- 1. The Special Meeting of the Town of Plymouth Town Council, May 29, 2008 was called to order at 7:00 p.m. by Mayor Vin Festa in the Community Room, Town Hall. In attendance: Councilwoman Jacqui Denski, Councilwoman Jeannine Jandreau, Councilwoman DiAnna Schenkel, Councilman David Sekorski, Mayor Vin Festa and Robin Gudeczauskas, Council Clerk. Absent: Councilman Peter Gianesini
- 2. Fire Exits Noted for the record.
- 3. Pledge of Allegiance
- 4. Public Comments on Non Agenda Items -

5. Council Comments - DiAnna Schenkel: thanked everyone that came in and providing feedback. Fascinated with Fall Mountain group, ideas and how addressing blight and element important to success is this group of dedicated people volunteering time to get job done and element we do not have as much. People have lost that caring for each other as community even if we need to let them know something they do not want to hear. Concern is once notice comes, people shut down and think they are in trouble and through housing appeals or separate committee that can assist Clarence who provides data, review and create communication bridge with people....need follow up call that know received notice and is it because elderly, cannot afford, and let it be known we have organizations to help, we do know there are people who volunteer; also, for committee what would be good is to look into grant money, no matter amount. Some money can be given to help paint the house or for new trash receptacles. For gentleman in back who has gone through so much she is sorry for what he has gone through and this man should have come to officials for assistance. Maybe there are resources at a level not aware of and she is willing to do what she can. Councilwoman Schenkel complimented the Fall Mountain ordinance; since so successful from Fall Mountain, maybe this committee could be in zones and bring people from those areas to talk about what is going on in their community and help to deal with it.

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Council woman Jandreau thanked everyone very much and their ordinance will help Council figure it out and thanked Clarence for his time. Thanked Keith for his thoughts. Don Souza stated one other thing on clarification of whether can use volunteer people under Clarence in town to help and some way to work it in they would appreciate it. Mayor Festa stated we need certified building inspector or assistant building inspector due to codes; someone can go out and refer back to building inspector but on site determinations is from certified person. Discussion held on creating lists and how they were done in past mostly from adjoining property owners or within neighborhoods. Idea of individuals within zones for blight watch may be considered. Barbara McLellan noted 4 people zoned on different streets that go out at end of month and then come to her, she goes out; you can have individuals in towns; and it does make it easier.

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Councilwoman Schenkel commented on blight list of 30, known list and agree if handled properly what you have is a lot of free advertising of people saying, wow, they helped me and together will not be fearful of coming forward with problem for help. Other concern is once clean up is done we need to educate owners so that it does not reoccur. Old habits can die hard and could be back to same issues. Need to have maximum allowable fine for road side dumping. Need to stop that especially through Greystone Road area and thoroughfare between Waterbury, Wolcott; and our town crew is stuck picking up stuff. There needs to be severe penalty for dumping.

Mayor Festa asked Council what avenue of approach to take: Councilwoman Jandreau stated ad hoc committee is good idea to work, legal counsel, looking for Mayor and Town Attorney recommendation on what is relatively small committee to come up with draft based on recommendation and maybe can have second workshop; building inspector and Torrington Area Health District representative to participate in workshop; town attorney, Fall Mountain Association member; great concerns and recommendations and to keep simple, follow State Statutes. Smaller group and have workshop and endorse Mayor recommendation to bring forward and motion can then be made by Council. Councilwoman Schenkel stated she agrees, essential to ad hoc is for enforcement and should have housing appeals and bring in people to talk about finances, mechanism of collecting, need procedurally functioning ordinance; need to make practical and workable.

- Mayor Festa gave recap on special workshop meeting at request of Town Council to begin process of looking at moving forward in developing a blight ordinance acceptable and enforceable in the Town of Plymouth. There will be other workshops to develop subcommittees to make the ordinance compliant with state statutes and our ordinance. Request to look at blighted property and health issues and conditions surrounding blighted properties. Recently learned that rodents are being killed by family pets such as dogs, families catching rodents and there are a number of blighted properties where people have called on stench odor from garbage strewn around. The Town Council hopes to work with the community to develop an enforceable ordinance. Council discussion: Building Inspector is here this evening and has provided a set of specifications to go through, i.e. copies of other community ordinances. Councilwoman Jandreau stated complaints received is we do not have enforceable ordinance and she is being asked when we will have one. Councilwoman Schenkel stated the Council had an enlightening workshop last night with CT Council on how we can improve our town and they complimented us that the majority of town seems to be a wonderful place to live, people take very good care of their yards and a problem is the downtown area and Council is fully cognizant of where things need to be done, i.e. waterwheel area noting whenever EPA issues, it takes time to get wheels turning. Some areas are not attractive and may border on blight and the Town is trying to improve. Councilman Sekorski reviewed what was done in the past, and existing status of blight being that enforcement was suspended with existing Council and beyond period of suspension. He has heard (a) clear definition what is blight. Know it is a gray area and baseline has to be in line with what the state definition is. (b) Other concerns are health issues and; (c) third, it is inappropriate for the town to enforce blight if we have blighted properties we are responsible for. We are aware of blighted properties in the town's jurisdiction; reasons why they are, is we have taken them over because they were blighted or in back taxes. Town properties are in some type of legal quagmire and it takes a long time to enforce. He referenced background of what has been done, noting Minutes of September 07 meeting, and what the previous Council tried to go through; noting several examples of blight ordinance on books, those were reviewed and tried to pick out the best definitions of blight, best areas enforceable and got fairly well along. There may be past minutes for information. Mayor Festa stated areas identified where our blight ordinance is not strong. Back a few administrations, areas of weak blight ordinances were discussed in terms of weak in we do not have clearly defined enforcement procedures within current ordinance. Need to review existing ordinance, clear defined definition, identify rules for appeal, and become clear on state statutes. We can develop a consistent and enforceable ordinance and personal concern is responsibility of enforcement as we have a tight budget. He does not feel the Building Inspector can also take on blight, the same for Zoning Enforcement to take on this responsibility. We need to keep in mind how we will enforce it. Existing job description is in Council packet for review. Also for discussion is dealing with blight from public health issue and with that approach a lot of enforcement and inspections would fall under other jurisdictions such as local health officials or local health boards and at the State level. This process will take a lot of discussion by the Council, with the Town Attorney and through research. For some there is an economic burden to take care of their property and they do not have financial wherewithal to maintain upkeep on property. We will need a recommendation from the Town Attorney on a general blight ordinance. Councilwoman Jandreau stated she hears the same thing and recommends a

clear definition of blight and define enforcement and appeal, as well as need to establish a blight fund or account (Mayor Festa stated there is an account). Also there needs to be procedure for proper notification of blight offender; some did not know they were in violation and others had not heard status in years; also need to establish a time and collection of fines. Mayor Festa stated before looking at collection of fines, account where deposited, we need a handle on the true definition of blight. Clear indicators are enforceable blight ordinances from other communities in line with State statute. To build a particular enforceable ordinance, we need to develop a committee, strong in Council representation and community representation as well. Fall Mountain Lake Association is here and have done a marvelous job in their community and there are other people in town willing to sit in a group and develop an ordinance. Look to Council as suggestion on ad hoc committee working with Town Council to move forward and with our Attorney to develop an ordinance that can become effective. Councilman Sekorski noted the Mayor did have knowledge with blight as administrative assistant, and had representation from public health, building inspector, sanitarian, fire marshal, planning & zoning, zoning enforcement, land use, animal control, police department representation and human services --- all who made up blight committee. The ordinance would help the Building inspector enforce. Liens were placed on property and those people were legally and properly notified; many listed that were notified as being blighted in year 2000, certified letters went out and the last the owner heard of issue; however, the Town kept compiling fines for that property and ended up with workshop relative to blight ordinance and included housing court judges who pointed out we had ordinance not enforceable because of language and manner in which the town expected to receive payment through courts. It was inconceivable to send out notification and in 2 or 3 years the court would award \$250,000 – \$300,000 to the Town. Background given of land taken off tax roles and no longer owned or abandoned, heirs to property were not found and sitting on tax roles. This is a difficult process, will be lengthy and a great deal of faith from individuals who want to be a part of this community. Mayor Festa pointed referenced Bristol's ordinance and what we are looking at is issue of health and safety fist and foremost, and their language talks about definition (portions read into record). Abandoned property, neighbors and neighborhood concern is welfare of children who play in or near buildings and animals that could be rabid and are within these abandoned buildings.

Clarence Atkinson, Building Inspector, stated he has concerns with same issues and did not know if the town had funds available to help a person who does not have funds to fix their property, or low interest loans with goal of taking care of blight issues. Other concern is property documentation: situation, pictures taken, signed document stating who was there, when, what was seen and photos to back up evidence window of time that reasonable amount of action should be taken to enforce blight action. Concern when people are properly notified and registered letter comes back, we send sheriff to make sure property owner is aware of blight, and written supplemental assessments submitted. He got a copy of State Statues and survey from 5 other local towns, and tried to analyze similarities and which towns missing things. They all have basic steps on blight such as tall grass, deteriorating construction; and towns had different ways of looking at blight steps. Mayor Festa stated there have been situations where an individual is cited for blight and to no fault of their own, example given on roof damage and tarp put over while trying to repair,

seasons changed and could not get to do work and repeatedly cited for blight and made public spectacle of issue; another situation of vehicle accident into a building and person cited for blight, not within their control and insurance issue that needed to be settled through a claim and they were cited for blight. There needs to be some assurance they will not be blighted every month; look at how we approach individuals and how we approach property owners....need mechanism in place along with documentation. Mayor stated we have job description relative to qualifications, a high school diploma and equivalent is standard, and minimal certification of assistant building official license or building inspector. Did have salary allocated for part time position and at that point in time if the blight official put in less hours than required they would be able to assist the building inspector in doing such things are general inspection. Councilwoman Schenkel asked if the Building Inspector knew if we need to put some type of language in ordinance because he will serve notice upon receipt of report and need to go on property to do documentation; will we need language that overrides complaint of trespass. Her concern is his safety if rabid animal or dog would bite, and need to put language in there to get job done without being threatened, harassed or refused access. Mr. Atkinson stated an adjoining neighbor, if usually complaintant, will let him on their property and he can get photos from different angles. Examples given and documentation is key. Councilman Sekorski asked if the Town is facing any instances that have come to his office that he is not able to deal with because ordinance is not in place and, under jurisdiction of building inspector, does he have certain enforcement from health and safety that he can do to blight, i.e. situations that are restricted from dealing with if ordinance is in place. Mr. Atkinson stated there are a few homes such as car, oil tanks, 50 gallon drums and do not know contents, and car parts all over, that he has not contacted because blight ordinance is not effective. Sometimes if he talks one on one they agree to clean up property. We need something to fall back on and as long as public health and safety that is good. Councilwoman Jandreau noted blighted person viewpoint and when send violation and complaint, that property was cleaned up and they did not know who to contact after that, but kept getting fined. Suggestion to make sure notice has person to contact after they clean property. Mr. Atkinson stated had man cited for blight, cleaned up and he came back for letter that stated it was cleaned. Also suggest blight letter contain process in detail.

Public comments: Barbara McLellan, blight enforcement officer at Fall Mountain stated this topic is very interesting and dear to her heart. In response to Councilman Sekorski, she listened carefully and excellent points but at Fall Mountain has learned complaints stating neighbor did not clean up so why should I. The town has blighted properties but does not give the next person the right to not clean up. In response to Councilwoman Jandreau, the way they handle it is they sat with lawyers to figure out language and only allow one unregistered vehicle, handled when they send out notification of blight; and they need to clean up and notify back. It is a simple process and does not need to get complicated. Also, blight is a big deal in every town and every town works on defense. We have some good resources available in our town that depletes blight which is recycling and people are not close. One day she drove around on recycling and looked at how many people had bins out and out of 300 homes, 70 had containers out. That is part and parcel to blight and an offensive move. Thank you for having amnesty at dump but not effective as it could be because did not allow wood which is part of garbage. With blight ordinance the Town

needs things to do to make it easier and at Fall Mountain they have some sort of blight thing going to get rid of junk cars; stating Rayanne in the Assessor's office is an amazing lady noting the moment she sends notices that they have to register vehicle (s) or it will cost \$5000, people get rid of vehicles or pay the town. They (Fall Mountain) amended bylaws to address property and they have water rats and a few other things and looking forward to working with the town as all can benefit.

Don Souza, 50 Eastview Road, thanked Council for having meeting noting he is here for Fall Mountain, sits on Housing Board of Appeals which is a part of the blight things. Problems on Board of Appeals is for blight when blight officer issues the property in violation they have so many days to appeal that blight ordinance and if choose not to appeal, then blight officer takes a further inspection and issues order of fine or whatever; if appeal they come before Board who has certain guidelines to go by. Board can throw out situation saying it is not blight, give a 30 day extension to comply, or modify the order. They have certain things to do under conditions in ordinance (read into record under Housing Board of Appeals); after hearing a decision is made, the blight officer notified, and from there on it is up to the blight officer to follow through. In the past all steps were not taken and once decision made, it was not followed through. Problem is in enforcement area and procedure that is not being followed from beginning to end and applicant has option to come before and explain blight. It is not the problem of what is or is not blight but enforcement and follow through of procedure. He stated Barbara's words are well taken and they have improved Association and successful. Everybody is responsible to declare their value of property such as snowmobiles. If plates are off vehicle, they still need to declare vehicles and pay taxes on them. Board of Appeals works with blight and housing codes.

Brian Bonds, Fall Mountain Lake president, stated as bad guy, they do have ordinance and looking to have town enforce a few pieces of property that should be knocked down for safety of kids as they want to put a playground next to one, and as taxpayers how will the town do this. If the town will take 20 years they may want to do it themselves. Bridgeport is auctioning off 20 pieces of property via a tax sale tonight; Bristol also does it but they also take things that are blight, assess property to determine blight, and turn around to fix it and bill the property owners. His group has also worked closely with the mayor's office and want to keep going that way to make sure blight in town and association gets followed through. The town must have a plan, step by step. and must follow through. You can put any rules down but if no plan to follow through, finish up and take people to court, it will not work. Out of 100 violations at Fall Mountain, 2 did not comply but they have not taken anyone to court yet. Need to know step. Make rules small so that you can finish them and you will get the job done. As President of Fall Mountain he will volunteer theirs and the town needs to enforce it. Need to knock down properties at no cost to town and find out if it works.

Joe Hooper, Todd Hollow Road, one problem to address is to make it easy for people to straighten out stuff; he is one of the biggest blights, messed up legs and need to start from square one and does not have money to do it. Need someone to explain if, how to do it noting the State is holding him up because of asbestos and need committee to help along to

go through road block.

Keith Golnik, 46 Orchard Street, one thing he would like to bring up is the fact of like what the gentlemen said who needs help with property before reaching point of blighted property; and help others such as elderly, sick who need help mowing lawn or painting; reach out from organizations in town with people; volunteer groups from high school for community service and do simple things to assist. Maybe free labor or materials.

Melanie Church, 328 Main Street, would like to see this go by State Statutes and reading through different things, Bristol goes by State Statutes; Waterbury cannot enforce theirs; in order to keep this simple why not use State Statutes. Another thing she believes and everyone thinks we need to have a blight officer; Bristol has a building inspector, zoning enforcement, police and these are people we already have and you do not always need extra income. High school and other buildings will be done and that may free up Clarence and this could be handled, she believes, by what we have as employees now. If place that smells and garbage around, she had a problem with China Star with flies in windows and went to the health department and told them and it got cleaned up. You do not need blight ordinance to enforce health and safety. Stench on property is health and safety and can be taken care of. Seriously look at Bristol's where they use State Statutes. Ones that have written their own when go to court they end up losing and if we go by state statutes that is what is followed and most economic way to do it. You do not always have to spend a lot of money. Build upon State Statues and not try to take other towns have done; State Statues is exact.

Mayor stated concerns and comments; Brian brought up valid point relative to his comments as with Barbara and Don; and have been working together on procedures and practices and he is researching legal component to look at properties and getting legal research as to whether the town through health and safety can demolish buildings without permission of vacant owner and lay claim to collect damages on what it cost the town to take down. Other point to Keith's comment, one thing looking at in terms of developing in near future is voluntary community service corps and reason looking at is CT Rural Development group when mentioned Rt/ 6 and 72 with overgrown grass and cutting and knowing owners and age on difficulty to take care of that bank which is a State requirement. Barbara McLellan mentioned amnesty and things not considered to be brought to transfer station. and is working on another amnesty period and being specific on what can and cannot be brought in; some blighted property, their equipment and material is simply no way to get to transfer station and/or cannot afford cost. Basically in concert on what needs to be done and has to be done but matter of time and personnel. He thanked each member of the public for presenting ideas and giving good thought.

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Councilwoman Schenkel commented on blight list of 30, known list and agree if handled properly what you have is a lot of free advertising of people saying, wow, they helped me and together will not be fearful of coming forward with problem for help. Other concern is once clean up is done we need to educate owners so that it does not reoccur. Old habits can die hard and could be back to same issues. Need to have maximum allowable fine for road side dumping. Need to stop that especially through Greystone Road area and thoroughfare between Waterbury, Wolcott; and our town crew is stuck picking up stuff. There needs to be severe penalty for dumping.

Mayor Festa asked Council what avenue of approach to take: Councilwoman Jandreau stated ad hoc committee is good idea to work, legal counsel, looking for Mayor and Town Attorney recommendation on what is relatively small committee to come up with draft based on recommendation and maybe can have second workshop; building inspector and Torrington Area Health District representative to participate in workshop; town attorney, Fall Mountain Association member; great concerns and recommendations and to keep simple, follow State Statutes. Smaller group and have workshop and endorse Mayor recommendation to bring forward and motion can then be made by Council. Councilwoman Schenkel stated she agrees, essential to ad hoc is for enforcement and should have housing appeals and bring in people to talk about finances, mechanism of collecting, need procedurally functioning ordinance; need to make practical and workable.

7. Council Comments – DiAnna Schenkel: thanked everyone that came in and providing feedback. Fascinated with Fall Mountain group, ideas and how addressing blight and element important to success is this group of dedicated people volunteering time to get job done and element we do not have as much. People have lost that caring for each other as community even if we need to let them know something they do not want to hear. Concern is once notice comes, people shut down and think they are in trouble and through housing appeals or separate committee that can assist Clarence who provides data, review and create communication bridge with people....need follow up call that know received notice and is it because elderly, cannot afford, and let it be known we have organizations to help, we do know there are people who volunteer; also, for committee what would be good is to look into grant money, no matter amount. Some money can be given to help paint the house or for new trash receptacles. For gentleman in back who has gone through so much she is sorry for what he has gone through and this man should have come to officials for assistance. Maybe there are resources at a level not aware of and she is willing to do what she can. Councilwoman Schenkel complimented the Fall Mountain ordinance; since so successful from Fall Mountain, maybe this committee could be in zones and bring people from those areas to talk about what is going on in their community and help to deal with it.

Brian Bonds stated at Fall Mountain they do not get paid and have 11 people to do work and strongest board ever seen. Key is first notice which says if you do not like it, who to contact, but you have to be nice. First notice is a courtesy notice and not a violation notice and at least 50% said they needed that to get going and they cleaned up. Have told them if they need help to let them know and they will try to get them help. People will fix problem but need to treat them with respect.

Council woman Jandreau thanked everyone very much and their ordinance will help Council figure it out and thanked Clarence for his time. Thanked Keith for his thoughts. Don Souza stated one other thing on clarification of whether can use volunteer people under Clarence in town to help and some way to work it in they would appreciate it. Mayor Festa stated we need certified building inspector or assistant building inspector due to codes; someone can go out and refer back to building inspector but on site determinations is from certified person. Discussion held on creating lists and how they were done in past mostly from adjoining property owners or within neighborhoods. Idea of individuals within zones for blight watch may be considered. Barbara McLellan noted 4 people zoned on different streets that go out at end of month and then come to her, she goes out; you can have individuals in towns; and it does make it easier.

Councilwoman Denski, those that have blight can it be because we do not have bulk pickup and/or curbside pickup. Mayor Festa stated there will be discussions next week at Council on curbside pickup but bulk pickup is due to cost; if in trash business, the best part is to be in recyclables and/or metals. Trying to get rid of larger pieces is hard to do. Not giving up on idea of bulk pickup and amnesty and helping people get their stuff to the dump. Greystone trash pickup reviewed by use of one day pass. Clean up community and it costs the community a bit of money but helping neighbors and friends it is priceless in that regard. A little bit of money it cost to take something away is worth effort of helping residents who foot bill by payment of their taxes. Will look at at least one bulk pickup at

some point during the year. Everything is going up because of price of fuel.

Councilwoman Schenkel asked Barbara on issue of wood and what type; Barbara McLellan stated old plywood, porches, sheetrock noting pressure treated cannot burn but if made list of people who want free wood that could be done; however, it was noted a lot of wood is junk and they cannot always determine type. Mayor relayed story for gentlemen on blight and fees processed at transfer station; man took pieces of wood to the transfer station, told fee was \$100 and then told every truck load would be \$100. Someone with a large truck, those 3 loads would become one and cost less. When he discovered that, he dug hole, put wood in and burned it which was violation, but can understand why it was done. The Town needs to assess way we have fees and fairness. Should we go by weight vs. quantity? Need to reeducate people on what can and cannot be done. Periodically need to put fees out there and sometimes it is state requirement to increase fees but people need to be aware.

Keith Golnick, 46 Orchard Street, not advocating but bet it would have been cheaper f or illegal burning fine vs. garage. Maybe in the future we can look at a dumpster to the community on a quarter or 6 month basis if for legitimate community service, and coordinate with neighbors for clean up and that area is allowed to dispose of things. Need to monitor what was going in such as something illegal or hazardous. Should look at establishing a fund.

Dave Bertnagel stated one comment that may come up more is critical piece of working with the community to get rid of junk and whether curbside or amnesty and/or redo fee structure, we need to change the way of operation at the transfer station. Argument about trash is people want to use the transfer station, and like to come to the transfer station and throw away what they want, and this not happening under the current circumstance because of fee increase. We need a facility with shack, scale and someone to find out what is in the vehicle and need to collect fee at transfer station; people do not what to come to town hall and pay fee for permit and then wait until weekend. It is inconvenient to utilize the transfer station. Need to look at fee structure, how we maintain and control, and feels it would balance out to pay staffing. If the town cannot get a good trash collection agreement we need to look at a way to do business at the transfer station and that means someone guarding the dumpster and this will cause education of the public.

Brian Bonds, Clarence said there are 30 people in blight now and that is not a lot of people and if the Town works with those you will get at least 20 to clean up and really only have 10 people to nail down to get the rest of it. The town needs to fight the battles it will fight and win the battles they will win and not waste money. As a town we need to be smart on the battles we pick. Mayor Festa stated he has the blight list fee and 38 properties are listed to a tune of fines \$2,373,250 and recorded from 2000 to 2005 and 6 of those had date of last communication in 2000 for one, 2005 for 2, and 2006 for 2 others. One property has fine of \$107,000 and another of \$113,000 and \$112,000. Looking at one at \$89,000 which is well known and we will never collect it. Mr. Bonds stated that there is no judge that will give the town that type of money. Some of these properties have been abandoned, original owner dies, no record of heirs and issue is to take action and do notifications in newspapers

that looking for individual x or y; and property will go for tax sale. Mayor Festa noted one property in particular, there was the attorney who took care of individual and bottom line and that attorney took property in lieu of payment but never recorded it. He passed on and heirs knew nothing and stuck with deceased client and difficulty in figuring out and settling.

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8. Adjournment

MOTION: To adjourn by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: Mayor Festa thanked those from the public for coming and participating; next workshop will soon be posted to form ad hoc committee to do justice to this issue. Vote: unanimous.

Meeting adjourned at 8:40 p.m. Respectfully submitted, Robin Gudeczauskas, Recording Secretary