

Town of Montville Town Council
Regular Meeting Minutes for February 9, 2009
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.
2. Pledge of Allegiance
3. Roll Call – Present were Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Also present were Mayor Jaskiewicz and Town Attorney Lisa Gladke.

Chairperson Buebendorf called for the following changes to the agenda: 1) Change the wording of agenda item 5B, as stated below; 2) Add agenda item 5C to enter Executive Session to discuss the Collective Bargaining Agreement between the Town and the Teamsters Local Union 493; 3) Add agenda item 12C to change Mike Whittaker's status on the Inland Wetlands Commission to an alternate; 4) Add agenda item 12D to change Charles Obday's status on the Inland Wetlands Commission to a full voting member; 5) Change the wording of agenda item 13B, as stated below; 6) Agenda item 14A – change the word "implement" to "negotiate"; and 7) Remove agenda item 14C and replace it with a resolution to add \$550,361.77 to Litigation/Settlements from the undesignated fund balance. **Motion** by Councilor Caron, Second by Councilor Radgowski to accept the changes to the agenda. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.**

4. **Motion** by Councilor Radgowski, Second by Councilor Caron to approve the regular meeting minutes of January 12, 2009, and the special meeting minutes of January 15, 2009. **Discussion:** Councilor Geary called for the following change to the January 12th minutes; page one, paragraph two add ". . . for their work, which included renovating the exterior of four commercial buildings, including the Post Office, converting an abandoned building into a laundromat, and creating a paved off-street parking area." **Motion** to make this change by Councilor Geary, Second by Councilor Murphy. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.** Chairperson Buebendorf called for a voice vote on the Motion as amended. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. Abstained; Councilor Jones. **Motion Carried 6-0.**

5. Executive Session

A. Motion by Councilor Jones, Second by Councilor Caron to enter into Executive Session for the purpose of interviewing Mr. Anthony Siragusa for appointment to the Water & Sewer Commission (WPCA), to include Town Council members and Mr. Siragusa. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.** **Discussion:** **Motion** by Councilor Beetham, Second by Councilor Radgowski to include Mayor Jaskiewicz. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.** Council members et al entered into Executive Session at 7:07 PM; they returned at 7:18 PM and Chairperson Buebendorf stated that no formal votes were taken.

B. Motion by Councilor Geary, Second by Councilor Caron to enter into to discuss Attorney Client Privileged Communications, exempt from disclosure under Conn. Gen. Stat. §1-210(b)(10), regarding the contract with SCWA and the potential Memorandum Of Understanding with the Mohegan Tribal Utility Authority (MTUA); to include Town Council members, Mayor Jaskiewicz, Finance Director Terry Fafard, Attorney Ron Oschner, Mr. Brian Lynch, Mr. Mike Didato, Mr. Timothy May, WPCA and Attorney Lisa Gladke. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.** Council members et al entered into Executive Session at 7:19 PM; they returned at 7:48 PM and Chairperson Buebendorf stated that no formal votes were taken.

C. Motion by Councilor Caron, Second by Councilor Murphy to enter into Executive Session to discuss the Collective Bargaining Agreement between the Town of Montville and the Teamsters Local Union 493 for the period of July 1, 2008 through June 30, 2012 to include Town Council Members, Mayor Jaskiewicz, Finance Director Terry Fafard and Attorney Eileen Duggan. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.** Council members et al entered into Executive Session at 7:49 PM; they returned at 7:56 PM and Chairperson Buebendorf stated that no formal votes were taken.

6. Remarks from the Public

Mr. Dick Wilson, addressed the Council regarding agenda items 14I, 14J, and 14K and distributed a report of past referendum voting results, and noted that for the Charter Revision there would need to be a turnout of 15% of registered voters in order to pass. Mr. Wilson stated that having the referendum at the next regular election in November would provide for the best voter turnout, and urged the Council to consider this before setting a date. In regards to advertising, Mr. Wilson stated that he supports the least expensive way of getting this information out to the voters.

Mr. Chuck Longton, addressed the Council and stated that he appreciates that the agendas provided at tonight's meeting for the public include the Schedule A.

Mr. Dana McFee, addressed the Council and stated that he urges them to approve agenda item 14H to erect a temporary bridge on Montville Road. He indicated that he has submitted a petition including 300+ signatures, and he would be willing to work at getting more signatures if he needs to. Mr. McFee stated that

the increased traffic on Leffingwell Road due to the bridge being closed has been dangerous and should be taken into consideration.

Mr. James Toner, addressed the Council and stated that he is in favor of the Charter Revision referendum being held with the next regular election in November.

