

1. The Special Meeting of the Plymouth Town Council was called to order on **Wednesday, February 17, 2010** at 7:00 p.m. in the Plymouth Town Hall Community Room by Mayor Vincent Festa, Jr. Members in attendance: Councilman Martin Sandshaw, Councilwoman DiAnna Schenkel, Councilman David Sekorski, Councilman John Wunsch, Councilman Tom Zagurski and Mayor Festa. Also present: David Bernagel, Director of Finance; Robin Gudeczauskas, Clerk of the Council.
2. Fire Exit Notification
3. Pledge of Allegiance
4. Public Comments

Mayor Festa stated before getting to the next agenda item we have the Ad Hoc Committee in attendance – Barbara McClellan, Larry Deschaine, Don Souza, Bruce LeBeau, Brian Barnes, Bill Hubbard (arrived 7:32 p.m.)

5. To Discuss and Take Action on the Final Blight Ordinance Report as amended with Town Council Member/Public Hearing Comments (November 5, 2009 Special Town Council Meeting)

Mayor Festa stated in Council packet is the amended report from the Ad Hoc Committee and the Council minutes from November 5, 2009. The Ad Hoc Committee on Blight presented to Council for review of actions taken prior to by the previous Council to include comments made relative to discussion and comments from the public hearing. Draft copy in package and pages will have italicized and bold lettering and comments asked to be included in report and will go through page by page.

*Page 1, half way down, 9th sentence beginning “one or more”, council member asked to add “including campers” in that list and why there;

*Page 2, “Garbage” after “8-24” add “of the Housing Code” to let people know where Section 8-24 is located;

*Page 3, “Occupant; “Operator; Owner; Premises, Refuse; Rubbish” again after “Section 8-24” add wording “of the Housing Code”; “State of Disrepair or becoming dilapidated”, item 2, after roof add “or chimneys”, item 7, after “abandoned” add “or recreational vehicles such as campers”;

*Page 6, Section 7-69, item (c) after “modify,” add “postpone”

*Page 7, item 4, after “elderly” add “or disabled”; add item “5) In matters of insurance claims and/or any other litigation due to the time requirements of litigation.”; Section 7-70 Code Enforcement Committee, item (a) in fifth sentence after “by the mayor” add “with approval of the Council for a two year term with minority representation,”.

MOTION: To put item 5 on the table for discussion and taking action the Final Blight Ordinance Report as amended with Town Council Member/Public Hearing Comments (November 5, 2009 Special Town Council Meeting) by Councilman Wunsch, second Councilwoman Schenkel. Discussion: none. Vote: unanimous.

Mayor Festa stated those were the noted changes from Council and/or the Public Hearing. Mayor Festa asked for comments or concerns from the Ad Hoc Committee about changes.

a. Brian Barnes, 23 Fall Mountain Terrace, on Section 7-70, just wondering why they added that. Mayor Festa, do believe they did not want the Mayor alone to be sole person responsible for selecting members of the commission and wanted Council approval. Councilwoman Schenkel, so that it would be impartial and not favoritism of Mayor being picked so that way Council can say if two people lived next door to people it wouldn't be impartial. Councilman Sekorski, there was feedback during the public hearing in that same line of thought that they didn't want, and I concur, because of the fact the way the previous blight ordinance was enforced, they didn't want this committee to be a club or political weapon and so by creating some balance it wouldn't be like the mayor's committee and that was the root of the discussion. Brian, I could live with it or not live with it, it was the idea that we wanted three people from the town to judge the people for the town but you also have to realize that the rest of these people were on the committee also. Barbara McClellan, 5 Club Lane, on Section 7-70 when says "with approval of the Council for a two year term with minority representation", we want to know by what you mean minority representation. Mayor Festa, if a three member body, you did not want 3 from any one particular party and they wanted to make sure there was a mix of minority representation, so it would be a 1-1-1, or a 2-1, etc. Councilwoman Schenkel, that is in the charter for minority representation.

b. Don Souza, Appeal and Hearings, item c 4, how would the Housing Board of Appeals figure out a severe financial hardship? Mayor Festa, the only thing that I know is they wanted to include disabled along with elderly because you could have someone living in a household that is not elderly but is disabled therefore would difficulty. The language after disabled was language that was actually proposed in the original draft. So that is up to the committee and I would surmise that the individual with a severe enough financial hardship would probably be able to bring something forward in the way of paperwork indicating to the Housing Board that there is difficulty for them to do the repairs necessary because of medical bills, etc. That language was in there and the only thing added to the change was the two words "or disabled". To allow someone that is disabled the same courtesy as an elderly person. Mayor Festa, there are guidelines that would be possibly followed under state regulations relative to what is disabled or fixed income or someone's yearly income, etc., it could be someone being discharged from employment and has no income coming in; anything the Housing Board feels is considered a financial hardship. We have situations where people come in for fuel assistance and no hard and fast rules but go by standards of the State. Bruce LeBeau, would the Housing Board of Appeals have the authority to request financial statements. Mayor Festa, if someone is claiming financial hardship than they have the right to ask that. What could be a financial hardship to one might not be one to another. Councilwoman Schenkel, don't recall this part of the discussion but whatever your notes or minutes on how came to, this language may be insight but I am sure other agencies and our Director of Human Services may be able to help with guidelines and we can do research to figure out what the

appropriate bar of whether or not there is hardship or not. Don Souza, don't see here, our committee, I don't remember on appointment on 7-70, that "with approval of Council for a two year term with minority representation", we do not have anything in here that says somebody sitting in violation they cannot serve on this thing. Well if somebody in error of blight ordinance or code and appointed into the minority thing. Other than that no other questions and everything is fine. Councilwoman Schenkel, Mr. Mayor, if a person is in violation and sitting on as appointed person on this board, that they should recuse themselves until that issue is resolved, don't you agree. Mayor Festa, I agree with the fact that in terms of appointing anybody to this particular board you would ask this question in terms of application process, any other for conflicts of interest supposedly that would curtail your independent evaluation and actions on the part of somebody coming forward. I think there are ethics clearly stated in the Charter as well and professional mannerism and behavior would be taken into consideration. Anything else from this Committee on suggestions made and presented. Mayor Festa, Council members, anyone like to begin process, clarification, discussion on this issue?

a. Councilman Sandshaw, do we have an existing blight ordinance in town now or have nothing that can be enforced just now. Mayor Festa, we had one that was rescinded. I will caution that there are one or two ordinances that have been approved or have been rescinded and not noted yet in the particular Charter pointed to so please be aware of that. There is nothing right now that affects the blight ordinance that we are discussing but there are other ordinances and we may need to address that issue. In terms of the blight ordinance, this was suspended some time back due to the fact that it was inappropriate, improperly maintained and the whole premise of citing fines and collecting fines became an absolute nightmare. There were people that owed several thousand were rescinded, people that owed several thousands of dollar were made to pay the full amount, some people were given a percentage reduction. It was not a fair and equitable across the board behavior and/or treatment of the people that were cited for blight. Councilwoman Schenkel, biggest issues was that this ordinance that these people developed held correct the lack of notice. Before you can hold someone accountable for any kind of an ordinance violation or blight you have to send some kind of notice or let them know they are in violation and that was lacking in rescinded ordinance. This team has corrected that issue. Councilman Wunsch, if enforcement and notification were the two issues on old one, than why did we develop a whole new one and why didn't we just fix the notification and fee part. Mayor Festa, they made an attempt to change the ordinance and it was a good lengthy process and former blight committee went through different ordinances from around the state to develop an ordinance that would fit Plymouth. In 2003-2005 when we held a workshop with committee that was in place under the Charter. In one particular workshop we had two housing court judges come in to talk and problem with the ordinance at that point in time was that it was unenforceable because of the kinds of language that were placed in the ordinance and one of the housing court judges from New Britain made the statement there is no way she would allow anyone to come to this town and pay them \$175 in fines

by virtue of the way in which the ordinance was enacted and upheld. IT was just too arbitrary capricious to give an establishment to anyone that owed due to a blight fine. On the other side of the coin, if you go through the files of blighted properties you will find properties that received registered mail that have been returned and re-sent to the same blighted address again and again and each time this mailing went out there was additional notice of another \$500 a day added on, etc. The enforcement codes as well where we had an enforcement officer that worked on the blight, he resigned from this position based on the fact that there was no follow through from what he was doing on behalf of the town to collect the blight fines and bring the blighted properties up to code, etc. Those many issues and one of the best things the town was told was to take a look at enforcement, do something about wording fines vs. penalties and make sure enforceable code. Looked toward cited property owners through citation and actually required to appear in court one of the things the town decided to do in moving forward. The number of property owners notified being cited for blight and being fined. We enacted a committee to move forward and get blight ordinance to be enforced and acted upon.

b. Councilman Wunsch, my question is, is the wording of all of this other than enforcement, appeal is that all changed or did they go, is it 2 cars registered and now 1 car. Did you come up with new blight or fix part on enforcement. Barbara, we did both; fixed what needed fixing, spent time with town lawyer, kept what was good about it and fixed the rest. It took over 1 year. It was a very grueling process. Don Souza, reiterate one thing this is not a blight ordinance, we adopted a code enforcement and the message of the whole project. The old blight thing took in code things we already had. We call it a code enforcement so that things can be taken care of without going through blight and essence of document. Councilman Sekorski, there was a bunch of stuff at the time that the original ordinance put in they had mirrored off a couple of other towns, don't remember which ones were models, it was well beyond that. References to state codes and so forth were inconsistent, old ordinance, definitions were particularly difficult as not succinct enough because we did not know what property or code violation was. Word blight tended to make subjective and unenforceable. We need focus more on property maintenance. Although parts used, this was much more focused on that and protocol for appeal was vague in old and rewritten or modeled after successful Bristol process and proven in court several times. Attorney Vitrano's comment was much of this is case law proven and we wanted to adopt things we knew worked.

c. Councilman Zagurski (1) Declaration of policy, first sentence, says "it is found and declared that there exist within the Town of Plymouth with residential and nonresidential structures"; what is the definition of non residential structure, is that a barn or commercial property or town property. Barbara, all of it. (2) Municipalities are not exempt from this. Councilman Sekorski, absolutely not. (3) Storage of one or more unregistered vehicles, why decide no unregistered vehicle on property. Barbara, for every vehicle not registered it is also not on tax roll and if you are going to keep vehicles on property you need to be like the rest of townspeople and pay taxes. Councilman Zagurski, if not road worthy, why

should you. Councilman Sandshaw, if I want to collect snowmobiles why can't I collect vintage snowmobiles on my property, why should I not be able to do that. Barbara, you should be able but you should pay your fair share of vehicle. Councilman Sandshaw, if I am not registered why. Barbara, if not registering it should still be on tax role. Personal property is taxable and snowmobiles should be on tax roll as vehicle. Councilman Sandshaw, if paying taxes you can have it on your property. They do not have to register, they have to be on tax list. (4) Abandoned vehicle and exceptions as defined in Sections 10-61, 10-62, 10-63. Is that town ordinances? Barbara, Sal put that in and assuming in Charter. Councilman Sandshaw, section 10-61 under definition on page 741 of the Charter. (5) Accumulating refuse, portion read into record. Do we have such a thing that says an approved container for trash use? Barbara, you have to read all way. You store your trash in bins or other containers approved by the town and not clear if town has any at this point but it is in there "that or". Brian, in case we go to trash pickup. (6) Attractive nuisance. Exactly what is an attractive nuisance? Bruce, Sal explained other that might attract children such as refrigerator with a door on it that might attract children as a hazard. Councilwoman Schenkel, it is expression that something kids can get in trouble like refrigerator with door on it and kids playing hide and seek and child could die because can get stuck in it. Discussion held. Councilman Sekorski, intent, we had extensive dialogue and share with background the whole intent was to enable enforcement to deal with things that are potential hazards or nuisances and by law this was definition they use and extracted from State statute; not stuff inside home but outside home and on property that can cause potential health or safety hazards and more definition. Councilwoman Schenkel, this is not meant to be punitive but to allow an opportunity for the building inspector or committee member to go out to make owners aware. Mayor Festa, in terms of this issue, if safety affecting children "any condition which may prove detrimental to the health or safety of children and adults, whether in a building, on the premises of a building or upon an unoccupied lot. This includes, but is not limited to, the presence of abandoned well, shafts, basements, excavation, refrigerators, vehicles, lumber, and garbage, refuse, rubbish, and any structurally unsound fences or other structures." Anything that was started and stopped and sitting for some time, left exposed, etc that can cause attention of a particular child that wants to look down shafts; do not believe they are looking at household issues. If you look carefully at the wording, trying to put cap on number of people who let things go by wayside and to protect welfare of individuals. They got a call on house vacant, door hanging off hinges and fearful children will enter; think of one where infestation of rabid raccoons and feces that they had in droppings and health hazard to anyone who went in, particular disease and things like that where property abandoned allow town or building inspector to go in and take action against property owner who is absentee or landlord who does not care. Don Souza, add to that all these things in here are probably under some kind of ordinance we have. Councilman Zagurski, I would think section 2 would be covered under first item "Any public nuisance as defined by statute or ordinance". I do not have a problem leaving and word attractive bothers me. Under item 3, "persona" did you want that "persons". Mayor Festa,

typo, and should be “persons”. Don Souza, before take paragraph out I would check with the Town Attorney because he was clear with us on why that would be in there for attractive nuisances. He had grave concerns on that part of it. (7) Next page, page 3, “State of Disrepair or becoming dilapidated”, item 8 “commercial parking lots left in a state of disrepair or abandonment; and” was there suppose to be something after that. Mayor Festa, question is, is item 9 a continuation of 8. Barbara, two different and take out “and”. (8) “This Ordinance: Shall mean Sections _____ (blank) through _____ (blank). Barbara, it is actually “sections 7-60 through 7-73”. Mayor Festa, will check with the town attorney. Barbara, it is to 73 because if read through, all ordinances line up with that very thing. (9) Section 65, second sentence read questioning if I have a missing shingle on roof is that blight or a certain number of shingles. Barbara, the spirit of the ordinance talks to dismal disrepair not a shingle or two. This is in there to give teeth to the ordinance. It is an ordinance and not blight and would come under Housing Code ordinance and everything is defined. Councilwoman Schenkel, if understand because there will be a hearing with committee and cross section of town and appointed people and they can make their case if misunderstood and/or misapplied. Intent is not to single out and make punitive; intent is overall structure so notice or disrepair to offer opportunity to make correction. Don, two points to appeal is housing code appeal is different than blight appeal. When person is in violation has two appeals, if Clarence gives ordinance and one person appealing, that person has right to appeal to Housing Board on ordinance itself beside if brought upon blight they can go through Housing Board of Appeals and covered under that is in ordinance. State statutes are different for housing code for what appeal board can do vs. under this ordinance. Bill Hubbard, the spirit in which we put this together with meetings from day one is not to infringe on peoples right and to best serve the town and also again an ordinance that the inspector whoever that may be, enforcer would base on health problem or any other major problem that will endure to property owner where you lose value to your property because of neighbor. No one will ever get picked on for one or two shingles and understand what you mean. Councilman Zagurski, “Every building shall be maintained as to be weather and water tight.” Means you want a good roof. A lot of people might have a lean to with open side, will that fall under that. Barbara, no. (10) Section 7-66, fifth line, “responsibility to remove to remove” was that a typo. Mayor Festa, just repetition and one “to remove” will be taken out. (11) Section 7-67, Prohibition. I want to fully understand fining process. Clarence Atkinson, normally talk to owner first to make he is aware of violation and may not see problem we see; need to be reasonable and give a few weeks to work it out. If they decide not to, then talk and give citation and have opportunity to come before Board of Appeals. In past I would talk to person and in reasonable amount of time they would take care of it. You have to give them an opportunity. Councilman Zagurski, talk and then fine \$25. What happens at end of 40 days. Clarence Atkinson, they will be before Housing Board and decide how fine will go and penalties. All I can do is bring to attention and cite. Councilman Zagurski, what happens when they ignore you and say they will not do nothing and do not go to Housing Board. Clarence

Atkinson, the only way we can go on property and tear something down is if danger of life, example given of fire noting we can tear down or you can. When it comes to life safety we will make a decision. We try to be reasonable to talk to people and put them in our situation. Try to be reasonable. Don Souza, this is why you have this committee, code enforcement, and they have to decide where to take and whether to courts or where and not up to Clarence but up to committee. Each step of the way Clarence goes through steps and keep up with code enforcement and someone does not comply it goes to the committee. Nothing written if you don't do this and this happens, there are so many things in here and some can be taken care of through state statute and where committee comes in and different people to make decisions. Barbara, through process our intent was to work with the person involved not work against him. We are not out there to try to run fines up. Councilman Zagurski, and that is a good thing and from my recollection the fine kept going up and the person was not notified he was being fined and in this case most fined is \$1,000. (12) Page 6, Section 7-68 Enforcement, "building official" is the building official going to be our enforcement officer; is that the intent of this. Item b) end of first sentence, "property via certified mail." should be mail". Section c, Building Official will comply with Plymouth Ordinance 602/8-50. Is that page 602 in our book and not sure would you want to leave in there because page number might change. Don, you can say page 602 Section 8-50, or as amended Section 8-50. Councilwoman Schenkel, being former Charter person, the Charter can get out of control when amended and now just happens to be on page 602 and that can change, but if you use Section 8-50 that will not change. Discussion held. Larry Deschaine, we did not want Clarence to be enforcement officer and you might have to hire somebody; individual cannot go on property unless asks permission and why he referenced this particular section. Reason why page number put in was so there was reference to it rather than write whole Section 8-50 into the ordinance. Don, when you change an ordinance and put it on different page and it could be Section 7-25 change that forces to another page. Councilwoman Schenkel, you need to understand whoever the next Charter Revision is could be 7 years down the road and this will not be on their forefront and for sake of residents trying to read it is easier to address them to a section and not a page. Barbara, it is not a big deal to take out page number. Mayor Festa, could you not include as you did others with "Section 8-60 with housing code" and remove page completely. Suggestion made previously that referenced to Section 8-24 to add words "of the housing code", so the question is "The Building Official will comply with Section 8-50 of the Housing Code." and you don't need to worry about page number. Barbara, the only thing and please check and make sure that is indeed a part of the housing code. (13) Code Enforcement Committee says you are going to have code enforcement police officer. Is that negotiated and something the Police Chief will hire a new person or existing officer with that duty. Barbara, we did speak with the Chief of Police and guess some day if it can be put in the budget it will be but until that time with existing officer. Mayor Festa, we did have enforcement committee, public health, police, police chief and designee who was an officer sitting in and if looking to do something different we

are saying police enforcement officer to enforce regulation that would have to come under negotiation in terms of job description but if looking in terms of blight and committee responsibility would be following “recommendations to any enforcement authority responsible for obtaining for obtaining compliance with laws, codes, ordinances and regulations pertaining to any condition affecting real property, including but not limited to the Building Official”. I don’t know if intent of this particular committee was your intent to see to it that a particular individual responsible. This committee in terms of what presented there would not have to be negotiation to have a police officer on this committee. Don Souza, under state statute that would take police officer to issue summons or whatever that would be such as abandoned vehicles that motor vehicle department has to be notified because police officer would enforce state ordinance. The Chief said she would make a police officer available on an as needed basis. Mayor Festa, what I am understanding is we will have our building official who substitutes for code enforcement, and a part time position for blight, etc. that is vacant. We are now saying in terms of building summons it is not a police officer because this officer is not enacted or trained to call a violation of building whereas a building official cannot give summons. Don Souza, under codes and taking responsibility and comes in within jurisdiction of committee and who does what. Councilman Sandshaw, fire marshal would take care of fire; building official for building violation; etc. Bill Hubbard, that is, state statute governs a lot of people who go on this committee and when to enforcement part, there will be times when if Clarence is out and there is an irate person with a shotgun, he needs police assistance. Then you have violation that may be stolen vehicles or other things and need necessity through Police Chief to have somebody go with enforcement. Councilman Sekorski, this is just assembly of the committee that is reviewing each case and we are not saying we will build posse here; but could as a result of committee assembling and decide on how to manage situation; not every situation will require this group to go out. Councilman Zagurski, want to make sure we are not hiring another police officer. Councilwoman Schenkel, when we had gentleman from Bristol come to talk about their enforcement code he mentioned many times they will send more than one individual as a resident but as a second witness as to what is happening, sometimes the Police Chief may go or another, the fire marshal and Clarence will go. This will build relationship with people to explain what can happen. We draw from talents to help explain and give opportunity for another person in town to go to and understand why a problem. Barbara, exactly the point and when you have different people from different committees it will not fall through the cracks. Clarence will be code enforcement officer is what you are saying. Mayor Festa, building inspector in committee is also code enforcement. There is not a part time position of building inspector that allowed him to go out and do inspections. That person on board and resigned position from things transpiring and from that point forward the position vacant. If a situation we need assistance because of overwhelming number of property to be looked at, this position is still there. No one has eliminated blight officer position on part time basis and funding came from fines assessed and many were not properly assessed and blight officer position and salary came from taxation

