

Town of Montville Town Council
Regular Meeting Minutes
March 13, 2023, 7:00 p.m.
Montville Town Hall – Town Council Chambers

Town of Montville has lifted the mask mandate effective Monday, February 28, 2022 throughout Town facilities in coordination with our schools. Although the mask mandate has been lifted, Uncas Health strongly recommends that all individuals, both vaccinated and unvaccinated, continue to wear masks indoors.

1. Call to Order
Chairman McNally called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance followed by a moment of silence in honor of our military.
3. Roll Call
Present were Councilors Bunnell, Mandler, May, Yuchniuk, and McNally. Absent were Councilors Caron and Rix. Also present was Mayor Ronald McDaniel.
4. Special Recognitions/Presentations
Mayor McDaniel introduced Wilfred Blanchette, the town's first Chief of Police for the Town of Montville. While they have agreed to the terms, they are currently in the process of finalizing the contract and agreement. He congratulated him for surviving an arduous process and coming out on top amongst several good candidates.

Newly appointed Police Chief Blanchette stated that he was incredibly humbled and expressed his appreciation to the Mayor, Town Council, Public Safety Commission, and the Montville Police Department for their support. While his decisions might not be very popular, they would always be in the best interest of the town. He thanked everyone for their vote of confidence and added that he would not let them down.
5. Alterations to the Agenda
Motion made by Councilor May, seconded by Councilor Mandler, to amend the following item:
 - 16(e) **THE TOWN OF MONTVILLE HEREBY RESOLVES** to transfer \$6,092.00 (six thousand ninety-two dollars) from Contingency (10480-52164) to ~~Capital (10960-54090)~~ *the Mohegan Fire Department (10880-52061)* to replace the Fire Department hose that was damaged due to freezing at a structure fire. (Councilor McNally)

Discussion: None. Voice vote, 5-0, all in favor. Motion carried.
6. To Consider and Act on a Motion to Approve:
 - a. The Regular Meeting Minutes of February 13, 2023
Motion made by Councilor May, seconded by Councilor Yuchniuk. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.
7. Executive Session – *none*
8. Remarks from the public relating to matters on the agenda with a three-minute limit – *none*
9. Communications
 - a. Copy of the February 2023 Financial Reports from Finance Director Barbara Griffin
 - b. Copy of the legal bills from Suisman-Shapiro for the month of January 2023
 - c. Copy of the legal bills from Halloran & Sage for the month of January 2023
 - d. Copy of an e-mail from Conservation Commission Chairman Nick Sabilia proposing the allocation of “nip funds” to road cleanup.

Chairman McNally stated that the item would be sent to the Public Works/Solid Waste and Finance Standing Committees for review and discussion.

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 reported that he met with the Montville Public Schools Superintendent, Youth Services Coordinator, and SERAC (Southeastern Regional Action Council) Director to discuss the allocation of Opioid Funding based on the recommendations provided by the Town Council. A productive meeting was held regarding the Cook Water Tower project; a State Representative who was present at the meeting reported that funding is available for the project and offered to play an active role in moving the project forward. He also attended the recent Blue & Gold Cub Scout event during which he took the opportunity to express his thoughts regarding House Bill No. 5647 with the town's legislative representatives with whom he was seated. They are monitoring the progress of a variety of legislation that was introduced, including bills related to the retirement system, taxation, the PiLOT (Payment in Lieu of Taxes) program, garbage, and housing issues. They are also amid Police and Fire Arbitration, Dispatcher Impact Bargaining, and finalizing the Chief of Police Contract. The MS4 (Small Municipal Separate Storm Sewer Systems) Annual Report was completed and is available to the public on the town website.

Councilor May expressed his appreciation to the Mayor and Town Council Chairman for submitting their testimonies regarding House Bill No. 5467.

