

**Town of Montville Town Council
Regular Meeting Minutes for Monday, March 14, 2011
7:00 p.m. – Town Council Chambers – Town Hall**

1. Call to Order

Chairperson Jacobson called the regular meeting of the Town Council to order at 7:04 p.m.

2. Pledge of Allegiance followed by a moment of silence in honor and support of our troops. Councilor Beetham requested everyone remain standing for a moment of silence for all of the people in Japan and to pray that those nuclear power plants do not melt down.

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. Special Recognitions/Presentations – none.

5. Alterations to the Agenda – none.

6. To consider and act on a motion to approve the meeting minutes of the February 14, 2011 regular meeting.

Motion made by Councilor Beetham, seconded by Councilor Hillman, discussion, none, voice vote, 7-0, 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.

Mr. John Geary, 11 Depot Road, Uncasville, thanked the Council for removing the three executive session discussions off of the agenda and moving them to another meeting. He discussed item 16 (n) and (o) regarding the salaries of the Mayor and Town Council and urged the Council to obtain information from CCM and make a comparison and to vote on the Mayor's salary. He discussed item 16 (g) regarding the appointment of the law firm of Branse, Willis and Knapp, and stated he strongly endorses the appointment of Attorney Ron Ochsner, he is the attorney for the WPCA and the land use commissions and he has two degrees in engineering. He can attest to his thoroughness and diligence regarding town business and strongly recommends his appointment.

Mr. Patrick McCormick, Director of Health at the Uncas Health District, spoke in favor of item 16 (c) regarding the tobacco free ordinance. He stated the Uncas Health District enthusiastically supports this ordinance. The latest revision of the ordinance properly addresses and defines the word "smoke" in accordance with State Statute and this allows Montville to continue its commitment to public health and to provide an example to the young people of the community who use the recreation properties. He thanked the Council for considering this ordinance.

Ms. Dale Eisholes, 262 Connecticut Blvd., Oakdale, stated she has been a resident of the Town of Montville for fifty years and spoke in regards to the increase of salaries. She stated she is in favor of a Mayoral increase in salary because of the many years the position has gone without a raise. She stated the Town needs to tighten its belt financially and spoke in disbelief regarding

the newspaper article that states the Superintendent of Schools is currently making over one hundred and fifty thousand dollars per year. People can do their jobs well with what they have and encouraged the Council to tighten the belt of spending so the residents can continue to live in town without higher taxes.

Lt. Bunnell, 5 Little John Drive, spoke in favor of agenda item 16 (a) the purchase of the police cruisers as a police officer. He encouraged the Council to consider this item carefully because it is an opportunity to save the town money for the upcoming budget. He explained the Ford Company is doing away with the Crown Victoria model of cars and if the town purchases them now they can retrofit the equipment in the cars now in service with a cost savings to the town. He spoke in favor of item 16 (g) as a Public Safety Building Committee member he urged the Council to allow the Committee to continue the use of the law firm of Branse, Willis and Knapp with no disrespect to the current Town Attorney, he explained the Committee has been working with Attorney Ochsner since the beginning of the project and the consistency of using the same attorney is very important to the success of the program. Attorney Ochsner has demonstrated exceptional knowledge and direction in areas specific to the needs of the Committee. Mr. Geary pointed out he has significant background, knowledge and education and it is a direct benefit to the Committee and the success of the program. The Charter allows for the Council to appoint other town attorneys for purposes such as this. If appointed now the position will require re-appointing under the new Town Council and this would not be a problem to do. There is a letter in the packet from the Public Safety Building Committee asking the Council to do just that.

Mr. Gary Donovan, a Montville resident for sixteen years, spoke regarding agenda items 16 (o) and (p), stating hard times have been tough on the town and the Governor has proposed a 1.5 billion dollar tax increase and he thinks this is not the time to give out raises and the town should be watching their expenditures.

Chairperson Jacobson asked three times if there was anyone from the public who would like to come forward to address the Council.

9. Communications

Chairperson Jacobson inquired if the Council would prefer to have them read in to the record in their entirety as a whole or if they would be satisfied with a brief explanation of each correspondence. Councilor Murphy stated he would like to have them read in their entirety as a whole. Councilor Beetham suggested reading just the highlight of the item to avoid taking up too much time on this agenda item reading into the record correspondence that have been read by the Council already. Councilor Buebendorf stated she would like the Council to remain consistent in future Council meetings and to be consistent in how correspondence are entered into the record and handled at future meetings. Councilor Beetham suggested Chairperson Jacobson read only the subject of the correspondence into the record as follows;

- a. A letter dated February 21, 2010 from Mr. Manfredi regarding the Public Safety Building.
- b. A letter dated March 8, 2011 to Senator Andrew Maynard and Representative Diana Urban Re: Connecticut General Assembly Proposed Bill No. 5911.
- c. A letter from Antonio Reale, Managing member of World, LLC to Mayor Joseph Jaskiewicz.
- d. A letter to the Montville Town Council from the Chinese and American Cultural Assistance Association.
- e. A letter from Mr. Kevin Loiler regarding his resignation from the Zoning Board of Appeals effective immediately.

- f. An email correspondence from Mr. Thomas McNally regarding the appointment of Ms. Mari Jurzick to the Zoning Board of Appeals.

