

1. The Regular Meeting of the Town of Plymouth Town Council, **Tuesday, July 7, 2009** was called to order at 7:00 p.m. by Mayor Vin Festa in the Community Room, Town Hall. In attendance: Councilman Peter Giancesini, Councilwoman Jeannine Jandreau, Councilwoman DiAnna Schenkel, Councilman David Sekorski. Also present Mayor Vin Festa; Robin Gudeczauskas, Clerk of the Council; David Bernagel, Comptroller; Attorney Sal Vitrano, Town Attorney. Excused absence, Councilwoman Jacqui Denski.

2. Fire Exits – Noted for the record

3. Pledge of Allegiance

4. Acceptance of Minutes of Special Town Council Meeting April 13, 2009; Regular Meeting May 5, 2009; Special Meeting May 6, 2009; Special Meeting June 8, 2009; Public Hearing June 15, 2009; Special Meeting June 29, 2009

MOTION: To accept the Minutes of April 13, 2009 by Councilwoman Jandreau; second by Councilwoman Schenkel. Discussion: none. Vote: unanimous.

MOTION: To accept the Minutes of May 5, 2009 by Councilwoman Jandreau; second Councilman Giancesini. Discussion: none. Vote: unanimous.

MOTION: To accept the Minutes of May 6, 2009 by Councilwoman Jandreau; second Councilman Giancesini. Discussion: none. Vote: unanimous.

MOTION: To accept the Minutes of June 8, 2009 by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: none. Vote: unanimous.

MOTION: To accept the Minutes of June 15, 2009 by Councilwoman Jandreau; second Councilman Giancesini. Discussion: none. Vote: unanimous.

MOTION: To accept the Minutes of June 29, 2009 by Councilwoman Jandreau; second Councilman Giancesini. Discussion: Councilman Giancesini noted on page 3, a third of the way down stated a change from “hundred of thousands of dollars to advertise”; it should be “hundreds of dollars to advertise”; page 6 – half way down “reactive” should be “proactive” “We will control spending by” should be “We will not control spending by”; “Monitor through BOF and Comptroller which is reactive” should be “proactive”. **MOTION:** To accept the Minutes of June 29, 2009 as amended by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: none. Vote: unanimous.

5. Council Rules and Procedures

MOTION: To amend the Agenda to include Acceptance of Minutes of Special Council Meeting of June 22, 2009 by Councilwoman Jandreau; second Councilwoman Schenkel and the vote unanimous.

6. Acceptance of Minutes from June 22, 2009

MOTION: To accept the Minutes from the Special Council Meeting of June 22, 2009 by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: none. Vote: unanimous with Councilman Sekorski abstaining.

7. Public Comments on Non-Agenda Items

a. Keith Golnik, 46 Orchard Street 46 – (1) stated his understanding that the town employees working in building next to the library have been moved out. Is that true?

Mayor Festa noted the VNA and fire marshal, yes, have been moved out. (2) The business owner across the street states she observes many people going up to the house looking for people and she has also told him the guy next door comes over every now and then when weeds get too high because he cannot stand looking at it. Who owns it and is suppose to be maintaining the lawn and keeping it spruced up? Mayor Festa stated the town owns the property and the signs are being contracted for removal and replacement with proper signage that will be at the new location which is Main Street School. There is a contract going out for the upkeep of the maintenance of grounds and as soon as we come to a contract and in terms of bidding procedures in place. (3) Other concern about PSS and now the town has ownership and maintenance by school board and do not know if Mr. Lorenzetti is happy and found tennis court is full of weeds, vines and one net torn down and know somebody has been mowing the field and maintains the soccer net and would like tennis court brought back to some shape while the town owns it and lock the fence so kids cannot get in. Mayor Festa stated for clarification on the issue, the school department still maintains the lot and just turned over the building to the town.

b. Melanie Church, 328 Main Street – (1) maybe the public has a right to know but there has been a problem getting tax bills and as of today she has not received a tax bill and was wondering as you are suppose to get by July 1st and they are due up until August 1st and what happens at this late date when coming in so late and people not receiving; talking to my neighbors we have not received and would like to know how is this being rectified because now we are on the 7th of the month and still no tax bills. Maybe you can answer that for the public. Mayor Festa stated for the public and for her, he did explain last week the issue with tax bills and explained again today if inquiry at tax collector's as to glitch in mailing to Quality Data sending bills to the post office and they had glitch and therefore did not go enmasse and have been working on that since day one. The bills are coming due and are coming in to homeowners' addresses as they get through the post office. The post office admitted the fact that they are at least three trays in arrears and had to go through their procedure and taking responsibility for actions that occurred. The bills are forthcoming and being delivered to the homes. (2) Will there be something published in the papers? Mayor Festa stated yes. Councilwoman Jandreau stated whether you get a bill or not you know you owe taxes and have to pay and can call the tax collector's office and they will send a copy. You know you owe and you know you have to pay by August 3rd this year. By not getting a bill does not mean you don't pay taxes.

7. Mayor's Report

Correspondence/Discussion on Various Items:

*Historic Property Commission Request for Appraisals for BJ Tool Company Property – Looking at minimum of three - This falls under category of award received by state grant Monies and under procurement procedure going out to bid; Historic Property Commission voted to request the Mayor's office to secure proposals on appraisals and have spoken with individuals and we will have forthcoming to Historic Property Commission to move on it and with proper documentation to the State and we will get their approval before spending any money.

*Greater Bristol Chamber of Commerce "State of the City/Town Breakfast" – held last week, great response, and a number of issues presented to the economic conditions of the state and

problems of each community relative to holding line on spending and finding money in which to keep operations running and keeping people in their jobs that are members of the towns and cities of payroll.

*Legal notice for "RFP'S" for School Buildings; accepting proposals for consideration for future town meetings – request for proposals – when Town Council took motion to present buildings for sale by virtue of the feasibility study and the attitude was to go out to RFP and receive proposals from particular individuals or businesses interested in property. They will give us their dollar amount willing to pay for the property and what they intend to do with property. There will be no proposal that is binding on the part of the town to accept any proposal and we can reject all proposals. For clarification for those people saying the Town Council has voted to sell buildings outright that is not exactly true. Any proposals for sale will come before town meeting to allow the general public to have input on issue.

*Tax issue – resolved relative to tax collector and Ted Scheidel. We will continue to be in contact with the post office to make sure bills are out.

8. Appointments/Resignations

a. To appoint Heidi Caron to the Human Services Commission to fill vacancy (J. Relihan); term to expire 10/1/2010

MOTION: To appoint Heidi Caron to the Human Services Commission to fill vacancy with a term to expire 10/1/2010 by Councilwoman Jandreau; second Councilwoman Schenkel.

Discussion: Councilwoman Jandreau stated she is happy to see this but do not know Heidi but well recommended (resume read into record) noting qualified to serve on Human Services Commission and happy to have her. Councilman Ganesini noted in her application under town philosophy/concerns and one objective is to increase human services and public health needs for the Town of Plymouth. With economy and population and dysfunctional families in country, we can be constrained by financial resources and nice to see somebody who wants to improve the amount of services available for people as people do not always know where to go and right now we have a lot of useful information and impressed by that; she will be a great addition. Vote: unanimous.

b. To accept the resignation of Joan Fowler from the Human Services Commission; Term to expire 10/1/2009

MOTION: To accept the resignation of Joan Fowler from the Human Services Commission; Term to expire 10/1/2009 by Councilwoman Jandreau; second Councilman Ganesini. Discussion: none. Vote: unanimous.

c. To accept the resignation of Jeanette Davey from the Parks and Recreation Commission; term to expire 11/5/2009

MOTION: To accept the resignation of Jeanette Davey from the Parks and Recreation Commission; term to expire 11/5/2009 by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: none. Vote: unanimous.

d. To accept the resignation of Barbara Moran from the Library Board of Directors; term to expire 11/3/2009

MOTION: To accept the resignation of Barbara Moran from the Library Board of Directors; term to expire 11/3/2009 by Councilwoman Jandreau; second Councilman Sekorski. Discussion: none. Vote: unanimous.

9. Take Action To Refund Property Taxes: Kelly Olmstead, \$202.26

MOTION: To refund property taxes to Kelly Olmstead, \$202.26 by Councilwoman Jandreau; second Councilman Ganesini. Discussion: none. Vote: unanimous.

10. To Discuss and Take Action on The Revised Employee Handbook; Job Descriptions; Job Appraisal; Appraisal System White Paper/B. Bellotti

Employee handbook – in packet and worked on; preliminary report some months back and final employee handbook distributed to each of the unions for distribution to members; have received everyone back except for one particular union and waiting to hear from the. Need council approval as well. Discussion: Councilwoman Jandreau read handbook and feel thorough and job well done by Bill Bellotti. Councilman Sekorski – questions (a) assume that this handbook reviewed by counsel for potential loopholes or liabilities with respect to the unions and any risk and question regarding the weapons policy stated in the handbook. Mayor Festa stated they were presented to the labor attorney and can send to the town attorney as well. (b) concern to make sure our rights/obligation and responsibilities and liabilities in terms of putting a policy like this in place. Not sure re weapons policy if we can state on very last page, paragraph 2, (read portion) but not sure by virtue of this policy we can include the words “or visitor of the Town of Plymouth” and not sure if counsel has had a chance to review that issue. Curious if we need a separate policy or statement in regard to visitors entering town hall carrying firearms or a weapon. He cannot support this as written unless we have those questions answered. Councilman Ganesini –support Councilman Sekorski’s concerns and always looking when read newspaper at conflicts whether sexual harassment or people want to wear a pin through nose or an earring or something, and think generally counsel can look through this and a vast majority would get by without problem and may be areas with or without concern and a lot of work went into it and possibly the union may bring up concerns and his opinions in advance would be useful. Councilwoman Jandreau asked (a) if there was any opinion from labor counsel; Mayor Festa stated it was reviewed and approval as presented but will follow through relative to Councilmen Sekorski and Ganesini concerns. (b) The unions that saw this, did they agree. Mayor Festa stated all but one so far. He noted there are individuals not happy with some of the stuff but in terms of the overall presentation, there has not been any considerations against. Councilman Sekorski stated that is no surprise as any employee policy handbook will run into objections or concerns and he has some with his company handbook but part of the deal and fully in support of this effort.

MOTION: To put on the table until questions are answered by Councilman Sekorski; second Councilwoman Schenkel and the vote unanimous.

Job descriptions – Mayor Festa stated all have been rewritten for review and comments and ultimately they will have to be negotiated with unions; the problem being there are a number of job descriptions in the book that are suppose to have legal presentation and many have not been signed off by the Mayor and/or Council of previous years and have noted changes in job descriptions, changes in titles, salary due to the fact that change in title creates another level of performance and/or labor grade. These particular job descriptions developed by Bill Bellotti have been attempted to bring in to alignment of all job descriptions to be formalized in negotiation process and bring forward by Town Council for approval once the unions do agree. In previous job description on the back of them or depending on how many pages, the very last section is a sign off section noting that Council took action at a meeting and signed off by the

Mayor. In some of the descriptions upstairs that has been void of and they have been put in the books to replace those that have been voted on and approved. To go back to make corrections over a period of years would be time consuming and create problems relative to union activity and union grievances. This is a start to move forward to create job descriptions and clear up mess in place with current job descriptions or lack thereof. Councilwoman Jandreau (a) noted on tax collector/revenue collector at bottom where it says collector for various departments, one thing forgotten and as far as she knows it hasn't changed, the tax collector/revenue collector also collects fines for parking tickets and sends notices out when fines are overdue and should be in there somewhere. Mayor Festa, you would like that added to. (b) yes. Mayor Festa stated in the event we will have parking fines they will be collected. (c) Also somebody should check to see if they have been kept up and people paying tickets; as they may be not have been taken care of and should be. Councilman Sekorski (a) to understand course of action, do you need preapproval from Council as recommendation to send forward for the purpose of negotiation or is this informational. Mayor Festa stated this is an informational packet to let you know job descriptions are being rewritten and chance for you to read over to add, correct or delete anything. This has to come forward to a negotiation process with unions and once approved, they will come forward to Council for approval and signature, Clerk of the Council signing off as well as the Mayor. (b) Does this represent all job descriptions or more; Mayor Festa stated this is what we have on the record to date.

Melanie Church, 328 Main Street, (a) do you have in there collection of all revenues because that is one of the things she does. Councilwoman Jandreau asked if she would like it to be read and read into record. (b) nothing about WPCA has to be in there. Councilwoman Jandreau noted that is separate because they pay her to do that. Councilman Ganesini – (a) back to job description for Public Works Director for qualifications. Has to be registered P.E. in the State of CT and valid CT engineering license. In order to approve documents, you have to be a registered professional engineer and not a CT engineering license as there is no real such thing. It is the matter of terminology; if you attend any p/z meeting it has to be registered P.E. that signs documents. Mayor Festa, right, and what our position calls for in terms of the Charter noting a few years back there was a Public Works Director who did not have a engineering degree and a firm was hired to take care of that particular issue for the Town. The town has always required an engineering degree and one of the reasons WPCA is in need of engineer for their works as well. As an engineer the plans that come before the Town have to be inspected by the Public Works Directors because he is an Engineer for the Town and the license required to practice in CT. (b) Matter of terminology and if want to approve anything you have to have a registered P.E. certification. Mayor that comes with degrees. We can be more clear and clean up language. Councilwoman Jandreau, Town Clerk, did not add certification and it should be under qualifications; CT Certified Town Clerk. We give the tax collector a year to get certified and does not know number of years to certify a Clerk and should have that, noted 3 years.

Job appraisal – performance appraisal package, tool by which employees will be appraised relative to their evaluations. This is relatively new and putting into place relative to evaluation procedures on an annual basis. Discussion on form to be used: Councilwoman Jandreau feels form pretty thorough. Councilman Ganesini questioned with new hires is there a separate form since generally a person has so much time to get on board where they are watched more carefully than longer service employee and in private industry you will have a supervisor or foreman on weekly basis give review and probably not essential but curious if form will be used to evaluate

people in training as well as somebody hired, is there probationary period in town. Mayor Festa stated there is a probationary period depending on contract and job specs; for instance, WPCA needs to get licensed within "x" years and if not removed from employment and other contracts there is a probationary time and can be relieved for just cause or fact did not make probationary period. We are looking to change so that everybody has level of evaluation from onset through career. Councilwoman Schenkel would like to see where there is a section under each of these elements where the employee or supervisor can write a comment in; for example, understand principals/techniques/procedures of the position - if person trainee and they need improvement that is a given and nice to see whether at end or under each elements where employee can provide feedback especially if disagree with assessment of supervisor. Councilman Sekorski (a) clarification and level of employee this documents is intended for is a manager or management of supervisory; Mayor Festa this will be for those under supervisory components and we will have an appraisal performance on administrator level as well and no one will be short of an evaluation of process and standard procedure. (b) This document intended for folks who are not in the supervisory category; Mayor Festa, correct. Mayor Festa noted attempt to have an understanding that the supervisors are level administrators and in some instances rather than taking control of their department they defer to the Mayor's office for handling of activity within the employees request for leaves, and looking job performance and the fact they cannot get work done by the employee, etc. and giving level of ownership on the part of the administrator for his/her department. (c) Agree and this seems to be a face value performance appraisal which is wonderful but does not address folks in a supervisory capacity and expect that appraisal to have a different content. Councilwoman Jandreau says "Overview" (read into record) on first page, according to this sounds like for supervisors. Discussion from Council on interpretation of this paragraph. Mayor Festa noted this is a tool for the supervisor to improve quality of performance within department and will be done through workshops with supervisor to understand the tools in which they will be working through performance appraisals and better known as administrators rather than supervisors or department head. They cannot pick and chose what you want to control or not control and whether you want to supervisor or not in department. This will be worked on again and moved forward but a start and step in the right direction to take care of outstanding issues lacking in terms of performance based behavior.

Appraisal system – Bill Bellotti will come to later meetings in the year to discuss issues and what he is working on. We are moving in performance objectives, quality of performance in workplace.

11. To Discuss the Creation Of An Ordinance To Establish A Trust Fund For The Purpose of Funding Retired Employee Health Care Benefits

Dave Bertnagel – all municipalities through Government Accounting Standard Board has issued a paper, GASB, two versions 43 and 45 documents. Basically, we need to be like corporate business to report long term liability, pension documents on what we would owe on a certain business day; now we do not record what we pay for health benefits long term. Part of negotiated benefits when retire get 10 years; the State of CT said liability will go up \$1 – 2 billion because promised lifetime benefits. Plymouth becomes reportable July 1st 2008 – we started working last year on this and hired firm, Milliman, actuaries who go through contracts and see potential liabilities based on contracted agreements. At that time many contracts were not settled and we will have two reporting mechanisms. The Mayor did do excellent job in

negotiating contracts this year. A trust fund ordinance gives funding mechanism to fund this down the road. This will show rating agencies and auditors we have a plan in place to move forward to pay for benefits down the road. Now we are on a system known as "pay as you go" and budget for it every year and line in "non employee benefits" line item; it is in budget \$230,000 this year; on BOE side they have that and fund that mechanism as well and will be liability on what town owes long term. Ordinance written by pension consultant and attorney and has written many ordinances before; reviewed by legal counsel and need to refer to the Pension and Oversight Board for further action and will come back to the Council to go through Ordinance process to establish a Trust Fund. This will include the town and BOE; liability of the entire Town of Plymouth; right now liability amount is hard to say and do not have final numbers right now. We are paying as we go; and we are paying each year and they want us to have 10 year commitment, what will costs be per year and single or spouse and as go along there are a lot of factors to put in. Councilman Sekorski (a) asked specifically what is included? Any health benefit obligation under contract for the Town employees and BOE employees: Dave Bertnagel stated, correct, anybody we have a commitment to that retires from the town that we pay for long term benefit and would include life insurance, any benefits we provide besides salary. Include health benefits, life insurance obligations, may include annuities and special agreements would be factored in; it varies on how many years people are in. The state is trying to negotiate out for lifetime and go to 10 year system so it varies from that. When see report, we get actuary report now for regular pension and we will get one each year for this liability. (b) All this money will never come due at one period of time. Dave Bertnagel, correct, a lot of people get frightened by number, hypothetical number given and explained. All communities are different, explained. Once ordinance created will look at funding mechanism; responsibility of trustee to find funding mechanism.

12. To Review and Discuss Town's Employee Safety Manual/B. Bellotti

Mayor stated presented to give overview of what has been taking place relative to the Safety Committee. Major cost for community is workers compensation and most dollars to workers compensation are in area of heart and hypertension and then repeat offenders and have packet showing agenda; reviewed. First workshop held on site from Kerma and grateful we were site location and have a number of other workshops coming and we are host community. Lock out/tag out and represented by two employees, WPCA and Public Works. After presentation by employees the group prepared to discuss policy manual. There is overview of what manual provides, reviewed. Requirement from OSHA and as look through accident prevention program there is a scope and purpose, (titles read). It is a wonderful piece by Bill and first step in process of moving forward to a safety manual and will be updated annually. Important to bring to attention on work being done in the Human Resource office and providing workshops that will cut down on expense of workers compensation issue; have had 30% increase in premiums due to rating from insurance carrier due to high claims. Again, like health insurance have rating come into play from accidents that occur but seeing trend downward from departments which is good due to ownership taking place from workshops and presentation of workshops to fellow employees. Councilman Ganesini stated it is good to see something like this and when work in private industry it is standard; examples given. Assume the town or department, WPCA or Public Works has portable oxygen monitors and need to check to see if each department has device calibrated; and need to record number. On last page on what to do if someone injured, most of us are not trained; if somebody gets hurt or cut, you need to help them and most safety

procedures discuss blood borne pathogens and kits around with gloves in case need to apply pressure to area; person many have HIV and industry standard procedure is to have gloves to put on and should be included. If somebody does get hurt, what do they do, is there anything about call 911 and have someone at entrance to meet responder to direct. Wonderful document and covers 90% but down road a few areas suggest additions made. Do not want confusion if somebody is hurt and get proper care by trained people asap. Maybe separate sheet hanging in building. One other area, is public works garage, welding, need burn permit for welder and if someone comes by and puts tape up in an area and makes sure no flammable material, and once visor down over head cannot see much and sparks fly. Councilman Sekorski, point of information and Councilman Giancesini had some things mentioned got documented with OSHA review we had a few years back and think that report has detail in it and a good reference material; we got one recommendation that was to have a safety manual. Mayor Festa stated as a follow up there is going to be a walk through by OSHA free of charge and attitude from OSHA is they will do this for our safety to do follow-up on how far we have come. Also there are also a number of workshops such as on blood borne pathogen and presentations by employees and they are taking active role and ownership to safety and welfare of fellow employees. All comments will be reviewed by Bill. Front cover, Safety Committee members and more that went out, each name represents different level of department in town and names change and in course of time every employee will have opportunity to serve in development of this manual.

13. To Clarify Action Taken At The Special Town Council Meeting June 29, 2009 Regarding The Council Responses To The Charter Revision Commission's Draft Report

Mayor Festa stated he has asked the Town Attorney to be here to clarify the fact that in the motion was to discuss, and to take action was left out in motion. Point in time where Council did not make formal response to the draft report action. Attorney Vitrano gave update reviewing the operative provisions of CT General Statutes relative to Charter Revision Commissions are Section 7-191 subsections A through G; that section of the Statute outlines the interaction between the Charter Revision Commission and the Council. His understanding of the actual dates involved in the action of the Charter Revision Commission and Council are: the draft report of the Chart Revision Commission presented to the Town Clerk on April 23rd and in turn presented to the Town Council on that date. Statute says the Town Council has 45 days (calendar days) to set a public hearing and understanding is Council met May 5th and set the date of June 15th as the public hearing and met on June 15th, well within 45 days. The Statute also provides that not later than 15 days after the public hearing, June 15, you shall/may act with respect to draft report; understand on June 29 you met for purpose of discussing and intending to make recommendation to the Charter Revision Commission. The specific language of the Statute was read into record; that is the June 29 meeting and time wise fine. It appears from review of the 29th minutes, the motion made was to discuss and seconded and went on to discuss in detail. And then there was a vote. There was no specific motion, based on minutes, to make recommendations to the Charter Revision Commission. It appears that while you had some discussion and your desires were made public, there was no official motion in providing for recommendations to the Charter Revision Commission; Statute subsection C, read into record; noting since your motion did not technically make recommendations, "the report of the commission shall be deemed final and the appointing authority shall act on such report". Given the fact that you did not make recommendations, from the minutes, or you didn't make a formal motion, that report before you now is deemed a final report; however, that is not the last

word. Statute says "The appointing authority shall act on such report". You will have not later than 15 days after receiving final report. His opinion is that as of the 29th since you did not make recommendations, the report became final as of that date and you have not later than 15 days from the 29th (portion of Statute read into record). Despite the fact that there is technically no recommendations to the Charter Revision Commission and despite the fact that you now have before you, by virtue of the Statute, a final report, you do within 15 days of the 29th, by July 14th, you may have a meeting and may take action with respect to each and every one of the Charter Revision recommendations either accepting or rejecting or take apart. You can implement recommendations you wanted to make to the Charter Revision Commission. You do have to act by the 14th of July and you have to act by majority vote to either approve or not in a specific Charter Revision Commission recommendation. Councilwoman Jandreau asked if Council can only accept or reject and cannot change; Attorney Vitrano stated that is correct; noting they could not have changed anyway, you can approve or reject; even on the 29th you could only have made recommendations. You can approve or deny. He strongly urged Council to set a special Council meeting before the 14th if you have a desire to act on this. Discussion held on date for Council quorum to meet.

MOTION: We have a Special Town Council meeting on Monday, July 13th and the only thing on the Agenda is Charter Revision at 7 p.m. by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: Mayor Festa stated on Monday he will be absent and you will have a Council person sitting in role of Acting Chair as well. Patti DeHuff, 20 Lynn Avenue, agree with almost everything Attorney Vitrano stated except his count of 45 days from when Charter Revision submitted draft and does have calendar here; and what she count out submit April 23, Thursday, starting on the 24th and count out June 1st is 39 and 45 that tells public hearing should have been held before Sunday June 7th and public hearing was not held until June 15th and would like to be on record saying the Town Council missed the deadline for the public hearing and not quite sure what that means. She thinks it means the their draft becomes final; but not sure with regard to the ability of the Town Council to act because if your starting date is June 7th then you have missed the deadline. If Attorney Vitrano could use the date of June 7th if he wants to check that. Attorney Vitrano stated it appears 45 days from April 23 is the June 7th date. Councilman Sekorski, question, he thought the 45 day count was for Council to meet to set the date for public hearing and not inclusive; when this thing started he asked for calendar of events type of thing and does not have that document with him and his interpretation, may be incorrect; as a Council had to meet within that time period and not the whole process had to be within 45 days. Attorney Vitrano stated Statute provides there should be at least one public hearing on the draft report and shall hold last meeting not later than 45 days after submission of draft to such clerk and not later than 15 days of last hearing the authority shall make recommend to the Commission for such changes; which is 15 days after hearing. At this point you have a motion before you and should act on it, set special Council meeting and he will figure out where Council is at. Councilwoman Jandreau (a) asked if in the Statute is there a consequence if do not do that; maybe whole thing is null and void. Attorney Vitrano stated it could be a number of different things and it is the Council's action that puts these Charter Revision Commission's proposals on the ballot; the Charter Revision Commission cannot put on ballot. He needs to figure out what the consequences of that is. You should set your meeting in case need to deal with it at that time. (b) Do we now or at that special meeting need to rescind the motion to put on ballot. If Charter Revision is in charge and they cannot put anything on the ballot. Attorney Vitrano stated Council will deal with that at the special meeting and issue is consequence of

failure to hold public hearing within 45 days and will have answer or opinion by Monday. Councilwoman Schenkel (a) if intent of the Statute is to prevent delay, the way she reads the Statutes, you cannot as a political body prevent the will of this; to move forward in timely fashion. If a day or three days, because 7th was on Sunday and if still moving forward in a timely manner, is what she would like him to determine. Attorney Vitrano stated the issue to define is whether intent of Statute, what is the intent, and whether intent will trump the actual language of the Statute and will check case law. (b) If no consequence, a Council who does not follow provisions, that does not negate proposals are invalid either. By petition the people can bring forward and put on ballot. Councilwoman Jandreau questioned whether Council can appoint the Charter Revision Commission again for a very short term and do all over to present and we would present back to them. Attorney Vitrano stated he will look into that as well. Patti DeHuff stated to remind Council it is not just a matter of the Charter Revision having a public hearing, you have to have 2 public hearings and you guys have to have one. Councilwoman Jandreau stated you can have two in one week and one in the next. Councilman Sekorski stated he moves the question on the floor.

MOTION: To move the question by Councilman Sekorski. Mayor Festa requested the Clerk of the Council read the Motion back into record; so read. Vote: unanimous
Vote: on main Motion: further discussion: none. Vote: unanimous.

14. Council Liaison Reports

a. Councilman Giancesini – Inland Wetlands approved application for development at Armbruster farms and will go on now to public works.

b. Councilwoman Jandreau – Housing Authority meets next week; Economic Development – Phase III water booster station about complete; Public Works report from Tony Lorenzetti, Director, read into record noting brush facility is closed on Wednesdays until further notice; report from Jim Schultz, Highway Superintendent, read into record. Planning/Zoning gave temporary c.o. to high school; Inland Wetlands – approved permit for Worhunsky for O/Z site for Riverside project

c. Councilwoman Schenkel – no report

d. Councilman Sekorski – no report

15. Public Comments

a. Melanie Church, 328 Main Street – (1) understand bill passed called The CT Conference of Municipalities bill where we will get supplemental bills in January for cuts done by the State and understand only one person in the House of Representatives voted no and rest voted yes and taxes will go up in January. (2) bring to attention that bothers her, next to last meeting at Charter Revision they ran around for an hour before the meeting could start because told out of time and were null and void; for an hour the secretary had to run upstairs and find the dates and everything else. Through this time she believes the dates that were given were like etched in stone and put a whole commission so they could not start meeting for an hour not knowing if abolished. She has watched this Council come together, you made motions, one was because Dave, your brother was sick and she understands that and he could not be here, but at that Council meeting they had said specifically they wanted you there and everyone there and they would notify the commission when you could be there and they would have a meeting on our recommendations. Low and behold you were there not at last meeting and find out there was a caucus which was legal and does not know if Dave was there or not and has a problem with that

because there were votes taken. The only reason she says votes because how did a typed piece of paper get handed down with all the recommendations. When left here that night which was June 29 she was very upset and talked to the Chairman outside and went to her Co chairman of Charter Revision very upset; low and behold we happen to be looking through stuff and that is how we found the 45 days. This she believes and can quote from here or otherwise people can look it up and DiAnne you said you didn't want people to know what you were thinking and why. Here's what it said and I'll quote "there were people in this town who have had an opportunity to serve on boards and commissions and this board is non partisan and have placed independents republicans and democrats on the boards and commissions and have voiced decisions to meet under caucus. It is within our right and did nothing wrong. Gives opportunity to discuss things they cannot discuss in front of the public to hear each others thoughts and find nothing wrong with that." We worked hard for 16 months, very openly on this charter revision; we didn't meet secretly nor anything. I respected you Dave for missing but I am still upset over the way that paper was handed to us before meeting, and only to Tom and I, and we weren't invited Dave. I happened to come in that day and said it on the side board. I called Tom Zagurski, he knew nothing who was our Chairman and now to know that this whole thing may have been illegal or whatever. I am upset because that was a lot of hard work that this Charter Revision Commission did. Even with our recommendations we listened to many boards and commissions; we had every board and commission, we had them come in. They were invited; we did not miss one board or commission, they were all invited. We took the time to listen and make recommendations and then that night when we got the paper your own Board of Finance commission and former commissioners on there got up and spoke and where they felt they were being treated as second class citizens and that is what upset her the most was to be handed a paper and try to look through the whole charter to find each change. I respectfully waited to hear when that meeting was going to take place. We were not told of any of them. Tonight I had called our Chairman on Friday and let know again it was on the agenda. Since the public hearing there has not been one courtesy call to any member of this charter revision and thinks that is a slap in each of our faces.

Mayor Festa stated he will correct her on one issue, her last statement incorrect that there wasn't any correspondence to any one member of your commission. There was correspondence via telephone and email. After the meeting there was correspondence that was sent forward as well as U.S. mail relative to the changes that were recommended by the Town Council and know that first hand as he did that himself. He forwarded U.S. mail to your chairman, he was on the telephone and also emailed. So that last statement you made is inaccurate. [Melanie Church stated that isn't what he told me] I would not presume to call him a liar at this point. [Melanie Church: I am not calling him a liar I am calling you]. Thank you, you can do as you please. I can stand it I can take it but I will not allow you to take someone else's name or professional in vain. He did get correspondence.

Councilwoman Jandreau stated we did ask for the commission to be notified, number 1. Number 2, like you said, there were no votes taken in caucus; all was discussion and maybe agreement but no votes; [Melanie Church: Than how do you get a typed piece of paper]. Because we all agreed, we didn't vote. The reason David not there was he was on vacation and we did not know until after we called the caucus. We left a message and assumed he would be there. Get your facts straight before you make accusations. We explained to you how that document happened; we do not do things illegally because we can't and we don't, just like we don't take motions in executive session.

Mayor Festa stated to clarify another issue, that document was an action on part of the Council to present their opinions relative to forwarding it then to your chairman for the next round of negotiations which re a vote coming back from your body. It wasn't intended to have you sitting in the audience that night as a joint meeting. The intent of that, you happened to be here that night, and was given to you out of a courtesy and that was to be presented to your chairman to be presented to this particular body when he called the next meeting. It was at that point in time that he and I had question the time element and dates in question. The very next day after that meeting we were in contact with one another.

Patti DeHuff, read from minutes of Monday June 22nd that you guys voted on tonight and the motion that was made says that before June 30th this council meets to take action on the charter revision with the charter revision commission and Jeanine you made that, that was your intent and as Melanie did state, none of us were aware of that. And Melanie knew about that as she happened to be walking in the building at that point. Councilwoman Jandreau stated than you need to take that up with your chair.

Mayor Festa stated that may be taken up relative to other individuals who do the notification and that is something he will address and discuss with the individual relative to whether or not calls were made. But he would just like to question something, Patti, before she sits down again. We seem to be a stickler relative to minutes of meetings and he is under the impression she is very much concerned about how the minutes read and they should represent the actions of the particular meeting and those in attendance at that meeting. Patti, yes.

Mayor Festa, would you concur that those minutes should not be preapproved nor discussed or action taken prior to the next actual meeting at which minutes are then approved or disapproved or changed. Patti, are you referring to them being put up on the website.

Mayor Festa, no I am referring to the fact that should minutes be changed prior to the official approval before the meeting body that is responsible for the minutes that occurred at their previous meeting. I am asking whether or not there should be any changes made prior to the official presentation of a set of minutes at a meeting at which time they are formally voted upon. Patti, I believe it is the job of the secretary to accurately report what happens at a meeting, and for instance, right now.

Mayor Festa, my question would be do you believe a member of any board or commission should be editing minutes prior to the assimilation to the full body; in other words changing anything that may have been stated by the secretary in his or her recording of those particular minutes of the meeting. Patti stated she thinks there is a place that is appropriate for that is in fact.

Mayor Festa asked is that the appropriate place at the meeting when there is questions, corrections, additions or deletions at that next meeting as opposed to during the interim period of time between one meeting and the next meeting. Patti, that would be ideal if it would happen that way but after, for instance, what happened tonight you guys voted on 4 or 5 different meetings.

Mayor Festa stated his question to her is exactly this, you just quoted from the minutes of a meeting indicating that Mrs. Jandreau had made a statement in the minutes. Should she have access to these minutes prior to to make a correction to that statement. Patti responded she believes she did because.

Mayor Festa, no prior to this being brought here before this meeting tonight to be voted on. Patti, what is posted on the website and she could have done that if she felt that this motion was inaccurate.

Mayor Festa, you are saying she could have changed the minutes and then come here tonight with a whole new set of minutes that indicate she made a different statement than what was actually recorded. Patti, I am saying she could have stated to Robin that is not what I did, Robin, could you please listen to the tape again.

Mayor Festa stated she would be doing that after she received the minutes as recorded. I am saying prior to recording the minutes, do you believe anyone on a board or commission is entitled to that set of minutes from the secretary to peruse them prior to the official placement on the website or at the meeting for the purpose of making any corrections to statements anyone may have made during the previous meeting. Patti responded she does not have a problem with that as long as the corrections that any council member is going to correct is actually stated on that. Because as Jeanine will tell you, she has done it specifically to me, it doesn't matter what your intent was, you have to reflect what was actually stated on the tape; even if I thought I had said, it cannot reflect what I thought but what was on the tape. The minutes have to reflect what was on the tape.

Mayor Festa stated, so if the secretary recorded off the tape, than the exact comments made by any board or commission member or council member should be quoted exactly as stated. Patti, I believe so. Mayor Festa stated so there should not be any set of minutes given to Mrs. Jandreau, for instance, prior to the actual presentation by the secretary that her comments should stand just as they were according to that tape. Patti, if she thinks they were wrong or that is not her intent, than in the course of this particular meeting she could change. Mayor Festa stated not this meeting but prior to the meeting, prior to the subsequent meeting, he asked the question do you think it is right and just for a member of the board or commission or council to ask the secretary to see the minutes prior to her posting them or sending them on the website for the purpose of changing those minutes because they don't reflect what a person said they thought they said or should have said. Patti responded she thinks if they are going to be on the website she has every right; Mayor Festa stated prior to the website. He is referring to the secretary providing members of a board or commission with a set of minutes for them to peruse them to see exactly how they were stated on that particular set of minutes so that they can change them before the minutes were actually posted on the website and or presented at a meeting. Patti, they are not being changed because Jeanine was very clear. Mayor Festa, I am not talking about Mrs. Jandreau said. I am asking the question what your belief is relative to. Patti stated her belief is that, she does not have a problem with that, that is actually what was done in the Charter Revision Commission. Mayor Festa, in other words, what we are saying here is that when you quote tonight comments from the minutes, indicating that Mrs. Schenkel said such and so, Mrs. Jandreau said such and so, they have a right to make those changes and those statements saying that they did not actually say that. They are not a reflection of what the secretary captured, therefore we want it corrected. So I should allow them the opportunity to correct these minutes tonight to reflect what they thought they said or should have said. Patti, no, not saying that. Mayor Festa stated he should than allow them prior to the posting of these minutes to make corrections. Patti, does not have a problem with that but they again. Mayor Festa stated she is agreeing it is right and just to have that practice. Patti, she is not opposed to that practice. Mayor Festa, do you think it is right and just to create that practice. Patti, ; does not see that as being wrong as long as what she thinks she said at a particular meeting, or Jeanine said at a particular meeting, if she thinks one thing and the tape shows something else, as Jeannie informed her, you cannot change it. They have to go with what was on the actual tape. So then if she said that but really not what she meant, than in the minutes of the current meeting those

statement are going to be. Mayor Festa his question, those statements were changed prior to the presentation so that what you said was not captured in the minutes that were reflected at that next particular meeting. They were changed prior to. Patti, does not see a problem with that and not in contradiction with the tape; the tape has to stand. Mayor Festa stated for the record the tape is not the official documentation.

16. Council Comments

a. Councilwoman Schenkel - believe that when she gets the minutes and does not get them before a meeting or at the meeting, she gets a packet before the meeting and does not want to be called on mistake. She said that on the tape that we did not want to discuss our thoughts in public and her intent was to solicit what her co-council members thought of the proposals and if they had any ideas. At the caucus she took notes and everybody gave out a thought as to what they thought would be a good recommendation, not a requirement, and were just offering suggestions to the Charter Revision and she typed it. That is all they did, they took no vote, they did not talk about ways to undermine the Charter Revision proposals or anything else; just recommendations. You could have taken recommendations and said, no, we are not making any changes and that is our final report and that is fine by them. Cannot imagine anything going passed you not know, Mrs. Church, you know everything about town. You are always here, you are very well informed, you talk to everybody and cannot imagine you were not aware, cannot understand why your chairman did not inform you but it is not her responsibility to personally call people and left that up to whoever does that. If the communication was not communicated, she apologizes. It was never the intent of the Council to keep you out of the loop, they have been extremely supportive of Charter Revision throughout this entire 16 months to the point where she was accused of trying to control Charter Revision which is why she stepped down as liaison because she was not going to let anything get in the way of the progress that this Commission was going to do. If anything, she wanted this commission to succeed. If because of a simple calculated error this is all for not she will be distressed.

b. Councilman Sekorski – sorry he missed the meeting but glad it was not his fault the dates got screwed up and his interpretation of 45 days and why asked counsel for a letter and he will find that letter. Disappointing and hopes it works out and personal feeling it will default to final report and will vote on what would like to bring forward. Those things happen. For the record he was not at the caucus which was completely legal and he ignored Jeanine's call on his cell. One concern brought up by a few people and that is maintenance, not specific concern, but ball fields at Main Street School as there are still games going on and in limbo on who is taking care of it and asked the Mayor to call the superintendent. Mayor Festa stated it is Parks and Rec who handle that. Dave stated one guy got so angry as his daughter plays ball there that he put his tractor in his truck and cut the grass himself. Another interesting point, we have to look for opportunity during summer to have the recreation department more engaged in field maintenance and some organization take care of fields themselves. He will talk to Mr. Lorenzetti or get something in writing if over summer since we invested money in fields, not just baseball, and hate to see us do all this stuff and do have limited amount of recreation and would like it better maintained. Mayor Festa stated in relation to the field there is situation developed with shortage of manpower in public works department lack of filling two vacancies. Also issue at hand of Board of Finance taking down position in Parks and Rec; and turnover of the schools and the fields, one school being turned over and the field kept in control by the BOE; and one field turned over to us but the school being kept in the BOE side. Number of issues taking place

relative to and in the process of looking at a contractual obligation to take care of all the properties that need mowing etc. One of the things that realize is we do not have facilities person in the public works department whose program is to maintain all fields and buildings and working on with Mr. Lorenzetti and please send him something as well.

c. Mayor Festa - apologize to Charter Revision Commission members and the Town Council for any misunderstandings that have taken place relative to the times and dates; in February he gave the Charter Revision Commission a set of dates with calendars all marked off and in May gave a set of dates and calendars marked off to the Town Council as well. There has been intent all along to make sure process moved along freely and carefully; the Charter Revision made the request for those particular calendars and he did his best one whole afternoon and early evening before their meeting, sent them down to you via the secretary for that Commission and they were tabled. He went through a great deal at length to get those particular dates and times set up; same thing with Council, he gave a set of dates and times and there's was crunch time to have back to back meetings on some of those calendar dates and thought it was appropriate to do that because in a time frame as well. He does believe that all of us have some responsibility relative to looking at those time lines and making sure each other kept on board with it. He as Mayor will take full responsibility for that because he does believe the ultimate responsibility lies in this office; however, he will not take the responsibility for people that sit with rumor and innuendo and have second issues or secondary issues that are not germane to a second standard. He believes we all must live and work by the rules under which we all play and the playing field has to be fair. It has to be honest and has to be above board. To come here tonight or any other night and go before the podium and make accusations without any founded documentation is something he will not tolerate; something that he cannot tolerate. There have been enough comments right here tonight relative to misinformation; one individual was given information on three different occasions about an issue that took place, but comes tonight asking the question begging for an answer when the answer was given three times over. Another question comes up tonight relative to the standards, what do we hold true to our minutes and what is contained in the minutes. He for one has never, ever changed a set of minutes for any purpose whatsoever whether he was acting Clerk of the Council or in any other position in authority to represent minutes. He resents the fact that we hold people accountable to what is said on one side of the fence and not hold ourselves accountable on the other side and that we make changes to minutes before they are actually put out for public purview. He takes strong exception to that and that is something he will not allow to go on any longer as long as he is sitting in the Mayor's seat. He holds the highest esteem to this office holding and the responsibility that he has before the members of this particular town that we live in and will not sit and have someone drag down through mud, through innuendo, through rumor and come back and tell us that is the talk on street out there and that is the talk of town. If you don't have these documentations to back up your accusations than actually politely and carefully be quiet until you have the documentation to prove it. This town has been hurting long enough and the hurt has to stop. The rumor and innuendos are nonsense, has to stop and has kept his mouth quiet for a long time but will not sit here any longer and be quiet about it when the inaccuracies are out there and pin pointed against individuals who have not been able to respond or represent themselves in any manner, shape or form. Finds it a total disregard for human nature, and for respect for the human being.

17. Adjournment

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

vote unanimous

Meeting adjourned at 8:57 p.m.

Respectfully submitted,

Robin Gudeczauskas, Clerk of the Council