

ANNUAL TOWN MEETING

May 5, 2008

MINUTES

The Annual Town Meeting of the electors and citizens qualified to vote in town meetings of the Town of Lebanon, Connecticut, was held on Monday, May 5, 2008 at 7:30 P.M. in the Lyman Memorial High School Auditorium, 917 Exeter Road (Route 207) Lebanon, Connecticut. Audience: 191

First Selectman Joyce R. Okonuk called the meeting to order at 7:35 PM. First Selectman Okonuk then called for nominations for moderator

Moved by Tim Thompson, seconded by Paul LeDuc to nominate Edward Tollmann as moderator. Vote called - motion passed.

Moved by Sandra Tremblay, seconded by Robert Slate to wave the reading of the warning of the meeting. Vote called - motion passed

Moved by Tim Thompson, seconded by Robert Slate to take up item 8 after item 2. Vote called – motion passed

Moved by Joyce Okonuk, seconded by Robert Slate to bring item 1 to the floor. *“Consider and act upon the proposed 2008-09 Fiscal Year Budget for the Town of Lebanon of twenty two million nine hundred six thousand one hundred thirty three dollars and no cents (\$22,906,133.00) for the General Town Government, Board of Education, and Special Revenue Funds, with Revenue Estimates of nine million sixteen thousand nine hundred seventy one dollars and no cents (\$9,016,971.00), and the remainder to be raised by taxes, with an estimated mil rate of 27.8 mils, representing a 3.8% increase and to adjourn Item 1 to Referendum to be held, unless such date and times are altered by the Town Meeting, on Monday, May 19, 2008 between the hours of 6:00 A.M. and 8:00 P.M. Electors and persons qualified to vote in town meetings who are not electors, shall vote at the Fire Safety Complex, 23 Goshen Hill Road, Lebanon, Connecticut.”*

Liz Charron, Chairman of the Board of Finance, explained the proposed 2008-2009 Fiscal Year Budget. (A copy of the proposed budget follows these minutes.)

Tim Wentworth thanked the Board of Finance, and all involved, for the work they put into the budget preparation. Wentworth suggested that the budget be brought back to what it was in FY 07-08 with no increase.

Moved by Kevin Blakeslee, seconded by Jeff Sorrell to reject the proposed FY 08-09 Budget and direct the Board of Finance to reduce it.

No action was taken on this motion.

Moved by Bert Bosse, seconded by Tim Thompson to table item 1 until the Board of Finance reduces it.

Moderator Tollmann called for a show of hands vote on the motion, and directed three (3) residents to conduct the count. Hand count results: 77 in favor – 88 opposed. Motion failed

Moved by Bert Bosse, seconded by Debra Kolar to call the question: *“Consider and act upon the proposed 2008-09 Fiscal Year Budget for the Town of Lebanon of twenty two million nine hundred six thousand one hundred thirty three dollars and no cents (\$22,906,133.00) for the General Town Government, Board of Education, and Special Revenue Funds, with Revenue Estimates of nine million sixteen thousand nine hundred seventy one dollars and no cents (\$9,016,971.00), and the remainder to be raised by taxes, with an estimated mil rate of 27.8 mils, representing a 3.8% increase and to adjourn Item 1 to Referendum to be held, unless such date and times are altered by the Town Meeting, on Monday, May 19, 2008 between the hours of 6:00 A.M. and 8:00 P.M. Electors and persons qualified to vote in town meetings who are not*

electors, shall vote at the Fire Safety Complex, 23 Goshen Hill Road, Lebanon, Connecticut.” Vote Called- item 1 passed

Moved by Gregg Lafontaine, seconded by Liz Charron to bring item #2 to the floor: *“Consider and act upon, if Item #1 is approved at Referendum, the proposed appropriation of up to one million two hundred eight thousand two hundred sixty six dollars and no cents (\$1,208,266.00) to the Capital Reserve and Non-recurring Expenses Fund of which up to one hundred thirty one thousand nine hundred sixty four dollars and no cents (\$131,964.00) are to come from available unallocated or reallocated funds and the remainder to come from the 2008-2009 Fiscal Year budget appropriation.”*

Moved by Tim Thompson, seconded by John Bendoraitis to call the question: *“Consider and act upon, if Item #1 is approved at Referendum, the proposed appropriation of up to one million two hundred eight thousand two hundred sixty six dollars and no cents (\$1,208,266.00) to the Capital Reserve and Non-recurring Expenses Fund of which up to one hundred thirty one thousand nine hundred sixty four dollars and no cents (\$131,964.00) are to come from available unallocated or reallocated funds and the remainder to come from the 2008-2009 Fiscal Year budget appropriation.”* Vote Called - item 2 passed

Moved by John Bendoraitis, seconded by Robert Slate to bring item 8 to the floor. *(Consider and act upon an Ordinance establishing a Code of Ethics for the Town of Lebanon.)*

Tim Thompson, Chairman of the Ethics Code Draft Committee, presented the proposed Ethics Code.

Discussion and debate from the audience on the proposed Ethics Code ensued. Some of the concerns were as follows:

- It is too restrictive
- With this in place, volunteers will not continue to serve on Boards and Commissions
- What qualifications and/or training are required of the members of the Ethics Commission

Moved by Dori Bruce, seconded by Paul LaDuc to table item 8.

Moderator Tollmann called for a show of hands vote on the motion, and directed three (3) residents to conduct the count. Hand count results: 72 in favor -- 82 opposed. Motion failed

Moderator Tollmann called for a vote on the Ordinance.

Meghan Bruce challenged the Moderator, stating that there is nothing in the proposed Code of Ethics that indicates that it is an Ordinance. Tollmann stated that he is recognizing that the intent of the Ethics Code Draft Committee is to present the Ethics Code as an Ordinance.

Moderator Tollmann stepped aside, and called on Bert Bosse to come forward and take over as moderator, as his decision had been challenged.

Mr. Bosse stated to the audience that he had been called upon to make a determination if the voters were with or against the moderator.

Acting Moderator Bert Bosse called for a Division of the House Vote. Vote called and passed in favor of the moderator.

Moved by Harold Liebman, seconded by Linda Finelli to stop the debate on the question. Moderator Tollmann called for a show of hands vote on the motion, and directed three (3) residents to conduct the count. Hand count results: 60 in favor of continuing – 84 to stop debate on question. Motion passed

Moved by Harold Liebman, seconded by Linda Finelli to call the question: *(“Consider and act upon an Ordinance establishing a Code of Ethics for the Town of Lebanon.”)* Moderator Tollmann called for a show of hands vote on the motion, and directed three (3) residents to conduct the count. Hand count results: 40 in favor – 94 opposed -- item 8 failed

Moved by Jan Van Woerkem , seconded by Gregg Lafontaine to bring item #3 to the floor: *“Consider and act upon approving the 2008-09 Fiscal Year Capital Improvement Program (CIP) as proposed by the Board of Selectmen.”*

First Selectman Joyce Okonuk explained Local Capitol Improvement plan. (A copy of the CIP follows these minutes.)

Moderator Tollmann called the question: *“Consider and act upon approving the 2008-09 Fiscal Year Capital Improvement Program (CIP) as proposed by the Board of Selectmen.”* Vote Called- item 3 passed

Moved by John Bendoraitis, seconded by Russell Blakeslee to bring item #4 to the floor: *“Consider and act upon authorizing the Board of Education and the Superintendent of Schools to apply for and accept a State of Connecticut equipment grant of up to seventy three thousand seven hundred and twenty dollars and no cents (\$73,720.00) for the agricultural science program project entitled “Vo-Ag Equipment Project at the Lyman Memorial High School” , the Town of Lebanon and the Board of Education having secured funding authorization for the local share of the project in the amount of three thousand eight hundred and eighty dollars and no cents (\$3,880.00).”*

Moderator Tollmann called the question: *“Consider and act upon authorizing the Board of Education and the Superintendent of Schools to apply for and accept a State of Connecticut equipment grant of up to seventy three thousand seven hundred and twenty dollars and no cents (\$73,720.00) for the agricultural science program project entitled “Vo-Ag Equipment Project at the Lyman Memorial High School , the Town of Lebanon and the Board of Education having secured funding authorization for the local share of the project in the amount of three thousand eight hundred and eighty dollars and no cents (\$3,880.00)” through the following Resolution:*

RESOLUTION

BE IT RESOLVED that the Board of Education and the Superintendent of Schools are authorized to apply for and accept a State of Connecticut equipment grant up to seventy three thousand seven hundred and twenty dollars and no cents (\$73,720.00) for the agricultural science program entitled “Vo-Ag Equipment Project at the Lyman Memorial High School”, the Town of Lebanon and the Board of Education having secured funding authorization for the local share of the project in the amount of three thousand eight hundred and eighty dollars and no cents (\$3,880.00).

Vote called – item 4 passed

Moved by Jan Van Woerkem, seconded by Phil Johnson to bring item #5 to the floor: *“Consider and act upon a Resolution to authorize the Lebanon Board of Selectmen to appoint a seven-member Vo-Ag Building Committee, all of whom shall be electors of the Town of Lebanon with terms to serve until completion of the “Vo-Ag Equipment Project at the Lyman Memorial High School” and such other projects as may be assigned to it and that said Vo-Ag Building Committee be authorized to obtain schematic design drawings and outline specifications; and authorize the Lebanon Superintendent of Schools and authorize the Lebanon Superintendent of Schools to file an application for a grant for this project.”*

Moderator Tollmann called the question: *“Consider and act upon the following Resolution to authorize the Lebanon Board of Selectmen to appoint a seven-member Vo-Ag Building Committee, all of whom shall be electors of the Town Lebanon with terms to serve until completion of the “Vo-Ag Equipment Project at the Lyman Memorial High School” and such other projects as may be assigned to it and that said Vo-Ag Building Committee be authorized to obtain schematic design drawings and outline specifications; and authorize the Lebanon Superintendent of Schools and authorize the Lebanon Superintendent of Schools to file an application for a grant for this project.”*

RESOLUTION

BE IT RESOLVED, that the seven-member Vo-Ag Building Committee appointed pursuant to the Resolution adopted by the Town Meeting of the Town of Lebanon conducted on June 5, 2000 be disbanded and that the seven-member Vo-Ag Building Committee established this date shall undertake all of the tasks and functions of the Vo-Ag Committee hereby disbanded.

Vote called – item 5 passed

Moved by Jan Van Woerkem, seconded by Phil Johnson to bring item #6 to the floor: *“Consider and act upon a Resolution appointing a seven-member Vo-Ag Building Committee appointed pursuant to the Resolution adopted by the town meeting of the Town of Lebanon conducted on June 5, 2000 be disbanded and that the seven-member Vo-Ag Building Committee established this date shall undertake all of the tasks and functions of the Vo-Ag Committee hereby disbanded.”*

Moderator Tollmann called the question: *“Consider and act upon the following Resolution appointing a seven-member Vo-Ag Building Committee appointed pursuant to the Resolution adopted by the town meeting of the Town of Lebanon conducted on June 5, 2000 be disbanded and that the seven-member Vo-Ag Building Committee established this date shall undertake all of the tasks and functions of the Vo-Ag Committee hereby disbanded.”*

RESOLUTION

BE IT RESOLVED, that the Lebanon Board of Selectmen be authorized to appoint a seven-member Vo-Ag Building Committee, all of whom shall be electors of the Town of Lebanon with terms to serve until completion of the “Vo-Ag Equipment Project at the Lyman Memorial High School” and such other projects as may be assigned to it and that said Vo-Ag Building Committee be authorized to obtain schematic design drawings and outline specification; and authorize the Lebanon Superintendent of Schools to file an application for a grant for this project

Vote Called – item 6 passed

Moved by Jan Van Woerkem seconded by John Bendoraitis to bring item #7 to the floor: *“Consider and act upon a revised Ordinance for Municipal Building Permits for the Building Department in the Town of Lebanon.”*

Peter Zvingilas, Town Building Inspector, presented the revised Ordinance for Municipal Building Permits. Zvingilas noted that building fees have not been raised in the last ten (10) years.

Moved by John Champe, seconded by Meghan Bruce to add the word FEES to the title, and amend the Ordinance title to read; **A REVISED ORDINANCE FOR MUNICIPAL BUILDING PERMIT FEES FOR THE BUILDING DEPARTMENT IN THE TOWN OF LEBANON**, and to add the word fee to line item 3 of the Ordinance and amend said item to read; **Barns: Calculate square footage fee at thirty-five dollars (\$35) per square foot with a twenty-five dollar (\$25) MINIMUM.**

Moderator Tollmann called the question. Vote called – motion passed.

Moderator Tollmann called the question: *“Consider and act upon a revised Ordinance for Municipal Building Permit Fees for the Building Department in the Town of Lebanon, as amended.”* Vote Called – item 7 passed
(A copy of the Revised Ordinance follows these minutes.)

Moved by John Bendoratis, seconded by Robert Slate to bring item #9 to the floor: *“To consider and act upon any other business proper to come before said meeting.”*

Timothy Wentworth presented the following two (2) items for consideration.

ITEM 9A AN ORDINANCE REGARDING THE APPROVAL OF CAPITAL PROJECTS

BE IT ORDAINED by the electors of the Town of Lebanon at a duly warned Town Meeting to be held on the 5th day of May, 2008, that

ANY CAPITAL PROJECT WITH A COST OF \$1,000,000.00 OR MORE MUST BE APPROVED BY MAJORITY VOTE OF THE ELECTORS AT THE ANNUAL TOWN MEETING OF THE TOWN OF LEBANON, OR ANY REFERENDUM TO WHICH SAID MEETING IS AJDOURNED, BEFORE ANY FUNDS MAY BE EXPENDED FOR SAID PROJECT.

Dated at Lebanon, Connecticut this 5th day of May, 2008

ITEM 9B AN ORDINANCE REGARDING LAND USE REGULATIONS

BE IT ORDAINED by the electors of the Town of Lebanon at a duly warned Town Meeting to be held on the 5th day of May, 2008, that

ANY ADDITION, CHANGE OR AMENDMENT TO THE REGULATIONS OF THE PLANNING AND ZONING COMMISSION, WETLANDS COMMISSION, OR CONSERVATION COMMISSION OF THE TOWN OF LEBANON MUST BE APPROVED BY MAJORITY OF THE ELECTORS AT THE ANNUAL TOWN MEETING OF THE TOWN LEBANON BEFORE BECOMING EFFECTIVE.

Dated at Lebanon, Connecticut this 5th day of May, 2008

Al Vertefeuille stated that Town Meeting cannot add an Ordinance to the agenda. It must be warned on the agenda before it can be discussed/voted on at the Town Meeting.

Joyce Okonuk stated that the proposed Ordinances are almost identical to the two (2) petitions that were recently circulated. Okonuk further stated that Town's Attorney had reviewed the petitions, and stated that they would violate state law. It was her opinion, based on legal feed-back, that both Ordinances were improper to come before Town Meeting as a motion from the floor.

Moderator Tollmann stated that he was waving the 2/3 majority vote requirement for this item.

Moved by Mary Thompson, seconded by Paul LaDuc to consider and act upon item 9A:

AN ORDINANCE REGARDING THE APPROVAL OF CAPITAL PROJECTS

BE IT ORDAINED by the electors of the Town of Lebanon at a duly warned Town Meeting to be held on the 5th day of May, 2008, that

ANY CAPITAL PROJECT WITH A COST OF \$1,000,000.00 OR MORE MUST BE APPROVED BY MAJORITY VOTE OF THE ELECTORS AT THE ANNUAL TOWN MEETING OF THE TOWN OF LEBANON, OR ANY REFERENDUM TO WHICH SAID MEETING IS AJDOURNED, BEFORE ANY FUNDS MAY BE EXPENDED FOR SAID PROJECT.

Dated at Lebanon, Connecticut this 5th day of May, 2008

Moderator Tollmann called for a show of hands vote on the motion, and directed three (3) residents to conduct the count. Hand count results: 55 in favor – 35 opposed Motion passed

Moved by Timothy Wentworth, seconded by Jeff Sorrell to add item 9B to the agenda.

First Selectman Okonuk stated that this proposed Ordinance is not proper or legal.

Al Vertefeuille again stated that Town Meeting cannot add an Ordinance to the agenda. It must be warned on the agenda before it can be discussed/voted on at the Town Meeting.

Moved by Russell Blakeslee, seconded by Jan Van Woerkem to call the question: Consider and act upon:

AN ORDINANCE REGARDING LAND USE REGULATIONS

BE IT ORDAINED by the electors of the Town of Lebanon at a duly warned Town Meeting to be held on the 5th day of May, 2008, that

ANY ADDITION, CHANGE OR AMENDMENT TO THE REGULATIONS OF THE PLANNING AND ZONING COMMISSION, WETLANDS COMMISSION, OR CONSERVATION COMMISSION OF THE TOWN OF LEBANON MUST BE APPROVED BY MAJORITY OF THE ELECTORS AT THE ANNUAL TOWN MEETING OF THE TOWN LEBANON BEFORE BECOMING EFFECTIVE.

Dated at Lebanon, Connecticut this 5th day of May, 2008

Moderator Tollmann called for a show of hands vote on the motion, and directed three (3) residents to conduct the count. Hand count results: 37 in favor -- 40 opposed Motion failed

Moved by Holly Sinkewicz, seconded by Jan Van Woerkem to add the following item to the agenda; Consider and act upon adding the following two advisory questions, with the budgeted amounts listed on each one, to the budget Referendum ballot: 1. Is the Board of Education Budget too high or too low, 2. Is the Town Budget too high or too low. Vote called - motion passed.

Registrar of Voters Mary Beth Yarmac stated that when advisory questions are placed on a referendum ballot they can confuse the voters. In the past, the Registrars have found that many voted on the advisory questions, and not on the binding question.

Moderator Tollmann called the question: "Consider and act upon adding the following two advisory questions, with the budgeted amounts listed on each one, to the budget Referendum ballot: 1. Is the Board of Education Budget too high or too low, 2. Is the Town Budget too high or too low." Vote called - motion passed.

Moved by Tim Thompson, seconded by Jeff Sorrell to add the following question to the agenda; consider and act upon requesting that the Board of Selectmen keep the Ethics Code Draft Committee in place so that the committee can revisit/revise the code and bring the Ordinance back to a future Town Meeting. Vote called – motion passed

Moderator Tollmann called the question: consider and act upon requesting that the Board of Selectmen keep the Ethics Code Draft Committee in place so that the committee can revisit/revise the code and bring the Ordinance back to a future Town Meeting. Vote called – motion passed

Moved by Matthew Flegert, seconded by Jan Van Woerkem to adjourn the meeting at 11:35 P.M. Vote called – motion passed.

Respectfully submitted,

Susan C. Coutu
Town Clerk

