

**Town of Montville Town Council
Regular Meeting Minutes for Monday, September 12, 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 7:01 p.m. after establishing a quorum.

2. Pledge of Allegiance followed by a moment of silence in honor and support of our troops.

Motion made by Councilor McFee, seconded by Councilor Murphy to include a remembrance of the ten year anniversary of September 11, 2001 as a part of the moment of silence. Discussion, none, voice vote, 6-0, all in favor, motion carried.

3. Roll Call

Present were Councilors Beetham, Buebendorf, Hillman, McFee, Murphy and Jacobson. Also present was Mayor Jaskiewicz and Town Attorney Bruce Chudwick. Absent was Councilor Caron due to a family emergency.

4. Special Recognitions/Presentations – none.

5. Alterations to the Agenda

Mayor Jaskiewicz suggested removing agenda item 7(a) until a later date, stating there is nothing to discuss at this point. Councilor Beetham stated he would like to keep the item on the agenda in order to get an update as to the status of the situation. It was the consensus of the Council to keep the item on the agenda for discussion. Councilor Buebendorf suggested if the Council would like to keep agenda item 7(a) on the agenda to move it to after remarks from the public because it is not an item that will be voted on and the discussion will not hold up anyone who has come to the meeting to participate. Councilor Beetham seconded the motion to move agenda item 7(a) to after agenda item 17. Councilor Beetham withdrew the second to the motion. Councilor Beetham made a motion to move agenda item #8, remarks from the public up on the agenda for discussion prior to executive session. Councilor Buebendorf disagreed with shifting item #8 prior to item #7, stating the purpose of moving the executive session to the end of the agenda is so people in the audience do not need to sit through the executive session and this will still require people to sit through the executive session. Councilor McFee seconded the motion. Roll call vote, 3-3, voting in favor were Councilors Beetham, McFee, and Jacobson, voting against the motion were Councilors Buebendorf, Hillman and Murphy, motion fails to pass.

6. To consider and act on a motion to approve the regular meeting minutes of the August 10, 2011 regular meeting.

Motion made by Councilor Hillman, seconded by Councilor McFee to approve the regular meeting minutes of August 10, 2011. Discussion, Councilor Murphy stated he would be abstaining from the vote because he was not in attendance at the August meeting. Roll call vote, 5-0-1, voting in favor were Councilors Beetham, Buebendorf, Hillman, McFee and Jacobson. Voting in opposition, none (Councilor Murphy abstained from the vote), minutes approved.

7. Executive Session

- a. To consider and act on a motion to enter into Executive Session for the purpose of discussions regarding litigation with the State of Connecticut. Discussions to include members of the Town Council and Mayor Jaskiewicz.

Motion made by Councilor Beetham, seconded by Councilor Hillman, discussion, none, voice vote, 6-0, all in favor, motion carried and invited parties left Chambers for executive session at 7:10 p.m., returning at 7:18 p.m. Chairperson Jacobson resumed the meeting and stated no formal votes were taken during the executive session and Councilor Murphy did not join the discussions in session because he is employed by the Department of Corrections.

- b. To consider and act on a Motion to enter into Executive Session with Attorney Beth Critton to discuss a settlement concerning the matter before the New London Superior Court identified as Docket No. KNL CV 07 4007128S, "E. Osterman, Inc. v. Town of Montville and Town of Montville Board of Assessment Appeals." Executive Session to include Council Members, Mayor Jaskiewicz, Finance Director, Terry Hart, and Town Assessor, Lucy Beit.

Motion made by Councilor Murphy, seconded by Councilor Buebendorf, discussion, none, voice vote, 6-0, all in favor, motion carried and invited parties left Chambers for executive session at 7:19 p.m., returning at 7:35 p.m. Chairperson Jacobson resumed the meeting and stated no formal votes were taken during the executive session. Tax Assessor Lucy Beit was not present to enter into the executive session discussions.

8. Remarks from the public relating to matters on the agenda with a three minute limit.

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

9. Communications

- a. The monthly statistics report of activity from the Fire Marshal;
- b. The monthly statistics report of activity from the Police Department.
- c. A letter dated August 25, 2011 to the Montville Police Union to Mr. McCauley regarding a one hundred dollar donation for police officer Radford's father, David O. Radford who passed away on August 21, 2011.

10. Report from the Town Attorney on Matters Referred.

Attorney Bruce Chudwick stated the month was quiet and he does not have anything to report.

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

Mayor Jaskiewicz stated he will update the Council regarding the MOU with the State of Connecticut when he receives the information. He discussed repairs to Kitemaug Road, stating the catch basins have been raised and paving will take place on Tuesday. He stated the guard rail will be installed completing the project with the possibility of closing the road down to one lane for the day. The Rt. 32 and Rt. 163 bridge repairs have not been started, he has been in contact with the State who stated the contractor has time between August and November to complete the job and a representative from the State stated the plan is to keep two lanes open during the daytime hours with work between the hours of 8:00 p.m. until 6:00 a.m. and on weekends to complete the job. He will forward the start date to the Council when he receives one. He discussed the hurricane and thanked the Public Works Department, Fire Departments, Emergency Management, Police Department for doing a great job clearing roads and keeping the

community safe. He discussed CL&P and stated the workers did a great job once they arrived in Montville. They had a liaison in the EOC and this worked out well. He thanked CL&P for restoring power to the sewer treatment plant and re-instating power as quickly as they could. Chairperson Jacobson inquired regarding the total costs of the storm cleanup. Mr. Donald Bourdeau, Public Works Director, stated he attended a meeting with FEMA who will reimburse the town seventy five percent of overtime costs and storm related costs from Hurricane Irene such as debris removal and tree removal. He discussed road repairs and chip sealing progress to date. The town utilizes a tree services that will help out with the trees and the town employees continue to work on clean up from the storm. He discussed policy for residents taking wood cut by the town and stated it is the abutting property owners first right of refusal to claim any wood they want in front of their properties. Councilor Murphy stated Public Works did a great job helping to clear the roads during the storms to allow emergency vehicles to get where they needed to go. Mr. Bourdeau stated brush can be dropped off by residents at Camp Oakdale until the end of the month and by the end of the month if he can secure a tub grinder, wood chips will be available at no charge to residents who want them. Councilor Buebendorf stated Mr. Bourdeau has been working on a plan to remove dead trees and trees that are growing too closely to wires and would like the town to adopt a tree survey that will identify problem trees before they are a problem. The item remains on the Public Works/Solid Waste agenda for discussion and he hopes the Commission will be in favor of the proposal. Councilor Beetham stated he has been to meetings regarding dangerous trees and a crew came out to his neighborhood shortly after to remove any nuisance trees. He discussed the lack of power to Montville business during the storms and the impact it will have on them.

Councilor Hillman asked the Finance Director if she had anything to report to the Council regarding the TVCCA money as requested last month. Ms. Hart stated this was budgeted in the Mayor's budget and this is where the money came from. Councilor Hillman asked if the money can be moved back into the Non-profit line item. She inquired if the Palmertown sidewalk has been completed and Ms. Hart stated that it was and the remaining money will be transferred into the General Fund after the Council votes to do so at this meeting.

12. Reports from Standing Committees.

a. Town Administration/Rules of Procedure

Councilor Hillman stated Town Administration did not meet last month.

b. Finance

Councilor Murphy stated the Finance Committee met last month and there are a several items on the agenda for approval. Councilor Beetham stated he is disappointed the Finance Committee met three days after the hurricane because most people in town did not have electricity, internet or telephone services and not everyone could attend the meeting. He discussed the meeting minutes, stating he believes they are illegal and do not conform to the State Regulations and the minutes do not reflect everything that is discussed at the meetings. He stated the Finance Committee has the responsibility to submit proper minutes and if they are not proper he will forward them to FOI to determine if they are legal or not. A discussion was held regarding hiring a clerk to prepare the minutes in the future and to record the meetings to allow the public to listen to the recordings. Finance Director Hart suggested if there is a problem with the minutes prepared for the Finance Committee the issue can be brought up and resolved at the next meeting. Chairperson Jacobson stated it can be difficult for the Finance Director to take the minutes and participate in the meeting at the same time and it would be more feasible to have a separate person preparing the minutes and recording the meeting, allowing the Finance Director to focus on the task of participating in the meeting.

c. Public Works/Solid Waste Disposal

Councilor McFee stated the Committee met and discussed the proposed sidewalk ordinance. The Committee agreed to table the discussions and allow the next Town Council to bring the item back if they choose to do so.

