

**AVON TOWN COUNCIL
MEETING MINUTES
July 9, 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

14/15-86 Land Use Restriction for Endangered Plant Species

The Public Hearing was called to order at 7:30 p.m. by Chairman Zacchio. Chairman Zacchio waived the reading of the following legal notice:

**“TOWN OF AVON
LEGAL NOTICE**

NOTICE OF A PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Avon, Connecticut will hold a Public Hearing on Thursday, July 9, 2015 at 7:30 p.m. in the Town Hall, Selectman's Chamber, 60 West Main Street, Avon, Connecticut for the following purposes:

To consider Land Use Restrictions by the Town of Avon for the habitat of an endangered State-listed plant species as part of the mitigation plan under the Connecticut Endangered Species Act. That certain parcel of land located southerly of the present Old Farms Road, containing 2.2 acres more or less along the northwesterly side of the Farmington River, as shown on a map entitled “TOWN OF AVON MAP SHOWING LAND USE RESTRICTION ESTABLISHED BY THE TOWN OF AVON PREPARED BY THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION REPLACEMENT OF BRIDGE NO. 04470 AND RECONSTRUCTION OF THE OLD FARMS ROAD AND ROUTE 10 INTERSECTION SCALE 1:1000 JUNE 2014 THOMAS A HARLEY, P.E. CHIEF ENGINEER – BUREAU OF ENGINEERING AND CONSTRUCTION.”

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 5th day of June, 2015.

Brandon L. Robertson
Town Manager”

Chairman Zacchio reported that tonight's public hearing pertains to a piece of property that surrounds the bridge replacement project at Old Farms Road/Waterville Road. He noted that when the State DOT began the assessment of the area around where the new bridge will go they found two endangered species of plant life that need to be relocated. He added that 2.2 acres have been located to the south of that area, still on Fisher Meadows property on the west side of

the river that the State DOT will relocate the endangered plant species to. He noted that part of the movement requires us to put a conservation easement on that piece of property so it will not be developed and the plants will remain safe. He added that in order to put a restriction like that on a piece of property we need to hold a public hearing and ask for input from the community.

Mr. Evans questioned if we are voting on a conservation easement or a land use restriction or is that the same thing. Chairman Zacchio responded that the vote is on what is documented in the public hearing notice.

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

RESOLVED: That the Town Council close the public hearing.

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

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

RESOLVED: That the Town Council accept Land Use Restrictions by the Town of Avon for the habitat of an endangered State-listed plant species as part of the mitigation plan under the Connecticut Endangered Species Act. That certain parcel of land located southerly of the present Old Farms Road, containing 2.2 acres more or less along the northwesterly side of the Farmington River, as shown on a map entitled "TOWN OF AVON MAP SHOWING LAND USE RESTRICTION ESTABLISHED BY THE TOWN OF AVON PREPARED BY THE STATE OF CONNECTICUT DEPARTMENT OF TRANSPORTATION REPLACEMENT OF BRIDGE NO. 04470 AND RECONSTRUCTION OF THE OLD FARMS ROAD AND ROUTE 10 INTERSECTION SCALE 1:1000 JUNE 2014 THOMAS A HARLEY, P.E. CHIEF ENGINEER – BUREAU OF ENGINEERING AND CONSTRUCTION."

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

IV. MINUTES OF PRECEDING MEETING: June 4, 2015 Meeting

Corrections were made as follows: item 13/14-48 (page 12, 2nd paragraph, 1st sentence) to replace "Ritano" with "Rietano," item 14/15-81 (page 18, 8th line from the bottom) to replace "one" with "when," and item 14/15-82 (page 19, 1st sentence) to replace "parts" with "carts."

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

RESOLVED: That the Town Council accept the minutes of the June 4, 2015 Meeting as amended.

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

V. COMMUNICATION FROM AUDIENCE

Kathleen Davenport, 92 Somerset Drive, asked a question regarding the Rails to Trails assault and the people who work for companies that are contracted by the Town and if they undergo any background checks or does the Town ask for background checks to be done by the companies that work here. Chairman Zacchio responded that this case, the United Services, is a contract that is through a bid award system with the Capital Region Council of Governments (CRCOG) of which we are a member and we do not require anything beyond what the company does from a background check perspective; however, the Town Manager has reached out to United Services and had some conversations with them and also to CRCOG so there may be more to come on that. Mr. Stokesbury asked the Town Manager to speak to Town policy in general for

contractors. Chairman Zacchio responded that the Town policy is not relevant to the RFP piece but if we were hiring a contractor directly we would certainly have different rules.

VI. COMMUNICATION FROM COUNCIL

Mr. Stokesbury noted with sadness the passing of Cindy Hopper who was a long-term resident and very active in our community serving on a number of Boards and Commissions and most notably on Dollars for Scholars. He attended the Avon High School Commencement which was elected to be held indoors and that decision was made early and the indoor ceremony went off quite well compared to last year. He noted that as a parent he has been out and about to a lot of surrounding towns looking at their athletic fields as his son plays in the American Legion summer league and there are many towns out there with very nice complexes and there is a pretty high standard out there that we should be looking at and continuing to work towards achieving and ask us to look around and keep up with the Joneses. He attended the Simsbury 4th of July concert at the band shell with approximately 10,000 friends and an example of how the town can put together a great facility and if we had the opportunity it would be nice to have similarly well attended facilities. He commented on last month's OPEB obligations from the Actuary and came out of that thinking that as we look at these budgets going forward try to knock down the unfunded liability and relieve ourselves of some of the school based pressure on the budget and as we start the budget season soon he would like to keep that in mind and see if there is any tweaking that we can do in that regard.

