

Town of Plymouth
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Plymouth Town Council
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Minutes

January 3, 2012

Call to Order: Mayor Vincent Festa, Jr., called the scheduled January 3, 2012, Town of Plymouth Public Hearing Meeting to order at 6:00 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.

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.

Presentation/Reading of Legal Notice Posted December 20, 2011

Mayor Festa read the Legal Notice (see attachment) posted on December 20, 2011, for the Town Council and Public Audience and into the record.

Public Comments/Written Recommendations re. Ordinance 14-29 Concerning Police Traffic Duty

Mayor Festa stated that the reason for the Public Hearing was to provide citizens with the opportunity to hear and/or make comments, recommendations relative to the Town of Plymouth Ordinance 14-29 concerning Police Traffic Duty.

Mayor Festa requested that Ann Tuleja, Chairman Police Commission, to provide the Town Council and the Public an overview to let the citizens know what was taking place regarding Ordinance 14-29.

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Ann Tuleja, 383 Allentown Road, Terryville, Chairman, Police Commission, stated that because of complaints, which the Police Commission had received on traffic control on public right away roads, the Commission had tried to work on an Ordinance and came to the Council in October 2010.

Ann Tuleja stated that the Council and the Public wanted the Police Commission to begin working on the Ordinance with their comments and that the groups had wanted both Flaggers and Police Officers, and that their first draft had been just Police Officers. Ann Tuleja stated that they had wanted some kind of delineation on roads because people were afraid that dead end roads would be impacted or roads on the outskirts of the Community that didn't see a lot of traffic. Ann Tuleja stated that the Police Commission had held a meeting for the Public to come back and speak to the Commission and then they had systematically worked on it for 10 months. Ann Tuleja stated that, for the record, only Melanie Church attended any of the meetings in that timeframe, that there were no Developers, no Flagging Companies, or anyone that tried to work the process with the Commission. Ann Tuleja stated that the Police Commission had obtained copies of the minutes from the Town Council (verbatim) and worked with what they thought the Council wanted from the Commission. Ann Tuleja stated that the Police Commission had come back in October 2011 and presented their work to the Town Council and that the Town Council had moved to send the Ordinance to a Public Hearing in November, however the Public Hearing had been cancelled. Ann Tuleja stated that at the November meeting, the Town Council had tabled the issue because they had said that they wanted the newly elected Town Council to be able to review it for themselves. Ann Tuleja stated that she came to the December 2011 Town Council Meeting and made the presentation, again.

Ann Tuleja stated that the Police Commission had taken the 14-29 Ordinance and basically had kept it the same. Ann Tuleja stated that the Police Commission had wanted to have a list of streets (adopted at the Police Commission) to use as just a guide, noting that it would not be attached to the Ordinance.

Ann Tuleja stated that the Public Works Director, Anthony Lorenzetti, had helped them compile and review the list of roads that primarily would be a bigger concern if a lane of traffic was blocked because that's what the Police Commission had been talking about; work going into the road and how the traffic would be conducted and the safety involved.

Ann Tuleja stated that they were a Traffic and Safety Board, and that this issue was not in regards to the Police Department or the Police Commission.

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Ann Tuleja stated that the Ordinance had come to them because they wore a dual hat as the Traffic Authority.

Ann Tuleja stated that it had been a good exercise for the Police Commission because they did not have any idea of what it entailed, i.e., the price of a Police Officer verses a Flagger, what expenses were in it, because they never really looked at it, noting their concern had always been about safety and traffic. Ann Tuleja stated that was how the Commission had come to this Ordinance and they had wanted to make it better.

Randy Olmstead, 76 Greystone Road Extension, Plymouth, stated that he was representing Connecticut Traffic Control, which was a small business based in Plymouth.

Randy Olmstead stated that the company had been in operation for the past 16 years, and that speaking as an employee of the company and that as a Plymouth taxpayer, he was extremely disappointed to be here again tonight addressing another form of this ordinance, which had been presented a year ago.

Randy Olmstead stated that he did not understand why the Police Commission and the Public Works Director were allowed to come up with the Ordinance, which discriminates against private companies that provide employment to the citizens of Plymouth and around the State. He further stated that it was unfair that the professional certified Flaggers were misrepresented as being incapable of directing traffic on busy streets.

Randy Olmstead stated that Connecticut Traffic Control had been hired by several towns to direct traffic on much busier streets than Route 6, including Route 5 in Wallingford, East Main Street in Waterbury, Buckland Hills in Manchester, Park Street in West Hartford, just to name a few. He further stated that the aforementioned city streets make Route 6, Plymouth's busiest street, look like a back road. Randy Olmstead stated that in addition, the Town was looking to restrict 35 streets from Certified Flaggers, again taking jobs away from the private sector.

Randy Olmstead stated that Connecticut Traffic Control had also been hired to provide Certified Flaggers at four State airports, including Bradley International, Groton, Oxford, and Danbury, to maintain the flow of traffic throughout security areas including active taxiways and was directly responsible for the safety of the aircraft, workers involved and several hundred trucks in and out of the airports.

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Randy Olmstead questioned why if the Connecticut State Police, the Connecticut Department of Transportation, the TSA, the FAA had deemed Certified Flaggers capable of creating a safe work place for the Public combining vehicles, aircraft traffic and workers, the Plymouth Police Commission and the Public Works Director again try to diminish the integrity of the professional certified Flagger.

Randy Olmstead stated that Police Officers were paid overtime, which adds to the Town expenses through their pensions and cost more for the Contractor, which ultimately gets trickled down to the taxpayer.

Randy Olmstead stated that the Town's Public Works Director, Anthony Lorenzetti, should not have a say on which streets Flaggers can work on, noting that this was typical for small towns and that was where the corruption starts and that there was no accountability. Randy Olmstead stated that he believes that the Contractor should have the final decision on who they want directing traffic on their construction sites.

Randy Olmstead stated that in conclusion he wanted everyone to know that in the government on the local, State and Federal level, your generation government was burying his generation in taxes and debt and that it was issues like this one here tonight, it was not American, it was Socialism and that he hoped the Town Council does what was right for the Plymouth companies and the residents of the Town.

Randy Olmstead stated that he had a packet of projects that Connecticut Traffic Control had worked on and some photos of what they had done at Bradley Airport.

Beverly Olmstead, 76 Greystone Road Extension, Plymouth, owner of Connecticut Traffic Control Company, stated that the Police were always making a statement on safety, their big safety issue and that she does not see them out there with a big Stop Slow Sign like this (showing her Stop Slow Sign) on a seven-foot pole. She further stated that they were out there with their hands directing traffic and that she felt you could see a sign a lot better than a hand.

Beverly Olmstead stated that hard hats were required on overhead work, which her company does, with electrical tree services and that she never sees a cop out there with a hard hat and she thinks it's a bunch of greed, stated that was all it was.

Peter Worhunsky, 19 Coral Drive, Terryville, stated that he had been following the issue for over a year now with some interest, there was a lot of miscommunication and that everybody just tries to get through the day and do what we have to do.

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Peter Worhunsky stated that everyone, including the police, could hopefully accomplish the most we can. Peter Worhunsky stated that in the 63 years he's been in the country/Town it seems to get harder and more complex and more controversial to get through the day.

Peter Worhunsky stated that standing in both people's shoes and analyzing it, it got into a contest of this particular method was superior to that particular method and it reminded him the days of grammar, junior high and high school where he still hadn't learned to argue with a Yankee fan that the Red Sox were better, etc.

Peter Worhunsky questioned what we were arguing about to get through the day. Peter Worhunsky stated that he was in attendance at the early October Council meeting questioning what this was all about. Peter Worhunsky stated that his brother had gone to the Town Council meeting when the matter came up last year and gave his feelings, noting he wasn't pro-Police or pro-Flagger.

Peter Worhunsky stated that he had used (as an example) the Fall Mountain Water Main Installation that his company had done to bring water main in from Thomaston to Terryville and that they had used two Policemen for that portion of the project. He further stated that his point was yes, maybe Flaggers for traffic control or maybe nothing at all and that certainly on Town Line Road, they sometimes had a combination and they had a detour which was an inconvenience.

Peter Worhunsky stated that the price they paid for inconvenience for city water was a small price to pay and that the result of the inconvenience was that another section was done Dorothy Lane/Frankie Lane/Seibert Drive about ¾ mile of pipe with the diggers he ran through, using the amount of days laying the pipe and what they would of paid for traffic control verses signing whatever, traffic control in all phases and so you weigh the pluses and minuses and 75 people got city water they wouldn't of had.

Peter Worhunsky stated that looking back almost a half century, from being an engineer all the way down to the ditch, at age 63 down in the ditch, at age 63 getting through the day. Peter Worhunsky stated that coming up, hopefully this year, if he remembers correctly, this year 11 more families would be getting water in the Burr Road/Harwinton Avenue area and that we don't know where the money was coming from, but as a Town, including the Council, felt it was only fair that the people with polluted wells make it through the day for an estimate of 1.1 million dollars.

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Peter Worhunsky questioned how do we approach that from an engineering standpoint, from a safety standpoint, do we close the road, it is going to be a complicated slow project with blasting, do we close the street and let the people have a little harder time getting through the day the end result, so we as residents are giving these people a waterline and above (Richmond Drive who don't have water who are also paying for it) so we have to think about that, how we are going to do it in the most economical way. He further stated that if we close the street down it would be cheaper and it would make it harder for people to get through the day and at the end the decision has to be made.

Peter Worhunsky stated that earlier this year the Town of Plymouth reconstructed South Main Street to fix the 90 degree corner and luckily we got State aid for the project, almost a million dollars, put it out to bid and Contractors started to work, shut the road down, got to get the job done and get through the day. Peter Worhunsky stated that the week before Labor Day comes and the Town of Plymouth starts school and everyone has to get to school and get through the day the buses have to get to the houses to pick up the children. Peter Worhunsky noted that buses could not get through South Main Street because it was closed and parents called the bus companies asking where the buses were and that the end result was the road had to get done and the kids have to get to school and it was agreed upon at a meeting that the Contractor could keep the road closed for up to ten minutes, restrain the buses for up to ten minutes and that he could understand that move. Peter Worhunsky stated that if you drive down there now, the road is done, gorgeous job and a good move for the Town of Plymouth. He further stated that everyone was talking about the Town during the election, our Town of Plymouth, nice job, and that someone else even paid for it, what's wrong with that, kids went to school, no one flunked out, no one got expelled. Peter Worhunsky stated that he sees all sides of the story, and that while he was sitting here in early October and asking what this was all about, (someone correct me if I'm wrong, but this was how I heard the story) he stated that we have the Police Commission, all volunteers, that's what counts a lot, that's what life is about, volunteers, that's great, put a lot of time into it, a little bit disheartened because they spent time a year ago and now they're back again with another proposal and its starting to be questioned for one reason or other and that he was listening. Peter Worhunsky stated that Cmsr. Golnik, another person who's trying to get through the day, had to go down Beach Avenue, and that there was a Contractor working on Beach Avenue doing water main installation and that Cmsr. Golnik was kind of upset that his day was a little harder to get through because traffic control was substandard (in his opinion) and hindsight is always 20/20.

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Peter Worhunsky stated that being in construction and being an Engineer and owning the construction company that has worked the longest for CT Water Company (1941) he was very familiar with the Beach Avenue project, at that time in preconstruction meetings (which he didn't attend but his brother did) with Water Company Engineers and perspective bidders, it had been suggested that Beach Avenue be shut down so that the Contractor could get his job done. Peter Worhunsky stated that in this particular case, Cmsr. Golnik had to travel 550 feet to Fairview Avenue and take Roosevelt, Dewey or Ames Avenue, a rather simple detour, but hindsight was 20/20. He further stated that he had noticed, ahead of time, and wondered why they did not have the street open to local traffic, kind of what they had done on Town Line Road, so people that lived there could get to their houses. Peter Worhunsky stated that was where we missed the big picture; it wasn't a case of the Yankees being better than the Red Sox, we weren't using the right type of baseball, we were using a basketball to play the game. He further questioned why wasn't the road shut down, Cmsr. Golnik would not have been hampered about a 30 second delay in his day verses his delay of a minute, two or three or 20 minutes.

Peter Worhunsky stated that he read in the paper that there was a hearing tonight, and that there were 35 streets that we would be designating to have traffic control on. He further stated that in October he saw a miscommunication, noting that Cmsr. Tuleja elected to go back a year ago and study the issue and that she asked the Public Works Director Lorenzetti for a list of streets, which she was under the impression, would need traffic control. He further stated that a couple of questions were raised; Washington Road where he lived for 45 years, noted the Terryville Fair had a lot of traffic for a weekend. Peter Worhunsky questioned if Burr Road and Seymour Road would require traffic control, or Bemis Street, noting that he couldn't get his hands on a list of streets so he couldn't make an intelligent statement of his opinion without the list and he wasn't sure if there were 35 streets that require that and that it would depend on the type of construction or the type of work going on.

Peter Worhunsky stated that the point he wanted to make was that there have been jobs they've been on (sewer water main construction) approaching 20% of the job spent on traffic control, such as Maple Street one out of every five dollars going to something not needed and that it was a waste of money we don't have and could be better spent. Peter Worhunsky stated that we all sat there and we had people running for office, and that everyone was trying to get through the day, clip coupons, not too many people care what these cost, they all look through value, it's not value and we are not in a position to, we're not Warren Buffet where money is not object.

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Peter Worhunsky stated that another item he saw in the paper, last night, was that \$150,000.00-\$160,000.00 had been spent on police overtime for traffic control last year and if that was the case then maybe what we ought to do (the Contractors) we as people who work in the streets maybe we ought to come in here and ask the Council since it's going to cost us \$150,000.00 maybe we ought to chip in for a full time policeman like we have for the Dog Warden Officer (Roginski) because we can go to the Police Department and say we'd like to hire the Police Commission we have to take the Police, and whenever one of us in our organization needs an Officer we can get an Officer for probably a lot less than \$150,000.00 a year.

Peter Worhunsky stated that he was just looking for a concept, and that when he says contract here's another thing to consider, a great majority of work in city streets and Town right of ways or State right of ways was done by utilities and that we have Contractors (such as himself) doing work, but it's the utility whether it be our sewer department, the water company, ATT, Comcast, CL&P Yankee Gas, it's not a case of we have to have an ordinance and this is the way I always read it the Contractor has to have control over the Contractor, we don't know who he is, what his name is, is he licensed, can he spell his name, etc., is he competent, we can trust the fact that particular contractor is working for CL&P Yankee Gas, etc., in other words, 80 Main Street, whoever is in charge, can pick up the phone and call NE Utilities or Yankee Gas or whoever the utility is and you will get a responsible answer and if you don't and their particular contractor was causing undue problems with residents of the Town of Plymouth getting through the day, if you don't clean your act up, that Contractor or get a new Contractor we will make things difficult for you and that's kind of a thing to remember. Peter Worhunsky stated that it was not ABC Driveway Company that just moved in from Fort Kent Maine, no insurance, etc., documented workers, no one with a driver license or to install pipe, that's not the case, you have control over the Contractor. Peter Worhunsky stated that looking across the street from the Whole Donut, he saw Yankee Gas was doing sidewalk repairs and was told by the Contractor (from Stamford) hired by the gas company to oversee the Contractor that it was going down to zero and that he had been called in to do three patches on sidewalks. He further stated that you cannot how many Contractors they went through this year and the gas company calls him and it was up to the resident Engineer to make sure the job is getting done quickly at the DOT, so the utility changed their business model, they can't have that, and it's not somebody that just got out of the trenches, what does he want? He further stated that the Engineer, someone working for the engineering firm, so that's another point here, Contractors working in the town right of way, working for the utility or that government agency so this building does have a lot of control over that.

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Peter Worhunsky stated that these were just some points to consider here, that's what he heard in the elections, elections coming up, let's say we have to get the most bang out of buck, sometimes it damages to do it one way and sometimes it damages to do it another way. Peter Worhunsky stated that it was about getting through the day, what's the best method.

Martin Sandshaw, 7 Richmond Drive, Plymouth, stated the he was in favor of having some sort of Ordinance and that he felt there should be some discussion and that the 35 roads, or whatever roads, which were wanted, was a good starting point because it could be determined in a preplanning meeting what was needed for traffic control because of site lines and volume of traffic or not. He further stated that it was a start in the right direction.

Martin Sandshaw stated that he had talked to an employee of the McDonald Corporation out of Burlington, VT, and that he had been told that traffic control on jobs on streets was their biggest responsibility of the job because of the worker and because of the Public using the road and that they take that very seriously. He further stated that the McDonald Corporation had done many jobs on Route 7 in South Burlington, VT, and that it was a huge corporation.

Martin Sandshaw stated that he truly believes there should be a three-tiered approach and that when you're in a preplanning meeting and talk about where the work would be accomplished and you've decided you need traffic control for whatever reason, if the company providing this service has a Certified Flagger that has been put into his bid process, not an extended cost.

Martin Sandshaw stated that if for some reason the company doesn't have Certified people to do the work then the second option should be to go to somebody like Connecticut Flagging and ask them if they can provide the service and if they don't have the time to provide the service we should offer it to our Local Police Department.

Martin Sandshaw stated that he did not believe we have to have a Certified or sworn Officer on every job and that there were different steps to approaching it.

Referencing Storm Irene, Martin Sandshaw stated that there were Flaggers in VT, all over the place, and that they certainly weren't uniformed Policemen and that they had the stop/slow signs and were doing a fine job. He further stated that their responsibility was first and that their foremost job was to protect the worker in the trench and secondly people using the road.

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Michael Maffia, 98 North Riverside, Terryville, stated that as a member of the Police Commission he wanted it noted that the Ordinance was already in place. And that the Commission had been asked to bring it up to date, to current State standards and that's what they had done.

Michael Maffia stated that the 35 roads were flexible and that this was the type of situation that could be added to or subtracted from and that it did not include the entire road. He further stated that there were some areas on those roads that had hazardous site lines and that was where Anthony Lorenzetti would directly come in and decide if the Police Department was needed at that location or a Flagger.

Michael Maffia stated that the Commission had taken the State Statute and incorporated into the old Statute just by updating the wording. He further stated that it was not designed to take work away from Contractors and that's where everyone was blurring the line. Michael Maffia stated that originally the Commission had more than 35 streets and that Anthony Lorenzetti had reviewed the listing, reduced the amount to 35 streets, based on his discretion of the line of site and the type of construction and traffic flow in the area. Michael Maffia stated that if a project came in and was deemed that there were no problems (clear line of site) and the private Contractor could handle the job without the Police, then so be it.

Michael Maffia stated that there was an application in the Public Works Office which the Contractor had to fill out, noting that it was filed so that the Police Department, in the event there was a safety hazard or complaints about the company/Flaggers the Police Department could see if they had a permit and could shut the construction down, noting that this was all within the State Statutes. He further stated that the Statute had not been updated since the seventies.

Ronald Wollenberg, 48 North Riverside Avenue, Terryville, stated that this issue of Police on the construction sites was a very important thing, but that there were places that they were not needed and to be knuckled down to say if you work on Washington Road you need a Police Officer was wrong. He further stated that it was in sections on that particular road.

Ronald Wollenberg stated that in the past, Anthony Lorenzetti had not experienced too much trouble with signing or traffic control on construction sites and that it had been taken care of because most of the people in the business were conscientious and that no one wanted to see someone get hurt or be held up for a day and a half because of five minutes of their work.

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Ronald Wollenberg stated that he had worked with a number of different Flagging companies and that they make it their business to get traffic through their sites safely.

Ronald Wollenberg stated that the idea of a Statute was good, but to keep it to a point where there was common sense involved, noting that we did not need Police control all the time.

