

**Town of Montville Town Council**  
**Regular Meeting Minutes for Monday, March 12, 2012**  
**7:00 p.m. – Town Council Chambers – Town Hall**

1. Call to Order

Chairperson Buebendorf called the regular meeting of the Town of Montville Town Council to order at 7:00 p.m. after establishing a quorum.

2. Pledge of Allegiance followed by a moment of silence in honor of our military.

3. Roll Call

Present were Councilors Caron, Jones, Longton, McFee, Tanner and Buebendorf. Absent was Councilor Murphy. Also present was Mayor Ron McDaniel.

4. Special Recognitions/Presentations – none.

5. Alterations to the Agenda

Motion made by Councilor Tanner, seconded by Councilor Caron to add agenda item 6 (d) the approval of the March 8, 2012 special meeting minutes; voice vote, 6-0, all in favor, motion carried, agenda amended.

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

- a. The regular meeting minutes of February 13, 2012.

Motion made by Councilor Tanner, seconded by Councilor Longton, discussion, none, voice vote, 6-0, all in favor, motion carried.

- b. The public hearing meeting minutes of February 13, 2012.

Motion made by Councilor Jones, seconded by Councilor Tanner, discussion, none, voice vote, 6-0, all in favor, motion carried.

- c. The special informational meeting minutes of March 1, 2012.

Motion made by Councilor Jones, seconded by Councilor Tanner, discussion, none, voice vote, 3-0-3, abstaining were Councilors McFee, Longton and Caron (they were not present at the meeting), motion carried.

- d. The special meeting minutes of March 8, 2012.

Motion made by Councilor Jones, seconded by Councilor Caron, discussion, none, voice vote, 5-0-1 (Councilor Tanner abstained, she did not attend the meeting), motion carried.

7. Executive Session – none.

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

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

9. Communications
  - a. A copy of the legal bills from Shipman & Goodwin, LLP for January, 2012;
  - b. A correspondence from Councilor Gary Murphy regarding a medical leave of absence.
  - c. A correspondence from the Montville Youth Services Bureau regarding a Community Forum.
  - d. A correspondence from Montville Post 112, Inc. regarding the Montville Memorial Day Parade.
10. Report from the Town Attorney on Matters Referred – none.
11. Remarks from the Mayor and/or Administrative Department Heads to include Matters Referred.

Mayor McDaniel stated he has been diligently working on the NRG Biomass project at the Montville Power Plant. He gave an overview of events to date and stated he will continue to work diligently regarding this. He stated contract negotiations are underway and moving forward in a positive direction, he discussed the WWE event at the school, stating the kids enjoyed the presentation; he discussed the fire fighters banquet he attended and stated he is proud of all the firefighters do for the town; he stated the New London Irish Parade is on Saturday and he and Councilor Caron will be marching in the parade and he invited members of the Council to join if they are able to do so; he anticipates the parade to be much larger than in past years and with the cooperation of the weather there should be a good turnout.

Finance Director Terry Hart reviewed the financial report with the Council and stated the AES Thames Corp has not paid their taxes this year and overall collection is down 2.9 percent through the month of February. But for the lack of money from AES Thames, the Town would not be in bad shape for collections this year. She discussed the options to make up for the deficit in the revenue including auctioning foreclosed properties, asking the WPCA to pay down on their debt to make up for some of the loss as they currently owe approximately seven hundred eighty thousand dollars. She discussed savings from Public Works from the mild winter that may generate savings. She indicated the departments have not asked for any increases and in most cases have decreased their budgets to help out his year. She discussed the Board of Education 2.7% increase over last year, stating that including the Capital Improvement Plan requests they are asking for a five percent increase over last year. She discussed the business audits, stating she spoke with the Assessor and she will speak with the company to determine if there will be additional revenue to the town from the audits.

Administrator Brian Lynch of the WPCA stated he is not in favor of recommending the Water Pollution Control Authority give the town a lump sum of money at this time as it could possibly put them in financial straits, but he stated it is ultimately up to the WPCA to authorize. He stated the WPCA gives the town eighty thousand dollars per year and will continue to do so for the next ten years. He stated a lump sum of seven hundred and eighty thousand dollars to the Town would jeopardize the financial stability of the WPCA and he is not in favor of this proposal. He stated the WPCA is willing to help out above and beyond by making a larger payout yearly but he will not recommend paying off the debt in one lump sum.

