

February 2, 2010

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

February 2, 2010 – 7:00 PM

Mayor Jason L. McCoy called the meeting to order at 7:00 PM

A.) PLEDGE OF ALLEGIANCE

B.) ROLL CALL

Present: Council Members Daniel Anderson, 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:

Also Present: Mayor Jason L. McCoy, Town Administrator John Ward, Recording Secretary Jill Kentfield

C.) CITIZENS FORUM

Sue Perry, 26 Emma Lane spoke about a zoning enforcement issue with area businesses. Mayor McCoy will bring this issue to the next Town Council Meeting and requests the building official be present at the meeting to answer questions. Ms. Perry will e-mail her information to the Mayor.

Ed Slattery Municipal Agent for the Town of Vernon, spoke about concerns with the new automated refuse and recycle bins being too large for seniors. He is working with the Dept. of Public Works to educate seniors about their choice to have a smaller barrel.

Citizen's forum closed at 7:10 PM

D.) PUBLIC HEARINGS (7:05 PM)

Open Public Hearing (7:10 PM)

Mayor McCoy called the public hearing to order to receive comments and answer any questions from the public. The clerk read the legal notice into the record.

Public comments:

Attorney Michael Clinton, 212a New London Tpke, Glastonbury represents the Tolland County Land Owners Association which includes 15,000 units in CT. Spoke about the following:

- Only a handful of towns in Connecticut are enforcing this statute
- Concerns that the town will be unable to keep with the needed inspections causing a delay in occupying apartments placing a burden on the landlords
- Understands the goal of creating a safe living environment for tenants
- The Housing Code Enforcement statute and Vernon blight and nuisance codes already in place should help in achieving this goal
- Once the complaint process is started, an eviction can not take place until it is resolved

Discussion took place with Council Members and Attorney Clinton asked questions of the Mayor/Council.

Attorney Ralph Alexander representing the Vernon Housing Authority and Villa Apartments. Had many of the same points as Attorney Clinton's. Spoke about the following:

- The town already has the power to deal with the Health and Safety
- Concerns regarding the current man power needed in this statute.

February 2, 2010

- Requested the Town consider inspections on a 3 or 4 year basis.

Discussion took place with Town Council Members. Mayor McCoy stated that the ordinance won't take affect until June.

Attorney Antoinette Webster, Kahan, Karensky & Caposella Hartford Turnpike represents the Mansions 1 and 2, Mt. Vernon Apartments, Laurel Brook Apts. Had many of the same points as Attorneys Clinton and Alexander. Spoke about the following:

- Burden on both the landlord and tenant due to the frequency of tenants vacating apartments and the number of inspections needed could cause delays with lack of staff
- In Hartford the ordinance is on the books but is not being enforced.

7:54 PM Mayor McCoy left the table

- The apartment complexes she represents already have yearly inspections along with inspections when a lease is terminated and new tenants are moving in. The tenant also needs to approve the condition of the apartment before they move in.
- Concerns with subsection (d) Civil penalties may expose the town to a law suit if they don't respond to the need for an inspections quick enough.
- Requested Town Council review the Town of Mansfield's housing code which takes into consideration longer length of time in between inspections, fixed inspection fees, types of apartments and different inspections for larger complexes.
- Would like to see the parameters and procedures of the ordinance defined.

8:02 PM Mayor McCoy returned

Discussion took place with Town Council Members. Mayor McCoy estimated the number of inspections would be 28/day and they would need to out source the inspections depending on the volume.

Jeff Farnum Arn, Vernon Housing Authority has concerns about the ordinance and offered to be part of a board to review the ordinance and make changes as appropriate. Discussion took place regarding the Housing Authority inspectors as follows:

- Housing Authority inspectors are HUD certified but not building officials
- They complete about 10-12 inspections in an 8 hour day which includes a ½ hour inspection + travel time.
- Requested a change in the ordinance regarding inspections when a tenant moves in/out.

Brian Edwards owns a property management company. Spoke about the following:

- His vacancy rate is 29%
- Tenants are having difficulty paying the rent
- Eviction rates in court went from \$125.00 to \$175.00
- The State housing mediator has been laid off
- Inspections will require the property owner to pay to connect the power and activate the heating system in order to ensure all is working for the inspection which would place a financial burden on the landlord
- Requested the Council work with the landlords to fix the ordinance.

Discussion took place with Mayor and Town Council members.

Robert Puliose Poulis residential property owner of multi-family buildings in Rockville. Spoke about the following:

- Ordinance not needed, the public health code and property codes will keep them honest.
- Looking for the rationale as to why the certificate of occupancy is needed
- Would the Council consider completing the inspections while the previous tenant is still in the apartment as long as it is vacated within 30 days.
- Need a definition of "substantially reconstructed"

8:59PM Council Member Motola left the table

February 2, 2010

Discussion took place Council Member Etre stated that a select few properties are not up to standard.

9:03 PM Council Member Motola returned

Bill Daupin, 11 Olive Lane, Would like to "understand the problem that needs to be solved" and see data as it pertains to the problem. He would like this addressed under current law with modifications if necessary and properly fund the existing Department. If this is a genuine problem, the town has the duty to the health and safety of its residents to fix this issue even if it includes paying more taxes.

Council Member Champagne stated that there is a need to have this ordinance based on his experiences as a police officer. He has visited some bad apartments and reported them, but there are several more he hasn't been to yet. He would like to see an ordinance pass that works with all the landlords.

Eric Santini spoke about the pros and cons he heard during the hearing and took Council Member Champagne's points into consideration. He requested the Town Council vote to recreate the Ordinance with input from landlords and attorneys.

Council Member Herbst, seconded by Council Member Thomas made a motion to recess the public hearing and until a meeting can be convened with the landlords and attorneys with a new public hearing date established. Motion carried unanimously.

RECESS (9:30 PM)

RECONVENE (9:44 PM)

Council Member Etre, seconded by Council Member Krupienski made a motion to extend curfew until 10:30 PM. Motion carried unanimously.

F.) ACTION ON CONSENT AGENDA

Council Member Motola, seconded by Council Member Etre made a motion to approve the consent agenda items as presented. Mayor McCoy pulled consent agenda item #6. Council Member Herbst pulled consent agenda item #'s 5 and 7 for discussion. Motion carried unanimously to approve the consent agenda items 1, 2, 3 and 4 as presented.

C 1. Request for Tax Funds Prior Years and Current Year. (A copy of a memorandum from Terry Hjarne, Collector of Revenue, to John D. Ward, Town Administrator dated January 25, 2010 is included in the Council packet). **Appendix A**

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES FIVE (5) REFUNDS TOTALING \$13,557.57 FOR PRIOR YEARS AND TEN (10) TAX REFUNDS TOTALING \$1502.05 FOR THE CURRENT YEAR AS OUTLINED IN THE MEMORANDUM FROM TERRY HJARNE, COLLECTOR OF REVENUE TO JOHN D. WARD, TOWN ADMINISTRATOR DATED JANUARY 25, 2010.

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

February 2, 2010

- C 2.** **Request the Town Council approve the budget amendment # 68 for fiscal year 2008-2009, and amendment # 12 for fiscal year 2009-2010 reflected on the budget amendment forms provided by James Luddecke, Finance Officer.** (A copy of the budget amendment requests are included in the Council packet.) **Appendix B**

PROPOSED MOTION 2A:

THE TOWN COUNCIL HEREBY APPROVES BUDGET AMENDMENT # 68 FOR FISCAL YEAR 2008-2009, AS OUTLINED IN THE BUDGET AMENDMENT FORMS PROVIDED BY THE FINANCE OFFICER JAMES LUDDECKE.

Council Member Motola, seconded by Council Member Etre made the above motion to approve budget amendment #68 for fiscal year 2008-2009. Motion carried unanimously.

PROPOSED MOTION 2B:

THE TOWN COUNCIL HEREBY APPROVES BUDGET AMENDMENT # 12, FOR FISCAL YEAR 2009-2010 AS OUTLINED IN THE BUDGET AMENDMENT FORMS PROVIDED BY THE FINANCE OFFICER JAMES LUDDECKE.

Council Member Motola, seconded by Council Member Etre made the above motion to approve budget amendment #12 for FY 2009-2010. Motion carried unanimously.

- C 3.** **Request the Town Council approve the Mayor's appointment of Robert D. McGarity, Jr., (R), 151 Hany Lane, Vernon, Connecticut as a regular member of Design Review Advisory Commission, said term to commence February 3, 2010 and expires on December 31, 2012.** (A copy of Mr. McGarity's resume is included for Council review.)

