

Town of Plymouth
80 Main Street
Terryville, CT 06786
<http://www.plymouthct.us>

Plymouth Town Council
Telephone: (860) 585-4001
Fax: (860) 585-4015

Minutes

January 4, 2011

Call to Order: Mayor Vincent Festa, Jr., called the scheduled January 4, 2011, Plymouth Town Council Meeting to order at 6:31 p.m., in the Community Room, Town Hall.

Roll Call: Present were Mayor Vincent Festa, Jr., Town Councilman Martin Sandshaw, Town Councilwoman DiAnna Schenkel, Town Councilman John Wunsch, and Town Councilman Tom Zagurski. Also in attendance was Anthony Lorenzetti, Public Works Director. Mayor Festa noted that Town Councilman David Sekorski had an excused absence.

Fire Exits Notification

Mayor Festa made note of the Fire Exits, as previously stated in the Public Hearing for the record.

Pledge of Allegiance

Mayor Festa made note of the Pledge of Allegiance, as previously recited in the Public Hearing for the record.

Acceptance of Minutes of Regular Town Council Meeting, December 7, 2010; Special Meeting of December 16, 2010

Town Councilman Wunsch made a motion, seconded by Town Councilman Zagurski, to accept the December 7, 2010, Regular Town Council Minutes, and the December 16, 2010 Special Town Council Minutes, as presented. This motion was approved unanimously.

Council Rules and Procedures

No Report.

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Public Comment on Non-Agenda Items

Melanie Church, 328 Main Street, Terryville, stated that she had received numerous calls yesterday; people showed her pictures, in front of the Transfer Station someone had left a bunch of garbage bags about 40 of them and she was wondering if they had finally been picked up because as of yesterday afternoon they hadn't been picked up, with a note left on them. She thinks that's something that shouldn't be left there, she knows that before in the past if stuff was left there by someone they used to pick it up; she doesn't know what the problem was this time, but it's like we're the laughing stock, we're concerned with blight and to her that's blight when it's sitting out there. Number two, there's a rumor going round Town that now that our Police Captain has retired we're looking for a Deputy Chief for that position and she just thinks that we are a small town we don't need to be adding more positions; if you look at Thomaston and other towns, they don't, we need to look at maybe going, and you the Town Council has the right to do that, is to direct the Police Commission into maybe going over the job description of the Chief and Captain and let's get a Captain or a Lieutenant or someone in there and let's move on. She doesn't believe that we should be a large large Police Department especially with the cost of things and as it is we are paying a lot of expenses and to her a lot of overtime in the Police Department now. She thinks we need to get organized and look at that so she's giving the Council a head's up on that and she feels that it's something that needs to be looked at. Plus, she understands that the bid was put out again for surveillance cameras for the Police Department and at first it was awarded to the highest bidder, which according to our Charter was supposed to go to the lowest, and you are a legislative body and if there is anything different it should be coming to you so you are aware. She'd like to bring up another point, there has been two investigations done by the Town and she never heard it being authorized by this Council, again you are a legislative body and this is part of your job, if you read your charter it states that the Council can investigate so she feels some of these things need to start being addressed and we need to start going by the Charter and be very leery of adding more salaries or people on than is required.

Town Councilman Sandshaw stated that in regards to the trash at the Transfer Station, immediately after Christmas break, he was there quite early in the morning and the operator was there and was picking it up and disposing of it and he was there again, early this morning, and there was no trash in front of the Station at that time.

Mayor Festa stated (for clarification purposes) that the note left on one of the bags indicated that there was no holiday, however the person who left the refuse did not understand that by contractual requirements, the Transfer Station was closed due to the date that the Christmas and New Year's Day holiday fell on.

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Public Comment on Non-Agenda Items Cont'd.

Mr. Lorenzetti stated that it was his understanding that the Police Department were going through the bags of refuse to see if there was any indication of who left them in that location, noting that was probably the reason the bags were there longer than normal.

Mayor's Report

Mayor Festa stated that a sign had been posted on the Waterwheel Remediation Site and that the Commission had been working in that direction. He further noted that the Historic Property Commission had planned on having the concrete slabs removed in a couple of weeks time, weather permitting.

Mayor Festa stated that the Town was still moving forward on dealing with the contaminates and petroleum issues, which had infiltrated on the concrete slabs.

Mayor Festa stated that the Route 6 Streetscape Walk and Talk the Neighborhood, held in late fall/early winter, had been very productive in terms of talking with the homeowners and business owners about the right of ways and the problems that would occur once the Town moved forward with the Streetscape design work. He further stated that this very meaningful get together consisted of about 18 property and business owners.

Mayor Festa stated that the Town had an Ad Hoc Zoning Committee, which was working on the regulations and fee schedules review. He further stated that the Committee had been working very diligently and would be bringing forth information to the Town Council when they had finished with their work.

Mayor Festa stated that the Korean War Veteran's Ceremony, with former Secretary of the State Susan Bysiewicz, went very well, noting it was a very nice gathering.

On behalf of the Town of Plymouth, Mayor Festa expressed his thanks to the Board of Education for their assistance and the Food Service Department for the wonderful job they did in helping to make the ceremony for the Korean War Veterans very successful and meaningful.

Mayor Festa stated that the budget preparation process had begun relative to sitting down with Supervisors and Department Heads and discussing particular issues as to where the Town was headed with the budget for the coming fiscal year.

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Mayor's Report Cont'd.

Mayor Festa stated that the Town would be meeting with State Senator Welch and State Representative Betts to sit and discuss some of the unfunded mandates that affect our Community.

Mayor Festa stated that the Board of Education had already sent the necessary information to both gentlemen and hopefully the Town would receive some direction from them as the legislature begins to move forward with attacking the particular problems that the State was facing.

Mayor Festa stated that the remaining \$42,581.69 Small Town Economic Assistance Program (STEAP) monies would be coming back to the Town from the Water Booster Pump Station, noting the State had earmarked it for the Route 6 Streetscape Project.

Mayor Festa stated that the Greater Waterbury Cable Council was still looking to fill a vacancy and noted that anyone interested in the opening should contact the Mayor's Office.

Anthony Lorenzetti, Public Works Director, stated that because of the nature of the recyclable market in the world, the Town's regional facility, where the Town takes its recyclables to, has been able to add more materials to the acceptable recyclables list, i.e. more plastics, food/cereal boxes, egg cartons, etc., and noted that the complete listing was available on the website.

A. Lorenzetti stated that residents should not put their recyclables into big garbage pails, and old newspapers because they still have to manually collect waste. He noted this added service was at no cost to the Town.

Mayor Festa stated that the Town had been certified as a licensed Leaf Composting Facility through the State of Connecticut.

Anthony Lorenzetti stated that Pete and Steve Worchunsky had done a nice job on the Landfill Closure Project. A. Lorenzetti stated because of how it looked, the Town was able to get permitted as a Leaf Composting Facility from the State of Connecticut.

A. Lorenzetti stated that the Town residents needed to make sure that they keep grass and other fill out of the leaf composting area.

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To discuss and take action on the proposed Property Maintenance and Code Enforcement Ordinance

Town Councilman Sandshaw made a motion, seconded by Town Councilman Zagurski, to discuss and take action on the proposed Property Maintenance Code Enforcement Ordinance. This motion was approved unanimously.

Town Councilman Zagurski made a motion, seconded by Town Councilwoman Schenkel, to accept the final report of the Ad Hoc Blight Committee for the proposed Property Maintenance and Code Enforcement Ordinance. This motion was approved unanimously.

When questioned by Town Councilman Zagurski, Mayor Festa stated that after acceptance of the final report by the Town Council, the Town would post the document in its entirety in the newspaper and it would become effective 20 days from publication, thereby replacing the Property Maintenance and Code Enforcement that was presently in place.

Town Councilwoman Schenkel requested that the motion read (as shown above) without the word "blight" contained within it, noting that the Ad Hoc Blight Committee members had stated that they disliked the negative connotation that the "blight" word held.

Town Councilman Sandshaw stated that the people that would be utilizing the Ordinance indicated that they needed it to do their job and that the Town Council had wordsmithed it, beat it around and examined it long enough and felt that we should give them the document they had requested. He further stated that he wanted to see something happen with the Ordinance and did not want to see as just a piece of paper in the Ordinance Book.

Town Councilwoman Schenkel stated that she agreed with Town Councilman Sandshaw and it seemed that the next step would be to solicit volunteers and people who would develop and coordinate the actual Committee who would be the people responsible and the caretakers of this particular Ordinance.

To review and discuss well issues on Harwinton Avenue/Burr Road

Mayor Festa stated that after discussing this issue at two separate meetings, he would be sending a letter to State Senator Welch and State Representative Betts, putting them on notice about this particular problem in Town.

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To review and discuss well issues on Harwinton Avenue/Burr Road Cont'd.

Mayor Festa stated that based on what the Town had heard from the State Department of Environmental Protection (DEP) representatives, (in terms of looking at the issues before us) the Town would have to make a decision as to whether or not it moved forward with its own bonding proposal. Mayor Festa stated that this move would be for a special appropriation of money to put in a water line or look for a Special Act of the Legislature, which would entail using the State Senator and the State Representative, or going to the Office of Policy and Management (OPM) for bonding consideration.

Mayor Festa stated that the Town Council was looking to move forward and take a stand as a particular Town Council in one manner shape or form and either move forward and let the people in this particular neighborhood know that we were moving on this issue on their behalf and that we're looking to do something in terms of putting a water line in verses having them sit with filtration systems in their homes for the next twenty years, as approved by the State of Connecticut. Mayor Festa stated that he was requesting that the Town Council look at the action to be taken and come forward with some kind of motion that either moves us in the direction of looking forward to putting a water line in/or letting them know they will be sitting with filtration systems for the next twenty years.

Town Councilman Wunsch stated that he knew the systems were fine, however if it were his home he would not want a filtration system. He further stated that the Council wasn't talking about hard water or something like that; the Council was talking about chemicals that kill people and that he strongly felt that as a Town we should support putting a water line in for those residents.

Town Councilwoman Schenkel stated that she whole-heartedly agreed with Town Councilman Wunsch and that filtration systems were not a viable option for those residents. She further stated that it was not an option she would accept for her own family and she was more than willing, if it came down to it, to write letters as a group or whatever needed to be done and she would be fully supportive of it.

Town Councilwoman Schenkel stated that she hoped as a Town Council we were all in agreement that it should be bonded through the Legislature first, and then if we can't because of the economy, see if they would be willing to give the Town any kind of reimbursement (like the school) and then ultimately we would have to bond it as a Town because we did this for Fall Mountain and we need to do it for these residents, as well.

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To review and discuss well issues on Harwinton Avenue/Burr Road Cont'd.

Town Councilman Sandshaw stated that he agreed with Town Councilwoman Schenkel that this was a health and safety issue; we have to be proactive, and we can't wait for the State to make their decision. He further stated that we have to go forward to get this in the works as soon as possible and hopefully we can negotiate something with the State whereby the Town can recoup some of the money.

Town Councilman Zagurski stated that he was in favor of the water line and questioned what the direction the Town would head in, and requested clarification on the special expenditure and bonding.

Mayor Festa stated that he was hearing the consensus of the Town Council being that the Town would look at all the alternatives, and the last one would be that the Town would come up with an authorization for an expenditure if there were no monies available from the State bonding or through a Special Act of the Legislature, but ultimately that the Town Council was looking at installing a water line regardless.

Mayor Festa stated that the Council needed to keep in mind the fact that the State had previously come in and had taken care of a water line on Town Hill Road, at their own expense, and he did not see the difference between the two situations

Mayor Festa stated that, as the Council members had each pointed out earlier, the lives of the citizens in the Harwinton Avenue/Burr Road area was priceless, and you cannot put a dollar amount on something like this.

Town Councilwoman Schenkel noted that the DEP representative had stated that a Special Act of the Legislature was the fastest, least red tape, way of trying to get this done and further, that we all put in our taxes and do not get very much money in the trickle-down from the State, at least not as much as she would like to see. She further stated that the Town has to be the squeaky wheel that gets the grease.

Town Councilman Wunsch made a motion, seconded by Town Councilwoman Schenkel, to install a water line on Harwinton Avenue/Burr Road area, in place of the State's recommended water filtration systems, with the understanding that the Town would first go for an appropriation through a Special Act of the Legislature, secondly, the Town would go to OPM for bonding consideration, and lastly, the Town would go out, itself, and request a special appropriation from the Community. This motion was approved unanimously.

