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

**Tuesday, November 17, 2009 7:30 PM.**

Mayor Jason L. McCoy called the meeting to order at 7:30 PM

**A) PLEDGE OF ALLEGIANCE:**

**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, Harry D. Thomas, Michael A. Winkler

**Absent:** Council Member Pauline Schaefer

**Entered During Meeting:**

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

**Invocation:** Father Rick Ricard, Pastor, St. Bernard's Church

**ROLL CALL AND SWEARING IN CEREMONY**

Town Clerk, Bernice Dixon proceeded over the swearing in ceremony of the new Town Council Members, for a term effective Monday November 9, 2009.

**Adoption of town council schedule**

Council Member Motola, seconded by Council Member Etre made a motion to adopt the Town Council regular 2010 – 2011 meeting schedule. November 2, 2010 was deleted from the schedule and the 7:00 PM time change was noted. Motion carried unanimously.

**Adoption of town council rules**

Council Member Etre, seconded by Council Member Motola made a motion to adopt the town council rules. Council Member Etre requested the following changes made to the document:

- Page 1, section 1. A., second sentence: remove extra "that" in sentence.
- Page 2, section 3, last sentence should read: The meeting order shall be as follows:
- Page 3, section 11, delete extra "time" and "to" so the sentence will read: ...thereto, the Council Members speaking time shall not exceed five (5) minutes

Council Member Winkler moved the following changes as a friendly amendment:

- Page 2, section C., first sentence: change "is" to "are" and "discusses" to "discussed", sentence should read "...agenda items are being discussed unless prior to the start..."

Council Member Krupienski moved the following changes, which were not voted upon:

- The first sentence should read 2 February 2010 instead of 5 January 2010 since the January 2010 schedule was already posted at the original time of 7:30.
- On page 2, section 3: Delete the 3<sup>rd</sup> sentence "The Town Clerk or Recording Secretary will maintain the official time and notify the speakers when their time is up"
- Under Section F of the agenda, have a brief listing of what the consent agenda items are before the official requests and motions for quick review.
- Regarding page #2, section 3: Roberts Rules section chapter 12 section 43 limits speech time for no more than 2 and no longer than 10 minutes speaking time. However, since these are Council Rules, it does not apply.

Discussion took place. Council Member Herbst, seconded by Council Member Winkler made a motion to delete the 2<sup>nd</sup> part of sentence #2 under section 10, so the sentence would read: "Items removed from the Consent Agenda shall be considered Additional Agenda Items under section I." Discussion took place. Motion failed, Council Members Etre, Anderson, Hany, Motola, Campbell, O'Shea, Thomas and Champagne opposed.

Council Member Herbst, seconded by Council Member Winkler made a motion to delete the second sentence: "No yielding, transferring or accumulating time shall be permitted by Council Members" under section 11. Discussion took place. Motion failed, Council Members Etre, Anderson, Hany, Motola, Campbell, O'Shea, Thomas and Champagne opposed.

Original Motion with friendly amendments passed, Council Members Herbst and Winkler opposed.

### **Nomination and election of Mayor Pro Tempore**

Council Member Champagne, seconded by Council Member Campbell made a motion to elect Council Member Motola as Deputy Mayor. Motion carried, Council Members Motola and Winkler abstained.

### **CITIZEN'S FORUM**

Bill Dauphin, 11 Olive Lane, spoke about the new rules of procedure; he also spoke about the nomination of Robert Kleinhans as Director of Public Works.

Dick Blynn, Emily Drive, spoke about the nomination of Robert Kleinhans as Director of Public Works, he also asked Town Council members to concentrate on Blight control and unregistered Motor Vehicles.

Gene Sladnowski, Rockville Downtown Association, offered congratulations to the Town Council Members and Introduced Tom Nevers as the new RDA Executive Director

Tom Nevers RDA, offered congratulations to the Town Council Members and thanked them for serving the community.

David Norman, 16 Russel Drive offered congratulations to Mayor McCoy and Town Council Members, he also spoke about the nomination of Robert Kleinhans as Director of Public Works.

Michelle Arn, Overbook Drive, spoke about the nomination of Robert Kleinhans as Director of Public Works. She also submitted as part of the record a petition "in opposition to the hiring of Robert Kleinhaus as Public Works Director for the Town of Vernon"

RECESS (8:45 PM)

**(8:45 PM)** Council Member Champagne left the meeting

RECONVENE (8:55 PM)

Council Member Motola, seconded by Council Member Krupienski made a motion to extend citizens forum for 15 minutes. Motion carried unanimously.

Citizen's Forum continued.

Tim Morrissey 100 South Street, spoke about the nomination of Robert Kleinhans as Director of Public Works.

William Cherniak, 15 Cubles Drive, offered congratulations to Town Council Members and spoke about the nomination of Robert Kleinhans as Director of Public Works

Edie Cherniak, 15 Cubles Drive, offered congratulations to the Town Council Members, she requested they use their microphones whenever they are speaking, and thanked the Town Council Members Judy Hany, Michael Winkler, Polly Schaefer, and James Krupinski. for attended the Planning and Conservation Development Committee meeting.

Tom DiDio, 112 Box Mountain Dr, Democratic Town Chairman – spoke regarding Mr. Etre's e-mail regarding the Rules of Procedure, and the nomination of Robert Kleinhans as Director of Public Works.

Citizen's forum closed at 9:05 PM

**B.) PUBLIC HEARING**

None

**C.) PRESENTATION**

Presentation by William Meier, Head Advisor, Carl Slicer and the Vernon Police Explorers Post #800 on the accomplishments and impact of youth in our community. Mayor McCoy will present a proclamation to Vernon Police Explorers Post #800 in celebration of the Explorer's 40<sup>th</sup> Anniversary.

