

Town of Montville Town Council
Regular Meeting Minutes for Monday, July 8, 2013
7:00 p.m. – Town Council Chambers – Town Hall

1. Call to Order
Vice-Chairperson Caron called the meeting 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, Jaskiewicz, Jones, Longton, McFee, and Tanner. Absent was Chairperson Buebendorf, due to a family emergency. Vice-Chair Caron presided as Chairperson. Also present was Mayor Ronald McDaniel.
4. Special Recognitions/Presentations
 - a. Final report by the Public Safety Building Committee regarding the Public Safety Building project.
Mr. Jack Platt, Chair, Public Safety Building Committee, presented the final report calling attention to the report's Summary section. The Surplus amount will change due to the planned changing of the lighting for the flag poles, which currently lights the flags at half-staff, rather than full-staff. The project was under-budget, on-time, and the unheard of Change Order total — all of which are due to the hard work of Ms. Marcia Vlaun and the Committee. He thanked Paul Lewis, Mr. John MacNeil, and Lt. Leonard Bunnell. Prior to disbanding the Committee and in an effort to protect their investment, they would like to recommend that the Town (1) obtain service contracts for specialized equipment and (2) hire a full-time custodian for the interior and exterior of the building. At the request of Vice-Chair Caron, Mr. Platt will be submitting his recommendations in writing to the Mayor. Vice-Chair Caron thanked and commended him and the Committee.
5. Alterations to the Agenda
Motion made by Councilor Tanner, seconded by Councilor Jones, to remove items 14(b) and (c) from the Agenda since both of the candidates were just interviewed and neither of the Commissions were in jeopardy should neither be appointed at this time. Voice vote, 6-0, all in favor. Motion carried.
6. To consider and act on a motion to approve:
 - a. The Public Hearing Meeting Minutes on Monday, June 10, 2013, and
Motion made by Councilor Jaskiewicz, seconded by Councilor Longton. Discussion: None. Voice vote, 5-0-1. Voting in Favor: Councilors Caron, Jaskiewicz, Longton, McFee, and Tanner. Voting in Opposition: None. Voting in Abstention: Councilor Jones. Motion carried.
 - b. The Regular Meeting Minutes on Monday, June 10, 2013.
Motion made by Councilor Longton, seconded by Councilor Tanner. Discussion: None. Voice vote, 6-0, all in favor. Motion carried.
7. Executive Session — none.
8. Remarks from the public relating to matters on the agenda with a three-minute limit.
Tony Siragusa, 39 Hillcrest Drive, thanked the Finance Committee for their hard work on the tax relief plan and noted that it is a tax-relief plan with the intention of expanding the tax base. The Council may contact him should they have any questions.
Bill Pieniadz, 157 Simpson Lane, spoke in favor of and encourages the Town Council to support the tax relief plan.

Lt. Leonard Bunnell, 5 Little John Drive, noted that the success of the Public Safety Building is due to the knowledge, experience, and efforts of the Building Committee. He especially thanked Paul Lewis, John MacNeil, Jon Leonard, Jack Platt, Chris Ida, and Marcia Vlaun — all of who contributed their time and energy into the project. He also thanked the former and present Mayor as well as the former and present Town Council as well as the contractor and architect. He expressed his admiration for the Mayor and Mr. Don Bourdeau in their efforts to do what is best for the town and noted that the Public Safety Commission did agree to expand their budget to include a full-time custodian and urges the Council to do so.

Gary Murphy, 6 Carolina Drive, commended the Building Committee and agreed with Mr. Platt and Lt. Bunnell's recommendation for a full-time custodian. He also urged the Council to send the vendor's ordinance to public hearing and called for the elimination of the one-mile limit, noting the Town's hypocrisy of allowing a vendor to sell fireworks in the parking lot of Montville Hardware within one-mile of the Mobil Station, who was also selling fireworks.

9. Communications

a. A copy of the legal bills from Suisman-Shapiro for the month of April 2013.

b. Letter from Councilor Dana McFee.

Councilor McFee recited his letter expressing his dismay with the Town Council Chairperson's use of the public's three-minute limit during the June 10 public hearing feeling that his request for additional time for an individual to complete her remark(s) should have been obliged.

c. Letter from Ms. Eileen Cicchese, Chairman, Parks & Recreation Commission.

Councilor Tanner read the letter from Ms. Cicchese regarding the removal of Ms. Ellen Hillman from the Parks & Recreation Committee due to non-attendance.

d. Letter from Mr. William J. Pieniadz, Chairman, Planning & Zoning Commission.

Councilor Longton read the letter from Mr. Pieniadz regarding their recommendation for the vendor's ordinance.

10. Report from the Town Attorney on Matters Referred.

Councilor Tanner recited a letter received by the Ms. Eileen Duggan, Town Attorney, regarding Councilor McFee's request for a review of the three-minute limit. The Attorney reviewed the Town Council Rules and Charter and some case law and was unable to find anything that requires the allowance of more than three-minutes in a public hearing. She felt that discussing the matter during the Town Council meeting was a logical way for him to air his concerns and seek a change of any existing rules/policies.

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

Mayor McDaniel apologized for the temperature in Council Chambers.

The Mayor is in the process of meeting with and exploring other service providers for the Town's occupational health services in an effort to provide better service at a quality price for their employees.

A storm exercise was held for the northwestern CT and, while our region was not required to participate, the resources they may need in the event of an emergency was discussed.

The Bench Dedication Ceremony for four benches, one of which was dedicated to Officer Monahan and another to Mr. Pescatello, was held. The benches are located at the Public Safety Building and Youth Services and were built as the result of collaboration between Youth Services and the Montville Police Department.

A meeting with Ray Occhialini and the Mayor of Ledyard was held regarding providing dispatch services to the Town of Ledyard.

Officer Matt Shepherd was sworn in as a new officer.

A meeting with NRG regarding renewable energy legislation was held in an effort to keep the Montville Power Plant as part of the RFP process. A RFP was issued today by the DEEP and discussions with Energy will ensue in an effort to ensure a good proposal and subsequent obtainment of the investment.

Old Colchester Road culvert replacement project has grown from a \$350K to a \$930K project. They are currently in the process of applying for STP funds through the COG. Upon approval, the project will be funded by the Federal (80%), State (10%), and Town (10%) governments and a tight deadline will need to be met in which the DOT will present an informational session on the project, a special meeting to endorse the project will be held by the Council, and an application will need to be submitted by August 1 to include it in the 2013 funding cycle.

The Governor signed Public Declaration 13-134 in which Town's are asked to establish a veteran's contact person. The Mayor was pleased to announce that Marcia Vlaun will serve as the primary contact person and Lisa Terry will serve as her backup. Both Ms. Vlaun and Ms. Terry volunteered for the position and will be sent for training.

In response to Councilor Caron's inquiry regarding Raymond Hill Road, the Mayor noted that the re-stoning/re-sealing of the road is on this month's schedule and that there are currently no problems with the boat launch as long as barges refrain from parking.

In response to Councilor McFee regarding the Montville Road Bridge, the Mayor noted that, due to continuing discussions regarding the funding of the project, construction will probably not begin during this construction season.

12. Reports from Standing Committees.

a. Town Administration/Rules of Procedure – Councilor Tanner

The Town Administration/Rules of Procedure are continuing their review of and awaiting information from the Town Attorney regarding the Registrars of Voters retirement benefits. They are also reviewing the WPCA contracts and plans on inviting the Chair to their next meeting for further discussion. Also in discussion is the approval of a part-time IT position, which is on this evening's agenda.

b. Finance – Councilor Jaskiewicz — none.

c. Public Works/Solid Waste Disposal – Councilor Longton — no meeting.

13. Reports from Special Committees and Liaison Councilors

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

The **Senior Center** is expecting to receive the delivery of the bus any day. **Youth Services** made a touching tribute to Mr. Monahan and Mr. Pescatello, both of whom have given so much to the town. Councilor Caron commended the police officers who took the time to work with the Youth Center and did great job.

b. Councilor Jones: Library; Planning & Zoning Commission

The **Library** is in the process of drafting a cost estimate of expanding their hours to include Fridays. In response to Councilor Longton, she noted that the e-book service is currently being provided by the Library. The **Planning & Zoning Commission** was presented with an interesting cease and desist order for chickens, goats, and peacocks. A hearing and notice of violation is pending depending upon who has jurisdiction.

c. Councilor Longton: Economic Development Commission

The **EDC** has been working on the vendors ordinance and are hoping to draft a properly worded ordinance for the Town Council's August meeting.

d. Councilor McFee: Volunteer Firefighters Relief Fund; Public Safety Building Committee, Inland Wetlands Commission — no report.

e. Councilor Jaskiewicz: Board of Education; WPCA — no report.

- f. Councilor Tanner: Parks & Recreation Commission; Non-Profit Organizations
The **Parks & Recreation Commission** will be hosting Tuesday evening concerts in July starting tomorrow at 6:00 p.m. at Camp Oakdale in the Big Pavilion. She reported that, despite the weather, the camps are doing very well. The Commission was presented with and is reviewing the idea of a dog park.
- g. Councilor Buebendorf: Public Safety Commission; Regional Dispatch Committee
Mayor McDaniel reported that the **Regional Dispatch Committee** has extended their deadline on KX communications RFP, a 9-Town consortium for dispatch. The **Public Safety Commission** is in the process of drafting a letter to the Council to support their request for the purchase of a dog.

14. Appointments and Resignations

- a. To Consider and Act on a motion to accept the removal of Ms. Ellen Hillman from the Parks and Recreation Commission effective June 30, 2013.
Motion made by Councilor Tanner, seconded by Councilor Jones. Discussion: Councilor McFee noted that Ms. Hillman's lack of attendance was as the result of an illness in the family and sought the possibility of providing her with additional time. Councilor Tanner noted that, when she did attend the meetings, she was an asset to the Commission but, because she has not been in attendance since January, her position may be better applied to one who is able to commit to the Commission. Councilors Caron and Tanner noted that the Chair of the Commission did speak with Ms. Hillman two times and she had expressed her intent to resign from the Commission. Councilor Jaskiewicz questioned the procedure. Councilor McFee felt a letter of resignation from Ms. Hillman is necessary for her removal. Roll Call vote, 5-1. Voting in favor: Councilors Caron, Jaskiewicz, Jones, Longton, Tanner. Voting in Opposition: Councilor McFee. Motion carried.
- b. To Consider and Act on a motion to appoint Mr. William Hornok to the Conservation Commission with a term to expire July 9, 2015 — removed from the agenda.
- c. To Consider and Act on a motion to appoint Ms. Mary Adams to the Commission on Aging with a term to expire July 9, 2016 – removed from the agenda.

15. Unfinished Business

- a. To Consider and Act on a Motion to discuss a request from the Board of Education to defer 1% of its budget to a non-lapsing fund. (Councilor Jaskiewicz)
Motion made by Councilor Jaskiewicz, seconded by Councilor Tanner. Discussion: Councilor Jaskiewicz stated that, following a meeting with the Superintendent and the BOE, the Finance Committee recommended voting against the issue due to the timing of the request. Councilor Longton agreed with the ill-timing of the request and felt that it would be irresponsible for the Council to accept the request without taking the time to properly review the request. Councilor Jones questioned the \$2 million still remaining in the budget and felt that they are well-budgeted at this time. Councilor McFee questioned why, if the BOE voted in support of the fund, the Council is voting against it. Mayor McDaniel felt that the idea has merit and is taking place in other municipalities, but understands that the timing of the request may not have been appropriate. Roll Call vote, 1-4-1. Voting in Favor: Councilor McFee. Voting in Opposition: Councilors Caron, Jaskiewicz, Jones, and Longton. Voting in Abstention: Councilor Tanner. Motion failed.
- b. To Consider and Act on a Motion to discuss the ordinance titled "Ordinance Amending Chapter 289, Ordinance No. OG-4, "Ordinance Regulating Peddlers, Vendors and Solicitors".
Motion made by Councilor Jones, seconded by Councilor Jaskiewicz.
Motion made by Councilor Longton, seconded by Councilor Jaskiewicz, to defer the motion to the Council's August meeting when the EDC will present a full working ordinance to the

Council. Discussion: Councilor McFee spoke with regards to Mr. Murphy's concerns regarding the fireworks vendor, requesting an explanation and noting his understanding that the Chucky's was not actually selling the fireworks, themselves. Mayor McDaniel further noted that the fireworks were on consignment and were not being sold by Chucky's. Voice vote, 6-0, all in favor, motion carried.

16. New Business

- a. **Resolution #2013-45. THE TOWN OF MONTVILLE HEREBY RESOLVES to refund taxes due to overpayments and corrections in the amount of \$2,887.05 (two thousand eight hundred eighty-seven dollars and five cents) as requested by the Tax Collector. (Councilor Buebendorf)**

Motion made by Councilor Jones, seconded by Councilor Jaskiewicz. Discussion: None. Roll Call vote, 6-0. Voting in Favor: Councilors Caron, Jaskiewicz, Jones, Longton, McFee, Tanner, and Buebendorf. Voting in Opposition: None. Resolution adopted.

- b. To Consider and Act on a Motion to discuss a proposed senior tax relief plan. (Councilor Buebendorf)

Motion made by Councilor Jaskiewicz, seconded by Councilor Tanner. Discussion: Councilor Jaskiewicz thanked Mr. Siragusa for his hard work on the plan and recommended the plan be sent to the EDC for review. Councilor Jones added that the plan also deals with finances and taxes and questioned why the ordinances from two other towns were included in the packet.

