

**Town of Montville Town Council  
Regular Meeting Minutes for Monday, January 11, 2010  
7:00 p.m. – Town Council Chambers – Town Hall**

1. **Call to Order**

Chairperson Jacobson called the regular meeting of the Montville Town Council to order at 7:01 p.m.

2. **Pledge of Allegiance**

3. **Roll Call**

Present were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee, and Murphy. Also present was Town Attorney Bruce A. Chudwick from the law firm of Shipman & Goodwin, LLP, Mayor Joseph Jaskiewicz, Finance Director, Terry Fafard, and Public Works Director, Donald Bourdeau.

4. **New Items to be Added to the Agenda**

**A presentation from Economic Development Commission in recognition of Pennell Auto Body for their service to the community.**

Mayor Jaskiewicz presented an economic development excellence award plaque to Joe & Gina Pennell on behalf of the Town Council and the Economic Development Commission in recognition of their continued service to their community and the Town of Montville.

A Certificate of Appreciation was presented to Joe & Gina Pennell in recognition of helping residents in need, especially the seniors.

**Presentation of a plaque by the Public Safety Commission to the family of Hank Baxter in recognition of his lifelong public safety service to the Town of Montville.**

Mayor Jaskiewicz, David Jetmore, Chairman of the Public Safety Commission and Public Safety Commissioners Thomas McNally and Gary Allyn presented Hank Baxter's daughter with a plaque of recognition for all of his accomplishments and service to the Town and his country.

5. **To consider and act on a motion to approve the special meeting minutes of December 2, 2009, ordinance hearing minutes of December 14, 2009 and the regular meeting minutes of December 14, 2009.**

Motion made by Councilor Beetham, seconded by Councilor Hillman. Discussion: none. Voice vote: 7-0, all in favor, motion carried.

6. **Executive Session to Interview Applicants for Appointment to Agencies – none.**

7. **Remarks from the Public Relating to Matters on the Agenda**

Chairperson Jacobson inquired if there was anyone who would like to address the Council regarding items on the agenda. Councilor Beetham made a motion seconded by Councilor McFee to waive the rules to allow the members of the New London Motorcycle Club to address the Council regarding an issue not on the agenda. Discussion: none. Roll call vote: Voting in favor of this motion were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Voting in opposition: none. Motion carried.

**James R. Moran**, 308 Chesterfield Road, Oakdale, requested the document he distributed to Council dated January 11, 2010 from himself on behalf of the New London Motorcycle Club be submitted into the record. The document addresses a notification from the Town's Tax Assessor stating the 1.7 acre commercial property located at 330 Moxley Road owned by the New London Motorcycle Club has been removed from its tax exempt status because of its 501c status. He stated the Club is a volunteer group who utilizes the property for weekly business meetings just as any other 501c would do. The property is also used for charitable fund raising purposes and the Club does not profit by the sale of an products. All of the Clubs operating funds come from membership dues and all donations collected are paid back out to a charitable benefactor. The Club is registered with the Secretary of the State as a not for profit non stock corporation. He inquired regarding the determination of the Town Assessor stating she concluded the Club does not use the property exclusively for a charitable purpose on her own without consulting the Club regarding the issue and therefore revoked its tax exempt status.

**Daniel Dunn**, 2<sup>nd</sup> Vice President of the New London Motorcycle Club discussed the tax exempt issue, stating a precedence was already set when the Club was granted tax exemption four years ago. He encouraged the Council and the Mayor to reconsider this decision and re-instate the tax exempt status to the Club.

8. **Communications**

Chairperson Jacobson indicated that no correspondence were submitted for discussion.

9. **Report from the Town Attorney on Matters Referred**

Attorney Bruce A. Chudwick indicated it has been a quiet month without major issues. He did work with the Town Assessor regarding tax exempt issues.

10. **Remarks from the Mayor and/or Administrative Department Heads on Matters Referred**

Mayor Jaskiewicz discussed a meeting with a University of Connecticut professor regarding engineering services that could possibly save the Town money in the future. He stated he is waiting for proof of insurance from the low bidder to remove the asbestos from the two abandoned properties before they can begin work. He discussed tutoring taking place at the old Town Hall to students from the High School and Middle School. He discussed the status of the sex offender facility construction in the Town. He indicated he met with the prison officials and the State and he stated to them he is not now or ever will be in support of the construction of a building to house sex offenders in the Town of Montville. Discussions were held regarding what position the town has if the State approves the facility.

