

Town of Plymouth
80 Main Street
Terryville, CT 06786
www.plymouthct.us

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

Minutes

June 4, 2013

Call to Order: Mayor Vincent Festa, Jr., called the scheduled June 4, 2013, Plymouth Town Council Regular Meeting to order at 7:00 p.m., in the Community Room, Town Hall.

Roll Call: Present were Town Councilman Remie Ferreira, Sr., Mayor Vincent Festa, Jr., Town Councilman Richard Foote, Town Councilwoman Sue Murawski, Town Councilwoman DiAnna Schenkel, and Town Councilman Tom Zagurski.

Also in attendance were Plymouth Building Inspector Clarence Atkinson, Director of Finance David J. Bertnagel, Board of Finance Vice-Chairwoman Victoria Carey, Capital Improvements Committee Member George Castle, Plymouth Fire Marshal Charles Doback, Chairman Capital Improvements Committee/Municipal Facilities Committee Rodney Houle, Chief of Police Karen Krasicky, Wayne Moore, Phos Energy, Plymouth Sanitarian Gil Roberts, Police Commission Chairwoman Ann Tuleja, Town Attorney Salvatore Vitrano and Board of Finance Chairman Ralph Zovich.

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.

Accept Minutes of Regular Council Meetings March 5, 2013, April 9, 2013, Special Council Meetings April 23, 2013, May 16, 2013

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Foote, to accept the March 5, 2013, Plymouth Town Council Minutes as presented.

Discussion:

Town Councilwoman Murawski stated that her name had been omitted in the Roll Call and that Town Councilman Foote's name had been placed in the Roll Call, twice.

Vote: To approve the March 5, 2013, Plymouth Town Council Minutes as amended; this motion was approved unanimously.

**Plymouth Town Council Meeting
June 4, 2013
Page Two of Forty-Four Pages**

Acceptance of Minutes Cont'd.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Foote, to accept the April 9, 2013, Plymouth Town Council minutes as presented. This motion was approved unanimously.

Town Councilwoman Schenkel made a motion, seconded by Town Councilwoman Murawski, to accept the April 23, 2013, Plymouth Town Council minutes as presented. This motion was approved unanimously.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Foote, to accept the May 16, 2013, Plymouth Town Council minutes as presented. This motion was approved unanimously.

Council Rules and Procedures

No report.

Public Comments on Non-Agenda Items

Melanie Church, 328 Main Street, Terryville, stated that there was a law that a Municipality could not solicit money/donations, noting that the State's Attorney had addressed this issue when Mayor Covello was in office for helmets and now the Town was soliciting monies for the Skate Park. Melanie Church stated that she was going to give the Council a chance to rectify it otherwise she was going to turn it over to the State's Attorney office.

Melanie Church stated that the actual total Code Enforcement was not being brought forward yet and read except e. from the Ordinance into the record and stated that the fines and people fined was illegal because it was not going along with the Town Council approved Ordinance.

Melanie Church stated that all of the Town's electrical work was not being put out for bid and couldn't find any ads for it. Melanie Church stated that the Council was supposed to approve all Capital Expenditures and she didn't think that was being done. Melanie Church stated that Change of Orders cost the Town more money.

Melanie Church stated that under Parks and Rec Commission they choose and bring forward a name for Parks and Rec Director to the Council and she didn't see that happen; it was somebody being appointed.

Melanie Church stated that little things have been going on for the last 4-6 years and were getting bigger and were being ignored.

**Plymouth Town Council Meeting
June 4, 2013
Page Three of Forty-Four Pages**

Public Comments on Non-Agenda Items Cont'd.

Melanie Church stated that she believed there was supposed to be a legal opinion on the night of the Public Hearing and a meeting and a vote. She further stated that after that it stated very clearly that after a Public Hearing you have to give so many days and just before the vote before there was a Public Hearing and Ordinances were supposed to be approved by the Council not the vote of the people.

Mayor's Report-CIRMA Risk Management Report; DOT, State of CT, Plans for Route 6; CCRPA/Application for Bus Service; New Business Openings along Route 6, CT Trails Day Weekend/Jerry Milne; Beautification Committee/Main Street/Waterwheel/Welcome Banners; Employee Handbook Draft-July Meeting

Mayor Festa stated that the CIRMA Risk Management Report had been included in the Council's packets, noting that a savings of \$14,000.00 had been saved and had been brought forth by William Bellotti who takes care of the CIRMA issue for the Town.

Mayor Festa stated that plans for the widening and reconstruction of Route 6 had been included in the Council's packets for review and discussion at the next scheduled meeting of the Council, noting that a Public Hearing would have to be held. He further noted that the State of CT wanted to put this project on the fast track and that if the configurations went as planned, the project would hopefully be completed by 2015. Mayor Festa stated that Central Connecticut Regional Planning Agency (CCRPA) would be assisting the Town on this project.

Mayor Festa stated the Town was putting in application for full bus service (morning to evening), which would run on Route 6 from Thomaston to Bristol and that hopefully, with good response, Plymouth would have a bus in Town, shortly.

Mayor Festa stated that there were three new businesses opening up on Route 6; a motorcycle shop, a car dealership that would handle bodywork, painting and repair, as well as a convenience store.

Mayor Festa stated that he would be meeting with a group of developers who would be discussing the vacant Terryville Trust Bank on Route 6, as well.

Mayor Festa stated that he had included a brochure in the Council's packets on Forest and Park acquisitions and CT Trails Day for the month of June. He further stated that this was the first time that Plymouth had been included in the brochure and credited Jerry Milne's efforts for this honor, as well as the Beautification Committee. Mayor Festa stated that Jerry Milne would be conducting a walk around the cemetery and the historical Plymouth Proper, encouraging everyone to attend if possible.

**Plymouth Town Council Meeting
June 4, 2013
Page Four of Forty-Four Pages**

Mayor's Report Cont'd.

Mayor Festa stated that the Waterwheel Project, on the corner of Benedict Street and Route 6, was progressing.

Mayor Festa stated that the Chamber of Commerce had offered to take over the business end of the banners for the street poles and would be looking for sponsors for the poles.

Mayor Festa requested that the Council members bring their Handbooks to the July Town Council meeting for review and discussion, noting that there would be a presentation by Mr. Bellotti on the Handbook.

To refund the following Property Taxes Fifth Third Auto Lease TRT \$379.78

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Ferreira, to refund \$379.78 in Property Taxes to Fifth Third Auto Lease TRT. This motion was approved unanimously.

Appointments/Resignations: To take action to re-appoint the following: Lani Johnson to the Capital Improvements Committee, Term to expire 2-7-2016; Joseph Green to the Capital Improvements Committee, Term to expire 2-7-2016; Stephen Fennessy to Board of Fire Commissioners, term to expire 11-4-2015

Town Councilwoman Schenkel made a motion, seconded by Town Councilwoman Murawski, to re-appoint Lani Johnson to the Capital Improvements Committee with a term to expire on February 7, 2016. This motion was approved unanimously.

Town Councilwoman Murawski made a motion, seconded by Town Councilman Ferreira, to re-appoint Joseph Green to the Capital Improvements Committee with a term to expire on February 7, 2016. This motion was approved unanimously.

Town Councilman Foote made a motion, seconded by Town Councilman Ferreira, to re-appoint Stephen Fennessy to the Board of Fire Commissioners with a term to expire on November 4, 2015. This motion was approved unanimously.

To take action to appoint the following: Robert Leroux as Plymouth's Representative to the Greater Waterbury Cable Council; to appoint Joseph Longo to the Inland-Wetlands Commission, term to expire 9-1-2016

Town Councilman Foote made a motion, seconded by Town Councilwoman Murawski, to appoint Robert Leroux as Plymouth's Representative to the Greater Waterbury Cable Council. This motion was approved unanimously.

**Plymouth Town Council Meeting
June 4, 2013
Page Five of Forty-Four Pages**

Appointments Cont'd.

Town Councilwoman Murawski made a motion, seconded by Town Councilman Foote, to appoint Joseph Long to the Inland-Wetlands Commission with a term to expire on September 1, 2016. This motion was approved unanimously.

To review/discuss and take action, as may be necessary, on the following issues as presented by Capital Improvements Committee: Interrogation Room (Rodney Houle) Bonding Projects Status (George Castle)

Rodney Houle, 16 Frankie Lane, Terryville, Chairman Capital Improvements Committee and Municipal Facilities Committee, stated that he was present this evening to make a presentation on the need for a Interrogation Room, on behalf of the Plymouth Police Department.

Rodney Houle stated that State Attorney's Office wanted every Town in Connecticut to have an Interrogation Room, noting that currently, the Plymouth Police Department did not have one.

Rodney Houle stated that an Interrogation Room needed to be very private, very safe, very concealed and completely void of noise. He further stated that the reason was that when interrogations take place on major crimes (which do happen in the Town of Plymouth) they could not be compromised by background noise. Rodney Houle stated that if there was a noise issue, the integrity of the tape could be compromised and thrown out of court. He further stated that no one present this evening wanted a murderer or a rapist set free.

Rodney Houle stated that the current Police Department was built in the early seventies when there were only three Police Officers on duty, noting that currently, there were 20+ Police Officers and that the Department, including the Town Hall building, was too small for everyone in it. He further stated that the building needed to be brought up to Code and that would come into play in Phase II, which would be forthcoming in the near future.

Rodney Houle stated that if the Interrogation Room were put in before January 1, 2014, there would be grants for the necessary equipment in the room, itself. He further stated to not get the equipment would be to the Town's disadvantage and that the Capital Improvements Committee did not want to see that happen.

Rodney Houle stated that there was a problem in finding a place to put the Interrogation Room, noting that taking eight feet of space in the back of the Community Room had been considered at one time, however the idea did not work out. Rodney Houle stated that the vault near the Police Department, which housed records from the Town Clerk's Office, had been considered and noted that he had heard from the Town Clerk and that she wasn't pleased with the idea. Rodney Houle stated that everyone was trying to get the same things accomplished. He further stated that this would put the Police Department in compliance with the State Attorney's Office.

Capital Improvements Committee-Interrogation Room Discussion Cont'd.

Rodney Houle stated that the Committee was considering taking six feet of room in the rear of the vault, build a new wall and add a door in the left hand corner, which would lead into the current Police Locker Room, making the back room the Evidence Room. He further stated that the current Evidence Room, which was located in the center of the Police Department, would make a perfect Interrogation Room. Rodney Houle stated that there was room for a large two-way mirror for viewing into the Interrogation Room while interrogations were in progress. Rodney Houle stated that the Capital Improvements Committee member's best estimate would be that the figure would not exceed \$20,000.00 and that the Committee was seeking the Council's approval so that the work could begin right away. Rodney Houle stated that the current Evidence Room was cramped and the new one would be larger by using the rear of the vault, noting that the integrity of the vault would not be compromised. Rodney Houle stated that the State's Attorney was present this evening and wanted to speak on the issue and answer any questions that might be raised.

Brian Preleski stated that he was the State's Attorney from the New Britain Judicial District and gave a brief background on himself, noting that his 20 years of service at his job included monthly cases from the Town of Plymouth. He further stated that citizens of Plymouth should be very proud of the Plymouth Police Department, noting that they do an extraordinary job. He further stated that if the Plymouth Police Department was examined closely, it would be noted that it was as busy as Bristol's Police Department (per person), but not quite as busy as New Britain's.

Brian Preleski stated that the Connecticut Legislature had passed a new State Statute that would become effective January 1, 2014, which concerned the recording of confession or interviews with individuals. He further stated that Plymouth was not preparing for this mandate, as was every other Police Department in the area district, noting that was one of the reasons for being present this evening. Brian Preleski stated that if Plymouth hadn't met the mandate by January 1, 2014, then he would have to sit down with the Chief of Police and figure something out. He further stated that the Office of Policy and Management (OPM) had some grant monies available, in terms of some of the technical specifications (computer equipment purchase, monitor, etc.) noting that the basic package would cost a little over \$8,000.00 and could be paid for through this grant money. Brian Preleski stated that New Britain had over a dozen Interrogation Rooms that were up and running, and that speaking as a Prosecutor, the recorded confession was the best tool in to have in a court of law because there was no question, i.e. the perpetrator couldn't say that the Prosecutor made him say something, etc., just like the NFL, you would go to the tape and see exactly what happened.

