

1. The Special Meeting of the Town of Plymouth Town Council on **Tuesday, July 15, 2008** was called to order at **6:53 p.m.** by Mayor Vin Festa in the Community Room, Town Hall. In attendance: Councilwoman Jacqui Denski, Councilman Peter Giancesini, Councilwoman Jeannine Jandreau, Councilwoman DiAnna Schenkel, Councilman David Sekorski, Mayor Vin Festa, Robin Gudeczauskas, Council Clerk.
2. Fire Exits – Noted for the record
3. Pledge of Allegiance
4. Council Rules and Procedures
5. Public Comments on Non Agenda Items – no comment.
6. To Discuss and Take Action On Secretarial Salary Pay Schedule For Boards and Commissions – Mayor Festa distributed and reviewed results of survey of chairman of boards and commissions and whether or not there is a need for verbatim minutes and length of meetings relative to hours expended at home to do minutes. 11 chairpeople surveyed, 2 questions asked, read into record. Question #1, one chair requested continuation of verbatim, 10 responded no; question 2 on length of meetings varied, (5) last 1 hour, (2) 1 1/2. Page 2 is survey on request individually and issue at hand is inclusion of mayoral policies, noting policies put into place from various mayors and they are then allowed to remain or recreated in a different fashion. Policies cover lack of quorum, cancelled meetings and issue of rescheduled meetings, wages for when not paid in certain situations; example given. The issue is to decide whether or not to take a look at salary scale and whether or not to move forward, put on par and set standard, if not seeking verbatim, follow rules associated with F.O.I. with motion, maker of motion, vote and number voted aye, nay or abstentions. If looking for verbatim, decision on hourly pay and how long duration it would take. If a meeting takes 2 hours, then it would take 2 hours for recording of those minutes in a legal format. Council comments: Councilwoman Jandreau added to survey the length of meetings she is liaison to: Charter Revision 3-4 hours, Inland Wetlands 3-4; Economic Development 1-½ - 2 hours. She also noted sample minutes from different boards and commissions for review that go from 1 page to 6-7 pages and stated there is a difference between boards and commissions. Also if a change in policy, that should include these secretaries if also town employees, not to use their time as a town secretary to do board or commission minutes and the work needs to be done outside regular working hours. Mayor Festa stated for clarification, the Land Use secretary can do Planning & Zoning minutes during the day as it is a contractual item that she is required to be secretary for evening meetings of that department. Anyone else, if employee of the town to boards or commissions would do after hours. All Department Heads will be notified of that as it is a double dip process. Councilwoman Schenkel – this is a contract committing a set amount of meetings per year being budgeted for and an issue she has seen where a chair or committee decides suddenly to cancel a regular meeting as it is summer, then reschedules and that secretary has taken the time to reschedule her family and whatever she had just for that day and to penalize to not pay is unfair. One idea is to make it where they get a minimum of one hour of time and that puts pressure on the chair to hold valid responsible meetings that are timely, people need to take seriously and should not penalize the secretary if she shows up and is ready to do her job. If it is a 30 day notice that is sufficient notice; less than 24 hours is not sufficient. Mayoral policy of Mischke is a

pretty good policy, read into record. Even though many have said whether verbatim or not we have fallen into a pattern and standard of work and people who read expect to read more than a motion and vote and would be very shocking if brought to F.O.I. minimum. Chairwoman Jandreau stated you can tell by samples that most verbatim means word for word but they are more than motions and votes, give explanations and they claim it is not verbatim and they are right but do a very thorough job. There are corrections that need to be done, it is fairly labor intensive job and it takes quite a bit of time to do that. Councilwoman Denski asked (a) how long would it take to copy minutes not verbatim for 3 hour meeting; Mayor Festa responded it depends on the length of the agenda and particular interest in items on that agenda. (b) If we pay per hour, not verbatim an additional hour, and verbatim however length of meeting. Councilwoman Schenkel noted need for filing with town clerk and properly stamped in, etc. and they make an extra trip to town hall within a certain period and they need to be stamped in, so they are administrative duties. Not everyone has a laptop and coming with tape recorder and if you listen and type you need to keep stopping and repeating to get true essence of tape. There have been many times where the commission is quietly talking and you need to listen carefully. Most secretaries are using their own equipment and we are not providing them with a computer. Councilman Gianesini stated the term verbatim is meaningless and go to a 3 hour meeting there are generally 5-6 hours and never a 1/2 page minutes of motion and who voted. Think relationship between length of meeting and amount of time to work on at home as if a meeting lasts 3 hours, based on that will say how much we pay to work at home on minutes which need spelling check, coherency, attendance and time person spending you are paying for. It doesn't matter if the chair says verbatim or not. If they meet for 4 hours, it means work is being done and person recording what is going on and if call verbatim or near verbatim and if last one hour there is not much business but could have detail to it. It should go by length of meeting and chair has responsibility to control meeting. Although it is up to the Chair to control the length of meeting and in some instances, people have application and you have contractor, enforcement officer, public, and time needs to be made for people and you cannot stop from speaking; other groups like Recreation control own agenda. Mayor Festa stated meeting secretaries are paid \$100 per meeting and \$12.50 per hour after the first 2 hours they are at the meeting and nothing in terms of transposing and looking for pay scale for that purpose, i.e. whole gamut of posting, copying, attending meeting is the \$100 and need to establish a pay. What he has discussed with the Comptroller is \$12.50 for extra hours incorporated in transfer of minutes from pad or tape or computer to actual print hard copy. If have 3 hour meeting we will give you 3 hours transposition time. Time frame of meeting will coincide with transfer of minutes; there are 2 individuals that take shorthand and everyone else on computer and/or tape recorder. He also noted that the tapes are saved but the minutes approved are the official minutes. Councilman Sekorski noted the minutes are becoming more critical if official document representing decision and protocols and would argue that it is absolutely worth to set benchmark standard to start with, one to one ratio and baseline for 2 hours, \$100 covering posting and items mentioned and suggestion of hour for hour for transcription and various methods and keep rate of \$12.50. He feels it is unfair folks are spending extra time that is not compensated clearly. There will be ups and downs and if boards and commissions are satisfied with minutes than need to set protocol at future date. Mayor

Festa stated there have been no complaints to date relative to quality of minutes and it has been more difficult and done some begging in asking individuals to stay on and continue in capacity when meetings start at 7 p.m. and continue to 11, and then at home they are on a tight timeframe to get transposed and back to clerk's office. Some material, depending on commissions is so vital and necessary, and does require that time and energy because minutes should be exact and can have legal challenges if records are not up to par and can create problems in terms of liability. On simpler items do not see need for lengthy minutes; most meetings require a level of detail and boards and commissions need to approve. Further discussion held if going by minimum standard of 2 hours for meeting, meeting goes way beyond schedule time there is the need for hourly compensation for that secretary; if 1 hour to do meeting and 1 hour to type minutes which should include filing and copies. They do get compensated for length of 2 hours and then \$12.50 per hour at the meeting, but worry is they are not getting paid for work at home for transposition of minutes. What is the fair way to do that because it does not end with at the meeting; need to do something about work at home, agree to pay for length of meeting if lasts 3 hours pay 3 hours transposition. If each commission has money allocated in budget and runs it that way, if decide to have longer or extra meetings they will go over budget. Public comments: Tom Blade, 99 Heather Lane, stated his wife took notes for Inland Wetlands and knows if they had a 3 hour meeting she spent more than that at home and maybe for 3 hour meeting she would spend 4-1/2 hours typing. Mayor Festa stated the Council needs to set a standard and from what he is hearing, looking at 2 hour meeting for \$100; \$12.50/hour thereafter for the meeting; and hour for hour at \$12.50/hour at home for transposition.

MOTION: To set the commission/board secretary pay at \$100 for a 2 hour meeting, \$12.50 per hour for each additional hour the meeting runs, and \$12.50 hour for hour of the meeting for transcription at home, by Councilwoman Schenkel; second Councilwoman Jandreau. Discussion: Councilwoman Schenkel did not talk about cancellation ahead of time. Mayor Festa stated that can be incorporated into motion and probably would be important step to move forward. Jeannine wants to vote on this and make separate policy. Councilman Sekorski stated his comment is that it would be important for Council to get feedback on this afterward as it may take longer to transpose and we are setting standard at this point and can readdress. Vote: unanimous.

MOTION: For meeting cancellations with 24 hour notification ahead of time the secretary shall not receive compensation, by Councilwoman Jandreau; second Councilman Sekorski for purpose of discussion. Discussion: Clarification requested on payment issue if cancelled that they still get paid and include more information; certainly not pay full \$100 if cancelled at last minute. If cancelled due to lack of quorum they receive 50%. Councilwoman Schenkel stated that people don't just do that because they want extra Christmas money, some depend on it for income and 24 hours is not enough time and these secretaries commit to a year of meetings, rearrange schedule to be there as it is their job. Would agree to something with less than 24 hours or meeting cancelled they get \$50 however if 30 days notice they do not get compensation, i.e. if a meeting in January and know next month there is not a meeting they know they will not be scheduled for that meeting. Councilwoman Jandreau stated for reason if working at a job you do into get paid if you do not go to work. Give 50% if come to meeting and it is cancelled but if cancelled day or two before no compensation. Not every commission does this but

they take for granted that the secretary will show up. 50% cancelled for lack of quorum and if told a day ahead or more than one day that secretary should not get paid. Mayor Festa clarified the cancellation has been infrequent but when occurs there are secretaries upset because they have to post agenda in advance, they prepare to come armed for meeting to find out lack of quorum and that secretary needs to post a cancellation and repost new agenda within time frame which creates another problem and then needs to make arrangements for issues for that new date. The time frame is not just the night of but 24 hours prior to which has that secretary who has posted and agenda set, got packets out, got material to members. They make preparation and receive nothing for it. If going to a special meeting there are certain items that cannot be on agenda; need to be in conformity with F.O.I. Councilman Sekorski rescinded second on motion; Councilwoman Jandreau rescinded her motion.

MOTION: The board/commission secretary be paid 50% if meeting cancelled due to lack of quorum, and if cancelled 48 hours ahead the secretary shall not receive compensation, by Councilwoman Jandreau; second Councilwoman Schenkel and the vote unanimous.

7. To Discuss and Take Action For Ordinance Consideration On ATV Issues – Mayor Festa stated a number of complaints have been received over last several months and have shared correspondence from community, open for discussion and allow public participation. Councilman Sekorski questioned whether the Council received official memo from police chief with respect to the fact they seem to be unable to enforce or act upon complaints of excessive noise due to these vehicles on public streets or private property. History he is familiar with and recent communications seems as though issue at hand is police department claiming without help of ordinance they cannot act because state statutes or currently local ordinance on noise were unenforceable or not practical. There is national information on acceptable decibels and would like to hear from the chief of police on her position and other local authority and why we cannot deal with current laws. Mayor Festa stated one need is to set up adhoc committee to move forward to strengthen what is on books and now move forward to public participation at ad hoc committee to address issue of enforcement of atv's, snowmobiles, dirt bikes, but ultimate responsibility is police dept. The first snow fall you have calls in to the police department on noise in neighborhoods, streets, side yards and when police get to location they are gone. This has become a major problem to track individuals and have had other issues in good weather for injury to individuals on private property from people driving vehicles and no respect for property and people. Councilwoman Schenkel asked the Council and public to indulge as she read highlights of state statutes from Chapter 255, Section 14-379 to 14-390, Section 386 noting her interest that no operator shall refuse to stop and any person failing to do so will have infraction, speed or operating under the influence is a fine not more than \$250 for each offense; must have written permission from owner if riding on someone else's land; for each penalty there is a separate infraction for each violation. Councilman Giancesini stated on someone's property it is nice to say liable but unless you go to court you will not get anything and the police need to spot it and you will need to complain. He has seen quads come out of private property on 2 wheels causing people to avoid hitting a tree, no registration plates and the police cannot go all over looking. Need committee from various commissions and public; although it is common sense what they should not be doing but get away with it. Questioned whether

the atv, snowmobile, dirt bike is caught and not registered, can it be impounded pending hearing in court. Councilwoman Jandreau stated need to have ad hoc comm to study, make regulations by ordinance for operating and of use for snowmobile and all terrain vehicles. An ordinance gives power to people being harassed, they might call the police more often. We need regulation or ordinance that spells out what can or cannot be done. Councilman Sekorski stated it is frustrating if we cannot enforce the state statutes which are robust, and an ordinance will not do us good unless clarify additional rules and regulations that might make more enforceable. He is interested to hear the chief of police information and follow up after input would be great and supports additional investigation. Public comment: Keith Golnik, 46 Orchard Street, he does not own an atv but all state statutes were spoken of and it does not matter if someone is on private property; does not have to be registered or insured; private residents complain about neighbors and have hard time imposing any rules or regulations on what can do on his personal property. He feels a reasonable ordinance after 11 p.m. if excessive noise that is breach of peace; but during the day time whether atv or lawnmower, snow blower, chainsaw if on private property, do not see how ordinance would have effect and state statute is already clear about operation. Vicky Carey, Greystone Road, we do need ordinances for bikes because it is not her neighbor causing problem; she lives on Greystone Road with railroad tracks from Bristol through to Waterbury and electric lines that go up and down and people riding bikes, atv's, dirt bikes, snowmobiles, etc. and ride any time day or night and travel through power lines. There was a fire not too long ago and atv and dirt bikes were riding and police did not stop. Her son got run over by 2 atv's on his property and had dirt bike marks on him and the police told him, and his words in quote "the police officer said he wasn't going to chase the vehicles because he'd lose his pension" also had ambulance guy check him and wanted to press charges. The problem is people coming up from DEP who has regulations in state, and have 50 page regulation that they are looking for areas to allow dirt bikes such as area in Voluntown and a few other designated areas. DEP is looking to open more areas for riding atv's and dirt bikes in state forestry. No one group has come to DEP and legislature not passed. In one regulation is does state atv's can pass across frozen waterways such as Hancock; and there is a noise ordinance. Atv's, mini bikes, and snowmobiles need to be addressed inclusive and allowed only on public road except for emergency atv's; fines at least \$1000 or confiscation of atv, dirt bike or snowmobile if fine is not paid. Should also state public property, roads, public lands, governmental land and/or public roadway and railways. Hours, according to the state we are allowed to regulate hours and times; and should be 8 am to 6 pm or sunset whichever comes first so it does give piece of mind and quiet. Also have buffer zone and private properties should have 5'-10' buffer zone so no damage is done to property. DEP is looking to have everybody follow through atv courses and do not know if possible because no one has education components. There are trails in Massachusetts, charge atv's, dirt bikes, \$20 for registration and money used to clean up forestry; use to ride in reservoir which they destroyed and had to take flags of yellow and red off and move to vast pieces of property; and money pays for rangers. Need to call our legislature and ask to tighten rules and we do need police to be able to better patrol and if have a few of our own polices, hours of operation and reinforce rules. At her end they fly in Mattatuck forest, Allentown Road and from Allentown you can go to power lines and ride to Southington and never get caught. Can come from

Sheffield Street down and through. Councilwoman Schenkel question to Vicky, when son struck by atv, that was assault and battery and officer said not to risk pension and encourage her to submit complaint to police chief to address issue. Fran Block, Greystone Road Extension, stated Vicky went over most of situation and she lives on major thoroughfare and has CL&P lines through property, watch people coming over hill from Wolcott and Waterbury all day on Saturday and Sunday from 7 am throughout day. Also have no trespassing signs taken down weekly as well as gates being cut and trees taken down on her property as they cross over brook. Police have been good when called on incidents and have responded, came down, have patrolled streets and on occasion caught someone crossing streets but they cannot go through woods chasing them. They are fully covered, unidentifiable and unregistered. There is a large group from Waterville and forming ad hoc committee is good idea, soliciting police department to encourage other towns to patrol their streets to power lines for access way and she cannot as a citizen do that. CL&P has been helpful in putting boulders at entranceway but those boulders are rolled and moved and dirt bikes go over anything. It is worth pursuing a committee on what can be done to help control, get people involved and educate our own as people are not aware of laws. Marco Terni, 333 Allentown Road, has 200 acres there, did put road in and was going to build a house, atv's in a short time were running up/down fast and would rototill dirt road and it gets washed into his lake, they have had blazed new trails, glass on property, bottles in woods. He has had his car parked and had 4 quads pull up toward him and tried to run over, hit car, broke taillight and went around. He did file police report. One year ago, he hunts his property and went back with 4 friends when 2 drunk, 40 year old men came down on dirt bikes, he told them to get out and they assaulted him. He called police on cell, they did come and riders took off. Those people (riders) filed a complaint against him and the police got involved, went to court and it got dismissed. No way to identify these people. It is a distance to get to where riding and the police said they cannot waste time down there. He is down there, chase out and no way to identify. When they did get a few arrested near road on his property and were unregistered, but police said they couldn't have towed because unregistered but said what is on his property they cannot call tow truck. Would like a change to ordinance if on your property automatically get ticket if unregistered, for trespassing and automatic tow if unregistered vehicle. Challenge the town and police, if they spend a few hours on his property, they would be able to pull 4 or 5 atv's every weekend if not per hour. Councilwoman Schenkel, liaison for Police Commission, stated the Chief has said people are creatures of habit, have pattern of people who come by and to contact her and she will set up a time to have patrol officer there and wait. She is not against people enjoying atv's if done wisely and lives on Mt. Tobe and people problems are not her neighbors but people engaging in questionable activity in our town. Mr. Terni stated he is sick of the whole thing and they are destructive. Kevin Engle, 205 Preston Road, own 3 atv's and rides on his property. Instead of town ordinances, clear the dust off the police department motorcycle that got from a grant and set up designated time for police officers to sit and watch people and get the motorcycle and police officer and do proactive instead of making town ordinances to ban. There are no places to ride and they are riding in 200 acre areas. Look and maybe we can, the state, buy 200 acres and designate as area for atv's and dirt bikes, and charge fee to ride. Thomaston Dam does it and no complaints and a lot of trails. Do proactive. They are not a bad thing and he uses

for yard work, to ride to neighbor. Poor old guy up the street, we cannot ban his golf cart from going up the street. Know the cops cannot sit there every day and cannot be everywhere and maybe designate a patrolman, maybe on overtime, to catch those not suppose to be there. Councilwoman Jandreau noted none of us are against atvs but would like to have something to give police for people breaking rules. Mr. Engle stated those are laws on books and just enforce. Every time read discussion, for those who own and enjoy there are restrictions and on his property it cannot be banned. He enjoys riding and his kids do and although some only have ½ ac property, they go talk to neighbors. Acquire land from Army Corps at Hancock and be proactive instead of restrict so tight. He will not register his and not paying more taxes. Tom Blade, 99 Heather Lane, suggested if neighbor complains you can check it out and make sure quiet exhaust system. He does have a dirt bike, 14 acres and have same people with quads tearing up mud holes. When first moved there he said go ahead and pass through but do not tear up, and it is different people every time. Some people are pretty nasty and his property is getting torn up and it is an issue; however he does have neighbors riding on their property and they are trying to stay on their property. As long as bike is quiet, not bothering anyone and legal exhaust or sold with bike and not loud and obnoxious it would not be bad. Can have police look at exhaust system and ask about exhaust. Vicky Carey stated those that are pro and interested in atv's., and a lot do have small pieces of property, should go to DEP and ask about what is going on like in Voluntown and state forests. State statues may regulate operating use and zones and we are allowed to do ordinance to regulate. Also did want to say there is noise statue for atv's with decibel rating, we need more bite and reinforcement and not once every 3, 4 or 6 months, and need more cooperation maybe with DEP and Army Corps of Engineers at Hancock Dam. When atv's go through Hancock it echoes throughout the valley and is unbelievable. Rifle range was a show down and promised recreational area and never did anything. Need some other places and maybe CL&P, SNET who owns part of road at Hancock, maybe sit down and talk to them for help. Council comments: Councilwoman Schenkel stated reason here is not because of family with responsible adult monitoring kids and teaches kids, we are here with reports of cul de sac where 12 year boy pulling sister in red wagon at 35 mph, and someone's son ran over, property damage, and not your responsible family who are taking fact that this is serious but fun vehicle but people who are abusing or misusing. Councilwoman Jandreau stated 3 years ago they had some people non cooperative and running all hours of the night and all day, tried to have rapport with people and no recourse if on own property. Think we need some regulations as far as decibels, noise, time and it leaves out responsible peoples; people should not ruin your property and need some regulations to try to stop ones giving everyone a bad name. Councilwoman Denski stated she would like to hear what the police chief says on situation. Councilman Gianesini stated this is very important, common sense should prevail, and when get those down in numbers and get alcohol or drugs involved, the police with landowner need to pick times to be there. We need to pay overtime, grab machine, tow away, bring to court and word will get around to go somewhere else. If property owner cannot confront them as you will get hurt. Police need to be brought on board and pinch a few, they will go somewhere else.

MOTION: To establish an ad hoc committee to include the Police of Chief and any other enforcement people or people knowledgeable such as Vicky, to set up rules and

regulations and talk about what can be done; incentive for those doing right; rules and regulations to stop others from doing what doing, by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: confirm that the Council is asking the Mayor's office to set ad hoc for purpose of investigating ordinance and regulations of atv's and include enforcement members of community and other interested people.

AMENDMENT TO MOTION: Number of members on ad hoc committee to be the discretion of the Mayor, by Councilman Sekorski; seconded by Councilwoman Schenkel. Discussion: Councilwoman Denski asked whether there will be discussion with ad hoc on location. Mayor Festa responded all issues pertaining to atv's, dirt bikes and locations. Vote: unanimous.

Vote on Motion As Amended: unanimous

Vote on Motion: unanimous.

8. Public Comment - none

9. Town Council Comments

- a. Councilwoman Jandreau thanked all people who came, were patient in waiting for quorum and participated with good comments. Nice to have people at meetings.

10. Adjournment

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

Meeting adjourned at 8:35 pm

Respectfully submitted,

Robin Gudczauskas, Council Clerk