13. Reports from Special Committees and Liaison Councilors

a. Planning & Zoning Commission & Library Committee

Councilor Beetham stated the Library Committee did not meet. He stated Planning & Zoning had one meeting over the summer where they approve a two lot subdivision. He stated growth in the Town of Montville has been slow.

b. Parks & Recreation Commission & Public Safety Commission

Councilor Buebendorf stated Parks & Recreation did not meet last month. The Public Safety Commission met and the police and fire reports are included in the Council packet for review and are available online. The Commission expressed unanimous disappointment that the Town Council did not send the sidewalk ordinance to public hearing. The Commission is working on an RFP for the Public Safety Plan. The police training for the new hires for the police department is almost completed and they are now at full staff. Sgt. Collins has retired and his replacement has started. Councilor Beetham questioned the Parks & Recreation Special Revenue Account and questioned if it is legal to handle money this way. Ms. Hart stated nothing is being done illegally and the account has been reviewed and discussed at length with the Auditors and her department.

c. Commission on the Aging, Economic Development Commission, Social Services & Youth Services Bureau & Advisory Board

Councilor Caron was not present to give a report.

d. Volunteer Fire Fighters Relief Fund & Community Center Building Committee & Regional Dispatch Committee

Councilor McFee did not have anything to report.

e. Board of Education

Councilor Murphy stated he has a back injury and was unable to attend the meeting and does not have anything to report. He stated the opening day of school went off without any issues and he has forwarded a letter from the Superintendent of Schools to the Council regarding the SRO position. A draft job description has been forwarded to the Council from the Police Department and Board of Education. Mayor Jaskiewicz stated the document will be forwarded to the Public Safety Commission for approval.

f. Water and Sewer Commission & Non-Profit Organizations

Councilor Hillman stated the WPCA met last month and Mr. Chris Clark from the Tribal Utilities was present to give a presentation to update the Commission regarding the regional water plan. In the next year or two additional water supplies may be tied into the regional water system. Mr. Clark has offered to give a presentation to the Town Council once the project is out

of the planning stage and progress is made. The WPCA is working on a Policies and Procedures document and this is an ongoing project. Wright Pierce was chosen to address the treatment options proposed with Rand Whitney Containerboard. On Saturday the Homeless Hospitality Center in New London along with the Eastern Connecticut Community Garden Association, the New London Veterans Association came together at the New London Homeless Meal Site to can fruits and vegetables. There were a total of one hundred and sixty two jars of sauce and jams canned that day to be distributed to the Veterans Association in New London and the jams will be used at the Homeless Hospitality Center to make sandwiches to feed those that arrive after mealtime. There was a dedication on Sunday of the Veterans Garden and spaghetti sauce was given out to some of the veterans that attended. The day was very productive and there are pictures of the process online at the Eastern Connecticut Community Gardens website.

Councilor Beetham stated there has been a higher amount of water and sewer shut off notices going out, and Administrator Lynch stated this is due in part to the economy. He stated he is working with residents to make arrangements to pay the bills. He will place liens on foreclosed properties in an attempt to recover money owed if necessary.

g. Public Safety Building Committee & School Building Committee

Councilor Jacobson stated the Public Safety Building Committee met and the site work has begun. The storm did not delay any progress and they are in the process of preserving the wall and there is contention as to whether or not the wall was part of the foundation of the old Haughton's Tavern. She stated the bonding went well and is an annual bond that does not have to be paid back until the next fiscal year at an interest rate of one point zero three. She stated the Committee has requested the Finance Director to create a designated fund for gifts and donations. Finance Director Hart stated she will look into this and report back with her findings although she does not think it will be a problem to do so if people are donating funds for a particular or specific item. Councilor Jacobson stated the School Building Committee did not meet last month.

