

**Town of Montville Town Council
Regular Meeting Minutes for May 10, 2010
7:00 PM – Town Council Chambers
Town Hall**

1. Call to Order – Chairperson Jacobson called the meeting to order at 7:04 PM.
2. Pledge of Allegiance
3. Roll Call – Present were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Also present were Mayor Jaskiewicz and Town Attorney Lisa Gladke.
4. Items to be Added to the Agenda
 - A. **Motion** by Councilor Buebendorf, Second by Councilor Beetham to add to the agenda following item 4, a moment of silence in observance of Memorial Day and all of the people who have served, present and past. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** Councilor McFee stated that he would like to see all boards and commissions hold a moment of silence following the pledge of allegiance in observance of those serving our country during an active war. Councilor Hillman advised that a change of the Rules of Procedure would be required, and advised that the Town Administration Committee would be responsible for reviewing and carrying forward with this matter.
 - B. **Motion** by Councilor Caron, Second by Councilor Beetham to remove item F from the agenda. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.**
 - C. **Motion** by Councilor Murphy, Second by Councilor Hillman to add Mayor Jaskiewicz’s name to the list of Councilor’s supporting agenda item G. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.**
 - D. Councilor Beetham requested that the Council review DW Transport’s request to put up a sign on Rte. 163. Mayor Jaskiewicz stated that he would take a look at it further with Public Works and get back to Councilor Beetham.
 - E. **Motion** by Councilor Beetham, Second by Councilor Hillman to add agenda item N under New Business to discuss the shortfall in revenue in the current budget. **Voice Vote:** In Favor; Councilors Beetham, Caron, Hillman, Jacobson and McFee. Opposed; Councilors Buebendorf and Murphy. **Motion Carried 5-2.**
5. **Motion** by Councilor Beetham, Second by Councilor Hillman to approve the amended special meeting minutes of March 31, 2010; the special meeting minutes of April 5, 2010; the special meeting minutes of April 6, 2010; the regular meeting minutes of April 12, 2010; the public hearing minutes of April 21, 2010; the public hearing minutes of April 22, 2010; and the special meeting minutes of April 28, 2010. **Discussion: Motion** by Councilor Hillman, Second by Councilor Buebendorf to remove the public hearing minutes of April 22nd from the list as it was not included in the packages. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** Chairperson Jacobson called for a voice vote on the Motion as amended. **Voice Vote:** In Favor; Councilors Beetham, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. Abstained; Councilor Buebendorf. **Motion Carried 6-0-1.**
6. Executive Session
 - A. **Motion** by Councilor Buebendorf, Second by Councilor Beetham to enter into Executive Session with Attorney Matthew Auger to discuss a settlement concerning the matter before the New London Superior Court identified as Docket No. KNL CV 07 4007181S, “Bottling Group, LLC versus the Town of Montville”. Executive Session to include Council Members, Mayor Jaskiewicz and Finance Director Terry Fafard. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** Council members entered into executive session at 7:23 PM; they returned at 7:44 PM and Chairperson Jacobson stated that no formal votes had been taken.
 - B. **Motion** by Councilor Murphy, Second by Councilor Buebendorf to enter into Executive Session for the purpose of interviewing the following people for appointment or re-appointment to boards and/or commissions: Ms. Jill Johnson for re-appointment to the Inland Wetlands Commission; Mr. Richard Beauchene for re-appointment to the Inland Wetlands Commission; Ms. Christine Kutz for appointment to the Public Safety Committee. **Discussion: Motion** by Councilor Hillman, Second by Councilor Buebendorf to include in the Executive Session Mr. Michael Whittaker for re-appointment to the Inland Wetlands Commission and Ms. Deborah Schober for re-appointment to the Uncas Health District. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** Chairperson Jacobson called for a voice vote on the Motion as amended. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** Council members entered into executive session at 7:45 PM; they returned at 8:02 PM and Chairperson Jacobson stated that no formal votes had been taken, and that Mr. Whittaker and Mr. Beauchene were not present for their interview.

7. Remarks from the Public

Mr. Gene Jambor, 114 Park Avenue, spoke in favor of the Council approving agenda item 15E, citing Mr. Lynch's positive performance since taking over the position. Regarding agenda item 15H, Mr. Jambor explained that Mr. Lynch has taken on much more responsibility than what is in the job description, and adding this additional responsibility of the finances should be considered by the Council in making the final decision.

Mr. David Rowley, 93 Driscoll Drive, stated that he attended the May 6th Finance Committee meeting and came away from that meeting feeling good about the current state of the budget. He asked the Mayor and the Council to be cautious and really evaluate the situation before making any cuts in the upcoming budget.