Ronald Wollenberg stated that he was working on a bridge in Middletown and that in the morning when the traffic was heavy on one side, there was two Police Officers making sure the traffic was flowing and that they had parked an empty cruiser in the middle of the road for the other side of the bridge (with lights flashing) and it worked.

Ronald Wollenberg stated that the Olmstead's did a good job.

Ronald Wollenberg stated that Anthony Lorenzetti had been handling the issue pretty well and that if the Town wanted to designate some areas for Police traffic control to go ahead, but not to get itself into a corner.

Ann Tuleja stated that the roads that they picked were under the discretion of the Public Works Director and that the Charter gave him the right because he was the person who gave out the permits.

Ann Tuleja stated that the Commission did not designate that it would only be Police Officers on the named roads; it was Police Officer and/or Flaggers depending on the scope of the project and the determination by the Public Works Director.

Ann Tuleja stated that the road listing could be changed; roads could be removed or added as the Ordinance went along, it was not set in stone and that the road listing was adopted separately.

Ann Tuleja stated that there were parts of Washington Road that wouldn't require an Officer, however there were other areas with sharp angles and bad site lines that require one.

Ann Tuleja stated that this issue had been brought up in order to tighten up the Ordinance and that it was for both groups at the discretion of the Public Works Director.

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Public Comments Cont'd.

Beverly Olmstead stated that her company uses two-way radios to communicate when they come up against blind spots and hills on roads.

Beverly Olmstead stated that Cops should not be used at all, Flaggers were certified, Cops were not and that Flaggers were capable of handling major intersections and the cost was a lot cheaper to the tax payers.

Doug Olmstead, 706 Greystone Road, Plymouth, stated that this was an issue about money and safety, the money should be a no brainer, and that if the Town taxpayers were aware of this Ordinance they would not approve of this Ordinance.

Doug Olmstead stated that the money the Town could of saved hiring construction certified Flaggers instead of Officers for the past five years would probably be enough money to fix Bemis Street or Seymour Road.

Doug Olmstead stated that the numbers don't lie and if you do the math it favors the Town and that the Town taxpayer did not pass this and the other issue is safety. I

Doug Olmstead stated that he had heard people say site line and questioned that in a site line would this be better (held his hand up in a "stop/halt" position or would a big stop sign be better if someone was asking you to stop your car from driving.

Doug Olmstead stated that he had worked for Manafort Brother and had been in the trade for a long time and that if one of these Officers gets hurt, isn't it the Town that is responsible for their medical bills and their worker's comp, I don't know if that's true or not.

Doug Olmstead stated that in conclusion the Town does not benefit from this and will not benefit from this for years to come.

Doug Olmstead stated that he/Flaggers trust the Council to delegate their money and hoped that the Council does so to benefit the Town.

Doug Olmstead stated that it was a Federal OSHA law that a hardhat be worn working on a construction site and questioned why a Police Officer was not required to comply with this law.

Ann Tuleja stated that she was unsure of the "why", but was happy to look into it and try to supply Mr. Olmstead with an answer.

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Public Comments Cont'd.

Michael Maffia stated that there seemed to be no problem with the State passing an Ordinance and there seemed to be no problem with the Town having an Ordinance on the books for years, decades he believed, but now that we're bringing it up to State Statute it seems like it's a big problem.

Michael Maffia stated that if we leave it as is, it would still be on the books and it still leaves it for Tony Lorenzetti to decide whether or not a Police Officer or a Flagger or no one is needed so the money would still be spent either way.

Michael Maffia stated that periodic reviews of Ordinances have to be done and be brought up to date and that the State was the one that put out the original Ordinance and all the Towns follow it in their own Town Regulations and that was all we're doing, we're following State Regulations. He further stated that if the Town did not upgrade the Ordinance and something does happen and the Town was not in compliance with State Ordinance, the liability to the Town taxpayers could be much more severe than the cost could be. He further stated that there's no telling where the cost would go in that case; not only would you have the liability from the individual that was injured or individuals, property owners as well as the State breathing down the Town's neck and that's something we're attempting to avoid. He further stated that the Commission was not saying that Police Officers have an exclusive on this, but that they were saying that it's up to Tony Lorenzetti's discretion. Michael Maffia stated that they had named several streets with severe site line or traffic problems that they thought should be on the list so that Anthony Lorenzetti could look at each project, maybe not the whole street, maybe just the intersection like Washington and Tunnel Road that keeps coming up. He further stated that in addition when Police Officers were at those locations they would have the lights on in the cruisers so people would know they were there and even though they don't have a five foot sign on a seven foot pole doesn't mean that they are not there directing traffic. Michael Maffia stated that they had updated the Statute, brought it in line with the State Statute and that if the Council voted against it then the Council would be in violation of State Statute/State law and then we're opening up a whole new can of worms should something happen.

Chief of Police, Karen Krasicky, stated that she wanted to clarify about the Officers being Certified and Traffic Control duties. Chief Krasicky stated that when the Officers attend the Police Academy that it was part of the curriculum to take classroom and traffic control duties and they actually go out in the middle of the street with a Certified Instructor. She further stated that in order for them to become Certified Police Officers and pass the Police Academy, they were graded in these areas and that they have to pass them.

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Public Comments Cont'd.

Michael Zampone, 40 Wilton Road, Plymouth, stated that he was wondering how many accidents had been reported in the last year on construction sites or road jobs, does anybody have that figure?

When questioned by Michael Zampone, Mayor Festa stated that the Public could see the list showing the 35 roads.

Ann Tuleja stated that she did not have that figure, but they did not bring the Ordinance through for accidents; they had brought it through from a couple of complaints that were given to them by residents and the fact that their Commissioner had been heading down Beach Avenue and that the Flagger was sitting there not directing Traffic and that's how the Ordinance had come to the Traffic Authority to be developed.

Ann Tuleja stated that the list was not available online, that it was in the Public Works/Mayor's Office because unless the Ordinance was adopted it would be a moot point.

Beverly Olmstead stated that she had hired a retired Police Officer (approximately 10 years ago) and they would not accept his Police Certificate, acknowledging that might of changed. Beverly Olmstead stated that as far as someone getting hurt on a project, due to traffic at a construction site would be on her insurance, if it was a Police Officer she was sure it would be through the Town's insurance.

Council Comments

Town Councilman Ferreira stated that he had wanted to digest the information regarding the Ordinance from the last Town Council Meeting, noting that he had respected all the opinions/views, which had been presented this evening. Town Councilman Ferreira stated that in Section 2a of the Ordinance, it read "sworn Police Personnel" needed on any of the streets. Referencing Section 2b of the Ordinance,

Town Councilman Ferreira stated that the Plymouth Public Works/WPCA were allowed to direct traffic themselves and that he felt certified Flaggers who had gone through the certification process felt that were qualified (more than enough) noting that was all the State was requiring.

Town Councilman Ferreira stated that he felt it was a little overkill and that he would prefer the Town's Police Officers doing the job that they do best out in the Public.

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Public Comments Cont'd.

Town Councilman Ferreira stated that the Town had a great Police force and that he commends their work, however the Certified Flaggers, using he certified techniques and standard operating procedures, was what was needed today.

Town Councilman Ferreira stated that he wanted to give kudos to the Olmstead's for what they had been saying and understands what they were saying, but not to diminish what the Police Commission had done or what the Police Officers do out in public.

Town Councilman Ferreira stated that today, we are a little over ordinance and a little over legislated and that we should keep it simple because the less we have of laws/ordinances on the books, the better off we will be.

Town Councilwoman Murawski stated that she had a problem with Section 2a and read the first sentence into the record; noting that Flaggers were not mentioned in the sentence and that if you were having work done in the road you have to have a sworn Officer there. She further stated that the list of streets was irrelevant and had nothing to do with anything according to the first sentence of the Ordinance.

Town Councilwoman Murawski stated that it reminded her of the bureaucrats in Washington who want to make rules for everyone else but themselves and she can't do that.

Town Councilwoman Murawski stated that there would be more burden on taxpayers, it was a double whammy with increased cost of utilities, increased cost if you were doing something yourself in the street in front of your house, and the pensions would increase the taxes as well, noting there was no win here.

