

**AVON TOWN COUNCIL
MEETING MINUTES
February 5, 2015**

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. at the Avon Town Hall, in the Selectmen's Chamber by Chairman Zacchio. Members present: Mrs. Maguire and Messrs: Pena, Evans, and Stokesbury.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Zacchio.

III. PUBLIC HEARING

**14/15-39 Review, Discussion, Set Public Hearing: Sewer Easements:
Old Farms Crossing**

The Public Hearing was called to order at 7:45 p.m. by Chairman Zacchio. Chairman Zacchio waived the reading of the following legal notice:

"TOWN OF AVON
LEGAL NOTICE

Notice is hereby given that the Town of Avon, Connecticut will hold a Public Hearing on Thursday, February 5, 2015 at 7:30 p.m. at the Avon Town Hall, Selectmen's Chamber, 60 West Main Street, Avon, Connecticut to consider the following:

The Town of Avon to accept two Sanitary Sewer easements from Old Farms Crossing Associates, LTD Partnership as shown on a map entitled "COMPILATION PLAN PROPOSED SANITARY SEWER EASEMENTS OLD FARMS CROSSING ASSOCIATES LTD. PARTNERSHIP by the Avon Engineering Department, dated September 15, 2014". The first easement is adjacent to an existing Sanitary Sewer Easement and contains approximately 1,231 sq. ft. The second is located adjacent to the westerly property line and contains approximately 30,425 sq. ft.

Copy of said map is on file in the Town Clerk's Office and open to the public for inspection during normal business hours.

Dated at Avon, Connecticut this 9th day of January, 2015.

Brandon L. Robertson
Town Manager"

Chairman Zacchio reported that we had an opportunity when a housing development was happening between those two connections to connect our sewers while the construction was taking place to put the water main lines in and took advantage of that in the summertime and has been completed. He added that we must officially accept the sewer easements and in doing so must have a public hearing and hear from the public. He opened the floor for public comment of which there was none. No comments from Town Council.

On a motion made by Mr. Evans, seconded by Mr. Pena, it was voted:

RESOLVED: That the Town Council close the public hearing.

Mrs. Maguire, Messrs: Zacchio, Pena, Stokesbury, and Evans voted in favor.

On a motion made by Mr. Evans, seconded by Mr. Pena, it was voted:

RESOLVED: That the Town Council accept two Sanitary Sewer easements from Old Farms Crossing Associated, LTD Partnership as shown on a map entitled, "COMPILATION PLAN PROPOSED SANITARY SEWER EASEMENTS OLD FARMS CROSSING ASSOCIATES LTD. PARTNERSHIP by the Avon Engineering Department, dated September 15, 2014." The first easement is adjacent to an existing Sanitary Sewer Easement and contains approximately 1,231 sq. ft. The second is located adjacent to the westerly property line and contains approximately 30,425 sq. ft.

Mrs. Maguire, Messrs: Zacchio, Pena, Stokesbury, and Evans voted in favor.

IV. MINUTES OF PRECEDING MEETING: January 8, 2015 Meeting

On a motion made by Mr. Pena, seconded by Mrs. Maguire, it was voted:

RESOLVED: That the Town Council accept the minutes of the January 8, 2015 Meeting as submitted.

Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

V. COMMUNICATION FROM AUDIENCE

Keshav Rao, 88 Thompson Road, commented on the traffic light at Old Farms Road and Route 10, it is a motion sensitive light and you get up there and in bad weather it is icy for cars to go forward and backwards. He asked if there is any way to make it a regular light so cars can wait at the bottom. Chairman Zacchio responded that is probably a question for the State. He added that we have a project with the State Department of Transportation to replace that intersection with a new bridge that will be south of that intersection and be at the same level which is a long-term solution, but in the short-term because Waterville Road is a State road it is a State controlled light and does not know what the specifics are on how they run it. He added that the Town Manager will provide this feedback to the Chief of Police who is our appointed Traffic Authority with the State and look into that.

VI. COMMUNICATION FROM COUNCIL

Mr. Pena commented that from the two winter storms that we have had he has received a number of compliments on our roads and how quickly and how well they were done. He was asked to tell Public Works and everybody involved in the Town that everything was very well done. He added that one question that also came up was regarding shelters, what the criteria and procedures are and where it would be located. He noted that he told residents that the decision is made by the Town Manager along with various department managers (Police and Fire). He commented that residents said that if they have not lived in town long enough they did not know where they would go, who to contact for that information. He added another residents' concern is regarding pets if people go to shelters. He also referred to 2-1-1 to find out what shelters are open. He asked if we could put something on the web site for informational purposes. He noted that we do have a link that goes to the American Red Cross but not specific to Avon. Chairman Zacchio commented that he has been asked the same question. He noted that we do not have

specific circumstances in which we open it because the Emergency Services team convenes on a storm and decides how that storm is progressing but if there are ways that we could adjust to that. Mr. Pena also commented that perhaps something could be included in the Town newsletter to direct them to the Town's web site with shelter/emergency information. Mr. Stokesbury commented that we should be publishing the information we do know, where it would be, what you can bring, and what you can expect. Mr. Pena commented that it is important for our residents and would feel more comfortable knowing this type of information.

Mrs. Maguire commented on the great job by Public Works and getting our roads plowed during the last winter storms and extended thanks to them.

Mr. Stokesbury commented with regards to winter storms that he lives at the end of a small cul-de-sac and historically over the last twenty years it has been a challenge to get the cul-de-sac plowed curb to curb as big trucks cannot work in the tight confines of cul-de-sacs. He noted that the Director of Public Works mentioned in his last capital budget presentation that the Town has a lot of cul-de-sacs and Public Works has instituted a new program where they are sending out the 1-ton pick-up trucks and doing a great job of cleaning up the cul-de-sacs and the intersections. He noted that it is evidence of them thinking and working hard to make it better with the equipment that we have on hand. He reported that he attended the second information session for the Solarize Avon program and he found the program to be quite interesting and useful for many residents but he found the presentation a bit lacking and received the same feedback from another resident who attended and wondered if other people felt the same way; they did not seem to be able to answer questions in a concise manner and explain the program. Mr. Pena commented that he was also at that session and he agreed with Mr. Stokesbury's feedback. Chairman Zacchio questioned how that compared to the first session which he attended and he thought it was pretty good. He added that it is good feedback for the Town Manager who can talk with them as there are future public informational sessions. Mr. Stokesbury responded that there was one employee who tried to grab a hold of the situation and redirect the answers to the questions and did a good job, but they were just not on track. Mr. Pena commented that it may have been that it was their second time and some of the attendees may have already been there and may have known the answer. Mr. Stokesbury commented that it is a great program but the presentation can be sharpened. Mr. Stokesbury also reported that he attended the Old Wheeler Lane Bridge public information session led by the Town Engineer and accompanied by the consultant and members of the State Department of Transportation; the audience consisted of two property owners that would be directly affected by the project, there were a number of direct questions raised, it was very informative and he thinks that those residents left happy to have come and talked it through. He noted that he did pass along one piece of important information which is next year the end of school date is very early in June so there is a possibility of starting the project earlier than July 1st and the Town Engineer is aware of that. He added that there was a comment by one of the residents that they felt that the intersection of Old Wheeler Lane and Country Club Road, the sight line on the right side was being impaired by overgrown shrubbery and asked that the Town look at it.

