

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

June 7, 2011

Call to Order: Mayor Vincent Festa, Jr., called the June 7, 2011, Plymouth Town Council Meeting to order at 7:00 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 present was Town Attorney Salvatore Vitrano.

Mayor Festa noted for the record that Town Councilman Sekorski was not in attendance.

Fire Exits Notification

Mayor Festa made note of the Fire Exits for the Town Council and the Public Audience.

Pledge of Allegiance

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

Acceptance of Minutes of Town Council, Special Meeting April 12, 2011; Regular Meeting, May 3, 2011

Town Councilman Wunsch made a motion, seconded by Town Councilwoman Schenkel, to accept the April 12, 2011, Plymouth Town Council Special Minutes as presented. This motion was approved unanimously.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Wunsch, to accept the May 3, 2011, Town Council Regular Minutes as presented. This motion was approved unanimously.

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Council Rules and Procedures

To discuss and consider action on amending Council Rules and Procedures to include disruptions to civility during meetings

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Wunsch, to discuss options that she would like to suggest to amend the Council Rules and Procedures. This motion was approved unanimously.

Town Councilwoman Schenkel stated that she had done some research and noted that the Town of Thomaston limits each speaker to two opportunities at the microphone, per agenda item and felt that made sense. She further noted that sometimes we tend have the same person come up multiple times and what ends up happening is that it sounds like a debate. Town Councilwoman Schenkel stated that additionally, she would like all speakers to only address the Council, not the audience. She further stated that in their ability to address the Council, they would use propriety and civility and that they would use no false statements and no accusatory statements. Town Councilwoman Schenkel stated that she there should not be any audible sounds, or side conversations, and that spectators should refrain from that simply because we must record these meetings and it does pick up and it forces us to be distracted and not focus on what the speaker is saying, so they can go out in the hallway and then come back in. Town Councilwoman Schenkel stated that if these requests were not adhered or honored then the speaker should get one warning, reminding them of the rules and if they ignore that, then they would be asked to please leave the meeting.

Town Councilman Wunsch stated that we all have to work harder to be civil.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Sandshaw, to amend the Council Rules and Procedures in regards to disruptions during the Town Council meetings to read that each speaker should be limited to at least two comments at the podium per agenda item, the speaker should only address the Town Council and no one in the audience, that all spectators should refrain from side conversations and audible sounds so that we may get a true record on the tape and that if any person continues to not adhere with these rules they would be allowed one warning addressing the issue and if they continue, they would be politely asked to leave the meeting. This motion was approved unanimously.

Pattie DeHuff, 20 Lynn Avenue, Terryville, stated that she would strongly urge the Council to vote against this particular motion noting that what they were doing was sending a signal that they were not interested in freedom of speech in this Town.

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Council Rules and Procedures Cont'd.

Pattie DeHuff stated that she believed this would be a violation of the Town Charter, in which case the Council would have to amend the Charter. Pattie DeHuff read Chapter III, Section three of the Plymouth Charter (page 10) into the record.

Pattie DeHuff requested clarification regarding the statement presented this evening about two comments, asking if the Council was referring to two sentences, or to two times when a person gets up within one particular agenda item to speak.

Pattie DeHuff questioned if the Council really wanted to send that message to this Town, that the voices of the people that you represent....

Town Councilwoman Schenkel instructed Mrs. DeHuff not to point her finger at her.

Mayor Festa called for Point of Order, requesting everyone stay to the issue.

Pattie DeHuff questioned if the Council really wanted to send a message to the people that they represent that they don't really want to hear what they have to say.

Town Councilwoman Schenkel stated that Mrs. DeHuff's outburst was exactly what she was talking about.

Town Councilwoman Schenkel stated that the Council wanted to limit people who like to get up and grandstand and continue to say the same message over and over again and to encourage other people to participate in the meetings beside just Mrs. DeHuff.

Town Councilwoman Schenkel stated that she wanted to send the message that two times at a podium, per agenda item, should be more than sufficient, noting that the Council was not limiting the time that a person could make their comment, a person could make their comment, sit down and come back and make another comment and that it should be more than enough time to adequately get across their thoughts.

Town Councilwoman Schenkel stated that she also had been a Chairman of the Charter Revision Commission and that this was an open meeting, that the Council was not violating the Charter and that they were allowing public comment on every single agenda item.

Pattie DeHuff stated that it was clear to her that the Council wanted to limit free speech in the Town of Plymouth.

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Council Rules and Procedures Cont'd.

Town Councilwoman Schenkel stated that the Council was not limiting free speech.

Mayor Festa stated that a motion was needed to amend this evening's agenda to add the following items:

To move the Agenda to untable the acceptance of the March 29, 2011, Town Council Meeting Minutes for the purpose of correcting a flaw that Town Councilman Sandshaw had found in the minutes.

Town Councilman Wunsch made a motion, seconded by Town Councilwoman Schenkel, to untable the acceptance of the March 29, 2011, Town Council Meeting Minutes for the purpose of correcting a flaw that Town Councilman Sandshaw had found in the minutes. This motion was approved unanimously.

To move the Agenda to add a new Agenda Item 14 to read as follows: To review and/or discuss CoAction IQ Electricity Program and authorize the Mayor to execute said program for calendar year 2012/2013.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Wunsch, to add a new Agenda Item #14 to review and/or discuss CoAction IQ Electricity Program and authorize the Mayor to execute said program for calendar year 2012/2013. This motion was approved unanimously.

To move the Agenda to renumber the following Agenda Items: Agenda Item No. 14 becomes #15, Agenda Item #15 becomes #16, Agenda Item #16 becomes #17, Agenda Item #17 becomes #18, Agenda Item #18 becomes Item #19, and Agenda Item #19 becomes Item #20.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Wunsch, to renumber the following Agenda Items: Agenda Item No. 14 becomes #15, Agenda Item #15 becomes #16, Agenda Item #16 becomes #17, Agenda Item #17 becomes #18, Agenda Item #18 becomes Item #19, and Agenda Item #19 becomes Item #20. This motion was approved unanimously.

The Acting Recording Secretary read the following statement into the record from the March 29, 2011, Town Council tabled minutes: Town Councilman Sandshaw questioned the Diesel Exhaust Systems for the Fire Houses and spending the \$250,000, noting that it was a needed thing, but down the road three or four years the Town would be building the Fire Houses.

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Council Rules and Procedures Cont'd.

The Acting Recording Secretary stated that Town Councilman Sandshaw had requested that the recording tape from the March 29, 2011, Town Council meeting be listened to, noting that he did not believe he was the Councilperson who made the statement. It was noted for the record that the tape had been reviewed and that it was Town Councilman Zagurski who had made the statement.

Town Councilman Sandshaw made a motion, seconded by Town Councilwoman Schenkel, to accept the March 29, 2011, Town Council Meeting Minutes, as corrected. This motion was approved unanimously.

Public Comment on Non-Agenda Items

No report.

Mayor's Report-Correspondence/Discussion on various items: Joint Meeting-Economic Development Commission/Historic Property Commission/Waterwheel Project; CCRPA-Grant Application-Trails/Bike Ways, Beautification Commission Goals; Cost/Legislative Meeting; Fire House Roof Bids; Information Tech, Request Proposals; Neighborhood Assistance Act Reminder, Chris Hoebel has been appointed Interim Chief of Plymouth Volunteer Ambulance Corps until June 30, 2011; DCS Energy Solar Program

Mayor Festa stated that a joint meeting of the Economic Development Commission and the Historic Property Commission had been held to discuss the Waterwheel Project. He further stated that he had good news to report, noting that a donation had been made to provide free labor for the roof replacement of the Waterwheel, and that a possibility existed that the shingles might be donated, as well. Mayor Festa stated this was a good sign that the project was moving forward.

Mayor Festa stated that the Town was in the process of working on the Central Connecticut Regional Planning Agency (CCRPA) Grant for Trails and Bike Ways. He further stated that the outcome was not known (as of today's date), but that hopefully, the Town would get something in the way of financial assistance for natural resources in Town.

Mayor Festa stated that the Beautification Committee goals and objectives were being met, noting that the Committee had completed their Main Street Sweep, and had planted their Main Street flowerpots. Mayor Festa stated that the Committee was looking to coordinate their efforts with the Plymouth Garden Club for the purpose of cleaning up and planting more flowers throughout the Town.

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Mayor's Report Cont'd.

Mayor Festa thanked the Garden Club for their efforts and stated that he wanted to particularly thank Garden Club members Hildie Siemiatoski and John Pajeski for planting flowers (this past week) in front of the Town Hall sign on Main Street.

Mayor Festa stated that he had attended a Connecticut Council of Small Towns (COST) meeting two weeks past at the Legislative Office in Hartford. He further stated that State Legislatures Jason Welch and Whit Betts, who had had been in attendance, were lending assistance in helping the Town of Plymouth move forward with unfunded mandated issues. Mayor Festa stated that he had the State Budget Report and would make it available to anyone interested in reviewing the report.

Mayor Festa stated that the Fire House Roof Project and the Information Technology Request for Proposals had both gone out for bid.

Mayor Festa stated that any applications for the Neighborhood Assistance Act had to be submitted within the next 30 days, for anyone interested in doing some work on nonprofit projects or projects within the neighborhood, school, playground etc. He further stated that the Act would provide tax credits to individuals and businesses that provide assistance to those types of programs.

Mayor Festa stated that Chris Hoebel had been appointed as the Interim Chief of the Plymouth Volunteer Ambulance Corps until June 30, 2011, at which time a permanent Director should be appointed.

Mayor Festa stated that he had previously provided the Council with some DCS Energy Solar Program information, noting that the free project was for a five-year period of time (60 months) and that the panels would be set up on pre-approved rooftops (a listing with a number of buildings had been submitted) in Town. He further stated that DCS Energy would receive the credits on the energy consumption use, however after the five years had passed the Town would own the panels, free and clear. Mayor Festa stated that this was a State-wide program and that different communities were also implementing the program. Mayor Festa stated that the project could be discussed at next month's regular meeting of the Town Council.

Appointments/Resignations

Town Councilman Sandshaw made a motion, seconded by Town Councilman Zagurski, to appoint Carol Rivard to the Beautification Committee, with an indefinite term. This motion was approved unanimously.

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Appointments/Resignations Cont'd.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Wunsch, to accept, with regret, Keith Golnik's resignation as Maintenance Worker at St. Matthew and Allentown Cemeteries. This motion was approved unanimously.

When questioned by Town Councilman Sandshaw, Mayor Festa stated that the open position would be posted for anyone interested in applying.

Mayor Festa stated that Keith had done a marvelous job in his tenure and should be commended for his work in taking care of the artifacts in one of the oldest cemeteries (Allentown Cemetery) in the Community. He further stated that Keith's resignation would be a loss for the Town, and thanked him for his work on behalf of the Town.

To review/discuss update on the Town-wide Energy Audit

Mayor Festa stated that Town Councilman Sandshaw had provided a handout for this evening's meeting concerning the Town-wide Energy Audit.

Anthony Lorenzetti, Public Works Director, recapped the information for the Energy Audit noting that it had been a part of the Block Grant Money. He further stated a Consultant had been retained through a selection process and that the information distributed this evening covered the program and the energy audit in detail. A. Lorenzetti stated that the packet (see attachment) also covered the breakdown costs and the grant and loan monies available. A. Lorenzetti stated that the material explained the overall recommended program (improvements) for the Town and that the Comprehensive Energy Conservation Measure (ECM) Summary was one of the best pieces of information in the packet to review. A. Lorenzetti reviewed the report in detail.

Town Councilman Sandshaw stated that reviewing the Comprehensive Energy Conservation Measure (ECM) Summary and the Executive Summaries would provide a better understanding of what was available to the Town for a grand total of \$282,000.00. He further stated that the project would be self-sustaining if all the municipal buildings were done in town over a period of 4.1 years, noting that the option existed to just do the Town Hall. Town Councilman Sandshaw stated that out of all the municipal buildings in Town, the Town Hall was the biggest energy user, and noted that there would be a revenue coming into the Town with a payback of 2.1 years. Town Councilman Sandshaw stated that reviewing the spreadsheets from A. Lorenzetti and reading the executive summaries would provide a good idea of what this program was all about.

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To review/discuss update on the Town-wide Energy Audit

Town Councilman Sandshaw thanked A. Lorenzetti for his valuable input and stated that he had requested A. Lorenzetti be present this evening to provide a good overview of what this project was about.

Town Councilman Sandshaw stated that the CL&P and Yankee Gas were willing to come out and speak to the Council about the grant programs available to the Town for this project. He further stated that this program could be discussed at the next regular Town Council Meeting and then it could move forward to a Public Hearing.

Town Councilwoman Schenkel stated that the Town had talked in the past about looking for the lowest energy costs (kilowatt hours) and that talk had also taken place concerning involvement with consortiums, etc., and that this project was very forward thinking for the Town.

Town Councilwoman Schenkel stated that the Town would now be able to address the continual bleeding arteries and properly invest the monies within the Town buildings and maintain them.

Town Councilman Wunsch (referencing the spreadsheets) questioned why the Fall Mountain Fire House had 19 years (verses the six years of the other fire houses) for the return years on the interior/exterior building lighting.

Anthony Lorenzetti stated that the reason for the high number was partially based upon electrical usage.

Town Councilman Sandshaw made a motion, seconded by Town Councilwoman Schenkel, to table Agenda Item to Review/Discuss Update on the Town-Wide Energy Audit until the next scheduled regular meeting of the Town Council. This motion was approved unanimously.

To review, discuss the Connecticut Department of Public Health's report on the Evaluation of private well sampling data

Mayor Festa stated that he had included copies (see attachment) of the final version of the Plymouth Private Well Contamination Health Consultation Report in the Council packets for this evenings meeting.

Town Councilman Sandshaw stated that after reviewing the report, he found it interesting that some of the residents had been exposed to the contaminated water for over six years, noting that he had been unaware of that information.

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To review/discuss CT DEP Health Report Cont'd.

Mayor Festa noted that the report had stated that long term exposure could have an effect on the human skin, however several meetings back the Council had been told by the State that there should not be a concern regarding this particular issue. Mayor Festa stated that the report was an eye opener relative to the issue these residents have had to contend with and that hopefully, the Town would approve the Bonding Proposal to bring the waterline to the area. He further noted that the Town was still working at the State level with State Representative Betts and State Senator Welch's offices, as well as some additional support from surrounding State Representative Betty Boukus, to try to move forward with the issue at the State level through the State Bonding Commission.

Town Councilwoman Schenkel stated that she found it interesting that all of the report conclusions concerning the chemicals listed and the tested blood levels, end with the recommendation of getting the residents fresh water as soon as possible. She further stated that this report confirms that the Town was heading down the right road with the Bonding Referendum.

Town Councilman Sandshaw stated that this report reinforces his feelings that the Town needs to install the waterline for the residents in question.

Town Councilman Sandshaw made a motion, seconded by Town Councilwoman Schenkel, to accept the report as presented. This motion was approved unanimously.

To approve/authorize the Mayor to execute E-Waste Collection Agreement

At the request of Mayor Festa, Anthony Lorenzetti came forward to explain the process at length and in detail.

Anthony Lorenzetti stated that for two years the State of Connecticut had been working on developing a State-wide E-Waste Program for Municipalities and that currently, the Town's Transfer Station does have segregated e-waste at a cost to the Town. He further noted that the State had come out with a list of six approved vendors (see attachment).

A. Lorenzetti stated that the Town had spoken to some of the vendors (and other towns) and that at this point in time, he wanted to get a contract signed so that the Town could get reimbursed for its expenses. He further noted that it would be very similar to what the Town presently has at the Transfer Station.

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To approve/authorize Mayor to execute E-Waste Collection Agreement Cont'd.

When questioned by Town Councilman Sandshaw, A. Lorenzetti stated that the Town had to select one of the companies listed and that the facilities shown were places where the e-waste would be brought. He further noted that the selected company would provide the necessary containers to the Town for the Transfer Station.

When questioned by Town Councilwoman Schenkel, A. Lorenzetti stated that language could be put into the contract concerning the second year termination, however the language in the present contract was standard.

Town Attorney Salvatore Vitrano stated that the language was acceptable as provided.

When questioned by Town Councilman Wunsch, Anthony Lorenzetti stated that the program had not been set up to handle schools, condos, etc., only residential waste and read the Statute into the record, explaining what the due process was of the program and what it was capable of covering.

When questioned by Town Councilwoman Schenkel, Anthony Lorenzetti stated that the program would provide containers, such as we do now at the Transfer Station and that they would segregate at no extra cost. He further stated that any resident could go to the Transfer Station to get rid of their e-waste, and that the current residential vehicle sticker process helps to keep commercial vehicles from sneaking in and dumping.

When questioned by Town Councilman Zagurski, Anthony Lorenzetti stated we would be paying for tonnage for the e-waste, as we presently do now.

Town Councilman Wunsch made a motion, seconded by Town Councilman Sandshaw, to authorize the Mayor to enter into and execute the E-Waste Collection Agreement as presented. This motion was approved unanimously.

To enter into Executive Session for Real Estate transactions

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Sandshaw, to move into Executive Session for Real Estate transactions, with the Town Attorney present, at 7:42 p.m. This motion was approved unanimously.

Mayor Festa called the Town Council Meeting back into regular session at 8:11 p.m.

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

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Sandshaw, to ask Attorney Alfred Morrocco, Bristol, CT, and company to come forward with a presentation. This motion was approved unanimously.

Alfred Morrocco, 200 Summer Street, Bristol, CT, Robert Cohen, 580 Broad Street, Bristol, CT and Dan Marrone, 546 Hill Street Bristol, CT, introduced themselves to the Council and Public Audience.

A. Morrocco reviewed their request for proposal (RFP) for the Main Street School, noting that the process had begun for them in the autumn of 2010. He further stated that they had their Architect look at the preliminary sketches and when contacted by the Town of Plymouth's Town Attorney, Salvatore Vitrano, they submitted more details, as well as a financial letter of responsibility. A. Morrocco stated that they had examined the buildings in great detail, as well as the remaining parcel of land totaling approximately nine acres, and their proposal was for two additional buildings. A. Morrocco stated that they had expanded their proposal details by having their Architect show a better layout of the property and provided an artist rendering. He further stated that it was their intent to purchase the property and renovate (gut and modernize) the two existing buildings and add a third floor and elevator to make it ADA (American Disability Act) compliant. A. Morrocco stated that a second floor would be added above the Board of Education portion and that they would be adding an entrance in the front, a stone façade on the third floor and a pitched roof. A. Morrocco stated that they wanted to have 55 and older housing, one-bedroom units, above the Board of Education portion of the building. He further stated that they wanted to have a medical facility building (i.e. blood drawing clinic, possibly an eye or Ophthalmologist office, etc.), which would not only service the tenants, but would be open to the entire Community. A. Morrocco stated that they were proposing a second and third building for a pharmacy and a supermarket and noted that all of the buildings would blend in and that they were willing to change the façade according the Town's requirements. He further stated that the Site Plan was for a stand-alone pharmacy and a stand-alone supermarket. A. Morrocco state that if the Town was willing to sell the property, that they would like to change the zoning in the back from residential to commercial, make two entrances, one from Route 6 and one from Route 72. He further stated that the Board of Education would have the opportunity to relocate, that their project would not be done overnight, and that this portion of their idea would take at least six months.

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To take action, as may be necessary, from Executive Session Cont'd.

A. Morrocco stated that they had previously sat down with the Mayor and had made the same presentation, noting that the only contingency that they had was for the zoning change and they would require the ball-field property for the supermarket and pharmacy which would complement the property.

Robert Cohen stated that they had looked at the original site study and felt that the building could be enhanced to blend into the neighborhood and would be pleasing to the Town.

Robert Cohen stated that they would be concerned with the size of the buildings and the conformance of the parking areas, noting that they would have to meet the zoning requirements. He further stated that they were concerned about the buffers for the neighborhoods and noted that there would be a two-level slope to Route 72 that would have two entrances, noting that they could address this issue at a later date. Robert Cohen stated that there were three streets that come into the property (residential neighborhood) and realized that the streets would have to be open to the Fire Department for health and safety reasons. He further stated that if the neighborhood decided that they wanted the road left open, they would accommodate them and that they were very flexible with their plans.

Robert Cohen stated that they were concerned about the neighbors and wanted to make sure that there would be sufficient landscaping between the residential and commercial portion, subject to the Zoning Planning Board terms. He further noted that they had submitted their bid, which was higher than the original appraisals and would be taking the building as is. He further stated that they would rehab it to make it conform to the building codes and do whatever it took to remediate the property. Robert Cohen stated that they had a mortgage company and an approved partner, however everything would depend on what the Town wanted, but they believed that the Town would be happy with the final layout, noting that it would contribute to the tax base in Town.

When questioned by Town Councilman Wunsch, A. Morrocco stated that he did not have commitment from the two national chains he had contacted because everything depended on when they get the site; the companies would not come out until that time.

Robert Cohen stated that they would begin their rehab as soon as the Town moved their offices out of the building. He further stated that they were willing to do something for the Board of Education and the Fire Marshal's Office (i.e., lease-back) until the Town was able to move them out, noting again that they were very flexible.

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To take action, as may be necessary, from Executive Session Cont'd.

Town Councilwoman Schenkel questioned if the mortgage company was committed to all three building projects, or just the senior center.

Robert Cohen stated that the mortgage company had financed them in the past on other projects and had expressed interest in these projects, as well.

When questioned by Town Councilwoman Schenkel, Robert Cohen stated that if their contingencies were met, that being the zoning change and the procurement of the ball field, they were flexible to start the housing, and that would be dependent on what the Town wanted to with the Board of Education and the Fire Marshal's Office.

Town Councilwoman Schenkel stated that she was concerned about their/any project dragging on and wanted to know what the time frame was and when they thought the project would come to fruition, assuming they received their zoning change approval.

Robert Cohen stated that they could not afford to tear the building apart and then not develop it as soon as possible. He further stated that they could not get solid commitment on the cost of the projects without the approval to purchase the building. He further stated that the initial purchase could be done right away, they only needed to know the perimeters of what the Town wanted, and that they would then approach the potential companies immediately and make application right away.

Town Councilman Wunsch stated that there was heavy traffic in and out of Main Street and Route 72, and noted that the grade was steep down to 72. He further stated that the road was not straight and questioned if the Department of Transportation (DOT) would allow their idea.

Alfred Morrocco stated that they had already contacted two of the concerns adjacent to the property to see if they could purchase their property and have a third outlet or abandon the Route 72 idea and just have the two, noting they could not commit without a contract.

Mayor Festa stated that Leslie, George and Joseph Street would be residential concerns and would need to be seriously looked at through a walk and drive through of the neighborhood. He further stated that the flow of traffic onto Main Street and the loss of the ball field/recreational component would also need to be considered.

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To take action, as may be necessary, from Executive Session Cont'd.

Mayor Festa stated that he felt everyone was having difficulty with the idea of the cut out onto Route 72, noting it was so dangerous now relative to the curves in the area and that it was hard to envision an entrance or an exit coming out onto Route 72. He further stated that those were key components for an understanding of what would happen with the development of the land and would need to be examined as a total picture.

