

1. The Special Meeting of the Plymouth Town Council was called to order on **Monday, July 20, 2009 at 6:30 p.m.** in the Community Room, Plymouth Town Hall. Members in attendance: Councilwoman Jacqui Denski, Councilman Peter Giancesini, Councilwoman Jeanine Jandreau, Councilwoman DiAnna Schenkel, Mayor Vincent Festa, Jr. Also present, Robin Gudeczauskas, Clerk of the Council; Salvatore Vitrano, Town Attorney. Excused absent, Councilman Dave Sekorski.

2. Fire Exit Notification

3. Pledge of Allegiance

4. Public Comment on Non-Agenda Items

5. Motion to approve the date of November 3, 2009 (Election Day) as the official Referendum date to allow electors and non-electors the opportunity to approve and/or reject Charter Revision Commission's proposed amendments to the Town Charter

**MOTION:** To approve the date of November 3, 2009 (Election Day) as the official Referendum date to allow electors and non-electors the opportunity to approve and/or reject Charter Revision Commission's proposed amendments to the Town Charter by Councilwoman Jandreau; second Councilman Giancesini. Discussion: none. Vote: unanimous.

6. Motion to prepare for ballot the proposed Charter Revision Commission amendments in the form of one or several questions

**MOTION:** To prepare for ballot the proposed Charter Revision Commission amendments in the form of one or several questions by Councilwoman Jandreau; second Councilwoman Schenkel.

Discussion: Councilwoman Jandreau (a) page 24 of amended charter as presented by Charter Revision Commission, sub 3 at bottom, "As of November 9, 20 09 the tax collector, also known as Collector of Revenue, position shall be part of the Department of Finance, shall not be part of the Classified Service, and shall be appointed by the Town Manager or Mayor." stated that is not possible because the first chance is November 2013. Tax collector will serve a 4 year term. Mayor Festa stated the Council cannot make any changes to what was presented as it is the final report and will address to legal counsel. Attorney Vitrano stated Council cannot make any changes to this per Statute, whether correct or incorrect, and there may be problems but it stays as is. (b) it will be a moot point. Attorney Vitrano responded if impractical or impossible to meet than it cannot be met. Councilman Giancesini, in page listing of different recommendations according to sub titles would be a good way to go if we put questions in; has question on towns form of government that is in effect the way we do things, and the fundamental mechanism we use to run the town and to conduct the towns business and if we were to include an exception, finance, change issuance of bonds and notes, change which would make BOF to approve bond before referendum. That is not the same as lowering the amount of transferring of funds into one time ability to do and we have that. Even when we had selectman the Town Council has always had authority to propose bonding issues and send to BOF for recommendation and not approval and then forwarded to town to vote. In this case the Town Council is stripped or authority so the BOF can kill anything the Town Council wants to forward and a dramatic change in way

government operating. In particular if the public is displeased in what the Town Council is doing, you have 2 year cycle and then the entire Council can be replaced and in case of BOF you have up to 6 year terms and staggered. It is a very important amount of power to this group beyond the control of the people or anything else and he would like to see a section, Town's Form of Government, issue added in to vote. Then positions and appointment of tax collector and town clerk vs. election, there might be some changes in duties but will conduct offices or responsibilities in similar matter. The town clerk does report to the Secretary of State and state statutes adhered to. Executive Secretary/Receptionist as permanent position and recommend town clerk, tax collector and that change be put in. Councilwoman Schenkel (a) asked Attorney Vitrano if the Council has to accept this document in entirety or can we pick and choose. Attorney Vitrano stated you no longer have ability to do anything with document other than to establish the date of referendum and to determine specific question or questions on the ballot with respect to this report. The report is deemed to have been final because of time frame for change expired and you cannot make any changes to it. You can have one or various questions. (b) Think Peter's idea is very good. Councilwoman Jandreau stated she agrees with Peter and on page 4 there are recommendations by Charter Revision Commission as to what they feel ballot questions should be and within our rights to change. Question (1) read into record. "Shall the Town of Plymouth change to a Town Manager form of government?" That is fine but adds with a Council Chairman and Vice Chairman. Also add issuance of bonds and notes. (2) "Shall the Town Clerk and the Tax Collector be appointed positions?" o.k. (3) "Shall the Town Council adopt the other changes as recommended?" What other changes and need to be a bit more specific and include Executive Secretary/Receptionist, all Department Heads, Human Services Department/Director and go down the line and put something there besides adopt the other changes; need to add more as to what changes will be made. (4) "Shall the Town of Plymouth adopt the miscellaneous language changes as proposed by the Charter Revision Commission?" Attorney Vitrano stated with respect to (1) "Shall the Town of Plymouth change to a Town Manager form of government and adopt all relevant changes proposed?" Councilwoman Jandreau noted something new is Council Chair and Vice Chair. Attorney Vitrano stated that would be relevant change but you can put it specifically but also put in all other relevant changes recommended. He noted question (2) "Shall the town clerk and .." put Executive Secretary in as well and adoption of the provisions related to executive secretary. (3) would be financial issues. "Shall the Town of Plymouth adopt the other changes as recommended, specifically the elimination of Human Service Commission, all Department Heads, Political Activity, and the other financial related provisions"? Councilman Giancesini stated issuance of bonds and notes is not important when it comes to financial but when it comes to town government and change from what we have had in this town for a number of years and can stop any bondings from going to people or Town Council. Attorney Vitrano stated the Council cannot change the substance of the plan and if looking to identify those elements of the plan as part of the question and it can be put in number 1. Councilwoman Schenkel, no problem with wording as long as have room to list pertinent changes or title of changes to give people the understanding of what they are voting on in each question. Councilman Giancesini stated regarding town form of government and under that list town manager, town council chair and issuance of bonds, all listed in form of bullets. (1) "Shall the Town of Plymouth change form of government (a) town manager (b) council and chairman and vice chairman (c) issuance of bonds and notes. Mayor Festa questioned (c) as a voter coming in would not know what it entailed unless detailed outside polling booth to know what particular language is. Councilwoman

Jandreau suggested “change issuance of bonds and notes” Councilwoman Schenkel add “under control of BOF”. Attorney Vitrano stated in response to the Mayor’s comment, none of the questions will be comprehensive enough for electors unless read changes and point well taken and suggestion that “Under control”. Melanie Church, 328 Main Street, question on combining those three questions as to her the way that the charter states for non electors to vote has to be on financial and you are mixing together with the town government and with that would be even according to state statute only electors can vote and to her the only thing that non electors could vote would be question on lowering the amount from \$100,000 to \$50,000 because that is a change but does not affect the tax or the amount of money non electors have to pay in taxes. From her understanding, when put in for non elector to vote on bonding issues and that would be the amounts because it affected them tax wise. Her question, are you going to have to put those financial questions separately and those are what non electors vote on or do they vote on whole charter and question that and does not know which is right or wrong. Attorney Vitrano, not sure how electors vote on one set of questions and non electors vote on another set. You have your election and the referendum and the ballot will be the same and will have one ballot and how is it that non electors will be able to vote just on financial. Mayor Festa stated there is a separate process on ballot. Non electors will be allowed to vote on separate ballot. Patti DeHuff, 20 Lynn Avenue, there is some confusion if we look at the current Charter, chapter 7 section 9b issuance of bonds & notes is where 2005 Charter Revision Commission put in that the electors and qualified taxpayers had to do with monetary issues. Bonding is a monetary issue and refers to section 7 -191 section e, read into record. This is very specific that it is to the electors and charter revision in 2005 allow non electors or qualified taxpayers to vote on a bonding issue and many types of referendum but bonding specific to financing. Councilwoman Schenkel stated you are removing the qualified taxpayer right to a public hearing and are empowering the BOF and removing the taxpayer to speak out. Patti DeHuff, you cannot put the portion which deals with issuance of bonds and notes mixing with town manager and town council chairperson. Attorney Vitrano stated rather than trying to debate the legal issue, he will research with respect to whether electors or non electors and who can vote on whole charter. The law is the law and if both types are qualified to vote than they can. Your issue is what are the questions. Mayor Festa, for clarification, are we looking at a change in procedure for recommendation to a BOF approval; there is no dollar amount with that language and procedural question. The BOF must now approve vs. recommendation. Attorney Vitrano stated correct and that may mean the issue of whether electors or non electors can vote may be moot and fact is we can look at that and make determination. Melanie Church, observed the town clerk in background and why can’t you have 5 or 6 questions and reason limiting to 4 because you think that is all we can have and defer to the town clerk if we have room to make more and would be less confusing. Barbara Rockwell, Town Clerk, with the old machines had a lot of room for questions and not sure and need to look at ballot; which are legal size and say, yes, we can have as many questions because ballots can be more than one page and space should not be an issue.

Suggested ballot question (1) “Town form of Government:

- a. Town manager,
- b. Town chairman and vice chairman
- c. Issuance of bonds and notes from Town Council to BOF

Councilwoman Schenkel would like finances moved to question 2 before positions and wording. Time line on budget process, town clerk and executive secretary.

(3) town clerk and tax collector

(4) language miscellaneous and corrections as recommended. Councilwoman Jandreau noted last page in graph states miscellaneous corrections. That whole page can be posted on wall for people to read.

Finances except for issuance of bonds and notes is the way it is is second question and issuance of bonds and noted under town form of government.

Councilwoman Schenkel, questioned the town clerk, can we take table and insert as question; Barbara Rockwell, no.

Councilwoman Denski stated concern on the issuance of bonds and notes is not affiliated with town manager form of government and if town manager fails that does to. You are leaving that question in control and feel two separate entities. Councilwoman Schenkel, the first question deals with form of government which is town manager and under bonds and notes is taking away from town council. Discussion held on questions and breakdown; structure when electors come in; second change in finance; third is positions created or eliminated. Discussion held on ballot size and whether the chart, 8.5 x 11 format, be put on ballot and duplicated with yes or no under each section. He referenced way proposed by Charter Revision and issue at hand on chart, Town form of government, financial form is question 2, position wording section 3 and miscellaneous 4 and that would be 4 categories and would fall into yes or no under each section. Patti DeHuff, 20 Lynn Avenue, stated this chart was something she created and Charter Revision Commission decided to agree with and as 7 members voting, they discussed how things ought to be grouped and based on assumption this was done last time and kept amount of questions as small as possible; and now Barbara said we have flexibility to have more questions on the ballot and if want people to be involved in government it seems to be to Council's advantage to put as many questions on ballot as possible and if you lumped first two under "Town form of Government" there may be people who think there should not be Executive Secretary position and want to vote only on that one specifically and why not make a separate category. We all know political activity has to be voted. And you might have people feel strongly that the Human Services Commission being deleted. If have opportunity to have more questions it is in the best interest of the town to separate as much as possible. Agree with Councilwoman Denski that issue of the issuance of bonds and notes question they did not think it in light of Councilman Ganesini and she can see it either monetary financial issue or not and because in conflict, why not separate it as suggested and no reason not to. Let the people have a say. Don't feel constrained because they had 4 categories and you should keep 4 categories and have as many as you possibly can; why not separate town clerk and tax collector. Melanie Church, 328 Main Street, back to commission minutes and when first came up with questions she remembers one person came who is Jim Deutsch who asked to be sure that the questions were not lumped together and an example given. Commission wanted as clear as possible so that people can look and vote. The more information you give and the more clearer anything is people know how they feel and does not feel this town is stupid or ignorant and if questions laid out, the financial questions brought up because members came, former as well as present, and came out and one of the things they felt, and felt one of the checks and balances. Questions should be left separate so that people can decide. Councilwoman Schenkel, this is moot point with first question and not problem with solely electors vote.

Councilman Ganesini rescinded his second.

Councilwoman Jandreau rescinded her motion.

**MOTION:** To recommend the ballot have 4 questions, by Councilwoman Jandreau; second

Councilwoman Schenkel. Discussion: Councilwoman Jandreau we need to establish questions. Mayor Festa stated Council needs to discuss. Councilwoman Denski stated this requires more than 4. Councilwoman Schenkel stated she agrees with Peter to break down in sections and better for public to look how to vote on charter changes and overwhelming to put in individual questions. Councilwoman Jandreau stated with individual questions you will not only use one but use two or more pages and half the people will not vote on second ballot because local elections are on one ballot. Recommends to do 4 with shortened versions of explanation and we can put in Plymouth News, on web site which gives people the opportunity to see what charter revisions are. This does not explain everything either; if people want to vote on the charter it is up to them to know what the charter says and if in two papers and on website we have covered the town. Need short explanation on 4 questions. Councilwoman Denski stated Charter Revision spent many months and to give just 4 categories; some issues are not related to one question and understand header town form of government, questions 1 and 2. She believes issuance of bonds and notes should be a separate question. Councilwoman Schenkel stated she was on charter revision and had only 4 questions for that and worked fine and were very intense. Patti DeHuff, her chart is not what was recommended but a guideline and what was recommended is everything but that chart. This is how it was categorized by her and recommendation in wording itself. Mayor Festa asked Mrs. DeHuff for clarification as she stated the chart proposed relative to all changes taking place and not something to be used for recommendation presented to elector and non elector. Page 4 of the report, at bottom is proposed ballot questions, and only 4 and are those questions. He is trying to pull method to order, Charter Revision Commission assembled the chart that gives changes proposed and questions proposed on opposing page, 4 in number, which capture all that is on the chart in those 4 questions. Patti DeHuff stated, yes, that is true. Tom Zagurski 125 Washington Road, stated the chart is a summary of changes to implement and for actual changes refer to final report to make sure everything was covered and summary of activities written on pages 1, 2, 3, 4. The chart is a great reference guide. Mayor, in terms of overall report, page 1, Overview and in each section that the bottom line issue on summary is proposed changes in form of recommended ballot questions; if look on page 3 would be captured in question on page 4. Items considered and not recommended would not be captured in a question on page 4. Patti DeHuff stated as she looks at 4 questions, first one read, that is the charge and takes into other aspect of that which is chairperson of council. Mayor Festa noted the Council said early on if you looked at question 1 and then the chart it encapsulates that as well. Patti DeHuff stated her concern is it seems the Council wants control of the BOF and suspect the Council going to town manager and do disservice to people if you try to manipulate in that fashion; the broader and more questions and not try to manipulate the better the Council will appear to the public. Mayor Festa, you are talking about attempt to manipulate to control and concerned on verbiage, and trying to piece together an approach to resolve the issue not control; you are looking at town council chairperson (definition read into record) and does it go into with town manager; Patti DeHuff, yes. Mayor Festa asked how do you get it across by each and every category. Issue at hand is have process to get through and want to make sure that every bit of opportunity for electors and non, for understanding of what is taking place in charter changes, for full understanding and the chart on outside of the wall will not do it; questions are trying to clarify not manipulate. There are a number of positions forthcoming and personal in nature and move forward to make position and question as clear as possible. Patti DeHuff stated linkage between town manager and chairman of town council and not natural link to bonding issue. There seems to be no

