

1. The Regular Meeting of the Plymouth Town Council was called to order on **Tuesday, December 1, 2009 at 7:00 p.m.** in the Plymouth Town Hall Community Room by Mayor Vincent Festa, Jr. Members in attendance: Councilman Martin Sandshaw, Councilwoman DiAnna Schenkel, Councilman David Sekorski, Councilman Tom Zagurski, Councilman John Wunsch and Mayor Festa. Also present, Robin Gudeczauskas, Clerk of the Council; Tony Lorenzetti, Public Works Director.
2. Fire Exit Notification
3. Pledge of Allegiance
4. Acceptance of Minutes
 - a. Regular Town Council Meeting Dated 10/6/09
MOTION: To accept the minutes from October 6, 2009 by Councilman Sekorski, second Councilwoman Schenkel. Discussion: none. Vote: unanimous.
 - b. Town Council Public Hearing Dated 10/20/09
MOTION: To accept the Minutes of 10/20/2009 by Councilwoman Schenkel; second Councilman Sekorski. Discussion: none. Vote: unanimous.
 - c. Special Town Council Meeting Dated 11/5/09
MOTION: To accept the Meeting Minutes of November 5, 2009 by Councilman Wunsch; second Councilman Zagurski. Discussion: none. Vote: unanimous.
 - d. Special Town Council Meeting Dated 11/16/09
MOTION: To accept the Minutes of November 16, 2009 as presented by Councilman Sandshaw; second Councilman Sekorski. Discussion: none. Vote: unanimous.
5. Council Rules and Procedures
 - a. Councilman Sekorski, just a quick point of clarity, Mr. Mayor, page 2 on agenda, under Appointments and Resignations, we have under resignations Edward Clukey is mentioned twice, I think, did I read that correctly. Mayor Festa: yes, you did. Under the section where it accepting the following resignations he is there as a resignation from Board of Directors as appointee on the Board of Directors; under the following appointments he is under there as an appointment to the Corps as a representative of the town. Councilman Sekorski stated that is for the slot that the town provides. Thank you.
6. Mayor's Report
 - a. Budget preparation for FY 10-11; we are under spending constraints; we continue (Director of Finance) to do that and the Director of Finance is here with us this evening. I will tell you very quickly, we are very much concerned about the governors proposed special session relative to looking at reduction again as the state aid for the cities and towns and if that does become a reality we are in dire straits here in this community and asked David Bertnagel to speak to the implications of the financial end of it. Dave Bertnagel basically what we are doing is that we have several scenarios proposed last year as part of the budget package, as you are well aware we had scenarios a thru d, that the BOF was made aware of beforehand not knowing as we went into the budget pretty much without the state giving us the formulas. Basically at this point in time we are at level a, which would be about a \$300,000 cut mid year to the Town of Plymouth. At this time it appears it will not come from educational grant funding because it's

funded through the American Recovery and Investment Act so it will come from the towns sources of funding whether that be through the Mohegan Pequot grant or town aid roads, we don't know yet. It is all going to be up in the air depending upon where the legislature sees exactly where they are going to go. But the worse case scenario right now is about \$300,000 this year that is equivalent roughly to about .4 mills tax dollars.

- b. Director of Finance/Mayor – scheduled meetings with boards and commissions as in past relative to budget preparation and doing again, not just departments but including boards and commissions as well.
- c. Auditor's report to be presented to Town Council (Director of Finance) will be meeting with the auditors who will do presentation to the Board of Finance at the next meeting. Dave Bertnagel stated the audit report right now is currently under way to being finished up by the independent auditors. Once they are done with it they will be coming back to give full report; usually they give a synopsis in December and come back in January with a full report in regards to all their findings, we meet with all Departments and recommendations in regard to improvements and other areas that way. At that time we will set a joint meeting through the Council and Board of Finance to hear recommendations.
- d. Meeting with L. Wagner Associates regarding Small Cities Block Grants, \$300,000 - Town Planner Khara Dodds and myself met with Al Wagner to sign off on the Small City Block grants to the tune of \$300,000. That money will be coming in to the town. We already have applications and a goodly number of applications of people looking to do rehabs to their homes and properties. This is strictly for the residential rehab loans. We did speak to Larry relative to the application procedures and are already starting to look at considerations for 2010-2011 which will begin some time in February this coming year. Relative to the discussion we had with him I was also enlightened to find out that there is also the ability to look at commercial rehab for individuals interested in that and also to do rehabs such as public housing such as Gosinski Park and they're considerably much higher in terms of loan allowance for those particular types of projects. So it is interesting to understand there are other loans out there other than just the housing for residential and we will be looking at some of those issues as we have had commercial come and ask us whether or not there is any process for them to make application as well. The next item we discussed with Larry, and I'll ask David to come to the mic again as we have backdated financial issues that have been resolved. We have a number of cd's that have been located within the comptroller's office and I will ask David to give you some background on this issue relative to what has happened in the good fortune that we have come across. David Bertnagel – what we came across was in the past couple years we have had what they call restricting cash on the books or what they call cdbg grant funding which is a special revenue fund within our financials. It is that part of the general fund that is a special fund set up for that specific purpose. Basically what that fund did is it was set up at the time they were doing commercial rehabilitation projects for the town. Basically requested money up to certain developers; they went to the bank and we collateralized the, what they call certificates of deposit. We have since found out that the money for the most part based upon

our understanding has been clear. So therefore it appears right now that there is approximately \$188,000 that will be freed up as a result of this; however, we still have to go through some administrative hurdles to make sure that is all resolved and once occurs it is done. We did come across these findings and it came about through the audit process this year. Councilman Sekorski, when you say it frees up and it becomes available to the town for any use; Dave Bertnagel, correct, and basically what is was, was restricted primarily for the purpose of cdbg because of the fact cdbg developed for block grants because is was designated for that program. It could have been in 1980s and that is how far back it goes. So what ends up happening is we have a break in continuity where there is a year we don't receive a grant; for example, you get 86-87 and we don't get the grant again until 89, there is a break in continuity because we didn't get it in 88; so therefore the monies you received prior to that, as long as it was used originally for the intended purpose, which it was, that it becomes freed up for the town to use.

- e. Back Tax Collections/Tax Sales – process moving forward. There will be a tax sale that is moving forward as well and there are three additional properties that will be taken off the back tax roles and put up for auction through tax sales that has been coordinate through Linda's office with Ted Scheidel.
- f. IRS/Social Security issues for 2006 reporting period (Director of Finance) – issue we have come across relative to notification by IRS that the town is being penalized 10% of a error in reporting the 2006 returns; we are under an order so far that we need to set aside \$400,000 for this penalty because the town did not follow through on the requests from the IRS and Social Security to correct a mistake that was made in the filing procedures back in 2006. The Director of Finance and myself have worked very diligently with the IRS and with Social Security. We are in the process of moving that issue forward and hopefully will come out on the better side of this. David will report the findings that you have had today dealing with the tax advocate. David Bertnagel – for the most part what we have been doing is we had to research issue obviously because it goes back a couple of years and basically what we found out is there are two components. One is the quarterly filings which we submit the payments to the IRS and federal government and then at the end of year when we file, the employees get the W2's and the town files what they call the W3. Well, obviously the W3 that year was sent electronically and was sent incorrectly, the file was sent incorrectly which basically underscored what the quarterly reports were by about \$4 million. So, therefore, the town at some point received some notices and never responded to those notices so they basically said that we are going to penalize you, which is the 10% penalty on that. The difference was \$4 million so ten percent of the \$4 million is \$400,000. We are working with the tax advocate to correct that problem and hopefully the penalty will be waived or go away or reduced. Councilwoman Schenkel (a) David, who exactly was responsible for the reporting and when the error was discovered, who was responsible for responding to the mailing. David Bertnagel, for the most part we have done research into that and it comes to the comptroller's office and basically at that point in time, it is hard to say whose hands were on it. (b) but ultimately it would be the person who is managing that office. David, correct. It would be the

payroll clerk in whose job description does the W2 filings, however, we also have the profile and other things like that. There is quite a few people whose hands are in this. Mayor Festa stated a follow up on the issue. One of the things we are pretty certain about is the fact that between IRS reporting and Social Security reporting there seems to be discrepancy, we have 195 W2's reported to IRS; 139 reported to Social Security. So somewhere in the mix is about 60 W2's missing somewhere and that is one of the reasons we are out scrounging and looking everywhere we can to find those particular 60. With that we have already made contact and we are moving forward and hopefully we will get this resolved within the next couple of weeks.

- g. Bonding Proposal – Capital Improvements Comm/Municipal Facilities Committee; Town Meeting (Director of Finance) – will continue their work and efforts. We will be meeting with those groups again for the purpose of discussing the bonding proposal. There will be a town meeting as well and we will coordinate that through the Director of Finance's office so that everyone is on board and everyone has a goodly amount of time to understand what is going on and taking place with the proposal and all the public hearings on it.

- h. Landfill closure

- i. South Main Street Reconstruction

*Fall Mountain Water Project (Public works Director) – I have Mr. Lorenzetti with me here this evening and I just want to let you know if you have not been up to the landfill closure area, please do so, get yourself up there as it is a wonderful site to see. South Main Street reconstructing will be starting very soon and the Fall Mountain water project is coming to an end. Tony Lorenzetti, here only if there are questions. Councilman Sekorski (a) approximate start date on South Main Street. Tony, we are hoping to get that out next year. What is happening now is the State has begun the right of way phase and we are hoping to get done within next 6 months to a year. (b) One more quick follow up and logistically will that result in that road closure completely, probably at some point like we experienced with Canal. Tony, there will be detours and it will be open to local traffic. Councilwoman Schenkel, one quick question, Fall Mountain project. I remember that during one of the visits up to Fall Mountain, a resident Mr. White was concerned about one of the roads up there that was very narrow. Are there any plans to make that a one way or have you heard. Tony, that would be Club Lane. At this point, no, the road has always been very narrow and something to be talked about. Mayor Festa, ask Tony to take back to the highway department/crew our thanks and appreciation for the wonderful job they have done with Fall Mountain as it is always amazing to see the transformation of that particular community with the curbing and the roads and the responses we have been getting and the positive side from people there. Tony, I sure will. Thank you.

*Waterwheel Park – moving forward. I had a call this afternoon and there are reports coming in relative to the monitoring of the wells and the server that been done over past couple of weeks and hopefully there will be a meeting within the next couple of days with BL Company and they will be moving forward and if the response is positive from the State relative to the wells that are in the ground then

we will begin removing the slabs and start phase 1 of the actual park redevelopment.

*Re-bid procedures on Main Street School – we have had several calls on Main Street School indicating that people have come and want to take another look at the run through but in that particular procedure we have to go forward to do a rebidding process on Main Street School. We just cannot take anyone's application at this point in time, anyone's bid proposal since the deadline has past. There is an interest of 3 parties that we know of on that school site.

*Human Services (Community Services) Director Position; Interviews completed; Candidate selected; recognize work efforts of Patricia Hale re: Human Services Department operations – had wonderful interview committee who sat through a number of meetings/interviewed a number of candidates and have selected a candidate. The individual will be on board within the next week and half and understand through the committee members they are very pleased and excited about the individual coming forward and hopefully we will get that moving forward in a much quicker speed than we have been up to at this point in time. In regards to that situation I would like to just take a moment to recognize the work and efforts and ethics that Patricia Hale, Mayor's secretary upstairs. She has taken on the responsibility of taking over the office proceedings of the human services department. She has handled it beautifully. We have had a tremendous amount of people coming forward. We have had at least this week alone on a daily basis at least 4 people coming in with requests for fuel assistance, food and clothing. The issues at hand are very very broad. As of today, BCO, which is our counterpart in Bristol, handles the fuel assistance program to which we are a part of through the State, has indicated the next application date that they can schedule anybody for is March 1st. So anyone coming between now and March 1st is up against it if they have no fuel or they are going to be terminated; so we have been working on that. This afternoon from 1 – 4:30, Trish and I both had candidates in discussing those issues. If you take a look upstairs there is also a number of presents that are being donated throughout the services and good tidings of the people in this community whether it be church organizations or civic organizations, all are taking responsibility in the outpouring of gifts for community service people who do not have the welfare or wherewithal to go out and provide for the family, has been overwhelming and the response has been tremendous. We really appreciate the efforts of the services in town, whether it be church organizations, civic organizations and individuals of the community in trying to make someone's holiday a little better than what they would have otherwise. So I give great approval to Trish's work and on behalf of the people that she has serviced in this community I applaud her.

7. Public Comments on Non-Agenda Items

- a. Keith Golnik, 46 Orchard Street, wanted to make an announcement on behalf of the Plymouth Historical Society that this Sunday at 1 pm we will be holding our annual holiday open house. Also wanted to speak about coming up in the next couple of years will be the 20th anniversary of the Gulf War and I think it would be appropriate and I would request that you look into forming a committee to look

into finding out about establishing another monument at the Veteran's Memorial and a plaque to recognize those members of our community who served during the war. It would also be a good opportunity to start tracking and documenting people in our community who have gone and served in Afghanistan and Iraq so that in the future we can also memorialize those. Also, around the base of the monument there is like a blue slate type of stone that is laid down that is kind of deteriorating and I think would be a good idea to look into being able to have bricks made up that veterans that may not have served during war times period, who may have served during peace or other operations where they or their family members would be able to purchase a memorial brick and place it in that area. Mayor Festa, you may also add to your list that we don't forget the Vietnam era as well.

- b. Melanie Church, 328 Main Street, I don't know if you are aware or human services is aware. There is an emergency fuel bank that if people are out of oil or out of heat there is a fund that they will come out. I believe it is if you notify, I know in Bristol it is if you notify the police department and the police department gets in touch with someone from BCO, but they will be able to get them a tank of oil and that is only on an emergency basis that they are out of oil and you can get a fill up. I am sure somewhere in this town there must be a place they can call and get that information. I had learned about it at another meeting, another organization that I belong to and there is money in there for the emergency of if somebody is out of oil. They will come out even at night; it is under emergency fuel bank and that is something worth checking into. Question, on something that you have already spoken on but haven't spoken on so I am just going to mention it because I don't think it is anywhere, I don't see it on the agenda but also this waterwheel, this \$300,000 grant for waterwheel or to go on to phase 1. Is that coming out of taxpayer's money or is that completely grant money, which is it, and right now where we may be short \$300,000 I think we need to stop our spending in order to meet that instead of, because from what I understood was legislation passed a bill this fall that if we go in deficit they can send out, the town can send out supplemental bill and I think with the way that people are in dire straits today that instead of doing that we many have to look at curbing spending until we know exactly where the cuts are coming from the state instead of just spending money and afterwards worrying and then saying we are short money because we may have to take it out of these placed. And you know it is a need or a want and I think right now at this point it is a need for people to meet their taxes. Another thing I would ask can you maybe put publicly up somewhere a list of tax sales as that is public information and there may be a local person that is looking for a piece of property and one of these tax sales would be available to them. Thank you. Mayor Festa, you are welcome. For clarification purposes, the notification on some of the properties already have been posted that comes through the tax collectors office but I will double check and make sure there is a notice somewhere else as well. Secondly, relative to the fuel bank. We run the fuel bank here in town hall and BCO has no money available to give anybody on an emergency need basis and they will not take any application until March 1st and they said initially we have been involved with BCO since late October in this

regard and the only other thing we can do relative to fuel bank is give no more than \$200 for individuals in need. So we are taking care of that but that is coming out of this particular town hall and not through BCO. The third question you raised relative to the waterwheel, the waterwheel grant is very specific in how that money is spent. The project itself is quite a lengthy project in terms of the operations and procedures, what's to be followed. The Historic Properties Commission is moving forward with whatever money is available. There is a \$350,000 grant that was approved, reestablish through the auspices of the Mayor's office. We have an extension on that grant as well plus another \$150,000 through the Streetscape so there is a total of \$500,000 of state money earmarked for that particular project and that project alone. There will be no money taken out of the town's coffers relative to a line here. Melanie Church, 328 Main Street, I believe the what I heard on the news was the historical monies for the historical and preservation, Governor Rell has already cut that I believe so you want to make sure the money is still there. Mayor Festa, stated the money that has been committed is there, it is new monies they are referring to. Thank you.

8. Appointment and Resignations

- a. To accept the Resignation of John Wunsch From School Building Committee
MOTION: To accept with great regret by Councilwoman Schenkel; second Councilman Sekorski because we have to. Discussion: none. Vote: unanimous.
- b. To accept the Resignation of Martin Sandshaw from Zoning Board of Appeals, Board of Fire Commissioners, Economic Development, Municipal Facilities
MOTION: To accept with great regret by Councilwoman Schenkel; second Councilman Zagurski. Discussion: None. Vote: unanimous.
- c. To accept the Resignation of Edward Clukey from the Plymouth Volunteer Ambulance Corps Board of Directors
MOTION: To accept the resignation of Edward Clukey from the Plymouth Volunteer Ambulance Corps Board of Directors by Councilman Sekorski; second Councilman Zagurski. Discussion: none. Vote unanimous.
- d. To accept the Resignation of Thomas Zagurski from the Board of Fire Commissioners
MOTION: To accept the resignation of Thomas Zagurski from the Board of Fire Commissioners, by Councilman Sekorski; second Councilman Wunsch.
Discussion:
none. Vote: unanimous.
- e. To re-appoint Nancy Santorso to the Parks/Recreation Commission; Term to expire 11/5/2012
MOTION: To re-appoint Nancy Santorso to the Parks/Recreation Commission; Term to expire 11/5/2012 by Councilman Zagurski; second Councilwoman

Schenkel.

Discussion: none. Vote: unanimous.

- f. To reappoint Gerald Wunsch to the Board of Fire Commissioners; Terms to Expire 11/4/2012
MOTION: To reappoint Gerald Wunsch to the Board of Fire Commissioners; Terms to Expire 11/4/2012 by Councilman Zagurski; second Councilman Sandshaw. Discussion: none. Vote: unanimous.
- g. To reappoint David Boilard to the Board of Fire Commissioners; Term to expire 11/4/2012
MOTION: To reappoint David Boilard to the Board of Fire Commissioners; Term to expire 11/4/2012 by Councilman Sandshaw; second Councilwoman Schenkel. Discussion: none. Vote: Unanimous.
- h. To reappoint to the Following Cemetery Committees:
 - *Hillside Cemetery: Wayne Norton, 7/1/2012; Francis Langer, 7/1/2012
MOTION: To reappoint to the Following Cemetery Committees:
 - *Hillside Cemetery: Wayne Norton, 7/1/2012; Francis Langer, 7/1/2012 by Councilman Sandshaw; second Councilwoman Schenkel. Discussion: none. Vote: unanimous.
 - *West Cemetery: Coe Cleveland, 6/30/2011; Michael Conway, 6/30/2012
MOTION: To reappoint Cemetery Committee
 - *West Cemetery: Coe Cleveland, 6/30/2011; Michael Conway, 6/30/2012 by Councilman Sandshaw; second Councilman Sekorski. Discussion: none. Vote: unanimous.
 - *St. Michael: Robert D. Lyga, 6/30/2012
MOTION: To reappoint Cemetery Committee *St. Michael: Robert D. Lyga, 6/30/2012 by Councilman Sandshaw; second Councilman Zagurski. Discussion: none. Vote: unanimous.
 - *St. Mary/St. John: Beverly Hoadley, 6/30/2012
MOTION: To reappoint Cemetery Committee *St. Mary/St. John: Beverly Hoadley, 6/30/2012 by Councilwoman Schenkel; second Councilman Wunsch. Discussion: none. Vote: unanimous.
- i. To appoint Bruce A. LeBeau to Housing Board of Appeals; term to expire 9/12/2012
MOTION: To appoint Bruce A. LeBeau to Housing Board of Appeals; term to expire 9/12/2012 by Councilman Zagurski, second Councilwoman Schenkel. Discussion: Councilwoman Schenkel stated Bruce recently served on blight and will be very good in this role. Vote: unanimous.

- j. To appoint Edward Clukey to Plymouth Volunteer Ambulance Corps Board of Directors, Town Representative
MOTION: To appoint Edward Clukey to Plymouth Volunteer Ambulance Corps Board of Directors, Town Representative by Councilman Zagurski; second Councilman Sekorski. Discussion: none. Vote: Unanimous.
- k. To appoint Zachery Morin to Zoning Board of Appeals as a Regular Member, term to expire 2/19/2012
MOTION: To appoint Zachery Morin to Zoning Board of Appeals as a Regular Member, term to expire 2/19/2012 by Councilman Sandshaw; second Councilman Zagurski. Discussion: none. Vote: unanimous.
9. Refund The Following Property Taxes: Ari Fleet, Lt., \$140.87; Scott Wheeler, \$51
MOTION: To refund property taxes to Ari Fleet, Lt., \$140.87; Scott Wheeler, \$51 By Councilman Wunsch; second Councilwoman Schenkel. Discussion: none. Vote: unanimous.
10. To Discuss and Take Action, As Necessary, Ordinances Presented By Board of Fire Commissioners – In your packet for this evening's meeting you had several pieces of correspondence from the Fire Commissioners brought forth from their meeting relative to ordinances that are being proposed. The issue tonight is to open discussion. I do have members of the Fire Marshal's office here this evening to discuss anything you may have with them relative to the proposed ordinances. Once that has taken place if there are any recommendations, or any concerns or questions that are raised, the town attorney is looking at this from a legal perspective. He will take any actions or recommendations that you people make as well. Once he is through with it it will be presented back to the Fire Commissioners for the purpose of them looking over any changes that may have taken place, they will vote it again and present it back to this Town Council, which will then take action to move it forward to a town meeting for a vote on the issue. I will then open it up to Town Council at this time unless you gentlemen want to make a presentation beforehand, before discussion. Councilman Wunsch – I would like to just make a comment. Knock boxes, for anybody who doesn't know, are little boxes that go on the exterior of the outside building that has a key for entry. So if the fire department, police, get called to a building, the fire department is the only one that has a key. I believe right now that the Deputy Chief is the only one in town that can order them. So instead of having to break a window or do any damage to the occupancy they have a key in the truck or the fire chief has a key, they get in and gain access. I think, Kevin, they are \$200 - \$300 range [Kevin, \$250] so you know they are not an extravagant cost but that cost is related to what they've got to destroy to get in the building afterwards so I honestly don't see that there should be any real issues with this. Councilwoman Schenkel, I have a question. What prevents someone from damaging the box and getting the key. I do not know anything about knock boxes. Kevin Engle, Acting Fire Marshal for the town, they cannot destroy these boxes and I some have literature for you to take a look at. They are mounted to the side of the building and you can take a sledge hammer to these and not destroy. Councilman Wunsch, do you know how many, roughly, now because I know that there are many in town already. Kevin Engle, probably about half a

dozen in town at this point which are, have been there for probably the past 10-15 years and again, we have not had any problems with these knock boxes that are currently installed. Councilwoman Schenkel, that makes sense then that these are very secure. Thank you. Councilman Zagurski, how many, I am sure these are used commonly throughout many different towns so it makes common sense to do it and I like the idea. Will the police also have access to it. Kevin Engle, if anybody needs to gain access to the building they have to contact the fire department. The fire department is the only one that will have the key to gain access and simply because we are called to so many different types of emergencies that it makes sense to have it in one spot. Councilman Sandshaw, knock boxes or key boxes are great and they prevent the fire department from having to damage a door or a window if something happens. But I think, I feel it should be the owner of that businesses or decision whether he wants to put in a knock box or not and do nothing think the town should say that because you have a business in town you have to do it. Kevin Engle, we kind of use the analogy of when we started putting in smoke detectors. We mandated that they had to go in to save peoples lives. Well now we are mandating that the knock boxes go in to save the property and lives. These aren't just, you have to understand these boxes just aren't for fire emergency and if somebody is in the building and goes down, you treat it like a family with an alarm system, we can gain access for the ambulance corp. or the police department. They serve many purposes to gain access to the building. We do damage to a building, if they've got a plate glass window that the fire department knocks out and it is anywhere \$500-\$1000 that that building owner has to repair compared to \$250 box mounted on the building and the cost difference is; it is going to be greater for us to do damage to the building in the aspect of trying to gain entry compared to the box. Councilman Sandshaw, I agree totally but I still believe it should be owner's decision whether he wants to install it or not. Mayor Festa, any other comments, questions, concerns. If not we will move to the next item on the agenda. Councilman Wunsch, aren't there three things for the Fire Marshal. Mayor, the question is whether you have any questions on them. Gentleman, would you mention the other two. Kevin Engle, the other town ordinance would be the identification of landlords. The issue we are having is trying to identify landlords who own apartment buildings and businesses that they live out of town. The town ordinance would make them register in the tax office with the tax personnel there to register their home address whether it be a lien holder or whoever of the property with the town. It is very hard and very time consuming for our office to try to track these people down as the Mayor can attest to. It is very time consuming and costly on the town side. So we are hoping that this curbs the cost of us trying to track the people down. The other issue we have is a policy that comes from our office that we really cannot enact a policy until it is voted on because there is a cost to the policy, an immediate hazard abatement restriction use of any building in town. This also includes single family, two family, residential, public, manufacturing and commercial. If we receive a complaint from anybody or receive a, the fire department or police department or is on scene and we meet public with means that is blocked, we would have the right to now abate that hazard and if they cannot abate that hazard within 4 hours we would have the right to remove that party from that premises until it is vacated. The problem is that there is a cost to relocate the party. At this point it is not different than if there was an emergency, or a c.o. problem or a fire hazard but it does have to clear through the Town Council regarding it has to. It is

a policy through our office also a state statute and we can't follow that state statute unless you guys give us the authority to act. Councilman Zagurski, I have a couple questions. (a) On the one for the tax collector, or the tax assessor. I guess when I read it I got confused between tax office. Now the tax office to me I normally think of tax collector rather than tax assessor and you need to clear that up a little bit for people so they know which office. Kevin Engle, you've got to go through the tax collector's office. There is a \$25 fee that is associated with registering this property for the initial registration. (b) Is that form already in existence or is that a new. It looks very thorough, very nice. Kevin Engle, this is a form that we developed for the town ordinance. Vic, Deputy Fire Marshal, I wrote this and this was adopted or brought forth by the state in 2004 and our office has not enacted or adopted it and that is why we wrote the ordinance request. This is my wording and will change the office. (c) I was thinking a lot of towns probably use tax office rather than adding to separate offices but like what I said, when I read it I kept thinking tax collector and then I'd go back and see tax assessor. Mayor Festa, other questions or comments. Councilman Sandshaw, (a) after reading over both items, 2 and 3, they are worded identically to the state statutes and our town fire marshal's office works under the guidance of the state statute so I am just wondering why if we already have authority in place to do these two items why we have to take a town ordinance to do something that is already in place. It just seems like it is redundant and I know probably the answer is going to be that these will never be changed but never is a long time. Why should the town incur the expense of changing this ordinance if the state decides to change their general statute. If these ordinances were more restrictive than the state statutes, I would say yes by all means; but they are not any more restrictive than what the state has on its books right now. Kevin Engle, we are going on guidance of the state's attorney's office. The state's attorney's office recommended that we have these even though they are a state statute she recommends that we enact as a town ordinance and it covers ourselves from the liability issue and when we try to enforce that through the courts and she likes to see it in the town ordinance as well. (b) Correct me if I am wrong, you take your marching orders from the state fire marshal's office, correct. Kevin Engle, that is correct but I also have to work under the authority of the state attorney's office. Mayor Festa, any other questions, concern, comments. Thank you.

11. To Discuss Proposed ATV Ordinance; Set Date For Final Review and Action

Mayor Festa, in your packet I gave you a proposed revision which has all the legal changes in it so on and so forth. I would ask that you take a look at this very seriously. I am going to schedule this for the next meeting. If there is any questions you have tonight by all means bring them forward. We will be setting a date for the final review and action which will have the ATV committee assembled at that meeting for the purpose of giving us their proposed revision which is their final copy and then from that moving it forward to public hearing after our review for action. Councilman Sekorski, logistical question, did this, after the legal review of this, did this go back to the ad hoc committee and did they make the changes. Mayor Festa, the ad hoc with the attorney went through the changes. The final draft was revised and reprinted with all the changes on it on 11/12/2009. So this is why I am putting it in the packet. Keith Golnik, point of order, Mr. Mayor, I serve on ATV ad hoc committee and we never met after the attorney made those changes. Mayor Festa, could you let me finish please. Thank you. You will see the date 11/12/2009 that is when this was printed up with all the revisions in it. It is in

your packet tonight for your review. Look it over and consider what is in here this evening. At the next Council meeting there will be a presentation by the ad hoc committee through its' Chair which will then have an opportunity for the new members of this Council to discuss anything that they may have to be presented because they were not part of the procedures when this took place. At that point in time we will then take action on the final report itself. Councilman Sekorski, it would similar then to the Blight Committee that we have to accept the final report or ask for revisions of the report again. Mayor Festa, in all fairness to the new members on the Council here, the reason for this packet tonight is for them to be able to review it and then have questions at the next meeting where we will have the ATV committee in attendance and then taking it a step further. So Keith, does that answer your question in terms of procedure. Keith Golnik, no, it doesn't. Mayor Festa, you raised a concern. What was the issue. It didn't go back to the ATV committee. Keith Golnik, yes. Mayor Festa, well this has not gone back because it was just printed up in revision form with the date I have given with all the changes that were presented to the legal counsel. So now it will go back to your Chairman and those disseminated to the committee members there will be another meeting prior to this Town Council reassembling. They will take action at that point in time based on the presentation by the committee. Keith Golnik, thank you Mr. Mayor, I appreciate it. Mayor Festa, you are welcome.

12. To Discuss and Take Action To Accept Country Garden Court As a Town Road – I passed out agreement with regard to the Town being satisfied, Agreement between the Town of Plymouth and Vail Contractors LLC reviewed. Motion will be to approve conditionally upon receipt of final review and approval by the town attorney. Mr. Lorenzetti is here and a copy of the letter in your packet. Tony Lorenzetti read his letter to Mayor Festa dated December 1, 2009 into record. The maintenance bond procedure is part of planning and zoning procedures. Mayor Festa, question of Tony. Relative to bond issue, is there enough there in case the bond has to be called. Tony, yes. Councilman Sekorski, (a) so the bond would be returned to the company once all the terms of agreement are met. I know it is a crossover as we don't normally approve a road until recommended to be accepted. Tony Lorenzetti, there are minor things to be done and this time of year they cannot be done and because of that, agreement that work will be done by June of next year. Normally when a road is accepted, there is a 2 year procedural maintenance bond held for from acceptance. (b) Primary benefit, are their residents on this road. Tony Lorenzetti, two families. (c) They would not benefit from snowplowing if we do not approve road. Tony Lorenzetti, the developer had been taking care of that. Councilman Sandshaw, if we accept this then the town will be responsible to remove snow. Tony Lorenzetti, yes, as of when agreement is formally signed. Mayor Festa, thank you Tony.

MOTION: That we accept as a town road for Country Garden Court provided that the conditions are met as in the Agreement presented to Council this evening by Councilman Sekorski; second Councilwoman Schenkel. Discussion; none. Vote unanimous.

13. To Take Action To Request The Board of Finance Appropriate \$228,000.00 (Board of Education Energy Rebate Money) To The School Building Committee For Sidewalk/Track Projects -

MOTION: For discussion purposes by Councilwoman Schenkel; second Councilman Zagurski and the vote unanimous.

Bill Allread, Makara Street, School Building Committee, asked that this money be directed toward the payment of the sidewalk that are now installed on Harwinton Avenue rather than come to the committee. Mayor Festa, you can make that request and think we have to go before the Board of Finance and get their approval on that. You are asking Council to make that amendment.

MOTION: To discuss the Request that the Board of Finance Appropriate \$228,000 (Board of Education Energy Rebate Money) to the contractor by Councilwoman Schenkel; second Councilman Zagurski. Discussion: Councilman Zagurski, why are you willing to do that. Bill Allread, if you put money back in our budget the state will take it out. Melanie Church, 328 Main Street, doesn't this have to go to a town meeting because over the \$50,000 for this appropriation. Any appropriation is supposed to go to the town to appropriate any amount of money over 50 and to me this is over 50. Mayor Festa, defer to the chair of the Board of Finance. Ralph Zovich, Chairman Board of Finance, I was not prepared to speak since you all know how much I love to hear sound, what happened here, for the benefit of new members of Council. It is true that \$47 million bond authorization passed at referendum gives amount of taxpayer contribution of school project. To make a long story short there was a discussion and at some point very vigorous that went on between people about sidewalks. The original design had sidewalks along east side and Mr. Allread can fill in on technicalities. We are within \$228,000 of spending our total 47 million dollar appropriation. We cannot go over; however, Mrs. Church is correct that under the new Charter, any supplements over \$50,000 has it still has to come to the Board of finance and all members are well aware of this. The reason that the money is being requested for the sidewalk, the \$228,000 was reserved into a capital fund by the BOF when we got the reimbursement from CL&P. We do not have authority to take money out of reserve and allocate to School Building Committee. If you approve this request and it comes to the BOF, the BOF choice is to confirm or approve recommendation which will send it to a town meeting at 51% simple majority or if the BOF rejects this request it still goes to a town meeting and request 2/3 majority to pass. Members of the School Building Committee have been very patient as Councilman Wunsch knows. We had gone to them in May when the Comptroller pointed out the budget was in danger of going over and we would not support deficit spending; and after a full accounting we have enough money to finish all the track, and what was left over, landscaping, sidewalk issue and a piece of paving done in front intersection, all loose ends, have the School Building Committee within 47million except additional which was money reimbursed to the BOE and their money and not appropriated to spend this money on something else. The board realizes that it does need a town meeting and if you would like more of technical details, Mr. Bertnagel or Mr. Lorenzetti can fill you in. If you approve this we will have it on the BOF agenda. Councilman Wunsch (a) missed the last few meetings. We take this money and however ends in fund, is there enough to do track. Dave Bertnagel, yes, with \$228,000 that would complete everything required. (b) Question, the town I believe not that we want to, can spend over \$48 million. Dave Bertnagel, authorization for bonding resolution is \$47 million and appropriation for project and anything exceed would go to a town meeting. (c) We can spend if we need to. Dave Bertnagel, in some instances netted

against project and not appropriate practice to do that. You have to show revenue. We had two sources, that \$228,000; we did reserve into capital nonrecurring for one time and before you tonight for this specific purpose. As chairman said for this project. This would complete the entire project. Councilman Sekorski, point of clarification concerning Mr. Allread's comment, very confused and would this, and I am sure we will get back, this means this is an additional \$228,000 on top of the bond appropriation, correct, or supplement to \$47 million. We still have money in account. Dave Bertnagel, the \$47 million will be fully expended doing the track about 2/3 way and would need \$228,000. It was the intention of School Building to use \$228,000 for sidewalk as special appropriation; essential making appropriation to sidewalk for \$228,000. Councilman Zagurski, you have confirmed that the BOE is in agreement with doing this. Dave Bertnagel, BOE consultant. They want project complete and at all meetings. Councilman Sandshaw, correct in understanding if we make this appropriation we will have sidewalk and track. Dave Bertnagel, correct. Bill Allread, one correction to Ralph's comment is in the original plan the sidewalks were not in plans and the sidewalks were mandated after plans made as well as a number of other items. The actual money was general fund money and this is rebate because we used CL&P with efficiency programs that give us money back and we would like to have that money from general fund pay for sidewalks so that it bypassed \$47 million. We don't see it, we don't get it. Way prefer to have it so it doesn't show in budget. Noel Schenkel, 4 East Orchard Street, my question is, the project is done now so if we go to referendum and it gets voted down we still have to pay \$228,000; correct. Dave Bertnagel, basically in this point in junction if this appropriation fails therefore have to make decision would track contract be awarded, if denied would have potential surplus of \$400-500,000 in account. Mayor Festa, other discussion or comments. Melanie Church, I am a little bit confused, if this thing did fail you are saying \$400-500,000 and could that, if fails, be used to paint the schools and other stuff that was supposed to be done that couldn't be done because we didn't have money like Eli Terry Jr Middle School. Thought it was in until you moved the kitchen. Bill Allread, the problem is we have come to end of project and by mandate we have to build sidewalk; we would prefer to build track because we get rebate from state for money spent on track. We have mandate that says we have to build sidewalk. At this present time the sidewalks are built and if the moneys not appropriated by the town than we will take the money from our budget and pay for sidewalk; if money appropriated by town than the town will take money and apply to sidewalk and we will build the track. Once we build the track we will get money back from the state which washes whole thing out and we are ahead. Mayor Festa, any other comments.

MOTION: To end our discussion by Councilwoman Schenkel; second Councilman Sekorski. Discussion: none. Vote: unanimous.

MOTION: To recommend to send to the Board of Finance the recommendation to appropriate \$228,000 energy rebate with recommendation that it is paid directly to the contractor of the sidewalks by Councilwoman Schenkel; second Councilman Zagurski. Discussion: none. Vote: unanimous.

14. Liaison Reports – no reports – Mayor Festa stated the Council tonight was presented a chart with assignments and ask that you look it over. Some had sent in requests for consideration and have honored those. Please take a look. Tentative dates and month

date listed and hopefully boards and commissions will keep same dates. There will be revised edition coming out relative to requirements under law on date. If any concerns or questions, call the office and if do not hear by end of year, you will have accepted assignments.

15. Public Comments

16. Council Comments

- a. Councilwoman Schenkel, thank you to all the people who we had accepted their resignation for hard work done and reason why made motion with regret is they were truly dedicated individuals and know whoever comes on and takes place will do great job as well. Welcome new people appointed to these positions.

17. Adjournment

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

Meeting adjourned at 8:10 p.m.

Respectfully submitted,
Robin Gudeczauskas, Clerk of the Council