

**MINUTES**  
**VERNON TOWN COUNCIL MEETING**  
**TOWN HALL - 14 PARK PLACE - 3<sup>rd</sup> Floor**  
**VERNON, CONNECTICUT**

**Tuesday, March 3, 2009 7:30 P.M.**

The meeting was called to order at 7:30 PM

**A.) PLEDGE OF ALLEGIANCE**

**ROLL CALL:**

Present: Council Members Bill Campbell, Daniel Champagne, Mark Etre, Bill Fox, Marie Herbst, Nancy Herold, Brian Motola, Sean O'Shea, Pauline Schaefer, Harry Thomas, Michael Winkler

Absent: Daniel Anderson

Entered During Meeting:

Also Present: Mayor Jason L. McCoy, Town Administrator John Ward

**CITIZEN'S FORUM:**

Michael Carlo, 458 Talcottville Road spoke voicing concerns regarding uncertified employees who retire and then collect a Town pension.

Melanie Smith, 165 South Street spoke citing concerns of funding the lobbyist position.

Marie Herbst, 245 Brandy Hill Road concerns on funding lobbyist.

Citizens forum closed at 7:46 PM.

**B.) PUBLIC HEARING**

**None**

**C.) PRESENTATION**

Proclamation presented by Mayor Jason L. McCoy declaring the week of March 8, 2009 as Girl Scout Week here in the Town of Vernon.

Presentation by Town Planner Len Tundermann and Ann Letendre, Project Manager on the Tankerhoosen - A Key Inland Watershed.

Discussion took place during the presentation.

7:51 p.m. Mayor McCoy left the table. Deputy Mayor Motola carried on.

8:21 p.m. Council Member Etre left the table, returned at 8:24 p.m.

9:14 p.m. Mayor McCoy returned to the table.

Deputy Mayor Motola made a correction to Consent Agenda Item #5 changing the date from 10-10-08 to 10-01-08.

Council member Winkler requested Item #5 be pulled for discussion.

Council Member Herbst requested Items #2 & 6 be pulled for discussion.

Council Member Herold requested Item #3 be pulled for discussion.

Council Member Etre, seconded by Council Member Champagne made a motion to approve the Consent Agenda Items #1 and #4 as presented. Motion carried unanimously to approve the consent agenda as amended.

**D.) CONSENT AGENDA ITEMS**

- C 1. Request for Tax Refunds Prior Years and Current Year.** (A copy of the memorandum from Carol L. Nelson, Collector of Revenue to John D. Ward, Town Administrator dated 02-23-09 is included in the Council packet.)

**PROPOSED MOTION:**

THE TOWN COUNCIL HEREBY APPROVES ONE (1) TAX REFUND TOTALING \$546.60 FOR THE PRIOR YEARS, AND SIX (6) TAX REFUNDS TOTALING \$1,368.79 FOR THE CURRENT YEAR, AS OUTLINED IN THE MEMORANDUM FROM THE COLLECTOR OF REVENUE DATED FEBRUARY 23, 2009 TO JOHN D. WARD, TOWN ADMINISTRATOR.

Council Member Etre, seconded by Council Member Champagne made a motion to accept the request for tax refunds for the prior and current years. Motion carried unanimously.

- C 2. Request the Town Council approve a bid waiver for the software GeoTMS.** (A copy of a memorandum to Mayor Jason L. McCoy and the Town Council dated 02-26-09 is included for your review.)

**PROPOSED MOTION:**

THE TOWN COUNCIL, IN ACCORDANCE WITH CHAPTER XII, SECTION 9, OF THE VERNON TOWN CHARTER, DETERMINES THAT IT IS IN THE BEST INTEREST OF THE TOWN TO WAIVE THE BID PROCEDURE FOR ENTERING INTO A CONTRACT WITH THE VENDOR GEOTMS TO SUPPLY A SOFTWARE UPGRADE, WITH MAINTENANCE AND TRAINING, TO THE TOWN OF VERNON. AFTER INVESTIGATION, THIS SUPPLIER IS FOUND TO MATCH THE SPECIFIC NEEDS OF VERNON AND THE COSTS OF SAME.

Council Member Etre, seconded by Council Member Herbst made a motion to approve the bid waiver for the software GeoTMS. Motion carried unanimously.

- C 3. Request the Town Council endorse the selection of Cardinal Engineering and authorize the Mayor to sign the Consultant Agreement between the Town of Vernon and Cardinal Engineering for the West Main Street Bridge Design.** (Copy of a memorandum from Terry McCarthy, Town Engineer to John D. Ward, Town Administrator dated 02-23-09; copy of a memorandum from John D. Ward, Town Administrator to Mayor Jason L. McCoy and the Town Council dated 02-26-09; and a copy of the Cardinal Engineering contract are included in your packet.)

**PROPOSED MOTION:**

THE TOWN COUNCIL IN ACCORDANCE WITH CHAPTER XII, SECTION 9, OF THE TOWN CHARTER, DETERMINES THAT IT IS IN THE BEST INTEREST OF THE TOWN TO WAIVE THE BID PROCEDURE FOR ENTERING INTO A CONTRACT WITH THE CONTRACTOR CARDINAL ENGINEERING AND AUTHORIZES MAYOR JASON L. MCCOY TO EXECUTE THE CONTRACT FOR DESIGN SERVICES FOR THE WEST MAIN STREET BRIDGE PROJECT BETWEEN THE TOWN OF VERNON AND CARDINAL ENGINEERING FOR THE DESIGN PHASE OF THE WEST MAIN STREET BRIDGE PROJECT IN THE AMOUNT OF \$239,900.00.

Discussion took place.

Council Member Herbst, seconded by Council Member Etre made a motion to approve the Town Council's endorsement for the selection of Cardinal Engineering and authorizes the Mayor to sign the Consultant Agreement between the Town of Vernon and Cardinal Engineering for the West Main Street Bridge Design. Motion carried unanimously.

Council Member Herold requested a list of bridges and their conditions be supplied to the Town Council at the next Council meeting. (1 Page summary)

- C 4. Request the Town Council authorize the Mayor to sign the Social Service Block Grant #146-SBG-34/08DSS5002BG.** (A copy of the grant and a copy of a letter from Grant Contract Administrator Phyllis McManus, State of Connecticut, Social Services dated 02-25-09 are included for your review.)

**PROPOSED MOTION:**

THE TOWN COUNCIL HEREBY AUTHORIZES MAYOR JASON L. MCCOY TO EXECUTE ALL DOCUMENTS FOR THE STATE OF CONNECTICUT, DEPARTMENT OF SOCIAL

SERVICE BLOCK GRANT #146-SBG-34/08DSS5002BG, IN THE AMOUNT OF \$44,354.00 FOR A PERIOD BEGINNING ~~10-10-08~~ (10-01-08) THRU 09-30-10.

Council Member Etre, seconded by Council Member Champagne made a motion to authorize the Mayor to sign the Social Service Block Grant #146-SBG-34/08DSS5002BG. Motion carried unanimously.

- C 5. Request the Town Council send to Public Hearing “An Ordinance Amending the Vernon Code on Buildings and Building Regulations.** (A copy of the proposed ordinance is attached for your review, along with a memorandum from John D. Ward, Town Administrator to Mayor Jason L. McCoy and the Town Council dated 02-26-09.)

**PROPOSED MOTION:**

THE TOWN COUNCIL, CONSISTENT WITH CHAPTER V, SECTION SIX OF THE VERNON TOWN CHARTER, ENTITLED “PUBLIC HEARING ON AND PUBLICATION OF ORDINANCES”, HEREBY SCHEDULES A PUBLIC HEARING REGARDING AN ORDINANCE ENTITLED “AN ORDINANCE AMENDING THE VERNON CODE ON BUILDINGS AND BUILDING REGULATIONS”, AT 7:35 PM ON TUESDAY, MARCH 17, 2009, IN THE COUNCIL CHAMBERS, THIRD FLOOR, 14 PARK PLACE, VERNON, CONNECTICUT TO RECEIVE COMMENTS AND QUESTIONS RELATIVE TO THE PROPOSED ORDINANCE.

Council Member Winkler, seconded by Council Member Herbst moved a friendly amendment to paragraph #2 of the Draft Ordinance to state, “The Mayor shall have the authority to override the withholding of the issuance of such permits on property for which a tax delinquency exists, if it is determined by the Mayor that such hardship or extraordinary circumstances warrant such override action.” be changed to read “The Mayor shall have the authority to override the withholding of the issuance of such permits on property for which a tax delinquency exists, if it is determined by the Mayor that **public safety** warrants such override action.”

Mayor called the friendly amendment to the Draft Ordinance “Out of Order”.

Council Member Motola, seconded by Council Member O’Shea made a motion to send to Public Hearing “An Ordinance Amending the Vernon Code on Buildings and Building Regulations” on Tuesday, March 17, 2009 7:35 PM in the Council Chambers. Motion carried 10 to 1, Herbst against.

- C 6. Request the Town Council approve a bid waiver for software purchases recommended by the Town Attorney.** (Copy of memorandum from John D. Ward, Town Administrator to Mayor Jason L. McCoy and the Town Council members dated 02-27-09 is included for your review)

**PROPOSED MOTION:**

THE TOWN COUNCIL IN ACCORDANCE WITH CHAPTER XII, SECTION 9, OF THE TOWN CHARTER, DETERMINES THAT IT IS IN THE BEST INTEREST OF THE TOWN TO WAIVE THE BID PROCEDURE FOR THE PURCHASE OF THE SOFTWARE LISTED ON DATA PROCESSING DIRECTORS LIST DATED 02-27-2009 WITH MAINTENANCE AND TRAINING, TO THE TOWN OF VERNON. AFTER INVESTIGATION, THESE SUPPLIERS ARE FOUND TO MATCH THE SPECIFIC NEEDS OF VERNON AND THE COSTS OF SAME.

Discussion took place.

Council Member Etre, seconded by Council Member Herbst made a motion to approve a bid waiver for software purchases recommended by the Town Attorney. Motion carried unanimously.

**D.) IDENTIFICATION OF ADDITIONAL AGENDA ITEMS**

None

**F.) PENDING BUSINESS**

None

**G.) NEW BUSINESS**

1. **Requested written update of activities by the Zoning Enforcement Officer as requested by Town Council Member Mark Etre.** (Agenda item request dated February 11, 2009 from Council Member Etre is included in the Council packet for your review.) Zoning Enforcement Officer Abraham Ford was present for comment and questions.

Abraham Ford reviewed process and procedures used during daily review of Zoning violations.

Discussion took place.

**PROPOSED MOTION:**

No motion is proposed.

9:37 p.m. Council Member Herold left the table, returned at 9:47 p.m.

9:46 p.m. Council Member Motola left the table, returned at 9:48 p.m.

10:00 p.m. Council Member Etre left the table returned at 10:02 p.m.

Councilmember Herbst recused herself from the meeting with regard to New Business #2.

2. **Request the Town Council endorse a selection, based on the results of the RFQ for State Advocacy/Lobbyist Services dated January 26, 2009.** (A copy of a memorandum dated 02-26-09 to Mayor Jason L. McCoy and Town Council from John D. Ward, Town Administrator, along with a copy of the RFQ is included in your packet.)

**PROPOSED MOTION:**

THE TOWN COUNCIL HEREBY ENDORSES THE SELECTION OF THE FIRM OF \_\_\_\_\_ AND AUTHORIZES THE MAYOR TO ENTER INTO NEGOTIATIONS FOR A ONE-YEAR CONTRACT FOR UP TO \$30,000.00 *WITH AN OPTION FOR THREE ONE-YEAR EXTENSIONS* AND TO EXECUTE SAME. THE COUNCIL FURTHER AUTHORIZES THE MAYOR TO ENTER INTO NEGOTIATIONS FOR AND TO EXECUTE A ONE-YEAR CONTRACT *WITH AN OPTION OF THREE ONE-YEAR EXTENSIONS FOR UP TO \$30,000.00 WITH EITHER OF THE ALTERNATE CHOICES IF A CONTRACT CAN NOT BE SIGNED WITH THE COUNCIL'S FIRST CHOICE.*

Council Member Motola, seconded by Council Member Etre made a motion to endorse the selection of a State Advocacy/Lobbyist Service based on results of the RFQ of January 26, 2009. Motion carried unanimously.

Council Member Motola, seconded by Council Member Thomas made a motion to extend curfew at 10:12 P.M. until the completion of business. Motion carried unanimously.

Discussion took place. Three firms were available for Q & A.

10:13 p.m. Mayor McCoy left the table. Deputy Mayor Motola carried on.

10:22 p.m. Council Member Herold left the table, returned at 10:24 p.m.

10:29 p.m. Council Member Schaefer left the table, returned at 10:34 p.m.

10:31 p.m. Council Member Etre left table, returned at 10:33 p.m.

Council Member Winkler, seconded by Council Member Fox made a friendly amendment to the motion on the floor to change it as follows:

THE TOWN COUNCIL HEREBY ENDORSES THE SELECTION OF THE FIRM OF \_\_\_\_\_ AND AUTHORIZES THE MAYOR TO ENTER INTO NEGOTIATIONS FOR A ONE-YEAR CONTRACT FOR UP TO \$30,000.00 ~~*WITH AN OPTION FOR THREE ONE YEAR EXTENSIONS*~~ AND TO EXECUTE SAME. ~~THE COUNCIL FURTHER AUTHORIZES THE MAYOR TO ENTER INTO NEGOTIATIONS FOR AND TO EXECUTE A ONE YEAR CONTRACT *WITH AN OPTION OF THREE ONE YEAR EXTENSIONS FOR UP TO \$30,000.00 WITH EITHER OF THE ALTERNATE CHOICES IF A CONTRACT CAN NOT BE SIGNED WITH THE COUNCIL'S FIRST CHOICE.*~~

Motion failed 3 for (Herold, Winkler, Fox); 5 against (Campbell, Champagne, Etre, O'Shea, Thomas). Schaefer abstained.

Council Member Campbell, seconded by Council Member Etre made a motion to add the name Gaffney, Bennett, & Associates to the motion on the floor. Motion carried.

Council Member Etre, seconded by Campbell made a motion as a friendly amendment to add "THE TOWN COUNCIL IN ACCORDANCE WITH CHAPTER XII, SECTION 9, OF THE TOWN CHARTER, DETERMINES THAT IT IS IN THE BEST INTEREST OF THE TOWN TO WAIVE THE BID PROCEDURE FOR ENTERING INTO A CONTRACT WITH THE FIRM OF GAFFNEY, BENNETT, & ASSOCIATES. Motion carried as amended to read below: 6-2. Council Member Herold abstained.

THE TOWN COUNCIL IN ACCORDANCE WITH CHAPTER XII, SECTION 9, OF THE TOWN CHARTER, DETERMINES THAT IT IS IN THE BEST INTEREST OF THE TOWN TO WAIVE THE BID PROCEDURE FOR ENTERING INTO A CONTRACT WITH THE FIRM OF GAFFNEY, BENNETT, & ASSOCIATES. THE TOWN COUNCIL HEREBY ENDORSES THE SELECTION OF THE FIRM OF GAFFNEY, BENNETT, & ASSOCIATES AND AUTHORIZES THE MAJOR TO ENTER INTO NEGOTIATIONS FOR A ONE-YEAR CONTRACT FOR UP TO \$30,000.00 WITH AN OPTION FOR THREE ONE-YEAR EXTENSIONS AND TO EXECUTE SAME. THE COUNCIL FURTHER AUTHORIZES THE MAYOR TO ENTER INTO NEGOTIATIONS FOR AND TO EXECUTE A ONE-YEAR CONTRACT WITH AN OPTION OF THREE ONE-YEAR EXTENSIONS FOR UP TO \$30,000.00 WITH EITHER OF THE ALTERNATE CHOICES IF A CONTRACT CAN NOT BE SIGNED WITH THE COUNCIL'S FIRST CHOICE.

Council Member Fox made a motion as a Point of Order, seconded by Council Member \_\_\_\_\_ to include that the second choice is Sullivan & LeShane, Inc. and that the third choice is Murtha Cullina, LLP. Motion carried 6 – 2 (Herold & ??????????).

Schaefer abstained.

**H.) INTRODUCTION OF ORDINANCES**

None

**I.) ACTION ON ORDINANCES PREVIOUSLY PRESENTED**

None

**J.) DISCUSSION OF ADDITIONAL AGENDA ITEMS**

None

**K.) ADOPTION OF MINUTES**

**THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF FEBRUARY 17, 2009 AND THAT MINUTES OF SAID MEETING BE APPROVED.**

Council Member Motola, seconded by Council Member Thomas made a motion to approve the minutes of the February 17, 2009 Town Council Meeting. Motion carried. Champagne abstained.

**L.) EXECUTIVE SESSION**

None

**M.) INFORMATIONAL ITEMS**

1. January, 2009 monthly report for the Vernon Youth Services Bureau as submitted by Alan Slobodien, Director.
2. December, 2008 monthly report for the Vernon Town Clerk as submitted by Bernice Dixon, Town Clerk.
3. January, 2009 monthly report for the Vernon Town Clerk as submitted by Bernice Dixon, Town Clerk.

**ADJOURNMENT ( 11:16 p.m. )**

Council Member Etre, seconded by Council Member Thomas made a motion to adjourn the meeting. Motion carried unanimously.

Draft #1

Unapproved Minutes

**Received:**

**Approved:**

**Respectfully Submitted,  
Bernice K. Dixon  
Clerk of the Council**