

**Town of Plymouth**  
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**Plymouth Town Council**  
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**Minutes**

**May 16, 2013**

**Call to Order:** Mayor Vincent Festa, Jr., called the scheduled May 16, 2013, Plymouth Town Council Special 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 DiAnna Schenkel, and Town Councilman Tom Zagurski. Also in attendance were Chief of Police Karen Krasicky, Police Commission Vice Chairman Michael Maffia, 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.

#### **Mayor's Report**

**Probate notification, Estate Settlement; Re-appropriation of 2001 STEAP Grant funds for Skate Park; Code Enforcement Committee Listing; Correspondence from Parks and Recreation Commission Chairwoman Linda Kazmierski; Correspondence from Paul Pronovost; CIRMA Report/Equity Distribution, \$15,853/\$44,339; Invitation to attend Memorial Day Parade Ceremony, Monday, May 27<sup>th</sup>, 2013, 10:00 a.m., Parade (transportation); Martin Sandshaw, Energy Star Award (\$672,397 Total savings to Taxpayers)**

Mayor Festa stated that he had received notification from Probate Court that they were involved with the settlement of an estate that had been bequeathed to the Town of Plymouth for use for the children of the Community. He further stated that once the settlement was completed, the Executor had taken his fees out, and the allocation of funds given to him under this particular will, the Town would be notified on what it would inherit. Mayor Festa stated that when the information was received he would forward it to the Town Council and the Public.

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**Mayor's Report Cont'd.**

Mayor Festa stated that the Town had some baseball park work done a while back (behind Fisher School), and that there had been money leftover. He further stated that the State of Connecticut had approved a re-appropriation of the remaining STEAP monies with the understanding that the local Government was in favor of doing something of that nature.

Mayor Festa stated that the Code Enforcement Committee's listing had been included in the Council's packets for this evening.

Mayor Festa stated that he had received correspondence from Linda Kazmierski, Chairwoman of the Parks and Recreation Commission indicating that interviews for the Parks and Recreation Director's position had taken place. He further stated that the Commission had selected Michael Ganem as the Director, noting that Mr. Ganem had been notified of his candidacy and approval.

Mayor Festa stated that the Council packets would have correspondence (again) from Paul Pronovost, Interim Public Works Coordinator and that there would be ongoing updates.

Mayor Festa stated that the CIRMA Report for Equity Distribution was \$15,853.00 and that with the Town keeping its rates down, there had been a savings of \$44,339 over the past four years.

Mayor Festa stated that the Memorial Day Ceremonies would be held in Plymouth on Sunday, May 26<sup>th</sup> at 11:00 a.m., at the Plymouth Green (Plymouth Congregational Church). He further stated that the Terryville Memorial Ceremony would be held on Monday, May 27<sup>th</sup> at 10:30 a.m. and would begin at the Terryville Fire Headquarters on Harwinton Avenue, Terryville.

Mayor Festa stated that through Martin Sandshaw's efforts, as the District's Conservation Coordinator, the Board of Education had been awarded Energy Star status, noting that this had resulted in an energy cost savings of \$672,397.00 for the Town. Mayor Festa thanked Martin Sandshaw, on behalf of the citizens of the Town of Plymouth. Being present at the Council meeting, Mayor Festa asked Martin Sandshaw to please stand and be recognized, that was also recognized with a round of applause for Martin Sandshaw.

**To refund the following Property Taxes: Jason R. Miller \$108.79; James S. Baccei \$23.35**

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Foote, to refund Property Taxes for Jason R. Miller in the amount of \$108.79 and James S. Baccei in the amount of \$23.35. This motion was approved unanimously.

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**Appointments/Resignations: To appoint the following: Michael S. Milan to Economic Development Commission as a Regular Member; Term to expire 6-1-2015; Sandra Klimkoski to fill a vacancy on the Library Board of Directors, Term to expire 11-3-2015; Jacqueline C. Dowd as a Regular Member of the Inland/Wetlands Commission, Term to expire 9-1-2015**

Mayor Festa stated that the appointment and vote for Sandra Klimkoski was just a formality, noting that she was replacing a Republican who had resigned from the board and that by State Statute; the Republicans had the right to put a candidate of their choosing in the position. He further stated that he would like to see full support of the Council for Sandra Klimkoski's appointment.

Town Councilwoman Murawski made a motion, seconded by Town Councilman Foote, to appoint Michael S. Milan to the Economic Development Commission as a Regular Member with a term to expire on June 1, 2015; to appoint Sandra Klimkoski to fill a vacancy on the Library Board of Directors with a term to expire November 3, 2015; to appoint Jacqueline C. Dowd as a Regular Member of the Inland/Wetlands Commission with a term to expire on September 1, 2015. This motion was approved unanimously.

**To remove from table to take action to assign term limits to the newly appointed members of the Public Works Advisory Commission; (Five Regular Members, Two Alternates); Joseph D. Carey, Jr., (7); Scott Poulton, (21)(2); Richard Lyga, (32)(1); George L. Castle, (12)(7); Thomas J. Zagurski, (14)(5); Ronald Wollenberg, (13)(6); Barbara J. Watson, (1); Peter Giancesini, Sr., (15)(4); Daniel Gentile, (20)(3); Joseph Green, (5); Louis Santos, (0)**

Town Councilwoman Murawski made a motion, seconded by Town Councilman Foote, to remove from table to take action to assign term limits to the newly appointed members of the Public Works Advisory Commission. This motion was approved unanimously.

Town Councilwoman Murawski made a motion, seconded by Town Councilwoman Schenkel, to appoint as a Regular Member of the Public Works Advisory Commission for a one-year term, George Castle, as a Regular Member for a two-year term Thomas J. Zagurski and Peter Giancesini, to appoint as a Regular Member for a three-year term Ronald Wollenberg and Richard Lyga and Alternate Members, which serve three-years, Daniel Gentle and Scott Poulton.

Discussion:

Town Councilman Zagurski questioned Town Councilwoman Murawski as to how she came up with this, noting that Scott Poulton and Richard Lyga had the most votes as she wanted to put him on as an Alternate.

Town Councilwoman Murawski stated that it was just how she thought it work well.

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**To take action to assign term limits to the Public Works Advisory Commission Cont'd.**

Town Councilman Ferreira stated that he was under the impression that the top five were going to be on and the bottom two would be the Alternates and that was the way the Council was going to work it.

Town Councilwoman Murawski stated that she didn't remember that being said.

Town Councilman Zagurski and Town Councilman Ferreira stated that it was never said. Town Councilman Ferreira stated that he just figured that and it was what he thought.

Roll Call Vote: Town Councilman Ferreira/no; Town Councilman Foote/yes; Town Councilwoman Murawski/yes; Town Councilwoman Schenkel/no; Town Councilman Zagurski/no. Motion failed. (See Motion on Page Three)

Town Councilman Zagurski made a motion, seconded by Town Councilman Ferreira, that Richard Lyga and Scott Poulton be put on the Commission for three-year terms, that Peter Ganesini and Daniel Gentile be put on the Commission for two-year terms, and that Thomas J. Zagurski be put on the Commission for a one-year term, and that Ronald Wollenberg and George Castle be put on as Alternates.

Roll Call Vote: Town Councilman Ferreira/yes; Town Councilman Foote/yes; Town Councilwoman Murawski/no; Town Councilwoman Schenkel/yes; Town Councilman Zagurski/yes. Motion passed. (See Motion on Page Four)

Mayor Festa stated that he wanted to thank the Public Works Ad Hoc Committee members for all of their long, hard work, noting that he was expecting good things to happen now.

**To formally accept the resignation of James Murdock from the Economic Development Commission, effective March 27, 2013**

Town Councilwoman Murawski made a motion, seconded by Town Councilman Ferreira, to accept the resignation of James Murdock from the Economic Development Commission, effective March 27, 2013.

Discussion:

Mayor Festa stated that Jim Murdock had been a marvelous addition to the Commission for many, many years and that Jim Murdock had offered his future services to the Commission, noting that he was only a phone call away. Mayor Festa stated that he wanted to personally and publically thank Jim Murdock for all that he had done for the Town.

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**To formally accept the resignation of James Murdock from the Economic Development Commission, effective March 27, 2013 Cont'd.**

Vote: This motion was approved unanimously. (See Motion on Page Four)

**To discuss and take action on recommendation of Tax Incentive Committee to provide financial assistance to Terryville Chevrolet, \$13,600.00**

Town Councilwoman Schenkel made a motion, seconded by Town Councilwoman Murawski, to recommend providing \$13,600.00 for financial assistance to Terryville Chevrolet. This motion was approved unanimously.

**To review and take action authorizing the WPCA to enter into a contract with Delray Contracting, Inc.**

Town Councilwoman Murawski made a motion, seconded by Town Councilwoman Schenkel, to authorize the WPCA to enter into a contract with Delray Contracting, Inc. This motion was approved unanimously.

**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief**

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Ferreira, to review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief.

Discussion:

Town Councilman Zagurski questioned if the Council was talking about reviewing.

Town Councilwoman Schenkel stated that the Council would be reviewing the Agenda item and taking action if necessary.

This motion was approved unanimously.

Chief Krasicky stated that Police Commission Chairwoman was on vacation and that Police Commissioner Vice Chairman Michael Maffia, who would be presenting the two items, was running late, but was on his way to the Council Meeting. She further stated that she could answer questions from the Council.

Town Councilwoman Schenkel rescinded her motion and Town Councilman Ferreira rescinded his second to the motion.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Town Councilman Zagurski made a motion, seconded by Town Councilwoman Schenkel, to table the review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief, until Vice Chairman Maffia arrived at the Council Meeting. This motion was approved unanimously.

**To review the status of the Skate Park and take action, as may be necessary, to authorize four Town employee volunteers to use Town equipment for necessary Skate Park work**

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Ferreira, to review the status of the Skate Park and take action, as may be necessary, to authorize four Town employee volunteers to use Town equipment for necessary Skate Park work. This motion was approved unanimously.

Martin Sandshaw, 7 Richmond Drive, Plymouth, Chairman Skate Park Committee, stated that the Skate Park Committee was going along quite nicely, and that the Site Plan would be developed, that the local local surveyor donating his time, and that the students from the Landscaping class at Terryville High School would be shadowing the volunteer to see what it entailed to do a Site plan. He further stated that because this was evolving into a Community Project, he went to the Public Works Staff Meeting about 6 weeks ago, talked about the Site Plan and asked if anyone was interested in volunteering their personal time to help with the excavating work and construct a road that was desperately needed for that area. Martin Sandshaw stated that ended up with four volunteers who would do it on a Saturday afternoon/Sunday morning or whenever the time is available. Martin Sandshaw stated that he was asking for the Town Council's permission for these four qualified employees to use Town equipment to do the excavating work.

Town Councilman Zagurski questioned what the motion previously made by the Council was.

Mayor Festa stated that the Council had tabled the agenda item because the item did not have the correct wording of "take any action as necessary" in it. The Recording Secretary stated that the Council members had been in agreement for the volunteers to do the work.

Town Councilman Zagurski stated that he had thought the Council was talking about moving money that had been left over from Fisher School, tonight.

Town Councilman Zagurski made a motion, seconded by Town Councilman Ferreira, to allow the Town employees to utilize the Town equipment to help with the Skate Board Park. This motion was approved unanimously.

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**To discuss and take action, as may be necessary, to amend the Covenants of the Phase Three Business Park**

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Foote, to discuss and take action to amend the Covenants of the Phase III Business Park. This motion was approved unanimously.

Town Councilwoman Schenkel stated that the Covenants had been an ongoing roadblock to many businesses that wanted to come into the Town's Industrial Park and felt that this would be a really nice change and gave her full-hearted support for this amendment to the Covenants.

Mayor Festa stated that Craig Stevenson, Town of Plymouth Economic Development Consultant/Developer, was in the Public Audience this evening and would be able to answer any questions that the Council and/or Public might have on the agenda item.

Town Councilman Zagurski questioned what type of business came under the heading Recreational Private Instructional.

Town Attorney Salvatore Vitrano stated that the Resolution mirrored the Resolution made by the Economic Development Commission and that Craig had worked with the Commission on the item. He further stated that Craig Stevenson should answer the question.

Craig Stevenson stated that a Recreational Private Instructional business was a business that focused on providing instruction to people who were looking to do various recreational activities such as dance, gymnastic, or certain indoor sporting instruction. He further stated that we have all seen these types of businesses in other Business Parks, throughout the State, and that these would be commercial enterprises that focused in on those types of endeavors.

When questioned by Town Councilman Zagurski, Craig Stevenson stated that Service Oriented Businesses would be businesses like HVAC, carpentry, electronics, providing other commercial services, and (B to B) business-to-business types of services. He further stated that because of the narrow manner in which the Covenants had to be originally written, these types of businesses had been excluded.

When questioned by Town Councilman Zagurski, Craig Stevenson stated that a Non-Manufacturing Industrial Use company was an attempt to catch any industrial type of use that may not fall into that category.

Craig Stevenson stated that an example of a Non-Manufacturing Industrial Use company would be someone who was doing an industrial use, but not necessarily manufacturing a product, such as providing services within a various industry that didn't fall under manufacturing and was intended for industrial/commercial type of use.

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**To discuss and take action, as may be necessary, to amend the Covenants of the Phase Three Business Park Cont'd.**

Craig Stevenson noted that the Economic Development Commission would want it to be stated that the Town was not changing any of the Protected Covenants if the uses were changed. He further stated that these other users would have to follow the same guidelines in terms of the development of their Site Plans, the screening of any outdoor activities, and the use of natural materials as they faced Preston Road. Craig Stevenson stated that all of the safeguards that had been put into place to maintain the quality of the area would follow the new uses, but that it would give the Town a wider audience to attract to the Park.

Town Councilman Zagurski noted that at one point in time there had been a business that wanted to move into the Business Park to restore boats and believed he wasn't allowed in because he didn't have enough employees. He further questioned that if there were Covenants that covered that requirement.

Craig Stevenson stated that there wasn't a Covenant that covered the number of employees, but he could see how that use, under the current Covenants, would not be allowed into the Park because they weren't producing a product so they didn't fall within the very narrow SIC Codes required based on the original Covenants.

When questioned by Town Councilman Zagurski, Craig Stevenson stated that if the Covenants were changed, this type of business fall into the new usage of providing a commercial service.

When questioned by Town Councilman Zagurski, Salvatore Vitrano stated that the Council would be serving in two roles this evening. He further stated that the Town Council was voting to authorize the proposed changes as previously stated, and that secondly, the Council would be authorizing the Town Attorney to draft the Covenants as stated in the Resolution, noting that he would only be adding the permitted uses category, under Section 3.1. Town Attorney Vitrano stated that the Council would also be authorizing the Mayor and the Economic Development Commission to sign the drafted document/Amendment.

Town Attorney Vitrano stated that there was a time issue, noting that there was a business going through the process of buying one of the Business Park lots and in order for that to happen the changes would have to be made. He further stated that if the Council was concerned about the specific language of the Covenants the Council could ask him to draft the document and bring it back for Council approval at the next Council Meeting.

When questioned by Town Councilman Zagurski, Town Attorney Vitrano stated that the Economic Development Commission had already passed the Resolution, almost identical to what was currently before the Council this evening.

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**To discuss and take action, as may be necessary, to amend the Covenants of the Phase Three Business Park Cont'd.**

Town Councilman Zagurski questioned if one of the Economic Development Commissioners had requested that a certain minimum building size was maintained.

Craig Stevenson stated that requirement was already in the current Covenants and would not be changed.

When questioned by Town Councilwoman Murawski, Craig Stevenson noted that the State could not approve the proposed change until the Town approved it. He further stated that he had been in contact with the Department of Economic and Community Development (DECD) and that they had expressed (in writing to him) that if the Town were to bring forward the change, they would sign off on it.

Craig Stevenson stated that he did not want the Town to go through the expense, and spend the time required, without knowing that DECD would approve it. He further stated that DECD had encouraged the Town to make the change noting that they knew the specific changes.

When questioned by Town Councilwoman Murawski, Craig Stevenson stated that Commercial Service Oriented Businesses would not include restaurants, noting that they were not permitted in an Industrial Zone. He further stated that in addition to the Park Covenants, the Town's Zoning Ordinances also needed to be followed.

When questioned by Town Councilman Zagurski, regarding the last sentence of his March 15, 2013 email, Craig Stevenson noted that the Draft Modification to the Protective Land Use Covenants for the Plymouth Industrial Park had already been submitted to the State, as requested.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Zagurski, to accept the proposed Resolution (attached) as read into the record. This motion was approved unanimously.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Foote, to untable the agenda item to review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief. This motion was approved unanimously.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Ferreira, to review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Discussion:

Michael Maffia, Vice Chairman, Plymouth Police Commission, stated read the General Order #13-2-“Promotional Procedure to the Rank of Assistant Chief and the Duties and Responsibilities of an Assistant Chief” and “Job Description for Assistant Chief” document into the record.

When questioned by Town Councilman Zagurski, Michael Maffia stated that POP stood for Police Officer Standard Training.

When questioned by Town Councilman Zagurski, regarding the reason for the limitation of the position to only Plymouth Sergeants, Michael Maffia stated that in the past forward advancement opportunities had been stale and that was the reason why, providing the Sergeants were qualified. He further stated that whoever was eligible to take the test and did not pass it then other action, unknown to him, would have to be taken, noting that had not been discussed, to date.

When questioned by Town Councilman Zagurski, Michael Maffia stated that the Assistant Chief did sign an actual contract, noting that once they accepted the job they would come out of the Union, totally, and no longer had Union protection. He further stated that just like the Chief, they would have a contract and that Human Resources handled the exact wording for the contract. Michael Maffia stated that the Police Commission wanted this put in so that in the event there were problems they could be terminated. He further stated that they wanted a contract with limited time and yearly evaluations so that things wouldn't get out of hand as the Commission had found happened in the past. Michael Maffia stated that the Commission had come a long way in correcting some of these types of problems from the past and that they felt this would be the best way to protect the Town.

When questioned by Town Councilman Zagurski, Michael Maffia stated that the annual performance evaluation was put in by the Police Commission so that whoever got the position would state what their goals were on a yearly basis and the Chief would be able to evaluate them to see where they stood. He further stated that most people set goals and some people had said that the bar was so high they could never reach it. Michael Maffia stated that the Commission realized this, but agreed that they would be satisfied as long as the person came close to what they had set their yearly goals for.

Town Councilwoman Schenkel stated that this document was more than just an annual performance evaluation; it also served as a developmental tool that the Chief could use to help that Assistant Chief grow.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Michael Maffia stated that Town Councilwoman Schenkel was correct with her statement and that it also would filter down through the department. He further stated that if a person fell a bar short, i.e. 50 percent, it would open up the dismissal clause for not meeting their goals and would give the Chief the opportunity to look at why that happened. He further stated that he was not saying that it would be an automatic dismissal.

Town Councilman Zagurski questioned if before there was disciplinary action taken, would the person have to go through Human Resource.

Michael Maffia stated that Town Councilman Zagurski's statement was correct, as well as how the contract was written, noting that they would have to follow the contract procedures. He further stated that when they finished, the Police Commission did not want the person to be able to move back into their old slot or be rehired by the department. Michael Maffia stated the reasons for this was because the Police Commission had felt that it would be detrimental that the person was part of the Union, then went to an Administration position, then back to the Union and start at the bottom of the ranks again.

When questioned by Town Councilman Zagurski regarding General Orders, Eligibility, Page Two, Michael Maffia stated that the Town had five Sergeants, but only the top three that took the exam would be eligible.

Town Councilman Zagurski questioned why the Police Commission didn't want to be involved in the process of helping or approving the selection, noting that the document stated the Chief of Police would do the selecting.

Michael Maffia stated that the Commission wanted to manage, but not micro-manage because they were not part of the exam process and they felt that whomever the Chief selected would be a good choice.

Town Councilman Zagurski stated that the eligibility list would remain in effect for three years, and questioned what if the other two Sergeants became very effective, went to school, learned more within three years and possibly became more qualified than one of the other two on the list.

Michael Maffia stated that the contract would only run for three years for the Assistant Chief.

Town Councilman Zagurski questioned if the Assistant Chief decided to move to Bristol next year, assuming he could, the department would still only have two people eligible to move up to the rank of Assistant Chief.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Michael Maffia stated the department would go to the next one in line with the highest score, take the highest score first and go that way.

Town Councilman Zagurski stated that he was saying that maybe one of the two sergeants that didn't qualify, might.

Michael Maffia stated that he understood what Town Councilman Zagurski was saying, but unfortunately, there had to be some kind of cutoff and yes, they may be better, but maybe they failed and went below 70 percent in the exam system, so they would be totally ineligible.

Town Councilwoman Murawski questioned if this position was an addition to the Police Department, noting that the current Assistant Chief was temporary.

Michael Maffia stated that the Assistant Chief was temporary with the intent that the Police Commission was going to put this in without increasing the size of the force. He further stated that you would still have the same number of people on the force; it would take one out of the rank and file.

Town Councilwoman Murawski questioned if this would replace the Captain's position.

Michael Maffia stated that yes, it would; there was no longer a Captain's position. He further stated that, through research, most of the departments were calling it Assistant Chief or Deputy Chief, so they changed Captain to that.

Town Councilwoman Murawski questioned what the major changes were between the Captain's job description and this new Assistant Chief.

Michael Maffia stated that he had a copy of the old one. He further stated that he would be doing the same job; the Commission just changed the title of the position.

Town Councilwoman Murawski questioned if it was basically just a title change.

Michael Maffia stated that was correct and the dismissal clause, reviews, etc., were the little changes, basically.

Michael Maffia stated that the requirement, under the old Captain's job description, was that they have five years as a Sergeant.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

When questioned by Town Councilwoman Murawski, Michael Maffia stated that the schooling stayed the same and the Commission elected to keep it that way despite the fact that research of other Police Departments showed that their Assistant Chief's or Deputy Chief's had Master and Bachelor Degrees, noting that ours did not.

When questioned by Town Councilwoman Murawski, Michael Maffia stated that off hand, he did not know for certain what the education requirements were for the Police Chief, he thought it required a Master's Degree, but he could look it up.

Chief Krasicky stated that there was a minimum of a Bachelor's Degree, and a Master's Degree was preferred.

When questioned by Town Councilman Ferreira, Michael Maffia stated that the Captain's position had not been a Union position and was an Administrative position.

When questioned by Town Councilman Ferreira as to if there was an impact for the position, on a monetary level or a raise, Michael Maffia stated that question would have to go through the Finance, and that he was not privy to that information at this time.

Michael Maffia stated that he could find out the answer to Councilman Ferreira's question if he wanted him to.

When questioned by Town Councilman Ferreira, Michael Maffia stated that the pay scale could be the same as the Captain's, but again, he could not commit one way or the other.

Town Councilwoman Schenkel stated that it had been a while since the Police Department had a Captain so it probably would have changed anyway.

Michael Maffia stated that he was sure that there most likely would be, but to positively say yes or no, whatever, how much if there was one, he wouldn't even venture, especially with today's budget already passed and the economics we were living in.

Town Councilwoman Murawski questioned if the Police Commission had actually voted not to get rid of the Captain's position or no, was it still on the books.

Michael Maffia stated that it was still on the books, but there hadn't been one for several years; it was there before he came on the Commission, noting that he wasn't privy without digging up what the Commission meeting minutes said to the Town Attorney and that he wouldn't answer the question just for that reason.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Town Councilman Foote questioned if there was a change in the number of years under III Qualifications for the rank of Sergeant before they could be qualified.

Michael Maffia stated the answer was yes; it used to be five years and was changed to three years. He further stated that it was a 3 to 2 vote.

Town Councilman Ferreira stated that he liked the fact that the Town was looking internally and that the Town was trying to grow up one of our own from within.

Michael Maffia stated that the Police Commission had made a lot of improvements over the last two years and some had gone to the Council. He further stated that the Police Commission wanted to continue to make improvements and that hopefully, they could continue and upgrade to modern times verses the 50's, 70's or whatever.

Town Councilman Zagurski questioned if there was truly a Captain's position or was it still a Lieutenant position that we have a job description for.

Michael Maffia stated that as far as he knew it was the Captain's position and there was one at one time, but that was before his tenure and he didn't know what the deal was with that. He thought maybe it was a Captain's and a Lieutenant's position and that the Captain was equivalent to the Chief, but he didn't know.

Town Councilman Zagurski stated that the story he always heard was that there was a Lieutenant position and then they created it into a Captain's position, but that he didn't know what the job description truly said at this point.

Michael Maffia stated that he didn't know and he would have to do the research before he said anything.

Karen Krasicky, Chief of Police, Terryville, stated that when she came to the Town of Plymouth Captain Lausier had been promoted to Captain, but the General Order was still reflecting as Lieutenant so in 2008 it was presented to the Town Council, from the Police Commission, to change the rank because he was a Captain and the General Order still said Lieutenant and that she believed it was approved by the Town Council on January 2<sup>nd</sup> in 2008.

