

**Town of Montville Town Council  
Regular Meeting Minutes for Wednesday, October 10, 2012  
7:00 p.m. – Town Council Chambers – Town Hall**

1. Call to Order

Chairperson Buebendorf called the meeting to order at 7:00 p.m. after establishing a quorum.

2. Pledge of Allegiance followed by a moment of silence.

3. Roll Call

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

4. Presentations –None

5. Alterations to the Agenda

Motion made by Councilor Murphy, seconded by Councilor Tanner to add to the agenda item 14 (d) to appoint Ronald Bolles as an alternate to Planning and Zoning; amend item 16 (b) to read consider a motion to discuss the formation of a Town Ethics Commission; and to amend item 16 (f) to consider and act on a motion to discuss eligibility for participation into the Connecticut Municipal Employees Retirement System. Roll call vote, 6-0, all in favor motion carried.

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

- a. The public hearing minutes of September 10, 2012;

Motion made by Councilor Tanner, seconded by Councilor Murphy, Voice vote, 6-0, all in favor, motion carried.

- b. The regular meeting minutes September 10, 2012

Motion made by Councilor Murphy, seconded by Councilor Jones, Voice vote, 6-0, all in favor, motion carried.

7. Executive Session

- a. To consider and act on a motion to enter into executive session for the purpose of conducting interviews with the following people for appointment to Boards and Commissions for the Town of Montville; Mr. Daniel Dunn to the Youth Services Advisory Board; Mr. Scott LaVallie to Parks and Recreation Commission; Ms. Ellen Hillman to the Parks & Recreation Commission and Conservation Commission; Ms. Susan Rickards to the Youth Services Advisory Board and any recent applications received by the Council. Discussion held during the executive session to include members of the Town Council and Mayor McDaniel.

Motion made by Councilor Tanner, seconded by Councilor Murphy, discussion, none, voice vote, 6-0, all in favor, motion carried and invited parties left Chambers for executive session at 7:03 p.m., returning at 7:32 p.m. Chairperson Buebendorf resumed the meeting and stated no formal votes were taken during the executive session.

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

Tony Siragusa of 39 Hillcrest Dr stated that he would like to see the numbers regarding trash pick-up before any decisions were made. At Hillcrest there are approximately 180 homes that already have garbage pick-up and he would like to see Hillcrest exempt from this plan. He also stated that he thought placing employees in a retirement plan would cost the town more money than enrolling them in a 401K.

Jim Andriote of 23 Tra-Mart Drive spoke in favor of forming a separate ethics commission separate from the Town Council.

Ellen Hillman of 229 Route 163 was in favor of forming a separate ethics commission. She felt the current situation places the Council as judge and jury making it difficult for Councilors to cross party lines. Forming a separate committee would allow for a neutral and unbiased position.

Joseph Jaskiewicz of 577 Route 163 spoke on item 16 (b) stating the charter revision of 2007 had addressed the section on ethics and it failed 2-1.

9. Communications

- a. The August 2012 legal bills from Suisman-Shapiro.
- b. Letter from Senior Center President Sandra Stauffer and Senior Center Director Kathy Doherty-Peck supporting the ordinance on the Senior Safety Zone.

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 the town received four trash bids and are in the process of putting the numbers together to be presented to the Council at a later date; likewise received five engineering bids where three firms will be forwarded to the Council for interviews; the Public Safety Plan has been distributed and a joint meeting between the Town Council and the Public Safety Committee will be held on October 29<sup>th</sup>; fire safety day was held at Home Depot and the Mayor thanked all that participated; plans on moving the Social Services Department to the old Town Hall giving them additional room and preventing them from hauling food and clothing back and forth; stated he is working with Norwich on the Montville Road Bridge encouraging them to live up to their commitment of up to 250,000.

Terry Hart, Director of Finance, informed the Council that a public auction will be held on Saturday October 20<sup>th</sup> on three properties that would be acquired by foreclosures due to taxes. The properties are located at 275 Maple Ave, 1455 Route 32 and 314 Route 163. Remediation on 14 Bridge Street is underway as soil is being removed and taken off site. Ms. Hart also stated by utilizing an internet site called Municibid the Town was able to sell surplus property in the amount of \$6,650 at no cost to the Town. The Town's finance software was updated therefore adding month to date to the financial report.

Donald Bourdeau, Director of Public Works, stated that the paving on Forsyth Road is complete.

12. Reports from Standing Committees.

- a. Town Administration/Rules of Procedure -no meeting

- b. Finance –no meeting
- c. Public Works/Solid Waste Disposal

Councilor Caron discussed chip sealing on Raymond Hill Road and garbage pick-up. He stated that once the Public Works Solid Waste Committee approves and presents the plan to the Council he would like to see the issue sent to the public for a vote.

