

POSTED 11/14/2011
J.D.

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

TUESDAY, NOVEMBER 15, 2011
7:00 P.M.

RECEIVED
VERNON TOWN CLERK
11 NOV 14 AM 10:09

A.) PLEDGE OF ALLEGIANCE

INVOCATION - Associate Pastor Cindy Carr, First Congregational Church.

ROLL CALL

ADOPTION OF TOWN COUNCIL SCHEDULE 2012-2013

ADOPTION OF TOWN COUNCIL RULES

NOMINATION AND ELECTION OF MAYOR PRO TEMPORE

B.) CITIZENS FORUM

C.) PUBLIC HEARINGS

D.) PRESENTATIONS BY MAYOR GEORGE F. APEL

Brief recess for refreshment and celebration

F.) ACTION ON CONSENT AGENDA

C 1. Request for Tax Refunds for the Current Year. (A copy of a memorandum from Terry Hjarne, Collector of Revenue, to John D. Ward, Town Administrator dated November 7, 2011 is included in the Council packet.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES TWENTY THREE (23) OVERPAYMENTS FOR THE CURRENT YEAR TOTALLING \$3,489.64 AS OUTLINED IN THE MEMORANDUM FROM TERRY HJARNE, COLLECTOR OF REVENUE TO JOHN D. WARD, TOWN ADMINISTRATOR DATED NOVEMBER 7, 2011.

- C 2. Request the Town Council endorse the appointment of William Nicholson, (R), 86 Huntington Drive, Vernon, Connecticut, to the Board of Education said appointment requested to fill the vacancy created by the resignation of George F. Apel.** (A copy of a memorandum from Harold R. Cummings, Chairman of the Republican Town Committee to Mayor George F. Apel and the Vernon Town Council as well as a copy of Mr. Nicholson's resume are included for Council review.) Mr. Nicholson will attend the meeting to answer any questions you might have.

PROPOSED MOTION:

PURSUANT TO THE VERNON TOWN CHARTER, CHAPTER IV, SECTION 9 "FILLING VACANCIES," THE TOWN COUNCIL HEREBY APPOINTS WILLIAM NICHOLSON, (R), 86 HUNTINGTON DRIVE, VERNON, CONNECTICUT TO FILL THE VACATED SEAT ON THE VERNON BOARD OF EDUCATION BY THE RESIGNATION OF GEORGE F. APEL, SAID APPOINTMENT COMMENCES ON 11-16-2011 AND EXPIRES 11-10-2013.

- C 3. Request the Town Council approve the redesignation of Board of Education surplus funds in the amount \$53,306.22 and transfer same to the Education Reserve for Capital and Non-Recurring Expenditure Account.** (A copy of a memorandum from John D. Ward, Town Administrator to the Mayor Jason L. McCoy and Town Council dated November 10, 2011 is included for Council review.)

PROPOSED MOTION:

THE TOWN COUNCIL APPROVES THE TRANSFER OF \$ 53,306.22 FROM THE BOARD OF EDUCATION OPERATING BUDGET SURPLUS INTO THE BOARD OF EDUCATION RESERVE FUND FOR CAPITAL AND NON-RECURRING EXPENDITURES.

- C 4. Request the Town Council affirm Mayor George F. Apel's appointment of Harold Cummings as Town Attorney.**

PROPOSED MOTION:

THE TOWN COUNCIL, CONSISTENT WITH CHAPTER XI, SECTION 5, ENTITLED "OTHER OFFICERS", HEREBY AFFIRMS THE MAYOR'S APPOINTMENT OF HAROLD CUMMINGS AS TOWN ATTORNEY.

- C 5. Request the Town Council affirm Mayor George F. Apel's appointment of Susan Boyan as Assistant Town Attorney.**

PROPOSED MOTION:

THE TOWN COUNCIL, CONSISTENT WITH CHAPTER XI, SECTION 5, ENTITLED "OTHER OFFICERS", HEREBY AFFIRMS THE MAYOR'S APPOINTMENT OF SUSAN BOYAN, AS ASSISTANT TOWN ATTORNEY.

- C 6. Request the Town Council affirm Mayor George F. Apel's appointment of Martin Burke as Assistant Town Attorney.**

PROPOSED MOTION:

THE TOWN COUNCIL, CONSISTENT WITH CHAPTER XI, SECTION 5, ENTITLED "OTHER OFFICERS", HEREBY AFFIRMS THE MAYOR'S APPOINTMENT OF MARTIN BURKE AS ASSISTANT TOWN ATTORNEY.

- C 7. Request the Town Council approve Mayor George F. Apel's appointment of William E. Roch, (R), 14 Lantern Lane, Vernon, Connecticut as a regular member of the Planning and Zoning Commission, said term to commence on November 16, 2011 and expires on December 31, 2011. (A copy of Mr. Roch's resume is included for Council review.)**

PROPOSED MOTION:

PURSUANT TO CHARTER CHAPTER VIII, SEC. 1,6 & 11 DATED JANUARY 1, 1985; C.G.S. §8-4A&B, THE TOWN COUNCIL HEREBY APPROVES MAYOR GEORGE F. APEL'S APPOINTMENT OF WILLIAM E. ROCH, (R), 14 LANTERN LANE, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE PLANNING AND ZONING COMMISSION FOR A TERM TO COMMENCE ON NOVEMBER 16, 2011 AND EXPIRES ON DECEMBER 31, 2011.

- C 8. Request the Town Council approve Mayor George F. Apel's appointment of Harry Derwent Thomas, (R), 125 Dockerel Road, Vernon, Connecticut as a regular member of the Planning and Zoning Commission, said term to commence on November 16, 2011 and expires on December 31, 2011.** (A copy of Mr. Thomas' resume is included for Council review.)

