

1. The Special Meeting of the Plymouth Town Council was called to order on Thursday, November 5, 2009 at 7:00 p.m. in the Plymouth Town Hall Community Room by Mayor Vincent Festa, Jr. Members in attendance: Councilwoman Jacqui Denski, Councilman Peter Giancesini, Councilwoman Jeanine Jandreau, Councilwoman DiAnna Schenkel, Councilman David Sekorski, Mayor Festa. Also present, Robin Gudczaskas, Clerk of the Council.
2. Fire Exit Notification
3. Pledge of Allegiance
4. Council Rules and Procedures
5. Public Comment on Non-Agenda Items
  - a. Melanie Church, 328 Main Street – Charter questions, some of the Charter questions failed, one of those questions that was in there had to do with the VNA, having VNA of Plymouth so the Council will have to start looking at what can be done because to her the vote was loud and clear they didn't want VNA abolished and that is in violation of the Charter now. Thank you.
6. To Refund The Following Property Taxes: Lisa S. Briotti, \$76.76; CAB East LLC Ford Credit Property Tax, \$376.61; DCFS Trust, \$190.39, \$228.01; Daniel P. Evans, \$4.91; Scott D. Ewen, \$36.72; Financial Ser. Veh. Trust, \$347.65; GMAC Semperian Property Tax, \$369.93, \$164.83, \$237.04; Jason S. Haines, Jr., \$108.66; Terry P. McNeiece, \$27.06; Brian S. Michaud, \$107.16; Nissan Infiniti LT, \$322.44; Jeanne V. Nothmann, \$15.56; Beth E. Ramos, \$43.79; Lee H. Preble, \$6.26; Stephanie Thompson, \$63.21  
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7. To Authorize The Mayor To Accept The Contract Bid For The Sale of Prospect Street School Pending Legal Review and Approval of Final Contract  
**MOTION:** To authorize the Mayor to accept the contract bid for the sale of Prospect Street School pending legal review and approval of final contract by Counsel by Councilwoman Jandreau; second Councilwoman Denski. Discussion: Councilwoman Jandreau, know going to do this and make sure we the Town is covered on this with a bond and hope part of package. Mayor Festa stated parameters of sale agreement is that it is presented through legal counsel with review and approval. Anything related to Planning/Zoning issues such as bonds have to be taken through that avenue and his assumption in reference to proposed buyer as well as the town, that both sides look to this and look to developer and if know not getting Planning & Zoning approval or regulation attached that they would buy anyway and will be taken up during proposed contract presentation and review and also in going forward on the town side relative to the Planning & Zoning issues. Councilwoman Schenkel, at last meeting the field was not turned over to the town and has it been. Mayor Festa, it has. Councilwoman Denski, personal opinion, feel bid is low and know that the town needs that income coming in and reason why for it. Councilman Sekorski, know there is a great deal of concern about the

fields and use of fields while there is an intermittent time, and know that the part of the proposal included having field be available for use until such time as needed and to make sure that is in contract. Another important consideration is fields themselves and a bit of personal opinion but also think what needs to be done in terms of the overall availability of fields, not that we don't have enough fields, but we don't have a comprehensive plan and cooperation between those folks with jurisdiction over the fields. It has forced private groups that have to go out to maintain fields and hope that in the future over the next few years is we can get some agreement between the town, Board of Ed and the recreation department so that we have proper monitoring and we put a plan in place that will call for the maintenance and jurisdiction and scheduling of fields and that is what is the problem. We have no coordination of use of fields and people are left hanging on how to get, when to go and hopefully we can remedy that situation. We have a lot of fields and now knew fields at the high school and we are not utilizing fields we have right now very well but need to be engaged and support the motion. Mayor Festa stated points well taken and another whole issue on fields. There has been movement under way in the past with attempts made to consolidate both town side and Board of Ed through Public Works and Recreation and how to resolve whether through contract negotiations in resolving turf wars. Melanie Church, 328 Main Street, when you had the assessment done on this property it was without fields, number one, included because she read report and why such a low bid on it and number 2, I think that if you include the fields in that land it really needs to be appraised at what the value would be and gave example of a home across the street from her house, silver house sold this week and partially commercial and the house is in bad need of repair and went for \$150,000 and that was a lot; now you are looking at 7 acres with a building on it for \$125,000 and think if you even put it out to a real estate agent you will find property a lot more valuable. Plus say there was an assessment on that property for taxes at \$122,000 assessment on that property it means we would get \$4000 in taxes per year. I am saying to you that I believe this price is way way too low even looking at the times being hard and think for that reason that this bid should be rejected and go out and turn around, and have some agents in this type of work look at whole piece because now you added extra fields and things on this property which was not there when they had the architect come in and give price on what we could do with this property and they were not looking at fields. Feel invalid price and needs to be thoroughly checked and jumping gun too fast and we're going to end up kicking ourselves selling piece of property worth more than \$125,000. Councilman Ganesini stated we went through property with Municipal Facilities study Committee and brought in outside consultants and when attorney for the person was here who made bid made mention they could not do without fields and cost of renovation structure is far more expensive than if you were erecting a building on same piece of land. It is an old masonry building, you have to take everything out for code updates, fire escape and the person will only make money on addition put on in back where fields are and was obvious and of two buildings this is worth much less. As far as \$120,000 as a part of tax assessment, invalid because tax assessment will be on the total construction of the project and was estimated to be approximately \$70,000 a year. I do not think we have to go anywhere else; that is my opinion. Vote: unanimous.

8. To Discuss and Take Action On Ad Hoc Blight Committee's Recommendation As Well As Comments /Recommendations From The Public For A "Blight Abatement Ordinance"

**Discussion on issue:** Mayor Festa stated he distributed to the Council the original Blight Ordinance presentation, set of minutes of comments made and addressed to Council from the audience, and recommendations from fellow Council people. Councilman Ganesini stated he emailed a copy of his comments; Mayor Festa stated he can address them tonight. Councilwoman Schenkel, for first part, Section 7-60 Jeannine has also put in as suggestion that we included campers in list of conditions in vehicles; 7-68, under the enforcement to include “the building official shall present all violations at each meeting of the Code Enforcement Commission”. As it was stated during the public comments as to what the building officer does with violation and how do they get to committee. Councilwoman Jandreau: add to Sec 8-24 to read “as defined in Sec. 8-24 of the Housing Code” because some people do not know where to look for Section 8-24. It is often defined as in Section 8-24 and where do you find it. It is in regular Town Ordinance, Code of Ordinances. Page 597, 8-24 definitions under Housing Ordinance, Chapter 8. State of Disrepair, #2, add “chimneys”; under #7 add “recreational vehicles such as campers etc”. Section 7-62, first line add “or” after “the” to make it “and/or the land on which it is situated”. Section 7-69, c, #4 add “or disabled” after elderly. Add to section #5, “Postpone, modify or go forward in matters of insurance claims and/or any other litigation”. Need more time because of litigation. Section 7-70, after “appointed by mayor” add “with approval of the Council for a 2 year term with minority representation”. Councilman Ganesini read into record what was sent noting conflict of what is on the town website and what is in the Charter on make up of Housing Board of Appeals. On the proposed Ordinance, recommendation Section 7-61, item 7, include specifically “recreational vehicles (trailers, motorhomes, etc) in the definition. Status of antique autos should be addressed noting obviously pieces of three 1950 Chevy’s which will someday be used to produce one restored vehicle should not be allowed to be kept in the open. Vehicles which are registered as antiques and can be made operational, for example, by just installing a charged battery, should be given specific reference. Section 7-69 (c), Housing Board of Appeals, item 2, “there is financial hardship”; this should not be an excuse to allow a blight condition to exist. The property owner obviously allowed the blighted condition to occur. After granting of extensions for the owner to have the condition corrected, the town should hire a licensed contractor to do the work, and place a lien on the property. If the cost of the work is reimbursed to the Town, the lien will be removed. Item 4, “The owner is elderly on a fixed income”. Extensions may be given as in Item 2 above. At some point the blighted condition must be corrected, or it will obviously get worse. If “pro-bono” cleanup help cannot be found, the town should clean up the site and place a lien against the property. General comment: I don’t believe that it would be prudent or fair to allow certain classes of blighted property owners to avoid the requirement to clean up their sites, while others face sanctions. The town government should be very careful about sending town employees or soliciting volunteers to do the work. Severely blighted properties will likely have hazardous materials stored in unidentified containers, old furnaces and heaters may contain asbestos, refrigeration equipment may contain halogen or sulfur based coolants, and broken glass and nails will pose a hazard. The town could be culpable for violating environmental regulations, with severe consequences. Injuries for non employees would not be covered by town insurance. If school children are used, the town can be charged if they are endangered or injured. Any volunteer cleanup should be done completely without town

involvement. When money accumulates in a blight fund, a mechanism can be developed, if desired, to determine who may be eligible or aid, and licensed contractors hired. Councilman Sekorski, point of order, understand a lot of excellent comments brought up and do not know if we have them all accurately documented and concerned that if we do accurately document the comments and from a procedural point of view, want to make sure we are all clear on what is in front of us this evening. We have an option to adopt this Ordinance as currently written, adopt it with amendments which know there have been open suggestions made, and think we need a motion with either, that would explicitly describe what each comments are that we want included this evening or we would have to go back and do a workshop and make sure another draft with recommendations and vote on it. Would like to hear from procedural perspective the Mayor's recommendation. Mayor Festa stated whether this Council looks at the committee's work and decides it is worth accepting as final report and if that is the case you would make a motion to accept the report as a final draft report and then also take the recommendations made tonight by the Council to make the changes, add the changes and that would then be retyped and brought back to the Council for the Council's approval of not only the draft report but the amendments made to it by virtue of the comments that you looked over from what was presented during last few weeks by the townspeople during the open hearing. Actually we have a twofold process. You have the ability tonight to either accept or not accept the Ad Hoc committee's final draft and let it sit until such time Council gets a copy of recommendations attached to draft and vote on the whole package, or let this particular Committee go by letting them know work completed by accepting report; then move forward to make recommendations, put in comments into draft with amendments and come back to approve or disapprove of the package as presented with recommendations and changes. Councilman Sekorski, at this point we accept the report and delay a vote or recommendation that this be placed in as official Town Ordinance; are we at the point where the next sitting Council can vote on it and do that or are we obligated under our Ordinance procedures to go back to another public hearing to address the comments if they are included in the draft. Mayor Festa, you already had public hearing and townspeople had input and by recommending the things you are recommending, you have taken into consideration those comments from the public hearing as well as that of your own. The final report would be the inclusiveness of the committee's report, comments made by the general public, recommendations made by the general public and those recommendations plus Council recommendations which will be put into a final packet and presented for approval to the Town Council. If the Town Council approves the package at the time it will be noted in the newspaper that an Ordinance is being enacted, there will be "x" number of days in which time that you have to wait for the legal notice to take hold, at that point in time it becomes an Ordinance and would be publicized for the purpose of noting it is an Ordinance and will be registered with the Town Clerk office at which point in time she will then refer it back to the Charter, have it typed up and presented for inclusion into the Charter as an Ordinance.

**MOTION:** To accept the Blight Committee's final report, in addition would like to have the comments of the Council and recommendations of the Council this evening added to the final report, compiled and presented to the Council for a final vote on the Ordinance by Councilman Sekorski; second Councilwoman Denski. Discussion: none. Vote: unanimous. The Council thanked the Blight Committee for work done.

9. To Authorize The Mayor To Enter Into An Agreement With Source One Inc. Through A Certified Resolution To Make Application For Energy Funding Under The American Recovery and Reinvestment Act (ARRA).

Mayor Festa stated this is relative to is money to the Town of Plymouth and allocated \$59,779 through the state's Energy Audit Building component and the town is proposing to use funds to conduct audits of the town facilities to identify Energy Conservation Measures. Each of these measures will be identified along with its cost energy savings potential and anticipated cost savings. The Town Hall, Library and various Public Works Facilities will be targeted for energy audits with an anticipated cost of \$7,000. The remainder of the funds will be directed towards implementing the energy conservation measures. The Town anticipates being able to take advantage of Utility company incentives for certain types of efficiency projects such as motor or lighting upgrades. This project clearly supports the following Department of Energy outcome of increased energy efficiency, reduced energy consumption and reduced energy costs through efficiency improvements in the building, transportation and other appropriate sectors. Leveraging of the resources of federal, state and local governments, utilities and utility regulators, private sector and nonprofit organizations to maximize the resulting energy, economic and environmental benefits. This project will reduce energy costs for the Town moving forward and reduce the Towns' overall exposure to energy price risk. This is being handled through the Public Works Department, Mr. Lorenzetti's office. We just got a notification that this deadline has been extended and the issue tonight is we need to approve the particular agreement with Source One relative to the particular project the State authorized. The project is neither located nor will it affect any registered or eligible historic places. Any waste streams from ECMs will in all likelihood be insubstantial (packaging, etc) and any equipment that is being replaced will be removed and disposed of off-site by the selected installer.

**MOTION:** To Authorize The Mayor To Enter Into An Agreement With Source One Inc. Through A Certified Resolution To Make Application For Energy Funding Under The American Recovery and Reinvestment Act (ARRA). Resolution "BE IT RESOLVED, that the Town of Plymouth Town Council hereby authorizes the Mayor to enter into Agreement through this Resolution to accept the allocated funds by approving the contract with Source One Inc. on this day of Thursday, November 5, 2009 at the Special Town Council Meeting" by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: none. Vote: unanimous.

10. To Authorize The Mayor To Sign, Through A Resolution, An Amendment For An Extension Of The Construction Grant For The Historic Water Wheel In The Amount of \$350,000.00 to December 31, 2011

Mayor Festa stated this is the extension of the grant through the offices of the Culture and Tourism Department and allowing us to make application for the extension of the project. We have a resolution on file and this is a matter of restating that particular agreement through Town Council that you are giving word to allow the Mayor to enter into the Agreement again.

**MOTION:** To Authorize The Mayor To Sign, Through A Resolution, An Amendment For An Extension Of The Construction Grant For The Historic Water Wheel In The Amount of \$350,000.00 to December 31, 2011 by Councilwoman Jandreau; second Councilman Giancesini. Discussion: none. Vote: unanimous.

11. To Authorize The Mayor To Sign The Gift And Campaign Contribution Certificate; The Nondiscrimination Certificate; The Ethics Forms As Each May Pertain To The Waterwheel Grant Extension

Mayor Festa stated this is another requirement of the grant and a matter of providing authorization allowing the Mayor to do so.

**MOTION:** To Authorize The Mayor To Sign The Gift And Campaign Contribution Certificate; The Nondiscrimination Certificate; The Ethics Forms As Each May Pertain To The Waterwheel Grant Extension, by Councilwoman Jandreau; second Councilwoman Denski. Discussion: none. Vote: unanimous.

12. Appointments/Resignations

- a. To appoint Michael Maffia to the Police Commission; term to expire on 1/14/2012

**MOTION:** To appoint Michael Maffia to the Police Commission; term to expire on 1/14/2012 by Councilwoman Jandreau; second Councilwoman Schenkel. Discussion: Councilwoman Jandreau stated she has served as Inland Wetlands liaison and Michael is part of that commission and serves very well there and will do as good of a job with the Police Commission. Councilman Giancesini stated he does that commission with Jeannine and speaks very highly of Mike and in his travels around town, Mike is very knowledgeable about requirements of conservation with wetlands and brings information in and participates with site walks and was impressed one meeting where homeowner got cited for bring in fill without permit, stating fill was already there. Mike looked at Google search and there was not a pile when the homeowner said purchased property with fill on it. He went on his own and researched. Support appointment. Vote: unanimous.

- b. To re-appoint Gerald P. Wunsch to the Fire Commission; term to expire on 11/4/2012

**MOTION:** To re-appoint Gerald P. Wunsch to the Fire Commission; term to expire on 11/4/2012, by Councilwoman Jandreau with great pleasure to reappoint; second Councilman Sekorski. Discussion: Councilwoman Jandreau stated Gerry does a great job, participates and very good at what he does and a pleasure to reappoint him to that commission. Vote: unanimous.

13. To Discuss Council Meeting Dates Per Charter, Chapter III, Section Two (2) Town Council Shall Meet On Monday, November 16, 2009 To Fix The Time And Place Of Its Regular Meetings...Sec. Three(3)

Mayor Festa stated the issue to bring forward is to make sure everyone understand that the first Monday after election by which elected officials should have been sworn in and second Monday which is the 16th that the Mayor shall call a meeting date to discuss calendar for pursuing year and to set dates.

14. Liaison Reports

- a. Councilwoman Denski – Gave updated on Board of Education lunch program, energy policy, positive growth with CAPT, Berkshire music festival held at THS; Thomaston Savings Bank presented over \$30,000 in grants to Plymouth; PCS has

started a recycling program. Library Board is looking for a book donation bin for book sales; 1800 new library cards issued last year and attendance in children program increased; have a high school intern for 6 weeks; new storm windows in; looking to purchase chairs; Lions donated \$300 for audio books and movie matinees being held at 2 pm on Saturday afternoons.

- b. Councilman Giancesini – WPCA had Maguire Associates working on bid package for head end construction for processing sedimentation, need to put building up and need to go through Planning/Zoning. P&Z and I/W had ordinary meetings; School Building Committee drafting letter to Lauretano for excellent sign, and sidewalks are now completed.
- c. Councilwoman Jandreau – attended usual I/W, ZBA and other meetings; Public Works took on tour of their new roads on Fall Mountain and look great; everyone should go see roads and see work done as it is beautiful; took tour of landfill and did super job and should go see where money went to as great job.
- d. Councilwoman Schenkel – nothing to report
- e. Councilman Sekorski – no report

#### 15. Public Comments

- a. Jim Deutsch, 34 Orchard Street – from I/W perspective as Chairman he thanked Councilwoman Jandreau and Councilman Giancesini for the last two years as liaison to Commission. Think it is important being on a commission for so long to have representative there and important that they showed, added FOI information, parliamentary procedure input and would like to let them both know he appreciated them showing up and made a big difference that they showed interest and sent the information out to the public during their liaison. From WPCA as a member, thank you, Councilman Giancesini for showing up and important to the commission that representation from this administration showed that type of interest.

#### 16. Council Comments

- a. Councilwoman Jandreau – first, take great exception to David Goodwin's claim in the newspaper that this Council did nothing in the last two years. This Council worked very hard to undo things done, to go forward. Her colleagues have worked very hard and those staying will continue to work very hard. Thanks to friends on Council as it has been a pleasure and an honor to serve with such a devoted group. Thank all the commissions that she has been liaison to for last two years and their kindness and respect is greatly appreciated. Thank you for a successful two years and good luck to the new Council. Also to the new Council, I hope the new Council members will put politics aside and continue the work that this Council started. One good thing about this whole thing is that I will not be here any more to listen to the complaining, half truths and innuendos of Melanie Church.
- b. Councilman Giancesini – the last ten years of service, two with Town Council, Board of Finance, Board of Assessment Appeals have been an interesting experience and learned a lot about the running of town government and appreciate the opportunity to serve and a lot of work to be done and hopefully carried forward in the spirit we have to make progress and cannot do like in past with patches; and we have wonderful schools any town would be proud of and can do

rest especially with stable bonding package procedures that has support of all capital committees and also the BOF and very useful to pursue. Again, an awful lot of what goes on in town is happening at elected and appointed commissions and we have wonderful experienced people and look to backgrounds and experience whether in finance or construction or with PE license, people are working hard and there is literally hundreds of people involved with all types of diverse experience and background. Hopefully days gone of previous administration and threatening, giving example of Marybeth Morelli leaving. You need to be vigilant that people don't think based on egos and ideas that their limited life on this planet gives them the right to supersede all of the knowledge, experience and work done by the people done on Commissions. I really enjoyed working with you.

- c. Councilwoman Denski – thoughts to share; sometimes elections are popularity contests and Obama as well as democrats are not very popular right now. Her family was not founding fathers of this town nor professional politicians. She is the first generation in her family to run for any political office and the reason she wanted to run was to make a positive difference in the community. In the past two years, this administration put a new roof on the library, gave our town two years of zero percent tax increase, completed Fall Mountain water and roads, and saved our town thousands of dollars and the list does go on and on. On November 3rd for those who voted in her district, might have seen a group tailgating in the Fisher parking lot, or huddled under a canopy, talking, joking and laughing with one another. That group was both republican and democrat candidates; and it is her hope and belief that the newly elected Council will work as well together with the reelected Council and the Mayor to continue moving this town forward for the betterment of us all. If by that one day, November 3rd, we began building bridges and repairing relationships between the two parties, than that is a difference we have made and I am most proud of. It is an example that can be learned by our State and our country as well. Even though we have difference of ideas and opinions, only when we listen to each other with an open mind and an open heart can we learn from one another and move forward to our common goals. It has been her pleasure to serve this community for the past two years and look forward to help any way can to make Pequabuck, Plymouth, Terryville a great place to live.
- d. Councilwoman Schenkel – thank the public for the opportunity and honor of serving them the last two years and privilege for two more. When embarked on journey two years ago we were people with a common goal to heal community and make lives better and at end of two years have 5 very good friends who she is proud to have got to serve with and learned from them, and hope to continue the lessons they each taught her. To incoming Council, welcome, look forward to building bridges and working hard with you and a lot left to do in the community and not a label of democrat or republican but most important from Town of Plymouth. Look forward to two years of having additional friends added to her roster.



- e. Councilman Sekorski – terrific privilege and we have done a real lot and think the sad part is a lot of it you cannot see. I look forward to continuing that and will miss you guys and am sure will see you around, wish you luck and appreciate the work you did and especially want to recognize those who attended those meetings so regularly. When he first got on Council, had great ambitions that would change the world and change the community and cannot do alone; your representation in going to those meetings is a big part of that and I thank the Mayor for honoring some of his wishes and not putting on some vigorous commissions due to his schedule. It was terrific working with you and I will miss you. Thank you.
  - f. Mayor Festa – oath of office will be 2 pm at the THS auditorium on Sunday and all council candidates and elected officials have been notified and public invited to attend. There will be a recount of ballots for district Saturday morning by Registrars notification. On behalf of myself and the town extend thank you to Jacqui, Peter and Jeannine not only for service on the Town Council the last two years but service over many years on offices, boards and commissions served as liaison, and we will miss you and wish well and good health and ask to lend helping hand and not fade into sunset. Important as Jacqui pointed out to build bridges and as David pointed out cannot do alone and very fortunate to have group to support, help and make do better things and wise decisions. Look forward to new Council people and positive approach and wish well and welcome to Town Council and we will continue to move forward in many lights and difference of opinions and all in positive vein and manner. Thank you for your willingness to serve community and God bless.
17. Adjournment
- MOTION:** To adjourn by Councilwoman Jandreau; second Councilwoman Schenkel and the vote unanimous.
- Meeting adjourned at 7:56 p.m.

Respectfully submitted,  
Robin Gudeczauskas, Clerk of the Council