

February 5, 2008

**MINUTES
VERNON TOWN COUNCIL
REGULAR MEETING
SENIOR CENTER 2ND FLOOR, CONFERENCE ROOM
26 PARK PLACE
TUESDAY, February 5, 2008
7:30 P.M.**

Meeting was called to order at 7:32 PM

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:

Also Present: Mayor Jason L. McCoy, Town Administrator Christopher Clark, Town Clerk Bernice K. Dixon, Recording Secretary Jill Kentfield

CITIZEN'S FORUM:

Martin Johnson 5 Knollwood Drive: On behalf of mother, Ms. Eleanor Johnson who lived in Pitkat Apartments in Vernon until the 9/11/07 fire where she was displaced due to smoke and water damage. Mr. Johnson would like his mom to be able to return to her apartment complex where she has acquaintances and is comfortable. Mayor McCoy stated he would look into the situation.

Carl Schaefer, 1A Fox Hill Dr.: Spoke against new business item #2.

Citizens Forum closed at 7:44 PM

PUBLIC HEARING:

Public Hearing regarding proposed Ordinance entitled "An Ordinance concerning consumption and possession of alcoholic beverages in public areas and buildings". (Copy of proposed Ordinance is in the packet.)

Councilmember Wheelock seconded by Councilmember Campbell made a motion to open the public Hearing. Motion carried unanimously.

Legal Notice read by Town Clerk, Bernice K. Dixon

Public Comments:

Ellen Marmer, 276 Merline Road: Spoke against the ordinance.

Tony Muro, 32 Brookside Lane: Had concerns and Spoke against the ordinance.

Karl M. Prewo, 135 Grier Road: Provided a list of over 100 signatures of residents. Spoke against the ordinance.

Thomas A. Didio, 112 Box Mountain Drive: Spoke against the ordinance.

William C. Green, 33 Echo Ridge Drive: Submitted a list of signatures from a petition against the passage of this ordinance.

Fay-Anna Risley, 29 Anchorage Road: Spoke against the ordinance.

John Drost III, 42 Hale Street Ext.: Spoke against the ordinance.

Janine P. Galineau, 28 Anchorage Road: Spoke against the ordinance.

Carl W. Schaefer, 1A Fox Hill Drive: Spoke against the ordinance.

Bruce T. Rieder, 85 Baker Road: In favor of the ordinance.

Harold R. Cummings, 32 Ravens Croft Road: Spoke in favor of the ordinance.

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Dolores H. Hoermann, 62 South Street: Spoke against the ordinance.

Kenneth J. Parkany, 24 Lakeview Drive: Spoke against the ordinance.

Linda A. Bukowy, 103 Skinner Road: Spoke against the ordinance.

Public Hearing closed at 8:24 PM

Mayor McCoy recommended the public hearing continue with the next order of business.

PUBLIC HEARING:

Public Hearing regarding proposed Ordinance entitled “An Ordinance amending section 3-1 of the Town of Vernon code”. (Copy of proposed Ordinance is in the packet.)

Council Member Wheelock seconded by Council Member Anderson made a motion to open the public hearing at 8:40 PM. Motion carried unanimously.

Town Clerk, Bernice K. Dixon read the legal notice.

Public Comments: None

Council Member Schaefer seconded by Council Member Jackle moved to close the public hearing, motion carried unanimously.

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY MOVES THE ADOPTION OF THE ORDINANCE ENTITLED “AN ORDINANCE AMENDING SECTION 3-1 OF THE TOWN OF VERNON CODE”.

Discussion took place.

Mayor McCoy stated that the Building Inspector asked that the council amend the proposed ordinance to keep it at \$15.00 per \$1,000.00 after the first \$1,000.00 up to \$75,000.00 for residential property building permits then \$20,000.00 per \$1,000.00 for each \$1,000.00 after \$75,000.00. Mayor McCoy indicated that the \$20 per one thousand dollars after the first one thousand dollars as proposed in the ordinance would remain for all nonresidential building permits. The amendment was written out for the Clerk of the Council.