PROPOSED MOTION:

PURSUANT TO CHARTER CHAPTER VIII, SEC. 1,6 & 11 DATED JANUARY 1, 1985; C.G.S. §8-4A&B, THE TOWN COUNCIL HEREBY APPROVES MAYOR GEORGE F. APEL'S APPOINTMENT OF HARRY DERWENT THOMAS, (R), 125 DOCKEREL ROAD, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE PLANNING AND ZONING COMMISSION FOR A TERM TO COMMENCE ON NOVEMBER 16, 2011 AND EXPIRES ON DECEMBER 31, 2011.

- C 9. Request the Town Council approve Mayor George F. Apel's appointment of John K. Anderson, (R), 20 Hemlock Drive, Vernon, Connecticut as a regular member of the Water Pollution Control Authority, said term to commence on January 1, 2012 and ends December 31, 2013.** (A copy of Mr. Anderson'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 MAYOR GEORGE F. APEL'S APPOINTMENT OF JOHN K. ANDERSON, (R), 20 HEMLOCK DRIVE, VERNON, CONNECTICUT, AS A REGULAR MEMBER OF THE WATER POLLUTION CONTROL AUTHORITY, SAID APPOINTMENT TO COMMENCE ON JANUARY 1, 2012 AND ENDS DECEMBER 31, 2013.

- C 10. Request the Town Council waive collection of the Open Burn Fee - Vernon Code 5-17(4), as requested by Fire Marshal Ray Walker.** (See Attachment "A" for Mr. Walker's proposal.)

PROPOSED RESOLUTION:

WHEREAS, A DECLARATION OF CIVIL PREPAREDNESS EMERGENCY WAS ISSUED BY THE GOVERNOR ON OCTOBER 29, 2011 DUE TO THE SEVERE WEATHER CONDITIONS BROUGHT ON BY STORM ALFRED; AND

WHEREAS, MAYOR JASON L. MCCOY DECLARED A STATE OF EMERGENCY FOR THE TOWN OF VERNON IN ANTICIPATION OF STORM ALFRED IMPACT ON OCTOBER 29, 2011;

BE IT RESOLVED THAT THE VERNON TOWN COUNCIL HEREBY WAIVES COLLECTION OF THE OPEN BURN PERMIT FEE PURSUANT TO VERNON CODE 5-17(4), FOR THE TIME PERIOD NOVEMBER 15, 2011 THROUGH DECEMBER 4, 2011.

G.) IDENTIFICATION AND ADOPTION OF ADDITIONAL AGENDA ITEMS

H.) PENDING BUSINESS

I.) NEW BUSINESS

J.) INTRODUCTION OF ORDINANCES

Request the Town Council schedule a Public Hearing regarding an ordinance entitled "ORDINANCE NO., AN ORDINANCE ADOPTING REIMBURSEMENT FOR COSTS OF FIRE HYDRANTS AND STREET LIGHTS WITHIN TOWN'S RESIDENTIAL CONDOMINIUM COMPLEXES AND PLANNED UNIT DEVELOPMENTS".(A copy of said ordinance is included for Council review.)

PROPOSED MOTION:

THE TOWN COUNCIL, CONSISTENT WITH CHAPTER V, SECTIONS FIVE AND SIX OF THE VERNON TOWN CHARTER, ENTITLED "PUBLIC HEARING ON AND PUBLICATION OF ORDINANCES," HEREBY SCHEDULES A PUBLIC HEARING REGARDING AN ORDINANCE ENTITLED "**ORDINANCE NO. , AN ORDINANCE ADOPTING REIMBURSEMENT FOR COSTS OF FIRE HYDRANTS AND STREET LIGHTS WITHIN TOWN'S RESIDENTIAL CONDOMINIUM COMPLEXES AND PLANNED UNIT DEVELOPMENTS**", SAID PUBLIC HEARING TO BEGIN AT 7:05 PM ON TUESDAY, DECEMBER 6, 2011 LOCATED AT THE TOWN COUNCIL CHAMBERS, THIRD FLOOR, 14 PARK PLACE, VERNON, CONNECTICUT TO HEAR COMMENTS AND TAKE NECESSARY ACTION RELATIVE TO THE PROPOSED ORDINANCE.

K.) ACTION ON ORDINANCE(S) PREVIOUSLY PRESENTED

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

M.) ADOPTION OF MINUTES

THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE EMERGENCY MEETING OF **NOVEMBER 3, 2011** AND THAT MINUTES OF SAID MEETING BE APPROVED.

THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF **OCTOBER 18, 2011** AND THAT MINUTES OF SAID MEETING BE APPROVED.

N.) EXECUTIVE SESSION

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES §1-200(6) (D), HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION REGARDING **DIAMOND 67 LLC VS. TOWN OF VERNON**, DOCKET NUMBER CV11-6003248-S, PENDING IN THE **TOLLAND** COUNTY SUPERIOR COURT. FURTHER, THE TOWN COUNCIL INVITES JOHN D. WARD, TOWN ADMINISTRATOR, AND ATTORNEY MARTIN BURKE TO ATTEND.

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES § 1-200(6) (B), HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION RELATIVE TO CASE NO. 1240095 FORD VS TOWN OF VERNON AND INVITES THE FOLLOWING INDIVIDUALS TO ATTEND: JOHN D. WARD, TOWN ADMINISTRATOR; HAROLD CUMMINGS, TOWN ATTORNEY AND ATTORNEY DAVID MONASTARSKY OF HOWD & LUDORF.

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

1. Monthly Police Department Report, September, 2011 as prepared by Captain Stephen M. Clark.
2. Monthly Activity Report – Building Department, September, 2011 as prepared by Harry Dan Boyko, Building Official.
3. Monthly EMS Report – October, 2011 as prepared by Jean Gauthier, EMS Coordinator.