Motion made by Councilor Beetham, seconded by Councilor Caron to forward a letter from the Mayor's office on behalf of the Town Council to Governor Rell indicating the Town Council is not in favor of a facility to house sex offenders in the Town of Montville. Discussion: none. Roll call vote: Voting in favor of this motion were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Voting in opposition: none. Motion carried.

Terry Fafard, Finance Director, introduced Scott Bassett from the firm of McGlady & Pullen, Certified Public Accountants. Mr. Bassett discussed the Town's Audit Report with the Council. He discussed the financials to date and commended the staff of the Montville Finance Department for submitted information in a timely fashion. He discussed revenues and expenditures, school construction costs, General Fund and Undesignated Fund balance with the Council. Councilors asked questions regarding the audit and they were answered by Mr. Bassett. Chairperson Jacobson thanked Mr. Bassett for his presentation.

Terry Fafard, Finance Director discussed the Water Pollution Control Authority status regarding paying off their debt to the town. She discussed the status of the credit card machines in various municipal offices. She inquired regarding the best way to proceed with the personal property audits. It was the consensus of the Council to conduct the meeting on February 8, 2010 prior to the regularly scheduled Town Council meeting. The Council suggested Ms. Fafard bring to the meeting comparisons from surrounding towns. Councilor Buebendorf inquired how the town is doing regarding tax collection in comparison to last year.

Donald Bourdeau, Public Works Director, discussed the asbestos abatement, stating the Town is waiting for proof of insurance from the contractor and then the work will begin. He discussed the sand and salt budget, stating the Town has not gone over budget to date. He plans to replenish the supply of sand and salt in preparation for upcoming storms.

11. **Reports from Standing Committees**

a. **Town Administration/Rules of Procedures**

Councilor Hillman stated the Town Administration sub-committee met several times over the past month. Discussions included policy and procedures, secondary liaisons and town attorney fees. The fees were presented to the Committee on January 6, 2010 but it was too late to review them for this meeting. The Committee voted to re-appoint the current town attorney. The Committee recommends the public hearing move forward in regard to the Human Resources Department.

b. **Finance**

Councilor Murphy indicated the Finance Committee will meet on January 26, 2010.

c. **Public Works/Solid Waste Disposal**

Councilor McFee discussed a meeting with the City of Norwich regarding the repairs to the Montville Bridge. He stated the Public Works/Solid Waste Sub-Committee does not meet until the fourth Wednesday of the month.

12. **Reports from Special Committees and Liaison Councilors**

**Planning & Zoning Commission**

Councilor Beetham stated the Planning & Zoning Commission met one time during the month of December and has a meeting scheduled for January 12, 2010. He discussed statistics for the Town, stating unemployment is lower than the state average, but there has been a decline in population.

**Library Committee**

Councilor Beetham indicated the Library Committee did not meet but has plans to start meeting quarterly. He discussed a deficit situation the library experienced after the flood. The plan is to replace books as money becomes available to do so.

#### **Parks & Recreation Commission**

Councilor Buebendorf stated the Parks & Recreation Commission is in the process of hiring a new Director. There is a special meeting scheduled for Wednesday, January 13, 2010 to discuss accounting issues and special revenue accounts.

#### **Public Safety Commission**

Councilor Buebendorf stated several of the Public Safety Commission members have been attending meetings regarding the regionalization of police services. She stated the Commission members have expressed interest in presenting the Town Council with a recommendation for a Public Safety Plan.

#### **Commission on the Aging**

Councilor Caron stated things are going well at the Senior Center and stated the Chicken Soup Program is working out well.

#### **Economic Development Commission**

Councilor Caron discussed the award given to the Pennells on behalf of the Economic Development Commission.

#### **Social Services**

Councilor Caron thanked Kathy Dougherty Peck for all her help in regards to helping out with food baskets and families in need this year. He thanked the Pennells for all of their help during the holiday season. He stated this year Social Services helped out over three hundred residents with food baskets, three hundred baskets filled with toys for needy children and they had over eighty new families asking for help this year over last year. He thanked all the volunteers and staff that made all of this possible. Discussions were held regarding heating oil assistance programs.

#### **Youth Services Bureau & Advisory Board**

Councilor Caron stated there was no meeting of the Youth Services and Advisory Board this month.

#### **Montville Fair LLC**

Councilor McFee indicated he has not given up on the hope that someone will be willing to take over and revive the Montville Fair.

#### **Volunteer Firefighters Relief Fund**

Councilor McFee did not have anything to report regarding the Volunteer Firefighters Relief Fund

#### **Board of Education**

Councilor Murphy discussed a series of informational workshops hosted by the Board of Education for the public and encouraged anyone who can to attend. The new superintendent has started at the school.