Town Councilwoman Murawski stated that presently, the Public Works Director makes the decision if cops were absolutely necessary and that she was fine with that, noting that he did a good job, he came up with the list and he could use it as the way things were.

Town Councilman Foote stated that he was not too happy with the word "discretion" of the Public Works Director, not that he had any problem with Mr. Lorenzetti.

Town Councilman Foote stated that he liked Marty Sandshaw's October comments and that he had previously alluded to them.

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Town Councilman Foote stated that he liked the three-tier approach being that any preplanning for any project first choice would be the contractor's own Certified Flagger, second choice the Flagging company and third choice, if all fails, or if it was such an extreme condition, the Police Department would be in charge of that situation.

Town Councilman Zagurski stated that the Council had covered his comments.

Town Councilwoman Schenkel stated that she wished Peter Worhunsky had stayed because she wanted to ask him how she could get through the day, noting that it was a very interesting analogy.

Town Councilwoman Schenkel stated that she agreed with Ron Wollenberg's comments about common sense.

Town Councilwoman Schenkel stated that what people did not understand about the Ordinance was that it had nothing to do with people standing in the road and waving signs or whether or not they had a car with signals, noting that it was the other drivers who were on the road that were texting while they drive, people being constantly stopped for DUI, speeding, aggressive drivers, road rage while they drive, etc., that were causing the problems every day, in every Community.

Noting that when someone was going 60 miles per hour around a blind curve, Town Councilwoman Schenkel stated that it wouldn't matter how big a sign was, they were not going to see the sign, but hopefully they would see the cop signal lights or the Police Officer would be able to get help (as an onsite responder) and that was the goal behind the Ordinance.

Town Councilwoman Schenkel stated that the Beach Avenue story was more about children riding on bicycles in the area, noting that Commissioner Golnik had noted that, not so much about his inconvenience at the construction. She further stated that the Flagger on Beach Avenue did not shoo the children away.

Town Councilwoman Schenkel stated that no one was saying that Flaggers (or anyone else) was not capable and that no one was saying that Flaggers shouldn't be hired for every single job in Town, but there may be a situation where a Police Officer, on the list of any of the 35 roads (or off the list) would be needed if the road was blocked, dug up, blind curve, treacherous, poor site line, to provide additional security not only for the workers, but for the flaggers as well.

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Town Councilwoman Schenkel stated that no one was diminishing the integrity of the Flaggers, noting that they went through certification and were qualified and that no one was saying they were not doing a good job and that she felt they should be there in addition.

Town Councilwoman Schenkel stated that she took exception to the comment that Public Works Director Anthony Lorenzetti should not have a say as to what streets Flaggers should work and that it was typical for small towns. She noted that the Charter authorized Mr. Lorenzetti to have the domain and the opinion of what happens with the repairs and maintenance of the roads and how it would be managed in terms of safety as well as our Safety Commission. She further stated that to link the two sentences together and to imply that Mr. Lorenzetti was corrupt or unaccountable, one would have to be very careful because that could be considered to be slanderous/liable. She further stated that she had never experienced a feeling that Mr. Lorenzetti had been dishonest and that language was not merited without proof.

Town Councilwoman stated that there was discrimination, but that it was in a positive manner to protect the other 12,000 people out there and that she was not prejudice, but was here for every Town taxpayer and Town resident. She further stated that there were a lot of people that needed protection and that there should be something on the books.

Town Councilwoman Schenkel stated that when a Contractor comes in and questions what requires him to/or not to hire a Police Officer or that he doesn't care that there were kids running around, etc., that he was not going to use a professional Flagger, that there has to be teeth to enforce the Ordinance. She further stated that she believed Anthony Lorenzetti would not abuse the Ordinance.

Adjournment

There being no further business of the Town Council at the Public Hearing, Town Councilwoman Schenkel made a motion, seconded by Town Councilwoman Murawski, to adjourn at 7:20 p.m. This motion was approved unanimously.

Respectfully submitted,

Acting Recording Secretary

Attachments on file in the Town Clerks Office