10. Report from the Town Attorney on Matters Referred.

Attorney Bruce Chudwick stated there are several items on the agenda he has been working on regarding the ordinances and the Town Attorney appointment. He provided advice regarding the salary issues with the Chairperson. He discussed the bidding process as discussed last month. A letter was sent to the Mayor and he summarized for the Council the determination as to whether or not there should be a public bid for items that accumulate over ten thousand dollars in a calendar year for repairs and replacement of certain services. He explained he looked at the Charter and the facts of each individual purchase as discussed by the Public Works Director depends on whether it is a commitment by the town to have and ongoing acquisition of certain goods and services over a period of time and whether you are bound legally to do that or if you can go out to a different vendor or not and whether the vendor is required under their contract or purchase order to supply the goods and services when rendered. Many instances for tree cutting or pot hole repairs are not ongoing commitment situations on the part of the town, they do not have to use that vendor, they don't have to do this project at all. In most instances he determined the town would not have to go out to bid for a contract for these types of services. Aggregate matters in this case but the town must look at the underlying contracts with each individual company. If the town bought over ten thousand dollars of merchandise or services over the fiscal year and there is no binding commitment then each one of those is a separate purchase and does not have to go out to bid. Discussions were held regarding different scenarios for different services for the town. Councilor Hillman discussed the street lighting repairs and bulb replacement as discussed at the previous meeting and Attorney Chudwick indicated if the purchase is going to be over ten thousand dollars during the course of the year it should go out to bid, but in the case of a vendor who are on call, or the town is not sure how many lights they are going to need over a period of time it would be considered and individual one by one contract that will likely not exceed the ten thousand dollar limit.

11. Remarks from the Mayor and/or Administrative Department Heads to include Matters Referred.

Mayor Jaskiewicz stated the Congregational Church requires engineering for structural issues, an environmental report has been completed. He signed an extension with the church to allow for the structural report and to show the town is still interested in the property. He discussed the Pequot Bridge construction to install expansion joints during the summer months. He has posted this information on the website. The construction will require a lane closure for a couple of weeks to complete the work. He received a letter from the State indicating they are going to fix the bridge on Rt. 32 and Rt. 163 during the summer months with a lane closure expected. He will get more information at the pre-construction meeting to pass along to the Council. Chairperson Jacobson inquired regarding the letter from Representative Reynolds regarding the local bridge program for 2012 and she indicated the Montville Road Bridge repair was not on the list. Mayor Jaskiewicz explained the State only bonded projects that have been approved and the town will have to re-apply for the funding if they want it to be considered for Federal funding. Councilor McFee discussed fixing the bridge without the State/Federal funding. Mayor Jaskiewicz stated he is working on that and has approximately ten proposals to fix the Montville Road Bridge. He discussed the most cost efficient proposal to fix the bridge.

Ms. Marcia Vlaun, Town Planner, discussed the Public Safety Building progress to date. She discussed the soft cost phase of the contract and discussed expenditures to date. She stated the Committee closed out the design development phase of the project and provided the Council with a copy of the floor plan and has updated the chart as to the timetable for the project. The

building is on track to build the building that was approved at the referendum. The project will be out to bid and ground breaking for the project is projected for June. This would put occupancy of the building as January 1, 2013. The next phase is the construction document phase, and she will get the documents to the DECD prior to going to bid because there is \$700,000 for DECD figured into the costs. The entire spec and plans will require approval from them prior to going out to bid. She has allotted a two week overlap in order to stay on schedule. She has the plans and specs to date on a disc in her office if anyone would like a copy for review. She gave a brief update regarding the local economy, unemployment rate and foreclosure filing figures. She stated she received a copy of the CIRC report and suggested a combined meeting with the Council and the WPCA to review the findings of the report. A discussion was held regarding foreclosed buildings that are being demolished because of their poor condition and potential health hazards.

Ms. Terry Hart, Finance Director gave the Council updates regarding the bills for the attorney. She estimates the town will need an additional \$150,000 to get through the next five months of bills. She inquired if the Council would prefer she run the line item in the red or if they would like her to estimate and recommend an additional appropriation to cover the costs. She is not sure the expenses will remain consistent for the remainder of the year, but she does know the next payment will put the line item in the red. She discussed the RFP for personal property audits and it is on the Town's website. The bids for this will be due on April 4th. At the last Finance meeting she was looking over revenues and is concerned regarding how the revenues are trending this fiscal year and she is estimating about an eight hundred thousand dollar shortfall. She explained the Town lost \$150,000 in this current year alone for manufacturing and equipment assessments. The formula was changed and the town is being reduced by that. The Town lost ten thousand dollars in the telecommunication grant and had no control over that. She is moving forward with collecting property taxes owed and the attorney is working on them toward collecting the revenue. Chairperson Jacobson inquired regarding the Manufacturing Assistance Act and the \$485,000 that was allocated under revenues and whether this was based on the old formula or the formula from the Special Session of the State Legislature. Ms. Hart stated it was calculated using the old formula and was calculated by the Assessor's Office and she does not get this information and she was not notified. She stated she is giving all of this information to the Council now to keep them up to date and aware of what is happening so it is not a surprise at budget time. She explained that estimating revenue is a hard thing to do and everyone worked very hard at it last year and she stated many things were reviewed. She has been aggressive with interest, trying to get the best interest rates possible by moving money around. Chairperson Jacobson stated it is a wise decision to look at the figures now and to gauge the direction the town is going, however she has concerns regarding the projected shortfalls as opposed to real shortfalls. She stated tax collection revenues are coming in at a good rate. Councilor Hillman requested clarification regarding the original appropriations from last years budget, stating she doesn't want the Council to be looking at the budget with misinformation, stating when the Council gets the final budget the numbers should be plugged in. Ms. Hart stated if she does not receive the information a projected amount is placed in the budget, but she does not change numbers once the budget has been submitted. She does not alter the budget once it is submitted to the Mayor and the Council. She offered to verbally give the Council an update or a list of changes after the budget is submitted. Councilor Buebendorf stated if the Council is working on a budget and has not received all the specific requests from certain departments it may be more beneficial to know this information and to have a written addendum for reference for the line items where requests were received late after the budget process was created and the addendum can be used as the basis for the next years budget. Ms. Hart stated she can provide information to the Council that comes in after the budget process is completed. Councilor Beetham suggested an itemized list of the items that are running in the red so the Council has an idea of what line items will require additional money before the end of the fiscal year. Councilor Murphy stated Ms. Hart gives the Council the facts and figures as they are, and

last year the Council gave her a hard time and she is giving the Council advanced notice this year that there may be shortfalls and now the Council is chastising her for it. The facts speak for themselves and she is giving the information to the Council as she presents it to keep them informed and up to date with the reality of the budget as it is. Chairperson Jacobson asked the press to make it extremely clear to the public that there is not necessarily a million dollar shortfall, it is a projection and could be a worse case scenario, not a fact.

Mr. Don Bourdeau, Public Works Director, gave an update regarding his budget, stating he estimates an eighty thousand dollar shortfall at this time and this does not include salaries, fuel or utilities. He mentioned the telephone pole and the wall on Route 32, stating it is being addressed, he got a call from AT&T and he referred them to the State. Chairperson Jacobson inquired regarding the sand and salt budget. Mr. Bourdeau indicated he is currently minus \$65,351.07. Chairperson Jacobson commended Mr. Bourdeau for doing a great job with his budget. Mr. Bourdeau stated he is currently at 84.9% expended for the operating costs not including the utilities, fuel, gasoline and salaries. The town has received \$213,000 from FEMA for flood damage and clean up costs incurred during the storm last spring. A discussion was held regarding repairs to the roads due to the extreme weather conditions this winter. Mr. Bourdeau expressed his concern money will not be available in Capital to do all the repairs needed. There is no money available in the operating budget for the repairs so he will have to look how he addresses next years paving project. There are some roads that are in very poor shape and require patches on a daily basis. The asphalt plant is currently closed and he is doing the best he can with what he has to work with. Councilor Caron discussed repairs to the boat launch and inquired if it will open in time for the boating season.

12. Reports from Standing Committees.

a. Town Administration/Rules of Procedure

Councilor Hillman stated the Administration sub-committee met with the Hartford Group of the State of Connecticut Asian Pacific American Affairs Commission and discussed holding an open forum to discuss cultural and community issues. This is a State agencies with State Commissioners who have available to them State and Federal funding.

b. Finance

Councilor Murphy stated the items for discussion are on the agenda, there was a regular meeting this month and a special meeting held prior to the Council meeting.

c. Public Works/Solid Waste Disposal

Councilor McFee stated at the last meeting Mr. John Phettiplace, Director of Solid Waste for the Town of Stonington, Connecticut attended to give a presentation regarding a pay as you throw program with the Committee. He believes this program has the potential to save the Town of Montville a substantial amount of money by generating less garbage and by generating revenue from additional recycling. He discussed his costs for trash pickup, stating he currently pays \$260 per year for private hauling and if the bag program is implemented he would pay \$74 per year to dispose of his trash, he is currently working on the bag experiment in his home to prove that it can be done and he believes that if this program is implemented most people will find some type of savings and he will continue move forward with the possibility of implementing the program. Councilor Hillman spoke in favor of the pay as you throw program.

13. Reports from Special Committees and Liaison Councilors

a. Planning & Zoning Commission – Councilor Beetham

Councilor Beetham stated Marcia Vlaun gave a good report regarding the Public Safety Building. He discussed the approval of the gas station on Mohegan property that will service employees only.

b. Library Committee – Councilor Beetham – no report.

b. Parks & Recreation Commission – Councilor Buebendorf

Councilor Buebendorf reported the Parks & Recreation Commission has a field maintenance plan that is up for approval at the next meeting; there is a transfer of money relating to the programs on the agenda tonight; they have conducted an evaluation of the Christmas parade and are working to improve the parade next year; upcoming programs include an Easter egg hunt for children, a dodge ball program, summer camp and a Trick or Trunk program for Halloween. The commission is discussing ideas for including more pre-school programs for the community and the proposed ordinance for the tobacco free parks is on the agenda tonight.

c. Public Safety Commission – Councilor Buebendorf

Public Safety has a final draft of their Rules and Procedures that they are scheduled to vote on at their next meeting. This document will be forwarded to the Town Council for approval; they are in the process of hiring a new firefighter and there was a great deal of discussion regarding implementing a formal process in place for hiring firefighters so that there is continuity for all firefighter hires in the future.

e. Commission on the Aging – Councilor Caron

Councilor Caron stated the Senior Center will be hosting a “shred it” day for the citizens of the town on May 21, 2011 from 9:00 a.m. until 11:00 a.m. The senior volunteers were honored with a pizza party for their efforts in packing six hundred boxes and helping to put together the bags and boxes.

f. Economic Development Commission – Councilor Caron

Councilor Caron stated the Economic Development Commission approved their Rules and Procedures document.

g. Social Services – Councilor Caron – no report.

h. Youth Services Bureau & Advisory Board – Councilor Caron – no report.

i. Volunteer Fire Fighters Relief Fund – Councilor McFee – no report.

j. Community Center Building Committee – Councilor McFee – no report.

k. Montville Fair – Councilor McFee – no report.

l. Regional Dispatch Committee – Councilor McFee – non report.

m. Board of Education – Councilor Murphy

Councilor Murphy indicated he was not available to attend the last Board of Education meeting because he was out of the county. He indicated there is a meeting scheduled for this month that he will attend.

n. Water and Sewer Commission – Councilor Hillman

Councilor Hillman indicated the WPCA met last week and voted to install and pay for a hydrant on Occum Lane to help with fire suppression in the Lathrop Development. There was a discussion regarding the issue of conducting a fire safety study for fire suppression for the Town of Montville. Interviews will be conducted next week for companies interested in conducting the rate study ordered by the arbitrators.

o. Non-Profit Organizations – Councilor Hillman

Councilor Hillman stated she has received eleven reports to date from the non profits for this years' budget. She is waiting on thirteen additional reports and is sending out emails for submission of the requests. Of the reports received only three have asked for the same amount as granted last year and the rest are asking for sizable increases.

p. Public Safety Building Committee – Councilor Jacobson

Councilor Jacobson stated the Council has received a report from Marcia Vlaun regarding an update regarding its progress; there is an item on the agenda regarding the appointment of the Town Attorney; the committee has been diligent with keeping the price down and they did vote for the design and development and there was a unanimous vote for the furnishings and they are moving toward an RFP in the process.

q. School Building Committee – Councilor Jacobson

Councilor Jacobson stated this committee is in the process of a final close out of all projects and as of January 19th some litigation is still pending.

14. Appointments and Resignations

a. To consider and act on a motion to fill a vacancy for a full voting member of the Gardner Lake Authority with a term to expire April 14, 2014. (Mr. William Wrobel has indicated he would like to be appointed and has been interviewed by the Council)

Councilor Buebendorf nominated Mr. William Wrobel to the Gardner Lake Authority, Councilor Caron seconded the nomination. Roll call vote; 7-0, voting in favor of the appointment were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Appointment made.

b. To consider and act on a motion to accept the resignation of Mr. Kevin Loiler from the Zoning Board of Appeals with regret.

Motion made by Councilor Murphy, seconded by Councilor Hillman, discussion, none, roll call vote, 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Resignation accepted with regret.

c. To consider and act on a motion to fill the unexpired term on Zoning Board of Appeals, with a term to expire on November 14, 2011 due to the resignation of Mr. Kevin Loiler and to appoint Mrs. Mari Jurzick to the Zoning Board of Appeals with a term to expire November 14, 2011.

Motion made by Councilor Beetham, seconded by Councilor Caron. Discussion, Councilor Murphy inquired if Ms. Jurzick was the only candidate available for the position. Chairperson Jacobson stated she is the individual nominated by the Republican Town Committee because it is an elected position. Ms. Jurzick has accepted the nomination and is willing to fill the vacancy. Roll call vote; 7-0, voting in favor of the appointment were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Appointment made.

15. Unfinished Business – none.

16. New Business

a. Motion made by Councilor Murphy, seconded by Councilor Hillman to discuss the purchase of police vehicles for the Town of Montville Police Department. Discussion; Councilor Murphy stated there was a meeting with the Finance Committee regarding this issue. Lt. Bunnell came before the Committee and he stated Ford Motor Company is discontinuing the Crown Victoria and the police will utilize the Dodge Chargers and Impala in the future. The police department is requesting permission to purchase three vehicles from the discontinued lot in order to take advantage of the opportunity to retrofit the vehicles with the equipment they take out of the vehicles that will be taken out of service. To fit a different style vehicle would cost the police department thirty seven thousand dollars for the three vehicles. He explained the town is looking into replacing a fire truck as well and there is one hundred and seventy thousand dollars in the Capital non-recurring fund from carry over money. The discussion was to take the money from this fund to purchase the police cars and to lease purchase a fire truck for five years instead of purchasing a new fire truck. The Finance Committee was in favor of using the money in this fund to purchase two or three cars and lease the fire truck as opposed to purchasing one. He explained there is not enough money put into the fund to purchase a fire truck and this is the best option at this time. Lt. Bunnell discussed the proposal, stating there are currently eighteen cars in the fleet, and officers put in excess of two hundred and fifty thousand miles per year on all the cars, and three of the cars in the fleet have over one hundred thousand miles on them with two cars at ninety thousand that is five cars that will be over the one hundred thousand mile range. He explained to the Council if they buy the cars now, the town can use the equipment from the cars that will be taken out of service and use them on the Crown Victoria for a cost savings to the town. The Finance Director has a plan to take advantage of money available at this time without appropriating additional funds by working out a lease option for a fire truck. He does not recommend leasing cars because it has to be replaced every year. A discussion was held regarding the cars to be removed from the fleet and Lt. Bunnell stated the Town mechanics will determine what cars are removed. The total cost for the purchase of the three black Crown Victoria cars from Warnock Ford would be \$79,525.56 and the cars can be purchased on a first come, first serve basis for the remaining twenty five vehicles.

