

SUBJECT: REGULAR TOWN COUNCIL MEETING MINUTES

DATE: November 19, 2007 7:00 p.m.

PLACE: Town Hall Community Room

PRESENT: Mayor Vin Festa, Councilwoman Jacqui Denski, Councilman Peter Giancesini, Councilwoman Jeannine Jandreau, Councilwoman DiAnna Schenkel, Councilman David Sekorski, and Robin Gudeczauskas, Council Clerk.

1. The Meeting of the Town of Plymouth Town Council , November 19, 2007 was called to order at 7:05 p.m. by Mayor Vin Festa in the Community Room, Town Hall.
2. Fire Exits – Noted for the record.
3. Pledge of Allegiance.
4. Public Comments on Non-Agenda Items

a. Patricia DeHuff, 20 Lynn Avenue, stated she has been reading Annual Report received on Election night noting no preparer's remarks, no page numbers and section on Board of Finance paragraph written by David Merchant, former Chairman, "This year both referenda failed. The second had a budget increase of 3.2% over the previous year's amended budget. The Town Council adopted that budget." Her concern is we have a cap of 3% per department according to Charter and the letter stated 3.2% and questions if that is legal. Her other concern is the use of the word "amended" noting Charter Revision wanted to have "aggregate" in there which is another definition for "amended", which was adopted in the Charter. She feels every time you "amend" you are adding to the budget so are we working with an amended budget or an adopted budget and ask counsel to look into that.

b. Mark Goodwin, 5 South Street, responded to Pattie's first point that 3.2% is the overall dollars which the 3% cap is limited excluding debt; which debt service brought to 3.2% and not an issue. Her other point, if in fact amended, she may have a point but be careful how terms are used. From past meetings, the Chairman liked to use the word "amended" and as long as 3% on passed budget the word amended would be a moot point.

c. Melanie Church, 328 Main Street, extended her congratulations to the Council members. As her signs stated for the employees of this town, she has looked through the Annual Budget and encouraged the Council as well as the Board of Finance to look as there was always an account in there for when contracts were settled with a balance of \$150,000 and she could not find it and that is the employees money and it was taken away. The Council nor Board of Finance voted to remove or transfer money anywhere and she has a problem if that money is gone. If the money was put somewhere else it is against Charter and State Statute. She encouraged the Council to have a forensic audit done. With Trelli property where did the money come from and where is it now. If these things are going on and there is corruption in this Town, the only way to stop is to face it head on and give assurances to residents, taxpayers, employees and every one of us. We need to understand where our money is instead of being badgered whether a Republican, Democrat or person who has interest in the Town.

5. Acceptance of Minutes of Previous Council Meeting (s) – Mayor Festa stated request to table because Minutes cannot be found at this point in time.

MOTION: To table item 5, by Chairman Sekorski; second Chairwoman Schenkel and

the vote unanimous.

6. Mayor's Report

- Appointment of Town Attorney – By Charter Mayor Festa stated he would appoint Salvatore Vitrano to be Town Attorney.

MOTION: To appoint Salvatore Vitrano as Town Attorney, by Chairwoman Jandreau; second Chairwoman Schenkel and the vote unanimous.

- Posting for Human Resources Position – When Administrative Assistant to the Mayor, there was an issue about Human Resources and manner in which employees and towns business was being handled. Mayor Festa stated in the last several days he is more convinced than ever that Human Resources is needed in this community. There is money in the budget, substantiation for the position as well as removing the Administrative Assistance position from full time to part time.
- Part-Time Administrative Assistant – Once the Human Resources person is hired, many of the duties assigned to the Administrative Assistant will be reduced and he will not need a full time person.

7. To Introduce By Resolution The Appointment of Robinson and Cole As Bond Counsel and Labor Counsel

MOTION: To move the Resolution and read into record, “WHEREAS the Town of Plymouth engages the services of Bond Counsel in connection with the Town’s authorization, issuance and sale of general obligation bonds and bond anticipation notes, as well as other related matters; WHEREAS the Town of Plymouth engages the services of Labor and Employment Counsel to assist with collective bargaining, grievance arbitration, labor and employment counseling, as well as other related matters; WHEREAS the Plymouth Town Council must approve the hiring of Bond Counsel so as to assure the continuing work required of Bond Counsel as well as to approve the hiring of Labor Counsel; NOW THEREFORE, be it resolved that the Plymouth Town Council hereby authorizes and recommends the appointment of the law firm of Robinson and Cole as Bond Counsel and Labor/Employment Counsel.” by Councilman Sekorski; second Councilwoman Jandreau.