#### **Water Pollution Control Authority**

Councilor Hillman discussed the WPCA, stating the first quarterly statements have gone out; the WPCA approved a contract with H.I. Stone & Son, Inc. for transportation of sludge material to Hartford, CT at a ten dollar per truckload savings to the town. URS is ninety seven percent finished with the Study. WPCA received \$225,000 from Rand Whitney per a consent order by the Department of Environmental Protection. This money will be used to purchase a high speed blower that will save the town additional money in the future. The WPCA is looking into an easement of property to put up a booster pump station for water on Maple Avenue.

#### **Non Profit Organizations**

Councilor Hillman stated she will continue to request access to a Board of Directors meeting.

#### **Public Safety Building Committee**

Chairperson Jacobson indicated she had a conflict with the last meeting and was unable to attend. She discussed a joint special meeting workshop for informational purposes scheduled for January 27, 2010 and encouraged anyone able to attend.

#### 13. **Appointments and Resignations**

- a. **To fill a vacancy for a full voting member of the Planning and Zoning Commission with a term to expire on January 9, 2014. Mr. William Pieniadz has indicated that he would like to be re-appointed and was interviewed for re-appointment by the Council of December 14, 2009.**

Councilor Beetham nominated Mr. Pieniadz for appointment to the Planning & Zoning Commission. Councilor Caron seconded the nomination. There were no other nominations and nominations were closed.

Motion made by Councilor Beetham, seconded by Councilor Caron to appoint Mr. William Pieniadz as a full voting member of the Planning and Zoning Commission with a term to expire on January 9, 2014. Discussion: none. Roll call vote: 6-0-1 Voting in favor of this motion were Councilors Beetham, Buebendorf, Caron, Jacobson, McFee and Murphy. Voting in opposition: none. Abstaining from the motion was Councilor Hillman, indicating she has a business relationship with Mr. Pieniadz. Motion carried. **Mr. William Pieniadz was appointed to the Planning & Zoning Commission with a term to expire January 9, 2014..**

- b. **To fill a vacancy as a full voting member of the Public Safety Commission with a term to expire on January 9, 2013. Ms. Christy Wojcik has indicated that she would like to be re-appointed and was interviewed for re-appointment by the Council on December 14, 2009; Mr. Steven Loiler was interviewed by the Council on December 2, 2009.**

Councilor Buebendorf nominated Ms. Christy Wojcik for re-appointment. Councilor Caron seconded the nomination.

Councilor McFee nominated Mr. Steven Loiler for appointment to the Commission. Councilor Beetham seconded the nomination.

Councilor Hillman nominated Mr. Jim Toner for appointment to the Commission. Councilor Jacobson seconded the nomination.

Roll call vote: Councilors Buebendorf and Caron voted for Ms. Wojcik for appointment; Councilors Beetham, McFee and Murphy voted for Mr. Steven Loiler for appointment and Councilors Hillman and Jacobson voted for Mr. Jim Toner for appointment. Four votes are needed for an appointment so the Chair called for another vote.

Roll call vote: 5-1, Councilors Beetham, Hillman, McFee, Murphy and Jacobson voted in favor of appointing Mr. Steven Loiler to the Public Safety Commission. Councilor Buebendorf voted in favor of the appointment of Ms. Christy Wojcik to the Public Safety Commission. **Mr. Steven Loiler was appointed by a 5-1 vote as a full voting member of the Public Safety Commission with a term to expire January 9, 2013.**

- c. **To fill a vacancy as an alternate member of the Zoning Board of Appeals with a term to expire on January 11, 2014. Mr. Chuck Longton was interviewed by the Council on December 14, 2009.**

Councilor Buebendorf nominated Mr. Chuck Longton. Councilor Caron seconded the nomination. Nominations were closed.

