

Town of Plymouth
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Plymouth Town Council
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Minutes

January 3, 2012

Call to Order: Mayor Vincent Festa, Jr., called the scheduled January 3, 2012, Town of Plymouth Town Council Meeting to order at 7:26 p.m., in the Community Room, Town Hall.

Roll Call: Present were Town Councilman Remie Ferreira, Sr., Mayor Vincent Festa, Jr., Town Councilman Richard Foote, Town Councilwoman Susan Murawski, and Town Councilman Tom Zagurski. Mayor Festa stated that Town Councilwoman DiAnna Schenkel had an excused absence due to illness.

Fire Exits Notification

Mayor Festa noted the Fire Exits for the record.

Pledge of Allegiance

Mayor Festa led the Plymouth Town Council and the Public Audience in the Pledge of Allegiance.

Acceptance of Minutes-December 6, 2011

Town Councilman Zagurski made a motion, seconded by Town Councilman Ferreira, to accept the December 6, 2011, Plymouth Town Council Minutes with the following corrections:

Page Two, Paragraph Five, should read "She further stated that the Public could view the website on Fridays and weekends and see if they would be interested in coming out and addressing the Town Council with their thoughts, noting that it would help the Town's republican form of ***government***"; Page 26, Paragraph Five should read ***"Town Councilwoman Schenkel stated that she thought the letter was appropriate and that Town Councilwoman Murawski had stated that the Mayor was handling it very well, and to stay the course;*** Page Thirty, Paragraph Three, the heading ***"To review Tropical Storm/Snowstorm Re-imburements"*** should be removed, comments came under Council Comments. Motion passed unanimously to accept the December 6, 2011 Plymouth Town Council Minutes as amended.

Plymouth Town Council Meeting

Council Rules and Procedures

Mayor Festa stated that earlier in the evening he had placed a written motion before the Council members to amend Agenda Item 11 to read and include the following: To set the date of February 7, 2012, 6:00 p.m., (one hour prior to the Regular Town Council Meeting) for a Public Hearing to vote on the following "Curbside Trash Collection and Special Appropriation of \$282,470.00 for Energy Conservation."

Mayor Festa stated that the Town Council had forwarded these two items to the Board of Finance for their approval. Mayor Festa stated that the Board of Finance had approved the items and were returning the items to the Town Council for the purpose of setting a particular Public Hearing date.

Town Councilman Foote made a motion, seconded by Town Councilwoman Murawski to amend Agenda Item 11 to read: To set the date of February 7, 2012, 6:00 p.m., (one hour prior to the Regular Town Council Meeting) for a Public Hearing to vote on the following "Curbside Trash Collection and Special Appropriation of \$282,470.00 for Energy Conservation."

Discussion:

When questioned by Town Councilman Zagurski if the February 7, 2012 date was to hold a vote or to set a date for a Public Hearing, Mayor Festa stated it was to hold a Public Hearing to receive Public Comment and then immediately following the Public Hearing, the Town Council would be voting on the items and be allowed to have input. Mayor Festa stated that after Public input/comments was received, the Town Council, just like this evening's prior Public Hearing Meeting regarding Traffic Control Duty and voting on it.

When questioned by Town Councilman Zagurski, Mayor Festa stated that the Council would decide whether or not to move forward with the Trash Pick Up question and to include it as part of the budget, as well as the Special Appropriation for the Energy Conservation Program.

Mayor Festa stated that there would be two items to be voted upon at the February Town Council Meeting, noting that the Public would again have input, and then after adjournment, the Regular Council Meeting would immediately follow the Public Hearing. He further stated that the items would be on the Agenda for the Council to set the Curbside Trash Collection, as part of the budgetary process (yes or no/up or down on that one) and the second item would be a Special Appropriation of the \$282,470.00 (yes or no/up or down on that one.)

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Discussion Cont'd.

When questioned by Town Councilman Zagurski, Mayor Festa stated that we would not be going to Referendum on these two items, however the Bonding Proposal would be going to Referendum.

Noting that the Trash Pickup had been voted down at a past Referendum, Town Councilwoman Murawski questioned if the item could be added to the Bonding Proposal Referendum, which would allow the people to have their say.

Mayor Festa stated that Anthony Lorenzetti would be speaking later this evening in terms of the collection issue relative to the terms of the contract that had been stipulated in holding a particular package deal, noting that it also had an expiration date associated with it.

Town Councilwoman Murawski rescinded her second.

Town Councilman Foote rescinded his motion.

Town Councilman Foote made a motion, seconded by Town Councilman Ferreira, to amend Agenda Item 11 to read: To set the date of February 7, 2012, 6:00 p.m., (one hour prior to the Regular Town Council Meeting) for a Public Hearing to vote on the following "Curbside Trash Collection and Special Appropriation of \$282,470.00 for Energy Conservation." Vote: Town Councilman Ferreira/yes, Town Councilman Foote/yes, Town Councilwoman Murawski/no, Town Councilman Zagurski/yes; motion passed.

Public Comments on Non-Agenda Items

Martin Sandshaw, 7 Richmond Drive, Plymouth, questioned where the Town stood on the Code of Ordinance that had been put in place, noting that the Austin House and the Terryville Trust buildings had windows that were being taken out and being broken on a daily basis.

Martin Sandshaw stated that he had heard (through the grapevine) that there were people inside the vacant buildings and that the Code of Ordinance was supposed to get some teeth for the Building Official enabling him to take corrective action.

Mayor Festa stated that he was happy to report that the Code of Ordinance Committee would be holding their first organizational meeting next Monday (January 9th) and that they would be moving forward in this direction.

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Public Comment on Non-Agenda Items Cont'd.

Pattie DeHuff, 20 Lynn Avenue, Terryville, noted that she had spoken about the Charter at the previous Town Council Meeting and that she believed the sitting Council now had the 2009 Charter.

Town Councilwoman Murawski stated that she believed some do and some don't.

Pattie DeHuff stated that as of this evening, the Public did not have access to the 2009 revised Charter and that as a republican form of government we were a nation of laws and not of men, but we, the people, cannot obey the law if we don't know what the law is and while she has a 2005 Charter, she/the people need to have access to the 2009 revised Charter online. She further requested that the Council direct the Mayor to have whoever was in charge of getting the Charter online to do so.

Pattie DeHuff stated that she would encourage that all Agendas for all Boards and Commissions also be put online, noting that there was no reason that people should have to stop (sometimes during their lunch hour) to see what was going on and to find out what the Agenda was on a Friday afternoon. She further stated that information should be available to the Public if the Council really wanted open, honest, transparent government and wanted the people to participate in their government.

Pattie DeHuff stated that it was about "we the people", and again, "the Charter, the Charter, the Charter".

Mayor's Report

Mayor Festa stated that the Municipal Facilities Committee would be coming forward to the Town Council to report on a new Bonding Proposal that would be presented for a Referendum question. He further stated that Rodney Houle would be meeting with the Committee next week to set that meeting up and to organize a timeline.

Mayor Festa stated that additional grant money had been used to clean up the copper that was found on the Waterwheel property site, noting that it had been dug up and that BL Companies were now moving forward in the Phase One construction process.

Mayor Festa stated that the orange fencing would be removed and replaced with a split-rail fence as a temporary measure.

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Mayor's Report Cont'd.

Mayor Festa stated that the Route 6 Streetscape was moving forward with the right of ways, etc., and would continue in the spring with contract negotiations, etc., noting that this was being handled through the Land Use Department.

Mayor Festa stated that the Connecticut Water Company had begun its surveying of the Burr Road/Harwinton Avenue area and that the people in the area had been notified of the surveyor's presence. He further stated that this work was being done so that they could begin the construction work of this project, as well.

Mayor Festa stated that he was looking forward to setting up the Conservation Easement Committee for the purpose of designing a program that could be submitted to the State for consideration of the kinds of activities that the Town would like to see on the North Street parcel of land. Mayor Festa stated that three residents, including Gerry Milne, had offered their assistance in establishing the Committee and noted that anyone interested in joining the Committee should contact the Mayor's Office.

Mayor Festa stated that the Town Garage had been replaced and that they had been doing a wonderful job with the work, to date.

Mayor Festa stated that the Town Council Liaison assignments had been passed out at a previous meeting of the Council, noting that there had been some conflicts (Town Councilwoman Murawski with two of her assignments) and that if anyone else had a problem, Mayor Festa requested they contact him so that the adjustments could be made.