Council Member Schaefer, seconded by Council Member Jackle made a motion for a friendly amendment to change the wording in the ordinance as follows:

Section 2) The fee for all Building Permits shall be Thirty Dollars (\$30.00) for the first One Thousand Dollars (\$1,000.00) of estimated cost, or any fraction thereof estimated cost. Then Twenty Dollars (\$20.00) per One Thousand Dollars (\$1,000.00) of estimated costs or any fraction thereof shall apply to any amounts over One Thousand Dollars (\$1,000.00) except residential real estate. The fee for all Building Permits for residential real estate shall be Fifteen Dollars (\$15.00) per One Thousand Dollars (\$1,000.00) up to and including Seventy Five Thousand Dollars (\$75,000.00). Then Twenty Dollars (\$20.00) per One Thousand Dollars (\$1,000.00) of estimated costs or any fraction thereof shall apply to any amounts over Seventy Five Thousand Dollars (\$75,000.00) for residential real estate.

Motion carried unanimously with friendly amendment.

PUBLIC HEARING AND SPECIAL TOWN MEETING (8:45 PM):

Public Hearing relative to a “Resolution regarding an additional appropriation for the employer contribution to the pension fund in the amount of \$110,000.00.” Mayor McCoy calls the Public Hearing to order to receive comments and recommendations relative to a “Resolution regarding an additional appropriation for the employer contribution to the pension fund in the amount of \$110,000.00.” (Copy of Resolution is in the packet.)

Town Clerk Bernice K. Dixon read the public hearing notice.

Council Member Schaefer seconded by Council Member Motola made a motion to declare Attorney Martin B. Burke the moderator.

Attorney Martin B. Burke opened the Public Hearing/Special Town Meeting at 8:47 PM.

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Discussion took place.

Council Member Michael Winkler asked about the bond rating. Mayor McCoy asked the Finance Director to make comments; the Finance Director, James Luddecke spoke regarding the bond rating. Council Member Winkler asked that the Moderator, Attorney Martin B. Burke explain who could vote at the Public Hearing/Special Town Meeting the public was informed that they are the people who vote on the appropriation if they are Vernon Voter or pay taxes in Vernon.

Moderator Attorney Burke called for a vote on the Resolution. The qualified electorates were asked to vote at the Public Hearing/Special Town Meeting, a voice vote was taken and the moderator declared that the resolution passed unanimously. The public voted in the affirmative on the appropriation.

Council Member Herbst seconded by Council Member Schaefer moved to adjourn the Public Hearing/Special Town Meeting. Motion carried unanimously.

Council Member Herbst requested a 10 minute recess at 9:36 PM

9:50 PM – meeting reconvened from recess.

Discussion returned to the Ordinance concerning consumption and possession of alcoholic beverages in public areas and buildings.

PROPOSED MOTION:

**THE TOWN COUNCIL HEREBY MOVES THE ADOPTION OF THE ORDINANCE ENTITLED
“AN ORDINANCE CONCERNING CONSUMPTION AND POSSESSION OF ALCOHOLIC
BEVERAGES IN PUBLIC AREAS AND BUILDINGS”.**

Mayor McCoy provided comments regarding proposed amendments to the ordinance, which include many of Attorney Cummings comments such as limiting permits to the Senior Center, 3rd floor of the Town Hall, Henry Park Tower, Valley Falls pavilion, Newhoca pavilion along with adding the Police Chief's signature to the permit process. Mayor McCoy commented that this was only a small part of the larger reason for this exception, which was to allow the Town to derive revenue from rental of Town Property. Mayor McCoy stated that this request is being made based upon requests from people to Town departments to use the Town facilities for functions such as weddings and family reunions. Mayor McCoy stated that this does not change the Town prohibition on alcohol in public places because if the ordinance passes there will continue to be a \$99 dollar fine for any alcohol on public property just as there is under the prior ordinance. There will be no drinking on public property unless a permit is issued then only if Town property is rented from the Town, upon approval of a permit and if and only if all other state laws are complied with and any other Town rules and ordinances are complied with will alcohol be at any event. Mayor McCoy suggested that the council consider the following amendments:

(1) The consumption of alcoholic liquor and possession with intent to consume alcoholic liquor is permitted during any public function, festival or celebration being conducted by any person within a public building or on public land, except on school grounds or in school buildings, pursuant to a written permit issued by the Mayor and Chief of Police, authorizing the sale, service or distribution of alcoholic liquor at or in connection with such public function, festival or celebration. This exception is limited to the following locations: 1) Town Hall; 2) Senior Center; 3) Fox Hill Tower; 4) Valley Falls Barn; 5) Newhoca Pavilion; 6) Newhoca Recreation Hall. Provided however, that no permit shall be issued for such use on public streets, sidewalks, parking areas and roads.

