

September 21, 2010

**APPROVED MINUTES  
VERNON TOWN COUNCIL REGULAR MEETING  
TOWN HALL - 14 PARK PLACE - 3<sup>rd</sup> Floor  
VERNON, CONNECTICUT**

**Tuesday, September 21, 2010 – 7:00 PM**

Mayor Jason L. McCoy called the meeting to order at 7:03 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, Pauline Schaefer, Michael A. Winkler

**Absent:** Council Members Sean O'Shea, Harry D. Thomas

**Entered During Meeting:**

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

**C) CITIZEN'S FORUM**

Cliff Edwards, Executive Director, Rockville Downtown Association – Provide a report of RDA activities.

Citizen's forum closed at 7:13 PM

**D) PUBLIC HEARINGS (7:05PM)**

PUBLIC HEARING RELATIVE TO AN "**ORDINANCE NO., \_\_\_, AN ORDINANCE REGARDING THE MINIMUM REFUND OF TAXES**". (A copy of the proposed ordinance, and the legal notice are included for Council review.) **Appendix A**

**Open Public Hearing (7:14 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:

There were no public comments

**Close Public Hearing (7:15 PM)**

Mayor McCoy closed the public hearing. Regular Meeting reconvened.

**E.) Presentations by the administration**

1. Presentation by the EMS Director Jean Gauthier of the newly purchased stretchers for the Vernon Ambulance Corps.
2. Mayor Jason L. McCoy presents a Proclamation declaring October 3-9, 2010 Fire Prevention Week in the Town of Vernon to Fire Marshal Ray Walker.
3. Mayor McCoy read a proclamation to the Rockville Public Library
4. Mayor Jason L. McCoy to make a presentation to the Town Council on various topics.

September 21, 2010

- Mayor McCoy requested Town Council Members reconsider the motion to endorse the concept of the intermodal center
- Congressman Courtney stated that the Town of Vernon is receiving Federal funds a part of the broadband initiative for school system
- Spring Street bridge had the ribbon cutting, the work is complete
- Phoenix Street bridge is just waiting for DEP approval
- Union Street work continues
- Automatic refuse barrels continue to be distributed
- Expanding recycling initiative in the next budget
- Duncaster Lane is 70% complete
- Board of Education parking lot is complete
- Town of Vernon dog pound working with South Windsor and Bolton
- Parks and Recreation: 1,000 children attended camps over the summer and over 400 children and adults took swimming lessons
- 37 new parking spots are available for Maple Street
- Received \$500,000 to complete the entire Prospect Street Project
- Bonding: completed note sale, closing school projects and refinancing older bonds at lower rates
- Summer employment program a success
- 2 new police officers are completing their training tomorrow
- John Kelly coordinated a prescription drug drop off last Saturday

Council Member Schaefer requested Town Council members consider reinstating the funding to Rockville Downtown Association during the next budget session and also encouraged members to join the RDA.

- Rockville Fest takes place this weekend. The Parks and Recreation Dept helped fund the police support needed for the event.

**F.) ACTION ON CONSENT AGENDA**

Council Member Motola, seconded by Council Member Etre made a motion to approve the consent agenda items as presented. Council Member Herbst pulled consent agenda item #3 and Council Member Schaefer pulled consent agenda item #2 for discussion. Motion carried unanimously to approve consent agenda item 1 as presented.

- 1) Request for Tax Refunds Prior Years and Current Year.** (A copy of a memorandum from Terry Hjarne, Collector of Revenue, to John D. Ward, Town Administrator dated September 10, 2010 is included in the Council packet.) **Appendix B**

**PROPOSED MOTION:**

THE TOWN COUNCIL HEREBY APPROVES SEVEN (7) REFUNDS TOTALING \$5400.96 FOR TAX REFUNDS FROM THE PRIOR YEAR, AND TWELVE (12) REFUNDS TOTALING \$1348.29 FOR THE CURRENT YEAR AS OUTLINED IN THE MEMORANDUM FROM TERRY HJARNE, COLLECTOR OF REVENUE TO JOHN D. WARD, TOWN ADMINISTRATOR DATED SEPTEMBER 10, 2010.