8. Communications – None.

9. Report from the Town Attorney on matters referred - Attorney Gladke stated the items relating to Elberta Place and Nevada Road are on the agenda.

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

Mayor Jaskiewicz reported on the following: 1) work on Oxoboxo Bridge is scheduled to begin on May 17th; there is no current estimate on how long the road will be closed during construction; 2) working with the Town of Norwich to continuing negotiating working together on the Montville Road Bridge project; 3) he has been working closely with the Finance Director on the budget, and he will let the Council know if he has any concerns. The Mayor stated that he has more of a concern for next year's budget, and is keeping this in mind when making decisions about the current budget under review; and 4) he asked the Council to approve the bid waiver for the demolition of the properties located at 275 Maple Avenue and 275 Route 163.

Public Works Director, Donald Bourdeau, reported on the following: 1) he asked the Council to support the bid waiver for the demolition projects, stating that a local business has agreed to demolish both structures for \$6,000.00 each, which is a great price and approximately \$5,000.00 less than other quoted prices; and 2) FEMA will be reimbursing the Town for 75% of costs incurred in association with the recent floods. He and the Mayor will be meeting with FEMA next week for clarification on the reimbursement guidelines.

Attorney Ron Oschner, legal representative for the WPCA, addressed the Council and referenced section 407(e) of the Town Charter, which was revised in 1995. Attorney Oschner stated that he and the Town Attorney have discussed this matter and have disagreed on the intention of the revision. Attorney Oschner requested that the Council refer to the legislative history of this matter, and distributed documentation for the Council's review. Attorney Oschner stated that it is the WPCA's wish to adhere to the Charter and become autonomous from both the Town and the Town Council; and asked that he be given the opportunity to work with Attorney Chudwick further to resolve this situation as it will continue to arise in the future if not properly resolved.

11. Reports from Standing Committee

A. Town Administration / Rules of Procedure – Councilor Hillman reported that there was no meeting.

B. Finance – Councilor Murphy stated that the Committee met last week, and is in the process of setting up various meetings with Town departments to discuss budgets. He reported that there will be a joint meeting of the Finance Committee and the Board of Education on Thursday, May 13th at 4:00 PM in Council Chambers.

C. Public Works / Solid Waste Disposal – Councilor McFee reported that these sub-committees met on April 28th and discussed the following: 1) planning for the disposal of surplus vehicles is underway, and they are working on putting ads on Craigslist.com to try to sell them; 2) tentative paving schedule is being worked on; 3) on this agenda is the matter of approving the program to allow residents to dispose of brush free of charge from April through July 1st; and 4) as reported by the Mayor, the Town will be meeting with representatives from the Town of Norwich to discuss construction on the Montville Road Bridge.

12. Reports from Special Committees and Liaison Councilors

Planning & Zoning Commission / Inland Wetlands Commission - Councilor Beetham reported that the Commission has had discussions about the legalities of having a Conservation Commission in place and the necessity for such a commission. The Planning and Zoning Department's proposed budget this year has increased only for standard salary increases.

Library Committee – Nothing to report.

Parks & Recreation Commission - Councilor Buebendorf reported that the new Parks and Recreation Director has come on board and is becoming familiar with how the department is run.

Public Safety Commission - Councilor Buebendorf reported that the following items were discussed: 1) DUI's have increased significantly since this time last year; 2) recently, three officers have left the force, leaving three openings for Police Officers on the department; interviews will begin shortly; 3) the fire marshal reported that there were approximately 150 requests that were taken care of to pump out water after the recent flooding; and 4) discussions are ongoing regarding dispatcher staffing.

Commission on the Aging – Councilor Caron reported that they met and discussed the Health Fair, which was a great success. May is Older Americans Month, so please be sure to let our senior citizens know that you appreciate them.

Economic Development Commission – Nothing to report.

Social Services – Nothing to report.

Youth Services Bureau & Advisory Board - Councilor Caron reported that they held their annual spaghetti dinner fund raiser recently and it was a great success.

Montville Fair LLC – Nothing to report.

Volunteer Fire Fighters' Relief Fund – Nothing to report.

Community Center Building Committee – Nothing to report.

Board of Education - Councilor Murphy reported that at last month's Board of Education meeting a group of children that have excelled in school were brought in to discuss their achievements. Also, a group students performed dances from Tibet; Councilor Murphy explained that this group organized on their own, meet and practice on their own, and the school provides them with a venue to showcase their talents and culture. Both Councilor Murphy and Councilor Caron recently attended a function at Tyl Middle School where a presentation was given by Mr. Carl Wilkins regarding the genocide experienced in Rwanda, as depicted in the film "Ghosts of Rwanda".

WPCA – Items on the agenda.

Non-Profit Organizations – Councilor Hillman reported that a spreadsheet is being compiled to be given to Finance outlining the results of the recently sent questionnaire.

Public Safety Building Committee – Councilor Jacobson reported that they met and had an extension discussion regarding the contract with the Phase I architect that was chosen.

School Building Committee – Nothing to report.

13. Appointments and Resignations

A. **Motion** by Councilor Beetham, Second by Councilor Caron to waive Rule 13C of the Town Council Rules of Procedure in order to re-appoint Ms. Jill Johnson and Mr. Richard Beauchene to the Inland Wetlands Commission. **Discussion:** **Motion** by Councilor Hillman, Second by Councilor Buebendorf to remove Mr. Beauchene from the motion as he did not attend his interview. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** Chairperson Jacobson called for a voice vote on the Motion as amended. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.**

B. **Motion** by Councilor Murphy, Second by Councilor Caron to waive Rule 13C of the Town Council Rules of Procedure in order to appoint Ms. Christine Kutz to the Public Safety Commission. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Jacobson, McFee and Murphy. Opposed; None. Abstained; Councilor Hillman. **Motion Carried 6-0-1.**

C. **Nomination** for Ms. Jill Johnson by Councilor Buebendorf, Second by Councilor Hillman to fill a vacancy for a full voting member of the Inland Wetlands Commission, with a term to expire on May 10, 2014. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0. Ms. Jill Johnson re-appointed to the Inland Wetlands Commission.**

D. **Motion** by Councilor Buebendorf, Second by Councilor Caron to remove this item. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.**

E. **Nomination** for Mr. Douglas Brush by Councilor Beetham, Second by Councilor Hillman to fill a vacancy for a full voting member of the Inland Wetlands Commission, with a term to expire on May 10, 2014. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0. Mr. Douglas Brush re-appointed to the Inland Wetlands Commission.**

F. **Nomination** for Mr. Albert Skulczyck by Councilor Caron, Second by Councilor Buebendorf to fill a vacancy for a full voting member of the Economic Development Commission, with a term to expire on June 14, 2014. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0. Mr. Albert Skulczyck re-appointed to the Economic Development Commission.**

G. **Nomination** for Ms. Ann Mattson by Councilor Caron, Second by Councilor Buebendorf to fill a vacancy for a full voting member of the Economic Development Commission, with a term to expire on June 14, 2014. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0. Ms. Ann Mattson re-appointed to the Economic Development Commission.**

H. To fill a vacancy for a full voting member of the Public Safety Commission, with a term to expire on January 14, 2011. **Nomination** for Mr. James Toner by Councilor Buebendorf, Second by Councilor Caron. **Nomination** for Mr. James Moran by Councilor McFee, Second by Councilor Beetham. **Nomination** for Ms. Christine Kutz by Councilor Murphy, Second by Councilor Jacobson. **Roll Call Vote:** Mr. James Toner; Councilors Buebendorf and Caron. Mr. James Moran; Councilors Beetham, McFee and Jacobson. Abstained; Councilor Hillman. **Discussion:** Chairperson Jacobson stated that a minimum of four votes is required in order to appoint a person, and called for another roll call vote. **Roll Call Vote:** Mr. James Toner; Councilors Buebendorf, Caron and Murphy. Mr. James Moran; Councilors Beetham, McFee and Jacobson. Abstained; Councilor Hillman. **Motion** by Councilor Jacobson, Second by Councilor Hillman to adjourn for a few minutes to discuss this matter with the Town Attorney. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** The Council recessed at 8:55 PM, and returned at 9:01 PM at which time the Chair called the meeting back to order. **Discussion:** Attorney Gladke explained that the Council could either take another vote to see if it would change to give one person the four votes needed, or the vote could be postponed until next meeting in order to give Council members more time to consider the applicants. Councilor Hillman stated that her conflict of interest in this matter relates to Ms. Kutz, who was not a nominee during the last vote. Councilor Murphy withdrew his nomination of Ms. Christine Kutz, and Councilor Jacobson withdrew her second to the nomination. The Chair then called for another roll call vote in the matter. **Roll Call Vote:** Mr. James Toner; Councilors Buebendorf, Caron and Murphy. Mr. James Moran; Councilors Beetham, Hillman, Jacobson and McFee. **Motion Carried 4-3. Mr. James Moran appointed to the Public Safety Commission.**

14. Unfinished Business

A. **Motion** by Councilor Caron, Second by Councilor Buebendorf to accept and incorporate into the Town roadway system the extension of Elberta Place to the cul-de-sac at its end; said road is located in the McCloy Subdivision and shown on Maps 2043 through 2046; Subdivision plan prepared for James McCloy, 376 Kitemaug Road, Montville, Conn. Prepared By CME Associates Inc. **Discussion:** **Motion** by Councilor Beetham, Second by Councilor Caron to postpone this matter to the June meeting. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0. Matter Postponed.**

B. **Resolution #2010-040.** The Town of Montville Hereby Resolves to introduce an Ordinance entitled "An Ordinance Regarding The Conveyance Of Real Property Known as 12 New York Road (A.K.A. Nevada Road.*)" and set the date of June 14, 2010 for a public hearing on the matter; said hearing will be held at 6:45 p.m. in the Town Hall Council Chambers. Said Ordinance is attached to these minutes as Schedule B. **Motion** by Councilor Beetham, Second by Councilor Hillman. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2010-040 Adopted 7-0. Public Hearing set for June 14, 2010, at 6:45 PM.**

C. **Resolution #2010-041.** The Town of Montville Hereby Resolves to introduce an Ordinance entitled "Ordinance Authorizing Conveyance Of The Town's Remaining Interest In The Discontinued Portion of Walker Road" and set the date of June 14, 2010 for a public hearing on the matter; said hearing will be held at 6:30 p.m. in the Town Hall Council Chambers. Said Ordinance is attached to these minutes as Schedule C. **Motion** by Councilor Beetham, Second by Councilor Hillman. **Discussion:** **Motion** by Councilor Hillman, Second by Councilor Buebendorf to amend the ordinance to change "CL&P Pole #2618" to "Bozrah Light and Power Pole #2618", throughout the document. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0. Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2010-041 Adopted 7-0 as amended. Public Hearing set for June 14, 2010, at 6:30 PM.**

15. New Business

A. **Resolution #2010-042.** The Town of Montville Hereby Resolves to refund taxes due to overpayments and corrections in the amount of \$2,083.79 (Two Thousand Eighty-Three Dollars and Seventy-Nine Cents), as requested by the Tax Collector and as outlined on Schedule A and made a part of the agenda. **Motion** by Councilor Beetham, Second by Councilor Caron. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2010-042 Adopted 7-0.**

B. **Resolution #2010-043.** The Town of Montville Hereby Resolves to approve the 2010 Suspense List in the amount of \$58,692.73 (Fifty-Eight Thousand Six Hundred Ninety-Two and Seventy-Three Cents), requested by the Tax Collector. **Motion** by Councilor Beetham, Second by Councilor Hillman. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2010-043 Adopted 7-0.**

C. **Resolution #2010-044.** The Town of Montville Hereby Resolves to approve and authorize the Mayor to execute any and all documents necessary to settle by stipulated judgment the matter between the Town of Montville and Bottling Group, LLC which is before the New London Superior Court, Docket No. KNL CV 07 4007181S; said stipulated judgment to be attached to and made a part of these minutes as Schedule D. **Motion** by Councilor Beetham, Second by Councilor Caron. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2010-044 Adopted 7-0.**

D. **Motion** by Councilor Murphy, Second by Councilor Caron to waive the sealed bid requirement in Section C708(a) of the Town Charter for the demolition of the houses on 275 Route 163 and 275 Maple Avenue. **Discussion:** Councilor Beetham stated that he would like to see the projects separated, at which point the process would stay with Public Works since the two contracts will be for under \$10,000.00 each. Chairperson Jacobson expressed her desire to see the property at 275 Maple Avenue refurbished instead of demolished due to its historical significance to the Town. **Motion** by Councilor Beetham, Second by Councilor Buebendorf to remove this item from the agenda. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, McFee and Murphy. Opposed; Councilor Jacobson. **Motion Carried 6-1.**

E. **Resolution #2010-045.** The Town of Montville Hereby Resolves to approve the employment agreement between the Montville Water Pollution Control Authority and the WPCA Administrator, Brian Lynch. **Motion** by Councilor Murphy, Second by Councilor Caron. **Discussion:** Extensive discussion was held surrounding the validity of the contract based on how it was approved by the WPCA before being sent to the Council for final approval. Councilor Hillman reported that the WPCA should have adopted a resolution to approve the contract, not a simple motion; however, it was unclear what the WPCA's Rules of Procedure states as the appropriate way to forward an item to the Council. Councilor Hillman stated that the WPCA's Rules of Procedure have recently been updated to reflect changes of procedure made by the WPCA which have not been reflected in their official Rules of Procedure and the WPCA members are reviewing the document and are expected to discuss it at the regular meeting in June. Mr. Timothy May stated that when the WPCA approved the contract to send to the Council, they were under the understanding they were approving and forwarding to the Council the approved contract. Councilor Caron argued that according to the WPCA's interpretation of the Charter, this department is autonomous from the Town; Attorney Gladke stated that the Town Attorney's interpretation of the Charter states that the WPCA falls under the control of the Town and Town Council, so this is a situation that requires further review and discussion. **Roll Call Vote:** In Favor; Councilors Buebendorf, Caron, McFee and Murphy. Opposed; Councilor Hillman. Abstained; Councilors Beetham and Jacobson. **Resolution #2010-045 Adopted 4-1-2.**

