

January 19, 2010

APPROVED MINUTES
VERNON TOWN COUNCIL REGULAR MEETING
TOWN HALL - 14 PARK PLACE - 3rd Floor
VERNON, CONNECTICUT

January 19, 2010, 7:00 PM

Deputy Mayor Brian Motola called the meeting to order at 7:02 PM

A. PLEDGE OF ALLEGIANCE

B. ROLL CALL

Present: Council Members Bill Campbell, Daniel Champagne, Mark Etre, Judy Hany, Marie Herbst, James Krupienski, Brian R. Motola, Sean O'Shea, Pauline Schaefer, Harry D. Thomas, Michael A. Winkler

Absent:

Entered During Meeting: Council Member Daniel Anderson (7:20 PM)

Also Present: Town Administrator John Ward, Recording Secretary Jill Kentfield

C. CITIZENS FORUM

There were no speakers at Citizen's Forum

Citizen's forum closed at 7:05 PM

D. PUBLIC HEARINGS (7:05 pm)

PUBLIC HEARING TO RECEIVE COMMENTS AND QUESTIONS RELATIVE TO ORDINANCE #279 "AN ORDINANCE ESTABLISHING PROCEDURE AND FEES FOR LICENSING AND PERMITS FOR WORK PERFORMED WITHIN A PUBLIC RIGHT OF WAY".

Council Member Thomas, seconded by Council Member Campbell made a motion to recess the Town Council Meeting and open the public hearing. Motion carried unanimously.

Open Public Hearing (7:06 PM)

Deputy Mayor Motola called the public hearing to order to receive comments and answer any questions from the public. The recording secretary read the legal notice into the record.

No public comments.

Discussion took place among Council Members regarding the posting and advertisement of the legal notice. Council Member Champagne requested the legal notice be added to the website.

Council Member O'Shea, seconded by Council Member Thomas made a motion to adjourn the public hearing. Motion carried unanimously.

Close Public Hearing (7:09 PM)

E. PRESENTATIONS BY THE ADMINISTRATION

1. Update by Senator Guglielmo, and Representatives Lewis and Janowski on the State's current fiscal projections.

Senator Guglielmo and Representatives Lewis and Janowski presented the latest information regarding the status of the budget and their priorities for the next legislative session. They also answered questions and provided information to Town Council Members.

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RECESS (8:14 PM)

RECONVENE (8:22 PM)

2. Deputy Mayor Motola presented Proclamations to the Department of Public Works Staff for their participation in the Annual Snow Plow Safety "Roadeo", organized by the Connecticut Association of Street and Highway Officials. The Vernon Department of Public Works captured First Place in the *6-WHEEL DUMP TRUCK EVENT*, Second Place for the *MASON TRUCK EVENT*, and *BEST OVERALL*. The proclamation for second place in the Mason Truck Safety event went to Michael Baran. The proclamation for 1st place in the 6th wheel dump truck event went to Tony Manfre. The proclamation Best Overall Municipality went to Shawn Tellier.

F. ACTION ON CONSENT AGENDA

Council Member Etre, seconded by Council Member Champagne made a motion to approve the consent agenda items as presented. Deputy Mayor Motola removed consent item #6 from the agenda. Council Members Etre and Herbst requested to pull consent agenda item # 7, Council Member Krupienski pulled agenda item #2 and Council Member Motola pulled item #5 for discussion. Motion carried unanimously to approve consent agenda items 1, 3 and 4 as presented.

- C 1.** **Request for Tax Refunds Prior Years and Current Year.** (A copy of a memorandum from Terry Hjarne, Collector of Revenue, to John D. Ward, Town Administrator dated January 11, 2010 is included in the Council packet.) **Appendix A**

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES FIVE (5) TAX REFUNDS TOTALING \$656.33 FOR PRIOR YEARS AND FIVE (5) TAX REFUNDS TOTALING \$ 499.46 FOR THE CURRENT YEAR AS OUTLINED IN THE MEMORANDUM FROM TERRY HJARNE, COLLECTOR OF REVENUE TO JOHN D. WARD, TOWN ADMINISTRATOR DATED JANUARY 11, 2010.

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

- C 3.** **Request the Town Council approve the Mayor's appointment of Everett Ray Weaver (U), 14 Deepwood Drive, Vernon, Connecticut as a regular member of the Water Pollution Control Authority, said appointment to commence on January 20, 2010 and expires December 31, 2012.** (A copy of Mr. Weaver's resume is included in the Council's packet. We have requested an updated resume be provided.)

PROPOSED MOTION:

PURSUANT TO CHARTER CHAPTER VIII, SEC. 3; AND CHARTER CHAPTER XII, SEC. 4, THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S APPOINTMENT OF EVERETT RAY WEAVER (U), 14 DEEPWOOD DRIVE, VERNON, CONNECTICUT, AS A REGULAR MEMBER OF THE WATER POLLUTION CONTROL AUTHORITY, SAID APPOINTMENT TO COMMENCE ON JANUARY 20, 2010 AND EXPIRES DECEMBER 31, 2012.

Council Member Etre, seconded by Council Member Champagne made the above motion to approve the Mayor's appointment of Everett Ray Weaver as a regular member

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of the Water Pollution Control Authority for a term of January 20, 2010 through December 31, 2012. Motion carried unanimously.

- C 4. Request the Town Council approve the Mayor's appointment of Mark Kalina, (R), 33 Snipsic Street, Vernon, Connecticut as a regular member of the Inland Wetlands Regulatory Commission, said term to commence on January 20, 2010 and expires on December 31, 2010.** (A copy of Mr. Kalina's resume is included for Council review.)

PROPOSED MOTION:

PURSUANT TO CHARTER CHAPTER VIII, SEC. 8, THE TOWN COUNCIL HEREBY APPROVES THE APPOINTMENT OF MARK KALINA, (R), 33 SNIPSIC STREET, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE INLAND WETLANDS REGULATORY COMMISSION, SAID TERM TO COMMENCE ON JANUARY 20, 2010 AND EXPIRES ON DECEMBER 31, 2010.

Council Member Etre, seconded by Council Member Champagne made the above motion to approve the Mayor's appointment of Mark Kalina as a regular member of the Inland Wetlands Regulatory Commission for a term of January 20, 2010 through December 31, 2010. Motion carried unanimously.

- C 5. Request the Town Council approve the Mayor's appointment of William G. Fox, (D), 2 Eastview Drive, Vernon, Connecticut 06066 as a regular member of the Human Services Advisory Commission, said term to commence on January 20, 2010 and expires on June 30, 2011.** (A copy of Mr. Fox's resume is included for your review and an updated version requested.)

No action taken

- C 6. Request the Town Council approve the Mayor's appointment of Adam B. Weissberger, (R), 75 Hockanum Blvd., Unit 3313, Vernon, Connecticut as a regular member of the Water Pollution Control Authority, said appointment to commence on January 20, 2010 and expires December 31, 2012.** (A copy of Mr. Weissberger's resume is included in the Council's packet.)

This item was removed from the agenda - no action taken

G. IDENTIFICATION AND ADOPTION OF ADDITIONAL AGENDA ITEMS

Council Member Etre, seconded by Council Member Campbell made a motion to add an additional agenda item regarding a public hearing for Ordinance no _____. An Ordinance Amending Ordinance #229 entitled "An ordinance amending section 3-1 of the Town of Vernon Code". Discussion regarding the Ordinance Committee took place. Council Member Krupienski requested the item be placed under section "J" Introduction of Ordinances. Further discussion took place. Motion failed, Council Members Anderson, Thomas and Schaefer opposed, Council Members Herbst and Hany abstained.

- C 7. Request the Town Council authorize the purchase of new automated recycling and refuse trucks as well as the recycling and refuse containers for same.** (Back up information is included for the Council's review.)

DPW Director Kleinhans provide a presentation to Council Members that included current transfer station, recycling and refuse pick-up operations. His presentation also included cost-saving measures and enhancements if the Town Council were to approve automated refuse pick up and recycling.

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PROPOSED MOTION ONE:

THE TOWN COUNCIL AUTHORIZES THE LEASE – PURCHASE OF A NEW AUTOMATED RECYCLING TRUCK AND THE PURCHASE OF FOUR THOUSAND RECYCLING BINS.

Council Member Champagne, seconded by Council Member Thomas made the above motion to authorize the Town Council to lease - purchase a new automated recycling trucks as well as 4,000 recycling containers. Discussion took place.

(9:51 PM) Council Member Etre, seconded by Council Member Thomas made a motion to extend curfew until the end of business. Motion carried, Council Members Anderson and Herbst opposed and Council Member O'Shea abstained.

Discussion continued.

RECESS (10:19 PM)

RECONVENE (10:33 PM)

Council Member Champagne, seconded by Council Member Thomas made a motion for a friendly amendment to include new proposed language. Motion to read as follows:

THE TOWN COUNCIL AUTHORIZES THE LEASE-PURCHASE OF A NEW AUTOMATED RECYCLING TRUCK AND THE PURCHASE OF FOUR THOUSAND RECYCLING CONTAINERS, SUBJECT TO FINANCING TERMS TO BE APPROVED AT A FUTURE MEETING.

Council Member Winkler while in favor of the new language wanted to make note that the new language for the motions was handed out during the meeting.

Council Member Herbst, seconded by Council Member Schaefer made a motion to change the language in the amended motion from "at a future meeting" to "the second meeting in February" Motion failed, Council Members Champagne, Etre, Hany, Krupienski, Motola, Schaefer, Thomas and Winker opposed, Council Member Anderson abstained.

Council Member Krupienski, seconded by Council Member Etre, accepted by Council Members Champagne and Thomas made a motion for a friendly amendment to change the language in the motion from "at a future meeting" to "No later than June 15, 2010."

Discussion continued.

Council Member Thomas called the motion for a vote. Deputy Mayor Motola requested the recording secretary read the motion.

MOTION ONE:

THE TOWN COUNCIL AUTHORIZES THE LEASE-PURCHASE OF A NEW AUTOMATED RECYCLING TRUCK AND THE PURCHASE OF FOUR THOUSAND RECYCLING CONTAINERS, SUBJECT TO FINANCING TERMS TO BE APPROVED NO LATER THAN JUNE 15, 2010.

The motion as amended passed, Council Members Anderson and Schaefer opposed, Council Member Herbst abstained.

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MOTION TWO:

THE TOWN COUNCIL AUTHORIZES THE LEASE – PURCHASE OF A NEW AUTOMATED REFUSE TRUCK AND THE PURCHASE OF FOUR THOUSAND REFUSE CONTAINERS SUBJECT TO FINANCING TERMS TO BE APPROVED NO LATER THAN JUNE 15, 2010.

Council Member Champagne, seconded by Council Member Thomas made the above motion to authorize the lease – purchase of a new automated refuse truck and the purchase of four thousand refuse bins. Discussion took place. Motion carried, Council Members Anderson and Schaefer opposed, Council Member Herbst abstained.

MOTION THREE:

THE TOWN COUNCIL AUTHORIZES THE PURCHASE OF A USED AUTOMATED REFUSE TRUCK TO SERVE AS BACKUP EQUIPMENT FOR AUTOMATED RECYCLING AND REFUSE COLLECTION; AND FURTHER AUTHORIZES THE DESIGNATION OF AVAILABLE FUNDS IN THE RESERVE FOR CAPITAL AND NON-RECURRING EXPENDITURES ACCOUNT, TRANSFERRING \$50,000.00 FROM THE CRRRA PROCEEDS SETTLEMENT TO THE USED AUTOMATED REFUSE TRUCK

Council Member Champagne, seconded by Council Member Thomas made the above motion to authorize the purchase of a used automated refuse truck to serve as backup equipment and authorizes the designation of available funds in the reserve capital and non-recurring expenditures account. Motion carried, Council Members Anderson and Schaefer opposed, Council Member Herbst abstained.

MOTION FOUR:

THE TOWN COUNCIL AUTHORIZES THE PURCHASE OF A COMPACTOR FOR THE TRANSFER STATION; AND FURTHER AUTHORIZES THE DESIGNATION OF AVAILABLE FUNDS IN THE RESERVE FOR CAPITAL AND NON-RECURRING EXPENDITURES ACCOUNT, TRANSFERRING \$60,000.00 FROM THE CRRRA PROCEEDS SETTLEMENT TO THE TRANSFER STATION COMPACTOR.

Council Member Champagne, seconded by Council Member Thomas made the above motion to authorize the purchase of a compactor for the transfer station and authorize the designation of available funds in the reserve for Capital and Non-recurring expenditures account. Discussion took place.

11:04 PM: Council Member Anderson left the meeting

Motion carried, Council Members Herbst and Schaefer abstained.

11:05 PM: Council Member O'Shea left the meeting.

C 2. Request the Town Council approve budget amendment #11 for fiscal year 2009-2010, as provided by James Luddecke, Finance Officer. (A copy of the budget amendment request is included in the Council packet.) Appendix B

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES BUDGET AMENDMENT #11, FOR FISCAL YEAR 2009-2010 AS OUTLINED IN THE BUDGET AMENDMENT FORMS PROVIDED BY THE FINANCE OFFICER JAMES LUDDECKE.

Council Member Krupienski, seconded by Council Member Champagne made the above motion to approve budget amendment #11 for fiscal year 2009-2010. Discussion took place. Council Member Krupienski requested the most up to date figures on the budget

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requests prior to submitting for a vote. Council Member Winkler requested the DPW Director educate citizens on the methods DPW uses to plow the roads in conjunction with chemicals and environmentally friendly (i.e. one pass down the center of the road with the chemicals spread further to melt the snow). Motion carried, Council Member Herbst abstained.

H. PENDING BUSINESS

1. **Follow up report on the parking questions relative to the Union Street/Maple Street School area.** (Town Administrator John D. Ward to comment.)

PROPOSED MOTION:

NONE

Council Member Winkler, seconded by Council Member Thomas made a motion to suspend the order of business to allow a citizen to speak. Motion carried unanimously.

Maureen Baker, Corner of Maple and Grant Street spoke about the traffic and parking issues that take place around Maple Street School. She is looking to Town Council Members for a solution. She suggested parking at the abandoned Friendly's.

Town Administrator Ward presented information provided to Administration from Police Chief Kenny, Superintendent of Schools and Principal of Maple Street School and the Engineering Department. The basic problem is no parking lot at the school for teachers and staff forces them to park on the street compounded by parent drop off. The school needs 45 parking spots for teachers and personnel and 5 visitor spots. The following solutions were reviewed:

- Speak to landowners in the area such as Big Tang, Friendly's, and Salvation Army about using their parking lot. St. Joseph Church already allows the school to use 10-12 spots in their parking lot. The local landowners are not open to using their parking lots at this time.
- Utilize Maple Street as a 1-way road from South to North. This will allow for 32 parking spots using diagonal parking. However, this needs permission from the Vernon Traffic Authority and possibly the State of Connecticut since Union Street is a state road.

Council Member Herbst, seconded by Council Member Etre made a motion to have Administration send a notice to the Vernon Traffic Authority requesting to review the Town Council proposal regarding the possibility of making Maple Street a 1-way street at their next meeting. Someone from Administration should present at the meeting to explain the request. Discussion took place. Council Member Winkler made a motion for a friendly amendment to have the Traffic Authority determine the feasibility of the proposal and not include this as a Town Council proposal since the members of the Town Council have not reviewed the proposal in depth. Motion carried unanimously.

I. NEW BUSINESS

1. **Request the Town Council adopt the suggested schedule of 2010-2011 budget hearings and designate two of the meetings, along with the Annual Town Meeting as official public hearings. (See attached list for suggested dates.)**

PROPOSED MOTION #1:

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THE TOWN COUNCIL HEREBY SCHEDULES THE FOLLOWING BUDGET MEETING DATES FOR BUDGET DELIBERATIONS, MARCH 22, 24, 25, 31, APRIL 7, 2010 SAID MEETINGS TO BE HELD AT 7:00 PM, COUNCIL CHAMBERS, VERNON TOWN HALL, 14 PARK PLACE, VERNON, CONNECTICUT. THE TOWN COUNCIL ALSO SCHEDULES ONE BUDGET MEETING ON SATURDAY, MARCH 27, 2010 AT 10:00 AM, COUNCIL CHAMBERS, VERNON TOWN HALL, 14 PARK PLACE, VERNON, CONNECTICUT.

Council Member Etre, seconded by Council Member Schaefer made the above motion to approve the schedule of meeting dates for the budget deliberations to take place on March 22, 24, 25, 31 and April 7, 2010 at 7:00 PM in Council Chambers. Motion carried unanimously.

2. **Public Hearing/Discussion regarding request by Council Member Mark Etre relative to his request proposing a "Certificate of occupancy required for lawful occupation program" Ordinance.** (A copy of Mr. Etre's request is included for Council's review.)
Appendix C

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 "**ORDINANCE NO. __, AN ORDINANCE REQUIRING A CERTIFICATE OF APARTMENT OCCUPANCY**", AT 7:05 PM ON TUESDAY, FEBRUARY 2, 2010 LOCATED AT THE COUNCIL CHAMBERS, THIRD FLOOR, 14 PARK PLACE, VERNON, CONNECTICUT TO RECEIVE COMMENTS AND ANSWER QUESTIONS RELATIVE TO THE PROPOSED ORDINANCE.

Council Member Etre, seconded by Council Member Champagne made the above motion to schedule a public hearing regarding an Ordinance entitled "An Ordinance requiring a Certificate of Apartment Occupancy" for February 2, 2010 at 7:05 PM at the Council Chambers. Discussion took place. Council Member Etre made a motion for a friendly amendment to strike section "g" from the ordinance language. Council Member Krupienski requested the Building Department be present at the public hearing to speak about the impact on vacant apartments. Motion as amended carried, Council Member Herbst abstained.

1. **Request the Town Council adopt the suggested schedule of 2010-2011 budget hearings and designate two of the meetings, along with the Annual Town Meeting as official public hearings. (See attached list for suggested dates.)**

PROPOSED MOTION #2:

THE TOWN COUNCIL HEREBY DESIGNATES MARCH 22 AND 27, 2010 AND APRIL 27, 2010 PUBLIC HEARING DATES TO RECEIVE COMMENT AND ANSWER QUESTIONS REGARDING THE 2010-2011 TOWN OF VERNON BUDGET. THE HEARING ON MARCH 22, 2009 WILL BE HELD AT 7:05 PM AND THE HEARING ON MARCH 27, 2010 WILL BE HELD AT 10:00 AM, IN THE TOWN COUNCIL CHAMBERS, TOWN HALL, VERNON, CONNECTICUT. THE HEARING AND TOWN MEETING ON APRIL 27, 2010 WILL BE HELD AT 7:00 PM IN THE ROCKVILLE HIGH SCHOOL AUDITORIUM, LOVELAND HILL ROAD, VERNON, CONNECTICUT 06066. SAID PUBLIC HEARING TO BEGIN AT 7:05 PM.

Council Member Etre, seconded by Council Member Champagne made the above motion to designate March 22, 27 and April 27 as public hearing dates to receive

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comments and answer questions regarding the 2010-2011 Town of Vernon budget.
Motion carried, Council Member Herbst abstained.

J. INTRODUCTION OF ORDINANCES

K. ACTION ON ORDINANCE(S) PREVIOUSLY PRESENTED

ORDINANCE #279 “AN ORDINANCE ESTABLISHING PROCEDURE AND FEES FOR LICENSING AND PERMITS FOR WORK PERFORMED WITHIN A PUBLIC RIGHT OF WAY”.

No action taken

L. DISCUSSION OF ADDITIONAL AGENDA ITEMS, Pulled consent items from (f) and pulled items from (o) informational items, etc.

M. ADOPTION OF MINUTES

THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 5, 2010 AND THAT MINUTES OF SAID MEETING BE APPROVED.

No action taken

N. EXECUTIVE SESSION

None

O. INFORMATIONAL ITEMS, Petitions, communications, correspondence, reports, etc. not requiring action

1. Monthly Report, November and December 2009 for the Senior Center as submitted by Penny Rand, Director.
2. Monthly Report, December, 2009 for the Vernon Police Department as submitted by Captain Stephen M. Clark.
3. Monthly Report, Ambulance Report for the December, 2009, as submitted by Jean Gauthier, EMS Coordinator.
4. Monthly Report, December, 2009 for the Vernon Youth Services Bureau as submitted by Alan M. Slobodien, Director.
5. Monthly Report, December, 2009 for the Building Department as submitted by Assistant Building Official, Harry Dan Boyko.
6. Newsletter submitted by the Community Child Guidance Clinic, Inc.
7. Rockville Public Library Strategic Plan 2009-2013.

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Adjourn (11:34 PM)

Council Member Herbst, seconded by Council Member Thomas made a motion to adjourn. Motion carried, Council Members Krupinski, Winkler and Motola opposed.

Received: January 21, 2010

Approved: January 27, 2010

Respectfully Submitted,

Jill Kentfield
Recording Secretary

Karen C. Daigle
Assistant Town Clerk

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Appendix A



TOWN OF VERNON

8 PARK PLACE, VERNON, CT 06066
Tel: (860) 870-3660
Fax: (860) 870-3585

OFFICE OF THE
COLLECTOR OF REVENUE

TO: John Ward, Town Administrator
FROM: Terry Hjarne, Collector of Revenue
DATE: January 11, 2010
SUBJECT: Refunds for Town Council Approval

PRIOR YEARS:

Arnold Deborah L.....	76.29
Assessor's Correction – Junked	
DCFS Trust.....	179.30
Assessor's Correction- Sold Vehicle	
Morganson Dorothy.....	90.84
Assessor's Correction – Apply Vet Exemption	
Muriel Charisse.....	10.78
Taxpayer paid too much	
Volvo Finance NA INC/Thomson Reuters.....	299.32
Assessor's Correction- Sold Vehicle	

CURRENT YEAR:

Bruley Erin M.....	204.34
Assessor's Correction – Sent to Hebron	
Honda Lease Trust.....	68.35
Assessor's Correction- Sold Vehicle	
Jacques Tony G.....	148.92
Assessor's Correction – Sent to Hebron	
Riley Vernon T or Linda K.....	27.85
Assessor's BAA Adjustment	
Schwarz Rena M.....	50.00
Taxpayer Paid Too Much	

(5) Prior Overpayments.....	\$656.53
(5) Current Overpayments.....	\$499.46

Cc: James Luddecke

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Appendix B

Budget Amendment Request

Total Amount Requested: \$40,000.00 Fiscal Year 2009 - 2010 Date: January 19, 2010

To: Finance Officer From (Department): DPW - Snow Removal Amendment #: **11**

Type of Amendment (X): Additional Appropriation Pass-Through Transfer

Request is hereby submitted for amendment(s) of budget as indicated.

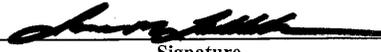
Department	Account Description	Org Code	Object	Amount
FROM:				
Fund Balance		100	31200	40,000.00
"FROM" Subtotal:				\$ 40,000.00

Department	Account Description	Org Code	Object	Amount
TO:				
1. Snow Removal	Overtime wages	10340204	51020	30,000.00
2. Snow Removal	Gravel / Sand / Salt	10340204	56181	10,000.00
3.				
4.				
"TO" Subtotal:				\$ 40,000.00

No.	COMMENTS CONCERNING BUDGET AMENDMENT REQUEST
1.	To cover costs of snow removal overtime. Total overtime through January 8, 2010, amounts to \$68,732.59. This request is to assure funding is in place for the upcoming winter months.
2.	To cover anticipated costs for calcium / sand.

	1	2	3	4
Balance in account for which funds are requested:	21,267.41	29,333.15		
Original appropriation in account:	90,000.00	71,000.00		
Plus or minus prior amendments:	-	-	-	-
Amount of appropriation to date:	90,000.00	71,000.00	-	-

James M. Luddecke
Department Head


Signature

January 13, 2010
Date

At a meeting of the Town Council held on _____ the above request(s) was/were approved in the amount of: _____

Signature of Town Administrator: _____

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Appendix C

ORDINANCE NO. _____

WHEREAS, the Town of Vernon wishes to provide residents the opportunity to maximize the lawful use of their rental or leased property by allowing customary examinations of the property to ensure compliance with the Vernon Housing Code, the Property Maintenance Code and other applicable state codes; and

WHEREAS, the Town of Vernon recognizes that current regulations do not adequately address certificates of occupancies; and

WHEREAS, the Town of Vernon finds that proper regulation occupancy required for lawful occupation will help promote the health and welfare of the community;

NOW, THEREFORE BE IT AND IT IS HEREBY ORDAINED by Council of the Town of Vernon, Connecticut that pursuant to Conn. Gen. Stat. 47a-57:

- (a) An apartment or dwelling unit in any structure containing three (3) or more housing units in the town of Vernon shall not be occupied for human habitation, after a vacancy, until a certificate of occupancy has been issued by the building official or his designee, certifying that such apartment or dwelling unit conforms to the requirements of the applicable housing ordinances of such municipality and this chapter.
- b) No provision of this section shall apply to any structure occupied by the owner thereof and containing three (3) or less housing units. No provision of this section shall be construed to prohibit human occupancy of such apartment or dwelling unit during the pendency of an application for such certificate.
- (c) Any person aggrieved by the refusal of a certificate of occupancy may appeal to the superior court for the judicial district within which the structure is located. Such appeal shall be privileged.
- (d) Any owner or lessor who recovers rent for the occupation of any apartment or dwelling unit for which a certificate of occupancy has not been obtained prior to the rental thereof in violation of subsection (a) above, shall be liable for a civil penalty of not more than twenty dollars (\$20.00) per day for not more than two hundred (200) days for such period of unlawful occupation.
- (e) The provisions of this section shall not apply to any structure, which has been constructed or substantially reconstructed within the ten-year period immediately before the date such certificate of occupancy would otherwise be required under this section.
- (f) All applications for a certificate of occupancy for each apartment or unit shall be accompanied by a fee payable by check or money order consistent with the Town of Vernon code of Ordinances Sec. 3-1(1).

INTRODUCED:

ADVERTISED:

PUBLIC HEARING:

COUNCIL ACTION:

ADVERTISED:

EFFECTIVE DATE: