

Town of Montville Town Council
Regular Meeting Minutes for Monday, June 11, 2012
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 followed by a moment of silence in honor of our military.

3. Roll Call

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

4. Special Recognitions/Presentations – none.

5. Alterations to the Agenda – none.

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

- a. The regular meeting minutes of Monday, May 14, 2012;

Councilor Jones submitted amendments to agenda item 13 (b) Library, Planning & Zoning Commission as follows;

Remove lines 9-12 under 13 (b) from the minutes and start Line 9 under agenda item b as follows; She discussed a proposal from the Mohegan Tribe to create a Tribal Cultural Properties boundary which would start at the old drive in property on Route 32 and continue up the corridor to Fort Shantock and loop around land parcels bordering the Thames River. If approval is granted to the tribe this could have an adverse impact on the town's ability to develop a large portion of land that is designated within its commercial district. She stated she is circulating a petition to bring this proposal to a public hearing at Town Hall to allow residents to speak and become aware of the potential impact this could have to the Town of Montville.

Councilor Caron would like the minutes to reflect Social Services serves fifteen hundred people per month, not one hundred and twenty five.

Councilor McFee stated there is a vote in the June 5, 2012 meeting minutes that reflects he voted in favor of the motion but he did not. It was the consensus of the Council to postpone the vote for the June 5, 2012 special meeting minutes until the vote is clarified correctly. Motion made by Councilor Longton, seconded by Councilor Tanner to remove the approval of the June 5, 2012 meeting minutes from the agenda. Discussion, none, voice vote, 7-0, all in favor, motion carried.

- b. The special meeting minutes of Monday, April 9, 2012 (5:45 p.m.);
- c. The public hearing meeting minutes of Monday, May 14, 2012 (6:30 p.m.);
- d. The special meeting minutes of Wednesday, May 30, 2012;

Motion made by Councilor Longton, seconded by Councilor Tanner to approve agenda items 6 (a-d) as amended, discussion, none, voice vote, 7-0, 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 conducting interviews with the following people; Ms. Mari Jurczyk to the Planning & Zoning Commission and Mr. Fred Yeitz to the Planning and Zoning Commission.

Motion made by Councilor Longton, seconded by Councilor Jones, discussion, none, voice vote, 7-0, all in favor, motion carried and invited parties left Chambers for executive session at 7:04 p.m., returning at 7:24 p.m. Chairperson Buebendorf resumed the meeting and stated no formal votes were taken during the executive session and both applicants were interviewed by the Council.

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

Ms. Mary Clark Wilson and Ms. Lorraine Elliott, Registrar of Voters, spoke regarding agenda item 16 (d), stating they have been working for the town for many years and have had an agreement that their medical benefits would be provided by the town. They discussed various town employees who receive benefits but do not meet the minimal hourly requirements and discussed inquiries they have made to FOI for documents regarding the medical benefits. She suggested the Town Council send this item to Town Administration for review and suggested the Council postpone the vote on this matter until the Town Administration has a chance to review the matter.

Mrs. Donna Geary, 11 Depot Road, discussed agenda item 16(d), stating it would not be good practice to eliminate the medical benefits for the Registrar of Voters and therefore giving them a pay cut. She suggested sending this agenda item to the Town Administration for review.

Ms. Ellen Hillman, Route 163, discussed agenda item 16 (d) and suggested sending this to Town Administration for review. She stated the Registrar of Voters works for the Secretary of the State and questioned how the hours are calculated that are worked each week. She questioned why the Mayor would put his name on the agenda item regarding the veto as this violates Roberts Rules of Order.

Mr. Joseph Jaskiewicz, Route 163 clarified the Registrar of Voters works for the Town and abide by the town policies.

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. A copy of the legal bills from Shipman & Goodwin, LLP;
- b. A copy of the legal bills from Suisman Shapiro;
- c. A copy of the Town of Montville 2012-2013 budget.
- d. Veto letter from the Mayor.
- e. A copy of a letter dated June 11, 2012 from Suisman Shapiro regarding a legal opinion.