### 13. Reports from Special Committees and Liaison Councilors

a. Councilor Caron discussed the Commission on Aging; Social Services; Montville Youth Services; Senior Center; and the School Building Committee. He stated it is the holiday season and Social Services are in dire need of canned goods and cash donations; the Senior Center hosted a dance and a BBQ; and the Youth Center is very busy and the after school program is amazing. He encouraged the Council to stop in to see how the program is run.

b. Councilor Jones discussed the Library and stated they are applying for a 501C3 grant for their Friends of the Library; Planning & Zoning Commission is very quiet but did approve a special permit for a conversion of a multi-family home on Chapel Hill Road, formerly a barber shop.

c. Councilor McFee stated at the Inland Wetlands Commission they approved an expansion of the Henny Penny gas station in the Shantok area; and the Public Safety Building Committee met and showed a computer picture of the 911 memorial honoring firefighters and police officers. He said the memorial is very beautiful and is being completely funded with contributions.

d. Councilor Murphy stated the WPCA met with three vendors regarding the solar project at the Treatment Plant. Brian Lynch, Attorney Matt Auger, Mayor McDaniel and Councilor Caron met with the secretary of OPM regarding the \$5,000,000 bond from the State for the Anaerobic Digestion at Rand Whitney. The State is looking for the stipulations where the town would not come back for more money and a letter from Rand Whitney that the current fifty year agreement with the town would be void, avoiding any further litigation.

e. Councilor Tanner discussed the Parks & Recreation Commission, stating the Trick or Trunk event is scheduled for October 27<sup>th</sup>; basketball registrations were underway; the letterbox event was this weekend and that Parks and Recreation is also looking into purchasing a sound system for the parade and other events.

f. Councilor Buebendorf stated the Public Safety Commission met and approved a canine policy and most likely will be forwarded to the Council next month. On October 29<sup>th</sup> at 7 p.m. there will be a joint meeting with the Town Council and Public Safety Commission to hear a presentation by Almont Associates regarding the Public Safety Plan.

### 14. Appointments and Resignations

- a. To consider and act on a motion to accept the resignation of Mr. Christopher Ida from the Building Code Board of Appeals effective September 21, 2012  
Motion made by Councilor Caron, seconded by Councilor Tanner, discussion, none, voice vote, 6-0, all in favor, motion carried.

- b. To consider and act on a motion to appoint Mr. Marc LaFrance to the Niantic River Watershed Committee as an Alternate with a term to expire September 10, 2016. (Mr. LaFrance was interviewed by Council on August 13, 2012.)

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

- c. To consider and act on a motion to accept the resignation of Audrey Ulmer as Minutes Clerk of the Town Council effective September 26, 2012.

Motion made by Councilor Jones, seconded by Councilor Tanner, discussion, the Council as a whole was sad to see her leave and praised a job well done, voice vote, 5-1 with Councilor McFee in opposition, motion carried.

- d. To consider and act on a motion to appoint Mr. Ronald Bolles as an alternate to the Planning and Zoning Commission with a term to expire September 10, 2016. (Mr. Bolles was interviewed by Council on August 13, 2012).

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

15. Unfinished Business

- a. **Resolution #2012-074. THE TOWN OF MONTVILLE HEREBY RESOLVES to adopt the ordinance titled “An Ordinance to Establish Senior Safety Zones as heard at a public hearing on Wednesday, October 10, 2012.**

Motion made by Councilor Tanner, seconded by Councilor Caron, Discussion, Councilor Jones pointed out a few areas where the ordinance should be amended. She suggested on page one of the ordinance to change the word minor to senior; page two under Exclusions to change parent to spouse, sibling and/or family member; and on page three she suggested changing the wording where it states to provide his/her name, address and telephone number to provide proper identification. Councilor Caron agreed but stated that all police officers would ask for identification anyway. Councilor Buebendorf reminded the Council that any changes suggested by Councilor Jones would not be possible since the ordinance was already introduced and heard at a Public Hearing and if the Council wanted to entertain the amendments the process would have to start over. Councilor McFee suggested the town wait until the State of Connecticut was on board. Councilor Caron responded by stating he had been to the Capitol a few times regarding this and it had passed the House but once it reached the Senate the bill was piggy backed and the bill was not supported not because of the Senior Safety Zone portion of the bill but because of the language that was piggy backed onto the existing bill. Councilor McFee felt that sex offenders do not go where seniors are located and the ordinance was purely a feel good ordinance and did not protect the safety of the seniors in town.

Roll call vote, 4-2, voting in favor was Councilors Caron, Murphy, Tanner and Buebendorf. Voting in opposition were Councilors Jones and McFee, **Resolution adopted.**

16. New Business

- a. **Resolution #2012-075. THE TOWN OF MONTVILLE HEREBY RESOLVES to refund taxes due to overpayments and corrections in the amount of \$1,642.73 (one thousand six hundred forty two dollars and seventy three) as requested by the Tax Collector.**