Motion was made by Councilor Jaskiewicz, seconded by Councilor Longton, to send the plan to the EDC. Discussion: Mayor McDaniel clarified that the material came from CCM at request of Chairman Buebendorf, hence its inclusion in the packet. Voice vote, 6-0, all in favor. Voting in Favor: Councilors Caron, Jaskiewicz, Jones, Longton, McFee, Tanner, and Buebendorf. Voting in Opposition: None. Motion carried.

- c. **Resolution #2013-46. THE TOWN OF MONTVILLE HEREBY RESOLVES to approve the job description for a part-time Information Systems Department Technician. (Councilor Tanner)**

Motion made by Councilor Longton, seconded by Councilor Tanner.

Motion made by Councilor Tanner, seconded by Councilor Jaskiewicz, to delete the second sentence under "Nature of Work" which reads: "These locations include but are not limited to the Town Hall, Public Safety, Public Works, Youth Services, and Fire Stations".

Discussion: None. Voice Vote, 6-0, all in favor. Motion carried.

Motion made by Councilor Jaskiewicz, seconded by Councilor Longton, to approve the job description as amended. Discussion: Councilor Tanner and the Mayor will be contacting Mr. O'Neil regarding the amended job description. Voice vote, 6-0, all in favor. Resolution adopted.

- d. To Consider and Act on a Motion to discuss the procedure for Public Hearings. (Councilor McFee)

Motion made by Councilor Longton, seconded by Councilor Jones. Discussion: Councilor McFee expressed his dismay with Chairperson Buebendorf who did not accept his request to allow Ms. Lorraine Elliot to complete her remarks at the last public hearing. He felt that, as Council members, they are obligated to listen to the public and make a decision based upon their testimony. By limiting their testimony, the Council is manipulating the outcome of the hearing thereby invalidating the outcome. He presented the Council with a conduct of procedure written by a super-lawyer in municipal law, which states that while people should be kept moving, they should not be discouraged or cut-off. He also cited case law regarding the three-minute time limits. Councilor Jaskiewicz clarified and asked if he would like to send the issue to Town Administration/Rules and Procedures for review, but

Councilor McFee felt that the Councilors should arrive at a mutual understanding that if a Councilor requests a speaker be provided with additional time to complete their remarks at a public hearing, the Chairperson should be obligated to grant his/her request. Vice-Chair Caron clarified that the motion was introduced for discussion purposes only and no action would be required.

- e. **Resolution #2013-47. THE TOWN OF MONTVILLE HEREBY RESOLVES to appoint a representative from the Town Council to serve on the upcoming teacher contract negotiating committee. (Councilor Buebendorf)**

Motion made by Councilor Tanner, seconded by Councilor Jones.

Motion made by Councilor Tanner, seconded by Councilor Longton, to appoint Councilor Jones as the Town Council representative. Discussion: Councilor Tanner spoke with Councilor Jones regarding her willingness to serve as the representative to which she agreed. Vice-Chair Caron thanked and congratulated Councilor Jones. Roll Call vote, 6-0. Voting in Favor: Councilors Caron, Jaskiewicz, Jones, Longton, McFee, and Tanner. Voting in Opposition: None. Resolution adopted and Councilor Jones appointed.

- f. **Resolution #2013-48. THE TOWN OF MONTVILLE HEREBY RESOLVES to authorize the year-end transfers as requested by the Finance Director and depicted on Schedule A. (Councilor Buebendorf)**

Motion made by Councilor Jaskiewicz, seconded by Councilor Tanner. Discussion: Councilor Jaskiewicz noted that these items were originally discussed during the previous meetings during the budget process. Roll Call vote, 6-0. Voting in Favor: Councilors Caron, Jaskiewicz, Jones, Longton, McFee, and Tanner. Voting in Opposition: None. Resolution adopted.

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

John Geary, 11 Depot Road, felt that Chairperson Buebendorf was doing the right thing by respecting the time limit for remarks at the public hearing especially with respect to the time allotted for the public hearing preceding the regular meeting. He noted his difficulty in hearing some of the Councilors from the second row where he and his wife are seated. Councilor Jaskiewicz acknowledged that the issue has been brought up before.

Lt. Leonard Bunnell, 5 Little John Drive, wished to also thank David Jetmore, Ray Coggeshall, and Bill Bucko for their time, energy, and experience to the Building project. He responded to Mr. Murphy's concern regarding the fireworks vendor, explained the situation, and apologized if he offended anyone.

Donna Geary, 11 Depot Road, reiterates her difficult in hearing some of the Councilors. Feeling that competition is healthy and that it is a disservice to entrepreneurs, she disagrees with the one-mile rule as long as it is not at the expense of the safety of others. She also felt that Chairperson Buebendorf conducted herself very well at the public hearing, though a warning would be nice.

Flo Turner, 204 Route 163, disagreed with Councilor McFee regarding Chairperson Buebendorf being hypocritical as she did attempt to limit Mr. Socha's remarks at the podium during the last Council meeting.

Jim Wood, 43 Leitao Drive, congratulated Councilor Jones on her appointment and looks forward to working with her. He agrees with that which was articulated by the Mayor and Councilor Jaskiewicz regarding the non-lapsing fund and objects to the use of the word "irresponsible". He felt that the issue should be considered and hopes that the current and incoming Council will keep an open mind regarding the issue.

Gary Murphy, 6 Carolina Drive, felt that the Committee may extend the three-minute limit should they feel that more time is necessary, but in fairness to everyone, the limit should be

respected. He felt that the vendor's ordinance favors the brick and mortar establishments over the vendors and, in all due fairness, felt that the one-mile rule should apply to all businesses.

Jack Platt, 3 Chestnut Hill, questioned whether the Committee should disband or remain in existence. Councilor Caron noted that action to disband the Committee will be made at the next Council meeting.

18. Executive Session — none.

19. Remarks from the Councilors and the Mayor

Councilor Jones thanked the Gearys for bringing their inability to hear her comments to her attention. She felt that Chairperson Buebendorf conducts a good meeting and strives to ensure that the public has an equal opportunity to speak. She suggested that, perhaps, once everyone has spoken and time willing, those who were not able to complete their remark(s) have the opportunity to do so. She thanked the Building Committee for an exceptional job and wished that more groups with the same cooperation, professionalism, and commitment existed.

Councilor McFee expressed his aggravation with the Councilors, their lack of accomplishments, and concerted efforts by the Democratic Councilors who vote against all of the issues he has supported, sometimes at the expense of sacrificing their own integrity by voting against those issues they had originally supported. If he is fortunate enough to be elected to the next Council, he hopes that his Democratic colleagues will do what is right for the Town rather than what his/her party dictates.

Councilor Longton responded to Councilor McFee's statement regarding the 6-month dump pass, clarifying that, feeling that the suggestion had merit and was worthy of the Council's consideration, he voted in favor of bringing the issue to the Council for discussion, not to sell the pass. Furthermore, he neither informed Councilor McFee that that was his intention nor vote that that was what he wished to do. He congratulated the Building Committee for a job well done, an amazing accomplishment of a beautiful building that was built on time and under budget. He also responded to Mr. Wood's comment regarding his use of word "irresponsible", clarifying that while he personally approves of the non-lapsing fund, but felt it would be irresponsible for the Council to approve their request without having properly reviewed the issue and its ramifications/implications.

Councilor Tanner thanked the Building Committee for an outstanding job and, having received a disturbing image of a bug taken from inside the building, encouraged the Council to hire a full-time custodian. She invited everyone to attend the Park & Recreation Commission's Tuesday night concerts at Camp Oakdale.

Councilor Caron thanked everyone for their patience and for the opportunity to preside as the Chair. He gave his hats off to the Building Committee and is happy to see that the flag's lighting will be remedied. He ensured Mr. Murphy that the vendor's ordinance will be discussed and seeks a fair ordinance. He took exception to Councilor McFee's comments and use of language and disagrees with his statement regarding the Council's lack of accomplishments. He congratulated all of the graduates of Montville and Alternative High Schools.

Mayor McDaniel clarified the type of bug located in the Public Safety Building. He extended his kudos to the Building Committee for a fantastic job and was pleased to work with them. He noted that the Building's current lights will be installed at Town Hall so that the flag may be viewed 24 hours a day. An e-mail invitation was sent to all of the Councilors regarding a meeting to discuss the new recording system and smart board. Those who are unable to attend the meeting should contact Bill O'Neill to make other arrangements. He is planning on scheduling a special meeting for July 24 to discuss the Old Colchester Road project.

20. Adjournment

Motion made by Councilor Jaskiewicz, seconded by Councilor Jones, to adjourn the meeting at 8:35 p.m. Discussion: None. Voice Vote, 6-0, all in favor. Meeting Adjourned.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Montville

AN AUDIO RECORD OF THE MEETING IS ON FILE IN THE MONTVILLE TOWN CLERK'S OFFICE