disagreement in terms of chart and miscellaneous and some are controversial and some naturally linked and some not. When link put question together; when discrepancy and perception it should not go together than keep question separate. Melanie Church, suggestion, because they made only 4 recommendations, people said we hope they will not be grouped together and way David Barbieri explained it, it was up to Council and he hoped they would be separated more and only their general categories of recommendation. Mayor and Town Council are put together; tax collector and town clerk put together; with finance if want to put each individual question you can do that and it will not take up a lot of room; they never meant for questions to be looped together and make confusing. They wanted to make sure the mayor or town manager did not take all the power and leave the council and wanted someone to overlook the town manager and why suggested having a council person running the meetings. Councilwoman Schenkel stated (a) this is the packet dropped off with the town clerk and is stamped as draft and in entirety, and the chart was not a supplement or taken out but included in final draft. Tom Zagurski stated yes. (b) Therefore, because presented by Charter Revision as final draft there is no reason to give any weight other than chart gives opportunity to group things and the chart was done in logical sense on how to group together. Town form of government agree with Peter that form of government talks about structural change and that is structural change with bonds and notes and should be in question 1.

Vote: All in favor, Councilwoman Schenkel, Councilwoman Jandreau, Councilman Giancesini. Opposed, Councilwoman Denski.

Mayor Festa stated the Motion carries 3 – 1.

**MOTION:** To state the 4 questions by Councilwoman Jandreau; second Councilman Giancesini.

Discussion: Councilwoman Jandreau stated Proposed Ballot Questions are:

1. Shall the Town of Plymouth change the form of government to (a) Town Manager, (b) Council Chairman and Vice Chairman; (c) Issuance of bonds and notes approved by the BOF and not the Town Council.
2. Finance: (a) recommending lowering the amount of special appropriation to \$50,000 before going to a town meeting (b) Comptroller changed to Director of Finance; (c) Timeline in budget process to allow for a second public hearing in budget process; (d) Mayor's Administrative Assistant salary determined by Board of Finance
3. Shall the Town of Plymouth adopt other changes as recommended: (a) Executive Secretary/Receptionist added as permanent position; (b) Human Services Department/Director to be Human Services Director; (c) Tax Collector appointed instead of elected (e) Town Clerk appointed instead of elected; (d) Eliminate language for all Department Heads (e) elimination of the Human Services Commission.
4. Shall the Town of Plymouth adopt the Miscellaneous corrections which include Political Activity?

Patti DeHuff, confused, the large groups in terms of 4 questions and even if separate out they will not vote yes or no on a, b or c. Whatever is grouped under 1 is voted yes or no, etc. Mayor Festa stated when look at point separated, the question is overall encumbering: shall all of the following positions be changed, yes or no. Councilwoman Denski stated if voted yes to town manager and if no to positions, that means the positions will be elected and the permanent secretary will not be elected. Melanie Church, suggestion on questions, taking elected position

and make appointed if go with town manager; taking town clerk who is elected and looking to make appointed if passes; taking tax collector who is elected and looking to appoint; those are forms of government not jobs as like Executive Secretary/Receptionist. The Human Services Director, you would want to put those in first question because they are the same as town manager and looking to appoint. Appointed can be fired or let go for just cause and when elected they are there for 4 years. Also, the changed Tax Collector to Revenue Collector. Councilwoman Jandreau stated it cannot be changed until the Charter is accepted. Vote: All in favor, Councilwoman Schenkel, Councilwoman Jandreau, Councilman Giancesini. Opposed, Councilwoman Denski. Mayor Festa stated the Motion carries 3 – 1.

7. Motion to approve South Main Street Reconstruction Resolution

**MOTION:** To approve South Main Street Reconstruction Resolution by Councilwoman Denski and read into record: “RESOLUTION WHEREAS, the Town of Plymouth has published a legal notice & display ad, mailed a news release to a number of officials and agencies, and mailed a formal letter to abutting property owners, announcing a hearing on the proposed STP Urban Transportation project known as Reconstruction of South Main Street; and WHEREAS, a public hearing was held on June 30, 2009, at Town Hall, 80 Main Street, Terryville, CT at 7:00 pm at which hearing residents had an opportunity to voice their concerns; and WHEREAS, the Central Connecticut Regional Planning Agency has selected this project as a regional priority and has agreed to utilize federal funds for preliminary engineering, right-of-way and construction activities; and WHEREAS, the project is located on a municipality owned road, the preliminary engineering phase has been performed by our consultant, WMC Engineers, the rights-of-way and construction phases will be funded 80% by the Federal Highway Administration, 10% by the State of Connecticut and 10% by the Town of Plymouth; and WHEREAS, the Town Council of the Town of Plymouth has considered the concerns of the residents from the public hearing and finds that the proposed Reconstruction of South Main Street is in the best interest of the Town of Plymouth, and will promote the health, safety and general welfare of its residents and provide for convenience and safety of the motoring public. WHEREAS the Town of Plymouth, based on the above information, and by virtue of this resolution, hereby fully supports the proposed project. Signed Mayor Vincent Festa, Jr. Dated: July 20, 2009”; second Councilwoman Jandreau. Discussion: none.

Vote: Councilwoman Schenkel, yes; Councilwoman Jandreau, yes; Councilman Giancesini, yes; Councilwoman Denski, yes. Motion passes 4-0.

8. Motion to approve Economic Development Consultant Contract – Mayor Festa stated this is standard procedure, same as previous contracts with Craig Stevenson, Connected to Connecticut LLC, and has had legal review; contract is for 2009- 2010, \$30,000 per year with Schedule of Payments included.

**MOTION:** To approve the Agreement between the Town of Plymouth and Connected to CT by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: Councilwoman Schenkel stated she has had the privilege of working with Craig and he has done a phenomenal job and a great asset. Councilwoman Jandreau stated she agrees and has worked with EDC and think Craig has done a good job, working for us and we should renew the contract. Vote: unanimous.

## 9. Public Comment

### 10. Town Council Comments

a. Councilwoman Jandreau – as a council do not always agree but have worked hard. Under Charter Revision have tried to do the best for people of town and feel putting out public ad and put in Plymouth Connection and on website and would like to encourage people to read corrections or new things before voting and make sure you know those things that are changing. We all think for ourselves; she sat with Charter Revision for 13 out of 15 months and they did a good job and thank them for that and tried to follow their suggestion on what to put on ballot and put more words than they did and hope come election time that people will remember to vote for Charter Revision and hope this year we will have people who take time to vote for Charter Revision changes. Commission worked very hard on this.

b. Councilwoman Schenkel – agrees with Jeanine and Charter Revision did a wonderful job and may agree to disagree whether on Council or in audience and intent is to do what is right by town. As a former Charter Revision chair she had job to present the commission's final draft to Town Council and not to dictate how to structure their questions and it turned out well. People will vote for or against depending on how they feel. Supportive of this group and great job.

c. Councilman Giancesini – as far as giving voters the power and agree with her that people are not stupid. He was on BOF and for items out of general fund and if felt without merit and recommended no it still went on to Town Council if they wished to recommend referendum but required 2/3 to pass and if BOF approved it needed 50% to pass. Believe people should be given opportunity and things go to referendum to vote.

d. Councilwoman Denski thanked the Charter Revision for their work and thanked Council for deciding to put it to rest and move forward to election.

### 11. Adjournment

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

Meeting adjourned at 8:21 p.m.

Respectfully submitted,  
Robin Gudeczauskas, Clerk of the Council