

**MINUTES
VERNON TOWN COUNCIL
REGULAR MEETING
SENIOR CENTER 2ND FLOOR, CONFERENCE ROOM
26 PARK PLACE
TUESDAY, NOVEMBER 20, 2007
7:30 P.M.**

Meeting was called to order at 7:30 PM

PLEDGE OF ALLEGIANCE:

ROLL CALL:

Present: Daniel Anderson, Bill Campbell, Daniel Champagne, Mark Etre, Bill Fox, Marie Herbst, Nancy E Herold, Peggy A. Jackle, Brian R. Motola, Pauline Schaefer, Diane Wheelock, Michael A. Winkler

Absent: None

Entered During Meeting: None

Also Present: Mayor Jason L. McCoy, Town Administrator Christopher Clark, James Krupienski, Recording Secretary Jill Kentfield

CITIZEN'S FORUM:

- James Webb Wilson, 300 South Street, Congratulations to newly elected Mayor McCoy and Town Council members. Discussion regarding re-opening the tower for longer period of time; Town Council provide emphasis on Economic Development and working with Human Services; and compliment to the Democrats regarding their future challenges with the town council and grass roots.
- Sarah Iacobello, Planning and Zoning Commission, 6 Tunnel Rd., Discussion regarding the recommendation of reconfirming Mary Kelly and Watson Bellows to the Planning and Zoning Commission whose commissions expire on 12/31/07.
- Pat Settembrino, Planning and Zoning Commissioner, 188 Hatch Hill Road, Discussion regarding the recommendation of reconfirming Mary Kelly and Watson Bellows to the Planning and Zoning Commission whose commissions expire on 12/31/07

Citizen's forum was closed at 7:46 PM

PRESENTATION:

Randy Anagnostis, Chief Executive Officer will be presenting a follow up presentation of the architectural renderings prepared for the RDA Downtown Revitalization plans.

CONSENT AGENDA ITEMS:

- C 1.** Request for Tax Refunds – Current and Prior Fiscal Years. **(Appendix A)**
- C 2.** Request the Town Council to approve the appointment of William Francis as a regular member of the Board of Assessment Appeals.
- C 3.** Request the Town Council approve the appointment of Edward Slattery as the Municipal Agent for Elderly Persons.

NEW BUSINESS (CONSENT ITEMS)

1. **Request for Tax Refunds – Current and Prior Years.** (Memorandum from Carol S. Nelson, Collector of Revenue, dated November 14, 2007 to Christopher Clark, Town Administrator, is in the packet.)

PROPOSED MOTION:

THE TOWN COUNCIL APPROVES THREE (3) TAX REFUNDS FOR THE PRIOR YEAR IN THE AMOUNT OF \$633.25 AND THE CURRENT YEAR IN THE AMOUNT OF \$5,330.16 AS OUTLINED IN THE MEMORANDUM FROM THE COLLECTOR OF REVENUE DATED NOVEMBER 14, 2007 TO THE TOWN ADMINISTRATOR.

2. **Request the Town Council to approve the Mayor’s appointment of William Francis (R), 41 Pinnacle Road, to serve as a member of the Board of Assessment Appeals in order to fill a vacancy due to the resignation of Diane Wheelock.**

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES THE APPOINTMENT OF WILLIAM FRANCIS (R) TO SERVE AS A MEMBER OF THE BOARD OF ASSESSMENT APPEALS FOR A TERM TO EXPIRE ON JUNE 30, 2008.

3. **Request the Town Council approve the reappointment of Edward Slattery (R) as the Municipal Agent for Elderly Persons.**

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES THE REAPPOINTMENT OF EDWARD SLATTERY AS THE MUNICIPAL AGENT FOR ELDERLY PERSONS, FOR A TERM TO EXPIRE ON NOVEMBER 1, 2011.

IDENTIFICATION AND ADOPTION OF ADDITIONAL AGENDA ITEMS:

No additional agenda items

OLD BUSINESS:

No Old Business

NEW BUSINESS:

1. **Town Council to elect Mayor Pro Tempore.**

Council Member Jackle seconded by Council Member Champagne moved to approve Diane Wheelock as Mayor Pro Tempore. Motion carried unanimously.