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

b. **To Consider an act on a Motion to form a Town Ethics Commission.**

Motion made by Councilor Jones, seconded by Councilor McFee, discussion; Councilor McFee stated that he felt the Town Council acting as the Ethics Commission could not reach an unbiased impartial decision. Councilor Buebendorf quoted the ethics section of the charter stating any difference in composition of the commission would require a charter change. She suggested that the Council contact the Town Attorney for an opinion. Councilor Jones felt that the current system is somewhat problematic and that many towns have their own ethics commissions and this problem should not be readily dismissed. She offered to research other towns that have ethics commissions and bring the information back to the Council. Councilor Murphy stated he was in favor of an article that The Day wrote suggesting the Southeastern Council of Governments or an outside organization act as the ethics commission. He expressed that no matter what the political make up was of the commission there would always be problems. A motion by Councilor Murphy, seconded by Councilor Caron to direct Mayor McDaniel to send a letter to Southeastern Council of Governments asking them if they would be interested in taking on the responsibility as Montville's ethics commission. Mayor McDaniel stated that before he did that he would contact the town attorney for an opinion. Roll call vote, 4-2, voting in favor was Councilors Caron, Murphy, Tanner and Buebendorf. Voting in opposition were Councilors Jones and McFee.

c. **Resolution #2012-076. THE TOWN OF MONTVILLE HEREBY** THE that Mayor Ronald McDaniel be and hereby is authorized to execute an extension on the contract with Willimantic Waste for Single Stream Recyclable Collection through June 30, 2013 with the existing terms and conditions.

Motion made by Councilor Jones, seconded by Councilor Tanner. Councilor McFee asked Don Bourdeau, Director of Public Works, that he was under the assumption that the town was going to operate on a month to month basis. Mr. Bourdeau stated the current contract states the town has the right to extend to the next fiscal year that way in July if the town decides to pick up trash the fiscal year budgets can reflect the change. He also said that during conversations with Willimantic Waste they were hesitant to go month by month as his concern would be if his guys would be employed on a month to month basis. Councilor McFee responded by stating that if the town decided to go with a town wide trash pickup a contract could not commence until July 1, 2013. Roll call vote, 6-0, voting in favor was Councilors Caron, Jones, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, **Resolution adopted.**

d. To Consider and act on a Motion to introduce an ordinance entitled "An Ordinance Regarding the Conveyance of Real Property located at 245 Lynch Hill Road," and to set the date of November 14, 2012, for a public hearing on same to begin at 6:30 PM and to be conducted in Council Chambers at Town Hall.

Motion made by Councilor Tanner, seconded by Councilor Caron, no discussion, Roll call vote, 6-0, voting in favor were Councilors Caron, Jones, Murphy, Tanner, McFee and Buebendorf. Motion carried.

e. To Consider and act on a Motion to introduce an ordinance entitled "An Ordinance Regarding the Conveyance of Real Property located at 230B Maple Avenue," and to set the date of November 14, 2012, for a public hearing on same to begin at 6:45 PM and to be conducted in Council Chambers at Town Hall.

Motion made by Councilor Jones, seconded by Councilor Tanner, no discussion, Roll call vote, 6-0, voting in favor were Councilors Caron, Jones, Murphy, Tanner, McFee and Buebendorf. Motion carried.

f. To Consider and act on a Motion to make non-union employees working thirty (30) or more hours eligible to participate in the Connecticut Municipal Employees Retirement System.

Motion made by Councilor Jones, seconded by Councilor Caron, discussion. Terry Hart, Director of Finance, stated that she had this item placed on the agenda as to make the eligibility requirements consistent with the town's medical insurance policy. Currently most union employees are enrolled in the State of Connecticut Municipal Employees Retirement Fund and this would pertain to a handful of employees that average between 20 and 30 hours a week. Councilor Buebendorf asked Ms. Hart if she would like to see this referred to the Town Administration/Rules of Procedures Standing Committee. Ms Hart responded yes she agrees that would be the appropriate committee to review the matter. Ms. Hart also suggested that any action on this matter be best dealt with in the form of an ordinance. A motion was made by Council Jones, seconded by Councilor Tanner to refer to the Town Administration/Rules of Procedures Standing Committee. Voice vote, 6-0, voting in favor was Councilors Caron, Jones, Murphy, Tanner, McFee and Buebendorf. Motion carried.

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

Mr. John Geary of 11 Depot Road encouraged the Council to talk to COG regarding ethics to see how other towns operate and possible hire a mediator to resolve disputes.

Ms. Ellen Hillman of 229 Route 163 stated that regarding the Senior Safety Zone ordinance she agreed with the amendments that Councilor Jones had suggested.

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

18. Executive Session – none.

19. Remarks from the Councilors

Councilor Jones stated she was disappointed that the discussion on ethics became so contentious and she did not feel the urgency to pass the Senior Safety Zone Ordinance this evening. She felt it should have been revisited and felt it was unfortunate.

Councilor Murphy announced that this would be his last term serving on the Town Council and that he was not going to tolerate personal attacks at each meeting.

Councilor Buebendorf stated that she thought the discussion about ethics went beyond contentious as it was personal, ugly, uncivil and embarrassing to be a part of the Town Council when dialog like that takes place. Her hope for the Council is that they work harder to disagree with each other in a more respectful manner.

20. Adjournment

Motion made by Councilor Jones, seconded by Tanner, to adjourn the meeting at 8:50 p.m. Discussion, none. Voice vote, 6-0, all in favor, motion carried.

Respectfully Submitted by:

Lisa Terry, Acting Recording Secretary for the Town of Montville.