Councilor Jones inquired regarding the foreclosed properties and asked if the closings could be scheduled to benefit this fiscal year's budget. She asked if it is a statutory mandate to fund capital plan projects or if they can wait until after the town is in better financial shape. Ms. Hart

stated there is not, but the Mohegan tribe contributes five hundred thousand dollars per year toward capital projects and to not fund them the town would lose this money.

Mr. Don Bourdeau, Public Works Director, stated the Public Works Department is in favor of the approval of the surplus property ordinance to help generate money for the town by selling off surplus personal property in a timely fashion.

12. Reports from Standing Committees.

a. Town Administration/Rules of Procedure

Councilor Tanner stated the committee met and discussed holiday/performance bonuses. They discussed the format of the Town Council agenda and have been busy over the month.

b. Finance

Councilor Murphy is not available to give a report. Chairperson Buebendorf stated the committee continues to meet and there are items on the agenda from Finance.

c. Public Works/Solid Waste Disposal

Councilor Longton discussed the events of the last meeting, including new signage at the exit ramp from Rt. 395, town wide trash pickup and pay as you throw programs. An RFP is out to get a determination of real numbers for trash services. A discussion was held regarding existing signs and whether or not they are in compliance with current zoning regulations.

13. Reports from Special Committees and Liaison Councilors

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

Councilor Caron stated everything is going well at the Senior Center, the Center added a new program beginning in March called the Healing Touch and will be adding two new programs in April, a survivor support group and Chorus Too. The Senior Center has between four and five hundred residents that utilize the Center each week. The Senior and Social Services Director is currently working on five grants, Federal Funding of the MedRide!, Federal funding for Health Care Program, a State Matching Transportation Regional grant, a Montville Education Foundation grant and a State Grant for the new senior bus with a combined total of one hundred thirty seven thousand one hundred eighty four dollars. He stated the Senior and Social Services Director has worked hard and has been successful in her attempts at securing funding for senior and social services clients and to date has secured one hundred and five thousand, four hundred and five dollars. He stated last year she collected one hundred and fifty seven thousand, one hundred and thirty dollars and forty nine cents from grants and donations for the Senior and Social Services programs. He stated the Director is working on the community garden with the Senior Garden Club and he will report on the progress of the program. He stated he is currently working on the Senior Safety Zone ordinance with the with the Director and the Commission to get it passed through the State and Town levels to help to ensure the protection of the elderly in the community. He stated the Senior and Social Services Departments have seen a significant increase in clientele over the past month and while heating assistance applications have slowed down the food bank assistance has increased. He stated Social Services serves approximately one hundred and twenty five people each week with the food pantry. At the last Social Services meeting the Director stated that she is currently working with her new assistant and she is working out well, together they will be implementing new programs for the needy and indigent

residents. He reminded everyone that the services offered through the Social Services program run entirely on donations and no tax dollars are used for assistance to residents.

b. Councilor Jones: Library; Planning & Zoning Commission

Councilor Jones discussed activity from the Planning & Zoning Commission meeting, stating there was an approval of the site plan review for a restaurant on Rt. 32 and an application for a site plan review for a one hundred and twenty room hotel on Rt. 32 and a motion was made to add an additional section to provide for a residential/commercial development. She stated the Library Committee did not meet last month.

c. Councilor Longton: Economic Development Commission

Councilor Longton stated that the Commission did not meet.

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

Councilor McFee stated Inland Wetlands met last month and discussed the hotel proposal. He did not attend the site walk due to an illness and he stated the Commission is in need of additional members.

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

Chairperson Buebendorf stated Councilor Murphy is not present to give his report.

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

Councilor Tanner discussed the Parks & Recreation Commission meeting last month and indicated the Commission discussed new programs, basketball programs, training for camp councilors this year and she stated she has attended meetings regarding implementing a Montville lacrosse team.

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

Councilor Buebendorf stated neither committee met last month.

14. Appointments and Resignations

- a. To consider and act on a motion to appoint Mr. Elmer Wittkofske as an alternate to the Zoning Board of Appeals to fill a vacancy to expire on January 11, 2014.

