agenda tonight. She stated that tonight's proceedings are a result of a very big misunderstanding, it was never her intention to create the perception of a personal attack on anyone, particularly a fellow colleague and for that she apologized. Her letter of complaint to the Town Council was to call to their attention a matter that had transpired during an appeal that resulted in those present feeling uncomfortable and feeling as though something wrong had occurred, and it was with a great deal of deliberation that she sought and was granted permission to speak with the Town Attorney prior to writing her complaint, knowing that it may ignite hostile feelings. She needed to be sure her complaint depicted an accurate description of the hearing on March 19, 2011 and that it indeed constituted a violation under the code of the Montville Code of Ethics. From the beginning of the incident and up to now as Chairwoman of the Board of Assessment Appeals, her focus has been to ensure the integrity of the process by

its very nature, the Board of Assessment Appeals discretionary powers to reduce, increase or add means to the Assessment List of property owners who are omitted in genders of very adversarial culture amongst property owners, assessors and Board Members. The current rate evaluation precipitous decline of home values and the town's extraordinary reliance on property tax and the ever increasing outcry of an unfair tax burden of tax payers calls for all Board of Assessment Appeal members to be competent and to be fair and objective in executing its duties and to ensure the property valuations are just and equitable and that any long term ties to community does not result in an advantage to some over others and she believes in the ideal of government and it should be open and transparent which is why she is responding in public to the allegations filed against her by Councilors Buebendorf and Murphy and she stated she respects the two of them and their wisdom to move forward in asking for a dismissal of the charges.

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

5. Executive Session – none.

6. Unfinished Business – none.

7. New Business

a. To consider and act on a motion for the purposes of reviewing an Ethics Complaint filed on May 9, 2011 by claimants Catherine Buebendorf and Gary Murphy against respondent Rosetta Jones.

Motion made by Councilor McFee, seconded by Councilor Beetham. Discussion, Councilor McFee stated he takes exception to the letter written by Councilors Buebendorf and Murphy stating he does not like the fact that they inferred the Council could not be fair and then they drop the proceedings. He stated it is a cheesy way of getting out of something they were premature in doing. He stated he does not like it at all. Councilor Beetham stated if either Councilor Buebendorf or Murphy were present he would say to them that they sat in the executive sessions regarding the previous ethics complaint and they voted and three were democrats voting against a democrat, so why they would think the Council would not be fair and honest because they are of one political party is wrong. He stated the Council is the jury and are expected to make decisions and at this moment he is not a candidate to run for the Town Council and he stated he is capable of making an unbiased decision. Councilor Caron stated the matter has been withdrawn and there is no ethics complaint on the table to discuss and he made a motion to dismiss and close the meeting. Councilor Hillman seconded the motion. Chairperson Jacobson stated the items can be removed from the agenda for discussion. Councilors McFee and Beetham withdrew their original motion and second because the complaint has been withdrawn.

b. The Town of Montville hereby resolves to make a finding, or to not make a finding of probable cause to believe the respondent Rosetta Jones has violated the Montville Code of Ethics.

Motion made by Councilor Beetham and there was no second to the motion.

9. Remarks from the Councilors

Councilor McFee stated he is not happy about this, stating it has been one big political game and when it came down to Councilors Murphy and Buebendorf showing their cards there were no cards to show so they turned around and withdrew their complaint. He stated he has better things to do than put up with this nonsense and he is not happy with what happened. He apologized to Ms. Jones for what she was put through regarding this issue.

Councilor Beetham stated Councilors Buebendorf and Murphy knew they didn't have an ethics violation from the get go and they played a game and then came in at the last minute to withdraw the complaint with no investigation and no discussion.

Councilor Hillman stated she takes exception to Councilor Murphy's comments regarding the Council not being able to make an unbiased opinion, stating it has been pretty clear all along that the four Councilors that have been endorsed under the same ticket have not historically voted the same and have stood their ground with their beliefs. She stated Councilor Murphy stated one of the reasons for withdrawing the complaint was due to the time it took to conduct the investigation, she stated the Council granted an extension so this is not a valid reason for withdrawal, number two was regarding the political election activities and she stated the caucuses have not taken place yet, the political parties have announced who they want as a candidate but until the day of the caucus none of that is cast in stone, and the third reason is "the unwarranted burden on the taxpayers of Montville", and she stated the big chunk of cost has already occurred on the taxpayers and what is left is pennies, so the three reasons that Councilors Murphy and Buebendorf dropped the ethics complaint are not valid reasons, but they are what they are and it was dropped and the Town Council has wasted a lot of time on this issue for no reason.

Councilor Beetham stated Councilors Buebendorf and Murphy could have dropped their complaint a month ago and he stated the Council has been fair and to wait until the last minute is irresponsible because there is now a substantial legal bill, this was a farce in the beginning when they filed the complaint and he requested a copy of the legal bills to date regarding this ethics complaint for review.

Councilor Caron stated he understands the concerns of the Councilors and he is not happy with the report, stating it was not fair to Ms. Jones and to the taxpayers because there is a lot of information missing that could have solved the problems, he stated the reporters were not interviewed and Ms. Jones has yet to be interviewed. He stated in an investigation should look into everything as it is due process for everyone involved. There is a process for everyone involved so that it clears things up, he stated the letter was a surprise to him but when he read the packet that indicates there were no interviews he was surprised.

Attorney Chudwick addressed concerns from the Council regarding the timeline and the process of the ethics complaint. He stated his view is that it is very important to have the two parties to the action be addressed first and to allow them to give their side of the story. This did not occur with Ms. Jones because of scheduling issues they were not able to get together over the past month. He stated great deference should be given to someone who is having a complaint lodged against them to make sure that person has the opportunity to tell their story, you do not go to other people outside prior, the complainant and the respondent should have the opportunity to tell their story first, then go on to newspaper reporters, tax assessors or anyone else but until there is baseline information, it is not appropriate to move beyond this. There is a question in the statute as to whether or not it is even allowable, they are jumbled and there is a statement in the statutes that says whenever there are witnesses involved, the respondent has the opportunity to be present for the witnesses and to bring Counsel to cross examine the witness. The baseline is that you can not move forward on an ethics complaint until you hear both sides of the story and he did not get the opportunity to hear Ms. Jones story on this issue until this open session, there were three different time periods during the month of June and Ms. Jones' schedule did not allow this to happen.

Councilor McFee asked if there is the possibility of a liable lawsuit against the Town Council from Ms. Jones and Attorney Chudwick stated no, this is part of the ethics code. Councilor McFee stated Ms. Jones has been liable and Councilors Murphy and Buebendorf dropped the case without giving Ms. Jones a chance to clear her name.

Attorney Chudwick stated the complaint against Ms. Jones has been withdrawn and any comments stated should relate to that.

Councilor Beetham stated there is an advertisement on television that states if you see something wrong to report it. Ms. Jones saw something that she thought was wrong and she was right to report it and then she got dragged through the mud for doing so. He

believes she did the right thing and he apologized to her for having to come before the Council to stand her ground only to have a letter of withdrawal presented on the night of the meeting.

Councilor Jacobson stated this is a travesty, the process was followed, it was followed meticulously and by pulling it out of the process and withdrawing the complaint gives the condensation of ineptitude of at least four Councilors and this is unfair, unwarranted and unacceptable.

10. Remarks from the Mayor

Mayor Jaskiewicz was not present to give remarks.

11. Adjournment

Motion made by Councilor Caron, seconded by Councilor Hillman to adjourn the meeting at 7:30 p.m. Discussion, none, voice vote, 5-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville