

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

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VERNON TOWN CLERK
10 FEB -5 AM 8:56

February 2, 2010 – 7:00 PM

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

A.) PLEDGE OF ALLEGIANCE

B.) ROLL CALL

Present: Council Members Daniel Anderson, Bill Campbell, Daniel Champagne, Mark Etre, Judy Hany, Marie Herbst, James Krupienski, Brian R. Motola, Sean O'Shea, Pauline Schaefer, Harry D. Thomas, Michael A. Winkler

Absent:

Entered During Meeting:

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

C.) CITIZENS FORUM

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

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

Citizen's forum closed at 7:10 PM

D.) PUBLIC HEARINGS (7:05 PM)

Open Public Hearing (7:10 PM)

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

Public comments:

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

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

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

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

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

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

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

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

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

7:54 PM Mayor McCoy left the table

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

8:02 PM Mayor McCoy returned

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

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

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

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

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

Discussion took place with Mayor and Town Council members.

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

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

8:59PM Council Member Motola left the table

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

9:03 PM Council Member Motola returned

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

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

Eric Santini spoke about the pros and cons he heard during the hearing and took Council Member Champagne's points into consideration. He requested the Town Council vote no recreate the Ordinance with input from landlords and attorneys.

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

RECESS (9:30 PM)

RECONVENE (9:44 PM)

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

F.) ACTION ON CONSENT AGENDA

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

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

PROPOSED MOTION:

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

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

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

PROPOSED MOTION 2A:

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

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

PROPOSED MOTION 2B:

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

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

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

PROPOSED MOTION:

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

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

- C 4.** **Request the Town Council approve the Mayor's appointment of Adam B. Weissberger, (R), 75 Hockanum Blvd., Unit 3313, Vernon, Connecticut, as a regular member of the Water Pollution Control Authority, said appointment to commence on February 3, 2010 and expires on December 31, 2012.** (A copy of Mr. Weissberger's resume is included for Council review.)

PROPOSED MOTION:

PURSUANT TO CHARTER CHAPTER VIII, SEC. 3; AND CHARTER CHAPTER XII, SEC. 4, THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S APPOINTMENT OF ADAM B. WEISSBERGER, (R), 75 HOCKANUM BLVD., UNIT 3313, VERNON,

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

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

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

No action taken.

G.) IDENTIFICATION AND ADOPTION OF ADDITIONAL AGENDA ITEMS

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

H.) PENDING BUSINESS

None

I.) NEW BUSINESS

None

J.) INTRODUCTION OF ORDINANCES

None

K.) ACTION ON ORDINANCE(S) PREVIOUSLY PRESENTED

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

PROPOSED MOTION:

THE TOWN COUNCIL, CONSISTENT WITH CHAPTER V, SECTION SIX OF THE VERNON TOWN CHARTER, ENTITLED "PUBLIC HEARING ON AND PUBLICATION OF ORDINANCES," HEREBY MOVES TO ADOPT AN ORDINANCE ENTITLED ORDINANCE 291, "AN ORDINANCE AMENDING ORDINANCE # 279 AN ORDINANCE ESTABLISHING PROCEDURE AND FEES FOR LICENSING AND PERMITS FOR WORK PERFORMED WITHIN A PUBLIC RIGHT OF WAY".

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

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

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

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

C 5. Request the Town Council approve the bid waiver for a used automated side loading truck. (A copy of a memorandum from Robert Kleinhans, Director of the Department of Public Works dated January 29, 2010 to John Ward, Town Administrator and Mayor Jason L. McCoy; and a memorandum from John D. Ward Town Administrator to Mayor Jason L. McCoy and Town Council Members dated January 29, 2010 are included for the Council's review.)

PROPOSED MOTION:

THE TOWN COUNCIL IN ACCORDANCE WITH CHAPTER XII, SECTION 9, OF THE TOWN CHARTER, DETERMINES THAT IT IS IN THE BEST INTEREST OF THE TOWN TO WAIVE THE SEALED BID PROCEDURE FOR THE PURCHASE OF A USED AUTOMATED SIDE LOADING TRUCK IN THE AMOUNT OF FORTY-EIGHT THOUSAND, SIX HUNDRED DOLLARS (\$48,600.00).

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

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

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

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

PROPOSED MOTION

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

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

10:47 PM Council Member Anderson left the meeting.

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

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

PROPOSED MOTION

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

Motion carried unanimously.

E.) PRESENTATIONS by the Administration

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

Mayor McCoy spoke about the following topics:

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

M.) ADOPTION OF MINUTES

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

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

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

N.) EXECUTIVE SESSION ISSUES

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

Adjourn (11:06 PM)

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

Received:

Approved:

Respectfully Submitted,

Jill Kentfield
Recording Secretary