Motion made by Councilor Caron, seconded by Councilor Tanner, discussion, Chairperson Buebendorf stated this was on the agenda last month but it was not specified that he was an alternate, so to make it very clear Mr. Wittkofske is being appointed as an alternate this matter has been added to this agenda for a vote, voice vote, 6-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Tanner and Buebendorf. Voting in opposition, none, motion carried, appointment made.

- b. To consider and act on a motion to waive Section 14C of the Rules of Procedure of the Town Council to allow the appointment Mr. Jeff Crouch to the Niantic River Watershed Committee.

Motion made by Councilor Tanner, seconded by Councilor Caron, discussion, none, voice vote, 5-0-1 (Councilor Jones abstained), motion carried.

c. To consider and act on a motion to appoint Mr. Jeff Crouch to the Niantic River Watershed Committee with a term to expire March 12, 2014.

Motion made by Councilor Longton, seconded by Councilor Tanner, discussion, Chairperson Buebendorf stated she was impressed that Mr. Crouch has taken the initiative to attend two meetings of the Niantic River Watershed Committee already and is familiar with their process. Voice vote, 5-0-1 (Councilor Jones abstained).

#### 15. Unfinished Business

- a. THE TOWN OF MONTVILLE HEREBY RESOLVES to adopt the ordinance entitled “Ordinance Regarding Political Endorsements” as heard at a public hearing held on March 12, 2012 in the Town Hall Council Chambers. (Councilor McFee)

Motion made by Councilor McFee, seconded by Councilor Jones. Discussion, Councilor McFee stated the ordinance is well written and he does not see it having “grey” areas as discussed at the public hearing. He stated politically driven members of Boards and Commissions is not in the best interest of the Town. Councilor Longton stated there may be adjustments required to the wording of the document and made a motion to send the ordinance back to the Committee for review. Councilor Tanner stated she is in favor of sending the ordinance back to the Committee for consideration and stated she is in favor of the ordinance and a policy needs to be implemented as it looks shady and unethical for members of Boards and Commissions to endorse political candidates. Councilor Jones stated there is a problem when a town entity endorses a candidate for political office but stated the ordinance does not permit an individual from endorsing a candidate on their own. Councilor Caron discussed free speech and stated censorship should not be endorsed. He stated he is not in favor of adopting the resolution and suggested sending the ordinance to the Town Attorney for review, clarity and a determination of the wording. Chairperson Buebendorf indicated the ordinance was brought forward due to an incident that was interpreted by some as a political endorsement and she does not feel the issue requires an ordinance, stating the Town Council has the authority to appoint individuals they feel are qualified and responsible to serve. She read Section 905 of the Town Charter and stated the proposed ordinance violates the spirit of the Town Charter as written and is not in favor of voting to adopt this ordinance.

Motion made by Councilor Longton, seconded by Councilor McFee to send the ordinance entitled “Ordinance Regarding Political Endorsements” back to Committee for review. Discussion, none, Roll call vote, 4-2, voting in favor were Councilors Jones, Longton, McFee and Tanner. Voting in opposition were Councilors Caron and Buebendorf. Motion carried.

#### 16. New Business

- a. Resolution #2012-014. THE TOWN OF MONTVILLE HEREBY RESOLVES to refund taxes due to overpayments and corrections in the amount of \$9,886.48 (nine thousand eight hundred eighty six dollars and forty eight dollars) as requested by the Tax Collector and attached hereto as Schedule A. (Councilor Buebendorf)

Motion made by Councilor Jones, seconded by Councilor Caron, discussion, none, Roll call vote, 6-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

- b. Resolution #2012-015. THE TOWN OF MONTVILLE HEREBY RESOLVES to set the date of Monday, April 16, 2012 at 7:00 p.m. for a public hearing regarding the Board of Education proposed budget for the fiscal year 2012-2013 and to set the date of Tuesday, April 17, 2012 at 7:00 p.m. for a public hearing regarding the General Government proposed budget for fiscal year 2012-2013. The public hearings will be held in the Town Council Chambers. (Councilor Murphy)

Motion made by Councilor Jones, seconded by Councilor Caron, discussion, none, Roll call vote, 6-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