10. Report from the Town Attorney on Matters Referred.

Attorney Eileen Duggan discussed the Senior Safety Zone Ordinance, stating it should be completed this week; she discussed the opinion regarding a Councilor who works for the Board

of Education serving on the Council and stated there is a 2007 opinion that states this is not a conflict of interest; she discussed a matter she was asked to research regarding whether or not a Town Councilor who works at the Board of Education can vote on the Board of Education budget and it was determined that it could possibly be a conflict of interest; and she discussed a request to research whether or not a petition can be taken out to petition the mill rate and she determined it is not possible to do so. She discussed whether or not the decrease in revenue from AES Thames can be taken into consideration when determining losses and she stated that it can.

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

Mayor McDaniel discussed the Chamber of Commerce breakfast held on Friday, stating it was well attended; he stated graduations are scheduled for this week; he updated the Council regarding ongoing construction projects including paving on Route 85, repaving Route 395 from exit 79A to Plainfield; remodeling the service station along Route 395, stating the service station is slated to close in September and remain closed through June, 2013; he discussed the Montville Road Bridge, stating he has updated the bridge application and continues to work with the engineers for the project; and he discussed a meeting regarding the NRG Biomass project.

12. Reports from Standing Committees.

- a. Town Administration/Rules of Procedure

Councilor Tanner stated there were no meetings last month but there is a large agenda for the meeting scheduled this month.

- b. Finance

Councilor Murphy stated the Finance Committee met over the past month to discuss the budget and there are items on the agenda for tonight as well.

- c. Public Works/Solid Waste Disposal

Councilor Longton stated the sub-committee met but the Public Works Director was unable to attend the meeting so many of the items will be discussed at the June meeting. He indicated that Councilor McFee has abandoned his efforts to move forward with the Pay as You Throw Program, stating he is no longer interested in pursuing the matter.

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 discussed the Senior Safety Zones, stating it failed in the Senate but he hopes to move it forward again at a future date. He discussed the grant for the Senior Bus; he discussed Social Services, stating they are in desperate need of canned goods and this has been a tough month for those in need. He stated the Mohegan Sun has offered to host a fund raiser to benefit the Senior Center and the Social Services program for the Town of Montville. He discussed the mock crash, stating it was well organized and everyone involved did a great job making it very realistic.

- b. Councilor Jones: Library; Planning & Zoning Commission

Councilor Jones stated the library continues to work on the automated book project and the Planning and Zoning meeting for last month was cancelled. She discussed the public hearing scheduled for June 16th at 6:00 p.m. regarding the Tribal Cultural Properties.

c. Councilor Longton: Economic Development Commission

Councilor Longton stated the Economic Development Commission did not meet last month.

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

Councilor McFee stated the Volunteer Firefighters Relief Fund did not meet last month and stated the Inlands Wetlands Commission did meet but he does not have anything to report and inquired why there is a liaison for this commission as it is pointless. He stated he would be happy to take over any committee a Councilor is willing to give up if they do not have time to attend the meetings but does not feel the Inland Wetlands Commission warrants a liaison.

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

Councilor Murphy stated he was unable to attend the Board of Education meeting due to a conflict with another meeting; the WPCA met and discussed amending their Rules and Procedures and stated he would be willing to resign from his liaison position for the Public Safety Building Committee and nominate Councilor McFee if he is willing to accept it.

Motion made by Councilor Murphy, seconded by Councilor McFee to accept the resignation of Councilor Murphy from the Public Safety Building Committee and to appoint Councilor McFee to the position. Discussion, none, voiced vote, 7-0, all in favor, resignation accepted and appointment made.

Councilor Murphy stated the Board of Education was able to find additional funding in their budget through energy savings this year so they will only have to eliminate two and one half teaching positions this year.

Councilor McFee stated if the Board of Education is reinstated one hundred and thirty five thousand dollars the two and one half teaching positions will not be eliminated and the school system will remain fully staffed.

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

Councilor Tanner stated Parks & Recreation hosted a Trails Day with approximately sixty participants; the first tag sale hosted by the department resulted in twenty five tables and a successful event; she stated the commission formed a sub-committee to discuss a dog park and the Animal Control Officer attended the meeting and gave her opinion regarding implementing the dog park and discussed liability issues. She stated the department will host the summer concert series with four concerts scheduled over the summer months. She discussed a fund raiser held to benefit the lacrosse program.