14. Appointments and Resignations

a. To consider and act on a motion to appoint Mr. Thomas McNally to the Conservation Commission with a term to expire September 10, 2013. (Mr. McNally was interviewed by the Town Council at the August 10, 2011 meeting and has indicated he would like to serve on the Commission)

Motion made by Councilor Murphy, seconded by Councilor Beetham, discussion, none, roll call vote, 6-0, voting in favor were Councilors Beetham, Buebendorf, Hillman, McFee, Murphy and Jacobson. Voting in opposition, none, appointment made.

b. To consider and act on a motion to appoint Ms. Mari Jurczyk to the Economic Development Commission with a term to expire September 10, 2015. (Ms. Jurczyk has been interviewed by the Town Council and has indicated she would like to serve on the Commission)

Motion made by Councilor Beetham, seconded by Councilor Hillman, discussion, none, roll call vote, 6-0, voting in favor were Councilors Beetham, Buebendorf, Hillman, McFee, Murphy and Jacobson. Voting in opposition, none, appointment made.

c. To consider and act on a motion to waive Section 14(c) of the Rules of Procedure of the Town Council to allow the appointment of Mr. John Geary to the SCWA-Special Act.

Motion made by Councilor Murphy, seconded by Councilor Hillman, discussion, none, roll call vote, 6-0, voting in favor were Councilors Beetham, Buebendorf, Hillman, McFee, Murphy and Jacobson. Voting in opposition, none, waiver approved.

d. To consider and act on a motion to appoint Mr. John Geary to the SCWA-Special Act with a term to expire with a term to expire September 10, 2013. (Mr. Geary was interviewed at the special meeting of the Town Council on September 10, 2011.)

Motion made by Councilor Hillman, seconded by Councilor Beetham, discussion, none, roll call vote, 6-0, voting in favor were Councilors Beetham, Buebendorf, Hillman, McFee, Murphy and Jacobson. Voting in opposition, none, appointment made.

e. To consider and act on a motion to waive Section 14(c) of the Rules and Procedure of the Town Council to allow the appointment of Mr. Anthony Siragusa to the SCWA-Special Act.

Motion made by Councilor Beetham, seconded by Councilor Hillman, discussion, none, roll call vote, 6-0, voting in favor were Councilors Beetham, Buebendorf, Hillman, McFee, Murphy and Jacobson. Voting in opposition, none, waiver approved.

f. To consider and act on a motion to appoint Mr. Anthony Siragusa to the SCWA-Special Act with a term to expire September 10, 2013. (Mr. Siragusa was interviewed by the Town Council at its special meeting held on September 10, 2011).

Motion made by Councilor Beetham, seconded by Councilor Hillman, discussion, none, roll call vote, 6-0, voting in favor were Councilors Beetham, Buebendorf, Hillman, McFee, Murphy and Jacobson. Voting in opposition, none, appointment made.

15. Unfinished Business – none.

16. New Business

a. Resolution #2011-080. THE TOWN OF MONTVILLE HEREBY RESOLVES to refund taxes due to overpayments and corrections in the amount of \$7,658.94 (seven thousand six hundred and fifty eight dollars and ninety four cents) as requested by the Tax Collector and attached hereto as Schedule A. (Councilor Jacobson)

Motion made by Councilor Beetham, seconded by Councilor Hillman, discussion, none, roll call vote, 6-0, voting in favor were Councilors Beetham, Buebendorf, Hillman, McFee, Murphy and Jacobson, voting in opposition, none, resolution adopted.

b. Resolution #2011-081. THE TOWN OF MONTVILLE HEREBY RESOLVES to roll the balance of \$2,812 (two thousand eight hundred and twelve dollars) in account (#30999-54050) and the balance of \$11,376 (eleven thousand three hundred and seventy six dollars) in account (#10960-54318) into the General Fund. (Councilor Murphy)

Motion made by Councilor Hillman, seconded by Councilor Murphy, discussion, Councilor Beetham made a motion to separate the two items into two separate resolutions. The motion to amend was seconded by Councilor McFee. Discussion, Councilor Hillman stated she does not see the need to separate the two items because the account numbers are listed with the items for transfer. Councilor Beetham stated if they are separate they can be voted on as such. Roll call vote on the amendment to the resolution to separate the two 2-4, voting in favor were Councilors Beetham and McFee, voting in opposition were Councilors Buebendorf, Hillman, Murphy and Jacobson, amendment failed to pass.