To refund the following property taxes: Cab East LLC \$76.48; Toyota Motor Credit \$318.72

Town Councilman Zagurski made a motion, seconded by Town Councilman Foote, to refund the following property taxes to Cab East LLC in the amount of \$76.48 and Toyota Motor Credit in the amount of \$318.72. This motion was approved unanimously.

Appointments and Resignations

To appoint Allyson Raboin to the Beautification Committee

Town Councilman Foote made a motion, seconded by Town Councilman Ferreira, to appoint Allyson Raboin to the Beautification Committee.

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Appointments and Resignations Cont'd.

Discussion:

Mayor Festa stated that the Chairman of the Beautification Committee had approved Allyson Raboin's application to the Committee and requested a motion to approve.

Town Councilman Zagurski stated the application indicated that Allyson Raboin was not a registered voter and questioned if voter registration was or was not a requirement to sit on a Board/Commission.

Mayor Festa stated that it was his understanding that anyone of high school age (or older) who was interested in serving on the Beautification Committee could join without being a registered voter, noting that he would double check on the answer.

Town Councilman Ferreira noted that the applicant's age was 17 and that she could not be a registered voter until her 18th birthday. He further stated that he thought it was great that a high school student was looking to volunteer.

Amendment to motion as follows:

Town Councilman Foote made a motion, seconded by Town Councilman Zagurski, to approve the appointment of Allyson Raboin to the Beautification Committee, pending the Mayor investigating the legality of the appointment. This motion was approved unanimously.

To endorse by Resolution the Regional Performance Incentive Program/CCRPA Regional Dial-A-Ride Software/Hardware Proposal

Mayor Festa stated that a Representative from Central Connecticut Regional Planning Agency (CCRPA) was in the audience this evening and requested that Jason Zheng, Assistant Planner, CCRPA, explain the Resolution to the Council and Public Audience

Jason Zheng stated that CCRPA had been applying for various State Grants for projects in the Region. He further stated that the Grant in question was to provide Towns in the Region with access advance software for Dial-A-Ride services, computerized scheduling and routing. Jason Zheng stated that other potential software capabilities would be vehicle tracking, real time scheduling (if there were a delay at one house the computer could send another bus out to a different house) and that it would speak to the service more efficiently, which would be a cost-savings to the towns involved.

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To endorse by Resolution the Regional Performance Incentive Program/CCRPA Regional Dial-A-Ride Software/Hardware Proposal Cont'd.

Jason Zheng stated that the Grant would cover all of the initial costs and that CCRPA was hoping to get five years of maintenance rolled in the amount, as well.

Jason Zheng stated that because it was going out to an open bid process CCRPA did not have all the details, but at the end of the five-year contract the Town had the option to continue/discontinue and that if the interest waned, the Town could leave at any point.

Jason Zheng stated that he had spoken to both Ted Scheidel and Cook's Transportation (the organization that currently provides the Dial-A-Ride Service in Plymouth) and that they both expressed interest because they had thought this would be good software for them and the Dial-A-Ride service.

Jason Zheng stated that at this point in time, CCRPA was looking to the Council for a Letter of Endorsement for the project.

When questioned by Mayor Festa, Jason Zheng stated that there would be no initial charge for the software for the first five years (or two, three, five years, etc., whatever was decided upon) and that the Town could opt out at any time.

Jason Zheng stated that CCRPA would also like the Town's input to better meet its needs.

Town Councilman Ferreira questioned if there were any projected costs for the software at the end of the two years or hopefully five years, and what would the cost be per year if the Town ended up paying.

Jason Zheng stated that the Town currently had \$45,000.00 budgeted for Dial-A-Ride and that based on the savings, the cost would be approximately \$1,000.00 to \$1,500.00 per year.

Town Councilman Ferreira stated that this was a great way for smaller towns to grab some of the community funding, however he was concerned about too many co-op opportunities that the Town might be involved with, as well as the Town losing its autonomy in the program.

Town Councilman Ferreira stated that he was also concerned about it becoming cost prohibitive after five years and that it seemed as if Town would be recreating its Dial-A-Ride program again.

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To endorse by Resolution the Regional Performance Incentive Program/CCRPA Regional Dial-A-Ride Software/Hardware Proposal Cont'd.

Jason Zheng stated that as far as the autonomy question went, it would not be a regionalized service, the Town would still be in charge of itself and that CCRPA would only be getting the software for the Town.

Jason Zheng stated that as far as the five year question went, the Town would just return to its original service (that it currently has) and that he would look into the question further.

Town Councilman Zagurski made a motion, seconded by Town Councilwoman Murawski, to endorse the Resolution as presented. This motion was approved unanimously.

To set the date of February 7, 2012, for a Public Hearing to vote on the following:

- 1. Curbside Trash Collection**
- 2. Special Appropriation of \$282,470.00 for Energy Conservation**

Mayor Festa stated that the Board of Finance had approved and recommended going to a Public Hearing for the Curbside Trash Collection (see attachment) at their December 15, 2011, meeting.

Anthony Lorenzetti stated that the Solid Waste Bid, which his Department had put out, was limited in terms of the time frame and so he had requested an extension from the vendor. He further stated that the vendor had agreed to the extension request and would hold the bid price on the collection services, however there might be an increase in the price because they were petroleum based.

Anthony Lorenzetti stated that they had discussed the possible price of \$2.00 to \$5.00 per container and that there would be over 4,000 containers. Anthony Lorenzetti distributed copies (see attachment) of the information from the vendor for the Council's review and read the document into the record.

Mayor Festa stated that the Board of Finance had recommended that the Town Council hold a Public Hearing on the issue and then have the Council decide if it would be incorporated into the budget for the coming year.

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Curbside Trash Collection Cont'd.

When questioned by Town Councilman Zagurski, as to how long CWPM would hold the price, Anthony Lorenzetti stated that they were planning on pulling it into the budget in the next fiscal year and that CWPM was aware of that, but he could get further clarification if it was requested.

Anthony Lorenzetti stated that he could ask CWPM to come to the Public Hearing.

Town Councilman Zagurski stated that he would be in favor of CWPM's attendance at the Public Hearing and that it would be a benefit for Public's questions.

Town Councilman Zagurski stated that he was willing to go to a Public Hearing, however he also wanted to see a Referendum vote on it because the General Public would be spending \$300,000.00 on this and wanted to know their opinion on the subject and if they wanted trash pickup.

When questioned by Town Councilman Zagurski, Mayor Festa stated that by the word "budgetary process" the Board of Finance had meant that they were looking to fold this item into the budget for this coming year as opposed to bonding.

Mayor Festa stated that the Council would be voting at the February 7th Council Meeting to move forward (or not) in the budgetary process or something different, which would be going to Referendum.

Town Councilwoman Murawski stated that she was in agreement with Town Councilman Zagurski's comment, and that she wanted to see a Town-wide vote.

Town Councilwoman Murawski questioned if the Council were to send this item to Referendum would this particular hearing fit into the schedule necessary for the Referendum and would it be the hearing that the Town would need to have before Referendum took place.

Mayor Festa stated that if this item went to Referendum it would be a whole different process and that the Town would have to wait for the Resolution to be drawn up before the hearing process would begin.

Mayor Festa stated that the Council could have the regular item on the agenda for the Public Hearing and then decide whether or not to move forward to a Referendum issue verses going to a budgetary process.

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Curbside Trash Collection Cont'd.

Town Councilman Ferreira stated that both he and Town Councilman Foote had withdrawn their motion and second at the last Town Council Meeting for the purpose of going to a Referendum, depending on the Public Hearing results, and that it had been unanimously approved by the Council.

Town Councilman Ferreira stated that because of past issues on the item, he felt it should go before the Townspeople. He further stated that the Council would be out of order to just put it before themselves.

Mayor Festa stated that the question this evening (on the Agenda) was did the Council want to move this item forward to a Public Hearing and that at the Public Hearing the decision could be made to move the item to a Referendum or put it into a budgetary process.

Town Councilwoman Murawski questioned if the Council wanted the item to go to Referendum, did the item have to go to a Public Hearing.

Mayor Festa stated that the Council did not have to have the Public Hearing and that the Council would come forward and say that they wanted it to be addressed in a Referendum question. He further stated that the item did not have to be addressed at all or it could go to a Public Hearing and go to a budgetary process.

Town Councilman Foote stated that the Public Hearing sounded like a better process that would result in more Public input.

Town Councilman Ferreira stated that it might cost more to wait, however the Council would have the blessing from the people and let them have their say, noting the people needed to come out and have a voice, and that would be the right thing to do.

When questioned by Town Councilman Zagurski, Town Councilman Ferreira stated that there would be a Public Hearing prior to the Referendum.

Town Councilman Ferreira made a motion, seconded by Town Councilman Foote, to go straight to Referendum on the Curbside Trash Collection Proposal. This motion was approved unanimously.

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Special Appropriation of \$282,470.00 for Energy Conservation Program

Anthony Lorenzetti stated that the Council had previously heard a presentation (at last month's Council Meeting) on the Energy Conservation Program, noting that the American Recovery and Reinvestment Act (ARRA) money was approaching a deadline with the remaining \$49,000.00 (and change), which needed to be spent by the end of June 2012.

Anthony Lorenzetti stated that in terms of what had been done already, the Town had spoken to Northeast Utilities about getting some agreements together for each building, as well as working to getting matches that were shown by the Consultant.

Anthony Lorenzetti stated that the \$282,000.00 would be the maximum amount that would be spent; noting some of the projects/individual measures might not be done and would lower the amount.

When questioned by Town Councilman Zagurski, Anthony Lorenzetti stated that the \$282,000.00 had two parts; a grant portion and a loan portion and that the Northeast Utilities loan portion would become part of their bill.

When questioned by Town Councilman Zagurski Anthony Lorenzetti stated that roughly \$49,000.00 (and change) was grant money and the other portion for the loan was a maximum of \$40-\$50,000.00 in loan interest loans. He further stated that savings would be seen in the electric bills at the same time and that it would be part of the offset savings. Anthony Lorenzetti stated that the payback would be over a period of years.

Town Councilman Zagurski questioned how the money would be appropriated.

Mayor Festa stated that it was his understanding that the money would be appropriated through a Special Appropriation through the Board of Finance and that they would set aside the money and that it would be bore off the monthly bill through a five-year payback.

Martin Sandshaw stated that it was his understanding that the total package would cost \$282,400.00 and that was do the whole package. He further stated if we subtracted the remaining \$49,000.00 (in the Federal Grant), along with the Yankee Gas and CL&P grant/incentives, it would reduce the cost to \$110,000.00-\$120,000.00. Martin Sandshaw stated that a reduction would be shown on the utilities bills with a payback of 2.7 years for the entire Town and that if the Town only did the Town Hall it would be a lesser charge; if the Town did all eleven Town buildings, it would cost a little over \$120,000.00 with a payback of 2.7 years.

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Special Appropriation \$282,470.00 for Energy Conservation Program Cont'd.

Martin Sandshaw stated that looking at the Executive Summary on the Proposal there would be a positive revenue stream of \$700.00 per month with the savings on the utility bills.

Utilizing the information from the previous Town Council Meeting, Anthony Lorenzetti confirmed that the payback for the program would be 2.7 years with a 7.6 percent return on investment. Anthony Lorenzetti stated that the estimated total grants were just over \$100,000.00. He further stated that there was \$156,000.00 in anticipated costs, plus a 10 percent Project Contingency.

When questioned by Town Councilman Zagurski, Mayor Festa stated that the Council was looking this evening to set a date of February 7, 2012, for a Public Hearing on the aforementioned Appropriation, as approved by the Board of Finance, which would then send it to the Townspeople.

When questioned by Pattie DeHuff, as to which Department the monies would come out of, Mayor Festa stated that it would depend on where the Board of Finance would find it and that he would assume it could be out of Capital Projects.

Pattie DeHuff stated that on Page 40 of the old 2005 Charter (that was no longer valid) under Special Appropriations it read that requests for additional appropriations to cover anticipated deficits (which this was not the case) or requests for appropriations not included in the original budget, should be sent to the Town Council for its recommendation and then to the Board of Finance for the appropriated action by that Board. She further stated that it read that no more than one additional appropriation to a department's budget may be made in one year. Pattie DeHuff stated that it was \$50,000.00 and it did need to go to a Town Meeting, but that she was curious as to which department would have to ask for it.

Town Councilman Ferreira stated that he was under the impression that of the money to get up to the \$282,000.00, \$50,000.00 was coming from the Obama Administration, \$49,000.00 (and change) was coming from a grant that Anthony Lorenzetti already had.

Anthony Lorenzetti stated that initially the amount was \$59,779.00, and that it was a two-piece project, plus implementing some of the things found in the Energy Audit.

When questioned by Town Councilman Ferreira, Anthony Lorenzetti stated that it would be set up on the utility bill.

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Special Appropriation \$282,470.00 for Energy Conservation Program Cont'd.

Town Councilman Ferreira stated that it was his understanding that it would be a "pay as we go"; Anthony Lorenzetti stated that this was his understanding, as well.

Martin Sandshaw stated that if the Council approved it, the Town would see a lower charge on the utility bill, which would be added onto the bill. He further stated that the Town would be generating revenue over the 2.7 years, and that he felt the Town Attorney and the Director of Finance, David Bertnagel, would have to be involved if the Town decided to go to a Town Meeting or a Referendum, because of the generated revenue.

Mayor Festa stated that he had distributed a packet of minutes (earlier this evening) from the Board of Finance and noted that Number 8 explained, in essence, what was taking place this evening and read the paragraph into the minutes.

Town Councilman Ferreira stated that if the Town went to a Public Hearing the generated revenue should be stressed to the Public.

Town Zagurski made a motion, seconded by Town Councilwoman Murawski, to set a Public Hearing date of February 7, 2012, at 6:00 p.m., prior to the Regular Town Council Meeting, to receive Public comment on this item. This motion was approved unanimously.

To discuss and take action on Ordinance 14-29 Police Traffic Duty

Town Councilman Foote made a motion to accept Ordinance 14-29 Police Traffic Duty with the caveat that a three-tier approach be included in the preplanning for such road projects, first choice being the Contractor's own Certified Flagger, second choice private Flagging company, and if all else fails or if it was an extremely dangerous situation, third choice would be a Police Officer.

Discussion:

Town Councilman Ferreira questioned if the Ordinance would have to be rewritten if Town Councilman's Foote caveat were added to the Ordinance. Town Councilman Ferreira stated that he thought the Council would be voting on what had been brought forward to the Council.

Mayor Festa stated that Town Councilman Foote's motion would have to be addressed if a second to the motion were made.

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To discuss and take action on Ordinance 14-29 Police Traffic Duty Cont'd.

Motion failed for lack of a second.

Town Councilman Ferreira made a motion to vote on the 14-29 Ordinance concerning Police Traffic Duty as presented by the Traffic Authority this evening.

Motion failed for lack of a second.

Town Councilman Zagurski stated that he liked what Town Councilman Foote was saying, however he could not back his motion because his first sentence was to accept it as presented and then he went into a three-tier system and that it was almost like what Town Councilman Ferreira had stated that it would have to be rewritten if the Council wanted to go in that direction.

Mayor Festa stated that the Ordinance would have to be rewritten based on what Town Councilman Foote had presented.

Town Councilman Foote stated that the Council might want to send it back to the Traffic Authority.

Town Councilman Zagurski stated that if the Council were to give it back to the Traffic Authority, the Council would need to give them straight direction, noting that the Council probably did not give them a good indication of what the Council wanted a year ago.

Mayor Festa stated that the streets had been added the last go around.

Ann Tuleja stated that in 2010, she had received Town Council minutes that directed the Police Commission to take the Public and Council comments and rewrite the Ordinance and that was exactly what the Commission had done for 10 months. She further stated that they had taken the request for Flaggers, Police Officers at the discretion of the Public Works Director to ensure the streets were written out and given some A-B-C order so there weren't dead-end streets. Ann Tuleja stated that she came back with the Ordinance exactly the way the previous Council and the Public had asked for it.

Ann Tuleja stated that in October, a previous Council member had said that he liked the three-tier system, but a year ago the previous Council had not asked for a three-tier system and that she wanted the present Council to understand her frustration this evening.

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To discuss and take action on Ordinance 14-29 Police Traffic Duty Cont'd.

Ann Tuleja stated that she hoped the Council would not send it back to her because she really did not know if they would take it up again. Ann Tuleja stated that the Council needed to imagine what it was like to be a volunteer Commissioner, to come out of her house (as well as the other members) every month for two years to work on the Ordinance and to come to a Town Council Meeting and have no one show up for ten months at their Police Commission Meetings. She further stated that the process in the Town had become very hard as a volunteer Commission to do their work, noting they had come to two Councils, five times.

Ann Tuleja stated that the Councils could not decide what they wanted; they had tabled it and now they were appearing before a new Council that wanted to send it back to the Commission and questioned the reason for it.

Ann Tuleja stated that they could come back with the three tier system and maybe the Town Council and/or the Public wouldn't like it and that she no longer knew what the Council wanted. She further stated that the Council had the option of tabling the item and that they could rewrite the Ordinance themselves and noted that she hoped the Council understood her frustration.

Town Councilwoman Murawski stated that the Council might want to take a break from the item for a month and then come back with something similar to the three tier system for an Ordinance, if the Council even wanted to change it.

Town Councilman Ferreira stated that he understood what the Police Commission had gone through and stated that the Council appreciated their work, and further, that he felt they deserved a vote and that was why he had brought it up to the floor. He further stated that if the Town Council were to go to a three tier system, he didn't see what was wrong with leaving it to the Director of Public Works discretion and that was what the Town had all along, why not leave it at that.

Town Councilman Ferreira stated that he was a man that had been at his post for quite some time and he felt if it wasn't broken, then don't fix it.

Ann Tuleja stated that it was in the Public Works Director's discretion, that he was the Traffic Engineer and they were the Traffic Board, again noting that they were trying to give him some teeth because there was development being done without a permit on the weekends, and roads that were being blocked in the middle of the day and calls went into the Police Department about the problem. Ann Tuleja stated that the teeth provided a fine that would make people get the necessary permit and would also provide the Director with some direction on the roads.

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To discuss and take action on Ordinance 14-29 Police Traffic Duty Cont'd.

Ann Tuleja stated that it was hard to sit in the audience with people calling you a Socialist, pro-union, etc., and all they were really trying to do was protect the Public because they are a Public Safety Board.

Ann Tuleja stated that the Council had numerous times that they could have denied the Ordinance and questioned why the Council had dragged her, and her Commissioners, and the Police Chief, before them five times. She further stated that the Council could deny it and she would be happy to go home and that she would not come before the Council with the Ordinance again and that she and her Commission were okay with that and that they felt absolved from the Safety issue.

Michael Maffia stated that they had brought the Ordinance up to date to State Code and had put some teeth into it for the Public Works Director because work was being done on weekends and holidays without permits and that complaints had been coming in. He further stated that they had included the fine in the Ordinance to give it more teeth and that at no time over the last two years had anyone come back to the Commission requesting a three tier system or leave the Ordinance as is, or a fine, or how much it could be, noting that the State dictates that and that they had stayed within the guidelines of the State.

Michael Maffia stated with the exception of one meeting, no one showed up or wrote a letter and that they had done the best they could and that the Council kept putting it off and changing things every time the Commission appeared before them.

Michael Maffia stated that they had tried to follow the Council's directive and that it was time the Council said to themselves that they need to get their act together, noting they had a hard enough job, but the Commission had followed the Council's directive two years ago.

Town Councilman Ferreira stated that he would like to make a motion for the Council to do an up or down, yes or no vote on the Police Traffic Duty Ordinance 14-29.

Town Councilman Ferreira withdrew his motion.

Town Councilman Ferreira made a motion to accept Ordinance 14-29 as presented to the Town Council.

Motion failed for lack of a second.

Plymouth Town Council Meeting

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To discuss and take action on Ordinance 14-29 Police Traffic Duty Cont'd.

Town Councilman Ferreira made a motion that the Council make an up or down vote on 14-29 Ordinance concerning Police Traffic Duty, as presented to the Council.

Motion failed for lack of a second.

Michael Maffia questioned where the Ordinance now stood and would the previous 30-year old Ordinance stay in effect.

Mayor Festa stated that until such time that the Ordinance was amended, it would remain as it is presently written.

Town Councilman Foote made a motion, seconded by Town Councilman Ferreira, to table the Agenda item. Vote: Town Councilman Ferreira/yes, Town Councilman Foote/yes, Town Councilwoman Murawski/no, Town Councilman Zagurski/yes; motion passed.

Liaison Reports

Town Councilman Zagurski stated that he had nothing to report on at this time.

Town Councilman Ferreira stated that he had met with Public Works today and noted that they had spent an hour trying to enlighten him to the Public Works world. He further stated that it was quite complex, noting that he had a lot to learn. Town Councilman Ferreira stated that he would be spending time on the streets to see the issues first hand.

Town Councilwoman Murawski stated that she had attended two meetings of the Conservation Inland/Wetlands Commission and that there was a continuing application (at both meetings) for 22 Townline Road, noting that it would be continued again at their meeting this week.

Town Councilwoman Murawski stated that the Commission had taken a site walk on the Worhunsky property (old OZ Gedney property) noting there had been riverbank damage due to Storm Irene and that they were restoring it.

Town Councilwoman Murawski stated that she had attended a Planning & Zoning Commission Meeting and that they had approved their budget, their calendar for next year, along with some business that had been transacted.

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Liaison Reports Cont'd.

Town Councilwoman Murawski stated that she had attended a Water Pollution Control Authority (WPCA) Meeting and that they were installing a fuel tank for their emergency generators in order to have a smoother operation in case of power outages. She further stated that this item would be funded under their Safety Budget line item.

Town Councilwoman Murawski stated that the WPCA was sending plans for their Denitrification Project to the Department of Environmental and Energy Protection (DEEP) and that the Council would see the plans after they were returned.

Town Councilwoman Murawski stated that they were predicting that under their next permit from the State, there may be phosphorous limits indicated and that the Commission had mentioned the possibility of undertaking some kind of education for the residents concerning the use of phosphorous.

Town Councilwoman Murawski stated that PVAC had a meeting scheduled for December 19, 2011, the same night of the WPCA, however they did not meet so there hadn't been a conflict with the meetings.

Town Councilman Foote stated that he had attended the Board of Fire Commission Meeting and that they had covered the Radio Report, Equipment Report, Training Report and Truck Committee Report.

Town Councilman Foote stated that Chief Sekorski had questioned the need to call Torrington Marshal for services when needed, especially at 3:00 a.m. Town Councilman Foote stated that Acting Fire Marshal Kevin Engle had reported that the Marshal could come from other places/shorter distances.

Town Councilman Foote stated that the Truck Committee was looking to replace the Utility Truck with a regular pickup truck, as well as looking for another truck for the years 2012/2013.

Town Councilman Foote stated that Chairman Fennessy had stated that the Town's Personnel Manager would advertise and interview perspective candidates for the Fire Marshal position, and would screen them for presentation to the Board.

Town Councilman Foote stated that Commissioner Bachand had noted that he had discussed with others a test for the Fire Marshal's position with a point system such as an oral, written and interview with each one getting a certain number of points and that the candidate would then be presented to the Fire Board for selection.

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Liaison Reports Cont'd.

Town Councilman Foote stated that they felt the fairest way would be to have an outside agency do the testing.

Town Councilman Foote stated that Chief Sekorski had stated that there should be a job description and that Commissioner Bachand had confirmed that there was one.

Town Councilman Foote stated that Commissioner Boilard had noted that the Personnel Director would no doubt use a proper test.

Town Councilman Foote stated that Chairman Fennessy had noted that he could decide to set a maximum of three recommended candidates from which the Board would make a decision.

Town Councilman Foote stated that Commissioner Bachand had suggested that the process be testing, interview and then final selection.

Town Councilman Foote stated that Commissioner Wunsch had noted that he would prefer not to know the test scores prior to the interviews.

Town Councilman Foote stated that the Board had come to a consensus to speak to the Town Personnel Director to ensure the Board was doing the right thing vis-a-vis testing, etc.

Town Councilman Foote stated that the Historic Property Commission had been canceled due to the lack of a quorum.

Public Comments

No report.

Council Comments

Town Councilman Zagurski stated that he agreed with Mrs. DeHuff in that it had been three years since the Charter had been updated and that it should be put on the website as updated. He further requested that Mayor Festa handle this request.

Mayor Festa stated that he would check to see if the request was being processed from his previous conversation with the Town Clerk. He further stated that she had assured him that things were moving forward.

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Council Comments Cont'd.

Mayor Festa stated that he had previously requested each individual Council member who had a Charter to make sure they saw the Town Clerk in order for her to update their copies. He further stated that he believed she was in the process of getting Charters available for the Public.

Town Councilman Ferreira stated that he had no comments at this time.

Town Councilwoman Murawski stated that she had no comments at this time.

Town Councilman Foote stated that he had no comments at this time.

Mayor Festa wished everyone a Happy New Year.

Adjournment

There being no further business of the Plymouth Town Council, Town Councilwoman Murawski made a motion, seconded by Town Councilman Ferreira, to adjourn at 8:50 p.m. This motion was approved unanimously.

Respectfully Submitted,

Acting Recording Secretary

Attachments (on file in Town Clerk's Office)