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

Councilor Buebendorf stated the Public Safety Commission did not meet last month but the Public Safety Plan is ongoing; she stated the Regional Dispatch Committee did not meet last month but Ray Occhialini has reported he met with Ledyard to discuss regional dispatch functions and new equipment has been ordered for the Public Safety Building.

14. Appointments and Resignations

a. To consider and act on a motion to appoint Mr. Carl Freeman as an Alternate to the Zoning Board of Appeals with a term to expire on June 11, 2016. (Mr. Freeman was interviewed by the Council on May 14, 2012). Motion made by Councilor Longton, seconded by Councilor Tanner, discussion, none, voice vote, 7-0, all in favor, motion carried, appointment made.

b. To consider and act on a motion to accept the resignation of Mr. Thomas Osburn from the School Building Committee effective immediately. Motion made by Councilor Jones, seconded by Councilor Caron, discussion, Councilor Buebendorf stated Mr. Osburn is moving out of the Town of Montville and will no longer be eligible to serve on this committee. Voice vote, 7-0, all in favor, motion carried and the resignation was accepted.

15. Unfinished Business – none.

16. New Business

a. **Resolution #2012-037. THE TOWN OF MONTVILLE HEREBY RESOLVES to refund taxes due to overpayments and corrections in the amount of \$1,914.51 (one thousand nine hundred fourteen dollars and fifty one cents) as requested by the Tax Collector and attached hereto as Schedule A.** (Councilor Buebendorf) Motion made by Councilor Tanner, seconded by Councilor Jones, discussion, none, Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

b. **Resolution #2012-038. THE TOWN OF MONTVILLE HEREBY RESOLVES to approve the Suspense List at the request at the request of the Tax Collector in the amount of one hundred eight thousand five hundred eighty one dollars and sixty five cents (108,581.65) dated the eleventh day of June, 2012.** (Councilor Buebendorf) Motion made by Councilor Jones, seconded by Councilor Caron, discussion, none, Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

c. **Resolution #2012-039. THE TOWN OF MONTVILLE HEREBY RESOLVES to accept the salaries as depicted in Schedule B for 2012 Summer Camp staff.** (Councilor Tanner) Motion made by Councilor Tanner, seconded by Councilor Longton, discussion, Councilor Tanner stated the returning councilors have been offered a fifty cent raise this year and she commended Parks & Recreation Director Peter Bushway for eliminating two positions and saving the program money this year. Councilor Jones inquired regarding the councilor to camper ratio and if why there were seven new positions added to the councilor program. Councilor Tanner stated there are no new hires, the new councilors are replacing councilors that did not return from last year and Councilor Buebendorf stated there are approximately two hundred campers who attend summer camp each year. Councilor Jones inquired if the fees from summer camp cover the expenditures for summer camp and Councilor Tanner stated that they do. Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

d. THE TOWN OF MONTVILLE HEREBY RESOLVES to rescind Resolution #91-271 adopted on May 13, 1991. The rescission shall be effective on January 9, 2013.

(Resolution #91-271. THE TOWN OF MONTVILLE HEREBY RESOLVES to authorize the Town of Montville to offer medical insurance coverage to the Registrar of Voters and their staff on an optional basis provided their hours worked average at least twenty hours per week and they

agree to pay five percent of the annual premium.) (Councilor Murphy) Motion made by Councilor Longton, seconded by Councilor Tanner. Discussion, Councilor Jones made a motion that was seconded by Councilor Caron to move this item to Town Administration for review, voice vote, 7-0, all in favor, motion carried and this item will be forwarded to the Town Administration for review.

