

**Town of Montville Town Council
Special Meeting Minutes for March 31, 2010
7:00 PM – Town Hall – Council Chambers**

1. Call to Order – Chairperson Jacobson called the meeting to order at 7:04 PM.
2. Pledge of Allegiance
3. Roll Call – Present were Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Also present were Mayor Jaskiewicz and Town Attorney Bruce Chudwick.
4. Executive Session – None.
5. Remarks from the Public

Mr. John Geary, 11 Depot Road, spoke in opposition of the Council rescinding this resolution, citing Mr. Lynch's qualifications and experience, as well as his accomplishments since being hired by the WPCA for this position. Mr. Geary stated that he does not feel as though a public meeting is the proper venue for the discussion and approval of an employment contract, and urged the Council to consider sending this matter back to the WPCA for further review.

Mr. Timothy May, WPCA Chairman, stated that a lot of time and effort went into putting the employment contract together, and sending it back to the WPCA for further review would not yield a different result. He stated that he and the WPCA feel that this is a fair contract, and noted that it still puts the salary of the Administrator below standard for our region.

Attorney Ron Oschner, legal representative for the WPCA, requested that if the Council should decide to rescind this resolution, that the WPCA receive guidance from the Town Council on how the contract should be revised. He stated that it might be a good idea to send this matter back to the WPCA in order to work with the Town Council to amend the contract to everyone's satisfaction; or having a town meeting may also be a good idea in order to provide a venue for the public to express their opinion on the matter.

6. Communications – None.

Chairperson Jacobson stated that the reason this meeting was called was because a member of the Town Council who had originally voted in favor of the resolution has since decided that he or she may want to rescind that favor vote. The following motions represent the options in this matter. Regarding item 7C, the date of April 14th was chosen in order to comply with the time limit to hold a town meeting on this matter, which is April 16th.

Attorney Chudwick explained that according to the Town Charter, the Mayor has the authority to veto any motion adopted by the Council; and if the Council adopts the motion to rescind the resolution, the Mayor would have 10 days, until April 10, 2010, to file such a veto. This situation applies to items 7A and 7B on the agenda. If that were to happen, at its next scheduled meeting, the Council could either attempt to override the Mayor's veto, or move forward with the town meeting on the 14th. Attorney Chudwick stated that the Council has two options; 1) rescind the resolution, or 2) schedule a town meeting in order to receive feedback from the public.

Councilor Beetham asked if this matter could be taken to a referendum. Attorney Chudwick stated that the Council could send it to referendum, but would have to do so by way of a special meeting which would need to be held before April 14th.

Mayor Jaskiewicz stated that it should be mandatory that the discussion on this matter at the town meeting be limited to contract and salary information only. Chairperson Jacobson agreed, and noted that the public will be limited to discussion of the WPCA Administrator's contract and salary, and will not be permitted to comment on any other issues.

7. New Business

A. The Town of Montville hereby resolves to rescind Resolution 2010-020 pertaining to the approval and authorization of the Mayor to execute an employment agreement with Brian Lynch, WPCA Administrator, for a two-year renewable term effective with the date of execution of the agreement. **No Motion made. No Action taken.**

B. The Town of Montville hereby resolves to refer the matter of the employment agreement with the WPCA Administrator to the WPCA for further review. **No Motion made. No Action taken.**

C. Motion by Councilor Beetham, Second by Councilor Hillman to set the date for a special town meeting for Wednesday, April 14, 2010, at 6:30 PM at Town Hall Council Chambers to consider and act on the petition to overrule Resolution 2010-20 pertaining to the approval and authorization of the Mayor to execute an employment agreement with Brian Lynch, WPCA administrator adopted by the Town Council on March 8, 2010. **Discussion:** Councilor Beetham inquired what it would take to amend this motion to take the matter to referendum. Attorney Chudwick advised that the options to send this matter to referendum are; 1) the citizens could file a petition for a referendum, which would require 200 signatures or more, or 10% of the registered, qualified voters, whichever is less and it would need to be filed with the Town Clerk at least 24 hours prior to the meeting; or 2) the Town Council could, not less than 5 days before said meeting, could remove an item from the agenda and send it to a

referendum, 7-14 days following the town meeting. The Council would have to call a special meeting in order to do this, which would have to be held at least 5 days before the town meeting on April 14th. Councilor Murphy inquired as to what the approximate cost would be to hold a referendum. Mayor Jaskiewicz reported that the average cost of previous referendums is approximately \$8,000.00. Chairperson Jacobson argued that it would depend on how many venues are chosen, as well as other details, but could be a lower cost if the Council agrees to use fewer venues than in previous referendums. Councilor Murphy stated that he is opposed to spending the money to hold a referendum in this matter. Councilor Murphy next stated that a raise given to the WPCA Administrator would only affect the WPCA users in the Town, not all of the taxpayers in Town. Chairperson Jacobson agreed that this would only affect public water and sewer users. Councilor Murphy stated that a public referendum was not a good choice because even though an increase in the WPCA Administrator's salary would only affect WPCA users, all taxpayers in Montville will have an opportunity to vote in this matter. Councilor Hillman argued that two thirds of the Town's taxpayers are also WPCA users. Councilor Beetham stated that he does not feel that during the current economic situation that someone should receive a \$10,000.00 per year raise when other Town employees are receiving only 2 – 3% increase per year. Councilor Murphy stated that the public may not agree with giving one person a \$10,000.00 per year raise; however, the public is not privy to information that the Council has regarding all of the details in this matter, which may sway the public's vote if they had all of the details needed to make an informed decision on that matter. Councilor Buebendorf stated that since Mr. Lynch was hired in 2007, Town employees have received annual pay increases of 3.25%, but Mr. Lynch has received no increase. If he had received the same increase as the other employees, this contract really amounts to a \$4,000.00 difference from the \$10,000.00 which was approved by the Town Council. Councilor Buebendorf noted that the regardless, a \$10,000.00 raise still puts the Administrator's salary below average for this position within our region. Chairperson Jacobson argued that although some valid points have been made, she feels that the position and job description should be reviewed, not just the contract and salary, before making any further decisions based on the fact that the Town assumed responsibility for a portion of the original duties of the Administrator. Councilor Buebendorf stated that when she was first elected to the Town Council in 2005, the situation with the Town and the WPCA was in need of repair. There was no communication between the Town and the WPCA, the Town Council and the WPCA, and an employee of the WPCA had just found to have been embezzling monies from the WPCA. The reason those certain duties were moved to the Finance Department was so that the Town has in place a check and balance system to make sure that the Town does not lose that amount of money in the future, and it has no bearing of the responsibilities of the WPCA Administrator. Councilor Buebendorf stated that the situation with the WPCA has been completely turned around since Mr. Lynch was hired in 2007, and Mr. Lynch has made many positive and productive changes since he has been hired, and it would be a shame if the Town lost him as an employee over this situation. Councilor Hillman stated that when Mr. Lynch was hired in 2007, he signed a two-year contract for his current salary, valid until November 2009; which would make this contract a \$10,000.00 increase for November 2009 through present. Chairperson Jacobson called for the Council to move forward and vote on this matter. Councilor Buebendorf asked for clarification purposes if the Council really had any choice but to hold a town meeting, and it was agreed by all present that a town meeting was the only choice at this point in this matter. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0.**

8. Remarks from the Public

Mr. Dick Wilson, 6 Riched Lane, stated that the Council should consider changing the venue in order to accommodate more people than the Council Chambers is permitted.

9. Remarks from Councilors – Councilor Beetham stated that he was going to move forward to try to send this matter to referendum, and reported that he heard from asking people to sign the petition that the public may prefer a referendum because they can vote on the matter at a specified location throughout the entire day versus having to attend a town meeting in the evening, which would interfere with family obligations, work, etc. Councilor Murphy and Caron both agreed that the cost of holding a referendum does not outweigh the fact that a town meeting will provide a venue for the taxpayers to speak and share their opinion on the matter, not just vote on it. Councilor Caron stated that if the taxpayers took the time to sign the petition, it would make sense that they would want to come and share their thoughts on the matter, since that is what they essentially asked for in signing the petition. Councilor McFee noted that Mr. Wilson's comment regarding a venue large enough to accommodate a large crowd is valid, and the Council should consider that and make the change. It was agreed that the Chair would contact the Board of Education to confirm that the High School auditorium is available on April 14th, and she will call a special meeting for Monday evening, April 5th, in order to amend the motion updating the venue for the town meeting on April 14th. Councilor McFee stated that he is not in favor of holding a referendum on this matter, but agrees that a town meeting is the best choice.

10. Adjournment – **Motion** made by Councilor Caron, Second by Councilor Beetham, to adjourn the meeting. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Hillman, Jacobson, McFee and Murphy. Opposed; None. **Motion Carried 7-0. The meeting adjourned at 7:39 PM.**

Respectfully Submitted by:

Sandra Anderson CPS
Minutes Clerk
Montville Town Council