Chairman Zacchio reported that our new plow truck for the Public Works Highway Department is in; we had a transmission issue with it on delivery but it was a small problem that has been corrected and it is now online which is really good news for us as it is handling a pretty heavy route. He noted that we had a truck rollover on its side early in the season and was back in service the next day which is good news as well. He commented that as Mr. Stokesbury had

remarked, our 1-ton pick-up trucks are out there but our large truck fleet is now fully up to speed and we need it with this snow.

VII. OLD BUSINESS

13/14-48 Discussion and Possible Action Regarding Synthetic Field Project at Avon High School Including (a) Adoption of Revised Resolution to Appropriate Funds from the Recreation Activities Fund Unassigned Fund Balance (b) Approval of Scope and Referral to the Recreation and Parks Committee

Chairman Zacchio reported that from our last meeting under Town Manager's Report the Town Manager had asked Council if we thought it was appropriate to also look at the High School where we had looked once before for a turf field and/or lighting. He noted that we were going through the process with the Thompson Road property as there was a desire by residents to also look at that site; we were focusing on the Thompson Road property at the time and only there because it was the charge we had given to the Recreation and Parks Committee but we had dollars leftover in the original \$40,000 that we allocated to do the study work. He added that the Town Manager asked Council at the last meeting if we thought it was appropriate to have that conversation and reallocate dollars to also look at the High School so in sense having a shovel ready plan at Fisher Meadows for field expansions as we have them in the CIP budget, a shovel ready plan at the Thompson Road property for the work that we just did, and also engage in a shovel ready plan with options at the High School to do the same thing. He added that Council had responded yes.

The Town Manager provided some additional background. He reported that he went back to BSC Group once they had completed the work at Thompson Road property with the production of the preliminary budget and design documents and roughed out a scope for them to take a look at the High School. He added that the High School has been looked at a couple of times in the past, most recently in 2007 and it is a challenging site to locate a full-size field there. He commented that KBA had done some original drawings and cost estimates which reflected that you have to do a lot of site work and has consequences, for example, losing the developmental baseball field. He asked BSC Group to first take a look at the site as it is, at the work that KBA has done as we are not interested in blowing out the site and getting into all of that site work, and see if you can expand the field in the existing area. He noted that one idea that he put into the scope and has no idea if this is possible or not, but take two of the inside rings in the track and move them to the outside to provide more playing surface. He added that another option was to look at the possibility of just installing the synthetic field within the existing track without making any modifications to the track, the field would be exactly the same size and for both of those options include lighting as an alternate but do include the installation of the conduit and the bases if we could do it now rather than later in the cost estimate. He added that the third option was to take a look at what is presently the field hockey field and do a synthetic field there with lighting as an alternate. He reported that BSC Group reviewed the scope of work and said that they could do the work for approximately \$9,500 with the understanding that they would go through the exact same process that we used for the Thompson Road property which would be for the Council to appoint the Recreation and Parks Committee, have a series of public meetings with the stakeholders and the BSC Group to work through these options. He noted that the original appropriation was up to \$40,000; we have spent approximately \$26,000 to date with

BSC Group. He added that the original resolution that was adopted appropriating the funds was very specific to the Thompson Road property therefore on your agenda tonight is to amend that original resolution to include reference to the High School. He noted that there is no change in the dollars that are being appropriated for the project and would still be up to \$40,000. He commented that if Council is comfortable with this tonight, there would be two actions: one to approve the revised resolution and the second would be to approve the scope and to task the Recreation and Parks Committee with working with BSC Group and staff going through the same process that we did for the Thompson Road property. He added that he has talked extensively with the Superintendent of Schools who has had a chance to review the scope and had input into it with great suggestions. He commented that as the Recreation and Parks Committee works with BSC Group, Board of Education staff would be involved as well and the Superintendent of Schools would also be keeping the Board of Education Capital Committee involved.

Chairman Zacchio clarified that the scope includes the existing layout as it appears today, an expanded layout, and does not include the earlier version that eliminates the parking lot, moves the field, and changes the baseball field. The Town Manager responded that it does not include that earlier version. Chairman Zacchio questioned if that is because it eliminates a playing surface which goes against what we are trying to do. The Town Manager responded yes. Chairman Zacchio commented that would eliminate the baseball field and a practice football field and a football field into one field which is not our interest. He asked if this is a relook at the site or just focused on the one field. The Town Manager responded it is also looking at the field hockey field for potential synthetic playing surface. Mr. Stokesbury questioned if that alternative includes roughing in for lights on that field as well. The Town Manager responded yes, an add alternate just like the other. Chairman Zacchio commented that he talked to the Town of Canton approximately six months ago and they did that same thing, their field replaced a parking lot but they do not have lights but stubbed in at concrete footings. The Town Manager responded that they can do the conduit early but the bases are specific to the light poles that are installed so you may not be able to prep it to that extent; the bases may have to go in at the same time as the light poles. Chairman Zacchio questioned what other add alternates are in the scope. The Town Manager responded that he included the cost of the press box. Mrs. Maguire inquired about seating. The Town Manager responded that he asked for the cost of moving the bleachers to the other side of the field which may give us more room to work with.

Mr. Evans commented that he reviewed the scope and when we did this with the Thompson Road property the BSC Group was given a fair amount of latitude and said tell us what we can do in this space and not very restrictive because they were the experts and tell us what they think the highest and best use of the space knowing what we want to do for recreational purposes and they came back with a lot of different alternatives that the Recreation and Parks Committee looked at and refined and brought back to us. He added that he likes a lot of what the Town Manager has in the proposed scope for the Avon High School but asked if we should include a more general statement to say you are experts, tell us the best approach to accomplish our goal of having a synthetic turf field in that space and include some ideas that we have (inside the track, moving the track, field hockey field) and let them do the things that they do as an expert and come back and make a report to us. The Town Manager agreed and a general statement to that effect makes a lot of sense. He noted that one thing that was different with the Thompson Road property is that it was more of a blank slate and the reason the Avon High School really is the preferential location is that there is a lot of infrastructure to work with. He added that we will

ask BSC Group what makes sense. Mr. Evans questioned if the \$9,500 includes both phases one and two. The Town Manager responded yes. Mr. Evans commented that BSC Group was charged with three phases and there is still a \$5,000 remaining portion of the budget which is for referendum services so this new scope will be for phases one and two for Avon High School. The Town Manager responded yes, this is preliminary design and budget just like Thompson Road and the only difference is that the original contract with BSC Group had the three phases with the third phase being referendum services and we never got there. Mr. Evans questioned if any of this is eligible for any reimbursement as a school project. The Town Manager responded no and one of the reasons it took us more time to look into it as we had to confirm that this is not a State construction project so there will be no reimbursement involved and if it was a State building project there are a number of other requirements that wrap around this and we would have to have a building committee and other administrative components in place. He noted that we have confirmed that is not the case. Mr. Evans commented that it is a good idea for us to explore this; we put a lot of time into the Thompson Road property but we should have as many options as we can in going forward and look forward to seeing the results of this.

Chairman Zacchio commented that Avon High School was the preferential site under the Master Recreation Plan originally and did not become that after the first look at that property but technology and time has changed and it makes sense that we have Fisher, Thompson, and Avon High School completely vetted and we understand what we can accomplish and with what dollars and at what value to the Town before we make any decisions on how we move forward and at the same time we have updated the Master Recreation Plan to be a lot more contemporary in terms of design and function. He added that he is all for it. Mr. Pena commented that if we get a general idea of what can be done at the site it could mean a disruption for the entire site at the Avon High School but a good idea to see what BSC Group comes back with and then we can look at and say it is too much/not enough and he is in favor of it. He added that it is a good idea mainly because it was a preferred location from the very beginning. Chairman Zacchio commented that he wanted to caution everyone in the audience that looking at this but does not mean that we are doing this; we are going to get some prices and understand what opportunities are there and how that relates to the Statement of Needs. He noted that the confusion about the Thompson Road property was partially because we did not get that message out in front and do a good job of making sure people knew that we were just looking and doing our due diligence in terms of what design could be and what we could fit there. He wants to be clear to the residents around the High School that will be sensitive to this and were sensitive to this in 2007 when we looked at that site that this is a due diligence process that we should go through and understand what opportunities lie there so as a Council we make a decision that is in the best interest of the Town and meets our Statement of Needs. Mr. Evans commented that by looking at the High School we do not have the added benefit of adding a field or two which is something that he particularly liked at the Thompson Road property approach is that we were expanding the footprint of available fields in our Town but if we do it at the High School we are swapping a regular turf field for a synthetic field but not gaining a field. Chairman Zacchio responded that we would be gaining playability; we are solving the High School's problem and probably helping some of the Town's issue for Fisher but not quite as much because it is one field but that is something that we can weigh but first let us get the facts.

Mr. Pena questioned that if Council does approve the scope tonight when does the Town Manager anticipate the meetings would start. The Town Manager responded that he would have to talk with Peter Ponziani who is available and willing to chair the meetings but it will be a

function of the members' schedules and from a staff perspective we are ready to go anytime and he is sure BSC Group is happy to get started on it. Mr. Pena commented that the main reason he is asking is that we notify the Townspeople that also would like to attend those meetings. He noted that he wanted to be cognizant about discussion last time regarding early morning meetings only and the suggestion made to also have evening meetings which happened last time. The Town Manager responded that the morning meetings last time was a function of the members' schedules but he will raise it with them again and see if they cannot change that around. Mr. Stokesbury commented that as we look at the press box there is potential opportunity of doing it with ADA compliance or without; it can add a significant expense to construction of a press box and the argument is whether or not it is an appropriate expense. He added that we need to make sure that issue is part of the "charge"; it is a significant issue within the Board of Education and he thinks it will become an important part of the process as we look at the High School as an alternative. Chairman Zacchio asked the Town Manager to include that.

On a motion made by Mr. Stokesbury, seconded by Mr. Evans, it was voted:

RESOLVED: That the Town Council hereby recommends to the Board of Finance an appropriation not to exceed \$40,000 from Recreation Activities Fund, Other Financing Sources, Unassigned Fund Balance, Account #09-0390-43913 and to Recreation Activities Fund, Recreation Activities, Consulting and Technical Services, Account #09-5107-52184 for the Final Schematic Plan and Preliminary Budget for the Athletic Field Complex at the Thompson Road Recreation Area, and the development of schematic plans and a preliminary budget for fields at Avon High School.

Mrs. Maguire, Messrs: Zacchio, Pena, Stokesbury, and Evans voted in favor.

On a motion made by Mr. Evans, seconded by Mr. Pena, it was voted:

RESOLVED: That the Town Council approve the scope of work at the Avon High School and appoint the Recreation and Parks Committee to carryout public meetings with the caveats that the Town Manager has noted from our conversation to move forward with this and produce a document and report back to us upon completion.

Mrs. Maguire, Messrs: Zacchio, Pena, Stokesbury, and Evans voted in favor.

13/14-76 Appointment: T.C. Representative for Lakeview Association (12/31/2015)

On a motion made by Mr. Pena, seconded by Mrs. Maguire, it was voted:

RESOLVED: That the Town Council table agenda item 13/14-76 Appointment: T.C. Representative for Lakeview Association (12/31/2015) to the March 5, 2015 meeting.

Mrs. Maguire, Messrs: Zacchio, Pena, Stokesbury, and Evans voted in favor.

14/15-15 Country Club Road Sidewalk

Chairman Zacchio reported that Anne Marie MacFaddin has made more than a generous offer to help us with this project. The Town Manager reported that we began looking at this project in July 2014 and have gone through a couple of iterations; we did an initial take off with a budget for a sidewalk on the north side of Country Club Road running from West Avon Road to Lovely Street and following conversations we scaled it back to West Avon Road to Stagecoach Road and subsequently we had a public information meeting in December 2014 of which a notification was sent out to all of the abutters on the north side of Country Club Road from West Avon Road to Lovely Street. He added that we received feedback from the public at that meeting and on the

staff side we have been doing a lot of review of Country Club Road and sidewalks in general. He noted that sidewalks are a complicated issue and in Avon we have an ordinance in place that was adopted in 1978 and in order to do sidewalks on Country Club Road if the Town were to assume responsibility for things like snow plowing, ice clearing, and maintenance, some pretty significant changes would be required to the ordinance not the least of which is the Town would have to specifically accept those responsibilities. He added that we would have to amend that ordinance to assume responsibility for maintaining the sidewalk because the existing ordinance does not allow us to take on that responsibility, keeping in mind that most towns are trying to shed these responsibilities and not accept them. He noted that in Avon we have a history and a practice of the abutters maintaining the sidewalks and when you look at all of our sidewalk infrastructure the only sidewalk that abuts private property that we take responsibility for is on West Avon Road and that goes back to 1981 and based on a request from the Board of Education at the time; the idea was that it saved bus routes and why the Town went ahead and did it and that is the last time that we have done it.

The Town Manager commented that aside from the legislative issues that fit in around the ordinance this is a very difficult area to fit a sidewalk in. He added that the area was not built to accommodate a sidewalk and we know with pretty certain likelihood that if a survey were to be done in this area there is going to be right-of-way acquisition issues, there is a very good possibility that you would have to condemn or purchase property from abutters to have enough room to install the sidewalk, and we are in the area of wetlands and not even in a regulated buffer area but in the wetlands. He noted that as you go up Country Club Road there is a guardrail on the north side that is a wetland area, across from Woodhaven, and there is also a culvert that runs north/south under that section of Country Club Road so to proceed it will require two permits from the Inland Wetlands Commission and a very careful review to make sure that any infill that we put into that area does not have an impact on the drainage through that culvert. He commented that looking at all of these issues there are a lot of unanswered questions, we know that Planning and Zoning Commission approval would be necessary. He noted that he spoke to the Town Engineer who stated that it may be necessary to have some kind of suspension bridge over the culvert area as a mitigation with the wetlands impact. He added that with all of these improvements that may be necessary there is the real possibility that you start bumping up against the threshold for Special Town Meeting approval. He noted that in the Town Charter even if the Town is gifted funds to appropriate those funds if they are above a certain point you have to hold a Special Town Meeting.

The Town Manager added that it is a very complicated area and there are a lot of issues to go through here. He noted that we do have a resident who has a very unique proposition which is that she would like to donate the funds to have the survey which would be one of the first steps so we can identify who owns what. He commented that from his perspective in looking at this he could not recommend that Town Council accept the funds at this point because given all of these issues that are outstanding and unresolved, so many areas where for whatever reason the Town project may not be approved or the Town may decide not to pursue the project he would hate to have those funds accepted and then the project not happen and there is a very good likelihood of that being the case given the complexities involved. He noted that there is precedent to the project, it goes back to the early 1980s when the Board of Selectmen at the time appointed a Sidewalk Study Committee; it certainly is supported by the Plan of Conservation and Development and he thinks the way forward here is once the snow melts with warmer temperatures in spring/early summer he can have the Engineering Department go back out there

especially in the wetlands area where the culvert is, take a closer look and dig into that a little bit more to make sure there are no issues that we run into. He added that there is a lot more due diligence that we need to do on our own side before he can feel comfortable recommending that we accept private dollars.

Chairman Zacchio questioned the banks on the lower side and upper side past the wetlands and what is under those areas. The Town Manager responded no, we may run into ledge there and that is why given all of these unknowns we could be talking about a potential \$700,000 project. He noted that some of the initial estimates received for re-doing a simple bridge over Old Wheeler Lane is \$1 million. He added that by the time you are done with inland wetlands mitigation, the Army Corp of Engineers potentially, it is very complicated. Mrs. Maguire questioned if the south side is completely out of the question. Mr. Stokesbury commented that it is more challenging if you drive it and look. The Town Manager responded that it has a lot of the same features. Mr. Pena commented that we knew it was a challenging area and happened to be the number one spot the Committee came up with some time ago and he asked if we should look at another area. The Town Manager responded that his recommendation would be to the extent that we have funding available for sidewalks we should be looking at West Avon Road and replacing bituminous that we already have in place and we did file a grant through the Small Town Economic Assistance Program (STEAP) to redo all of the bituminous running down West Avon Road and heading east onto Scoville Road. He noted that with the State situation he does not know what kind of option that is for funding. He added that would be the best spend. Mr. Pena commented that area is used quite a bit.

Chairman Zacchio commented that the spirit in which Mrs. MacFaddin had come forward was specifically related to Country Club Road, the utilization of that route from a high school track perspective and identified as one of our number one spots. He noted that he and Mrs. MacFaddin have had conversation around moving that very gracious donation to other spots and at the time our concentration was still on this stretch.

Mrs. MacFaddin, 33 Paperchase Trail, commented that it still is on this stretch because the road is not safe. She thinks that the biggest problem and the reason she came to the Town Council is that there is nowhere to run for the cross country team and the soccer teams; they run on the streets because there are no sidewalks. She understands from the public information meeting people said that runners still won't run on the sidewalks. She thinks that if we put the sidewalks in on Country Club Road if we can get through these complexities then we can make a safer place for our kids. She commented that the reason the sidewalk is on West Avon Road was one of her classmates was killed after she left a homecoming bonfire and it was amazing how fast that sidewalk went in. She noted that we do not want to see that happen again. She added that she talked with Chairman Zacchio and he remarked about the kids running in another place. She does not know where else unless we bus our kids to West Hartford reservoir or a safe place to run, where else can they run in Avon, up and down West Avon Road? She noted that we will not be competitive with anyone else and the same reason why we are looking at the playing fields so that we are competitive with other schools that we compete against. She understands that there are obstacles but she also understands when we re-did Country Club Road there is an updated survey of that road so she thinks we are making a lot of speculation about that road and the wetlands but we do not know if there is ledge there. She added that we do not know what land that we might need to buy from the abutters until we do a survey because there is not a current survey of Country Club Road. She asked if there is a current survey. Chairman Zacchio

responded that the last one might be from 1988-1989. Mrs. MacFaddin commented that she remembers it being done but we never did a current survey so we are making speculations about the road but we do not know where people's right-of-ways are. She is asking if Council will take a public donation to get a current survey so we can make some educated engineering decisions based on this piece of property from West Avon Road to Stagecoach. She noted that she is trying to make it a safer place and would be a benefit to everybody; there are people against it but there are a lot of people for it. Chairman Zacchio commented that one way of going about this and agrees with Mrs. MacFaddin on the safety side as he grew up off that road and used to ride his bike on it but he did not let his kids ride their bikes on it and a sidewalk is always beneficial no matter where we have an opportunity to put it. He added that he is torn on that side because he is concerned about taking any money to do the survey before he has some reasonable inference that it will actually get done because that is the part that is hanging him up and these other complications concern him.

Chairman Zacchio asked the Town Manager how we might go about trying to look at the bigger obstacles if Council is comfortable with it and determine if there are showstoppers or if there are possible remedies for that and if those remedies are real are there extraneous costs to doing that. He noted that he does not want to accept any money from anybody including the Town's own money to do something that we do not have a good probability of success with. Mr. Stokesbury suggested that because of the weather conditions we had talked about putting this out to bid to a private contractor through an RFP and that is the purpose of the donation because Town staff reflected that it was one more chore that might be difficult to fit into the schedule. The Town Manager responded that it does not require an RFP because it is under the threshold. Mr. Stokesbury questioned how we solicit bids from contractors for this. The Town Manager responded that for this kind of work we would have somebody on call and do this very quickly, not very much of a procurement process. Chairman Zacchio commented that his point is more about the Council accepting money and reject acceptance in moving forward without knowing some of these bigger rocks are movable and reasonably movable in a way that does not cost \$1 million every time we are moving them because that is going to stop it in its tracks and would feel badly if we accepted funds and move forward to do something without knowing that. The Town Manager commented that on the technical side it is a matter of having the Engineering Department go out there in the spring, take a closer look particularly at the culvert and wetlands areas because that is where a lot of the costs and regulations are going to come from and getting a better feel for that. He noted that for both Public Works and Engineering their time is going to be severely limited this construction season and the summer as we have a \$4 million capital budget that if approved in May is going to keep them pretty busy so he does not know how much time it is going to take them to get out there and do this but he is sure that they can put some time into the assessment. He added that the part to keep in mind as well is philosophically this would be a big change. He noted that if the Council felt comfortable accepting responsibility for the maintenance and snow plowing with an operating cost of approximately \$10,000 per year and is a good number as we talked to our current contractor about it. He added that we do not typically do it and whether this is a business that we want to get in; most towns are trying to shed this responsibility, not assume it.