PROPOSED MOTION:

PURSUANT TO ORDINANCE #268, TOWN CODE SECTIONS 10-105 – 10-108 THE TOWN COUNCIL APPROVES THE MAYOR'S APPOINTMENT OF ROBERT D. MCGARITY, JR.,(R), 151 HANY LANE, VERNON, CONNECTICUT, AS A REGULAR MEMBER OF THE DESIGN REVIEW ADVISORY COMMISSION, SAID TERM SHALL COMMENCE ON FEBRUARY 3, 2010 AND EXPIRES ON DECEMBER 31, 2012.

☉ Council Member Motola, seconded by Council Member Etre made the above motion to approve the Mayor's appointment of Robert D. McGarity Jr. as a regular member of the Design Review Advisory Commission for a term of February 3, 2010 through December 31, 2012. Motion carried unanimously.

- C 4.** **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 February 3, 2010 and expires on December 31, 2012.** (A copy of Mr. Weissberger's resume is included for Council review.)

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 ADAM B. WEISSBERGER, (R), 75 HOCKANUM BLVD., UNIT 3313, VERNON,

February 2, 2010

CONNECTICUT AS A REGULAR MEMBER OF THE WATER POLLUTION CONTROL AUTHORITY, SAID APPOINTMENT TO COMMENCE ON FEBRUARY 3, 2010 AND EXPIRES ON DECEMBER 31, 2012.

Council Member Motola, seconded by Council Member Etre made the above motion to approve the Mayor's appointment of Adam B. Weissberger as a regular member of the Water Pollution Control Authority for a term of February 3, 2010 through December 31, 2012. Motion carried unanimously.

C 6. Request to schedule a Public Hearing to receive comments and questions regarding the establishment of An Ordinance entitled "An Ordinance Amending Ordinance #282" (A copy of a memorandum dated January 28, 2010 from John D. Ward, Town Administrator to Mayor McCoy and the Vernon Town Council, and the proposed ordinance are included in the Council packet.)

No action taken.

G.) IDENTIFICATION AND ADOPTION OF ADDITIONAL AGENDA ITEMS

Council Member Etre, seconded by Council Member Schaefer made a motion to add Additional Agenda Item #1 "Fee Waiver – Access Alterations and Exterior Restoration Vernon Historical Society." Motion carried unanimously.

H.) PENDING BUSINESS

None

I.) NEW BUSINESS

None

J.) INTRODUCTION OF ORDINANCES

None

K.) ACTION ON ORDINANCE(S) PREVIOUSLY PRESENTED

ITEM # ONE: ORDINANCE #291 "AN ORDINANCE ESTABLISHING PROCEDURE AND FEES FOR LICENSING AND PERMITS FOR WORK PERFORMED WITHIN A PUBLIC RIGHT OF WAY". (Please see the attached memorandum, dated January 28, 2010 from John D. Ward, Town Administrator) **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 MOVES TO ADOPT AN ORDINANCE ENTITLED ORDINANCE 291, "**AN ORDINANCE AMENDING ORDINANCE # 279 AN ORDINANCE ESTABLISHING PROCEDURE AND FEES FOR LICENSING AND PERMITS FOR WORK PERFORMED WITHIN A PUBLIC RIGHT OF WAY**".

Council Member Motola, seconded by Council Member Thomas made the above motion to adopt Ordinance #291 "An Ordinance Establishing Procedure and Fees for Licensing and Permits for Work Performed within a Public Right of Way." Discussion took place. Council Member Etre, seconded by Council Member Thomas made a motion to amend the ordinance to add the italics section of the memo from John Ward to Mayor McCoy dated January 28, 2010. Motion carried, Council Member Schaefer abstained. Motion as amended passed, Council Member Schaefer abstained.

February 2, 2010

ITEM # TWO: ORDINANCE NO. _____, "AN ORDINANCE REQUIRING A CERTIFICATE OF APARTMENT OCCUPANCY". This is the ordinance from the February 2, 2010 Public Hearing. This was originally proposed by Councilman Etre. (Please see enclosed memorandum dated January 28, 2010 from Town Administrator, John. D. Ward.)

Action on this item will be taken at the next meeting.

