

**Town of Montville Town Council  
Regular Meeting Minutes for Monday, May 14, 2012  
7:00 p.m. – Town Council Chambers – Town Hall**

1. Call to Order

Vice Chairman Caron called the regular meeting of the Town Council to order after establishing a quorum. Since Mayor McDaniel is out of town on vacation, according to the Charter, Chairperson Buebendorf is the Acting Mayor in his absence and therefore will abstain from voting during this meeting.

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

3. Roll Call

Present were Councilors Buebendorf, Jones, Longton, McFee, Murphy, Tanner and Caron. Also present was Finance Director, Terry Hart.

4. Special Recognitions/Presentations – none.

5. Alterations to the Agenda

Motion made by Councilor Tanner, seconded by Councilor Longton to change the name following the resolutions 16 (c) and (d) from Mayor McDaniel to Councilor Murphy. Discussion, none, voice vote, 6-0-1 (Councilor Buebendorf abstained from the vote), motion carried and the agenda was amended.

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

- a. The regular meeting minutes of Monday, April 9, 2012;
- b. The public hearing meeting minutes of Monday, April 9, 2012 (6:30 p.m.);
- c. The public hearing meeting minutes of Monday, April 9, 2012 (6:45 p.m.);
- d. The public hearing meeting minutes of Monday, April 16, 2012;
- e. The public hearing meeting minutes of Tuesday, April 17, 2012;
- f. The special meeting minutes of Wednesday, April 18, 2012;
- g. The public hearing minutes of Tuesday, April 24, 2012;

Motion made by Councilor Tanner, seconded by Councilor McFee, discussion, Councilor Jones requested an amendment of the regular meeting minutes of Monday, April 9, 2012 to reflect agenda item 13 (b) as follows; the Commission approved a request from the Town of East Lyme to construct a municipal water tower on Butlertown Road n Montville. This will include installation of water sprinklers and fire suppression in the Lombardi Industrial Park on Route 85. Voice vote, 6-0-1 (Councilor Buebendorf abstained from the vote), motion carried and the meeting minutes were approved with a correction to the Monday, April 9, 2012 meeting minutes.

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; Ms. Mari Jurczyk to the Planning & Zoning Commission; Mr. Carl Freeman to the Zoning Board of Appeals; and Mr. Fred Yeitz to the Planning and Zoning Commission. Discussions held during executive session to include members of the Town Council. Motion made by Councilor Tanner, seconded by Councilor McFee, discussion, none, voice vote, 6-0-1, (Councilor Buebendorf abstained from the vote)

motion carried and invited parties left Chambers for executive session at 7:03 p.m., returning at 7:09 p.m. Vice Chairman Caron resumed the meeting and stated no formal votes were taken during the executive session and Mr. Carl Freeman was interviewed by Council during the executive session.

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

Ms. Robin Salvatore, 43 Lake Drive, spoke in favor of the Council passing agenda items 16 (f) and 16 (g), stating the grants will allow the police officers to enforce public safety and keep the public safe.

Vice Chairman Caron asked three times if there was anyone present who would like to come forward to address the Council regarding items on the agenda.

9. Communications

- a. A copy of the legal bills from Shipman & Goodwin, LLP for March, 2012;
- b. A copy of the legal bills from Suisman Shapiro dated May 2, 2012;
- c. Monthly statistics reports from the Police Department, Fire Marshal, Building Official, Dog Warden and Fire Companies.
- d. A copy of the April, 2012 budget from the Finance Department.
- e. A copy of a letter dated April 21, 2012 from Mr. Robert A. Manfredi regarding the 2012/2013 Town budget.
- f. A letter from Wright-Pierce Engineering dated May 4, 2012 regarding an engineering review of the proposed treatment alternatives at Rand Whitney Containerboard.
- g. A correspondence from to all parade units regarding the Parade Orders for the Montville Memorial day Parade scheduled for Sunday, May 20, 2012 at 1:00 p.m.

