

1. The Special Meeting of the Town of Plymouth Town Council, **April 22, 2008 was called to order at 7:07 p.m.** by Mayor Vin Festa in the Assembly Room, Town Hall. In attendance: Councilwoman Jacqui Denski, Councilman Peter Ganesini, Councilwoman Jeannine Jandreau, Councilwoman DiAnna Schenkel, Councilman David Sekorski, Mayor Vin Festa and Robin Gudeczauskas, Council Clerk.
2. Fire Exits – Noted for the record.
3. Pledge of Allegiance
4. Public Comments on Non Agenda Items
5. Discussion Sidewalk Ordinance – Mayor Festa distributed materials found within his office on the sidewalk ordinance for review including information on disadvantages, handwritten information within sidewalk ordinance folder; Day Pitney, Bond Council firm, letter on proposed sidewalk repair and replacement program; memo to Jan Krampitz, 9/27/07; sidewalk ordinance regulations. Discussion held on (a) why an ordinance is being looked at noting an ordinance review was requested by Councilman Sekorski; (b) concerns raised regarding additional sidewalk information. Councilman Sekorski gave background of what transposed before the ordinance (briefly relayed that there are provisions within zoning regulations that allow contractors/developers to donate money to the community to put in sidewalks in lieu of putting in sidewalks in areas that do not make sense, such as Judd Road where there is no room and nothing to connect to; Whitney Estates, sidewalks were deemed to be counterproductive to environment and did not put them on North Street but there are sidewalks within the development.) (c) current ordinance is not clear; (d) there was discrepancy on how the sidewalk fund was being managed; (e) Planning and Zoning's desire is to create sidewalk connectivity throughout town. In several instances they went to get money for sidewalks but because money was not allocated in a budget line there was no money; so either money was spent in other areas or had been put direct into the general fund. Point was to take sidewalk money, put in a fund and then use for sidewalks where applicable. The Town has some new sidewalks on Main Street as a result of "fund" money used from areas where sidewalks were not appropriate. The proposal was to make sure the intent was followed through. North Main Street in front of Fisher School was one area in need of sidewalks and it was hoped that this fund could help achieve that. Discussion held of feeling that there was much more correspondence than what could be located. (f) Not comfortable with the way the ordinance is written and one good suggestion from Day Pitney is having specific line item in budget and/or changing something to town subdivision regulations. Mayor Festa stated during Covello administration, contractors were allowed to put money in sidewalk fund in lieu of putting sidewalks in their development. Judd Road development took sidewalk money and in lieu put in guardrails and remainder of money was put into sidewalk fund and used elsewhere, such as at Main and Prospect Street area for handicap ramps. His understanding is there is more to this than meets the eye and we need to look above and beyond what is here. (g) Sidewalks, in writing, are the responsibility of the homeowner to repair, replace and maintain.

Mayor Festa has spoken with the interim comptroller who would create separate account (s) for the sidewalk fund. Councilwoman Jandreau stated she asked Planning and Zoning to give update on how much money is in the sidewalk fund; they noted the Flex worker payment has been paid from overtime account and salary accounts vs. flex worker account

and misnomer on what is available and what is not. Councilwoman Jandreau questioned instead of complicated ordinance can we do something simple like sidewalk fund is just for replacement, repair and construction of sidewalks. Councilman Giancesini stated when on BOF, site line work and property needs to be condemned or purchased, excavation work needs to be done before sidewalks can be installed. Need to specify who controls that fund, clearly articulate on control to take money and how/where to allocate. Agreement on need for clear language; purpose of a fund and how recorded, i.e. line item; funding of money in and how expended; governing body; money for new, repair, reconstruction of sidewalks; based on needs on recommendation of not only Planning and Zoning but also Public Works; decide whether to be simplistic in approach vs. tying into ordinance and making technical;

Councilwoman Schenkel asked if current ordinance allows use of fund for new construction; if money transferred out of sidewalk fund, who authorized them and where were they put. She stated money is continually played with and when will we hold someone accountable for money being misappropriated. Mayor Festa stated ruling is coming from Bond Counsel and not town attorney on this issue. If grant money comes in exclusively for sidewalks we need to make sure it is clear. Mayor stated the developer himself/herself put the sidewalks in with money set aside; in some correspondence it states "in house" sidewalk contractor; secondly, we look at this program and look at monies involved and who wants to control expenditures but there is nothing about land set aside. There is a development currently going up that does not require sidewalks and very clearly costs to do so and the developer was told to write a check to the town to put in the sidewalk fund. Discussion held. This will be discussed in detail at the regular meeting. Council would like town attorney review and give something simple that people will understand. There is a sidewalk ordinance in the Charter but something in subdivision regulations that are clear on the sidewalk fund.

6. Discussion Code Of Ethics – Mayor stated it was discussed relative to does the Council want to create an Ethics Commission and should Council give guidance and direction to Charter Revision on this item. There is a Board of Ethics in the Charter, Chapter 9, page 55, read into record. Councilwoman Jandreau stated when question of ethics, the Council would establish an ad hoc committee on a case by case basis. Discussion held on: creating a permanent Commission but people are fearful of bringing up issues that will create controversy, appointment with staggering terms, non-political, question of Conference of Municipalities having a group that comes in to do this type of arbitration, ombudsman. Mayor Festa briefly reviewed wording of this Board of Ethics and will check with COST (Conference of Small Towns) and CCM on code of ethics. Further discussion on: what constitutes a violation should be written down, sworn statement by person filing complaint, standard rules and regulations for board of ethics (suggestion that the State of CT may have something), process, government officials and people serving on commissions and not pertaining to employee/staff; question is to strengthen code of ethics with body which is accountable for decisions based on allegations presented to them. Charter Subsection 1, Public's Right To Know, read into record followed by discussion on having ombudsman which will take emotion out of complaint and minimizes political pressure. Initial complaint needs to go to town clerk who is official collector of records. Core concept of Charter provision is not bad but needs to be more specific. Suggestion to send memo sent

to Charter Revision for review of this item. Discussion held on conflict of interest with people serving on boards/commission and recusing themselves when necessary or appropriate; interpretation; take a pool of members for each situation. Mayor Festa will review input and get information from Town Attorney.

7. Council Comments – Councilwoman Jandreau stated she and Councilwoman Denski went on tour of town and people who came were very interested, asked a lot of questions.

Dave Sekorski relayed rumors on high school project over budget noting need for clarity. Councilman Giancesini stated and brief reviewed project manager update from last School Building Committee meeting and stated for the record he hopes the building committee can give an aggregate of this project to help be a conduit of communication to the community.

Councilwoman Schenkel stated her agreement of freedom of speech of citizens but when people come before a board or commission and state they represent a large group but have no documentation, they end up fanning the fire, even when told they are not accurate it is more of an attack and would like to see a solidarity of this Council that they are welcome to speak for themselves unless they have a petition stating they are representing a group.

Councilman Giancesini stated George Andrews from WPCA will be at 6:30 p.m. meeting on May 6 th which is prior to regular meeting to answer questions.

Mayor Festa reminded the Council of the generous donation of the high school sign by Lauretano and asked members to thank them for the generous donation. People have misconstrued article and Lauretano did not design original sign in front of the new school. They have designed a sign and have also designed a sign that could include an electronic box. Once the school building committee accepts the donation and sign design, then they will need to seek money to pay for the electronic box if that is the sign chosen.

Mayor Festa noted public hearing on proposed budget will be held at the new high school followed by a joint meeting. Have enacted Beautification Committee and system wide cleanup by area; Greystone first weekend in May and looking for volunteers for their neighborhood; third grader is getting his neighborhood started. Will get Garden Club who has re-enacted themselves to get started. Patrick Herzing will have potted plants the last weekend of May and have seven organizations adopting a spot. Both ends of community putting welcome to Plymouth and banner signs with sponsorship.

8. Adjournment

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

Meeting adjourned at 9:00 p.m.

Respectfully submitted,
Robin Gudeczauskas, Recording Secretary