

1. **CALL TO ORDER** – The Plymouth Town Council Special Meeting was called to order in the Community Room, Plymouth Town Hall, on **Monday, June 22, 2009 at 6:03 p.m.** by Mayor Vin Festa. Members in attendance: Councilwoman Jacqui Denski, Councilman Peter Giancesini, Councilwoman Jeanine Jandreau, Councilwoman DiAnna Schenkel, Mayor Vin Festa, Robin Gudeczauskas, Clerk of the Council. Councilman David Sekorski was excused.
2. **FIRE EXIT NOTIFICATION**
3. **PLEDGE OF ALLEGIANCE**
4. **COUNCIL RULES AND PROCEDURES**
5. **PUBLIC COMMENTS ON NON-AGENDA ITEMS**
6. **DISCUSS AND TAKE ACTION ON THE CHARTER REVISION REPORT AND TO SET A DATE AS MAY BE NECESSARY TO HOLD CHARTER REVISION**

Mayor Festa stated discussion is to look at the reports from the public hearing and by Charter Revision and decide whether to do revisions, corrections, deletions or additions and then that is sent back to Charter Revision for review and action and then back to Council as a final report. Discussion held on timeline with Mayor Festa reading into record Section 7-191. The final public hearing was held on June 15 and Council has until June 30.

MOTION: To reconvene for this on June 29 since Councilman Sekorski is not here and meet with the Charter Revision Commission and give changes at that time; by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: Councilwoman Denski stated she is ready to make recommendations now; Councilwoman Jandreau some are not and we have councilman missing. Councilman Giancesini stated the Mayor's office will need to check and make sure everyone is available and tentatively schedule for June 29. Councilwoman Schenkel stated since the articles in the paper she has had quite a bit off feedback from the community and needs more time to follow up on those. Mayor Festa noted the absence of Councilman Sekorski due to a family member in the hospital and he relayed his only major concern is he would like to set referendum date for November election. And to Councilman Giancesini comments, it is very important to make sure everyone is available and if there is not a quorum at next meeting we are in violation of the State.

Councilwoman Schenkel rescinded her second. Councilwoman Jandreau rescinded her Motion.

MOTION: That before June 30th this Council meets to take action on a charter revision with Charter Revision Commission by Councilwoman Jandreau; Councilwoman Schenkel. Discussion: none. Vote: Councilwoman Schenkel, yes; Councilwoman Jandreau, yes; Councilman Giancesini, yes; Councilwoman Denski, no. Mayor Festa stated the Motion passes 3-1.
7. **TO DISCUSS AND TAKE ACTION ON THE REPORT OF THE MUNICIPAL FACILITIES COMMITTEE AS TO THE STATUS OF PROSPECT STREET SCHOOL AND MAIN STREET SCHOOL**

MOTION: To discuss the report of the Municipal Facilities Committee as to the status of Prospect Street School and Main Street School by Councilwoman Jandreau; second Councilman Giancesini and the vote unanimous. Discussion: Councilwoman Jandreau noted the Council had a public hearing and listened to concerns and these are schools everyone has attachment to by attending schools and we have to start being cognizant that

we cannot take care of facilities and no plans to do anything with them. Costs money every year and deteriorating and we need to put both schools on the market. Councilman Giancesini stated in the case of Prospect Street School it was discussed that the construction of the building and age does not make it amenable to modification with anything with masonry walls, electric and lack of elevator, leaks around foundation, the building is pretty close to 100 years old. In the case of Main Street School, we can see where some people may view as possible for renovation for particular use and in own home or business, making renovation vs. moving you will be spending an awful lot of dollars to make changes in building to allow for its use. Once change use you have everybody coming in telling what has to be done and will spend an awful lot of money. The end result is you spend lots of money to have facility prepared to do mediocre job vs. need and think it tends to basically waste dollars in the long term. If we could take advantage of some revenues and tax money down the road it would be a plus; and do some bonding at low interest rates now if had good plan especially with other with Plymouth Center School and WPCA coming off line it is better way to go to give value for dollars spent. Councilwoman Schenkel stated this has been a tough decision because we have four generations through Prospect Street School and education is near and dear to her heart and understands society on things disposable. After reviewing report and obstacles need to overcome to rehab buildings, in favor of moving toward on the sale of both buildings. Councilwoman Denski stated we are all in agreement Prospect Street School needs to be on the market; but concern with East Main Street is residential directly behind and is way to have control on what goes in. Mayor Festa stated there are a number of ways to put controls on issues and depends on what community is looking for. You can put out request for consideration to make presentation for what potential buyers would do. It is a way of putting control on it. You would look to people who would make proposals and you can accept or reject and have ultimate responsibility and authority. Councilwoman Jandreau noted you can have control with Planning & Zoning. The zoning can be changed and will have to because it is not commercial now and people can go and state opinions on what zoning should be.

MOTION: That we put both Prospect Street School and Main Street School on the market and see what happens by Councilwoman Jandreau; second Councilwoman Denski. Discussion: none. Vote: unanimous.

8. TO DISCUSS AND TAKE ACTION TO RECOMMEND FINAL LEGAL REVIEW OF ALL TERRAIN VEHICLE AD HOC COMMITTEE'S PROPOSED DRAFT

MOTION: To discuss by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: Councilwoman Jandreau read the Ad Hoc proposed draft but $\frac{3}{4}$ is State Statute and redundant to repeat and duplicate statutes. If want to do anything, do in addition to what State Statutes has. Concern is you can do anything you want and make as many rules or laws and if nobody enforces they will not do any good. Have had several people say problem is not with statues and with enforcement. Councilman Giancesini stated we had a group of independent individuals write report, spent time and obviously both sides of issue and came to compromise, and he does not have any of these machines. Sometimes when have Ordinance that is a town-based ordinance, the police are more comfortable enforcing than to try to have copies of State Statues to do so. The Police Chief looked over and gave blessing that they can enforce and live with it and a number of people said they obey the law. The time comes when some of them, partly of

excitement is to take exhaust apart for noise and part of glee where others have helmets on and not louder than lawnmower. Does not mean a property owner needs to listen to noise; and cause property damage and if a police officer looks at it, and by same token if going on property and doing damage, they can do something. If you went by State Ordinance we would have empty book. Whether everything is complete i.e. ten foot buffer, hours of operation, some people are not happy but cannot have everybody be satisfied and an emotional thing where people say can do anything on their own property. Defer to group who put this together and want to put modification based on hearing recommendation. Councilwoman Schenkel stated she has no problem with this for legal review because we did entrust the Committee with task of doing so and they happened to mix in State Statues; and would like Attorney Vitrano to look into issues in terms of how ordinance will be interpreted: (a) what is State Statue or case law in terms of time of operation for recreational vehicles; (b) lot size for using recreation vehicles and any restriction or case law; (c) age limit of operation and of limit unsupervised; (d) if fines covered under section of Statutes quoted to Council and are there other fines or stricter fines in Statues and how enforced. Councilwoman Denski stated from townspeople the biggest concern and problem is not just people from our town but other towns driving in and disrupting with noise and destroying property and she is not seeing in here how that will help or prevent people from other towns. You can call the police and have them catch them but have been doing over and over and not helping. She respects them (Ad Hoc Committee) for putting this together, a great job and agree with Councilwoman Schenkel in getting Attorney Vitrano to look over and not seeing how helping with out of towners who are coming in and destroying. Councilwoman Schenkel stated basically if they are within town boundaries the Ordinance would apply and if caught without registration numbers they can be impounded. We can only do what we can do and hope citizens will call police and video tape and try to get a description of people on vehicle and a start. Councilman Gianesini stated an Ordinance such as this is not going to stop people from riding power lines and would need concerted intelligence from police, spend money and have machines to chase and not likely that will be done; however, seriously doubt every person in this town complies with laws 100% all the time and we have obligation to see that state laws are enforced within our community. If a person is riding on their property and we can take action. With no further discussion, Mayor Festa stated this item closed.

MOTION: To have Mayor Festa send this document All Terrain Vehicle to legal counsel for review with the stipulation he includes Councilwoman Schenkel's concerns, by Councilwoman Jandreau; second Councilwoman Schenkel and the vote unanimous.

9. PUBLIC COMMENTS

- a. Patti HeHuff, 20 Lynn Avenue, feel disappointed in Council because you are the ones who chose the Charter Revision members, chose what you wanted to look at in the Charter and did that for 16 months; and in latter part of time were meeting every week to do business of examining the Charter. Since they did what asked to do and presented with proposal it is disconcerting to know after had all this time and a month since last spoke you still don't know that you want to do with the Charter and still a delay for when referendum will be set. Comments at previous Town Council meeting made her wonder if she ever wants to serve again on a committee as feels it has been thrown in faces and you don't have regard for

people who have volunteered time for this. Don't understand why you don't know what you want to do at this late hour and putting off again, and most of the Charter Revision commissioners are here and have to come out again and wait for recommendation and discouraged. Word is discouraged and disappointed in Council.

10. COUNCIL COMMENTS

- a. Councilwoman Jandreau – You may be disappointed and had 16 months to do what you did and we need another few weeks to do ourselves; want to make sure we do it right and make sure come to you; give us a chance to look and digest. Not so tough for her because she was at all meetings but the rest of Council has a lot of work to do to look through. Mr. Sekorski is not here and she wants to look it over again and feel that way and those not at meeting, most feel need more time and we want to do it right. We do not want to rush into and go over it and not do what want to do. A lot of the things you did were not recommended us by and need to go over before recommend to the people and sorry she feels disappointed. Not going in just because you think we should and will take time to do what we need to do.
- b. Councilwoman Schenkel stated she is sorry disappointed and you also served on Charter Revision with her earlier and know that took time and was not put before until election of November and gave no guarantees at that just because proposal done we would act. This is one of the biggest decisions to make for our town and agree that she wants to do right and give best possible chance for the public to understand what the changes are.
- c. Councilman Gianesini stated personally was disappointed when had public hearing that only one or two people had any comments on something as important as this and essential we do homework since nobody else is interested.

11. ADJOURNMENT

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

Meeting adjourned at 6:31 p.m.

Respectfully submitted,
Robin Gudeczauskas, Clerk of the Council