

Town of Montville Town Council  
**Public Hearing Minutes for November 14, 2018**  
6:00 p.m. – Town Council Chambers – Town Hall

1. Call to Order  
Chairman McNally called the meeting to order at 6:00 p.m.
2. Pledge of Allegiance.
3. Roll Call  
Present were Councilors Caron, Jaskiewicz, Pike, Pollard, Rogers, Rogulski, and McNally.  
Also present was Mayor Ronald McDaniel.

**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 special meeting of the Town Council held October 29, 2018 and a public hearing thereon and for its consideration by the Town Council will be held at Town Hall Council Chambers, November 14, 2018 at 6:00 P.M.

**AN ORDINANCE TO AMEND ORDINANCE O-E-3  
ORDINANCE CONCERNING SOLID WASTE**

**The Town of Montville hereby resolves ordains to amend  
§ 328-6 and § 328-11 of the Code of Ordinances and adopt the following:  
Ordinances concerning Permits, Fees, Fines, and Penalties:**

§ 328-6. Refuse containers.

~~The owner of each premises upon which refuse is created or generated shall provide, at a suitable place upon such premises, sufficient receptacles for receiving and holding such refuse during the intervals between collections. Refuse containers shall be maintained in good condition free of holes and fissures and shall be equipped with securely fitting covers. Recyclable material containers do not require securely fitting covers. –~~

§ 328-11. Penalties for offenses; enforcement.

~~Any violation of the terms of this chapter shall be deemed an infraction and shall be punishable by a fine of not more than \$90 for each offense. The Town Council shall establish a schedule of fines for such infractions. Each infraction shall be a separate and distinct offense, and, in case of a continuing infraction, each day's continuance thereof shall be deemed a separate and distinct offense. In addition, the Town of Montville, or its agent, reserves the right to refuse or to allow disposal in a landfill or other designated locations, utilized by the Town of Montville, where the spirit or letter of this article or the regulations enacted hereunder are ignored. The Town Council shall have full discretionary authority in deciding all disputed questions arising under the provisions of this article or the regulations enacted hereunder.~~

Fines and Penalties

A. Notice

Any household found in violation of the regulations shall be issued up to one (1) notice of non-compliance by way of a letter from the Public Works Director, before fines are assessed. Information describing procedures for compliance will be enclosed in the notice.

B. Fine Schedule

- i. Household refuse found not separated as required shall be subject to a fine of ten (\$10.00) dollars per type of recyclable material to a maximum of ninety (\$90.00) dollars per offense.
- ii. Commercial and Industrial facilities where refuse is found not separated as required shall be subject to a fine of ninety (\$90.00) dollars.
- iii. Any licensed contractor found to have recyclables in any load at the incinerator shall be subject to a ninety (\$90.00) dollar fine per offense. Any contractor fined three (3) times in one year shall be denied further access to the incinerator until loads have been properly sorted.
- iv. Non-payment of fines will result in discontinuance of service or revocation of permit.
- v. Anyone littering or placing refuse along any public roadway, public place or upon any private property except in proper containers or otherwise properly prepared for a town-wide collection, shall be subject to a fine of ninety (\$90.00) dollars per offense.
- vi. Any person or contractor found to have misrepresented the origin of refuse shall be subject to a fine of ninety (\$90.00) dollars per offense; additional violations shall be cause for revocation of the use of the Transfer Station.
- vii. All payments of fines shall be submitted to the Town Treasurer, who shall deposit same into the Town's General Fund.

C. Appeal

Any persons, businesses, or contractors, aggrieved by fines and/or penalties levied may seek relief from the Solid Waste Sub Committee of the Town Council, who shall at its next regularly scheduled meeting, consider all evidence presented by the aggrieved person and by Town Staff, and within thirty (30) days of said meeting, present its findings to the Town Council at its next regularly scheduled meeting. The Town Council shall then render a decision regarding said fine or penalty.

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

Dated at Montville Connecticut this 30<sup>th</sup> day of October, 2018.

Katie Sandberg, Montville Town Clerk

Chairman McNally recited the Public Notice and Amended Ordinance and asked if there was anyone present from the public who would like to speak regarding the proposed ordinance.

Kristin Forde, 559 Raymond Hill Road, expressed her support of the Ordinance and commended the Town Council for taking the public's comments into consideration. While agreeing with the revocation of the use of the Transfer Station (item B(vi)), she questioned the possibility of raising the fines indicated in items B(ii), (iii), (v), and (vi) from \$90.00 to \$150.00. Since the previous Informational Meetings regarding the Pay-Per-Bay System, she stated that she is now recycling 100% more than before and reiterated her appreciation.

Julius Jurkiewicz, 17 Massapeag Road, complimented the Mayor on the Transfer Station renovations. He felt that the fee increases were excessive and suggested proposing an increase

of \$10.00 for those who are 59 and below and \$5.00 for those who are 60 and over. He also proposed raising the fees every five years, rather than every year. In reviewing the October 29, 2018 Town Council Special Meeting Minutes, he felt that a disparaging comment towards seniors, retirees, low income earners, and/or those who are unable to afford the expense of a private hauler was made by one of the Councilors regarding the residents who do not utilize the Transfer Station unfairly shouldering the costs for those who do. He also proposed the possibility of constructing a “warm up shed” so that the Transfer Station employee(s) can keep warm during slow periods.

Chairman McNally clarified that the Public Hearing is with regards to the Ordinance, rather than the Regulations, which includes the fee increases, and will be discussed during the Regular Meeting at 7:00 p.m.

Tony Siragusa, 39 Hillcrest Drive, questioned item B(iii) which refers to an incinerator. He added that the fees that are charged should be utilized to cover the costs of running the Transfer Station. In response to his question regarding the incinerator, Chairman McNally stated that the incineration fee is for contractors who receive a permit from the Town to utilize the incinerator.

Chairman McNally asked three times if there were any additional members of the public who would like to speak regarding the Ordinance. There being no additional comments, the Public Hearing was closed.

4. Adjournment

Motion made by Councilor Rogers, seconded by Councilor Rogulski, to adjourn the meeting at 6:11 p.m. Voice vote, 7-0, all in favor. Meeting adjourned.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Montville

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