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 was not present to give a report for this month.

12. Reports from Standing Committees.

a. Town Administration/Rules of Procedure

Councilor Tanner stated there was no meeting this month and she does not have anything to report.

b. Finance

Councilor Murphy stated there are items discussed during the Finance meetings on the agenda.

c. Public Works/Solid Waste Disposal

Councilor Longton stated the committee did not meet this month and he does not have anything to report.

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 the Commission on the Aging is celebrating Older Americans month, Social Services now serves approximately one hundred and twenty five residents a month at the facility, Youth Services has scheduled their mock crash and the spaghetti fund raising event was a big success.

- b. Councilor Jones: Library; Planning & Zoning Commission

Councilor Jones discussed an interview she conducted with the Library Director on her public access television show where she discussed various activities at the library including the Friends of the Library project, an automated book system, as well as the data base for library books. She discussed a Planning and Zoning application that was approved by the Commission to convert a non conforming residential property into a car dealership with and office space and repair facility on Route 32. She discussed a correspondence regarding the environmental impact the proposed affordable housing project will have and stated the group has secured all permitting required for the project and is willing to move forward with the project despite the fact the Council denied their request for tax abatement. She discussed a proposal from the Tribal Cultural Property that is proposing the Mohegan Tribe take into trust land along the Route 32 corridor from the old drive in property to Fort Shantok and the area that borders the Thames River. She stated if this happens the Town will lose a large portion of land that is designated for commercial use and she stated she is starting a petition that will bring this proposal forward to the public in the form of a Public Hearing to allow residents to speak and to make the residents aware of the potential impact this could have to the Town of Montville.

- c. Councilor Longton: Economic Development Commission

Councilor Longton stated the EDC did not meet last month due to a lack of quorum.

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

Councilor McFee stated the Volunteer Firefighters Relief Fund did not meet last month, the Inland Wetlands Commission regular meeting is scheduled for Thursday and they did go out for a site walk to review the hotel site.

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

Councilor Murphy stated WPCA met and it was revealed Attorney Ron Ochsner has been ill and has been admitted to a rehabilitation facility for recovery and in the meantime one of his partners has been covering his duties with the WPCA. He stated the sex offender facility has an overdue bill with the WPCA for their connection fees in the amount of thirty seven thousand dollars and the Administrator is working on collecting this money from the State. He discussed the former WPCA employee that was found guilty of embezzlement and stated her probation is nearing the end and she is currently paying twenty five dollars a month toward a fifty five thousand dollar bill and because she does not have any assets the Victim's services has indicated this is all she can pay. The Public Safety Building Committee met last month and they are on schedule and within budget.

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

Councilor Tanner stated the Parks & Recreation Commission met last month and items discussed included holding a farmer's market during the larger events, the best location for a proposed dog park, the Councilor in Training program, the community tag sale, National Trails Day, a proposed fall basketball program and co-ed softball league. She stated there were two Easter egg hunts this year and both were a huge success with a large turnout for each one. Over thirty five hundred eggs were filled for the participants this year. She stated the Non-profit Organizations did not meet last month.

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

Councilor Buebendorf stated the Public Safety Commission met last month and discussed the Public Safety Plan, they hope to have a completed Plan by late June, early July and they are still discussing the new police uniforms. She stated the Regional Dispatch Committee did not meet last month.

14. Appointments and Resignations

a. To consider and act on a motion to appoint Mr. Tim Sullivan to the Housing Authority with a term to expire on April 30, 2017. (Mr. Sullivan was interviewed by the Council on March 12, 2012).

Motion made by Councilor Tanner, seconded by Councilor Longton, discussion, none, voice vote, 6-0-1 (Councilor Buebendorf abstained), motion carried, appointment made.

b. To consider and act on a motion to appoint Ms. Marjorie Gatheral to the Economic Development Commission with a term to expire May 14, 2016. (Ms. Gatheral was interviewed by the Council on April 9, 2012).

