

Town of Montville Town Council
Regular Meeting Minutes for Monday, August 13, 2012
7:00 p.m. – Town Council Chambers – Town Hall

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 Ronald McDaniel and Finance Director, Terry Hart.

4. Presentations

a. A presentation from Mr. John Moss from HRP Associates regarding the removal of contaminated soil and environmental restoration at 14 Bridge Street.

Mr. John Moss from HRP Associates, the engineer for the project, was present to discuss the removal of the contaminated soil and environmental restoration at 14 Bridge Street and to answer questions from the Council. He discussed the proposed project, stating twelve bids were received and reviewed for the site and the lowest qualified bidder for the project was HLC Excavation, LLC. Copies of the bids were included in the Council packet. The timing of the project was not included in the bid but he anticipates one to two weeks for completion of the job. Mayor McDaniel asked Mr. Moss to analyze the bids and explain to the Council how he came to choosing the best suitable lowest bidder for this particular project for the town. He does not anticipate any of the businesses in this area being interrupted during the excavation/construction project. The selected contractor is required to schedule site activities with the local business entities to ensure they are not impacted by the construction.

Motion made by Councilor Murphy, seconded by Councilor Tanner to amend the agenda to move agenda item 16 (k) up on the agenda in order to take action on this item immediately. Discussion, none, voice vote, 7-0, all in favor, motion carried and the agenda was amended.

k. Resolution #2012-055. THE TOWN OF MONTVILLE HEREBY RESOLVES to authorize the Mayor to enter into contract with HLC Excavation, LLC for the removal of contaminated soil and environmental restoration at 14 Bridget Street. (Mayor Ronald McDaniel)

Motion made by Councilor Longton, seconded by Councilor Murphy, 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.

5. Alterations to the Agenda

Motion made by Councilor Longton, seconded by Councilor Caron to add agenda item 18 (a) to consider and act on a motion to enter into executive session for the purpose of discussions regarding ongoing litigation to include members of the Town Council, Mayor McDaniel, Attorney Eileen Duggan and Attorney Michael Rose. Discussion, none, voice vote, 7-0, all in favor, motion carried and the agenda was amended.

6. To consider and act on a motion to approve;
 - a. The regular meeting minutes of Monday, July 9, 2012;
 - b. The special meeting minutes of Monday, July 9, 2012

Motion made by Councilor Longton, seconded by Councilor Caron to approve the regular and special meeting minutes of Monday, July 9, 2012. Discussion, none, voice vote, 7-0, all in favor, motion carried.

- c. The special meeting minutes Monday, August 6, 2012.

Motion made by Councilor Longton, seconded by Councilor Jones to approve the special meeting minutes of Monday, August 6, 2012, Discussion, Councilor Tanner stated she will abstain from voting on the minutes because she was not present at the meeting. Voice vote, 6-0-1 (Councilor Tanner abstained from the motion), motion carried.

7. Executive Session – none.
8. Remarks from the public relating to matters on the agenda with a three minute limit.

Mr. Dick Wilson, 6 Riched Lane spoke in regards to agenda items 16 g, h and o. He stated agenda item 16 g is not permissible for the Town to implement, stating it violates the first amendment rights of the employees. He discussed the Board of Education year end spending, stating it is their prerogative to spend the money they have in their budget at the end of the year. He stated the accusations being made against the Board of Education are politically motivated and stated the Democrats should be ashamed of themselves.

Ms. Lynda Jean, 1583 Route 163 expressed her opposition to agenda item 16 (g) stating it is a free speech violation and the Town Council can not prohibit employees from speaking with the media. She stated the town needs better leadership and stated voting on items such as this could create a bad situation and cause hate and discontent among employees.

Mr. David Rowley, 93 Driscoll Drive, member of the Board of Education discussed agenda item 16(h), stating there is currently an audit being conducted and monthly expenditures are submitted to the town's Finance Department on a monthly basis for accounting purposes.

Officers McCauley, Orr and Salvatore discussed agenda item 16 (e) stating the uniform policy was approved by the Public Safety Commission. They distributed literature to the Council regarding costs and descriptions of the proposed uniform. They stated the uniform is a win win for the town as it saves the town money and the officers have a more comfortable and usable uniform to work in. They requested the Council approve the Uniform Policy as submitted.

Lt. Bunnell, Little John Drive spoke regarding agenda item 16 (e). he asked the Council to reject the Uniform Policy, stating the old uniforms easily identify the officers and the new uniforms do not. He discussed the uniform change fifteen years ago through a grant to the town, costs of the old uniforms vs. the new uniforms and stated the money would be better utilized training officers and not clothing them with new uniforms, especially when they currently have uniforms that they can wear.

Ms. Robin Salvatore, 43 Lake Drive, President of the Police Union discussed the cost of the proposed new officer uniforms, stating they will save the department money in the long run and the cost to replace the uniforms this year is already in the budget and therefore no additional money will be requested for the change. She stated the new uniforms are more comfortable for

the officers and do not have to be dry cleaned as the current uniform does. She stated the old uniforms are not functional out in the field but will still be used as a dress uniform when needed. She requested the Council approve the Uniform Policy.

Mr. Kevin Fritch, 12 Morgan Street discussed agenda item 16 (h) and (o). He stated he has voiced his concerns regarding the school budget in the past in regards to the line item transfers. He stated it appears there were transfers made that were not authorized by the School Board.

Mr. Kenneth Evens, Route 163 stated that people have the right to freedom of speech.

Mr. Rick Gladue, 44 Cook Drive discussed the discussions held on Patch and inquired as to why people who speak on the site hide behind aliases. He discussed the proposed police uniforms and inquired why the Board of Education did not attend the last Finance meeting that discussed the three million dollar end of year expenditures. He stated something needs to be done and people need to be accountable.

9. Communications

- a. A copy of the legal bills from Suisman Shapiro dated July 31, 2012.
- b. A copy of the Statistics Report from the Fire Marshal's office dated July 23, 2012;
- c. Copies of the call reports from the Montville Fire Company, Chesterfield Fire Company and Animal Control for the month of July, 2012.
- d. A copy of the Uniform Policy forwarded from the Public Safety Commission;
- e. A copy of the Promotion Policy forwarded from the Public Safety Commission;
- f. A copy of the Crisis Intervention Team Policy forwarded from the Public Safety Commission;
- g. A copy of the Evaluations Policy forwarded from the Public Safety Commission.
- h. A list of names for refund of taxes due to overpayments and corrections from the Tax Collector.
- i. A copy of the Finance Report from the Finance Director.

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 regional water connection progress to date, he stated he continues to work on the Police Union contracts and Risk Management for the town, he discussed the Millstone drill held on July 17, 2012, stating it did not go as well as planned on the State's part, he discussed the FEMA evaluated drill scheduled for August 21, 2012, he discussed Rock 10's celebration for ten years with no injuries reported on site, he discussed the Public Safety Plan draft review, Route 163 repairs, two power outages during the past two weeks, Montville Road Bridge repairs, Police Policies, a hurricane drill mandated by the Governor that was held on July 30 and 31, 2012, repairs to the old Town Hall roof and he stated NRG will hold a press conference on Thursday, August 16th and Corrigan will host a tour on September 19, 2012 at 10:00 a.m.

Discussions were held regarding the Public Safety Plan, funding for the Montville Road Bridge and cost estimates for the repair, and the repairs to the Route 163 Bridge. Councilors McFee and Caron expressed their concerns for the poor quality of work done at this site and the amount of time it took to complete the job.

12. Reports from Standing Committees.

a. Town Administration/Rules of Procedure

Councilor Tanner stated Town Administration/Rules of Procedure did not meet last month.

b. Finance

Councilor Murphy stated the Finance Committee met to discuss competitive pricing and bidding and there are several items on the Council agenda from the Finance Committee.

c. Public Works/Solid Waste Disposal

Councilor Longton stated the committee met and discussed road repairs, bridge repairs, transfer station operations, tag sales, the schedule for the CL&P tree trimming project and the RFP for town wide trash pickup.

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 Senior Center has between five and six hundred seniors that utilize the Center each week and the statistics are kept by daily logs, enrollments and sign in sheets per program or activity. The Senior and Social Services Director submitted five grants for the seniors and the Town and received all five of them including one for the new senior bus. Total grants awarded to date for the 2013 fiscal year total one hundred twenty five thousand, one hundred sixty three dollars. The Senior and Social Services departments have seen a significant increase in clientele, the month of July brought in twenty three new Montville families for the food bank and there are over one hundred and forty residents weekly for the food bank alone with over two thousand meals served during the month of July. Social Services has a new program for the children at the high school that provides prom dresses to students as well as gift certificates for tuxedos, corsages and hair and nails. This program was such a success they have begun to collect items for year. This past heating season the Montville Senior and Social Service office took in two hundred and forty five energy applications with five hundred and fifty seven households receiving over three hundred thousand dollars in heating assistance. The Department anticipates a tremendous increase in requests made to assistance this year.

b. Councilor Jones: Library; Planning & Zoning Commission

Councilor Jones indicated the library is hosting its summer activities and continues to convert their books to digital version. Planning and Zoning met and approved the affordable housing units.

c. Councilor Longton: Economic Development Commission

Councilor Longton stated the Economic Development Commission did not meet last month.

d. Councilor McFee: Volunteer Firefighters Relief Fund; Public Safety Building Committee, Inland Wetlands Commission

Councilor McFee stated the Volunteer Firefighters Relief Fund did not meet. He stated the Public Safety Building Committee met and the building is within budget and on schedule and the team is doing a great job. He did not report regarding the Inlands Wetlands Commission.

- e. Councilor Murphy: Board of Education, WPCA.

Councilor Murphy stated the WPCA did not meet this month and discussed ongoing business conducted by the Board of Education.

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

Councilor Tanner stated the Parks & Recreation Commission did not meet last month but there were a total of one hundred and eighty four guests at the last summer concert held at Camp Oakdale. Summer Camp has completed for the summer and the program was a success. She stated she has started to make contact with the non profits for this year.

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

Councilor Buebendorf stated Public Safety met and discussed the Public Safety Plan as well as the proposed policies for the Police Department. The Regional Dispatch Committee did not meet last month.

14. Appointments and Resignations

- a. To consider and act on a motion to appoint Mr. Tony Siragusa to the Planning and Zoning Commission with a term to expire November 12, 2016. (Mr. Siragusa was interviewed by Council on July 9, 2012).

Motion made by Councilor Tanner, seconded by Councilor Longton, discussion, none, voice vote, 7-0, all in favor, motion carried and the appointment was made.

- b. To consider and act on a motion to appoint Mr. Matthew Lariviere to the Economic Development Commission to fill a vacancy with a term to expire February 14, 2015. (Mr. Lariviere was interviewed by Council on July 9, 2012).

Motion made by Councilor Tanner, seconded by Councilor Jones, discussion, none, voice vote, 7-0, all in favor, motion carried and the appointment was made.

- c. To consider and act on a motion to appoint Ms. Ann Mattson to the Conservation Commission with a term to expire September 13, 2014. (Ms. Mattson was interviewed by Council on July 9, 2012).

Motion made by Councilor Murphy, seconded by Councilor Caron, discussion, none, voice vote, 7-0, all in favor, motion carried.

15. Unfinished Business – none.

16. New Business

- a. **Resolution # 2012-056. THE TOWN OF MONTVILLE HEREBY RESOLVES to refund taxes due to overpayments and corrections in the amount of \$1,627.51 (one thousand six hundred twenty seven dollars and fifty one cents) as requested by the Tax (Councilor Buebendorf)**

Motion made by Councilor Jones, seconded by Councilor Tanner, 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 #2012-057. THE TOWN OF MONTVILLE HEREBY RESOLVES to accept the tax appeal agreement between the Town of Montville and Montville Power. (Councilor Buebendorf)

Motion made by Councilor Longton, seconded by Councilor Jones, 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.

c. Resolution #2012-058. THE TOWN OF MONTVILLE HEREBY RESOLVES to accept the tax appeal agreement between the Town of Montville and Village Apartments. (Councilor Buebendorf)

Motion made by Councilor Jones, seconded by Councilor Tanner, 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.

d. Resolution #2012-059. THE TOWN OF MONTVILLE HEREBY RESOLVES to accept the tax appeal agreement between the Town of Montville and Margaritaville. (Councilor Buebendorf)

Motion made by Councilor Jones, seconded by Councilor Longton, discussion, none, Roll call vote, 6-1, voting in favor of adopting this resolution were Councilors Caron, Jones, Longton, McFee, Tanner and Buebendorf. Voting in opposition was Councilor Murphy, resolution adopted.

e. THE TOWN OF MONTVILLE HEREBY RESOLVES to add the Evaluations Policy, Crisis Intervention and Promotions Policy to the Policies and Procedures Manual of the Town of Montville Police Department. (Councilor Buebendorf)

Motion made by Councilor Tanner, seconded by Councilor Longton. Discussion, Councilor Murphy discussed the proposed uniforms and inquired if the winter and summer uniforms are different. It was clarified the pants stay the same and the summer shirt is short sleeved and the winter shirt is long sleeved. A discussion was held regarding the hat that goes with the new uniform vs. the old style formal hat and Councilor Murphy indicated he does not prefer the baseball cap because it limits visibility. Councilor Jones asked for clarification regarding ranks, and inquired why the rank of Corporal is being used when there is no such rank in place at this time.

Motion made by Councilor Jones, seconded by Councilor Caron to refer the Uniform Policy section of the Policies and Procedures Manual of the Town of Montville Police Department to Town Administration for review and to address the concerns expressed by Lt. Bunnell and the Town Council. Discussion, Councilor Tanner asked for clarification regarding the expectations of the Administration committee and Councilor Buebendorf stated the specific issues raised during discussion were clarification of ranks, administration approval and Class C uniforms worn at functions. Voice vote, 6-1 (Councilor Tanner opposed) and this item will be send to the Town Administration for review and comment.

Councilor Jones extensively discussed the Promotion Policy, pointing out several unfair advantages she sees in the exam process. She discussed the Evaluations Policy and pointed out the items she feels would be better clarified prior to adopting the policy.

Motion made by Councilor Longton, seconded by Councilor Caron to amend the original motion as follows to reflect the removal of the amended Uniform Policy from the resolution;

Resolution #2012-060. THE TOWN OF MONTVILLE HEREBY RESOLVES to add the Evaluations Policy, Crisis Intervention and Promotions Policy to the Policies and Procedures Manual of the Town of Montville Police Department. (Councilor Buebendorf)

Voices vote, 7-0, all in favor, motion carried.

Roll call vote on the amended resolution, 6-1, voting in favor of adopting this resolution were Councilors Caron, Jones, Longton, McFee, Murphy and Buebendorf. Voting in opposition was Councilor Tanner, resolution adopted.

f. **Resolution #2012-061. THE TOWN OF MONTVILLE HEREBY RESOLVES to support the efforts of The Central Corridor Rail Coalition and The Palmer Rail Coalition to achieve the commencement and/or expansion of passenger rail service moving towards the reinstatement of passenger rail service along the Brattleboro, Vermont to New London, Connecticut rail line. WHEREAS, undue reliance upon particular modes of passenger transportation and the neglect of others leads to inefficiencies, delays and wasteful allocation of resources; and WHEREAS, a modern national passenger train system is an essential element of a truly balanced transportation plan; and WHEREAS, the low level or absence of passenger train service in certain areas of New England including Southeastern Connecticut has resulted in an unbalanced transportation system in those areas, contributing to traffic congestion, air pollution, wasteful expenditures, and growth control problems; and WHEREAS, this municipality is gravely concerned with the disruption to Southeastern Connecticut caused by the aforesaid traffic congestion, air pollution, wasteful expenditures, and growth control problems; and WHEREAS, the Montville Town Council believes that comprehensive Intermodal transportation planning is necessary to resolve the aforesaid problems and that involvement at the local, state and regional levels is necessary to the preparation and implementation of such planning; and WHEREAS, the Montville Town Council believes that passenger train service is a necessary part of any comprehensive Intermodal transportation system (Councilor Buebendorf)**

Motion made by Councilor Tanner, seconded by Councilor Longton, discussion, Chairperson Buebendorf stated this proposal could increase tourism for the Town if it is implemented in the future. A discussion was held regarding the location of the proposed rail line. Roll call vote, 5-2, voting in favor were Councilors Caron, Longton, Murphy, Tanner and Buebendorf. Voting in opposition were Councilors Jones and McFee. Resolution adopted.

g. **THE TOWN OF MONTVILLE HEREBY RESOLVES to require town employees to direct all media inquiries to the Mayor's office. (Councilor Buebendorf)**

Motion made by Councilor Caron, seconded by Councilor Longton. Discussion, Councilor Murphy stated that in a time of crisis there needs to be one voice to the public, and he does not see this as ploy to stifle the first amendment rights of anyone. He stated only accurate information should be passed along to the public from one contact person especially in the case of an emergency situation. Councilor Jones stated the Town Council should not have a role in dictating to town employees. Discussions were held regarding Freedom of Information regulations, Public Safety issues, the rights of town employees pertaining to FOI, checking with the Town Attorney to vet this proposal and if it would be best to refer this item to Town Administration for review.

Motion made by Councilor Jones, seconded by Councilor Murphy to refer this item to Town Administration for review. Discussion, none, voice vote, 7-0, all in favor, motion carried.

h. THE TOWN OF MONTVILLE HEREBY RESOLVES to require the Board of Education to provide a monthly object report (spending by category) and a monthly checkbook run to the Finance Director. (Councilor Murphy)

Motion made by Councilor Murphy, seconded by Councilor Longton, discussion, Councilor Murphy stated he receives a hard copy of a report prior to each Board of Education meeting but does not receive an electronic copy. He requested an electronic copy of the Board of Education finance report so that he can forward the document to the Town Council on a monthly basis. Superintendent Aubin stated the Board of Education forwards a copy of the reports to the Finance Department each month and offered to scan the document to send to Councilor Murphy, although she stated it would be easier to get it from the Finance Director directly. Finance Director Terry Hart stated a report is sent to her office on a monthly basis to balance the books but the report does not include object codes and there is no description of what the money is spent on or who the money is directed to and therefore her office has no idea where the spending is and for what purpose it is being spent. Ms. Aubin stated she will work with the software company to determine if there is a program that will generate the information being requested by the Finance Department and the Town Council. Councilor McFee suggested this discussion is politically motivated and a ploy to embarrass the Board of Education. A discussion was held regarding the three million dollars spent by the Board of Education in June on Capital Improvements. Councilor Murphy stated the public has been outraged by this spending, stating the money would have been better spent and the teacher layoffs could have been avoided. Mr. David Rowley discussed the year end spending, stating Capital Improvements were necessary and the funding at year end was available to do so. He discussed balloon payments for teachers in June and the need to order supplies. Councilor Murphy stated the Board of Education was not straightforward with the public when it spent over three million dollars in surplus money at year end that would have been better utilized for preventing layoffs. A discussion was held regarding the teachers taking a zero percent pay increase to keep the budget down and the rumors that Superintendent Aubin's new negotiated contract allows her a three percent raise.

Motion made by Councilor Jones, seconded by Councilor Longton to amend the wording of the proposed resolution as follows;

Resolution #2012-062. THE TOWN OF MONTVILLE HEREBY RESOLVES to require the Board of Education to provide a monthly detailed financial report to the Finance Director to include the vendor name, category, funds expended and an account balance. (Councilor Murphy)

Discussion, Superintendent Aubin stated the Council can request a report from the Board of Education but cannot require the Board of Education to submit a report. Voice vote, 5-1-1, (Councilor Tanner abstained, Councilor McFee opposed).

Roll call vote on the resolution as amended, 5-1-1, voting in favor of adopting the resolution were Councilors Caron, Jones, Longton, Murphy and Buebendorf. Voting in opposition was Councilor McFee and abstaining from the vote was Councilor Tanner, resolution adopted.

i. **Resolution #2012-063. THE TOWN OF MONTVILLE HEREBY RESOLVES to authorize the Tax Collector to refund taxes to Mazzei, Ines & Lewis J. in the amount of sixteen thousand seven hundred eighty seven dollars and seventeen cents due to the approval of a court stipulation. (Councilor Buebendorf)**

Motion made by Councilor Caron, seconded by Councilor Murphy, 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.

j. **Resolution #2012-064. THE TOWN OF MONTVILLE HEREBY RESOLVES to authorize the Tax Collector to refund Village Apartments in the amount of eighteen thousand three hundred eighty dollars and sixty cents due to the approval of a court stipulation. (Councilor Buebendorf)**

Motion made by Councilor Jones, 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.

l. **Resolution #2012-065. THE TOWN OF MONTVILLE HEREBY RESOLVES to authorize Mayor Ronald McDaniel to negotiate and execute all a contract for three hundred and sixty (360) units of medical visit service for seniors totaling \$10,000.80 (Ten thousand dollars and eighty cents) between the Town of Montville and the Senior Resources Agency on Aging, Inc., and further, to approve the Mayor to execute any and all documents that may be necessary. (Mayor Ronald McDaniel)**

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.

m. **Resolution #2012-066. THE TOWN OF MONTVILLE HEREBY RESOLVES that Mayor Ronald McDaniel be and hereby is authorized to execute a contract for one thousand six hundred and twenty (1,620) units of medical transportation for seniors totaling \$16,400.00 (Sixteen thousand four hundred dollars and zero cents) between the Town of Montville and the Senior Resources Agency on Aging, Inc., and further, to approve the Mayor to execute any and all documents that may be necessary. (Mayor Ronald McDaniel)**

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.

n. **Resolution #2012-067. THE TOWN OF MONTVILLE HEREBY RESOLVES to roll the balances in the following accounts into the General Fund: 10960-5410 (Snow Plows) \$ 1,150 (one thousand one hundred and fifty dollars; 10960-54060 (Fire Dept Fit Test Machine \$ 1,166 (one thousand one hundred and sixty six dollars; 20999-54128 (Forklift) \$ 2,005 (two thousand five dollars) 30999-54064 (School Buses/Vans) \$23,920 twenty three thousand nine hundred and twenty dollars for a total transfer into the General Fund of twenty eight thousand two hundred and forty one dollars (\$28,241). (Mayor Ronald McDaniel)**

Motion made by Councilor Jones, seconded by Councilor Longton, 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.

o. To consider and act on a motion to discuss hiring an independent contractor to audit the 2011-2012 Town of Montville Board of Education budget and encumbrances. (Councilor Murphy)

Motion made by Councilor Murphy seconded by Councilor Jones to remove this item from the agenda until the Council has the opportunity to review the audit currently being conducted by the Board of Education. Discussion, none, Roll call vote, 7-0, voting in favor of removing the resolution were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none.

p. To consider and act on a motion to introduce an ordinance titled “An Ordinance Amending Chapter 200 Ordinance No. 2010-003 Child Safety Zones” and to set the date of Monday, September 10, 2012 at 6:30 p.m. for a Public Hearing on the matter. (Councilor Caron)

Motion made by Councilor Caron, seconded by Councilor Longton, discussion, Councilor Caron stated the amended ordinance requires minor language clean up and a correction of the applicable state statutes so that the ordinance can be enforced.

Roll call vote, 7-0, voting in favor of approving the motion were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, motion carried.

q. To consider and act on a motion to introduce an ordinance titled “An Ordinance to Establish Senior Safety Zones” and to set the date of Monday, September 10, 2012 at 6:45 p.m. for a Public Hearing on the matter. (Councilor Caron)

Motion made by Councilor Tanner, seconded by Councilor Caron, discussion, Councilor Caron stated he worked on the ordinance with the Mayor and Senior Center Director to prepare an ordinance that protects seniors. A discussion was held regarding enforcement of the ordinance if there is a violation, the cost of the fine, how to determine who can be or cannot be in a senior zone and how to determine if someone is welcomed without profiling. Councilor Jones stated it is difficult to monitor or enforce this type of ordinance. Councilor McFee stated it is a “feel good” ordinance that cannot be enforced. Chairperson Buebendorf stated the motion is to move the ordinance to public hearing and is not up for discussion at this meeting.

Roll call vote, 7-0, voting in favor of approving the motion were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Voting in opposition, none, motion carried.

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

Mr. Dick Wilson, 6 Riched Lane stated the Council made a mistake when they approved the resolution that requires the Board of Education to produce a report instead of requesting the report and he suggested adding the amendment to reflect the word change to the next meeting agenda.

Mr. Steve Day stated he agrees there should be one contact person for the Town of Montville, either an elected official or the Mayor so that the public gets accurate information in time of need. He stated he is insulted by the Board of Education’s spending practices and stated he has requested information from them on several occasions and to date has not received any of the information he has requested. He stated he is considering contacting FOI to determine his best course of action to get the Board of Education to comply.

Mr. Kevin Fritch, 12 Morgan Street stated the Town Council needs to gather accurate information to make informed decisions. He discussed the Board of Education spending practices, stating they spent over three and one half million dollars in June and he is not positive that the spending was authorized. He stated he will continue to explore this issue until he gets answers.

Superintendent Aubin discussed the year end spending, stating the bulk of the money went toward teacher’s salaries for the months of July and August and supplies for the school. She stated the Council needs to change the resolution wording regarding the financial reports to request and not require as they cannot require the Board of Education to produce the reports.

18. Executive Session

a. To consider and act on a motion to enter into executive session for the purpose of discussions regarding ongoing litigation to include members of the Town Council, Mayor McDaniel, Attorney Eileen Duggan and Attorney Michael Rose.

Motion made by Councilor Longton, seconded by Councilor Murphy, discussion, none, voice vote, 7-0, motion carried and invited parties left Chambers for executive session at 10:02 p.m., returning at 11:03 p.m. Chairperson Buebendorf resumed the meeting and stated no formal votes were taken during the executive session.

19. Remarks from the Councilors – none.

20. Adjournment

Motion made by Councilor Murphy, seconded by Councilor McFee to adjourn the meeting at 11:04 p.m., discussion, none, voice vote, 7-0, all in favor, motion carried and the meeting adjourned.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.