

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

1. Call to Order

Chairperson Buebendorf called the regular meeting of the Town of 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 Ron McDaniel, Town Attorneys Eileen Duggan and Matthew Auger and Finance Director Terry Hart.

4. Special Recognitions/Presentations – none.

5. Alterations to the Agenda

Motion made by Councilor Longton, seconded by Councilor Tanner to add the following items to the agenda;

16 (i). THE TOWN OF MONTVILLE HEREBY RESOLVES to Transfer \$3,000 (three thousand dollars) to 10710-52091 (St Bernard Health Services) from 10910-53018 (Sand and Salt). (Councilor Murphy)

16 (j). To consider and act on a motion to enter into a discussion regarding seeking an independent attorney to review recent opinions of the current Town Attorney. (Councilor McFee).

To consider and act on a motion to approve agenda items 14 (a-d) in one consent vote and to read agenda item 9 (c) into the record.

Voice vote, 6-1 (Councilor Murphy abstained). Motion carried and the agenda was amended.

6. To consider and act on a motion to approve the following meeting minutes.

a. Motion made by Councilor Longton, seconded by Councilor Jones to approve the regular meeting minutes of Monday, June 11, 2012. Discussion, none, voice vote, 7-0, all in favor, motion carried.

b. Motion made by Councilor Tanner, seconded by Councilor Longton to approve the special meeting minutes of Monday, June 11, 2012. Discussion, none, voice vote, 7-0, all in favor, motion carried.

c. Motion made by Councilor Jones, seconded by Councilor Caron to approve the budget meeting minutes of Tuesday, June 5, 2012. Discussion, none, voice vote, 7-0, all in favor, motion carried.

d. Motion made by Councilor Caron, seconded by Councilor Tanner to approve the special meeting minutes of June 26, 2012. Discussion, none, voice vote, 4-0-3 (Councilors

Jones, McFee and Buebendorf abstained as they were not present at the meeting) motion carried and the meeting minutes were approved.

7. Executive Session – none.

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

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

9. Communications

- a. A copy of the legal bills from Shipman & Goodwin, LLP;
- b. A copy of the legal bills from Suisman Shapiro.
- c. A letter dated July 5, 2012 from Attorney Duggan regarding a legal opinion.
- d. A copy of the Town of Montville Rules of Procedure.

Councilor Jones read the letter dated July 5, 2012 regarding the opinion from Attorney Duggan regarding conflict of interest into the record.

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 Public Safety Building project is eighty percent complete and is on schedule and within budget. He stated with the new building there will be new policies implemented and an ADHOC Committee has been formed to develop new policies. The Public Safety Commission will be reviewing these policies over the next month and from there they will be forwarded to the Town Council for approval. He stated Almott Associates has indicated they are about a month away from presenting their report to the town regarding the Public Safety Plan. He discussed the bridge repairs, stating the Town is approximately one hundred and eighty thousand dollars short after deducting the STEAP grant from the costs to repair the bridge and he stated Norwich has indicated they will be in a position to contribute the remainder toward the repairs. He discussed using a design build as it is more cost effective to do so. He discussed NRG tax credits; stated the tax appeals with Mazzei and Montville Energy have been resolved, mostly in house saving on attorney fees; he discussed upcoming Millstone drills and a hurricane drill and expressed his condolences to the many town employees who have lost loved ones over the past months.

12. Reports from Standing Committees.

a. Town Administration/Rules of Procedure

Councilor Tanner stated there are items on the agenda and are working on an MOU for the Registrar of Voters, it has been a busy month.

b. Finance

Councilor Murphy stated there was a meeting held regarding consolidating the Town Hall Finance Department with the Board of Education Finance Department. Councilor Jones suggested forming a sub-committee to discuss these options. Councilor Murphy stated it was a

productive meeting and he looks forward to making informed decisions once additional information is gathered and presented at a future date.

c. Public Works/Solid Waste Disposal

Councilor Longton stated the Committee met and discussed the loss of revenues at the weekly tag sales this year, stating it may have something to do with the economic conditions in town, they discussed the Adopt a Road Program, chip sealing and paving scheduled for this year, they held a discussion regarding obtaining a STEAP grant for the proposed re-design for the Transfer Station to alleviate traffic backup at the Station, tree trimming around town by CL&P around power lines, they discussed the RFP for curbside trash pickup and Mr. Bourdeau distributed copies of the RFP for the Committee members to review and comment prior to his sending it out to bid. He encouraged the public to attend the meetings stating they are informative and interesting.

13. Reports from Special Committees and Liaison Councilors

a. Councilor Caron discussed the Commission on Aging; stating they received a grant for computers, the seniors have been busy at the Center with the hot weather outside the seniors have been coming to the center to keep cool, he discussed Social Services, stating there have been anonymous donors who helped out tremendously this month with food donations; he discussed programs at the Montville Youth Services center and stated that there will be a fee assessed this year for after school programs; he discussed scheduled events at the Senior Center for this month.

b. Councilor Jones discussed the Library committee, stating they meet only a couple of times a year and stated the Planning & Zoning Commission has not met since June 12, 2012 and they cancelled their meeting for this month.

c. Councilor Longton stated the Economic Development Commission met informally but did not have a quorum for a meeting.

d. Councilor McFee stated the Volunteer Firefighters Relief Fund did not meet and the Public Safety Building Committee met, he stated the building is seventy five percent completed and within budget. He did not report on the Inland Wetlands Commission.

e. Councilor Murphy stated the Board of Education will meet at 5:30 p.m. on July 10, 2012 to discuss goals and they have cancelled their regularly scheduled meeting for July 17, 2012.

f. Councilor Tanner stated the Parks & Recreation Commission met this month and had a facilities walk through at Camp Oakdale; she stated there are one hundred and five students signed up for the lacrosse clinic, the summer concerts at Camp Oakdale start this week and are scheduled for Tuesday evenings; and the gymnastics program starts on Thursday and runs for eight weeks at a cost of fifty dollars. She discussed a memo regarding the new office hours for the administrative assistant in the Parks & Recreation office, stating the new hours are from 8:00 a.m. until 12:00 p.m. Monday through Friday and Mr. Bushway will cover the office from 12:00 p.m. until 4:30 p.m. She stated she did not have anything to report regarding the Non Profit Organizations.

g. Councilor Buebendorf stated the Public Safety Commission met and discussed proposed policies for the new Public Safety Building and the Regional Dispatch Committee met stated they had ordered supplies and are ready to move forward.

14. Appointments and Resignations

Motion made by Councilor Jones, seconded by Councilor Caron to approve agenda items 14 (a), (b), (c) and (d). Discussion, none, voice vote, 7-0, all in favor, motion carried.

a. To consider and act on a motion to appoint Ms. Mari Jurczyk to the Planning & Zoning Commission with a term to expire July 9, 2016. (Ms. Jurczyk was interviewed by the Council on June 11, 2012).

b. To consider and act on a motion to appoint Mr. Fred Yeitz as an Alternate to the Planning & Zoning Commission with a term to expire July 9, 2016. (Mr. Yeitz was interviewed by the Council on June 11, 2012).

c. To consider and act on a motion to waive Section 14C of the Rules of Procedure of the Town Council to allow the appointment of Mr. John Desjardins to Planning & Zoning Commission.

d. To consider and act on a motion to appoint Mr. John Desjardins to the Planning & Zoning Commission with a term to expire August 11, 2016. (Mr. Desjardins was interviewed by the Council on July 9, 2012).

15. Unfinished Business – none.

16. New Business

a. **Resolution #2012-045. THE TOWN OF MONTVILLE HEREBY RESOLVES to refund taxes due to overpayments and corrections in the amount of \$311.23 (three hundred eleven dollars and twenty three cents) as requested by the Tax Collector and attached hereto as Schedule A.** (Councilor Buebendorf)

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

b. **Resolution #2012-046. THE TOWN OF MONTVILLE HEREBY RESOLVES to authorize Mayor Ronald K McDaniel to execute a Sidewalk Maintenance Agreement between the State of Connecticut, Department of Transportation and the Town of Montville for Construction of a Concrete Sidewalk on the Eastbound Approach to Bridge NOS. 02728 and 02729 Along the Southerly Side of CT Rout 163 Over the Fox Brook and Oakdale Brook.** (Mayor McDaniel)

