

Town of Montville Town Council  
Special Meeting Minutes  
Monday, April 4, 2011 – 6:00 p.m. – Town Council Chambers

1. Call to Order

Acting Chairperson Hillman called the special meeting to order at 6:00 p.m. after establishing a quorum.

2. Pledge of Allegiance

3. Roll Call

Present were Councilors Beetham, Buebendorf, Caron, Hillman, McFee and Murphy. Absent was Councilor Jacobson. Also present was Mayor Jaskiewicz.

4. Remarks from the Public Regarding Items on the Agenda with a three minute limit.

Mr. Gary Pike, 38 Bergman Drive, spoke in opposition of terminating the funds for the litigation between the Town of Montville and the State of Connecticut. He stated there will be somewhere around two hundred thousand dollars in annual revenues lost as a result of the sex offender facility location in the Town of Montville. He stated this in comparison to the eighty five thousand it costs to defend against the facility it makes the eighty five thousand look small. He indicated these figures do not take into account the effect on business in town. He does not believe business is going to want to move anywhere near the sex offender facility and the properties that become vacant in the town will remain vacant. There is no way to get a solid handle on the costs the facility will have on the town, but it is an absolute that it will cost the town over time in annual revenue. He stated he worked very hard to bring six other towns on board for fifty nine eleven and this has now been switched to sixty six thirty two because forty five members of the judicial committee that reviewed it thought that it was completely inadequate and they re-wrote it and made it retroactive to before the signing of the contract with Connections, Inc. and they are going to vote on that and when they do, the town should not be backing out of this fight until they know what the results of the vote are. He is not sure that having this item on hold until after the vote will have any major costs to the town compared to what was already spent and he thinks it would be considerate to wait and to pull the funds is wrong to do at this time. If sixty six thirty two does pass and with a forty five member judicial committee behind it, he believes there would be a better than fifty fifty chance that this facility will not get sited in Montville. He thinks the Council should wait until sixty six thirty two gets voted on and then if it passes the town should wait until the survey is re-done. To pull the funding now after North Stonington, Waterford, Ledyard, Salem, Preston and East Lyme have stepped up to stand beside Montville would be the wrong thing to do.

Mr. James Andriote, 23 Tremart Drive, stated he is concerned regarding the need for a meeting being called at this time, stating it seems that someone is trying to rush the gun to terminate funding for the lawsuit when there is a Council meeting next week. He does not understand why the Council did not have this discussion at a regular meeting, it does not make sense. He is against pulling the funding for the lawsuit, stating until the town receives an MOU from the State the lawsuit should continue and show some kind of leverage to make the State come up with an MOU, he agrees with Mr. Pike, stating other towns are on board and it is starting to pick up some momentum and the town is looking stronger and stronger. He disagrees with calling the meeting and with pulling the funding for the lawsuit.

5. New Business – none.

6. Old Business

a. To consider and act on a resolution to terminate the funding for the litigation between the Town of Montville and the State of Connecticut regarding the sex offender facility.

Motion made by Councilor Buebendorf, seconded by Councilor Caron. Discussion, Councilor Buebendorf asked Mayor Jaskiewicz if he has an update regarding the legal costs so far.

Mayor Jaskiewicz stated he will provide the Council with the legal documents next Monday with exact figures, but estimated the costs to be around eighty seven thousand dollars.

Councilor Buebendorf stated it was she who requested the special meeting, at the last Council meeting the Council agreed to delay making a decision on funding this law suit until after the meeting in Hartford took place between the members of the Town Council and the State delegation and the Department of Corrections and the Governor's Chief of Staff. The Attorney General's office was supposed to represent at that meeting and they were not there. Since that meeting took place, its time to discuss the issue and make a definitive decision, she finds that this issue is on everyone's mind, they want to know what is going on, how the town is spending the money and its time to discuss this issue. There has been a lot of public information that isn't out there. Some people in the community are using scare tactics to get people riled up, suggesting we are going to have the worst of the worst shipped to Montville and they will be running around raping our women and children. The reason she wanted this meeting is to discuss the facts and to have the Council make a decision whether or not to continue the lawsuit based on reason rather than on emotions. Some of the facts are as follows; the lawsuit against the State was dismissed in January on its merits, the costs relating to the law suit are a minimum of eighty seven thousand dollars so far; and in fact residents are paying for this twice, the citizens of Montville are paying for this through their local taxes and then they are paying them again through the State taxes for the State to defend this lawsuit and the appeal. The people can not afford in this economy to be throwing good money after bad. There are sex offenders living among residents in the community, she checked the website today and there are seventeen sex offenders who have not been through post training programs or treatment programs living right here in Uncasville. At the meeting in Hartford, and this was public information, it was on television, in the press, the leader of the Department of Corrections and the Governor's Chief of Staff committed publicly to ensuring the safety and security for the citizens of Montville and they are willing to commit their assurance in writing and in a formal MOU between the State, Connections Inc. the company that will run the program and the Town of Montville. According to Tim Bannin, who is Governor Malloy's Chief of Staff, the MOU can absolutely be amended as any issues may arise, so at any point in the future this can be done. Some of the promises that were publicly made to the Town of Montville; the State of Connecticut is committed to a secure facility, the facility is to be built is not a half way house, it is a twenty four bed facility, twelve for the Department of Corrections and twelve for court ordered sex offender treatment for probation. All the programs that will take place will take place in house, no residents will be allowed off campus for any reason except for emergencies and in those instances residents will be escorted at all times, it means they will not have access to religious services in town, they will not be visiting doctor or dentist offices in town and they will not be working in our businesses. No one will be placed in Montville after treatment unless they are originally Montville residents. All residents will be returned to their home community for living and for work. This will be based on an inpatient model, all work programs will be inside the facility with a minimum of three staff people on site twenty four seven, a fence will be around the entire perimeter and the gate will be locked at all times, doors and windows will be alarmed and motion detectors will be present. There will be armed perimeter patrol and all residents will be subject to random drug and alcohol testing and random room searches. Information about residents will be available to the town and residents on the sex offender registry on line and filed with the local police. There will be a coordination of security measures and alarms and notification between the facility and the town's police. When residents are released to their home towns they will not be unattached, they will be under the supervision of a parole or probation officer. If any problems occur while at the

