

**AVON TOWN COUNCIL
MEETING MINUTES
March 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 - None

IV. MINUTES OF PRECEDING MEETING: February 5, 2015 Meeting

Corrections were made under item "14/15-15 Country Club Road Sidewalk" (pages 9-10) to change the title in Anne Marie McFaddin's name from "Mrs." to "Ms."

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

RESOLVED: That the Town Council accept the minutes of the February 5, 2015 Meeting as amended.

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

V. COMMUNICATION FROM AUDIENCE - None

VI. COMMUNICATION FROM COUNCIL

Mr. Stokesbury reported that he and Chairman Zacchio attended the Cub Scout Pack 274 pasta dinner and had a great time, a tradition; the scouts are very anxious and working towards heading off to Philmont Scout Ranch which is an event that he did back in the 1970s and well worth the effort. He also attended the Board of Education combined PTO budget presentation at the high school and there was no one there to the extent that there was one interested parent in the audience and the rest of the audience were the Board of Education Chairman and the Chairs of the various PTOs and himself so people seem to be reasonably happy with the budget.

Mrs. Maguire reported that she also attended the Board of Education combined PTO budget presentation and concurred that there were very few people in attendance. She also commended Public Works as they are out all of the time and you can tell a difference when you come into Avon and how well the roads are being taken care of except for the frost heaves.

Mr. Evans mentioned an issue raised by Senator Kevin Witkos in his most recent newsletter that he reads and appreciates and noted that Representative Tim LeGeyt does the same thing. He reported that it has to do with the Governor's budget and lack of funding and elimination of what he calls State funds for the Connecticut Probate System. He noted that as a lawyer who practices

in the probate field but also just as a resident and representative of Town Council that is deeply troubling because that will have all kinds of ramifications, the scope of which is beyond him at this time to speculate and guess where those funds are going to come from. He added that if the State eliminates funding it will result in higher fees to the participants and people's estates who need to be probated, guardianship and conservatorship. He noted that the Probate system has been consolidated, does not run by itself, and needs funding. He added that Avon participates in the Regional Probate Court in Simsbury and whether that is something that we need to keep an eye on to the extent that it could have an impact on our budget and whether we as a Town will be requested to devote any funding for the Simsbury Regional Probate Court. He asked the Town Manager if he has any information on this. The Town Manager responded no; it is the first he is hearing about it and did not realize that Probate funding could be eliminated. Mr. Pena questioned if the Justice Department budget is separate versus what Governor Malloy is talking about. He noted that during the consolidation it was the Justice Department that pursued all of that. Mr. Stokesbury commented that the biggest impact is on those districts that serve the lower incomes because the estates are not big enough. Mr. Evans commented that it affects a budget of \$32 million over two years. He commented that it is something that we should keep an eye on because if that is eliminated we would be asked to look at the Probate budget at some point. The Town Manager responded that he would find out what is going on. Mr. Pena was going to call Judge of Probate Cynthia Becker and ask her how it would impact our area, obviously throughout the whole state is important, but we will hear more about it here with its impact from the Simsbury Regional Probate Court. Mr. Stokesbury commented that we are one of the more self-sustaining districts so the question will be how they recover the shortfall.

Mr. Pena reported that he attended the technology showcase at Avon High School which was well attended and a very good program; the students were very helpful. He noted that the notebook mobile carts that Council approved were being utilized there too. He added that the Superintendent of Schools did a good job and hopes he continues it as well too.

Chairman Zacchio commented that regarding the budget the Governor is making some difficult choices and the Council can appreciate how difficult it is in a budget time to determine where to make reductions and where to leave funding in place. He noted that he received a call from a constituent connected to the Horse Guard in Avon which is also part of the reduction in the budget and his numbers were an approximate reduction of \$93,000 across both the Horse Guards that the Governor supports, one in Avon and one in Newtown, of which about half of that will be reduced from our budget in Avon. He noted that the specific line item is the care and maintenance of the horses, although the State continues to support the building, the infrastructure and utilities, even the folks who are there as caretakers during the day so it could be something that we need to discuss again. He added that these are the types of reductions if they actually make it through the process and are in the final budget, that local communities including ours will be struggling with in terms of if that can be supported and how. He thinks that for the Horse Guard they are a 501c and would have to raise money, of course they already raise money to pay for other amenities. He noted that it is something to keep an eye on; this particular call that he received was asking if we would support with our legislators the Horse Guard as an important amenity to Avon in which he thinks we should ask the Town Manager to note that with our representatives as well.

VII. OLD BUSINESS

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

Chairman Zacchio commented that this vacancy has been open for a while now. He reached out to a few people and was able to get a few names, reached out to them but so far no one is interested in taking this role. He has asked the Town Manager to reach out from the Town's perspective to the residents to see if we can find any interest for this. He does not believe this is a Charter appointment item, rather we have always had a good relationship with both the Lakeview and Secret Lake Association, especially around the budget time and what the community needs are. He noted that at some point we may decide to make a recommendation to pull this off until such time we have interest but as a final effort is asking the Town Manager to send out a letter to the residents in the Association and see if we can get some interest. He asked the Council to table this item and the Town Manager to report back at the next meeting around what he is finding for support.

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 April 2, 2015 meeting. Mrs. Maguire, Messrs: Zacchio, Pena, Stokesbury, and Evans voted in favor.

14/15-12 FY 15/16 Budget Development

The Town Manager reported that at the Budget Workshop in February one of the primary conversations for potential changes was around capital. We had talked about using an assignment on Fund Balance that has been set aside for capital to get ahead of the curve with respect to paving management for this coming season. He added that Council asked him to give that some thought, talk with the Director of Public Works and he has done that. He reported that it would make a big difference if we could go ahead and deal with that through a supplemental appropriation now. He noted that the paving management plants typically open the Tuesday after the Easter holiday so with \$662,000 in hand we can be at the front of the line and get started this spring rather than waiting until July 1st. His recommendation is to appropriate the \$662,000 now. He noted that as a result he reduced the capital budget proposed for FY 15/16 by that amount and reduces the capital budget to \$940,535. He reported that at the Budget Workshop there was also conversation about batting cages and dugouts at Buckingham. He is recommending that we fund that in FY 15/16 rather than FY 16/17 in the amount of \$27,000 and would be using the same funding source, the assignment on capital specifically for that purpose. He noted that there were a few other very minor changes that did not affect the bottom line, for instance, a slight increase in the dues for the Farmington Valley Health District and reduced the Claims and Losses budget line item accordingly. He noted that everything else is as we discussed at the Budget Workshop. He reported that the bottom line is that the mill rate increase at this point would be 1.69% and would go from the current year of 28.32 to 28.80 and the total budget, all categories including the Board of Education would be up 3% for a total of \$86,406,996. Mr. Evans commented that with the changes it is really more a matter of timing because the funding sources and amounts are the same but taking that amount and putting it into the current year's budget so we can do it now. The Town Manager responded that the Buckingham batting cages and dugouts will go into the FY 15/16 rather than FY 16/17. Chairman Zacchio reported that the \$662,000 was coming out of the capital reserve that we had

setup a couple of years ago in order to try to time what we are doing. He added that our DPW workers are on the hook to be able to raise the sewer basins, rebuild the sewer basins if they are broken underneath and do some of that work before they come in and grind and what happens between July 1st and the end of the paving cycle is that we do not have a lot of time to get that work done and the contractors that can handle the grinding and paving portion are committed to other towns. He commented that we thought this year we could get out ahead of that because we're using capital reserve versus raising new tax dollars through the budget process because we plan to have that in place. He noted that on the other side oil prices are now low and that was one of the new things we had hoped when we set up that reserve; take advantage of those lower oil prices and buy as much as we can in terms of paving versus being at the mercy of the market between July and close of the plant cycle. He thinks we will get a lot of bang for the buck in terms of roads that we will be able to get to this year. He noted that this piece gets us so far and then the remainder of what hopefully gets approved in the budget gets us further; it should work out well for us. He added that the Director of Public Works was really excited about the idea that we could go in early, be ahead of other communities in terms of getting the contractors lined up, and we are in a good place.

Mr. Stokesbury commented that we have talked about the sources a number of times and he confirmed that the \$662,000 is coming from the special fund. He questioned what the balance of that fund will be after we appropriate it for this purpose. The Town Manager responded that the balance will be \$232,000. Mr. Stokesbury commented that was funded a year ago through operating surplus. The Town Manager responded that the largest portion of it was; there is a portion of it that goes back further but as a result of positive operations in fiscal year 2013/2014 we were able to increase the assignment by \$800,000. Mr. Stokesbury commented that assuming we close out this year and we are at this position a year from now and we have \$200,000 sitting in the fund are we likely to draw that down significantly and try to get ahead of the curve a year from now as well or is that a cushion that the Town Manager would like to keep in the fund. The Town Manager responded that he would like to keep some cushion in the fund because it can be used for any capital, subject to appropriation. He added that if we have positive fiscal year 2014/2015 results, which we are on track for that, one of his first goals always is to try and increase that assignment so if he is able to do that in a way that we were able to in fiscal year 2013/2014 then he imagines next year we will try to do the same thing. Mr. Stokesbury commented that it is a great system if we can get ahead of our competition. Chairman Zacchio commented that part of the reason we have the ability to do that is because we have exceeded the 10% goal and policy that we had set in terms of Undesignated Fund Balance and as that is a big part of the bond rating agencies' look at our fiscal health, once we were able to hit that plateau and have enough into that account that we were not going to draw down for purposes like this, these positive operating years we can make a choice as to how much moves into that Fund and how much we reserve in a Designated Balance which this is in terms of being able to release that on a basis of emergency or to take advantage of timing and low market prices so it is a really good situation for us to be in. Mr. Pena commented that we are not predicated by the budget to go ahead and get this work done; we are ahead of the game.