Mayor Festa stated that he was not sure the State would allow the entrance/exit idea.

Robert Cohen stated that their Architect did look at the drawings and had noted that it would require sound engineering, as well as a survey first and that it may not be just a cut in and out. He further stated that it would require a significant amount of money to be spent and that they would need to do that for the zone change and the DOT required traffic study. R. Cohen stated again that if the property did not come with the ball field, it would be a deal breaker.

Robert Cohen stated that Mr. Morrocco had grown up on one of the aforementioned streets and that they all wanted to shield the neighbors as much as they wanted to be shielded and would create the fire gates, as well.

Robert Cohen stated that they would definitely sit down and talk to all of the neighbors and did not want to make enemies. He further stated that they felt the Fire Department would want the area opened for the health, safety and welfare of the residents.

Melanie Church, 328 Main Street, Terryville, stated that her mother-in-law lived at 11 George Street and noted that in 1956 there was a cul-de-sac at the end of the street and then the Town gave the land to the school, but the cul de sac was always opened up until 2 years ago. She further stated that the cul-de-sac needed to stay because it was not a two-lane road and they need to have the turn around for everyone on the street.

Melanie Church stated that it was hard for her mother-in-law to get around to attend a meeting and offered her mother-in-law's telephone number and also stated that she could provide everybody's number on the street. Melanie Church stated that Joseph Street was actually a road that went to the side of Main Street and that it was blocked off because it was a school, but could always be opened.

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To take action, as may be necessary, from Executive Session Cont'd.

Mayor Festa thanked Alfred Morrocco, Robert Cohen, and Dan Marrone for their presentation.

To review and/or discuss CoAction IQ Electricity Program and authorize the Mayor to execute said program for calendar year 2012/2013

Dave Zukauskas, 100 Heather Lane, Terryville, thanked the Mayor and the Town Council for inviting him to speak at their meeting. Dave Zukauskas stated that CoAction IQ were Energy Consultants with over 40 years of experience. Dave Zukauskas stated that CoAction IQ had been working with the Board of Education for the past year to present.

Dave Zukauskas stated that CoAction IQ had been able to save the Board of Education 19% on their energy cost and 17.5 % in 2011 to date, noting that Board of Education Business Manager Michael Santogatta was very pleased with the energy savings provided by CoAction IQ in a short period of time.

Philip Nap, Business Development Representative, CoAction IQ, thanked the Mayor, the Town Council and Dave Zukauskas for inviting him to this evening's Town Council Meeting.

Philip Nap stated that CoAction IQ was an Energy Consultant Company that targets hospitals, universities and municipalities. He further stated that their whole objective was to save money on energy spending. Philip Nap stated that through Dave Zukauskas' efforts, CoAction IQ already had a track record saving money on the actual per kilowatt-hour cost with the Town through the Plymouth Board of Education. Philip Nap gave a brief overview of what CoAction IQ had done for the Board of Education, noting that for the 2010 Fiscal Year, CoAction IQ had saved the Board of Education \$35,000.00 per year which equated to a 19 percent energy cost reduction. He further stated that based on the actual usage for 2010, and energy rates being as low as they probably would go down, the energy cost savings for 2011 would a 17.5 percent reduction. Philip Nap stated that if the Town were to implement energy conversation, it would reduce their energy savings that much more. Philip Nap stated that his purpose for attending this evening's meeting was to get the Town Council's approval so that his company could move forward on the bid process on behalf of the Town.

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To review and/or discuss CoAction IQ Electricity Program and authorize the Mayor to execute said program for calendar year 2012/2013 Cont'd.

Philip Nap stated that CoAction IQ only worked with licensed Connecticut suppliers, and that they would take the Town's load to market, get the results from the supplier, give their recommendation to the Town for the final decision, and then sign the contract. Philip Nap stated that CoAction IQ does not have consulting fees, noting that the Supplier pays them.

Anthony Lorenzetti briefly explained the current process of the Town's electricity supplier, Direct Energy, noting that their two-year contract had gone through a consortium with Connecticut Council of Governments in Hartford. He further stated that CoAction IQ had come up with a better financial deal.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Wunsch, to authorize the Mayor to execute an Electricity Program with CoAction IQ for the calendar year 2012/2013. This motion was approved unanimously.

To discuss the following year-end reports with the Director of Finance-D. Bertnagel

- **Financial Overview for Fiscal Year 2010-2011**
- **Approval of Special Appropriation for Snow Removal/FEMA Grant**
- **Suspense Listing for Fiscal Year 2010-2011**

David Bertnagel stated that the Suspense Listing for Fiscal Year 2010-2011 was a listing provided by the Tax Collector (on a yearly basis) after all the Town Accounts covering motor vehicle and personal property had been and determined that their whereabouts was unknown, bankruptcies were in effect, or the person was deceased. He further stated that those conditions suspend the account(s) from the total collectables outstanding at the end up the year. David Bertnagel stated that this year's total for the Suspense Listing was \$64,606.47, noting that it was a year-end requirement for the closing process.

When questioned by Town Councilwoman Schenkel, David Bertnagel stated that the 2010 LexisNexis software program has been a very valuable tool in locating many of the missing people listed and the Town was only suspending the account for the present time, not removing them. He further stated that the listing amounts were

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on the decrease, noting that in 2009 the total amount was over \$80,000.00 and in 2010 the total amount had come in at approximately \$79,000.00.

To discuss the following year-end reports with the Director of Finance-D. Bertnagel

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Wunsch, to accept the Director of Finance's Report for the Suspense Listing for Fiscal Year 2010-2011, as presented. This motion was approved unanimously.

David Bertnagel stated that he would like the Town Council to approve an additional Appropriation for the Snow Removal budget because of this past winter's numerous snowstorms. He further stated that the Town had submitted a couple of the incidents to the Federal Government (FEMA), due what was considered record snowfalls in a short period of time. David Bertnagel stated that the January 10-12, 2011, snow event had been approved, and that the Town had incurred \$77,000.00 worth of expenditures during that time period.

David Bertnagel stated that the Public Works Department had submitted the final reimbursement package to FEMA and that subsequently, had received approval for 75% reimbursement of that Grant which totaled \$77,000.00.

David Bertnagel stated that the Snow Account was the overages in the attached report, which he reviewed item by item. David Bertnagel stated that the snow accounts were the overages in the attached report, which David Bertnagel reviewed item by item. As a result of the overages, David Bertnagel stated that they were looking for an appropriation in the amount of \$42,430.00 for the Snow Appropriation Account in the Public Works budget.

When questioned by Town Councilman Zagurski, David Bertnagel stated that the Contract Services Account was for services outsourced for the Board of Education to plow their various parking lots, noting that the item used to be in the Board of Education's budget.

When questioned by Town Councilman Sandshaw, David Bertnagel stated that the \$42,000.00 would go back into the Public Work's Snow Budget line item for this year's current budget, ending June 30, 2011.

Melanie Church, 328 Main Street, Terryville, questioned if the amount was for \$72,000.00 and you are taking \$42,000.00, what was happening with the other \$30,000.00.

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David Bertnagel stated that the additional revenues (\$30,000.00) would come into revenue (if the Town received the full amount) and would go into the General Fund.

To discuss the following year-end reports with the Director of Finance-D. Bertnagel Cont'd.

Town Council Wunsch made a motion, seconded by Town Councilman Sandshaw to accept David Bertnagel's report for the Approval of Special Appropriation for Snow Removal. This motion was approved unanimously.

David Bertnagel presented (see attachment) the Financial Overview for the Fiscal Year 2010-2011, for review. David Bertnagel stated that the report was for the period ending May 31, 2011, and was entitled General Fund Proforma Statement and noted that this was the adopted budget approved at Referendum last year.

David Bertnagel briefly discussed the Departments that would be over this year, the first being the Human Resource Department, noting that it would have a salary overage of approximately \$8,000.00. David Bertnagel stated he and the Mayor's Office was monitoring this item and that it would have to be covered when he does the year-end transfers.

David Bertnagel stated that the second item of significance was the Legal Services line item and that presently the item was \$78,000.00 over budget due to several legal issues that the Town had incurred during this past fiscal year.

David Bertnagel stated that the next item to be reviewed was the Heart and Hypertension \$26,799.00, which had been reviewed and approved at a Special Town Meeting.

David Bertnagel stated that the next item was the \$36,000.00 Snow Removal line item and that he had previously covered this item.

David Bertnagel stated that other Public Buildings covered heating repairs at the Prospect Street School, the VNA Building and the old Ambulance Building on North Main Street, noting that they had already been covered through transfers by contingencies from the Board of Finance, throughout the year.

David Bertnagel stated that the Public Health had condemnations of a property whereby the Town had to house and feed individuals for a period of approximately 45 days and that this item had also been covered through a transfer by contingency from the Board of Finance.

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David Bertnagel stated that the Ambulance Corps was over \$1,357.00 for the water, electricity and heating within the building.

To discuss the following year-end reports with the Director of Finance-D. Bertnagel Cont'd.

David Bertnagel stated that this item was being looked at that hopefully, they would be able to get it under control this year.

David Bertnagel stated that the Conservation Commission had a Secretarial rate change in the pay scale last year, noting that it was beyond their control, and that the \$854.00.

David Bertnagel stated that as we look presently at the entire budget there had been some concerns about overtime in the Police Department and that based upon his projections, they should come in with a minor surplus within their total overall budget.

David Bertnagel stated that his biggest concern was with the Tax Collection rate of 95.8% on the current levy and that the Town had budgeted 97.5%, and therefore the Town has to come up with roughly almost 2% to make the budget or \$500,000.00, between now and June 30, 2011.

David Bertnagel stated that it was a huge dollar amount, but that it was doable and that there were a lot of aggressive efforts being made to meet the number.

When questioned by Town Councilman Wunsch, David Bertnagel stated that the Human Resource Department would be over budget by \$8,000.00 because of the hours that the individual was putting in for. He further stated that he had been budgeted for 20 hours per week and that he and the Mayor were working on reducing his hours.

Mayor Festa stated that the Human Resource Director was over hours because had been working on the Employee Handbook, which needed researching and rewriting. He further stated that he Town now had its own Public Safety Manual, which the Director of Human Resources, along with his efforts with CIRMA, had set up. Mayor Festa stated that the Director of Human Resources had also been researching and developing contracts that have performance objectives included in them.

David Bertnagel stated that he would provide the Town Council with an updated, overall report next month to show where the Town stands.

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When questioned by Town Councilman Sandshaw, David Bertnagel stated that the Town did not have a contract with the Human Resource Director, that the position was a payroll position and that it came with an hourly salary.

To discuss the following year-end reports with the Director of Finance-D. Bertnagel Cont'd.

Mayor Festa stated that only a verbal agreement existed between the Town and the Human Resource Director.

Town Councilman Sandshaw questioned if the Town had an opportunity to renegotiate the verbal agreement.

Mayor Festa stated that the Director of Human Resources had been working on the Employee Handbook, the contracts relative to Performance Objectives and public safety issues relative to trying to bring down the Worker's Comp rates for the Public Works Department. He further stated that the Director had been very successful at getting a rate under Worker's Comp that was comparable to saving money in the long run.

Town Councilman Sandshaw stated that maybe it would just be a wash.

Mayor Festa stated that one case in particular had caused the Town's rates to skyrocket because of the multiple medical expenses involved. He further stated that the Town had incurred a high number of Worker Comp claims and that the Town was working on developing a program that would get the employees back to work faster.

Town Councilman Zagurski thanked David Bertnagel for his information, noting that he had been looking for the report for some time now.

Town Councilman questioned why the Legal Fees were over every year and questioned if the Town was not budgeting enough for the line item.

David Bertnagel stated that the amounts vary every year and depends on the situations that arise throughout the year, i.e., when contracts come up for renewal and the issues that arise during that time, as well as the manner in which the Town decides to proceed with them, etc. He further noted that it could take hundreds of hours in some instances, and that the Town could not use its general Labor Counsel for labor law issues. David Bertnagel stated that a lot of items were brought upon the Town and because the Town was a corporation it had to defend itself and/or do what it has to do to protect the integrity of the Town.

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Town Councilman Zagurski questioned if the salary went up only for the Conservation Commission Secretary/Department.

To discuss the following year-end reports with the Director of Finance-D. Bertnagel Cont'd.

David Bertnagel stated that all of the Secretaries had issues throughout the year, but that the Conservation Commission Department was structured a little differently and required a higher pay scale. He further stated that there was Conservation revenue coming in (but not shown) which would offset the amount.

When questioned by Town Councilman Sandshaw, David Bertnagel stated that the housing of displaced people was, in fact, one of the unfunded State mandates required of the Town. He further stated that the Town had placed a lien against the property in question, which had housed the displaced people, for the amounts expended by the Town.

Town Councilwoman Schenkel stated that the legal fees incurred by the Town included the fees for other Attorneys utilized by the Town, not just for the Town Attorney.

David Bertnagel stated that Salvatore Vitrano's fees were the lowest of all the Attorneys.

Mayor Festa stated that this year had been an exceptional year with a very high number of investigations that caused the Town to have a high number of legal fees.

Mayor Festa stated that adjustments had been made relative to Secretarial pays due to the fact that the Payroll Clerk had different rates for each of the individuals and that the Conservation Committee's Secretary's pay scale had been adjusted to conform with the other salaries.

David Bertnagel stated that overages were down by \$700,000.00-\$800,000.00, from four to five years past by departments.

Town Councilman Sandshaw made a motion, seconded by Town Councilman Zagurski, to accept the Director of Finances' Financial Overview Report for Fiscal Year 2010-2011, as presented. This motion was approved unanimously.

To remove from table to discuss and take action on role/responsibility of Public Works Ad Hoc Committee

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Town Councilwoman Schenkel made a motion, seconded by Town Councilman Wunsch, to untable, discuss and take action on the role/responsibility of the Public Works Ad Hoc Committee. This motion was approved unanimously.

To remove from table to discuss and take action on role/responsibility of Public Works Ad Hoc Committee Cont'd.

Town Councilwoman Schenkel thanked the Council for allowing her additional time to review the previous information/comments. Noting that she had reviewed the information/comments, she stated that she was in agreement and nothing substantial to add at this time.

Mayor Festa stated that Councilman Wunsch's comments had been previously submitted in the Council packets and were self-explanatory. He further stated that the comments fit the requirements of the request that had been made and that the Town also had the Public Works Commission Ordinance, which had been previously passed. Mayor Festa questioned if any of the Council members had anything else to add prior to moving forward with the Ad Hoc Committee, noting now would be the time to do so.

Town Councilman Wunsch made a motion, seconded by Town Councilman Zagurski, to accept Town Councilman Wunsch's recommendations as part of the record to move forward with the Public Works Ad Hoc Committee. This motion was approved unanimously.

When questioned by Town Councilman Wunsch as to the next step, Mayor Festa stated that the Public Works Ad Hoc Committee members would be notified that this charge was being presented to them and they should initiate their first meeting, select a Chairman and move forward with the work before them.

To review/discuss Solid Waste Bids

Anthony Lorenzetti stated that the attached spread sheet (Solid Waste Bids June 1, 2011) and outlined the details shown, item-by-item, noting that there had been three bidders in total as follows: CWPM (Plainville), All Waste (Hartford) and Don Stephens Tire (Southington).

At the request of Town Councilwoman Schenkel, A. Lorenzetti explained the Automated Alternate "A" verses Single Stream Automated Collection and detailed the information, service (including the costs), and advantages, at length.

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Anthony Lorenzetti stated distributed copies of the low bidders and reviewed the items, in detail at length.

When questioned by Town Councilwoman Schenkel, Anthony Lorenzetti stated that asterisks indicated that the containers were included.

To review/discuss Solid Waste Bids Cont'd.

Melanie Church, stated that she wanted to remind everyone that going back in history the Town did have a rubbish truck then the expense of keeping it up t he cost of labor and it was voted years ago to do away with it because of that and that's when the Town started with an outside contractor because in fact it ended up to be cheaper. She further stated that the upkeep of the vehicles and labor was too much. Melanie Church stated that she remembers when they would pick up couches but it was too much in labor costs and that's why people bring their things to the Transfer Station instead of it being picked up once a year. Melanie Church stated that if you were hauling it you would need another employee and another piece of equipment.

Town Councilman Wunsch stated that we were not talking about rubbish pickup at houses, rather we were talking about hauling it from the Transfer Station and they said that the costs were being examined.

When questioned by Mayor Festa, Anthony Lorenzetti stated that the present contracts expired at the end of July 2011.

When questioned by Town Councilwoman Schenkel, David Bertnagel stated that the Board of Finance was aware that bids were going out for the Solid Waste issue, however the presentation had not been made to them.

Town Councilman Sandshaw made a motion, seconded by Town Councilwoman Schenkel, to table the Solid Waste Bid agenda item until the Board of Finance had an opportunity to review it and provide input to the Town Council prior to taking any action. This motion was approved unanimously.

Liaison Reports

Town Councilman Sandshaw stated that the Conservation Inland/Wetlands Commission were continuing to work with the owner of 270 South Main Street to get a handle on erosion control and hazardous waste, noting that they were also working with the Building Department on this matter.

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Town Councilman Sandshaw stated that there had been some authorization by the Zoning Enforcement Officer for the South Main Street reconstruction, noting that the ZEO had completed some schooling that enabled him to provide the authorization. He further stated that there had been new applications and approval for maintenance, riverbank restoration and drainage work, which the Commission continued to work on.

Liaison Reports Cont'd.

Anthony Lorenzetti stated that South Main Street was closed to thru traffic because of the work being done.

Pattie DeHuff shouted out a statement (inaudible) from the back of the room and Town Councilwoman Schenkel called for Point of Order.

Town Councilman Sandshaw stated that the new playscape design had been approved for Lake Winfield and that it was in the process of being delivered and set up.

Town Councilman Sandshaw stated that the Lion's Club had assisted with Free Movie Night, however the turnout was very poor due to inclement weather, noting that approximately 60 people were in attendance

Town Councilman Sandshaw stated that there would be a kickball league starting up, noting that they would be meeting on Wednesday, 6:00 p.m., in the field at the back of Town Hall.

Town Councilman Sandshaw stated that the Parks and Recreation Commission had been talking about forming a bocce league at the courts at Lake Winfield.

Town Councilman Sandshaw stated that the Parks and Recreation Commission continues to discuss the gate issue on Leslie/George Street, noting that it might have been knocked down this past winter.

Town Councilman Sandshaw stated that Zoning Board of Appeal applicants come in one or two at a time, mostly because of undersized lots and that he felt that the Zoning Board should reexamine this issue.

Town Councilman Sandshaw stated that the Economic Development Commission was working on RFP for the Consultant position and that the Mayor had previously discussed their joint meeting with the Historic Property Commission.

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Town Councilman Sandshaw stated that the Skateboard Park Ad Hoc Committee's Vice Chairman was Jolene Dutkiewicz and that they had approved a mission statement. He further stated that students had attended one of the Committee's meetings and had provided input on the Skateboard Park's features, the size of the park as well as the supervision of the park. Town Councilman Sandshaw stated that one of the Committee members had donated a bus to take the members to existing Skateboard Parks in Plainville, Wolcott and Bristol, for their next meeting.

Liaison Reports Cont'd.

Town Councilman Wunsch stated that on June 15, 2011, at 5:30 p.m., the Early Childhood Council would be holding a presentation in the Community Room, Town Hall.

Town Councilwoman Schenkel stated that the Human Services Commission had cancelled their meeting due to the lack of a quorum, noting that one of their members had passed away.

Town Councilwoman Schenkel stated that she had an excused absence from the Police Commission meeting.

Town Councilwoman Schenkel stated that Town Councilman Sandshaw had covered the Economic Development Commission meeting's work.

Town Councilwoman Schenkel stated that she had been in attendance at the Board of Finance Meeting and that they had set the mill rate.

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

Public Comments

Jim Deutsch, 34 Orchard Street, Terryville, stated that Town Councilman Sandshaw had done a great job on the parade coordination for Sunday and Monday and wanted to personally thank him.

J. Deutsch stated that approximately 20 people (and two horses, one being a small pony) were in attendance at the National Trails Day, sponsored by the Beautification Committee, this past Saturday, at the end of Todd Hollow Road (Hancock Dam area). He further stated that the next Trails Day would be the first Sunday of every month and felt it was a pretty good idea.

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J. Deutsch stated that he wanted to make a recommendation, noting that at his Inland Wetlands Commission meetings they use digital for their recordings and that he didn't know if the Town was moving in that direction, noting that he has seen a lot of the Secretaries using cassettes.

The Town Council Acting Recording Secretary stated that all the Secretaries had digital recorders and that she was using one, however she also used cassettes because the digital recorder was not compatible with her Mac.

Jim Deutsch stated that he thought he was allowed to speak and that it was his turn to speak.

The Town Council Acting Recording Secretary stated that she was only trying to tell him that the Secretaries do have digital recorders.

J. Deutsch stated that it would be nice to have digitals so that the public did not have to wait on the cassettes all the time.

J. Deutsch stated that the Mayor had mentioned CCRPA grant applications and that he saw something in the newspaper that the DEP also has grant applications for trails and he didn't know if that information had gone to the Beautification Commission to look at in addition to what CCRPA was providing. He further stated that the DEP might be provide some possible grant money for cleaning up trails, noting that there was Town forest and some other areas in Town that might benefit from that.

Referencing Town Councilman Zagurski's comments on the Conservation Commission salary, J. Deutsch stated that the Commission had upped their buffer zone from 50 to 100 feet a couple years ago and that increased the number of applications. He further stated that the Town had lost their Zoning Enforcement Officer Mr. Mormile to retirement and that new ZEO did not have the correct education to make decisions outside of the Commission. Noting that the new ZEO had gotten what he needed last year, J. Deutsch stated that helped the Commission out a little. J. Deutsch stated that the Board of Finance (respectfully speaking) had cut two of the Commission's line items for the 2010/2011 budget, one being the salary and the other one being the legal notices. J. Deutsch stated that the Commission had to make adjustments this year due the buffer change, again noting that the Commission has seen an increase in applications. J. Deutsch stated that was part of the reason that the salary increase and that it was cut so drastically for this

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Public Comments Cont'd.

current year's budget that they had to make an adjustment or they would be in deficit every year.

J. Deutsch stated that he wanted clarification on agenda item number five on the agenda, Rules and Procedures/Civility.

J. Deutsch requested the Acting Recording Secretary reread the motion that was passed under this agenda item.

The Mayor requested that Town Councilwoman Schenkel restate her motion.

Town Councilwoman Schenkel stated that she could not quote her motion verbatim, however she would paraphrase from her notes. Town Councilwoman Schenkel stated that each speaker would be allowed to comment twice for each agenda item with no time limit, that they address only the Council and not the audience, that spectators please refrain from side conversations or noises and asked them to please leave the room, go out in the hall and come back when they are done and that if someone continues to break the rules to allow them a warning to be addressed so that if they break any of these rules they would be given a warning and reminded of the procedures and that if they chose to refuse to abide by those rules, they would be politely asked to leave the room.

Jim Deutsch stated that was what he pretty much had, but there was a little confusion about false statements and he didn't remember hearing that.

Town Councilwoman Schenkel stated that she had made the comment before the motion, that there would be no tolerating false statements, no tolerating insults, no tolerating derogatory comments, not attacking people by name, and that all those comments were enveloped in the spirit of what the Council hoped to avoid.

J. Deutsch stated that he was speaking this evening, very respectfully and that he respected the Council, and noted that he didn't meant to interrupt the Acting Recording Secretary and that he apologizes for his earlier comment to her. He further stated that he thought Town Councilwoman Schenkel had taken the very basic idea of the civility and that she might have carried it a little too far into limiting the public's right to speak. He stated that he felt that way because now he was really confused about what takes precedence at a meeting, Council Rules and Procedures or the Town Charter because with the motion which had been passed, it basically stated that a person could not come up to the podium three times on the same agenda item. He further stated that he didn't know if he was limited to two

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comments and that during the break Mrs. DeHuff had been nice enough to let him look at the Charter and it said that the Pubic shall have input throughout the meeting and that the Mayor shall reasonably regulate such public addresses and discussion and that's reasonable, noting that it said the word "reasonable". J. Deutsch stated that sometimes his Commission (which he Chairs) sometimes has people talking in the audience during the meetings, but felt that it was just inevitable, noting that it was human nature. J. Deutsch stated that he wanted to know whether it was Council's Rules and Procedures that would take precedence or the Charter because there was a conflict right there because it would be limiting people from coming up and addressing the Council.

Jim Deutsch stated that he would like to respectfully ask that the Council rethink, but not necessarily tonight because of the late hour, what they did tonight because they were limiting the public.

J. Deutsch stated that he was confused about the word "comment" because limiting two comments per agenda item... J. Deutsch stated that he was not aligned with anyone in the audience, but that it was confusing to him to say that it was two separate comments or two separate occurrences, noting that the Council was constricting themselves with what the Charter said and that he didn't think in all the time that he's been attending the Council Meetings (over two years) that anybody had addressed the Council three separate times on the same agenda item. He further stated that he knew there had been plenty of twos, but did not think it had gone longer. J. Deutsch stated that he didn't think it was what was being said; it was more how it was being said and that was really the civility issue and the problem. J. Deutsch stated that he did not have a problem with someone coming up three or four times if everyone has gotten there chance to speak, and that was just his opinion. J. Deutsch stated that he was confused about how comments actually fit into this because the Council had said that they were going to limit speakers to two comments per agenda item, and questioned if that meant that he could come up twice, noting that he has come up this evening and had made five separate comments on five separate items. J. Deutsch stated that it was just common sense that if you were sitting in the audience people would want to talk and cited examples that occurred this evening.

Town Councilwoman Schenkel stated that the example J. Deutsch just cited was distracting to her and rude.

J. Deutsch stated that again, it should go to the Mayor and quoted the Charter as saying that the Mayor should reasonably regulate such public address and discussion. He further stated that there had been other times, citing the people

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behind him that made the presentation this evening noting that they had been talking, and that the Council just didn't happen to hear them.

J. Deutsch stated that he was unsure who was defining the policing, if it was the Council. He further stated that it was his opinion that someone talking in the audience for 30 seconds was not going to disrupt the meeting.

J. Deutsch stated that Town Councilwoman Schenkel had said something about noise and sounds and that was confusing also because if you were going to be at a Council Meeting or a Public someone was going to applaud at some point.

Town Councilwoman Schenkel stated that Jim Deutsch had made valid points, however the last Council meeting had been full of laughter and snickering and if she wanted him to define it at the next Council meeting with incredible specificity and ensure that it was minutely understandable, she would be happy to do so.

Jim Deutsch stated that he did not think she should, and that further, this was his point, she was going so specific now that she would be getting herself into more trouble.

Town Councilwoman Schenkel stated that she did not feel she was getting in any trouble.

J. Deutsch stated he didn't mean trouble, he meant that that she was defining herself so specifically and that it was just that they had a right to say something. J. Deutsch stated that agenda item five, Rules and Procedures, included disruptions to civility, but with the motion made, disruptions of civility verses the Council limiting the public's right to speak, so the Council had taken the civility issue and made it into a speech issue and that was the way he saw it. J. Deutsch asked the Council to reconsider, follow the Charter or again, address his item as far as what takes precedent, and if that if the Council was going to have Rules and Procedures, it should be posted for everyone to look at, noting that the Charter was on the Town's website.

Mayor Festa stated that he was unsure what was on the Town's website in relation to Council's Rules and Procedures. Mayor Festa stated that he knows there had been a standard practice that had been approved for Council's Rules and Procedures and that was what the Council used to formulate agenda item number four (this evening) noting that was followed through with the Charter. Mayor Festa stated that the Charter does indicate that people have the right to speak throughout the

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Council meetings and that there has never been one time whereby he had every shut anyone off from participating at any time during the Council proceedings. Mayor Festa stated that the issue at hand was the civility and that Roberts Rule of Order allows the Council to set up rules and procedure to be followed and that it was in place to keep civility moving. Mayor Festa stated that the issue was being clouded and that he was not talking about anybody in the audience whispering or saying something next to them, he was referring to civility.

Mayor Festa stated that when someone was up at the microphone and someone begins to snicker about what was being said by the person at the microphone that was where the unrest and the disturbances come from.

When questioned by J. Deutsch, Town Councilman Sandshaw stated that anyone could speak one time on an agenda item, go back into the audience and then come up again and speak a second time on that agenda item and that was exactly what the motion meant.

J. Deutsch stated these were just his respectful comments.

Town Councilman Wunsch stated that it was not the point of people having comments, it was when someone comes up four times and they drone on about the same thing, the first, the second, the third and the fourth time, noting that there was need to do that. He further stated that he didn't care if someone was against or for something, the first time making their feelings known, for or against something, was fine, but that they did not have to come up and beat it four times on the same subject with a couple of words changed, and that was what had happened at the last meeting and instigated this motion. Town Councilman Wunsch stated that staying here until 11:00 so that someone could drone on about how against something they were did not mean the would be any more or less against it. He further stated that he was sure if someone had a third comment they wanted to make on a particular subject, the Council would let it go, but if they were just going to repeat the same thing a third time it was a waste of time and that the Council understood the comment the first time.

Town Councilwoman Schenkel stated if the comment was important enough it would be heard a third time.

J. Deutsch requested, again, that the Town Council address his concern at some time, the concern being whether the Charter or the Council takes precedence because if

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the Council's Rules and Procedures were going to be amended with what the Council did this evening, they he felt the Charter would also need to be changed.

Town Councilwoman Schenkel stated that J. Deutsch had just spoken about five different things, but had only been up to the microphone once and noted that because of the type of the agenda item, Public Comments; he was allowed to talk about multiple things.

J. Deutsch stated that it was only because it had been clarified while he was speaking and that it was occurrences, not really comments.

Town Councilwoman Schenkel stated that it was a very good point and it would be taken up for discussion and consideration.

Pattie DeHuff, stated that she had been up at the podium enough times for everyone to know that every single time she comes up she brings her Charter with her because she really cares about it, because it governs the people at the local level. She further noted that she had been on two Charter Revision Commissions and that the Charter was very important to her. P. DeHuff stated that she also carries a pocket Constitution with her all the time because it was also important to her and provides for freedom of speech and noted that when the motion was made she took great offense at it. She further stated that she was here this evening to ask the Council to please make a motion to reconsider the motion that was made tonight by the Council under Council Rules and Procedures. P. DeHuff stated that she believed that the motion the Council took tramples on the spirit of the freedom of speech that was enshrined in the first amendment of the United States Constitution and enshrined in the first amendment of the Connecticut Constitution. P. DeHuff stated that she does not carry the Connecticut Constitution around, but that the freedom of speech was also enshrined in chapter three, section three, of the Town Charter. P. DeHuff stated that she felt the motion was only one of many that had occurred over time and was why people do not participate in their government, in as much as lip service was given that they want the public to participate. P. DeHuff questioned if the Town Council really wanted to be known as the Council that stifled free speech in Plymouth, and further, that she believed the motion was a shame, a sham and that she believed that it was a badge of dishonor that the Council had just placed upon themselves and that it limits free speech. P. DeHuff stated that she wanted to and particularly implore her fellow Republicans, Marty Sandshaw, John Wunsch, and Tom Zagurski, to not let this motion stand. She further stated that as she sat throughout the rest of this evening the thought occurred to her that this motion was

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made by an individual that she had been told was not running for reelection and yet it was voted on by three Republicans without comment without

Town Councilwoman Schenkel called for Point of Order.

Pattie DeHuff....without any kind of deliberation whatsoever... and until....

Mayor Festa stated that he did not want to cut P. DeHuff off and asked that she refrain from the personal issues that she was bringing forward, noting that this was not a soapbox, this was not something allowing you to

Pattie DeHuff stated that she believed she had the floor ...

Mayor Festa stated that P. DeHuff might have had the floor, but that he had the authority to rule the floor. Mayor Festa stated that the bottom line was that P. DeHuff stick to her issue of freedom of speech and not to single individuals out regardless of what party affiliation they may be or whether an individual may not be running for office again.

P. DeHuff stated that she believed this motion had a very chilling effect on freedom of speech in Plymouth and that she was asking any of the Council people, noting that it could be any of them, Councilwoman Schenkel, to please reconsider what they had done tonight and to not leave this badge of dishonor as part of their legacy with this Town.

Noel Schenkel, 4 East Orchard Street, Terryville, stated that he wanted to remind people that at one time one of the Town's former Mayors would not allow anyone to have public speaking and he felt that this Council and that this Mayor allowed people to speak pretty freely and further that unfortunately, some people liked to disrupt the audience and what was going on and that was the problem.

Melanie Church stated that she wanted to speak about the Liaison Reports and that she had a real concern with George Street and that this was her third time bringing it up, if that road gets closed off she wants it on the record and her mother in law needs an ambulance and they can't get through, cannot turn around and something happens, the Town would be held liable. M. Church stated that was a safety factor and yes there was wood there, and the neighbors on the whole street did not take it down.

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Town Councilman Sandshaw stated that he did not know who took it down; he only knew that it was removed and they were talking about it....

M. Church stated that it wasn't done by Public Works so it leaves one other group anyway she just wanted it to be know that it was a major major safety issue and she dares anyone of the Council to go down and try to turn around, that it was a very narrow road and one night she had to call the Police because she was concerned and they told her the ambulance would just knock the thing, the fence down.

M. Church stated that she brought it up at the Police Commission meeting and Connie who sits on the Ambulance Corps said no, they would not knock it down, so this was putting people in danger, that was opens up until she thought two or four years ago and everybody came here, people sat outside your office Tony....

Town Councilwoman Schenkel called for Point of Order.

M. Church stated that she had a real concern and anyone that is Councilman on that side should take that into real consideration because that is a dangerous road if that is blocked off. She further stated that she did not know who took the wood, but someone took the wood and put the wood back up, the wood worked fine, if it got broke she was sure that one piece would have been repaired, but it wasn't done by the residents there.

When questioned by Mayor Festa for clarification purposes, Anthony Lorenzetti stated that it was being looked into and being taken care of...

M. Church spoke out from the audience (inaudible)...

Mayor Festa stated that he was looking for clarification because the wood had been addressed three different times and the issue that the chain had been taken down and not put back, that there was an opening, that there was a cul-de-sac and that the wood would be looked into and replaced and that issue had been told to Mrs. Church three times. He further stated that he was asking Mr. Lorenzetti to come up to the microphone for a clarification and to have it understood that it was being looked into so he did not understand why Mrs. Church was complaining again.

M. Church stated that Town Councilman Sandshaw had brought it up in his Liaison Report.

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Mayor Festa stated that was alright, that the Councilman needed to bring it up, he was a Liaison to that Commission and questioned if Mrs. Church wanted him to say that the Parks and Recreation had taken it down, was that what she was looking for, wanted to blame someone for it.

M. Church stated that she was saying that Public Works told her they didn't take it down.

Mayor Festa stated that they hadn't taken it down, it was damaged during snowplowing season and that someone had taken it down because of the damage that was done to it and then, inadvertently, had put a chain up and that when the chain was noted, it was taken down and left open and eventually they would put something back up to stop the ATV's from going through there, noting that there had been a resolution coming forward on that issue.

M. Church stated that was all she was asking for.

Mayor Festa stated that M. Church had been told that already and that she only wanted to hear the fact that Parks and Rec were the people responsible for removing the wood.

When questioned by Mayor Festa if this issue was being worked on, Anthony Lorenzetti stated that this was being looked into and that it would be taken care of some time after July because of lack of available funding at the present time.

Town Councilman Sandshaw thanked Mayor Festa for ensuring that the grass would be mowed in front of the old VNA house and for taking the initiative to have the grass mowed in front of the old Terryville Trust building for the Memorial Day Services.

Mayor Festa thanked Town Councilman Sandshaw for all of the efforts that he had put forth for the Memorial Day Services.

Town Councilwoman Schenkel stated that she wanted to thank Town Councilman Sandshaw, and the entire Parade Committee's efforts, noting that she thought it was a magnificent Memorial Day celebration and that it was especially touching to have the Bachand boys there to drive home the meaning of the celebration. Town Councilwoman Schenkel stated that she also wanted to thank the participants this evening, noting that she was now reconsidering and would probably be running for reelection this fall.

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Mayor Festa stated that he had called his doctors and that he wanted it known that there was nothing wrong with his health contrary to the rumormonger that was out in Town causing a lot of great anger and frustration and anxiety. He further stated that the rumormonger had caused anxiety when his offspring called home because they were concerned when had they heard that their father was deathly ill and would not be running for reelection because his health would not allow it and spreading it around the various deli's and business in the Community.

Referring to the right to have free speech, Mayor Festa stated that it was wrong when someone puts him out to pasture and his children think that there was something desperately and seriously wrong and that he was keeping secrets from them, was beyond reproach.

Mayor Festa stated that was the most ludicrous thing that he had ever heard in his life and that he took strong exception to someone putting his or her death wish on another person that he was going to take action against the individual that was creating the problem once and for all. Mayor Festa stated that if he had to take care of the rumormonger by removing himself as Mayor of the Community and sitting down as an individual taxpayer, he would get himself a lawyer and sue the heck out of the individual he would, noting that he was not going to have his children go through this and go through the rumors that he would be dying very shortly.

Mayor Festa stated that as long as he had been Mayor, two terms, one with a completely Democratic controlled Council and one with a Republican controlled Council, he had never ever attempted to be anything but non-political and bipartisan in his efforts. He further stated that he understood where the three gentlemen, labeled as Republicans this evening, were coming from in regards to free speech and that he applauded them for more than just protecting free speech. He further stated that they were protecting the right to vote and to vote their own opinions and for not allowing themselves to be shackled to that because of their party affiliation. Mayor Festa stated that they had a demand put upon them by a party member, that they vote the way she saw fit because they were Republican. He further stated that they were on the Council because they were voted in by the people of the Community and to represent the people and to vote the majority of the people's wishes, and so again, he applauded them for sticking true to their form. Mayor Festa stated that they were protecting their right to vote and everyone else's right to vote and that without that right, they wouldn't have a democracy. Mayor Festa stated that he was sorry the three gentlemen had been singled out because of their party affiliation.

Adjournment

There being no further business of the Plymouth Town Council, Town Councilman Sandshaw made a motion, seconded by Town Councilwoman Schenkel, to adjourn at 10:33 p.m. This motion was approved unanimously.

Respectfully submitted,
Acting Recording Secretary