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

May 7, 2013 – 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, Julie Clay, Thomas DiDio, Virginia Gingras, Marie Herbst, John Kopec, Brian Motola, Steven Peterson, Thomasina Russell, Daniel Sullivan, Adam Weissberger, and Michael Winkler
Absent:,
Entered During Meeting:
Also Present: Mayor George Apel, Town Administrator John Ward, Recording Secretary Jill Kentfield

C) CITIZEN'S FORUM
There were no speakers during citizen's forum.

Citizen's forum closed at 7:32 PM

F) PRESENTATIONS

1. Proclamation commemorating Municipal Clerk's Week presented to Town Clerk Bernice Dixon.

2. Lion's Club to present the Winner's Trophy to the Town of Vernon Mayor George F. Apel and Robert Sigan, Director of Information Technology for the Fidelco Bowling Tournament held earlier this year. Members of the Lion's Club to be present for the trophy presentation.

3. Mayor George F. Apel to make a presentation to the Town Council on various topics.

D.) EXECUTIVE SESSION

Council Member Motola, seconded by Council Member Weissberger made the following motion to go into executive session:

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES SECTION 1-200 (6) (B) HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION RELATIVE TO ***BostonManchester, LLC v. Town of Vernon, Docket No. CV12-6018096S, Property at 380 Talcottville Road; BostonVernon, LLC v. Town of Vernon, Docket No. CV12-6018104S, Property at 10 Hyde Avenue; BostonRockville, LLC vs. Town of Vernon, Docket No. CV12-6018098, Property at 73-91 East Street and BostonVernon II, LLC vs. Town of Vernon, Docket No. CV12-6018099, Property at 281 Hartford Turnpike,*** AND INVITES ATTORNEY MARTIN BURKE, TOWN OF VERNON ASSESSOR DAVID WHEELER AND JOHN D. WARD, TOWN ADMINISTRATOR TO ATTEND.

Motion carried unanimously.

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

TO AUTHORIZE THE TOWN ATTORNEY TO SETTLE A TAX APPEAL CV12-6018098#, CAPTIONED "BOSTONROCKVILLE, LLC VS. TOWN OF VERNON ET AL," FOR TAXES ON THE GRAND LIST OF OCTOBER 1, 2011 FOR THE ASSESSED VALUE OF $665,000 OR THE 100% FAIR MARKET VALUE OF $950,000 AND TO REFUND ANY OVERPAYMENTS TO THE CLAIMANT. THE PROPERTY ADDRESS IS COMMONLY KNOWN AS 73 EAST STREET, MAP 46, BLOCK 0125, LOT 0005A.

Motion carried, Council Member Weissberger abstained.

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

TO AUTHORIZE THE THE TOWN ATTORNEY TO SETTLE A TAX APPEAL CV 6018104S# CAPTIONED "BOSTONVERNON, LLC VS. TOWN OF VERNON ET AL," FOR TAXES ON THE GRAND LIST OF OCTOBER 1, 2011 FOR THE ASSESSMENT VALUE OF $1,365,000 OR THE 100% FAIR MARKET VALUE OF $1,950,000 AND TO REFUND ANY OVERPAYMENTS TO THE CLAIMANT. THE PROPERTY ADDRESS IS COMMONLY KNOWN AS 10 HYDE AVENUE (LAFAYETTE SQUARE), MAP 46, BLOCK 0071, LOT 0019A1.

Motion carried, Council Member Weissberger abstained.

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

TO AUTHORIZE THE TOWN ATTORNEY TO SETTLE A TAX APPEAL CV12-6018099# CAPTIONED "BOSTONVERNON II, LLC VS TOWN OF VERNON ET AL," FOR TAXES ON THE GRAND LIST OF OCTOBER 1, 2011 FOR THE ASSESSMENT VALUE OF $1,960,000 OR THE 100% FAIR MARKET VALUE OF $2,800,000 AND TO REFUND ANY OVERPAYMENTS TO THE CLAIMANT. THE PROPERTY ADDRESS IS COMMONLY KNOWN AS 281 HARTFORD TPKE (VERNON PROFESSIONAL BLDG), MAP 02, BLOCK 0011, LOT 00013.

Motion carried, Council Member Weissberger abstained.

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

TO AUTHORIZE THE TOWN ATTORNEY TO SETTLE A TAX APPEAL CV12-6018096S# CAPTIONED "BOSTONMANCHESTER, LLC VS. TOWN OF VERNON ET AL," FOR TAXES ON THE GRAND LIST OF OCTOBER 1, 2011 FOR THE ASSESSMENT VALUE OF $385,000 OR THE 100% FAIR MARKET VALUE OF $550,000 AND TO REFUND ANY OVERPAYMENTS TO THE CLAIMANT. THE PROPERTY ADDRESS IS COMMONLY KNOWN AS 380 TALCOTTTVILLE RD. (VACANT LAND), MAP 09, BLOCK 015H, LOT0026A.

Motion carried, Council Member Weissberger abstained.

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

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES SECTION 1-200 (6) (D) HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS SITE SELECTION AND INVITES THE FOLLOWING INDIVIDUALS TO ATTEND: SHAUN GATELY, ECONOMIC DEVELOPMENT COORDINATOR AND JOHN D. WARD, TOWN ADMINISTRATOR.

Motion carried, Council Member Winkler abstained.

Executive session ended, return to regular meeting.

E.) **PUBLIC HEARING**
None

G.) **ACTION ON CONSENT AGENDA**

Council Member Motola, seconded by Council Member Herbst made a motion to approve the consent agenda items as presented. Council Member Winkler pulled consent agenda item #2 and Council Member Motola pulled consent agenda item # 13 for discussion. Motion carried unanimously to approve the consent agenda items 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14, and 15 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 April 29, 2013 is included in the Council packet.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES THREE (3) OVERPAYMENTS FOR PRIOR YEAR TAXES IN THE AMOUNT OF $736.86 AND FIVE (5) OVERPAYMENTS FOR CURRENT YEAR TAXES IN THE AMOUNT OF $5778.93 AS OUTLINED IN THE MEMORANDUM FROM TERRY HJARNE, COLLECTOR OF REVENUE TO JOHN D. WARD, TOWN ADMINISTRATOR DATED APRIL 29, 2013.

C 3. **Request the Town Council pass the recommended resolution required by the CRCOG grant for "Stand Alone Sidewalk Projects" in the amount of $907,749.** (See the attached documentation for review.)

PROPOSED RESOLUTION:
WHEREAS, The Capitol Region Council of Governments (CRCOG) issued on February 14th, 2013 a Request for Proposals (RFP) for "Stand Alone Sidewalk Projects", and

WHEREAS, the funding source for the sidewalk construction is through the STP-URBAN PROGRAM with a limit of $1,000,000 per project which includes 80% Federal Participation and 20% Municipal Participations; and

WHEREAS, in response to CRCOG'S RFP the Town has prepared and submitted an application for funding the construction of new sidewalks for various locations throughout the Town; and

WHEREAS, the application was submitted to CRCOG on Wednesday, April 24th, 2013 in the amount of $907,749 which includes all costs associated with the construction of the sidewalks; and

WHEREAS, the design of the sidewalks will be performed by Town Staff; and

WHEREAS, the Vernon Town Council, based on the above information, and by virtue of this resolution, hereby fully supports the proposed project.

C 4. **Request the Vernon Town Council authorize Mayor George F. Apel to execute the necessary paperwork on behalf of the Youth Services Department for funds from the State Department of Education in the amount of $23,085.**

PROPOSED RESOLUTION:

BE IT RESOLVED, THAT THE VERNON TOWN COUNCIL AUTHORIZES MAYOR GEORGE F. APEL TO EXECUTE THE NECESSARY PAPERWORK TO MAKE

APPLICATION FOR AND RECEIVE YOUTH SERVICES BUREAU FUNDS FROM THE STATE DEPARTMENT OF EDUCATION IN AN AMOUNT OF $23,085.

C 5. **Request the Vernon Town Council authorize Mayor George F. Apel to execute the necessary paperwork to make application for and receive School Readiness funds from the State Department of Education in an amount of $174,500**.

PROPOSED RESOLUTION:

BE IT RESOLVED, THAT THE VERNON TOWN COUNCIL AUTHORIZES MAYOR GEORGE F. APEL TO EXECUTE THE NECESSARY PAPERWORK TO MAKE APPLICATION FOR AND RECEIVE SCHOOL READINESS FUNDS FROM THE STATE DEPARTMENT OF EDUCATION IN AN AMOUNT OF $174,500.

C 6. **Request the Vernon Town Council authorize Mayor George F. Apel to execute the necessary paperwork to make application for and receive Enhancement Grant funds from the State Department of Education in an amount of $6,111.**

PROPOSED RESOLUTION:

BE IT RESOLVED, THAT THE VERNON TOWN COUNCIL AUTHORIZES MAYOR GEORGE F. APEL TO EXECUTE THE NECESSARY PAPERWORK TO MAKE APPLICATION FOR AND RECEIVE YSB ENHANCEMENT GRANT FUNDS FROM THE STATE DEPARTMENT OF EDUCATION IN AN AMOUNT OF $6,111.

C 7. **Request the Vernon Town Council authorize Mayor George F. Apel to enter into a formal agreement allowing the Town of Vernon to become a "sponsor" organization for the Summer Nutrition Program with the State Department of Education, on behalf of the Youth Services Bureau.**

PROPOSED RESOLUTION:

BE IT RESOLVED, THAT THE VERNON TOWN COUNCIL AUTHORIZES MAYOR GEORGE F. APEL TO ENTER INTO A FORMAL AGREEMENT ALLOWING THE TOWN OF VERNON TO BECOME A "SPONSOR"ORGANIZATION FOR THE SUMMER NUTRITION PROGRAM WITH THE STATE DEPARTMENT OF EDUCATION, ON BEHALF OF THE YOUTH SERVICES BUREAU.

C 8. **Request the Vernon Town Council authorize Mayor George F. Apel to execute and sign the necessary paperwork to apply for a State Department of Education School Readiness Enhancement grant, supporting local pre-school programs to comply with ADA regulations and the purchase quality enhancement materials, in the amount of $3,790 for 2013-14.**

PROPOSED RESOLUTION:

BE IT RESOLVED THAT THE VERNON TOWN COUNCIL AUTHORIZES MAYOR GEORGE F. APEL TO EXECUTE AND SIGN THE NECESSARY PAPERWORK TO APPLY FOR STATE DEPARTMENT OF EDUCATION, SCHOOL READINESS ENHANCEMENT GRANT IN THE AMOUNT OF $3,790 FOR FY 2013-14.

C 9. **Request the Town Council schedule a Public Hearing to take place at 7:35 PM, Tuesday, May 21, 2013 located at the Town Council Chambers, Third Floor, 14 Park Place, Vernon, Connecticut to receive comments and questions regarding the 2013 Neighborhood Assistance Act.**

PROPOSED MOTION

THE TOWN COUNCIL HEREBY SCHEDULES A PUBLIC HEARING TO TAKE PLACE AT 7:30 PM, ON TUESDAY, MAY 21, 2013 LOCATED AT THE TOWN COUNCIL CHAMBERS, THIRD FLOOR, 14 PARK PLACE, VERNON, CONNECTICUT TO RECEIVE COMMENTS AND QUESTIONS REGARDING THE ***2013 NEIGHBORHOOD ASSISTANCE ACT.***

C 10. **Request the Town Council approve Mayor George F. Apel's reappointment of Joy Hollister, Social Service Department, 14 Park Place, Vernon, Connecticut as a regular member of the ACCESS AGENCY, for a term to commence on May 20, 2013 and expires on May 19, 2015.** (Ms. Hollister is an employee therefore there is no resume included in the Council packet.)

PROPOSED MOTION

PURSUANT TO THE BY-LAWS OF THE ACCESS AGENCY, THE TOWN COUNCIL HEREBY APPROVES MAYOR GEORGE F. APEL'S REAPPOINTMENT OF JOY HOLLISTER, SOCIAL SERVICES DEPARTMENT, 14 PARK PLACE, VERNON, CONNECTICUT, AS A REGULAR MEMBER OF THE ACCESS AGENCY, INC. FOR A TERM TO BEGIN ON MAY 20, 2013 AND EXPIRE ON MAY 19, 2015.

C 11. **Request the Town Council approve Mayor George F. Apel's reappointment of Robert B. Hurd, (R), 7 Rheel Street, Vernon, Connecticut as a regular member of the Historic Properties Commission, said appointment to commence on May 8, 2013 and expires May 7, 2016.** (A copy of Mr. Hurd's resume is included for Council review.)

PROPOSED MOTION

PURSUANT TO ORDINANCE NO. 185 (TOWN CODE SEC. 2-122) THE TOWN COUNCIL HEREBY APPROVES MAYOR GEORGE F. APEL'S REAPPOINTMENT OF ROBERT B. HURD, (R), 7 RHEEL STREET, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE HISTORIC PROPERTIES COMMISSION FOR A TERM TO COMMENCE ON MAY 8, 2013 AND END ON MAY 7, 2016.

C 12. **Request the Town Council approve Mayor George F. Apel's reappointment of Ray Walker, Fire Marshal, 55 West Main Street, Vernon, Connecticut as a regular member of the Vernon Traffic Authority, said appointment commences on May 8, 2013 and expires on May 7, 2016.** (Mr. Walker is a town employee and therefore no resume is included.)

PROPOSED MOTION

PURSUANT TO THE VERNON TOWN CODE, ARTICLE II, SECTIONS 13-16 AND 13-17; THE TOWN COUNCIL HEREBY APPROVES MAYOR GEORGE F. APEL'S REAPPOINTMENT OF RAY WALKER, FIRE MARSHAL, 55 WEST MAIN STREET, VERNON, CONNECTICUT, AS A REGULAR MEMBER OF THE TRAFFIC AUTHORITY. SAID TERM TO COMMENCE ON MAY 8, 2013 AND EXPIRES MAY 7, 2016.

C 13. **Request the Town Council approve the placement of properties totaling $81,201.43 on the suspense tax ledger report.** (See attached report from Terry Hjarne, Collector of Revenue.)

PROPOSED MOTION
BY THE AUTHORITY GRANTED IN CONNECTICUT STATE STATUTE SEC. 12-165, ENTITLED 'MUNICIPAL SUSPENSE TAX BOOK", THE TOWN COUNCIL APPROVES THE PLACEMENT OF PROPERTIES TOTALING $81,206.43 CONTAINED ON THE SUSPENSE TAX LEDGER REPORT AS PROVIDED BY TERRY HJARNE, COLLECTOR OF REVENUE DATED MAY 2013.

C 14. Request the Town Council approve the tax abatements of state owned properties as outlined by the memorandum from Terry Hjarne, Collector of Revenue dated April 30, 2013.

PROPOSED MOTION
THE TOWN COUNCIL PURSUANT TO CONNECTICUT STATE STATUTE 12-81 MOVES TO ABATE THE TAXES FOR 163 RESERVOIR ROAD UNIQUE ID #37-0130-0004A, AND RESERVOIR ROAD UNIQUE ID #'S 37-0132-00001. 43-0130-00003, 44-0129-0002B, AND 44-0131-00002 AS PRESENTED IN THE MEMORANDUM DATED APRIL 30, 2013.

C 15. Request the Town Council approve the tax abatements of Town owned properties as outlied by the memorandum from Terry Hjarne, Collector of Revenue dated April 30, 2013.

PROPOSED MOTION
THE TOWN COUNCIL PURSUANT TO CONNECTICUT STATE STATUTE 12-81 MOVES TO ABATE THE TAXES FOR FRANKLIN STREET UNIQUE ID #07-0030-00003 AND 8 MAPLE STREET UNIQUE ID #22-0058-00015 AS PRESENTED IN THE MEMORANDUM DATED APRIL 30, 2013.

H.) DISCUSSION OF PULLED CONSENT ITEMS

C 2. Request the Town Council approve budget amendments #34-44 for fiscal year 2012-2013, as provided by Finance Officer James Luddecke. (A copy of budget amendment forms are attached for Council review.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES BUDGET AMENDMENT REQUESTS #34-44 FOR FISCAL YEAR 2012-2013, AS OUTLINED IN THE BUDGET AMENDMENT FORMS PROVIDED BY THE FINANCE OFFICER, JAMES LUDDECKE.

Council Member Motola, seconded by Council Member Weissberger made the above motion to approve the budget amendments #34-44 for fiscal year 2012-2013. Discussion took place. Motion carried unanimously.

C 13. Request the Town Council approve the placement of properties totaling $81,206.43 on the suspense tax ledger report. (See attached report from Terry Hjarne, Collector of Revenue.)

PROPOSED MOTION
BY THE AUTHORITY GRANTED IN CONNECTICUT STATE STATUTE SEC. 12-165, ENTITLED 'MUNICIPAL SUSPENSE TAX BOOK", THE TOWN COUNCIL APPROVES THE PLACEMENT OF PROPERTIES TOTALING $81,206.43 CONTAINED ON THE SUSPENSE TAX LEDGER REPORT AS PROVIDED BY TERRY HJARNE, COLLECTOR OF REVENUE DATED MAY 2013.

Council Member Motola, seconded by Council Member Weissberger made the above motion to approve the placement of properties totaling $81,206.43 on the suspense tax ledger report. Motion carried unanimously.

I.) PENDING BUSINESS

1. **Request the Town Council set the Fiscal Year 2013-2014 Mil Rate and Collection of Motor Vehicle tax in one installment.** (Also proposed, should the referendum not pass, a motion is offered to set an additional meeting date for budget considerations.)

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

   THE TOWN COUNCIL SCHEDULES A SPECIAL BUDGET MEETING FOR THURSDAY, MAY 9, 2013 AT 7:30 PM IN THE TOWN COUNCIL CHAMBERS, MEMORIAL BUILDING, 14 PARK PLACE, VERNON, CONNECTICUT FOR THE PURPOSE OF BUDGET REVIEW OF ALL ACCOUNTS IN THE 2013-2014 PROPOSED BUDGET.

   Discussion took place. Council Member DiDio, seconded by Council Member Russell made a motion for an amendment to change the date of the meeting to May 14, 2014. Motion carried with 6 members voting in favor and 6 voting in opposition. Mayor Apel broke the tie by voting in favor.

Recess (8:43 PM)
Reconvene (8:48 PM)

Motion as amended failed with 5 members voting in favor and 7 voting in opposition.

Council Member Motola, seconded by Council Member Peterson made a motion to schedule a special budget meeting for May 16, 2013 at 7:30 PM. Discussion took place. Council Member Motola, seconded by Council Member Peterson made a motion to amend his motion to change the date to May 13, 2013 at 7:30 PM. Amendment passed unanimously. Motion as amended carried unanimously.

Recess (8:54 PM)
Reconvene (8:56 PM)

Mayor Apel will request representation from the Board of Education at the special budget meeting on May 13, 2013.

J.) NEW BUSINESS

1. **Request the Town Council adopt the IRS rate for automobile mileage reimbursement for the next five years.** (See memorandum from John D. Ward, Town Administrator to Mayor George F. Apel and the Vernon Town Council dated May 1, 2013.)

   PROPOSED MOTION

   THE TOWN COUNCIL HEREBY ADOPTS THE IRS RATE FOR AUTOMOBILE MILEAGE REIMBURSEMENT FOR THE NEXT FIVE YEARS UNLESS ANOTHER RATE EXISTS IN A BARGAINING UNIT CONTRACT.

Council Member Motola, seconded by Council Member Weissberger made the above motion to adopt the IRS rate for automobile mileage reimbursement for the next five years. Discussion took place. Motion carried unanimously.

2. **Request the Town Council approve the bid waiver for the purchase of office furnishing from Lyco, Inc in the amount not to exceed $24,000.**

PROPOSED RESOLUTION:

RESOLVED, THE TOWN COUNCIL, CONSISTENT WITH THE TOWN CHARTER, CHAPTER 12, SECTION 9, HEREBY WAIVES THE BID PROCEDURE FOR COSTS INVOLVING THE ACQUISITION, CONSTRUCTION AND INSTALLATION OF FURNISHINGS FOR THE SECOND FLOOR WORK STATIONS IN THE FINANCE DEPARTMENT, FROM LYCO, INC., OFFICE FURNISHINGS, 540 NORTH MAIN STREET, MANCHESTER, CONNECTICUT, IN AN AMOUNT NOT TO EXCEED $24,000.00; AND FURTHER AUTHORIZES THE TOWN ADMINISTRATOR, TO EXECUTE ON BEHALF OF THE TOWN OF VERNON ANY INSTRUMENT(S) TO THAT EFFECT.

Council Member Motola, seconded by Council Member Weissberger made the above motion to approve the bid waiver for the purchase of office furnishing from Lyco, Inc in the amount not to exceed $24,000. Motion carried unanimously.

K.) INTRODUCTION OF ORDINANCES
None

L.) ACTION ON ORDINANCE(S) PREVIOUSLY PRESENTED
None

M.) IDENTIFICATION/ADOPTION OF ADDITIONAL AGENDA ITEMS
None

N.) DISCUSSION OF ADDITIONAL ITEMS AND INFORMATIONAL ITEMS
None

O.) ADOPTION OF MINUTES

THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR TOWN COUNCIL MEETING APRIL 16, 2013 AND THAT MINUTES OF SAID MEETING BE APPROVED.

Council Member Motola, seconded by Council Member Weissberger made the above motion to approve the minutes of the April 16, 2013 regular Town Council meeting. Motion carried, with one Council Member abstaining.

P.) INFORMATIONAL ITEMS, PETITIONS, COMMUNICATIONS, CORRESPONDENCE, REPORTS, ETC. NOT REQUIRING ACTION

1. PROACT announcement of roll out of the Prescription Program

2. Monthly Report – Police Department – March, 2013 as submitted by Captain Stephen Clark.

3. Invitations from the American Legion to the Town Council for the Memorial Day Parade.

4. Memorial Day Parade announcement for the press.

Adjourn (9:01 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