**G.) IDENTIFICATION AND ADOPTION OF ADDITIONAL AGENDA ITEMS**

None

**H.) PENDING BUSINESS**

None

**I.) NEW BUSINESS**

September 21, 2010

- 1) **Request for reconsideration of the September 7, 2010 vote on the Vernon Transportation Center.** (A copy of the memorandum dated September 17, 2010 from John Ward, Town Administrator to Mayor Jason L. McCoy and the Vernon Town Council is included for Council review.)

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

**PROPOSED MOTION:**

THE TOWN COUNCIL AUTHORIZES THE RECONSIDERATION OF THE VOTE OF SEPTEMBER 7, 2010 ON THE MOTION RELATING TO THE VERNON TRANSPORTATION CENTER.

Discussion took place.

8:35 PM Council Member Etre left the table

8:37 PM Council Member Etre returned

Discussion continued. Motion carried, Council Members Herbst, Schaefer, Campbell and Winkler opposed.

9:05 PM Council Member Herbst left the table

Council Member Anderson, seconded by Council Member Etre made the following motion:

**PRIOR MOTION:**

THE TOWN COUNCIL AUTHORIZES MAYOR JASON L. MCCOY OR HIS DESIGNEE TO SUBMIT A PROPOSAL FOR A MASS TRANSPORTATION CAPITAL ASSISTANCE PROJECT AT 375 HARTFORD TURNPIKE WITH GREATER HARTFORD TRANSIT DISTRICT'S ASSISTANCE USING FUNDS FOR SUCH PURPOSE UNDER THE PROVISIONS OF CAPITAL GRANT #CT-04-002 BETWEEN THE DISTRICT AND THE FEDERAL TRANSIT AUTHORITY OF THE U.S. DEPARTMENT OF TRANSPORTATION TO REFLECT SAID PROJECT SHALL INCLUDE A TOTAL MAXIMUM PROJECT COST OF \$7,923,712. MAYOR JASON L. MCCOY OR HIS DESIGNEE IS FURTHER AUTHORIZED TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THIS SUBMISSION AND PROJECT.

Discussion took place. Council Member Campbell offered a friendly amendment to include "upon authorization of the Vernon Town Council" to the motion as follows:

**MOTION AS AMENDED:**

THE TOWN COUNCIL AUTHORIZES MAYOR JASON L. MCCOY OR HIS DESIGNEE TO SUBMIT A PROPOSAL FOR A MASS TRANSPORTATION CAPITAL ASSISTANCE PROJECT AT 375 HARTFORD TURNPIKE WITH GREATER HARTFORD TRANSIT DISTRICT'S ASSISTANCE USING FUNDS FOR SUCH PURPOSE UNDER THE PROVISIONS OF CAPITAL GRANT #CT-04-002 BETWEEN THE DISTRICT AND THE FEDERAL TRANSIT AUTHORITY OF THE U.S. DEPARTMENT OF TRANSPORTATION TO REFLECT SAID PROJECT SHALL INCLUDE A TOTAL MAXIMUM PROJECT COST OF \$7,923,712. MAYOR JASON L. MCCOY OR HIS DESIGNEE, UPON AUTHORIZATION OF THE VERNON TOWN COUNCIL, IS FURTHER AUTHORIZED TO EXECUTE ANY AND ALL NECESSARY DOCUMENTS FOR THIS SUBMISSION AND PROJECT.

Motion as amended passed, Council Members Winkler and Schaefer opposed.

September 21, 2010

Council Member Anderson, seconded by Council Member Etre made the following motion:

**MOTION:**

THE TOWN COUNCIL AUTHORIZES AN ADDITIONAL APPROPRIATION OF TWENTY THOUSAND DOLLARS (\$ 20,000.00) FROM FUND BALANCE TO THE CAPITAL IMPROVEMENT ACCOUNT (ORG CODE: 10780290, OBJECT CODE 57290) FOR GRANT ASSISTANCE COSTS.

Motion carried, Council Members Winkler and Schaefer opposed.

**J.) INTRODUCTION OF ORDINANCES**

None

**K.) ACTION ON ORDINANCE(S) PREVIOUSLY PRESENTED**

**“ORDINANCE NO., \_\_, AN ORDINANCE REGARDING THE MINIMUM REFUND OF TAXES”.**  
(A copy of the proposed ordinance and the legal notice are included for Council review.)