(2) An application for a permit shall be in writing, directed to the Mayor and Chief of Police. The application shall state the name and address of responsible officials of the organization sponsoring the function, festival or celebration (event), shall specify the parts of the public land or, public building to be used during the event, specify the beginning and ending time of the event and, if it continues for more than one (1) day, the hours in each day it is to be conducted, the number of people to be in attendance at the event, whether the event is open to the public; an insurance certificate and arrangements for supervision. The application shall be filed at least one twenty(20) calendar days before the first day of the event and the permit shall be issued or denied in writing at least ninety (90) calendar days before the first day of the event.

The permit is discretionary and may be issued if all of the required information is provided, if the application is made at least ninety (90) calendar days before the event, the Mayor and Chief of Police

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determines that all necessary permits, licenses and approvals have been obtained from all government authorities having jurisdiction, including, but not limited to, the state department of liquor control and the zoning authorities. The permit shall be issued only if the Mayor and Chief of Police determine that a certificate of insurance in an amount sufficient to comply with §30-102 or similar coverage that provides coverage for service of alcohol and the liability that would result there from and general liability insurance to cover any claims for defective premises, indemnifying and holding harmless the town from any and all liability growing out of said event, with the town named as additional insured shall be issued as of the granting of said permit, and that the granting of the permit will be in accord with the health, safety, and welfare of the town.

The Chief of Police may require one or more special duty police officers for the issuance of said permit. The special duty police officer shall be at the expense of the applicant. This requirement is at the discretion of the Chief of Police. The Mayor, the Chief of Police and the Director of Parks and Recreation are authorized to issue additional guidelines, standards and schedule of fees for the issuance of said permit not inconsistent with this section which, if not met, will result in denial of said permit. The Mayor and the Director of Parks and Recreation are authorized to establish rental guidelines, rules standards, rental fees, deposits requirements and usage of the locations as set out in Section 8 (1).

Mayor McCoy suggested the Council acquire information from other towns that allow alcohol on their town properties. He directed the Parks department to put the information together for the Council. Mayor McCoy informed the council members that he is encouraging ideas from employees that are non-tax revenues to help with the budget crisis.

Council Member Wheelock seconded by Council Member Etre moved to adopt the ordinance.

Council Member Winkler moved to postpone the vote in order to refer the ordinance to the Risk Communications Committee to review and report back recommendations to the council by the March 18 Town Council meeting. There was no second and the motion died.

Discussion took place among council members. Council Member Etre made a motion for the previous question, motion carried.

Council Member Anderson seconded by Council Member Winkler made a motion to postpone to the March 18 Town Council meeting. Town Administrator Christopher Clark requested that the ordinance be sent to the professional insurance advisor (Webster Insurance) for review and comments. Information will be obtained from Town of Tolland Crandall Park regarding revenue generated from renting the park along with the rules/procedures for renting by the Director of the Parks Department. Information will be shared with Council Members for the March 18th Council meeting. Motion carried 7-5 vote with Council Members Schaefer, Herbst, Fox, Champagne and Jackle opposed.

PRESENTATION:

S. Ardis Abbott, Museum Director for the Vernon Historical Society, and Bob Hurd, past President of the Vernon Historical Society will be present with information regarding upcoming improvements to the Historical Society Building.

The Historical Society has been collecting resources since 1967. They have published 4 books. A grant was awarded to the Society in the amount of \$283,000 which will be used to make the 2nd floor of the building handicapped accessible by installing an elevator and a bathroom. There is an auditorium on the 2nd floor that will fit approximately 170 people. It will also provide needed repairs to the building such as outside painting, new windows and space to accommodate storage. Members of the Historical Society encourage Town Council members to visit the museum which will be open on Sundays 2:00 – 4:00 PM from February 4, 2008 through March 9, 2008 and will highlight the bicentennial celebration.

CONSENT AGENDA ITEMS:

- C 1.** Request for Tax Refunds – Current Fiscal Year.
- C 2.** Request that the Town Council approve the Mayor's reappointment of Public Works Director George Fetko as a member of the Vernon Traffic Authority.
- C 3.** Request that the Town Council approve the Mayor's reappointment of Jon-Paul Roden as a member of the Vernon Traffic Authority.
- C 4.** Request that the Town Council approve the Mayor's appointment of Joseph Tuporco as a member of the Youth Services Advisory Board.

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- C 5.** Request that the Town Council approve the Mayor's appointment of Steven Wakefield as a regular member of the Building Code Board of Appeals.
- C 6.** Request that the Town Council approve the Mayor's appointment of Basil P. (Pete) Hobbs as a regular member of the Zoning Board of Appeals.

NEW BUSINESS (CONSENT ITEMS)

- 1. **Request for Tax Refunds – Current Fiscal Year.** (Memorandum from Carol S. Nelson, Collector of Revenue, dated January 31, 2008 to Christopher Clark, Town Administrator, is in the packet.)

PROPOSED MOTION:

THE TOWN COUNCIL APPROVES TAX REFUNDS FOR THE CURRENT FISCAL YEAR IN THE AMOUNT OF \$408.67 AS OUTLINED IN THE MEMORANDUM FROM THE COLLECTOR OF REVENUE DATED JANUARY 31, 2008 TO THE TOWN ADMINISTRATOR.

Council Member Wheelock seconded by Council Member Schaefer moved to approve motion. Motion carried unanimously.

- 2. **Request that the Town Council approve the Mayor's reappointment of Public Works Director George A. Fetko as a member of the Vernon Traffic Authority.** (Resume is in the packet).

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES THE REAPPOINTMENT OF GEORGE A. FETKO AS A MEMBER OF THE VERNON TRAFFIC AUTHORITY FOR A TERM TO EXPIRE ON FEBRUARY 20, 2011.

Council Member Wheelock seconded by Council Member Schaefer moved to approve motion. Motion carried unanimously.

- 3. **Request that the Town Council approve the Mayor's reappointment of Jon-Paul Roden (R), 105-35 Maple Avenue, as a member of the Vernon Traffic Authority.** (Resume is in the packet).

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES THE REAPPOINTMENT OF JON-PAUL RODEN AS A MEMBER OF THE VERNON TRAFFIC AUTHORITY FOR A TERM TO EXPIRE ON FEBRUARY 20, 2011.

Council Member Wheelock seconded by Council Member Schaefer moved to approve motion. Motion carried unanimously.

- 4. **Request that the Town Council approve the Mayor's appointment of Joseph Tuporco, (U), 35 White Street, as a member of the Youth Services Advisory Board-resident under 21.** (Resume is in the packet).

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES THE APPOINTMENT OF JOSEPH TUPORCO AS A MEMBER OF THE YOUTH SERVICES ADVISORY BOARD FOR A TERM TO EXPIRE ON FEBRUARY 6, 2010.

Council Member Wheelock seconded by Council Member Schaefer moved to approve motion. Motion carried unanimously.

- 5. **Request that the Town Council approve the Mayor's appointment of Steven Wakefield, (R), 152 Brookview Drive, as a regular member of the Building Code Board of Appeals to fill a vacancy due to the resignation of John Leary, said term to expire on June 30, 2010.** (Resume is in the packet)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES THE APPOINTMENT OF STEVEN WAKEFIELD AS A REGULAR MEMBER OF THE BUILDING CODE BOARD OF APPEALS FOR A TERM TO EXPIRE ON JUNE 30, 2010.

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Council Member Wheelock seconded by Council Member Schaefer moved to approve motion. Motion carried unanimously.

- 6. Request that the Town Council approve the Mayor's appointment of Basil P. (Pete) Hobbs, (U), 53 Meadowlark Road, as a regular member of the Zoning Board of Appeals to fill a vacancy due to the resignation of David H. Herrmann, said term to expire on June 30, 2010.** (Copies of resume will be provided to Town Council members at the meeting.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY APPROVES THE APPOINTMENT OF BASIL P. HOBBS AS A REGULAR MEMBER OF THE ZONING BOARD OF APPEALS FOR A TERM TO EXPIRE ON JUNE 30, 2010.

Council Member Wheelock seconded by Council Member Schaefer moved to approve motion. Motion carried unanimously.