Motion made by Councilor Longton, seconded by Councilor Jones, discussion; Councilor McFee stated he is not in favor of this appointment because Ms. Gatheral has missed a considerable number of meetings this past year. He discussed past precedence, stating the Council chose not to re-appoint a member of the WPCA because of his attendance record and he believes the Council should do the same with this appointment. A discussion was held regarding the policy for attendance and appointments and Councilor Buebendorf stated it has been past policy to remove an appointment if someone has missed three consecutive meetings in a row. She stated in this case Ms. Gatheral lost her husband and spent more time than she usually would away this year to deal with her loss but she indicated she will have better attendance this year. Councilor Murphy stated he had voted to remove the member of the WPCA for job performance and not for attendance. Voice vote, 4-1-2 (Councilor McFee voted in opposition and Councilors Buebendorf and Jones abstained from the vote). Motion carried and the appointment was made.

15. Unfinished Business

a. **Resolution #2012-025. THE TOWN OF MONTVILLE HEREBY RESOLVES to adopt the ordinance titled "An Ordinance Implementing Fees for Fire Marshal's Office Permits and Inspections" as heard at a public hearing held on Monday, May 14, 2012 at 6:30 p.m.** Motion made by Councilor Tanner, seconded by Councilor Murphy, discussion, none, roll call vote, 6-0-1 (abstaining from the vote was Councilor Buebendorf), resolution adopted.

16. New Business

a. **Resolution #2012-026. THE TOWN OF MONTVILLE HEREBY RESOLVES to refund taxes due to overpayments and corrections in the amount of \$782.38 (seven hundred**

**eighty two dollars and thirty eight cents) as requested by the Tax Collector and attached hereto as Schedule A. (Councilor Buebendorf)** Motion made by Councilor Tanner, seconded by Councilor Murphy, discussion, none, roll call vote, 6-0-1 (abstaining from the vote was Councilor Buebendorf), resolution adopted.

b. **Resolution #2012-027. THE TOWN OF MONTVILLE HEREBY RESOVES to approve the funds necessary to implement the written agreement and the terms of the written agreement between the Town of Montville -and- Local 1303-051, Council 4, AFSCME, AFL-CIO (Public Works Employees) for the period of July 1, 2012 – June 30, 2016. (Mayor McDaniel)** Motion made by Councilor Longton, seconded by Councilor Jones, discussion, Councilor Tanner stated everyone did a great job negotiating a contract that was fair and equitable and Councilor Jones commended the Union members for accepting a zero percent increase over the next two years. Roll call vote, 6-0-1 (abstaining from the vote was Councilor Buebendorf), resolution adopted.

c. **Resolution #2012-028. THE TOWN OF MONTVILLE HEREBY RESOLVES to approve the funds necessary to implement the written agreement and the terms of the written agreement between the Town of Montville -and- Teamsters Local Union 493 (Town Hall Employees) for the period of July 1, 2012 – June 30, 2016. (Councilor Murphy)** Motion made by Councilor Tanner, seconded by Councilor Longton, discussion, Councilor Longton stated he is happy the Union members are willing to do their share to keep the budget down and to accept a zero percent increase. Roll call vote, 6-0-1 (abstaining from the vote was Councilor Buebendorf), resolution adopted.

d. **Resolution #2012-029. THE TOWN OF MONTVILLE HEREBY RESOLVES to increase the reimbursement of the hourly rate for the police vehicle when used for private duty from five dollars (\$5.00) to fifteen dollars (\$15.00) an hour. (Councilor Murphy)** Motion made by Councilor Murphy, seconded by Councilor Longton. Discussion, Councilor Murphy explained that by bringing the fee to fifteen dollars an hour the fees will be more in line with what other towns charge for the police vehicle when it is used for private duty. Roll call vote, 6-0-1 (abstaining from the vote was Councilor Buebendorf), resolution adopted.

e. **Resolution #2012-030. THE TOWN OF MONTVILLE HEREBY RESOLVES to add a three dollar (\$3.00) administrative fee per ton to the individual haulers for the disposal of solid waste in the Town of Montville. (Councilor Murphy)** Motion made by Councilor Murphy, seconded by Councilor Tanner. Discussion, Councilor Murphy stated adding the three dollar fee will bring the fees the Town of Montville charges more in line with surrounding towns. He stated the implementation of the fee will also discourage haulers to dispose of their trash in Montville because it is cheaper for them to bring in the waste from towns that charge more and dispose of it at the expense of Montville. He stated the fees also cover the administrative costs incurred by the town. Roll call vote, 6-0-1 (abstaining from the vote was Councilor Buebendorf), resolution adopted.

f. **Resolution #2012-031. THE TOWN OF MONTVILLE HEREBY RESOLVES to accept the Comprehensive DUI (Driving Under the Influence) Enforcement Grant Program and resolves that Mayor Ronald McDaniel is hereby authorized to accept the FY 2012 Comprehensive DUI (Driving Under the Influence) Enforcement Grant Program as described above from the Connecticut Department of Transportation (CTDOT) Division of Highway Safety Office, and it be further resolves that Mayor Ronald McDaniel is hereby authorized to execute any and all manner of other documents and to take such other actions as he and the Town Council may deem appropriate and in the best interests of the Town of Montville in order to receive, contract, and expend the above referenced grant funds. Any prior acts of the Mayor in applying for such grant funds are hereby ratified. WHEREAS, the State of Connecticut Department of Transportation (CTDOT) Division of Highway Safety awards grants to municipalities for enhanced DUI enforcement and WHEREAS, the State of Connecticut Department of Transportation (CTDOT) Division of Highway Safety has notified the Town of Montville of their intention to provide grant funds to the Town through the 2012 Comprehensive DUI Enforcement Grant Program and WHEREAS, These grant funds will allow the Montville Police Department to conduct high visibility enforcement that should reduce the volume of fatalities/injuries due to impaired driving, and WHEREAS, The total program cost will be \$74,200.00 for the 2012 Comprehensive DUI (Driving Under the Influence) Enforcement Grant Program, and**

**State of Connecticut Department of Transportation (CTDOT) Division of Highway Safety will provide \$55,650.00 in grant funds to reach the total cost of the program; and WHEREAS, The Town of Montville is required to provide a 25% local cash match in the amount of \$18,550.00, which requirement will be met through the payment of fringe benefits for the officers involved in the program. (Mayor McDaniel)** Motion made by Councilor Murphy, seconded by Councilor Longton. Discussion, Councilor Buebendorf stated this is an important program for the community and public safety overall. Councilor Murphy discussed the need for enforcement late at night stating many people are killed in drunken driving accidents each year. Councilor Jones inquired how the funds will be dispersed. Roll call vote, 6-0-1 (abstaining from the vote was Councilor Buebendorf), resolution adopted.

g. **Resolution #2012-032. THE TOWN OF MONTVILLE HEREBY RESOLVES to accept the 2012 WAVE 42 CIOT (Click It or Ticket) Media Grant and resolves that Mayor Ronald McDaniel is hereby authorized to accept the FY 2012 WAVE 42 CIOT (Click It or Ticket) Media Grant as described above from the Connecticut Department of Transportation (CTDOT) Division of Highway Safety Office, and it be further resolved that Mayor Ronald McDaniel is hereby authorized to execute any and all manner of other documents and to take such other actions as he and the Town council may deem appropriate and in the best interests of the Town of Montville in order to receive, contract, and expend the above referenced grant funds. Any prior acts of the Mayor in applying for such grant funds are hereby ratified. WHEREAS, the State of Connecticut Department of Transportation (CTDOT) Division of Highway Safety awards grants to municipalities for Seat Belt / Child Safety Seat enforcement and WHEREAS, the State of Connecticut Department of Transportation (CTDOT) Division of Highway Safety has notified the Town of Montville of their intention to provide grant funds to the Town through the 2012 WAVE 42 CIOT (Click It or Ticket) Media Grant and WHEREAS, These grant funds will allow the Montville Police Department to conduct high visibility enforcement that should reduce the volume of fatalities/injuries due to failure to wear seat belts / restrain children in child safety seats, and WHEREAS, The total program cost will be \$3,752.00 for the 2012 WAVE 42 CIOT (Click It or Ticket) Media Grant, and State of Connecticut Department of Transportation (CTDOT) Division of Highway Safety will provide \$2,800.00 in grant funds to reach the total cost of the program; and WHEREAS, a 34% local cash match in the amount of \$952.00 is required, which requirement will be met through the payment of fringe benefits for the officers involved in the program. (Mayor McDaniel)** Motion made by Councilor Tanner, seconded by Councilor Jones, discussion, Councilor Jones stated this grant is a great opportunity for the town to enforce public safety and she thanked the police for applying for the grant. Councilor Longton spoke in favor of accepting the grant, stating programs encourage drivers to use their seatbelts and this in turn saves lives. A discussion was held regarding child safety seats and programs available to help with the costs of the seats and the proper installation of the seats. Roll call vote, 6-0-1 (abstaining from the vote was Councilor Buebendorf), resolution adopted.

h. To consider and act on a motion to set the date of Tuesday, June 5, 2012 at 6:00 p.m. for a special Town Council meeting. (Councilor Buebendorf) Motion made by Councilor Jones, seconded by Councilor Longton. Discussion, Councilor Buebendorf stated the reason for the special meeting is to discuss and approve the budget. She stated this will allow for enough time to get the bills printed and mailed. Voice vote, 6-0-1 (Councilor Buebendorf abstained from the vote), motion carried.

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

Vice Chairman Caron inquired if there was anyone from the public who would like to come forward to address the Council.

Ms. Robin Salvatore, 43 Lake Drive thanked the Council for their support with the grants for public safety.

Vice Chairman Caron 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 discussed the petition she is circulating regarding the Mohegan Hill proposal and invited anyone who would like to sign it to do so. She stated if the proposal goes through this could potentially block the affordable housing project proposal thus taking away millions of dollars in tax revenues from the town as well as impedes the ability for the town to develop future projects along Route 32. She stated if the boundary is approved as submitted it will be detrimental to the town in so many ways. She encouraged the public to get involved and to call a public hearing on this matter.

Councilor Buebendorf thanked Officer Salvatore for applying for grants to help with public safety.

Councilor Caron stated there is an art show at the Senior Center on May 18<sup>th</sup> and invited anyone interested to attend. He thanked the Council for approving the Veterans Ordinance last month while he was away on vacation and stated May 13-19<sup>th</sup> is Police Officer appreciation week and he encouraged everyone to thank an officer for all they do for the community every day.

19. Adjournment

Motion made by Councilor Murphy, seconded by Councilor Jones to adjourn the meeting at 7:57 p.m., discussion, none, voice vote, 6-0-1 (Councilor Buebendorf abstained from the vote), motion carried.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.

**Conflict of Interest Disclosure Form**

In accordance with Section C903 of the Town's Charter, I, Candy Buebendorf, a member of the Montville Town Council at the meetings dated May 14, 2012 have disclosed that I have a conflict of interest and would recuse myself from voting. Below is the basis of the conflict of interest.

In the Mayor's absence, I am the acting Mayor and therefore cannot participate in voting.

Signature *C Buebendorf* Date May 14, 2012

This form shall be incorporated in the minutes of the particular board, commission, or office and a full copy of such minutes shall be filed in the office of the Town Clerk.