

1. The Special Meeting of the **Plymouth Town Council** was called to order on **Tuesday, May 18, 2010 at 7:02 p.m.** in the Plymouth Town Hall Community Room by Mayor Vincent Festa, Jr. Members in attendance: Councilman Martin Sandshaw, Councilwoman Schenkel, Councilman David Sekorski, Councilman John Wunsch, Councilman Tom Zagurski and Mayor Festa. Also present: Dave Bertnagel, Director of Finance; Robin Gudczauskas, Clerk of the Council; Tony Lorenzetti, Director of Public Works and Attorney Sal Vitrano.

2. Fire Exit Notification

3. Pledge of Allegiance

4. Council Rules and Procedures

5. Mayor's Report

*Open Space Application for the Grant to purchase Connecticut Water Reservoir, I do have a copy of the open space application for the grant and I will be putting an application in for approximately \$500,000 from the DEP relative to the CT Water reservoir on North Street. I have one copy, it is self explanatory relative to; anyone interested in taking it home this evening and passing it around by all means we can do so, otherwise we will get an extra copy made available. This is just an application and it commits us to nothing but forwarding the application to meet deadline.

*Negotiations taking place relative to the Unions for consolidation/reorganization of town hall; those are ongoing and we will be meeting against next week for the purpose of attempting to come to some settlement on some issues. If that happens I will keep you informed of that issue as well.

*P&Z Meeting for 8-24's, we have been asked to hold off on the Planning and Zoning 8-24's and will be on the next months agenda for that purpose.

*RFP for Main Street School, we are putting out an RFP for Main Street School again and we have three people interested and therefore we have put that out again for requests for proposals.

*Workshop/training classes with department supervisors – We have a series of six workshops or training classes for department supervisors. They have completed that particular program over at Tunxis and each have received a certificate of attendance and approval of their work done there and hopefully will continue in that mode and actually bring forth a better working relationship within each of the departments and the Mayor's office in town hall.

*Status of Streetscape & Waterwheel projects are moving forward. Streetscape will be meeting with Malone and McBroom relative to the incidentals on the amenities so that they are coordinated with the waterwheel project. The waterwheel project does have a slight snag to it relative to the issue coming forward as to what should the barriers be around the waterwheel itself in terms of the kind of fencing, the type of concrete wall, etc. So that will be coming to a decision made by the DOT engineer who is involved in that particular process. Along the lines of the waterwheel, last Friday I was in Derby to follow up the \$200,000 grant we received for remediation. They will start that work very

shortly and they will be moving to remove the slabs and test the soil underneath those slabs as well for remediation purposes.

*IRS Tax return issue remains open and I have been notified we do have a problem with the 205's in terms of one of the quarters and that is being looked and being resolved. The 206's have been resolved and the 207's are in the process of being resolved as well.

*VNA financial issues still remain open. I am looking for about a \$10,000 return of money. I have to find some additional information to follow up on presenting a particular report; it is a quarterly report in the last year of operations for the purpose of receiving that \$10,000.

*State budget issues still remain a major concern. We don't see the outlook as being any better than it has been and we anticipating that next year we will see some additional problems coming forward.

*Back tax collection efforts are moving forward. We are down to about \$640,000 or somewhere in that ballpark relative to the back taxes that are still owed.

*Special thanks to the Tax Office personnel for a job that is being well done and for Ted for his help in that effort as well.

*Roof replacements – We are looking at the roof replacement for Eli Terry Middle School, the fire stations, the former high school which is Eli Terry Middle School now and we also have a problem with the roof at the highway garage. The roof at the Eli Terry Middle school is being resolved if in fact the budget process follows through and the budget is adopted otherwise we will take a look at that after the election, or the vote for the budget.

*High School track project is moving forward and we are in the process of going through provisions tonight to look at a contract to move that project forward and bring it to fruition.

*High School Booster Club and Larry Tomasetti have put up the scoreboards over at the high school and a special thanks for Larry for providing the work on behalf of his business and the Booster Club for raising the funds to secure those scoreboards for us.

*Beautification awards ceremony was held Wednesday, May 5, 2010 with a nice turnout and there were several plaques awarded to the individuals maintaining their property and/or their businesses and we are hoping to expand this project throughout the town as well.

*Reappointment of Dr. Scappaticci and Anthony Orsini to the Torrington Area Health District Board of Directors. They have been recommended very highly by Torrington Area personnel relative to and they are both agreeable to continuing that role and function that they serve for the Town of Plymouth.

*Historical Society celebration went off without no hitch. They had a wonderful celebration relative to the steam engine and a wonderful group that was there to celebrate the return. There are only one or two steam engines in the whole world and ours is the only operating one in existence. So we do have a wonderful treasure to be proud of in that museum.

*Ground breaking took place for the ARF, Animal Rescue Foundation, and they had a wonderful ceremony there that day as well and the Thursday night before they had a pasta supper fundraiser and a bunch of people attended and they did thank the Town of Plymouth and the officials that were responsible for helping get this project off the ground and getting it move forward including our building inspector, our public works

department and the other individuals responsible for helping them to move this project and bring it to fruition as well.

*We do have an application that has been processed receiving a good response for the purchase of two lots in the industrial park, businesses coming in from out of town, looking very forward to establishing their business and growing it here as well. So we are very proud of the fact that we got those two lots moving forward.

6. Public Comments on Non-agenda Items

a. Melanie Church, 328 Main Street, I learned something and I think it would be of value to this Council and that is to get an umbrella insurance on the new high school because that way there if businesses go out that have done work there and not up to the warranty or guarantee, under that umbrella they are covered and when I learned about it I've never heard of Plymouth keeping an umbrella and when it was explained on the news for another town doing that I thought it would be advantageous for the Town of Plymouth to get the umbrella to cover that and other things being done in this town that come under warranty because what happens a lot of time is the companies that do it go out of business and we have no one to go after so with that I will shut up. Thank you. Mayor Festa, thank you. Any other public comment on non-agenda items. Public comment on non agenda items. Seeing none I will move to the next order of business.

7. Appointments and Resignations

a. To accept the resignation of Thomas Huria as a member of the Planning & Zoning Commission effective 5/4/2010

MOTION: To accept the resignation of Thomas Huria as a member of the Planning & Zoning Commission effective 5/4/2010 by Councilman Zagurski with regret; second Councilman Sekorski. Discussion: none. Vote unanimous.

b. To approve the appointment of Gary Gallagher as a regular member of the P&Z Commission; Term to expire 2/19/2013

MOTION: To approve the appointment of Gary Gallagher as a regular member of the P&Z Commission; Term to expire 2/19/2013 by Councilman Zagurski; second Councilwoman Schenkel. Discussion: Councilman Zagurski, Gary has been an alternate and he has been attending meetings regularly. Vote: unanimous.

8. To Take Action On The Real Estate and Sale Agreement With Plymouth Home Improvements, LLC, a copy of that contract in your package.

MOTION: To accept authorize the Mayor to sign the agreement for the real estate purchase and sale agreement for Prospect Street School by Councilman Zagurski; second Councilwoman Schenkel. Discussion: Councilman Sandshaw, I would just like to thank everybody who was involved in making this go forward and thank you for your efforts and time spent. Mr. Tomasetti, thank you for working with us; Sal, thank you. Really I appreciate it. Thank you very much. Mayor Festa, any other discussion. Councilwoman Schenkel, I just want to say welcome to the town. Vote: unanimous.

9. To Review and Take Action on the Property Maintenance and Code Enforcement Final Report

MOTION: To accept the final report as presented by the Property Maintenance and Code Enforcement Commission by Councilwoman Schenkel; second Councilman Sekorski.

Discussion: Councilman Sekorski (a) procedural questions Mr. Mayor, by accepting the report what is the next step into moving this into enactment. Mayor Festa, we would then have to publish in the newspaper relative to this ordinance being approved by the Council, allowing people an opportunity to review it and discuss it and then move forward according to Charter. (b) Basically, once it goes through the public waiting period it would automatically goes in force and there is no other further action required if I recall correctly. Mayor Festa, right there is no. Councilman Zagurski, there isn't a public hearing or anything on it Mayor. Mayor Festa, we have had public hearings on it and there is also the opportunity to have it publicized to hear or see if there is anybody interested in challenging it. Councilman Sandshaw (a) Mr. Mayor, if we accept this final report and we publicize it, this Council would be saying that we are approving this. Mayor Festa, yes, any further discussion. Any further discussion. (b) Mr. Mayor, first of all I want to thank this committee for all their hard work but what I see when I look over the ordinance here, everything is listed in the existing ordinances within this here with the exception of the members at large from the town. And it sounds like it is more than enforcement issue than it is changing anything. That is just my opinion. Councilwoman Schenkel, well, I agree with you to some degree Marty and because serving as a liaison to this commission the Charter doesn't provide us any opportunity to enforce in a way that is fair either to the residents or the town and that is what this allows. It allows a certain appeal process, it allows an opportunity to work with that person to they can avoid penalties. It allows representation of people throughout the town so that they can have a say in how this code is going to be implemented. So I think that is what the key was. Was, we do have regulations in our housing code which they did site throughout this whole ordinance but what they added to was a form of enforcement with a certain amount of appeals process so that residents can contest it or provide reasonable reason why they can or cannot maintain their properties. Councilman Sandshaw, Mr. Mayor also I am just looking at Section Chapter 8 in Housing under Section 8-62 Appeals, hearings, generally. And it says "any person aggrieved by a notice of the enforcing officer issued in connection with any inspection, examination or survey" can go the Housing Board of Appeals so the people in town have an avenue in the existing ordinances that we have in town to appeal a decision or an accusation. I certainly am in favor of having at large people on because if you have a bigger cross section you get better representation but I think most of it is covered here and I think it is an enforcement issue. That is what I think. Thank you. Councilman Zagurski (a) I could not find anything and I tried to look through the old minutes from when the old ordinance was abolished and I couldn't find anything other than the fact that when I was on the Council we suspended the old ordinance for 90 days. I could have overlooked it but I still believe that the old ordinance is in effect. Mayor Festa, the old ordinance would be still in effect except the fact that you cannot enforce it by virtue of what took place relative to any workshops and discussion that followed from that period of time to this period of time. You could not enforce the findings that were presented to the individuals, you could not single out individuals, etc. Therefore the two judges, one from New Britain and the one from the Waterbury Housing Courts, had indicated to the Town if Plymouth that their enforcement was not in code and in compliance and therefore they would never ever allow the Town

to come forward and fine somebody the measures we were fining them or hold any contempt; that they suggested we change the language and move forward and that is why the ad hoc committee was presented with the follow up work to be done and this is the outcome of this which they went to a Property Maintenance and Code Enforcement as opposed to a blight ordinance and that is the issue we are working on at this point in time, to make sure there is something of substance in this particular Charter that we can move forward as a community without penalizing people to a great extent or harming someone's reputation by virtue of labeling them a slum lord and or blighted property when in fact the blight isn't what it was presented to be. So it is a matter of trying to clean up the language and making something that is enforceable and that is what the individual came in using an officer of the law to help enforce the regulations. (b) I don't believe the old ordinance had a problem with the ordinance itself. I think it was a problem of how we were enforcing the ordinance; we did not have a blight officer and weren't telling the people that they were on the blight list. Mayor Festa, well, to interject. There was a blight officer and we were paying him a salary. The issue at hand here is every time he brought something forward either the fine was rescinded and or was just set in a file somewhere and laid to rest. He ultimately left the position because he was not being supported in his position. From that point forward there was a workshop that took place relative to the both judges of housing courts coming in here, the panel that has been set up according to the old Charter and the ordinance at that point in time. Then the next administration that came in I believe sat through a number of laboring meetings and ultimately after looking at reviewing approximately a half dozen to maybe nine ordinance around the State zeroed in on four of them and I believe Derby was one of the final ordinances that they were looking to consider and then it was a rescinding of that issue because there was a challenge made relative to the number of people who were earmarked for blighted properties and one particular area of town and they randomly selected these people with the discriminatory action. So that whole process came to a halt and then the next administration came in and began moving that forward again to bring it to this point in time we are at. So there has been a lengthy history relative to the particular ordinance that is in the Charter and the manner in which we went about trying to reestablish it and move it in the direction that was more positive and more workable for the town and townspeople that are affected by it. Councilwoman Schenkel, I have a comment. You have a group of people in this town who have had a great deal of, most of the committee had a great deal of success in the Fall Mountain area with cleaning up that area and encouraging people. And it wasn't because of punitive results but it was working with the citizens that were there. So you have this group which took about a year to a year and a half of their time who interviewed people, went to other towns, looked at all different types of language, had people in to talk into this town and they developed what they considered to be a fair recommendation. Now, I can understand that we have something in the Charter but it wasn't working. So I just really feel that if you are going to give this a fair consideration, either say what you really feel is your reservations so we can discuss them openly or please support this ordinance. Mayor Festa, any further discussion. Councilman Sekorski (a) I am just curious Mr. Mayor though to Tom's point and maybe we will just need a little quick legal counsel. I don't see the reason why we can't move forward with this ordinance and I don't think there is any dependency on you know whether or not we formally have to remove the old one or

not. I remember 90 days. But I know we suspended it and I know the big problem was we that we didn't have any mechanism either to bring about, it was not mechanism, but it was clarity and it was follow through which is clearly in this new document which helps us. Which I think is going to be a terrific help at least in getting us in the right direction so I want to support this, I want to see it move forward and if we need to review it and the other one has to be formally removed, in the interim I would ask counsel. Attorney Vitrano, let me clarify. Once you amend, this, if you pass this ordinance it is effectively an amendment and a rescission of the existing ordinance. So the existing ordinance has not been rescinded it is still there whether it has been effective and being implemented, I guess the answer is no it hasn't but it is still in existence. This is an amendment to that specific ordinance and that will rescind; if you pass this that will be effectively a rescission of the old ordinance and implementation or replacement of the old ordinance with this new ordinance. (b) Thank you. I just want to finish up by saying, as a Council I think we can all agree that we have got some significant issues in terms of our inability to enforce the existing ordinances that are currently there which really, to Marty's point, there is no doubt there is modifications but nothing significantly new about the existing ordinance, I agree with you. But what is completely new is defining a committee by which we have a mechanism of review and it clearly states the process of which we would take in every case. And it also defines on which, it is up to that organization to define which professional staff needs to address what areas which also brings clarity. Before there was no clarity on whether it was the building inspector's responsibility, the health inspector's responsibility and so forth. I think this has done an outstanding job at the least defining that and if it doesn't work and we are still around we have changed ordinances before and I would say give the public the opportunity to look at it, let's give it an opportunity to work. I don't think that any of us would disagree that we have some significant issues with this in our community. I guess maybe because it is spring time and I have been driving around a little bit more, driving around doing fundraisers for my kid's graduation party. I have been all over the community and in some areas it is painfully obvious that we really need to address some of these issues and I've gotten tremendous feedback from people that I know, that I think I want to be representing the best way I can. There are a lot of people down right angry with some of the properties and some of what is going on I don't think that anything in this ordinance. I know some of you have expressed concern that this is in some way gives us more of an opportunity to target people and I respectfully disagree with that, I don't think that is the intent. I feel strongly that it is legally not, does not give us kind of outrageous authority in that regard because we have not changed any of the ordinances that already exist. I would encourage everyone to give this a try and support this tonight. Thanks very much for listening to my long winded talk. Councilman Zagurski, my concern with the ordinance I think is can the town afford it. One thing that you are going to be doing in this ordinance from what I believe and correct me if I am wrong, is you are actually going to be using town funds to go in and clean up property and I am not sure how easy it would be to spend that money and then recoup it. Councilman Sekorski, where is that Tom. Councilman Wunsch, Section 7 70b says they have to submit an annual budget request. Councilman Zagurski, yes, I know that they have to submit a budget request too. Attorney Vitrano, I don't have the ordinance in front of me but there is a provision in there that does provide for an opportunity for remediation. It really, I think it provides for an opportunity for

remediation at the towns expense and then to collect from the property owner but I think it is established by the ordinances. And the ordinance that is the exception rather than the rule. I think the intent was to clarify more, I thought the intent was to utilize that option was more of an emergency situations and extreme situations rather than the rule. Councilman Zagurski (a) so at the end of the 30 days or \$1000 fine, whatever, what then would happen. Attorney Vitrano, one of the enforcement provisions in this ordinance that didn't exist, or doesn't exist, in the old ordinance is a citation or the opportunity to provide citation. It is like a parking citation, okay, it has the effect of the police powers of the town, it is not an arrest so to speak but it then becomes a mechanism to enforce the ordinance through the police department and through the court system. So that's an additional enforcement opportunity that doesn't exist in the present ordinance that backs this one if you would pass. So that is one of the things that could happen. (b) Let me get this right Attorney Vitrano, after they are done fining them \$25 a day or whatever and it comes up to be \$1000, then they start getting citations. Attorney Vitrano, that is an opportunity of enforcement and depends on whether the code enforcement committee chooses to utilize that enforcement procedure. That is available if it is necessary to correct the situation. (c) How much is that fine. Attorney Vitrano, I don't have that in front of me. I don't know what it is. Councilman Sekorski, I did find reference to the town paying. It says any such fine may be carried out by town personnel or private contractor and shall be monitored etc. The Code Enforcement Committee also may approve payment of costs so I don't think it commits us, it just provides us an option. I want to echo DiAnna's comment that I think the whole purpose and earlier on in some of the other sections it is very clear that, to me at least, the whole thing is just to provide persons who are in violation, an opportunity to come before the committee and work something out and I think that is the goal. I feel very strongly about that and I know that was a high point of our discussion several meetings ago. I think it is the intent of this ordinance to help people address their blighted property issues. It is not the intent of us really sending out a limited staff. I agree, we don't have a lot of people to do this. I will feel better when we have an actual committee because without doing that we really have nothing till we get a committee established and get this thing off the ground. So, but I did find that and I don't feel it commits us to that, just gives us another opportunity to address an issue. And I hope we can put something on the books and give it a try. Thank you. Attorney Vitrano, one way to interpret it and I think a fair way, reasonable. A fair way to interpret what the committee was trying to do was to create a mechanism to identify a problem, create a mechanism to notify the landowner of the problem, create a mechanism that would provide sufficient opportunity to that landowner to correct the problem, if the problem wasn't corrected, and then ultimately if necessary to provide an opportunity to enforce it. I think the committee did a pretty decent job and during that, if your concern is abuse, anything can be abused and there is no fail safe way of preventing abuse but I think your committee did a reasonably fair job of trying to accomplish what they set out to. Councilman Zagurski (a) don't leave yet Sal. I want to make sure that the planning and zoning, they have ordinances, they have regulations about abandoned vehicles. In here it says you can't have any abandoned vehicles but we did find that there was the exception I think in the definitions. Is that true we are going basically by the planning and zoning guidelines for abandoned vehicles or non registered vehicles. Attorney Vitrano, I don't remember and again I don't have it in front of me. The

committee decided to tie the definitions of abandoned vehicles into the existing definitions so there wasn't a conflict and to that extent what is defined as an abandoned vehicle in this ordinance is what you have already defined in as in the code of ordinances so it is not creating a new definition if that answers your question. (b) I am not sure that it does but Planning and Zoning I think has requirements that you could possibly have two unregistered vehicles and in here I think it states that you can't have any, but then in the definitions it comes back and says there is exceptions and it states the planning and zoning. Attorney Vitrano, I think you are right. I think they do tie that into what, back into what planning and zoning regulations would require or would allow. I mean it was honestly it was a Herculean task of your committee in making sure there wasn't any conflicts with this ordinance and with your other ordinances. I think it was the intent to make sure that conflicts like that in that situation and hopefully they have accomplished that and as Councilman Zagurski said if there is a problem hopefully that comes out and you can fix them. (c) In your opinion would this ordinance go after the most blatant circumstances. Attorney Vitrano, my opinion is this is a reasonably effective way to address the problems that have been called blight for a short term word and it is not they didn't create a new wheel here or a new claw, they used as an example and sort of a foundation ordinances that have been in place and have been effective over the course of the last few years. One of them is the Bristol ordinance which this is not identical to but it takes a lot from. The foundation of this ordinance found in other ordinances in other towns has been effective in those other towns and there is no reason to believe that it wouldn't be effective here. If that answers your question. (d) I think so, thank you. Councilman Sandshaw, I just have one other comment. Section 7, 7-66 Certification of list of blighted premises. "The mayor shall convene a blighted building committee consisting of the building official, sanitarian, zoning/wetlands enforcement officer and fire marshal. The mayor may assign any other staff as deemed appropriate to assist the committee. The blighted building committee shall produce a list of blighted premises to be submitted annually to the mayor and town council. Said list shall be presented to the town council for their regular June meeting. The blighted building committee may from time to time request the addition of any premises to or deletion from the blighted property list for consideration by the town council." I just think we have everything in place already and we are not enforcing it with the exception of members at large. Councilman Zagurski, Marty, I did do research on this back when I was back on council previously and one of the things that I will agree with these, the people on this committee, is that what you have to do is you have to continually notify the people that are on that blight list and that is something that wasn't done and that is something that they are attempting to do in this ordinance is to continually let the people know every day that there is a problem with their property and it needs to be corrected. Councilman Sandshaw, other than on just updating it on June first of each year. Councilman Zagurski, yes, because, that has been, that was the problem with the old ordinance and I think Councilman Sekorski would agree with me is that they would have people on the list for ten years and they get fines of \$130,000 or something in that effect and they never even knew they were on the list because we never bothered to tell them that they were on the list. I do agree with this ordinance in doing that enforcement of notifying people and the old ordinance didn't have that in there. Councilman Sandshaw, thank you Tom. Mayor Festa, any other discussion. Seeing none, I'll call for a vote. All in favor, Councilman Sekorski,

Councilwoman Schenkel. Against: Councilman Zagurski, Councilman Sandshaw, Councilman Wunsch. Mayor Festa, motion fails three to two.

10. To Discuss and Take Action on Financial Policy Statement; Capital Improvements
Dave Bertnagel, I think you all have a handout and it is entitled “Financial Policy Statement Capital Improvements”. Basically what this is here is a draft that was formulated and the Capital Improvements Committee approved and forwarded to the Board of Finance last June and July. During that time basically there was a lot of stuff revised in it and taking a look at which pretty much does, is formulates a mechanism for adding capital improvement and how to fund in future; basically it’s just a guideline that can be modified at any time as necessary by the Board of Finance. It is a framework so we have a plan. For the most part here the policy itself is a four page document, adopted by the Board of Finance and prudent financial policies and basically they are referring to the Council for their endorsement as well. For the most part what it does is talks about the objective, the first section is Purpose of it and again it is the responsibilities of local government to preserve, maintain and improve the community’s capital assets; buildings, roads, parks, sewer facilities, machinery and equipment. Planning for capital improvements is a matter of prudent financial management, as well as, sound development practice. The purpose of this policy is to provide an ongoing, long-term plan to reinvest and protect the municipality’s capital assets while minimizing the impact on the debt service payments for the Town of Plymouth, Connecticut. If you recall there is one of the key things we moved down is policy objectives, again we discussed all that. One of the key things in this policy is a level debt, it is what we have been advocating for a period of time; capital improvements is advocating as well as the Board of Finance. If you recall, several years, every time a special project comes forward the town honestly doesn’t have the two or three million dollars to pay cash for it, so we have to I have to issue long term debt or something like that to pay for it but that comes at a cost. What has happened all too often is that the community as a whole has their debt service spike up for the most part and requires a tax increase when they issue the projects or whatever else happens here. So you mill rate goes up as we told you that. So as when the projects get paid off, well. What we are trying to do is we are trying to come up with a level debt that we see as feasible for the community. And basically the Board of Finance has taken a look at debt over the past twenty, thirty years to see, what is our affordability measures, where can we go with it. So this policy takes into effect and basically right now we are paying \$3.4 million into debt service. What we are recommending is an even threshold at \$3.3 million, so that is what we are figuring with principal and interest payments. Taking a look at that that is the guideline we are looking at to go forward. But, what we also look at, we also look at certain ratios, being in the finance area we look at the affordability of debt per capita, that is one of them. We have about 12,000 residents here divided your total debt, what does that equal, how does that compare to other towns. The other thing is it looks at is how much of our budget is being spent towards debt service, okay. One time we were 12 or 13%, that is really high. Right now we are at about 9 or 9.5% and that is where we want to keep it and we don’t want to exceed that because once you exceed it, rating to the people who let you borrow the money can get nervous saying what is your ability to pay back. These are the things we are trying to accomplish through this policy and through the goals of it. There are sources of capital budgeting; for the most

part it talks about debt service fund which we already talked about. Interfund transfers are where we use funds from other, let's say that we have a capital issued and buy a fire truck and appropriate \$100,000 and the fire truck is at \$90,000, we have the \$10,000 in reserve and do we send that back to the general fund or do we apply that to another capital project. These are the areas we look at. The other areas would be to pay as you go and we currently have that in the budget right now. Also in your capital outlay and budget process this is \$630,000 of taxpayer funded money going to the capital outlay. Police cars, fire trucks and everything else. And it also explains in Section 3 the Management of Indebtedness, how the debt is used as I described before and other debt measures as you go throughout. The statutory limits, obviously we are required by state statute we can't exceed seven times our taxation for total debt service for the town and we would never do that, it would never be recommend. And then you also have what is called debt capacity is what is our capacity to borrow. Basically how we developed those numbers. And then in the last ones Revision and Approval Process are more of procedural thing that covers basically follows the town charter, the town charter supersedes obviously anything in this policy and it follows all the regulations of the town. So, that is where we are at. Mayor Festa, any questions of David. Councilman Zagurski, of course. I am sure you explained it David and it probably went right over my head. Debt service fund it says you are going to create one. Dave Bertnagel, actually there is a debt service fund already existing in the town. It was established probably about 10-12 years ago. For the most part, what that is, that is a fund basically is a fund that pays for the debt service as it goes on. But right now we transfer all of the money every year to pay debt service and to pay for interest and principal payments, okay, which are transferred to the fund. If you recall back in about 2001-2002 there was a refinancing done at that time with the interest and the way things were but that is a escrow fund and it is a little complicating as a refinancing tool but that is where the fund is. And that fund earns interest on it which means we can designate that interest in the future to apply to capital projects. What we would do is, basically, it would establish a \$3.3 million hypothetically for debt payments. So if our debt service falls to \$2 million or \$1.3 million of which the fund would sit in escrow and to pay future principal and interest while keeping low taxes. Keeping the taxes level for debt service payments. So you are not increasing the tax rate when a new project comes on board you are just keeping it built into the mill rate that is already built in now and just keep it level, that is what we are looking to do. Councilman Sandshaw, you wouldn't be transferring in. Dave Bertnagel, no, it is all part of the pooled funds of the town. It is an accounting fund, if you want to call it, it is there and designated for that special purpose, escrow. Mayor Festa, any other questions from the Council. Councilman Zagurski (a) I still have a few. Section 1 Capital Improvement Plan 1.4 we are talking about the water pollution control authority and, now, aren't they totally separate from the town budget. Dave Bertnagel, they are to a certain degree they are. However, we are responsible for infrastructure. But what they do, is they have the ability to do a separate tax, what we call a separate tax authority through there user fees. What this policy does is that they have sinking fund per se on the books but nothing formal. They pretty much call it a sinking fund to pay for long term capital improvements. So that is basically defining they are going to do that and follow the guidelines, a separate regulation for them. (b) Thank you. I think you explained the pay as you go. You have half a million dollars in the pay as you go account

already. Section 2, CIP approval process, 2.3, public input. I guess what you are going to do is develop your plan through CIP and it is going to go to the Board of Finance and they are going to approve it or make corrections to it or whatever, and then it is going to have public input and then the plan is going to come to the Council. Dave Bertnagel, correct and you would have some additional public input. Basically what is suppose to happen with the capital improvement projects is every year the CIP should be recommending the long term plan. The five year plan should be updated every single year and to the Council for endorsement for planning for the future. Unfortunately there really hasn't, it has gotten to the capital improvements but never really made it formally to this Council, this body, for long term. You have pretty much gotten pieces of it through your fire department, and things like that but you have not seen the whole big picture. (c) That is not necessarily true. When I was on the Council before I did receive a plan and I like your process a lot better because I think where the plan fell previously, was we got copy of it and it never went to the Board of Finance. Dave Bertnagel, the missed the financing mechanism altogether. That is the key thing here, the financing mechanism was always the missing component and we knew the need for it but we didn't know where the money was going to come from or how it was going to be funded or what was going to happen. (d) I guess what I am looking at here and maybe I am trying to get a little bit too detailed, is when would this plan be complete because I would think it has to be before the budget season. Dave Bertnagel, okay, it usually runs concurrently with the budget. So with the budget process itself. (e) Wouldn't that be too late for the budget process. Dave Bertnagel, yes and no. I mean usually the capital improvements themselves, if the plan were approved now, let's just say for instance, okay, you got the items now. You can plan for it for next budget and say we can put it in the budget for next year. So I think the answer to your question you concur you would be a year behind to a certain extent so that you can plan for the next year's budget. Councilman Sandshaw, you would be financing what you are going to do the next year. Dave Bertnagel, yes, correct, the only thing a five year capital improvement plan is a document itself and doesn't mean you are committed. The only thing you are committed to is the capital budget. The capital budget right now is what is in the operating budget for the town that gets approved at referendum. That is the capital budget; obviously you have amendments to that should you have referendums or petitions to referendums and have special projects added on. So that would be the sewer pump station, ambulance garage, fire station or whatever they come up with here. Mayor Festa, any other questions. Melanie. Melanie Church, 328 Main Street, I believe this is in direct violation of our Charter and I am going to state a few reason why. DiAnna when you were on the charter revision before us it was always stated that any debt the people would vote on and to make a ruling that you are going to leave it the same and you are going to choose is taking away from the vote of the people. Ironically when this last charter revision came about it passed overwhelmingly to lower the amount for people to have a say. Now to come into this and say but we are going to leave debt service at this, that is taking away the rights of the people. Our Charter stated that anything is bonded or anything that goes for anything is voted on by the people. With this it is telling us that this commission and this charter revision which when this last charter revision failed, that charter the Board of Finance was still only advisory because that is one of the changes we looked for which failed. So people believe strongly in keeping that say and I think that this was never in there any

charter that any debt service was going to be leveled at one amount. As it went down years ago it was said that that would offset the school and now all of a sudden we are trying to keep the same, the problem that we are at right now. We do not even know where our future is going to be. Some times I think we live in a bubble in this town. You have the Mayor saying he doesn't know where the state budget is going to go. It is going to affect Plymouth. You have a high unemployment rate right now and you do not know where our future is going to be. And to lock us into something that is not voted on individually as the school was, and saying alright but we agreed to spend this much money but then later down the line we need this and people say we cannot afford it. There was a big turmoil where the ambulance corps was built and the Board of Finance did not feel we could afford it. But it went through because it was advisory. That is when the decision came out from Frank Decoal. I think this is another way of circumventing the people's right to vote on items. The way it reads now the Board of Finance says we cannot afford it and it doesn't matter they are advisory. But here, and I think that is one of the ways in which there is not the checks and balances any more and I think it was clear on the way people voted. They knew what they wanted and they knew what they didn't want. And with that I will shut up but I ask that you consider all those variables. Thank you. Mayor Festa, any other question of David. Dave Bertnagel, Mr. Mayor, if I may interject here. To your point the items are to be voted on at referendum. Basically what would happen, this is a funding mechanism only; so each individual item would be voted on for bonding. To issue the bonds and notes. What we would do is we will have a funding mechanism in toe with it and basically the budget would say debt service reserve and not be dedicated to any specific project until the whole budgetary process is approved. That answers your question in regards to that. But basically the policy itself, again as I said before, all items would be voted on by the people so we are not circumventing the voting process. And again this policy does follow the charter to a t and it would supersede anything that is in here. Melanie Church, 328 Main Street, I tend to disagree and I ask all of yous to look at it. No where in here do we have an amount that we are going to stay in debt for. And like I said, we don't know the future. We don't know as, I don't know if anybody read Sunday's paper, how in far in debt we are with state pensions and the state insurance that we don't have the money and who has to pay is the taxpayers. You know we are trillion of dollars in debt with the federal and we have to pay out of our pockets. We cannot keep staying at this level. To me what we have got to do is pay cash and get things paid off and as we have them paid off, open a bank account and you pay cash. But you don't keep keeping us in debt. To me we have to look at new ways and you have to look at your own household. They are encouraging people not to use credit cards, this is another credit card and I am urging you to leave the votes as they come up to the people and if the people say no it means no. Thank you. Councilman Zagurski (a) I understand what Melanie is trying to say and I want to understand what you are saying. We have a level debt service or whatever and let's say the high school comes off the roles and we are not paying that debt service any more and we want to build a new highway garage or something like that. That will come for referendum. Dave Bertnagel, right, absolutely. You have the authority to go up to \$150,000, or the council does for up to \$150,000 referendum vote. Anything over falls in the Charter and goes to referendum. (b) So we bond or we still are going to have to go out and get approval to bond that. Dave Bertnagel, correct. (c) Now, let's say it is a road repair for \$30,000 or

something like that and well under the limit, would that come to the council for approval. Dave Bertnagel, it could come to the Council or what could end up happening is that if there were adequate funds in another account or the line item it would be transfer of funds by the Board of Finance to do that. (d) So it wouldn't necessarily be debt service. Dave Bertnagel, correct. If it were savings in salaries it could be transferred. (e) So anything over \$150,000 would still go to referendum. Dave Bertnagel, still go to referendum, that is correct. Councilman Sandshaw, just let me have it in my brain. If we have \$3.3 million in debt service, we are not obligated to spend that. If we only wanted to spend \$750,000 of it we could have the balance either remain there or go someplace else and it would be up to the voters to decide whether they wanted to take and approve a project or transfer that money into another account. Dave Bertnagel, correct. Councilman Sekorski, I just have a couple of quick comments for the benefit of councilmen. This was actually brought forward to the capital improvements I think almost two years ago, right Dave; so again, maybe just a question of intent. I was at a couple of those meetings when this policy was discussed and the idea here is this is a policy statement. It allowed, it provides us a guideline I think not necessarily authorizing where to spend the money but I think you all understand the point that we still have to go to referendum. But it gives you a fiscal guideline. Number one this is important for the bonding people and this I recall I presented this because what it says to the bond counsel is that we have defined all limitations from a fiscally responsible perspective. We are not going to exceed this. So I took that when presented it as a mechanism to help guide us as officials and capital improvement committee, that you know certainly we cannot stop a group from coming to politically in bringing a project to bare, and true, and it doesn't do that. But it does give us some guidelines and also clearly defines people's roles within the rigor of the capital expenditure process which hasn't been defined before. So there was a lot of other conversation that went on around this and I believe this has been endorsed by the Board of Finance at this point, right, and also I know capital improvements has and this is last step. Again, it is a policy statement, it is not an ordinance, it is not a law, it is a guideline in which future folks who come in and take our place would say hey this, it provides us a concept by which we should plan our investments. So hopefully that clarifies some of the concerns that people have about it. I know you have worked very hard it is also written I think you did a lot of research on it and thank you. Procedurally, Mr. Mayor, I think we need a motion to adopt. Mayor Festa, correct if no other questions for David. Yes. Melanie Church, 328 Main Street (a) I need to have this clarified. It does not give the Board of Finance the power to keep this amount of debt on the books or does it give them that power. David Bertnagel, the debt would be authorized through referendum based on what the town approves. What the Board of Finance has to do is define what they are going to spend each year on debt service. What they would do is set the level and basically keep it at that if they want to. And that would be put into debt service reserve and or transfers whatever needs to do if the Board of Finance recommends that budget. (b) Because I had a Board of Finance member say to me, let's say this \$18 million is voted down, they have this. Because they have this policy and they can get projects through that way. Dave Bertnagel, that is not necessarily true, not necessarily true at all. Mayor Festa, if no further questions I will call for a motion.

MOTION: That we adopt the Financial Policy Statement for Capital Improvements as presented by the Finance Director by Councilman Sekorski; second Councilman Sandshaw. Discussion: none. Vote: unanimous.

11. To Discuss and Take Action on Ordinance Concerning Police Traffic Duty

MOTION: To table until the June 1st meeting by Councilman Sandshaw; second Councilman Zagurski and unanimous.

12. To Discuss and Take Action On Public Works Commission

MOTION: To table until the June meeting by Councilman Wunsch; second Councilman Sandshaw and the vote unanimous.

13. To Approve the DEP Open Space Land Acquisition Grant Application regarding the potential purchase of the Connecticut Water Company 177 Acre Parcel on North Street, Plymouth

Mayor Festa, this would be a motion to authorize the acquisition grant to move forward regarding the processing of this particular grant for the purpose of acquiring the 177 acre parcel if we so deem appropriate when the time comes in terms of awarding of the particular grant applications. Councilman Zagurski, can I ask Sal a question. When I make this motion am I authorizing the Mayor to submit the grant application or approve. Attorney Vitrano, you are authorizing the Mayor to complete or his staff to complete and sign and submit the grant application. I am not familiar with the application so I don't know what it entails but all you are doing is authorizing him to submit the application. Councilman Zagurski, I looked it over and I am happy.

MOTION: To Approve the DEP Open Space Land Acquisition Grant Application regarding the potential purchase of the Connecticut Water Company 177 Acre Parcel on North Street, Plymouth by Councilman Zagurski; second Councilman Sandshaw. Discussion: none. Vote: unanimous.

14. To Take Action To Authorize the Mayor To Enter Into A Contract Agreement With Richards Corporation To Construct The Terryville High School Track as Per Legal Review of Contract By Attorney Sal Vitrano

MOTION: To authorize the mayor to enter into a contract agreement with Richards Corporation to construct the Terryville High School Track by Councilwoman Schenkel; second Councilman Wunsch. Discussion: Councilman Zagurski, I just have a question, if it specifically spells out in here the dates and maps and everything and if adjustments made I believe there is a provision in here saying we can make adjustments. Attorney Vitrano, there are not only are provisions in here for adjustments or change orders which is the technical term if in fact as I understand it, will be change orders, if you approve this contract and it is appropriate that you do, if you do approve this contract in fact there will be a couple of change orders that we already anticipated. I believe the School Building Committee Chairman went before the Planning and Zoning Commission last week to request authority or modification of the site plan to modify certain elements of this contract and perhaps if you want detail Tony can give you more detail. Generally speaking I believe the modifications are to one not move the structure that was originally part of the specification to move and two, to make modifications to parking specifications.

Both of those as I understand it will actually reduce the price. We haven't had an opportunity to enter into negotiations with the builder with regard to that deduction but once that happens there will be a change order to this contract to delete those items, to change those elements and to reduce the price. The other contemplated change although, again, we don't know exactly the modification would be the time frame for completion. The contract as I have drafted it and has been reviewed by of our side and their side had 120 calendar days. Apparently there is one of the sub contractors that puts down liquid asphalt is backed up and probably can't get the asphalt done within that 120 calendar day period so we may have to extend that to some extent. But those are, well to answer your question I apologize. But yes there is a mechanism for change orders and those are what we envision potential change orders at this time. Councilman Zagurski, thank you, no need to apologize. I like long answers so I can understand. Mayor Festa, any other questions. If none I will call for a vote. Vote: unanimous.

15. Liaison Reports

a. Councilman Zagurski, I didn't attend the library board meeting because it got moved or actually the Board of Education moved meeting that night. The BOE announced we did receive the Safe Street to schools grant for \$423,000 so I think we can look forward to seeing that at Council in the future. Planning & Zoning, there has been quite a few applications coming in and people starting to do things and hopefully the economy is starting to change. Thank you.

b. Councilman Sekorski, unable to attend two workshops on the capital improvements with joint meeting between Facilities and Capital Improvements they are held too early for me to get there. I know that is moving along as well and discussion on details of the bond proposal. WPCA meeting was last night and I was not able to attend because I was at meeting here on the budget. That is all I have to report at this time. Thank you.

c. Councilwoman Schenkel, attended Capital Improvement/Municipal Facilities joint meetings both of them and they developed a web site they will make interactive so people can ask questions and to have various questions with answers so please check to see if topic on there. Additionally they will do periodic submissions to newspapers and Plymouth News to keep people informed on ideas working with and they seem to be working very well together. Second part of my time has been devoted to the Board of Finance with the recent budget and we attended last night again, heard from the public and hopes everyone votes on Monday. Other than not able to go to Police Commission and Human Services.

d. Councilman Sandshaw, ZBA there was three applications approved and because of undersized lots, setbacks, nothing major. EDC, quite a bit of activity. Northeast Fasteners are looking to go forward with expansion. Thomaston Safety is looking to expand either in their facility on Burr Road and Rt 6 or look at industrial park. New owner looking at Iseli; Craig Stevenson is not at liberty to give name. Lauretano Sign is in discussions with doing something in their facility. Nutmeg Spice is actively going forward and wants to break ground asap. Genovese Mfg thinks economy is turning around and remanufacture Swiss screw machine parts and feels ready to go forward by end of year. Craig has been quite busy. Did not attend Parks/Rec or Wetlands meeting. Met briefly with Tony Lorenzetti last night to find out what is happening with Public

Works and gave two reports, read into record on tasks for April. Superintendent of Highway, Mr. Schultz, report for April read into record.

16. Public Comments

a. Melanie Church, 328 Main Street, I have a couple questions from liaison reports. I did observe on Sunday the sweeper from City of Bristol being around town and curious if paying double time for that and right where trying to watch overtime I think that is an issue. Also, I don't know if everybody knows here but there is a new owner of McDonalds and it happens to be the owner's son who owned it before these last people owned it. He will be coming before Planning and Zoning, the mayor's office and hoping to knock that one down and build a new one and pretty promising and might be opportunity to get corner straightened out and I think he is willing to go before CCRPA. He is very enthusiastic and owns 65 of them and I don't think he is going anywhere and it will be a nice addition to the town, he already has conceptual plans and had them the day of the closing. I did refer him to the mayor's office, town planner and EDC. A plus and from time he closes, knocks down and build a new one is 90 days and I think it will be amazing. Thank you.

17. Council Comments

a. Councilman Sandshaw, I would just like to publicly thank Walt Lassy Jr for his efforts in helping with the steam engine at the historical society. Without changing expertise the whistle would not have blown and he did an outstanding job and I'd like to thank him publicly for that.

b. Councilwoman Schenkel, Pratt & Whitney hosted a group of THS students, group of students taking advanced math and science courses with an interest in engineering and intellectual property law. We had a wonderful time where people from military engineers came to show video of planes, women engineers available to explain opportunity in field, tour of customer training facility to put hands-on actual engines and stand inside one.

c. Councilman Wunsch, I don't know if appropriate, but thank you, everybody and the town for supporting him over the last few weeks. It has been tough but it is a great town from his point of view.

d. Councilman Sekorski, we are glad to see groundbreaking for ARF and participated for walk for ARF and well attended and a number who people showed up to support. On a serious note, obviously you guys can tell I am very, very disappointed not to move on blight ordinance or enforcement ordinance and it is probably one of the key things I get complaints about as councilperson. It surprises him as the amount of stuff going on in the community is people upset that there are people who abuse or don't take care of properties and there really are some serious situations. We still need as a council to do something about his issue. What we came to was not agreement and ok but need to go back to drawing board and find a way to determine some mechanism or bring more clarity to existing ordinance. If we can do workshop with the building inspector or health inspector, I feel strongly that we cannot let this issue die. There are some very big property and health problems in this community that are above and beyond the ability of staff to handle under the way things are currently written. Encourage suggestions from other council members or workshop to keep dialogue going to find some way to address this issue. Right now it has to be a really really bad situation to do anything about it. We

need to look at more preventative measures. I have constituents calling and I say we are working; it didn't work but clearly one of big headaches and like to do something about. e. Councilman Zagurski, DiAnna touched on this and bring out referendum vote and disappointed in turnout. It will be Monday May 24 from 6 am to 8 pm so please get out and vote.

f. Councilman Sandshaw, as new owners come into industrial park and put deposits on property and going through process, is it possible for somebody from council or administration to stand next to applicant to help along the way and show them we are proactive. Mayor Festa, that comes forward from EDC who is responsible for property owner to come forward to present economic package that would be helpful to them and any abatement to tax abatement committee in process of helping them. Councilman Sandshaw, I know other towns there is somebody from administration standing by side and with them and helps we are actively pursuing this person. Just people have asked if something can be done to show support. Mayor Festa, we do have welcoming issue that comes forward but you are asking for someone to be physically in attendance at meetings. Councilman Sandshaw, either at public hearing or meeting where application is to be voted on. Do not know if responsibility of liaison. Mayor Festa, I will look at it from standpoint from a good idea but not sure what role we would take as representative from government to be standing before commission for purpose of discussion and I will look to clarify that.

18. Adjournment

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

Meeting adjourned at 8:29 p.m.

Respectfully submitted,

Robin Gudeczauskas
Clerk of the Council