

POSTED 10/15/2010
JD

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

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VERNON TOWN CLERK
10 OCT 15 PM 12:43

TUESDAY, OCTOBER 19, 2010
7:00 P.M.

- A.) PLEDGE OF ALLEGIANCE
- B.) ROLL CALL
- C.) CITIZENS FORUM

D.) PUBLIC HEARINGS

E.) PRESENTATIONS BY THE ADMINISTRATION

Presentation by Rockville Community Alliance regarding Rockville Festival, and the presentation of a check to the Town of Vernon.

Presentation of a check by the Elks Lodge #1359 to the Town of Vernon and the Youth Service Bureau donating proceeds from their recent fundraiser. YSB Director Alan Slobodien will be present.

Presentation by Mayor Jason L. McCoy and Town Council Member Judy Hany of a Proclamation to the Hockanum Valley Community Council for their 40th Anniversary of Community Support. David Engleson, Director of HVCC will be present to accept.

Presentation of the "Drop Box" feature of the IPAD for the Town Council by Aaron Nash, GIS Coordinator and the official rollout of the IPAD Technology by Mayor Jason L. McCoy.

Presentation by Bruce Dinnie, Parks and Recreation Director relative to summer programs, rentals, special events, youth crews and other activities at the Parks and Recreation Department.

Mayor Jason L. McCoy to present Proclamations to 2010 Snow Plow Rodeo Winners. Members of the Department of Public Works and Director Kleinhans to be present.

Presentation by Mayor Jason L. McCoy to the Town Council on a variety of topics.

F.) ACTION ON CONSENT AGENDA

- C 1. Request for Tax Refunds for the Current Year.** (A copy of a memorandum from Terry Hjarne, Collector of Revenue, to John D. Ward Town Administrator dated October 7, 2010 is included in the Council packet.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES FIFTEEN (15) REFUNDS TOTALING \$1903.35 FOR CURRENT YEAR AS OUTLINED IN THE MEMORANDUM FROM TERRY HJARNE, COLLECTOR OF REVENUE TO JOHN D. WARD, TOWN ADMINISTRATOR DATED OCTOBER 7, 2010.

- C 2. Request the Town Council approve budget amendments # 56 - #58 for fiscal year 2009-2010.** (Copies of the budget amendment requests are included in the Council packet)

PROPOSED MOTION:

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

- C 3. Request the Town Council approve budget amendments # 1 - #2 for fiscal year 2010-2011.**

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES BUDGET AMENDMENT REQUESTS FOR FISCAL YEAR 2010-2011, AS OUTLINED IN THE BUDGET AMENDMENT FORMS PROVIDED BY THE FINANCE OFFICE, JAMES LUDDECKE.

- C 4. Request the Town Council approve Mayor Jason L. McCoy's appointment of Charles Bardes, (U) 79 Meadowview Lane, Vernon, Connecticut as a regular member of the Planning and Zoning Commission said term to commence on October 20, 2010 and expires on December 31, 2012.** (A copy of Mr. Bardes resume is included for Council review.)

PROPOSED MOTION:

PURSUANT TO CHARTER CHAPTER VIII, SEC. 1,6 & 11 DATED JANUARY 1, 1985; C.G.S. §8-4A&B, THE TOWN COUNCIL HEREBY APPROVES THE MAYOR'S APPOINTMENT OF CHARLES BARDES (U), 79 MEADOWVIEW LANE, VERNON, CONNECTICUT AS A REGULAR MEMBER OF THE PLANNING AND ZONING COMMISSION FOR A TERM TO COMMENCE ON OCTOBER 20, 2010 AND EXPIRES DECEMBER 31, 2012.

G.) IDENTIFICATION AND ADOPTION OF ADDITIONAL AGENDA ITEMS

H.) PENDING BUSINESS

- 1. Request the Town Council authorize Mayor Jason L. McCoy to accept the State of Connecticut, Department of Economic and Community Development Grant in the amount of \$1.5 million for the Vernon Community Arts Center and authorize Mayor McCoy or his designee to sign any and all documents.** (This item is being returned for further discussion from the October 5, 2010 Town Council meeting.) (A copy of a memorandum dated October 15 2010 from John D. Ward, Town Administrator to Mayor Jason L. McCoy and the Vernon Town Council and a copy of the Proposed Assistance Agreement are included for Council review.)

PROPOSED RESOLUTION:

WHEREAS, PURSUANT TO CONN. GEN. STAT. 4-66(C), URBAN ACT GRANT, THE CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT IS AUTHORIZED TO EXTEND FINANCIAL ASSISTANCE FOR ECONOMIC DEVELOPMENT PROJECTS; AND WHEREAS, IT IS DESIRABLE AND IN THE PUBLIC INTEREST THAT THE TOWN OF VERNON MAKE AN APPLICATION TO THE STATE FOR \$1.5 MILLION DOLLARS IN ORDER TO UNDERTAKE THE VERNON COMMUNITY ARTS CENTER PROJECT AND TO EXECUTE AN ASSISTANCE AGREEMENT. NOW, THEREFORE, BE IT RESOLVED BY THE VERNON TOWN COUNCIL, THAT IT IS COGNIZANT OF THE CONDITIONS AND PREREQUISITES FOR THE STATE FINANCIAL ASSISTANCE IMPOSED BY CONN. GEN. STAT. 4-66(C) AND THAT THE FILING OF AN APPLICATION FOR STATE FINANCIAL ASSISTANCE BY THE TOWN OF VERNON, IN AN AMOUNT NOT TO EXCEED \$1.5 MILLION DOLLARS IS HEREBY APPROVED AND THAT MAYOR JASON L. MCCOY IS DIRECTED TO EXECUTE AND FILE SUCH APPLICATION WITH THE CONNECTICUT DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT, TO PROVIDE SUCH ADDITIONAL INFORMATION, TO EXECUTE SUCH OTHER DOCUMENTS AS MAY BE REQUIRED, TO EXECUTE AN ASSISTANCE AGREEMENT WITH THE STATE OF CONNECTICUT FOR STATE FINANCIAL ASSISTANCE IF SUCH AN AGREEMENT IS OFFERED, TO EXECUTE ANY AMENDMENTS, DECISIONS AND REVISIONS THERETO, AND TO ACT AS THE AUTHORIZED REPRESENTATIVE OF THE TOWN OF VERNON.

THE TOWN COUNCIL FURTHER RESOLVES,
THAT IT ADOPTS OR HAS ADOPTED AS ITS POLICY TO SUPPORT THE FOLLOWING NONDISCRIMINATION AGREEMENTS AND WARRANTIES PROVIDED IN SUBSECTION (A) (1) OF THE CONN. GEN. STAT. SEC. 4A-60 AND 4A-60A, RESPECTIVELY, AS AMENDED BY PUBLIC ACTS 7-142 AND 07-245 AND FOR WHICH PURPOSES THE "CONTRACTOR" IS THE TOWN OF VERNON AND "CONTRACT" IS SAID ASSISTANCE AGREEMENT:

THE CONTRACTOR AGREES AND WARRANTS THAT IN PERFORMANCE OF THE CONTRACT SUCH CONTRACTOR WILL NOT DISCRIMINATE OR PERMIT DISCRIMINATION AGAINST ANY PERSON OR GROUP OF PERSONS ON THE GROUNDS OF RACE, COLOR, RELIGIOUS CREED, AGE, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, SEX, MENTAL RETARDATION OR PHYSICAL DISABILITY, INCLUDING BUT NOT LIMITED TO, BLINDNESS, UNLESS IT IS SHOWN BY SUCH CONTRACTOR THAT SUCH DISABILITY, PREVENTS PERFORMANCE OF THE WORK INVOLVED IN ANY MANNER PROHIBITED BY THE LAWS OF THE UNITED STATES OR OF THE STATE OF CONNECTICUT. THE CONTRACTOR FURTHER AGREES TO TAKE AFFIRMATIVE ACTION TO INSURE THAT APPLICANTS WITH JOB-RELATED QUALIFICATIONS ARE EMPLOYED AND THAT EMPLOYEES ARE TREATED WHEN EMPLOYED WITHOUT REGARD TO THEIR RACE, COLOR, RELIGIOUS CREED, AGE, MARITAL STATUS, NATIONAL ORIGIN, ANCESTRY, SEX, MENTAL RETARDATION OR PHYSICAL DISABILITY, INCLUDING, BUT NOT LIMITED TO, BLINDNESS, UNLESS IT IS SHOWN BY SUCH CONTRACTOR THAT SUCH DISABILITY PREVENTS PERFORMANCE OF THE WORK INVOLVED.

THE CONTRACTOR AGREES AND WARRANTS THAT IN THE PERFORMANCE OF THE CONTRACT SUCH CONTRACTOR WILL NOT DISCRIMINATE OR PERMIT DISCRIMINATION AGAINST ANY PERSON OR GROUP OF PERSONS ON THE GROUNDS OF SEXUAL ORIENTATION, IN ANY MANNER PROHIBITED BY THE LAWS OF THE UNITED STATES OR OF THE STATE OF CONNECTICUT, AND THAT EMPLOYEES ARE TREATED WHEN EMPLOYED WITHOUT REGARD TO THEIR SEXUAL ORIENTATION.