correction facility the offender will be sent back to prison. This facility will be added to the quarterly meetings held by the Department of Corrections to discuss issues and processes relating to the prisons in the State so it is guaranteed that this facility will receive regular attention. The State leaders who were at that meeting in Hartford stated “we do not want this program to fail, we want to run a program that has good results” and along that line the residents will be chosen carefully for the program, they will not include the worst of the worst, they will be the so called second tier offenders who have a chance of responding to intensive treatment. Because the State of Connecticut has made a public commitment to the Town of Montville, she feels it is time to withdraw the appeal and make a public commitment to holding the State accountable to their promises and to work on an MOU that will provide the security that the Montville residents deserve.

Mayor Jaskiewicz stated that is what was said at the meeting, and the State committed to this on television and in front of everyone.

Councilor Murphy stated he works for the Department of Corrections and he has been staying out of the executive session meetings and he did not go to Hartford, but as a citizen and as a Councilor he has a voice and he works in Montville. The facility he works in has one thousand inmates in it and there are well over two hundred people in there for some type of sexual offense, and between the two facilities there are over eighteen hundred people. There are trailers out front and he guarantees there is not one person in the room that knows what type of people are in the trailers out in front of the prison. The trailers do not have a fence around them, do not have alarms on the windows and they do not have anyone watching them, there is one person in the trailer at any given time. There are forty people on the sex offender list for the whole town and the Department of Corrections has already started preparing for the building, they have cleared the land, they laid out the trenches for the electrical and he believes the facility is coming to that site. There are six towns standing behind Montville in this endeavor because they do not want the facility in their back yard either. The problem is that it is going to go somewhere and he does not want it in Montville as much as anyone else does, but it is going to end up here, the State of Connecticut is going to put it at the prison facility and at least it is going to be put in there with a fence around it with people watching it and it will be secured and will not house the worst of the worst offenders. Sex offenders run free through every town in the State of Connecticut. There are two hundred gang members housed in the Corrigan facility, and their family members come into the Town of Montville every week to visit and most gangs are family oriented and they have visitors that come that belong to their organizations and no one says much about them hanging out in the town. He believes the facility will be sited in Montville, and he is not going to participate in the vote because he works there, but he wanted everyone to know how he feels about the facility, he does not want it in the town of Montville but he believes it is coming and there isn't anything the town can do about it.

Councilor Beetham stated he believes it is coming to the town as well, and he discussed a year ago when he read in the newspaper that a sex offender building program was coming to the Corrigan prison site. He did not have this much information regarding what type of facility it would be, how it would be run, etc. He is in favor of keeping the law suit moving forward and feels the town was rushed into going to court. He wants a signed MOU and a record of what the State promises to do and then he would support it, provided it is a good MOU, but he looks at all the things the State says they are going to do now, and they should have put the facility inside the fence and saved a little money. He discussed the closing of prisons in the State and the possibility of using those sites for the sex offenders. The only reason the State made concessions is because there were four people who took this project on, Councilors Jacobson, McFee, Hillman and Caron who pushed this issue, going to court, made up signs and pushed the issue. He discussed the legal fees and stated the outcome for protection of the people of Montville is worth the money. He does not feel comfortable pulling the funds to fight the facility until there are documents in place to protect the citizens of Montville. The appeal comes up in a month, there will be a pretrial hearing on May 4<sup>th</sup> with a forty five day window and until this time or until there is an MOU in hand he is not in favor of pulling the funding for the appeal.

Councilor McFee stated he is optimistic after hearing what the State had to say in Hartford. He indicated the worst of the worst were slated for this facility in the beginning of talks, and now the State is saying on a scale of one to five with five being the worst, the people who will be utilizing the facility are at a two. If the State concedes this and intends to send less violent offenders the town has won something, he discussed the conflicting reports to date regarding the facility. He is optimistic if all of the items discussed and promised by the State come to be true he would feel a lot better about the facility. He has been outspoken regarding the facility in the past and if the State is willing to compromise and sign an MOU the money spent to date was well spent. He listens to the citizens and only a small handful of loud citizens speak against the facility. The Council has seen very few residents to speak against the facility at its special meetings. He thanked Gary Pike and Dennis Downing for helping out with this cause. He feels the town is not going to incur many legal bills until May 4<sup>th</sup> and with the possibility of settling this so close, and if the bill is passed the town wins. The town has been arguing the process in selecting the site was flawed, but if it is done fairly and the town ends up with the facility the people can live with the decision if there is a fair MOU in place. He is not in favor of terminating the funding for the lawsuit at this time. It is a bargaining chip for the town and he hopes the funding is not terminated at this time, but he is not in favor of substantial legal costs either.

Councilor Beetham stated he heard one of the reasons Montville was picked as a site for the sex offender facility was because it is located on a bus line and the offenders could get on the bus and go wherever they wanted.

Councilor Murphy stated the inmates at the Cohegan house get on the bus and go to work in New London, Montville, and Norwich and they come back on the bus. The number of inmates is going down in the State because all of the non violent offenders are getting kicked out and he guarantees they are releasing people that at one time were the worst of the worst because many of them start out as a level four or five and over the years as their sentences get less they end up at the level two facilities like Gates and they are opening the gate and letting them all go to save money.

Councilor Caron agrees with the Council on this issue, the town did gain some ground with the legal battle and is gaining some with the legislative body too, and he is against the whole project and has been out walking the picket line with the rest of the Council. Both the Council and the Mayor will continue to fight this, but at this point he is not sure about continuing to fund it, he does not know how much ground will be gained at that end, the town needs an MOU and the State stated publicly they will give it to the town. He asked the Council how far the Council is willing to go with this lawsuit.

Councilor Hillman agreed with Councilor Buebendorf as to the facts as they were stated in Hartford, but one of the facts left out is the presentation made in Hartford was the same presentation that was made to the Council last summer with a lot of the same promises and they did say the town would not get the worst of the worst but the contract has not changed, the contract says the town will be getting the worst of the worst and it does say they will be riding the bus lines and it does say they are free to go into the community, it does say that all programs will be out of house with the exception of the site services, it does say that they will not have supervision at all times, it does not mention drug testing and the Department of Corrections and the Department of Justice both have reiterated over and over again that they can not make Connections, Inc. enter into an MOU with the Town of Montville, Connections, Inc. is the company that is overseeing this and is hired by the State.

Mayor Jaskiewicz stated they said the MOU would be signed by Connections, Inc. and asked Councilor Hillman to state the facts.

Councilor Hillman stated as far as the fence line is concerned, a comment was made regarding the ten foot fence line around the perimeter and they did not realize the fence line does not run along the whole perimeter of the property, they don't even know where their own fence lines are. The security plan is being worked on, and is not in place and until those things are resolved with an MOU she will not vote in favor of cutting off the

funding for the lawsuit. It has to stay in place in order to ensure everything is followed through as it should, it has been over a year since the original presentation from Commissioner Murphy and the State promised and MOU at that time and never did and until it is signed and in place she is in favor of continuing to fund the lawsuit.

Councilor Buebendorf acknowledges this lawsuit most likely resulted in pretty drastic changes on the part of the State and the Department of Corrections and the Governor's Chief of Staff has committed publicly to ensuring the level of security that Montville deserves and expresses. She feels if it was stated publicly they are committed to following through. Contrary to what Commissioner Hillman said, Andrea Stillman asked at the meeting if an MOU can be amended and the Governor's Chief of Staff indicated that it could absolutely be amended, the State controls this contract and Connections, Inc. has to do what the State wants them to do in order to create this level of security and she thinks the Town of Montville needs to show an equally good faith effort if they are to have a good, cooperative working relationship and to get this MOU and capture the gains that have been made. She stated she did not vote to begin the lawsuit, and everyone has worked on this issue in their own way and will never know what part or parts changed the minds of the DOC or the State, but it is time to work with the State and get as much security as possible from them and grab those things that have changed since the beginning.

Councilor Caron requested an informational meeting regarding this issue and requested it be added to the April agenda for discussion.