The Police Explorers were in attendance to accept the proclamation and celebrate their 40<sup>th</sup> anniversary.

Refreshments were served celebrating the Vernon Explorer's swearing in and anniversary.

RECESS (9:05 PM)

RECONVENE (9:27 PM)

Council Member Motola, seconded by Council Member Thomas made a motion to approve the consent agenda items as presented. Mayor McCoy requested to remove consent agenda items #3 and 8 from the agenda. Council Member Winkler requested to pull consent agenda item #23, Council Member Motola requested to pull agenda item #'s 22 and 20, and Council Member Herbst requested to pull agenda item #19 for discussion. Consent Agenda item #'s 19, 20, 22 and 23 were moved to Section J "Discussion of Additional Agenda Items." Motion carried unanimously to approve the consent agenda items 1, 2, 4, 5, 6, 7, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, and 21 as presented.

**D.) CONSENT AGENDA ITEMS**

- C 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 November 9, 2009 is included in the Council packet.)

**PROPOSED MOTION:**

THE TOWN COUNCIL HEREBY APPROVES FIVE (5) TAX REFUNDS TOTALING \$764.20 FOR PRIOR YEARS AND FOURTEEN (14) TAX REFUNDS TOTALING \$3639.08 FOR THE CURRENT YEAR AS OUTLINED IN THE MEMORANDUM FROM TERRY HJARNE, COLLECTOR OF REVENUE TO JOHN D. WARD, TOWN ADMINISTRATOR DATED NOVEMBER 9, 2009.

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

- C 2. Request the Town Council approve the following Budget Amendment #6 for fiscal year 2009-2010, as provided by James Luddecke, Finance Officer.** (A copy of the budget amendment request is included in the Council's packet.)

**PROPOSED MOTION:**

THE TOWN COUNCIL HEREBY APPROVES BUDGET AMENDMENT #6, FOR FISCAL YEAR 2009-2010, AS OUTLINED IN THE BUDGET AMENDMENT FORMS PROVIDED BY JAMES LUDDECKE, FINANCE OFFICER.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve budget amendment #6 for fiscal year 2009-2010. Motion carried unanimously.

- C 3. Request the Town Council approve the Mayor's reappointment of E. Mason Thrall, III, (U), 172 Irene Drive, Vernon Connecticut as a regular member of the Water Pollution Control Authority, said term to begin January 1, 2010 and expires December 31, 2012.** (A copy of Mr. Thrall's resume is included for Council review.)

This item was removed from the agenda

- C 4. Request the Town Council approve the Mayor's reappointment of Lawrence R. Geissler (U), 6 Green Road, Vernon, Connecticut as a regular member of the Conservation Commission, said term to begin January 1, 2010 and expires December 31, 2012.** (A copy of Mr. Geissler's resume is included for Council review.)

**PROPOSED MOTION:**

PURSUANT TO TOWN OF VERNON ORDINANCE #189 – TOWN CODE SECTION 10-91 & 10-92, THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S REAPPOINTMENT OF LAWRENCE R. GEISSLER, (U), 6 GREEN ROAD, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE CONSERVATION COMMISSION, SAID NEW TERM TO BEGIN JANUARY 1, 2010 AND EXPIRES DECEMBER 31, 2012.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's reappointment of Lawrence R. Geissler as a regular member of the Conservation Commission for a term of January 1, 2010 through December 31, 2012. Motion carried unanimously.

- C 5. Request the Town Council approve the Mayor's reappointment of Frank Galat, (U), 631 Dart Hill Road, Vernon, Connecticut as a regular member of the Inland Wetlands Regulatory Commission, said new term to commence January 1, 2010 and expires December 31, 2012.** (A copy of Mr. Galat's resume is included for Council's review.)

**PROPOSED MOTION:**

PURSUANT TO CHARTER CHAPTER VIII, SEC. 7 & 8, THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S REAPPOINTMENT OF FRANK GALAT, (U), 631 DART HILL ROAD, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE

INLAND WETLANDS REGULATORY COMMISSION, SAID NEW TERM TO COMMENCE JANUARY 1, 2010 AND EXPIRES DECEMBER 31, 2012.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's reappointment of Frank Galat as a regular member of the Inland Wetlands Regulatory Commission for a term of January 1, 2010 through December 31, 2012. Motion carried unanimously.

- C 6. Request the Town Council approve the Mayor's reappointment of Scott A. Wieting (D), 64 Valley Falls Road, Vernon, Connecticut as a regular member of the Conservation Commission, said new term to commence on January 1, 2010 and expires December 31, 2012. ( A copy of Mr. Wieting's resume is included for Council's review.)**

**PROPOSED MOTION:**

PURSUANT TO ORDINANCE #189 – TOWN CODE SECTION 10-91 AND 10-92; THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S REAPPOINTMENT OF SCOTT A. WIETING, (D), 64 VALLEY FALLS ROAD, VERNON, CONNECTICUT, AS A REGULAR MEMBER OF THE CONSERVATION COMMISSION SAID NEW TERM TO COMMENCE ON JANUARY 1, 2010 AND EXPIRES DECEMBER 31, 2012.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's reappointment of Scott A. Wieting as a regular member of the Conservation Commission for a term of January 1, 2010 through December 31, 2012. Motion carried unanimously.

- C 7. Request the Town Council approve the Mayor's reappointment of Howard L. Steinberg, (U), 75 Meadowlark Lane, Vernon, Connecticut as a regular member of the Design Review Advisory Commission, said new term to commence on January 1, 2010 and expires on December 31, 2012. (A copy of Mr. Steinberg's resume is included for Council's review.)**

**PROPOSED MOTION:**

PURSUANT TO ORDINANCE #268, TOWN CODE SEC. 10-105 AND 10-108, THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S REAPPOINTMENT OF HOWARD L. STEINBERG, (U), 75 MEADOWLARK LANE, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE DESIGN REVIEW ADVISORY COMMISSION, SAID NEW TERM TO COMMENCE ON JANUARY 1, 2010 AND EXPIRES ON DECEMBER 31, 2012.

Council Member Motola, seconded by Council Member Thomas made the above motion to the Mayor's reappointment of Howard L. Steinberg as a regular member of the Design Review Advisory Commission for a term of January 1, 2010 through December 31, 2012. Motion carried unanimously.

- C 8. Request the Town Council approve the Mayor's reappointment of Roland Klee (D), 132 Hany Lane, Vernon, Connecticut as a regular member of the Design Review Advisory Commission, said new term to commence on January 1, 2010 and expires on December 31, 2012. (A copy of Mr. Klee's resume is included for Council's review.)**

This item was removed from the agenda

- C 9. Request the Town Council approve the Mayor's reappointment of Thomas Davenport, (R), 202 Tracy Drive, Vernon, Connecticut as a regular member of the**

**Board of Ethics, said new term to commence on December 1, 2009 and expires on November 30, 2014.** ( A copy of Mr. Davenport's resume is included for Council's review.)

**PROPOSED MOTION:**

PURSUANT TO ORDINANCE #173, TOWN CODE SEC. 2-91 – 2-98; THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S REAPPOINTMENT OF THOMAS DAVENPORT, (R), 202 TRACY DRIVE, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE BOARD OF ETHICS, SAID NEW TERM TO COMMENCE ON DECEMBER 1, 2009 AND EXPIRES ON NOVEMBER 30, 2014.

Council Member Motola, seconded by Council Member Thomas made the above motion to Mayor's reappointment of Thomas Davenport as a regular member of the Board of Ethics for a term of December 1, 2009 through November 30, 2014. Motion carried unanimously.

- C 10. **Request the Town Council approve the Mayor's reappointment of Christy N. Vale, (R), 100 Dobson Road, Unit #3, Vernon, Connecticut as a regular member of the Board of Ethics, said new term to commence on December 1, 2009 and expires on November 30, 2014.** (A copy of Ms. Vale's resume is included for Council's review.)

**PROPOSED MOTION:**

PURSUANT TO ORDINANCE #173, TOWN CODE SEC. 2-91 – 2-98; THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S REAPPOINTMENT OF CHRISTY N. VALE, (R), 100 DOBSON ROAD, UNIT #3, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE BOARD OF ETHICS, SAID NEW TERM TO COMMENCE ON DECEMBER 1, 2009 AND EXPIRES ON NOVEMBER 30, 2014.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's reappointment of Christy N. Vale as a regular member of the Board of Ethics for a term of December 1, 2009 through November 30, 2014. Motion carried unanimously.

- C 11. **Request the Town Council approve the Mayor's reappointment of Linda Gessay, (D), 6 Lewis Street, Vernon, Connecticut as an alternate member of the Board of Ethics, said new term to commence on December 1, 2009 and expires on November 30, 2014.** (A copy of Ms. Gessay's resume is included for Council's review.)

**PROPOSED MOTION:**

PURSUANT TO ORDINANCE #173, TOWN CODE SEC. 2-91 – 2-98; THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S REAPPOINTMENT OF LINDA GESSAY, (D), 6 LEWIS STREET, VERNON, CONNECTICUT AS AN ALTERNATE MEMBER OF THE BOARD OF ETHICS, SAID NEW TERM TO COMMENCE ON DECEMBER 1, 2009 AND EXPIRES ON NOVEMBER 20, 2014.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's reappointment of Linda Gessay as an alternate member of the Board of Ethics for a term of December 1, 2009 through November 30, 2014. Motion carried unanimously.

- C 12. **Request the Town Council approve the Mayor's appointment of Gordon Gibson, (R) 836 Hartford Turnpike, Vernon, Connecticut as an alternate member of the**

**Board of Ethics, said term to commence on December 1, 2009 and expires on November 30, 2014.** (A copy of Mr. Gibson's resume is included for Council's review.)

**PROPOSED MOTION:**

PURSUANT TO ORDINANCE #173, TOWN CODE SEC. 2-91 – 2-98; THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S APPOINTMENT OF GORDON GIBSON (R), 836 HARTFORD TURNPIKE, VERNON, CONNECTICUT AS AN ALTERNATE MEMBER OF THE BOARD OF ETHICS, SAID TERM TO COMMENCE ON DECEMBER 1, 2009 AND EXPIRES ON NOVEMBER 30, 2014.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's appointment of Gordon Gibson as an alternate member of the Board of Ethics for a term of December 1, 2009 through November 30, 2014. Motion carried unanimously.

- C 13. **Request the Town Council approve the Mayor's reappointment of Steve Wakefield (R), 152 Brookview Drive, Vernon, Connecticut as the Town of Vernon Citation Hearing Officer, said term to commence on January 1, 2010 and expires December 31, 2011.** (A copy of Mr. Wakefield's resume is included for Council's review.)

**PROPOSED MOTION:**

PURSUANT TO ORDINANCE #215, TOWN CODE 2-5, AS AMENDED BY ORDINANCE 218 TO ENFORCE ORDINANCES 214 AND 216 THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S APPOINTMENT OF STEVE WAKEFIELD (R), 152 BROOKVIEW DRIVE, VERNON, CONNECTICUT AS THE TOWN OF VERNON CITATION HEARING OFFICER, SAID NEW TERM TO COMMENCE ON JANUARY 1, 2010 AND EXPIRES DECEMBER 31, 2011.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's appointment of Steve Wakefield as the Town of Vernon Citation Hearing Officer for a term of January 1, 2010 through December 31, 2011. Motion carried unanimously.

- C 14. **Request the Town Council approve the Mayor's reappointment of Dr. Vishnu R. Khade (D), 125 Merline Road, Vernon, Connecticut as a regular member of the Municipal Flood and Erosion Control Board, said new term to begin January 1, 2010 and expires December 31, 2012.** (A copy of Dr. Khade's resume is included for Council's review.)

**PROPOSED MOTION:**

PURSUANT TO ORDINANCE #226, THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S REAPPOINTMENT OF DR. VISHNU R. KHADE, (D), 125 MERLINE ROAD, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE MUNICIPAL FLOOD AND EROSION CONTROL BOARD, SAID NEW TERM TO BEGIN JANUARY 1, 2010 AND EXPIRES DECEMBER 31, 2012.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's reappointment of Dr. Vishnu Khade as a regular member of the Municipal Flood and Erosion Control Board for a term of January 1, 2010 through December 31, 2012. Motion carried unanimously.

- C 15. **Request the Town Council approve the Mayor's appointment of Richard Dias (R), 311 Vernon Avenue, Vernon, Connecticut as a regular member of the Municipal**

**Flood and Erosion Control Board, said term to commence January 1, 2010 and expires on December 31, 2012.** (A copy of Mr. Dias' resume is included for Council's review.)

**PROPOSED MOTION:**

PURSUANT TO ORDINANCE #226, THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S APPOINTMENT OF RICHARD DIAS (R), 311 VERNON AVENUE, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE MUNICIPAL FLOOD AND EROSION CONTROL BOARD, SAID TERM TO COMMENCE JANUARY 1, 2010 AND EXPIRES ON DECEMBER 31, 2012.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's appointment of Richard Dias as a regular member of the Municipal Flood and Erosion Control Board for a term of January 1, 2010 through December 31, 2012. Motion carried unanimously.

- C 16. **Request the Town Council approve the Mayor's reappointment of Francis O. Kaplan (D), 344 Merline Road, Vernon, Connecticut, as a regular member of the Planning and Zoning Commission, said term to commence January 1, 2010 and expires December 31, 2012.** (A copy of Mr. Kaplan's resume is included for Council's 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 THE MAYOR'S REAPPOINTMENT OF FRANCIS O. KAPLAN (D), 344 MERLINE ROAD, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE PLANNING AND ZONING COMMISSION FOR A TERM TO COMMENCE ON JANUARY 1, 2010 AND EXPIRES DECEMBER 31, 2012.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's reappointment of Francis Kaplan as a regular member of the Planning and Zoning Commission for a term of January 1, 2010 through December 31, 2012. Motion carried unanimously.

- C 17. **Request the Town Council approve the Mayor's reappointment of John K. Anderson, (R), 20 Hemlock Drive, Vernon, Connecticut as a Special Constable, said term to commence on January 1, 2010 and expires on December 31, 2011.** (A copy of Mr. Anderson's resume is included for Council's review.)

**PROPOSED MOTION:**

PURSUANT TO C.G.S. §7-92, THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S REAPPOINTMENT OF JOHN K. ANDERSON, (R), 20 HEMLOCK DRIVE, VERNON, CONNECTICUT AS A SPECIAL CONSTABLE, SAID TERM TO COMMENCE ON JANUARY 1, 2010 AND EXPIRES ON DECEMBER 31, 2011.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's reappointment of John K. Anderson as a Special Constable for a term of January 1, 2010 through December 31, 2011. Motion carried unanimously.

- C 18. **Request the Town Council approve the Mayor's reappointment of Keith R. Lauzon, (U), 49 Brookview Drive, Vernon, Connecticut as a regular member of the Planning and Zoning Commission, said term to commence on January 1, 2010 and expires**

on December 31, 2012. (A copy of Mr. Lauzon's resume is included for the Council's 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 THE MAYOR'S REAPPOINTMENT OF KEITH R. LAUZON, (U), 49 BROOKVIEW DRIVE, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE PLANNING AND ZONING COMMISSION, SAID TERM TO COMMENCE ON JANUARY 1, 2010 AND EXPIRES ON DECEMBER 31, 2012.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's reappointment of Keith R. Lauzon as a regular member of the Planning and Zoning Commission for a term of January 1, 2010 through December 31, 2012. Motion carried unanimously.

- C 19. **Request the Town Council approve the Mayor's appointment of Tim Ackert, (R), 67 Deer Hill Lane, Coventry, Connecticut, as a regular member of the Economic Development Commission, said term to commence on November 18, 2009 and expires on June 30, 2012, to complete the term vacated by Solomon Kerensky who has resigned.**

(A copy of Mr. Ackert's resume is included for your review. This resume was electronically filed, Mr. Ackert will stop by and sign on Wednesday.)

This item was moved to section J for further discussion.

- C 20. **Request the Town Council authorize Mayor Jason L. McCoy to enter into an agreement and execute any and all necessary documents with the State of Connecticut Department of Public Safety (DPS), Office of Statewide Emergency Telecommunications, relative to a Memorandum of Understanding.** (A copy of a memorandum dated 11-09-09 from John D. Ward, Town Administrator to Mayor Jason L. McCoy and the Town Council, a Memorandum of Understanding and a copy of the Agreement are included in the Council's packet.)

This item was moved to section J for further discussion

- C 21. **Request the Town Council approve the bid waiver for the Waste Oil Furnaces previously funded.** (A copy of a memorandum dated November 12, 2009 from John D. Ward, Town Administrator to Mayor Jason L. McCoy and Town Council Members is included for 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 OF VERNON TO WAIVE THE SEALED BID PROCEDURE FOR THE PURCHASE OF TWO WASTE OIL FURNACES FROM YANKEE SERVICE COMPANY AT TEN-THOUSAND-EIGHT HUNDRED – THIRTY-FIVE DOLLARS (\$10,835.00) A PIECE.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the bid waiver for the Waste Oil Furnaces previously funded. Motion carried unanimously.

- C 22. **Request the Town Council authorizes the Town of Vernon to participate in Cooperative Purchasing with other governmental units.** (A copy of a memorandum

from Peter Graczykowski, Assistant Town Administrator to Mayor Jason L. McCoy and the Town Council dated November 13, 2009 is included for your review.)

This item was moved to section J for further discussion.

- C 23. Request the Town Council approve the Mayor's appointment of Robert Kleinhans as Department of Public Works Director. (A copy of Mr. Kleinhans' resume is enclosed for your review.)**

This item was moved to section J for further discussion.

- E.) IDENTIFICATION OF ADDITIONAL AGENDA ITEMS  
 F.) PENDING BUSINESS  
 G.) NEW BUSINESS

- 1. Discussion regarding a request from Town Council Member Mark Etre relative to a report on Freedom of Information requests.**

Town Administrator Ward provided documentation labeled New Business #1. Council Member Etre requested Administration update the FOI document quarterly in line with budget discussions. He also requested Administration research the possibility of charging for labor to process FOI requests and present the information prior to the next budget meeting. Council Member Krupienski suggested reviewing at the Freedom of Information website for model ordinances that towns can use regarding charging for FOI requests and consider passing the ordinance in the future. Discussion took place.

- 2. Request the Town Council accept three easement agreements relative to drainage issues on Ironwood Drive, identified as 259 Phoenix Street, 253 Phoenix Street, and 55 Ironwood Drive, as outlined by Town Attorney Harold Cummings. (A copy of a letter dated November 6, 2009, and a copy of the three easement agreements are included in the council packet.)**

**PROPOSED RESOLUTION #1:**

THE VERNON TOWN COUNCIL, ON BEHALF OF THE TOWN OF VERNON, HEREBY ACCEPTS A PERMANENT DRAINAGE EASEMENT FROM NATHAN LEDUC DATED SEPTEMBER 24, 2009, WITH RESPECT TO INSTALLATION OF STORM DRAINS ON HIS PROPERTY AT 259 PHOENIX STREET, VERNON. A COPY OF SAID EASEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Council Member Motola, seconded by Council Member Campbell made the above motion to accept the easement agreement from Nathan LeDuc relative to 259 Phoenix Street. Discussion took place. Motion carried unanimously.

**PROPOSED RESOLUTION #2:**

THE VERNON TOWN COUNCIL, ON BEHALF OF THE TOWN OF VERNON, HEREBY ACCEPTS A PERMANENT DRAINAGE EASEMENT FROM CLAUDIA R. STEELE AND RICHARD W. STEELE DATED SEPTEMBER 15, 2009, WITH RESPECT TO INSTALLATION OF STORM DRAINS ON HIS PROPERTY AT 253 PHOENIX STREET, VERNON. A COPY OF SAID EASEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Council Member Motola, seconded by Council Member O'Shea made the above motion to accept the easement agreement from Claudia R. Steele and Richard W. Steele relative to 253 Phoenix Street. Motion carried unanimously.

**PROPOSED RESOLUTION #3:**

THE VERNON TOWN COUNCIL, ON BEHALF OF THE TOWN OF VERNON, HEREBY ACCEPTS A PERMANENT DRAINAGE EASEMENT FROM RENE J. BEDARD DATED SEPTEMBER 4, 2009, WITH RESPECT TO INSTALLATION OF STORM DRAINS ON HIS PROPERTY AT 55 IRONWOOD, VERNON. A COPY OF SAID EASEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Council Member Motola, seconded by Council Member Thomas made the above motion to accept the easement agreement from Rene J. Bedard relative to 55 Ironwood Drive. Motion carried unanimously.

H.) **INTRODUCTION OF ORDINANCES**

None

I.) **ACTION ON ORDINANCES PREVIOUSLY PRESENTED**

None

J.) **DISCUSSION OF ADDITIONAL AGENDA ITEMS**

**C 19. Request the Town Council approve the Mayor's appointment of Tim Ackert, (R), 67 Deer Hill Lane, Coventry, Connecticut, as a regular member of the Economic Development Commission, said term to commence on November 18, 2009 and expires on June 30, 2012, to complete the term vacated by Solomon Kerensky who has resigned.**

(A copy of Mr. Ackert's resume is included for your review. This resume was electronically filed, Mr. Ackert will stop by and sign on Wednesday.)

**PROPOSED MOTION:**

PURSUANT TO C.G.S. §7-136 AND ORDINANCE 315; TOWN CODE SEC. 10-81 & 82; THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S APPOINTMENT OF TIM ACKERT, (R), COVENTRY, CONNECTICUT, AS A REGULAR MEMBER OF THE ECONOMIC DEVELOPMENT COMMISSION, SAID TERM TO COMMENCE ON NOVEMBER 18, 2009 AND EXPIRES ON JUNE 30, 2012.

Council Member Motola, seconded by Council Member Campbell made the above motion to approve the Mayor's appointment of Tim Ackert as a regular member of the Economic Development Commission for a term of November 18, 2009 through June 30, 2012. Discussion took place. Council Member Krupienski moved for a friendly amendment to change the motion to read Ordinance #15 instead of Ordinance # 315. Motion carried with friendly amendment, Council Member Herbst opposed.

**C 20. Request the Town Council authorize Mayor Jason L. McCoy to enter into an agreement and execute any and all necessary documents with the State of Connecticut Department of Public Safety (DPS), Office of Statewide Emergency Telecommunications, relative to a Memorandum of Understanding.** (A copy of a memorandum dated 11-09-09 from John D. Ward, Town Administrator to Mayor Jason L.

McCoy and the Town Council, a Memorandum of Understanding and a copy of the Agreement are included in the Council's packet.)

Mr. Nash provided information regarding the Memorandum of Understanding with the Department of Public Safety.

**PROPOSED RESOLUTION #1**

THE TOWN COUNCIL HEREBY RESOLVES THAT THE TOWN OF VERNON IS AUTHORIZED TO ENTER INTO AN AGREEMENT WITH THE STATE OF CONNECTICUT, DEPARTMENT OF PUBLIC SAFETY, FOR SHARING OF GIS MAPPING PRODUCTS OBTAINED BY THE DEPARTMENT OF PUBLIC SAFETY.

Council Member Motola, seconded by Council Member Thomas made the above motion to authorize Mayor Jason L. McCoy to enter into an agreement and execute any and all necessary documents with the State of Connecticut, Department of Public Safety for sharing of GIS Mapping Products. Motion carried unanimously.

**PROPOSED RESOLUTION #2**

THE TOWN COUNCIL HEREBY RESOLVES THAT MAYOR JASON L. MCCOY AND/OR JOHN D. WARD, TOWN ADMINISTRATOR, ARE AUTHORIZED TO SIGN ALL DOCUMENTS IN CONNECTION WITH THE AGREEMENTS REFERRED TO HEREIN.

Council Member Motola, seconded by Council Member Thomas made the above motion to authorize Mayor Jason L. McCoy and Town Administrator John Ward to sign all documents in connection with the Agreements regarding State of Connecticut Department of Public Safety Office of Statewide Emergency Telecommunications Memorandum of Understanding. Discussion took place. Council Member Krupienski moved for a friendly amendment to include the following information in the above motion: "The Town Council hereby complies with the nondiscrimination agreements and warranties under Connecticut General Statutes §§4a-60(a)(1) and 4a-60a(a)(1), as amended" Motion as amended carried unanimously.

- C 22. Request the Town Council authorizes the Town of Vernon to participate in Cooperative Purchasing with other governmental units.** (A copy of a memorandum from Peter Graczykowski, Assistant Town Administrator to Mayor Jason L. McCoy and the Town Council dated November 13, 2009 is included for your review.)

**PROPOSED RESOLUTION:**

THE TOWN COUNCIL, HEREBY RESOLVES IN ACCORDANCE WITH CHAPTER XII, SECTION 9, OF THE TOWN CHARTER, THAT IT IS IN THE BEST INTEREST OF THE TOWN TO: (1) WAIVE TRADITIONAL SEALED BID REQUIREMENTS FOR THE PURCHASE OF MATERIALS, SUPPLIES, EQUIPMENT AND SERVICES UNDER THE COOPERATIVE PURCHASING WITH OTHER GOVERNMENTAL UNITS, COOPERATIVES OR THE BOARD OF EDUCATION FOR THE INITIAL DURATION OF SIX (6) MONTHS, FROM NOVEMBER 18, 2009 TO MAY 18, 2010; AND (2) AUTHORIZE THE MAYOR OR HIS DESIGNEE TO EXECUTE ON BEHALF OF THE TOWN OF VERNON ANY INSTRUMENT(S) TO THAT EFFECT.

Council Member Motola, seconded by Council Member Etre made the above motion to authorize the Town of Vernon to participate in Cooperative Purchasing with other Government Units. Discussion took place. Council Member Herbst requested Administration create a reporting mechanism to determine if the Cooperative Purchasing

with other governmental units is working. Council Member Etre requested Administration investigate the feasibility of utilizing internet bidding vs. sealed bids. Motion carried unanimously.

**C 23. Request the Town Council approve the Mayor's appointment of Robert Kleinhans as Department of Public Works Director. (A copy of Mr. Kleinhans' resume is enclosed for your review.)**

**PROPOSED MOTION:**

THE TOWN COUNCIL, PURSUANT TO CHAPTER X, SEC. 3 AND CHAPTER XI, SEC. 3 OF THE VERNON TOWN CHARTER, APPROVES THE MAYOR'S APPOINTMENT OF MR. ROBERT KLEINHANS AS DIRECTOR OF PUBLIC WORKS FOR THE TOWN OF VERNON.

Council Member Motola, seconded by Council Member Thomas made the above motion to approve the Mayor's appointment of Robert Kleinhans as the Department of Public Works Director. Discussion took place.

Council Member Thomas, seconded by Council Member Motola made a motion to extend curfew until 11:00. Motion carried unanimously.

Discussion continued. Motion carried, Council Members Herbst, Anderson, Winkler and Krupienski opposed.

**K.) ADOPTION OF MINUTES**

**THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF SEPTEMBER 15, 2009 AND THAT MINUTES OF SAID MEETING BE APPROVED.** (Memorandum dated October 9, 2009 from Bernice Dixon, Town Clerk to Mayor McCoy and Town Council members regarding the audio tape from the September 15, 2009 Town Council Meeting relative to Ordinance #242 Amendments.)

Council Member Motola, seconded by Council Member Etre made a motion to approve the minutes of the September 15, 2009 Regular Town Council meeting. Council Member requested an amendment to the minutes on page 7 just before the Proposed motion regarding action on ordinance #242, add the following information: "Council Motola made a the following motion with a second" Motion carried, Council Member Krupienski abstained.

Council Member Thomas, seconded by Council Member Motola made a motion to extend curfew until end of business. Motion carried unanimously.

**THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 6, 2009 AND THAT MINUTES OF SAID MEETING BE APPROVED.**

Council Member Motola, seconded by Council Member Thomas made a motion to approve the minutes of the October 6, 2009 Regular Town Council meeting. Motion carried, Council Members Anderson, Herbst and Krupienski abstained.

**THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 20, 2009 AND THAT MINUTES OF SAID MEETING BE APPROVED.**

Council Member Motola, seconded by Council Member O'Shea made a motion to approve the minutes of the October 20, 2009 Regular Town Council meeting. Motion carried, Council Members Etre, Hany, Krupienski and Herbst abstained.

**L.) EXECUTIVE SESSION**

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

**MOTION**

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 TERMS AND CONDITIONS FOR THE RESOLUTION OF LITIGATION, RE: FREDERICK M. GOFF AND BARBARA J. GOFF V TOWN OF VERNON, AND TOWN OF VERNON V FREDERICK M. GOFF AND BARBARA J. GOFF. THE TOWN ADMINISTRATOR, JOHN D. WARD AND THE TOWN ATTORNEY, HAROLD R. CUMMINGS ARE INVITED TO ATTEND.

Council Member Herbst requested a point of information regarding the reappointment of the Town Attorney Harold R. Cummings. Attorney Cummings informed members that he serves at the pleasure of the Mayor and no reappointment is necessary since the Mayor remains the same.

Motion carried, Council Member Herbst opposed.

**(11:05 PM) Council Members Winkler and Herbst left the meeting**

Council Member Etre, seconded by Council Member Krupienski made the following motion for approval of settlement of litigation by and between Frederick Goff, Barbara Goff and the Town of Vernon:

**MOTION:**

THE VERNON TOWN COUNCIL, ON BEHALF OF THE TOWN OF VERNON, HEREBY AUTHORIZES THE MAYOR OR TOWN ADMINISTRATOR TO EXECUTE, ON BEHALF OF THE TOWN OF VERNON, A MUTUAL RELEASE AGREEMENT BY, BETWEEN AND AMONG FREDERICK GOFF AND BARBARA GOFF, GERBER CONSTRUCTION, INC., OGDEN BROOK DEVELOPERS, LLC, KGB DEVELOPERS, LLC AND BOYNTON CONSTRUCTION INC, RESOLVING ALL ISSUES BETWEEN AND AMONG THE PARTIES BY REASON OF DOCKET # TTD-CV08-4010147-S AND DOCKET # TTD-CV06-4004797-S, AS SET FORTH IN THE MUTUAL RELEASE AGREEMENT ATTACHED HERETO AS EXHIBIT 3.

Motion carried unanimously.

Council Member Etre, seconded by Council Member Krupienski made the following motion for acceptance of Deed – 50' Parcel, Tracey Drive:

**MOTION:**

THE VERNON TOWN COUNCIL, ON BEHALF OF THE TOWN OF VERNON, HEREBY ACCEPTS A QUIT CLAIM DEED FROM FEDERICK M. GOFF AND BARBARA J. GOFF DATED NOVEMBER 10, 2009, WITH RESPECT TO A 50' PARCEL OF LAND DESIGNATED AS "RESERVED FOR FUTURE 50' R.O.W." ON A CERTAIN MAP OR PLAN ENTITLED "SUBDIVISION PLAN OF SOME LAND OF JAMES A. & AGNES DOHERTY TOWN OF VERNON, CT SCALE: 1" – 50' CERTIFIED SUBSTANTIALLY CORRECT ZONING REGULATIONS NOT VIOLATED EVERETT O. GARNER L.S. 4595 FEB.9, 1968 ROCKVILLE,

CT". A COPY OF SAID QUIT CLAIM DEED IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Motion carried unanimously.

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

**MOTION**

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES, SECTION 1-200(6)(D), HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS THE ACQUISITION OF EASEMENTS FOR THE HISTORIC TALCOTTVILLE DISTRICT PROJECT FROM THOMAS J. RIGGS AND THERESA A. RIGGS, 8 BROOKVIEW DRIVE; KAREN D. KELLY, 5 DOBSON ROAD; THOMAS A TOMKO AND DEBORAH L. TOMKO, 64 HARTFORD TURNPIKE; AND TALCOTTVILLE CONGREGATIONAL CHURCH, 13 ELM HILL ROAD. THE TOWN COUNCIL INVITES JOHN D. WARD, TOWN ADMINISTRATOR AND HAROLD R. CUMMINGS, TOWN ATTORNEY TO ATTEND.

Motion carried unanimously.

Council Member Etre, seconded by Council Member O'Shea made a motion to approve the following 4 motions as presented:

**MOTION #1 FOR ACCEPTANCE OF SLOPE RIGHTS EASEMENT AGREEMENT, 8 BROOKVIEW DRIVE:**

THE VERNON TOWN COUNCIL, ON BEHALF OF THE TOWN OF VERNON, HEREBY ACCEPTS A SLOPE RIGHTS EASEMENT AGREEMENT FROM THOMAS J. RIGGS AND THERESA A. RIGGS DATED AUGUST 17, 2009, WITH RESPECT TO CONSTRUCTION OF A SIDEWALK ALONG THE FRONTAGE OF 8 BROOKVIEW DRIVE, VERNON. A COPY OF SAID EASEMENT IS ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

**MOTION #2 FOR ACCEPTANCE OF SLOPE RIGHTS EASEMENT AGREEMENT, 5 DOBSON ROAD:**

THE VERNON TOWN COUNCIL, ON BEHALF OF THE TOWN OF VERNON, ACCEPTS A SLOPE RIGHTS EASEMENT AGREEMENT FROM KAREN D. KELLY DATED AUGUST 15, 2009, WITH RESPECT TO INSTALLATION OF A SIDEWALK ALONG THE FRONTAGE OF 5 DOBSON ROAD, VERNON. THE TOWN COUNCIL FURTHER AUTHORIZES THE TOWN ADMINISTRATOR JOHN D. WARD, TO EXECUTE AN AGREEMENT BETWEEN THE TOWN OF VERNON AND KAREN D. KELLY WITH RESPECT TO SAID EASEMENT. COPIES OF SAID SLOPE RIGHTS EASEMENT AND THE AGREEMENT BETWEEN THE TOWN OF VERNON AND KAREN D. KELLY WITH RESPECT TO SAID EASEMENT ARE ATTACHED HERETO.

**MOTION #3 FOR ACCEPTANCE OF EASEMENT FOR INSTALLATION OF SIGN AND LANDSCAPING AGREEMENT, 64 HARTFORD TURNPIKE.**

THE VERNON TOWN COUNCIL, ON BEHALF OF THE TOWN OF VERNON, HEREBY ACCEPTS AN EASEMENT FOR INSTALLATION OF SIGN AND LANDSCAPING FOR THOMAS A. TOMKO AND DEBORAH L. TOMKO DATED JUNE 29, 2009, WITH RESPECT TO INSTALLATION OF A SIGN AND LANDSCAPING ON THEIR PROPERTY AT 64 HARTFORD TURNPIKE, VERNON. THE TOWN COUNCIL FURTHER AUTHORIZES THE TOWN ADMINISTRATOR, JOHN D. WARD TO SIGN AN AGREEMENT BETWEEN THE TOWN OF VERNON AND THOMAS A TOMKO AND DEBORAH L. TOMKO WITH RESPECT TO SAID EASEMENT. COPIES OF THE EASEMENT FOR INSTALLATION OF SIGN AND LANDSCAPING AND THE AGREEMENT BETWEEN THE TOWN OF VERNON AND THOMAS A AND DOBORAH L. TOMKO WITH RESPECT TO SAID EASEMENT ARE ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

MOTION #4 FOR ACCEPTANCE OF EASEMENTS FOR INSTALLATION OF VISITORS CENTER STRUCTURE, LANDSCAPING AND ELECTRIC UTILITY BOX, 13 ELM HILL ROAD. THE VERNON TOWN COUNCIL, ON BEHALF OF THE TOWN OF VERNON, HEREBY ACCEPTS TWO EASEMENTS FROM TALCOTTVILLE CONGREGATIONAL CHURCH, BOTH DATED JULY 20, 2009, WITH RESPECT TO INSTALLATION OF A VISITORS CENTER STRUCTURE, LANDSCAPING AND ELECTRIC UTILITY BOX AT 13 ELM HILL ROAD, VERNON. COPIES OF SAID EASEMENTS ARE ATTACHED HERETO AND INCORPORATED HEREIN BY REFERENCE.

Motion carried unanimously.

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

**MOTION**

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES, SECTION 1-200(6)(B), HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS OPEN AND PENDING LITIGATION MATTERS – AND INVITES JOHN D. WARD, TOWN ADMINISTRATOR, HAROLD R. CUMMINGS, TOWN ATTORNEY AND PETER GRACZYKOWSKI, ASSISTANT TOWN ADMINISTRATOR TO ATTEND.

Motion carried unanimously.

No action was taken

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

**MOTION**

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 LABOR NEGOTIATIONS WITH THE FOLLOWING: THE PROFESSIONAL UNION, THE WATER POLLUTION CONTROL AUTHORITY SUPERVISORS UNION, AND THE DEPARTMENT OF PUBLIC WORKS SUPERVISORS UNION. FURTHER, THE TOWN COUNCIL INVITES JOHN D. WARD, TOWN ADMINISTRATOR; PETER GRACZYKOWSKI, ASSISTANT TOWN ADMINISTRATOR; AND ATTORNEY EDWARD O'DONNELL TO ATTEND.

Motion carried unanimously.

No action was taken.

**M.) INFORMATIONAL ITEMS**

1. Town Clerk monthly report dated September 2009, submitted by Bernice Dixon, Town Clerk.
2. Police Department monthly report dated September 2009, submitted by Stephen M. Clark, Police Captain.
3. Police Department monthly report dated October 2009, submitted by Stephen M. Clark, Police Captain.
4. Senior Center Monthly Report for September 2009, dated October 15, 2009 submitted by Penny Rand, Senior Center Director.

5. Senior Center monthly report for October 2009, dated November 10, 2009 submitted by Penny Rand, Senior Center Director.
6. Building Departments monthly report for October, 2009, submitted by Peter Hobbs, Building Official.
7. Town Council Member contact information sheet.

**Adjourn (11:36 PM)**

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

Received:

Approved:

Respectfully Submitted,

Jill Kentfield  
Recording Secretary