

Town of Plymouth
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Plymouth Town Council
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Minutes

December 6, 1011

Call to Order: Mayor Vincent Festa, Jr., called the scheduled December 6, 2011, Plymouth Town Council Regular Meeting to order at 7:00 p.m., in the Community Room, Town Hall.

Roll Call: Present were Town Councilman Remie Ferreira, Sr., Mayor Vincent Festa, Jr., Town Councilman Richard Foote, Town Councilwoman Susan Murawski, Town Councilwoman DiAnna Schenkel, and Town Councilman Tom Zagurski. Also in attendance were Director of Finance David Bertnagel, Director of Public Works/Town Engineer Anthony Lorenzetti, Administration Assistant Ted Scheidel, Highway Superintendent James Schultz and Town Attorney Salvatore Vitrano.

Fire Exits Notification

Mayor Festa noted the Fire Exits for the record.

Pledge of Allegiance

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

Acceptance of Minutes Special Town Council Meeting, 11-21-2011

Town Councilman Foote made a motion, seconded by Town Councilman Ferreira, to accept the November 21, 2011 Special Town Council Minutes as presented. This motion was approved unanimously.

Council Rules and Procedures

Mayor Festa stated that he had distributed some incidental items in the Town Council packets that pertained to this evening's agenda, noting that they had come in on the late side.

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Council Rules and Procedures Cont'd.

Mayor Festa stated that the Town Council calendar schedule, as well as Liaison Appointment, had also been included in the packets. He further stated that the Town Council members should review the appointments for conflicts, prior to making the appointments permanent.

Mayor Festa stated that he had received a Letter of Resignation, which needed immediate attention.

Mayor Festa stated that Vincent Klimas had presented him with a letter this past week and had requested that the Mayor present it to the Town Council for review, consideration, and discussion.

Town Councilwoman Schenkel made a motion, seconded by Town Councilwoman Murawski, to amend the agenda as noted (Mayor Festa read the amendments into the record-see attachment). This motion was approved unanimously.

Public Comments on Non-Agenda Items

Pattie DeHuff, 20 Lynn Avenue, Terryville, congratulated the Mayor and the Town Council on their election and their willingness to run a campaign that was relatively clean and to be willing to become Public Servants of the people of Plymouth. Pattie DeHuff stated that as a new Council she was making an assumption that the members had been given the 2009 revised Plymouth Charter. She further stated that the Public only had access (online) to the 2005 Charter and that technically, the 2005 Charter was no longer the law of Plymouth. Pattie DeHuff stated that a lot of people had put a lot of time into both creating and revising the Charter, including Town Councilwoman Schenkel who served with her on the 2005 Charter Revision Commission. Pattie DeHuff stated that since the Public had to adhere to the Charter, as well as the Council, she was specifically requesting that the Public have access to the 2009 version. Pattie DeHuff stated that she thought that everyone had a good feeling when so many people had come out for the Connecticut Water Company vote and that it was a very healthy thing. She further stated that she was hoping that the Town Council would want to keep the ball rolling with Public participation in the government. Pattie DeHuff stated that she wanted to suggest that the Town website be utilized and that all of the Town Council Agendas (both regular and Special) be posted, as well as other agendas for all of the Town Boards and Commissions. She further stated that Public could view the website on Fridays and weekends and see if they would be interested in coming out and addressing the Town Council with their thoughts, noting that it would help the Town's republican form of direction.

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Mayors Report-Correspondence Discussion on various items; Waterwheel Project Update; Storm Support Letters; Burr Road/Harwinton Avenue Wells Update; Connecticut Water Company Land Purchase; Appointments of Martin Sandshaw as Mayor's Designee to assist Public Works Department with Energy Audit Program; Contract Negotiations (Prospect Street School, copies of Charters to be returned to Town Clerk)

Mayor Festa stated that the Waterwheel site was relatively clean and that the returning test results showed two spots that had copper in the soil, and that further, the cleanup of the two spots would be addressed through grant monies, which would be taken care of shortly.

Mayor Festa stated that BL Companies had been notified and were ready to move forward with the construction of Phase I, which would be along Emmett and Benedict and the corner parcel across the street from the Waterwheel, itself.

Mayor Festa stated that that State of Connecticut Department of Transportation was working on the design plans for of the bridge on Main Street for the purpose of putting up new fencing, which would allow the Waterwheel to be seen from a distance without the interference of barriers, etc.

Mayor Festa stated that a number of letters of commendation were received for the people who were involved with taking care of the residents in need during the recent tropical storms and unexpected winter storm. Mayor Festa stated that it had been great to see the outpouring of support from the Community, not only with the volunteering with manning the shelter, but bringing in food supplies and the monetary donations for the purpose of allowing people to be safe and secure at the shelter, as well as housing their pets.

Mayor Festa stated that the Town was moving forward with the Connecticut Water Company for the purpose of doing the Engineering studies, which would be taking place shortly. He further stated that the Town was waiting for a telephone call from the State Department Office of Policy and Management (OPM) to see if the Town had been successful on their request for a bonding proposal for this item.

Mayor Festa stated that the Connecticut Water land purchase had gone through on a very successful vote, and that he had received notice (today) that the Department of Public Utilities had not been opposed to the sale. Mayor Festa stated that the Town looking at a closing date some time in April 2012. Mayor Festa stated that several residents had already inquired if they could be a part of a Community team, which would begin developing the regulations for passive recreation on the site.

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Mayor's Report Cont'd.

Mayor Festa stated that included in this evening's Town Council packets, was a request for an appointment of Martin Sandshaw as the Mayor's Designee to assist Public Works Department with Energy Audit Program, noting this item would be discussed during the Energy Audit agenda item.

Mayor Festa stated that the Town had come to an agreement, under Contract Negotiations, with both the Police and Public Works Unions and were waiting for the items to be formally developed through the Union officials and presented for signatures. He further stated that once the signatures were received and on the contracts, they would become Public record for Public review, as well as Public comment within 30 days.

Mayor Festa stated that the Town Public Works Department had boarded up windows at the Prospect Street School due to vandalism over the past couple of weeks. He further stated the vandals had accessed the building through a fire escape ladder and that would be attended to, as well.

Mayor Festa requested that Town Council members return their copies of the Town Charter to the Town Clerk for the purpose of updating them. He further stated that the Town Clerk had received information from the company she does business with (in Florida) and that the Charters would be updated from the 2005 version to the current Charter. Mayor Festa stated that the Town Council members should put their names on their books, which would enable the Town Clerk to return them to the proper person.

Property Tax Refunds: (Ally Financial \$220.81, \$244.29, \$138.23, \$98.15, \$492.06; GMAC \$94.61)

Town Councilman Foote made a motion, seconded by Town Councilwoman Murawski, to approve the Property Tax Refunds as follows: Ally Financial \$220.81, \$244.29, \$138.23, \$98.15, \$492.06; and GMAC \$94.61. This motion was approved unanimously.

Appointments/Resignations: To accept the request of William Kron to be moved from the Regular position on the ZBA Commission to the Alternate position effective immediately; to appoint Martin Sandshaw to the Regular position on the ZBA Commission from the alternate position effective immediately, to accept the resignation of Edwin Ives from the Housing Board of Appeals Commission

Town Councilwoman Murawski made a motion, seconded by Town Councilwoman Schenkel, to appoint William Kron as an Alternate Member to the Zoning Board of Appeals, effective immediately. This motion was approved unanimously.

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Appointments/Resignations Cont'd.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Foote, to appoint Martin Sandshaw as a Regular Member to the Zoning Board of Appeals, effective immediately. This motion was approved unanimously.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Ferreira, to accept the resignation of Edwin Ives, with regret, from the Housing Board of Appeals Commission. This motion was approved unanimously.

Mayor Festa stated that Mr. Ives had spent many years in Public Service, as well as a member of the Housing Board of Appeals Commission, and that he wanted to add that he also accepted, with many regrets, the motion to accept Mr. Ives' resignation.

To discuss and endorse CCRPA's Regional Parcel Mapping Projects

Khara Dodds, Director of Planning & Economic Development, introduced Tim Malone, Regional Planner Economic Development (CEDS) of CCRPA (Central Connecticut Regional Planning Agency) noting that he was in attendance this evening to discuss the Regional Parcel Mapping Project and that she believed this project would greatly help out the Town of Plymouth.

Tim Malone stated that the State of Connecticut OPM had a Request for Proposal for regional performance grants, which would be funded through tax revenue, for regionalization of a service already provided by a town or a new service that would be provided. He further stated that CCRPA had decided to provide Parcel Mapping and GPS development services for all of the towns in the region. Tim Malone stated that this would entail putting out a RFQ (Request for Quotation) for companies to come in, scan the Assessor maps and look at aerial photography to digitize additional versions of parcel lines, which could be used by planning staff, planning commissioners, Public Works Departments and Assessors. He further stated that this project would be linked to the Assessor database so that all of the information would be provided in a single format. Tim Malone stated that the information would be added to the Town's website making it accessible to the Town's Commissioners, as well as the Public. He further stated that some information could be suppressed, if necessary.

Tim Malone stated that this service would be provided for five years with five years of maintenance, free of charge. Tim Malone stated that at this point in time, CCRPA was looking for a letter of endorsement for the proposal from the Town Council so that it could be submitted by the end of the month. He further stated after the letter was received, CCRPA would then go through an open bid process that would then determine the exact skills of the company that would be utilized.

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To discuss and endorse CCRPA's Regional Parcel Mapping Projects Cont'd.

When questioned by Town Councilman Zagurski, Tim Malone stated that CCRPA would try to include five years worth of estimated updates into the grant amounts.

When questioned by Town Councilman Foote, Tim Malone stated that this service would replace the aerial and original paper maps in the Assessor's Office, noting that they could be overlaid on satellite maps, etc.

When questioned by Town Council Ferreira, Tim Malone stated that this service would be covered by a grant for the first five years and after that time there would be a fee for any updates to the maps that had been created, noting that the maps and the files created during the first five years would belong to the Town. He further stated that any updates, after the first five years, generally cost \$60.00 to \$70.00 per update.

Tim Malone stated that he website hosting would come in at approximately \$3,000.00 to \$5,000.00, which would be split among the seven towns. He further stated that the Town of Plymouth would have the choice to continue with the website maintenance or opt out.

Town Councilman Foote made a motion, seconded by Town Councilwoman Schenkel, to approve a letter of endorsement to endorse CCRPA's Regional Parcel Mapping Project. This motion was approved unanimously.

Mayor Festa thanked Tim Malone for his presentation.

To discuss and take action on Police Commission's Traffic Sign Application

Ann Tuleja, 383 Allentown Road, Terryville, stated that she was speaking this evening as the Chairwoman for the Plymouth Police Commission and the Traffic Authority.

Ann Tuleja stated that the Commission had spent the last six months working on the current Traffic Sign Application form and explained the current process, in detail, for the application.

Ann Tuleja stated that Anthony Lorenzetti was part of the Police Commission staff and that she had conferred with him about the proposed application so that he could have input on the application as well, noting that he did a lot of work for the Commission.

Ann Tuleja stated that a lot of the times, residents forget to put their telephone number on their requests for a Traffic Sign and noted that the proposed application form (see attachment) would eliminate that problem.

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To discuss and take action on Police Commission's Traffic Sign Application

Ann Tuleja stated that she had questioned Anthony Lorenzetti about putting the proposed application on the Town's website to make it easier for Town residents and noted that the application would be linked to the Police Chief, which would then be placed on the Police Commission's Traffic Authority Agenda. She further stated that the Police Chief and/or her Assistant would then contact everyone involved so that they could be in attendance at the meeting. Ann Tuleja stated that she would like the hard copies of the application kept in the Public Works Director's office, which would enable residents who were not computer savvy to pick up an application. She further stated that the same process would apply for the hard copy applications as previously noted.

Town Councilman Zagurski made a motion, seconded by Town Councilman Ferreira, to accept the proposed Police Commission Traffic Sign Application, as presented. This motion was approved unanimously.

To remove from table for review and discussion the Police Commission's Ordinance concerning Police Traffic Duty

Town Councilman Zagurski made a motion, seconded by Town Councilwoman Schenkel, to remove from table for review and discussion the Police Commission Ordinance concerning Police Traffic Duty. This motion was approved unanimously.

Ann Tuleja stated that a couple of years past the Police Commission had received some complaints regarding safety and stated that it concerned some developers who had gone in and blocked the Public's right-of-way. Noting that the Commission was also a Safety Board, Ann Tuleja stated that there was concern regarding the lack of a flagger or a Police Officer at the developer sites and that Town was forced to send a Police Officer to ensure the site was safe.

Ann Tuleja stated that Keith Golnik, Vice Chairman Police Commission, had gone by a construction site on Beach Avenue and had noted that the flagger was sitting down and not directing traffic and because of that incident the Police Commission went through a lengthy process to try to change the existing Ordinance, 14-29. Ann Tuleja stated that the past Town Council, as well as the Public, had provided the Commission with comments and changes that they wanted to see in the Ordinance and that the Commission reworked the ordinance for a time period of ten months to reflect everyone's concerns. She further stated that the result of that hard work was the new Ordinance, which she was presenting this evening and had been included in the Town Council's packets. Ann Tuleja stated that the previous Town Council had unanimously sent the new Ordinance to a Public Hearing, however the Town Council had decided to table setting a date, which was why she was present at this evening's meeting.

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Police Commission's Ordinance concerning Police Traffic Duty Cont'd.

Ann Tuleja stated that the Public Works Director had classified the streets in Town, which he felt would require a Police Officer's presence should construction work take place on that particular street(s). Ann Tuleja stated that if a smaller project were to occur on the named streets, the Public Works Director had the authority to request that a flagger, a Police Officer, or both be present at the construction site.

Ann Tuleja stated that the authority belonged to the Public Works Director to select the streets and also gave out the permit for the construction projects being done. Ann Tuleja stated the Traffic Authority added a \$250.00 fine per day be enacted if the site did not have the proper personnel present to ensure safety and a permit to do the work. She further stated that the Police also had the authority to shut down the project if deemed necessary. Ann Tuleja stated that should a Police Officer(s) be utilized it would come under "extra duty", not within the Police Department's day-to-day responsibilities.

Town Councilwoman Murawski stated that the Ordinance was being called 14-29, however 14-29 dealt with no unnecessary lengthy closing of the street and how warning signs should be put up and were not covered in the new proposal. Town Councilwoman Murawski stated that the new proposal would almost replace 14-30.

Ann Tuleja stated that she disagreed with Town Councilwoman Murawski and felt that way because it covered the obstruction of a public right-of-way and that what the Traffic Authority was looking to do, noting that they did not tackle 14-30, and read 14-29 into the record.

When questioned by Town Councilwoman Murawski, Ann Tuleja stated that the main reason the Ordinance came forward was for safety. She further stated that the Commission felt the present 14-29 Ordinance did not have enough "teeth" in it and wanted to make it a little tighter.