Melanie Church, 328 Main Street, Terryville, stated that as she heard the job description to her any of our Sergeants would be crazy to jump at it because in three years it was subjective and she never heard of a job that they have to look every three years of possibly being fired and being nowhere you don't have a contract.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Melanie Church stated that to her like that unless maybe the Chief would like one like that and every three years she could be evaluated the same way. Melanie Church stated that she heard on this that they were in charge of the budgets, they were in charge of the Staff and to her it sounded like the Chief's description and that you as the Council you should look at both and see because maybe if it's going to be this extreme maybe the pay, and you as the Council I believe can make that recommendation and set it, make it equal to the Chief's if its just doing every single thing that the Chief does. Melanie Church stated that when she was a nurse a RN got paid one amount, an LPN got paid another amount an aide got paid another amount because it was according to how much you did and to her this sounds just like the Chief's position and then they can be terminated and what if they are doing a good job and the Chief just doesn't like what this person is doing for whatever reason; this could be very very subjective and this could leave us open, to her, for a lawsuit, just the way she even heard this whole subjective thing done, it's very very scary and she's asking each of the Council members if they would take a job when you know in three years if you don't meet this person's expectations and yet you have been on the force for how many years, you're gone, you're dismissed, you're done, she thinks the Council should really take a look at it, if it was her she wouldn't sign a contract like that and she didn't think any of the Council members would if they were being honest.

Town Councilwoman Schenkel stated that she would be honest and she would sign the contract.

Melanie Church stated that Town Councilwoman Schenkel was one of the few, but that she didn't think the majority would sign it.

Town Councilwoman Schenkel stated that Melanie Church needed to understand that in the real world there were contracted employees all the time and that the Chief was also under a contract.

Melanie Church stated that she hoped her contract was re-written to equal this next time.

Town Councilwoman Schenkel stated that the positions were not equal.

Keith Golnik, 46 Orchard Street, Terryville, stated that he had previously served on the Police Commission for six years, noting that he had chosen not to renew it the January before last. He further stated that the Lieutenant was promoted to Captain by the Town Council, which was called "frocking" in the military, where you get to wear the rank (in this case the Captain), but the job description was still Lieutenant. Keith Golnik stated that the Commission fixed this in 2008 and that when the person retired it left an opening for the position. He further stated that at the time, the Sergeants that they had were newly promoted and the Police Chief came to the Police Commission stating that she wanted to have someone with some experience and was trained as a Firearms Instructor.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Keith Golnik stated that the Chief also wanted the person trained in the CAD System, that this would also help her to train the current Sergeants and get them up to the standards, as well as when the time came that they could take the promotion exam for Captain. He further stated that the Commission had agreed to the requests and had created a two-year contracted position. Keith Golnik stated that there had been some debate on what the Commission would call that person, noting that some wanted to call it an Acting Captain, but Corporate Counsel had stated that the Commission couldn't do that because the Union might have some problems with it and that the Town didn't know what was going to happen. He further stated that the Commission decided upon the title Acting Chief and now that the two-year period was almost up, if not already, the Commission wanted to make an Assistant's Chief's position when two years ago the Commission had said it couldn't be called an Acting Captain position because of the Union language problem. Keith Golnik stated that he didn't necessarily agree with what Mrs. Church had to say because he was not a big fan of contracts, citing an example of professional sport coaches locked in for five-years and even if they screw up sometimes they have to be paid their remaining time if you fire them. He further stated that he did not generally agree with that position and that he really didn't understand what was wrong with keeping the Captain's position. Keith Golnik questioned why the Commission wanted to call it the Assistant Chief's position and stated that he thought the job description added a lot more things to the job than what we might really rely on the Chief to be doing. He further stated that the Captain should really be focused on helping to run the department, supervising all of the shifts and making sure that all of the training was up to date. Keith Golnik stated that this was what he voted to approve when the Acting Chief's temporary two-year only contract was decided upon and that was what his decision had been based on.

Michael Maffia stated that before the person would be assigned a contract, which would be put together by Human Resources, not the Commission or the Chief, before they could be removed based upon performance evaluation, it would then come through (based upon how the contract was written) it might come through the Commission and then it would go to the Council, or just to the Council, unless there was a really flagrant violation. He further stated that it wouldn't be a case of "I don't like you, you're gone", noting that it didn't work that way. Michael Maffia stated that there were a lot of people out there that would sign a three-year contract, and some that would not. He further stated that despite the fact that they spent 20-something years in the department here, they knew what the consequences were when they moved from a Union to a Management position.

Michael Maffia stated this was just like when you work for a company in a Union position and then you take a Management position, but then Management decides at some point, through legal recourse, say goodbye, you're gone, you don't have recourse and that's why the Commission put it that way.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Michael Maffia stated that was also why the Commission didn't want the person reapplying in the department and starting at the bottom of the ladder again, noting that it was detrimental to those that were already there and to the leadership that took their place. He further stated that whoever took the job would be responsible to see to all the department training and doing the General Orders, some of which the current Acting Assistant Chief found hadn't been updated since the 90's and the mid-80's, noting that someone had fallen down on the job. Michael Maffia stated that if something were to happen to the Chief, this person would also have to do the Chief's job so they would have to know it and still be able to do both jobs and everything underneath the two jobs. He further stated that rank and file should know what their job was, as well as the Sergeants job, so that when they were eligible to become a Sergeant they could move into the position.

Michael Maffia stated that the Police Department was a Para-Military organization and that the system worked the same as the military.

Town Councilwoman Murawski questioned when the Assistant Chief's contract was up.

Michael Maffia stated that it was some time in the beginning of July; right around the fourth of July, and that he was unsure of the exact date. He further stated that the only thing that would happen was if the Council were to approve this agenda item this evening, the Chief would post for the exam and whatever length of time it took to find someone to fill the position. He further stated that the Commission had decided that until someone was selected for the position, the current Assisting Acting Chief would stay on for a maximum of six months and do a transition anywhere for six weeks so if it took three months to get somebody for the position and transitioned them in, he would only stay that length of time and then he would be gone. He further stated that if his services were only needed for two weeks beyond his current time then he would be gone at that time. Michael Maffia stated that whoever was assigned the job would remain at the Sergeant's pay until the transition was complete and then they would transition to the Assistant Chief's salary so that two people wouldn't be paid the same salary at the same time.

Town Councilwoman Murawski requested that Michael Maffia explain what happens during the transition, again.

Michael Maffia stated that it was just like you were working for a company and you were going to move into a new position in that company, the person that was there would fill you in and train you, it was just a basic transition so that you would know what they were currently working on, what was in the future plans, what had to be finalized or done by a certain time, so on and so forth, just the basic transition.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Town Councilwoman Murawski stated that a lot of it probably wasn't new to the Sergeants.

Michael Maffia stated probably not, and that the Commission had put the maximum timeframes in, in case in the event it became necessary, but that they weren't saying it was going to and they were not trying to stretch anyone's contract or anything like that. He further stated they wanted a smooth transition from the Sergeant that took that position for when he went from his job to the new job and that was the reason why they said that.

Town Councilman Ferreira stated that the document in front of the Council was not a contract and that it was basically just a revision of General Order #13-2 or a draft copy of General Order #13-2.

Michael Maffia noted that what Town Councilman Ferreira had stated was correct.

Town Councilman Ferreira stated that regardless of what it was called (Assistant Chief, Captain, Lieutenant, Sergeant) it was a great position to have below the Chief to have in Management and to be able to help with the Administrative roles and taking care a lot of the duties.

Town Councilman Ferreira stated that he agreed with Melanie, that he had been in Management for 25 years and it was kind of scary to think of a three-year contract for whatever reasons. He further stated that in most Management positions you have a yearly review based on core competencies for whatever the industry was, i.e. criminal justice.

Michael Maffia stated that was what this document was, basically.

Town Councilman Ferreira stated that it wouldn't be subjective; it would be based on whatever the core competencies were for the Police Department for the area.

Town Councilman Ferreira stated that yearly performance still provides the opportunity to dismiss somebody if they weren't living up to their end, but it also gave the person the ability to change course in a positive direction, whereby a PIP (almost a probationary period) where you would be able to say "hey, you know what, you are slipping in this area; is there something going on?" Town Councilman Ferreira you have a family and kids and you are on this job for three years and you get fired for whatever reason, where do you go from there, noting that maybe it was his misunderstanding of the document.

Michael Maffia stated that it would be looked at; it would be reviewed, like in a corporation situation, they wouldn't just be terminated.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Town Councilman Ferreira stated that it would be regulated by the Labor Laws, obviously.

Michael Maffia stated that it would be in the contract, but he couldn't address it

Town Councilman Ferreira stated that he was just making a comment as far as a contract verses a yearly performance review.

Town Councilwoman Schenkel stated that assuming after a three-year period and the Chief was to dismiss the Assistant Chief she still had to answer to the Board of Police Commissioners. She further stated that if the Board of Commissioners wasn't happy with the dismissal they were going to want to know why, noting that it was like a check and balance; not like someone was going to arbitrarily terminate someone.

Michael Maffia stated that the contract could be renegotiated at the end of the three years, and it would go through the process, as it did the first time, that it would go through the Council for approval and that there were checks and balances, not a here today and gone tomorrow and it wouldn't be on someone's whim. Michael Maffia stated that was a correct statement and that the Commission didn't want any open-ended contracts because of previous ones and there had been problems. He further stated that was why the Commission had put the time limit on the document, not to discriminate, it was for checks and balances that did not always exist, that was all. Michael Maffia stated that the contract would come at a later time when someone was selected, but that he would not be dealing with that and it wasn't part of the Commission's assignment.

Town Councilwoman Schenkel stated that she thought people lived quite well from contract to contract and if the person was doing what their goals and competencies were, including improving within the job description, there should not be any reason to not renew the contract.

Town Councilman Ferreira stated that what was currently before the Council had nothing as far as dealing with the contracts; the Council had just gotten into that realm, but right now the Council was only looking at the description tonight.

Town Councilman Foote stated that the checks and balances answered his question, noting that it wouldn't be just one person.

Chief Krasicky stated that it would be up to whomever the powers were, what kind of system would be implemented, whether it was the HR Director, the Police Commission or the Town Council, it would not be herself, and that she would only be following the guidelines as the Chief of Police to evaluate that individual.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Chief Krasicky stated that as far as the contract was concerned, it didn't mean that the person would leave after three years because if the department has an Assistant Chief or Captain, every three years and they kept changing over, there wouldn't be any eligible candidates. She further stated that she personally felt it should be a minimum of a five-year contract because it would take time for that individual to really be doing the job. Chief Krasicky stated that contrary to what was said earlier, the second in command has to know exactly what the Police Chief was doing in case something happened to her and she was unable to tell the person what all of her job duties were.

Chief Krasicky stated that there was a Lieutenant job description way back and was filed in the Town Clerk's Office, noting that she had a copy, and some of the job duties were in the Lieutenant's job description, but then when the General Order was done they were not placed in that General Order. Chief Krasicky stated that as far as assisting with the budget, overseeing different positions and going to meetings, all of that was in the original job description. She further stated that some of the original duties were just put back into the document and were before the Council this evening. Chief Krasicky stated that the document didn't mean that the second in command would be doing all of the duties in the General Order; he would be assisting the Chief. She further stated that she knew what her job was and had been trying for the past eight years to do the best that she could.

Chief Krasicky stated that for the Police Department to run efficiently it had to be a team effort, not just among Management, but Management with the Union together.

Chief Krasicky stated that the contract had nothing to do with the Department, it would be strictly up to the Council, and it didn't mean that the contract wouldn't be renewed in three years, five years, etc.

Chief Krasicky stated that a Performance Evaluation was just checks and balances to make sure the individual was doing his job and if there was a problem it would be noted and the person would be counseled and would be shown and told where he was deficient. She further stated that the individual might not be deficient in anything, so no one could suppose that the Chief of Police would be getting rid of somebody because she didn't like the person, noting that she didn't operate that way and people should know her by now after eight years. Chief Krasicky stated that she operated on the way that people performed and it wouldn't matter if she didn't like someone, noting that would be totally irrelevant and shouldn't come into play.

When questioned by Town Councilman Zagurski questioned if this new document would replace the Captain's job. Michael Maffia stated that it would.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Cathy Kosak, 201 Harwinton Avenue, Terryville, stated that she was wondering what role the Commission would have in the hiring once the three candidates surfaced and questioned if they shouldn't be involved in the process. She further stated that was why the Town had the Commission, noting that it was no reflection on the Chief whatsoever.

Town Councilman Zagurski stated that had been one of his questions, as well, and it sounded like the Commission didn't want any part in the hiring of the Assistant Chief.

Cathy Kosak stated that was what they were there for, whether they wanted to or not.

Michael Maffia stated that once the testing was done, the top candidate would be selected for the job, if they elected to take it, that they would still have to go through the Contract and that everything would have to be approved by the Council. Michael Maffia stated that they would go by the top candidate, whoever had the top score.

Town Councilman Zagurski stated that wasn't what the General Orders stated, noting that it said that the Chief would pick one of the top three candidates.

Michael Maffia stated that was true, but basically you would pick whoever was number one on the list because if not it would open a can of worms and he didn't believe anyone wanted to go there.

Town Councilman Zagurski questioned why it didn't say that in the General Order.

Town Councilman Ferreira stated that the wording definitely left a lot of subjectivity into it because it said the Chief of Police would select one of the three highest candidates.

Town Councilwoman Murawski questioned if there was a discussion about whether or not the Police Commission wanted to be involved in the selection process.

Michael Maffia stated that it was brought up, it wasn't a lengthy discussion, and that the Commission went with the way it stood in the past with the selection, and the same thing with the Sergeant exams.

Chief Krasicky, noting that she wanted to explain the testing process, stated that an outside professional agency was contacted, who gave professional exams, was recognized and who was licensed, would be contacted.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Noting that was added in the General Orders, Chief Krasicky stated that whatever company she recommended, would be brought before the Police Commission for their approval and that she had no part in it and did not know what the questions were. She further stated that seniority was calculated and the only role she had was the Administrative Interview, which was five percent. Chief Krasicky stated that most Police Departments had the Rule of Three and that she felt that was why it was left in, that the Chief could select one of the top three candidates. She further stated that since she became Chief she had always selected the top scorer, who came up number one, on every promotional examination. Chief Krasicky stated that there would have to be some really mitigating circumstances and that was why it was included that way at many departments to have the Rule of Three, in case a person did come out as number one and there was really serious mitigating circumstances. She further stated that an example would be a serious disciplinary history or excessive use of sick time and that it wouldn't be in the best interest of that department to select that person who was in the first position.

Town Councilwoman Schenkel read Section 5b, 1a, of the Town Charter into the record, noting that the Assistant Chief would be one of the referenced Officers it would fall under the jurisdiction of the Chief of Police and that the Police Commission would only make a recommendation for the Chief of Police. She further stated that the Charter was silent as to the Assistant Chief.

Town Councilman Ferreira stated that the line in the section left a lot of gray area and if you picked the number one position it should say the top position. He further stated that if you were to pick the lowest score out of the three it would leave a lot of issues that could cause a lot of backlash. Town Councilman Ferreira stated that if this was the procedure that the department normally went by maybe the Council should make it that the Chief would pick the highest scoring person because these were people that had been recommended so they shouldn't have disciplinary issues, they shouldn't have abuse of sick or personal time. Town Councilman Ferreira stated that in his industry, when a person went up for a promotion, they couldn't have a write-up during the last six months on the job.

Chief Krasicky stated that wasn't a part of this process.

Town Councilman Ferreira stated that it said, under Testing and Appointment Procedures, that the recommendation would be placed on the Police Commission's Agenda and approved by the members of the Commission. He further questioned if the recommendations for this were by the Police Commission.

Chief Krasicky stated that the recommendations were for the testing agency.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Town Councilman Ferreira questioned if anyone could go for it as long as they met the criteria of three years as a Sergeant.

Chief Krasicky stated that was a correct statement.

Town Councilwoman Schenkel stated that she respectfully disagreed with picking just the highest scorer, noting that someone may be a very good test taker, but if the third highest scorer brought 20 years of experience to the department they may have an element of what the department needed as opposed to somebody who just happens to score high.

Town Councilman Ferreira stated that seniority was one of the elements that were scored on it.

Town Councilwoman Schenkel this would give the Chief the opportunity to figure out whom she would work best with and who would be best for the department.

Michael Maffia stated that the paragraph was carried over and that the Council had approved it in the past.

Town Councilman Ferreira stated that he wasn't on the Council when that had been approved and that in the litigious society that we live in, this was a big red flag and an issue that stood out as a possible issue, but it may not be.

Michael Maffia stated that it hadn't been an issue in the past, and that he understood what Town Councilman Ferreira was saying, but that it had been carried over, word for word.

Cathy Kosak stated that the orders would be in place for years to come and at some point the Commission members would change and the Chief would be different, maybe she would retire, but the orders would be in place for years to come. She further stated that she believed the Chief when she said what she would and wouldn't do, but we weren't talking about people, we were talking about the position and the General Orders. Cathy Kosak stated that she felt the Commission should be involved with the selection process whether they wanted to be or not and that was part of why the Town had Commissions. She further stated that at least it was what the taxpayers thought.

Michael Maffia stated that the General Order and the job descriptions were periodically reviewed and updated, noting that there were State Statutes that came into play and that this was done on a regular basis.. He further stated that was one of the reasons we were here tonight was because it had been reviewed and updated as the Commission brought the department up to more modern times.

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**To review and take action on General Order #13-2 (Promotional Procedure to the rank of Assistant Chief/Duties and responsibilities) and Job Description for Assistant Chief Cont'd.**

Vote: Town Councilman Ferreira/no; Town Councilman Foote/yes; Town Councilwoman Murawski/yes; Town Councilwoman Schenkel/yes; Town Councilman Zagurski/abstained. Motion passed. (See Motion on Page Nine)

**Liaison Reports**

Town Councilman Zagurski stated that the Zoning Board of Appeals had seven people on their agenda, noting that was an unbelievable amount of people going for appeals.

Town Councilman Zagurski stated that the May meeting of the Economic and Development Commission had been cancelled because the Town did not currently have the Land Use Director's position filled.

Town Councilman Zagurski stated that he had been unable to attend the Library Board of Directors meeting.

When questioned by Mayor Festa, Town Councilman Zagurski stated that there hadn't been anything before the Appeals Board regarding the Main Street Village District.

When questioned by Town Councilman Zagurski, Martin Sandshaw stated that he was correct; nothing had come before the Appeals Board concerning the Main Street Village District.

Town Councilwoman Schenkel stated that she had attended a Retirement and Oversight Pension Board meeting and that they had a fiscal update regarding the retirements and that everything was looking positive.

Town Councilwoman Schenkel stated that the Tax Incentive Committee had met and that the Town Council had approved a tax abatement this evening for Terryville Chevrolet for their new building.

Town Councilwoman Schenkel stated that the Board of Finance's budget had passed. She further stated that the Board of Finance had to reschedule their meeting to next week.

Town Councilwoman Schenkel stated that she had a conflict with the Police Commission because of a Town Council Meeting, so she had been unable to attend.

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**Liaison Reports Cont'd.**

Town Councilwoman Schenkel stated that she had been unable to attend the Human Services Commission meeting because the meeting fell on the same night as the Budget Public Hearing/Board of Finance/Town Council Joint Meeting.

Town Councilman Ferreira stated that because of a personal commitment, as well as on the end of the Public Works Director, they had been unable to meet this month.

Town Councilman Ferreira stated that he had attended the Board of Education meeting and that they had their usual business on their agenda. He further stated that they had a presentation by the Entrepreneur Club at the Board of Education and that the Club had brought forth a product, Fan Socks, which had come from the inception of an idea and had gone all the way to being marketed on the web. Town Councilman Ferreira stated that the product was a sock that went over a fan and would put out a scent like a candle, as well as keeping dust off the fan, itself. He further stated that the Club had a footprint of the product that would go into a retail store, as well as tee shirts they had made up for the product. Town Council man Ferreira stated that the product could change colors, noting that the presentation and the high school students were quite impressive.

Town Councilman Ferreira stated that Martin Sandshaw had been recognized for his role in getting the Town's schools Energy Star rated, noting that Synergetics had presented a plaque to all four of the Town's schools which had the Energy Star rating and that the plaques would be prominently displayed in each school.

Town Councilwoman Murawski stated that she had attended the April 11, 2013, Planning and Zoning Commission meeting and that there had been a Hearing on the Community Garden. She further stated that a good number of neighbors showed up at the Hearing and that they had concerns about the location. Town Councilwoman stated that the Hearing had been continued to the April 25<sup>th</sup> meeting, however then the Town withdrew its application.

Town Councilwoman Murawski stated that the Planning and Zoning Commission had approved a Site Plan for a Deli at the old Jayne Eugene Florist building on Beach Avenue, Terryville.

Town Councilwoman Murawski stated that the Planning and Zoning Commission had approved a Farm Store at 101 Allen Street.

Town Councilwoman Murawski stated that the Inlands/Wetlands Commission had held a Public Hearing (last night) concerning plans for a 9,000 square foot retail building at the site of the former Eagles Club at 103 Main Street. She further stated that the building would be torn down with the new building being located towards the rear of the property.

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**Liaison Reports Cont'd.**

Town Councilwoman Murawski stated that the Hearing was continued until the Inlands/Wetlands Commission's next meeting on June 5th.

Town Councilwoman Murawski stated that the North Street Reservoir Ad Hoc Committee had the Fish Study done, which they had talked about, last week and that the results would take several months to get back. She further stated that they would have a Special Meeting after Memorial Day, then hold their Regular June Meeting and hopefully finish up by then.

Town Councilman Foote stated that he had attended the April 11<sup>th</sup> Fire Commission Board meeting, noting that there had been two building fires that month, as well as a couple of mutual aide calls to Wolcott and Thomaston.

Town Councilman Foote stated that Chief Sekorski had pointed out that most of today's cars were made out of nothing, plastic, etc., so when a car fire was doused, there wasn't much of the car remaining.

Town Councilman Foote stated that Chief Sekorski had reminded the Commissioners of the Award's Ceremony being held on the following day.

Town Councilman Foote stated that the Treasurer's Report stated that 85 percent of budget had been expended to date.

Town Councilman Foote stated that Chief Sekorski had attended the Board of Finance meeting. Town Councilman Foote stated that the Fire Marshal would be attending meetings of the School Safety Committee.

Town Councilman Foote stated that the Fire Marshal had attended the Poster Award Dinner in Hartford with the Town's local Poster Contest Winner. Town Councilman Foote stated that he had attended the Poster Contest Award Ceremony, which had been held earlier than the dinner, at McDonalds and that it was very nice to see the work that the children were capable of doing.

Town Councilman Foote stated that the Fire Commission had been discussing computer software updates, noting that some of the reporting work, which was being done with the software, was very interesting to see.

Town Councilman Foote stated that the procedure for selecting a Deputy Fire Marshal had been discussed.

Town Councilman Foote stated that roof problems at the Fire House were being discussed.

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**Liaison Reports Cont'd.**

Town Councilman Foote stated that the Area Dive Team memberships had been discussed and cost \$20.00 per member. Town Councilman Foote stated that Chief Sekorski did not want the members to pay the cost, however there wasn't enough town monies to cover the fee. He further stated that Waterbury area Chiefs had voted not to use town funds to cover the costs.

Town Councilman Foote stated that he had been unable to attend the Historic Property Commission meeting because it was the same night as the Council's Budget Hearing.

**Public Comments**

Martin Sandshaw, 7 Richmond Drive, Plymouth, thanked the Town Council for recognizing the Energy Star achievement for the four schools. He further stated that we would be remiss if we didn't acknowledge the efforts of the Administrators, Staff and Students, noting that these were the people who made it happen. Martin Sandshaw stated that he only made the suggestions, he was steering the boat and the aforementioned people were the ones paddling the boat.

Martin Sandshaw stated that the four schools were actually in the top three percent of the Nation, not the State, on energy efficient buildings, noting that there were eleven Municipal buildings and five school buildings and that 25 percent of the Town-owned buildings were Energy Certified and that was something that the Town should be hanging its hat on. He further stated that the Economic Development Commission should be going out and telling potential buyers for Town properties that this was how the Town was managed and we should start patting ourselves on the back because of what we can and have done.

Martin Sandshaw stated that the Plymouth Center School would be recognized next Tuesday at the State Capitol for the Power of Change Award, noting that the award was given out by Connecticut Energy for a Municipal Building or a K through 12 School that had made significant energy changes. He further stated that he had put the recommendation in to be considered, noting that Plymouth Center School had cut down their BTU's by a 42 percent reduction from 2008 to 2012. Martin Sandshaw stated that he, along with Ellie Cruz, Pat Perugino, and Crystal Collins would be representing the Town and Plymouth Center School at this award ceremony.

Diane Reed, 5 Chidsey Terrace, Terryville, stated that one year had passed since the resident at 4 Chidsey Terrace had received his Notice to Correct from the Town. She further stated that to date, the taxpayers of Plymouth had paid approximately \$11,765.00 on bills for the resident on 4 Chidsey Terrace. Diane Reed stated that this was for the Veterinarian bill for cat care, the electrical service repair to his home and dumpsters for the resident to clean his blighted property inside and out.

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**Public Comment Cont'd.**

Diane Reed stated that the approximate cost for dumpster fees was \$2,861.00 plus. Diane Reed stated that there had been little progress on the property and that the resident continued and that the resident continually to have items brought in by truckloads by a person from Bristol and puts that trash into the dumpsters that the taxpayers of Plymouth are paying for. Diane Reed stated that the Mayor's Office had said that they do not have a problem with this happening and if she and her neighbors had a problem with this happening they needed to take it up civilly, noting that she did not understand that because we all are paying for the dumpster for the resident to put his trash in, not someone from another town. Diane Reed stated that she had a solution whereby the Town should have the Public Works Employees clean the property, noting that six employees at \$20.00 per hour, eight hours per day, two days times six employees for a total of \$1,920.00. She further stated that this would be a savings to the Town, the Public Works could haul of the trash to the Town's transfer station, no more dumpster fees and the property would be clean. Diane Reed stated that the property was only a quarter of the way done/clean on the outside and the resident hadn't even started to clean the inside of the property yet and questioned how much more the taxpayers of Plymouth had to pay to have this blighted property cleaned.

Chris Ebel, 45 South Main Street, Terryville, stated that he had been there five years ever since this whole dumpster clean up thing that the Town was paying for and he's been kind of upset that his tax dollars were going for this and there was this guy who comes in from Bristol two or three times a day with truck loads of trash and fills the Town dumpster up with trash that he's hauling in from off the site. Chris Ebel stated that our taxes were going up and this guy from out of Town was using our resources to throw out his own construction debris. Chris Ebel stated that one of his neighbors had a tree taken down last week and that tree ended up in that guys yard which will eventually end up in the Town's dumpsters. Chris Ebel stated that he just wanted to reiterate that he was in agreement with everything that Diane Reed had to say.

Cathy Kosak, 201 Harwinton Avenue, Terryville, stated that she had been hearing about this for over a year now, noting that Mrs. Reed comes to the Council regularly, no one says a word, nothing happens and as a taxpayer it amazes her. Cathy Kosak asked why this person getting special treatment on our dollar and that she just can't imagine why all of the Council just sits there, says nothing and question what was happening.

Pattie DeHuff, 20 Lynn Avenue, Terryville, stated that she also wanted to stand in agreement with Diane Reed and Cathy Kosak and the gentleman standing in the back of the room. Pattie DeHuff questioned Mayor Festa as to why we were paying for this to happen.

Mayor Festa stated that he would not engage in Public controversy on this issue. Mayor Festa stated that the facts and figures provided this evening were not true facts or true figures and so he would rather that the issue be addressed through the proper authorities, the channels of the Town and the legal action of the courts.

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**Public Comment Cont'd.**

Pattie DeHuff stated that whether the figures were accurate or not was really not the issue here, noting that the issue was you have a street in which one person in that neighborhood was being treated above and beyond how the other people were being treated without regard for their own property. Pattie DeHuff questioned if Mayor Festa disagreed that the taxpayers were paying for this and was that the issue, and was the Mayor suggesting that the taxpayers weren't paying for to have the dumpsters in place.

Mayor Festa stated that he was suggesting that he would not get engaged in Public controversy when there was an issue that legally would bring the Town to court.

Pattie DeHuff questioned why she should have to bring us to court....

Town Councilman Ferreira called for Point of Order.

Town Councilman Ferreira cited the Privilege of the Floor, noting that when a person comes to the microphone for Public Comment the Public was not supposed to expect a response or ask questions, noting that it was Public Comment. He further stated that he knew Mrs. DeHuff came to the meetings quite often and knew that she was aware of the procedure. Town Councilman Ferreira offered to read the procedure for Mrs. DeHuff.

Pattie DeHuff stated that Town Councilman Ferreira didn't need to she was aware of it, but she did find it interesting....

Town Councilman Ferreira stated that Mrs. DeHuff was insisting on asking for a response when she knew that a response and that no response did not mean that nothing was being done or that something wasn't going on in the background that she probably did not know about.

Town Councilman Ferreira stated that he would read the procedure for Mrs. DeHuff anyway.

Pattie DeHuff stated that that she did not want Town Councilman Ferreira to read it, it was her floor right now, and she had the floor right now...

Town Councilman Ferreira called for Point of Order and that as a Town Councilman he could call for Point of Order. He further stated that if Mrs. DeHuff abused the Privilege of the Floor it could be rescinded and that the Council could ask her to step down.

Town Councilman Ferreira stated that if Mrs. DeHuff read the Procedures of the Meeting and followed Robert's Rules of Order, noting that he understood Mrs. DeHuff wanted to talk over him when he wanted to read something into the record.

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**Public Comment Cont'd.**

Town Councilman Ferreira stated that when Mrs. DeHuff wanted to read something into the record he always sat back and let her read whatever she liked into the record, at length, noting he wanted her to allow him to read into the record what the Procedures stated.

Town Councilman Ferreira Item c. (see attachment), from the Town Council's Rules and Procedures, Privilege of the Floor, into the record, noting that no response to Public Comment should be expected from the Chair, the Council, the Attorney, the Public Works Director, or any Town Official, which in the past has been overlooked and trampled upon. He further stated that also in the past, Robert's Rule of Order has been thrown out the window, many times. Town Councilman Ferreira requested that Mrs. DeHuff adhere to Item c. in the Town Council Rules and Procedures document and that if she had a comment to make then make it, however if she wanted an answer, he believed that the Mayor would send something to her in writing. He further stated that she should not expect an answer at this point of the meeting.

Mrs. DeHuff stated that she was completely aware that the policy was not followed and that she was completely aware that the Mayor answers when he chooses to answer and he does not answer when he doesn't choose to answer.

Town Councilman Ferreira stated that the document also stated that the Privilege of the Floor also allowed the Council to suspend it and then bring it back, so much of the meeting Robert's Rule of Order were suspended so that there was more input from the Public. Town Councilman Ferreira stated that there were many times, following Robert's Rule or Order, that the Public was allowed to speak, especially when there was a motion on the floor, noting that wasn't allowed under Robert's Rule of Order. He further stated that the Mayor, as Chairman of the Council, allowed it and that he believed that the Mayor allowed a lot of free speech with the Council Rules and Procedures/Robert's Rule of Order. Town Councilman Ferreira noted that there were negative comments that were up and being discussed and as the Mayor had stated, there were things that could bring litigation on the Town's part. Town Councilman Ferreira stated that he was sure that was why the Mayor didn't want to comment on it, noting that the Mayor has stated that himself. Town Councilman Ferreira stated that to berate the Mayor about that and to keep going on, even when she knew she was out of order, was out of order.

Pattie DeHuff stated that she thought it was really interesting that it had been going on for a year and no one mentioned anything about it and the Administrative response appears to be if you have a problem sue, now if you were making that suggestion then the Town has to also hire an Attorney to defend their position on this thing and that was a waste of taxpayers money. She further stated that she did not understand why this wasn't resolved and why you, as the Council, were not looking into this matter in an aggressive fashion and seeing that this kind of thing was stopped. Pattie DeHuff stated that the Council was here to serve the Public, not waste the taxpayer's dollars.

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**Public Comment Cont'd.**

Diane Reed stated that the figures she had read came from the Town of Plymouth Comptroller and she believed that she received the last expenditure list on April 1<sup>st</sup> and she knew that there had been some fees added since then. She further stated that she couldn't hear what Mayor Festa stated because someone else was speaking while he was speaking. Diane Reed questioned what Mayor Festa stated about civil suit or court.

Mayor Festa stated that he was referring to the fact that he would not come out and engage in Public comment on the issue because of the potential of a lawsuit to which he, Diane Reed or the Town would be involved in, not that you (Diane Reed) would get an Attorney or take action to sue. He further stated that the concern that he was raising was that because the issue had such potential litigation to it, there was potential that we would all be in court so he would not engage in Public comment on the issues.

Diane Reed stated that she also wanted to say that as far as her suggestion, recommendation or whatever you want to call it, she hoped that all of the Council would really think about it and take into consideration and maybe they could speak to the Mayor and come up with a solution. She further stated that she felt this would be a really good solution. Diane Reed stated that the resident was on a payment plan she was told for a couple of years for his back taxes and there had been no payment made and the last payment made was \$400.00 March 2012 noting she wasn't afforded that same opportunity. Diane Reed stated that she wasn't looking for an answer, she was just looking at the Council's faces and they're always all blank and she was hoping they were hearing and asking for help for someone to do something. She further stated that it was not this poor old handicapped person who lived at 4 Chidsey Terrace that Diane Reed is picking on and that she was handicapped as well and that she had big issues with this resident and how his living affected her with his raccoons because of the filth, sitting water. She further stated that the resident emptied some liquid into the street about two weeks ago and whatever that liquid was, there was so much of it that it went across the flat part of the road and then down a little hill and totally stained the road and she had no clue what the liquid was and that she hoped the Council was hearing her.

Melanie Church, 328 Main Street, Terryville, stated that on Channel 3 the Town made the news again and boy we can be real proud, another blighted property up in Fall Mountain. She further stated that there was an Ordinance brought forward and some of the Council members voted for it and it was going to be followed but we were going on two years and when did the Council have a blight list brought to them. Melanie Church stated that she wasn't looking for an answer you could read the minutes and she believed the excuse was given that the Town didn't have a Zoning Enforcement Officer but there were Property Maintenance Meetings monthly and the Assessor who was the Chairman said that she wanted to bring the list forward but was told by the Mayor not to bother.

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**Public Comment Cont'd.**

Melanie Church stated that she needed the Council to look at the Ordinance and read it and see how much had been followed, and questioned if the whole thing was illegal because nothing was being followed. Melanie Church stated that the Town was picking and choosing whom they would blight and not blight and she had a problem with that also. Melanie Church stated that she had requested that the list be brought forward six months ago. Melanie Church stated that she and probably the Council members didn't have to live next door so she/they didn't have to worry about it but the people who did had to worry because they had small children and animals. Melanie Church stated that she didn't think it was an attack on Bruce or anybody; she was concerned because we weren't doing our jobs.

Melanie Church stated that two sinkholes had to be filled in on Wilton and lo and behold it was Melanie's fault and that was what the workers claimed and the person didn't even know her but went and found her. She further stated that we had a major problem on Wilton Road and she didn't care if you didn't do anything because it was in the minutes so the minute someone got hurt and the Town got sued there had to be accountability. She further stated that if the job had been bonded and put out to bid we wouldn't be fixing it and it would be guaranteed by the Contractor. Melanie Church stated shame on us.

Town Councilwoman Schenkel stated that the Council members had the Code Enforcement Committee's Property Status Listing in their packets.

Chris Ebel stated that this was his first meeting and he could see the passion the Councilman's passion and when he was talking about kids and their programs he could see his eyes light up and the pride in his face and voice and he hears that from almost all of the Council when they speak but we allow certain things to go by the wayside like it's just this one guy happening once.

Chris Ebel stated that when he talks to people and he says he's from Terryville they say "why or I'm sorry" and it didn't seem like anyone had any real pride when they said they were from Terryville. Chris Ebel stated that it didn't seem like the Town could stand tall and say the student body in all our schools invented a way to clean a fan and we have energy efficient schools and didn't seem commonplace in this Town or our roads are cracked or Bruce was at it again and people drive around and throw trash out the window and hears all kinds of stuff in this Town and none of it was really positive. He further stated that he would like to see the Council who represents him/us change that and that he loved the Town noting that the Police Department was real professional, the Public Works Department did a pretty good job and he wanted to see the Council stand tall and say enough was enough. Chris Ebel said that Diane was his friend and neighbor and he hears about it all the time and her confrontations with Bruce and he felt bad for Bruce as much as the next guy and that he bought him McDonald's and offered his rides and his truck smelt pretty bad afterwards and he tried to offer him help.

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**Public Comment Cont'd.**

Town Councilman Ferreira called for Point of Order and requested that names should be kept out of the discussions, however Chris Ebel was free to talk.

Chris Ebel stated that the resident at 4 Chidsey Terrace had problems and the Town was just enabling him and should offer him a different type of help. He further stated that his house should have been taken through Probate after his mother passed away and used the sales from the property to help fund something that would give him a better chance of having a happier and more sanitary life.

When questioned by Diane Reed, Town Councilwoman Schenkel stated that Council members had the Code Enforcement Committee's Property Status Listing in their packets and that it was the status of the properties that the Code Enforcement Committee had provided to the Town Council.

Diane Reed stated that the list was not brought forth in 2012 and questioned if it was for 2013.

Town Councilwoman Schenkel stated that it was a list of properties that the Committee had cited code corrections for.

Diane Reed questioned if the Town Council would be voting on it any time soon, to approve it or was it just informational.

Town Councilwoman Murawski stated that it was dated April 29, 2013.

Diane Reed stated that it was never brought forth before and the Committee members had put a lot of time and effort into it and they had all these properties on the list and she didn't believe...she thought that it was null and void because nothing had been approved and they were giving fines and checking on the properties and going to their mortgage companies and starting foreclosures and different things along that nature and that it said in the Committee's rules and the Ordinance that they were supposed to be approved by the Council first.

**Council Comments**

Town Councilman Foote stated that he had nothing to comment on at this time.

Town Councilwoman Murawski stated that the Council had not had an update on 4 Chidsey Terrace and requested that something be provided to the members, noting that maybe the Council would hold an Executive Session for the update.

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**Public Comment Cont'd.**

Mayor Festa stated that he would be providing updated information to the Council on 4 Chidsey Terrace.

Town Councilwoman Murawski stated that she had attended the Plymouth Historical Society's "A River Runs Through It", noting that she saw Mayor Festa also in attendance at the event. She further stated that she went on the bus tour and it was great and saw where there used to be Sawmills, and different mills and how water shaped the whole development of the Town and was really interesting.

Town Councilman Ferreira stated that he had nothing to comment on at this time.

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

Town Councilman Zagurski stated that he noticed work had begun on the Streetscape Maple Avenue, noting that it was coming out nice and questioned why they were putting down grass strips, noting that he thought that all of it was going to be brick.

Mayor Festa stated that the Town was waiting for more brick to come in and that the grass was temporary.

Town Councilman Zagurski stated that he was very disappointed that the Community Garden didn't go through, that he was hoping that Mr. Gomme hadn't given up on it and that the Town would help to support the Community Garden no matter where it was placed. He further stated that he would like to see something happen for the Community Garden next year.

Town Councilman Zagurski stated that he was hoping for an update on the Town Planner situation and that he understood that the Town was interviewing.

Mayor Festa stated that the Town had interviewed, that a candidate had been selecting and that the Town was waiting for the background check to come through for verification. He further stated that hopefully, the candidate would be in this week.

Town Councilman Zagurski stated that was excellent, noting that the Town Planner position was extremely important; Mayor Festa stated that he agreed.

Mayor Festa stated that the Zoning Enforcement Officer and the Park and the Recreation Director would also be in place this week, as well.

Mayor Festa stated that he had the opportunity to be at the High School with the Media Class and they were doing a Diversity Program, noting that he had spoken on the Town policies.

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**Public Comment Cont'd.**

Mayor Festa stated that he had spoken on the subject, noting that it was quite interesting. He further stated that the students were doing a documentary/film making on many different subjects and that it was very enlightening to see the youth, noting that they were very bright and intelligent.

Mayor Festa stated that he had the opportunity to visit the Middle School and that the students were having Round Robin discussions, much like Reporters do, noting that he and Representative Whit Betts, along with others, had been interviewed relative to their careers. He further stated that he couldn't get over the intellectual capacity that the students all had and that he would suggest that people take the time to see what was happening in the schools and that he was very proud of the students, the schools, and their progress.

Mayor Festa stated that the Council would get reports on 4 Chidsey Terrace, relative to the issues, and if necessary he would have the Building Inspector, Fire Marshal and the Town Sanitarian to enlighten the Council on that aspect. He further stated that the Council would have a report on the Code Enforcement Committee, as well.

**Adjournment**

There being no further business of the Plymouth Town Council, Town Councilman Foote made a motion, seconded by Town Councilman Ferreira, to adjourn at 9:24 p.m. This motion was approved unanimously.

Respectfully Submitted,

Recording Secretary