7. Communications – None.
8. Remarks from the Town Attorney on matters referred – None.
9. Remarks from the Mayor and/or Administrative Department Heads

Mayor Jaskiewicz stated that the Council should discuss when they will be holding interviews to meet with the top three engineering firms being considered to support the Town. Regarding the budget for snow removal, sanding and salting, he stated that these are over budget. Regarding the tax settlement payment to Rand Whitney, the Mayor reported that the amount ordered by the court to be paid is \$500,000.00 versus \$1,500,000.00, which is the amount that Rand Whitney had requested. Regarding the 2009/2010 budget, he is working closely with the Finance Director to get this compiled, and he stated that the Governor's budget has been released and there is an \$800,000.00 decrease from last year's budget. Specifically, the budget has been significantly cut in line items for town road maintenance, LOCIP, the PILOT Fund and the Mohegan Pequot Fund. The Mayor stated that he has been working on utilizing the old Town Hall building for holding public meetings that would generally be held in Room 203 in Town Hall. He stated that the Historical Society has requested to use some space there, including utilizing the vault for documentation.

Mr. Donald Bourdeau, Public Works Director, reported that the winter weather has taken a toll on some of the roads, and that there are many heaves that will need to be repaired in the spring. Mr. Bourdeau also stated that he distributed a copy of the contract with F.E. Crandall Disposal Inc. for the Council's review.

10. Reports from Standing Committees

A. Town Administration – Councilor Jones reported that they had met earlier this evening and had finalized their suggested job description for the Human Resources position. She asked that this committee's recommendations be taken into consideration by the Mayor when drafting the final document. Regarding the proposed blight ordinance, she stated that they had collected information from surrounding towns, and that the Mayor's office will be compiling the findings and such will be presented at the next Town Council meeting.

- B. Finance – Nothing to report.
- C. Rules and Procedures – No meeting.
- D. Public Works – Next meeting on Wednesday, February 11th.
- E. Solid Waste Disposal – Next meeting on Wednesday, February 11th.

11. Reports from Special Committees and Liaison Councilors

Councilor Geary reported on the WPCA, and stated that the sewer user rate study is complete, and that there will be a public hearing scheduled to discuss the findings. Councilor Geary stated that if the Council wished, he would arrange for a presentation to be made at an upcoming Town Council meeting. He stated that they are working on trying to meeting DEP and EPA mandates that rates be fair to all the classifications of users, meaning commercial, residential and industrial; and stated that industrial use is difficult due to former contractual agreements.

Councilor Jones reported that the Board of Education met on January 31st, and that the Superintendent presented the proposed budget. They will be voting on said budget on Wednesday, February 10th, and she reported that they will be requesting a 3.8% increase to \$36,909,942.00.

Councilor Beetham reported that the pipes froze at Raymond Hill Library, and many books, as well as the carpets and some furniture, were ruined. The building is currently closed and is being professionally cleaned.

Councilor Beetham reported that Planning & Zoning had a recent public hearing.

Chairperson Buebendorf reported on the Parks & Recreation Commission, and congratulated that commission on their hard work on the budget, stating that they reduced their budget significantly from last year without impacting any programs. Chairperson Buebendorf also stated that the Council should be aware that the relationship between the Commission and the Director continues to deteriorate, and she will continue to keep the Council apprised of this situation.

12. Appointments and Resignations

A. **Motion** by Councilor Caron, Second by Councilor Geary to waive the waiting period to appoint Mr. Anthony Siragusa to the Water & Sewer Commission (WPCA). **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones and Radgowski. Opposed; None. **Motion Carried 7-0.**

B. **Motion** by Councilor Beetham, Second by Councilor Caron to appoint Mr. Anthony Siragusa to the Water & Sewer Commission (WPCA), with a term to expire on January 14, 2013. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; Councilor Jones. **Motion Carried 6-1.**

C. **Motion** by Councilor Beetham, Second by Councilor Radgowski to change Mike Whittaker's status on the Inland Wetlands Commission from regular commissioner to alternate with a term to expire July 12, 2010. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.**

D. **Motion** by Councilor Geary, Second by Councilor Beetham to change Charles Obday's status on the Inland Wetlands Commission from alternate to regular commissioner with a term to expire April 14, 2012. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.**

13. Old Business

A. **Motion** by Councilor Jones, Second by Councilor Beetham to discuss the Planning & Zoning's request to retain Attorney Ron Oschner. **Discussion:** Councilor Beetham stated that he is in agreement with the Planning & Zoning's request to retain Attorney Oschner as he has supported this department for quite a few years and is familiar with current and past dealings. He also stated that he has a number of degrees in engineering so he has much knowledge in this area, and also that his rates are favorable in comparison to the current firm chosen by the Council. Councilor Jones stated that she would be concerned that the Town would have to end up paying for both Attorney Oschner's services as well as the Town Attorney's services should a situation arise that Attorney Oschner could not handle. Mayor Jaskiewicz stated that the Town should honor the Council's decision to appoint Shipman & Goodwin as the Town Attorney, and not retain the services of Attorney Oschner for the Planning & Zoning Department. Councilor Geary also agreed that the decision made by the Town Council of representation of Shipman & Goodwin should be honored; Chairperson Buebendorf also agreed that the Town should honor the Council's decision on the firm appointed and not make concessions for an individual department. With discussion completed on this matter, the Chair called to move to the next agenda item.

B. **Motion** by Councilor Buebendorf, Second by Councilor Caron to discuss the interview process for engineering services. **Discussion:** Mayor Jaskiewicz requested that the Council set a date and time to meet with the top three firms chosen by the committee through their interview process. Chairperson Buebendorf stated that she would consult with the Council to set up this interview process and set a date and time to meet before the end of February. With discussion completed on this matter, the Chair called to move to the next agenda item.

14. New Business

A. **Resolution #2009-010.** The Town of Montville hereby resolves to waive the bid process to implement the Memorandum Of Understanding with the Mohegan Tribal Utility Authority (MTUA), with a limit of one year. **Motion** by Councilor Geary, Second by Councilor Caron. **Discussion:** **Motion** by Chairperson Buebendorf, Second by Councilor Caron to amend the resolution to include "with a limit of one year". **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. Councilor Geary furthered the discussion by stating that he recommends that the Council adopt this resolution. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-010 Adopted 7-0 as amended.**

B. **Motion** by Councilor Caron, Second by Councilor Radgowski to set the date for a public hearing regarding the increase in water rates and fees to be held on February 26, 2009, at 6:30 PM in the Council Chambers. **Discussion:** Mr. Brian Lynch, WPCA, addressed the Council and reported that Groton had increased their rates for Montville 35%, and an increase in rates is necessary to adjust to Groton's increase. Mr. Lynch stated that all of the details are included in the Notice of Public Hearing, but that they are asking for a \$0.45 increase in order to develop and maintain a fund balance. The minimum increase amount is \$0.42, but the addition \$0.03 cents will allow for that fund balance to be funded in case of any additional, unforeseen increases. Councilor Murphy stated that the last increase occurred in May 2008; and Mr. Lynch concurred with this fact. Councilor Geary stated that in negotiations with Groton during the Thames Basin project, they stated that they would try to refrain from increasing rates more than one time per year. It was clarified that all towns that are supplied water from Groton are experiencing the same increases, and that Montville is not being singled out. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0 to hold a public hearing on February 26, 2009, at 6:30 PM.**

C. **Resolution #2009-011.** The Town of Montville hereby resolves to add \$550,361.77 to Litigations/Settlements (line # 10480-52047) from the undesignated fund balance. **Motion** by Councilor Murphy, Second by Councilor Caron. **Discussion:** Finance Director Terry Fafard addressed the Council and reported that these monies need to be appropriated in order to pay the final judgment on the tax appeal brought against the Town by Rand Whitney. She stated that the monies should be appropriated and the balance paid to Rand Whitney as soon as possible as not to incur the 7% interest which is accruing each day. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-011 Adopted 7-0.**

D. Resolution #2009-012. The Town of Montville hereby resolves to refund taxes due to overpayments and corrections in the amount of Five Thousand Four Hundred Fifty-Four Dollars and Forty-Nine Cents (\$5,454.49), at the request of the Tax Collector and as outlined on Schedule A, attached to the agenda. **Motion** by Councilor Caron, Second by Councilor Beetham. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-012 Adopted 7-0.**

E. Resolution #2009-013. The Town of Montville hereby resolves to transfer Twelve Thousand Dollars (\$12,000.00) from Line Item 20999-54144 (Dump Body) to Line Item 20999-54093 (Mason Dump). **Motion** by Councilor Geary, Second by Councilor Caron. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-013 Adopted 7-0.**

F. Resolution #2009-014. The Town of Montville hereby resolves to approve, fund all the terms of, and authorize the Mayor to execute the Collective Bargaining Agreement between the Town of Montville and the Teamsters Local Union 493, for the period of July 1, 2008 through June 30, 2012. **Motion** by Councilor Murphy, Second by Councilor Radgowski. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-014 Adopted 7-0.**

G. Motion by Councilor Jones, Second by Councilor Radgowski the Guided Summary of the Niantic River Watershed Study. **Discussion:** Mayor Jaskiewicz requested that the Council review the information submitted by the Planning & Zoning Department on this matter, and please make any comments on the form provided and return such to the Mayor's office at their earliest convenience. With discussion completed on this matter, the Chair called to move to the next agenda item.

H. Motion by Councilor Caron, Second by Councilor Murphy to authorize the Mayor to appropriate One Hundred Seventy Thousand Dollars (\$170,000.00) for the erection of the temporary bridge on Montville Road. **Discussion:** Councilor Beetham inquired as to why this bridge repair would not fall under the LOCIP program, and the Mayor confirmed that this program is only to be used for permanent bridge replacements, and not temporary as is being requested. The Mayor stated that the Town of Norwich will not be willing to share the cost of a temporary bridge, but that they will pay 50% of the cost if a permanent bridge is erected. Councilor Radgowski stated that his is not in agreement with appropriating these monies at this time for a temporary bridge, and Councilor Jones stated that she was in agreement with Councilor Radgowski's position. Councilor Murphy stated that a temporary bridge should be erected at this time, as if this is not done, he feels as though the bridge will not ever be fixed and the road will become a dead end. **Roll Call Vote:** In Favor; Councilors Beetham, Caron and Murphy. Opposed; Councilors Buebendorf, Geary, Jones and Radgowski. **Motion Fails 3-4.**

I. Motion by Councilor Jones, Second by Councilor Geary to discuss and act on the format of the Charter Revision publication to be placed in the newspaper by February 15, 2009. **Discussion:** Mayor Jaskiewicz stated that the most efficient way to allow the public to review the changes to the Charter would be to publish the electronic black line copy of the revisions. **Motion** by Councilor Caron, Second by Councilor Murphy to publish the electronic black line copy, to be placed in the newspaper by February 15, 2009. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.**

J. Motion by Councilor Murphy, Second by Councilor Caron to discuss and act on the forum in which Charter Revision referendum questions and explanatory text are drafted. **Discussion:** Councilor Murphy stated that he feels that moving this matter to the Rules & Procedures Committee is a good idea, and Chairperson Buebendorf agreed, but stated that Town Council members should be involved in the process. Mayor Jaskiewicz inquired if the Town Attorney should be drafting this language, and Attorney Gladke stated that she has already drafted the language for the questions for the Council's review, and that having the Town Attorney prepare the explanatory text could be expensive. Mr. Dick Wilson addressed the Council and stated that he has acquired the explanatory text from the previous revision, which was drafted by Attorney Harry Heller, a member of the previous Charter Revision Committee. **Motion** by Councilor Murphy, Second by Councilor Caron to amend the original Motion to form a committee to draft the referendum questions and explanatory text, to include Chairperson Buebendorf, Councilor Jones, Councilor Geary, Mayor Jaskiewicz, and Mr. Dick Wilson. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.**

K. Resolution #2009-015. The Town of Montville hereby resolves that the date of the election to vote on the Charter revisions shall be the next regular election on November 3, 2009. **Motion** by Councilor Jones, Second by Councilor Geary. **Discussion:** **Motion** by Councilor Beetham, Second by Councilor Caron to amend the Resolution and hold the election in June 2009. **Roll Call Vote:** In Favor; Councilors Beetham, Caron and Radgowski. Opposed; Councilors Buebendorf, Geary, Jones and Murphy. **Motion Fails 3-4.** Both Chairperson Buebendorf and Councilor Geary agreed that having the Charter revision election on any other day except during the regular election in November would be a waste of money for the Town and taxpayers. Mayor Jaskiewicz stated that his feeling is that the voters will come out and vote on the issue if it is important to them, regardless if it is held separately or as part of the regular election in November. **Roll Call Vote:** In Favor: Councilors Buebendorf, Geary, Jones and Murphy. Opposed: Councilors Beetham, Caron and Radgowski. **Resolution #2009-015 Adopted 4-3.**

15. Remarks from the Public

Mr. Vince Atwood Young. Mr. Young spoke on the property located at 275 Route 163, and stated that he urges the Council to act on doing something with the property. Mr. Young distributed correspondence to the Council regarding the appraisal of the property in question, and again urged the Council to assist him in finalizing this matter.

Mr. Dana McFee, Leffingwell Road. Mr. McFee expressed his disappointment that the Montville Bridge was not going to be repaired, and thanked the Councilors who were in favor of erecting the temporary bridge, even though the matter did not pass. Mr. McFee inquired as to why the bridge repairs did not fall under the government program which assisted a similar repair in Plainfield, and the Mayor explained that it did not fall under this program due to length requirements; Mr. Don Bourdeau, Public Works Director, confirmed the Mayor's statement.

16. Executive Session – The Council did not enter into Executive Session at this time.

Remarks from Councilors

Councilor Murphy thanked the Council for approving the execution of the contract with the Teamsters Union, and thanked the Mayor for his support of this contract. On another matter, Councilor Murphy stated that the podium located in Council Chambers should be moved as he feels that someone could trip on the ramp located behind the podium.

17. Adjournment – **Motion** made by Councilor Caron, Second by Councilor Radgowski, to adjourn the meeting. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0. The meeting adjourned at 9:19 PM.**

Respectfully Submitted by:

Sandra Anderson CPS
Minutes Clerk
Montville Town Council