**PROPOSED MOTION:**

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 NO. \_\_, AN ORDINANCE REGARDING THE MINIMUM REFUND OF TAXES”.**

Council Member Motola, seconded by Council Member Krupienski made the above motion to adopt the ordinance entitled “Ordinance No. \_\_, An Ordinance Regarding the Minimum Refund of Taxes”. Discussion took place.

9:10 PM Council Member Anderson left the table

9:10 PM Council Member Herbst returned

9:17 PM Council Member Champagne left the table

9:19 PM Council Member Anderson returned

9:21 PM Council Member Champagne returned

Council Member Krupienski requested the following changes on page 3 of the ordinance:  
Delete the sentence: “This Ordinance shall become effective on September 30, 2010.”  
Change the date of “Introduced” to September 7, 2010  
Change the date of “advertised” to September 16, 2010  
Change the date of “Public Hearing date” to September 21, 2010  
Change the Date of “Town Council Action” to September 21, 2010  
Delete the dates listed under “Publication Date” and “Effective Date” until they have been advertised.

Motion failed, Council Members Anderson, Motola, Campbell opposed and Council Member Herbst abstained.

September 21, 2010

**L.) DISCUSSION OF ADDITIONAL AGENDA ITEMS, PULLED CONSENT ITEMS FROM F) AND PULLED ITEMS FROM O) INFORMATIONAL ITEMS, ETC**

- 2. Request the Town Council authorize the sale of Town-owned land known as Oviate Road.** (A copy of the memorandum dated September 17, 2010 from John Ward, Town Administrator to Mayor Jason L. McCoy and the Vernon Town Council is included for Council review.)

**PROPOSED MOTION:**

PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES §7-163e(b) THE TOWN COUNCIL HEREBY AUTHORIZES THE MAYOR, OR TOWN ADMINISTRATOR, TO ENTER INTO A CONTRACT FOR THE SALE OF A PARCEL OF LAND FORMERLY KNOWN AS OVIATE ROAD, VERNON, CONNECTICUT, AS APPROVED BY THE TOWN ATTORNEY, AND TO EXECUTE ANY DOCUMENTS REQUIRED IN ORDER TO CONVEY SAID PARCEL TO GARY A. EDWARDS, OR HIS ASSIGNS, FOR THE TOTAL CONSIDERATION OF \$6,035.

Council Member Motola, seconded by Council Member Etre made the above motion to authorize the sale of Town-owned land known as Oviate Road. Discussion took place. Motion carried, Council Member Schaefer abstained.

- 3. Request the Town Council approve the disposal of Fixed Assets Unit# 7529, a 1989 International 2674 refuse packer truck, VIN: 1HTGLGDT9LH251613, and Unit# 8310 a 1990 Ford F-250 pickup truck, VIN: 2FTHF26H5LCA84985 from Department of Public Works, Fleet Operations.** (A copy of a memorandum dated September 16, 2010 from James Luddecke, Finance Officer to John Ward, Town Administrator and a memorandum dated September 14, 2010 from Dwight Ryniewicz, Fleet Supervisor to Bob Kleinhans, Director of Public Works is included for Council review) **Appendix C**

**PROPOSED MOTION:**

THE TOWN COUNCIL APPROVES THE DISPOSAL OR SALE OF FIXED ASSETS LISTED ON THE FORM DATED SEPTEMBER 16, 2010, AS REQUESTED BY THE DEPARTMENT OF PUBLIC WORKS.

Council Member Motola, seconded by Council Member Etre made the above motion to approve the disposal of the fixed assets listed above by the DPW. Discussion took place. Council Member Champagne requested the DPW director obtain 3 bids for the disposition. Motion carried unanimously.

**M.) ADOPTION OF MINUTES**

**THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 7, 2010 AND THAT MINUTES OF SAID MEETING BE APPROVED.**

Council Member Motola, seconded by Council Member Krupinski made a motion to waive the reading of and approve the minutes of the September 7, 2010 Regular Town Council meeting. Council Member Krupinski requested the following corrections to the minutes:  
Page 1 – Citizens Forum correct spelling of Janine Galineau  
Page 2 – Spell out 32 Wellwood Circle  
Page 3 – Correct motion #1 under Consent 4.

Motion to approve minutes with corrections carried, Council Member Herbst abstained.

September 21, 2010

**THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE SPECIAL BUDGET MEETING OF APRIL 14, 2010 AND THAT MINUTES OF SAID MEETING BE APPROVED.**

Council Member Motola, seconded by Council Member Krupienski made a motion to waive the reading of and approve the minutes of the April 14, 2010 Special Town Council meeting. Discussion took place. Council Member Krupienski requested the minutes presented to the Town Council contain the stamp of the Town Clerk's office. Council Member Etre requested the minutes included in the packet that corrected a typo in the amount of the budget be changed to state Draft #2. Motion to approve minutes with corrections carried unanimously.

(9:50 PM) Council Member Motola, seconded by Council Member Schaefer made a motion to extend curfew until the end of business. Motion carried unanimously.

**N.) EXECUTIVE SESSION ISSUES**

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

**SESSION ONE**

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES CHAPTER 14, §1-200(6)(D) HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS LITIGATION ANTICO ENTERPRISE V TOWN OF VERNON, DOCKET NO. CV-106001644-S AND INVITES JOHN D. WARD, TOWN ADMINISTRATOR; DAVID WHEELER, ASSESSOR; AND ASSISTANT TOWN ATTORNEY SUSAN BOYAN TO ATTEND.

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

IN SETTLEMENT OF THE PROPERTY TAX APPEAL FILED BY ANTICO ENTERPRISE, LTD IN TOLLAND SUPERIOR COURT BEARING DOCKET NO. CV-10 6001644-S REGARDING THE PROPERTY AT 346 KELLY ROAD, AS OF THE ASSESSMENT DATE OF OCTOBER 1, 2009, THE FAIR MARKET VALUE FOR THE LAND SHALL BE SET AT \$714,140 AND THE FAIR MARKET VALUE OF THE BUILDING SHALL BE SET AT \$2,885,860 FOR A TOTAL VALUE OF \$3,600,000 THE MAYOR IS HEREBY AUTHORIZED TO SIGN THE STIPULATION FOR JUDGEMENT AND SUCH OTHER DOCUMENTS NECESSARY TO IMPLEMENT THIS SETTLEMENT. BASED UPON THE REVISED ASSESSMENT IF ANTICO HAS OVERPAID TAXES, SUCH OVERPAYMENT WILL BE CALCULATED AND REFUNDED TO ANTICO WITHIN 30 DAYS OF ACCEPTANCE OF THE SETTLEMENT OF THE STIPULATED JUDGEMENT BY THE COURT.

Motion carried unanimously.

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

**SESSION TWO:**

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES CHAPTER 14, § 1-200(6)(D) HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS THE PENDING CLAIM BY RISLEY REALTY REGARDING RISLEY ROAD AND INVITES JOHN D. WARD, TOWN ADMINISTRATOR AND TOWN ATTORNEY HAROLD CUMMINGS TO ATTEND.

September 21, 2010

Council Member Schaefer, seconded by Council Member Motola made the following motions:

Motion A:

THE TOWN COUNCIL HEREBY AUTHORIZES THE PAYMENT OF TWO THOUSAND, THREE HUNDRED AND FOUR DOLLARS (\$2304.00) TO RISLEY REALTY FOR THE REIMBURSEMENT OF PAYMENTS MADE BY RISLEY REALTY TO CONNECTICUT LIGHT AND POWER (CL&P) FOR ENERGY BILLS FOR STREET LIGHTS LOCATED ON RISLEY ROAD AND DANNY TRAIL AFTER THE ROADS HAD BEEN ACCEPTED AS TOWN ROADS, WITH SAID SUM TO BE PAID OUT OF ACCOUNT 10230182-54115, TRAFFIC AUTHORITY – UTILITY SERVICES – STREET LIGHTS.

Motion B:

THE TOWN COUNCIL HEREBY AUTHORIZES THE PAYMENT OF TAX ACCOUNT TO RISLEY REALTY FOR THE REIMBURSEMENT OF PAYMENTS MADE BY RISLEY REALTY TO CONNECTICUT LIGHT AND POWER (CL&P) FOR ENERGY BILLS FOR STREET LIGHTS LOCATED ON RISLEY ROAD AND DANNY TRAIL AFTER THE ROADS HAD BEEN ACCEPTED AS TOWN ROADS, WITH SAID SUM TO BE PAID OUT OF ACCOUNT 10230182-54115, TRAFFIC AUTHORITY – UTILITY SERVICES – STREET LIGHTS.

Motion carried unanimously.

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

1. Town Clerk monthly report for August 2010, as submitted by Bernice Dixon, Town Clerk.
2. Information on Community Care Services Therapeutic Foster Care.
3. Building Department monthly report for August 2010, as submitted by Building Official B. Peter Hobbs.
4. Police Department monthly report for August 2010, as submitted by Captain Stephen M. Clark.
5. EMS monthly report for August 2010, as submitted by Jean Gauthier, EMS Coordinator.

**Adjourn (10:08 PM)**

Council Member Schaefer, seconded by Council Member Champagne made a motion to adjourn. Motion carried unanimously.

Received: September 24, 2010

Approved: October 5, 2010

Respectfully Submitted,

Jill Kentfield  
Recording Secretary



Karen C. Daigle, CCTC  
Assistant Town Clerk

Appendix A

**LEGAL NOTICE  
TOWN OF VERNON  
PUBLIC HEARING  
TOWN COUNCIL**

THIS IS TO GIVE NOTICE that at its regular meeting of September 7, 2010, the Vernon Town Council scheduled a public hearing to be held on September 21, 2010 in the Third Floor Council Chambers of the Town Hall, Memorial Building, 14 Park Place, Vernon, Connecticut.

The public hearing will take place at 7:05 p.m. regarding an ordinance entitled:

**“AN ORDINANCE REGARDING  
THE MINIMUM REFUND OF TAXES”**

Copies of the proposed ordinance are available at the Town Clerk’s Office, 14 Park Place, Vernon, Connecticut.

**Bernice K. Dixon, CCTC Town Clerk**

Dated at Vernon, Connecticut, this 9th day of September, 2010.

*ReminderNews Thursday, September 16, 2010*

September 21, 2010

Appendix B



# 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: September 10, 2010  
SUBJECT: Refunds for Town Council Approval

**PRIOR YEARS:**

Abdel Hady Hecham F.....	25.97
Assessor's Correction – Sold Vehicle	
Donlen Trust.....	515.82
Assessor's Correction – Duplicate Bill	
First American Real Estate Tax Service FBO Angelakopoulos Theodore John & Janice.....	24.00
Service Company Paid Too Much	
First American Real Estate Tax Service FBO Tremont Robert & Lisa.....	24.00
Service Company Paid Too Much	
First American Real Estate Tax Service FBO Sullivan Daniel J.....	704.82
Service Company Paid Too Much	
First American Real Estate Tax Service FBO Bonnett Valerie.....	3599.96
Service Company Paid Too Much	
Miller Joseph R.....	506.39
Assessor's Correction – Duplicate Bill	

**CURRENT YEAR:**

Cheng Cheung C.....	17.53
Assessor's Correction – Sold Vehicle	
Cab East LLC.....	181.65
Assessor's Correction – Sold Vehicle	

Appendix B (cont)

Carlson Ryan .....	14.05
Assessor's Correction – Sold Vehicle	
Castellini Joan A .....	72.29
Assessor's Correction – Registered Out of State	
Chaudhry Asif L .....	72.29
Assessor's Correction – Registered Out of State	
First American Real Estate Service FBO Guidry Margaux.....	57.75
Paid by Tax Service and at Closing	
First American Real Estate Service FBO Owens Frederick w & Haveles Elana E .....	450.20
Paid by Tax Service and at Closing	
Golino Joseph W or Elaine .....	8.88
Assessor's Correction – Vehicle Totaled	
Honda Lease Trust (5).....	431.25
Assessor's Correction – Sold Vehicle	
Franson Christopher M.....	14.17
Assessor's Correction – Registered Out of State	
Labele James D.....	19.64
Assessor's Correction – Sold Vehicle	
Rembisz Richard J.....	8.59
Assessor's Correction – Registered Out of State	

**(7) Prior Overpayments ..... \$5400.96**

**(12) Current Overpayments..... \$1348.29**

**Cc: James Luddecke TXP11032 TXC11032**