IDENTIFICATION AND ADOPTION OF ADDITIONAL AGENDA ITEMS: None noted

NEW BUSINESS:

- 1. Request the Town Council adopt the IRS rate for automobile mileage reimbursement for Town employees.** (Copy of memorandum from Town Administrator Christopher Clark, legal opinion from Martin B. Burke, Assistant Town Attorney, and supporting documentation is in the packet.)

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY ADOPTS THE IRS RATE FOR AUTOMOBILE MILEAGE REIMBURSEMENT IN ORDER TO CREATE A UNIFORM REIMBURSEMENT RATE FOR ALL TOWN EMPLOYEES, AND THAT SAID IRS RATE SHALL BE ADOPTED AS CHANGED BY THE IRS FOR THE NEXT FIVE YEARS.

Council Member Wheelock seconded by Council Member Schaefer moved to approve the motion.

Discussion took place.

Council Member Etre seconded by Council Member Winkler moved to include a friendly amendment to strike the following words from the motion: IN ORDER TO CREATE A UNIFORM REIMBURSEMENT RATE FOR ALL TOWN EMPLOYEES AND THAT SAID IRS RATE SHALL BE ADOPTED AS CHANGED BY THE IRS. Motion as amended will read as follows:

THE TOWN COUNCIL HEREBY ADOPTS THE IRS RATE FOR AUTOMOBILE MILEAGE REIMBURSEMENT FOR THE NEXT FIVE YEARS UNLESS ANOTHER RATE EXISTS IN A CONTRACT.

Council Members Schaefer, Anderson, Jackle and Wheelock opposed, motion carried as amended.

Council member Fox seconded by Council Member Champagne moved to extend curfew to 11:00, motion failed.

- 2. Request the Town Council to adopt the Resolution entitled "Resolution Adopting Reimbursement for Costs of Fire Hydrants Within Town's Residential Condominium Complexes and Planned Unit Developments".** (Copy of Resolution and Vernon condo summary sheet is in the packet).

PROPOSED MOTION:

THE TOWN COUNCIL HEREBY ADOPTS THE RESOLUTION ENTITLED "RESOLUTION ADOPTING REIMBURSEMENT FOR COSTS OF FIRE HYDRANTS WITHIN TOWN'S RESIDENTIAL CONDOMINIUM COMPLEXES AND PLANNED UNIT DEVELOPMENTS."

Council Member Wheelock seconded by Council Member Anderson moved to approve the motion.

Discussion took place

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Council Member Herbst seconded by Council Member Winkler moved to postpone the motion to obtain a legal opinion ensuring this resolution will not go against the Vernon Planning and Zoning regulations. Motion failed.

Original motion carried, Council Members Fox, Schaefer and Herbst opposed.

Council member Etre seconded by Council Member Wheelock moved to extend curfew for 20 minutes to 10:50, motion carried.

DISCUSSION OF ADDITIONAL AGENDA ITEMS: None noted

ADOPTION OF MINUTES:

PROPOSED MOTION:

THE TOWN COUNCIL WAIVES THE READING OF THE MINUTES OF THE REGULAR MEETING OF JANUARY 22, 2008 AND THAT MINUTES OF SAID MEETING BE APPROVED.

Council Member Wheelock seconded by Council Member Schaefer moved to approve the motion.

Discussion took place. Council Member Wheelock requested the Town Clerk's office incorporate Council Member Jackle's comments regarding the conversation with Mr. Vallone and his arrangement with DOT to help Planet Fitness move into his new building onto page 3 of the minutes. Motion approved with amendment. Council Member Etre abstained.

INFORMATIONAL ITEMS:

1. Minutes of the Board of Education Meeting from January 16, 2008.
2. Copy of invitation from the Central Connecticut Celtic Cultural Committee to Town Council members regarding the St. Patrick's Day Parade to be held on Saturday, March 15, 2008.
3. Copy of resignation letter dated January 24, 2008 from David H. Herrmann, resigning from the Zoning Board of Appeals.

Council Member Fox seconded by Council Member Etre moved to adjourn. Motion carried unanimously.

Meeting adjourned 10:45 PM

Received: February 7, 2008

Approved: February 22, 2008

Respectfully Submitted,

Jill Kentfield
Recording Secretary



James Krupinski
Assistant Town Clerk