The Town Manager reported that in terms of the budget the next step would be for Council to adopt a motion to accept the matrix as proposed and assuming that is done staff would prepare books for the Board of Finance outlining the Town Council's budget. Chairman Zacchio commented that Council is vetted with what is in our budget and have seen the Board of Education's presentation.

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

RESOLVED: That the Town Council recommends the FY 15/16 Proposed Budget of \$86,406,996 to the Board of Finance, as follows:

REVENUES	
Property Tax & Assessments	\$ 74,486,325
Intergovernmental	4,984,171
Licenses, Fees & Permits	1,053,825
Charges for Current Services	4,546,512
Other Local Revenues	479,163
Other Financing Sources (Uses)	857,000
TOTAL	\$ 86,406,996
EXPENDITURES	
Town Operating Budget	\$ 22,492,161
School Operating Budget	55,120,652
Sewer Operating Budget	1,962,071
Capital & Debt Service Budgets:	
Debt Service	3,300,940
Capital Budget (CNREF, Facilities & Equipment)	3,531,172
<i>Subtotal: Capital & Debt Service</i>	<i>6,832,112</i>
TOTAL	\$ 86,406,996

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

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

On a motion made by Mr. Pena, seconded by Mr. Stokesbury, 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 April 2, 2015 meeting.

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 we went through this last month and had some comments and the Town Attorney has addressed those. Al Smith, Town Attorney, reported that the changes proposed concerned the sections involving the prohibitions against employment by relatives of certain Town Officials. He added that after reviewing a couple of instances and exploring other unintended consequences we recommended that in some respects the prohibitions be loosened a little bit; instead of having a blanket prohibition against the hiring of spouses and dependents of Town Officials we kept the blanket prohibition for what we call the top tier of Town Officials, including the Town Council, the Town Manager, the Board of Finance, the Treasurer; at levels below that we limited the prohibitions to those instances where one relative would exercise supervisory control over another relative. He added that we also provided exemptions for part-time employees and seasonal employees and made clear that the \$2,500 threshold would apply only to part-time employees and not to the temporary or seasonal employees. He noted that they tightened up the language since last month’s meeting and found a few typos that will be corrected.

Mr. Evans commented that he is looking at Section H1, sub-section A and he questioned if the Public Official and spouse/dependent have been elected to offices established by State statute then they do not come within the restrictions of this section. Attorney Smith responded that is correct; they did some research which suggested that there would be a potential legal difficulty in enforcing a provision that added qualifications for offices that are established by State law. Mr. Evans asked for some examples. Attorney Smith responded that in this case it had to do with the Office of Registrars as the State statute says that anyone who is a registered voter, a citizen of the State is eligible for election as a Registrar but the concern is that if the Town through its policies or ordinances established additional qualifications such as a spousal relationship or lack of a spousal relationship to those State statute requirements those additional limitations could be voided. Mr. Evans questioned if persons elected to the Town Council is considered an office established by State statute. Attorney Smith responded no. Mr. Evans questioned for the example of a Town Manager, Treasurer, Town Council, and Board of Finance, they would not be included in sub-section A. Attorney Smith responded that was correct but there is also a blanket prohibition that limits employment by the Town of spouses or dependents of Town Council members and the Town Manager. Mr. Evans appreciated the explanation and was comfortable with it.

The Town Manager commented that there is one item under “H” which Mr. Stokesbury brought to our attention which is under section H2 and that the “14” should read “H1.”

Chairman Zacchio commented that he is comfortable with the changes and it gets at what we were trying to do at a five-year look back as to some of the things that we have tripped on within the policy and the Town Attorney has done a good job of keeping in place that substantial influence and direct supervision piece so that was so key in developing a policy in the first place but leaving enough open so that we could still operate as a Town and as a small community. Mr. Stokesbury questioned how this ties in with the Board of Education policy and he is not sure how far along they are but asked if it matters that we adopt the revision and they do not necessarily have the parallel provision. He asked if we should table this and wait for the Board of Education to get through the season and get to it. Chairman Zacchio responded that it has been introduced to the Superintendent and they were going to talk about it through their Policy Committee as to how to handle it. He understood that the changes we are making do not have much of an effect on their policy but they were going to review it. The Town Attorney commented that these changes would not affect the operation of the Board of Education. He noted that historically as you know the Board of Education had its own policy which paralleled almost exactly provisions in the Town Council Policy and because of that as we were considering these changes he and the Town Manager met with Gary Mala at least once and exchanged a number of e-mails and came away with the clear understanding that they were intending to make the changes that you are considering now and keep the two policies in parallel paths. Chairman Zacchio questioned if there is any concern over timing. The Town Attorney responded that he did not think so. Mr. Stokesbury commented even if that does not happen, this is still the right thing to do for us.

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

RESOLVED: That the Town Council approve proposed revisions as presented to Town Council Policy #19 – Standards of Conduct for Public Officials.

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

Mr. Stokesbury clarified that the proposed changes to the Comprehensive Personnel Plan parallel the Town Council Policy. Chairman Zacchio responded yes. The Town Manager noted that there is one section in the Personnel Plan that is different. The Town Attorney reported that historically the Personnel Plan covered up to first cousins while the Town Council Policy covered only spouses/dependents. He noted that we kept that distinction in place but made other correspondent to the terms of the blanket prohibition for the top tier of Officials and the exemptions for part-time and seasonal employees. Chairman Zacchio commented that the Personnel Plan is essentially the same; it still includes the cousins but have added the blanket policy. The Town Manager questioned item 2-5 and the difference between what is in the Council packet tonight as opposed to what was in the packet for the February meeting, there is one sentence that is not included in your packets tonight that was proposed to be removed in February and for whatever reason it did not carry through. He noted that the sentence is, "No person who is related to a member of the Town Council in a relationship closer than first cousin including spouses and in-laws shall be appointed to a regular position in the Town service over which the Town Council has either direct exclusive appointed authority or shared concurrent appointed authority with another appointed authority of the Town." He noted that our recommendation was to strike that language. Chairman Zacchio questioned that is because the overlying prohibition for the top tier takes care of it. The Town Attorney responded yes. The Town Manager added that the language in place is more restrictive and we thought that to have a policy that is parallel with the Town Council Policy, stick to spouses and dependents. Mr. Evans commented that the Personnel Plan should not be more restrictive than the Town Council Policy.

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

RESOLVED: That the Town Council approve proposed revisions as presented to Part 1, Chapter 2 of the Town of Avon's Comprehensive Personnel Plan.

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

VIII. NEW BUSINESS

14/15-47 Review and Approval: 2015 Girl Scout Week Proclamation

Chairman Zacchio reported that a few girl scouts and a brownie were in attendance. Mrs. Maguire commented that her daughter started as a daisy in kindergarten and now in 9th grade is still a girl scout in her troop that is still active and do a lot of great things; it is a wonderful organization. Mrs. Maguire read the proclamation.

RESOLVED: That the Town Council approve the following proclamation:

WHEREAS, March 12, 2015, marks the 103rd anniversary of the Girl Scouts of the United States of America, which began in 1912 when Savannah, GA native Juliette Gordon Low gathered 18 girls to provide them the opportunity to develop physically, mentally, and spiritually;

WHEREAS, 1912 was also the year in which Girl Scouting started in the state of Connecticut;

WHEREAS, for more than 100 years, Girl Scouting has helped build millions of girls and women of courage, confidence, and character who act to make the world a better place; and,

WHEREAS, the Girl Scout Leadership Experience helps girls discover themselves and their values, connect with others, and take action to make the world a better place; and,

WHEREAS, through the dedication, time, and talent of volunteers of different backgrounds, abilities, and areas of expertise, Girl Scouts of Connecticut offers the Girl Scout Leadership Experience to more than 38,000 girls in grades K-12 across the state of Connecticut; and,

WHEREAS, the Girl Scout Gold Award, the highest honor in Girl Scouting, requires girls to make a measurable and sustainable difference in their community, assess a need and design a solution, find the resources and support to make it happen, and complete the project;

WHEREAS, core programs around environmental stewardship, anti-bullying techniques, Science, Technology, Engineering and Math (STEM), and healthy living, help girls develop a solid foundation in leadership; and,

WHEREAS, today, more than 59 million American women are Girl Scout alumnae and 2.8 million girls and adult volunteers are active members;

NOW, THEREFORE, I, Mark W. Zacchio, by virtue of the authority vested in me as Chairman of the Town Council of Avon, Connecticut do hereby applaud the Girl Scouts of the United States of America for more than 100 years of leadership and expertise as the voice for and of girls, proudly proclaim March 12, 2015, as Girl Scout Day.

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

14/15-48 Approve Proclamation: 100th Birthday Greeting for Michael Manganiello

Chairman Zacchio read the proclamation for Michael Manganiello who is celebrating his 100th birthday this year. He shared that Mr. Manganiello has lived quite an impressive life, full of service and accomplishments including being an all-state baseball player, golf and tennis player, received a scholarship to New York University, played tennis until he was 95 years old, caddied once for Babe Ruth, plays bridge, was a school teacher and principal, was in the U.S. Army in World War II and is a recipient of the purple heart as a veteran. He added that he is married with one daughter and two sons, one son lives in Avon as well as himself. He extended congratulations to the whole family and their dad for reaching this milestone. The Town Manager noted that the Senior Center held a birthday party for him today and he read the proclamation to Mr. Manganiello.

RESOLVED: That the Town Council, in recognition of Michael Manganiello's 100th Birthday, authorize the following greeting be presented to him on behalf of the Town Council:

“GREETINGS

Congratulations **MICHAEL MANGANIELLO** on your 100th Birthday!

On behalf of the Town Council and the Community of Avon

we would like to extend to you pleasant thoughts
and heartfelt wishes for a happy day.

Your 100th Birthday is a great day for celebrating!

YOUR 100TH BIRTHDAY

IS A WONDERFUL MILESTONE,
A SPECIAL TIME FOR ENJOYING
ALL THE MEMORIES OF
SO MANY YEARS WELL-LIVED.

HAPPY BIRTHDAY!

This recognition was spread upon the minutes of the March 5, 2015 Town Council Meeting.”
Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

14/15-49 Contract Recommendation: Roaring Brook School Roof Top Unit Project

Chairman Zacchio reported that the Trane system that is on the roof unit at Roaring Brook School is a proprietary system and there is no other vendor that sells those units and is tied into

the mechanical systems of the school. The Town Manager reported that this is an item that is proposed in the capital budget for fiscal year 2015/2016 and is the first year of a two-year project to replace roof top units at Roaring Brook School. He added that this is text book definition of a sole source provider and there is an exception in the purchasing rules and regulations that allow for a waiver of the bid process in the event that a good can only be purchased on a sole source basis. He noted that it does not even require the Town Council to officially award the bid process in that case; there just has to be a finding that it is a sole source contract and he would make that recommendation which he is doing in this case and the Town Council would approve the recommendation because it is over that 1/10 of 1% of the levy that is outlined in the purchasing rules and regulations. He feels that both the Director of Public Works and Board of Education Director of Facilities have done their due diligence and he recommends approval. Chairman Zacchio questioned how many units this replaces. The Town Manager responded three of seven. He added that the total project is to do all seven units. Mr. Stokesbury questioned that when we looked at the total project did we consider moving away from the Trane product itself. The Town Manager responded that the issue is that we cannot because it is integrated with the entire system in the building. Mr. Stokesbury commented on this experience for us moving forward with other capital projects and the risk of getting tied into single source provider long term. He added that he is not familiar with how the final specification would come down as part of a school project and if it should be in a charge to the building committee and try to avoid this to the extent practical. The Town Manager responded that the way to try to avoid it is by writing very open specifications. He added that Trane has been in that building for a long time. He noted that we recently went through this experience with the fire truck where there was a potential argument that it was sole source because of some specific equipment but it wasn't. He noted that you can always write these things to be open and general; it is just that when you have a system in place that is integrated he is not sure how you avoid it in that case. Mr. Stokesbury commented that he does not know if it can be part of the charge to the committee as the bid specification is developed he would hope that this is taken into account in some public way. Chairman Zacchio commented that there are some places where maybe you cannot avoid it. He added that Council has ultimate say over how those bids get approved. Mr. Stokesbury responded that the earlier in the process that we acknowledge open bidding we would be best off.

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

RESOLVED: That the Town Council award the single source contract to Trane U.S. Inc. of Rocky Hill, CT in an amount not to exceed \$181,172.15 and subject to budget approval at referendum on May 13, 2015.

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

14/15-50 Bid Waiver and Contract Recommendation: AHS/PGS Flooring

Chairman Zacchio commented that the reason that the Town Manager is requesting a bid waiver is that Bartholomew Contract Interiors (BCI) we have been successful and they have been low bidder in our first flooring project in 2012 and the second in 2014. He added that they are also the low bidder right now for the State of Connecticut Department of Administrative Services so we would fully expect that we would have that same situation. He noted that the Board of Education has had really good experience with them and they are prepared to do the flooring at the 2014 pricing and have the equipment and background to be able to do this work in the timeframe that we need. He reported that the Council has the authority to approve a bid waiver but is a different exemption.

Mr. Evans commented that all of the reasons outlined are sound but some part of him says he does not like that. He noted that we have a bidding process for good reason for the transparency in the manner within which we operate our Town purchasing requirements. He questioned if there is a timing issue here. He questioned if we should go through the exercise in futility, submit it out for bid and if BCI comes in as we expect they will that process will bring about the desired result and then we do not have to waive our bidding rules and if you tell him that everyone is lined up and ready to go and we want to start on these during a school break then maybe he could consider a different approach to it. The Town Manager responded that he had the same question because it is very rare for us to waive bidding requirements but he was convinced that it is an exercise in futility and what really tilted his thinking is that they are low bidder on the State DAS bid list which tells him they are going to be the most competitive out there. He added that they have been vetted through two sealed bid processes in 2012 and 2014; we have been happy with their work and we know that we are one of the first in line to be done this summer and done within our window and the pricing is being held from 2014 so he agrees that it is an exception and does not typically recommend but in this case it does make sense to do it this way. Mr. Evans agreed that they are all good reasons to hire this vendor but they are not good reasons necessarily to waive the bid requirement.

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

RESOLVED: That the Town Council approve to waive the bid requirement and award the contracts to Bartholomew Contract Interiors of Hartford, CT, for Pine Grove School in an amount not to exceed \$83,063.08 and for Avon High School in an amount not to exceed \$91,608.24, both subject to budget approval at referendum on May 13, 2015.

Mrs. Maguire, Messrs: Zacchio, Pena, and Stokesbury voted in favor. Mr. Evans voted nay. Motion carried by a vote of 4 to 1.

14/15-51 Supplemental Appropriation, Treated Road Salt, \$43,000

Chairman Zacchio reported that this appropriation is to purchase 500 tons of treated road salt. He noted that we have gone through almost 2,600 tons this winter with approximately 300 tons left. Mr. Stokesbury commented that the additional 500 tons gets us to the off season. Mr. Evans questioned if it is not used if it goes stale. The Town Manager responded no.

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$43,000 from Town Road Aid Fund, Other Financing Sources, Unassigned Fund Balance, Account #08-0390-43913, to Town Road Aid Fund, Snow and Ice Removal, Materials-Other, Account #08-3103-52239 for the purpose of purchasing additional treated salt.

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

14/15-52 Supplemental Appropriation, Road Improvement Program, \$662,384

Chairman Zacchio reported that this item was discussed earlier in the agenda and Council agreed that it is advantageous for us to do now. Mr. Stokesbury questioned if this request is inclusive of Buckingham. The Town Manager clarified that Buckingham is not included in this appropriation.

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$662,384 from Account #01-0390-43914, General Fund, Other Financing Sources, Assigned To Capital Reserve and transfer from Account #01-8700-58000, General Fund, Other Financing Uses, Interfund Transfers Out

to

Account #02-4831-53003, Capital Projects Fund (Facil & Equip), Town CIP – Facil/Road Overlay, Road Overlay, and Account #02-0390-43918, Capital Projects Fund (Facil & Equip), Other Financing Sources, Interfund Transfers In, in the amount of \$662,384 for road improvements.

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

14/15-53 **Schedule Public Hearing as required by Charter Section 4.3.2 (o) (1) for Sale of Town Owned Property Located at 415 Country Club Road**

Chairman Zacchio reported that we have come to a tentative agreement with an abutter to purchase property located at 415 Country Club Road from the Town. He noted that the Town picks up pieces of remnant properties through either construction projects or building projects where a giveback is donated to the Town. He noted that this one is a remnant of when we relocated Country Club Road in the 1980s; it has a number of easements that cross it that the Town has for water drainage and those easements will stay in place. He added that Council needs to set a public hearing before we can sell or transfer any pieces of property.

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

RESOLVED: That the Town Council set a public hearing to be held at their April 2, 2015 meeting to consider granting the sale of a vacant parcel of land located at the intersection of Country Club Road, Woodhaven Drive and Franks Way consisting of .92 acres. Shown on a map titled FRANK LAMONICA ET AL by The Town of Avon Reconstruction of Country Club road, Scale 1"=40', dated June 5, 1989, Surveyor John Teare.

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

14/15-54 **Approve Resolution: Regional Performance Incentive Grant Program**

The Town Manager reported that with this grant program we have a specific interest in programs 1 and 5 and what is required for us to participate is a resolution from Council. Chairman Zacchio commented that we heard about these items during the capital budget presentations from the Police Department and Engineering Department so finding funds through a grant process is great.

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

Whereas Section 4-124s as amended by Section 251 and 253 of Public Act 13-247 passed by the Connecticut General Assembly provides statewide incentive grants to regional planning organizations for projects that involve shared services; and

Whereas the Capitol Region Council of Governments is acting as a convener and facilitator of service sharing projects around the CROCOG region; and

Whereas on November 12, 2014 the Policy Board of CROCOG passed a resolution authorizing development and submittal of an application package to the State Office of Policy and Management for funding under the Regional Performance Incentive Grant Program, on behalf of

the Council's member municipalities, and municipalities of other regions, which are participating in Council initiatives; and

Whereas, the Chief Elected Officials and municipal staff of the Capitol Region have developed a list of service sharing project proposals that will be included in this application package, to the benefit of individual municipalities and the region as a whole; and

Whereas the Town of Avon has expressed an interest in taking part in the project proposal(s) entitled:

1. Regional Computer Forensics Laboratory
2. TOD Study for CTfastrak Corridor
3. Economic Development Grant for the Towns of Bolton, Coventry, Mansfield and Tolland
4. Regional Service Management (CRM) System
5. Statewide Geographic Information Systems (GIS) Ortho Imagery Flight

Now, Therefore Be It Resolved that the Avon Town Council does hereby endorse the above referenced Regional Performance Incentive Program project proposal and authorizes the Town Manager to sign all necessary agreements and take all necessary actions to allow for the Town's participation in this program.

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

14/15-55 Approve Resolution for Master Municipal Agreement for Rights of Way Projects

Chairman Zacchio reported that this is a State mandate in terms of whether or not we want to work with the State Department of Transportation on rights-of-way projects we need to have this process in place. The Town Manager added that we had some questions about some of the language but the Town Attorney has advised that he has dealt with this issue with other towns as well; everybody is being asked to sign the agreement and the language is non-negotiable. Mr. Stokesbury commented that when we refer to the rights-of-way projects it is a fancy word for road. The Town Manager responded yes. Chairman Zacchio commented that it helps streamline the process required to get projects through their administrative pipeline meaning they have a standard boiler plate contract and we cannot change it and we can choose whether to agree or not.

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

RESOLVED: That Mr. Brandon Robertson, Town Manager, is hereby authorized to sign the Agreement entitled "Master Municipal Agreement for Rights of Way Projects."

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

14/15-56 Approve Resolution for CT DEEP Clean Water Fund Grant Application - I & I Study Reimbursement

The Town Manager reported that this goes back to this time last year when Council approved an appropriation of \$365,000 for the Infiltration and Inflow Study; we have been working on the study and will ask the Town Engineer to attend a future meeting to walk you through the particulars and explain what it is we found. He noted that it is 55% reimbursable through the Clean Water Fund and in order to begin the application process Council has to authorize the Town Manager to do so.

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

Be it resolved that it is in the best interests of the Town of Avon to enter into contracts with the Department of Energy and Environmental Protection. In furtherance of this resolution, Brandon Robertson the Town Manager of the Town of Avon is duly authorized to enter into and sign said contracts on behalf of the Town of Avon. The Town Manager of the Town of Avon is further authorized to provide such additional information and execute such other documents as may be required by the state or federal government in connection with said contracts and to execute any amendments, rescissions, and revisions thereto.

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

14/15-57 Approve Resolution: STEAP Grant, Village Center Streetscape Improvements Phase IV, \$450,000

Chairman Zacchio reported that this grant puts us well over \$1 million in STEAP grants since 2008. He added that we have been using them as part of the Town Center development that we hope coincides with the development that Ensign Bickford looks to do in the Town Center and we have been moving the sidewalks, granite curbing and lighting project down towards the Healthtrax area. He added that this grant will continue this work on the east side of Simsbury Road and run to the Simsbury line.

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

WHEREAS, pursuant to C.G.S. 4-66g, the Connecticut Department of Economic and Community Development is authorized to extend financial assistance for economic development projects; and **WHEREAS**, it is desirable and in the public interest that the Town of Avon make an application to the State for \$450,000 in order to undertake the Village Center Streetscape Improvements – Phase IV and to execute an Assistance Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE Town Council

1. That it is cognizant of the conditions and prerequisites for the State Assistance imposed by C.G.S. 4-66g
2. That the filing of an application for State financial assistance by Town of Avon in an amount not to exceed \$450,000 is hereby approved and that Brandon Robertson, Town Manager is directed to execute and file such application with the Connecticut Department of Economic and Community Development, to provide such additional information, to execute such other documents as may be required, to execute an Assistance Agreement with the State of Connecticut for State financial assistance if such an agreement is offered, to execute any amendments, decisions, and revisions thereto, and to act as the authorized representative of Town of Avon.

