

Town of Montville Town Council
Regular Meeting Minutes for Monday, January 9, 2012
7:00 p.m. – Town Council Chambers – Town Hall

1. Call to Order

Chairperson Buebendorf called the regular meeting of the 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, Murphy, Tanner and Buebendorf. Also present was Mayor McDaniel.

4. Special Recognitions/Presentations with a ten minute limit for each presentation.

a. A presentation to Mr. William Allen from the Economic Development Commission

Councilor Longton, Councilor Caron, Ms. Mari Jurczyk and Mayor McDaniel presented Mr. William Allen with an award for an outstanding business owner on behalf of the Economic Development Commission. Councilor Longton stated Mr. Allen has promoted business growth in town since 1969 and has been generous with his time, talent and money that have benefited many local charities that benefit the town's youth, seniors and the Town of Montville as a whole. Mr. Allen thanked everyone for the award and thanked the Zoning Department for working with him in developing his properties over the years, he thanked the Building Department for all their help and stated they have always been strict but very helpful in his endeavors. He thanked the Fire Marshal, WPCA and the Mayor's office for all their cooperation as well. He thanked everyone in the Town who he has worked with over the years. Chairperson Buebendorf thanked Mr. Allen for everything he does for the Town and congratulated him on his award.

b. A presentation by Al Ippolito and Julie Savin of New Horizons Neighborhood regarding a proposed affordable housing project in the Town of Montville.

Mr. Ippolito discussed his proposal for tax relief and read the applicable statute specific to affordable housing, stating the project qualifies for the tax relief but will require an ordinance before the tax relief can be implemented. He stated a municipality may by ordinance provide property tax credits to owners of residential property who place long term, binding affordable housing deed restrictions on such residential property in accordance with the provisions of this section. The State requires every town have a certain amount of affordable housing and he stated this project will require cooperation from many town entities to move forward and make the project a reality. He stated the housing will be smart growth for the Town with many benefits long term. He discussed the tax credits he is requesting, stating years one and two will be thirty percent relief of full taxes and years three, four and five with fifty percent of full tax relief. He stated by granting this request, it will not set a precedent for tax relief across the board for any other projects as the ordinance drafted will be specific to this project alone. Granting the request will allow for the bank to give a larger loan ratio and is critical for the project to move forward. He discussed the estimated annual revenues from the project over the years and the building permit fees the town will receive from the project.

Ms. Julie Savin stated the proposal will not have an impact on the school system and she discussed the scale of household income and how rent is determined for each unit.

Chairperson Buebendorf suggested scheduling a special meeting to discuss this project further and Mr. Ippolito requested an answer either for or against his proposal by January 29th. Chairperson Buebendorf explained that an ordinance cannot be passed by the date requested but a special meeting can.

5. Alterations to the Agenda

Motion made by Councilor Tanner, seconded by Councilor McFee to waive the normal procedure to approve all of the appointments, resignations and waivers in a single vote for agenda items 14 (a – j). Discussion, none, voice vote, 7-0, all in favor, motion carried.

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

- a. The regular meeting minutes of December 12, 2011;
- b. The special meeting minutes of December 12, 2011;
- c. The special meeting minutes of January 3, 2012;
- d. The special meeting minutes of January 4, 2012;
- e. The special meeting minutes of January 5, 2012.

Motion made by Councilor Longton, seconded by Councilor Tanner to approve the December 12, 2011 regular and special meeting minutes, and the special meeting minutes of January 3, 4, and 5, 2012 as submitted. Discussion, none, voice vote, 7-0, 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 interviewing the following candidates for Boards and Commissions; Mr. Gary Allyn to the Public Safety Commission, Mr. Thomas McNally to the Public Safety Commission, Mr. Elmer Wittkofske to the Zoning Board of Appeals, and Ms. Merrilee Beetham-Turley to the Eastern Regional Tourism Board. Discussions to include members of the Town Council and Mayor McDaniel.

Motion made by Councilor Jones, seconded by Councilor Longton, discussion, none, voice vote, 7-0, all in favor, motion carried and invited parties left Chambers for executive session at 7:19 p.m., returning at 7:57 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.

Ms. Ellen Desjardins 513 Raymond Hill Road, Uncasville stated there are plenty of empty houses in Montville and may not need the affordable housing project. She spoke regarding agenda item 15 (a) and encouraged the Council to wait to spend the money in the hard economic times. The money would be better spent repairing the old Town Hall for community use for meetings and activities. She discussed the AA Thames bankruptcy and the Rand Whitney bond that are due and urged the Council to delay expending the money for the Public Safety Plan.

Mr. Gary Allyn discussed agenda item 15(a) and distributed the Request for Proposal to the Council to review. He discussed the scope of work on page #5 that explains what the Public Safety Plan will accomplish and future trends. The plan is to spend forty six thousand dollars for long term implementation of a vision for public safety in the Town of Montville. The Plan will establish a benchmark for the Town and he urged the Council support the proposal.

Mr. Ray Occhialini, Fire Marshal, spoke in favor of approval of agenda item 15 (a) stating the Plan has been put off for six years and it is time for the Town to implement a Plan, he stated if there is a Public Safety Plan in place the town will be eligible for grants that it would not be without a Plan. He spoke in favor of agenda item 16 (f) that will allow the Mayor to sign for grants.

Lt. Bunnell, Montville Police Department spoke in favor of agenda item 15 (a) and urged the Council to approve the expenditure. The Public Safety Commission is making a recommendation for the safety of the Town and need data to work with. He stated it is never a good time to make this kind of expenditure but the town needs a plan and cannot make the recommendations for improvement themselves. The Commission members are volunteers and it would not be fair to them to ask them to conduct this study on their own time.

Mr. Steven Loiler, a member of the Public Safety Commission, spoke in support of agenda item 15 (a), stating the Plan is required by Town Charter.

Attorney Ron Ochsner, Council for the WPCA, spoke in favor of the ordinance amendments to the WPCA. He gave a review of the action to date between the WPCA and the Town Council, including a joint committee that met to discuss the issue. A proposed amendment to the current town code addresses all of the issues at hand. He stated the copies of the ordinance were included in the Council packet.

Councilor Jones read a letter she received from Ms. Eckholt who spoke in opposition to approving agenda item 15 (a).

Councilor Jones read a letter she received from Ms. Liz Brevard, Virginia Road, who spoke in opposition to approving agenda item 15(a).

Councilor Jones read a letter she received from Mr. Richard Carrigan, Maple Avenue, who spoke in opposition to the approval of agenda item 15 (a).

Councilor Jones Roger Guyas, Hillcrest Avenue, who spoke in opposition to the approval of agenda item 15(a).

Councilor Jones read a letter received from Mr. Elmer Wittkowski who spoke in opposition to the approval of agenda item 15(a).

Mr. Timothy May, Chairman of the WPCA spoke in favor of approval of the ordinance amendments for the WPCA.

Chairperson Buebendorf asked three times if there were any additional remarks from the public.

9. Communications

- a. The December 2011 legal bills from Shipman & Goodwin, LLP.
- b. A resignation letter dated January 3, 2012 from Mr. Jasen Clark from the Parks & Recreation Commission,
- d. The statistic reports from the Police Department, Fire Marshal, Building Official, Chesterfield, Montville, Oakdale and Mohegan Fire Companies and Animal Control for the month of November;
- e. A copy of the Ordinance Regarding the Authority and Duties of the Water and Sewer Commission.

- f. A copy of the WPCA meeting minutes of Monday, December 6, 2010 regarding the proposed amendments to the ordinances requested.
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 discussed the CL&P offer to take down trees that are close to the power lines. He stated they have worked on several roads throughout town to take down old and potentially dangerous trees and limbs that could come down on the power lines in bad weather. The five hundred thousand dollars STEAP grant was received for the bridge repairs and he has met with Norwich to determine their commitment to the project. He is moving forward with the engineering for the project in order to move forward without delay. He discussed the bridge repairs on the intersection of Rt. 163 and Rt. 32 and stated the project is being re-engineered and the work will begin again in a couple of weeks with a new completion date for mid March. There are concerns regarding the safety of the intersection when the winter weather hits. The Senior Center has been painted and the Public Works crew is working on painting the Town Hall. He discussed blight issues and stated this is a process that must be followed prior to fining property owners. He has met with the medical insurance advisory group and tomorrow at 9:30 a.m. there will be a group of second graders who will be in Town Hall to see how the Town Hall works. He stated the Town of Montville has open space for the Coast Guard Academy if the New London deal does not work out.