e. **Resolution #2012-040. THE TOWN OF MONTVILLE HEREBY RESOLVES to accept the settlement of the tax appeal pending before the New Britain Superior Court Tax Session identified as Docket No. HHB-CV-11-6011207-S and captioned Inez Mazzei and Lewis J. Mazzei v. Town of Montville relating to the assessment and valuation of property known as 687 Old Colchester Road on the Grand List of October 1, 2010 and October 1, 2011, in accordance with the Motion for Stipulated Judgment and Joint Stipulation for Judgment prepared by Shipman & Goodwin, LLP, and authorize the Mayor to execute and deliver any documents necessary to finalize the settlement.** (Mayor McDaniel) Motion made by Councilor Longton, seconded by Councilor Jones, discussion, none, Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

f. **Resolution #2012-041. THE TOWN OF MONTVILLE HEREBY RESOLVES to approve, fund all the terms of, and authorize the Mayor to execute the Collective Bargaining Agreement between the Town of Montville and the Teamsters Local Union 493, for the period of July 1, 2012 through June 30, 2016.** (Mayor McDaniel) Motion made by Councilor Longton, seconded by Councilor Jones, discussion, Councilor Murphy stated the Mayor did a great job negotiation the contracts and thanked the Union members for accepting the zero percent increases to help keep costs down. Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

g. **Resolution #2012-042. THE TOWN OF MONTVILLE HEREBY RESOLVES to approve, fund all the terms of, and authorize the Mayor to execute the Collective Bargaining Agreement between the Town of Montville and Montville Association of Management Employees (MAME), Local 818, Council 4, AFSCME, AFL-CIO for the period of July 1, 2012 through June 30, 2016.** (Mayor McDaniel) Motion made by Councilor Murphy, seconded by Councilor Longton, discussion, Councilor Murphy thanked everyone who was involved with negotiating the contracts and for the Union members for accepting zero percent increases. Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

h. **Resolution #2012-043. THE TOWN OF MONTVILLE HEREBY RESOLVES to approve, fund all the terms of, and authorize the Mayor to execute the Collective Bargaining Agreement between the Town of Montville and the Montville Firefighters Association Local 3386, IAFF, for the period of July 1, 2012 through June 30, 2016.** (Mayor McDaniel) Motion made by Councilor Jones, seconded by Councilor Longton, discussion, none, Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

i. THE TOWN OF MONTVILLE HEREBY RESOLVES to overrule the Mayor's veto of the reduction of \$29,079.00 from line-item 10610-51017 "Land Use Assistants Salary" in the fiscal year 2012-2013 General Government Budget adopted June 5, 2012. (Councilor Buebendorf) Motion made by Councilor Murphy, seconded by Councilor Longton, discussion, Councilor Buebendorf explained a favorable vote will overrule the veto and a vote of opposition lets the veto ride. Councilor McFee apologized to Mr. Sanders, stating that he voted in error during the previous vote to cut the hours. Councilor Jones stated that there may be problems with the collective bargaining unit if this veto is overruled. Roll call vote, 0-7, voting in favor, none, voting in opposition were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Resolution failed to pass.

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

Ms. Mary Clark Wilson, Registrar of Voters thanked the Council for sending agenda item 16 (d) to Town Administration for review and clarification. She clarified she works for the Town's voters and for the Town of Montville and is governed by legislative policies.

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

18. Executive Session

a. To consider and act on a motion to enter into executive session pursuant to General Statutes 1-200 (6) (B) to discuss a pending claim. Discussions held during the executive session to include the members of the Town Council, Mayor Ron McDaniel, Attorney Matt Auger and Attorney Eileen Duggan. Motion made by Councilor Tanner, seconded by Councilor Jones to enter into executive session and invited parties left Chambers for executive session at 8:03 p.m., returning at 9:23 p.m. Chairperson Buebendorf resumed the meeting and stated no formal votes were taken during the executive session.

19. Remarks from the Councilors

Mayor McDaniel clarified that he did not add the resolution to overrule the veto to the agenda and is not sure why his name was attached to it. Councilor Buebendorf apologized for the mix-up, stating she was the one who added the agenda item and her name should have been reflected after the resolution instead of Mayor McDaniel's.

Councilor Caron stated he was proud to be a part of the send off gathering for the troops and he thanked the Council and the Mayor for participating in the event.

Councilor Murphy stated he has three firefighters returning to the fire station from the service and he is happy to see them return home safely.

20. Adjournment

Motion made by Councilor Tanner, seconded by Councilor Longton to adjourn the meeting at 9:30 p.m., discussion, none, voice vote, 7-0, all in favor, motion carried and the meeting adjourned.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.