

Town of Montville Town Council
Regular Meeting Minutes for May 11, 2009
7:00 PM – Town Council Chambers
Town Hall

1. Call to Order – Chairperson Buebendorf called the meeting to order at 7:00 PM.
2. Pledge of Allegiance
3. Roll Call – Present were Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Also present were Mayor Jaskiewicz and Town Attorney Bruce Chudwick. Councilor Jones arrived after roll call.

Chairperson Buebendorf called for the following changes to the agenda: 1) Add agenda item 14M to transfer \$625.00 to Board of Assessment Appeals and \$1,000.00 to Finance Advertising from Contingency. 2) Add agenda item 14N to transfer \$9,200.00 to Police Overtime Grants from Fund Balance. **Motion** by Councilor Murphy, Second by Councilor Caron to accept the changes to the agenda. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Motion Carried 6-0.**

4. **Motion** by Councilor Caron, Second by Councilor Murphy to approve the regular meeting minutes of March 9, 2009, the regular meeting minutes of April 13, 2009, the special meeting minutes of April 29, 2009, and the public hearing minutes of April 29 & 30, 2009. **Discussion:** Councilor Geary stated that the following changes should be made to the March 9, 2009, meeting minutes: 1) agenda item 14G, Resolution #2009-021 – discussion should read that the Finance Director reported that these monies came from a refund from the insurance policy; 2) agenda item 14J, Resolution #2009-024 – discussion should read that the Finance Director stated that the funds represent a State funding grant to the Fire Marshall; and 3) agenda item 14K, Resolution #2009-025 – discussion should read that the Finance Director stated that the funds represent a State funding grant to the Fire Marshall. **Motion** by Councilor Caron, Second by Councilor Murphy to approve the minutes as amended. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Murphy and Radgowski. Opposed; None. **Motion Carried 6-0.**

5. Executive Session

A. Motion by Councilor Caron, Second by Councilor Radgowski to enter into Executive Session for the purpose of interviewing the following people for appointment and/or re-appointment to boards and/or commissions; Mr. Robert Thorn for re-appointment to the Economic Development Commission, Mr. Edward Jones for re-appointment to the Economic Development Commission, and Mr. Louis Ziegler for appointment to the Commission on the Aging. Executive Session to include Town Council members and applicants. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.** Council members entered into executive session at 7:04 PM; they returned at 7:11 PM and Chairperson Buebendorf stated that no formal votes were taken. Mr. Thorn and Mr. Jones were not present for executive session.

B. Motion by Councilor Jones, Second by Councilor Murphy to enter into Executive Session for the purpose of discussing the written agreement between the Town of Montville and AFSCME, Council 15, Local 2504 (Police), and to include Council members, Mayor Jaskiewicz and Attorney Eileen Duggan. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.** Council members entered into executive session at 7:12 PM; they returned at 8:00 PM and Chairperson Buebendorf stated that all Council members had agreed that Finance Director Terry Fafard would join them in executive session, and that no formal votes were taken.

6. Remarks from the Public

Mr. Gary Pike, 38 Bergman Drive, stated that he is in support of the proposed Blighted Properties ordinance, and he thanked the Council for their hard work.

Ms. Robin Salvatore, 43 Lake Drive, stated that she is the Police Union President, and that she wishes the Council to support agenda item 14D to establish a Public Safety Building Committee. Regarding agenda item 14H, she stated that everyone involved has worked very hard through meetings and negotiations to get the contract to where it is, and noted that members of the Montville Police Department are still behind in pay and benefits compared to other towns in the region. She requested that the Council please approve the contract as presented.

Mr. James Andriote, 23 Tra Mart Drive, stated that he is in favor of the Council creating a Public Safety Building Committee.

7. Communications – None.

8. Remarks from the Town Attorney on matters referred

Attorney Bruce Chudwick reported on the following: 1) he reported that the WPCA / MTUA operating agreement was currently being reviewed by Attorney Ron Oschner, and he will report back with the final comments but that he feels as though it is in order; 2) the easement with Smurfit-Stone is before the Council tonight for approval; 3) he has some comments on the proposed Blighted Properties ordinance, and he will work with Councilor Jones to put together a final draft for the Council to review; and 4) he received an official request by the Planning & Zoning Department for them to choose their own counsel for representation. Attorney Chudwick explained that by Charter, the appointment of legal counsel has to be chosen by the Town Council and not be individual departments.

9. Remarks from the Mayor and/or Administrative Department Heads

Mayor Jaskiewicz reported on the following: 1) he stated that this year's Memorial Day parade will be held on Sunday, May 17th; the ceremony will be held at 12:00 PM in front of Town Hall, with the parade commencing at 1:00 PM; 2) on Wednesday, June 17th the traveling wall honoring Americans Veterans will be at Town Hall at 5:30 PM, and at 6:15 PM a parade will commence down Route 32 to Norwich. The actual wall will be displayed in Norwich, but a trailer displaying a mural of the wall will be present for viewing at 5:30 and will proceed to the actual wall viewing site in Norwich at 6:15 PM; 3) three properties will be sold at auction by the Town on June 13th, and the Mayor will be requesting bonds be secured for cleanup of one of the properties. There are also three additional properties that the Town will not be auctioning off due to possibility of future use by the Town; 4) the Finance Committee will be holding a budget meeting on Wednesday at 7:00 PM, and the public is encouraged to attend; 5) the permit for work to be performed on the Old Colchester Bridge has been approved, but the project is still being reviewed by the State. The Mayor stated that he needs the Council to approve the easement with Smurfit-Stone to move this project along. The work will possibly start around July, but the project may take some time to complete as there are many issues such as the re-positioning of utility poles that will need to be completed before the work can begin; and 6) currently there are census takers visiting certain properties throughout town as a preliminary task checking on house numbers only. The actual Census will begin next year. The Mayor stated that the Census takers will have official badges and a bag, but should only be asking for confirmation on house numbers; if someone visits your property claiming to be a Census taker and asks for more information than just the house number, you are advised to contact the Police Department immediately.

10. Reports from Standing Committees

A. Town Administration – Councilor Jones stated that tonight's scheduled meeting had been cancelled.

B. Finance – Councilor Caron reported that the Finance Committee has held one budget meeting already, and another is scheduled for Wednesday, June 13th at 7:00 and will include Public Works, Parks and Recreation and Youth Services. Councilor Caron requested Council members to please submit questions and/or comments to the Committee prior to Wednesday's meeting, and stated that the public is encouraged to attend this and all upcoming meetings.

C. Rules and Procedures – No meeting.

D. Public Works – No meeting.

E. Solid Waste Disposal – No meeting.

11. Reports from Special Committees and Liaison Councilors

Councilor Geary reported that there have been several meetings including the MTUA and everything is going fine thus far. As publicly advertised, the WPCA has increased the flat rate from \$0.75 to \$0.88. The firm of URS Maguire has performed a rate study; and although the study is expensive, it includes a platform that the WPCA will be able to use going forward in order to run future studies on their own, without having to solicit an outside firm.

Councilor Jones reported that the Superintendent reported in a memorandum to the Mayor that there have been occasions where residents have been jumping the fence to utilize the High School grounds for activities such as walking that are unrelated to school functions. Not only is this a liability for the school and the Town, there have been instances where dogs have been walked and not cleaned up after. Although the Superintendent realizes that this is not a good time to hire a full time custodian to watch over the grounds outside of school hours, it might be feasible to find another option to assist with this situation. Regarding the fee schedule, it was discussed that the Town and the Board of Education meet to discuss possible fees to be charged for the use of the field by private residents, and a copy of the Town of Stamford's fee schedule has been provided to the Council for their review. Regarding the Board of Education budget, various options were discussed as possible ways of offsetting the budget cuts proposed in the 2009/2010 budget such as eliminating positions, employee concessions, employee furloughs, and a pay-for-play program as a means to avert job and program loss in the school system.

Councilor Beetham reported that the Raymond Hill Library held its first semi-annual meeting in order to discuss the work that needs to be performed due to the recent flooding, as well as discussion of their grant, that Councilor Jones worked to secure. Councilor Beetham reported that he recently reported to the Mayor and the Public Works Director that two telephone poles that had been erected on Massapeag Road were 4 and 6 inches from the pavement, and that this distance could cause a hazard to drivers if a car slid slightly off the road in a snow storm, for example. He reported that within two weeks of contacting the Mayor and Public Works, the telephone poles were moved to a safe distance. He also stated that he made a complaint about two properties in town that were in disarray and that since his complaint both properties have been cleaned up. He requested that the Mayor and Public Works Director take a look at property in the area of Depot Road and Route 32, and asked that a clean up effort be undertaken before the parade on Sunday. He also reported that there is a very big sink hole in the area of Massapeag Road and Kitemaug Road that should be taken care of by Public Works.

Councilor Caron reported on the Commission on the Aging and that the Guardian Angel program is finally underway. The senior center held its art show and it was a complete success; and he noted that it was nice to see some of the Council members in attendance. The Economic Development Committee is working on this year's Montville Marvels. The Youth Center held its annual spaghetti dinner and it was a complete success where over \$1,000.00 was raised.

Chairperson Buebendorf reported that the Parks & Recreation Department is working on summer programs and summer camp at Fair Oaks. She also reported that the relationship between the Parks & Recreation Director and the Parks & Recreation Commission continues to deteriorate.

12. Appointments and Resignations

A. **Motion** by Councilor Beetham, Second by Councilor Caron to re-appoint Mr. Ed Socha to the Gardner Lake Authority, with a term to expire on April 9, 2012. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.**

B. **Motion** by Councilor Beetham, Second by Councilor Caron to re-appoint Ms. Lois Taylor to the Inland Wetlands Commission, with a term to expire on May 13, 2013. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.**

C. **Motion** by Councilor Jones, Second by Councilor Radgowski to re-appoint Mr. Howard Riske to the Inland Wetlands Commission, with a term to expire on May 13, 2013. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0.**

13. Old Business

A. **Resolution #2009-036.** The Town of Montville hereby resolves to accept and agree to the terms and conditions of a temporary easement from Smurfit-Stone Container Enterprises, Inc., DBA Smurfit-Stone Container Corporation, which will allow the Town of Montville access to perform the necessary construction activities for the repair and replacement of the Old Colchester Road bridge over Oxoboxo Lake, and, further, to authorize the Mayor to execute any and all necessary related documents. Said Easement Agreement and property description are to be made part of these minutes as Schedule A.

Motion by Councilor Radgowski, Second by Councilor Murphy. **Discussion:** Mayor Jaskiewicz stated that it is important to the project that the Council approves this easement. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-036 Adopted 7-0.**

B. Motion by Councilor Radgowski, Second by Councilor Geary to introduce an ordinance entitled “An Ordinance Regarding Blighted Properties”, and to set the date of June 8, 2009, for a public hearing on same to begin at 6:00 PM and to be conducted in Council Chambers at Town Hall. **Discussion:** Attorney Chudwick stated that he would like to meet with the Committee to discuss this proposed ordinance before it goes to public hearing. **Motion withdrawn.**

14. New Business

A. Resolution #2009-037. The Town of Montville hereby resolves to refund taxes due to overpayments and corrections in the amount of \$1,785.78 (One Thousand Seven Hundred Eighty-Five Dollars and Seventy-Eight Cents), at the request of the Tax Collector. **Motion** by Councilor Radgowski, Second by Councilor Beetham. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-037 Adopted 7-0.**

B. Resolution #2009-038. The Town of Montville hereby resolves to approve the Suspense List, at the request of the Tax Collector. **Motion** by Councilor Beetham, Second by Councilor Geary. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-038 Adopted 7-0.**

C. Resolution #2009-039. The Town of Montville hereby resolves that Joseph W. Jaskiewicz, Mayor, is empowered to execute and deliver in the name and on behalf of this municipality a contract with the Connecticut State Library for a Historic Documents Preservation Grant. **Motion** by Councilor Geary, Second by Councilor Caron. **Discussion:** Councilor Geary stated that this is by the request of the Town Clerk, and will be used for the ongoing effort of moving hard copy land records onto the computer. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-039 Adopted 7-0.**

D. Motion by Councilor Caron, Second by Councilor Geary to establish a public safety building committee. **Discussion:** Mayor Jaskiewicz requested that the Council first accept and adopt the building plan, and then appoint a committee to oversee the actual project. All Council members agreed that they had heard the proposed plan at a previous meeting and it sounded good, but they did not adopt it. Councilor Jones agreed that the ad hoc committee did a great job in finding a location and proposing the building project, but that the actual plan should be adopted by the Council first, then the official committee established. Chairperson Buebendorf suggested that an item be put on next month’s agenda to adopt the proposed plan, and also to appoint the committee as well as specific tasks. **Motion withdrawn.**

E. Motion by Councilor Jones, Second by Councilor Beetham to introduce an ordinance entitled “An Ordinance Regarding the Conveyance of Real Property Located at 275 Maple Avenue”, and to set the date of June 8, 2009, for a public hearing on same to begin at 6:15 PM and to be conducted in Council Chambers at Town Hall. **Discussion:** **Motion** by Chairperson Buebendorf, Second by Councilor Caron to change the public hearing times to 6:30 PM, 6:35 PM and 6:40 PM. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. Chairperson Buebendorf called for a voice vote on the original motion as amended. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0. Public Hearing will begin at 6:30 PM.**

F. Motion by Councilor Jones, Second by Councilor Beetham to introduce an ordinance entitled “An Ordinance Regarding the Conveyance of Real Property Located at 314 Route 163”, and to set the date of June 8, 2009, for a public hearing on same to begin at 6:35 PM and to be conducted in Council Chambers at Town Hall. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0. Public Hearing will begin at 6:35 PM.**

G. Motion by Councilor Jones, Second by Councilor Radgowski to introduce an ordinance entitled “An Ordinance Regarding the Conveyance of Real Property Located at 1455 Route 32”, and to set the date of June 8, 2009, for a public hearing on same to begin at 6:40 PM and to be conducted in Council Chambers at Town Hall. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0. Public Hearing will begin at 6:40 PM.**

H. Resolution #2009-040. The Town of Montville hereby resolves to approve the funds necessary to implement the written agreement and the terms of the written agreement between the Town of Montville and AFSCME, Council 15, Local 2504 (Police), which shall remain in effect for the period of September 1, 2008, through June 30, 2012. **Motion** by Councilor Murphy, Second by Councilor Caron. **Discussion:** Councilor Jones stated that although financially the timing is not very good, the contract itself looks good and she is in support of it. Councilor Beetham stated that he feels that this contract is too rich for the current economy. A \$5.00 per hour increase for private patrol at the schools is not reasonable. He asked Attorney Chudwick if the public would have the option of taking this matter to referendum if they chose to, and Attorney Chudwick responded that he would look into that and get back to him with the correct answer. **Motion** by Councilor Beetham to postpone this matter to the June meeting. There was no Second to this Motion. Attorney Duggan approached and explained that due to statutory timeframes that need to be met, the Council has only three options, which are to either approve the contract, reject the contract, or do nothing which would mean that the contract would go into effect and be deemed approved. She explained that through previous agreement by both parties, this matter has been extended and needs to be acted upon by the Council before May 17th. Councilor Murphy stated that this contract equates to a 2.77% increase per year over the life of the contract, and Attorney Duggan agreed that was correct, and stated that even with these increases the Montville Police Officers would still be below salaries compared to 11 other towns in the region. **Roll Call Vote:** In Favor; Councilors Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; Councilor Beetham. **Resolution #2009-040 Adopted 6-1.**

I. Resolution #2009-041. The Town of Montville hereby resolves to approve the payment of Four Thousand Fifty Nine (\$4,059.00) Dollars to the Oakdale Fire Company from General Fund Surplus; this payment represents the five percent (5%) balance of equipment purchased with grant funds pursuant to the Federal Fire Act (total purchase \$81,175.00). **Motion** by Councilor Geary, Second by Councilor Caron. **Discussion:** Mayor Jaskiewicz stated that this is a fee that is paid by the Fire Department and reimbursed to them by the Town. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones and Radgowski. Opposed; None. Abstained; Councilor Murphy. **Resolution #2009-041 Adopted 6-0-1.**

J. Resolution #2009-042. The Town of Montville hereby resolves to establish the position of “Potable Water Operator” at the request of the Water Pollution Control Authority (WPCA,) and further, to adopt the position description set forth by the WPCA; the rate of pay shall be determined at a later date. **Motion** by Councilor Geary, Second by Councilor Caron. **Discussion:** Councilor Beetham inquired if this means hiring a new person and Councilor Geary stated yes and requested the Mr. Brian Lynch approach and answer any questions the Council may have. Mr. Lynch explained that this position will oversee the day-to-day operations once the MTUA agreement has expired. Mr. Lynch explained that because the agreement with the MTUA is for one year, the Council’s agreement to establish this position is only the first step in actually hiring a qualified individual to assume this role once the MTUA agreement expires in February 2010. The process for establishing the role, creating the job description, interviewing, hiring and then training with the MTUA still involved is crucial and it is necessary to begin the process now as opposed to later. Councilor Beetham expressed displeasure about increasing personnel. **Roll Call Vote:** In Favor; Councilors Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; Councilor Beetham. **Resolution #2009-042 Adopted 6-1.**

K. Resolution #2009-043. The Town of Montville hereby resolves to extend the Engineering Agreement with Nathan L. Jacobson for the one year period of July 1, 2008 through June 30, 2009, and further, to approve the term dates of July 1, 2009 through June 30, 2011 for the newly approved Engineering Agreement. **Motion** by Councilor Jones, Second by Councilor Caron. **Discussion:** Mayor Jaskiewicz stated for the record that he had incorrectly reported at last month’s meeting that this contract was for one year; it is a two-year contract through June 30, 2011. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-043 Adopted 7-0.**

L. Resolution #2009-044. The Town of Montville hereby resolves to make application to the Connecticut Department of Environmental Protection for a Clean Water Fund Planning Grant for 55% of the total cost for the Waste Water Treatment Plant Facilities Planning Study which study shall include: 1) Phase I Infiltration/Inflow Study; 2) a rate study; 3) database and graphics for the collection system; and, 4) a town wide facilities plan. In furtherance of this resolution, Joseph W. Jaskiewicz, Mayor of the Town of Montville, is hereby authorized to enter into and execute the grant agreement on behalf of the Town, to provide additional information that may be required, and to execute such other documents that may be required by the state or federal government in connection with this application, and to execute any amendments, rescissions, and revisions thereto. **Motion** by Councilor Geary, Second by Councilor Radgowski. **Discussion:** Councilor Geary stated that this Grant is being worked on collectively by the Town and the WPCA. Councilor Jones inquired as to what cost the Town would incur, and Mr. Brian Lynch responded that there would be no cost to the Town and all cost would come from the WPCA budget. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-044 Adopted 7-0.**

M. Resolution #2009-045. The Town of Montville hereby resolves to transfer \$625.00 (Six Hundred Twenty-Five Dollars) to Board of Assessment Appeals Advertising (10430-53008) and \$1,000.00 (One Thousand Dollars) to Finance Advertising (40410-53008) from Contingency (10480-52164). **Motion** by Councilor Jones, Second by Councilor Geary. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-045 Adopted 7-0.**

N. Resolution #2009-046. The Town of Montville hereby resolves to transfer \$9,200.00 (Nine Thousand Two Hundred Dollars) to Police Overtime Grants (10820-51106) from Fund Balance. **Motion** by Councilor Radgowski, Second by Councilor Caron. **Discussion:** Chairperson Buebendorf stated that this transfer is a wash; it is a grant reimbursement. **Roll Call Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Resolution #2009-046 Adopted 7-0.**

15. Executive Session –The Council did not enter Executive Session.

16. Remarks from the Public

Robin Salvatore thanked the Council for approving the Police Union contract.

17. Remarks from Councilors

Councilor Caron reported that May is Older Americans month, and asked that everyone reflect on the seniors in our community.

Mayor Jaskiewicz reported that he and the Town were recognized on April 29th as a great contributor to the Polish community, and he is very proud of this acknowledgement on behalf of himself and the Town of Montville.

18. Adjournment – **Motion** made by Councilor Jones, Second by Councilor Radgowski, to adjourn the meeting. **Voice Vote:** In Favor; Councilors Beetham, Buebendorf, Caron, Geary, Jones, Murphy and Radgowski. Opposed; None. **Motion Carried 7-0. The meeting adjourned at 9:03 PM.**

Respectfully Submitted by:

Sandra Anderson CPS
Minutes Clerk
Montville Town Council