F. This item was removed from the agenda.

G. **Resolution #2010-046.** The Town of Montville Hereby Resolves to oppose the proposed Department of Correction and Department of Justice sex offender facility to be located at 986 Norwich-New London Turnpike (Corrigan-Radgowski Correctional Center);

WHEREAS, the proposed sex offender facility will directly affect the economic, social, and quality of life in the Town of Montville;

WHEREAS, the residents of Montville have voiced their opposition through the signing of petitions; and

BE IT FURTHER RESOLVED that copies of this Resolution and Petitions shall be forwarded to the Governor, the Department of Corrections, the Department of Justice, and the 2010 Connecticut General Assembly. (Clrs. Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy; and Mayor Jaskiewicz). **Motion** by Councilor Beetham, Second by Councilor Caron. **Discussion:** Chairperson Jacobson stated that over 3,000 signatures have been collected to-date, and there are still signatures that have not been counted in. The public support of this resolution is very high. Mayor Jaskiewicz reported that according to the amended Bill, the State is required to choose five additional locations to do a thorough comparison of parameters, but that the final decision will rest upon the State as to the location of this facility. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2010-046 Adopted 7-0.**

H. **Resolution #2010-047.** The Town of Montville Hereby Resolves to repeal the agreement between the Town of Montville and the Montville Water & Sewer Commission as described in Resolution #2006-057, and adopted by the Town Council on July 10, 2006. The Finance Director is hereby directed to transfer all accounting functions to the Administration Division of the Water & Sewer Department effective immediately. **Motion** by Councilor Hillman, Second by Councilor Beetham. **Discussion:** Mayor Jaskiewicz stated that in 2005 he requested a legal opinion from the Town Attorney on this matter, at which time he was advised that the WPCA falls under the direction of the Town. At that time, the Auditor highly recommended that the financial functions of the WPCA be transferred to the Finance Director; and at the April 2010 meeting, the Auditor was present and stated that it is a managerial decision in the end, but they recommend keeping the finances with the Town until the WPCA could establish a sufficient checks and balances system. Councilor Buebendorf requested that a feasibility study be created before turning the financials back to the WPCA, and Mr. Lynch agreed that a 6-month time period to switch over the finances would be a more reasonable timeframe. Mr. Lynch advised the Council that he would prepare a transition plan and submit such for their approval. **Motion** by Councilor McFee, Second by Councilor Hillman to amend the motion to take effect no later than six months from today. Chairperson Jacobson called for a roll call vote on the motion as amended. **Roll Call Vote:** In Favor; Councilors Beetham, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; Councilor Buebendorf. **Resolution #2010-047 Adopted 6-1 as amended.**

I. **Resolution #2010-048.** The Town of Montville Hereby Resolves to institute a free brush disposal program at the Transfer Station, at no cost for residents, effective April through August 2010. **Motion** by Councilor Murphy, Second by Councilor McFee. **Discussion:** **Motion** by Councilor Beetham Second by Councilor Caron to amend the motion to state effective April through June 30, 2010. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.** Chairperson Jacobson called for a roll call vote on the motion as amended. **Roll Call Vote:** Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2010-048 Adopted 7-0 as amended.**

J. **Resolution #2010-049.** The Town of Montville Hereby Resolves to have McGladrey and Pullen perform the Town Audit for fiscal years 2010 and 2011. **Motion** by Councilor Caron, Second by Councilor Murphy. **Discussion:** Finance Director Terry Fafard stated that she has received confirmation in writing from the auditor that they will honor the \$35,000.00 fee for both 2010 and 2011. Chairperson Jacobson stated that according to the Charter, the Council should be appointing an auditor on a yearly basis. Ms. Fafard stated that the finance committee had voted on a two year contract, so that what was brought to the Council. **Motion** by Councilor Beetham, Second by Councilor Caron to amend the motion to perform the Town Audit for the fiscal year 2010, and to extend the contract through the 2011 fiscal year, with an annual cost of \$35,000.00 (Thirty-Five Thousand Dollars). **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Jacobson, McFee and Murphy. Opposed; Councilor Hillman. **Motion Carried 6-1.** Chairperson Jacobson called for a roll call vote on the motion as amended. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Jacobson, McFee and Murphy. Opposed; Councilor Hillman. **Resolution #2010-049 Adopted 6-1 as amended.**