- c. To consider and act on a motion to introduce the ordinance titled “An Ordinance to Provide Additional Property Tax Exemption for Veterans” and to set the date of Monday, April 9, 2012 at 6:30 p.m. for the public hearing ordinance. (Councilor Caron)

Motion made by Councilor Caron, seconded by Councilor Jones, discussion, Councilor Caron thanked the Finance Director, Chairwoman Buebendorf and the Director of the Senior Center for all their help preparing the ordinance and stated the Town owes this to the veterans who have given so much for their country as a token of appreciation for their service. He urged the members of the Council to vote in favor of sending the ordinance to public hearing. Councilor Jones stated the town owes veterans a debt of gratitude for their service and is in favor of the ordinance but inquired regarding the financial impact the tax exemptions could have. She stated there are currently one hundred and forty eight eligible veterans in the town and the number could grow substantially over the next couple years and she suggested the Council consider lowering the amount of the tax deduction from ten thousand dollars to five thousand dollars and to place residency requirements, minimum service requirements and surviving spouse requirements to the exemptions. Councilor McFee inquired if the State subsidizes the one thousand dollars currently given to veterans and Mayor McDaniel stated they do and he figured the additional ten thousand dollar exemption equals a two hundred and thirty dollar savings per veteran exemption. Chairperson Buebendorf stated the tax exemption is designed for low income veterans who live in the Town of Montville and the qualifications are defined in the state statutes. Councilor Caron stated it is a good faith gesture for the veterans who serve their country and there is a formal application they must fill out to determine if they qualify for the use of the program.

Roll call vote, 6-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Tanner and Buebendorf. Voting in opposition, none, motion carried.

- d. To consider and act on a motion to introduce the ordinance titled “An Ordinance Regarding the Disposal of Surplus Personal Property” and to set the date of Monday, April 9, 2012 at 6:45 p.m. for the public hearing ordinance. (Councilor Buebendorf)

Motion made by Councilor Jones, seconded by Councilor McFee, discussion, Chairperson Buebendorf stated the ordinance was prepared at the request of the Public Works Director and the Public Works/Solid Waste Sub-Committee due to problems with disposing of town owned personal property in the past. She stated the property sits for too long and becomes less and less valuable as it is waiting for a scheduled town auction. This ordinance will give the Finance Director and the Mayor more flexibility to dispose of property in an expedient and beneficial way and she stated it is a good policy and should result in larger profits from the sale of the property.

Roll call vote, 6-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Tanner and Buebendorf. Voting in opposition, none, motion carried.

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

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

Ms. Susan Rickards stated she is an ordinary citizens who needs a better understanding of how government works and she inquired regarding the difference between a policy and an ordinance. Chairperson Buebendorf stated an ordinance is a law and a policy is a recommendation. Ms. Rickards stated she is a member of the Youth Services Board and politics are not discussed during the meetings, the committee only discusses issues pertaining to what is best for the youth of the town.

Mr. Tim Shannahan asked if the town website advertises for applicants to Boards and Commissions because there are citizens interested but are not educated as to what they are

responsible to do if they serve. He discussed policy vs. ordinance and which would be best for the political endorsements issue.

18. Remarks from the Councilors

Councilor Caron thanked council for voting to send the Veterans' tax exemption ordinance to public hearing and thanked citizens for coming out to speak and he recommended the committee for political endorsement send the ordinance to the Town Attorney. He reminded everyone the Senior Center is celebrating twenty years serving senior citizens in the Town of Montville and he welcomed anyone who would like to attend a celebration on March 23<sup>rd</sup> at 6:00 p.m. to do so.

Councilor Jones thanked citizens of Montville for coming out to voice their opinions regarding items on the agenda.

Councilor Longton thanked the citizens of Montville for taking time out of their busy schedules to come out to speak regarding issues they believe are important.

Councilor McFee stated the political endorsement needs to be addressed and he does not have a problem with whether it is a policy or an ordinance, it just needs to be addressed.

Councilor Tanner thanked the residents of Montville for coming out to speak.

Mayor McDaniel stated two vacancies in town have been filled, one in the Finance Department and the other at the Transfer Station.

19. Adjournment

Motion made by Councilor Tanner, seconded by Councilor McFee to adjourn the meeting at 8:10 p.m., discussion, none, voice vote, 6-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.