Resolution #2011-017. The Town of Montville hereby resolves to transfer \$79,525.56 from line item #20999-54131 into Police Cruisers line item # 10960-54006 for the purchase of three black Crown Victoria model cars for the Montville Police Department from Warnock Ford in New Jersey. Motion made by Councilor Buebendorf, seconded by Councilor Hillman, discussion, Councilor Beetham inquired if the fire departments aware of the lease of the fire trucks. Councilor Murphy stated they do not, but the town is better off leasing fire trucks because of the high cost of purchasing fire trucks. The town will be best served in obtaining a fire truck in this way and hopes the Council will consider this option when it comes before them for approval. Roll call vote; 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Resolution adopted.

Resolution #2011-018. The Town of Montville hereby resolves to authorize the purchase of three Crown Victoria police vehicles for the Montville Police Department in the amount of \$79,525.56 from Warnock Ford located in New Jersey. Motion made by Councilor Buebendorf,

seconded by Councilor Beetham. Discussion, Councilor Beetham inquired if this was a legal bid or if the town will have to waive the rule to go out to bid for items over \$10,000. Finance Director Hart indicated Warnock Ford is on the State bid list. Roll call vote; 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Resolution adopted.

b. The Town of Montville hereby resolves to cancel the Town Council regular meeting of Monday, August 8, 2011 and to reschedule a special meeting for Wednesday, August 10, 2011 at 7:00 p.m. Motion made by Councilor Buebendorf, seconded by Councilor Caron. Discussion; Mayor Jaskiewicz stated August 8, 2011 is the day of the high school education foundation golf tournament and he would like everyone to attend and play golf. Councilor Caron stated the event supports the Education Foundation. Councilor Buebendorf stated the mission of the Montville Education Foundation is for learning for the entire community, not just for Montville High School, for all schools, all residents and they raise money to give grant money to improve the community. Chairperson Jacobson inquired if there is a meeting scheduled for the 10th in the Chambers.

Motion made by Councilor Buebendorf, seconded by Councilor Beetham to table this item until the end of new business to allow Mayor Jaskiewicz to check the meeting schedule to confirm there is no conflict with other meetings. Voice vote, 7-0, all in favor, motion carried, item moved to the end of New Business.

c. To consider and act on a motion to introduce and to set the date for a public hearing on an ordinance titled "An Ordinance Regarding Tobacco Free Community Recreation" on Monday, April 11, 2011 at 6:30. The Public Hearing will be held in the Town Council Chambers. Motion made by Councilor Buebendorf, seconded by Councilor Caron, discussion, Councilor Buebendorf stated the Parks & Recreation Commission has been working on this ordinance for quite some time, signs and policy are already in place at some of the recreation areas regarding no smoking and its not enforceable and has become a problem on some of the fields. Mr. McCormick from the Uncas Health District spoke at the beginning of the meeting supporting this ordinance and he has done a great deal of background work and has educated the Commission regarding the health risks of smoking and littering of tobacco products. The president of the football teams came to the Commission and spoke in favor of the ordinance stating he has had issues with smoking with other towns and enforcing the policy that already exists and the Commission feels strongly that an ordinance will give authority to implement fines and they feel dedicated to having a healthier environment for the parks and recreation activities. Councilor Hillman spoke in favor of this ordinance, stating all environments that nurture children should set an example. Councilor Buebendorf thanked Councilor Hillman for attending the Parks & Recreation Commission meetings and suggesting a revision to the ordinance to include all products that can be smoked. A discussion was held regarding enforcement of the ordinance and who would be in charge of enforcement. Roll call vote; 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Motion carried.

d. Resolution #2011-019. The Town of Montville hereby resolves to award the contract for the Fair Oaks School renovations to the qualified low bidder, T.M. Builders, LLC, Rt. 32, Uncasville, CT in the amount of one hundred and forty four thousand dollars. (\$144,000). Motion made by Councilor Beetham, seconded by Councilor Caron. Discussion; Ms. Marcia Vlaun distributed the low bid tabulation for the Council to review. She stated the contract has been reviewed by the Town Attorney and the bid opening was held on February 16th. The original amount of the grant obtained was \$200,000 and she has been conservative in spending this money and after final design and document preparation there is \$184,368 remaining. The low bid was \$144,000. In the bid package there were two alternates, one for the complete painting of the interior of Fair Oaks and alternate number two was to include additional

ventilation. The base bid will bring the building up to current building and fire codes and this is accomplished by installing mechanical ventilation where there currently is none and this will bring the two ends of the building and the gymnasium section up to code. She would like to award the base bid of \$144,000 to cover the code work. She discussed leaking caused by the winter storms in the glass block areas and would like to caulk these areas with some of the remaining money around these areas and do as much painting with the rest of the money as they can do. She would like to get the bid awarded as soon as possible to get all the work completed prior to the start of summer camp. Roll call vote; 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Resolution adopted.