Roll call vote on the original resolution, 5-0-1, voting in favor were Councilors Buebendorf, Hillman, McFee, Murphy and Jacobson, voting in opposition, none, abstaining from the vote was Councilor Beetham, resolution adopted.

c. Resolution #2011-082. THE TOWN OF MONTVILLE HEREBY RESOLVES to accept an additional onetime payment from the Water Pollution Control Authority (WPCA) in the amount of two hundred and twenty thousand dollars (\$220,000) and furthermore, Resolution #2005-086 will remain in effect. (Attached Schedule B). (Councilor Murphy)

Motion made by Councilor Murphy, seconded by Councilor McFee, discussion, Mayor Jaskiewicz stated the proposal is good for the Town and Administrator Lynch has done a great job in the WPCA to put them in a position to pay back the debt owned to the town and by paying down a large portion of the debt this year. Roll call vote, 6-0, voting in favor were Councilors Beetham, Buebendorf, Hillman, McFee, Murphy and Jacobson, voting in opposition, none, resolution adopted.

d. Resolution #2011-083. THE TOWN OF MONTVILLE HEREBY RESOLVES to accept and authorize the settlement concerning the matter before the New London Superior Court identified as Docket No. KNL CV 07 4007128S, "E. Osterman, Inc. v. Town of Montville and Town of Montville Board of Assessment Appeals." (Mayor Jaskiewicz)

Motion made by Councilor Murphy, seconded by Councilor Hillman, discussion, Councilor Beetham inquired if the location of the court is correct and Attorney Chudwick stated it is so. Roll call vote, 6-0, voting in favor were Councilors Beetham, Buebendorf, Hillman, McFee, Murphy and Jacobson, voting in opposition, none, resolution adopted.

17. Remarks from the Public

Ms. Linda Jean, 1583 Route 163, Lot #8, Oakdale, CT thanked the Mayor for returning her telephone call after five days without electricity. She stated Sunday's September 11 poem read by Mayor Jaskiewicz was awesome. She thanked Councilor Murphy for all he does.

Mr. Ronald McDaniel, 39 Riverview Road asked where the money will come from to hire the person the Council suggested to prepare the Finance Committee meeting minutes and he discussed cutting down trees and asked where the money to cut trees will come from if residents do not have the money to do so. He suggested the town look at taking the trees down at their expense if they are a danger.

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

18. Remarks from the Councilors

Councilor Buebendorf stated Councilor Caron has asked her to send his regrets to everyone for not attending a meeting but he has a family medical emergency that requires his attention and would be at the meeting if he could be. She thanked Public Works, the Mayor, and all the emergency service personnel for all their service during the hurricane, stating they did a great job, were communicative, responsive and helpful and she appreciates that. She hopes everyone will make an extra effort to support the local businesses in Montville who took a financial hit for being out of power for so many days.

Councilor McFee thanked Mr. Jack Platt and Carol Lathrop and everyone who helped in organizing the September 11th tribute, it was done well and the town should be proud.

Councilor Beetham stated he echoes the same words of Councilor McFee.

Councilor Hillman thanked everyone who helped out during the hurricane, including the Montville Watch website; it was very informative for those without power and allowed those without power the opportunity to get updates from telephone and radio.

Councilor Murphy stated the citizens of Montville should be proud of all the public services in town and the job the Mayor and Ray Occhialini did during the storm. The storm was a big undertaking and there is a lot to take into consideration prior to the storm and everyone did a great job. He is impressed by the response of FEMA who gave food and water to those without. He stated the fire house was opened to the public to allow them to take a shower and the public did utilize the service. He stated Montville is really lucky to have what they have and thanked everyone for a great job.

Councilor Jacobson stated the key points made at the September 11 ceremony were community and unity and trying to get along with each other and she stated the behavior at this meeting was not acceptable, discussion is good and debate is fruit-full and from that ideas can happen but yelling and going off topic is not working and does not make for clean, crisp government and she stated the Council should follow the September 11th tribute into their actions between now and the election and try to control emotions.

Mayor Jaskiewicz thanked Ray Occhialini for all his help and work during the storm, stating he did a great job and the Town of Montville was prepared for the storm and did a great job, he is proud of all the organizations that were helping out.

19. Adjournment

Motion made by Councilor Murphy, seconded by Councilor Hillman to adjourn the meeting at 8:55 p.m. Discussion, none, voice vote, 6-0, all in favor, motion carried, and meeting adjourned.

Respectfully Submitted by:

Audrey Ulmer, Recording Secretary for the Town of Montville.