I.) NEW BUSINESS

1. **Discussion of the hiring of Robert Kleinhans by the Board of Education as a Temporary Manager of Custodial and Maintenance Services.**

J.) INTRODUCTION OF ORDINANCES

K.) ACTION ON ORDINANCE(S) PREVIOUSLY PRESENTED

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

M.) ADOPTION OF MINUTES

THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF OCTOBER 5, 2010 AND THAT MINUTES OF SAID MEETING BE APPROVED.

N.) EXECUTIVE SESSION

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES §1-200(B)(2) MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS: **STRATEGY OR NEGOTIATION WITH RESPECT TO THE TEACHER'S COLLECTIVE BARGAINING CONTRACT** AND INVITES THE FOLLOWING INDIVIDUALS TO ATTEND: JOHN D. WARD, TOWN ADMINISTRATOR, DR. MARY CONWAY, SUPERINTENDENT OF SCHOOLS; PETER GRACZYKOWSKI, ASSISTANT TOWN ADMINISTRATOR; ATTORNEY EDWARD F. O'DONNELL AND ATTORNEY FRED DORSEY OF THE LAW FIRM SIEGEL, O'CONNOR, O'DONNELL AND BECK AND STAN KARASINSKI, BUSINESS MANAGER OF THE BOARD OF EDUCATION; ANNE FISCHER, BOE CHAIRMAN AND GEORGE APEL, BOARD OF EDUCATION MEMBER.

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES §1-200 (6) (D) HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION REGARDING **CT CARPENTERS CORP V. TOWN OF VERNON**, DOCKET NUMBER TTD-CV-09-5005022-S, PENDING IN THE TOLLAND COUNTY SUPERIOR COURT, FURTHER , THE TOWN COUNCIL INVITES THE FOLLOWING INDIVIDUALS TO ATTEND: JOHN LEARY, CHAIRMAN OF SCHOOL BUILDING ADVISORY COUNCIL, STANLEY KARASINSKI, DIRECTOR OF BUSINESS AND FINANCE, VERNON BOARD OF EDUCATION, JOHN D. WARD, TOWN ADMINISTRATOR, AND ATTORNEY KENNETH ROZICH TO ATTEND.

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES § 1-200 (6) (D), HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION REGARDING, **HSBC BANK, USA, N.A. V. TOWN OF VERNON**, DOCKET NUMBER TTD-CV10-6001364-S, PENDING IN THE TOLLAND COUNTY SUPERIOR COURT, FURTHER, THE TOWN COUNCIL INVITES THE FOLLOWING INDIVIDUALS TO ATTEND: JOHN D. WARD, TOWN ADMINISTRATOR, HAROLD CUMMINGS TOWN ATTORNEY.

THE TOWN COUNCIL, PURSUANT TO THE AUTHORITY GIVEN IN CONNECTICUT GENERAL STATUTES § 1-200 (6) (D), HEREBY MOVES TO GO INTO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION REGARDING **TOWN OF VERNON V. KAMAI KLEOVOULUS** DOCKET NUMBER TTD-CV10-6001682-S PENDING IN THE TOLLAND COUNTY SUPERIOR COURT, FURTHER, THE TOWN COUNCIL INVITES JOHN D. WARD, TOWN ADMINISTRATOR, TERRI HJARNE, COLLECTOR OF REVENUE AND HAROLD CUMMINGS, TOWN ATTORNEY TO ATTEND.

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- O.) INFORMATIONAL ITEMS, PETITIONS, COMMUNICATIONS, CORRESPONDENCE, REPORTS, ETC. NOT REQUIRING ACTION
1. Monthly Report Building Department, September 2010, as submitted by B. Peter Hobbs, Building Official.
 2. Thank you letter from the Vernon Explorer Post #800 for the Council's support of their attendance at the National Conference.
 3. Thank you from resident Joe Michalewicz relative to the DPW Director Robert Kleinhans and the departments' demolition of 55 Lawrence Street.
 4. Notice from the GAR that their new hours of operation are 2nd and 4th Sunday of each month. The GAR will no longer be open on Thursday evenings.
 5. Monthly Report Youth Service Bureau, September, 2010 as submitted by Alan Slobodien, Director.