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To establish an Ad Hoc Committee to study the potential for a Public Works Commission

Mayor Festa noted that this item had been tabled and was being brought up again for discussion and consideration at this evenings meeting.

Cmsr. Wunsch made a motion, seconded by Cmsr. Sandshaw, to discuss and consider establishing an Ad Hoc Committee to study the potential for a Public Works Commission. This motion was approved unanimously.

Town Councilwoman Schenkel stated that she had made her point very clear at an earlier meeting and that she felt that at this point in time a Public Works Commission was not viable for the way the Charter was set up. She further stated that it was very different from the way the Police Commission was set up because the Police Commission oversees the hiring, firing and management of the Police Chief. Town Councilwoman Schenkel stated that if the Town Council were to decide that the Town needed a Public Works Commission, the Town would have to establish a Charter Revision Commission to provide the same type of management skills that were there. She further stated that the Town had a very well paid, experienced Engineer as its head of Public Works, as well as a crew to assist him. Town Councilwoman Schenkel stated that the Town has given him a great deal of leeway with management and had also installed an electronic system that assisted taking in complaints or requests for Public Works, in order to help him prioritize what needed to be done. She further stated that if the management was a problem, in order to support this, she felt the Council needed to determine if it had the right person in this position. Town Councilwoman Schenkel stated that the Town needed to solicit resumes in this economy and move forward and if Mr. Lorenzetti was the Town's best guy, that's great and then she would be fully supportive of that. She further stated that at this point in time, she did not see the point in wasting citizen's time coming to a Commission, hearing people's complaints and having no teeth to enforce Public Works to carry out any of the requests that were there.

Town Councilman Sandshaw stated the he felt the Town should have a Commission to oversee the Public Works Department, noting that it was the second largest budget in Town, after the Board of Education, and it was the Town's infrastructure. He further stated that the Town needed to have people look at what we're doing and how we are doing it and he would be in favor of it.

Town Councilman Wunsch stated that like Town Councilman Sandshaw he had very strong feelings that the Public Works Department should have an oversight board made up of Town residents, taking an interest in overseeing projects.

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To establish an Ad Hoc Committee to study the potential for a Public Works Commission Cont'd.

Town Councilman Wunsch stated that if the Ad Hoc Committee were to come back and tell the Council that it needed to adjust the Charter to fit, that the Council could investigate it. Town Councilman Wunsch stated that the Council was not making it a Commission at this point in time, and if people were willing to serve on it, he did not see why it couldn't be followed through on.

Town Councilwoman Schenkel stated she was in total agreement with Town Councilman Wunsch, she was not against establishing an exploratory committee or an Ad Hoc Committee for this issue. She further stated that the Council needed to be realistic of the fact that this type of Committee would be a very unique Committee that would require people with certain knowledge or certain skills which they would be bringing to the Committee in order to make the right decisions.

Town Councilwoman Schenkel stated that as long as we have those citizens stepping up then it would work, but it could end up with the most well meaning people who do not understand some of the needs that are needed in this Town right now. She further stated that she did not want to see citizens come forward, take the heat from the public and then more people would be discouraged from volunteering because it was a unique segment of our government.

Town Councilman Sandshaw stated that the Council was talking about establishing an Ad Hoc Committee to study the need for the Commission and he felt just opening up the communications on this subject would provide a lot of insight on exactly what the Town may or may not need.

Town Councilman Sandshaw stated that after the Committee had finished their work, they might decide that the Town did not need the Commission, but at the very least we would be having that communication and dialogue.

Town Councilman Sandshaw stated that at the present time all the Town had was a "he said, she said" rumors type thing, and that he was in favor of establishing an Ad Hoc Committee.

Town Councilman Zagurski stated that he believed a Public Works Ad Hoc Committee would be informative and at the end, the Council could make a decision on if a Commission was needed or not; and that he fully supports an Ad Hoc Committee.

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To establish an Ad Hoc Committee to study the potential for a Public Works Commission Cont'd.

Town Councilman Wunsch questioned how the Town Council would address the issues of the references and/or knowledge of people on this Committee and if the Council wanted people involved that knew construction and questioned how would the Council go about setting that up.

Town Councilman Wunsch questioned what would happen once the applications were received and would they then be refined.

Mayor Festa stated that the Council would put out the call for any applications coming forward and then review the applications relative to the background information that people presented in terms of their own jobs, careers, and/or their experiences. He further stated the next step would be to establish a pool of how many members the Council would want on the Committee and then from those applications, select the applicants.

Town Councilwoman Schenkel questioned if the pool that did come forward, although well meaning, had absolutely no experience in that area would they be automatically put on the Committee.

Mayor Festa stated that decision would be up to the Town Council to decide when they looked at the applications because they would be forming the Committee. He further stated that based on the Council's concerns, the applications would be addressed in order to look at the best qualified candidates for the position(s), especially in light of the discussions being held, the Council's concerns, and the major issues to be taken into consideration.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Wunsch, to establish an Ad Hoc Public Works Committee for the purposes of investigating whether or not the Town of Plymouth needs a Public Works Commission.

Discussion:

Mayor Festa questioned how many members the Town Council would be looking for to sit on this particular Committee, questioning the number of members at five or seven.

Town Councilwoman Schenkel stated seven or nine, because there would be people who might get sick or not be able to complete the task.

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To establish an Ad Hoc Committee to study the potential for a Public Works Commission Cont'd.

Town Councilwoman Schenkel, referencing past Charter Revision Commissions, stated the more members the better. She further stated that maybe seven with two alternates would be appropriate, noting that life happens and based on her experience at leading various commissions, etc. She further stated that when the number was lost and fell below what was approved, it could become a problem.

Town Councilman Zagurski stated he wanted to see five members with two alternates; Town Councilwoman Schenkel stated that was fine.

Town Councilman Sandshaw stated that he was in agreement with the number of members/alternates recommended by Town Councilman Zagurski.

At the request of Mayor Festa, Town Councilwoman Schenkel amended her motion to read as follows:

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Sandshaw, to establish an Ad Hoc Public Works Committee for the study of the potential Public Works Commission with a membership to go no lower than five members and with the potential of two or more alternates. This motion was approved unanimously.

To remove from table to discuss and take action on fee schedule as presented by Plymouth Fire Marshal's Office

Mayor Festa requested this agenda item remain tabled, as there were no representatives present from the Fire Marshal's Office to discuss the issue concerning the fee schedule

To approve ING Specimen Adoption Agreement for 457(b) Deferred Compensation Plan for government employees

Mayor Festa stated that the Director of Finance, David Bertnagel, had been detained this evening at another meeting and therefore requested a motion to table this agenda item.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Sandshaw, to table the agenda item to approve ING Specimen Adoption Agreement for 457(b) Deferred Compensation Plan for government employees. This motion was approved unanimously.

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To enter into Executive Session to discuss the following:

**Real Estate Transactions
Contract Negotiations with various AFSCME Locals**

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Wunsch, to enter into Executive Session at 7:00 p.m., to discuss the following: Real Estate Transactions and Contract Negotiations with various AFSCME Locals. This motion was approved unanimously.

Present for the Executive Session were Mayor Festa, Town Councilman Sandshaw, Town Councilwoman Schenkel, Town Councilman Wunsch, and Town Councilman Zagurski.

Mayor Festa called the Town Council back into the regular session at 8:03 p.m.

To take action, as may be necessary, from Executive Session

Mayor Festa stated that there was no action to be taken as a result of the Executive Session.

Liaison Reports

Town Councilman Zagurski stated that he had been unable to attend the Board of Education meeting because he had attended the Economic Development Commission, concerning the Route 6 Streetscape.

Town Councilman Zagurski stated that he missed the Library Board Meeting.

Town Councilman Zagurski stated that he had attended the Planning and Zoning Commission meeting and noted that they continued to have an interesting situation on South Street, and he felt it would continue for a while, noting they were handling the situation well.

Town Councilwoman Schenkel apologized and stated that she had nothing to report on this evening.

Town Councilman Wunsch stated the Fire Marshal had been reinstated.

Town Councilman Wunsch stated that the Radio Tower at the Fire Department Headquarters had blown down, due to recent stormy weather and had been removed.

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Liaison Reports Cont'd.

Town Councilman Wunsch stated that he had been unable to attend the Early Childhood Council Meeting,

Town Councilman Wunsch stated that he had been unable to attend the Housing Board Meeting.

Town Councilman Wunsch stated that the School Building Committee Meeting had been cancelled.

Town Councilman Wunsch stated that the Public Works Department would begin Christmas Tree pick-up next week.

Town Councilman Wunsch stated that 20 percent of the Town's salt supply had been used for the last storm.

Town Councilman Wunsch stated that the draft for the Road Program had been reviewed.

Town Councilman Wunsch stated that the bids for the South Main Street corner opening would be held at the State on Wednesday, January 5, 2011.

Town Councilman Wunsch stated that the Public Works Department was working on the Energy Program.

Town Councilman Sandshaw stated that he had been unable to attend the Zoning Board of Appeals Meeting.

Town Councilman Sandshaw stated that the Park and Recreation Department did not hold a December meeting.

Town Councilman Sandshaw stated that one of the Conservation Inland/Wetlands Commission meetings had been cancelled.

Town Councilman Sandshaw stated that the Conservation Inland/Wetlands Commission had approved an application to remove some trees and brush around the condominiums adjacent to Lake Winfield.

Town Councilman Sandshaw stated there were other applicants who were going through the Inland/Wetlands application process.

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Liaison Reports Cont'd.

Town Councilman Sandshaw stated that the Economic Development Commission had talked about the Route 6 Streetscape and the Waterwheel Project.

Town Councilman Sandshaw stated that there was a lively discussion at the Economic Development Commission concerning the electrical issues at the Industrial Park.

Town Councilman Sandshaw stated that the Conservation Inland/Wetlands Commission had been discussing general things, such as people wanted to cut down trees, etc.

Town Councilman Sandshaw stated that the Economic Development Commission had held a Route 6 Streetscape Walk and noted that it had gone very well.

Town Councilman Sandshaw stated that the Economic Development Commission would be holding a formal public presentation to show what the Streetscape would look like, as well as discussing the removal of the slabs at the Waterwheel site, at their December 8, 2010, regular meeting.

Town Councilman Sandshaw stated that some of the Commissioners were unhappy with the Town's involvement to resolve electrical issues in the Industrial Park and were holding the utility company's feet to the fire until they get it accomplished.

Public Comments

Melanie Church, 328 Main Street, Terryville, stated that she believed part of this evenings meeting was illegal because it was not listed as a Special Meeting and all Town Council Meetings start at 7:00 p.m. and she knows people came in at 7:00 p.m. and the Town Council was already in Executive Session and that's the way they're posted and they're listed up in the Town Clerk's Office.

M. Church stated she had another point and was glad that Town Councilman Sandshaw had reminded her on the Industrial Park. M. Church stated that we really have a safety issue up there, there's 23 lights out and she invited each and every Town Council person to take a ride up through there, noting it was dark. M. Church stated that if anybody slides off that road, even a cruiser patrolling, it was not clear enough to be able to see, someone could lay there dead or injured because you can't see.

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Liaison Reports Cont'd.

M. Church stated that she had complained and brought her other issue to the Police Commission in September and again at Economic Development and they had directed that Khara and the Mayor send something to the Department of Public Utilities (DPUC) to let them know that this is an ongoing problem and it is dangerous. M. Church stated that Jim Murdock who sits there and is willing to meet with DPUC and all he asked was a courtesy call because he hadn't gotten any from anyone since he's been complaining about it so she guesses this has been going on much longer. But, times are tough now you don't know what could happen and she felt it was a major safety issue and like she said earlier she is encouraging everyone go take a ride up there, even tonight, and take a ride through the Industrial Park and see how black it is, it's a danger and that's a public road, not just a road like a driveway, but it's one of our roads. M. Church stated that for instance she thought it was about two years ago an officer drove off there; this is a danger and it's something that really needs to be addressed and looked at.

Council Comments

Town Councilwoman Schenkel stated that she didn't have much of an audience at the last Town Council Meeting but she wanted to again, publically thank the Terryville and Plymouth Fire Departments for coming out to their chimney fire. She further noted that they did a great job and saved their house and she just wanted to commend them again for their efforts.

Adjournment

There being no further business of the Plymouth Town Council, Town Councilman Sandshaw made a motion, seconded by Town Councilman Zagurski, to adjourn at 8:11 p.m. This motion was approved unanimously.

Respectfully submitted,

Acting Recording Secretary