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

14/15-58 Approval of Real Estate Tax Refunds, \$10,074.27

Chairman Zacchio reported that taxes have been paid twice on three pieces of real estate in Town so this request is to approve refunds of those errors.

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 Corelogic Tax Services for a total amount of \$10,074.27.

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

14/15-59 Resignation: Recreation and Parks Committee (R – 12/31/2015)

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

RESOLVED: That the Town Council accept with regret the resignation of Michael Trick from the Recreation and Parks Committee.

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

14/15-60 Appointment: 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 appoint Dr. Joseph Gentile as a regular member to fill a vacancy on the Planning and Zoning Commission with a term to expire on December 31, 2015.

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

IX. TOWN MANAGER'S REPORT/MISCELLANEOUS

Misc. A: Purchasing Update: The Town Manager reported that we are working with Board of Education staff on the Request for Qualifications (RFQ) document for the Avon Middle School Science Classroom Project; we have \$429,000 that we are recommending for the capital budget in fiscal year 2015/2016 and the RFQ would be to identify an architect so we can get into design development for this project. He noted that we have not advertised for it yet but expects that it will go out by the end of March. Mr. Evans questioned if the need to select an architect is why the Town Manager is recommending a building committee. The Town Manager responded that he is not recommending a building committee yet; it may require a building committee because it is a school construction project which will be eligible for reimbursement and as a result do require a building committee. He noted that he is looking back for past projects that we have done in Avon that have been reimbursable through school construction grants to see how we handled them. He added that the definition of a public building committee is non-existent in the Statute so it can be a staff committee; typically in Avon we have had larger construction projects that have required an independent building committee. He noted that it will require some kind of committee but he is not sure what makes sense yet. The Town Manager also reported that this spring we have other activity that you would expect in terms of custodial contracts, etc.

Misc. B: Construction Update: The Town Manager reported that with the solar projects as soon as the snow has melted we will move forward with the Department of Public Works project which is ready to go, regulatory approvals are in place and is now matter of getting on the roof and installing them. He noted that for Avon Middle School we had an independent structural engineer take a look at the work that Solar City had put together and largely confirmed that very few changes were recommended in terms of the layout so with that in place it goes to the Planning and Zoning Commission and assuming that is approved as a site plan he would expect that it will be under construction this spring. He added that the Avon High School solar project is in design at this point.

Misc. C: Solarize CT: The Town Manager reported that we had another workshop last night with approximately fifteen attendees. He noted that to date 137 site visits have been done and 12 contracts signed.

Misc. D: Director of Planning & Community Development: The Town Manager reported that Steve Kushner's retirement date is July 1, 2015. He added that he is preparing a community profile and challenge statement and we will be going out to advertise by the end of March, using all of the tools that are available to us, the American Planning Association and all of the professional associations. He noted that the goal is to have someone in the position by June 1, 2015 which would give us a full month of overlap with Mr. Kushner but also important to keep in mind that Mr. Kushner will continue on a part-time basis beginning on July 1, 2015 to help out with the update of the Plan of Conservation and Development.

Misc. E: Modification to Police Monthly Report: The Town Manager reported that it has been mentioned a couple of times that we wanted to expand the reporting on traffic stops beyond Avon Mountain and we have taken the first step towards doing that. He asked Council for any feedback.

The Town Manager reported that the Sub-committee of the Recreation and Parks Committee for the synthetic field project at Avon High School is going to be having their first meeting on March 31, 2015. He noted that due to work schedules that meeting is at 7:30 a.m. but he has talked to the Director of Recreation and Parks to get a few of these meetings scheduled for the evening so we mix it up and get a broad group of people attending.

The Town Manager reported with regards to police vehicles and is in the process of working with the Avon Police Department and Fleet Manager and hope to have some recommendations on police cars shortly. Mr. Stokesbury commented that it is outside budget. The Town Manager responded yes; the funding source would require a supplemental appropriation likely from Fund 7, Police Special Services.

X. EXECUTIVE SESSION: Collective Bargaining

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

RESOLVED: That the Town Council go into Executive Session at 8:45 p.m.

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

The Town Manager and Town Clerk attended the session.

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

RESOLVED: That the Town Council come out of Executive Session at 9:00 p.m.

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

XI. ADJOURN

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

RESOLVED: That the Town Council adjourn the meeting at 9:00 p.m.

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

Attest:

Ann L. Dearstyne, Town Clerk