Mrs. Maguire noted that she did not attend the Avon High School graduation but was involved for the first time with Project Graduation, an all-night affair for the graduates and the Middle School and was amazed with the amount of work that the families do as well as the tremendous outpouring of support we get from the community and businesses with food and items donated; it was a wonderful night for our graduates and great piece of mind knowing that they were safe. She also attended an event at the Library where five of our local authors presented their books and it was a fantastic program.

Mr. Pena commented that he attended the Avon High School graduation which went very well and he thanked the Schools, Board of Education and Superintendent of Schools. He commented on Project Graduation which is a great event and he thanked Mrs. Maguire for attending this year's event. He attended a Horse Guard event in early June and noted that the individuals there wanted to thank the Council members for their support along with the Town Manager as they continue to see the amount of help that we were able to provide them and Avon residents attended the event as well.

Chairman Zacchio extended thanks to the Avon Police Department for their efforts; we are not immune to the kinds of crime we read about in the newspapers as we have had an armed bank robbery and an assault on the Rails to Trail and the Avon Police Department has closed those cases very quickly in a process with the detectives who worked tirelessly and it feels good to know that if and when we need the Police Department that they are there for us and doing a job that closed those cases very quickly.

VII. OLD BUSINESS

14/15-15 Country Club Road Sidewalk (Northside-West Avon to Stagecoach)

Chairman Zacchio reported that Larry Baril, Town Engineer, is here with a more in-depth picture of the idea we had with a sidewalk on Country Club Road from West Avon Road to Stagecoach only. He noted that this is a project that was looked at back in the 1980s and deemed too difficult of a terrain to tackle and one that from a dollars perspective would be difficult. He added that we had interest from a resident raising money to be able to help us accomplish that so we thought it would be an interesting project to look at again. He noted that we held a public meeting where we collected input from residents on Country Club Road. He reported that Mr. Baril has given us a higher level overview once and it is at best a very difficult terrain to deal with but we asked him to take a second look once the snow melted and give us a more in-depth idea of the scope.

Larry Baril, Town Engineer, made a presentation. He noted that the intent today is not to tell you what it would cost or that it is or is not feasible but more about the obstacles on getting this done. He noted the following items starting from West Avon Road: the Brighenti property is relatively flat, a stream being in the flood zone where you cannot do any filling or grading operations, the wetlands issues are real and he has spoken with our Wetlands Officer about it and it would require wetlands permitting because there is no way that you can do a project like this without impacting the four areas of wetlands. Chairman Zacchio questioned a base flood area which cannot be filled. Mr. Baril responded that means a bridge would be necessary. Mr. Baril continued down Country Club Road and noted that you cannot really do anything in the flood way as it is a FEMA regulation and would require years of permitting. He noted that coming around a curve there is a guide rail which slopes down to a big wetland section and would probably have to be bridged again, come up to a cut area where the grade slopes up from the road significantly and there is a utility pole there that he believes has been put in ledge, and a section along that area would require blasting then you reach Stagecoach Road. He showed Council an illustration of a cross-section for a sidewalk. He noted that with slopes there would be three horizontal to one vertical and if you go steeper than that it is almost impossible to mow/maintain. Chairman Zacchio commented that in the fill areas there would be negative slope dropping off. Mr. Baril showed an illustration of such. He noted that excavation would include the earth, vegetation and everything in the way. He added that survey work has not been done to tell you where the catch-up for grade would be and you may need a retaining wall and/or fence in the residential area.

Chairman Zacchio questioned that from a surveying perspective do we have a survey on file for the older section of road and any for the newer section of the road. Mr. Baril responded that the only survey that we have is design drawings, no as-builts, and the best information is from 1984 before the road was realigned. He added that it would not cover the storm drainage issues and wetlands flagging would have to be done to get the wetlands delineated to be surveyed. Chairman Zacchio commented that not a lot of survey work was done there because we bought the piece of property from John Lamonica in order to cut it through. Mr. Baril commented on areas of fill and any vegetation in those areas would have to be protected or removed and landscaping would have to be addressed as well. He noted that there is a significant area at the curve with steep drop offs that would require a retaining wall with a fence to protect the residents. He added that with the wetlands area we would have to put in a bridge section with a steel structure on piers and fencing on both sides to protect the residents and has minimal impact on wetlands but it is very expensive at approximately \$150-200 a foot not including design work.