2. **Request the Town Council’s approval of Harold Cummings as Town Attorney.**

PROPOSED MOTION:

THE TOWN COUNCIL, CONSISTENT WITH CHAPTER XI, SECTION V, ENTITLED 'OTHER OFFICERS', HEREBY APPROVES THE MAYOR'S APPOINTMENT OF HAROLD CUMMINGS (R) AS TOWN ATTORNEY.

Council Member Winkler asked if the Town Attorney had any problems with speaking to the Town Commissions after an Executive Session to potentially reverse a decision made after a public hearing. Attorney Cummings per the town charter is obligated provide his opinion on a case, but the ultimate decision is up to the board. Attorney Cummings also expressed that his first responsibility is to the Town Council and the Mayor.

Council Member Winkler asked if there is potential for a conflict of interest working as the Town Attorney since Attorney Cummings was the legal advisor for the Republican party. Mr. Cummings responded that the Town of Vernon takes precedence over the Republican activities.

Council Member Wheelock seconded by Council Member Campbell moved to approve Attorney Cummings as the Town Attorney. Motion carried. Council Members Winkler, Fox, and Etre Opposed.

3. Request the Town Council's approval of Susan Boyan as Assistant Town Attorney.

PROPOSED MOTION:

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

Council Member Herbst asked why the title changed from Special Council to Assistant Town Attorney. The special councils have been used in certain circumstances as opposed to appointments. These are located in another section of the charter where the Town Attorney shall be appointed and Assistant Town Attorney may be appointed. Mayor McCoy prefers Assistant Town Attorney over Special Council. Council Member Herbst asked whether the fee schedule will remain the same, response was yes. The Town pays by the hour for services rendered. The purpose is to put together a legal services department which will provide the town of Vernon with immediate access to quality legal services.

Council Member Wheelock seconded by Council Member Jackle moved to approve Attorney Susan Boyan as Assistant Town Attorney. Motion carried. Representative Winkler abstained.

4. Request the Town Council's approval of Martin Burke as Assistant Town Attorney.

PROPOSED MOTION:

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

Council Member Wheelock seconded by Council Member Champagne moved to approve Attorney Martin Burke as Assistant Town Attorney. Motion carried unanimously.

5. Request the Town Council's approval of Aaron Jainchill as Assistant Town Attorney.

PROPOSED MOTION:

THE TOWN COUNCIL, CONSISTENT WITH CHAPTER XI, SECTION V, ENTITLED 'OTHER OFFICERS', HEREBY APPROVES THE MAYOR'S APPOINTMENT OF AARON JAINCHILL AS ASSISTANT TOWN ATTORNEY.

A typo was found in the agenda Attorney's name should be spelled Jainchill.

Council Member Winkler asked if Attorney Jainchill has enough billable hours available to serve the town. Attorney Jainchill responded that he did.

Council Member Wheelock seconded by Council Member Jackle moved to approve Attorney Aaron Jainchill as Assistant Town Attorney. Motion carried unanimously.

6. **Request the Town Council to adopt the Rules of Procedure.** (copy of Rules of Procedure is in the packet.) **(Appendix B)**

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES THE RULES OF PROCEDURE EFFECTIVE NOVEMBER 13, 2007.

Council Member Fox asked about the changes to the rules of procedure. The following changes were made:

- Page 1 – Under "Roberts Rules of Order" was changed to reflect the "10th" edition
- Under General Rules:
 - Section 1A remained the same
 - Section 1B was deleted
 - Section 1C became B
 - Section 1D became C
 - Section 2 Recommended the minutes and agenda be posted to the website.
 - Section 3 remained the same
 - Section 4a added the pledge of allegiance and moved the adoption of the minutes from the last meeting to the end of the agenda
 - Section 5 appointed the clerk responsible for the record
 - Section 7 matters for the agenda need to be filed with the Town Administrator by 1:00 PM on the Monday of the week before the next Town Council Meeting.

