

**Public Hearing Meeting Minutes**  
**Town of Montville Town Council**  
**Monday, February 13, 2012**  
**6:00 p.m. – Town Council Chambers – Town Hall**

1. Call to Order

Chairperson Buebendorf called the public hearing to order at 6:00 p.m. after establishing a quorum.

2. Pledge of Allegiance followed by a moment of silence in honor of our military.

3. Roll Call

Present were Councilors Caron, Jones, Longton, McFee, Murphy, Tanner and Buebendorf. Also present was Mayor McDaniel.

4. Public Hearing

The Montville Town Council will hold a public hearing at Montville Town Hall, Council Chambers, 310 Norwich-New London Turnpike, Uncasville, Connecticut, on Monday, February 13, 2012 at 6:00 P.M. to receive public comment and questions regarding the proposed ordinance entitled “Ordinance Regarding the Authority and Duties of the Water and Sewer Commission.” The ordinance makes amendments to existing ordinances (Chapter 21 - Compensation, Chapter 313 - Sewers and Sewage Disposal, and Chapter 386 - Water) to delegate to the Water and Sewer Commission (the “Commission”) the Town Council’s authority to enter into employment contracts with Water and Sewer Department employees, to authorize the Commission to give final approval to the Water Department and Sewer Department annual budgets (subject to audits of the financial function of the Departments annually and at any time as directed by the Town Council), and to make numerous updates and technical corrections to the existing ordinances.

A copy of the full text of the ordinance is available for inspection at the Montville Town Clerk’s office during regular office hours and is posted on the Town’s website at [www.townofmontville.org](http://www.townofmontville.org).

Dated at Montville, Connecticut this 10th day of January, 2012.

Lisa Terry, Town Clerk

Chairperson Buebendorf called the public hearing to order and read the public hearing notice into the record. She asked if there was anyone present who would like to come forward to speak for or against the revisions to the proposed ordinance.

Attorney Ron Ochsner, representing the WPCA, spoke regarding the proposed amendments to the ordinance. He discussed the Charter Revision and Charter Review Commission comments that pertain to the provision to Section 407 (a) regarding the WPCA to make recommendations to the Town Council for salaries, the autonomy of the WPCA, reviews conducted by the WPCA attorney in 1995 regarding an interpretation of the Charter Revision amendments over the years, setting fees for the WPCA and he gave an overview of the events to date.

Mr. Richard Wilson, 6 Richard Lane, Uncasville spoke in opposition to the approval of the revisions to the ordinance and he reviewed facts to date regarding the WPCA and cited the laws pertaining to the ordinance. He read sections 407 (a), (c), (d) (e) and Section 1005 of the Town Charter into the record. He discussed the Charter Revision Commission and discussed a legal

opinion of the Town Attorney from 1995 as it pertains to the authority of the WPCA to set salaries of its employees. He stated the Town Council cannot adopt any ordinance regarding the operations of the WPCA because the WPCA divides its powers with State Statutes and the Town Council does not have the authority to do so. He urged each member of the Council to read the State Statutes and to make their own determination but stated that the Council does not have the power to approve the amendments to the ordinance.

Ms. Dale Eichholz, 262 Connecticut Blvd, Oakdale stated she is not in favor of any commission having the power to make decisions on its own, she urged the Council to look at the Charter and reminded the Council the WPCA is responsible for the payout that the Town has to pay to Rand Whitney and stated the rates have gone up in recent years with no extra services to show for it. She is not in favor of the WPCA having the authority to make decisions on their own regarding hiring and salaries and urged the Council to deny the ordinance.

Mr. James Andriote, 23 Tra Mart Drive, discussed events to date that have resulted in the revisions to the ordinance. He believes the revisions to the ordinance will be approved at this meeting by the Town Council and he stated the ordinance stinks of political patronage and does not believe the ordinance is in the best interest of the town. If the Council gives up its authority over the WPCA he does not believe the WPCA will pay back the money owed to the Town, by giving the WPCA autonomy there is nothing the Council can do to oversee budgets and salaries of the WPCA and the ordinance could lead to a democratic dictatorship. He stated the ordinance has been denied for a reason in the past and urged the Council to vote the ordinance down in the best interest of the town.

Mr. Elmer Wittkofske spoke in opposition of giving the authority to the WPCA and read the last sentence of the ordinance and stated he hopes the Council does not pass the ordinance for the good of the town.

Mr. Herb Warner, the IT Consultant for the WPCA, stated Mr. Lynch and Ms. Benway run an efficient office and discussed the use of the latest technology with credit card payments, and online payments that allow them to do so. He urged the Council to pass the ordinance.

Mr. Russ Beetham, 60 Riverview Road, discussed the establishment of the Sewer Authority over the years, he discussed the Rand Whitney settlement that will be paid by the tax payers of the Town of Montville and the impact it will have to individual taxpayers, not just the rate payers. He discussed the raise given to the Administrator of the WPCA approved by the Council and he stated it would be irresponsible to authorize the WPCA to give themselves raises with no control or recourse for their actions. He urged the Town Council to do the right thing and to deny the amendments to the ordinance.

Mr. John Pescheck, Uncasville, stated there are many people in the present at the meeting who work for the WPCA and they have something to gain from passing the ordinance. He discussed the pay rate for sewers and stated he does not want any department in the town stating they are in control of themselves.

Mr. John Geary, 11 Depot Road, Uncasville, stated he was on the WPCA for thirteen years and on the Town Council for ten years. He was Chairman of both of the Commissions during his service. He stated the proposal makes sense and he urged the Council to approve the ordinance. He stated the work and the opinion of Attorney Ochsner is concise and he urged the Council to approve the proposal because it is in the best interest of the town to do so.

Mr. Timothy May, Chairman of the WPCA stated the ordinance has been presented to the Town Council in the past and it was not passed, and explained the original Charter Revision was voted

on by the citizens of the Town of Montville and there is no politics involved in the purpose of the revisions. He stated the WPCA is not a rogue entity and it prides itself on allowing all business to be a transparent process with a purpose. He encouraged the public to attend a WPCA meeting to make this determination for themselves and urged the Town Council to approve the ordinance as it has been reviewed by both the Town and the WPCA attorneys and both have made the recommendation to approve the ordinance as written.

Ms. Ellen Hillman, 229 Route 163, discussed the amendments to the ordinance and stated she is not in favor of considering the approval of the proposed ordinance at this time as it is written and she asked the Town Council to review the State Statutes regarding this ordinance before they make the decision to approve the amendments.

Mr. Russ Beetham discussed the large attorney bills associated with this ordinance and discussed the rates charged by the WPCA and inquired who will be in charge of regulating the fees if this is passed.

Chairperson Buebendorf asked three times if there was anyone who would like to speak regarding the amendments to the ordinance. There being none, she closed the public hearing at 7:50 p.m.

#### 5. Remarks from the Councilors

Councilor Jones inquired why the WPCA is in such a hurry to pass this ordinance, she discussed the settlement with Rand Whitney and how long it will take to pay it back. She does not understand why the Council would give the WPCA this kind of power and asked if the ordinance is passed if the Town will be absolved from paying for bonding and the debts of the WPCA, who will pay for bonds, public improvements, litigation, and debts in the future.

Councilor McFee thanked Chairperson Buebendorf for extending the public hearing to allow the public to speak.

Councilor Longton stated when voting on this issue he will put his personal feelings aside and enforce the law, stating the Town Charter clearly grants the autonomy to the WPCA and although a vote for the approval of the amendments will not fix the Town Charter, it can enforce the Charter, bringing current practice of the WPCA to order.

Councilors Caron, Tanner, Buebendorf and Murphy thanked everyone for coming out to speak regarding the ordinance.

#### 6. Adjournment

Motion made by Councilor Tanner, seconded by Councilor Murphy to adjourn the meeting at 7:50 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.