He showed the entire area through BING maps starting from West Avon Road down to Stagecoach Road. He noted that in general when looking at doing a sidewalk that is relatively consistent width off the pavement and is four or five feet wide and on this road the consistent width off the pavement should be no less than five feet off the curb. He noted that people travel this road at a fairly high rate of speed, people are distracted, there are utility poles along the road so the sidewalk should be five feet off the curb and a five foot sidewalk puts you at ten feet to the back of the sidewalk. He added that in general the road right of way on Country Club Road is fifty feet and in general the road width on this road is thirty feet. He noted that assuming the road is centered that only leaves you ten feet on each side to stay within the street line so anything done beyond that you are private property including grading, cuts and fills, and blasting. Mr. Evans questioned why the rail is there at the described culvert area. Mr. Baril responded that it is to protect drivers from going off the culvert. Mr. Evans noted that it is the obvious answer but is there a reason why it is just there and not the whole length of the road or at a different location. Mr. Baril responded that you use guide rails to keep people in the travel way where they can be specifically harmed by going off the road, to protect against storm drainage crossings. Mr. Evans commented that someone at the Town level made that determination. Mr. Baril responded that it could have been Town level or State DOT. Mr. Baril noted the fire hydrant area which would have to be worked around or moved. Chairman Zacchio questioned how much slope is there. Mr. Baril responded this a little bit of a fill area, it grades up to the road and then down into the woods again, approximately twenty or thirty feet. He continued along the road and noted the transition from downhill to a level area and then goes up on this stretch. Chairman Zacchio questioned if that has to be cut into to keep the sidewalk level. Mr. Baril responded yes and decide whether it is severe or how far it takes you to catch back up to grade and then decide if you do a retaining wall or similar but will not be known until a survey is done. He noted a pretty significant cut of three or four feet up and a stone wall on top.

Mr. Baril continued down the road to the second wetland area where the guide rail area slopes down to the wetlands, not as severe as before because there is no floodway in there but the same basic problem. Chairman Zacchio commented that is a lot of vegetation and trees out and fill in assuming the Wetlands Commission would let you fill it in. Mr. Baril noted landscaping features in this area. He continued down the road with areas of fill which is not a challenge from a constructability point but would have to chase back to grade. He continued to the next area of fill with some guide rails and another cross culvert where we could put the sidewalk closer to the road but does not like to do that for aesthetics and reduce the amount of fill or do part of the bridge but without surveying he cannot give a definitive solution.

Mr. Baril continued down to the curve area and then down to another fill area to another guide rail where behind it the grade starts to slope away. He noted that the wetlands start at the end of this area where filling operations can be more difficult. He continued down the bridge where grade drops off significantly and would have to be done through a bridge. The Town Manager questioned what kind of bridge it would be, perhaps similar to what is in Canton. Mr. Baril responded just like the one in Canton along the river. Mr. Evans questioned what the length of that bridge would be. Mr. Baril responded it would be approximately 412 feet long. He continued down the road out of the wetlands at the end of the guide rail, grade slopes back up and come across to a driveway and where a utility pole he believes is embedded in ledge so the utility pole and the area to the west of that pole for some distance is in ledge and would most likely require blasting to get grade down to sidewalk level. He estimated approximately fifty to seventy feet in distance and then it softens and might not be in ledge from there to the

intersection to Stagecoach Road. He noted that blasting is a significant concern when you are looking at a project like this. He cannot go out and get a bid or qualified estimate without a drawing and more details; the only way to do that is to get the wetlands flagged, survey the area, do the right of way survey to verify where the property lines are and then he can do a preliminary design and with a local contractor get some budget estimates; the bridges are more challenging as you have to be a certified structural engineer in Connecticut to design that kind of bridge. He noted that he talked to the Town Planner in Canton about what kind of costs they saw for the bridges that were done in the Collinsville section and was told that the overall project was approximately \$1.5 million but could not give a per foot price. He talked with a few other people in the business and a rough estimate of \$150-\$200 per foot would be a good reasonable estimate. He looked at the areas that would most likely require bridges which include areas of approximately 400 feet, 100 feet, and 160 feet and at \$200 per foot is approximately \$120,000-\$130,000 for bridges and then the other constructability issues. He noted that these are real ball park numbers.

Chairman Zacchio recalled that last fall we were caught between spending money on surveys in order to go further in this and having Larry Baril give us a little bit more in-depth look at what the project was. He added that when we got into this the reason we started looking at it was that he brought it to the Council because we had a resident who was interested in helping us get a sidewalk across from West Avon Road down to Lovely Street. He noted that after having the public information meeting we stopped at Stagecoach Road because we did not feel the slopes on Country Club Road on the west side were conducive to do this but this little piece might have made sense to connect these neighborhoods that are off to the north but this seems like a lot of cost to ask somebody to raise money for. He does not know how else to think about it.

Mr. Evans commented that the concept of putting sidewalks on Country Club Road is one that he would like to see and the whole thing has been brought to the next step because of Anne Marie McFaddin's concept of raising money for the project. He looks at it a little differently; if we were just going to consider the project with regular taxpayer money knowing now what we know, would we take this to the next level? He noted that the estimated costs and the scope of the project without having done a survey or bidding would outweigh largely the benefits to the residents by having the sidewalks there. He looks at it from the non-fundraising perspective and just something that Council was considering if this is a good thing for the Town and he would have hesitation in moving this forward to the next step with starting to incur those costs starting with the survey and from there going forward. Mrs. Maguire commented that she looks at this as a way of keeping people safer; it seems to be something that we keep coming back to, it was in a master plan and a road that we targeted for putting in sidewalks and maybe ten years down the road people are going to say what about Country Club Road. She feels that we should look at a survey, find out what it costs and then see where we are as far as either fundraising capacity or work at it through the years and put money aside for it. Mr. Pena commented that he likes the idea of communities having sidewalks, it is a good thing for our Town, but he also looks at the cost perspective, whether it is public or private funds, and noted the safety aspect of it and dangers along Country Club Road and sidewalks would be helpful. He would like to continue and obtain costs but at the same time we know it is going to be expensive. Chairman Zacchio noted that another problem is that we do not have it on the capital improvement program for either one, three, five, or ten years; we took up the idea because we had an offer to try to raise money for it and were thinking it was a \$100,000 stretch. Ms. McFaddin commented that it was a \$300,000 stretch and \$500,000 would have to be raised. Mr. Stokesbury commented that we

started with the premise that we need to do it for safety but this issue has been looked at many times since the 1960s as Avon built its character as a Town and we made decisions along the way not to provide for sidewalks, particularly Country Club Road. He noted that we as a Town could have become a West Hartford and put sidewalks in years ago, we did not which means we could do it now but there has been a decision made through the years. He added that we are fighting history by trying to make Country Club Road more pedestrian friendly when there may be other alternatives to encourage people off the main road into our street networks both on north and south sides which are extensive and will have new paving within a month or so and perhaps save a lot of money and energy by encouraging the use of that network. He questioned that at the Brighenti shopping center area and first floodway if there are any Town's right-of-ways between Country Club Road and Avon Middle School property. Mr. Baril responded no, not that he has seen on a map.

Bill Neff, 454 Country Club Road, commented that for years children had a "short cut" going down Paper Chase and Hurdle Fence through private property to the Middle School. Mr. Stokesbury is wondering right down to the eastern end of this proposed project if there is any way to connect to the Middle School other than going down West Avon Road. His point is that is an important effort to encourage walking and running and encourage them off the worst of our streets into better planned areas. He noted that we have talked through the years about sharrows and is a cheaper way of approaching the safety issue than the disruption that a major sidewalk project would entail all the way from West Avon Road to Lovely Street. Chairman Zacchio commented that we do have a right-of-way behind the Middle School that connects to Cambridge Crossing. Mr. Stokesbury questioned if we can improve that "short cut" as an alternate. Mr. Baril responded that he and John McCahill, Planning & Community Development Specialist, were petitioned to look at that same cut through several years ago as there was a group that wanted to build a bridge across the stream there and we discouraged it as it is a floodable stream. Chairman Zacchio commented that it is something to look into as an alternate perspective. He noted that we do not have money to do a survey and the only option would be to take private or donated money to do a survey on a project that we are raising concerns about and would have trouble taking money to do that. He noted that stopping the sidewalk at Stagecoach Road does not achieve what we had set out to thinking we could originally achieve with a connection from those two major thoroughways and if that is not what we are talking about it does not make sense to do it. Mr. Pena questioned short of having to do a survey is there any other way of coming up with a closer number. Mr. Baril responded that he has given numbers over the last few meetings. Chairman Zacchio commented that we talked about \$500,000. Mr. Baril commented that it is hard to say without items that would have significant impacts on costs. Mr. Evans questioned if we have an estimate of what a survey would cost. Mr. Baril responded it would cost approximately \$6,500. The Town Manager commented that in terms of an investment in the sidewalk infrastructure and as we start thinking about the capital budget for fiscal year 2016/2017 and if Council were to come to him about wanting to put money into sidewalks his recommendation would be on West Avon Road because we do have cement that is front of the High School and also have a large portion of bituminous that is crumbling and in really bad condition from Country Club Road south to Scoville Road. He noted that this past year we submitted a STEAP grant for \$500,000 to try and get funding to pull all of that up and install cement; it was not successful and we will try again in the future but that is the area where the investment is really needed. Mr. Stokesbury questioned if that is otherwise on the capital plan. The Town Manager responded no. Chairman Zacchio commented that we tried to see if it would apply here at one time with the Bond Commission by using some of the STEAP grant

funding for a sidewalk around the Town Center but there has to be an economic development portion of that and we were having trouble making that connection. He added that an option to get a survey that is probably going to tell us what Mr. Baril has told us from a cost perspective and accept that we have to raise private funds to do this and it would only go to Stagecoach Road or just decide at this point that it is probably not a conducive spot for it. Mr. Evans commented that if you are looking for a consensus he shares the words that other Council members have used but are conflicted because we want to do things that are right for public safety and if it is a road that is traveled frequently by pedestrians we want to create an environment that is conducive greatest for safety, we all like the idea of sidewalks in Town, and we always have been receptive as a Council to people who want to raise private money for the Town (with the tennis courts and the Library). He commends Anne Marie McFaddin for bringing this to our attention but cannot personally get past the other part of it, the lack of feasibility of the site and not going all the way through to Lovely Street, the potential costs and he would not have probably supported the project if we were just going to do it on our own without private funding as it would not have been a place that he would have considered putting sidewalks; therefore he would not be in favor of moving this forward. Mrs. Maguire commented she is conflicted as she sees it as a place where sidewalks should be and would like to see a survey so at least we know what we are working with and can put a cost on it and maybe it is not next week but down the road when money is raised and maybe working towards putting a sidewalk there and ultimately like to see this go all the way to Lovely Street; her thought is we have to start somewhere and that is with a survey. Mr. Stokesbury commented that he is against using public money for the survey. He noted that he believes there are lower cost alternatives to encourage more safe use of the roads for running and walking and he would like to investigate further the issue of how we cross the wetlands behind the Middle School at Cambridge Crossing/Hurdle Fence and get people from Lovely Street, up through the Blueberry area to West Avon Road without getting on Country Club Road; it would be a lot cheaper and achieve the same safety goal. Mr. Pena commented that he likes the idea of Country Club Road but agrees with getting a bigger bang for our buck in another area.

Elizabeth Neff, 454 Country Club Road, commented that initially from what she understands this was to protect the kids on the cross country team. She called the High School to find out exactly how this whole thing works and spoke to the boys' track coach who said that the kids do not run up Country Club Road from West Avon Road to Stagecoach, rather down West Avon Road across and up Hollister, down Hollister to Lovely Street and from Lovely to Country Club Road and go up Brookmoor, Carriage, and out to Hollister back down to West Avon Road. She noted that the experienced kids run up the rest of the way on Country Club Road and down to West Avon Road. She was told that they do it two to three times in the spring if he feels they need that training and then two times in the fall. She commented that this whole idea sounded that it was being put forth that the cross country kids were running on Country Club Road every day and they might be injured but that is not happening and they do run down West Avon Road to Scoville and will go out to Burnham and back down through Country Club Road. She noted prior discussion about kids being bused if we did not have sidewalks on Country Club Road where they could run and it has been acknowledged that they do not like to run on sidewalks but busing them to West Hartford is silly because you can go up Scoville Road to Cotswold Way back down to Scoville Road to West Avon Road and to the High School. She questioned if you are contemplating sidewalks for Hollister and Lovely Street. Chairman Zacchio responded that there has been a misconception about how and where this started. He has never viewed it, although arguably always safer to be on a sidewalk than it is to be running on the side of the

road, that we had a huge safety concern by Ms. McFaddin who said that her daughter happens to run cross country and it would be safer if they had a sidewalk to run on and she was willing to raise money to do that in honor of her daughter. He noted that we were never contacted by the Board of Education or the track coach around the cross country team but he has also talked to the boys' track coach and they could run in different areas. He noted that Mr. Stokesbury makes a very good point around alternate routes that can be run or a way to connect through the Middle School. He added that the proposed sidewalk on Country Club was a project that has been on our sidewalk study for a period of time; Council looked at in 1980/81 and he is having the same feeling that they had as it is a very difficult piece of land to deal with.

Mr. Neff commented on grade which is significant in areas. Chairman Zacchio responded that we have already been counseled on the grades which are more than 10% on Country Club Road and the ability to keep them clean and de-iced and liability transfer is something that he does not think that Council is considering at this point moving forward with. He noted that the scope from Stagecoach Road to West Avon Road recognizes that fact and diminishes to him the value of trying to get a project like this done. Mrs. Neff commented that she has lived there for forty-six years and have raised two kids and you do not see a lot of people walking down Country Club Road; it is not because of a lack of sidewalks rather of the grades which are horrendous and she does not picture the kids walking to school every day because mom and dad drive them or the bus takes them to school and to think that they are going to come down Stagecoach Road, up Country Club Road to West Avon Road and up that long driveway to the Middle School she does not think is going to work. She noted that there was a big issue at the High School about the drop off/pick up lane and was a terrific idea. She commented that we have that lane because we know that most parents are driving their kids except the few that take the bus. She noted that on Country Club Road the real problem is the speed of the traffic and she knows that the police do a terrific job and cannot be everywhere at once but if you had speed bumps or something like that to slow the traffic down. Chairman Zacchio responded that by State code you cannot have speed bumps or stop signs at intersections. He likes Mr. Stokesbury's suggestion to look at the connectivity with the path through Cambridge Crossing and how it connects through. He noted that it connects to as part of the Roaring Brook School path connection process that we went through some time ago. He reported that there is general consensus to not move forward at this point but should remain open in terms of if something changes. Chairman Zacchio asked Mr. Baril to look at the connectivity with the path as discussed and it would be great to have this information by Council's September meeting and give us a review of how it would work. Mr. Baril responded that he does not believe that you cannot get through Cambridge Crossing but he will look at Hurdle Fence. He noted Land Trust property and if they were willing to allow such a thing there might be a way to do this. Chairman Zacchio commented that they like passive recreation and it would be providing a path way that if coaches wanted to use solves some of the problem. Council thanked Mr. Baril for his continued work on this.

14/15-72 Appointment: Planning and Zoning Commission - Alternate (R-12/31/2015)

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

RESOLVED: That the Town Council table agenda item 14/15-72 Appointment: Planning and Zoning Commission (R – 12/31/2015) to the August 6, 2015 meeting.

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

VIII. NEW BUSINESS

**15/16-01 Review and Discussion Regarding Possible Amendment of Article V of
Chapter 53 Section 88 of the Town Code of Ordinances entitled Sidewalk
Construction and Repair**

Chairman Zacchio reported that there was recently a court case in Enfield that the Supreme Court ruled on in terms of transfer of liability to a homeowner of sidewalks that are already in place and that the Town ordinances that transfer the maintenance of the sidewalks do not necessarily transfer the liability that goes with it; it was thought that any ordinance that transferred the responsibility of cleaning the sidewalk would transfer the liability but the Supreme Court showed that was not a good assumption. We asked our Town Attorney to look at our ordinance, we have a limited number of sidewalks that are actually not owned by the Town in our infrastructure but we do have some within Farmington Woods and other private organizations that may not apply to this but we need to update our ordinance.

Al Smith, Town Attorney, commented on the background and that when Enfield's ordinance was originally drafted and amended to comply with State statute the drafters reasonably assumed that the liability for the sidewalk would follow the responsibility for removing snow and ice from the sidewalk and the Supreme Court said that is not the case, that in Enfield with an ordinance very similar to Avon's the lack of a specific provision shifting the liability for damages caused by failure to remove snow and ice did not effectively transfer that liability. He reviewed the Town's ordinance, looked at the case, and has recommended some changes to the Town's ordinance that track the statute so it is absolutely clear that Avon's intent to shift the liability to follow the responsibility is very clear. He noted that the proposed language is taken right from the statute and this is the most certain way to make sure that your intent is made clear.

Mr. Evans questioned that with the proposed changes where sub-section B was added which talks about the same duty of care if that duty of care is what is now sub-section D below about removal within twenty-four hours. Attorney Smith responded yes. Mr. Evans questioned if sub-section B is taken from the statute. Attorney Smith responded yes, it is taken from the State statute that was enacted in 1981 that authorizes municipalities to enact ordinances that shift both responsibility from removing snow and ice and shift liability for harms caused by the failure to remove snow and ice to abutting landowners. Mr. Evans commented that in reading this he wondered whether or not in sub-section B it should refer to sub-section D. Attorney Smith responded that this statute goes back; it talks about the duty of care that the Town had prior to the effective date of the article and it harkens back to the common law of negligence as defining the duty of care and is expanded a little bit by the provisions requiring the removal of snow and ice within specific periods. Mr. Evans commented that if Attorney Smith is comfortable with this then that is good for him. He noted that this is for people to know what their obligations are. Attorney Smith responded that he might have fallen a little short of that; the statutory language is not that clear. He noted that the prior ordinance could use some improvement. He has also talked to Mr. Stokesbury about the proposed changes as well. He added that referring to the statutory language which has now been interpreted by Connecticut Supreme Court while ugly in some ways is clear.

Mr. Stokesbury questioned if at any times in our ordinances if we annotate them to explain why we did it. He noted that we are doing all of this because of the Enfield case so when we adopt this, assuming we do, should we make it clear that this is in reaction to that case whether in our resolution or in the ordinance and the goal is to avoid that result. Attorney Smith responded that he thinks that would be sufficient and noted that he has not had the opportunity to amend a lot of

Avon's ordinances over time so he is not familiar with any history of including any of those annotations in the body of the ordinances and to the extent that what we are trying to create is a legislative history to demonstrate intent, he thinks including in a motion that the purpose of this amendment is to comply with the 2014 case in Enfield if the idea is to reiterate the intention of the Council to conform the ordinance to the Supreme Court decision. Mr. Evans commented not to worry, that the minutes will get it. Mr. Stokesbury commented on new section D as awkward as it comes out of the ordinance and questioned if it would have tracked the statute. Attorney Smith responded that is the old Avon ordinance amended as of 1981. Mr. Stokesbury suggested that at the appropriate time that we try to clarify that language as to what we really mean. He does not want to get bogged down with that before the snow season comes. Chairman Zacchio commented that we have not had a problem so far with people understanding what their replications are from the sidewalks. Mrs. Maguire commented that she hopes this would be somehow communicated through a newsletter or on the web site. The Town Manager responded that any time we amend or adopt an ordinance we have a public hearing process. Attorney Smith commented that in the fall some towns remind citizens of their winter obligations; in Avon the responsibility to remove snow and ice has always been there and perhaps you provide seasonal reminders of that. The Town Manager recommended refining the ordinance with Attorney Smith and bring it back for the next Council meeting so we can set the public hearing for September and have it in place before the winter season. Chairman Zacchio asked for particular attention with the review of section D, otherwise it looks pretty good.

15/16-02 Capital Workforce Partners-Agreement and Consent to Initial Designation

The Town Manager reported that the Town is a party to an interlocal agreement with the other thirty-five towns in the capital region and together we comprise the Capital Workforce Partners organization. He added that the agreement, Intergovernmental Consortium Agreement, was last approved by the Council in 2003. He noted that Capital Workforce Partners get most of their money through the federal government and they provide job training, vocational education and try to retrain those that are displaced in the workforce and serve as a conduit from public high schools to meaningful employment. He added that they operated under the Workforce Investment Act of 1998 (WIA) and has been superseded by the Workforce Innovation and Opportunity Act of 2014 (WIOA) and the Capital Region Council of Governments (CRCOG) has had to consent to that designation and they have also asked all of the towns that are members of the partnership to further strengthen that consent by individually having their legislative bodies agree to it. He noted that the consent is to the WIOA versus the original enabling legislation of the WIA. Chairman Zacchio commented that it just overlays it. The Town Manager responded that we do not pay any money for it and we get very little from it. Chairman Zacchio commented that being a good citizen and a member of CRCOG we are a party of the agreement. Mr. Stokesbury questioned if it is the Town Manager's recommendation to sign the agreement. The Town Manager responded yes.

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

RESOLVED: That the Town Council authorize the Town Council Chairman to sign the Agreement and Consent to Initial Designation which (i) agrees to be a constituent of the North Central Workforce Development Area (the "Local Area") for purposes of the Local Area's Initial Designation under the Workforce Innovation and Opportunity Act of 2014; and (ii) consents to the Chairman of the Local Area's submission of a request for such Initial Designation.

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

15/16-03 Approve Resolution: 2014 Farm Viability Grant, \$4,250

The Town Manager reported that this item is for Council to approve a resolution for him to enter into an agreement with the State Department of Agriculture for a Farmland Viability Grant in the amount of \$4,250 and the intent of the grant is to offset our cost for the update of the Plan of Conservation and Development. He recalled that the recently retired Town Planner is going to help us with that and will offset a portion of the cost for doing that. He noted that there is specific language that has to be adopted.

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

BE IT RESOLVED that it is in the best interest of the Town of Avon to enter into contracts with the Connecticut Department of Agriculture.

IN FURTHERANCE OF THIS RESOLUTION, the Honorable Brandon Robertson, Town Manager is duly authorized to enter into and sign said contracts dated July 10, 2015 on behalf of the Town of Avon. The Honorable Brandon Robertson, Town Manager is further authorized to provide such additional information and execute such other documents as may be required by the State of Connecticut in connection with said contract and to execute any amendments, rescission, and revisions thereto.

THE TOWN CLERK IS AUTHORIZED to impress the seal of the Town of Avon on any such document, amendment, rescission or revision.

ADOPTED BY THE TOWN COUNCIL, THIS 9th DAY OF JULY.

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 have been talking about the Request for Information on the Banking Services for some time, the Finance Department has completed their review; it was a really interesting learning process figuring out all of the services and charges that banks provide and we have determined that we are getting a deal and good service from the bank that we have so the RFI served its purpose, we validated the service and we do not foresee going forward with a Request for Proposal at this point. He noted that he will take this item off the radar. Mr. Evans questioned if the Town is doing electronic deposits. The Town Manager responded yes; Bank of America had been pushing us into that for quite a while and he understands that it works really well. He added that we also have something called Positive Pay which is a fraud protection that we have installed within the last year and a half and the Board of Education has recently installed it as well. He noted that we seem to be getting good service with Bank of America.

The Town Manager commented that with the Avon Middle School Science Labs Project Council appointed a Building Committee which has met twice, most recently on Friday last week, and they are reviewing responses that architects submitted from the Request for Proposals issued and expect that they will be making a recommendation shortly and will have it on a future agenda for approval.

The Town Manager commented on the Property Casualty/Workers Compensation Insurance which was an RFP issued jointly with the Board of Education back in May and worked with our independent insurance consultant (USI) to put this out; we had two bids, one from CIRMA and the other was from Travelers. He noted that CIRMA is the incumbent that we have been with

since inception because there have been very few players in the market and the last few years we have done RFPs but the indications were not there that we would see a lot of competition but this time Travelers came back very strong, they have a fantastic program, have a renowned loss/recovery unit both on the workers compensation and property casualty side and for a number of reasons we have decided to make the switch so effective July 1st we have moved all of our coverage over to Travelers; it is a year to year agreement. He noted that one of the issues we had with CIRMA was that we were looking at a rate cap over the next three years of 12.5% annually and the issue was that it would lock us in for a longer period of time but given our very good experience rating we are a better bet than that. He added that Travelers response to the RFP really demonstrated that. He noted that we are going to have a kick-off meeting and looking forward to a good relationship with them.

The Town Manager commented on sidewalk improvements at Avon High School and we have expanded the scope given the favorable bidding results and some additional funds that the Board of Education has at the conclusion of their fiscal year we have decided to do the entire front area of the entrance way and we are going to see if we can get the voter entrance moved around to the back side of the school but we are going to take care of the small gym entrance where the voters were currently entering. Mr. Stokesbury commented that there was also some issue at the small gym entrance for associated lighting.

The Town Manager reported that we have opened bids for the Sycamore Pools Restoration Project. He highlighted other bids out for Disposal Refuse, Treated Road Salt, and Avon Day. He noted that as of every July 1st a comprehensive list of all our vendor contracts is provided to you and contact him with any questions.

Misc. B: Construction Update: The Town Manager commented on the underground storage fuel tanks and being able to dispose of the soil in Manchester and all we have to do now is comply with the restoration plan, add plantings, and pave it over. He commented on road improvements which include Pheasant Run (paving was completed today). He commented that with Stagecoach and Woodmont the goal is to get milling and paving completed by mid-August so it is done before school buses start rolling. He added that last week calls came in about Secret Lake road conditions with a need to deal with potholes and washouts and we do have \$70,000 in the fiscal year 2015/2016 capital budget so we have resources to deal with that this season. Mr. Stokesbury inquired about Lovely Street. The Town Manager responded that it will be milled on or around July 20th and 21st and night paving is scheduled to begin on July 26th (between 7:30 p.m. to 5:30 a.m.) and will last two to three days; we will stay up to speed on that schedule and get it posted on the web site, let people know, and minimize the inconvenience as best we can.

The Town Manager commented that last year we had a dump truck on order that unfortunately was not delivered until the snow had fallen and we will not let that happen again for the dump truck that we have budgeted for fiscal year 2015/2016; we already have the cab and chassis, is being fitted out and will be delivered in October so we will have more than enough time to work out the bugs, have driver training done, and make sure it is ready to roll for the winter season.

The Town Manager commented that the Bobcat skid steer has been delivered. He also reported that a few weeks ago Jamie DiPace (Town Council Representative for AVFD), Alex Trujillo (Fleet Manager), and himself took a ride to Gowans-Knight where one of the chassis has been delivered for one of the fire trucks; it was an interesting education to see what it looks like from

the factory and how they build it up. He noted that the second chassis will be delivered in July and we should have both fire trucks by February/March 2016. Mr. Stokesbury questioned if they would be on the road by that date. The Town Manager responded that they would be delivered by then but is not sure how the driver training will roll out but as we get closer he will be able to say exactly when they will be on the road.

The Town Manager reported that Chief of Police Mark Rinaldo and Bruce Williams, Director of Public Works, are working with KBA on plans for the police department as we included funding in fiscal year 2014/2015 to hire an architect to help us make some improvements and utilize space better in their building so we are looking for some recommendations in time for the fiscal year 2016/2017 capital budget.

The Town Manager reported that two bids for the Fire Training Center have been received by the Town of Farmington, one was \$1.1 million and the second was \$1.4 million. He noted that those bids included all of the trades as if nothing was going to be in-house or donated. He added that Jamie DiPace, Bruce Williams, Mary-Ellen Harper and Chief Higley (both from Farmington) are working through to figure out what the real cost is going to be. He expects to have an update for Council shortly.

The Town Manager reported that he received a call yesterday from the Chief Executive Officer for United Site Services; it is a nationwide company with approximately 2,000 employees and are very concerned that their employee is alleged to have done what happened and he pledged their ongoing cooperation which he knows from Avon Police Department that the company has been very cooperative in the investigation and expressed his sympathy for the victim and his concern for the community. He thanked the CEO for his call and certain that at some point he will be talking to him again.

Misc. C: CRCOG Inter-town Cooperation Awards: The Town Manager reported that on June 6th he and Dick Hines (Town Council Representative for CRCOG) attended CRCOG's Annual Meeting and Avon was only one of two towns recognized for two Inter-town Cooperation Awards and received an award with Farmington for our agreement on the Fire Training Center and we also received an award for our participation in the ICE (Intertown Capital Equipment) Program, where we work with other towns to get the Public Works equipment. He noted that plaques were received and will be hung appropriately. He added that for the ICE Award which is where we are getting the hot paving box and few other things we have to make a contribution in the amount of \$15,000 which is a steal because it would be very expensive equipment stand alone. He noted that at the next meeting he will have recommendations for funding sources and we will need to execute an inter-local agreement with the other participating towns. He added that the last time we had a grant like this it was for equipment to maintain the Rail Trail; so we will do a quick one-page amendment to that original agreement and will have that for you to approve at the August meeting.

Misc. D: Synthetic Field: The Town Manager reported that we are looking at having a joint Town Council and Board of Education meeting sometime in mid-August. He noted that we will get something out about it; it is going to be a public meeting for public input. He anticipates that the agenda is going to include having Luke McCoy with BSC Group come back, provide another overview of the proposed project, and also have staff in the form of Ruth Checko, Director of Recreation and Parks, and Greg Ferry, Athletics Director for the Board of Education to talk

about any operational issues that come up and to answer questions. He added that once the presentations are provided he thinks it would adjourn to hearing from the public and getting their feedback. He does not anticipate requesting any action at that meeting. Mr. Evans questioned if presentations would be made for both sites, MH Rhodes and Avon High School. The Town Manager responded that there would be a brief overview of the MH Rhodes site with the focus on Avon High School. Mr. Stokesbury commented that there was concern about apples to apples comparison. Mr. Pena questioned that it is a two-board meeting. Chairman Zacchio responded that we will also invite the Board of Finance. He noted that there are three pieces to the meeting: 1) public meeting to collect public input, 2) have both projects be presented in terms of what they look like, and 3) meet with the Board of Education to agree on a site and how we would move forward from there then depends on how we want to finance it; you have a shovel ready project at that point and can start to apply for State grants and get an idea around how you want to move forward if you want to move forward. He noted that we have always said that once we get plans updated and we have an idea of what it is we could build at each site we need to have a public input session and that is what we are going to do.

The Town Manager reported that earlier this week he had the pleasure to congratulate Officer Sue Kassey who participated in the 2015 World Police and Fire Games and finished #1 in the track and field event. Chairman Zacchio asked the Town Manager to draft a letter from the Council congratulating her.

The Town Manager reported that tonight Council is receiving an invitation to the Service for the Avon Mountain Tragedy on July 29th. He noted that it has been ten years and the Police and Fire Departments have put something together and he hopes everyone can attend.

Jordan Lazinsk, 88 Deepwood Drive, an Avon Boy Scout reported that he was attending this evening's meeting to fulfill a requirement for a Citizenship in the Community merit badge. The Council welcomed him.

X. EXECUTIVE SESSION: Collective Bargaining

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

RESOLVED: That the Town Council go into Executive Session at 9:16 p.m.

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

The Town Manager and Town Clerk attended the session.

XI. ADJOURN

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

RESOLVED: That the Town Council adjourn the meeting at 9:24 p.m.

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

Attest:

Ann L. Dearstyne, Town Clerk