K. **Resolution #2010-050.** The Town of Montville Hereby Resolves to make an additional appropriation of \$50,355.00 (Fifty Thousand Three Hundred Fifty-Five Dollars) from General Fund Balance to 10620-52184 (Public Works Engineering). **Motion** by Councilor Murphy, Second by Councilor Caron. **Roll Call Vote:** In Favor; Councilors Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; Councilor Beetham. **Resolution #2010-050 Adopted 6-1.**

L. **Resolution #2010-051.** The Town of Montville Hereby Resolves to make a transfer of \$7,000.00 (Seven Thousand Dollars) from 10480-52164 (Contingency) to 10620-52123 (Land Use Engineering). **Motion** by Councilor Beetham, Second by Councilor Hillman. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Resolution #2010-051 Adopted 7-0.**

M. **Resolution #2010-052.** The Town of Montville Hereby Resolves to set the date for a public hearing regarding the increase in water rates and fees to be held June 14, 2010, at 6:00 PM. **Motion** by Councilor Hillman, Second by Councilor Beetham. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Jacobson, McFee and Murphy. Opposed; Councilor Hillman. **Resolution #2010-052 Adopted 6-1. Public Hearing scheduled for June 14, 2010, at 6:00 PM.**

N. To consider and act on a Motion to schedule a special meeting to discuss the shortfall in the budget. Councilor Beetham withdrew his motion to add this to the agenda.

16. Remarks from the Public

Mr. Gene Jambor, 114 Park Avenue, thanked the Council for approving the WPCA Administrator's contract.

Mr. Glen Mathieu, 96 Richard Brown Drive, addressed the Council and stated that the Montville High School Parent Advisory Group, in conjunction with the Lions Club, will be hosting the first annual motorcycle run and rally on June 6th to raise money for diabetes and also for programs for Montville youth that are not sponsored from the Board of Education. Mr. Mathieu stated that they would like to invite Mayor Jaskiewicz to be the Grand Marshall, and asked that the Council and Town support this event as a whole.

Mr. Timothy May, 1297 Route 163, addressed the Council and reviewed a couple of Robert's Rules for the Council's information.

Ms. Kristen Forde, 559 Raymond Hill Road, addressed the Council and thanked them for supporting the motion to try to stop the State from opening a sex offender facility on Route 32 in Montville.

17. Remarks from Councilors

Councilor Murphy stated that he has complete confidence in Ms. Fafard, and he will take full responsibility should a problem arise with the auditor's contract. Regarding Montville's public meetings

Councilor Hillman encouraged Council members to review the WPCA's meeting minutes from last month to review the discrepancies she has noted; she is concerned that the Council has scheduled a public hearing based on information that is different than what was approved by the WPCA.

Councilor McFee thanked Mr. Bourdeau and the Public Works Department for their assistance in setting up the recent rally.

Councilor Buebendorf thanked the three applicants for the open position on the Public Safety Commission, stating that it is good to see so many people interested in supporting the Town. She asked that the Town Attorney and the WPCA attorney work together to resolve the discrepancies in interpretation of the Charter, and please provide the Council clarification as soon as possible. Councilor Buebendorf stated that Council members should please refrain from trying to impose their personal values and convictions on the Council as a whole.

Councilor Caron stated that everyone worked together to make the recent rally a success, including the Mayor, Councilors, Public Work; thank you to all who volunteered their time and effort.

Mayor Jaskiewicz agreed with Councilor Caron, and thanked everyone for their support in organizing and participating in the rally. He reminded everyone that the annual Memorial Day parade is coming up in a couple of weeks.

18. Adjournment – **Motion** made by Councilor Murphy, Second by Councilor Beetham, to adjourn the meeting. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0. The meeting adjourned at 10:42 PM.**

Respectfully Submitted by:

Sandra Anderson CPS
Minutes Clerk
Montville Town Council

SCHEDULE A

REBATES FOR MAY 10, 2010

DARNEY, WILLIAM J.	MILITARY ONE CAR FREE	\$ 312.33
DEMUZZIO, KRISTEN & MARTIN, LEE	OVERPAYMENT	11.59
FAIRWAY GREENS OF MONTVILLE, LLC	OVERPAYMENT	25.96
FELTER, STEVEN E.	OVERPAYMENT	14.94
GLAZIER, DESIREE M.	VEHICLE REGISTERED IN MA	29.96
HAYDEN, BERNICE E.	VEHICLE ON RESERVATION	72.43
HILL, ROBERT H.	VETERAN'S EXEMPTION	32.14
KINGSBOROUGH, MARY C.	VETERAN'S EXEMPTION	32.15
LYNICK, JOHN D. JR.	VETERAN'S EXEMPTION	32.14
ROISUM, KEVIN & LISA	OVERPAYMENT	70.00
RUBIN, PATRICIA	VEHICLES SOLD	90.60
WILDSTEIN, DAVID A.	BELONGS TO COLCHESTER	399.43
WILDSTEIN, DAVID A.	BELONGS TO COLCHESTER	322.09
WILDSTEIN, DAVID A. OR MEGHAN A.	BELONGS TO COLCHESTER	388.08
WILDSTEIN, DAVID A. OR MEGHAN A.	BELONGS TO COLCHESTER	<u>249.96</u>
	TOTAL	\$ 2,083.79

SCHEDULE B

TOWN OF MONTVILLE
NOTICE OF ORDINANCE HEARING

The following Ordinance, copies of which may be obtained at the office of the Town Clerk during office hours, was introduced at a regular meeting of the Town Council held May 10, 2010 and a public hearing thereon and for its consideration by the Town Council will be held at Town Hall Meeting Room, June 14, 2010 at 6:45 P.M.

**ORDINANCE REGARDING THE CONVEYANCE OF REAL PROPERTY
KNOWN AS 12 NEW YORK ROAD (A.K.A. NEVADA ROAD)**

THE TOWN OF MONTVILLE HEREBY ORDAINS:

Section 1.

The Mayor is hereby authorized to sell and convey the real property known as 12 New York Road (a.k.a. Nevada Road) (the "Property"), which is further described on Schedule A, to Marion Stanavage, or her nominee, for no consideration.

Schedule A

A certain piece or parcel of land situated in the Town of Montville, County of New London, State of Connecticut, known as 12 New York Road and shown as "Nevada Road" on a map entitled: "SECTION V SUBDIVISION MAP MONTVILLE MANOR PROPERTY OF THE HUNTER CONSTRUCTION COMPANY MONTVILLE, CONN. DRAWN BY J. STEWART CHECKED BY M. FEINSTEIN DRAWING NO. 6028 DATE JUNE 6, 1961 SCALE 1" = 40' SHEET 2 OF 3 FILE NO. 364-X," prepared by Morton S. Fine Civil Engineer & Land Surveyor 19 Whitney St. Hartford, Conn., which map is on file as Map 208-B in the Town Clerk's Office in the said Town of Montville to which reference may be had.

Said premises are a portion of those conveyed to the Town of Montville by Warranty Deed from The Hunter Construction Company and referred to therein as "Nevada Road," which deed is dated October 14, 1963 and recorded in Volume 79, Page 614 of the Montville Land Records.

Section 2.

The Mayor is also hereby authorized to execute, and the Town Clerk to attest to and affix the seal of the Town of Montville to, a quit claim deed to the Property, which deed shall be approved by the Town Attorney as to form, content and legality.

Section 3.

The Mayor is hereby authorized to include such other terms, conditions, easements and restrictions in the deed as he deems to be in the best interests of the Town of Montville. The Mayor is also authorized to execute any other documents required to complete the sale and conveyance of the Property.

Section 4.

This ordinance shall become effective thirty (30) days from the date of its adoption.

Dated at Montville Connecticut this 11th day of May 2010.

Lisa Terry, Town Clerk

SCHEDULE C

TOWN OF MONTVILLE
NOTICE OF ORDINANCE HEARING

The following Ordinance, copies of which may be obtained at the office of the Town Clerk during office hours, was introduced at a regular meeting of the Town Council held May 10, 2010 and a public hearing thereon and for its consideration by the Town Council will be held at Town Hall Council Chambers, June 14, 2010 at 6:30 P.M.

ORDINANCE AUTHORIZING CONVEYANCE OF
THE TOWN'S REMAINING INTEREST, IF ANY, IN THE
DISCONTINUED PORTION OF WALKER ROAD

THE TOWN OF MONTVILLE HEREBY ORDAINS:

Section 1.