Discussion: none.

Vote: Councilwoman Denski, yes; Councilman Giancesini, yes; Councilwoman Jandreau, yes; Councilman Sekorski, yes; Councilwoman Schenkel, yes. Motion carried.

8. To Introduce By Resolution The Time and Place Of Regular Council Meetings And To Provide A Method For Calling Special Meetings – Mayor Festa stated by Charter this meeting was needed to set a time for regular meetings and move forward on agenda.

MOTION: Resolution read into record “WHEREAS the Town of Plymouth Charter, Chapter III, Section 3 requires the Town Council to fix the time and place of its regular meetings; to provide a method for the calling of special meetings; to determine its own

rules of procedure; NOW THEREFORE, be it resolved that the Town Council approves the following dates, times, methods and rules of procedure for conducting its business” to meet on the first Tuesday of each month and special meetings will be called through the Mayor’s office and/or any member of the Council; by Councilwoman Jandreau; second Councilwoman Schenkel.

Discussion: none.

Vote: Councilwoman Schenkel, yes; Councilman Sekorski, yes; Councilwoman Jandreau, yes; Councilman Giancesini, yes; Councilwoman Denski, yes. Motion carried.

9. To Introduce By Resolution The Council’s Own Rules Of Procedure – Mayor Festa stated Item b in packet is for the purpose of looking at rules and procedures as adopted and amended on several occasions.

MOTION: To adopt the Plymouth Town Council Rules and Procedures as presented to the Council members in advance of this meeting, by Councilman Sekorski; second Councilwoman Jandreau.

Discussion: Clarification requested on Item 5, Privilege of the Floor regarding “b” that the Council would have to suspend the Rules after public comment is given and discussion is back to Council. Clarification made regarding item 6 to clarify suspense of the Rules to simple majority.

Vote: Councilwoman Denski, yes; Councilman Giancesini, yes; Councilwoman Jandreau, yes; Councilman Sekorski, yes; Councilwoman Schenkel, yes. Motion carried.

10. To Introduce By Resolution The Request That The Board of Finance Appropriate The Sum Of \$60,256 For The Replacement Of Two Oil Tanks At Prospect Street School And Main Street School.

MOTION: Resolution read into record “WHEREAS the Plymouth Board of Education has presented a request for an appropriation of \$60,256.00 for the replacement of two (2) oil tanks; one at Prospect Street School, the other at Main Street School. WHEREAS, it is fiscally prudent for the Town of Plymouth to understand and appreciate the long range cost savings to the Town regarding these replacements; NOW THEREFORE, be it resolved that the Plymouth Town Council hereby authorizes and recommends to the Plymouth Board of Finance an appropriation of \$60,256.00 for oil tank replacements.” By Councilwoman Jandreau; second Councilman Sekorski.

Discussion: Councilwoman Denski referred to Charter regarding appropriations over \$150,000 need to be sent to referendum and this Item combined with Item 11 would be over \$150,000; also each department is allowed one appropriation. Superintendent Distasio stated this appropriation is for both oil tanks and if the Town waits until after the children are out of the buildings, the Town at that point would be responsible for the entire amount because it is no longer a school. The \$60,256 is the Town’s portion of the cost of replacement. Patrick Perugino, Board of Education member, stated the total cost is over \$200,000 and if not done by August 2008, the Town will be responsible for \$200,000. Chairman Giancesini stated as a previous Board of Finance member, Mr. Perusse went through the details on why it could not have been done with the other schools and he had stressed the importance of having it done while schools are on line and it is in the minutes of the BOF. Cathy Kosak, 201 Harwinton Avenue, questioned whether the Town fronts the money and then gets reimbursed and do we spend the entire

amount and if so, do we not have to go to referendum. Gerry Perusse, Business Manager for the BOE, responded the State pays as the project proceeds and in this case, we submit the bill to the State and they reimburse us. Melanie Church, 328 Main Street, stated she believes the Town needs to combine these two projects because of the Charter and there is only a one time appropriation per department per year and there are two items here for the same department. Attorney Vitrano stated his understanding is the \$60,256 is money that is being appropriated into an account other than the BOE. Gerry Perusse, Business Manager, stated there is a capital project in the budget for the other tanks and originally was suppose to do four tanks but there was not enough money and only two were done. Discussion held on rewording the Resolution by replacing "the Plymouth Board of Education has presented a request for" and replacing it with "it is necessary to replace" or "it has been requested for appropriation".

Chairman Sekorski withdrew his Section to the Motion.

Chairwoman Jandreau withdrew the Motion.

Attorney Vitrano noted the BOE is making the request but it is not part of their budget and are making the request as the administrator of the property. Chairwoman Denski stated the BOE made the request, it is coming out of their budget as well as the next item which is stated the same and technically the same and therefore under the same provision. Chairwoman Jandreau stated it is necessary to replace two oil tanks, one at Prospect Street School and one at Main Street School, where it is fiscally prudent to the Town. Superintendent Distasio noted the BOE took this on as the item was falling through the cracks and if the Town went past the June 30 th, 2008 deadline, the Town would be out money. The Building Committee, Facilities Committee and Board made a recommendation but it did not get on the Town Council agenda. Mark Goodwin, 5 South Street, stated in the past things were done that seemed less than above board and suspect; and one of the things dedicated to change in the administration is being forthcoming and to properly go forward and act appropriately. From what he has seen in past practice of the Schools, having this in their budget if in fact the school did apply for the grant and on the Town side we do not get 72% reimbursement, if it were to be pursued this would fall on the side of the school. We are dealing with two appropriations that can be combined to a \$155,000 request and if there is any way to trim the appropriation and make everyone happy and take the right step forward it should be done. Melanie Church, 328 Main Street, stated Peter was on the BOF when this was brought forward to apply for these four tanks and it was sent by the BOE to the State for bonding and done by the BOE and not done by the Town. It was the BOE who found a loophole to get work done and it is still the BOE who applied for this and not the Town. These are two appropriations by one department and when the BOE found out they were over budget, Gerry Perusse brought it forward and said we could still get it as an appropriation and still being done by an appropriation. To do it right, they combine into one appropriation and according to Charter, only one appropriation. Attorney Vitrano stated confusion and cannot render proper advice as we have the Superintendent characterizing appropriation in one fashion and the BOF characterizing from different perspective and unless there is a dire need to have this and the next Resolution adopted at this meeting, he recommends to the Mayor

and Town Council that both items be tabled. He will look at them and then render good advice on how to proceed. Ralph Zovich, 4 Knight Lane, stated concern because oil tanks need to be replaced by code. The BOE made application on the Town's behalf and two buildings are still school facilities and benefit the educational system of our children. He offered alternative to take \$155,000 to referendum by putting \$60,250 forward and send on to the BOF combined with second Resolution at \$89,000 making the total \$149,250 and leave to the administration to decide where to cut \$6,000 out of Item 11. This could legally go forward by combining two Resolutions into one special appropriation request. Superintendent Distasio clarified when the first two oil tanks were done it was not by special appropriation but was necessary by law. The BOF appropriated money for replacement of what we thought was four tanks but there was only enough money for two. If the Town Council is going to mandate the BOE to make this one special appropriation, he may go forward with \$89,000 for Item 11 as suggested by Mr. Zovich but for the record he does not think it is right. The Town needs to get the oil tanks in the ground and needs to plan it now. Some items asking for under the next special appropriation require hiring of people and if they do not get the Art teacher until February or March, he may wait for end of year. Amy Radke, 29 Hickory Street, stated Item 11 is near and dear to her and working out well and can see effect if not approved. She asked whether Item 10 can be delayed for further clarification, approve Item 11 and if need to go to referendum for \$60,000, the BOE would only be asking for oil tanks at that point. Councilwoman Schenkel stated there is only a one time appropriation. Discussion held between Attorney Vitrano and Council on Charter and Charter revisions and understanding of the urgency of both requests, recommends the Council is better served if they have a special meeting to have the opinion of Counsel prior to making a decision. Councilman Sekorski stated he has sat on the BOE side and both items are of utmost consideration and one could make a strong argument. Based on background documentation this certainly looks like a Capital Expenditure but with lack of clarity, the Council needs to table this and could be willing to come together after clear direction for a special meeting. Ray Engle, 6 Knight Lane, Chairman of the BOE stated he would formally like to withdraw the request for the \$60,256 funding. Chairwoman Jandreau requested a chance to work this out instead of his withdrawing. Chairman Sekorski stated he knows where Mr. Engle is going and it makes sense but he would need a meeting of the BOE before taking action.

MOTION: To table Item 10 and have a Special Meeting as soon as possible on this Item, by Councilman Sekorski; second Councilwoman Jandreau. Discussion: none.

Vote: Unanimous. Motion Carried.

11. To Introduce By Resolution The Request That The Board of Finance Through A Special Appropriation The Sum Of \$95,000 For The Following Items: ½ Art Teacher, ½ Custodian, Elimination Of The Sports Participation Fee, and Part-Time Secretary

MOTION: To table Item 11 with consideration that the Council consider a Special Meeting for reconsideration at the earliest convenience, by Councilman Sekorski; second Councilwoman Jandreau. Discussion: none.

Vote: Unanimous. Motion Carried.

12. To Introduce By Resolution The Request That The Board of Finance Appropriate The Sum Of \$200,000 For The Plymouth Business Park Water Pump

MOTION: To read the Resolution into record “WHEREAS the Town of Plymouth had submitted an application to the Department of Economic and Community Development for a Plymouth Business Park Water Pump in the amount of \$700,000.00; \$500,000.00 funding from the Urban Act and \$200,000.00 funding from STEAP. WHEREAS the Town of Plymouth has received approval for stated Water Pump project; NOW THEREFORE, be it resolved that the Plymouth Town Council hereby authorizes and recommends to the Plymouth Board of Finance an appropriation of \$200,000.00 to complete the project.” by Councilwoman Jandreau; second Councilwoman Schenkel.
Discussion: None.

Vote: Councilwoman Schenkel, yes; Councilman Sekorski, yes; Councilwoman Jandreau, yes; Councilman Giancesini, yes; Councilwoman Denski, yes. Motion carried.

13. Discuss And Take Action On The Resignation From Board of Finance: Mr. Paul Ashton

MOTION: To accept with regret the resignation of Mr. Paul Ashton from the Board of Finance, by Councilwoman Jandreau; second Councilwoman Schenkel.

Discussion: Councilwoman Jandreau thanked Mr. Ashton who served for 16 years and the Town owes him a great debt and thanks him very much for his service. Councilman Giancesini stated he served for the past 6 years with Paul who had innovative thoughts, felt very strongly about controlling spending and realized that when you cut certain areas you have responsibility and consequences and always a tough call and the new people on will find this out. Paul was an important contributor and the BOF has lost an awful lot of people with great experience and not to say new blood is not good and he learned a lot working with Paul and the others. Paul worked very hard and will be missed. Best wishes to him and his family. Mayor Festa stated he personally spoke with Paul and asked him to reconsider but based on some comments, he felt it was time to remove himself. He concurs to accept the resignation with deep regret for number of service years to the community.

Vote: Unanimous.

Jean Arden, Sherman Lane, stated she had a question on Item 11 and \$95,000 and if a breakdown is available on what each item costs. Superintendent Distasio reviewed costs for ½ Art/Design teacher, \$30,000; ½ custodian at the new high school, approximately \$20,000; Sports Participation Fee, \$15,000; Part Time Secretary at PCS, \$6,000. He noted the amount of money the Board has leeway to spend, replacement windows at H. S. Fisher might be included at a cost of \$24,000. Mrs. Arden asked what the percentage of students who do sports. Superintendent Distasio responded that a study was done last year on number actually participated in the middle and high school which was roughly 500 students but number may be duplicated from those who played more than one sport. Councilman Giancesini stated with regard to the Art/Design Teacher which was presented during the last budget season and if the town could start something like this it would be a great benefit to the school and community.

Councilwoman Schenkel commented about concerns raised by people who spoke on the

financial state of this community and have raised her concerns and would like to recommend consideration of audit of our town finances, what is our current financial state and very concerned about budget being amended and maybe different than intended by Charter Revision. She is concerned about current state of health care benefits where some members are on and have not worked, and have we collected taxes are recorded. Would like this as an item next month for the Council. If the Council does decide on a forensic audit, it is expensive.

14. Adjournment

MOTION: To adjourn by Councilwoman Jandreau; second Councilwoman Schenkel and the vote unanimous.

Meeting adjourned at 8:04 p.m.

Respectfully submitted,
Robin Gudeczauskas, Council Clerk