and opportunity to look at hiring part time individual to help on part time basis. Clarify also that in this section relative to make up of code enforcement, number of people going to various property and one such was nurses from health, police officer and building inspector and particulars associated with properties. Another is because of problems there and can be myriad of number of people from different agencies or departments of the town. Nurses out here for safety and welfare of individuals who may not be able to be assessed as to mental stability of individuals; town sanitarian to check for proper toilet facilities and running water along with building inspector for electricity. Conditions for property living in, electricity, running water and toilet facility otherwise cannot tell person how to live and reason for those particular people coming out to property for particular charge against property owner. Councilwoman Schenkel, concerned about the public and future people who interpret section based on Tom's concern, and reads like there has to be police officer and would it be o.k. if Chief or designee and simply have "code enforcement officer" and if it happens person is a police officer that is a perk and if person working part time as enforcement would work. Can we take "police" out. Chairman Zagurski, on committee already have police chief or designee. Don Souza, does not matter but emphasis is on committee itself who channels property violation to proper committee to take care of it. Has to be channeled in proper way. Councilman Wunsch, Clarence how much free time do you have if the guy to do this. Clarence, depends on how much building is going on. There is about 15 houses in Plymouth that meet these requirements. Under current schedule right now can adequately deal with those 15 houses and my work. Barbara, it is not always up to Clarence, we went over this and what we require is the committee, Code Enforcement Committee to meet on a monthly basis so that it doesn't all fall on Clarence because chances are some for fire marshal, some for sanitation and not all on Clarence because it doesn't always end up being a building issue and reason why we did not want word blight. Other piece and am sure and everyone will have eyes out but unless someone coming forward with direct complaint it will go unnoticed and not Clarence's responsibility or good use of time to ride around town looking. Councilwoman Schenkel, the way mechanism works, is Clarence investigates property and determines if need to give notice and those then sent to committee for meeting who determine who will follow up. Whoever is in committee you will divide fire marshal, police and building and those people follow through to work to see if compliant to find community resources or non profit and we will help disabled and elderly people. Bill Hubbard, committee will have to function and important part is if that committee does not function, the ordinance is not good. Barbara, to clarify and be up front. If it works properly, the 15 will become 7 right away and then become 3 and you will keep steady pace at a snails pace and it will work. It will not escalate but drop if work properly. Councilman Wunsch, thank you and understand and know fire marshal and part timers are only so many hours and limitations we will have. Mayor Festa, to give more clarification, the issue on blight enforcement, a few years ago, the blight had to deal with structure and only individual for structure and violation was building inspector. The blight officer had to be a building inspector with official certification and reason why looked at

number of structures in place. Work part time as relative to blight was structures alone and all on building inspector. Under this situation it doesn't have to be building inspector or building official as not always structural in nature. Don Souza, not only that but per state statute for blight, officer has to be building official like Clarence and if go to ordinance it does not. Councilwoman Schenkel, once ordinance takes effect there may be influx of reports in beginning; now they may come forward and increase initially and those could be founded or unfounded. Are we in agreement to remove "police" from "police code enforcement officer"; all in agreement.

d. Councilman Sandshaw, maintenance and code enforcement rather than blight, do we want to look at section 7-67, blighted properties or noted four times in that section "blighted premises". Councilwoman Schenkel, name change to code enforcement because Bristol representatives said every time have something in paper that says blighted is antiquated and changed look of town and this change focus of group because not just dilapidated properties but to get people involved to fix. We do have 7-67 and in ordinance itself and is included as reference. This section is in from Charter. Barbara, we need to keep because blighted premises is part of code. Larry Deschaine, read headline and portions of articles from the Waterbury paper, Bristol "get ruler out and measure grass"; "can we get cars off lawns"; "city to hold hearing on proposed ordinance change". Caution that once you will have so many ordinances and restrictions when we come out of house do not know if can or cannot do something. The Plymouth Historical Society has group of individuals who restore old farm tractors and wondering if abandoned or unattended vehicles will they come under ordinance and if want to restore tractors or lawnmowers is a concern. Last concern is contradiction on one unregistered motor vehicle, town ordinance says at least two and in Section 10-63 talks about vehicles in yard, and provisions, not too many people know for people who want to restore vehicles that you can have two but not scattered. Councilman Sekorski, points well taken and in public hearings all issues came up and critical words such as abandoned whether nothing is happening. We know difference between working and someone with a pile of junk in driveway. No one wants to knit pick but idea for mechanism for people doing nothing and getting junk piles in yard. Key provisions and need to make sure this ordinance does not contradict. We did discuss those particulars a lot such as grass, roof and what is broken vs. what is not. Common sense has to be rule in a lot of aspects. The mechanism by which you can review was not well defined in previous ordinances. We cannot pass until ordinances are connected and not in opposition. Councilwoman Schenkel, I read articles as well, but under state of disrepair, number 7, one or more inoperative abandoned or recreational ... says as long as they are stored on premises unless garaged. We talked about restoring and if investing money you usually have covered and essence is if sitting out and whether elements beating on it and rotting, different intent behind words and those people doing recreational vehicles to restore, do not think they would leave to elements to be ruined. This ordinance deals with people and has mechanisms where group of people with vested interest in town who are looking with common sense as best as they can