The Mayor is authorized to execute and the Town Clerk to attest and affix the seal of the Town of Montville to the following instruments of conveyance:

- a. A **Quit Claim Deed(s)** of the interest of the Town of Montville, if any, in the discontinued portion of Walker Road beginning at a point from Bozrah Light & Power pole #2168, which is approximately 900 feet from the intersection of Walker Road with Caroline Road and running to the end of Walker Road to the Bozrah town line, which portion of Walker Road was discontinued by the Town of Montville on June 1, 2004, to the owners of the property abutting said discontinued portion of Walker Road, each owner to be conveyed the Town's interest to the center line of the discontinued road. In the event that either owner declines to accept the conveyance, the other owner shall be offered the interest in the portion of Walker Road, opposite his/her property.

Section 2.

The purpose of the Quit Claim Deeds is to disencumber the Town of its interest (if any) in a discontinued public road.

This ordinance shall become effective thirty (30) days from the date of its adoption.

Dated at Montville Connecticut this 11th day of May 2010.

Lisa Terry, Town Clerk

SCHEDULE D

**TOWN OF MONTVILLE
NOTICE OF PUBLIC HEARING**

Notice is hereby given that the Town of Montville will hold a public hearing on June 14, 2010 at 6:00 p.m. at the Montville Town Hall, Council Chambers, 310 Norwich New London Turnpike, Uncasville, CT 06382, on proposed revisions to the existing water rate schedule. At this hearing, all consumers of water, property owners serviced by the Montville Water Department and other interested persons shall have an opportunity to be heard, and written communications relative to the above will be received and considered.

The dollar amounts of such proposed increase to the existing rate schedule are set forth below. Copies of the complete text of the proposed rate schedule are on file at the offices of the Town of Montville Town Clerk and Montville Water Pollution Control Administrative Office, 310 Norwich New London Turnpike, Uncasville, CT and are available for public inspection on the Town's website Montville-ct.org.

**RATE SCHEDULE FOR ALL WATER SERVICE LOCATED WITHIN THE
TOWN OF MONTVILLE SERVICE AREA
BILLED ON AND AFTER JULY 1, 2010**

1. MONTHLY RATE IS THE SUM OF THE SERVICE CHARGE AND THE CONSUMPTION CHARGE.

- A. The monthly **service charge** is based on meter size and includes consumption charge for the first 2,000 gallons for monthly customers and 6,000 gallons for quarterly customers.

<u>Monthly Meter Size</u>	<u>Monthly Service charge</u>	<u>Quarterly Meter Size</u>	<u>Quarterly Service Charge</u>
3"	\$100.00	5/8" _	_____ \$35.00
4"	155.00	3/4" _	_____ 35.00
8"	480.00	1" _	_____ 35.00
10"	480.00	1 1/2" _	_____ 95.00
12" _	1,175.00	2" _	_____ 185.00

- B. The monthly **consumption charge** is based on the number of gallons recorded on the meter during the billing period and is calculated in 1,000 increments in accordance with this Schedule:

<u>Monthly Consumption</u>	<u>Per 1,000 Monthly Charge</u>	<u>Quarterly Consumption</u>	<u>Per 1,000 Quarterly Charge</u>
0-2,000 gal.	N/C	0-6,000 gal.	N/C
2,000+	4.85	6,000+	4.85

2. HYDRANT AND FIRE SPRINKLER CHARGES

SCHEDULE D

- A. Hydrant Annual Service Charge \$290.00
- B. Fire Sprinkler Service in accordance with the following schedule:

<u>Connection Size</u>	<u>Annual Charge</u>
2"	\$ 45 (residential sprinklers only)
3"	880
4"	880
6"	880
8"	880
10"	880

3. NEW SERVICE CONNECTIONS

- A. New Account Administration Fee - \$35.00
- B. Service Connection operational charge - \$185 per unit
- C. Installation for residential corporation cock, copper feeder line, and curb stop - \$2,750, plus any additional time and material needed.
- D. Installation for commercial/industrial connection will be negotiated with the applicant based on average gallons per day and time and materials.
- E. Service Connection infrastructure charge –
Residential - \$4,000
Commercial/Industrial - \$7.25 per gallon of average daily consumption
and time and materials with a minimum of \$4,000

4. MISCELLANEOUS SERVICE AND ADMINISTRATIVE CHARGES

- A. Emergency service after business hours \$ 55/hr minimum 3hrs
- B. Emergency service during business hours \$ 40
- C. Service work by appoint during business hours N/C
- D. Returned check fee \$ 35
- E. Curb shut off \$ 50
- F. Restoration of service \$ 50
- G. Meter accuracy test requested by customer

SCHEDULE D

	If meter is off more than 4%	N/C
	If meter is off less than 4%	\$130
H.	Backflow prevention device test (1)	\$ 75
	Each additional unit at same site	\$ 30

Dated at Montville, Connecticut this 11th day of May, 2010.

Lisa Terry, Town Clerk