Motion made by Councilor Jones, seconded by Councilor Caron, discussion, Mayor McDaniel stated the area in question is next to the Post Office where the State has incorporated sidewalks into the road improvements and they are requesting the Town maintain these sidewalks. Roll call vote, 7-0, voting in favor of adopting this resolution were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

c. **Resolution #2012-047. THE TOWN OF MONTVILLE HEREBY RESOLVES to amend Resolution No. 2012-35, wherein the fiscal year 2012-2013 budget was adopted, to reflect the Mayoral veto on the increase of (twenty-nine thousand seventy nine (\$29,079) dollars to the expenditure line-item "Land Use Assistant's Salary" (10610-51017) as follows: The appropriation to the expenditure line-item "Weapons and Ammunition" (10820-53032) is hereby decreased by (twenty-five thousand (\$25,000) dollars and the**

**appropriation to expenditure line item "Medical Insurance" (10420-52020) is hereby decreased by (four thousand seventy nine) \$4,079 dollars. (C. Buebendorf)**

Motion made by Councilor Jones, seconded by Councilor Caron, discussion, Councilor McFee discussed the events to date regarding the approval of the budget, the conflict of interest opinions and the legal bills associated with the budget process. He stated the Town Attorney and the Town Council stole the rights of the taxpayers to petition the budget. He stated he is upset with the process and stated he was told the petition was not going to be certified even if there were enough signatures on the document to do so. Roll call vote, 5-1-1, voting in favor of adopting the resolution was Councilors Caron, Jones, Longton, Murphy and Buebendorf. Voting in opposition was Councilor McFee and abstaining from the vote was Councilor Tanner, resolution adopted.

**d. Resolution #2012-048. THE TOWN OF MONTVILLE HEREBY RESOLVES to adopt the amended total budget for fiscal year 2012-2013 in the amount of fifty-five million, six-hundred and twenty one thousand, one hundred and forty (\$55,621,140) dollars. (C. Buebendorf)**

Motion made by Councilor Jones, seconded by Councilor Caron, discussion, none, roll call vote, 5-1-1, voting in favor of adopting the resolution was Councilors Caron, Jones, Longton, Murphy and Buebendorf. Voting in opposition was Councilor McFee and abstaining from the vote was Councilor Tanner, resolution adopted.

**e. Resolution #2012-049. THE TOWN OF MONTVILLE HEREBY RESOLVES TO amend the Rules of Procedure for the Montville Town Council with amendments to Rule #9 and Rule #14. (Councilor Tanner)**

Motion made by Councilor Longton, seconded by Councilor Tanner, discussion, Councilor Tanner stated the purpose of this was to clean up the agenda for special and emergency meetings and to make amendments to Rule #9 and Rule #14. She read the proposed changes into the record and the Council discussed them and asked questions that Councilor Tanner answered regarding the proposed changes. Roll call vote, 7-0, voting in favor of adopting this resolution were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

**f. Resolution #2012-050. THE TOWN OF MONTVILLE HEREBY RESOLVES TO authorize the year end transfers as requested by the Finance Director and depicted on Schedule B. (Councilor Murphy).**

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

**g. Resolution #2012-051. THE TOWN OF MONTVILLE HEREBY RESOLVES that it shall be the policy of the Town of Montville that individuals and groups of individuals serving on any Town Board or Commission shall not submit any letters to the editor or make other public political statements endorsing any political candidate on behalf of the Board or Commission. Individuals may express such political endorsements as private citizens. (Councilor Tanner)**

Motion made by Councilor Jones, seconded by Councilor Tanner, discussion, Councilor McFee inquired regarding the consequences should a Board or Commission member violate this policy and Councilor Murphy stated it would be up to the discretion of the Town Council to decide on

an individual basis as whether or not to remove the individual from their appointment. Councilor McFee stated he would like to see the Town Council implement a penalty for violating the policy. Councilor Jones stated there was a need for a written policy and she is happy to see one implemented. Councilor Murphy stated there was a need for a policy and he does not think an appointed Board or Commission member should endorse any political party but should do it on their own as a private citizen. Roll call vote, 4-3, voting in favor of adopting the resolution were Councilors Jones, Longton, Murphy and Tanner, voting in opposition were Councilors Caron, McFee and Buebendorf. Resolution adopted.

**h. Resolution #2012-052. THE TOWN OF MONTVILLE HEREBY RESOLVES that Ronald McDaniel, Mayor of the Town of Montville is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for a Historic Documents Preservation Grant. (R. McDaniel)**

Motion made by Councilor Murphy, seconded by Councilor Tanner, discussion, Mayor McDaniel stated the grant money will be used for shelving in the Town Clerk's office vault for records as they are running out of space. Councilor Longton inquired if the office could keep files electronically and Mayor McDaniel stated they are on file electronically but they must also keep paper copies on file. Roll call vote, 7-0, voting in favor of adopting this resolution were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

**i. Resolution #2012-053. THE TOWN OF MONTVILLE HEREBY RESOLVES to Transfer \$3,000 to 10710-52091 (St Bernard Health Services) from 10910-53018 (Sand and Salt). (Councilor Murphy)**

Motion made by Councilor Caron, seconded by Councilor Longton, discussion, Finance Director Hart stated this transfer applies to the 2011-2012 budget for a bill that came in late and she is requesting this transfer to clean up the budget. . Roll call vote, 7-0, voting in favor of adopting this resolution were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, resolution adopted.

**j. To consider and act on a motion to enter into a discussion regarding seeking an independent attorney to review recent opinions of the Town Attorney. (Councilor McFee).**

Motion made by Councilor McFee, seconded by Councilor Jones, discussion, Councilor McFee stated he feels there have been enough conflicting opinions and opinions that were later reversed to warrant an independent attorney to look at the decisions and opinions made by the current Town Attorney over the past months. Councilor Longton stated Councilor McFee has been opposed to paying for legal fees in the past and suggested if he would like an opinion regarding the opinions to hire an attorney as a private citizen and not at the expense of the taxpayers. Councilor McFee stated he is requesting this for the people of Montville. Councilor Jones asked Councilor McFee to read the sections of the Code he is citing into the record, stating he cannot assume everyone present knows what the section states. She stated the meeting is not the place to evaluate and make decisions regarding this topic. Attorney Eileen Duggan discussed Section 305 of the Town Charter and read into the record the opinion letter she sent regarding the conflict of interest issue. She discussed the conflict of interest opinions and answered questions regarding the interpretation as she sees it. She stated the Statute is clear and states a Town Council member who is employed by the Board of Education has the right to sit on the Town Council but should abstain from any and all votes pertaining to the Board of Education when discussing the budget.

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

Mr. Steve Day stated the politics argued about at the meeting are not useful to him as a taxpayer, he is annoyed the Councilors who are most upset about agenda item 16 (g) did not attend the meetings that this issue was discussed in length. He is in favor of the Town Council having the authority and discretion to remove a Board or Commission member for improper conduct while serving. He discussed the Board of Education budget, stating they have the use it or lose it mentality and stated they had a three million dollar slush fund that they recently expended at the last minute and he thinks the public should be aware of this activity.

Mr. Kevin French, 12 Morgan Street, encouraged the members of the Town Council to read the Charter and to follow the correct process for adopting a budget. He stated the Charter discusses the duties of the Town Council and the veto process and the budget process this year was an unnecessary self inflicted problem that could have been avoided. He stated the Board of Education budget is out of control, stating they spent over three million dollars in the last week so they would not lose it and he sees this as a problem. He suggested the Town Council request a detailed report from the Board of Education each month so they can track their spending.

Chairperson 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 McFee stated he would like clarification regarding how the taxpayers of Montville can properly petition the budget for next month, stating the taxpayers have the right to petition and he hopes he can get the support of the Council in this matter.

Councilor Murphy stated the Board of Education spent the large sum of money last week to pay teachers salaries for the summer months and stated this is how it has been done for many years. He stated they did not make any large purchases that were above or beyond what they should and were not hiding anything from anyone.

Mayor McDaniel stated that he has asked the Town Attorney to provide a road map for the budget process for the Councilors to follow in the future.

20. Adjournment

Motion made by Councilor Caron, seconded by Councilor Longton to adjourn the meeting at 8:37 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.