and make best guess judgment they can. No ordinance is perfect and flexibility in way interpreted and if not, have appeals process that kicks in.

e. Councilman Wunsch (1) if I buy a truck with motor that does not work and my son will work on it for the next 3 years where does this fall. Councilwoman Schenkel, put it on tax roll. Councilman Sekorski, or store it in garage and if someone cites you, let them know you are working on it. (2) Where will we draw the line. Councilman Sekorski, purpose of committee; difference between people who are working on a project vs. a person with car parts sitting in front of house for 7 months. Purpose of committee will have discussions and this Council cannot clearly define what is right and wrong and put mechanism in place for committee. This ordinance does that and some real excellent points. Mayor Festa, as point of information, agree with John's concern from standpoint no matter what you write or enact there is always the possibility of not being fair and equitable and need to watch out for that. Directive given to enforcement code committee is to be reasonable and just in decision making process. Good point from John and example given. Understand on how far to go but we do need some type of ordinance with leeway to make sure that all points out fact we have something that is just that equalized to decision making process and can be held up in court if necessary. This ordinance charge is to make sure we are just in dispensing of fines or violations and enacted by people on committee that will enforce in proper manner without personalities or bias associated with and will come in enacting this group and Councils responsibility if passes. Individuals will have to be just and fair in decision making process.

d. Councilman Zagurski, code enforcement committee, (1) when committee is underway, how does it works such as Inland Wetland, ZBA, Zoning Enforcement, is this committee taking anything away from powers of those commissions as it says all zoning violations. The zoning officer reports back to zoning commission. Section 7-70 a) end of paragraph "limited to the Building Official, pursuant to an in accordance with Section ____ of This Ordinance." Barbara, no answer right now. Councilwoman Schenkel, intent is each representative who gets assigned will take and figure out best way from ordinance and state law how to handle. (2) item c, Does that mean residents, Mayor and those people on committee can write citations. Don Souza, those people are representing the general public. People writing are building official and zoning enforcement officer. (3) last sentence "such abatement fro" is it "from". All agreed, "from". (4) old blight ordinance suspended and did we actually retract it or suspend it. Councilman Sekorski, we formally have to retract it but we waived all fines. Need to check minutes to see if rescinded old ordinance. (5) What happens to money collected from fines. Have you thought about it. Barbara, we cannot make decision and think it may need to go to General Fund. Councilman Zagurski, believe statue that money has to be used to alleviate blight in community. Councilman Sandshaw, along those lines who collects the fines. Barbara, do not know. Clarence, there is a state statue that says funds go back to blight account. Mayor Festa, there was budget line item for money to go into blight account and what happened after that but no money in that blight account and went somewhere other than back to blight issue. The money collected through legal process and

checks made out to Town of Plymouth. It had gone into blight budget account for purpose to reissue in blight component. Barbara, that is not the scope of this committee but to Board of Finance and they did make some recommendations. Larry Deschaine, at the last Council meeting we were in the hallway and Attorney Vitrano asked question if blight ordinance still in effect and he said yes so that Clarence could go out and issue citations. Clarence, all liens on properties were signed and released. Councilman Zagurski, agree that they were released and ordinance suspended. It could be out there. Mayor Festa, do know properties released and from issue legal action being taken against the town. Will check rescinding issue. (6) no other questions but comment is tend to agree with John on the unregistered vehicle part of ordinance and only sticking point, or go cart, the town does not recognize as vehicles. Basically whatever the town thinks as taxable vehicle such as campers, but little watercraft, paddle boat, kayak or canoe are taxable. Bill Hubbard, from day one when started the concern of most that it doesn't intrude on people's normal lives and cannot go out and be picky. He drove around with Clarence looking at what is out there and not that bad out there. It is up to actual committee to be reasonable and Clarence what he looked at as properties were problem and as drove by others from Bill's perspective may be if you wanted to find more blight but has to be reasonable. If taxable part of the community than the community is losing money because not doing due diligence on getting taxes paid on real property. If paying taxes have a right. Barbara, if you have 5 cars and paying taxes that is well and good and somebody has 5 cars and not chances are abandoned or go on tax roll and either way the town is getting money or cleaning up messes and as fair as you can get. Best you can hope for is to be as fair as you can and serve the greater good. Don Souza, other side is to stop people from bringing unregistered and just leave there and deteriorates. If someone paying taxes they will keep up and not let sit and rust. There is a state ordinance what constitutes a junk yard if 5 or more vehicles and then need permit for that. Councilman Wunsch, I am limited on wanting people to limit what I can do and problem with visiting this committee on something more than a hassle than not. Don't want to see this be misused. Bill Hubbard, if think can get misused it would be in papers within 2 days and Council could react. Councilwoman Schenkel, a lot of people do not know the history that many members of this team have had on Fall Mountain and asked Don or Barbara to talk about it and talk about improvements. Barbara McClellan gave background. Councilwoman Schenkel, point that peaked interest, these are publicly attended hearings and public comment and if people feel unfair or disagree, they can come and say publicly you are wrong and get other people like minded to come. There is another mechanism where public does have freedom of speech in process. Bill Hubbard, now you have code enforcement that says how we do things.

Mayor Festa, other questions or comments.

Councilwoman Schenkel, thank you and am very happy that our new council people took a chance and hashed this out and thank the previous Council because they did not want to vote and push through without new Council having a say. Councilman Sekorski, have a few action items to prevent us to move on this

tonight and can certainly be out voted. Concern that and we cannot make conflicting statements on what this ordinance and another says on motor vehicle and need legal counsel to review that as well as references about anywhere referencing another section need to clearly define that section which is first 7-61, abandoned motor vehicle as defined in section .. need to label in similar manner as others and need to state code. Need to make sure this has to reflect same ordinance as motor vehicle ordinance, zoning. Larry page 743 and ordinance 10-63, exceptions, only two such vehicles shall be permitted” and so forth. Barbara, that came up and does. Councilwoman Schenkel, under abandoned, we have defined as in 10-61, 10-62 and 10-63 and saying there are exceptions. Abandoned vehicle exception which means does not apply under this code enforcement. We do not have problem waiting and looking into it but raise attention they did take into account those sections. Councilman Sekorski, when this Council discusses it and makes decision, I want to have legal counsel here in case there are any other questions that come up. Thank you everyone for listening. Councilwoman Schenkel, can we resolve issue of blight ordinance rescinded or suspended.

MOTION: To put this on the table until we can resolve action items that have been brought up and to have legal counsel present before we make final vote, by Councilwoman Schenkel; second Councilman Sekorski. Discussion: none. Vote: unanimous.

6. Public Comments

a. Don Souza - does this mean we have to go back to another hearing or anything. Mayor Festa, do not believe we need a public hearing but it depends on whether or not substance on this changes to intent changes. Attorney Vitrano could not be here this evening and we talked about proposed changes from last Council and public hearing which were added on in verbiage and number change and if it stays as is, it will be addressing issues for clarification by Council and will address with Sal.

7. Council Comments

- a. Councilman Sandshaw, thank committee for putting up with us and having us understand what this is all about.
- b. Councilwoman Schenkel, thank you for letting me be the liaison and I enjoyed working with you and this was an educational experience and found all of you very pleasant and fun to work with.
- c. Mayor Festa, in reference to Council we have had some record meetings and agenda items 18 long and one agenda item tonight and appreciate the fact you have taken time to take care of this one item agenda as it is very important to this community on what we do and how we do it. Thank you all for participating and Council in deliberations.

8. Adjournment

MOTION: To adjourn by Councilwoman Schenkel; second Councilman Sandshaw. Discussion: none. Vote: unanimous.

Meeting adjourned at 9:32 p.m.

Respectfully submitted,

Robin Gudeczauskas
Recording Secretary