Mr. Pena commented that Country Club Road is not an easy road to walk or to ride a bike but he agrees with Chairman Zacchio about taking in anybody's funds is something that we need to talk about and it would be nice to know a little bit more about that property before we would actually invest some money in it. Mr. Evans commented that we constantly look at matters of safety in

the Town and if we can create a safer environment for pedestrians, for students to run in the Town, and would be given the opportunity to accept a potential large gift of money to put sidewalks in where we would not otherwise have that high on our capital agenda is something that we should give serious consideration to. He added that if there are technical obstacles to doing that we need to know about those and he would look at the idea of the survey in that if this was the Town's money would he vote to approve the use of the Town's money to pay for that survey before we had a chance to look at these engineering issues and he would say no. He noted that if he would not want to use the Town's money then he would also not to accept gifted money for the same purpose and he thinks we can go about this process in a different order and go through the engineering process to look at the technical things to see if there are not such barriers to the project that are out there that make the whole cost of the whole project not feasible and if we get past that and he does not know how long that might take and we cannot do the survey until the end of the winter then maybe we revisit this in a couple of months and see where we are, what the Engineering Department has had a chance to do and look at, and see if we are all comfortable going forward with a survey at that time. Mr. Evans questioned if we can put this off for a few months and defer this decision. Chairman Zacchio responded that we do not have anything to act on tonight. He added that we have to wait until spring to do anything anyway but we had not had it on the agenda for a couple of months and it is a discussion that we want to continue to have. He agreed with Mr. Evans and that we need to know more about it before we spend any money; we would not allocate Town dollars to do this so we certainly should not be spent happy with someone else's dollars before we know that we could actually do something with it. Mrs. Maguire commented that she completely supports the whole idea of sidewalks there from a safety perspective they are needed and would like to see more sidewalks in Avon. She added that if we can wait a few months and go through the engineering process then probably that would be the best interest of us all and hopes that we can find a way to make this work.

Chairman Zacchio commented that regarding the scope of West Avon Road to Stagecoach for a potential project Council needs to know specifically enough about the wetlands crossing, the banks being cut in and the relative retaining walls to do that work, there is tree work and fill involved, and have a better idea from the Engineering Department and the Town Manager to say that this project could work or we really should not be considering this and the reasons why and look for that as soon as reasonably possible and expect that to be sometime in early summer. He added that the next step would be to do a survey to determine if we have to buy property that residents may not want to sell that is also a showstopper but at least at that point we know the other relative issues are behind us or solvable within a reasonable dollar spend and if they are not then we do not move forward at that point and we do not spend the money to do that and we move forward. Mr. Stokesbury questioned in this proposal if it includes just looking at the north side or also taking the appropriate look on the south side from Woodhaven to West Avon Road. Chairman Zacchio responded that we could leave it open. He thought that when the Town Engineer and Director of Public Works had done that assessment and said that the south side is out of the question, the north side is the only option we have. Mr. Stokesbury asked for reaffirmation of that and some background. Chairman Zacchio responded that he thought it was topography of the bank and the water in that area.

The Town Manager reported that there was a recent State supreme court decision that came out involving the Town of Enfield and at our public information meeting the abutters were very concerned about liability and the question was asked if the Town assumes responsibility for

snow and ice removal does the Town also have liability. He responded that the answer seems pretty obvious and imagine that the Town also has the liability but that is a Town Attorney question. He noted that this court decision came out at the end of November and the State Supreme Court said no, the abutter does not have the liability even though they have responsibility for snow and ice removal that liability remains with the Town unless the Town has specifically adopted an ordinance shifting that liability to the abutter. Chairman Zacchio responded that is what we have today. Mr. Stokesbury added because it is within the Town facility. The Town Manager commented that he and the Town Attorney have been talking about this and it may be wise even if nothing goes forward with the Country Club Road sidewalk project to consider an amendment to the Sidewalk Ordinance specifically shifting liability to the abutter and now the maintenance and snow and ice removal is shifted, all we would need to do is add a sentence in light of the Supreme Court decision to say liability is shifted as well. He added that it is the intent of the ordinance that we have in place and one would reasonably think that the liability would shift as well but it does not.

14/15-41 Appointment: Avon Clean Energy Commission (D – 12/31/2015)

On a motion made by Mr. Pena, seconded by Mr. Evans, it was voted:

RESOLVED: That the Town Council table agenda item 14/15-41 Appointment: Avon Clean Energy Commission (D – 12/31/2015) to the March 5, 2015 meeting.

Mrs. Maguire, Messrs: Zacchio, Pena, Stokesbury, and Evans voted in favor.

VIII. NEW BUSINESS

14/15-43 Joint Fire Training Center with the Town of Farmington: Interlocal Agreement

Chairman Zacchio commented that the Interlocal Agreement was very well written and gives us 50% rights to the properties, the use, the liability, the maintenance, and the cost and the ownership is a little bit off but the Avon Volunteer Fire Department is really comfortable with that and tonight we do have to take action on approving the agreement.

Jamie DiPace, Town Council Representative for the Avon Volunteer Fire Department, thanked the Town Manager for the time and effort put into this agreement with the number of meetings that we had to have between the two towns to get this orchestrated. He commented that it is black and white; we are moving forward with this project and at this point with the Town contribution have approximately \$375,000 of their \$500,000. He added that they still have yet to collect some in-kind services from businesses, contractors and firms that have equipment that we will be able to use either buy at a reduced cost or be donated which will add to the \$375,000. He added that they are working with the Town Manager and the Director of Public Works for some in-kind services related to construction of the project. He reported that they are proceeding now to begin pricing on everything. He noted that if Council approves the agreement tonight, the Town of Farmington's Town Council will receive this on Tuesday night and pretty sure that it will be approved there as well. He noted right after that they are meeting to finalize the actual design of the building and from there put it out to bid to see what that exact number is and then take dollars from what is left and see what we need to do with the rest of the items. He noted that one of the big things they have to do is run approximately 1,400 of water line into the site. He added that they are trying to work with the water company. He noted that he knows someone

who owns a crane company and willing to donate his services for that. He reported that there are a few events scheduled, one is the Farmington Woods Association is sponsoring a wine tasting event on April 24th and putting this on for both fire organizations and extended the invitation to Town Council and the second is a donor reception on April 16th where some of the past councilmen of the Farmington Town Council are inviting people they believe will make donations. He added that they are finalizing some prices to tear down to make safe and abate the asbestos that may be in the Community Club across from Avon High School and hopefully sell that property as part of this fundraising event that the Avon Volunteer Fire Department will then donate those funds to the project. He noted that they feel that they are in pretty good shape with this. Chairman Zacchio questioned the timing of the old Community Club site. Mr. DiPace responded that is still up in the air. Chairman Zacchio commented that he gets a lot of questions about that building and what we are doing about it and he tells them that it is the Avon Volunteer Fire Department's and he thinks they are going to raise it at some point but have not yet.

Chairman Zacchio commented that a lot of work went into the final agreement and seemed very balanced in terms of what Avon gets and what we are responsible for and what Farmington is able to provide in terms of the land. The Town Manager commented that it makes a big difference when you have a great partner and Farmington has been great to work with and we are all working towards the same goal. Chairman Zacchio commented that from the start it has been a good partnership. Mr. Evans questioned that the Town of Avon will own 49% of the building. Mr. DiPace responded yes.

Mr. Evans questioned that we will have equal rights of use, equal share and equal expenses for the use. Mr. DiPace responded yes. Mr. Evans questioned if the Town of Farmington will charge us real estate taxes on the facility as an operating expense. Town Attorney Al Smith responded that the Town of Farmington owns the real property. Mr. Evans commented that we own 49% of the structure so there is no assessment of a real estate tax. Chairman Zacchio responded that it is exempt. Mr. Evans commented that there is an indemnity clause that has a final court resolution of any issues with respect to indemnity that might be more appropriately subject to the arbitration; paragraphs six and seven provide that any apportionment issues are resolved in court. Mr. Evans questioned if that should stay as a judicial resolution or also subject to paragraph thirteen of arbitration. Town Attorney Al Smith responded that the problem with arbitration is that it is all or nothing and the judicial process more easily leads to a negotiated settlement, it allows for mediation and thinks it is the reason the judicial solution is put in there.

Mr. Stokesbury collectively thanked Mr. DiPace and Mr. Speich for all of their hard work on this. He noted that it is a facility that the Town needs and deserves to protect all of the residents. He questioned paragraph nine that deals with maintenance and repairs costs and says that we pay our share and how that operating cost anticipated to be allocated within the budget and ultimately how is it going to be paid for. The Town Manager responded that it will be included as a line item in the fire department's operating budget and should be approximately \$5,000 to \$6,000 per year which they would be invoiced directly for.

On a motion made by Mr. Stokesbury, seconded by Mrs. Maguire, it was voted:

RESOLVED: That the Town Council approve the Interlocal Agreement for the Construction, Maintenance and Operation of a Fire Training Facility with the Town of Farmington.

Mrs. Maguire, Messrs: Zacchio, Pena, Stokesbury, and Evans voted in favor.

**14/15-44 Review, Discuss and Possibly Approve Revisions to Town Council Policy #19
Standards of Conduct for Public Officials and Related Changes to Part 1
Chapter 2 of the Town of Avon's Comprehensive Personnel Plan**

Chairman Zacchio reported that over the last five years we have had a number of what the Town Attorney has referred to as unintended consequences of what is otherwise a very comprehensive policy conduct of not only us as public officials but employees of the Town. He noted that we had a couple that have caused some issues where we have two elected people and by State statute now being precedence over our Town Policy we have either run out of compliance of that or certainly would have challenged from a State law perspective. He asked the Town Manager some time ago to work with the Town Attorney to do a five-year review of the Policy and give us recommendations on how things might change to address some of those situations to assure that we are still in compliance but make sure that the spirit in which we put the Policy in place remains intact and that was all around authority to hire to make decisions around salary and to direct employees that are related to in some way, shape, or form a Town official which is a very broad description within our Policy. He asked the Town Attorney to walk us through the number of recommendations. He noted that this is the first Council is seeing it in writing in a lot of ways and had some changes to it even that we saw tonight and does not expect that we need to move this today if we are not comfortable with it, if we want time to review it and think through it, or if we have things that we would like the Town Attorney to look at and will give him some time to do that. He added that it is something that we will need to do because we are due to have all of our Elected Officials fill out their annual disclosure forms which relate to this Policy and if they fill those forms out now which are related to the Policy as intact so we want to get the disclosure forms done in the next month or two, therefore we would want to get the Policy in place before we do that. Mr. Stokesbury questioned if there is practical impact on the budget referendum with workers there. Chairman Zacchio responded potentially.

Al Smith, Town Attorney, reported that the Town should be proud of having one of the more stringent ethics standards that he has ever seen. He noted that unfortunately there are some practical and potential legal issues and certainly some unintended consequences that occur in a small town where there is an engaged population that wants to do things for the town. He noted that we were faced with a couple of specific issues, went through a general review and tried to fix some of the inconsistencies, address the potential legal problem while still retaining the strict ethical standards that the Town of Avon should have. He started with the easiest one with two elected officials where the electoral qualifications are set by State law adding additional criteria is probably going to be a problem and not stand up to a challenge. He added that with the Registrar Office the qualifications are set by State law where you have to be old enough to vote and live in the Town, and perhaps unintentionally the Town added an additional criteria being that a candidate for the Registrar Office could not be married to another Elected Official which goes beyond the criteria which are set by statute and could face a legal challenge. He noted that from a Policy point of view when one ethics standards guard against nepotism, behind closed doors, in secret hiring and favoritism there is a legitimate question as to whether the Electorate of the Town can be guilty of nepotism; as a whole they should be able to elect whoever they want to fill the offices as long as they meet the statutory qualifications. He reported that one of the first things we did was to exempt from the broad prohibition that when there are two Elected Officials in the Town the prohibition against having a spouse of a public official would not be enforced. Mr. Evans questioned if a public official and an Elected Official are the same thing. Attorney Smith responded that a public official covers members of commissions that Council

appoints. Mr. Evans questioned that the Planning and Zoning Commission consists of public officials. Attorney Smith responded yes. Mr. Stokesbury added the Town Manager and Superintendent of Schools are appointed positions. Mr. Evans commented that the way you are seeking to revise this is that a public official and Elected Official can be married to each other as you have eliminated any restriction under our old Policy that they said that they couldn't be married or could not be elected if they were already married.

Attorney Smith reported that the other significant change that we made is that currently there is a blanket prohibition against the spouse or dependent of a public official who is employed by the Town. He noted that for the top tier of public officials of which he refers to the Town Council the prohibition continues and made no change because the virtue of your offices have significant authority in the Town. Chairman Zacchio commented that you named the Town Council, the Town Manager, the Treasurer, and the Board of Finance of which the prohibition remains for all of those. Attorney Smith responded yes. He noted that for others there is a prohibition where one's spouse or dependent would be subject to the direct or indirect supervisory control of the Elected Official. He added that we made an exception for spouses and dependents who would not be under the direct or indirect supervisory control of the public official under the theory that where there is no ability to control the concerns about nepotism are reduced or maybe even disappear.

Attorney Smith also reported that we created an exemption for seasonal and part-time employees and those who earn less than \$2,500 in a calendar year, i.e. a poll worker or the son of a Zoning Board member wants to be a lifeguard at the pool in the summer. Chairman Zacchio confirmed that is ok. Attorney Smith responded that it is a small town and there are limited numbers of people who volunteer for civic work and they should be encouraged to do when it is not inappropriate. He added that in working with the Town Manager and input from others we feel that those sort of de minimis exceptions are appropriate in these circumstances. The Town Manager commented that we came up with the \$2,500 by talking to one of the Registrars and said if you have six possible elections over a year which is a worst case scenario in terms of their election load and took the highest paid worker for each election which is the moderator how much would they make for six and it was \$2,100 so we bumped it up to \$2,500. Chairman Zacchio commented that it is the position that has caused some of the issues over the last couple of years; someone who wants to work the polls and the Registrar is an elected position that happens to be the wife of someone who is elected to another Board and this circular prohibition comes into play. He noted that it is hard to get people to work at the polls. Attorney Smith commented that it is logical that the people who are engaged in the civic life of the Town their spouses and other family members are going to feel the same way. Mr. Evans reported that the Town Manager shared an e-mail with Town Council with some additional language and asked if paragraph H1 represents. The Town Manager responded that section is related to the Personnel Rules.

Attorney Smith commented that this Policy needs to be changed and it would be advisable to make conforming changes to the Personnel Plan. Mr. Evans questioned if the language accompanied to the Attorney's letter is the language that we are settling on or is that going to change a little bit too. The Town Manager responded that is the Town Council Policy and is the language being recommended. He added that it is address two issues that we have run into and had to grapple with from a practical perspective which is what do you do when you have two Elected Officials because a very narrow reading of the Policy would suggest that it is not

permitted, two Elected Officials that are married and one has a position where they are paid by the Town like an Elected Registrar of Voters. Mr. Stokesbury commented that it would have to be a paying position. The Town Manager responded that the answer there is very simple, just add that State law supersedes the Ordinance and make it clear that if they are both elected they can serve as long as they meet the State requirements. He noted that the other one was a bit trickier and where it kept coming up was with the election workers and run into a situation where you have someone who is elected to the Board of Assessment Appeals is technically a public official under the Standards of Conduct and then their spouse works one election so technically under the Standards of Conduct as they are now that is prohibited. Mr. Stokesbury commented that even though there is no control or supervision. The Town Manager responded that is correct. He reported that they looked at it and said control is our concern what other Boards and Officials have control and they are the Town Council, the Board of Finance, the Town Manager, and Town Treasurer and should under no circumstances be permitted to have a spouse or dependent work for the Town regardless and for all other public officials they can work for the Town as long as it does not exceed \$2,500 per year and thought it was the most elegant way to solve that problem. Attorney Smith clarified that seasonal and part-time employees are on their own. Mr. Stokesbury questioned that a seasonal employee could make \$5,000. Chairman Zacchio responded yes as they are separate from the \$2,500 threshold for relations to public officials. The Town Manager commented that we have not had that come up in that context and really trying to pin it to the election side. He noted that with the first draft of this revision he was using \$5,000 but it felt like that was beyond de minimis and why it was reduced to \$2,500. Mr. Stokesbury questioned who supervises the poll workers. The Town Manager responded the moderators. Chairman Zacchio added that the moderators are hired by the Registrars who completely control them but the Town pays for them.

Mr. Stokesbury commented more generally than in the test that looks at direct authority or supervisory control and if that is all within a job chart of responsibilities for all of the individual employee positions; can you tell in abstract who supervises a typist in your office. The Town Manager responded yes. Mr. Stokesbury commented that there is objective way of determining whether there is direct authority or supervisory control that is not subjective. The Town Manager responded yes. Attorney Smith expects that there is a whole body of labor in employment law that defines supervisory control. The Town Manager commented that their first go at this was to say that the Town does not excerpt any authority over the Registrar of Voters, yes we fund their budget but we do not hire them and it turns out that there are IRS regulations that have already been promulgated because they are W2 employees and are subject to the Policy. Chairman Zacchio commented that part of the approach was really change as little as possible to address the unintended consequences we have seen over the last five years to keep it as simple as possible because these could create unintended consequences as well. Mr. Stokesbury commented on while avoiding nepotism concern which clearly drove what we did five years ago. The Town Manager commented that the original Policy was very well written and after five years especially with a new Policy you are always going to find unintended consequences. Chairman Zacchio and Mr. Evans commented that we spent a lot of time on it and cannot believe it has been five years; there was a lot of effort put into it. Mr. Stokesbury commented that the Board of Education would work to the extent necessary on a parallel adjustment. Attorney Smith responded that we have provided drafts to them and met with the Superintendent of Schools and have language that conforms to this language that he expects if and when the Council approves any changes we will have another discussion with the Board of Education and have their policies conform as well. The Town Manager noted that there is a lot

more straightforward because they do not have as many entities involved; it is the Board of Education and the Superintendent versus all of the Council, Boards and Commissions that are appointed by the Council, and the other elected Boards and Commissions. Chairman Zacchio commented that we have a much broader description of what a public official is and there is a lot more connectivity throughout the organization that way. Mr. Evans commented that it is work well done, something that we should approve but having just seen it in the last few days he likes the idea of tabling until the next meeting to give Council more time to review and make sure that there are no additional unintended consequences that result from what we have done. Chairman Zacchio responded that is a reasonable approach and it sounds like we are fairly comfortable with the language and we understand it. He commented that we could certainly let the Board of Education know this is what we will probably approve next month barring any changes we might make; we have reviewed it, we understand that we agree with it and give their Policy Board and the Superintendent time to see how that fits into theirs to make sure nothing that we are doing is hard for them to change or does not work for them, assure we are in alignment, make sure they are comfortable as we move forward, and then this will be on our agenda for approval with discussion around the Board of Education's level of comfort with it next month. Council agreed.

Attorney Al Smith reported on the change in the Town of Avon's Comprehensive Personnel Plan. He noted that he met with the Director of Human Resources and made almost identical proposed changes to the Personnel Rules and the Director has expressed some concerns about the changes we had made as the current Personnel Rules go beyond spouses and dependents not only to minor children but also to grown children and relatives closer than first cousins and consider making all of the other changes that we had made but instead of limiting to spouses and dependents, keeping the same extended coverage of individuals to those closer relations than first cousins. He noted that otherwise they made changes similar to the ones that you made to the Town Council Policy. Chairman Zacchio commented that this one goes a little further as it states, "the foregoing provision shall not apply to seasonal employees or part-time employees compensated at less than \$2,500 a year" and asked if the \$2,500 is coming back into play here. Attorney Al Smith responded that the way they had read that language was that it will not apply to temporary seasonal employees; or part-time employees compensated at less than \$2,500 a year. Mr. Evans questioned unless we want to have it as a \$2,500 limit for anybody. Chairman Zacchio responded that throws off all of your seasonal employees. Chairman Zacchio commented that there are seasonal employees that work 40 hours a week. Mr. Evans commented that part-time refers to the less than \$2,500 but seasonal is unlimited or full-time. The Town Manager commented that the only real change is that we are adding that language at the end that says no spouse or dependent of the Town Council or Board of Finance or Town Manager can work for the Town. Chairman Zacchio asked the Town Manager to make sure that the Board of Education has time to go through this and is in alignment so when we make our decision we know they are solid and comfortable with theirs.

On a motion made by Mr. Evans, seconded by Mrs. Maguire, it was voted:

RESOLVED: That the Town Council table agenda item 14/15-44 Review, Discuss and Possibly Approve Revisions to Town Council Policy #19 Standards of Conduct for Public Officials and Related Changes to Part 1 Chapter 2 of the Town of Avon's Comprehensive Personnel Plan to the March 5, 2015 meeting.

Mrs. Maguire, Messrs: Zacchio, Pena, Stokesbury, and Evans voted in favor.

14/15-45 Approval of Real Estate Tax Refunds, \$9,876.60

Chairman Zacchio reported that these tax refunds are a case where both a business and the bank paid the taxes and we owe refunds for the second payments.

On a motion made by Mr. Evans, seconded by Mr. Pena, it was voted:

RESOLVED: That the Town Council approves real estate tax refunds to the following: ADN Properties LLC \$3,270.96; Farmington Bank \$1,734.60; and Romuald M & Zofia W Bujwid \$4,871.04.

Mrs. Maguire, Messrs: Zacchio, Pena, Stokesbury, and Evans voted in favor.

14/15-46 Resignation: Planning and Zoning Commission (R-12/31/2015)

On a motion made by Mr. Stokesbury, seconded by Mr. Pena, it was voted:

RESOLVED: That the Town Council accept with regret the resignation of Christian Gackstatter as a regular member with the Planning & Zoning Commission.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

IX. TOWN MANAGER'S REPORT/MISCELLANEOUS

Misc. A: Purchasing Update: The Town Manager reported with regards to the fire apparatus and the chassis are to be delivered in May and everything is on schedule.

The Town Manager reported that we took delivery of a new dump truck in December and there is a period when the manufacturer comes out and teaches the drivers about the truck's functions and they had it up on a lift and saw that there was too much transmission fluid leaking out. He noted that it is a Freightliner truck but we specified an Allison transmission and it had to go back to Middletown for a new part and unfortunately we had this brand new truck that was not in service for the last two storms. He added that it has been taken care of and it is now in service.

The Town Manager reported that there will be a lot of purchasing activity from winter to spring. He noted that now that the budget is done, he had a meeting with the Director of Public Works today to start lining up the work for this next construction season keeping in mind that if the FY 15/16 budget is approved we are going to have approximately \$4 million worth of capital projects which will keep everybody very busy.

Misc. B: Construction Update: The Town Manager reported that the solar panel project at Public Works is going great. He noted that unless you look at the building from a higher elevation you would really never know the panels are there because they have such a low profile. Mr. Stokesbury asked the Town Manager to setup a tour for Council to look at the solar panels. The Town Manager commented that the Director of Public Works will have pictures in his presentation for the Budget Work Session. He added that for Avon High School and Avon Middle School at first we thought we might have some load calculation issues but we have a design now that makes sense and are working with KBA, the Architect on the original roofs, to double check some things and make sure the calculations work. Mr. Evans questioned when we will start to see the fruits of the labor and reduction in our electricity rates for the panels. The Town Manager responded that we will not see a reduction, we will see cost avoidance. Mr. Stokesbury commented that it does not go up fast. Chairman Zacchio commented that at 10% it

will not go up at all as the PPA is fixed and flat for fifteen years. The Town Manager responded that where we will see it is that Public Works is going to be the first in and easiest to track; once it is up and running for a couple of months we will compare those bills with last year's bills and show the offset and should show the math. Mr. Evans commented that it is pretty immediate.

The Town Manager reported that the Solarize Avon program is going well. Mr. Stokesbury questioned how many residents have signed up. The Town Clerk responded that there have been over 140 actual visits to homes of which approximately 10 have signed up. She noted that a letter is going out in the next few days to neighborhoods that would really benefit with solar and a workshop has been added for February 26th and March 4th. Mr. Stokesbury commented that at the second meeting that he attended the March workshop is almost too late to get them out to your house and get signed as that is a hard termination date. The Town Clerk responded that is why they added the February 26th workshop. She noted that a lot of residents have been turned away because of site conditions.

Misc. C: Old Farms Road/Bridge Update: The Town Manager reported that a letter was recently sent to the State Department of Transportation as they have to approve the Consultant Agreement, the negotiated man hours, which has not been done yet but this gets the ball rolling with them. He expects that next month he will have an item on the agenda for Council to authorize him to sign the Assistance Agreement with the State and the Agreement with the Consultant for the bridge project and approve a supplemental appropriation for which we are reimbursed by the State.

The Town Manager reported with regards to the monthly reports he had asked for a reporting change from the Police Department on the traffic stops and it looks like they have not picked it up yet and only reporting for Avon Mountain so he will get that taken care of for next month. Mr. Stokesbury commented that the focus on Avon Mountain is now somewhat displaced and we had talked about data on general traffic stops.

Mr. Stokesbury commented further about the tour of Public Works and that he would like to see Company #4 fire station as there are some issues that are in the capital budget presentations that maybe we could take a Saturday for a tour of Town facilities to better understand the challenges that the employees work under. The Town Manager responded that he would be happy to coordinate that.

X. EXECUTIVE SESSION

On a motion made by Mr. Pena, seconded by Mrs. Maguire, it was voted:

RESOLVED: That the Town Council go into Executive Session at 9:15 p.m.
Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

The Town Manager, Town Clerk, and Town Attorney attended the session.

On a motion made by Mr. Pena, seconded by Mrs. Maguire, it was voted:

RESOLVED: That the Town Council come out of Executive Session at 9:25 p.m.
Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

XI. ADJOURN

On a motion made by Mr. Pena, seconded by Mrs. Maguire, it was voted:

RESOLVED: That the Town Council adjourn the meeting at 9:25 p.m.

Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

Attest:

Ann L. Dearstyne, Town Clerk