

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

**Plymouth Town Council**  
**Telephone: (860) 585-4001**  
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**Minutes**

**August 4, 2015**

**Call to Order:** Mayor David V. Merchant called the scheduled August 4, 2015, Plymouth Town Council Regular Meeting to order at 7:00 p.m., in the Community Room, Town Hall.

**Roll Call:** Present were Town Councilman William Heering, Mayor David Merchant, Town Councilwoman Sue Murawski, Town Councilman John Pajeski, Town Councilman Gary Wyszynski, and Town Councilman Tom Zagurski. Also in attendance were Board of Finance Chairman Peter Cook, Town Attorney William Hamzy, Interim Tax Collector Joseph Kilduff and Interim Director of Public Works Charles Wiegert.

**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 the Town of Plymouth and May God Bless the United States of America" for the record.

**Council Rules and Procedures**

Mayor Merchant stated he wanted to add, "To discuss and take action, as may be necessary, to address the Board of Finance concerns" as the new Item #14 to this evening's agenda.

Town Council Murawski made a motion, seconded by Town Councilman Pajeski to add "To discuss and take action as may be necessary, to address the Board of Finance concerns" to this evening's agenda.

Vote:

Town Councilman Heering/no; Town Councilwoman Murawski/yes; Town Councilman Pajeski/yes; Town Councilman Wyszynski/yes; Town Councilman Zagurski/no. Motion passed.

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**Council Rules and Procedures Cont'd.**

Mayor Merchant stated he wanted to add the following names to Agenda Item #10 Tax Refunds: Raymond Brayne \$15.20; Scott Allen \$24.16; Wollenberg Inc. \$265.28; Robin Gudeczauskas \$158.73; Michael Colasanto \$5.63 and (overpayment refunds-Thomaston Savings Bank) \$11,314.22, \$1,856.36.

Town Councilwoman Murawski made a motion, seconded by Town Councilman Heering, to add the following names to Agenda Item #10 Tax Refunds: Raymond Brayne \$15.20; Scott Allen \$24.16; Wollenberg Inc. \$265.28; Robin Gudeczauskas \$158.73; Michael Colasanto \$5.63 and (overpayment refunds-Thomaston Savings Bank) \$11,314.22, \$1,856.36. This motion was approved unanimously.

**Acceptance of Plymouth Town Council Regular Minutes-July 7, 2015**

Town Councilman Zagurski made a motion, seconded by Town Councilwoman Murawski, to accept the July 7, 2015, Regular minutes as presented. This motion was approved unanimously.

**Mayor's Report**

Mayor Merchant gave his Mayor's report.

**Public Comments on Non-Agenda Items**

Linda Cyrulik, 7 Aspen Way, Bristol, briefly discussed her brother's (Paul Tenan), property tax assessment issue located at 1 and 3 Highland Road, Terryville, noting she had sent correspondence to Attorney Mark Malley and Mayor David Merchant.

Mayor Merchant stated the Town would get the issue resolved.

Interim Tax Collector Joseph Kilduff stated he was made aware of the issue a week ago, the foreclosure on the property had been stopped, and the issue would be resolved.

Crystal Doyle, Gosinski Park, Terryville, noted the living conditions were getting worse at Gosinski Park, the Plymouth Housing Board had not been doing their job for 13 years and questioned when the Town Council would be doing their investigation of the Plymouth Housing Board as previously.

Mayor Merchant stated the Town would speak to the Board.

**Appointments/Resignations: To reappoint Karen Saccu to the Human Services Commission with an ending term of October 1, 2016**

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**Appointments/Resignations Cont'd.**

Town Councilwoman Murawski made a motion, seconded by Town Councilman Zagurski, to reappoint Karen Saccu to the Human Services Commission with an ending term of October 1, 2016. This motion was approved unanimously.

**Discuss and take action to refund the following Property Taxes: JP Morgan Chase Bank \$33.77; Corelogic \$2,332.16; Rejean Ouellette, Jr. \$124.25; Veronica Blekis \$52.45; Lawrence or Barbara Deschaine \$351.02; Joshua Soden \$797.36; Richard Hanlon \$2,587.84; Bernice Lukasewski \$92.00; Albert Parady III \$82.55; Amondine Boutot \$65.02; Thomas Borysewicz \$9.81; Edward Krukar II \$54.01; Bruce Post \$51.05; Jarrett James \$61.30; Ford Credit \$301.97, \$180.53; \$402.83; \$623.29; \$504.46; Jeffrey Anderson \$13.14; William Foster \$45.45, Carli Leblanc \$5.67; Vince Audibert \$50.52; Honda Lease Trust \$66.92; Raymond Brayne \$15.20; Scott Allen \$24.16; Wollenberg Inc. \$265.28; Robin Gudeczauskas \$158.73; Michael Colasanto \$5.63 and (overpayment refunds-Thomaston Savings Bank \$11,314.22, \$1,856.36**

Town Councilman Zagurski made a motion, seconded by Town Councilwoman Murawski, to refund the following Property Taxes: JP Morgan Chase Bank \$33.77; Corelogic \$2,332.16; Rejean Ouellette, Jr. \$124.25; Veronica Blekis \$52.45; Lawrence or Barbara Deschaine \$351.02; Joshua Soden \$797.36; Richard Hanlon \$2,587.84; Bernice Lukasewski \$92.00; Albert Parady III \$82.55; Amondine Boutot \$65.02; Thomas Borysewicz \$9.81; Edward Krukar II \$54.01; Bruce Post \$51.05; Jarrett James \$61.30; Ford Credit \$301.97, \$180.53; \$402.83; \$623.29; \$504.46; Jeffrey Anderson \$13.14; William Foster \$45.45, Carli Leblanc \$5.67; Vince Audibert \$50.52; Honda Lease Trust \$66.92; Raymond Brayne \$15.20; Scott Allen \$24.16; Wollenberg Inc. \$265.28; Robin Gudeczauskas \$158.73; Michael Colasanto \$5.63 and (overpayment refunds-Thomaston Savings Bank \$11,314.22, \$1,856.36.

**Discussion:**

When questioned why there were so many credits to Ford Credit by Town Councilman Wyszynski, Joseph Kilduff stated they were adjustments made by the Assessor.

**Vote:**

This motion was approved unanimously.

**Discuss and take action on the Tax Suspense List**

Mayor Merchant stated the Tax Suspense List had previously been approved by the Board of Finance.

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**Discuss and take action on the Tax Suspense List Cont'd.**

Joseph Kilduff, Interim Tax Collector, provided a brief outline of the proposed Tax Suspense Listing for Town Council's approval, noting that the Board of Finance had previously approved the listing at their June 18, 2015, meeting. Joseph Kilduff noted that the amounts shown were slightly lower than what the Board of Finance had approved because some of them had since been paid. Joseph Kilduff stated that the listing had been prepared in accordance with Connecticut State Statute Sec. 12-165. He further stated that the listing included Motor Vehicle, Personal Properties and Real Estate Taxes and that the Suspense listing could still be collected.

Town Councilman Zagurski stated he was satisfied with the Board of Finance accepting the Tax Suspense List, noting that Joseph Kilduff had shown him the State Statute.

**Discuss and take action to adopt the Ordinance to exempt ambulance-type motor vehicles from the Personal Property Tax**

Town Councilman stated he would like the definition of an ambulance-type motor vehicle because he could see how the Council could exempt almost every car in Town.

Town Attorney William Hamzy stated that in the proposed Ordinance there were three subsections and outlined the Ordinance as follows: Sec. 15-95 Exemption From Personal Property Tax of Certain Motor Vehicles: Pursuant to section 12-81c of the Connecticut General Statutes, as amended, the town may exempt from personal property taxation (1) any ambulance-type motor vehicle which is used exclusively for the purpose of transporting any medically incapacitated individual, except any such vehicle used to transport any such individual for profit, (2) any property owned by a nonprofit ambulance company, and (3) any motor vehicle owned by a person with disabilities, or owned by the parent or guardian of such person, which vehicle is equipped for purposes of adapting its use to the disability of such person. Disability is defined in sections 1-1f and 1-1g of the Connecticut General Statutes, as amended. All tax exemption applications shall be made annually, shall be made on a form prescribed by the Tax Assessor and shall be returned to the Assessor's Office. Each application shall be reviewed by the Assessor on a case by case basis. Any aggrieved party may take an appeal to the Board of Assessment appeals. Town Attorney Hamzy stated the key any vehicle that would fall under the exemption has to be used to transport incapacitated people.

Christopher Drew, Chestnut Street, Terryville, stated he came to the Council with the Ordinance request because his wife had been disabled for the past 10 years, required a motorized wheelchair and briefly elaborated on his request.

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**Discuss and take action to adopt the Ordinance to exempt ambulance-type motor vehicles from the Personal Property Tax Cont'd.**

Vinnie Klimas, 5 Coral Drive, Terryville, urged the Council to approve this Ordinance and briefly explained his reasoning, noting the Ordinance should include the following additions; the family/caretaker owns the van and the wording would include any caregivers to the person should be able to use the van as well; further definition-any person certified by the State noting these persons go through extension certification and briefly elaborated on his statement.

When questioned by Town Councilman Wyszynski, Town Attorney Hamzy stated it would be the value of the motor vehicle as assessed by the Town.

Vinnie Klimas briefly reviewed the pricing for the adaptations to the vehicles. He further stated that the City of Bristol had adopted an Ordinance to exempt ambulance-type motor vehicles from the Personal Property Tax Ordinance many years ago.

Town Councilman Heering questioned how this Ordinance differed from the City of Bristol's and questioned if there were guidelines for the Assessor to use, noting number three was broad.

Town Attorney Hamzy stated it narrowed it, but it was up to the Assessor's requirements of evidence/proof and briefly elaborated, noting there were many towns that had adopted an Ordinance for this agenda item.

Christopher Drew stated that he understood there were certain things that could be done to modify the vehicle for handicapped people and briefly explained his statement. He further stated that to someone who was on a supplemental income this Ordinance would make a big difference.

When questioned by Town Councilman Wyszynski, Christopher Drew stated he was being taxed on the actual vehicle not all the extra modifications/features added to the vehicle.

Vinnie Klimas stated people with physical challenges have a lot more medical expenses and this was a medical device and briefly elaborated on his statement.

When questioned by Town Councilman Wyszynski, Joseph Kilduff stated the Assessor would have a better idea of how many people would be encompassed in this Ordinance. He further stated there would be several hundred dollars in savings for a brand new van.

Vinnie Klimas stated one percent was a legitimate number for challenged people who would need to be driven and briefly elaborated on his statement.

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**Discuss and take action to adopt the Ordinance to exempt ambulance-type motor vehicles from the Personal Property Tax Cont'd.**

Vinnie Klimas stated he would work with Joseph Kilduff and bring back wording clarification; a brief discussion followed.

Town Attorney Hamzy stated there was a Tax Assessor Association and he assumed they had a set of guidelines they share as to what makes a vehicle subject to this exemption. He further stated he could check with RaeAnn Walcott, Town Assessor.

Town Councilman Zagurski made a motion, seconded by Town Councilwoman Murawski, to table the adoption of the Ordinance to exempt ambulance-type motor vehicles from the Personal Property Tax until the wording is clarified with Vinnie Klimas' assistance. This motion was approved unanimously.

**Discuss and take action on the purchase of property on Bemis Street (Executive Session if necessary)**

Mayor Merchant stated this item was more informational at this point in time, noting the Council had received the contract in their packets and briefly elaborated on the agenda item. Mayor Merchant stated the purchase price would be \$150,000 and the State of Connecticut; Department of Transportation would reimburse the appropriation within a couple of weeks after the purchase. He further stated the once the Town owns the property the State would release \$2.2 million to do the Bemis Street Project; a lengthy discussion followed.

Charles Wiegert, Interim Public Works Director, stated the Town had looked at putting in a retention pond on this property and noted it would be more cost effective now and future-wise to purchase the property. He further stated it would make for a better intersection as well and clear some right of ways in the area. Charles Wiegert stated the property had been appraised at \$155,000.

When questioned by Town Councilwoman Murawski, Charles Wiegert stated the property was located on the East side of Bemis Street and the house was located across the street; a brief discussion followed.

When questioned by Town Councilman Wyszynski, Charles Wiegert stated the septic would need to be relocated and the owner would be responsible for the cost.

Vinnie Klimas stated this expense would free up monies and the Town needs to repair the road so he is in favor of this purchase and encouraged the Council to vote in favor of it, as well.

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**Discuss and take action on the purchase of property on Bemis Street (Executive Session if necessary) Cont'd.**

Town Attorney Hamzy stated the next step would be to enter into a contract subject to all the required approvals by the Town. He further stated the Council could come back next month and approve the purchase.

**Take action from Executive as may be necessary**

No report.

**To discuss and take action, as may be necessary, to address the Board of Finance concerns**

Peter Cook, Chairman, Plymouth Board of Finance, read the following letter to the Plymouth Town Council Members, noting the Council had already received the letter. Dear Council Members, during your July meeting a motion was made and passed to open the Transfer Station on Mondays. There are several concerns I have with this hasty decision. I reviewed the Town Charter, Town Ordinances, and State Statute, and could not find any justification for this action. The following are several sections of the Charter I reviewed that illustrate this point. Chapter III "Said council may by resolution regulate the office hours for all departments in town hall..." The transfer station is not in town hall and therefore does not fall within the Council's authority to set hours. Chapter VI Sec 5a Public Works is responsible for collection and disposal of trash. The Director of Public Works is hired (with council approval) and supervised by the Mayor. He "shall organize his department in such a manner as he shall deem most economical and efficient." The council has not have authority to instruct the Public Works Director on the day to day operations of the department and this would certainly be more economical. Chapter VII Section 3c . Special appropriations. "Request for additional appropriations to cover anticipated deficits in the general fund original budget of a department, or request for an appropriations not included in an original budget shall be submitted to the council for its recommendation..." The original 2015-2016 budget filed with the Town Clerk does not include the monies to pay the additional salaries required to the transfer station open for an additional day. There was also, to my knowledge, no request submitted to the Council asking for an additional appropriation from the general fund to cover this expense. Chapter VII Section 3c(b) of the charter and State Statute Chapter 106 – Town Boards of Finance Sec. 7-347. May transfer unexpended balances. The board may transfer unexpended balances from one appropriation to another, but no amount appropriated for any purpose, whether general or special, shall be used or appropriated for any other purpose unless the same is recommended by the board. The Board of Finance is therefore forced to point out that the Council may have overstepped their authority. Their actions of the council will drive the Transfer station salary and overtime line items will go into deficit, which is contrary, the charter and state statute. Peter Cook Chairman Plymouth Board of Finance.

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**To discuss and take action, as may be necessary, to address the Board of Finance concerns  
Cont'd.**

Peter Cook stated that he would recommend to Charles Wiegert to go back to what he felt was appropriate for the hours of the Transfer Station in order to keep his department from going into deficit.

Town Councilman Zagurski stated he respectfully disagrees with Chairman Cook on the hours of the Town, noting Chairman Cook left out the section right after that which stated we can't control the Board of Education, which is obviously not a department within the Town Hall, but Councilman Zagurski believes the Council controls the hours of the Transfer Station. Town Councilman Zagurski stated he voted no to add this item to the Agenda because he just received it at noon today and didn't have an opportunity to look at it because he works work full-time.

Peter Cook stated if nothing was done then at the next Board of Finance meeting there would be an emergency or the Town could shut the Transfer Station down for the last three weeks of the year, noting this was not how the Town was supposed to run.

When questioned by Town Councilman Zagurski if the Town currently does this with other things, Peter Cook stated the Town does not; a brief discussion followed.

Pattie DeHuff, 20 Lynn Avenue, Terryville, stated the Council adopted the budget and questioned if there was money in the Transfer Station to keep it open on Mondays. Town Councilman Zagurski stated there was. Pattie DeHuff stated she disagreed with Chairman Cook on what budget the Town should be operating under and noted the Board of Finance overstepped its authority when it reworked the Council's budget. She further stated the Council should consider if they were operating under an illegal budget. Pattie DeHuff distributed copies of pages (with highlights) from State Statute and Town Charter covering what the Board of Finance could do, noting the Board of Finance could only recommend, not adopt a budget.

Town Councilman Zagurski stated he agreed with Pattie DeHuff in that the Council adopted a budget, but also agrees that the Board of Finance has line item control; a brief discussion followed.

When questioned by Town Councilwoman Murawski, Peter Cook stated the Council could recommend keeping the Transfer Station open on Mondays, noting the Mayor and Charlie Wiegert could bring it forward to the Board of Finance and ask for a transfer from somewhere else. He further stated unless someone comes to Council and asked for a special one-time appropriation to keep it open on Monday it could come out of the savings account/General Fund.

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**To discuss and take action, as may be necessary, to address the Board of Finance concerns  
Cont'd.**

Town Councilman Wyszynski questioned where the additional day was referred to in Peter Cook's letter to the Council, noting the Transfer Station was always opened on Monday; a brief discussion followed. Peter Cook stated the Council could strike that wording of an additional day.

Catherine Kosak, 201 Harwinton Avenue, Terryville, stated she was a previous member of the Charter Revision Commission and noted if a Referendum failed twice the Council would set a budget, and that they never intended for a department to manipulate their figures and that she agreed with Pattie DeHuff. Catherine Kosak stated if a survey was taken of the Town residents they wouldn't be adamant the Transfer Station be open six days a week and that it was closed with no notice after a 3 to 4 day holiday and briefly explained her statement.

Melanie Church, 328 Main Street, Terryville, stated she looked at the Public Works contract and Saturday was a day of time and a half and briefly explained her statement. Melanie Church stated there was a legal opinion done in 1999 by Attorney Frank D'Ercole that the Board of Finance is only advisory and briefly elaborated on her statement and requested the Council get the legal opinion. Melanie Church stated the people approve the budget and then the Council is authorized by the people to approve a budget after a Referendum fails twice.

Ralph Zovich, 4 Knight Lane, Terryville, stated he was speaking as a former Board of Finance Chamber, and that in regards to Mrs. Church's statement she was confused-Attorney Frank D'Ercole's legal opinion was on the bonding referendum and had nothing to do with the budget process and briefly explained the process. Ralph Zovich stated it was not the power of the people to approve the budget, the council approves it and that no department could exceed their budget. He further stated that the Town Attorney could clarify the State Statute and Charter (see Chapter 7, Section 3). Ralph Zovich stated to keep the Transfer Station open would be a one-time special appropriation for Charlie Wiegert's entire department and if there was an emergency need, i.e. sand and salt goes over budget, a machine broke down, it would have to go to a Town Meeting.

When questioned by Town Councilman Zagurski, Ralph Zovich stated the \$50,000 would be an increase to the authorized budget and briefly explained his statement.

Town Councilman Zagurski stated he wanted to move on with the agenda because he needed an opportunity to look at the correspondence.

Peter Cook stated the Council had to do something because they were currently spending in deficit.

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**To discuss and take action, as may be necessary, to address the Board of Finance concerns  
Cont'd.**

Town Councilman Zagurski stated he felt the Town was currently spending in deficit in a lot of departments and would find proof and let Peter Cook know.

**Real Estate Committee Report (Executive Session if necessary)**

No report.

**Take action on Executive Session if necessary**

No report.

**Town Council Liaison Reports**

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

Town Councilwoman Murawski stated that Planning and Zoning had considered three properties which the Real Estate Committee had submitted, noting there were no 8-24's given out, but Planning and Zoning was allowing the Real Estate Committee to pursue selling properties. She further stated that the Real Estate Committee would go back to Planning and Zoning once a buyer was found and Planning and Zoning would give the 8-24 if it was conducive. Town Councilwoman Murawski stated if the Town had no use for the property the Real Estate Committee should be allowed to sell it. Town Councilwoman Murawski stated two special permits had been applied for by Schultz Corporation and Inland Fuels to reduce topsoil at the Inland Fuels Terminal, noting questions had arisen concerning hours of work, noise, erosion control, quantity of material and timeframe. She further stated that these questions would be addressed at a Special Meeting tentatively set for August 13th. Town Councilwoman Murawski stated a Public Hearing was held for a private Firearms Club at 82 Wolcott Road, and was attended by many concerned residents. She further stated that three ranges were planned and they would be open air. Town Councilwoman Murawski stated this issue would be continued at their next meeting. Town Councilwoman Murawski stated the Water Pollution Control Authority was finishing up their Denitrification Project and that there might be a Special Meeting this week to close it out.

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

Town Councilman Pajeski gave his Communications Commission report noting they were working on the placement of the radio tower equipment at the Fair Grounds and that it would require a storage facility. Town Councilman Pajeski stated Human Services was moving along nicely, they were getting their hours in shape and that programs were working out well.

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**Town Council Liaison Reports Cont'd.**

Town Councilman Pajeski stated that the Human Services Commission was looking at the Dial A Ride hours being extended, noting there was a second bus that was being repaired. Town Councilman Pajeski stated that Gosinski Park had been deferred to the Mayor/Town Attorney, that residents were still dissatisfied, and that everything had to be looked at. He further stated that hopefully everything would be resolved and requested that the tenants wait and be patient. Town Councilman Pajeski stated that things needed to change and be updated.

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

**Council Comments**

Town Councilman Heering stated he had no comments at this time.

Town Councilman Pajeski stated he had no comments at this time.

Town Councilman Zagurski requested an update on the bonding package proposed by the Mayor in May. Mayor Merchant stated it was important for the Town to complete the 2013/2014 Audit prior to looking at the bonding package and felt it would be completed by August.

Town Councilwoman Murawski stated she had no comments at this time.

Town Councilman Wyszynski thanked Michael Ganem and the Public Works crew for all their work with the North Street Reservoir, noting it was quite an accomplishment and a great spot to visit. Town Councilman Wyszynski stated if there was any way he could help Peter Cook just let him know; he was there for him. Town Councilman Wyszynski stated Ralph Zovich should not have referred to the constituents as “yahoos”.

Mayor Merchant stated the Terryville Fair was coming up and he hoped to see everyone there.

**Adjournment**

There being no further business of the Plymouth Town Council, Town Councilwoman Murawski made a motion, seconded by Town Councilman Zagurski, to adjourn at 8:36 p.m. This motion was approved unanimously.