Motion made by Councilor Buebendorf, seconded by Councilor Caron to appoint Mr. Chuck Longton as an alternate member of the Zoning Board of Appeals with a term to expire on January 11, 2014. Discussion: none. Roll call vote: 7-0. Voting in favor of this motion were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Voting in opposition: none. Motion carried. **Mr. Chuck Longton was appointed to the Zoning Board of Appeals as an alternate member.**

#### 14. **Unfinished Business**

- a. **The Town of Montville hereby resolves to approve the Memorandum of Understanding between the Teamsters Local 493 (non-management Town Hall employees) concerning a temporary increase to the rate of pay for the Administrative Assistant in the Recreation office for the length of time that the Recreation Director position remains vacant.**

Motion made by Councilor Hillman, seconded by Councilor Buebendorf. Discussion: This item was sent to the Administration Commission last month but they did not have time to review the document. It was the recommendation of Councilor Hillman to send this back to Town Administration for review and have a discussion regarding their findings at the next regularly scheduled meeting. Mayor Jaskiewicz indicated this is a Union agreement and the Administrative Assistant must be paid something at some point. Motion made by Councilor Hillman, seconded by Councilor Buebendorf to postpone this discussion until the next regularly scheduled meeting. Discussion: none. Voice vote: 7-0, all in favor, motion carried.

- b. **2010-001 – The Town of Montville hereby resolves to continue to retain the firm of Shipman & Goodwin, LLP as legal counsel for the Town of Montville for the term of January 1, 2010 through December 31, 2011; and further, to authorize the Mayor to execute the fee agreement as presented in a letter of December 3, 2009 from current counsel Bruce A. Chudwick.**

Motion made by Councilor Murphy, seconded by Councilor Hillman. Discussion: Councilor Beetham stated he would like to see the Town interview other law firms in order to negotiate a better rate than the

town is currently getting. Chairperson Jacobson discussed the many advantages to keeping the current law firm, including the recent rate reduction and informational sessions free of cost from the law firm to the town; and flat rate fees for Town Council meetings. Councilor Buebendorf stated she is pleased with the services provided by Shipman & Goodwin and would like to see the town continue its relationship with them. Roll call vote: 6-1. Voting in favor of this motion were Councilors Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Voting in opposition: Councilor Beetham. Motion carried.

c. **The Town of Montville hereby resolves to accept and incorporate into the Town roadway system the extension of Elberta Place to the cul-de-sac at its end; said road is located in the McCloy Subdivision.**

Mayor Jaskiewicz asked that this item be removed from the agenda for discussion.

Motion made by Councilor Hillman, seconded by Councilor Buebendorf to remove agenda item 14 (c) from the agenda. Discussion: none. Voice vote: 7-0, all in favor, motion carried.

15. **New Business**

a. **2010-002 – The Town of Montville hereby resolves to refund taxes due to overpayments and corrections in the amount of \$832.94 (eight hundred thirty two dollars and ninety four cents) at the request of the Tax Collector and as outlined on Schedule A, hereto attached.**

Motion made by Councilor Buebendorf, seconded by Councilor Hillman. Discussion: none. Roll call vote: Voting in favor of adopting the resolution were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Voting in opposition: none. Resolution adopted.

b. **The Town of Montville hereby resolves to consider and act on a motion to introduce and set the date for a Public Hearing on the proposed ordinance entitled “Establishment of a Human Resource Department” on January 27, 2010 at 6:00 p.m. in the Town Hall Council Chambers.**

Motion made by Councilor Hillman, seconded by Councilor Murphy. Discussion: Councilor Hillman read the proposed ordinance into the record. Councilor Buebendorf suggested changing the time of the Public Hearing from 6:00 p.m. to 6:30 p.m. in order to accommodate the Public Works/Solid Waste Sub-Committee that meets the same evening. The sub-committee members are also members of the Town Council and the later time would allow them to hold a meeting prior to the Public Hearing. Motion made by Councilor Hillman, seconded by Councilor Beetham to amend the original motion to reflect the time change. Discussion: none. Voice vote: 7-0, all in favor. Original motion amended. Mayor Jaskiewicz inquired why the Council wants to pursue a Human Resources Department when there is no need for one. Attorney Chudwick clarified the Town Charter allows for the Town Council to establish departments if they choose to do so, but stated establishing a department is not required for the hire of one individual.

Roll call vote for original motion as amended: 2-5. Voting in favor of this resolution were Councilors Hillman, and Jacobson,. Voting in opposition were Councilors Beetham, Buebendorf, Caron, McFee and Murphy. **Motion failed to pass.**

c. **2010-003 – The Town of Montville hereby resolves to establish a new fund called the Montville Road Bridge.**

Motion made by Councilor Murphy, seconded by Councilor McFee. Discussion: Terry Fafard indicated there currently is a line item called “bridges” and she inquired if the Council is asking for a separate line item under the “bridge” line item to be designated as “Montville Road Bridge”. A discussion was held regarding amending the motion vs. postponing the discussion until after the Finance Committee meeting. Motion made by Councilor Buebendorf, seconded by Councilor McFee to amend the motion to as follows “**The Town of Montville hereby resolves to establish a new line item for a fund called the Montville Road Bridge Fund designated under the bridges fund.** Roll call vote: 7-0. Voting in favor of this resolution were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Voting in opposition: none. Resolution adopted.

d. **2010-004 – The Town of Montville hereby resolves to make an additional appropriation of \$4,604.98 to the Millstone Drill expenses line (#10810-52120) from the General Fund. The Town has received a check from the State of Connecticut for this grant.**

Motion made by Councilor Murphy, seconded by Councilor Beetham. Discussion: Finance Director, Terry Fafard explained the need for the resolution and explained how this particular grant disperses money. Roll call vote: 7-0. Voting in favor of this resolution were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Voting in opposition: none. Resolution adopted.

e. **2010-005 – The Town of Montville hereby resolves to approve and adopt a policy concerning the reproduction and authorized use of the Town Seal.**

Motion made by Councilor Buebendorf, seconded by Councilor Beetham. Discussion: Mayor Jaskiewicz explained the Town does not currently have a policy regarding the Town Seal and he explained there is a need to have one in place and set a policy for its use. Roll call vote: 7-0. Voting in favor of this

resolution were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Voting in opposition: none. Resolution adopted.

f. **2010-006 – The Town of Montville hereby resolves to approve an interdepartmental transfer of thirteen thousand, five hundred (\$13,500) dollars from line item (#10620-52123) “Land Use Engineering” to line item (#10860-53999) “Public Safety Building Committee Expenses”.**

Motion made by Councilor Caron, seconded by Councilor Buebendorf. Discussion: Mayor Jaskiewicz explained this is for accounting and auditing purposes. Roll call vote: 7-0. Voting in favor of this resolution were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Voting in opposition: none. Resolution adopted.

g. **2010-007 – The Town of Montville hereby resolves to make an additional appropriation of \$9,100.00 (nine thousand one hundred dollars) to the Police Equipment-Grant Funding expense line (#10820-54039) from the General Fund.**

Motion made by Councilor Murphy, seconded by Councilor Caron. Discussion: Mayor Jaskiewicz stated the money will be returned when the money from the grant is received. Roll call vote: 7-0. Voting in favor of this resolution were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Voting in opposition: none. Resolution adopted.

16. **Remarks from the Public**

Jim Moran and Daniel Dunn from the New London Motorcycle Club thanked the Council for listening to their grievance regarding their tax exempt status.

17. **Remarks from Councilors**

Councilor Buebendorf thanked Kathy Dougherty Peck for all her help during the holidays with the basket programs and acknowledged all the help from all the volunteers who help out in time of need. She hopes the citizens of Montville continue with their giving spirit and generosity. She encouraged anyone who can to attend the upcoming budget meetings.

Councilor McFee thanked the people who attended from the New Lodon Motorcycle Club and stated he hopes this issue can be resolved.

Councilor Beetham stated he is happy the Patriots lost over the weekend.

Mayor Jaskiewicz asked the members of the Motorcycle Club to leave a contact number so that he can get back to someone regarding the tax exempt issue.

Attorney Chucwick thanked the Council for allowing him to serve them for the next two years and stated he looks forward to working with the town.

18. **Adjournment**

Motion made by Councilor Buebendorf, seconded by Councilor Beetham to adjourn the meeting at 8:54 p.m. Discussion: none. Voice vote: 7-0, all in favor, motion carried. Meeting adjourned.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville

SCHEDULE "A"

REBATES FOR JANUARY 11, 2010 MEETING

BOURQUE, JOSEPH E. OR SAMMY F.	VEHICLE TRANSFERRED	\$ 35.83
COOK, CARLOS B.	VEHICLE SOLD	61.59
DEEM, HERMAN RAY & HILDA FAY	VETERAN'S DISABILITY	64.28
HONDA LEASE TRUST	VEHICLE SOLD	26.50
HONDA LEASE TRUST	VEHICLE SOLD	296.59
JANOW, RICHARD M. & ELEANOR R.	TRANSFERRED PLATE	21.04
MARTINEZ, LUIS F.	TRADED DOWN	135.01
PELCHAT, DAVID OR DEBRA	VEHICLE SOLD	18.48
TOYOTA MOTOR CREDIT CORP	VEHICLE SOLD	71.15
TOYOTA MOTOR CREDIT CORP	VEHICLE SOLD	16.09
VISION & VALUES LLC	OVERPAYMENT	24.87
WRONOWSKI, MARILYN K.	TRADED VEHICLE	<u>61.51</u>
	TOTAL	\$ 832.94