

Town of Montville Town Council
Regular Meeting Minutes for Monday, January 14, 2013
7:00 p.m. – Town Council Chambers

1. Call to Order
Chairperson Buebendorf called the meeting to order at 7:00 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 Ronald McDaniel.
4. Special Recognitions/Presentations
Special presentation for Mr. James Sajkowicz for his work during Storm Sandy
Mr. James Sajkowicz was honored and recognized for his volunteerism, dedication, and service to the town of Montville at the Emergency Operation Center and the Mohegan Fire Company during Storm Sandy by Mayor McDaniel on behalf of the Honorable Governor Daniel P. Malloy on behalf of the State of Connecticut.

Mr. Sajkowicz expressed his appreciation noting that it was a team effort of the Fire Departments, Emergency Management, the Mayor, Public Works, and the Police Department. He accepted the recognition on behalf of all of those with whom he worked.
5. Alterations to the Agenda
The following additions were made to the Agenda:
Communications
9(b) Letter from Senior Citizens Organization.
New Business
16(d) THE TOWN OF MONTVILLE HEREBY RESOLVES to rescind Resolution 2012-92 pertaining to the adoption of an Ordinance titled “Ordinance to Amend Ordinance No. 2012-08, Ordinance to Establish Senior Safety zones” adopted by the Town Council at a regular meeting held on December 10, 2012. (Councilor Caron)
Motion made by Councilor Murphy, seconded by Councilor Tanner. Discussion: none. Voice vote, 7-0, all in favor. Items have been added to the agenda.
6. To consider and act on a motion to approve:
 - a. The Regular Meeting Minutes of Monday, December 10, 2012;

Motion made by Councilor Murphy, seconded by Councilor Tanner. Discussion: None. Voice vote, 7-0, all in favor. Motion carried.
 - b. The Public Hearing Meeting Minutes of Monday, December 10, 2012 at 6:15 p.m.;

Motion made by Councilor Longton, seconded by Councilor Tanner. Discussion: None. Voice vote, 5-0-2. Voting in favor: Councilors Caron, Longton, Murphy, Tanner, and Buebendorf. Voting in abstention: Councilor Jones, McFee. Motion carried.

- c. The Public Hearing Meeting Minutes of Wednesday, Monday, December 10, 2012 at 6:30 p.m.;

Motion made by Councilor Longton, seconded by Councilor Caron. Discussion: None. Voice vote, 7-0, all in favor. Motion carried.

7. Executive Session

To Consider and Act on a motion to enter into Executive Session for the purpose of interviewing the following candidates for Boards and Commissions:

- Ms. Allyson Schmeizl for the Youth Advisory Board;
- Mr. Robert Mastrandrea for the Building Code Board of Appeals, and;
- Mr. David Jetmore for the Public Safety Commission.

Discussions to include members of the Town Council and Mayor Ronald McDaniel.

Motion made by Councilor Caron, seconded by Councilor Jones. Discussion: None. Voice vote, 7-0, all in favor. Motion carried. Invited parties exited Chambers for Executive Session at 7:07 p.m., returning at 7:25 p.m. Chairperson Buebendorf resumed the meeting and stated that Ms. Schmeizl and Mr. Jetmore were interviewed, Mr. Mastrandrea was not present, no formal votes were taken during the executive session.

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

Mr. Kevin Fritch, 12 Morgan Street, Uncasville, spoke in favor of repealing the Senior Center Ordinance. He recalls speaking with the Town Council 20 years ago in opposition of the Rand-Whitney project due to the fact that they were utilizing filters that were not in compliance with the end product. The lawyers, planners, town, and community officials disagreed and the town was presented with a lawsuit. Similarly, the potential risk of a lawsuit due to the unconstitutionality of the ordinance and the resulting burden this will carry on the taxpayers is very high in comparison to the rewards. In addition, he expressed doubts that the ordinance will not deter those who have previously violated sex-related laws.

9. Communications

- a. A copy of the legal bills from Suisman Shapiro for the month of October 2012.
- b. Letter from the Senior Citizens Organization supporting the senior safety zone ordinance.

10. Report from the Town Attorney on Matters Referred — none

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

Mayor McDaniel spoke regarding two events that were very well attended:

Grand Opening/Ribbon Cutting Ceremony for the Public Safety Building: Mayor McDaniel extended his praise and congratulations to Ms. Marcia Vlaun and the Building Committee for their work.

Vigil for the Newtown Tragedy victims: The Mayor extended his appreciation to Tom McNally, Lynda Jean, and the school officials who organized the event.

Swearing in and the State of the State Address: The Mayor attended the events with Chairperson Buebendorf to communicate with the legislatures and reiterate their concerns regarding the municipal aid and other issues. A number of legislative breakfasts have been held and will be continued into the next month.

Police Contract Negotiations: A tentative agreement has been reached and hopes the agreement will be ratified and placed on the February Agenda.

Section 106 Consulting Conference with HUD and the parties in the Villages

Apartments: The Mayor met with the representatives from the Mohegan tribe, the developer, engineers, and architects. Some agreements have been made and discussions are continuing.

Approximately Forty bicycles were received by Social Services: These bicycles were, in turn, refurbished by the prisoners at Corrigan-Radgowski Correctional Center and distributed to children in need. A raffle was held to decide which kids will receive the bikes for Christmas.

Package received by Montville's sister city, Montville, NJ: The package included a card of appreciation for the aid they received following Storm Sandy, police patches from the Police Department and Emergency Services, a key to the city, and a commemorative bicentennial coin.

No remarks were made from the Administrative Department Heads.

12. Reports from Standing Committees.
 - a. Town Administration/Rules of Procedure – Councilor Tanner — no meeting held due to the holiday
 - b. Finance – Councilor Murphy — no meeting
 - c. Public Works/Solid Waste Disposal – Councilor Longton — no meeting held due to the holiday

13. Reports from Special Committees and Liaison Councilors
 - a. Councilor Caron: Commission on Aging; Social Services; Montville Youth Services; Senior Center; School Building Committee

Commission on Aging: The Senior Center was very busy last month compiling the over 400 boxes with the help of the Youth Center children for citizens in need. The outpouring from the community to aid the Town's needy citizens was fantastic. Councilor Caron is very proud of the community and town employees who stepped up and offered their help.

Montville Youth Services: Councilor Caron commended the children of the Youth Center who helped out whenever they could to help fill the 350 Christmas stockings for the children of the Town.

Social Services: The Department of Social Services has been very busy, having received a good amount of monetary and non-perishable donations over the holiday season. Councilor Caron expressed his appreciation and gratitude to all for their continuing aid.

In approximately three months, they should be receiving the new bus for the elderly/disabled persons.

Councilor Caron is working with the Mayor and Kathie Peck to replace the old, undersized generator for the Senior Center. The generator is especially necessary for refrigeration during power outages.

Social Services should be operational at their new location at Montville's old Town Hall by Wednesday, January 16. Councilor Caron extended his appreciation to the Mayor for his involvement.

Mayor McDaniel added that Tri-Town Foods and KOOL101 held a successful food drive. Approximately 900 lbs. of food was donated to replenish their pantries.

- b. Councilor Jones: Library; Planning & Zoning Commission — no report.
- c. Councilor Longton: Economic Development Commission
Economic Development Commission: The EDC held a lively and productive meeting, primarily regarding their desire to strike and amend ordinance Section 289-6, Section B for the benefit of those who are wishing to start a business. The ordinance, which was adopted in 1990, establishes that the Chief of Police should not issue a license to any vendor if its stand or temporary business is located within one mile of a permanent business that sells a similar product. Much research was conducted and it was determined that most towns do not establish minimum distances. The motion to amend the ordinance is on this evening's agenda.
- d. Councilor McFee: Volunteer Firefighters Relief Fund; Public Safety Building Committee, Inland Wetlands Commission
Volunteer Firefighters Relief Fund — no report.
Public Safety Building Committee Building — no report; building completed.
Inland Wetlands Commission: The previously proposed construction of the hotel has been changed to apartments and, possibly, a strip mall in its stead.
- e. Councilor Murphy: Board of Education; WPCA — not present.
Board of Education: The BOE held two informational budget hearings to hear from the administrators and residents. Councilor Murphy expects that the answers to the many questions that were raised should be answered during the budget process.
Councilor Buebendorf added that the BOE will be presenting their budget on Saturday, February 9, 2013, 9:00-11:00 a.m. The meeting will be open to the public.
WPCA: The job description and duties of the Administrator is in the process of being changed.
Administrator Brian Lynch and Superintendent Mike Didato have requested to join the union; most of the members approved of the decision. The change would eliminate the Administrator and those higher up from the political process and they will receive the same income increases and benefits as the other administrators of the town.
The WPCA will be forwarding \$500,000.00 to fulfill part of their remaining \$780,000.00 loan to the town.
- f. Councilor Tanner: Parks & Recreation Commission; Non-Profit Organizations
Parks & Recreation Commission: The Montville Community Booklets are scheduled to be released this week.
Meeting time has changed to 6:30 p.m. The meeting dates remain on the third Wednesday of every month.
Many e-mails have been received regarding the moving of the Zumba classes to various locations due to the other activities taking place in the gymnasium.
Dance, Karate, Gymnastics, and Zumba will be starting this week.
Volleyball has been very active. While they are using two courts, substitutions are constantly being made.

Zen Tiles is held on Wednesdays from 6:00 to 8:00 p.m.

Basketball games began last Monday.

Non-Profit Organizations — no report.

- g. Councilor Buebendorf: Public Safety Commission; Regional Dispatch Committee
Public Safety Commission: The Commission is currently making plans to discuss the Public Safety Plan and deciding which parts to implement and laying out a plan for those parts.

Regional Dispatch Committee: The Committee is expecting to hear from Ledyard next month regarding their joining Montville as a regional dispatch.

14. Appointments and Resignations

- a. To Consider and Act on a motion for re-appointment of Ms. Margaret Skinner to the Commission on Aging with a term to expire on November 9, 2015.

Motion made by Councilor Murphy, seconded by Councilor Tanner. Discussion: None. Voice vote, 7-0, all in favor. Motion carried.

- b. To Consider and Act on a motion for re-appointment of Mr. Anthony Siragusa to the Water & Sewer Commission with a term to expire on January 14, 2017.

Motion made by Councilor Longton, seconded by Councilor Caron. Discussion: None. Voice vote, 7-0, all in favor. Motion carried.

15. Unfinished Business

16. New Business

- a. **Resolution #2013-01. THE TOWN OF MONTVILLE HEREBY RESOLVES to refund taxes due to overpayments and corrections in the amount of \$1,252.26 (one thousand two hundred fifty two dollars and twenty six cents) as requested by the Tax Collector. (Councilor Buebendorf)**

Motion made by Councilor Jones, seconded by Councilor Longton. Discussion: None. Roll call vote, 7-0. Voting in Favor: Councilors Caron, Jones, Longton, McFee, Murphy, Tanner, and Buebendorf. Voting in Opposition: None. Resolution adopted.

- b. To Consider and act on a Motion to introduce an ordinance titled "Ordinance Amending Chapter 289, Ordinance No. O-G-4, "Ordinance Regulating Peddlers, Vendors and Solicitors", and to set the date of February 11, 2013, for a public hearing on same to begin at 6:30 PM and to be conducted in Council Chambers at Town Hall. (Councilor Longton)

Motion made by Councilor Longton, seconded by Councilor Tanner. Discussion: Councilor McFee questioned the timing of the introduction of this provision in relation to Councilor Murphy's receipt of a cease and desist order for the illegal operation of a hot dog cart. He felt that, as members of the Town Council, they are held to a higher standard and should not be given special treatment due to their position. Councilor Tanner spoke in support of the Motion after having been approached last April/May by an individual who, planning to conduct a business in Montville, had his truck painted orange and black. After going through the process with Planning and Zoning, etc., his application was denied and is currently doing business in Yantic, but is still interested in conducting his business in Montville.

Councilor Murphy corrected Councilor McFee stating that he was never served with a cease and desist order. Rather, he had applied for a permit, which was subsequently denied by the Montville Police Department. Immediately upon receiving the notice, he pulled out of the location, has not returned since, and is now conducting his business in Norwich. He, above all, felt the situation unfair to the landowner, who also permitted others to conduct their business on his property and who was, then, unable to earn moneys by renting out the space by all who wished to conduct business on his property. In addition, most of the vendors who wish to conduct their business in Town are citizens of Montville who are paying taxes on their homes, the cart(s), and vehicle(s) which pull the carts. Councilor Buebendorf added that other vendors were present at the Economic Development Commission meeting who, while they would like conduct business in the Town, are unable to do so due to the provision in the ordinance. In December, the members of the Commission voted unanimously to remove the provision and a motion was made to send it to a Public Hearing. Councilor McFee felt that the provision should not be struck from the ordinance. Rather, it should be revised changing the distance from one mile to that of a shorter distance. In all fairness to a permanent business which must deal with higher taxes and other costs in relation to one which is temporary, he believes that it is important that some distance be maintained. Councilor Jones spoke with regards to calls she has received from local businesses regarding the provision and questions whether the ordinance refers to only vendors from the Town or to those from outside the Town. The provision raises concern for businesses in town due to the cost of their property taxes vs. those of a temporary vendor. She proposed that the Planning and Zoning Commission have an opportunity to review the provision and make any recommendations and discern the impact the striking of the provision would have on existing businesses.

Motion was made by Councilor Jones to defer the Motion to the Planning and Zoning Commission, seconded by Councilor McFee. Discussion: None. Roll call vote, 3-4. Voting in Favor, Councilors Jones, McFee, and Murphy. Voting in Opposition: Councilors Caron, Longton, Tanner, and Buebendorf. Motion Failed.

Motion to send the ordinance to Public Hearing. Discussion: Councilor Longton addressed Councilor McFee's concerns and felt that it was important to acknowledge the wording of the provision, which reads: "The Chief of Police shall not issue a license to any vendor if his stand or temporary place of business be within one mile of a permanent business which sells a similar product." The innuendo is that Councilor Murphy's hot dog cart was located within one mile of another hot dog location, but, at the time, only Tri-Town Foods sold hot dogs, which were uncooked. Chuckie's was not selling hot dogs at the time his license was denied. Roll call vote, 4-2-1. Voting in Favor: Councilors Caron, Longton, Tanner, and Buebendorf. Voting in Opposition: Councilors Jones and McFee. Voting in Abstention: Councilor Murphy. Motion Carried.

- c. **Resolution #2013-02. THE TOWN OF MONTVILLE HEREBY RESOLVES to endorse the Regional Performance Incentive Program proposals referenced in Section 5 of Public Act 11-61 (An Act Concerning Responsible Growth) as attached hereto and to authorize Mayor Ronald McDaniel to execute any documents related thereto. (Mayor McDaniel)**

Motion made by Councilor McFee, seconded by Councilor Murphy. Discussion: Mayor McDaniel stated that the Southeastern Connecticut Council of Governments would like apply for a grant, which dovetails into part of the Town's current Public Safety Plan, to conduct a study on how emergency service providers locate their emergency apparatus and equipment and how they fund it. Their cost estimates are

based on the Town's request of \$46,000.00 for their Public Safety Plan. Councilor Jones confirmed that there will be no cost to the Town. Roll call vote, 7-0. Voting in Favor: Councilors Caron, Jones, Longton, McFee, Tanner, and Buebendorf. Voting in Opposition: None. Resolution Adopted.

- d. **Resolution #2013-03. THE TOWN OF MONTVILLE HEREBY RESOLVES to rescind Resolution 2012-092 pertaining to the adoption of an Ordinance titled "Ordinance to Amend Ord. No. 2012-08, Ordinance to Establish Senior Safety Zones" adopted by the Town Council at a regular meeting held on December 10, 2012. (Councilor Caron)**

Motion made by Councilor Jones, seconded by Councilor Caron. Discussion: Councilor Caron provided some background regarding the Resolution, which has incited much discussion throughout the media. In 2010, Councilor Hillman introduced the Child Safety Zones. Upon hearing this, the Senior Club requested to have a similar ordinance in relation to seniors, hence the development of the Senior Safety Zones. The ordinance, which he strongly believes in and endorses, was introduced on behalf and at the request of the Senior Club and not in an effort to obtain more votes. While a failed effort was made to have the ordinance passed in the State Legislature, it was passed by the Committee on Aging. The seniors, wishing to further pursue the ordinance, have since revised and requested it be introduced at a local level. The Town Council has received letters in support of this ordinance from seniors throughout the Town. He expressed his unhappiness with the possibility of having to rescind the ordinance. Questioning their past clients, Councilor Caron acknowledged that the ACLU has stated that they may impose a lawsuit should they receive a client. Councilor Caron reiterated his care and passion for the rights, safety, and protection of seniors and youth, who are the most vulnerable and least heard part of society. It is those for whom he fights and not for any untold reasons or to fulfill any personal agenda as has been insinuated.

Councilor McFee re-stated Senior Club President Stauffer who, speaking on behalf of the Senior Club at the December Town Council meeting, admitted that the fine was "bogus" and stated that they're not afraid of being sexually attacked, but do not wish to be harassed, robbed, or stalked. This admission proves that the ordinance has nothing to do with the people they fear, the sex offenders, who are not going to do such things. He added that the introduction of the ordinance is based upon a misunderstanding due to the Town housing a sex offender facility. He believes that their fight against housing such a facility led to it being a locked-down facility. He apologized to Councilor Caron for any feelings of bullying or being picked on by him, but added that, as a well-trusted confidant of the seniors, he should have reassured the seniors that they were not at risk of being sexually assaulted. Councilor McFee strongly feels that the ordinance provides seniors with a false security, which is not fair to them. If, on the other hand, the state is decides to pass such a law, then any sex offender who breaks the law will be arrested and, possibly, serve time for their offense. This would serve as a better deterrent in comparison with a civil ordinance carrying a \$99.00 fine.

Councilor Longton introduced a number of articles referring to the sexual assaults of elderly women. He stated that these crimes are crimes of addiction and jail time does not "cure" such addicts. Councilor Jones added that a \$99.00 fine would also not "cure" such an addiction. The articles introduced by Councilor Longton refer to sexual assaults which occurred in areas other than senior centers and where one was isolated. While she does not refute the fact that the elderly are victims of sexual assault, such occurrences are rare according to existing statistics. A total of 537 citizens have signed a petition agreeing that the ordinance would not protect seniors, but would

expose the Town to a lawsuit by the ACLU. The ACLU has been in the business of defending the constitutional rights of individuals since 1920. While everyone may be nervous of the ACLU, it should be remembered that it is they who seeks to protect the rights of people of color, women, and the disabled and, while we may not agree with all of their cases, they do usually win them in the federal court system. The ordinance clearly violates the rights of individuals who have committed a crime, have served their time, and are under the supervision of probation or parole. An individual who is in full view and feels that they have an opportunity to participate in society are less likely to re-offend, while those who are pushed under the radar and feel that they have no support regardless of their actions, as this does, will resort back to criminal behavior. The ordinance does not have any way of identifying a sex offender leading to a difficulty for the police to enforce it. Councilor Jones also spoke in reference to a letter received by the Council stating her support for and defense of the rights of sex offenders. She finds this letter to be slanderous as she does not support sex offenders, but seeks to protect the Town from passing an ordinance in which there exists a risk of a potential lawsuit. Furthermore, the sex offender registry, which is available to the public, states that individuals who utilize the list to harass, commit a criminal act against, or to confront in any way, will risk criminal prosecution. The passing of such an ordinance would result in just that. The nearly 900 citizens, with an income of less than \$19,000.00 a year and currently receiving a tax credit, will, along with others, be forced to pay the costs of such a lawsuit. Discussion should be centered on connecting with agencies and organizations to teach seniors effective defensive strategies. In addition, the Town Council liaison is appointed for the Commission on Aging, not for the Senior Club or any other club or organization associated with them, and, so, should not be speaking on their behalf. Furthermore, a non-profit organizations taking on a political position on an issue do so at the risk of losing their 501(c)3 status or facing a fine.

Councilor Murphy is troubled by perception that Town of Montville is constantly being faced with a lawsuit. To this end, he visited the CT government website and looked into the last ten years, from 11/2003 to 11/2013, of cases which have been introduced. He found a total of 9 (nine) cases in the Superior and Appellate Courts: 7 (seven) for Planning & Zoning, 2 (two) pertaining to Rand-Whitney, and 1 (one) Tax Appeal. He feels that this misconception stems from the costly Rand-Whitney case in which the jury ruled in favor of the Town, but, upon appeal, the decision was overturned by the judge. If one worries about a potential lawsuit every time an ordinance is presented, nothing would be accomplished. He further questions the clientele of the ACLU, citing an article in the *Washington Post* regarding the ACLU and its decision to represent the North American Man Boy Love Association (NAMBLA), a group which advocates sex between men and boys, in a lawsuit brought about by the family of a murdered 10-year-old in Cambridge, MA. It is to his understanding that an individual who feels he has been wronged under the ordinance must come forward to the ACLU in order for a lawsuit to occur.

Councilor Tanner asked Councilor Jones if the rescinding of the Senior Safety ordinance will lead to the rescinding of the Child Safety Ordinance. Councilor Jones noted that the discussion currently taking place is in reference to the Senior Safety ordinance and not the Child Safety Ordinance. She reiterated that this particular ordinance will not provide seniors with any safety. She also responded to Councilor Murphy's concern regarding the ACLU noting that while she, too, does not agree with all of their clientele, including the KKK, their job is to defend an individual's constitutional rights. They win the majority of their cases and she predicts that they would also win this one and, in the end, the citizens of Montville will bear the cost.

Motion was made to move the question by Councilor Buebendorf, seconded by Murphy. Voice vote, 7-0, all in favor. Motion carried.

Roll call vote to rescind the Senior Safety Zone Ordinance, 7-0. Voting in Favor: Councilors Caron, Jones, Longton, McFee, Murphy, Tanner, and Buebendorf. Voting in Opposition: none. Resolution adopted.

Councilor Buebendorf made a proposal to rescind the Child Safety Zone Ordinance. Motion to add the proposal to the agenda was made by Councilor Longton, seconded by Councilor Tanner. Discussion: Councilor McFee felt that there existed a less precarious situation with the ACLU in comparison to the Senior Safety Zones. Most sex offenders, as part of their probation or parole, are already not allowed in such areas. Councilor McFee requested more time to look into the ordinance and felt that this was not the time to rescind it. He felt that Councilor Buebendorf is setting up the Council for their decision to rescind the Senior Safety Zones. Voice vote, 6-1. Voting in Favor: Councilors Caron, Jones, Longton, Murphy, Tanner, and Buebendorf. Voting in Opposition: Councilor McFee. Resolution has been added to the Agenda.

- e. **Resolution #2013-04. THE TOWN OF MONTVILLE HEREBY RESOLVES to rescind Resolution 2012-091 pertaining to the adoption of an Ordinance titled “Ordinance to Amend Ord. No. 2010-03, Ordinance to Establish Child Safety Zones” adopted by the Town Council at a regular meeting held on December 10, 2012. (Councilor Buebendorf)**

Motion made by Councilor Longton, seconded by Councilor Tanner, Discussion: Councilor Buebendorf responded to Councilor McFee stating that her intention is not to set anyone up, rather her intention is to rescind the Child Safety Ordinance for the sake of consistency and for the same reasons as the Senior Safety Ordinance, i.e., that if one safety zone ordinance is a violation of civil rights, then both ordinances are a violation of civil rights. Roll call vote, 6-0-1. Voting in Favor: Councilors Caron, Jones, Longton, Murphy, Tanner, and Buebendorf. Voting in Opposition: None. Voting in Abstention: Councilor McFee. Resolution adopted.

- f. Motion to accept the resignation of Councilor Gary Murphy from the Montville Town Council effective Tuesday, January 15, 2013. (Councilor Buebendorf)

Motion to add the item to the Agenda was made by Councilor Caron, seconded by Councilor Longton. Discussion: Councilor Murphy read his letter of resignation stating that, effective January 15, 2013 at 8:00 a.m., due to health concerns and other commitments, he must regrettably resign from his position. Voice vote, 7-0, all in favor. Voting in Favor: Councilors Caron, Jones, Longton, McFee, Murphy, Tanner, and Buebendorf. Voting in Opposition: None. Item has been added to the Agenda.

Motion to accept Councilor Murphy’s resignation was made by Councilor Longton, seconded by Councilor Jones, Discussion: Councilor Caron expressed his appreciation of Councilor Murphy’s service to the Town of Montville having served with quality and dignity. Councilor Longton, having watched him over the years, has always admired the way he handles himself and has aimed to model himself after him. Councilor Jones has had a good experience working with him and wished him well. Councilor McFee expressed his respect for him as Councilor, even throughout their heated discussions/arguments. He feels he has done a good job and wishes him luck in his endeavors. Councilor Buebendorf, having been aware of his situation since last summer, expressed her appreciation for hanging in there and for his integrity and dedication. Councilor Tanner felt that he has been a great role model and will miss

sitting beside him. Mayor McDaniel noted that, while he and Councilor Murphy, whom he has known both personally and professionally for approximately 20-25 years, have not always agreed on everything, they have always managed to respectfully work out their differences. He continued to add that he has done a lot for the Town in his roles on the Town Council and Fire Chief, along with his other duties. The Mayor hopes that he will continue to serve the Town in his other capacities and will take the liberty to “ping” on him as a resource when needed. Voice vote, 6-1. Voting in Favor: Councilors Caron, Jones, Longton, Murphy, Tanner, and Buebendorf. Voting in Opposition: Councilor McFee. Motion carried.

- g. Motion to appoint Joseph Jaskiewicz to the Montville Town Council effective January 15, 2013 with a term ending November 18, 2013. (Councilor Buebendorf)

Motion made by Councilor Tanner, seconded by Councilor Longton, Discussion: Councilor Buebendorf noted that Councilor Murphy had notified the caucus regarding his resignation allowing for discussions to take place and a replacement to be found. His replacement, Mr. Jaskiewicz, received the unanimous endorsement of the Democratic Town Committee. Councilor Tanner added that Mr. Jaskiewicz’s history with and knowledge of the Town makes him a good candidate and welcomes him aboard. Roll call vote, 5-2. Voting in Favor: Councilors Caron, Longton, Murphy, Tanner, and Buebendorf. Voting in Opposition: Councilors Jones and McFee. Motion carried.

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

John Geary, 11 Depot Road, Uncasville, thanked Councilor Murphy for his service to the Town and to the Oakdale Fire Department. He congratulated the Town Council for their appointment of Mr. Jaskiewicz who, with his past service as a Council member and Chair as well as having been the Mayor for the Town of Montville for eight (8) years, is the most experienced and qualified person at this time. His experience will provide him with the abilities to successfully adopt Councilor Murphy’s liaison duties.

Jim Andriote, 23 Tra-Mart Drive, Uncasville, congratulated Councilor Murphy on doing a very good job on the Town Council, but criticized the Town Council on their handling of the situation. He felt that it was not right to add the item to the Agenda at the end of the meeting, thereby not providing the public with an opportunity to speak on the item at the beginning of the meeting. He also felt that the opportunity to serve on the Town Council should have been opened to the public as there may have been other interested parties. He further criticized Councilor Buebendorf for her proposal to add the Child Safety Ordinance resolution to the Agenda and noted that there are four (4) additional lawsuits which Councilor Murphy did not mention when speaking of the lawsuits which have been brought about against the Town.

Ray Occhialini, 7 Anderson Lane, Oakdale, thanked Chief and Councilor Murphy for his service. Mr. Occhialini notified everyone that, on the morning of January 30, the 911 service will be transferring over to the new building and will be 100% operational. He thanked the taxpayers and the Town Council for their support and hopes to have, as Councilor Buebendorf noted, their first customer next month. He also spoke with regards the Public Safety Plan and the Public Safety Commission, which, to his disappointment, he felt, with the exception of Commissioner Butterworth, were not in tune with the needs of the Town. He would like to see the Town Administration Committee form a working group under the Public Safety Commission and comprised of Town employees who will work together to address the issues. He felt that many of the items in the Public Safety Plan were erroneous and did not reflect what they do on a day-to-day basis.

Leonard Bunnell, 5 Little John Drive, Uncasville, expressed his shock and disappointment with the resignation of Councilor Murphy, who has always worked in the best interest of the public and citizens of Montville. While he is aware that he will continue to serve in the area of public safety, Mr. Bunnell will miss him as a determining force and effect on the Town Council.

Jim Wood, 43 Leitao Drive, Oakdale, admires what Councilor Murphy has done and wishes him well. Having been classmates, Mr. Wood has known him for a long time and, recognizes that they have not always seen eye-to-eye. He noted that, while other Democrats may have been interested, himself included, this was not the first time a member of the Town Council has resigned and another appointed on the same evening.

18. Executive Session — none.

19. Remarks from the Councilors

Councilor Jones expressed her relief regarding the rescinding of the Senior Safety Zones Ordinance.

Councilor McFee thanked the Commission on Aging for having the wisdom to support the repeal of the ordinance and noted that at least one-third of the signatures which were obtained for the petition were seniors.

Councilor Longton noted that this had been a bittersweet evening having been forced to withdraw an ordinance on which they had worked tirelessly at the behest of the seniors and with the backing of the Commission on Aging. He is saddened and sickened by the idea that people were giving in to their fears of a lawsuit rather than doing what he felt was right. He added that he will really miss Councilor Murphy.

Councilor Caron agreed with Councilor Longton and added that it has been an honor working with Councilor Murphy and feels that he is doing the right thing, as he always does, by his family and the Town. He expressed his admiration for him and felt that he is a true person, thanking him for all that he does and noting that it does not go unrecognized.

Councilor Murphy thanked everyone for their kind words and support and noted that he will miss everyone. In defense of Councilor Buebendorf, he noted that it was he who had insisted his resignation be presented at the end of the meeting; he appreciates that she agreed to do so and apologized to Councilor Buebendorf for having to take the heat.

Councilor Tanner will also miss Councilor Murphy and welcomes Mr. Jaskiewicz. She also expressed her appreciation to all who attended the Public Safety Ceremony.

Mayor McDaniel noted that it was bittersweet to see Councilor Murphy go and welcomes Mr. Jaskiewicz. He reminded everyone of the Special Meeting coming up on Thursday, January 24. He will be forwarding the final materials for the meeting to the Council.

20. Adjournment

Motion made by Councilor Longton, seconded by Councilor Caron, to adjourn the meeting at 8:48 p.m. Discussion: None. Voice Vote, 7-0, all in favor. Motion carried.

Respectfully Submitted by:

Agnes Miyuki, Recording Secretary for the Town of Montville

AN AUDIO RECORD OF THE MEETING IS ON FILE IN THE MONTVILLE TOWN CLERK'S OFFICE