Stating that she wanted to be sure everyone was clear on what was required or mandated by law, Town Councilwoman Murawski stated that it was the recording equipment that was the requirement, and questioned Brian Preleski if what she had just said was correct.

**Plymouth Town Council Meeting
June 4, 2013
Page Seven of Forty-Four Pages**

Capital Improvements Committee-Interrogation Room Discussion Cont'd.

Brian Preleski stated that it wasn't the recording equipment that was being mandated by law. He further stated was if an individual was a suspect in a Capital Class A or Class B felony then custodial interrogations of that individual would include interviews conducted at the Police Department, and would have to be audio and video recorded in such a fashion. Brian Preleski stated that they had learned early on that the Interview Rooms in New Britain were a little too austere and they had to make modifications to ensure that the rooms were softer so that the recordings were clear enough to hear every single word, and that the Officer and the suspect could be seen. He further stated that if the camera was only focused on the suspect, claims would be raised along the line of was the Officer was making threatening gestures that could not be seen on camera, etc. Brian Preleski stated that the interrogation interview had to be recorded in a very particular way and that just as importantly, they were also looking to capture the truth of what occurred during the interview and to keep accusations from coming in such as making up things about the Police Officer(s).

Town Councilwoman Murawski read correspondence into the record that was sent to all the Police Chiefs from Kevin Kain, Chief's State Attorney, dated May 7, 2012 describing electronic recording of interrogation standards, describing the equipment required to comply with the mandate and recommendations for room set up/noise reduction. She further stated that this correspondence had been referred to in Brian Preleski's letter dated May 2, 2013 to Chief Krasicky, noting although not specifically required by Statute, non-compliance with the outline standard potentially jeopardizes the admissibility of any statements taken and may subject both the State and Town to needless litigation. Town Councilwoman Murawski stated that we were talking about the room setup; Brian Preleski agreed. Town Councilwoman Murawski read the room recommendations into the record, noting that it sounded to her as though there wasn't a requirement to build a new room specifically for interrogation, noting that if all the recommendations were taken care of, it should work to get a clear recording of the interrogation.

Brian Preleski stated that Town Councilwoman Murawski was correct in that there was no requirement to put on an addition to the Police Department, however the Town of Plymouth did not currently have an Interrogation Room and that was the crux of the difficulty. He further stated that the Town of Plymouth was the only Town in the district that didn't have an Interrogation Room.

Brian Preleski stated that in the past, the sexual assault cases, which had been conducted by Patrol Officers in the Town of Plymouth (prior to the Detectives coming on board), had suffered as a result. He further stated that it was difficult for Patrol Officers to find the time over the course of their shifts and that Detectives had the time to work on serious criminal cases and solve them. He further stated that the listing of standards that Town Councilwoman Murawski had read into the record implied one thing, and that was that they were standards for an Interview Room.

**Plymouth Town Council Meeting
June 4, 2013
Page Eight of Forty-Four Pages**

Capital Improvements Committee-Interrogation Room Discussion Cont'd.

When questioned by Town Councilwoman Murawski, Chief Krasicky stated that people that were interviewed in the Police Department had to go to a room in the back of the Police Department, noting that Police Officers also used the same room to eat their lunches and sometimes the Detective's office, noting that sometimes that was a problem because of noise in the adjacent room which made it difficult to hear what was being said in the room.

Chief Krasicky stated that the basic Interrogation Room should include a table, a couple of chairs and a laptop computer that was strictly dedicated for this purpose, noting that carpeting on the floor would help with the noise level. She further stated that it was mandatory that the Police Department tape record and video tape Capital Class A and Class B Felonies and that they had planned on using this room for all their interviews, if possible, to protect the people and the Police Officers.

Chief Krasicky stated that the Town had a fair amount of sexual assaults in Town and if the interview wasn't conducted properly and was thrown out of court she did not want have to tell the a family member that it was because the interview wasn't handled in a proper manner, because the room hadn't been set up properly.

When questioned by Town Councilwoman Murawski, Chief Krasicky stated that the Police Department did not have an existing room that could be utilized as an Interrogation Room.

When questioned by Town Councilwoman Murawski, Chief Krasicky stated that wasn't enough room in her office to house an Interrogation Room, noting there was no other place to put the existing equipment, file cabinets in her office and further, that there was also windows in her office.

When questioned by Town Councilwoman Murawski, Chief Krasicky stated that the area next to and behind the fingerprint-processing center was too small to be utilized for an Interrogation Room. She further stated that the Department had planned on using that area for the viewing room to watch out for the safety of the Police Department personnel when the interviews were taking place. Chief Krasicky stated that the Public would also use the room to identify the suspect(s) ensuring that the person would feel comfortable and secure in knowing that the suspect(s) could not see them.

When questioned by Town Councilwoman Murawski, Chief Krasicky stated that this could not be done from the Processing Room to the area behind it, either. She further stated that she did not come up with this and it was not her mandate, it was the State of Connecticut and that was why the State Attorney was present this evening. Chief Krasicky stated that Brian Preleski was present to help everyone understand what would happen if the Town did not do this properly.

**Plymouth Town Council Meeting
June 4, 2013
Page Nine of Forty-Four Pages**

Capital Improvements Committee-Interrogation Room Discussion Cont'd.

Town Councilwoman Murawski stated that the Council knew that the Department had to have the Interview Room and questioned if the area that housed the ATV's and bicycles could be utilized for something else, with these items moved out, noting that it wasn't really used.

Chief Krasicky stated that the Sally Port was basically a garage and it was the entryway that the Police Officers used to safely bring in prisoners. She further stated that the area was used for evidence that didn't fit in the Evidence Room.

When questioned by Town Councilwoman Murawski, Chief Krasicky stated that the recording equipment grant had already been applied for and had been received and that the Department was waiting for a decision as to what would be done and what room would be used for the Interrogation Room.

Chief Krasicky stated that if the grant money weren't used by December 31st, it would be lost.

Noting that Rodney Houle had spoken about building a new Police Station, Town Councilman Zagurski questioned spending \$20,000.00 to create a new Interrogation Room. He further stated that Rodney Houle had previously stated that it would be jumped on right away and then later on he had stated that it would take years.

Rodney Houle stated that it would be done within five or so years.

Town Councilman Zagurski questioned if the Town of Plymouth could use another Town's Interrogation Room, such as Bristol, noting how the Town was always trying to co-op with area towns for various projects. He further questioned how often the Department interrogated a prisoner.

Chief Krasicky stated that the Department regularly interrogated prisoners, noting that it could be one or two a day interrogation, and that the Department would be using the room for other things other than Capital Felonies.

When questioned by Town Councilman Zagurski, Chief Krasicky stated that major crime squads would not necessarily be brought in and that sexual assaults, considered to be Class A and Class B Felonies, were interrogated by the Town's Detectives and Detective Sergeants handle this themselves.

When questioned by Town Councilman Zagurski, Chief Krasicky stated that the Town of Thomaston had their own Interrogation Room, however it would not be appropriate to transport the prisoners to Thomaston, noting that the possibility existed that Thomaston's Interrogation Room might be in use when the Town of Plymouth needed it.

**Plymouth Town Council Meeting
June 4, 2013
Page Ten of Forty-Four Pages**

Capital Improvements Committee-Interrogation Room Discussion Cont'd.

Chief Krasicky stated that that a room hadn't been spec'd out as yet and that the cost might not be \$20,000.00.

Town Councilman Zagurski questioned why Chief Krasicky hadn't come up with a plan and the cost prior to coming to the Council meeting this evening.

Chief Krasicky stated that the project had to be approved by the Council prior to moving forward and that the way she had understood it the money had to be appropriated first.

Town Councilman Zagurski stated that he would rather have seen a plan stating how much the project would have cost before he approved \$20,000.00 for something that might only cost \$5,000.00.

Rodney Houle stated that the Capital Improvements Committee had Engineers, as well as the Town, and that they had all gotten together and figured out that the maximum cost would be \$20,000.00, but that they were hoping it wouldn't be. He further stated that they were still trying to decide how and where it would be put, noting that it wouldn't reach the \$20,000.00 figure. Rodney Houle stated that the Committee/Town could not go out for bids without knowing where the room would be located and how they would do it. He further stated that it was June and that the room needed to be started, but that the Committee needed the Council's approval prior to going to the Board of Finance.

Town Councilman Zagurski stated that in his humble opinion if the bids went out with people knowing there was \$20,000.00 available that the bids would come in for that amount.

Rodney Houle stated that was not necessarily true and that the Committee was involved with a variety of projects, that the Contractors knew that they had better come in at the lowest price, along with the best offer. He further stated that the Committee interviewed everyone and would continue to do so. Rodney Houle stated that the Committee had recently worked on a Road Project, that they had 11 Engineering firms and had narrowed down the selection to seven, then three companies, and then one, and that they had done this process for the best interest of the Town. Rodney Houle stated that this process took a long time to complete, but that was how they did everything, and that this would apply to the Interrogation Room, as well.

When questioned by Town Councilman Zagurski, Rodney Houle stated that the money would come from the Board of Finance, under Capital Improvements.

When questioned by Town Councilman Zagurski, Board of Finance Vice-Chairwoman Victoria Carey stated that the money had been taken out of the original Budget at the last minute, prior to the vote, however \$20,000.00 could be put back into the Capitals without affecting the mill rate.

**Plymouth Town Council Meeting
June 4, 2013
Page Eleven of Forty-Four Pages**

Capital Improvements Committee-Interrogation Room Discussion Cont'd.

When questioned by Town Councilman Zagurski, noting that the Budget had already been voted on, Victoria Carey stated that if the Council approved the \$20,000.00 it could be added into this years Budget. She further stated that the money could be taken out of the Undesignated Fund Balance, noting that she did not think the amount would put a dent in the balance, but that she would have to ask David Bernagel. Victoria Carey read a lengthy listing, for the record, of what Felonies Class A and B consisted of, noting that it was only a partial listing.

When questioned by Town Councilman Zagurski, as to where the \$20,000.00 would be taken from, David Bernagel stated that there were three different sources from which this project could be financed, the first being the Undesignated Balance. David Bernagel stated that the second option was to increase expenditures and increase the bottom line Budget by \$20,000.000. He further stated that the third option would be to transfer from another Expenditure line item to that line item, which would be taking the money from one expenditure and put it another. David Bernagel stated that the Town was in Fiscal Year 2012/2013 and that the new Budget would begin on July 1st. He further stated that if the appropriation was made this year then it would be at the year end and the Board of Finance could ultimately make a recommendation to make a \$20,000.00 transfer into the Operating Transfers of Capital Projects. David Bernagel stated that it would then be designated and appropriated into Capital Non-Recurring account for this specific purpose and at that point would have a three-year life according to the Town's Charter for a Capital Project for it to be spent. He further stated that the Council had the authority, per the Town's Charter, for up to \$50,000.00 without having the requirement of going to a Town Meeting.

Town Councilman Ferreira stated that Rodney Houle's plan sounded great, however he agreed with Town Councilman Zagurski and would have preferred to have seen something drawn up in front of him. He further stated that maybe the Building Inspector could have helped with the cost of putting up a sheetrock wall, etc., and could have provided ballpark pricing rather than approve \$20,000.00 for something they were unsure of.

Rodney Houle stated that the Council gave authority to the Capital Improvements Committee and that they did have knowledge to the extent as to how to get the project done.

Town Councilman Ferreira stated that he would have like to have a figure verses the \$20,000.00 amount, noting that it did not sound as if it would be \$20,000.00 worth of work and that the other Council people would also have liked something similar, themselves.

Rodney Houle stated that the Capital Improvements Committee had spent a lot of time on this project and that they had made a good faith presentation, noting that the members knew what they were doing and what had to be done.

**Plymouth Town Council Meeting
June 4, 2013
Page Twelve of Forty-Four Pages**

Capital Improvements Committee-Interrogation Room Discussion Cont'd.

Rodney Houle stated that he would hope that the Council members would rely on the Capital Improvements Committee members noting that they were on the same team and questioned how much more the Council would like them to do.

Town Councilman Ferreira stated that it sounded like the Capital Improvements Committee had done everything.

Town Councilman Foote stated that he wanted to see where the room would be on paper, as well as a ballpark estimate for the cost of the materials. He further stated that no matter where it went he wanted to see what it would like (basically) in a sketch.

Rodney Houle stated that the Capital Improvements Committee could do that.

Rodney Houle stated that Capital Improvements Committee Member, George Castle, had come up with a Gant Chart and explained the use and definition of this tool.

Using a Power Point presentation, George Castle outlined his Gant Chart, noting that it was a very successful tool that he, himself, utilized in his own multi-million dollar corporation, noting that there were a lot of different components to it. He further stated that his company hadn't missed a single shipment to the Government in the past five years using this system.

George Castle distributed copies (see attachment) of the Power Point Presentation to the Council for their review to assist in following the presentation. George Castle stated that the Gant Chart could be placed on the Town's Website and that it could also be posted upstairs in the Town Hall, as well. He further stated that any Town resident could look at the chart to see when his road was scheduled for work, etc.

George Castle outlined the attachment by each project, in detail, explained the processes and elements involved (including the different phases) at length, noting that bi-monthly or monthly updates would be done to the chart.

When questioned by Town Councilman Zagurski, George Castle stated the completion date was shown on the chart under the "Finished" column. He further stated that the Capital Improvements Committee had put a contingency into each project in case of unforeseen problems, i.e. weather, etc., noting the length of the contingency depended on the project and the cost.

The Town Council collectively stated that George Castle had done a nice job on the Gant Chart and thanked him for his work.

**Plymouth Town Council Meeting
June 4, 2013
Page Thirteen of Forty-Four Pages**

Capital Improvements Committee-Interrogation Room Discussion Cont'd.

Town Councilman Zagurski stated that if it were possible, he would like to see the Gant Chart posted on line, as well as posted upstairs in the Town Hall, noting that some people did not have computers.

Melanie Church questioned how involved the Engineering Tech was in the Gant Chart.

George Castle stated that he, himself, didn't charge for his work.

Melanie Church stated that the Director of Public Works had an Engineering degree, as well as the Engineering Tech and knew what we needed. Melanie Church stated that to her the specs that were in the paper looked very general instead of detailed like the garage doors and if you want 6" or 12" of pavement 4" of gravel where are those specifications she didn't see them in the paper.

George Castle stated that the Design Phase was advertised and that the Committee gets some ideas from those, as well as what the Town advertises for.

Rodney Houle stated that the Engineers come up with the numbers before the Committee puts in for the money, noting that there were different Engineers.

George Castle stated that the Capital Improvements Committee had some very talented Engineers on it, as well, noting that he, himself, had three degrees and numerous patents to his credit. He further stated that working together, with the other Engineers on the Committee, they made a good team for right now.

Melanie Church stated that she wanted someone that would be bonded, insured and came with a guarantee with the project so that the money was spent wisely and things could be passed without people being frustrated.

Town Councilman Ferreira stated that he wanted to bring the Council's attention to the Privilege of the Floor. Town Councilman Ferreira stated that there were a number of times that the Council starts going down rabbit holes. He further stated that the Rules and Procedures, which were available to the Public on the table, was a guide for how the Council Meetings were supposed to be run, noting that every month the meetings turn into a Town Meeting, rather than a Town Council Meeting. Town Councilman Ferreira stated that there was Public Comment at both the beginning and the end of the Council's agendas and that the Chairman was gracious enough to allow comment during the meeting, as well. He further stated that he felt this needed to be reigned in and that the Council needed to start following the Rules and Procedures of the Council, as well as Robert's Rule of Orders.

**Plymouth Town Council Meeting
June 4, 2013
Page Fourteen of Forty-Four Pages**

Capital Improvements Committee-Interrogation Room Discussion Cont'd.

Town Councilman Ferreira stated that because the meeting was being taped, with other communities seeing it and having guests present, the Council needed to start looking like it was running the meeting as a meeting, not a free for all. Town Councilman Ferreira read the Privilege of the Floor into the record, noting that he wanted people to be aware of the ruling.

Town Councilman Ferreira stated that this ruling had nothing to do with abridging Freedom of Speech; it addressed how to hold a well-run Council Meeting when the business of the Town needed to be taken care of, as set forth in the Town Council's Rules and Procedures and Robert's Rule of Order. He further stated that every month there were almost filibusters that took place and that comments should be concise and to the point so that the Council could get through their large agendas thus allowing everyone to speak and be heard before midnight. He further stated that he was willing to stay late, that everyone should have the right to speak, however limits needed to be followed as outlined in the Privilege of the Floor.

Town Councilman Ferreira stated that the Council was very liberal with the time that was given to Public Comment verses other Town Boards and Commissions that didn't provide two Public Comments and unlimited time limits on their agendas.

Town Councilman Ferreira stated that it was out of respect for the Public Audience and the Town Council that he was asking everyone to adhere to the Rules and Regulations of the Council, noting again, he wanted everyone to have the opportunity to speak.

Mayor Festa stated that as a point of clarification the Charter allowed for Public input throughout the Council Meeting, thanking Councilman Ferreira for his comments. He further stated that the Council may need to look at items covering the Council's Rules and Procedures such as no more than two comments on one given topic, etc.

Town Councilman Ferreira stated that he understood what Mayor Festa was saying and that he didn't think he said the Council shouldn't allow the comment, however he felt that when the rules say that people can speak it needed to be limited (as stated) to twice on one item and that after everyone had spoken it was up to the Council to speak. He further stated that he believed, according to Robert's Rule of Order, that when there was a motion on the floor only the Council could speak to the motion, but he could be wrong.

Mayor Festa stated that Town Councilman Ferreira was correct in that regard.

Pattie DeHuff, 20 Lynn Avenue, Terryville, stated that the Mayor was correct in this instance; the Public has the right to speak throughout the agenda, not just on Public Comments on Non-Agenda items or under Public Comments at the end of the agenda.

**Plymouth Town Council Meeting
June 4, 2013
Page Fifteen of Forty-Four Pages**

Capital Improvements Committee-Interrogation Room Discussion Cont'd.

Town Councilman Ferreira stated that he didn't believe he said that it was just on those two points; he said that he did allow it and that he read verbatim from the Privilege of the Floor and was not trying to put his own spin on it.

To take action, as may be necessary, to approve request from Plymouth Police Commission to extend Acting Chief's Contract up to a maximum of six months

Ann Tuleja, 383 Allentown Road, Chairman of Plymouth Police Commission, stated that at the April 9, 2013, Police Commission Meeting a motion was made to extend the Acting Chief's Contract up to a maximum of six months to allow the testing procedure and integration of the new Assistant Chief with up to a six-week maximum transition period, noting that it was seconded and unanimously approved by the Police Commissioners.

Ann Tuleja stated that unfortunately, she had been unable to make the Council's meeting last month due to the fact that she was out of the country and thought that her Vice-Chairman had enough to handle with the General Order and Job Description, was going to bring this motion forward. She further stated that she was present this evening to answer questions and explain the need to extend the contract out for six months.

Ann Tuleja stated that at the same time that one of the Town's Sergeants being promoted to the Acting Chief's position a rank and file member would be also (simultaneously) in the Sergeant's position, and that a Certified Officer would be back filling for the rank and file position that would no longer be there because the Department was making progress. She further stated that there could be a lot of movement within the Police Department during the six-month period so when the General Order and the Job Description was made, it included the summer vacations for people who would be taking the test, noting that they would need eight weeks to study for the testing procedure, as well as the Oral Boards, which resulted in talk of an October date. Ann Tuleja stated that she couldn't say who was going to move and how, and provided an example of the movement. She further stated that the Police Commission felt very strong about keeping the Administrative to two position people so that when the move happened the Department would be ready for it. Ann Tuleja stated that the Commission would hate to see someone coming up from a Sergeant position (three ranks at least) then have a backfill of a six-month period where the work hadn't been done, noting that it wouldn't be fair to the person taking the job. She further stated that she was asking the Council to extend, no longer than six months, to allow for the position to be filled and integrated, noting that the Commission made it clear that it would be for no longer than a six-month period.

When questioned by Town Councilwoman Schenkel, Ann Tuleja stated that she believed the Acting Chief's contract expired on July 5th.

**Plymouth Town Council Meeting
June 4, 2013
Page Sixteen of Forty-Four Pages**

To approve request to extend Acting Chief's Contract Cont'd.

Town Councilman Foote questioned if Ann Tuleja had said that the current Acting Chief would be here to help with the testing.

Ann Tuleja stated that she did not say that and that the testing would be performed by an outside agency for the position, just like when the Town filled the Chief's position, noting that the Police Commission had been very fortunate to be able to have gone to the Connecticut's Chiefs Association, noting that they had done it all for free. She further stated that the test would not happen until October, leaving the eight weeks for the candidates to study for it.

When questioned by Ann Tuleja, Chief Krasicky stated that an Assistant Chief, or higher, would assist with the Oral Board testing. She further stated that the Sergeant testing would be occurring at the same time as the Assistant Chief testing, noting that the Department was also currently testing for Certified Officers.

Ann Tuleja stated that the Department had a listing of the Certified Officers, which the Department would be able to pull off the list for a Certified Officer to come into the Department and they wouldn't have to go through the six-month State Police training or 10-12 weeks of field training work. She further stated that this process would keep the Police Department running smoothly.

Town Councilman Foote questioned if this would have an effect on manpower with all of the testing/fieldwork if the Town were to allow the lapse with the other body/position on July 5th.

Ann Tuleja stated that Administratively speaking, it was very important and that it would also help to integrate the Department.

Ann Tuleja explained that the Board of Finance had righteously cut the Department's overtime and that it had been accomplished by implementing the right manpower, which had been a long-term plan. She further stated that the Town had been running 70 to 90 extra shifts per month and currently ran (when all stays well) 19 to 20 shifts, noting that was a significant amount of money that the Town was saving.

Town Councilman Zagurski questioned if the job had been posted as yet.

Ann Tuleja stated that the Department had two candidates that had applied for the job.

When questioned by Town Councilman Zagurski, Chief Krasicky stated that the letters had gone out, the closing date was yesterday (Monday, June 3rd) and that there were two applicants for the position of Assistant Chief and seven applicants for the position of Sergeant.

**Plymouth Town Council Meeting
June 4, 2013
Page Seventeen of Forty-Four Pages**

To approve request to extend Acting Chief's Contract Cont'd.

Chief Krasicky stated that the Department had a current list of four Certified Officers who had passed the written and Oral Board exam.

Town Councilman Zagurski stated that if the position was closed and they needed eight weeks to study that would bring the time to August 1st or 5th and questioned why Ann Tuleja wanted to wait until October 1st to start the testing.

Ann Tuleja stated that it wasn't her that wanted to wait, but that through the process, some of the candidates had summer vacations and they had asked that the Department extend it for that reason. She further stated that the Commission had agreed to give the candidates that right and wanted to have a good faith relationship with them.

When questioned by Town Councilman Zagurski, Chief Krasicky stated that the candidates had asked for the extension.

Chief Krasicky stated that it would be a minimum of eight weeks because it was a big jump in the position (from Sergeant to Assistant Chief skipping over Lieutenant and Captain) and they should have the best opportunity to have enough time to study so they could score well on the exam. She further stated that the candidates had vacation time coming to them and that she had spoken to them, in the presence of the Union President, noting they had requested the October date.

Town Councilman Zagurski questioned what the difference was between a Lieutenant, Captain and an Assistant Chief and what was the job description that made the jump so difficult.

Ann Tuleja stated that when the Commission did the Job Description and the General Orders it was with the intent to want that second in charge person to have more responsibility, noting that it was a very important position and that they were in charge of the rank (including counseling them) as well as Administrative duties.

Ann Tuleja stated that the Police Commission had been working on updating the Policies and Procedures, as well as the General Orders, for the past nine years and they had people in the past who had stated that they couldn't make the General Orders and told the Commission to hire an Attorney. She further stated that it was the Commission's responsibility, along with the Police Chief, to have the General Orders redone and some of them hadn't been redone for 20 to 30 years. Ann Tuleja stated that the person also needed to know about internal investigations and that this person would be the first person conducting the internal investigation and then would type up a report to the Police Chief for her review and decision, noting that this position was very pivotal.

**Plymouth Town Council Meeting
June 4, 2013
Page Eighteen of Forty-Four Pages**

To approve request to extend Acting Chief's Contract Cont'd.

Ann Tuleja stated that the Commission felt it was imperative to have two top Administrators in case something should happen to the Chief, or the Chief weren't here for six weeks. Ann Tuleja stated that this person would also have to take over the Chief's responsibilities and would have to have to know the procedures for the Chief's position and be able to step up to the plate if needed, noting that it was a big job.

Town Councilman Zagurski questioned how long it would take to select someone once the testing began on October 1st, assuming two people, two candidates.

Ann Tuleja stated that they would have to do the Oral Board and then integrate that job and shadow the Acting Assistant Chief for the six-week period. She further stated that if the Police Chief felt that time period wasn't necessary then it could go to four weeks.

When questioned by Town Councilman Foote, Ann Tuleja stated that the six-month period was the maximum and that it was made and unanimously approved by means of a motion and read the motion into the record, again.

Town Councilwoman Murawski questioned if the cost of the six-month extension was known.

Ann Tuleja stated that she did not, however she wanted to say that it might be a \$30,000.00 expenditure.

Chief Krasicky stated that there really wouldn't be an additional cost because whoever was going to go from the Sergeant position would be going into that position and everything would stay the same as status quo for right now. She further stated that the Sergeant would still be paid Sergeant's pay so there was no increase or decrease, everything would just stay, again, status quo. Chief Krasicky stated that the candidates had their vacation time planned and that they probably should have a minimum of 12 to 16 weeks to study. She further stated that they would be doing additional job duties, not like the past second in command, noting that the Police Commission had changed this and they would be doing more.

Chief Krasicky stated that the candidates, with the Union President present, wanted the Oral Board, if possible, done the first week in November, noting that the Oral Board was different from the written exam.

Town Councilwoman Murawski stated that she still wanted to know what the cost would be, noting that the Acting Chief's position was up in July and the Commission was asking for more time and if the Town wasn't extending the six months then the money wouldn't be expended.

Ann Tuleja stated that she thought he made \$60,000.00 per year, but that she wasn't positive.

**Plymouth Town Council Meeting
June 4, 2013
Page Nineteen of Forty-Four Pages**

To approve request to extend Acting Chief's Contract Cont'd.

Town Councilwoman Murawski questioned if it would be about \$30,000.00 then.

David Bertnagel stated that the cost was approximately \$33,500.00 for the six-month period of time and that he had a separate line item in the budget. He further stated that the other individual would not be coming out of that line item until the position was vacated. David Bertnagel stated that therefore, no one would be hired prior until the promotion had taken place and so there wouldn't be an additional body on board right away. David Bertnagel stated that once the promotion had taken place, the Chief had the authority to hire, but that the Town would not exceed the maximum authorized positions so there would be no need for increasing the expenditure. He further stated that in fact, there probably would be a little bit of a decrease because the Town would be hiring someone at a decrease coming in.

Town Councilwoman Murawski stated that knowing that the contract was up in July why wasn't all of this initiated earlier.

Ann Tuleja stated that it was a long and sordid story and that she had been waiting nine months for the Council, noting that she had been ready on February 14, 2012, when the Police Commission's motion had been made. She further stated that she had been waiting for the Council to move into Executive Session when it all blew up and the Police Commission had to revisit the issue. Ann Tuleja stated that it was pretty obvious what had gone on for the past six months, noting that it had been in the newspapers and that both Town Councilwoman Murawski and Town Councilwoman/Liaison Schenkel had both attend the Police Commission meeting, noting that it had been interesting. She further stated that the Police Commission, at one time, through a law enforcement person that had a lot of experience told them that that he felt the Commission should have five years as the second in charge. Ann Tuleja stated when she polled the four Commissioners present at that meeting the vote was two to two. Ann Tuleja stated that they finished the rest of the General Order and when they went to make the motion on February 14th, a time when she was sure a lot of people were getting flowers and dinner, she was at Town Hall (along with two of her other Commissioners, two of them who had not attended a meeting for four to five months, so they went with the majority. She further stated that some people had a problem with three Commissioners making the decision, but that was what they had so they made the decision to go with the five years. Ann Tuleja stated that they had gone out and researched it through other law agencies (the State Police and other local towns) noting that she searched in the Fairfield area so that there would be absolutely no connection to Plymouth. She further stated that the research said that they were crazy and five years was what they really should do, at a minimum, so they did it.

Ann Tuleja stated that she was on vacation when people stormed her November meeting because they were very unhappy about it and there was a lot of yelling and screaming and from then on there was quite an interesting run for five months.

**Plymouth Town Council Meeting
June 4, 2013
Page Twenty of Forty-Four Pages**

To approve request to extend Acting Chief's Contract Cont'd.

Ann Tuleja stated that the Police Commission had made the decision to revisit the issue, through a motion, and that it was approved and they reviewed it, noting that Town Councilwoman Murawski was present and smiling as she walked out of the room so she thought the Councilwoman was happy about it. She further stated that it came down to a three to two vote; two Commissioners wanted three years and two Commissioners wanted five years and so she broke the tie and chose three years. Ann Tuleja stated that she was very shortsighted when she had stood before the Council two years ago and had asked for a two-year contract and maybe the Commission should have done more homework. She further stated that she felt she was in good company because the Mayor, the Council, the Police Chief, and the Human Resource person, all thought that they would be ready in two years. Ann Tuleja stated that this was what happened when someone who had experienced raised a level of doubt in a Police Commission meeting, noting that it got the Commission to do their homework. She further stated that when they did their homework they felt they were doing what was right and that was why it had taken so long. Ann Tuleja stated that she did wait nine months to get on the Council's agenda, that she understood that they were busy and couldn't accommodate her, that the Council meetings run until midnight, but that she was ready on February 15, 2012, to come visit the Council.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Zagurski, to extend the Acting Assistant's Chief Contract for a maximum of six months.

Discussion:

Town Councilman Zagurski stated that originally he thought the contract shouldn't be extended for the six months, but if it was because of the candidates asking not to be tested and were actually looking for the extra time, he did not see it costing the Town a lot of extra money except for maybe six weeks of overlap between the two and would probably cost \$6,000.00, so in that respect he would support the motion.

Town Councilwoman Schenkel stated that she was in agreement with Town Councilman Zagurski in that she would like to see this candidate have the best possible chance of being a successful second in command, so using the experience of Officer Dabbo would be really prudent and would be advantageous for the candidate and it was a good idea.

Town Councilwoman Murawski stated that she didn't want to see the Acting Chief go, noting that he'd been great. She further stated that she did not see why the Chief couldn't take over and fill in the gap, so to speak, so she would not be in favor of the motion.

Town Councilman Zagurski stated that Acting Dabbo had done a great job, that he appreciated everything he had done for the Town, and that he'd like to see him stay on for the six months.

**Plymouth Town Council Meeting
June 4, 2013
Page Twenty-One of Forty-Four Pages**

To approve request to extend Acting Chief's Contract Cont'd.

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 Twenty)

To take action to allow Town Officials to present their reports regarding 4 Chidsey Terrace

Gil Roberts, Torrington Area Health District, Town of Plymouth Sanitarian, stated that he had been involved with Bruce Grimkowski since June of 2012, noting that was when his office was issued with the official Order. He further stated that he would refer to Mr. Grimkowski as "Bruce" from this point forward, noting that he butchered his last name because it was very difficult to pronounce for him.

Gil Roberts stated that he wanted to provide the Council with some previous involvement with Bruce, noting that this had been a long-standing problem. He further stated that Bruce, along with his mother (who had passed on) were both hoarders and had been for a very long period of time.

Gil Roberts stated that he and the Building Inspector (Clarence Atkinson) had involvement with this property back in 2002 and in 2004 had issued an Order for the house to be cleaned efficiently, to provide access to the bathroom, the kitchen and that it had been accomplished, however little was done to address the other issues on the property and inside the house. Gil Roberts stated that he had visited the property in 2004, along with Clarence Atkinson, because of a claim that Bruce was defecating in his yard and there was rodent infestation on the property. He further stated that he had not seen any evidence of human waste disposal at the time, or ever in time, in the yard or in the house.

Gil Roberts stated that he saw no evidence of rodent infestation, however there was a lot of trash and the inability to move around in the house, which would concern rescue and fire, noting that Clarence might want to address that issue. Gil Roberts stated that they had followed up with Bruce and made several visits over the course of one year to see if he had cleaned up the trash and had at least an access way around the house, noting that nothing was done to address the considerable amount of material that was being stored in the house. He further stated that each time they visited the property and made a request to enter the premises they were refused and at that time there was no way to gain access to the house without a search warrant for health reasons. Gil Roberts stated that in May/June of 2012 a search warrant was exercised by the Dog Warden because a complain was received relative to animal abuse and that in general, the condition of the inside of the house was deplorable and a person could not move from one room in the house to another because of the material stored from floor to ceiling with a non-accessible kitchen. He further stated that the Fire Marshal had served a Notice that Bruce could no longer occupy the house and that Bruce had to clean the premises.

**Plymouth Town Council Meeting
June 4, 2013
Page Twenty-Two of Forty-Four Pages**

To take action to allow Town Officials to present their reports regarding 4 Chidsey Terrace

Gil Roberts stated that the Building Department couldn't do too much because he couldn't see anything and that since June of 2012 they had made regular visits to Bruce's house. He further stated that Bruce had initially begun cleaning the interior of the structure, including a pathway from the front door to the kitchen and a small portion of the hallway, however the rest of the house remained non-passable.

Gil Roberts stated that at about the same time, a complaint had been received from a neighbor about water entering their property from Bruce's and it turned out to be a small leak in the waterline that turned into a big leak and was flooding into the neighbor's yard, not the low-lying area ground water that it was originally believed to be. He further stated that the water was shut off and that he believed there was considerable pipe damage in the basement, which would have to be repaired to allow water service to be put into the house. Gil Roberts stated at that point in time, Bruce chose to stop working on the interior of the house and concentrated on cleaning the exterior of the house. Gil Roberts stated that since that date there had been six or seven 15-yard dumpsters that had been filled and removed from the property, which included bags of several thousand aluminum cans.

Gil Roberts stated that he, along with Clarence and Charlie (Fire Marshal), visit the property on a monthly basis (sometimes more often) and that progress was being made, however there was a long way to go. He further stated that the garbage had been removed, but that trash, junk, scrap metal, and construction material remained. Gil Roberts stated that the problem with hoarders, like Bruce, was that as soon as you leave the property the hoarding resumes and that he had a photograph (that he and Clarence took in 2011) showing the front of the house, totally cleaned, with mulch. He further stated that if you didn't have a panoramic view of the property you would say that it was a typical raised ranch house in Plymouth. Gil Roberts stated that they had returned to the property, at the time of the search warrant, and it was worse, noting that in a period of three to four months the hoarding had begun again.

Gil Roberts stated that unfortunately, Bruce has an infinity for wood and that currently the bulk of what was on Bruce's property consisted of firewood, some of it various stages of decay, some not cut up, some cut up and stacked, and kindling. He further stated that wood was not considered to be a health issue and if the Town were able to get him to finish cleaning his property, nothing would happen to the wood, but that the Blight Committee could take it up.

Gil Roberts stated that they had decided a month ago that all projects had to come to an end and that they had given Bruce until the end of September to complete their portion of the Order and that Bruce was aware of this ultimatum. He further stated that he was unsure if Bruce had the ability to comply with the Order and that unfortunately, under the Health Code, he did not have a lot of options and that he would have to issue an arrest warrant and that Bruce would be pulled into court and be fined or sent to jail.

**Plymouth Town Council Meeting
June 4, 2013
Page Twenty-Three of Forty-Four Pages**

To take action to allow Town Officials to present their reports regarding 4 Chidsey Terrace

Gil Roberts stated that this had been done in the past and that it accomplishes absolutely nothing in the case of a hoarder, noting that they get out of jail after 90 days and then they start again.

Gil Roberts stated that he had put a call into the Housing Court Prosecutor to see what other options might be available for the Town, but had not heard back from him as yet.

Gil Roberts stated that he wanted to reiterate that he had never seen any evidence of human waste or vermin infestation on the property, but didn't doubt that there were mice there, noting that he has at least a half dozen of mice nests in his own firewood property at his home and would expect that Bruce had the same thing. He further stated that as of late May, there was a new load of wood on Bruce's property and that it was a very difficult problem.

Town Councilman Zagurski stated that he heard that Gil Roberts was retiring and congratulated him on his retirement.

Town Councilman Zagurski questioned the Order to vacate the house.

Gil Roberts stated that the Fire Marshal would address that issue, noting that the issue did not come under the Health Code. He further stated that the Health Code does not require a residence to have running water and toilet fixtures, however what it does require is that if as a result of not having those things and a Public Health Nuisance was created then it would become a Health Code violation. Gil Roberts stated that he has not seen a Health Code violation as a result of Bruce not having running water and that he had indicated to them that he was residing somewhere else. He further stated that they had met a couple in May that also indicated that Bruce was living with them and that he tended to believe that Bruce's personal hygiene had greatly improve which led him to believe that Bruce had access to a shower and regular toilet facilities.

When questioned by Town Councilman Zagurski, Gil Roberts stated that there was a lien on the property, which paid the cost of some of the dumpsters, but that he couldn't really answer the question.

Clarence Atkinson, Town of Plymouth Building Inspector, stated that he was in agreement with everything that Gil Roberts had stated, noting that he had spoken to Bruce, as well, discussing the various ways to make corrections to the property and different ways to seek help for assistance with the situation. Clarence Atkinson stated that unfortunately, as a Building Official, once a CO was issued for a house the residence was required to have water, hot water, kitchen and bathroom facilities, etc. and that after the house received the certificate he did not have the authority to take it back if the person decided to rip out the toilet, stop using the kitchen, etc.

**Plymouth Town Council Meeting
June 4, 2013
Page Twenty-Four of Forty-Four Pages**

To take action to allow Town Officials to present their reports regarding 4 Chidsey Terrace

Clarence Atkinson stated that he had no authority if the house was dilapidated, deteriorated, or could cause bodily damage. He further stated that he did have authority for these things when applied to a rental, three-families, commercial, and so forth. He further stated that if a person had their house so loaded with junk that he couldn't see any damage i.e. sagging floor, leaky roof, etc., he had no authority to tell the person how to live, contrary to what people say.

Clarence Atkinson stated that if there was a fire, a storm, electrical damage, etc., and he could see damage, then he would have authority to do something.

Clarence Atkinson stated that there were certain people who weren't licensed and didn't understand the State laws, noting that he, and others, had a certain ethical code they had to follow and that their goal was to protect human life and to make sure that housing and commercial properties met certain codes.

Clarence Atkinson stated that he couldn't order a house down unless it was in danger of falling or a danger to the Public, etc.

When questioned by Town Councilwoman Schenkel if he currently saw any evidence of any of that, Clarence Atkinson stated that he couldn't see anything with all the stuff in the house. He further stated that he knew there wasn't any water in the house, that the house was water tight, no leaks in the roof, that the electrical had been upgraded due to storm damage from a tree down the street and that was all he could see.

Clarence Atkinson stated that people had complained because the house didn't have heat and noted that the house did not have a furnace, it had electric heat. He further stated that they had instructed Bruce that if he were to use the electric heat, the debris had to be removed from three to four feet from the walls so that when the heat was on nothing would catch on fire.

Clarence Atkinson stated that Bruce did have a smoke detector and that he and the Fire Marshal had checked them, noting that he also had a clear path. Clarence Atkinson stated that he had no authority over the situation if Bruce loaded it back up after he left the premises.

Clarence Atkinson stated that he had access to the house because Animal Control had called him and that he couldn't just bust the door down like John Wayne.

Clarence Atkinson stated that people had called the State Building Inspector's Office on him and complained that he wasn't doing his job. He further stated that he had spoken to his boss and invited him to come down and tell him to do something different, noting that it was useless and that he was talking facts. He further stated that he could not break into anyone's house, including Bruce's.

**Plymouth Town Council Meeting
June 4, 2013
Page Twenty-Five of Forty-Four Pages**

To take action to allow Town Officials to present their reports regarding 4 Chidsey Terrace

Town Councilman Foote stated that he was concerned because of all the wood on Bruce's property, noting that the houses were tightly packed, that they were on a dead-end street and it would be hard to get a fire apparatus up the street. He further stated that he felt Bruce was endangering the whole neighborhood.

Clarence Atkinson stated that what Town Councilman Foote said was true; that there was combustible material, that there was a dead-end street, but that unfortunately he did not have the authority to tell a person what they could do on their property. He further stated that if a person had an acre or a forty-foot lot, he still didn't have any authority, however if there were a fire then he could do something after the fire took control, but in the meanwhile there was nothing that he could do.

Town Councilman Foote stated that his question was do we wait until someone lights this thing off.

Clarence Atkinson stated that he didn't feel the Council had the authority to make that decision, noting that when a person bought a house and property and he or she decides to upkeep it and make it beautiful that was fine, but if they decided not to and they were paying the mortgage and taxes, who was the Council to tell them what to do. He further stated that this was a human right that everyone had.

Town Councilman Foote stated that Bruce was not paying his taxes.

Clarence Atkinson stated that he had no authority over what Bruce was doing or not doing, but right now he was a homeowner and he had to give him that respect, noting that it was the same respect that they would give to the Council members or anyone in the Public audience. He further stated that if the house was a rental or a multi-family he would have authority, but his hands were tied for a single-family residence, despite what people say, everyone has rights whether they were good, bad or indifferent.

Clarence Atkinson stated that if there were an issue in anyone's house and he saw that a person was in danger he would drag that person out of the house regardless of whom it was.

When questioned by Town Councilman Zagurski, Clarence Atkinson stated that he believed the Town had the new electrical service done at Bruce's house (due to storm damage) by a lien and that he had inspected the electrical work prior to calling CL&P to turn it back on. He further stated that Bruce used a portable generator for electricity for a period of time after the storm knocked his out.

**Plymouth Town Council Meeting
June 4, 2013
Page Twenty-Six of Forty-Four Pages**

To take action to allow Town Officials to present their reports regarding 4 Chidsey Terrace

Charles Doback, Town of Plymouth Fire Marshal, stated that his involvement at 4 Chidsey Terrace began in October after he became an Employee of the Town. He further stated that his inspections included going to the residence with Gil Roberts and Clarence Atkinson, noting that their inspection was based on the Code Enforcement Committee's inspection process for the Blight-Code Enforcement Committee. Charles Doback stated that his involvement was to oversee and look at the property along with the other gentlemen.

Charles Doback stated that an Order had been issued by the former Fire Marshal and had been for immediate hazards and abatement of the property. He further stated that the resident had been very willing to let them on the property, noting that he could have forced them to get a warrant. Charles Doback stated that the resident was also cooperatively working with them for this past year.

Charles Doback stated that the Order had been written and given out, however it hadn't been followed up on the Town's end. He further stated that it was a State Statute, which the previous Fire Marshal had cited. Charles Doback stated that the Order was limited to correcting the hazards within four hours, noting that it hadn't been accomplished within the four hours without a follow-up. Charles Doback, agreeing with Gil Roberts, stated that it was an important issue, it was a single-family residence and that his only jurisdiction over the residence was for a smoke and carbon monoxide detectors. Charles Doback stated that his other issue was life safety and that it was a priority for him to make sure that the resident could get out of the structure if he needed to. Charles Doback stated that the Town was limited on Code Enforcement and statutorily speaking, on where he could go and what he could do. He further stated that like Clarence, he was here to enforce the State Fire Code and Building Code. Charles Doback stated that as members of the Blight Committee they were in two different situations, one to help out the residents and citizens, and work on resolving issues with the residents that the Code Enforcement Committee had. He further stated that they were there as Code Enforcement Officials to look at other issues and life safety. Charles Doback stated that the Order was issued, wasn't followed up in four hours time, no Letter of Enforcement was made, it stayed dormant and there was no other procedures followed at that point in time. He further stated that their biggest concern was that the resident wasn't living in the structure and that with the best information that they had, he wasn't and so at that point he was comfortable with what they were doing, including working with the Sanitarian trying to make corrections.

Charles Doback stated that they had received good progress and continued to get good progress with the process. He further stated that there had been a lot of Community speculation, including reactions and actions on what was happening and what was not being done, as well as favoritism. Charles Doback stated that the majority of structures that they look at, including six today, that had written complaints from Code Enforcement, had no dealer or bank to deal with.

To take action to allow Town Officials to present their reports regarding 4 Chidsey Terrace

Charles Doback stated that these properties had Property Management Companies that were supposed to work to make sure and secure the facilities, however they were not answering or returning the Town's calls or answering their mail, noting that the properties were just sitting in limbo until the Town could get someone to answer the issues and be served the Code Enforcement Orders. He further stated that there was a lot going on in the Community. Charles Doback stated that Bruce had been working with the Town, maybe not as fast as what they would like, however he was happy to say that Bruce had provided access to the property without a warrant. Referencing the contents of the inside of Bruce's house, Charles Doback stated that it wasn't in great shape, however structurally speaking the roof and windows were good, he had access way around the structure, including access to the doors. He further stated that there had been some vandalism on the property and that copper pipes had been taken.

Charles Doback stated that the firewood on the property was not an immediate fire hazard at this point and that the firemen could get down the dead-end street and do their job if need be. He further stated that they had made sure that Bruce complied with the Order to Correct and created a path around the structure enabling access to the structure. Charles Doback stated that the firewood on the property was no different than any one's firewood in this room would have stored in their house or on their property and that it wouldn't catch on fire. He further stated that it wasn't a long-sided structure and that the firewood on the property had been there a long time and would never burn. Charles Doback stated that he would be more concerned about a car fire in the neighborhood or other items on other people's property rather than having Bruce's firewood catch fire and that it wasn't an immediate concern. Charles Doback stated that the immediate concern was the life safety of Bruce living in that structure and if he was residing in that structure and he wasn't living in according to the people they talked with who had said Bruce was living with them. He further stated that there had been numerous Police Reports made at Bruce's location involving complaints and issues with fellow neighbors and that had caused more concerns and hardships for this case. Charles Doback stated that Bruce had been served by the Probation Officer and had court ordered appearances for what the Judge had deemed necessary for him to do and that was taking away time for Bruce to clean his property so when he was attending the court ordered appearances and court ordered classes he wasn't there to work on his property and that was throwing another wrench into the system.

Charles Doback approached the Council to show photos of the exterior property, looking at it from a street view, noting that the street view was a big concern for most of the people on the Code Enforcement Committee, not wanting blight in their neighborhoods. He further stated that a lot of the issues they were trying to deal with were behind the fence, but that if a person were driving down the street they would not see what Gil Roberts had reported to the Council.

Town Councilwoman Schenkel questioned if Charles Doback had any concerns about the material that was piled from floor to ceiling catching on fire inside the structure.

**Plymouth Town Council Meeting
June 4, 2013
Page Twenty-Eight of Forty-Four Pages**

To take action to allow Town Officials to present their reports regarding 4 Chidsey Terrace

Charles Doback stated that he had concerns about that because of the usage of heating systems, i.e. firewood in the wood stove or in the fireplace, but at this point there didn't appear to be any electrical sources that would create a fire.

Charles Doback stated that he did walk the house in October and that there weren't any smoke detectors and that he immediately put them in that same day. He further stated that there was a large accumulation of personal belongings.

Town Councilwoman Schenkel stated that the shows on television depicted hoarding as a mental illness and questioned if he was getting any help or counseling on his hoarding.

Charles Doback stated that Bruce was complying with court ordered appearances for his hoarding issue.

Town Councilman Ferreira questioned if the Town was doing its due diligence within the three departments that had spoken this evening.

Charles Doback stated that due to the fact the Town departments were dealing with a single-family residence, he felt that as Certified State Officials, through the Town of Plymouth, they were all doing their due diligence with the limitations that existed.

Charles Doback noted that high grass was a concern for many people in Town, but that it did not constitute blight, noting that it was a time-consuming issue for Town Officials when they could be doing Code Enforcement work.

Charles Doback noted that due to court ordered appearances, Bruce had limited time, disabilities, as well as limited funds, and noted that he felt Bruce was being a good resident and trying to do the best he could and work with the Town.

Clarence Atkinson stated that there were other houses like Bruce's, and that in one instance it took the person an entire year, but the situation had not been known around Town. Clarence Atkinson stated that anyone could find themselves in a situation like 4 Chidsey Terrace and that it came back to Community involvement, urging everyone to help someone out if they noticed high grass was being unattended and to turn the other cheek, noting that love and kindness could inspire a person to do something. He further stated that harassing people only led to frustration.

Noting that she had asked for the update, Town Councilwoman Murawski thanked the three Town Officials for coming to speak to the Council this evening, stating that she was aware that this was a very difficult situation to be dealing with.

**Plymouth Town Council Meeting
June 4, 2013
Page Twenty-Nine of Forty-Four Pages**

To take action to allow Town Officials to present their reports regarding 4 Chidsey Terrace

Charles Doback stated that the Code Enforcement Committee met monthly. He further stated that the three Town Officials did field inspections after the meetings and that the Code Enforcement Committee should be bringing the listing to the Town Council for review.

Noting that 4 Chidsey Terrace wasn't on the blight listing, Town Councilman Foote stated that he was assuming stuff inside and outside the house doesn't make it blight.

Charles Doback stated that there was a large criteria, according to the guidelines on blight, and that 4 Chidsey wasn't on the current listing because the residence was currently going through the inspection process. He further stated that as long as the resident was working with the Town Officials and cleaning up the issues, they considered that progress, otherwise the Officials would fill out an application and bring it to the Code Enforcement Committee to cite him and the Town would have to take legal action against the property.

Diane Reed, 5 Chidsey Terrace, Terryville, stated that Gil Roberts told her there was no wood burning stove in Bruce's house so that was not what the wood was for. She further stated that Bruce hoards the wood and it invites wild animals such as mice, fighting raccoons and that there were sitting containers of water, which invited mosquito larvae and West Nile.

Diane Reed stated that Violation Orders noted that the resident could not live in the home until he had several things done, including a smoke detector in each of the bedrooms and in the hall, noting that he had one over the front door, and that was all he had. She further stated that the second Order to Vacate was issued and that the resident could not be on the property from 8:00 p.m. through 7:00 a.m. Diane Reed stated that a letter from the Mayor's Office, dated November 15, 2012, (and read a portion into the record) had been sent to the Plymouth Police Department, notifying them that the Notice to Vacate had been revoked and copied the letter to Charles Doback. She further noted that Charles Doback had stated that he was fine with the one smoke detector at a Code Enforcement Committee Meeting. Diane Reed distributed photographs to the Council, stating that the fence in the backyard was on the ground and broken and that was one of the items listed for blight in the Code Enforcement Committee's regulations, noting that she could see the fencing from her adjacent property. Diane Reed stated that Bruce had received two dump-trucks of leftover Christmas Trees noting he wasn't supposed to be taking in any more trees/wood and that maybe a closer eye needed to be kept on him, and maybe it should be once a week, noting it was costly and that there were many other houses to be watched. Diane Reed stated that there was a freezer on the property and that she was told it was a state law to have the door removed, noting that there were two special needs children in the area and no fencing in the back, noting that she did bring this up at the Code Enforcement Committee's meeting. She further stated that Town Officials came out and that the freezer was now tarped, noting that was their remedy and felt that would make kids curious. Diane Reed read an email from Gil Roberts and the State of Connecticut Health Department into the record.

**Plymouth Town Council Meeting
June 4, 2013
Page Thirty of Forty-Four Pages**

To take action to allow Town Officials to present their reports regarding 4 Chidsey Terrace

Diane Reed stated that she had sent three different pieces of correspondence, at different times, to the Comptroller's and had received three different answers, stating that she would forward them to the Council and read the figures into the record. Diane Reed stated that she was curious what the Town would go by and questioned if the Fire Marshal's Orders were or were not in place, stating that she would hate to think that the Official was not telling all the facts to the State of Connecticut. Diane Reed reiterated her idea to have the Public Works Department to clean the whole outside of the 4 Chidsey Terrace property and have the material taken to the Town dump to save money. Diane Reed stated that she called CWPM and noted the number and size of the dumpsters at 4 Chidsey Terrace, stating that not much progress had been made with the dumpsters.

Chris Ebel, 25 South Main Street, Terryville, stated that Bruce's property smelled and that he could smell it from inside his house and that the fence, being within three inches of the road, could prevent fire trucks from going up the road in his opinion, but that the Town's illustrious Inspectors (back there) say it's okay. Chris Ebel stated that the treatment of his neighbor Diane was horrendous and was unprofessional and that the Mayor's Assistant was pretty much poking at her and intimidating other Town employees not to say anything about the situation and that he couldn't mention who, but he did talk to other Town Employees who were intimidated by Ted Scheidel, i.e. told not to talk to Diane Reed or anyone else about 4 Chidsey Terrace. Chris Ebel stated that Ted Scheidel went to Probate Court and said that the Town wasn't interested in Bruce's back-taxes and that Bruce wanted to live out his days in his mother's house, which was heart-felt and nice but why should it be at his expense, noting that he paid his taxes. Chris Ebel stated that some of the Council members had driven by 4 Chidsey Terrace in the past few days and they should go by their own opinion, not by people who were intimidated or by people who were intimidating the rest of us.

Diane Reed stated that her property value had gone down because of 4 Chidsey Terrace and her taxes were still going up and she didn't appreciate that.

Town Councilwoman Murawski stated that she was concerned about the freezer, noting that was a pet peeve of hers because of children, and questioned if anything could be done about it.

Clarence Atkinson stated that Bruce had two freezers, that they had padlocks on them, noting that the Town had pictures of the locks, that one freezer was covered by a tarp and that it was an unfounded statement.

Diane Reed stated that it was not unfounded and that she had inspection documents stating so, noting that she did not know if they were padlocked or not, but that freezers, washers and dryers were on the property, and that it was factual with pictures.

To take action to allow Town Officials to present their reports regarding 4 Chidsey Terrace

To take action to authorized the Mayor and Board of Finance Director to execute Agreements on behalf of the Town to transfer \$12,000.00 from the STEAP Grant to the Skate Park Project

David Bertnagel stated that the Town had a Grant (many years past) for the Fisher School ball fields, that the project had been closed out in 2008, and noted that the expenditure had been less than the appropriation with a remaining \$12,000.00. David Bertnagel stated that the Grant was still earmarked for the Town of Plymouth and that the State of Connecticut had approved the Town's request to allocate the monies for another use, noting that it could be used for the Skate Park Project, which was another recreational use.

Town Councilwoman Zagurski made a motion, seconded by Town Councilwoman Schenkel, to authorize the Mayor and the Director of Finance to request from the State that the funds be used for the Skate Board Park. This motion was approved unanimously.

To discuss and take action, as may be necessary, on the waiver of \$12,000.00 for Sidewalk Assessment

Mayor Festa stated that this Agenda item had been requested by Mrs. Borkowski to seek a waiver of \$12,000.00 for a Sidewalk Assessment and requested that the item be tabled due to Mrs. Borkowski's absence at the meeting.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Ferreira, to table the discussion and action, if necessary, on the waiver of \$12,000.00 for Sidewalk Assessment. This motion was approved unanimously.

Town Councilman Zagurski stated that he wanted to know what the property looked like, what had happened to the property, and did the Planning and Zoning Commission approve the waiver.

Mayor Festa stated that Mrs. Borkowski's letter stated that due to ledge on the property it could not be sold, which was adjacent to the piece of property that did sell. He further stated that he would get a map for the property.

To discuss and take action, as may be necessary, to approve the Board of Education's request to submit an Energy Grant to CL&P

Eleanor Cruz, Superintendent of Schools, stated that Michael Santogatta would be speaking about an opportunity to work in partnership with the Town Council, the Community and CL&P, noting that an energy grant for their fee process was being made available. Eleanor Cruz also acknowledged Gerard Bourbonniere, Board of Education Member, as a speaker this evening.

**Plymouth Town Council Meeting
June 4, 2013
Page Thirty-Two of Forty-Four Pages**

Board of Education's Energy Grant Request Cont'd.

Michael Santogatta, Business Manager, Board of Education, stated that for the past year the Board of Education had been working on reducing energy consumption in the Town's schools and that they were working with another company called Phos Energy, noting that they were in the audience this evening. He further stated that they were working on proposals to install solar energy to power the High School (mainly) and the other three schools.

Michael Santogatta stated that an opportunity existed and that the Board of Education was requesting permission to submit a grant application through the Phos Energy Company, noting that they would not be committing to anything financially and would be coming back before the Council for approvals for the whole project should their grant application be accepted and the proposal made sense. He further stated they felt it would be advantageous, noting that David Bernagel had been kind enough to spend many hours going over the financials with them and that it made sense to move forward with the proposal.

Michael Santogatta stated that Martin Sandshaw had also been a tremendous help and had sat through all of the programs and meetings that concerned this energy opportunity.

Michael Santogatta stated that approval would get the Board of Education upfront so that they could see if they could secure a commitment from CL&P, through the State of Connecticut, to pursue the opportunity.

Noting that the Council had received previous information in their packets, Michael Santogatta stated that he would call upon Phos Energy to speak on the opportunity to the Council.

When questioned by Town Councilman Foote, Wayne Moore, Phos Energy Company stated that he did not foresee problems with the neighborhood, noting that the panels would most likely not be visual from the road. He further stated that typically, there were surrounding covers so that nothing could be seen at ground level and that the panels did not make any sound.

When questioned by Town Councilwoman Schenkel, Wayne Moore stated that the selling of the electricity to the High School and other people was still to be determined, noting that there was a proposal for the Town to do what Councilwoman Schenkel had just mentioned, but that he thought that the size of the system would be just large enough to supply all of the High School's needs and the Town wouldn't overbuild. He further stated that the Town would be able to build more capacity and use that excess capacity for other Town buildings that might not be suitable for an installation. Wayne Moore stated that they were a developer of renewable energy projects and that it was their business to manage the development, construction, financing and maintenance of the systems over the time period that they would be operating.

**Plymouth Town Council Meeting
June 4, 2013
Page Thirty-Three of Forty-Four Pages**

Board of Education's Energy Grant Request Cont'd.

Wayne Moore further stated that eventually they would collect a development fee, noting that the Town paid an electric bill (currently) and that the projects would produce a discount to that bill. He further stated that in this proposal they wanted to limit the rate of any potential increase prior to the panel installation, noting that the power bills averaged six percent per year over the past 10 years.

When questioned by Town Councilman Ferreira, Wayne Moore stated that the Town would never own the system (at the end of the 20 years) but would be benefiting from the discounted power. He further stated that they were proposing to acquire the land adjacent to the High School (8.5 acres) and construct the system on it, sell the power to the Town for 20 years and then turn the land over to the Town for \$1.00 at the end of the 20 years.

Wayne Moore stated that the system would still be there and would be capable of producing power with a 25+ life. He further stated that the panels were not permanent structures and that if the Town chose to, they could be dismantled and the land could be used for something else. Wayne Moore stated that the Town would always be connected to CL&P in the case of something going off line.

When questioned by Town Councilman Ferreira, Wayne Moore stated that if the panels were able to generate more power at the ground site, the Town would be able to use the financial benefit to cover the bill for another building in Town, as well.

When questioned by Town Councilman Ferreira, Wayne Moore stated that it was unlikely that the panel system would take up any parking spaces, however the possibility of utilizing a parking structure might be considered.

When questioned by Town Councilman Zagurski, Wayne Moore stated that the systems work because the State collects money in a pool from everybody's electric bills and that investors wanted to tap into that, as well as Federal Tax Credits, noting that the State Program would pay benefits over 15 years.

When questioned by Town Councilman Zagurski if the Town could continue operating that farm at the end of the 20 years if they had the qualified personnel for possibly five years longer, Wayne Moore stated that it would be at least that long and that typically the host of the system could purchase the system at fair market value at the end of 20 years with a market value probably in the low thousands.

When questioned by Town Councilman Ferreira if the system could be upgraded or retrofitted if the Town chose to keep the solar at the site, Wayne Moore stated that it could be upgraded and or/retrofitted, and if he was able, he would love to continue working with the Town at that time.

**Plymouth Town Council Meeting
June 4, 2013
Page Thirty-Four of Forty-Four Pages**

Board of Education's Energy Grant Request Cont'd.

When questioned by Town Councilwoman Murawski, Wayne Moore stated that the roof of the High School was suitable and very viable for the panels in question, however they felt the property adjacent to the school was potentially a better solution because they could put more power at the previously discussed property site.

Town Councilwoman Schenkel made a motion, seconded by Town Councilman Ferreira, to authorize the Board of Education to submit an Energy Grant to CL&P and the State of Connecticut. This motion was approved unanimously.

To discuss and take action, as may be necessary, to approve the Suspense List as submitted by the Tax Collector to the Director of Finance

David Bertnagel stated that this report had been included in the Council's packets and that it was an annual request that went to the Council every year.

David Bertnagel reviewed the details of the Suspense List (see attachment) and that the Board of Finance had unanimously approved the Suspense List (last Thursday). He further stated that the list covered uncollectable taxes for Motor Vehicle and Property taxes, because the people were deceased, whereabouts unknown, etc., and read the numbers into the record.

Town Councilwoman Murawski made a motion, seconded by Town Councilman Foote, to approve the Suspense Accounts for the year 2012-2013, as presented. This motion was approved unanimously.

To receive and take action, as may be necessary, on the following reports from Finance Director D. Bertnagel: Pro-Forma Financial Statement as of 3-31-13 discussion; Financials for current year and next year; Bounced and Bad Checks Fee Policy, effective immediately

David Bertnagel stated that he wanted to address the Bounced/Bad Check Policy first, noting that he had previously brought this item to the Council's attention one year ago. He further stated that every time a check was bounced in Town, the Town's bank charges the Town a fee and that there had been instances whereby the person wrote the same check three times and it bounced three times, costing the Town \$105.00. David Bertnagel stated at that point in time the person could only pay in cash or by bank check, going forward. He further stated that the banks were doubling and tripling their fees. David Bertnagel stated that the fees for the three different financial institutions (which were for credit cards for the Tax Office and Parks and Recreation Department) varied between \$30.00 for first time offense up to \$45.00, along with the certified mailing to the individuals, which was an additional \$4.00, totaling about \$50.00, including the processing. He further stated that he was asking for a Policy Statement to make it a standard fee of \$50.00 for bounced checks for all Town Departments.

**Plymouth Town Council Meeting
June 4, 2013
Page Thirty-Five of Forty-Four Pages**

Bounced and Bad Checks Fee Policy Cont'd.

When questioned by Town Councilman Zagurski, David Bertnagel stated that the Town Accounts were allowed to have three deposits, however if the bank had to do reversals on the deposits the charge was \$30.00, noting that it wasn't the same individual, but the multitude that occur.

Town Councilman Zagurski questioned if it was a second bounced check from someone else was the charge was \$45.00.

David Bertnagel stated that was correct and that it went towards the currents for that particular month.

Town Councilman Zagurski made a motion, seconded by Town Councilwoman Schenkel, to accept the Director of Finance's recommendation to charge \$50.00 for bounced checks.

Discussion:

When questioned by Town Councilwoman Murawski, David Bertnagel stated that he would get a notice out regarding the new Bounced Check Policy, through the Mayor's Office, to make people aware of it.

Vote: This motion was approved unanimously. (See motion on Page Thirty-Five)

Pro-Forma Financial Statement as of 3-31-13 Discussion

David Bertnagel stated that Board of Finance had gone through the budget process and that the Pro Forma provided a snapshot in time, as of March 31, 2013, and showed where the revenues and expenditures were.

David Bertnagel reviewed the Revenue side, noting that the biggest item was the Tax Collections and reviewed the numbers (see attachment) by each category, noting that the different fees shown were mandated by the State of Connecticut.

David Bertnagel stated that the biggest component was the State Grants, noting that the Town had managed very well.

David Bertnagel stated that tax collections had been very high and credited the Tax Collector, Ana LeGassey, for a job very well done, as well as the Assistant Tax Clerk, Fran Swierczynski, and Ted Scheidel, Administrative Assistant to the Mayor.

**Plymouth Town Council Meeting
June 4, 2013
Page Thirty-Six of Forty-Four Pages**

Pro-Forma Financial Statement as of 3-31-13 Discussion Cont'd.

David Bertnagel stated that the Town would be seeing a decrease in the current levy (the collectable amount), which would put the Town on the right path.

Current Year and Next Year Financials

David Bertnagel stated that the Board of Finance took action last week regarding Interdepartmental items, noting that this was the original Budget approved by the Taxpayers in June 2012. He further stated that there had been a \$35,000.00 surplus in the Mayor's Office, with a \$5,000.00 deficit in the Human Resource Office. David Bertnagel stated that the deficit was primarily due to overages with Contract Negotiations and other areas.

David Bertnagel stated that the Board of Finance had added \$12,000.00 from their Contingency Line Item to this deficit area and that it was being monitored.

David Bertnagel stated that the Insurance Line Item was \$3,000.00 over due to some things that occurred during the year.

David Bertnagel stated that the Emergency Management Line Item was self-explanatory, noting that there had been numerous winter storms, some back to back, and that the Town was applying for FEMA reimbursement.

David Bertnagel stated that all of the Departments had been pretty consistent and were right in line with their expenditures.

David Bertnagel stated that he felt comfortable in saying that the Town would have a surplus in the current fiscal year, noting that he was unsure of the amount at this time. He further stated that the Board of Education had been very helpful with the Town, that they worked well together and had a good relationship. David Bertnagel stated that the Town was in good shape financially speaking.

Town Councilman Zagurski questioned where the Human Resource Manager was on his budget, noting that it was ridiculous.

David Bertnagel stated that the Human Resource Manager was approved and budgeted for a 19.5-hour position at \$40,000.00 per year.

Town Councilman Zagurski questioned where the Human Resource Manager was currently at in his budget, noting that he had received the \$12,000.00 transfer.

**Plymouth Town Council Meeting
June 4, 2013
Page Thirty-Seven of Forty-Four Pages**

Current Year and Next Year Financials Cont'd.

David Bertnagel stated that he thought there was approximately \$500.00 left in the Human Resource Manager's budget.

Town Councilman Zagurski questioned what would happen to the Human Resource Manager when the remaining \$500.00 was gone.

David Bertnagel stated that the Board of Finance had made it very clear that the Human Resource Manager would have to take a furlough when the transferred money ran out.

Town Councilman Zagurski stated that he thought it was crazy that the Town kept adding money to the Human Resource Manager's budget.

Ralph Zovich, Chairman, Board of Finance, stated that the issue needed to be discussed.

Town Councilman Zagurski thanked David Bertnagel and Ralph Zovich for the report.

David Bertnagel stated that going forward the Town needed to look at the hours and what was causing the overage.

Town Councilman Zagurski stated that everyone knew his opinion and that the Charter stated the Town should not be transferring money.

David Bertnagel stated that he was aware and was in agreement and that excepting this Office, everyone else was in line with their budgets.

David Bertnagel stated that there were a couple of issues in the Police Department, noting that one person had a long-term injury, which should be covered in their regular wages with reimbursement from Worker's Compensation.

Melanie Church questioned if there had been a surplus with the salt, sand and snow removal and if so, how much, noting that FEMA of money was coming in and also was there a surplus in Maintenance because the Town didn't have anyone in there full time.

David Bertnagel stated that he didn't want to be premature on his statement, noting that the Town had a commitment to purchase a certain amount of salt/sand each year, whether or not the Town used it, otherwise a penalty would occur. He further stated that there was a surplus in that line item, as well as in a couple of Public Works Vacancy line items, however he did not know the number off the top of his head. David Bertnagel stated that between the two departments he thought it was over \$100,000.00. He further stated that the Town had a 25 percent commitment to the FEMA Grant to cover its share.

**Plymouth Town Council Meeting
June 4, 2013
Page Thirty-Eight of Forty-Four Pages**

Current Year and Next Year Financials Cont'd.

David Bertnagel stated that the advertising for the bid authorizing Surplus Equipment (noting that he had a copy of the bid package that was advertised) had gone out and that the Board of Finance had received the results at their last meeting. He further stated that the total was approximately \$8,000.00 and that it would go into the Miscellaneous Revenue Account in the General Fund. David Bertnagel stated that the Town would start doing this on a more regular basis to dispose of surplus items that the Town does not use normally, instead of holding onto the equipment for 40-50 years.

When questioned by Town Councilwoman Murawski, David Bertnagel stated that the Miscellaneous Revenue Account was for items that didn't have a home, i.e., if the churches had a Bingo game the State sends the Town one percent to the towns, noting that sometimes it's a \$16.00 check.

When questioned by Town Councilwoman Murawski, David Bertnagel stated that unless the money in that fund was appropriated for a specific use, it would fall to the Fund Balance at the end of the fiscal year.

Town Councilman Zagurski stated that he never received a copy of the Public Works Surplus Equipment list.

David Bertnagel stated that he would make sure that all of the Council members received the listing.

Town Councilwoman Murawski stated that she had the same concerns as Town Councilman Zagurski concerning the transferring of monies and the overages with the Human Resource Directors' budget.

Melanie Church questioned when the Crown Vics were due to be auctioned off and were they all going. Melanie Church questioned what the cost would be for getting a charging station for the Smart Cars and where would it be placed.

David Bertnagel stated that the charging station was a separate grant of itself and that the Town could apply for it, noting that at this time the Town had not entertained that particular piece. David Bertnagel stated that the Town was going out this week and next, to pick out the energy efficiency vehicles and then after that process was completed the other vehicles would be auctioned off.

Liaison Reports

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

**Plymouth Town Council Meeting
June 4, 2013
Page Thirty-Nine of Forty-Four Pages**

Liaison Reports Cont'd.

Town Councilwoman Schenkel stated that the Council had been informed of what was going on with the Police Commission Board earlier this evening.

Town Councilwoman Schenkel stated that she had met with the Retirement and Pension Board and that everything was progressing well with the Board.

Town Councilwoman Schenkel stated that she had been unable to attend the Board of Finance Meeting due to work issues.

Town Councilman Ferreira stated that he had reported on the Board of Education at the last Council Meeting and that they hadn't met, as yet, for this month so he had nothing new to report.

Town Councilman Ferreira stated that he had been unable to attend the Public Works Meeting because he had been on vacation. He further stated that the Director of Public Works, along with the Highway Superintendent, had given him a report (see attachment), which he read into the record.

Town Councilman Ferreira stated that there would be a meeting at Town Hall concerning the semi-final design segment for Seymour Road, which was scheduled for tomorrow night, at 6:30 p.m.

Town Councilman Ferreira stated that the Public Works crew had been sweeping (Town-wide), outside mowing, hot patching, grading and all of the normal things that the Highway Department does each and every month.

Town Councilman Ferreira stated that some of the tasks and meetings covered by the Public Works Director included attendance at the WPCA Meeting, the Energy Task Force Meeting, the Connecticut Water Company Meeting for Burr Road/Harwinton Avenue, the Code Enforcement Committee Meeting, the FEMA Meeting regarding reimbursement for the Winter Storms (including Storm Charlotte).

Town Councilman Ferreira stated that the Public Works Director also had reviewed bids for the Public Works Surplus Equipment, which David Bertnagel had previously reviewed this evening, bids for some of the drainage, paving, and milling, which would be going on around Town, as well as bids for overhead doors at the Maintenance Garage.

Town Councilman Ferreira stated that there had been one Town Demolition Permit and a Metal Reimbursement of \$2,187.50.

**Plymouth Town Council Meeting
June 4, 2013
Page Forty of Forty-Four Pages**

Liaison Reports Cont'd.

Town Councilwoman Murawski stated that the Planning and Zoning Commission had asked to be notified as soon as there were any changes to the Business Park Covenants because their Zoning Regulations followed those Covenants and theirs would also need to be changed in accordance with any changes that the Council would make with the State of Connecticut.

Town Councilwoman Murawski stated that Peter Worhunsy, 100 South Riverside Avenue, LLC, the former OZ Gedney, had been working very closely with the Zoning and Inland-Wetlands, as well as being a regular visitor to their meetings, and was keeping them apprised of his progress. She further stated that they were very happy about this, noting that Peter Worhunsy was also working with the State of Connecticut Department of Environmental and Energy Protection, as well as the Army Corps of Engineers. Town Councilwoman Murawski stated that Peter Worhunsy had a lot on his plate and he was doing right by the Town with all of the information that he brings forth, noting that she wanted to publically thank Peter Worhunsy for doing this.

Town Councilwoman Murawski stated that the WPCA would be holding a Hearing on June 17th at 7:00 p.m., at the WPCA Plant regarding their budget for next year, noting that their rates were scheduled to go up to \$266.00, which was equivalent to a five percent increase.

Town Councilwoman Murawski stated that the North Street Reservoir Ad Hoc Committee was wrapping things up. She further stated that they would be meeting this coming Thursday and that hopefully they could finish their report and present it at the July Town Council Meeting.

Town Councilman Foote stated that he had attended the May 9th Fire Commission Board Meeting. He further stated that Chief Sekorski had noted there were four structure fires this month, with two of them on Todd Hollow, one on Dorothy Lane and one at Overlook. Town Councilman Foote stated that a ladder truck had been utilized to remove a person from the roof at one of the fires.

Town Councilman Foote stated that there had also been a few brush fires.

Town Councilman Foote stated that a replacement for Engine 2 had been put into the budget.

Town Councilman Foote stated that the Northwest Hills and Crowley Ford were putting in specifications for a new truck for the Department. He further stated that Chief Sekorski hoped to have a choice ready for the next Meeting.

Town Councilman Foote stated that there had been some further leakage to the roof and that D'Amato Construction had been in to check on it.

**Plymouth Town Council Meeting
June 4, 2013
Page Forty-One of Forty-Four Pages**

Liaison Reports Cont'd.

Town Councilman Foote stated that the Treasurer had reported that 90 percent of the budget had been spent.

Town Councilman Foote stated that the Fire Marshal had reported that two of the structure fires on Todd Hollow Road had been arson and had been turned over to the Detectives.

Town Councilman Foote stated that the Fire Marshal had issued an Outdoor Burning Ban because of the dry conditions.

Town Councilman Foote stated that the Fire Marshal had reported receiving a \$500.00 check from the Walmart Foundation for the Poster Contests, etc.

Town Councilman Foote stated that the Fire Marshal had reported on a needed update to the Department's computer system, noting that it would allow for better record keeping, reporting, etc.

Town Councilman Foote stated that the Fire Marshal had noted that from what he could see from the computer generated report, the numbers and percentage of responding personnel to all incidents was a very good number and he complimented the Chief and the Department personnel for their efforts.

Town Councilman Foote stated that the May 28th Historic Property Commission Meeting had been cancelled.

Public Comments

Diane Reed stated that she wanted to respond to the Building Inspector's comment, noting that she had tried to help out her neighbor in 1996, but that she could no longer turn her cheek. She further stated that she and her husband helped all of the neighbors on Chidsey Terrace, as well as three neighbors on South Main Street. Diane Reed stated that just the other day her husband mowed someone's lawn for them and that they tried to get along with everyone. Diane Reed stated that her neighbor threatened to rape her, beat her, stab her and that he had been arrested for it and she wouldn't turn her cheek anymore.

Ralph Zovich, 4 Knight Lane, stated that the Pro Forma report was created and wanted to use that report going forward to communicate between the Board of Finance and the Town Council, noting that David Bertnagel had finalized it. He further questioned if the Council found the Pro Forma summaries more helpful than receiving the full ledger reports.

**Plymouth Town Council Meeting
June 4, 2013
Page Forty-Two of Forty-Four Pages**

Public Comments Cont'd.

Ralph Zovich stated that compliments and kudos were in order for the Capital Improvements Committee for coming forward and giving the Town Council and the Public a full picture of their project work, noting that George Castle's Gant Chart was very detailed and showed the step by step plans.

Ralph Zovich stated that the Board of Finance had been pushing the Capital Improvements Committee to get as many bids out as possible this year, noting that the Federal Reserve was continuing to hold their interest rates down low and that Municipal Bonding (five and ten year bonds) were available at 1.5 to 2 percent, which was the rate of inflation. He further stated that it would never be cheaper than now to borrow money.

Ralph Zovich stated if the Council decided to move forward next month on some kind of an appropriation for the Interrogation Room, assuming that they brought forth a suitable floor plan, along with the estimates requested by the Council, the Board of Finance would need a number. Ralph Zovich stated that David Bernagel had adjusted the Budget the night the \$20,000.00 was taken out and that the project mill rate was kept as presented to the Council on the night of the Public Hearing. He further stated that it was a thousandth of a decimal and made absolutely no impact on the mill rate.

Ralph Zovich stated that the Board of Finance did not meet in August and if the Council wanted the Special Appropriation acted on upon they should get the information to the Board of Finance in time for their July meeting.

Ralph Zovich stated that we needed to do some soul searching regarding the deficit in the Human Resource Director's position. He further stated that the Board of Finance had met with Mr. Bellotti a few months ago and that Mr. Bellotti had explained, along with some testimony given by the Mayor, his extra duties which he had taken on this year, including settlement of contracts and his working with CIRMA to settle some Worker Compensation cases. Ralph Zovich stated that the Charter was very clear and that as Town Councilman Zagurski had noted, we needed to follow it. He further stated that the Board of Finance had already made one transfer in this fiscal year from the Board of Finance's Contingency Fund and that they were not authorized to transfer any more money into that line item. Ralph Zovich stated that left two choices; the first being that when the \$500.00, or whatever was left in his account, was up then he was done for the rest of the fiscal year or the Town knowingly and willfully would have to go into deficit spending, noting that usually only happened when it was unexpected. He further stated that this was a case whereby we knew ahead of time that we were running a deficit and it was a Management issue so it was a matter of giving the Mayor support and he could work one day a week for the rest of year, noting that the fiscal year ended on June 30th or he could take the last three weeks of June off. Ralph Zovich stated that there was only \$886.00 left in the Board of Finance Contingency Fund and that there was no time left to have a Town Meeting.

**Plymouth Town Council Meeting
June 4, 2013
Page Forty-Three of Forty-Four Pages**

Public Comments Cont'd.

Ralph Zovich stated that the options were very limited and that the Council would have to think about how they wanted to handle this issue.

Ralph Zovich stated that he wanted to offer kudos to the Tax Collector, Ana LeGassey, to her Assistant Fran Swierczynski, to Ted Scheidel, the Mayor's Assistant, to David Bertnagel, to the Town Attorney Salvatore Vitrano and to all the people who had been working very hard to collect the back taxes. Ralph Zovich stated that he was happy to announce that as of May 31st the Town had made the budget for prior year tax collections. He further stated that \$700,000.00 was the target for delinquent tax collection, noting that the Town had never made that target in the history of the Town.

Ralph Zovich stated Ana LeGassey was approximately \$10,000 to \$15,000 over the \$700,000.00 figure and that she had collected all \$300,000 in liens and interest fees and so in terms of delinquent taxes, penalties and fees, she had collected a million dollars this year, which had never been done before. He further stated that the Town was starting to turn the corner now, the economy was still bad, people were still behind on their taxes and that the banks were still foreclosing, but that financially speaking the Town's condition was improving a little bit.

Gerard Bourbonniere, 6 Fairmont Avenue, Terryville, stated that, speaking as a Board of Education Member, he wanted to thank the Town Council, for allowing the Town to put the grant into CL&P. He further stated that during Phos Energy's presentation they had stated that they were looking at maybe a possibility of two million dollar cost savings to the Town over the 20 years, with \$40,000.00 the first year by going solar. He further stated that he was on the Facilities Committee when Phos Energy first presented the idea to the Board of Education.

Gerard Bourbonniere stated that that the Parks and Recreation Commission had hired Michael Ganem as the Town's Park and Recreation Director. He further stated that the Park and Recreation Commission's Council Rep never shows up at the Park and Recreation Meetings, noting that he had no idea why, but that he, himself, had three meetings to attend this evening. Gerard Bourbonniere stated that he wore a lot of hats in Town and that sometimes he had to choose which meeting to attend, such as this evening, but unfortunately the Council Rep had not gone to one Park and Recreation Commission Meeting. He further stated that the information that they would get from the Council Rep would be what was going on with Plymouth residents, noting that was another hat that he wore because he was a Liaison to the Ad Hoc Committee so at least when it came up on the Agendas he had information for Parks and Rec. Gerard Bourbonniere stated that Martin Sandshaw was chairing the Skate Park and that he came to the meetings and let them know what was going on with the Park, otherwise the Committee would have no idea.

**Plymouth Town Council Meeting
June 4, 2013
Page Forty-Four of Forty-Four Pages**

Public Comment Cont'd.

Gerard Bourbonniere stated that it would behoove the Mayor and the Town Council to get the Parks and Recreation Commission a Town Council Representative that would come to at least one meeting, if not several, noting that he understood conflicts of interest. Gerard Bourbonniere stated that the Rep would help the Commission to move forward the Park and Recreation Department to where it used to be.

Michael Kennedy, 11 Overlook Terrace, Terryville, stated that he had a question regarding 4 Chidsey Terrace and that he had noticed today when he was in a couple of stores some information plastered on the wall about some dollar amounts that the Town had spent and questioned if that was legal and if not would that be considered misuse of taxpayer dollars and who authorized it.

Michael Kennedy stated that the taxpayers had invested hundreds of millions of dollars in green energy and we all know that it has failed.

Council Comments

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

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

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

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

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

Adjournment

There being no further business of the Plymouth Town Council, Town Councilwoman Murawski made a motion, seconded by Town Councilwoman Schenkel, to adjourn at 10:58 p.m. This motion was approved unanimously.

Respectfully Submitted,

Recording Secretary