Department of Land Use & Development Director Liz Burdick provided a brief departmental update. Applications that were recently approved by the Planning & Zoning Commission include a site plan to convert the property located at 303 Norwich-New London Turnpike (Route 32) into a 16-unit apartment building, and an accessory building for Breezeline to accommodate their technicians. In addition, applications for an industrial building on Maple Avenue, an application for a light industrial warehouse on Enterprise Drive, and the conversion of the Headmasters' Quarters into student dormitories at St. Thomas More School were received. At the Commission's request, an application for a moratorium on cannabis establishments will be submitted to provide them with the necessary time to carefully review and craft the regulations. Once finalized, the regulations will be presented to the Town Council for review and comments and a Public Hearing will be held. The LoTCIP (Local Transportation Capital Improvement Project) to install sidewalks along both sides of Route 32 from Maple Avenue to the Waterford Town Line is in its final approval stage with the SCCOG (Southeastern Connecticut Council of Governments). Once approved, the project will be sent to CTDOT (Connecticut Department of Transportation) for their approval. The State's Attorney's Office is in the process of reviewing the Personal Services Agreement for the Fishing Pier Funding. On behalf of SustainableCT Committee Chairperson Collen Bezanson, she requested the Town Council reaffirm tobacco-free recreation areas. The resolution was approved in 2011 and must be periodically reaffirmed.

Finance Director Barbara Griffin distributed copies of the Audit Report to the Councilors, specifically citing the town's Unassigned Balance of \$12.9 million or 18% of their general fund expenditures – a reduction of 0.9% from their previous Audit. The Audit also notes a complete Fund Balance of 15%. The Auditors are scheduled to present their findings at the April Town Council Regular Meeting. According to the Town's Policy, the Unassigned Fund Balance (a.k.a. Rainy-Day Fund) should be between 12% to 16%. All of the departments have submitted their proposed FY2023/24 budget and capital requests with the exception of the Board of Education. She will be meeting with the Insurance Company in early April regarding their estimated increases and will be reviewing the retirement numbers, which will have a significant increase, with the Mayor. The town is scheduled to sign the \$4.2 million Road Bond, which was authorized unissued, this spring; she has met with Public Works Director John Carlson regarding the expenditure of the funds.

12. Reports from Standing Committees

a. Town Administration/Rules of Procedure

The Committee discussed and approved the updates made to the Administrative Assistant I position description, which is on this evening's Agenda for approval, and reviewed the town-wide pre-employment drug testing policy, which was sent back to Human Resources with questions.

b. Finance

Chairman McNally reported that, in anticipation of inclement weather, tomorrow evening's meeting has been canceled. The BOE's preliminary budget includes a 6.9% increase, excluding any capital requests. Round Two of the Community Investment Funds for the proposed Animal Control Facility occurred earlier today.

c. Public Works/Solid Waste Disposal

Chairman McNally reported that the Committee discussed the future of the old Raymond Hill Church; the road paving schedule, which is slated for completion this summer; Public Works Garage signage, and; restarting the tennis court project as the weather begins to warm.

13. Reports from Special Committees and Liaison Councilors

a. Councilor Bunnell: Library Committee, Parks & Recreation Commission, Volunteer Fire Fighters' Relief Fund

Library Committee and Volunteer Fire Fighters' Relief Fund – *no report; no meetings.*

Parks & Recreation Commission – Bill Bauer will be selecting the bands for this summer's ten-concert series utilizing the ARPA funds. The concerts will be held at the Camp Oakdale Large Pavilion at 6:30 p.m. The dates are to be determined. Councilor Bunnell commended the Police Department which successfully investigated and apprehended the individuals who were doing donuts in the area across from the Large Pavilion. Arrangements have been made for the offenders to help remediate the area. The Commissioners agreed to paint the tennis courts blue/green (U.S. Open colors); reviewed the MOA (Memorandum of Agreement) with the youth sports programs, with special attention to those sections related to unauthorized parking and the back gate being left open, and; the 50/70 Baseball League has requested the use of the Tyl Middle School, Camp Oakdale, and Kobyluck Fields and is interested in connecting with the Town of Bozrah. This year's Farmers Market will kick off on June 13.

b. Councilor Caron: Commission on Aging, Social Services, Non-Profit Organizations – *no report; not present*

c. Councilor Mandler: Water Pollution Control Authority, Ad-Hoc Covid-19 Impact Study Committee

Water Pollution Control Authority (WPCA) – The WPCA budget was presented and approved and will be forwarded to the Town Council. The WPCA also approved the Administrator position.

Ad-Hoc Covid-19 Impact Study Committee – Additional requests have been received; the Committee's meetings have been suspended until June.

d. Councilor May: Conservation Commission

The Conservation Commission hosted a well-attended presentation regarding Invasive Insect Species. He recommended and encouraged everyone to attend an upcoming presentation regarding Ancient Artifacts on April 4 at 7:00 p.m. in the Town Council Chambers.

e. Councilor Rix: Board of Education, Farmers Market Committee, Planning & Zoning Commission – *no report; not present*

- f. Councilor Yuchniuk: Economic Development Commission, Public Safety Commission, Youth Services Bureau and Advisory Board

Economic Development Commission – *no quorum; no meeting*

Youth Services Bureau & Advisory Board – *to meet Thursday, March 16*

Public Safety Commission – The Police Department received 887 Calls for Service and issued 114 Citations in the month of February. The Fire Marshal's office reported the receipt of 232 Calls for Service, 173 of which were ambulance calls. The Commission reviewed and approved their proposed FY2023/24 budget.

14. Appointments and Resignations

- a. To Consider and Act on a Motion to re-appoint Thomas Pedersen to the Public Safety Commission with a term to expire on April 9, 2026.

Motion made by Councilor Bunnell, seconded by Councilor Mandler. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.

- b. To Consider and Act on a Motion to re-appoint Jessica LeClair to the Conservation Commission with a term to expire on April 13, 2025.

Motion made by Councilor May, seconded by Councilor Bunnell. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.

- c. To Consider and Act on a Motion to re-appoint William A. Wrobel to the Gardner Lake Authority with a term to expire on April 14, 2026.

Motion made by Councilor Bunnell, seconded by Councilor May. Discussion: Councilor Bunnell noted that Mr. Wrobel, a very informative individual who has faithfully attended all of the meetings, has served on the Commission for numerous years, without recognition. Voice vote, 5-0, all in favor. Motion carried.

15. Unfinished Business

- a. **THE TOWN OF MONTVILLE HEREBY RESOLVES** to into an agreement with OX Owner, LLC to amend the real estate tax assessment agreement for the proposed Oxoboxo Lofts project, pursuant to Connecticut General Statutes §12-65b, as stated in Exhibit B. (Mayor McDaniel)

Motion made by Councilor May, seconded by Councilor Bunnell. Discussion:

Property Assessment – Assessor Lucy Beit stated that, while the owner assessed the final market value of the property at \$3.5 million, the proposed agreement utilizes her assessment of \$4.4 million with an annual increase of 2% over the next ten (10) years and a final value of \$5.3 million in the tenth year. The project's current assessed value is \$1.7 million and is based on the percentage of the project that is completed. She stated that the town currently receives \$30,000.00 in tax revenue. Based upon the proposed assessment, the town would receive \$82,000.00, with a final revenue amount of \$100,000.00 in the tenth year.

Establishing a Start/End Date – Due to the difficulty in predicting the market and actual value of the property over the next ten (10) years, the Councilors discussed the possibility of setting a hard start/end date. Councilors Mandler, May, and McNally also expressed their concerns about setting precedence. Eric Kuczarski, Senior Development Director, Dakota Partners, stated that the project is approximately 45% complete and projected a completion date of June 2024. He was agreeable to setting the start date when the Certificate of Occupancy (C/O) is issued. Mayor McDaniel stated that the Town Attorney has reviewed the document and the town is supportive of affordable housing developments. Because the C/O date is unknown, he felt that fixing and locking in the date of the assessment would be more beneficial for the town. Should the Town Council vote to approve the Resolution, a contract would be drawn up stating the stipulations of the agreement. The contract would, then, be recorded in the town's land

records. Chairman McNally expressed his support of the project but was opposed to the ten (10) year time frame.

Affordable Housing – Per the State of Connecticut, municipalities must attain the goal of 10% of their housing stock being deemed affordable. The town is approximately halfway towards the 10% goal. The difficulty in developing affordable housing projects and the type of housing that is considered affordable were discussed. The proposed development would offer approximately 57 affordable housing units of the approximately 660 units that are needed to meet the state's goal. Department of Land Use & Development Director Burdick stated that the Connecticut Council of Governments informed her that the additional affordable housing units would remove the town from the list for one to two years, allowing them to be free of any §830-g issues. She also stated that the town adopted its Affordable Housing Plan, which must be updated every five (5) years, last year. Currently, there is legislation that would allow the state to dictate and require those towns that have not met the state's goal to construct affordable housing units at their expense. As such, it would be beneficial for the town to incrementally achieve the goal and communicate to the state that efforts are being made to comply with the state's goal. A 50-year Land Use Construction Agreement, stating that the property would be maintained as affordable, would be recorded as part of the town's Land Records.

Development Impact on School System and Town – Councilor May also expressed his concerns regarding the general impact the development would have on the school and the town in comparison to an alternative housing project that does not have the benefit of such an agreement. In response, Department of Land Use & Development Director Burdick noted that based on demographic studies, single-family residences generate more schoolchildren than multi-family housing units.

Roll Call vote, 1-4. Voting in Favor: Councilor Bunnell. Voting in Opposition: Councilors Mandler, May, Yuchniuk, and McNally. Resolution failed.

16. New Business

- a. **Resolution #2023-23. THE TOWN OF MONTVILLE HEREBY RESOLVES** to refund taxes due to overpayments and corrections in the amount of \$9,009.58 (nine-thousand nine dollars and fifty-eight cents) as requested by the Tax Collector. (Councilor McNally)

Motion made by Councilor May, seconded by Councilor Mandler. Discussion: None. Roll Call vote, 5-0, all in favor. Voting in Favor: Councilors Bunnell, Mandler, May, Yuchniuk, and McNally. Voting in Opposition: None. Resolution passed.

- b. **Resolution #2023-24. THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve the Organizational Chart for the Montville Police Department, as recommended by the Town Administration/Rules & Procedures Standing Committee. (Councilor Yuchniuk)

Motion made by Councilor Yuchniuk, seconded by Councilor Mandler. Discussion: None. Roll Call vote, 5-0, all in favor. Voting in Favor: Councilors Bunnell, Mandler, May, Yuchniuk, and McNally. Voting in Opposition: None. Resolution passed.

- c. **Resolution #2023-25. THE TOWN OF MONTVILLE HEREBY RESOLVES** to reassert its commitment to the health of its citizenry by reaffirming its support of Ordinance 2011-2. (Mayor McDaniel)

Motion made by Councilor May, seconded by Councilor Bunnell. Discussion: Mayor McDaniel stated that the Ordinance pertains to the town's fulfillment of one of the SustainableCT action steps. Roll Call vote, 5-0, all in favor. Voting in Favor: Councilors Bunnell, Mandler, May, Yuchniuk, and McNally. Voting in Opposition: None. Resolution passed.

- d. **Resolution #2023-27. THE TOWN OF MONTVILLE HEREBY RESOLVES** to transfer \$6,092.00 (six thousand ninety-two dollars) from Contingency (10480-52164) to the Mohegan Fire Department (10880-52061) to replace the Fire Department hose that was damaged due to freezing at a structure fire. (Councilor McNally)

Motion made by Councilor May, seconded by Councilor Bunnell. Discussion:

Councilor Mandler expressed his opposition to funding such expenses through the Fire Marshal's budget, adding that such items should be budgeted in each of the Fire Companies' budgets under line items for equipment and maintenance. Councilor May agreed, adding that a process should be instituted to correct any such budgetary issues. Chairman McNally stated that each of the Fire Companies has both an equipment and maintenance line item, but the damage was caused by an unexpected, catastrophic event. As such, the expenditure is a one-time expense and is being allocated through the town's Contingency line item. Councilor Bunnell concurred, adding that the damage was not caused by the normal wear and tear of equipment, but was the direct result of an unforeseen event. Roll Call vote, 5-0, all in favor. Voting in Favor: Councilors Bunnell, Mandler, May, Yuchniuk, and McNally. Voting in Opposition: None. Resolution passed.

- e. **Resolution #2023-28. THE TOWN OF MONTVILLE HEREBY RESOLVES** to review and approve the position description for the Administrative Assistant I, as recommended by the Town Administration/Rules & Procedures Standing Committee. (Councilor Yuchniuk)

Motion made by Councilor Yuchniuk, seconded by Councilor Mandler. Discussion:

Mayor McDaniel stated that the position descriptions include specific duties that are applicable to each of the departments. The updated position description includes the Administrative Assistant I role in the Department of Land Use & Development. Roll Call vote, 5-0, all in favor. Voting in Favor: Councilors Bunnell, Mandler, May, Yuchniuk, and McNally. Voting in Opposition: None. Resolution passed.

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

Steven Frischling, 45 Carriage Hill Drive, East Lyme, a member of the Chesterfield Fire Company, stated the issues with the town's use of the Everbridge system, citing the alerts that were recently sent regarding the storm. He stated the necessity and importance of hiring an Emergency Management Director who is experienced in handling emergencies and trained in using the Everbridge system to properly communicate the alerts and warnings to the public. He also expressed his dismay with the town-controlled social media accounts, stating that Public Safety's social media account blocks certain people from viewing any of the page's content, defeating the purpose of an account that was created to inform the public.

18. Remarks from the Councilors and the Mayor

Mayor McDaniel thanked everyone for attending the meeting. He felt that significant progress was made tonight. He encouraged the Councilors to review the letter submitted by Conservation Commission Chairman Sabilia regarding the use of the "nip funds". He wished everyone a Happy St. Patrick's Day.

Chairman McNally congratulated the newly appointed Chief of Police, adding that he is looking forward to working with him. He wished everyone a Happy St. Patrick's Day.

Councilor Yuchniuk expressed his hope that Dakota Partners will return with an end date to the proposed agreement. He also hopes that the town will investigate the possibility of adding mobile homes to count towards their affordable housing goals. He, too, welcomed the town's new Police Chief.

Councilor Mandler also welcomed and congratulated the newly appointed Chief of Police, stating that he was pleased with the selection process. He also wished everyone a Happy St. Patrick's Day.

Councilor May welcomed Police Chief Blanchette and recalled his services on the Montville Law Enforcement Feasibility Committee, adding that it has been a long process that has finally resulted in the establishment of an Independent Police Department. He was very pleased that the Police Department would be starting this new chapter and he looks forward to working with him.

Councilor Bunnell also congratulated, welcomed, and expressed his confidence in Police Chief Blanchette, stating that he is happy to have been able to play a role in the 40-year effort to establish an Independent Police Department.

19. Adjournment

Motion made by Councilor Mandler, seconded by Councilor May. to adjourn the meeting at 8:14 p.m. Discussion: None. Voice vote, 5-0, all in favor. Meeting adjourned.

Respectfully Submitted by:

Agnes T. Miyuki, Recording Secretary for the Town of Montville

AN AUDIO RECORD OF THE MEETING CAN BE FOUND ON THE TOWN'S WEBSITE LOCATED UNDER RESOURCES – MEETING RECORDINGS