Council Member Herbst made a friendly amendment for the minutes to be posted to the website after they are approved, it was seconded by Council Member Motola. Discussion took place regarding the pros and cons of posting the minutes prior to their approval.

Council Member Wheelock seconded by Council Member Jackle moved to approve the Rules of Procedure with the friendly amendment. Motion carried unanimously.

7. **Request the Town Council approve funding for a new pavement roller and dedicated trailer for the Public Works Department.** (Memorandum from Christopher Clark, Town Administrator along with supporting documentation is in the packet.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES A BUDGET AMENDMENT OF \$20,000.00 FOR THE PURCHASE OF A NEW PAVEMENT ROLLER AND DEDICATED TRAILER.

Council Member Herbst asked how long it would take to procure this equipment. Mr. Fetko explained that they wanted to procure this equipment for the spring construction season.

Council Member Etre asked if the operators of the new equipment will be OSHA trained. Mr. Fetko explained that they are certified operators.

Council Member Motola asked about the disposal of the older equipment. Mr. Fetko explained that the equipment will be disposed of for scrap metal.

Council Member Fox asked if this equipment has been requested before. Mr. Fetko explained that in the Capitol budget but has not been a priority until now.

Town Administrator Clark asked if this precluded the Town from using a state procurement. Response: no.

Council Member Wheelock seconded by Council Member Schaefer moved to approve the request for funding for a new pavement roller and dedicated trailer for the Public Works Department. Motion carried unanimously.

8. Discussion of status of Center Road and bridge projects. (Information is in the packet. Tim Timberman, Town Engineer will be present to answer questions relative to these projects.)

Mr. Timberman presented a hand-out to the town council members with information on the reconstruction of Center Road.

Mayor McCoy asked if the pavement on Center Road will be evened out before winter. Mr. Timberman explained that they are trying to extend as much as possible into the winter season because the more work that is done this year, the less will need to be done next year. The pavement will be evened out to avoid any plowing problems. Dept of Public Works will walk the site to ensure the man holes have been properly shimmed. Areas where there is a difference in pavement will have a ramp. Section 1 will have a final course of pavement. 2/3 of the project will have a binder pavement.

8:55 PM Mayor McCoy moved for a 5 minute recess

The meeting was reconvened at 9:04 PM

Mr. Timberman presented a spread sheet to the town council members with information on the status of the bridge projects.

Mayor McCoy asked how the Engineer tracks the status of each bridge project. Mr Timberman explained that he has monthly meetings with contractors. Mayor McCoy asked if there were minutes taken at these minutes and if they were available for review. The response was yes, there were minutes taken at the meetings

Mayor McCoy asked about funding for the bridges the response is as follows:

Vernon Avenue Bridge is 80% Federal, 20% local. It is a "pre cast superstructure" and must meet the federal guidelines.

The Spring Street/River Street funding is 80% Federal and 20% state. This project can't be completed until approved by the state Dept of Environmental Protection.

The Phoenix Street is a local bridge project funding 31.8% bridge grant.

The West Main St is 80% federal, 20% local (through the bond package), needs to meet the federal guidelines on selection.

Council Member Anderson asked if the Federal/State funded bridges pay for a consultant. Mr. Timberman explained that yes a consultant is hired, and they provide a bill to the Town who will submit a copy to the state liaison who will pay the consultant. The process takes 3-4 weeks. Once a project is approved by the State, a consultant is selected. The consultant puts together a budget. The Town of Vernon, and Consultant work with DOT liaison bridge consultant. The Consultant comes up with a list of tasks that need to be completed,

the consultant will then estimate the hours for each task. A negotiated hourly amount will be completed and fees will be set.

Council Member Anderson asked about the time frames for repairs to bridges rated poor. Did the town miss any deadlines? Some paperwork was submitted. Mr. Timberman will make an update to the spreadsheet to reflect the different bridges and their timeframes for needing to be complete as he doesn't have this information with him.

Council Member Jackle asked about the sidewalk change on Center Road. A group of people went to the traffic authority to lobby for the sidewalk to be relocated. Two public informational information hearings were held. With the support of the Board of Education, the sidewalks were relocated. Is there a statute that states the sidewalk needs to be on the same side of the school? No.

Council Member Campbell asked if the residents had a chance to voice their concerns especially regarding heavy equipment when the children are in school.

Council Member Campbell asked what the term "poor" bridge means. The bridge needs a complete overhaul. If there is any danger to the public the bridge would be closed down. Each year bridges are inspected by State Dept. of Public Of Transportation.

Council Member Etre asked about the ratings on the bridges (i.e. fair – what does that mean)

Based on conversation with Council Members, Mr. Timberman will update the spreadsheet to include the following items.

- Date when Conditions were noted
- When the funding application was requested
- Amount of Federal/State/Local funding
- Permit dates (i.e. date of approval, date of denial and/or date of appeal)
- Budgeted amounts
- Annual Costs and amount budgeted
- Anticipated year of completion
- Length of Bridge

This information will be shared with the Town Council

Council Member Champagne asked about the Windsorville Bridge and others which were state bridges that the town does not have jurisdiction over and/or were not bridges, but were culverts.

Council Member Champagne asked about the Phoenix Street bridge denial that happened 9 months ago. The town requested the latest FEMA flood plain data and provided this information to the Vernon design consultant for review. New FEMA guidelines need to be followed. Negotiations for new designs are transpiring.

Council Member Wheelock asked about paying the consultants. Consultants are paid based on the percentage of complete in lump sums as tasks are performed. Was there any consultant paid more than the percentage complete? Yes, on the River Street bridge an underground storage tank was found and the consultant had to be reimbursed for the extra work involved. Does the consultant fees include permitting? Yes, the negotiations include permitting. The town gets reimbursed from the state 31.8% of the final construction costs.

Council member Motola asked if the Town Engineer had project planning software to assist in these bridge projects. This software is not available to town staff yet.

Mayor McCoy FEMA flood plain data, is it compiled by the town? DEP sets the date of the latest FEMA study. In the future the Town Engineer will periodically checks FEMA information to update projects. Does the construction costs rise the longer Vernon waits for approval of plans for construction? Yes it does. Are there procedures in place for checking the progress of these bridge projects? No there are not, however waiting for Microsoft Project procurement. Have there been substantial delays? Yes there have been substantial delays in all bridges due to permitting processes.

10:18 PM - Council Member Schaefer made a Motion to extend curfew until business is complete seconded by Council Member Campbell. Motion carried unanimously.

Mayor McCoy asked about the Phoenix Street project delayed 9 months ago. The time line for application will be included in the new spreadsheet.

Council Member Herold asked about the procedure for reporting when a bridge is in poor condition. The Dept of Environmental Protection will inform the Town Engineer who will inform the Town of Vernon Administration.

The spreadsheet will be updated and this discussion will continue at the 12/11/07 special meeting.

9. Copy of meeting schedule for Town Council meetings in 2008 (tentative). (Appendix C)

Council Member Wheelock explained that based on the holiday, there would only be one meeting on 1/15/07 based on the regular schedule. She made a motion to have a meeting on January 8 and January 22, 2008. The state statute also requires the Town to turn in a schedule of meetings which recommends the first meeting of the next year to be included in the schedule. The motion was amended to also include January 6, 2009 onto the schedule.

Council Member Wheelock seconded by Council Member Fox moved to approve the copy of meeting schedule with amendments. Motion carried unanimously.

10. Request the Town Council adjust tax bill for the property located at 215 East Main Street.
(Copy of memorandum from Christopher Clark, Town Administrator is in the packet.)

PROPOSED MOTION:

PURSUANT TO THE CLOSING AGREEMENT THAT WAS ENTERED INTO BETWEEN THE TOWN OF VERNON RMRP CORPORATION AND LOOM CITY LOFTS LLC DATED JULY 31, 2007, A MOTION IS HEREBY MADE THAT THE CURRENT TAX BILL FOR THE PROPERTY LOCATED AT 215 EAST MAIN STREET, VERNON, CONNECTICUT DUE ON JULY 1, 2007 SHALL BE ADJUSTED TO BE \$1,693.58. ANY ADDITIONAL AMOUNTS OWED SHALL BE ABATED, AND THAT INTEREST ON SUCH AMOUNT SHALL NOT BEGIN TO ACCRUE UNTIL NOVEMBER 17, 2007, AND THEREAFTER.

Council Member Herbst asked that the town request a resolution from the Governors office to receive the funding allocated for this in the bond package. The Town Council needs to lobby for this funding. The letter for the Governor's office will be available at the next Town Council meeting.

Council Member Winkler asked that the 2nd line in the memo, first word in the memo be changed from formally to formerly.

Council Member Wheelock seconded by Council Member Herbst moved to approve adjustment of the tax bill for the property located at 215 East Main St. Motion carried unanimously.

11. Request the Town Council approve the contract between the Town of Vernon and Con-Serv. Inc. for the placement and retrofit of energy efficient lighting in the Police Department.
(Supporting documentation is in the packet)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY MOVES TO APPROVE THE CONTRACT BETWEEN THE TOWN OF VERNON AND CON-SERV INC. FOR THE PLACEMENT AND RETROFIT OF ENERGY EFFICIENT LIGHTING FOR THE POLICE DEPARTMENT AS OUTLINED IN ITS PROPOSAL DATED SEPTEMBER 19, 2007.

Council Member Anderson seconded by Council Member Schaefer moved to approve the contract between the Town of Vernon and Con-Serve Inc. for the placement and retrofit OT energy efficient lighting in the Police Department. Motion carried. Council Member Etre Opposed. Council Member Champagne abstained.

DISCUSSION OF ADDITIONAL AGENDA ITEMS

No additional agenda items.

ADOPTION OF MINUTES:

PROPOSED MOTION :

THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 16, 2007 AND THAT MINUTES OF SAID MEETING BE APPROVED.

Council Member Wheelock seconded by Council Member Schaefer moved to approve minutes of the October 16, 2007 regular meeting of the Town Council. Motion carried. Council Members Jackle, Herold and Winkler abstained.

EXECUTIVE SESSION:

THE TOWN COUNCIL HEREBY DECIDES TO GO INTO EXECUTIVE SESSION TO DISCUSS PERSONNEL ISSUES AND INVITES DON STRICKLAND, ESQ., CHRISTOPHER CLARK, TOWN ADMINISTRATOR, AND DANIEL SULLIVAN, HUMAN RESOURCE DIRECTOR TO ATTEND.

Council Member Wheelock seconded by Council Member Herbst moved to begin Executive Session at 10:40 P.M. Motion carried.

Council Member Jackle, seconded by Council Member Campbell moved to exit Executive Session at 11:12 P.M. Motion carried

INFORMATIONAL ITEMS:

1. Minutes from Board of Education meetings of October 9 and October 22.
2. Monthly report for September 2007 from Penny Rand, Senior Center Director.
3. Letter from Lisa Dondy, President, Connecticut Clean Energy Fund (CEEF) relative to the town qualifying as a clean energy community.
4. List of Town Hall employees - email and phone numbers.
5. List from the Office of Emergency Management with contact information.

6. Information listing for Town Council members. (please contact Charlotte Adams with corrections/additions)
7. Letter from Diane Wheelock, resigning from the Board of Assessment Appeals.
8. Letter(s) from Ellen L. Marmer, resigning from the Bolton Lakes Regional Water Pollution Control Authority and the Policy Board for the Capitol Region Council of Governments.
9. Copy of holiday schedule(s) for 2007 and 2008. **(Appendix D)**
10. Copy of Town of Vernon organizational chart.
11. Town Council members are invited to a holiday celebration at Theo's after the Town Council meeting of December 18th.

ADJOURNMENT:

Received: November 26, 2007

Approved: December 11, 2007

Respectfully Submitted,
Jill Kentfield
Recording Secretary



James Krupienski
Assistant Town Clerk