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MINUTES
VERNON TOWN COUNCIL SPECIAL MEETING
TOWN HALL – 14 PARK PLACE 3RD FLOOR
VERNON, CONNECTICUT

Saturday February 20, 2010 - 1:00 PM

Mayor McCoy called the meeting to order at 1:05 PM

A.) PLEDGE OF ALLEGIANCE

B.) ROLL CALL
Present: Council Members Bill Campbell, Mark Etre, Judy Hany, Marie Herbst, James Krupienski, Brian Motola, Harry Thomas, Michael Winkler
Absent: Daniel Anderson, Daniel Champagne, Sean O'Shea, Pauline Schaefer,
Entered During Meeting:
Also Present: Mayor Jason L. McCoy, Town Administrator John Ward, Recording Secretary Jill Kentfield

C.) CITIZENS FORUM
Nathan Simes, Oxford Drive, South Windsor: Owns properties in Vernon and has concerns regarding the ordinance as presented. He suggested reviewing Enfield's rules and regulations.

Citizen's forum closed at 1:15 PM

D.) PUBLIC HEARINGS (RECESSED PUBLIC HEARING)

PUBLIC HEARING TO RECEIVE COMMENTS AND QUESTIONS RELATIVE TO AN ORDINANCE ENTITLED "ORDINANCE NO. __, AN ORDINANCE REQUIRING A CERTIFICATE OF APARTMENT OCCUPANCY".

OPEN PUBLIC HEARING (1:15 pm)
Mayor McCoy called the public hearing to order to receive comments and answer questions from the public.

Public Comments:

Brian Edwards, Brooklyn Street, Vernon: Spoke against the ordinance and provided a hand-out to Town Council members a special defense form which is given to people being evicted. Discussion took place.

Harry Dan Boyko, Assistant Building Official was available to answer questions from the public and town council members. He explained that he is often the mediator between the tenant and landlord and receives referrals from the Fire and Police Departments. The Building Department receives complaints but the Town of Vernon does not have a building code official, and calls that require a building code official are referred to the North Central Health District. The North Central Health District was recently added onto the Town of Vernon's complaint tracking system "Q-Send" in order to track the number and types of complaints being referred to them. In order for an inspection to take place, the building official must have permission of the landlord or tenant, which puts a limitation on entering an apartment. However if the health or safety of the tenants are at risk an administrative warrant can be obtained and the official can enter the apartment.

1:59 PM Council Member Krupienski left the table

2:01 PM Council Member Krupienski returned

Further discussion took place with Mr. Edwards

2:06 PM Council Member Anderson left the table

2:11 PM Council Member Etre left the table

Matt Hedrick, 5030 Old Post Rd, Tolland owns property in Vernon and has concerns with the ordinance. Specifically:

- Town won't be able to keep up with the demand for the CO
- He requested the Town work with the landlords how they are working inspections now, usually a tenant won't move into an apartment if there is something wrong with it.
- He requested an impact study which includes the cost to the town, tenants and landlords

2:13 PM Council Member Anderson returned

2:15 PM Council member Etre returned

2:19 PM Mayor McCoy left the table

Casey Edwards, 5 Pinewood Lane, Enfield, CT spoke against the ordinance. The financial impact will be difficult on him.

2:23 PM Mayor McCoy returned

Discussion with Mr. Edwards continued.

Robert Puleose, East Main Street, Rockville is a resident and landlord in Vernon. The ordinance as proposed would hurt his business. The cost of the CO's is not written into the ordinance. He would have to transfer the cost to the tenants.

2:43 PM Council Member Winker left the table

Mr. Puleose provided a list of people that already complete inspections as follows: Vernon Zoning Officer, Building Official, Fire Marshall, Insurer, Social Services, Utilities (yankee gas and CL&P), Ct Water.

2:48 PM Council Member Winkler returned

Discussion with Mr. Puleose continued.

2:56 PM Mayor McCoy left the table

Attorney Cummings, Town of Vernon Attorney provided Town Council Members with the following hand-outs:

- 288 Conn 181 Superior Court ruling: *Greater New Haven Property Owners Association v City of New Haven*
- City of New Haven Article XIV Residential Rental Businesses Licenses

He explained that the City of New Haven does not license the units, but licenses the landlords. In order to become a landlord for 3 or more units in New Haven, landlords need to apply for a license and be present for inspections. The license is not transferrable and if a change of ownership takes place, the new landlord has 30 days to obtain his license. The ordinance allows for statistical sampling of apartments for inspection.

He requested the Town Council continue this public hearing and ask for further input. He also recommended the Town Council members seriously consider rejecting the ordinance as presented and come back right away with an ordinance similar to the New Haven model. More research needs to take place with the City of New Haven for further feedback and lessons learned. Discussion took place with Town Council Members.

Council Member Winkler, seconded by Council Member Herbst made a motion to recess the public hearing to be continued at the first regular meeting after the budget.
Discussion took place, Council Members Winkler and Herbst withdrew the motion.

3:17 PM Mayor McCoy returned.

Discussion continued. Attorney Cummings stated that he spoke with the Attorneys for landlords in town and they are more amendable to the New Haven model.

Attorney Antoinette Webster representing Cliff Chapman reviewed the New Haven Ordinance and had concerns, though the procedures are outlined in the New Haven ordinance it may not address significant issues have been raised from the current ordinance. The proposed ordinance on the table is too vague. She spoke about the Mansfield ordinance where the landlords are required to register and the apartments are required to have a CO the processes for doing so are specifically outlined. In Mansfield, everyone who owns property to be rented needs to register as a landlord every 2 years, and if a change of ownership takes place, the landlord needs to notify the town or they will be fined. A checklist of items to be inspected is specifically outlined in the ordinance. She offered the following information:

- Since Vernon has a landlord registration ordinance already in place, is it being enforced?
- Review the blight ordinance a see if it can be revised to accomplish what this ordinance is meant to do.
- The New Haven ordinance doesn't stand on its own, it is intertwined with other ordinances and it would need to be revamped to suit the Town of Vernon's needs.
- New Haven has a specific Department set aside to address the ordinance issues.
- When looking to get rid of the current proposed ordinance, and adopting the New Haven model, need to define the language to include the application process, forms, details and costs.
- In New Haven only vacant units need to be inspected and rented units can be inspected with permission. Tenants can contact the building official to let them know if there is a violation.
- She recommends completing the inspection while the apartment is vacant in order for the landlord to have documentation proving the property is up to standard.
- In Hartford, the certificate of occupancies are being challenged and it didn't help the landlords when evictions were necessary.
- She is willing to work with the Town Council to move forward with amending the ordinance.
- She handed out the Town of Mansfield ordinance, further information can be found on their website.

Mayor McCoy suggested having the Legislative workgroup review the ordinance also.

Council Member Winkler, seconded by Council Member Thomas made a motion to recess the public hearing until March 16.

3:53 PM Recess
3:58 PM Reconvene

Discussion took place. Motion carried unanimously.

E.) PRESENTATIONS BY THE ADMINISTRATION
None

F.) ACTION ON CONSENT AGENDA
None

G.) IDENTIFICATION AND ADOPTION OF ADDITIONAL AGENDA ITEMS
None

H.) PENDING BUSINESS
None

I.) NEW BUSINESS
None

J.) INTRODUCTION OF ORDINANCES
None

K.) ACTION ON ORDINANCE(S) PREVIOUSLY PRESENTED
None

L.) DISCUSSION OF ADDITIONAL AGENDA ITEMS, Pulled consent items from f) AND PULLED ITEMS FROM O) INFORMATIONAL ITEMS, ETC
None

M.) ADOPTION OF MINUTES
None

N.) EXECUTIVE SESSION
None

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

Council Member Herbst suggested holding a budget meeting on a Saturday from 9:00 – 4:00 and cutting out 2-3 already scheduled evening meetings. Mayor McCoy will look into this.

Received:

Approved:

Respectfully Submitted

Jill Kentfield
Recording Secretary