12. Reports from Standing Committees.
 - a. Town Administration/Rules of Procedure

Councilor Tanner stated the committee will meet on the 23rd of this month and she will report on the meeting next month.

- b. Finance

Councilor Murphy stated there are several items discussed at the Finance meeting on the agenda this month and there is a meeting scheduled for the end of the month.

- c. Public Works/Solid Waste Disposal

Councilor Longton stated the Committee did not meet last month due to the holiday but is scheduled to meet on the 25th of this month. He stated at the last meeting there were discussions regarding road striping in the spring as opposed to in the fall so the striping will last three to four seasons. He explained the road plowing takes its toll on the roads and the delay would be in the best interest of the town.

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 it has been a busy month. He is working with the Senior Center Director to secure a grant for a new bus for the Senior Center. The goal is to acquire a bus without cost to the town by securing a grant and with the help of private donations. He discussed a new exercise class for seniors that will begin this month and stated it is a free class for any Montville senior

who wishes to attend the class. The Senior Center is celebrating twenty years of service to the town this year. This year the Social Services distributed six hundred and fifty food baskets over the holidays and five hundred and thirty five toy baskets to needy families. He stated hot meals were delivered to homes over the holidays and he thanked the Director and all of the volunteers who helped out to make a difference for those in need this holiday season. He encouraged anyone who can help out to do so and stop by to lend a hand. He asked that the document titled "Town of Montville – Montville Juvenile Review Board Procedures" be attached to the minutes as Schedule B.

b. Councilor Jones - Library; Planning & Zoning Commission

Councilor Jones discussed the collapse of the well at the library and stated they are making do with a temporary water supply until the problem is fixed. There are now five computer terminals in the library and the staff is working on logging in barcodes for the books so that they will be available online. She discussed story hour available at the library with four sessions per week, stating the program has been popular. Planning and Zoning did not meet last month due to the holiday.

c. Councilor Longton: Economic Development Commission

Councilor Longton did not have anything to report.

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

Councilor McFee stated the Firefighters Relief Fund did not meet and the Inlands Wetlands Commission meets on the 19th of this month.

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

Councilor Murphy stated the Board of Education has a meeting scheduled for the 17th of this month and they have started scheduling informational sessions throughout the town. He discussed an accident involving WPCA employees, stating the employees that were injured have been treated and are doing well. He stated the Public Safety Building Committee meets later in the month and the project is moving along.

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

Councilor Tanner stated the brochure for the winter session is out to the public and should be arriving in the mail this week. The holiday parade was successful and the office has not heard anything additional regarding the STEAP grant for the additional upgrades to the Fair Oaks building. She stated the Chairman of the Commission has resigned and the election of officers is on the agenda for the meeting on the 18th.

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

Councilor Buebendorf stated the Public Safety Plan funding is on the agenda this month and the Commission has been discussing implementing a process for the hire of part time firefighters. The Commission held a special meeting earlier in the month to review budgets for the upcoming year. Councilor Murphy discussed policy for hiring part time firefighters. The Regional Dispatch Committee did not meet last month.

14. Appointments and Resignations

Motion made by Councilor Tanner, seconded by Councilor Jones, to approve agenda items 14 a, b, c, d, e, f, g, h, i, and j as follows;

- a. To consider and act on a motion to accept the resignation of Mr. Jasen Clark from the Parks & Recreation Commission effective January 9, 2011.
- b. To consider and act on a motion to appoint Ms. Ellen Hillman to the Parks & Recreation Commission to fill a vacancy with a term to expire October 13, 2012.
- c. To consider on a motion to appoint Mr. Rick Geiler to the Parks & Recreation Commission to fill a vacancy with a term to expire October 11, 2014.
- d. To consider and act on a motion to waive Section 14 (c) of the Rules of Procedure of the Town of Montville Town Council to allow the appointment of Mr. Gary Allyn to the Public Safety Commission.
- e. To consider and act on a motion to appoint Mr. Gary Allyn to the Public Safety Commission with a term to expire January 9, 2015.
- f. To consider and act on a motion to waive Section 14 (c) of the Rules of Procedure of the Town of Montville Town Council to allow the appointment of Mr. Thomas McNally to the Public Safety Commission.
- g. To consider and act on a motion to appoint Mr. Thomas McNally to the Public Safety Commission with a term to expire January 9, 2015.
- h. To consider and act on a motion to appoint Mr. Wills Pike as an alternate to the Board of Assessment Appeals to fill a vacancy with a term to expire November 11, 2013.
- i. To consider and act on a motion to appoint Ms. Merrilee Beetham-Turley to the Eastern Regional Tourism Board with a term to expire January 9, 2015.
- j. To consider and act on a motion to appoint Ms. Kathleen Doherty-Peck to the Thames Valley Council for Community Action, Inc. with a term to expire November 16, 2015.