e. Resolution #2011-020. The Town of Montville hereby resolves to refund taxes due to overpayments and corrections in the amount of \$18,125.25 as requested by the Tax Collector and attached hereto as Schedule A. Motion made by Councilor Buebendorf, seconded by Councilor Beetham, discussion; none, Roll call vote; 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Resolution adopted.

f. Resolution #2011-021. The Town of Montville hereby resolves to set the date of Wednesday April 27, 2011, at 7:00 p.m. for a public hearing regarding the Board of Education budget for fiscal year 2011-2012; and to set the date of Thursday, April 28, 2011 at 7:00 p.m. for a public hearing regarding the General Government proposed budget for fiscal year 2011-2012. The Public Hearings will be held in the Town Council Chambers. Motion made by Councilor Caron, seconded by Councilor Beetham. Discussion, Roll call vote; 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Resolution adopted.

g. The Town of Montville hereby resolves to designate the firm of Branse, Willis & Knapp, LLC as the Town Attorney for the Public Safety Building Committee with a term to expire November 8, 2011. Motion made by Councilor Hillman, seconded by Councilor Caron. Discussion, Attorney Chudwick stated this project was an overflow from when the Building Committee first went out to bid for the architects and they hired Castle Boos Associates. Castle Boos Associates is a client of his firm so there was a conflict of interest to this was referred to Branse, Willis at that point in time and that worked out well. Since that time the Building Committee has wanted to move forward with Attorney Ochsner and he wants to make it clear that if they wanted to do that they needed to request that of the Town Council for that assignment to be given to them and it should run through the term of the current Town Attorney's term through December 31, 2011. He is in agreement with this appointment and he recommends the Council move forward with approving this resolution. Councilor Beetham inquired regarding the fee paid to Branse, Willis & Knapp.

Motion made by Councilor Buebendorf, seconded by Councilor Hillman to amend the resolution to reflect a date of December 31, 2011.

The Town of Montville hereby resolves to designate the firm of Branse, Willis & Knapp, LLC as the Town Attorney for the Public Safety Building Committee with a term to expire December 31, 2011.

Chairperson Jacobson stated the letter sent to the Council from the Public Safety Building Committee is requesting Attorney Ochsner be retained through the completion of the project. Attorney Chudwick stated it is appropriate to retain the Council through December 31, 2011 when his term expires as Town Attorney. Marcia Vlaun stated the committee is finished with the RFP for the tower, and it goes out to bid next month, and the committee is going into the construction document phase. Councilor Buebendorf stated she would amend the motion to reflect retaining the attorney until the completion of the project and Chairperson Jacobson stated this would be difficult to do because the Charge very specifically says it is the Town Attorney who reviews the contracts, making the wording in the resolution sufficient. Councilor Hillman

requested deleting the wording with a term to expire. Marcia Vlaun indicated the committee is going to be under construction by December and most of the legal work will be done in the next couple of months and suggested the Council approve the December date and if the committee needs to come back for an extension at a later date they will do so.

Roll call vote on the amendment to the resolution, 7-0, voting in favor of the amendment were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson.

Resolution #2011-022. Resolution #2011-022. The Town of Montville hereby resolves to designate the firm of Branse, Willis & Knapp, LLC as the Town Attorney for the Public Safety Building Committee with a term to expire December 31, 2011. Roll call vote on the amended resolution, 7-0, voting in favor of the amendment were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Resolution as amended adopted.

h. Resolution #2011-023. The Town of Montville hereby resolves to make the following additional appropriations from the General Fund for phone line items; 10370-52003 \$5,000 (Town Hall), 10580-52003 -\$1,000 (Registrars); 10740-52003 \$1,900 (Senior Center); 10750-52003 \$1,000 (Youth Services); 10850-52003 \$200 (Animal Control); 10890-52003 \$12,000 (Public Safety Bldg) 10940-52003 \$ 200 (Solid Waste) - Total \$21,300. Motion made by Councilor Caron, seconded by Councilor Murphy. Discussion, Finance Director Hart stated this happened last year when the Town changed the billing company for the telephones. When the bills were received for the prior fiscal year the town paid them in the current fiscal year. She looked at trying to transfer in the department and she does not think she can move the funds. Councilor Beetham stated he does not want to take money from the General Fund unless it is absolutely necessary and Ms. Hart stated the other option is to make department transfers with these line items and at the end of the fiscal year clean them up, but she likes it to be clear where the money is spent and sometimes with transfers it gets confusing especially during budget time. Roll call vote, 5-2, voting in favor of the resolution were Councilors Buebendorf, Caron, Hillman, McFee, Murphy. Voting in opposition were Councilors Beetham and Jacobson. Resolution adopted.

i. Resolution #2011-024. To consider and act on a resolution to transfer \$800 to Physicals line #10420-53050 from Contingency line # 10480-52164. Motion made by Councilor Beetham, seconded by Councilor Murphy. Discussion; Ms. Hart stated this is in the central line for insurance and pension, specifically for physicals for new hires and for random drug testing. There have been several new hires this past year and the town is anticipating the hire of a firefighter in the near future. Roll call vote, 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Resolution adopted.

j. To consider and act on a resolution to transfer \$1,300 to Park and Recreation Secretary line #10760-51016 from Contingency line # 10480-52164. Motion made by Councilor Buebendorf, seconded by Councilor Hillman. Discussion; Ms. Hart looked back on the history of this line item and she found the line items was under funded last year as well. This is for the Parks & Recreation Commission, not the Department. Councilor Buebendorf stated the Parks & Recreation Commission meetings have been lengthy in the past but the Chairman of the Commission has been good at keeping the meetings to a minimum. Commissioner Hillman stated she served on the Commission at one time and the meetings tend to be long. They have implemented new procedures with the hire of a new director.

Motion made by Chairperson Jacobson, seconded by Councilor Buebendorf to amend the resolution to reflect the money designated to the Parks & Recreation Commission. Roll call vote on the amendment, 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Amendment made.

Resolution #2011-025. To consider and act on a resolution to transfer \$1,300 to Park and Recreation Commission Secretary line #10760-51016 from Contingency line # 10480-52164. . Roll call vote on the amended resolution, 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Resolution adopted.

k. To consider and act on a resolution to transfer \$450 to Misc Expense in the Public Safety Committee budget line #10865-53999 from Contingency line # 10480-52164 for the recording secretary. Motion made by Councilor Hillman, seconded by Councilor Caron. Discussion, Ms. Hart indicated she has requested a transfer for this line item at the beginning of the fiscal year and since the public safety building is moving forward, they are continuing to meet and they are requesting a recording secretary at the meetings and they are running out of funds for this and this will get the committee through to the end of the year.

Motion made by Councilor Hillman, seconded by Councilor Buebendorf to amend the resolution to clarify it is for the Public Safety Building Committee. Roll call vote on the amendment; Roll call vote on the amendment, 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson.

Resolution #2011-026. To consider and act on a resolution to transfer \$450 to Misc Expense in the Public Safety Building Committee budget line #10865-53999 from Contingency line # 10480-52164 for the recording secretary. Roll call vote on the amended resolution, 7-0, voting in favor were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy and Jacobson. Amended resolution adopted.

l. Resolution #2011-027. To consider and act on a resolution to transfer \$1,350 to Outside Contractors in the Mayor's budget line #10310-52129 from Contingency line # 10480-52164 for the pre-demolition asbestos inspection for a trailer at 96 Meetinghouse Lane. Motion made by Councilor Murphy, seconded by Councilor Hillman, discussion; Mayor Jaskiewicz explained the trailer had asbestos and he did not realize it was going to be this costly. It is an older trailer and it has been determined in the future the town does not have to accept trailers with asbestos in the future. Roll call vote: 7-0, voting in favor of this resolution were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy, and Jacobson, resolution adopted.

m. Resolution #2011-028. To consider and act on a resolution to appropriate an additional \$3,391.83 to Programs in the Recreation budget line #10730-53038 from the General Fund. Motion made by Councilor Buebendorf, seconded by Councilor Caron. Discussion, Ms. Hart stated the Recreation Department is taking in money for their programs and this money is being placed in the General Fund and they are expending it out of their line item. This is a wash, and is indicative of the success of the Parks & Recreation programs because more people are enrolling in the programs and more revenues were placed in the General Fund. Councilor Buebendorf stated Parks & Recreation has been working with the Finance Department to set up a revolving fund so these issues will not come up in the future and this money will go into the revolving fund and come out of the revolving fund so it is transparent the funds are for Parks & Recreation programs. Roll call vote: 7-0, voting in favor of this resolution were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy, and Jacobson, resolution adopted.

n. To consider and act on a resolution to increase the salary of the Mayor for the Town of Montville effective November 14, 2011. Motion made by Councilor Beetham, seconded by Councilor Murphy. Discussion, Councilor Beetham suggested a two and one half to three percent raise per year for the Mayor, with a total of five to six percent pay raise for two years. He stated if the Council does not authorize the raise now they will not be able to do so for another six years. He suggested the town look at the salaries of the department heads in town for comparison. Chairperson Jacobson stated there is no set date that this has to be implemented on, it does not have to be done by the election, it can be done this fiscal year and she suggested if this is something the Council wishes to do they can adjust the salary to match other town

employees' contracts. The Council is under the jurisdiction of a State Statute and the Mayor is under the jurisdiction of the Charter. The Council can set the Mayor's salary at any time because the Mayor is not a legislator. The Town Council has the authority to set the Mayor's salary at any time. Attorney Chudwick explained under the Charter the Town Council sets the salary for the Mayor and there is no restriction that it has to be done by referendum, it can be done at any time, the only restriction is the Council has to set all town employee salaries based on a systematic plan of benefits and salaries. It would make sense to set the salary at the beginning of the fiscal year. A discussion was held regarding a fair salary for the Mayor. Councilor Buebendorf stated she would not feel comfortable raising the Mayor's salary in this economy with the way things are in the town. She realizes the Mayor deserves a raise, but is not sure this is the year to implement the raise. Councilor Hillman stated all departments are looking at no pay raises and it does not seem right at this time to give the Mayor a raise. A discussion was held regarding a discussion at the Finance Committee that concluded pay raises could not be given incrementally as the Council is suggesting. Attorney Chudwick stated he will look into the incremental increases and get back to the Council with more information. Motion made by Councilor Hillman, seconded by Councilor McFee to table this item until further notice to allow Attorney Chudwick to gather information. Voice vote, 5-2, voting in favor of tabling this item were Councilors Beetham, Buebendorf, Hillman, McFee and Murphy, abstaining due to a potential conflict of interest were Councilors Caron and Jacobson, motion carried. Item tabled.

o. To consider and act on a resolution to increase the salary of the Town Council for the Town of Montville effective November 14, 2011. Motion made by Councilor Beetham, seconded by Councilor Murphy. Discussion, Councilor Beetham suggested a pay scale of five thousand dollars per year for the Chairperson of the Town Council and four thousand dollars per year for the remaining Councilors and to schedule a referendum during the election. Motion made by Councilor Beetham, seconded by Councilor Murphy to amend the motion to include \$5,000 for the Chairperson and \$4,000 for the remaining six Councilors effective November 14, 2011. Discussion; Councilor Hillman is not in favor of a pay raise when the leaders of the community are suggesting giving themselves a pay raise.

To consider and act on a resolution to increase the salary of the Town Council for the Town of Montville to five thousand dollars (\$5,000) per year for the Chairperson of the Town Council and four thousand dollars per year (\$4,000) for the remaining members of the Town Council effective November 14, 2011.

Roll call vote: 2-3-2, voting in favor of the amended resolution was Councilors Beetham and McFee, voting in opposition were Councilors Buebendorf, Hillman and Murphy, abstaining from the vote due to a potential conflict of interest were Councilors Caron and Jacobson. Amendment failed to pass.

Roll call vote on the original resolution; 2-3-2 voting in favor of this resolution were Councilors Beetham and McFee, voting in opposition were Councilors Buebendorf, Hillman, and Murphy, abstaining from the vote due to a possible conflict of interest were Councilors Caron and Jacobson. Resolution failed.

p. To consider and act on a motion to introduce and set the date for a public hearing on an ordinance titled "An Ordinance Regarding The Lease, Sale and Conveyance of Real Property Located at 14 Bridge Street" on Monday, April 11, 2011 at 6:15p.m. The Public Hearing will be held in the Town Council Chambers. Motion made by Councilor Caron, seconded by Councilor Hillman, discussion, Mayor Jaskiewicz stated the town received a grant to upgrade the grounds and the town owns the property and it will be leased to the State, but there is a time restriction and he would appreciate the Council voted in favor so he can move forward with the formalities. Councilor Hillman requested a copy of the contract and Mayor Jaskiewicz stated he will get everyone a copy. Roll call vote: 7-0, voting in favor of the motion

were Councilors Beetham, Buebendorf, Caron, Hillman, McFee, Murphy, and Jacobson, motion carried.

b. Resolution #2011-029. The Town of Montville hereby resolves to cancel the Town Council regular meeting of Monday, August 8, 2011 and to reschedule a special meeting for Wednesday, August 10, 2011 at 7:00 p.m. Motion made by Councilor Caron, seconded by Councilor Buebendorf; discussion; Mayor Jaskiewicz indicated there will not be a conflict with any other Board of Commission by utilizing the Chambers for the Town Council special meeting on August 10, 2011. Councilor Hillman stated she is not in favor of changing a regular meeting to a special meeting for the purpose of a golf tournament. Councilor Caron stated the golf tournament is for a good cause. Roll call vote: 4-3, voting in favor of this resolution were Councilors Buebendorf, Caron, McFee, and Murphy, voting in opposition were Councilors Beetham, Hillman and Jacobson, resolution adopted.

17. Remarks from the Public

Lt. Bunnell thanked the Council and the Mayor for authorizing the funding for the police cruisers, stating it is the right thing to do. He thanked the Council for retaining the Counsel for the Building Committee and supporting the committee. He discussed a letter from Mr. Manfredi, stating the building does not mean any changes in services, and there will be one hire for a custodian in the building, but no additional hires.

Mr. Chuck Longton, 31 Laurel Drive, congratulated the Council for authorizing the funding for the police cruisers, stating it is a wise decision and will save the town money later on. It was a smart economic decision.

Chairperson Jacobson asked three times if there was anyone from the public who would like to come forward to address the Council.

18. Remarks from the Councilors

Councilor Buebendorf suggested in the future the Education Foundation will consider holding their fundraiser on a date when the Council does not meet. She thanked the Chairperson for splitting the agenda and moving the Executive Sessions to a special meeting because it shortened the meeting and did not keep people waiting, and she thanked the Council for moving the tobacco free ordinance to a public hearing, stating it is a good thing for the town.

Councilor Beetham thanked Ms. Hart for re-financing the town's bonds, saving the town three hundred thousand dollars and thanked her for all her hard work and a job well done.

Councilor Murphy thanked the Finance Director for all her help figuring a way to finance the police cruisers and is confident the town will find the money to lease the fire truck.

19. Adjournment

Motion made by Councilor Hillman, seconded by Councilor Caron to adjourn the meeting at 10:45 p.m. Discussion, none, voice vote, 7-0, all in favor, motion carried.

Respectfully submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.