

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

**July 5, 2016**

**Call to Order:** Mayor David V. Merchant called the scheduled July 5, 2016, Plymouth Town Council Regular Meeting to order at 7:00 p.m., in the Community Room, Plymouth Town Hall.

**Roll Call:** Present were Town Councilman Daniel Gentile, Town Councilwoman Ana LeGassey, Mayor David Merchant, Town Councilwoman Sue Murawski, Town Councilman John Pajeski, and Town Councilman Tom Zagurski. Also in attendance were Zoning Enforcement Officer Scott Eisenlohr, Real Estate Committee Member Michael Ganem, Town Attorney William Hamzy, Director of Planning and Zoning Margus Laan, Attorney Mark Malley and Trainer and Project Coordinator William Perkins-Capital Region Counsel of Governments.

**Adoption of the Agenda**

Town Councilwoman Murawski made a motion, seconded by Town Councilwoman LeGassey, to add “to discuss and take action to authorize the Mayor to enter into an Assistance Agreement by and between the State of Connecticut, acting by the Department of Economic and Community Development (DECD) and the Town of Plymouth, to receive a Municipal Brownsfield Grant in the amount of \$60,000” to the July 5, 2016, agenda. The motion to adopt the Plymouth Town Council July 5, 2016, Agenda as amended was approved unanimously.

**Fire Exits Notification**

Mayor Merchant noted the Fire Exits for the record.

**Pledge of Allegiance**

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

**Invocation**

Mayor Merchant stated, “May God Bless America, the deployed Troops around the world who are preserving and protecting the freedoms we have today, and the Town of Plymouth” for the record.

**Acceptance of Plymouth Town Council June 7, 2016, Minutes**

Town Councilman Gentile made a motion, seconded by Town Councilman Zagurski, to accept the Plymouth Town Council June 7, 2016, Minutes as presented. This motion was approved unanimously.

**Mayor’s Report**

Mayor Merchant briefly reviewed the Plymouth Town Hall Summer Hours, noting it was working out well. Mayor Merchant stated the Transfer Station would be closed on Wednesdays. Mayor Merchant stated he had met with the Department of Transportation regarding the Route 6 Project, noting an informational Public hearing would be held sometime in September. Mayor Merchant briefly reviewed the North Street Dam Project, noting it would probably go out to bid in the spring. Mayor Merchant briefly reviewed the Bonding Proposal, noting the Capital Improvements Committee was working on a scaled down version. Mayor Merchant stated

Vance Taylor was the new Town of Plymouth Economic Development Consultant, noting he was a former Terryville resident with fresh new ideas and briefly elaborated. Mayor Merchant stated the Safe Routes to School Project was nearing completion. Mayor Merchant stated due to a personal move out of State, the temporary Staff Accountant had very limited hours and briefly elaborated. Mayor Merchant stated the 2015 Audit was ongoing and briefly elaborated. Mayor Merchant stated that maps were being made for the new walking trails at the North Street Recreation area.

### **Public Comment on Non-Agenda Items**

Vinnie Klimas, 5 Coral Drive, Terryville, Chairman Plymouth Housing Authority, invited everyone to attend the Plymouth Housing Authority's Independence Day Picnic on July 6, 2016, from 5:00 pm to 7:00 pm, at Gosinski Park.

Bill DeHuff, 20 Lynn Avenue, Terryville, stated there was a requirement in the Charter noting there should be Public Comment throughout the Town Council meeting and briefly elaborated. Bill DeHuff stated he had said some things and made some improper criticisms of the Mayor and wanted to publically apologize to the Mayor and his wife and briefly elaborated.

Pattie DeHuff, 20 Lynn Avenue, Terryville, stated the Town Council's placement of the agenda item "Public Comment" was a violation of the Charter, noting the Public should comment have throughout the meeting and defined the meaning of the word "throughout". Pattie DeHuff stated the Auditor's Management Letter Fraud Risk Assessment 2011 should have been heeded and briefly elaborated.

Melanie Church, 328 Main Street, Terryville, stated money being spent in excess of \$50,000 was a violation of the Charter and briefly elaborated. Melanie Church stated she thought there should have been a Public Hearing for the sidewalks on Bemis Street and briefly elaborated. Melanie Church said she had heard some gossip and wanted to talk about the gossip, but was told by Mayor Merchant that the Council would now move on to the other Council agenda items.

### **Public Comment on Agenda Items**

Melanie Church, 328 Main Street, Terryville, stated she hoped the Terryville Trust and the property in between the Terryville Congregational and Beacon Pharmacy were on the Blight list. Melanie Church stated there was grass and cars parked on the old Senetcen property and briefly elaborated. Melanie Church stated she would like to see apartments built because of the tax revenue and briefly elaborated. Melanie Church stated the Blight Fund money should have gone to the people and briefly elaborated.

Town Councilman Gentile stated the Mayor was Chairperson of all Town Council meetings and by Charter "reasonably regulates Public Address and Discussion", noting no one was breaking the Charter and the entire section of Chapter 3 needed to be looked at, not just the words "the Public shall have". He further stated the Mayor was following the Charter 100 percent; the Council was very transparent and very open. Town Councilman Gentile stated he comes to the meetings early to talk to people and even meets them for breakfast and to say this Mayor/Council was a dictatorship was insulting. He further stated that Pattie DeHuff, as a Board member, was breaking the Charter according to page 54, under Ethics, by her insinuation that the Council was breaking the Charter. Town Councilman Gentile stated he wished Pattie DeHuff would bring resolution instead of the same question to every meeting.

### **Discuss and take action to refund overpayment of Property Taxes to the following: Attorney Melissa Simonik \$1,007.00**

Mayor Merchant stated he would get the address and name of the Town resident that the tax refund referred to; a brief discussion followed.

Town Councilwoman LeGassey made a motion, seconded by Town Councilman Zagurski, to refund overpayment of Property Taxes to Attorney Melissa Simonik in the amount of \$1,007.00, with the understanding that Mayor Merchant would get the address and the name of the Attorney's client to the Council. This motion was approved unanimously.

**To discuss and approve the Charter Revision Commission's extension request to extend their report date to the Town to August 2016**

Mayor Merchant stated he had attended the Charter Revision Commission's meeting, noting they were making progress, however wanted a little more time to finish up; a brief discussion followed.

Charter Revision Commission Chairman Mark Malley stated the Commission would be meeting tomorrow night and would have the questions ready for the ballot, as well as holding a Public Hearing in July; and briefly elaborated.

Town Councilman Gentile made a motion, seconded by Town Councilwoman Murawski, to extend the Charter Revision Commission's extension request to August 2, 2016. This motion was approved unanimously.

**Discuss and take action on a Resolution of the Town of Plymouth adopting the former CCRPA multi-jurisdictional Hazard Mitigation Plan-2016-2017 Update**

Mayor Merchant stated the report was pretty comprehensive; noting some of the items had been completed, i.e., the Propane Company had already built, etc. He further stated that once the Town Council approved the Resolution it would be submitted to FEMA, which would then enable the Town to be eligible for FEMA funding.

William Perkins, Trainer and Project Coordinator, Capital Region Counsel of Governments, provided a lengthy overview on the multi-jurisdictional Hazard Mitigation Plan 2016-2017 Update, noting the plan was good for five years and reviewed the objectives/goals.

William Perkins stated the list wasn't necessarily correct, that some of the information listed was from previous Bond Proposals from years past and that some of it would never be taken care of, noting "FEMA would not hold the Town's feet to the fire" on anything listed on the current or past plans. William Perkins stated nothing shown on the objectives would be mandated-it was only a mitigation plan with recommendations of objectives and actions that could be taken. William Perkins stated any reimbursements due to the Town because of an emergency would be considered as assistance to the Town with no prerequisites; the Town would receive the monies because that would be a declared emergency; a lengthy question and answer discussion followed.

Town Councilman Zagurski made a motion, seconded by Town Councilwoman Murawski, to approve the Resolution of the Town of Plymouth adopting the former CCRPA multi-jurisdictional Hazard Mitigation Plan-2016-2017 Update, as presented.

Discussion: Town Councilman Gentile stated he wanted it part of the record that the Town would be informed if this motion changes any reimbursement

Vote: This motion was approved unanimously.

**To discuss and take action to authorize the Mayor to enter into an Assistance Agreement by and between the State of Connecticut, acting by the Department of Economic and Community Development (DECD) and the Town of Plymouth, to receive a Municipal Brownsfield Grant in the amount of \$60,000.**

Mayor Merchant stated the paperwork associated with this agenda item was received today and it was in reference to the Mayfair Garage property, noting it was money the Town had applied for and would help to start the process to mitigate the property.

Margus Laan stated this was the certification, which needed to be approved by the Town Council in order for the Mayor to sign the Grant Application for \$60,000. He further stated this money would enable the Town to hire an Environmental Consultant to perform a study to determine what kind of pollution currently existed on the property at 142 Main Street; a brief discussion followed.

Town Councilwoman LeGassey made a motion, seconded by Town Councilman Gentile, to table this agenda item until the August 2, 2016, Town Council meeting. This motion was approved unanimously.

**Discuss and take action on request of Lawrence and Barbara Deschaine for release of Memorandum of Agreement on Subdivision Approval for Deschaine's Crossing (Sidewalk Fund)**

Attorney Mark Malley, referencing the information that was included in the Town Council packets, briefly provided the history on the request of Lawrence and Barbara Deschaine for release of the Memorandum of Agreement on Subdivision Approval for Deschaine's Crossing at length.

Town Councilman Gentile made a motion, seconded by Town Councilwoman LeGassey, to authorize the Mayor to sign the release (at the request of Lawrence and Barbara Deschaine) of the Memorandum of Agreement on Subdivision Approval for sidewalks for Deschaine's Crossing. This motion was approved unanimously.

**Discuss and take action, as per the Charter, to Certify the Blight List**

Mayor Merchant stated the word "certify" should be probably be changed to "accept" in the Charter and noted he had been Chairing the Code Enforcement Committee, which was working diligently to clean up blight in Town. He further stated the Town Attorney was working to rewrite and change the Blight Ordinance for approval by the Code Enforcement Committee and then the Ordinance would go to the Town Council for their approval.

Zoning Enforcement Officer Scott Eisenlohr stated the Committee was trying to move these properties forward; was working with the Town Attorney on the properties and briefly reviewed some of the properties; a brief discussion followed.

Town Attorney Hamzy stated enforcement of the Code Enforcement Ordinance was key and would give the Committee more teeth to move forward on blighted properties; a brief discussion followed.

Town Councilman Gentile made a motion, seconded by Town Councilwoman Murawski, to certify the Blight List as presented. This motion was approved unanimously.

**Discuss and take action on the Assistance Agreement between the DECD and the Town of Plymouth regarding the Streetscape Improvements Phase II in the amount of \$500,000**

Mayor Merchant stated once the State of Connecticut Department of Economic and Community Development received the Resolution for the Assistance Agreement the Streetscape could be put out to bid and briefly elaborated.

Town Councilwoman Murawski made a motion, seconded by Town Councilman Zagurski, to adopt the following Resolution: WHEREAS, pursuant to Connecticut General Statutes Section 4-66g the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and WHEREAS, it is desirable and in the public interest that the Town of Plymouth make an application to the State for \$500,000 in order to undertake the Streetscape Improvements Project Phase II and to execute an Assistance Agreement. WHEREAS, pursuant to Connecticut General Statutes Section 4-66g the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and WHEREAS, it is desirable and in the public interest that the Town of Plymouth make an application to the State for \$500,000 in order to undertake the Streetscape Improvements Project Phase II and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL

1. That it is cognizant of the conditions and prerequisites for the state financial assistance imposed by Connecticut General Statutes Section 4-66g.

2. That the filing of an application for State financial assistance by the Town of Plymouth in an amount not to exceed \$500,000 is hereby approved and that Mayor David V. Merchant is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of the Town of Plymouth.

3. That it adopts or has adopted as its policy to support the following nondiscrimination agreements and warranties provided in subsection (a)(1) of Connecticut General Statutes sections 4a-60 and 4a-60a, respectively, as amended by Public Acts 07-142 and 07-245, and for which purposes the “contractor” is the Town of Plymouth and “contract” is said Assistance Agreement: The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved, in any manner prohibited by the laws of the United States or of the state of Connecticut. The contractor further agrees to take affirmative action to insure that applicants with job-related qualifications are employed and that employees are treated when employed without regard to their race, color, religious creed, age, marital status, national origin, ancestry, sex, mental retardation, or physical disability, including, but not limited to, blindness, unless it is shown by such contractor that such disability prevents performance of the work involved. The contractor agrees and warrants that in the performance of the contract such contractor will not discriminate or permit discrimination against any person or group of persons on the grounds of sexual orientation, in any manner prohibited by the laws of the United States or of the state of Connecticut, and that employees are treated when employed without regard to their sexual orientation.