Councilor McFee stated he would like questions answered before he votes in favor of the MOU and he is close to a decision and is optimistic regarding the information he has heard and the facts he hears make him more secure but he does not want to give up the bargaining chip and expect everything to fall into place the way the Council is hearing it will. The Town will not incur any significant bills between now and May 4<sup>th</sup> and has nothing to gain by terminating the funding at this time.

Councilor Hillman stated the State promised to add the facility onto their quarterly meeting schedule and that is something the State can do without Connections, Inc. approval and she would like to see them advance with this as a good faith effort, but stated the town asked for an MOU over a year ago and they have not provided one as of today.

Councilor Murphy asked if nothing is going to change how long the town will continue to fight the facility and if they choose to do so will they put a limit on the amount to be spent on doing so. He discussed a halfway house slated for New Haven and the fight to keep it out of the area.

Councilor Beetham stated the Town needs a sound contract signed by the Mayor, and is not in favor of terminating the funding until a firm contract is in place. He discussed a copy of the minutes from the Montville Prison Safety Committee from March 11, 2009 that discusses the possibility of the sex offender facility being sited in Montville on the prison site. Mayor Jaskiewicz was not present but he did get a copy of the minutes of the meeting and Councilor Beetham inquired why he did not tell the Council about this project.

Mayor Jaskiewicz stated he was aware of the discussions at the meeting but nothing came of the discussions because there was no funding for the project.

Councilor Beetham stated the Mayor is the head of the Town and could have given the residents a warning that this project may be slated for the Town of Montville, and he stated the town lost many months of preparation because they did not know what was going on.

Roll Call Vote: 3-2-1, voting in favor were Councilors Buebendorf and Caron, voting in opposition were Councilors Beetham, Hillman and McFee, abstaining from the vote was Councilor Murphy. Resolution failed to pass.

7. Remarks from the Public

Mr. Gary Pike, 38 Bergman Drive, stated a statement was made by Mr. Mike Lawler in the newspapers that said the sex offender facility was going to be the home of the worst of the worst offenders and is documented as public record, and Mr. Lawler is a representative who resigned as a representative to go work for Governor Malloy as an official overseeing this whole program. You can't get this information from a higher source.

Mr. James Andriote, 23 TreMart Drive, read the minutes of the Montville Prison Safety Committee, Corrigan Radgowski, March 11, 2009 meeting to prove that the issue was not dead. In the minutes it states the Cochegan House, the legislature has approved a twenty four bed residential sex offender housing program next to the Cochegan House, and this facility will be separate from the Cochegan House and run by Connections, Inc. It will be a two to four month residential program, no work release and staffed twenty four hours a day seven days a week. CRCC will have emergency plans in place and the perimeter will monitor the grounds. The Connections, Inc. will be working closely with the parole and probation in the offenders area of release for housing as this is the preliminary plan stages and there is no time table for this project. These are the minutes of the meeting as written, it was talked about in 2009 and approved and the town should have been notified at that time.

Mayor Jaskiewicz stated there was no funding for the project at that time.

Mr. Andriote stated it does not matter if there was funding or not, the Mayor should have taken action at that time to try to stop it through the legislature. It was approved in March of 2009 and no one was aware of it until April of 2010.

Acting Chairperson Hillman inquired three times if there was anyone who would like to come forward to address the Council.

8. Remarks from the Council

Councilor Buebendorf thanked everyone for attending the meeting, she stated it was important to talk about this issue in a public forum because it has not been done and it is important to talk about it and the people have the right to know what is going on. She thanked Mr. Pike for all his work on behalf of the Town of Montville, everyone goes about solving problems in different ways and hopefully everyone's ways together will benefit the town and she appreciates his dedication to the town.

Councilor McFee agreed there should be a meeting based on the facts heard in Hartford and he has questions he wants clarified. It is important to clear these items up now, especially regarding the level of the offenders slated for this facility. He discussed the need for a signed MOU with the State.

Councilor Beetham stated Chairperson Jacobson spearheaded this challenge against the State and immediately recruited Councilors to speak against the facility from the very beginning and it took a lot of work and research by Chairperson Jacobson to get where the town is and for waking up the town and the state with what everyone did to date.

Councilor Murphy thanked Councilor Buebendorf for calling the meeting, he does not object to attending a meeting, it is informative to the people who want to know what is going on, and he thanked Mr. Pike for all his hard work on this issue. He stated classifications of offenders are available on the DOC website and available to anyone who wants this information.

Mayor Jaskiewicz stated he will work on the MOU with the State and get that issue resolved and he feels he is close to a resolution. Councilor Beetham requested copies of all the legal bills for the Monday meeting.

Councilor Caron thanked all of the Councilors and the Mayor for all their hard work in helping to prevent the sex offender facility from coming to the Town.

9. Adjournment

Motion made by Councilor Beetham, seconded by Councilor Buebendorf to adjourn the meeting at 6:55 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.