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

March 20, 2012 – 7:30 PM

Mayor George Apel called the meeting to order at 7:30 PM

A) PLEDGE OF ALLEGIANCE.

B) ROLL CALL:
Present: Council Members Bill Campbell, Thomas DiDio, Virginia Gingras, Judy Hany, John Kopec, Brian Motola, Steven Peterson, Thomasina Russell, Daniel Sullivan, Adam Weissberger, and Michael Winkler
Absent: Marie Herbst
Entered During Meeting:
Also Present: Mayor George Apel, Town Administrator John Ward, Recording Secretary Jill Kentfield

C) CITIZEN'S FORUM
Joe Adler, 87 Scott Drive spoke about the nuisance barking ordinance request.

Cheryl McMullan, 564 Bolton Road spoke about the nuiance barking ordinance request and the question and answer document provided to town council members in new business #1.

Eric Hoffman, 191 Warren Ave spoke about the nuisance barking ordinance request and provided suggested revisions

7:45 PM Council Member Motola, seconded by Council Member Weissberger made a motion to extend citizens forum, Motion carried unanimously.

Ann Donofrio, 12 Quail Hollow Road spoke about her lack of reimbursement for condo complex streetlights and fire hydrants

William Smith, 30 Vernwood Dr, spoke about the invitation to town council members regarding the Talcottville Congregational Church Memorial Day event.

James Krupienski, 59 Deerfield Dr., spoke about the purchase of police vehicles in consent #3, use of general fund, the utilization of funds from the insurance exchange account in consent #4 and stated that a correction should be made in consent #11 which reads section 204 but should read section 241b. He also spoke about the Maxwell family burial ground.

Citizen's forum closed at 7:55 PM

D.) **EXECUTIVE SESSION**
None

E.) **PUBLIC HEARING**
None

F.) **PRESENTATIONS**
Mayor George F. Apel to make a presentation to the Town Council on various topics.

- On Wednesday March 21, 2012 the computer servers began to fail a total of 15 servers failed but at no time did emergency services get affected. 911 was fully active. We are on our way to recovery. On March 19, 2012 the servers were back on-line at 90%.
- If e-mails do not go through, please try again.
- Mayor Apel apologized for the delay in getting the Town Council meeting packets out due to the server issue.
- Dr. Conway requested a special meeting regarding the Board of Education take place on Thursday, 3/22/2012 at 6:30 PM
- The meet and greet of Dawn Mazelek took place last Thursday
- Ribbon cutting took place at Peking House last week and the ribbon cutting at Jumpin Johnnies will take place at the end of the month.
- The ordinance committee is continuing their review.
- Memorial Day parade plans are underway

G.) **CONSENT AGENDA ITEMS**

Council Member Motola, seconded by Council Member DiDio made a motion to approve the consent agenda items as presented. Council Member DiDio to pulled consent agenda item #'s 3, 4, 5, 8, 9 11, 12 and 13 for discussion. Motion carried unanimously to approve the consent agenda items 1, 2, 6, 7, and 10 as presented.

C 1. **Request for Tax Refunds for Current Year.** (A copy of a memorandum from Terry Hjarne, Collector of Revenue, to John D. Ward, Town Administrator dated March 12, 2012 is included in the Council packet.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES ELEVEN (11) OVERPAYMENTS OF THE CURRENT YEAR IN THE AMOUNT OF $11,957.49 AS OUTLINED IN THE MEMORANDUM FROM TERRY HJARNE, COLLECTOR OF REVENUE TO JOHN D. WARD, TOWN ADMINISTRATOR DATED MARCH 12, 2012.

Council Member Motola, seconded by Council Member DiDio made the above motion to approve the tax refunds for current year. Motion carried unanimously.

C 2. **Request the Town Council approve the appointment of the Auditors for the fiscal year 2012 audit.** (A copy of a memorandum dated March 9, 2012 from James M. Luddecke, Finance Officer and Treasurer to John D. Ward, Town Administrator is included for Council review.)

PROPOSED RESOLUTION:

RESOLVED, THE VERNON TOWN COUNCIL HEREBY APPOINTS THE FIRM OF J.H. COHN, LLP OF 76 BATTERSON PARK ROAD, FARMINGTON, CONNECTICUT AS AUDITORS TO AUDIT THE BOOKS AND ACCOUNTS OF THE TOWN OF VERNON FOR THE FISCAL YEAR ENDING JUNE 30, 2012; AND TO AUTHORIZE THE TOWN ADMINISTRATOR TO EXECUTE CONTRACT #917 IN THE AMOUNT OF $54,900.00 FOR THE FISCAL YEAR 2012 AUDIT.

Council Member Motola, seconded by Council Member DiDio made the above motion to approve the appointment of the firm of J.H. Cohn, LLP as the Auditors for the fiscal year 2012 audit. Motion carried unanimously.

C 6. **Request the Town Council approve the disposal of the fixed asset known as 1989 Sutphen Ranger Pumper Truck and further sell same to Bowman Community Volunteer Fire Department, in Wichita Falls, Texas in the amount of $16,000.00.** (See memorandum dated March 10, 2012 from James M. Luddecke, Finance Officer and Treasurer to John D. Ward, Town Administrator regarding same.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES THE DISPOSAL OF THE FIRE DEPARTMENT'S 1989 SUTPHEN RANGER PUMPER TRUCK, AND TO SELL IT TO THE BOWMAN COMMUNITY VOLUNTEER FIRE DEPARTMENT OF WICHITA FALLS, TEXAS, FOR A MINIMUM AMOUNT OF $16,000.00; AND FURTHER, TO APPLY THE PROCEEDS TO EQUIPPING THE REPLACEMENT PUMPER TRUCKS AND OTHER ITEMS AS DISCLOSED IN BUDGET AMENDMENT NUMBER TWENTY-EIGHT.

Council Member Motola, seconded by Council Member DiDio made the above motion to approve the disposal of the fixed asset known as 1989 Sutphen Ranger Pumper Truck and further sell same to Bowman Community Volunteer Fire Department, in Wichita Falls, Texas in the amount of $16,000.00. Motion carried unanimously.

C 7. **Request the Town Council authorizes Mayor George F. Apel to submit a LoCIP Grant Application in the amount of $15,000.00.** (A copy of a memorandum dated March 10, 2012 from James M. Luddecke, Finance Officer and Treasurer to John D. Ward, Town Administrator relative to same is included in the packet for review.)

PROPOSED MOTION:

THE TOWN COUNCIL AUTHORIZES THE MAYOR TO SUBMIT AN APPLICATION TO THE STATE OF CONNECTICUT LOCAL CAPITAL IMPROVEMENT PROGRAM (LoCIP) FOR A GRANT IN THE AMOUNT OF $15,000.00 TO BE EXPENDED FROM THE RESERVE FOR CAPITAL AND NON-RECURRING EXPENDITURES ACCOUNT FOR THE ADA IMPROVEMENTS – PHASE II; AND TO AMEND THE TOWN'S SIX-YEAR CAPITAL IMPROVEMENT PLAN TO INCLUDE THE REVISED COST ESTIMATE OF $15,000.00 FOR THIS PROJECT.

Council Member Motola, seconded by Council Member DiDio made the above motion to authorize Mayor Apel to submit a LoCIP Grant Application in the amount of $15,000.00. Motion carried unanimously.

C 10. **Request the Town Council approve Mayor George F. Apel's appointment of Judith Grosskortenhaus, (R), 13 Brittany Lane, Vernon, Connecticut as a regular member of the Vernon Arts Commission, said term to begin on March 21, 2012 and continues indefinitely.** (A copy of Ms. Grosskortenhaus' resume is included for Council review.)

PROPOSED MOTION:

PURSUANT TO TOWN COUNCIL RESOLUTION DATED 09-21-76 AMENDED ON 09-21-1982 THE TOWN COUNCIL HEREBY APPROVES MAYOR GEORGE F. APEL'S APPOINTMENT OF JUDITH GROSSKORTENHAUS, (R), 13 BRITTANY LANE, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE VERNON ARTS COMMISSION, SAID TERM TO COMMENCE ON MARCH 21, 2012 AND CONTINUES INDEFINITELY.

Council Member Motola, seconded by Council Member DiDio made the above motion to approve the Mayor's appointment of Judith Grosskortenhaus as a regular member of the Vernon Arts Commission for a term of March 21, 2012 continuing indefinitely. Motion carried unanimously.

H.) **DISCUSSION OF PULLED CONSENT AGENDA ITEMS**

C 3. **Request the Town Council authorize the re-designation of available resources and further authorizes the purchase of two (2) police vehicles.** See memorandum dated March 9, 2012 from James M. Luddecke, Finance Officer and Treasurer to John D. Ward, Town Administrator regarding same.)

PROPOSED MOTION:

THE TOWN COUNCIL AUTHORIZES THE RE-DESIGNATION OF AVAILABLE RESOURCES IN THE RESERVE FOR CAPITAL AND NON-RECURRING ACCOUNT AS FOLLOWS: FROM: POLICE VEHICLE-SALE PROCEEDS - $8,372.00; VEHICLE REPLACEMENT – HYBRID $10,188.00; AND ANIMAL CONTROL VAN - $11,988.00. THE COMBINED TOTAL OF $30,548.00 IS TO BE DESIGNATED FOR THE "REPLACEMENT OF POLICE VEHICLES."

FURTHER, THE TOWN COUNCIL AUTHORIZES THE PURCHASE OF TWO (2) POLICE VEHICLES IN THE AMOUNT OF $48,216.00, UTILIZING A GENERAL FUND APPROPRIATION OF $19,700.00 AND THE BALANCE FROM THE DESIGNATION FOR REPLACEMENT OF POLICE VEHICLES WITHIN THE RESERVE FOR CAPITAL AND NON-RECURRING EXPENDITURES ACCOUNT.

Council Member Motola, seconded by Council Member Winkler made the above motion to approve the re-designation of available resources and authorize the purchase of two police vehicles. Discussion took place. Motion carried unanimously.

C 4. **Request the Town Council authorize the transfer of $30,000.00 from the Insurance Exchange Account to the General Fund.** (A copy of a memorandum dated March 9, 2012 from James M. Luddecke, Finance Officer and Treasurer to John D. Ward, Town Administrator regarding same is included for Council review.)

PROPOSED MOTION:

THE TOWN COUNCIL AUTHORIZES THE TRANSFER OF $30,000.00 FROM THE INSURANCE EXCHANGE ACCOUNT TO THE GENERAL FUND. THE FUNDS, THROUGH A SEPARATE BUDGET AMENDMENT, WILL BE DEDICATED TO THE COMPLETION OF THE FIRE DEPARTMENT'S RADIO REPLACEMENT PROJECT TO COMPLY WITH THE FEDERAL COMMUNICATION COMMISSION NARROW BANDING REQUIREMENT.

Council Member Motola, seconded by Council Member Weissberger made the above motion to authorize the transfer of $30,000.00 from the Insurance Exchange Account to the General fund. Discussion took place. Motion carried unanimously.

C 5. **Request the Town Council authorize the re-designation of available resources in the Reserve for Capital and Non-recurring account.** (A memorandum dated March 9, 2012 from James M. Luddecke, Finance Officer and Treasurer to John D. Ward, Town Administrator is included for Council review.)

PROPOSED MOTION:

THE TOWN COUNCIL AUTHORIZES THE RE-DESIGNATION OF AVAILABLE RESOURCES IN THE RESERVE FOR CAPITAL AND NON-RECURRING ACCOUNT AS FOLLOWS: FROM: UNDESIGNATED CRRA SETTLEMENT, REBATES AND DISTRIBUTIONS - $34,687.15; AND D.O.T REFUND – ROUTE 30 WILSHIRE ROAD IMPROVEMENTS - $5,312.85. THE COMBINED TOTAL OF $40,000.00 IS TO BE DESIGNATED FOR THE "DPW – PORTABLE LIFT FOR FIRE APPARATUS".

Council Member Motola, seconded by Council Member Weissberger made the above motion to authorize the re-designation of available resources in the Reserve for Capital and Non-recurring account for the DPW Portable Lift for Fire Apparatus. Discussion took place. Motion carried unanimously.

C 8. **Request the Town Council approve budget amendments #23-#30 for fiscal year 2011-2012 as provided by Finance Officer and Treasurer James M. Luddecke.** (A copy of the budget amendment forms are included for Council review.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES BUDGET AMENDMENT REQUESTS #23-#30 FOR FISCAL YEAR 2011-2012 AS OUTLINED IN THE BUDGET AMENDMENT FORMS PROVIDED BY FINANCE OFFICER AND TREASURER JAMES M. LUDDECKE.

Council Member Motola, seconded by Council Member Campbell made the above motion to approve budget amendments 23 through 30 for fiscal year 2011-2012. Discussion took place. Motion carried unanimously.

C 9. **Request the Town Council authorize Mayor George F. Apel to apply and execute any and all documents relative to the OPM Police/Youth Program Grant in the amount of $9320.00.** (See memorandum and grant from Alan Slobodien, Youth Services Bureau Director included in your packet.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY AUTHORIZES MAYOR GEORGE F. APEL TO ENTER INTO AND EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THE POLICE/YOUTH PROGRAM GRANT OFFERED BY THE OFFICE OF POLICY AND MANAGEMENT, CRIMINAL JUSTICE POLICY AND PLANNING DIVISION IN THE AMOUNT OF $9320.00.

Council Member Motola, seconded by Council Member Campbell made the above motion to authorize Mayor Apel to apply and execute any and all documents relative to the OPM Police/Youth Program Grant in the amount of $9,320.00. Discussion took place. Administration will correct the title of Frank Zitkus. Motion carried unanimously.

C 11. **Request the Town Council approve Mayor George F. Apel's appointment of Diane Wheelock, (R), 132 Tallwood Drive, Vernon, Connecticut as a regular member of the North Central District Health Department Board of Directors, said term to begin March 21, 2012 and expires December 31, 2012.** (A copy of Ms. Wheelock's resume is included for Council review.)

PROPOSED MOTION:

PURSUANT TO C.G.S. §19a-204; CHARTER CHAPTER XI, SECTIONS 1,5, &14, THE TOWN COUNCIL APPROVES MAYOR GEORGE F. APEL'S APPOINTMENT OF DIANE WHEELOCK, (R), 132 TALLWOOD DRIVE, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE BOARD OF DIRECTORS OF THE NORTH CENTRAL DISTRICT HEALTH DEPARTMENT. SAID TERM TO COMMENCE ON MARCH 21, 2012 AND EXPIRES ON DECEMBER 31, 2012.

Council Member Motola, seconded by Council Member Campbell made the above motion to approve the Mayor's appointment of Diane Wheelock as a regular member of the North Central District Health Department Board of Directors for a term of March 21, 2012 through December 31, 2012. Discussion took place. Council Member DiDio requested including the name of the person being replaced in future appointment information. Motion carried unanimously.

C 12. **Request the Town Council approve Mayor George F. Apel's appointment of Daniel E. Anderson (R), 29 Oxbow Drive, Vernon, Connecticut as a regular member of the Planning and Zoning Commission, said term to begin on March 21, 2012 and expires on December 31, 2014.** (A copy of Mr. Anderson's resume is included for Council review. Mr. Anderson will move from alternate to regular member completing the term of Mr. Cohen who has resigned.)

PROPOSED MOTION:

PURSUANT TO CHARTER CHAPTER VIII, SEC. 1,6 &11 DATED JANUARY 1, 1985; C.G.S.. §8-4 A&B, THE TOWN COUNCIL HEREBY APPROVES MAYOR GEORGE F. APEL'S APPOINTMENT OF DANIEL E. ANDERSON, (R), 29 OXBOW DRIVE, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE PLANNING AND ZONING COMMISSION, SAID TERM TO BEGIN ON MARCH 21, 2012 AND EXPIRES ON DECEMBER 31, 2014.

Council Member Motola, seconded by Council Member Campbell made the above motion to approve the Mayor's appointment of Daniel Anderson as a regular member of the planning and Zoning Commission for a term of March 21, 2012 through December 31, 2014. Discussion took place. Motion carried unanimously.

C 13. **Request the Town Council approve Mayor George F. Apel's appointment of Richard Dias, (R), 311 Vernon Avenue, Vernon, Connecticut as an alternate member of the Planning and Zoning Commission, said term to begin on March 21, 2012 and expires on December 31, 2015.** (A copy of Mr. Dias' resume is included for Council review. Mr. Dias will assume the term of Daniel E. Anderson who was moved to full member in the previous motion.)

PROPOSED MOTION:

PURSUANT TO CHARTER CHAPTER VIII, SEC. 1,6 & 11 DATED JANUARY 1, 1985; C.G.S. §8-4 A&B, THE TOWN COUNCIL HEREBY APPROVES MAYOR GEORGE F. APEL'S APPOINTMENT OF RICHARD DIAS, (R), 311 VERNON AVENUE, VERNON, CONNECTICUT AS AN ALTERNATE MEMBER OF THE PLANNING AND ZONING COMMISSION FOR A TERM TO COMMENCE ON MARCH 21, 2012 AND EXPIRES DECEMBER 31, 2015.

Council Member Motola, seconded by Council Member Campbell made the above motion to approve the Mayor's appointment of Richard Dias as an alternate member of the Planning and Zoning Commission for a term of March 21, 2012 through December 31,

2015. Discussion took place. Motion carried, Council Members Winkler, Russell, and DiDio abstained.

I.) **PENDING BUSINESS**

J.) **NEW BUSINESS**

1. **Requested monthly update from Finance Officer James M. Luddecke relative to the General Fund Expenditures, Education Expenditures and Revenue report.** (A copy of same are included for Council review.)

NO MOTION PROPOSED

No discussion took place.

2. **Request the Town Council amend the actions taken on February 21, 2012 relative to the Maxwell "family burial ground" with the following recommended resolution drafted by Town Attorney Harold Cummings and further it is requested that a similar motion be added for the Belding Burial Plot.** (See memorandum dated March 13, 2012 from Attorney Harold R. Cummings to John D. Ward, Town Administrator regarding same.)

Council Member Motola, seconded by Council Member Campbell made the following resolution:

RESOLUTION:

BE IT RESOLVED THAT THE RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF VERNON DATED FEBRUARY 21, 2012, ACCEPTING OWNERSHIP AND RESPONSIBILITY FOR THE MAXWELL "FAMILY BURIAL GROUND" IS HEREBY RESCINDED AND THE FOLLOWING ADOPTED IN LIEU THEREOF:

BE IT RESOLVED THAT THE TOWN OF VERNON HEREBY ACCEPTS OWNERSHIP OF THE MAXWELL "FAMILY BURIAL GROUND" LOCATED WITHIN THE GROVE HILL CEMETERY, AND, FURTHER ASSUMES FINANCIAL RESPONSIBILITY FOR THE CARE, MAINTENANCE, AND CONTROL OF SAID MAXWELL, "FAMILY BURIAL GROUND" LOCATED WITHIN SAID CEMETERY INCLUDING THE MARKERS, MONUMENTS, TREES, SHRUBBERY, WALL, BRIDGES, PATHS, AND OTHER STRUCTURES AND VEGETATION THEREON.

Discussion took place. Council Member Winkler requested posting the attachments to the website. Motion carried unanimously.

Council Member Motola, seconded by Council Member Campbell made the following resolution:

PROPOSED RESOLUTION:

BE IT RESOLVED THAT THE TOWN OF VERNON HEREBY ACCEPTS OWNERSHIP OF THE BURIAL PLOT OF FREDERICK N. BELDING AND FRANCIS T. MAXWELL, LOCATED WITHIN THE GROVE HILL CEMETERY AS DESCRIBED IN THEIR INTERVIVOS TRUST DATED DECEMBER 9, 1937, AND, FURTHER ASSUME FINANCIAL RESPONSIBILITY FOR THE CARE, MAINTENANCE AND UPKEEP OF SAID BURIAL PLOT.

Motion carried unanimously.

Council Member Motola, seconded by Council Member Peterson made the following resolution:

PROPOSED RESOLUTION:

THE MAYOR, OR HIS DESIGNEE, IS AUTHORIZED TO SIGN, ON BEHALF OF THE TOWN OF VERNON, A MEMORANDUM OF UNDERSTANDING BETWEEN THE TOWN OF VERNON AND THE ROCKVILLE PUBLIC LIBRARY, INC., WITH RESPECT TO DISTRIBUTION OF FUNDS TO THE TOWN OF VERNON, CEMETERY COMMISSION, UPON SAID LIBRARY'S RECEIPT OF THE DISTRIBUTIONS FROM THE MAXWELL TESTAMENTARY TRUST AND THE BELDING INTERVIVOS TRUST.

9:01 PM Council Member Winkler left the table but stayed in chambers.

Discussion took place. Motion carried with a 10 person vote.

9:01 PM Council Member Winkler returned.

Council Member Winkler challenged the vote since he was still in chambers and requested a review of Roberts Rules.

9:02 PM Recess
9:09 PM Reconvene

Motion carried unanimously with an 11 person vote.

3. **Discussion requested by Town Council Member John Kopec relative to the issue of barking dogs and an Animal Control Policy for same.** (See letter from John Kopec, Town Council Member to the Vernon Town Council Members dated March 12, 2012 included in your packets.)

NO MOTION PROPOSED

Discussion took place regarding the pros and cons of the proposed ordinance. Animal Control Officer, Craig Segar was present to answer questions. Discussion continued regarding CGS 22-363. Mayor Apel proposed Council Member Kopec work with Administration and Animal Control Officer Segar on a nuisance barking policy and procedure, test those policies and procedures over a 6-9 month period and inform Town Council members of the recommendations. Council Member Winkler requested a definition of "excessive".

K.) **INTRODUCTION OF ORDINANCES**
None

L.) **ACTION ON ORDINANCES PREVIOUSLY PRESENTED**
None

M.) **IDENTIFICATION/ADOPTION OF ADDITIONAL AGENDA ITEMS**

Council Member Motola, Council Member Weissberger made a motion to add additional agenda item #1 to the agenda. Motion carried unanimously.

N.) DISCUSSION OF ADDITIONAL ITEMS AND INFORMATIONAL ITEMS

Council Member Motola, seconded by Council Member Weissberger made the following motion:

MOTION

REQUEST THE TOWN COUNCIL AUTHORIZE THE ISSUANCE OF NOT EXCEEDING $40,500,000 REFUNDING BONDS FOR PAYMENT IN WHOLE OR IN PART OF THE OUTSTANDING PRINCIPAL OF AND INTEREST AND ANY CALL PREMIUM ON THE TOWN'S $12,815,000 GENERAL OBLIGATION BONDS, ISSUE OF 2007, $21,040,000 GENERAL OBLIGATION BONDS, ISSUE OF 2008, $10,875,000 GENERAL OBLIGATION BONDS, ISSUE OF 2009 AND $3,755,000 GENERAL OBLIGATION BONDS, ISSUE OF 2011, AND RELATED COSTS.

James Luddecke explained the need for the additional agenda item and was available to answer questions. Discussion took place. Motion carried unanimously.

O.) **ADOPTION OF MINUTES**
THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF MARCH 6, 2012 AND THAT MINUTES OF SAID MEETING BE APPROVED.

Council Member Motola, seconded by Council Member Weissberger made a motion to waive the reading of and approve the minutes of the March 6, 2012 regular Town Council meeting. Motion carried unanimously.

P.) **INFORMATIONAL ITEMS**

1. Monthly Activity Report – February, 2012 for the Building Department as submitted by Harry Dan Boyko, Building Official.

2. Monthly Report - February, 2012 Town Clerk's Office as submitted by Bernice K. Dixon, Town Clerk.

Adjourn (9:54 PM)

Council Member Weissberger, seconded by Council Member Peterson made a motion to adjourn. Motion carried unanimously.

Received:

Approved:

Respectfully Submitted,

Jill Kentfield
Recording Secretary