Discussion, none, voice vote, 7-0, all in favor, motion carried.

15. Unfinished Business

- a. Resolution #2012-001. THE TOWN OF MONTVILLE HEREBY RESOLVES to authorize the hire of Almont Associates of 6092 Sabal Hammock Circle, Port Orange, Florida, 32128 in the amount of \$46,000 (forty-six thousand dollars) to develop a Public Safety Plan for the Town of Montville. (Councilor Buebendorf)

Motion made by Councilor Tanner, seconded by Councilor Jones. Discussion, Councilor Jones spoke in opposition of allocating money for this study, stating the town is losing revenue this year from the grand list and it is a property tax revaluation year. She stated now is not the time to spend money if it is not critical to do so and the town cannot afford to do so at this time. Councilor Murphy stated the Plan is not necessary at this time and would be a waste of tax payer's money. He stated plans like these are typically not implemented and the issues can be handled from within each department. He stated the Oakdale Fire Department is not in favor of the Plan and he expressed concern regarding suggestions made to the town regarding issues that are not implemented may open the town up to a law suit in the future. He is not in favor of approving the money to conduct the study. Councilor Buebendorf stated she has voted against the Public Safety Plan in the past but has since changed her mind and is now in favor after sitting in on meetings regarding the need for a study. She stated there is a need for a strategic plan in place in the Town of Montville.

Roll call vote, 4-3, voting in favor were Councilors Caron, Longton, Tanner and Buebendorf, voting in opposition were Councilors Jones, McFee and Murphy, resolution adopted.

16. New Business

- a. Resolution #2012-002. THE TOWN OF MONTVILLE HEREBY RESOLVES to refund taxes due to overpayments and corrections in the amount of \$2,374.15 (two thousand three hundred seventy four dollars and fifteen cents) as requested by the Tax Collector and attached hereto as Schedule A. (Councilor Buebendorf)

Motion made by Councilor Murphy, seconded by Councilor Tanner, discussion, none, roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- b. Resolution #2012-003. THE TOWN OF MONTVILLE HEREBY RESOLVES to retain the law firm of Suisman Shapiro as legal counsel for the Town of Montville with a term of January 9, 2012 through December 31, 2013 and further to authorize the Mayor to execute the Fee Agreement outlined in the proposal submitted by the law firm. (Councilor Buebendorf)

Motion made by Councilor Longton, seconded by Councilor Tanner, discussion, none, roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- c. Resolution #2012-004. THE TOWN OF MONTVILLE HEREBY RESOLVES to transfer \$400 (four hundred dollars) within the Board of Assessment Appeals budget from 10430-53019 Miscellaneous Supplies to 10430-53004 Training and Conferences. (Councilor Buebendorf)

Motion made by Councilor Jones, seconded by Councilor Caron, discussion, Councilor Buebendorf stated it is not necessary for the Town Council to authorize transfers within a budget but she chose to add this to the agenda for transparency. She stated the money is being utilized for training members of the Board of Assessment Appeals. Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- d. Resolution #2012-005. THE TOWN OF MONTVILLE HEREBY RESOLVES to repeal Resolution No. 1720 from December 11, 1989 in order to adopt a new resolution to include credit card payments when proof of tax payment is required by the State Department of Motor Vehicles for registering a vehicle in accordance with Section 12-146 of the Connecticut General Statutes. (Councilor Murphy)

Motion made by Councilor Longton, seconded by Councilor Caron. Discussion, Mayor McDaniel explained the resolution must be repealed in order to adopt a new resolution that will allow credit card payments as acceptable payment toward delinquent tax payments. Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- e. Resolution #2012-006. THE TOWN OF MONTVILLE HEREBY RESOLVES to require cash, certified check, money order or credit card for payment of a delinquent tax when proof of tax payment is required by the State Department of Motor Vehicles for registering a vehicle in accordance with Section 12-146 of the Connecticut General Statutes. (Councilor Murphy)

Motion made by Councilor Jones, seconded by Councilor Caron, discussion, none, roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- f. Resolution #2012-007. THE TOWN OF MONTVILLE HEREBY RESOLVES that the Town of Montville may enter into with and deliver to the State of Connecticut Department of Emergency Services and Public Protection (formerly the Department of Emergency Management and Homeland Security) any and all documents which it deems to be necessary or appropriate. And further, Ronald McDaniel, as the Mayor of the Town of Montville, is authorized and directed to execute and deliver any and all documents on behalf of the Town of Montville and to do and perform all acts and things which he

deems to be necessary or appropriate to carry out the terms of such documents, including, but not limited to, executing and delivering all agreements and documents contemplated by such documents. (Councilor Buebendorf)

Motion made by Councilor Tanner, seconded by Councilor Murphy. Discussion, Mayor McDaniel stated this is a blanket resolution that will allow the town to accept homeland security grant funds. Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- g. Resolution #2012-008. To consider and act on a motion to introduce the revisions to the following ordinance titled “Ordinance Amending Chapter 21 – Compensation” and to “Ordinance Amending Chapter 313 Sewers and Sewage Disposal” and “Ordinance Amending Chapter 386 Water” and to set the date of Monday, February 13, 2012 at 6:00 p.m. in the Town Council Chambers at the Town of Montville Town Hall for a public hearing regarding these matters. (Councilor Buebendorf)

Motion made by Councilor Longton, seconded by Councilor Jones. Discussion, Mayor McDaniel stated a vote will send this item to public hearing to allow the public to speak regarding the matter. Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- h. Resolution #2012-009. To consider and act on a motion to discuss the remediation of 14 Bridge Street and to schedule a public hearing regarding the remediation for Tuesday, January 31, 2012 at 6:00 p.m. in Town Council Chambers. (Mayor McDaniel)

Motion made by Councilor Jones, seconded by Councilor Murphy. Discussion, Mayor McDaniel gave an overview of the events of the property to date. He explained the property was foreclosed on for non-payment of back taxes and it will require remediation before title can be transferred to potential buyers of the property. Finance Director Terry Hart explained the finances relating to the remediation of the project, stating the end result will be selling the remediated property to the company that currently occupies the space with a profit to the town. She stated a public hearing must be scheduled to allow the public to speak regarding the remediation. Roll call vote, 7-0, voting in favor were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf, voting in opposition, none, resolution adopted.

- i. To consider and act on a motion to schedule a public informational meeting regarding taxes and revaluation for Wednesday, February 29, 2012 at 7:00 p.m. in Town Council Chambers. (Councilor Murphy)

Motion made by Councilor Longton, seconded by Councilor Jones. Discussion, Councilor McFee requested and anticipated mill rate to present to the public at the informational meeting. Mayor McDaniel stated he will do his best to have numbers to work with by the end of February and he will bring as much data as possible to the meeting that is available to him. He stated he hopes everyone will be an advocate for the process. Councilor Buebendorf thanked Councilor Murphy for proposing this meeting for the public, stating the purpose is to have an informative informational meeting that addresses questions and concerns from the residents of the Town of Montville. Voice vote, 7-0, all in favor, motion carried.

17. Remarks from the Public (3 minute limit)

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

18. Remarks from the Councilors

Councilor Jones stated she is disappointed with the decision of the Council to fund the Public Safety Plan and she stated she hopes the decision does not come back to haunt them.

Councilor Caron stated he will keep the Council updated on the purchase of the senior bus and thanked everyone who has helped out with the Senior Center, Social Services and Youth programs.

Councilor Murphy stated he appreciates the paperless system the Town Council is now using for documents relating to the meeting and he thanked all of the law firms that took the time to come out for interview over the past week. He welcomed all the new commissioners to the Boards and Commissions that were appointed at this meeting.

Councilor Tanner thanked all the law firms that came out to interview, she thanked the Commission secretary for the paperless agenda packet and welcomed all of the new commission members that were appointed, stating volunteering time is a great way to serve the town.

Mayor McDaniel stated communication as a group has been working well and he thanked everyone for their support.

19. Adjournment

Motion made by Councilor Murphy, seconded by Councilor Tanner to adjourn the meeting at 9:15 p.m., discussion, none, voice vote, 7-0, all in favor, motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville