

**Town of Montville Town Council
Regular Meeting Minutes
July 13, 2020, 7:00 p.m.
Town Council Chambers – Town Hall – via GoToWebinar**

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On March 14, 2020, Governor Ned Lamont issued an Executive Order 7B suspending in-person open meeting requirements, and to hold such meetings or proceedings remotely by conference call, videoconference or other technology.

Link: <https://portal.ct.gov/-/media/Office-of-the-Governor/Executive-Orders/Lamont-Executive-Orders/Executive-Order-No-7B.pdf>

For all publicly broadcasted meetings, public comment on agenda items or topics in accordance with the Town Charter may be submitted in writing in advance or by live audio via GoToWebinar.

Written comments must be emailed to the Town Clerk at townclerk@montville-ct.org at least 1 working day in advance (if the meeting is on a Monday the questions must be submitted by close of business the previous Friday).

Written comments may not be read in their entirety, but rather similar messages may be aggregated or paraphrased for submission to the Mayor and Council.

Live audio comments may be made via GoToWebinar by registering at the web address or calling from your telephone or computer mic & speakers (VoIP) noted above.

Comments will only be accepted at times designated for public comment by the Chair of the meeting. The Montville Town Council Rules of Procedure, decorum, timeliness and suitability shall be followed and enforced in the same manner as if the meeting were held in person.

1. Call to Order
Chairman May called the meeting to order at 7:00 p.m.
2. Pledge of Allegiance followed by a moment of silence in honor of our military.
3. Roll Call
Present were Councilors Billy Caron, Joseph Jaskiewicz, Tim May, Kathleen Pollard, , and Joseph Rogulski. Absent were Councilors Leonard Bunnell, Sr., and Colleen Rix. Also present was Mayor Ronald McDaniel.
4. Special Recognitions/Presentations
 - a. Presentation(s) from the Montville Economic Development Commission
On behalf of Councilor Rix, Councilor Rogulski recited a letter announcing *Healing with Horses at Wildrose Horse Farm, Inc.*, as the most recent recipient of the Montville Economic Development Commission's Business Award. The organization provides a positive and relaxing environment while promoting wellness for those with emotional and cognitive challenges.

6. To Consider and Act on a Motion to Approve:
 - a. The Regular Meeting Minutes of June 8, 2020
Motion made by Councilor Caron, seconded by Councilor Rogulski. Discussion: None.
Voice vote, 5-0, all in favor. Motion carried.
 - b. The Special Meeting Minutes of June 24, 2020 (Collective Bargaining, Resignations)
Motion made by Councilor Jaskiewicz, seconded by Councilor Pollard. Discussion: None.
Voice vote, 5-0, all in favor. Motion carried.
7. Executive Session – *none*
8. Remarks from the public relating to matters on the agenda with a three-minute limit – *none*
9. Communications
 - a. Copy of the June 2020 Financial Report from Terry Hart, Finance Director
 - b. Copy of the legal bills from Halloran & Sage for the month of April 2020 (revised)
 - c. Copy of the legal bills from Halloran & Sage for the month of May 2020
 - d. Copy of the legal bills from Suisman-Shapiro for the month of May 2020
 - e. Pipeline Emergency and Safety Information sheet
 - f. Copy of a letter from former Parks & Recreation Chairman Scott LaVallie
10. Report from the Town Attorney on Matters Referred
Mayor McDaniel confirmed that the sale of the Fire Street property was finalized and the funds have been received.
11. Remarks from the Mayor and/or Administrative Department Heads to include Matters Referred
Mayor McDaniel reported that the town continues to work on COVID-19 -related issues. All of their expenses continue to be recorded for CARES (Coronavirus Aid, Relief, and Economic Security) Act and FEMA (Federal Emergency Management Act) reimbursement. The town expects to receive 75% of their coronavirus expenses from FEMA and the remaining 25% from the State's CARES Act. While a projected amount of \$65,000.00 was submitted in April for the months of April, May, and June, they have far exceeded that amount.

A police officer has submitted his/her resignation, leaving two (2) available positions. Four (4) candidates will be interviewed to fill the positions this week.

A dedication will be held at the Dog Park, honoring the agility equipment that was received by the Realtor Association on Wednesday, July 22, at 2:00 p.m..
12. Reports from Standing Committees
 - a. Town Administration/Rules of Procedure – Councilor Jaskiewicz
The Committee discussed the Credit Card Policy and the Ordinance regarding Property Exemption for Buildings Used in Farming, both of which are on this evening's agenda.
 - b. Finance – Councilor Jaskiewicz
The Committee discussed the transfer of the old Public Works excavator to the Board of Education, rather than trading in the equipment for a salvage value of \$5,000.00. Councilor Caron, as the Chairman of the Public Works/Solid Waste Disposal Standing Committee, expressed his dismay with not being informed of the transfer and questioned whether it was under the Town Council's jurisdiction to approve transfers/sale of equipment exceeding a certain amount. The Mayor added that the purchase price of the new excavator is below the budgeted amount.
 - c. Public Works/Solid Waste Disposal – Councilor Caron
Councilor Caron commended the Public Works Department on cleaning the sides of the town's roads and the State has been contacted to take care of the overgrowth and garbage along Routes 163 and 32. The Department is working with the WPCA (Water Pollution

Control Authority) to hire seasonal employees. Work was conducted at the Boat Launch and additional work is planned to create a more pleasant area.

13. Reports from Special Committees and Liaison Councilors

- a. Councilor Bunnell: Public Safety Commission, Youth Services Bureau – *not present*
Mayor McDaniel reported that the three (3) newly hired firefighters have begun working and, as previously mentioned, four (4) interviews have been scheduled to fill the two (2) available vacancies on the Police Department.
- b. Councilor Caron: Commission on Aging, Social Services
Social Services continues to be busy. He wished Larry Antoniac, who recently retired, well. Mr. Antoniac has helped the town in numerous capacities and will be a great loss to the Department. It is unknown as to when the Senior Center will be re-opened. Approximately 200 meals are being provided to their residents daily. He encouraged those in need of help contact the Department, especially during these trying times.
- c. Councilor Jaskiewicz: Board of Education
The Board's discussions at their most recent meeting primarily revolved around their fall opening plans. A meeting will be held this week to discuss their projected finances. Mayor McDaniel added that a meeting was also held last week regarding the transition plan. With the input of the parents, administration, BOE members, and staff, they are in the process of creating three (3) models: in-school, hybrid, and distance learning.
- d. Councilor May: Water Pollution Control Authority (WPCA), Conservation Commission
Councilor May commended the WPCA on significantly reducing their nitrogen credits as part of the CT DEEP's (Connecticut Department of Energy and Environmental Protection) nitrogen reduction plan. Mayor McDaniel added that the fuel cells are now operating and preliminary reports indicate a drop in energy use. It is unknown if the solar panels at the school have been energized. The SCWA (Southeastern Connecticut Water Authority) will be holding a Public Hearing to discuss their proposed 5% rate increase.
- e. Councilor Pollard: Non-Profit Organizations
Councilor Pollard recited a letter received by the *New London Homeless Hospitality Center* regarding the Center's need to overhaul their car pool program and the sustaining of relationships and recognition of our strengths as we continue to live through the ongoing pandemic.
- f. Councilor Rix: Economic Development Commission, Parks & Recreation Commission, Planning & Zoning Commission – *not present*
Mayor McDaniel reported that the town has requested the OPM (Office of Policy and Management) for an extension for the submission of the town's POCD (Planning of Conservation and Development) due to the pandemic. Chairman May added that he will be opening the town's upcoming Parks & Recreation Commission meeting to elect the officers.
- g. Councilor Rogulski: Library Committee, Fire Fighters Relief Fund – *no report*

14. Appointments and Resignations

- a. To Consider and Act on a Motion to re-appoint John Desjardins as a member of the Planning & Zoning Commission with a term to expire on August 11, 2024.
Motion made by Councilor Caron, seconded by Councilor Pollard. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.
- b. To Consider and Act on a Motion to accept the resignation of Mark Bushwack as a member of the Parks & Recreation Commission effective immediately.
Motion made by Councilor Caron, seconded by Councilor Pollard. Discussion: Councilor Pollard expressed her regrets. Voice vote, 5-0, all in favor. Motion carried.
- c. To Consider and Act on a motion to waive the waiting period for appointments, Rule 14C

of the Town Council Rules of Procedure, for the Parks & Recreation Commission.

Motion made by Councilor Jaskiewicz, seconded by Councilor Rogulski. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.

- d. To Consider and Act on a Motion to appoint Jon Chase to fill a vacancy on the Parks & Recreation Commission with a term to expire on January 9, 2021.

Motion made by Councilor Caron, seconded by Councilor Pollard. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.

- e. To Consider and Act on a Motion to appoint Noah Carver to fill a vacancy on the Parks & Recreation Commission with a term to expire on November 8, 2022.

Motion made by Councilor Jaskiewicz, seconded by Councilor Pollard. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.

- f. To Consider and Act on a Motion to appoint Kevin Clang to fill a vacancy on the Parks & Recreation Commission with a term to expire on May 11, 2023.

Mr. Clang was not present for his interview this evening.

- g. To Consider and Act on a Motion to appoint Morgan Matthewson to fill a vacancy on the Parks & Recreation Commission with a term to expire on October 12, 2023.

Motion made by Councilor Caron, seconded by Councilor Rogulski. Discussion: None. Voice vote, 5-0, all in favor. Motion carried.

15. Unfinished Business – *none*

16. New Business

- a. **Resolution #2020-42. THE TOWN OF MONTVILLE HEREBY RESOLVES** to refund taxes due to overpayments and corrections in the amount of \$195.36 (one hundred ninety-five dollars and thirty-six cents) as requested by the Tax Collector. (Councilor May)

Motion made by Councilor Jaskiewicz, seconded by Councilor Pollard. Discussion: None. Voice vote, 5-0, all in favor. Resolution passed.

- b. **Resolution #2020-43. THE TOWN OF MONTVILLE HEREBY RESOLVES** to review and adopt the Credit Card Use Policy, as recommended by the Town Administration/Rules & Procedures Standing Committee (Councilor Jaskiewicz)

Motion made by Councilor Jaskiewicz, seconded by Councilor Rogulski. Discussion: Councilor Jaskiewicz informed the members of the Town Administration/Rules & Procedures Standing Committee that two minor amendments were made to the Policy: the credit limit was changed from \$5,000.00 to \$7,500.00 and the addition of a line regarding the immediate return of the credit card(s) at the Mayor's request. The credit cards are distributed to approximately eight (8) department heads for, primarily, ordering items online. The Councilors agreed that the adoption of the Policy is a positive step. Roll Call vote, 5-0, all in favor. Voting in Favor: Councilors Caron, Jaskiewicz, Pollard, Rogulski, and May. Voting in Opposition: None. Resolution passed.

- c. **Resolution #2020-44. THE TOWN OF MONTVILLE HEREBY RESOLVES** to consider and act on a motion to introduce and set the date for a public hearing on an ordinance titled "An Ordinance Regarding a Property Exemption for Buildings Used in Farming" on Monday, August 10, 2020 at 6:30 p.m. The Public Hearing will be held at Montville Town Hall in the Town Council Chambers. (Councilor Jaskiewicz)

Motion made by Councilor Jaskiewicz, seconded by Councilor Rogulski. Discussion: Mayor McDaniel stated that the ordinance was created at the request of the owner of a farm that borders the Town of Waterford, who has such an ordinance. In an effort to support the town's local farmers and realizing that the cost to the town would be minimal, he drafted the ordinance. To qualify for the exemption, the farm must complete and submit a form. The

property must meet the definition of a farm as delineated in the State Statutes. The projected impact of the ordinance is approximately \$20,000.00 to \$30,000.00, should all of the farms apply. The residence is not included. Roll Call vote, 5-0, all in favor. Voting in Favor: Councilors Caron, Jaskiewicz, Pollard, Rogulski, and May. Voting in Opposition: None. Resolution passed.

- d. **Resolution #2020-45. THE TOWN OF MONTVILLE HEREBY RESOLVES** to waive the sealed bid requirement in Section 708(a) of the Town Charter when utilizing the H-GAC (Houston-Galveston Area Council) Cooperative Purchasing Program for said purchase requirements. (Councilor Jaskiewicz)

Motion made by Councilor Jaskiewicz, seconded by Councilor Rogulski. Discussion: Finance Director Hart provided a brief background of the program, which was discovered by the IT Director who was researching the purchase of the 911 recorder. Most of their neighboring towns are also part of the program, which offers competitive prices for, primarily safety equipment. While they would still be required to do their due diligence and obtain competitive quotes, per the Purchasing Policy, the Town Council would not be required to approve the purchases. The town belongs to similar cooperative programs and is similar to the State bid process. Roll Call vote, 5-0, all in favor. Voting in Favor: Councilors Caron, Jaskiewicz, Pollard, Rogulski, and May. Voting in Opposition: None. Resolution passed.

- e. **Resolution #2020-46. THE TOWN OF MONTVILLE HEREBY RESOLVES** to approve and adopt the resolution entitled “Resolution Authorizing The Execution Of A Lease Purchase Agreement To acquire Equipment Therefor,” a copy of which resolution is attached hereto as Exhibit A: and to waive the reading of the entire resolution and to incorporate its full text into the minutes of the meeting. (Councilor Jaskiewicz)

Motion made by Councilor Jaskiewicz, seconded by Councilor Pollard. Discussion: The lease-purchase agreement is for the purchase of three (3) police vehicles, including equipment; one (1) excavator for the Public Works Department, and; one (1) fire truck for the Mohegan Volunteer Fire Company, totaling approximately \$950,000.00. Upon reviewing the terms, the Finance Committee agreed that a three (3)-year term would be in the best interest of the budget. Roll Call vote, 5-0, all in favor. Voting in Favor: Councilors Caron, Jaskiewicz, Pollard, Rogulski, and May. Voting in Opposition: None. Resolution passed.

17. Remarks from the Public with a three-minute limit – *none*

18. Remarks from the Councilors and the Mayor

Councilor Rogulski hoped everyone had a good Fourth of July holiday. He expressed his condolences to the family of Jim Toner, who recently passed away. He was a very smart and valued member of the Economic Development and Planning & Zoning Commissions with a variety of experience in several areas. He will be greatly missed.

Councilor Pollard concurred, adding that Mr. Toner was always available and willing to answer any questions they might have. She thanked the candidates for boards and commissions for staying and listening to their meeting and wished everyone a good night.

Councilor Caron also concurred, adding that Mr. Toner was a very intelligent man who was always willing to take the time to help. The discussions they held this evening is one of the reasons they are elected – to ask questions and educate themselves and represent the public to the best of their ability.

Councilor Jaskiewicz also expressed his condolences to the Toner family and thanked the Town Council for their support of the items on the agenda.

Mayor McDaniel stated that, for the few items that were on the agenda this evening, the Town Council was able to accomplish a lot. He also expressed his condolences to the Toner family; Mr. Toner's commanding presence and spirit will be greatly missed. He also announced the passing of Irene Daniels who recently celebrated her 100th birthday.

Chairman May thanked everyone for attending their meeting this evening. He also expressed his condolences to the Toner family. He is pleased with this evening's meeting and hopes that the farmers in their community take advantage of the Ordinance which will be sent to a Public Hearing next month. He looks forward to welcoming the newest members to the Parks & Recreation Commission this Wednesday evening and wished them luck. He also looks forward to the positive energy that will be generated by the newest members.

19. Adjournment

Motion made by Councilor Jaskiewicz, seconded by Councilor Rogulski, to adjourn the meeting at 7:57 p.m. Discussion: None. Voice vote, 5-0, all in favor. Meeting adjourned.

Respectfully Submitted by: Agnes T. Miyuki, Recording Secretary for the Town of Montville

**AN AUDIO RECORD OF THE MEETING CAN BE FOUND ON THE TOWN'S WEBSITE
LOCATED UNDER RESOURCES – FORM REPOSITORY – MEETING RECORDINGS**

EXHIBIT A
TOWN OF MONTVILLE, CONNECTICUT
TOWN COUNCIL

**RESOLUTION AUTHORIZING THE EXECUTION OF
A LEASE PURCHASE AGREEMENT TO ACQUIRE EQUIPMENT**

WHEREAS, the Town of Montville, Connecticut (the "Town"), desires to enter into a lease purchase financing for the acquisition of various pieces of police, fire and public works vehicles, including (i) three (3) police vehicles and related equipment in the approximate amount of \$180,032.00, (ii) an excavator for public works in the approximate amount of \$185,927.00, and (iii) a fire truck in the approximate amount of \$580,999.00 (collectively, the "Equipment"); and

WHEREAS, the Town desires to acquire the Equipment and enter into a lease purchase agreement with a financial lending institution to be determined (the "Lessor") to finance the acquisition of such Equipment.

NOW THEREFORE, BE IT RESOLVED,

1. That (i) the Mayor and the Director of Finance are hereby authorized to receive and review a proposal or proposals for the lease purchase financing of the Equipment, and make an award to the Lessor as the Mayor and the Director of Finance determine to be in the best interests of the Town, and (ii) the Mayor is hereby authorized to enter into a lease purchase agreement (the "Lease") by and between the Town and the Lessor for the lease of the Equipment for a period of no more than ten (10) years, in such form and having such terms and details as determined by the Mayor and the Director of Finance, subject to the following limitations. The amount to be financed under the Lease shall be no greater than \$950,000.00 (which amount includes the estimated costs of the Equipment set forth in the "whereas" clause above plus \$3,042.00 for contingency) and payable in annual installments of principal and interest. At the conclusion of the term of the Lease, provided all the payments required under the Lease, including payments of rent, have been made, the Lessor's interest in the Equipment shall terminate. Payments in respect of the Lease shall be subject to annual appropriations of the Town. The Lease shall include a "non-appropriation of funds" clause allowing for termination in the event that sufficient funds are not appropriated to make payments of rent and other amounts each fiscal year.
2. That the Mayor and the Director of Finance are hereby authorized to make such representations and covenants and to execute and deliver such contracts, financing statements, affidavits, agreements and documents, including but not limited to, an escrow agreement and a tax regulatory agreement, as are determined by the Mayor and the Director of Finance to be necessary or desirable to evidence and secure the Town's obligations pursuant to the Lease, to ensure the interest paid on the Lease is exempt from taxation under the Internal Revenue Code of 1986, as amended (the "Code"), and to finance the purchase of the Equipment, and that the execution of such contracts, financing statements, affidavits, agreements and documents shall be conclusive evidence of such determination.
3. That the Mayor or the Director of Finance is hereby authorized to appoint a bank or trust company to act as escrow agent in connection with the foregoing lease purchase transaction and to do or cause to be done any and all other acts and things necessary or proper to further the purposes of this resolution and the terms and obligations in respect of the Lease.

4. The Town hereby expresses its official intent pursuant to Section 1.150-2 of the Federal Income Tax Regulations, Title 26 (the "Regulations"), to reimburse expenditures paid up to sixty days prior to and any time after the date of passage of this Resolution in an amount not to exceed \$950,000.00 for the Equipment with the proceeds of the Lease. The Lease shall be issued to reimburse such expenditures not later than 18 months after the later of the date of the expenditure or the substantial completion of the purchase of the Equipment, or such later date the Regulations may authorize. The Town hereby certifies that the intention to reimburse as expressed herein is based upon its reasonable expectations as of this date. The Director of Finance or her designee is authorized to pay project expenses in accordance herewith pending the execution of the Lease.

5. Nothing contained in this Resolution, the Lease nor any other instrument shall be construed with respect to the Town as incurring a pecuniary liability or charge upon the full faith and credit of the Town or against its taxing power, nor shall the breach of any agreement contained in this Resolution, the Lease or any other instrument or document executed in connection therewith impose any pecuniary liability upon the Town or any charge upon its full faith and credit or against its taxing power, except to the extent that the payments payable under the Lease are special limited obligations of the Town as provided in the Lease.