

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

RECEIVED
VERNON TOWN CLERK
15 JUL 28 PM 2:01

July 21, 2015 - 7:30 PM

Mayor Daniel Champagne called the meeting to order at 7:30 PM

A.) PLEDGE OF ALLEGIANCE

B.) ROLL CALL:

Present: Council Members Pauline Schaefer, Julie Clay, Brian Motola, Kim Appleyard
Steve Wakefield, Steve Peterson, Bill Campbell, John Kopec, and Ann Letendre

Absent: Council Members Virginia Gingras, Fred Lehmann and Michael Winkler

Entered During Meeting:

Also Present: Town Administrator John Ward, Recording Secretary Karen Daigle

C.) CITIZEN'S FORUM

Joe Tarzi, 155 West Main Street, Apt. 411, suggested council meetings be posted to youtube.com as a free service.

Citizen's Forum closed at 7:32 PM

D.) EXECUTIVE SESSION

7:32 PM Council Member Wakefield, seconded by Council Member Kopec made the following motion to go into executive session:

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES SECTION 1-200(2) HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS STRATEGY AND NEGOTIATIONS WITH RESPECT TO THE COLLECTIVE BARGAINING AGREEMENT BETWEEN THE TOWN OF VERNON AND *AMERICAN FEDERATION OF STATE, COUNTY AND MUNICIPAL EMPLOYEES, LOCAL 818 OF COUNCIL #4 AFL-CIO - DPW SUPERVISORS*, AND INVITES THE FOLLOWING INDIVIDUALS TO ATTEND: JOHN D. WARD, TOWN ADMINISTRATOR, DAWN MASELEK, ASSISTANT TOWN ADMINISTRATOR AND LABOR COUNSEL RYAN O'DONNELL OF THE LAW FIRM SIEGEL, O'CONNOR, O'DONNELL AND BECK.

Motion carried unanimously.

7:58 PM Council returned from Executive Session. No vote taken.

E.) PUBLIC HEARING

None

F.) PRESENTATIONS

None

G.) ACTION ON CONSENT AGENDA

Council Member Wakefield, seconded by Council Member Kopec made a motion to approve the consent agenda items C1 – C2. Motion carried unanimously.

- C 1. Request the Town Council approve budget amendments #52, #53, #54, #55, #56, #57, #58, #59, #60, #61 and #62, as provided by Finance Officer James Luddecke on the budget amendment forms attached to this agenda.**

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES BUDGET AMENDMENT REQUESTS #52, #53, #54, #55, #56, #57, #58, #59, #60, #61 AND #62 FOR FISCAL YEAR 2014-2015 AS OUTLINED IN THE BUDGET AMENDMENT FORMS PROVIDED BY FINANCE OFFICER, JAMES M. LUDDECKE.

- C 2. Request for the approval Tax Refunds for Current Year. (A copy of a memorandum from Terry Hjarne, Collector of Revenue, to John D. Ward, Town Administrator dated July 13, 2015 is included in the Council packet.)**

PROPOSED MOTION

THE TOWN COUNCIL HEREBY APPROVES (5) FIVE PRIOR YEAR TAX REFUND FOR A TOTAL OF \$2420.95 AND (7) SEVEN CURRENT YEAR TAX REFUNDS FOR A TOTAL OF \$488.60, AS OUTLINED IN THE MEMORANDUM FROM TERRY HJARNE, COLLECTOR OF REVENUE TO JOHN D. WARD, TOWN ADMINISTRATOR DATED JULY 13, 2015.

H.) DISCUSSION OF PULLED CONSENT ITEMS

None

I.) PENDING BUSINESS

None

J.) NEW BUSINESS

- 3. Request the Town Council approve the appointment of John Kelley to the position of Captain for the Vernon Police Department. (A copy of Lt. Kelley's resume and recommendation letter is attached for Council review.)**

PROPOSED MOTION

THE TOWN COUNCIL, PURSUANT TO CHAPTER X, SEC. 3, AND CHAPTER XI, SEC. 1,4 AND 10 OF THE VERNON TOWN CHARTER, APPROVES MAYOR DANIEL A. CHAMPAGNE'S APPOINTMENT OF LIEUTENANT JOHN KELLEY TO THE POSITION OF CAPTAIN FOR THE TOWN OF VERNON POLICE DEPARTMENT.

Council Member Wakefield, seconded by Council Member Kopec made a motion to approve Mayor Daniel A. Champagne's appointment of Lieutenant John Kelley to the

position of Captain for the Town of Vernon Police Department. Motion carried unanimously.

RECESS (8:01 PM)

RECONVENED (8:03 PM)

1. **Request the Town Council authorize Mayor Daniel A. Champagne to sign any and all documents related to the Municipal Dam Repair on Valley Falls Dam.** (See memorandum from David Smith, Town of Vernon Engineer dated July 17, 2015 to John D. Ward, Town Administrator relative to same.)

PROPOSED RESOLUTION

RESOLVED, THE VERNON TOWN COUNCIL AUTHORIZES MAYOR DANIEL A. CHAMPAGNE TO ENTER INTO AND SIGN ANY AND ALL DOCUMENTS RELATED TO THE MEMORANDUM OF AGREEMENT BETWEEN THE STATE OF CONNECTICUT DEEP AND THE TOWN OF VERNON FOR REPAIRS TO THE VALLEY FALLS DAM.

Council Member Wakefield, seconded by Council Member Kopec proposed a resolution to authorize Mayor Daniel A. Champagne to enter into and sign any and all documents related to the Memorandum of Agreement between the State of Connecticut DEEP and the Town of Vernon for repairs to the Valley Falls Dam. Resolution carried unanimously.

2. **Request the Town Council authorize the bid waiver relative to the purchase of Net Metering Credits from Lodestar Energy, LLC of Avon, Connecticut.** (See memorandum from John D. Ward, Town Administrator dated July 16, 2015 to Mayor Daniel A. Champagne and the Vernon Town Council relative to same.)

PROPOSED MOTION ONE:

THE TOWN COUNCIL HEREBY MOVES IN ACCORDANCE WITH CHAPTER XII, SECTION 9, OF THE TOWN CHARTER THAT IT IS IN THE BEST INTEREST OF THE TOWN TO WAIVE THE TRADITIONAL SEALED BID REQUIREMENTS FOR THE PURCHASE OF NET METERING CREDITS FROM LODESTAR ENERGY, LLC OF AVON, CONNECTICUT.

Council Member Wakefield, seconded by Council Member Peterson made a motion to waive the bid requirements for the purchase of net metering credits from Lodestar Energy, LLC of Avon, Connecticut. Mr. Jeffrey Macel and Mr. Jaime Smith, principals of Lodestar Energy, made a presentation to the council and were available to answer questions. Discussion took place. Motion carried with 8 in favor and one abstention by Council Member Schaefer.

PROPOSED MOTION TWO:

RESOLVED THAT THE TOWN COUNCIL HEREBY MOVES TO APPROVE THE RECOMMENDATION OF THE MAYOR DANIEL A. CHAMPAGNE AND THE ENERGY IMPROVEMENT DISTRICT BOARD FOR THE TOWN ADMINISTRATOR TO NEGOTIATE AND ENTER

INTO A PURCHASE AND SALE AGREEMENT AS NEGOTIATED WITH LODESTAR, LLC OF AVON, CONNECTICUT TO RECEIVE NET METERING ENERGY CREDITS.

Council Member Wakefield, seconded by Council Member Kopec made a motion for the town administrator to negotiate and enter into a purchase and sale agreement as negotiated with Lodestar, LLC to receive net metering energy credits. Motion carried with 8 in favor and one abstention by Council Member Schaefer.

4. **Request the Town Council approve the request of the Vernon Board of Education for the disposal of assets from Rockville High School, Vernon Center Middle School and Center Road School.** (See attached documents relative to same.

PROPOSED MOTION

THE TOWN COUNCIL HEREBY APPROVES THE DISPOSAL OR SALE AT PUBLIC AUCTION OF ITEMS FROM ROCKVILLE HIGH SCHOOL; CENTER ROAD SCHOOL AND VERNON CENTER MIDDLE SCHOOL, AS DISCLOSED ON THE FIXED ASSET DISPOSAL REQUEST FORMS, AS OF JUNE 30, 2015.

Council Member Wakefield, seconded by Council Member Kopec made a motion to approve the disposal of items from Rockville High School, Center Road School and Vernon Center Middle School. Finance Director, James Luddecke was available to answer questions. Discussion took place. Motion carried unanimously.

5. **Request the Town Council authorize a bid waiver for the purchase of engineering services relative to the Townwide Fiber Project.** (See memorandum dated June 22, 2015 from John D. Ward, Town Administrator to Mayor Daniel A. Champagne and the Vernon Town Council relative to same.)

PROPOSED RESOLUTION

RESOLVED, THE TOWN COUNCIL CONSISTENT WITH THE TOWN CHARTER, CHAPTER 12, SECTION 9, DETERMINES THAT IT IS IN THE BEST INTEREST OF THE TOWN OF VERNON TO WAIVE THE BID PROCEDURE FOR THE PURCHASE OF ENGINEERING SERVICES FROM SERTEX FOR AN AMOUNT NOT TO EXCEED \$48,700.

Council Member Wakefield, seconded by Council Member Kopec proposed a resolution to waive the bid procedure for the purchase of engineering services from Sertex for an amount not to exceed \$48,700. Data Processing Director, Robert Sigan was available to answer questions. Discussion took place. Resolution carried unanimously.

6. **Request the Town Council approve the proposed resolutions to include the Cemetery and Water Pollution Control Authority new hire/non-union employees into the Town's established Defined Contribution Plan.** (See memorandum from Mayor Daniel A. Champagne to the Vernon Town Council dated July 15, 2015 relative to same.)

RESOLUTION #1

RESOLUTION RELATED TO DEFINED CONTRIBUTION PLAN

PURSUANT TO THE AUTHORITY UNDER THE VERNON TOWN CHARTER CHAPTER FOURTEEN (XIV) SECTION SIX (6), THE TOWN COUNCIL HEREBY RESOLVES THE FOLLOWING DEFINED CONTRIBUTION PLAN BE MADE AVAILABLE TO ALL ELIGIBLE, TOWN OF VERNON WATER POLLUTION CONTROL, NON-UNION AND CEMETERY, REGULAR EMPLOYEES HIRED ON OR AFTER JULY 22, 2015; AND FURTHER RESOLVES TO AUTHORIZE MAYOR DANIEL A. CHAMPAGNE OR HIS DESIGNEE TO EXECUTE AND ISSUE ANY DOCUMENTS TO EFFECT SUCH PLAN:

DEFINED CONTRIBUTION PLAN FOR TOWN AND BOARD OF EDUCATION NON-UNION EMPLOYEES

1. No Employee hired prior to July 22, 2015 may participate in the Defined Contribution Plan.
2. Eligible, non-union regular Employees hired on or after July 22, 2015 will be automatically enrolled in the Town's Defined Contribution Plan, provided Employees will have the option to opt-out of the Defined Contribution Plan.
3. The Employer will contribute three percent (3%) of the Employee's base wages for all Employees who elect to participate in such Defined Contribution Plan.
4. If an employee contributes six percent (6%) or more of his or her wages to such Defined Contribution Plan, the Employer will contribute an additional two percent (2%) for a total contribution of five (5%) of the Employee's annual base wages to the Defined Contribution Plan.
5. The vesting schedule for Employer contributions will have a five (5) year cliff vesting schedule.
6. The Town will establish a division of the Plan as soon as administratively practicable. The Plan design may be adjusted administratively from time to time upon the recommendation from the Town Administrator. Items one (1) through five (5) shall not be changed without the Town Council's approval.
7. The availability of the Defined Contribution Plan shall not affect any Employee who is in the employ of the Town of Vernon prior to its effective date from participating in the Town of Vernon Defined Benefit (Pension) Plan upon transfer as an eligible non-union regular Employee.

Adopted by the **Town of Vernon on July 21, 2015**

TO WHOM IT MAY CONCERN:

I, _____, Assistant Town Clerk of the Town of Vernon do hereby certify that the foregoing RESOLUTION was adopted by the Vernon Town Council at its meeting of July 21, 2015.

I FURTHER CERTIFY that said action has not been modified nor rescinded, and that it remains in full force and effect.

Name
Assistant Town Clerk

Dated at Vernon, CT, this 21st day of July, 2015.

Council Member Wakefield, seconded by Council Member Kopec proposed a resolution to include the Cemetery and Water Pollution Control Authority new hire/non-union employees into the Town's established Defined Contribution Plan. Assistant Town Administrator, Dawn Maselek was available to answer questions. Discussion took place. Resolution carried unanimously.

RESOLUTION #2

RESOLUTION AMENDING THE TOWN OF VERNON PENSION PLAN

PURSUANT TO THE AUTHORITY UNDER THE VERNON TOWN CHARTER CHAPTER FOURTEEN (XIV) SECTION SIX (6) THE TOWN COUNCIL HEREBY RESOLVES THAT THE FOLLOWING AMENDMENT BE APPROVED TO THE TOWN OF VERNON PENSION PLAN, JANUARY 1, 2008 RESTATEMENT; AND FURTHER RESOLVES TO AUTHORIZE MAYOR DANIEL A. CHAMPAGNE OR HIS DESIGNEE TO EXECUTE ANY DOCUMENTS TO EFFECT THIS AMENDMENT:

PLAN AMENDMENT NUMBER SIX TO
TOWN OF VERNON PENSION PLAN
January 1, 2008 Restatement

WHEREAS, the Town of Vernon (herein referred to as the Employer) established the Town of Vernon Pension Plan (herein referred to as the Plan) for providing retirement income and other benefits for certain of its employees and their beneficiaries; and

WHEREAS, the Employer has the right to amend the Plan from time to time in accordance with Art. XVI§ 16.1; and

WHEREAS, the Employer wishes to amend the Plan as restated effective January 1, 2008;

NOW THEREFORE, the Plan is hereby amended as followed effective July 21, 2015:

- 1) for APPENDIX A, DIVISION SCHEDULE 062, for WATER POLLUTION CONTROL NON-UNION EMPLOYEES, and DIVISION SCHEDULE 070, for CEMETERY EMPLOYEES Section 4.1 Participation is replaced in its entirety with the following new Section 4.1 Participation:

Employees hired on or after January 1, 1992 but before July 22, 2015 are required to participate in the Plan as a term and condition of employment. Employees hired, re-hired, or who are enrolled in the Defined Contribution Plan on or after July 22, 2015 will not be eligible to participate in the Plan.

IN WITNESS WHEREOF, the Employer has executed this Amendment this _____ day of July, 2015.

Town of Vernon

By: _____

Name: _____

Title: _____

Adopted by the Town of Vernon on July 21, 2015.

Council Member Wakefield, seconded by Council Member Kopec proposed a resolution to amend the Town of Vernon Pension Plan. Assistant Town Administrator, Dawn Maselek was available to answer questions. Discussion took place. Resolution carried unanimously.

- 7. **Request the Town Council approve the job description for the WPCA Laboratory Analyst, as recommended by Assistant Town Administrator Dawn Maselek.** (A copy of the new job description is included for Council review.)

PROPOSED MOTION

THE TOWN COUNCIL CONSISTENT WITH THE TOWN OF VERNON PERSONNEL RULES AND REGULATIONS, SECTION 4.1 (B) ENTITLED "JOB DESCRIPTIONS", HEREBY ADOPTS THE JOB DESCRIPTION OF *WPCA LABORATORY ANALYST* AS PRESENTED.

Council Member Wakefield, seconded by Council Member Kopec made a motion to approve the job description for the WPCA Laboratory Analyst. Assistant Town Administrator, Dawn Maselek was available to answer questions. Motion carried unanimously.

K.) **INTRODUCTION OF ORDINANCES**
None

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

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

Council Member Motola, seconded by Council Member Campbell made a motion to add 2 additional agenda items. Motion carried unanimously.

- 1. **Request the Town Council approve the bid waiver for obtaining professional services related to the remediation at Amerbelle Mill and hereby authorizes GZA Environmental of Glastonbury to serve as the licensed environmental professional for the implementation of remedial action plan and to perform hazardous building material abatement at a cost not to exceed \$2,069,000.**

PROPOSED MOTION

THE TOWN COUNCIL HEREBY MOVES IN ACCORDANCE WITH CHAPTER XII, SECTION 9, OF THE TOWN CHARTER THAT IT IS IN THE BEST INTEREST OF THE TOWN TO WAIVE THE TRADITIONAL SEALED BID REQUIREMENTS FOR OBTAINING PROFESSIONAL SERVICES RELATED TO THE REMEDIATION AT AMERBELLE MILL AND HEREBY AUTHORIZES GZA ENVIRONMENTAL OF GLASTONBURY, CONNECTICUT TO SERVE AS THE LICENSED ENVIRONMENTAL PROFESSIONAL (LEP) FOR THE

IMPLEMENTATION OF THE REMEDIAL ACTION PLAN AND TO PERFORM HAZARDOUS BUILDING MATERIAL ABATEMENT AT A COST NOT TO EXCEED \$2,069,000.

Council Member Wakefield, seconded by Council Member Peterson made a motion to waive the bid procedure and authorize GZA Environmental to serve as the licensed environmental professional for the implementation of the remedial action plan and to perform hazardous building material abatement at a cost not to exceed \$2,069,000. Town Administrator, John Ward was available to answer questions. Discussion took place. Motion carried unanimously.

- 2. Request the Town Council approve Mayor Daniel A. Champagne's appointment of Vincent J. Bologna (D), 227 Tracy Drive, Vernon, Connecticut as a regular member of the Vernon Arts Commission, said term to commence on July 22, 2015 and continue indefinitely.** (A copy of Mr. Bologna's 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 DANIEL A. CHAMPAGNE'S APPOINTMENT OF VINCENT J. BOLOGNA, (D), 227 TRACY DRIVE, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE VERNON ARTS COMMISSION, SAID TERM TO COMMENCE ON JULY 22, 2015 AND CONTINUES INDEFINITELY.

Council Member Wakefield, seconded by Council Member Campbell made a motion to approve the appointment of Vincent J. Bologna as a regular member of the Vernon Arts Commission, said term to commence on July 22, 2015 and continue indefinitely. Discussion took place. Council Member Kopec, seconded by Council Member Peterson, proposed an amendment to the motion to have Mr. Bologna's term expire on July 22, 2018. Motion carried unanimously. Main motion, as amended, carried unanimously.

9:09 PM Council entered back into Executive Session.

9:38 PM Council returned from Executive Session.

Council Member Wakefield, seconded by Council Member Peterson moved to approve the negotiated collective bargaining agreement between the Town of Vernon and the Department of Public Works Supervisors, Represented by the American Federation of State, County and Municipal Employees, Local 818 of Council #4 AFL-CIO, in effect July 1, 2015 through June 30, 2018, on the terms and conditions presented; and further authorizes Mayor Daniel A. Champagne to enter into said agreement on behalf of the Town of Vernon. Motion carried, with 7 in favor and 2 opposed, Council Members Campbell and Kopec.

- 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 OF JUNE 2, 2015, AND THAT MINUTES OF SAID MEETING BE APPROVED.

Council Member Wakefield, seconded by Council Member Kopec, made a motion to waive the reading of and approve the minutes of the regular town council meeting of June 2, 2015. Motion carried unanimously.

THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE SPECIAL TOWN COUNCIL MEETING OF JUNE 29, 2015, AND THAT MINUTES OF SAID MEETING BE APPROVED.

Council Member Wakefield, seconded by Council Member Kopec, made a motion to waive the reading of and approve the minutes of the special town council meeting of June 29, 2015. Motion carried unanimously.

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

1. CRCOG member benefits letter dated July 13, 2015 to John D. Ward, Town Administrator.
2. Year to Date, Budget Year 2014-2015 for the Board of Education as presented Michael Purcaro, Business and Finance Director.
3. RSVP READS Volunteer Program – Newsletter of the Community Renewal Team.
4. News Release: Tuesday, July 14, 2015 from Mayor Daniel A. Champagne announcing "Vernon Receives Additional \$2 Million in DECD Brownfields Funds to Accelerate Work at the Greater Amerbelle Mill Complex."
5. Press Release: Tuesday, July 14, 2015 from Governor Dannel P. Malloy announcing the award of \$7 Million in Grants for Brownfield Redevelopment in 12 Communities through the State.
6. Invitation to ECHN Public Hearings relative to the Certificate of Need determination letter submitted to Attorney General and the Office of Health Care Access.

Several Council Members spoke about topics, including the fireworks, the Vernon Summer Days carnival, Kidsafe and Fidelco benefits.

Mayor Daniel A. Champagne reminded members of the ECHN meeting at 6:00 PM on August 3, 2015, and the swearing-in ceremony for Captain Kelley on July 28, 2015 at 6:00 PM. The buildings at 19 Grove Street are being demolished and removed.

Adjourn (9:45 PM)

Council Member Wakefield, seconded by Council Member Kopec, made a motion to adjourn. Motion carried unanimously.

Received:

Approved:

Respectfully Submitted,

Karen C. Daigle
Recording Secretary