Discussion: When questioned by Town Councilman Zagurski regarding the use of Policemen and Flagman (as shown in the Engineering breakdown) Mayor Merchant stated this would go out to bid; this language was just an Engineering opinion of probable costs and the low bidder would put their own figures in for traffic control.

When questioned by Town Councilman Gentile regarding the Construction Administrator and Inspections Cost not being included, Mayor Merchant stated this would go out to bid; this language was also just an Engineering opinion of probable costs and the low bidder would put their own figures in for traffic control.

Town Councilman Gentile stated this note should be removed in his opinion.

Mayor Merchant stated this would be part of the bid process and the number could not exceed \$500,000; a brief discussion followed.

Vote: This motion was approved unanimously.

**Discuss and take action to recommend to the Board of Finance to appropriate an amount not to exceed \$30,000 for the demolition of 3 North Main Street; monies to come from the Blight Fund**

Mayor Merchant stated the Town Council had received paperwork from the Town Attorney and Building Inspector to ensure this agenda item had been done correctly. He further stated the low bidder for the demolition had been \$24,000, however the Town had put an amount in of \$30,000 in case something was overlooked; a brief discussion followed.

Town Councilman Zagurski made a motion, seconded by Town Councilman Pajeski, to recommend to the Board of Finance to appropriate an amount not to exceed \$30,000 for the demolition of 3 North Main Street with monies to come from the Blight Fund. This motion was approved unanimously.

**Town Council Liaison Reports**

Town Councilman Gentile stated the Mayor had already covered the Capital Improvements Committee report. Town Councilman Gentile stated he was unable to attend the Parks and Recreation Commission Meeting and would defer any comments/questions to Michael Ganem, Parks and Recreation Director. Town Councilman Gentile stated the Board of Education had filed the Superintendent's Contract at the Town Hall, noting there was a 30-day period for any changes that might be made. Town Councilman Gentile stated the Code Enforcement Committee and the Charter Revision Commission had both been previously discussed.

Town Councilman Pajeski stated the Historic Property Commission was working with the Boy Scouts to put in a walking trail in back of the Waterwheel, along the river and briefly elaborated. Town Councilman Pajeski stated the Historic Property Commission was involved with a Brick Fundraiser; whereby the bricks would be engraved with a person's name or family name on the brick for placement in the front of the Waterwheel.

Town Councilman Pajeski stated the Historic Property Commission had found the alleged original schoolhouse, which was located on a South Street property in Plymouth, to be in terrible condition, noting it was too far gone and so the Commission no longer wanted it for the Waterwheel property.

Town Councilman Pajeski stated that Gosinski Park still has four remaining rehabbed units available and they were taking applications. Town Councilman Pajeski invited everyone to attend the July Fourth picnic being held at Gosinski Park tomorrow from 5:00 p.m. to 7:00 p.m.

Town Councilman Zagurski stated the Planning and Zoning Commission had discussed the Senecten property (where Terryville Chevrolet parks cars) noting the Commission had questioned the status of the property. He further stated the Commission was concerned about the Terryville Trust Company because of the fencing that had been put up. Town Councilman Zagurski noted the Fire Department might have problems gaining access should a fire occur.

Mayor Merchant stated the owner had applied for a Demolition Permit to take the building down.

Town Councilwoman Murawski stated the Back to School Back Pack Program, being hosted by the Human Services Department and volunteers, ended July 1<sup>st</sup> and briefly elaborated. Town Councilwoman Murawski stated the Human Services Department was waiting on word from Thomaston Savings Bank on a grant, which they had applied for. Town Councilwoman Murawski stated the Human Services Director had begun making outreach visits to Eli Terry and Gosinski Park. Town Councilwoman Murawski stated the Police Commission had gone back and revised their bylaws proposal and added an item recommending who shouldn't be appointed by the Mayor to their Commission. She further stated the Police Commission would be submitting their bylaws to the Town Council at some point in time. Town Councilwoman Murawski stated the Communications Commission had accepted a proposal from Marcus Communications for maintenance of the Town towers, antennas and radios. She further stated now all of the Town departments would have only one provider for these items.

Town Councilwoman LeGassey stated the PVAC had received some good news, noting they had received a grant for \$3,000 for classes and training. Town Councilwoman LeGassey stated the PVAC budget was going well. Town Councilwoman LeGassey stated the Explorers were planning on going on a trip at the end of July to West Virginia. Town Councilwoman LeGassey stated the PVAC had given out scholarships and briefly elaborated. Town Councilwoman LeGassey stated the Economic Development Commission meeting had been cancelled. Town Councilwoman LeGassey stated the Public Works Advisory Commission had met twice this month. She further stated the Commission had wanted to be included in the Charter, but would remain in the Ordinances for now. Town Councilwoman LeGassey stated both the Public Works Advisory Commission and the WPCA were looking for volunteer members. Town Councilwoman LeGassey stated Charles Wiegert, Director of Public Works, had explained some of the new laws, noting some were State mandated and one of the mandates concerned Street Sweeping. She further stated the Commission was trying to find the cheapest method of handling the task. Town Councilwoman LeGassey stated a lot of trees were being cut down in Town by Eversource in Town; not the Public Works Department.

Town Councilwoman LeGassey stated Charles Wiegert would be writing informational Public Works updates that would be published in the Plymouth Connection. Town Councilwoman LeGassey stated the WPCA also had budget discussions and that they had worked on a \$10.00

increase for the new sewer bills, which would be going out in autumn. Town Councilwoman LeGassey stated the WPCA was working on additional regulations, noting they were trying to get grants and assistance for the Plant upgrades that needed to be done.

### **Town Council Comments**

Town Councilwoman LeGassey stated she had no Council Comments at this time.

Town Councilwoman Murawski stated she had no Council Comments at this time.

Town Councilman Zagurski stated the Planning and Zoning Commission wanted to know how Terryville Chevrolet was taxed on their vehicles and also how the Town collects taxes from a dealership.

Town Councilwoman LeGassey stated Terryville Chevrolet was not taxed on their inventory; personal property taxes were strictly how they run their business, i.e., equipment to fix cars, their computers, etc., and recommended Town Councilman Zagurski speak to the Assessor. She further stated there might be some kind of a tax on used cars; noting Terryville Chevrolet is taxed on their real estate property.

Town Councilman Pajeski stated he had no Council Comments at this time.

Town Councilman Gentile stated he hoped everyone had a great Fourth of July weekend.

### **Real Estate Negotiations-Fall Mountain Easement (Executive Session)**

Town Councilwoman Murawski made a motion, seconded by Town Councilman Gentile, to move into Executive Session at 8:48 p.m., to discuss Real Estate Negotiations-Fall Mountain Easement. This motion was approved unanimously.

Present for the Executive Session were Real Estate Committee Member Ganem, Town Councilman Gentile, Town Attorney Hamzy, Town Councilwoman LeGassey, Attorney Malley, Mayor Merchant, Town Councilwoman Murawski, Town Councilman Pajeski, and Town Councilman Tom Zagurski.

Mayor Merchant called the Plymouth Town Council meeting back into Regular Session at 9:16 p.m.

### **Action, as may be necessary, from Executive Session**

Town Councilwoman Murawski made a motion, seconded by Town Councilman Gentile, to approve the sale of property at 52 Canal Street in accordance with the proposed contract to Sharon Apt for \$15,000. This motion was approved unanimously.

Town Councilwoman Murawski made a motion, seconded by Town Councilwoman LeGassey, to initiate an eminent domain action for the purpose of obtaining an easement at 27 Club Lane if negotiations with the owner do not result in the granting of said easement in accordance with plans for the Fall Mountain Paving Project. This motion was approved unanimously.

### **Adjournment**

There being no further business of the Plymouth Town Council, Town Councilwoman Murawski made a motion, seconded by Town Councilman Gentile, to adjourn at 9:18 p.m. This motion was approved unanimously.