When questioned by Town Councilwoman Murawski, Chief Krasicky stated that there had been some, not a lot, of accidents at construction sites. Chief Krasicky stated that when she was asked by the Police Commission if she felt an Police Officer should be present at construction sites on certain streets she had provided a list of reasons as to why she felt a Police Officer's presence would make the site safer for everyone and read her reasons into the record.

Chief Krasicky stated that Flaggers were State certified and that they do a good job. She further noted that she was only stating why the job site would be safer with a Police Officer's presence, especially on the main Streets.

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Police Commission's Ordinance concerning Police Traffic Duty Cont'd.

Town Councilman Foote stated that he was in agreement with Chief Krasicky and that Police Officers were necessary on some streets, notably Route 6. He further stated that it was true that the contracting companies pay the cost for the Police Officer or Flagger and noted that the cost of the Police Officer was considerably higher to the company. Town Councilman Foote stated that on two different occasions, he and his wife had both witnessed Police Officers present, near the work by Prospect Street School/Main Street, who were not directing traffic and that he and his wife had proceeded to move through the light without Police assistance. Town Councilman Foote stated that Marty Sandshaw had recommended that the Contractor use his own Flaggers (if at all possible) first, and then go to a private Flagging Company, and then to Police Officers. He further stated that in order to save costs to a project Flaggers should be used as much as possible.

Town Councilwoman Murawski stated that she understood the price of a Flagger was approximately \$27.00 per hour and a Police Officer was approximately \$68.00. She further stated that in speaking to a couple of Contractors, not only do they bill their customers for the \$68.00, they tack on an additional \$20.00 per hour for paperwork and that the amount could really add up especially if more than one Officer was necessary at the site. Town Councilwoman Murawski, noting times being what they were, stated that she was hesitant to add costs to construction and businesses, noting the Town did not want to discourage them.

Ann Tuleja stated that the Commission did not want to discourage businesses, either, the Commission was concerned about the safety of the citizen and that in talking with the developers she had been informed that they put the monies for the Police Officers/Flaggers into the bid. She further stated that she did not know about the additional \$20.00 per hour for paperwork mentioned by Town Councilwoman Murawski for Administration fees. Ann Tuleja stated that when the developers bid for Police Officers, it becomes a profit for the developers and that it should be taken on a case-by-case basis.

When questioned by Town Councilman Foote, Ann Tuleja stated that a sworn Police Officer meant whereby the Town of Plymouth Police Officers does extra duty in Thomaston or in Bristol, they could also do extra duty within the Town of Plymouth. It is a sworn Police Officer, not just the Plymouth Police Officers.

It was noted by Town Councilman Foote that the Town no longer had sworn supernumeraries, but noted that his father had been one fifty to sixty years ago, and noted that the supernumeraries had done a lot of that type of work. He further stated that this type of idea might help someone who was out of work and maybe the Town could pay the person(s) directly, but was unsure of the Union's stance on this type of idea.

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Police Commission's Ordinance concerning Police Traffic Duty Cont'd.

Town Councilman Foote stated that if this person had a radio, uniform and an old cruiser parked with the lights going, it could save a lot of money and provide cost savings. He further stated that it would still provide the appearance of a Police Officer.

Ann Tuleja stated that extra duty makes money for the Community, noting that it was a revenue source for the Town.

Town Councilwoman Schenkel stated that every time work was being done on the recommended roads it would not be a requirement that a Police Officer(s) had to be present at every job on the named road(s). She further stated that it would be up to the Public Works Director to make that evaluation for the safety of the people involved.

Ann Tuleja stated that the listing was only a guideline.

Town Councilwoman Schenkel stated that she was more concerned about the cost and liability to the Town and citizen safety. She further stated that the Commission has been the group to listen to the complaints and felt that they were the most qualified to provide the opinion for what the Town needed for this particular Ordinance.

Vincent Klimas, 5 Coral Drive, Terryville, stated that he was not a safety expert, however he felt that the intent was well taken and that safety was required at the construction projects and he fully supports it. Vincent Klimas questioned who would pay the Police Officer working 20 normal working hours and picked up another 20 hours doing extra work before his 40 hours and how would it impact the 40 hours if he was doing 60 hours of work, and would he be paid time and a half. He further stated that if it wasn't time and a half he wanted that to be stated in the policy.

Ann Tuleja stated that the Police Officer would not be paid time and a half, and that extra duty was a separate line item that was taking out of their budget and that it was a wash. She further stated that extra duty had nothing to do with her budget and that they get paid whatever the extra duty rate was for the job at hand. Ann Tuleja stated the Police Officer works 40 hours a week for the Town of Plymouth and that extra duty was a complete and separate entity of itself, and does not impact her budget, they don't get paid out of her budget, and do not get time and a half, at all.

Chief Krasicky stated that for a Police Officer to get Department overtime they have to work more than eight hours in a day at their regular job duty or more than 40 hours per week at their regular job, noting that extra duty had no impact on overtime as far as their regular job duties went.

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Police Commission's Ordinance concerning Police Traffic Duty Cont'd.

Rodney Houle, 16 Frankie Lane, Terryville, stated that he was a Project Manager for a high-speed data company and that his company had construction crews all over the State and that in every budget he has submitted, he had always put in monies for Police Officer Traffic Duty. He further stated that \$800.00 per day for a Police Officer was mandatory in his budgets, noting that they only use Police Officers unless there were none available. Rodney Houle stated that his company uses between two and four Police Officers on most of the jobs on main, high speed and heavy traffic roads. Rodney Houle stated that if there were no Police Officers available, the job waits until they are available. He further stated that there were Flaggers that do a good job, however the safety of his men and the Public were paramount to him. Rodney Houle stated that people pay attention to Police Officers and that he had been doing this job for 40 years and there was no question in his mind that Police Officers were the most effective deterrent when the public spots them. He further stated that sometimes they stop to have a cup of coffee, but in most cases they do their job.

Richard Lyga, 58 Curtiss Road, stated that he had witnessed the Public Works Department crew moving and cleaning gutters on the side of the roads and that the Police Officer on the scene never got out of his cruiser. He further stated that a little more discretion should be used when placing a Police Officer in this type of scenario. Richard Lyga questioned who was paying for the Police Officer in this particular case.

When questioned by Town Councilwoman Murawski, Ann Tuleja stated that the Town and State roads were not required to have Police Officers present at their work sites. She further stated that she was in disagreement with this ruling when they worked on the Ordinance.

When questioned by Town Councilwoman Murawski, Ann Tuleja stated that when a Plymouth Police Officer was unavailable, the Town would go to another Town, Thomaston, Plainville, etc.

Town Councilwoman Murawski stated that all of the extra duty would contribute to a Police Officer's pension when he retired.

Ann Tuleja stated that Town Councilwoman Murawski was correct, however she had no control over an Officer's pension and that this was a contract agreement that had been in place and set up by a previous Mayor. She further stated that as God as her witness, she did not know that the Police Officers had any pension money or what the breakdown of the fees were until the Commission had their first meeting concerning the Ordinance.

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Police Commission's Ordinance concerning Police Traffic Duty Cont'd.

When questioned by Town Councilman Zagurski, Ann Tuleja stated that the Police Officer who was assisting Public Works with the gutter cleanup was paid out of the Public Works budget.

Anthony Lorenzetti stated that Public Works had been doing work, which was related to storm cleanup and that it would be potentially reimbursable through the Town's request to FEMA. He further stated that the Public was not as responsive to the Town's Flagmen as they were to Police Officers. Anthony Lorenzetti stated that early rainy mornings, dark days and nights, as well as and foggy days, make it difficult to see Flagmen, however lighted Police cruisers were very visible.

James Schultz, Highway Superintendent, stated that having a Police Officer on the scene frees up two of his crew who were then able to attend to their work, noting that it works out better for Public Works.

Chief Krasicky stated that any time someone has a concern about a Police Officer not doing his or her duty, that person should contact the Chief or Assistant Chief Dabo and one or both of them will go out to the job site and investigate the inquiry. She further stated that the Officers do have to wait until the full crew arrives and that they take breaks and have to wait while the crews take their breaks and lunch.

Town Councilwoman Murawski questioned if a Police Officer, who was doing extra duty, could be made to stay at a construction site when the work was finished ahead of the time that the Officer was paid to be at the site.

Chief Krasicky stated that the pay was contractual and that the Officer could be asked to stay on the site when the work was finished if his services were needed, however when the job was completed and the crew left, normally the officer would leave the site as well.

Town Councilman Foote made a motion to accept the Ordinance.

Town Councilman Zagurski stated that a motion was not in order and at this time and that the Town needed to have a Public Hearing first, noting that the last Town Council had voted to have a Public Hearing on the revised Ordinance.

Ann Tuleja stated that she did not revise the Ordinance since her last appearance in October 2011. She further stated that the Town Council had unanimously agreed to send accept the Ordinance, however they tabled it and she did not know why because she was on vacation.

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Police Commission's Ordinance concerning Police Traffic Duty Cont'd.

Ann Tuleja stated that the Town Council Meeting was supposed to have set a date for a Public Hearing at a Special Town Council Meeting scheduled for October 18, 2011, however the meeting had been cancelled due to the lack of a quorum. She further stated that the Ordinance had been tabled at the November 4, 2011 Town Council Meeting because of a time issue.

Town Councilman Foote withdrew his motion.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Foote, to set a Public Hearing for the Police Commission's Ordinance concerning Police Traffic Duty to be discussed by the Council. This motion was approved unanimously.

Ann Tuleja requested that the Council let her know when they set a date for the Public Hearing and thanked them for their time and assistance this evening.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Zagurski, to discuss a date for the Police Commission's Ordinance concerning Police Traffic Duty Public Hearing. This motion was approved unanimously.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Ferreira, to hold the Public Hearing concerning the Police Commission's Ordinance on January 3, 2012, at 6:00 p.m., in the Community Room, Town Hall. This motion was approved unanimously.

To discuss and take action on the Energy Audit Program

Anthony Lorenzetti stated that the Town Council members had received a copy of the Energy Audit in their packets. He further stated that New England Energy Controls, Inc. (NEEC) had been hired as the Consultant for the energy audit (see attachment) which had taken place for the Town's buildings. He further stated that NEEC, along with PTE Energy, had developed the energy audit and that the Executive Summary was the report that they had submitted.

David Carpenter, President NEEC, stated that his light partner was BTE and that they had provided a presentation to the Town six months ago which had explained the project that was currently under review. He further stated that his company had completed a town-wide energy audit one year ago on all the non-school buildings in Town (11 in total) as shown in the attached report. David Carpenter stated reviewed the Executive Summary at length and in detail and noted the problems and solutions with the present energy systems in place in all of the Town buildings.

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To discuss and take action on the Energy Audit Program Cont'd.

David Carpenter passed around a sample of a new product called Flexstat, which had onboard Internet capabilities and an onboard occupancy sensor, noting that the unit would recognize when a space (room) was unoccupied/occupied and would regulate the air conditioning of that particular space according to its reading. He further stated that this technology was already being utilized by the hotel/lodging industry. David Carpenter stated that the total project cost for all of the 11 buildings (including the built in 10% contingency) was \$282,470. He further stated that the net cost would be \$182,000 (see column G in the attached table) and that came out to be \$5,088.00 per month with a projected savings of \$5,717.00 or \$700.00 per month x 12 (on the average) which would be \$9,000.00 per year, noting this was a win situation for the Town.

Stephen Possidento, CEM, PTE Energy had been a preferred vendor in the Small Business Energy Advantage Program (SBEA) Program for the Utility Company for four years and had been working with NEEC for 3.5 years.

Stephen Possidento stated that David Carpenter was very thorough and everything he had said was true and would provide great savings. Stephen Possidento stated that he had submitted the project to the Utility Company, noting that their experts review everything within the project prior to their approval. He further stated that there were a lot of different eyes looking at this project (in the Town's favor) and that in all likelihood, the figures provided this evening were on the conservative side. Stephen Possidento stated that with today's technology and the available LED induction, it would be very easy to put together a lighting project that would be very cost effective and that after the thorough audit had been completed, they had put together their recommendations and would submit the information to the Utility Company for approval. He further noted that they did not know what the incentive rate would be at the time of submittal, however as of today's date, it was at 30 percent, which the project was being based on. Stephen Possidento stated that the Utility Company was so confident that the savings were true and the measures were correct they were offering the Town incentive dollars and zero percent financing on the Town's invoice.

Town Councilman Ferreira referencing the bottom line of the last page of the attached printout, questioned if the Town were to go ahead with the program and three years down the improvements were done and the buildings that could be energy starred were, what would we realize as a Community as far as savings based on today's dollar off the Town's utility bills.

David Carpenter stated that Town would be saving approximately \$70,000.00 annually (between electricity and fuel costs) off the bill. He further detailed the breakdown of the estimated charges and explained the items and calculations at length.

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To discuss and take action on the Energy Audit Program Cont'd.

When questioned by Town Councilwoman Schenkel, Anthony Lorenzetti stated that he had not brought this information before the Board of Finance, as yet.

David Bertnagel stated that he had reviewed all of the numbers and that if all of the upgrades were to take place right away the budgetary savings for next year's budget would be approximately \$8,000.00. He further stated that according to their payback analysis at 2.7 years out, a \$70,000.00 savings would be recognized for the budget in utility costs. In order to do this whole program a motion would be needed from the Council to recommend an appropriation of \$282,470.00 to the Board of Finance for approval and if it passed by a simple majority or if they said no it would be two-thirds majority at a Town Meeting. He further stated that because of the American Recovery and Reinvestment Act (ARRA) the remaining funds of \$49,000.00 were subject to a time limit of early Spring 2013. David Bertnagel stated that originally the Town had received \$59,900.00 and \$10,000.00 had been earmarked for the study that was done, with the remaining \$49,000.00 for Capital upgrades, which was included in the \$282,000.00 less the \$100,000.00 talked about earlier with the other part being utility incentives. He further stated that for the most part the bills would go down \$8,000.00 per year, but the \$182,000.00 would be built in to pay back the utility company for their loan and then after the three-year window was up the other savings would come off. David Bertnagel stated that as far as conservation went, there were a lot of other incentives that could be looked into.

David Bertnagel stated that the motion that needed to be made would be to approve an appropriation for \$282,470.00 for efficiency upgrades to Municipal facilities and to refer it to the Board of Finance for a Town Meeting.

When questioned by Town Councilman Zagurski, David Bertnagel stated that the contingency was included in case something came up during the installation that the Town was not aware of at this point in time. He further stated that for the most part, the \$282,000.00 would be the limit that they would be allowed to spend, however the Town was not required to spend the entire amount.

When questioned by Town Councilman Zagurski as to who would be monitoring the program, Stephen Possidento stated that the utility company pre-inspects everything and the project could not move forward with their approval. He further stated that they were the muscle that perform the energy audits and perform the installations. Noting that they were electrical contractors, he further stated that they do all of their own work and that was what made them the best.

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To discuss and take action on the Energy Audit Program Cont'd.

David Carpenter stated that the goal would be to have someone trained in-house to start collecting the data in a more efficient manner, noting that when they had done the audit it was difficult to calculate the cost. He further stated that centralizing the billing and energy data from the buildings would be one way to tie all the buildings together in a network.

Vincent Klimas stated that he totally supported energy conservation.

Vincent Klimas questioned if the boilers themselves were examined for efficiency as part of the audit.

David Carpenter stated that they did not run individual combustion efficiency tests on the boilers, but when they looked at the indexes for each building and put them on the existing National tables, they found that a lot of the buildings in Town had higher than average gallons per square foot, which indicates that the heating plan was not efficient or the envelope was poorly insulated or lastly, a combination of both. He further stated that they indirectly intuitively knew it, but they did not perform individual testing of each piece of equipment.

Vincent Klimas stated that he was uncomfortable with intuitiveness as an individual and professional administrator who had handled this type of work in nursing homes and other public facilities. He further stated that this was a major issue that should have been evaluated and was stunned that it wasn't and questioned if a vote should be deferred and do the evaluation.

David Carpenter stated that the utility program does not look at anything with a payback of over seven years and noted that typically building envelope modifications had paybacks of seven to fifteen years so there focus was totally on controls and lighting, both of which were quick payback items.

David Carpenter stated that they had included a section in the 200-page report given to Anthony Lorenzetti, which talked about things which were not evaluated, such as insulation and renewable resources.

Vincent Klimas stated that the clarification helped him understand the parameters of what they performed and did not perform. He further stated that he hoped that the Council would communicate to the Public that there were many other conservation issues, such as looking at the insulation, the boiler efficiency, etc.

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To discuss and take action on the Energy Audit Program Cont'd.

Pattie DeHuff stated that working off her 2005 Town Charter she wanted to know if the money being discussed was currently in this year's budget. She further stated that in order for the Town to add money to the budget the Town would have to vote it under a Special Appropriation. Noting that in her copy of the Charter, under Chapter 7, Section 3 Special Appropriations, it goes to a Town Meeting if it exceeds \$50,000.00 and if something is going to go to bonding or go to notes (3c) it has to go to a Referendum. She further stated that this was not bonding, nor was it a note, but it was a loan from CL&P so she does not know where that leaves the Town; questioning if the we would go to a Town Meeting or to a Referendum because she did not think that the Charter addressed a loan such as this one.

David Bertnagel stated that for the most part the Town would not be writing a check to do the upgrades and that this project was being paid for by the utility companies. He further stated that in some regards the item was in the budget already as utility line items within the budget. He further stated that the Town would be paying back the fees and so for the most part the Town would be reaping the benefit of \$8,000.00 of savings in the first year with the utility bill dropping \$8,000.00. David Bertnagel stated that there would be a line item within the utility bill each month for distribution, electric charges and upgrades, so there would be no additional borrowing capacity for the Town.

Referencing the \$282,000.00, Vincent Klimas questioned if the utility companies would be paying the energy companies to do the installation and would the money being going through the Town coffers in any way.

David Bertnagel stated that the answer to Vincent Klimas question was no; that the Town would have to cut one check for the \$49,000.00 ARRA money.

Anthony Lorenzetti stated that the original funds were for \$59,979.00 and was broken up into two components, noting that the Town was requested to only do a small study and do most of the work on the physical upgrades. He further stated that the \$59,979.00 was fully reimbursable.

Vincent Klimas stated that it sounded like a \$59,000.00 expenditure and should have gone to a Special Town Meeting.

Town Councilman Ferreira called for Point of Order noting that he understood that Mr. Klimas had questions, however Privilege of the Floor existed and Mr. Klimas had asked many questions and that the answers had been provided.

Vincent Klimas stated that he did not feel the question had been answered.

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To discuss and take action on the Energy Audit Program Cont'd.

Town Councilwoman asked that the question be moved.

Mayor Festa stated that he wanted to finish up with this last question.

Vincent Klimas stated that he had a legal question regarding the fiscal appropriation process, noting this was the same project, the same contractors, same energy conservation and the Town was putting \$10,000.00 in tandem with \$49,000.00 and that's a \$59,000.00 expense, the Town has a legal obligation to follow the fiscal appropriation process. Vincent Klimas stated that he would encourage the Mayor and the Town Council members to follow the process because this could be held up in a challenge.

David Bertnagel stated that the \$10,000.00 was originally approved through the Town Council for the Study and was part of the \$59,000.00 item. The Town Council referred it to get the Study back, so the Town got back the proposal which was being presented tonight, which is the \$282,000.00 of which the \$49,000.00 was part of and that the Town was recommending the whole \$282,000.00 go to a Special Town Meeting and that the Town had only expended \$10,000.00.

Ralph Zovich, 5 Knight Lane, Terryville, stated that he concurred with David Bertnagel's comments and that the wording in the motion would need to be specific; that the Town Council was not increasing the Public Work's Budget by \$282,000.00. He further stated that the Town was eligible to claim reimbursement of the \$59,000.00 in ARRA money, which was already due to the Town and had been counted upon for the Energy Audit. Ralph Zovich stated that everything above the \$59,000.00 was new money so therefore, it was in effect a Special Appropriation, except it was to establish a Capital Projects line item requesting the Townspeople authorize the Director of Finance to set up a line item in the Capital Projects Fund and would not come out of our pocket. He further stated that in future Budgets it would be hidden in the utility costs and that it needed to be well documented so that in three years from now, CL&P doesn't keep whacking for the same recovery charges.

When questioned by Vincent Klimas, David Bertnagel stated that the \$59,000.00 would go before a Special Town Meeting.

Vincent Klimas stated that he supported this project.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Ferreira, to recommend to the Board of Finance an appropriation of \$282,470.00 for the purpose of efficiency upgrades to the municipal buildings in Town; whereby if the Board of Finance approves, we would hold a Town Meeting. This motion was approved unanimously.

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To consider and take action, as may be necessary, on the 10 Point Citizen Participation Plan, as submitted by Vincent Klimas

Mayor Festa stated that he had included correspondence from Vincent Klimas in the Town Council packets. Mayor Festa stated that he had met with Vincent Klimas last week and told him that his document had nothing to do with the Mayor making a decision on the particular issue and that it would be taken up by the governmental aspect of the legislative body, which was the Town Council. He further stated and the question was left up to him to either present it as an item for discussion this evening or at some other point in time at another Council meeting. Mayor Festa stated that he also offered Vincent Klimas the choice of discussion the document under "Comments on Non-agenda Items" and that he (Mayor Festa) had decided to bring the document forward for consideration this evening.

Vincent Klimas stated that his document, it had been published in a broader scope, non-specific to the people that were voted upon, and that he did not expect anyone to look at it tonight for the first time and vote on it. He further stated that the Town Council could discuss his document this evening and then bring it up again at another meeting.

Vincent Klimas read parts of his document into the record (see attachment) and requested that his document be published within the minutes as follows:

Dear Mayor and Town Council, Thank you for listening today and congratulations on your election. As I believe you are aware during the past election via the Bristol Press I publicly presented to the Candidates a request to endorse and implement the following "10 Point Citizen's Participation Plan." Please note the many of specific ideas I have discussed at various public meetings prior to the election but were not compiled and constructed into a Plan format. It was the election process that precipitated the citizen participation trends for the following Plan.

"10 Point Citizen Participation Plan:"

Assure Referendums and Special Town Meetings \$ Ballots be:

1. Written as individual projects with principal and estimated interests costs.
2. Written so that the voters vote on each individual project.
3. Written to assure excess funds be transferred back into the Rainy Day account and any new expenditures be voted upon by the voters per Town Charter stipulations.
4. Designed by engineering "Feasibility Studies."

Assure existing governmental problems are addressed by:

Rescinding the illegal existing Board of Finance "Level Debt Service" Policy because it has never been voted by the Voters.

**Plymouth Town Council Meeting
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To consider and take action, as may be necessary, on the 10 Point Citizen Participation Plan, as submitted by Vincent Klimas Cont'd.

5. Removing the muzzle off our faces and aim for the loftier goal of open Free Speech by rescinding the 6/7/2011 restrictive citizen participation Rule changes.
6. Lowering taxes. Citizens are at a fiscal breaking point and want change. Reduce the appalling out-of-control legal fees. The Board of Finance Policy has a 3% Rainy Day fund but it is notably over that amount. Is this overtaxing the citizens? Reduce taxes by any unexpended amounts returned from the Departments. Come back with a smaller Capital Bond request. Spend Less.
7. Eliminating illegal financial favoritism to political parties in the Planning and Zoning sign regulations. Political parties only pay \$5 for an unlimited amount. BUT a private citizen wanting to put up signs to exercise their Free of Speech pays \$5 per sign or \$5000 for 1000 signs. Are citizens first? Or are political parties first?
8. Providing "Citizen Participation Training" to all employees, elected officials, and Boards/Commissions regarding the US Bill of Rights, Town Charter, and the various types of Decision Making processes and choosing the "best fit" for the situation.
9. Holding a Public Debate so citizens can ask their questions.

Obviously, since you all won the election I now present my Plan directly to the Mayor and Town Council so that you can consider the various citizen participation issues raised in the proposed Plan.

Respectfully I request that you kindly respond in writing to the above **"10 Point Citizen Participation Plan."** Thank you for taking the time for listening to this Plan.

Vincent Klimas stated that his emphasis was to ensure that citizens make the decisions and that he had seen some erosion of that idea, noting that it precipitated out of the Referendum when there no specific project on the Capital Project and that in his one, individualistic one-person opinion, that had never been done in 30 years of Town Referendums. He further stated that he supported bringing projects forward, but not in a general blank check position and cited various examples of being project specific. Vincent Klimas stated that the Council should let the people decide and bring forth the projects, noting that it was the Council's obligation to do that.

Noting that there were no questions for Vincent Klimas, Mayor Festa thanked him for his document.

**Plymouth Town Council Meeting
December 6, 2011
Page Twenty-One of Thirty Pages**

To review and discuss Capital Improvements Committee Report on Bonding Proposal

Rodney Houle, 15 Frankie Lane, Terryville, Chairman Capital Improvements Committee, stated that his Committee had been in place and working on the Bonding Proposal for almost six years. He further stated that he was in attendance this evening because of the Bonding Proposal, noting that the Referendum had been voted down.

Rodney Houle stated that his Committee had received a lot of feedback from the Referendum stating that people had said they would have voted for certain items. Rodney Houle stated that he would be discussing what the Capital Improvements Committee was now proposing, in detail, for Phase I, noting that it was strictly infrastructure. He further stated that the majority of people that came back to the Committee members had been in favor of improving the Town roads, bridges, waterways, etc. Rodney Houle stated that many people had told the Committee members that the Phase was too big to devote just one way. He further stated that the Capital Improvements Committee, along with Town Engineer and Director of Finance, reviewed the Town's infrastructure (strictly the roads), noting that the Pavement Management Study was a bonus for the group and was utilized in depth for the necessary data. Rodney Houle stated that the Study included every road in Town that had a problem and included the dollar figure and what needed to be done. Rodney Houle stated that all the roads were examined and that the number one street for repair was Seymour Road at three million dollars in its entirety. Rodney Houle stated that Bemis street was the number two priority and probably would be in the area of 2.5 million and 10 percent of that figure would be \$250,000.00 for Engineering and Architectural studies. Rodney Houle stated that Beach Street was a waterway problem and always floods out. He further stated that it was part of the Pequabuck River and that a lot of the businesses on Main Street also flood out. Rodney Houle stated that the Fire Department had to pump out water from some of the businesses noting that some of them had six to eight feet of water in them. Rodney Houle stated that this repair would come in at one and a half million times 10 percent or \$150,000.00 for a necessary study. He further stated that this would include a Hydraulic Study because of the associated waterways. Rodney Houle stated that the map, which shows the conditions of the roads, had been included in the Council packets and had been rated. Rodney Houle stated that it would cost the Town 20 million dollars to repair all of its roads. He further stated that he wanted to present to the Council, this evening, a 9.8 million dollar infrastructure (see attachment). Rodney Houle outlined the Road Maintenance categories, noting that the breakdown of the 9.8 mature Bond package, 1.6 million dollars would be going to the North Main Street Bridge. Rodney Houle stated that the majority of the proposal was for road maintenance throughout the Town. Rodney Houle stated that everyone on the Committee, the Director of Finance, the Mayor, and the Town Engineer, all felt that the attached proposals would get the bowl rolling and should be presented as Phase I.

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To review and discuss Capital Improvements Committee Report on Bonding Proposal Cont'd.

Rodney Houle stated that he would be meeting with the Board of Finance in two weeks and then with the Planning and Zoning Commission for their approval. He further stated that after all of the approvals had been received, a Town Meeting would be scheduled for everyone to see what the group had been doing and open it up for discussion.

Rodney Houle stated that this proposal was a good start and noted that the majority of the work would be done in-house and that Anthony Lorenzetti and James Schultz would ensure that happens. Rodney Houle stated that bids would have to go out for the Seymour Road Project noting that it was a lengthy major job. Rodney Houle stated that the group would like to begin work for Phase One in the Spring of 2012. Rodney Houle stated that everyone wanted to take advantage of the hard economic times, noting that the bidding process was at an all time low. He further stated that everyone was hungry and looking for work and that the Town would get more bang for the buck. Rodney Houle stated that taxes would not go up a dollar with this proposal; that the proposal would be through mature bonding which was already in place. Rodney Houle stated that we needed to work the system to our advantage because we have the right people to do it and noted that David Bertnagel was very good at what he does. He further stated that David Bertnagel had been saving the Town money with his expertise in all different areas. Rodney Houle stated that the Town of Wolcott had a 10 million dollar Road Bonding Project currently in progress; the Town of Thomaston had a 10.5 million dollar Road Bonding currently in progress and that the City of Bristol had a huge Bonding Project currently in place. Rodney Houle stated that the neighboring towns have all seen that this is the right idea.

Anthony Lorenzetti stated that the 1.6 million dollar North Main Street Bridge Project was eligible for State funding at 32.3 percent grant. He further stated that in 2010 the State of Connecticut rated the North Main Street Bridge as being "poor" and read the Department of Transportation (DOT) comments into the record. Anthony Lorenzetti stated that everyone realized Bemis Street needed repairs and had geometric concerns, as well, noting that Consultants would have to be retained for the two design projects for this street. Anthony Lorenzetti stated that the Pequabuck River Study originated partly with Beach Avenue (which floods several times a year) and that a Consultant would be retained for a Hydraulic Study to look at the river to see what kind of improvements could be made. Anthony Lorenzetti stated that anything that was done with Seymour Road would require protection for Lake Winfield so to best achieve what would be going on, a Consultant had provided a preliminary design and that he would share them with anyone interested in seeing them and detailed some of the work that the plan would entail.

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To review and discuss Capital Improvements Committee Report on Bonding Proposal Cont'd.

Anthony Lorenzetti stated that the Board of Finance had funded a Road Maintenance Repairs Study where a consulting firm had come in and physically evaluated the pavement conditions and detailed the type of evaluation(s), performed on a scale basis, and the type of preventatives available. Anthony Lorenzetti stated that the roads were evaluated on a point scaled from zero to 100 and that the Town's overall grade was below average.

Anthony Lorenzetti stated that the software, which had come with the Pavement Management Study, allowed him to input in funding scenarios (see attachment), which would evaluate the roads and bring the pavement condition index up to the highest value it can for the available money.

David Bertnagel stated that there was approximately 1.4 million dollars of Debt Service, which would be falling off in 2012 and that the Town had budgeted 3.3 million dollars in Debt Service Payments. He further stated that as a result of that, the Town could take advantage of the opportunity and reinvest in the Community by issuing new Bonds and Notes with the existing 1.4 million dollars.

David Bertnagel stated that presently, the Town has \$170 million dollars worth of Town-owned assets (buildings such as the libraries, fire houses, Town Hall, roads, etc.) David Bertnagel stated that the evaluation was placed many years ago in an accounting statement in 2004/2005 known as GASB Statement 34. He further noted that the statement showed that depreciation had to be taken against all of the Town's assets. He further stated that for the most part, the Town's assets have only increased slightly and that in the current operating budget the Town invests approximately one million dollars in the Capital Outlays (vehicles, building improvements, etc. and road management at approximately \$400,000.00/year).

David Bertnagel stated that the depreciation expense of 2.5 million dollars from the last audit (June 30, 2011) and knowing that the Town should be investing 2.5 million dollars back into itself. He further stated that if the Town doesn't reinvest in itself there would be a decrease in the valuation of the Town. David Bertnagel stated that the Debt Policy, developed by the Board of Finance, prevents the Town from going past the 3.3 million or a 10% threshold.

David Bertnagel stated that looking at the market, with a six to nine month window) the Town has had opportunities to bond at a very low interest rate, so the Town can get a lot more work done and that all in all the proposal would benefit all of the taxpayers and addresses a lot of the immediate needs of the Community infrastructure.

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To review and discuss Capital Improvements Committee Report on Bonding Proposal Cont'd.

When questioned by Town Councilman Ferreira, Anthony Lorenzetti stated that the back of the summary sheet shows the rehab and mill overlay roads as a significant cost to the Seymour Road Project and that it was outside the 4.8 million dollars and was a project of its own. He further stated that Lake Winfield would be affected by the roadwork on Seymour Road.

When questioned by Town Councilman Zagurski, Anthony Lorenzetti stated that the Town would be soliciting Consultants for the Pequabuck River Study (and RFQ's) and that they would provide recommendations for improvement. He further stated that the Consultants would put together proposals on what they could provide for potential solutions.

When questioned by Town Councilman Zagurski, Anthony Lorenzetti stated Adams Drive and Todd Hollow Road were not included in the program, Anthony Lorenzetti stated that Bemis Street and Seymour Road were separate roads.

Anthony Lorenzetti stated that the software itself was looking at the most cost effective way to increase the overall ratings for the Town Road System and selected more of the heavily trafficked roads that would deteriorate quicker.

When questioned by Town Councilman Zagurski, Anthony Lorenzetti stated that there was a project up at Fall Mountain called Fall Mountain Water Road Paving and involves Federal Funding and was looking at Allentown Road from Townline down to the first main entrance of Fall Mountain Lake Road.

When questioned by Town Councilman Zagurski, Anthony Lorenzetti stated that the letter "P" and the letter "T" on R. Houle's listing stood for Partial and Terryville, noting that some roads had the same name so the letter "T" was used to designate Terryville.

When questioned by Town Councilman Zagurski stated that Burr Road/Harwinton Avenue was shown on R. Houle's listing under "Exclusions" because they would be torn up when the water lines were installed.

Vincent Klimas stated that this project listing was a significant improvement of the proposals presented for the Capital Improvements in the Town and was very specific. He further stated that the lack of being specific was the foundation of the opposition previously. He further stated that he hoped the ballot question would become specific, as well, noting that it was a significant improvement.

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December 6, 2011
Page Twenty-Five of Thirty Pages**

To review and discuss Capital Improvements Committee Report on Bonding Proposal Cont'd.

When questioned by Vincent Klimas, David Bertnagel stated that the estimated interest would be hard to determine at this time because it would be based on the term of the loan and the market conditions when we go out for the bonding. He further stated that the looking at the bonding going out 20 years, the Town would be looking at approximately 2.7-2.8 million dollars.

Vincent Klimas stated that the interest should be mentioned in the bonding question, as well. Vincent Klimas stated that as the winter months come upon us, all Public Hearings should include a "snow date", as well as the ultimate Referendum.

Rodney Houle stated that he would be meeting with the Board of Finance next week and then he would be going to the Planning and Zoning Commission with every project listed. He further stated that at this point in time, he was looking for the Town Council's approval to move forward.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Foote, to accept the 9.8 Million Dollar Bond Proposal as presented by the Capital Improvements Committee for the purpose of sending the Proposal to the Board of Finance. This motion was approved unanimously.

When questioned by Town Councilman Zagurski, Mayor Festa stated that should the Board of Finance give their approval for the bonding, the proposal would then go to a Public Hearing

To review letter to Chairman David Philbrick re. Coldform Back Tax Issue

In response to a letter received from David Philbrick, Chairman, Economic Development Commission, Mayor Festa stated that he had told him that he would be speaking to the Town Council because of the action being taken by the Town, via the Tax Collector's Office and the Tax Collector.

Mayor Festa stated that Jay LeBuff owns Hotseat and Coldform and that he was behind approximately \$480,000.00 in back taxes. He further stated that this situation had been going on for ten years and that Jay LeBuff had played games with every Administration for the last ten years.

Mayor Festa stated that his office has supported Ana LeGassey and the former Tax Collector (Linda Hood) about not signing off on a permit which would allow Jay LeBuff to put a new roof on his building.

**Plymouth Town Council Meeting
December 6, 2011
Page Twenty-Six of Thirty Pages**

To review letter to Chairman David Philbrick re. Coldform Back Tax Issue

The Mayor stated that he had offered Jay LeBuff, a number of times, a great deal of assistance, rental space for his properties, etc., and that Jay LeBuff had come back four times saying that he had a buyer, but they would not buy the building until the roof was repaired/replaced.

Mayor Festa stated that he had told Jay LeBuff that he could have his lawyer, who was well equipped to put a contingency clause in the sale contract indicating that the purchased would go through if, in fact, the roof was repaired, prior to the actual deal being cemented.

Mayor Festa stated that Mr. LeBuff had become very political during the last election and had called a number of political candidates trying to expose Mayor Festa for his lack of willingness to help support him and business in the Community. He was also saying that the Tax Collector's office would not help him. Mayor Festa stated that personally, he felt that Mr. LeBuff was looking to patch the holes in his roof for this winter so the heat would not go up through the holes, noting the building was very large. He further stated that he felt this was Mr. LeBuff's problem, not his and not the Town's.

Mayor Festa stated that the Economic Development Commission had taken up the issue and that in their wisdom, felt if the town was moving forward, which we are in court proceedings for foreclosure, that it would be in the best interest for the Town to allow him to put a new roof on the building because eventually the building would become the Town's. Mayor Festa stated that he was still holding steadfast in his position and that unless Mr. LeBuff showed some good faith effort and moved forward in the direction that he had indicated over the last ten years, he was going to support the Tax Collector and would not sign off on a permit for Mr. LeBuff to repair/replace his roof.

Town Councilwoman Schenkel stated that she thought the letter was appropriate and that the Mayor was handling it very well, and to stay the course.

Town Councilman Ferreira stated that he was in agreement with Town Councilwoman Schenkel.

Mayor Festa thanked the Council for their support and noted that if the Town residents could pay their taxes in a timely manner and those that could not, do work with the Town on a payment plan, then so could Mr. LeBuff. He further stated that Mr. LeBuff had told the Mayor that it was very costly to live in Westchester County, noting that he had told Mr. LeBuff to move to Plymouth and he would gladly find him a place less expensive.

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To review Curbside Trash Pickup Information

Anthony Lorenzetti stated that he had been asked to go out for proposals for curbside solid waste collection and that he had received bids at the end of September and the low bid was from CWPM and based upon that bid they put together a financial projection (see attachment) for curbside solid waste and explained the line items in detail. Anthony Lorenzetti stated that the solid waste contract was bid to be initiated July 1 so it could be incorporated as part of the Budget process.

Ted Scheidel stated that he, along with Anthony Lorenzetti and others, felt that for the betterment and best interest of the Town, looking at blight, etc., curbside pickup would be the way to go. He further stated that it did not pass at a couple of Referendum and as changes have occurred and evolved with recycling they come to the Town Council with enhanced curbside recycling with automated pickup. He further stated that the involvement in Town was very low and that the month before the automated had started with the new barrels, they had collected 41 tons and that in November they collected 80.5 tons and that every indicated exists that the automated recycling would increase based on past data and was the industry standard. Ted Scheidel stated that automated garbage pickup and already has automated recycling pickup it increases even higher because 80 tons a month is 960 tons a year and is still a low number for the population and makeup of the Town of Plymouth and should be 1200 tons per year. He further stated that he was one of the incorporators of BROC and TROC and that it is an added expense and the bid for \$420,092.00 was a very good bid, noting they had tried to get the best figure. Referencing the attachment T. Scheidel stated that one attendee was eliminated (approx \$35,000.00) and would stay in the budget for right now and that the amount of savings would come down due to tipping. Anthony Lorenzetti detailed the figures and explained the hauler procedures noting if the town did the program it would no longer received revenue back from Oliver Rubbish Removal who the Town bills for disposal of residential waste. Ted Scheidel stated that he was a big fan of automated Curbside Pickup and that it costs money but that it would come back to the Town.

Town Councilwoman Murawski, noting that a Town-wide vote had voted it down previously, stated that she would not want to institute it without another Town-wide vote. Town Councilwoman Murawski questioned if someone had more trash than they could fit into the container would they still be able to go to the Transfer Station with the extra rubbish.

Anthony Lorenzetti stated that in terms of what was being proposed, the containers were large, however they would not be able to bring their rubbish to the Transfer Station. Noting that he has this program in Bristol, and that sometimes he has to set aside items for a week, but has not experienced a huge problem with five people at his residence.

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To review Curbside Trash Pickup Information Cont'd.

Anthony Lorenzetti stated that because of upgrades, it would be very expensive to keep the Transfer Station open.

Ted Scheidel stated that it would be open as a Recycling Center for oil, demolition material, metal, tires, material, etc., and that looking at separate towns, it wo

When questioned by Town Councilwoman Murawski, Anthony Lorenzetti stated that the plan called for dumpsters at the condos, as well as pick up as some of the Town facilities.

When questioned by Town Councilman Ferreira, David Bertnagel stated that it would be a \$129,000.00 average assessment or \$72.24 impact per household per year. He further stated that the cost would drop off in the year 2016/2017/2018 with a savings of \$70,000.00 because the containers would be fully paid for.

Anthony Lorenzetti stated that the possibility existed to move the plant to the Leaf and Brush facility and combine operations minimizing how many people would be needed to operate it.

Vincent Klimas stated that this was an aspect of the Citizen Participation Program, which he had referred to earlier this evening. He further stated that the Public had not seen anything on this and hopefully in the future any material could be placed on the table prior to the meeting beginning so that it could be reviewed and aid in citizen participation. He further stated that hopefully, no votes would be taken tonight enabling the Public to review the information.

Anthony Lorenzetti stated that this matter had been requested of the Public Works Department by the Town Council several months ago and had been an ongoing issue.

Town Councilman Foote made a motion, seconded by Town Councilman Ferreira, to move the agenda item forward to the Townspeople.

David Bertnagel recommended referring it to the Board of Finance for their financial input and then they would return it to the Town Council at which time the Town Council would decide if they wanted to hold a Public Hearing and then to a Referendum depending on the Public Hearing results. This motion was approved unanimously.

Town Councilman Ferreira withdrew his second; Town Councilman Foote withdrew his motion.

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To review Tropical Storm/Snowstorm Re-imbursements

Town Councilman Foote made a motion, seconded by Town Councilman Ferreira, to move the agenda item forward to the Board of Finance for their financial input and then they would return it to the Town Council at which time the Town Council could decide if they wanted to hold a Public Hearing or a Referendum. This motion was approved unanimously.

David Bertnagel distributed copies of two reports (see attachments), one being the Tropical Storm Events Costs-Town of Plymouth, and the second being the Winter Storm Alfred Event Costs-Town of Plymouth, as of December 6, 2011. He further stated that there was a lot of damage as the result of the Tropical Storm with a total expenditure of \$50,098.38. David Bertnagel stated that on the Water Pollution Control side there was a total expenditure of \$98,417.23, noting that was a separate fund that the Town has. He further stated that the total incurred as of 12-6-2011 was \$148,515.61, noting that the figure did not include any losses to infrastructure. David Bertnagel stated that the Town might be entitled to Federal funding for 75 percent and 25 percent Town matched and would be addressed at some point in time.

David Bertnagel stated that areas near the Pequabuck River experienced major damage in Town and in Bristol and that some items from that would be forthcoming, noting the Town had 18 months from the day to come up with plans for mitigation and other events. He further stated that as of today's date, the total cost to the taxpayers would be \$12,525.00 and WPCA \$24,604.00 and the estimated grant would be \$111,387.00. David Bertnagel stated that the Winter Storm Alfred Total Town Cost at 25 percent would be \$69,623.00 and WPCA \$498.00, estimated grant at 75 percent, \$210,363.00.

David Bertnagel stated that the State has the FEMA money and the Town was waiting for its share. David Bertnagel stated that he would provide updates to the Board of Finance and monthly updates to the Council, as well, to let everyone know where the Town stood with reimbursements.

Vincent Klimas stated that he wanted to congratulate Anthony Lorenzetti, the Mayor and the council noting that everyone responded very well to two natural disasters. He further stated that he did not apply his congratulatory remarks to CL&P, however the Town did a great job, and everyone worked very hard and he was proud of everyone.

Liaison reports

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

Town Councilwoman Schenkel stated that she had nothing to report at this time.

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Public Comments

When questioned by Vincent Klimas, Mayor Festa stated that the Main Street School was still available for purchase and that the offer that was presented had been turned down.

Council Comments

No report.

To review Tropical Storm/Snowstorm Re-imburements

When questioned by Town Councilman Zagurski, Mayor Festa stated that split rail was being investigated to replace the orange fencing and dress up the area. He further stated that the sign had to remain because of funding from the State of Connecticut. Mayor Festa stated that the orange fencing was left in place to give the grass seed a chance to grow and that it had come in nicely, even with the cold weather. Mayor Festa stated that two small areas had to be dug to remove the copper contaminate which had been found.

Adjournment

There being no further business of the Plymouth Town Council, Town Councilwoman Murawski made a motion, seconded by Town Councilman Zagurski, to adjourn at 11:00 p.m. This motion was approved unanimously.

Respectfully submitted,

Acting Recording Secretary