L.) DISCUSSION OF ADDITIONAL AGENDA ITEMS, Pulled consent items from f) AND PULLED ITEMS FROM O) INFORMATIONAL ITEMS, ETC

C 5. **Request the Town Council approve the bid waiver for a used automated side loading truck.** (A copy of a memorandum from Robert Kleinhans, Director of the Department of Public Works dated January 29, 2010 to John Ward, Town Administrator and Mayor Jason L. McCoy; and a memorandum from John D. Ward Town Administrator to Mayor Jason L. McCoy and Town Council Members dated January 29, 2010 are included for the Council's 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 SEALED BID PROCEDURE FOR THE PURCHASE OF A USED AUTOMATED SIDE LOADING TRUCK IN THE AMOUNT OF FORTY-EIGHT THOUSAND, SIX HUNDRED DOLLARS (\$48,600.00).

Council Member Motola, seconded by Council Member Champagne made the above motion to approve the bid waiver for a used automated side loading truck. DPW Director Kleinhans gave a presentation which provided justification for the purchase of used equipment. The used vehicle will be fully inspected. Discussion took place.

Council Member Etre, seconded by Council Member Champagne made a motion to extend the curfew until the end of business. Motion carried, Council Member Herbst opposed.

Discussion continued. Council Member Etre moved the question, motion carried unanimously. Original motion carried, Council Member Schaefer Abstained.

C 7. **Request the Town Council to schedule a Public Hearing for February 16, 2010 to receive comments and questions regarding the establishment of an Ordinance entitled "TOWN OF VERNON ENERGY IMPROVEMENT DISTRICT AND ENERGY IMPROVEMENT DISTRICT BOARD"**. (A copy of a memorandum dated January 28, 2010 from John D. Ward, Town Administrator to Mayor McCoy and the Vernon Town Council, and the proposed ordinance are included in the Council packet.) **Appendix D**

PROPOSED MOTION

THE TOWN COUNCIL, CONSISTENT WITH CHAPTER V OF THE VERNON TOWN CHARTER, SEC. 6, ENTITLED "PUBLIC HEARING ON AND PUBLICATION OF ORDINANCES," HEREBY SCHEDULES A PUBLIC HEARING REGARDING THE PROPOSED ORDINANCE ENTITLED "TOWN OF VERNON ENERGY IMPROVEMENT DISTRICT AND ENERGY IMPROVEMENT DISTRICT BOARD" AT 7:20 PM ON TUESDAY, FEBURARY 16, 2010 LOCATED AT THE COUNCIL CHAMBERS, THIRD FLOOR, 14 PARK PLACE, VERNON, CT TO RECEIVE COMMENTS AND QUESTIONS RELATIVE TO THE PROPOSED ORDINANCE.

February 2, 2010

Council Member Motola, seconded by Council Member Champagne made the above motion to schedule a public hearing for February 16, 2010 to receive comments and questions regarding an ordinance entitled "Town of Vernon Energy Improvement District and Energy Improvement District Board." Discussion took place.

10:47 PM Council Member Anderson left the meeting.

Discussion continued. Council Member Herbst requested Administration provide information from towns who have already formed districts regarding the pros and cons. Town Administrator Ward will provide this information. Motion carried unanimously.

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

PROPOSED MOTION

THE TOWN COUNCIL HEREBY AUTHORIZES THE TOWN ADMINISTRATOR TO WAIVE THE FEE OTHERWISE DUE TO THE TOWN OF VERNON FOR A BUILDING PERMIT FOR THE CONSTRUCTION PROJECT ON THE VERNON HISTORICAL SOCIETY.

Motion carried unanimously.

E.) PRESENTATIONS by the Administration

1. Discussion with Mayor Jason L. McCoy on various topics.

Mayor McCoy spoke about the following topics:

- Grand list
- Bond anticipation note for 3.7 million which will carry them until June because the state has not reimbursed them yet. The short term note will run approximately .75 -1.75%
- Received better numbers for the budget
- The tax collection rate is 95%. Informational items are available on the tax website for review.
- Recycling is up
- Annual CRRRA meeting is taking place tomorrow, there is a push to create a new member agreement
- Budgets are running close to last year.
- Health Insurance bids have been received.
- Met with Departments regarding the budget
- The first Capitol Improvements meeting was held
- Mayor suggested meeting with the WPCA, Boards and Town Council to work together to establish cost sharing measures.
- A diversion permit is needed for the Phoenix Street bridge, which is an extra requirement not usually required.
- Roosevelt Mills project documents were delivered to Susan Boynton today.
- Barry Foster is taking Sgt. Fleming's place
- The Emergency Management plan is being updated. The Emergency Management Director may be going to Haiti, the Deputy Director will be serving in his place
- The Vernon CERT team helped with the Ellington H1N1 clinic.
- ~~GOTMS~~ GEOSYS system for the building inspectors to issue permits while in the field is up and running.
- Town Council Members should review the information provided to them about I Pads which will allow the Town Council to go paperless.
- WPCA budget was decreased by \$150,000

February 2, 2010

M.) ADOPTION OF MINUTES

THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE SPECIAL MEETING OF JANUARY 27, 2010 AND THAT MINUTES OF SAID MEETING BE APPROVED.

Council Member Motola, seconded by Council Member Hany made a motion to approve the minutes of the January 27, 2010 special Town Council meeting. Motion carried, Council Member Schaefer, O'Shea and Winkler abstained.

Council Member Krupienski requested on future agendas, new ordinances be listed accordingly under section "J"

N.) EXECUTIVE SESSION ISSUES

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

Adjourn (11:06 PM)

Council Member Krupienski, seconded by Council Member Thomas made a motion to adjourn. Motion carried unanimously.

Received: February 5, 2010

Approved: March 2, 2010

Respectfully Submitted,

Jill Kentfield
Recording Secretary

Karen C. Daigle
Assistant Town Clerk

February 2, 2010

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 25, 2010
SUBJECT: Refunds for Town Council Approval

PRIOR YEARS:

Cab East LLC	404.46
Assessor's Correction (3) - Sold Vehicles	
Cab East LLC	436.94
Assessor's Correction (2) - Sold Vehicles	
Cab East LLC	221.32
Assessor's Correction - Sold Vehicle	
Camrac Inc	12,362.07
Assessor's Correction (51) - Sold Vehicles	
Foisy, Bonnie J	132.78
Assessor's Correction - Sent to another town	

CURRENT YEAR:

Benn, Katherine L	26.63
Assessor's Correction - Totaled	
Cab East LLC	231.97
Assessor's Correction (2) - Sold Vehicles	
Corporate Fleet Services	434.17
Assessor's Correction - Duplicate Bill	
GMAC	254.91
Assessor's Correction (2) - Sold Vehicles	
Jett, Drew A or Theresa L	21.57
Assessor's Correction - Sold Vehicle	

Appendix A (cont)

Jett, Drew A or Theresa I.....	17.54
Assessor's Correction – Sold Vehicle	
Nissan Infiniti LT.....	256.06
Assessor's Correction – Taxpayer paid too much	
Nissan Infiniti LT.....	60.20
Assessor's Correction – Sold Vehicle	
Sinkus, Nicholas E.....	108.00
Assessor's Correction – Duplicate Bill	
Tirone, Tamara.....	91.00
Assessor's Correction – Taxpayer made overpayment	
(5) Prior Overpayments.....	\$13557.57
(10) Current Overpayments.....	\$1502.05

Cc: James Luddecke

Appendix B (cont)

1/28/2010

TOWN OF VERNON

ADDITIONAL APPROPRIATIONS FROM GENERAL FUND BALANCE

FISCAL YEAR 2008 - 2009

Date	Description	#	Pass Through	Additional Appropriation	Total
Balance brought forward:			\$ 32,292.07	\$ 257,174.00	\$ 289,466.07
6/2/2009	Parks & Recreation - Reappropriation of donations	37	4,549.67	-	4,549.67
	Treasury - Reappropriation of liquidated encumbrance	38	2,141.78	-	2,141.78
	Compensated Absences Reserve - Exec. & Administration	39	75,000.00	-	75,000.00
	Compensated Absences Reserve - Collector of Revenue	40	58,300.00	-	58,300.00
	Compensated Absences Reserve - DPW Administration	41	52,237.00	-	52,237.00
	DPW - Snow removal overtime	42	-	37,227.00	37,227.00
	Town Clerk - Farmland Preservation: 8 months	43	71,812.00	-	71,812.00
	Fire Department - To cover increase in hydrant fees	44	-	45,800.00	45,800.00
	Police - Special services pay	45	75,000.00	-	75,000.00
					-
06/16/09	Law - Town Attorney fees to be reimbursed by developer	48	6,500.00	-	6,500.00
	Town Clerk - Historic preservation grant	49	4,000.00	-	4,000.00
	Police - Special services pay	50	35,000.00	-	35,000.00
					-
07/21/09	Parks Maintenance - Fees collected for portable rentals	58	2,785.00	-	2,785.00
	Parks Maintenance - Fee collected for sign damage	58	472.85	-	472.85
	Town Clerk - Farmland Preservation: 4 months	61	43,186.00	-	43,186.00
	Education - School use activity reimbursement	64	60,000.00	-	60,000.00
					-
08/14/09	Education - Excess cost grants for special education	67	932,644.00	-	932,644.00
					-
02/02/10	Town Clerk - Farmland Preservation fees	68	4,420.00	-	4,420.00
					-
					-
Totals to Date:			\$ 1,460,340.37	\$ 340,201.00	\$ 1,800,541.37
<i>Original Budget:</i>					75,451,602.00
<i>Revised Budget:</i>					\$ 77,252,143.37

February 2, 2010

Appendix B (cont)

1/28/2010

TOWN OF VERNON

ADDITIONAL APPROPRIATIONS FROM GENERAL FUND BALANCE

FISCAL YEAR 2008 - 2009

Date	Description	#	Pass Through	Additional Appropriation	Total
09/02/08	Collector of Revenue - Rebate for recall on fax machine	2	\$ 100.00	-	\$ 100.00
12/02/08	Data Processing - Building Inspection GEOTMS software	6	-	25,000.00	25,000.00
	Note: Total cost is \$35,000.00 / Contingency provides \$10,000.00				-
02/17/09	Public Works - 11 chemical control units with GPS	8	-	69,080.00	69,080.00
	General Election - Advertising / Telephones	9	6,250.00		6,250.00
	General Election - Election worker wages	9	-	6,034.00	6,034.00
	General Election - Advertising / Supplies / Food [Encl. Liquid.]	10	1,417.00	-	1,417.00
	Collector of Revenue - Printing of tax bills [Encl. Liquid.]	11	647.56	-	647.56
03/17/09	Fire Department - Rescue truck transmission repair	18	-	8,000.00	8,000.00
	Fire Department - "Jaws of Life" and related equipment	18	-	45,000.00	45,000.00
04/21/09	Elections - Office supplies (to be funded by encumb. liquidation)	19	116.93	-	116.93
	Law - Town Attorney, special counsel; and labor relations	20	-	68,000.00	68,000.00
	Parks - Horowitz pool repairs due to harsh winter	21	-	30,000.00	30,000.00
	Capital Improvements - Hybrid grants	22	11,400.00	-	11,400.00
	Arts Commission - Encumbrance liquidation change - performers	23	800.00	-	800.00
05/05/09	Elections - Voting machines (to be funded by encumb. liquidation)	30	372.58	-	372.58
	Youth Services - School Readiness Manager	31	11,188.00	-	11,188.00
05/19/09	Parks - Horowitz pool repairs due to harsh winter	32	-	6,060.00	6,060.00
Totals to Date:			\$ 32,292.07	\$ 257,174.00	\$ 289,466.07
<i>Original Budget:</i>					<i>75,451,602.00</i>
<i>Revised Budget:</i>					<i>\$ 75,741,068.07</i>

February 2, 2010

Appendix C

ORDINANCE #291

**AN ORDINANCE AMENDING ORDINANCE 279 “AN ORDINANCE
ESTABLISHING PROCEDURES AND FEES FOR LICENSING AND PERMITS
FOR WORK PERFORMED WITHIN A PUBLIC RIGHT OF WAY”**

**Amendment to Ordinance No. 279 codified in Vernon town Code of Ordinances
Chapter 11, Article II, Section 11-21, entitled “Construction”**

Ordinance No. 279 is amended as follows:

The last line of Section (b) I (d) will now read

“A fee of One Hundred dollars (\$100.00) for each license issued.”

Section (b) II will now read:

A permit application must be submitted and approved by the Town Engineer prior to performance of any work by a licensed contractor within the public right of way in the Town of Vernon. Each permit application must be approved by the Town Engineer or his designated agent. No work shall be commenced or be continued unless the approved permit is posted by or in the possession of the licensee or his/its agent at the location of the work to be performed. A fee of fifty dollars (\$50.00) will be charged except if the work requires a roadway cut on town property. Then the fee of one hundred dollars (\$100.00) will be charged for the permit application and license issued. No work shall be performed until the permit application is approved.

Except as amended above, Ordinance 279 remains in full force and effect.

This Ordinance shall be effective for a period of not more than ten (10) years from the date of not more than ten (10) years from the date of adoption. If the Town Council does not act or renew this Ordinance, it shall be deemed repealed.

INTRODUCED: January 5, 2010

ADVERTISED: January 11, 2010

PUBLIC HEARING: January 19, 2010

COUNCIL ACTION: February 2, 2010

ADVERTISED: February 9, 2010

EFFECTIVE DATE: February 24, 2010

AMENDS ORDINANCE #279

February 2, 2010

Appendix D

ORDINANCE

**TOWN OF VERNON ENERGY IMPROVEMENT DISTRICT
AND ENERGY IMPROVEMENT DISTRICT BOARD**

THE TOWN OF VERNON ENERGY IMPROVEMENT DISTRICT AND ENERGY IMPROVEMENT DISTRICT BOARD.

Section 1: Purpose and Intent:

- A. In accordance with PA-07-242 and Conn. Gen. Stat. Sec. 32-80a et seq., the Town of Vernon hereby establishes the Town of Vernon Energy Improvement District within and for the area more particularly defined as the municipal boundaries of the Town of Vernon to be created and operated according to the procedures set forth in PA 07-242 and Conn. Gen. Stat. Sec. 32-80a et seq.
- B. The purpose of this Ordinance is to promote the planning, development, construction, reconstruction, improvement, extension or operation of one or more energy improvement districts with a view to increase efficiency, reliability and furtherance of commerce and industry in an energy improvement district. The operation of the district shall be for the benefit of the inhabitants of the municipality, for the increase of their commerce and for the promotion of their safety, health, welfare, convenience and prosperity. Further, the purpose is also to coordinate district activities with regard to such resources with relevant state, regional and federal agencies.

Section 2: Definitions:

Words and terms shall have the following meanings when context shall require or permit:

- A. The term "Board" shall mean the Energy Improvement District Board created by this ordinance and as more particularly defined in PA 07- 242 and Conn. Gen. Stat. Sec. 32-80a;
- B. The term "District" shall mean the Energy Improvement District which shall be the municipal boundaries of the Town of Vernon;

February 2, 2010

Appendix D (cont)

- C. The term "Energy Improvement District Distributed Resources" shall mean one or more of the following:
- i. Customer-side distributed resources, as defined in Conn. Gen. Sec. 16-1
 - ii. Grid-side distributed resources, as defined in said Section 16-1;
 - iii. Combined heat and power systems, as defined in said Section 16-1;
 - iv. Class III renewable energy sources, as defined in Section 16-1 and;
 - v. The term "Connecticut General Statutes" shall mean the revision of 1958, as revised and amended;
 - vi. The term "Ex-officio" shall mean non-voting member;
 - vii. The term "State Agency" shall mean the State of Connecticut, any department of, or corporation agency; or instrumentality thereof, heretofore, of or hereafter created, designated, or established by the State of Connecticut;
 - viii. The term "Federal Agency" shall mean the United States of America and any department of or corporation, agency, or instrumentality thereof or hereafter created, designated or established by the United States of America;
 - ix. The term "Project" shall mean the acquisition, purchase, construction, reconstruction, improvement or extension of one or more energy improvement district distributed resources.

Section 3: Board

- A. The Mayor shall appoint the voting members of Board of the District, as set out in C.G.S.A. § 32-80a (2) (b) (1). These voting members shall be approved by the Town Council. The Board of the District shall consist of six (6) voting members. The voting members shall be electors or representatives of businesses located in the district. The terms of two (2) designated members shall expire on June 30, 2011. The terms of the two other (2), remaining designated members shall expire on June 30, 2012. The term of the last remaining designated member shall expire on June 30, 2013. Thereafter, upon the expiration of these original terms, all the terms shall be for a period of five (5) years. The Mayor shall be a voting member of the Board during his or her term as Mayor of Vernon. The Mayor shall fill any vacancy for the unexpired portion of the term. Any vacancy shall be filled in the same manner as the original appointment. The six voting Board members shall serve without compensation, except for reasonable and necessary expenses.

Appendix D (cont)

Section 4: Powers and Duties of the Board

As set out in C.G.S.A. § 32-80a the voting Board Members may lease or acquire office space and equip the same with suitable furniture and supplies for the performance of work of the board and may employ such personnel as may be necessary for such performance, subject to the recommendation of the Mayor and approval of the Town Council.

The voting Board also shall have power to:

- 1) Sue and be sued;
- 2) Confer with any body or official having to do with electric power distribution facilities within and without the district and hold public hearings as to such facilities;
- 3) Confer with electric distribution companies with reference to the development of electric distribution facilities in such district and the coordination of the same;
- 4) Determine the location, type, size and construction of energy improvement district distributed resources, subject to the approval of any department, commission or official of the United States, the state or the municipality where federal, state or municipal statute or regulation requires it and subject to the recommendation of the Mayor and approval of the Town Council;
- 5) Make surveys, maps and plans for, and estimates of the cost of, the development and operation of requisite energy improvement district distributed resources and for the coordination of such facilities with existing agencies, both public and private, with the view of increasing the efficiency of the electric distribution system in the district and in the furtherance of commerce and industry in the district;
- 6) Enter into contracts subject to the recommendation of the Mayor and approval of the Town Council; including but not limited to contracts with independent consultants and suppliers of clean energy products and technology in order to reduce the Town's carbon footprint, dependency on foreign energy sources, and to make available to local non-profits and businesses the benefits of such a program;
- 7) Subject to recommendation of the Mayor and the Approval of the Town Council, the Energy Improvement District and Energy Improvement District Board shall have the power to enter into power purchase agreements and/or energy service agreements;

Operate and maintain all energy improvement district distributed resources owned or leased by the board;

February 2, 2010

Appendix D (cont)

- 8) Subject to the recommendation of the Mayor and approval of the Town Council, accept gifts, grants, loans or contributions from the United States, the state or any agency or instrumentality of either, or a person or corporation, by conveyance, bequest or otherwise, and expend the proceeds for any purpose of the board and, as necessary, contract with the United States, the state or any agency or instrumentality of either to accept gifts, grants, loans or contributions on such terms and conditions as may be provided by the law authorizing the same; any revenue collected by the EID or EID Board shall be submitted to the Town of Vernon general fund;
- 9) Maintain paid staff to promote and develop the movement of commerce through the energy improvement district; and
- 10) Use the officers, employees, facilities and equipment of the municipality, with the consent of the municipality, and pay a proper portion of the compensation or cost.
- 11) The Energy Improvement District and Energy Improvement District Board shall have the power to organize and analyze the Town of Vernon's energy needs.
- 12) Subject to the Recommendation of the Mayor and Approval of the Council, The Energy Improvement District and Energy Improvements District Board shall have the power to enter into power purchase agreements and or energy service agreements.
- 13) The Energy Improvements District and Energy Improvement District Board shall not have any of the powers provided in Conn. Gen. Stat. Secs. 32-80A, B, C, or Public Act 07-242 unless they are also articulated in this Ordinance.

Section 5: District Properties

The properties included in the District shall be bound by the municipal boundaries of the Town of Vernon.

Section 6: Regulations by the Board

The Board may, subject to the recommendation of the Mayor and approval by the Town Council, make and enforce any reasonable regulation which it may determine to be necessary relating to the facilities owned or leased by any individual or corporation, limited liability company, partnership, etc., within the District consistent with the laws of the State of Connecticut and the Vernon Town Charter and Code of Ordinances for the Town of Vernon.

February 2, 2010

Appendix D (cont)

Section 7: EID Payment in Lieu of Taxes (Pilot)

In the event that property taxes are not paid or required to be paid to the Town of Vernon for real and personal property by the EID Project, at the Town of Vernon's election the EID will be subject to a payment in lieu of taxes, the PILOT election shall be based upon the Town's Mill Rate and the Town's Valuation of the EID Project real and or personal property. The EID Project real and personal property include any real or personal under any agreement of operation or lease between the EID and any entity, person or organization. This election shall be at least the ninety (90) days before the date at which the Assessor of the Town of Vernon publishes the Town of Vernon Grand List for real and personal property for the Town of Vernon. Town of Vernon's election shall be based upon the recommendation of the Mayor to the Town Council with the approval of the majority of the Town Council. This shall not be a PILOT upon any property owner in the boundaries of the EID only the EID Project personal and real property is subject to Section 7.

INTRODUCED:

ADVERTISED:

PUBLIC HEARING:

COUNCIL ACTION:

ADVERTISED:

EFFECTIVE DATE: