

**AVON TOWN COUNCIL
MEETING MINUTES
February 2, 2017**

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: Zacchio, Stokesbury, Pena, and Speich.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Zacchio.

III. PUBLIC HEARINGS:

16/17-39 Road Acceptances for Fairway Ridge and Pioneer Drive Extension

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 PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Avon, Connecticut will hold a Public Hearing on Thursday, February 2, 2017 at 7:30 p.m. at the Town Hall, Selectmen's Chamber, 60 West Main Street, to consider the following:

To accept the title of roads and all appurtenances thereof for Fairway Ridge and an extension of Pioneer Drive as certain pieces or parcels of land situated in the Town of Avon, County of Hartford and State of Connecticut shown and designated as "Fairway Ridge" on a map entitled "SUBDIVISION PLAN PREPARED FOR FAIRWAY RIDGE LLC; 135 & 175 FRANDEL DRIVE, AVON CONNECTICUT" maps 1 thru 4; Scale 1" = 100' and 1"=40' dated 03-06-09 revised to 10-16-09 which maps are on file in the Avon Land Records as Map #10/04 thru 10/07. Copies of the said maps are on file in the Town Clerk's Office and open to the public for inspection during normal business hours.

Dated at Avon, Connecticut this 6th day of January, 2017.

Brandon L. Robertson, Town Manager"

Chairman Zacchio reported that the roads are essentially complete and have been constructed to the requirements of the Engineering Department and are prepared to move forward with acceptance of those and have to hold a public hearing to collect comment.

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

RESOLVED: That the Town Council close the public hearing.

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

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

RESOLVED: That the Town Council approve the acceptance of the title of roads and all appurtenances thereof for Fairway Ridge and an extension of Pioneer Drive as certain pieces or parcels of land situated in the Town of Avon, County of Hartford and State of Connecticut shown and designated as “Fairway Ridge” on a map entitled “SUBDIVISION PLAN PREPARED FOR FAIRWAY RIDGE LLC; 135 & 175 FRANDEL DRIVE, AVON CONNECTICUT” maps 1 thru 4; Scale 1”=100’ and 1”=40’ dated 03-06-09 revised to 10-16-09 which maps are on file in the Avon Land Records as May #10/04 thru 10/07.

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

16/17-40 Sidewalk Easement from Riverdale Farms, LLC, 124 Simsbury Road

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, February 2, 2017 at 7:30 p.m. in the Selectman’s Chamber, 60 West Main Street, Avon, Connecticut for the following purposes:

To accept a Sidewalk Easement for the area of the property between the highway line designated as “Simsbury Road (CT Route 10 and 202)” and the line designated as the “Project Limit” which runs along the westerly portion of property known as 124 Simsbury Road as shown on a certain map or plan entitled “PROPOSED AVON STREETSCAPE IMPROVEMENT PROJECT”, Scale: 1” = 40’, July 17, 2015, Sheet 1, prepared by the Town of Avon’s Engineering Department.

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

Date at Avon, Connecticut this 6th day of January, 2017.

Brandon L. Robertson, Town Manager”

Chairman Zacchio reported that this public hearing and the one that follows deals with the sidewalk easements for the new sidewalks installed on the east side of Simsbury Road from Sperry Park to the Simsbury town line using STEAP funds to install those. He noted that the first public hearing is for an easement that gives the Town the property to pass over those sidewalks and maintain the sidewalks if necessary as well as the lighting fixtures that have been installed. He added that Riverdale Farms has agreed to the Town’s terms of clearing them of snow, ice and debris but we would like the easement as well in case that does not happen so we can make them passable if a situation ever presented itself.

Mr. Stokesbury questioned if this easement takes us up to the Simsbury town line. The Town Manager reported no; it takes us to Avon Meadow and that will come next time. Mr. Stokesbury commented that the east side is three segments: the southerly end is the next public hearing on the agenda, then the Riverdale Farms shopping center, and the third one is not in sequence to us yet.

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, Stokesbury, Speich, and Pena voted in favor.

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

RESOLVED: That the Town Council approve the acceptance of a sidewalk easement for the area of the property between the highway line designated as “Simsbury Road (CT Route 10 and 202)” and the line designated as the “Project Limit” which runs along the westerly portion of property known as 124 Simsbury Road as shown on a certain map or plan entitled “PROPOSED AVON STREETSCAPE IMPROVEMENT PROJECT”, Scale: 1” = 40’, July 17, 2015, Sheet 1, prepared by the Town of Avon Engineering Department.

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

**16/17-41 Sidewalk Easement from Silvio Brighenti Family Wellness Center, LLC,
100 Simsbury Road**

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:

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To accept a Sidewalk Easement for the area of the property between the highway line designated as “Simsbury Road (CT Route 10 and 202)” and the line designated as the “Project Limit” which runs along the westerly portion of property known as 100 Simsbury Road as shown on a certain map or plan entitled “PROPOSED AVON STREETSCAPE IMPROVEMENT PROJECT”, Scale: 1” = 40’ July 17, 2015, Sheet 1, prepared by the Town of Avon Engineering Department. 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 6th day of January, 2017.

Brandon L. Robertson, Town Manager”

Chairman Zacchio reported that this is the next section of sidewalk as explained above.

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

RESOLVED: That the Town Council close the public hearing.

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

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

RESOLVED: That the Town Council approve the acceptance of a sidewalk easement for the area of the property between the highway line designated as “Simsbury Road (CT Route 10 and 202)” and the line designated as the “Project Limit” which runs along the westerly portion of property known as 100 Simsbury Road as shown on a certain map or plan entitled “PROPOSED AVON STREETSCAPE IMPROVEMENT PROJECT”, Scale: 1” = 40’ July 17, 2015, Sheet 1, prepared by the Town of Avon Engineering Department.

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

IV. MINUTES OF PRECEDING MEETING: January 5, 2017

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

RESOLVED: That the Town Council accept the minutes of the January 5, 2017 Meeting as presented.

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

V. COMMUNICATION FROM AUDIENCE – None

VI. COMMUNICATION FROM COUNCIL

Mrs. Maguire reported that she attended the “Welcome to Avon” for Engine 7 in January; it is beautiful and we are very fortunate to have it. She noted that there are more festivities coming for the new engine. She also reported that she went to the public hearing on Tuesday night for the merger of Avon Water and Connecticut Water which was well attended, the Town Manager spoke to the interests of Avon, and looks to be relatively smooth and seamless.

Mr. Pena reported that he attended the Pasta Dinner last Friday for the Avon Fuel Bank and the Farmington Fuel Bank and was well attended. He asked the Town Manager to inquire with the Director of Social Services on how much was fundraised.

Chairman Zacchio commented that we have been lucky so far with snow and ice this year but the few storms that we have had the Department of Public Works has done a phenomenal job and for the few items that have come back in terms of mailboxes we have gotten really good feedback on the response to those things. He asked the Town Manager to express appreciation to Public Works on Council’s behalf.

VII. OLD BUSINESS

VIII. NEW BUSINESS

16/17-44 Appropriation from Capital Fund Balance Assignment for Old Farms Road Project, \$55,000

Chairman Zacchio commented that we have turned our sights from the idea of relocating the road and working with the School on that track of open space that would have run on our property at MH Rhodes all the way to Fisher Meadows farm side to reconstructing Old Farms Road in place. The Town Manager reported that last summer we passed the major milestone with this project where the feasibility study was completed and determined primarily based on costs and permitting issues to change in direction, especially with respect to the east/west piece between Tillotson and Thompson Road and look at it more of an improvement in place, improve the geometry, add a more formal drainage system, and make it safer. He added that we investigated various options available and one of the thoughts at the time was to investigate whether or not we could use some funding that was previously awarded for this project through the Service Transportation Program (STP) which is administered by CRCOG. He noted that we had conversations with CRCOG and determined that the STP money cannot be used for design and development which was really our goal before we can figure out what is involved in the

permitting and develop at least a thirty percent plan so we can get construction costs. He added that we then had a conversation with CRCOG about other potential funding sources and started talking about Local Transportation Capital Improvement Program (LOTICIP), a State program administered by CRCOG through their Transportation Committee but the funding cannot be used for design development; they are only construction dollars. He added that they have an application that is due at the end of this year; we asked CRCOG if they have consultants that had experience with LOTICIP and walking through these complicated projects through that process, we worked with that short list, put a bid out, received a number of firms through the RFP process, did interviews, and ended up selecting Fuss & O'Neill who has had success in this area and with the CRCOG process. He noted that their recommendation was to pursue LOTICIP and if we wait until the normal budget cycle and have funding come online July 1, 2017 we won't have enough time to get an application together. His recommendation is that we appropriate \$55,000 from an assignment that we have on funds balance for capital items, enter into an agreement with Fuss & O'Neill to get them working on this process. He will also be recommending in the capital budget for FY 18 another \$125,000 to continue with design development and get us in a position so we can have a shovel ready project that is ready for an application through this program in December. He noted that if we wait until July 1st it is very unlikely that we will have an application ready and because we have this assignment on fund balance available it solves for that problem and facilitate that process.

Mr. Speich questioned if the design work will be done only for the area between Tillotson Road and Thompson Brook. The Town Manager responded yes, that is where we are going to start but with the \$125,000 we are going to work through the entire stretch as we need to solve for the intersection of Scoville. He noted that we have had a conversation with Avon Old Farms School and have some exciting plans for this project so we want to get into design development to start that process. The Town Manager commented that the scope will go around the corner by the water tower.

Mr. Stokesbury clarified that when the Town Manager is recommending an appropriation from capital fund balance assignment that means the money is already in the project or allocated towards it. The Town Manager responded that it is not within the project but a hold that we have put on a portion of our fund balance for capital projects, not like taking money out of unassigned; this is money that through the year-end closing process have set aside and can be used for capital projects with the approval of the Town Council and the Board of Finance just like we do with assignments for Other Post-Employment Benefits appropriations which he will be talking about in another week. Mr. Stokesbury commented that this will not have an adverse reaction from our rating agencies. The Town Manager responded no. Mr. Stokesbury commented on the scheduling process and doing the north/south side project first in FY 19/20 and then doing the larger east/west project in FY 21/22 and seems that our emphasis all along has been on the east/west segment and questioned why we are deferring that to the second half of the project. The Town Manager responded that the schedule is still fluid and part of that is going to be a function of the amount of funding that we get through LOTICIP. He noted that at the upcoming Saturday Budget Workshop he will have some discussion for Council on that as every year when we go through the budget process we update our long-term debt projections and we have looked at this project in the context of those debt projections to try to figure out from a modeling perspective when we might be looking for approval and when construction may start and end. Mr. Stokesbury commented that as we go forward and look towards Town approval and

referendum that the order in which we propose to do the work will be critical. Chairman Zacchio questioned how often we can expect to be updated as to where the design is going, what the current thinking is with the layout and changes to the area. He noted that the Town Manager is aware of the Council's desire to keep that a rural stretch and not have it be a super highway and we want to be updated to what the design is turning into and what the current thinking is around as they get a little closer to the property and start looking at what they might do; we would like to get updates fairly often around where that is going prior to it getting to a point where we spent a lot of time and money on a design that was not really the character we were thinking about. The Town Manager responded that our philosophy on this has been improve it without changing it; let us start fleshing out some of these concepts and as soon as there is something substantive to talk about have Fuss & O'Neill come in and give you some preliminaries before we get too far down the road and figure out if the framework makes sense. Mr. Stokesbury questioned how we are bringing Avon Old Farms School into the discussions as they are the only abutter. The Town Manager responded that we will be working with them hand in glove and have already met with them and talked about what the plan is, contingent on the funding appropriation and they always have been our primary partner on this project and we want them involved from the ground up.

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$55,000 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 #02-4829-53425, Capital Projects Fund (Facil & Equip), Town CIP- Facilities, Old Farms Rd Rehab. Design, in the amount of \$55,000, and Account #02-0390-43918, Capital Projects Fund (Facil & Equip), Other Financing Sources, Interfund Transfers In, in the total amount of \$55,000, for the purpose of funding the initial design and permitting for the OFR project.

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

16/17-45 Appropriation from Fisher Meadows/Fisher Old Farms Special Revenue Fund (\$217,836) and Fee In Lieu of Open Space Special Revenue Fund (\$217,836) for Fisher Meadows Field Expansion Project

Chairman Zacchio reported that this process before us tonight is approval of two different funding sources and three that would create the entire project. He noted that the Town Manager's suggestion is to use \$217,836 out of the Fee In Lieu of Open Space Special Revenue Fund and \$217,836 out of the Fisher Meadows Field Expansion Project and the balance of approximately \$250,000 will be in this year's capital budget and assuming that goes through the process and is approved then we can move forward with the project assuming we approve the appropriation tonight. He commented that there has been a lot of question around the Fee In Lieu of Open Space Special Revenue Fund. He noted that with the Special Revenue Fund for Fisher Meadows, because it was left to us under a federal grant, the revenues that come out of anything around that property which includes the well that Avon Water Company currently owns that CT Water will own in the future or any other revenues from farming and the lease that we have with the farm goes into a fund that can only be used at Fisher Meadows; typical uses include expanding fields, the irrigation system, parking lot improvements, and anything that we have done there has come somewhat from that fund and the balance is approximately \$450,000

and the Town Manager is asking that we use approximately half of that so we do not deplete it completely because we could have emergency issues there and need those funding mechanisms in place to react to those.

Chairman Zacchio commented that the Fee In Lieu of Open Space Special Revenue Fund is for the smaller developments in Town and the 10% give back of land that the Planning and Zoning Commission started and resulted in giving us these tiny parcels of land dotted all over Town; properties that did not really provide any value to the Town and by statute there is an ability to create this Fund mechanism that the Planning and Zoning Commission put in place some years ago. He added that it gives the Town the ability to accept funds from the developer instead of the open space pieces that did not make sense to us; that Fund is governed by statute and our own Plan of Conservation and Development (POCD) which prescribes the Fund could be used to purchase open space, or to improve current open space or for recreational purposes or agricultural purposes. He noted that the recommendation tonight is to use \$217,836 of that Fund to expand the current open space at Fisher Meadows and would leave a balance of approximately \$450,000. He added that we would not typically use this Fund to purchase open space, most of the open space tracks that we have identified as high value as noted in the POCD are tracks that will require a referendum and much bigger spend to get there and we would typically draw from Undesignated Fund Balance or other balances in other accounts to do things like legal fees, survey work, appraisal work, environmental studies if they are needed to be able to purchase a piece of property and when it was purchased through a referendum we would replenish that fund through the referendum bonding; this Fund gives us that release and mechanism to use for that purpose and also to use it for the slight purpose that we are using it for tonight. He reported that tonight's request is for approval to use those two designated fund balances for contribution towards the project and assuming it survives the budget process and the budget workshop next Saturday from a capital perspective and we have some work to do to get the tax rate where we think we need to get it and then survives the budget process through referendum then we move forward with this in the spring. He noted that this was a very high profile and important project, we heard a lot from the public on its need and have delayed it far enough that he thinks we do need to move forward with it so we will have to make a decision.

Rick Dubiel, 32 Deepwood Drive, commented that he has spent a lot of hours enjoying the open space and part of the reason he is here to try to help preserve open space so his granddaughter can enjoy it here in Avon. He appreciates the opportunity to provide feedback on this. He agrees with the concept and principle; his son played travel soccer and his daughter played youth soccer; he supports the project but takes issue with the use of open space funds to do this. He commented on his interpretation of the open space fund wording in the Town ordinance: 10% of the developable land is to be set aside by developers or they can give funds in lieu of land; the sentence on the Open Space Fund is sort of a run on sentence and how you interpret it depends on where you pause in the sentence. "The Fund is to be used for the purpose of preserving open space" so you can preserve open space by buying development rights or you can acquire additional land and if you preserve the land or acquire the land you can do three things with it: you can leave it as open space, as forest or field or for recreational or agricultural purposes so it is specifying that you leave it open once you acquire it and not to put structures on it like a new police station or something; no matter how you interpret the sentence gives you a hierarchy of priority, the use of the Fund is to preserve or acquire the land first and the name of the Fund is the Open Space Fund, if they wanted it for field improvement they would have called it the Field

Improvement and Farming Fund so we have to read between the lines in interpreting it. He added that for the past decade or more the Town has had a very successful model for projects like this; if a specific user group wants to advance a project they usually come up with a good portion of the funds, they put some skin in the game. Some examples are the lights at Sperry Park funded in large part by the Little League; the all-weather track at the High School was funded in large part by ACORN and have also stepped forward and offered to fund the synthetic field; the rebuilt tennis courts and lighting was funded by a community group; and \$1.5 million was raised for library amenities with the library expansion. He is puzzled that he does not see a soccer contribution on this project and thinks it would have been the first ask long before open space funds were ever considered. If the library folks can raise \$1.5 million he thinks the soccer folks could raise \$217,000 if not in one year then in two years. He commented that the Town Master Plan has in mind the purchase of certain picturesque farm or certain private school forest and wouldn't it be nice to have \$1 or 2 million saved up for that and use it to get a matching State open space grant. He commented that Council does a great job, you keep our taxes low, our debt burden low; it surprises him that you spend our open space allowance and then ask us for money later; the financial climate may not be good when this opportunity comes up, you could be in another great recession, the opportunity comes up and the Town votes down the referendum if you are asking for a multi-million dollar referendum for the open space. He would hate to see us lose out on an once-in-a-lifetime opportunity. He would appreciate if Council keeps in mind the original intent of the open space ordinance and fund to preserve and to buy land and to protect it from development. He would encourage Council to pursue alternate funding besides the open space fund and perhaps explore implementing it in phases, encourage Council to stay the course with the open space fund continue saving up for a major land purchase that will be a lasting legacy just like Fisher Meadows is, and if you really feel that these funds are burning a hole in your pocket then partner with the Land Trust as we have a target parcel in mind and could use the money; thank you very much. Chairman Zacchio asked the Town Manager to weigh in in terms of the questions around interpretations and Mr. Pena can help as he was on the Planning and Zoning Commission when it was developed. He noted that while Mr. Dubiel's interpretation seems reasonable the majority of the folks we have talked to believe the interpretation was that it is a use for any of those purposes. He assured that there is no money burning a hole in their pocket; it is a super important project and we have the mechanisms in place to pay for it. He noted that the one thing that pains us and going out and asking for donations to do certain projects is that if it is a core deliverable of the Town such as fields which are long overdue and for good reasons and good other priorities it is hard to ask for donations for some of that core project. He noted that Mr. Dubiel mentioned the Library, but that included \$1 million from the State and \$7.5 million we raised through bond for the structure and the process of building the structure; the \$1.5 million which was targeted to being \$1 million and Mark Nolan did a fantastic job of raising more was meant for the extras and the amenities that they would have liked to have in there that the Town did not feel was an appropriate use of bonded money to move forward with. He commented that we share the same passion for the open space and the same desire to buy open space parcels. He feels that it is a judicious use of that small portion as the POCD spells out and the Statute spells out that helped us develop it to be able to move forward a project that we really think is long overdue and if there are extra amenities like lights which is a great example at Sperry Park, didn't have lights in our day but it was great to go there when my kids were playing and he donated to it as many people did. We find that more of the amenity than the base project and the expansion of the fields to him feels like the Town needs to step up and do that and get it done but Mr. Dubiel's point is well taken.

Mr. Pena agreed with Chairman Zacchio. He was part of the Planning and Zoning Commission when the Fee In Lieu of Open Space Special Revenue Fund was developed. The main reason the Fund was developed was to prevent developers from giving unusable land to fulfill their green space obligation. The name of the Fund was to indicate to the developers the purpose of the Fund. It was Mr. Pena's understanding that monies received could not only be used to purchase land but also for purposes Chairman Zacchio stated.

Chairman Zacchio commented that there is a bit of a misinterpretation. He noted that it is not really an open space fund; it is In Lieu of Open Space Fund for us to be able to collect these dollars instead of little pieces of property we did not want that gives us ability to use it for open space as we all share the same passion about open space but for those other uses as well.

Mr. Speich commented that it is a valuable project to do this. He questioned how fast this fund grows. The Town Manager responded not very fast. Mr. Pena commented that when we first started the fund it was a few dollars but it eventually did; the more we have the more we can buy and open space is important but recreation is such a key part to the Town as well. He noted that he does not particularly like residents having to collect and raise money for that purpose either. Mr. Dubiel responded that one solution might be to dial up the Fisher Meadow Fund, keep your reserve for your irrigation emergency and dial down the Open Space amount. Chairman Zacchio responded that we have a lot of mechanisms we could pull but the recommendation being made thinks through the infrastructure and what we might have to put into it. He noted that our budgets have become so tight which is a good thing so as a taxpayer you want us to be very careful about the monies we are spending and the dollars we are asking for. He added that we are very inelastic the last three years to react to things in our operating budget and noted Laura Young sitting in the audience with the Board of Education knowing this well on that side as well that we do not want to get so tight that we hurting ourselves so an extra \$100,000 may not make a difference either way with that balance. He noted that if we get opportunities to buy some of these bigger tracks of land we have in our long-term planning models and our debt service models some capacity and knows it exists and are always thinking about saving it for those types of purchases. He added that we are a AAA bond rating community and our interest rates are really good and able to go to bond and usually sell them out at a much better rate than we anticipated but we do anticipate through that bond curve and have been very careful about borrowing because of that; in the POCD there are some tracks of land that we are interested in and if and when they become available we are not going to get a great deal because we are going to be competing with builders who putt into their profit ratios and raise the price to make it a little less palatable for us but still get to where they want to be; we have ongoing conversations with those land owners and building rights are part of those conversations as well. He does not know that we have other capacity to pull from; we can talk about capital but as you will see on Saturday at our budget work session taking away from the Fire Department or Police Department or truck that plows our roads or roof top units that heat and cool the school systems is probably a risk we do not want to take when we have this other mechanism to pull from. He noted that he would feel totally different if the recommendation was to pull 100% or 50% of it and he would not entertain the idea of using this to build a turf field or seed for other opportunities but this one happens to be in front of us and has Public Works involvement that can get the price down and is a good time for us to do it in terms of the folks who have been in front of that who are pinning for this, especially flag football and lacrosse who are in so desire need of fields.

Mr. Stokesbury commented that the Fisher Meadows Special Revenue Fund would also include revenues from youth soccer, in particular, from the fees that programs pays so there is that source of revenue coming in as well. He added these new fields, both individually and collectively, are meant to be flexible and run to the core requirement of our Recreations and Park Department to have an adequate number of fields to meet the needs of our use and we have not really been doing that. He noted that if you look at the projections as provided by the Director of Recreation and Parks was well done and demonstrated need for fields.

Mr. Pena commented that \$217,000 is a lot of money and understands the importance of open space to the Town residents. Mr. Pena stated he is not concerned utilizing the funds to support the Fisher Meadows Field Expansion Project. Mr. Stokesbury commented that we do routinely entertain those discussions.

Mrs. Maguire concurred that these are fields that are long overdue and she agrees with the money coming out of this fund specifically because it will have such a great benefit to so many people; it will enhance Fisher Meadows. She noted that money is there for the community to benefit and thinks they will and a great use of those funds. She understands Mr. Dubiel's points but the overall benefit to the kids and families of the Town will be huge. Mr. Pena commented that a few years ago when Chris Murphy was Senator we walked that whole area at Fisher Meadows and the availability of these new fields being developed further back will allow people to see so much more; it is beautiful with open space and the river.

Chairman Zacchio commented that the POCD is well written and noted that we cannot use it for buying it for operating expenses so from that read it really is used for something that is a bigger picture value to the Town in terms of recreation or open space; it does not preclude us from purchasing or considering the purchase of any open space that comes before us in the near term; the downside is that if an opportunity comes before us and we have an opportunity to match funds with a grant should one be available but the state of the State is such that he is not sure those grants would be available in the short term that we would not have an opportunity for at least this \$200,000 to match that but it is a risk worth taking to get this project moving now versus not having any properties on the quick horizon and the state of the State does not give us a huge boost in terms of a revenue grant. Council thanked Mr. Dubiel for his comments.

Chairman Zacchio commented that if this item is approved and the \$250,000 item sticks in capital we would be able to break ground in the spring with Public Works.

Laura Young, 57 Hitchcock Lane, commented that she, Mr. Stokesbury, and Mr. Dubiel used to volunteer together on the Land Trust Board and she was secretary for almost five years. She noted that there is property in Town at Alsop Meadows named after her family; open space for her is a very critical issue for the residents, for the viability of our Town and feel that we are making one priority over another priority by taking money out of this fund and suggesting that in some way recreational space is more important than open space. She is concerned greatly that we are taking nearly a quarter of a million out of this fund that will no longer be available should the opportunity arise which can happen suddenly without expectation. She respects all of you so much and as a volunteer on a board she knows how hard it is to figure out how to prioritize all of these competing needs but if we do not make open space a priority here what is going to happen when that opportunity rises and it will and it will happen most likely suddenly when none of us

are expecting and the money won't be there anymore, then what. Chairman Zacchio responded that we don't have any open space acquisitions on the near horizon and even if one were to come we remain with more than \$400,000 of capacity in that account and like any other open space prior to when this account was developed we can pull that lever with the Board of Finance in terms of supplemental appropriation from Undesignated Fund Balance or Assigned Fund Balance to supplement that upfront purchase because any of these big pieces of land are primarily going to take us to referendum and then you pay those back through your referendum and you bond for those upfront costs. He does not think that we are putting one priority in front of the other but looking at those on an equal basis; the prioritization is a game of give and take and it would be a much different story if we had a piece of land in front of us today that we knew we needed that money for and had no other ability to raise funds to do that capacity. He noted that if we needed another \$218,000 and that was the deal between making and breaking a piece of open space that comes before us a month from now we have other mechanisms we can pull that from in Undesignated Fund Balance knowing that we would probably go to bond and replace it anyway. Ms. Young questioned but would we. Chairman Zacchio responded for this Council any open space that comes before us is considered deeply and have considered some as recently as eight or ten months ago that was not of value to us at the price point that we could use that was a matter of discussions in executive session for negotiation. He noted that this Council has focused on open space, kept conversations going with these large tracks of land because we know it is so important and will not hesitate to move forward and be aggressive on a piece of land that is important to us. Mr. Pena commented that it is important; open space has always been important to the Town. Council agreed. Ms. Young questioned that Council will look at other options in ways of creating an opportunity. Council responded yes. Mr. Stokesbury commented that we also have the benefit of using our credit rating to do short-term borrowing within guidelines and we could raise that money very quickly and very cheaply in any economy based on our bond rating through bond anticipation notes to borrow money for a short-term to get it done and have demonstrated in the past our ability if we are focused on the need for a particular item we find a way to get it done and try to cut through the bureaucratic process to make the point made. Chairman Zacchio commented that the Fee In Lieu of was purposeful for the builder and when it says Open Space it becomes this open space fund and it is not really what it is; it is one of things that it can be used for but it could be used for these other processes too. He added that it was great to develop it otherwise we would have all of these little pieces of land all over the place we cannot use and that nobody could do anything with. Council appreciated the feedback.

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$217,836 from Open Space Fees Fund, Other Financing Sources, Unassig Fund Bal Open Space, Account #06-0390-43913, and transfer from Open Space Fees Fund, Other Financing Uses, Interfund Transfers-Out, Account #06-8700-58000; and an appropriation not to exceed \$217,836 from Fisher Meadow Maintenance Fund, Other Financing Sources, Undesig. Fisher Md Fund Balance, Account #12-0390-43913, and transfer from Fisher Meadow Maintenance Fund, Other Financing Uses, Interfund Transfers-Out, Account #12-8700-58000, to Capital Projects Fund (Facil & Equip), Town CIP-Facilities, Fisher Meadows Field Expansion, Account #02-4829-53407 and Capital Projects Fund (Facilities & Equipment), Other Financing Sources, Interfund Operating Transfers-In Account #02-0390-43918 in the total amount of \$435,672, for the purpose of funding the Fisher Meadows Field Expansion Project.

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

16/17-46 Appointment of Assistant Town Attorney Pursuant to Chapter 6 (c) (ii) of the Town Charter

Chairman Zacchio reported that we had made a decision to use a separate Town Attorney to represent us in the water company acquisition as our current Town Attorney has a conflict as representing that client in another field. The Town Manager reported that we went through an RFP process, had a committee conduct interviews, consisting of the Town Planner, Town Engineer, and Assistant to the Town Manager, and he sat in on the interviews as well. He noted that the recommendation is to go with Day Pitney; we have an existing relationship with them as they are our Bond Counsel, well versed in this area as well, and to appoint them as Assistant Town Attorney specifically to handle this issue. He added that we were running into a time constraint so he did authorize Day Pitney to file for party status with PURA in the matter and that status was granted so we are now a party to it. Mr. Stokesbury clarified that the Town does not have a conflict; the conflict is that of our Attorney, Murtha Cullina, due to the fact that represent a lot of clients and they were very upfront about it, handled it in the correct professional manner, called it to our attention, the Town Manager recognized the significance of that conflict and brought it to our attention and he thanked the Town Manager and Al Smith for handling it that way. He noted that the RFP process went well, it may be underwhelming in the number of responses but certainly Day Pitney has a relationship with the Town and he looks forward to them assisting us in this project and have no reason for us not to follow the recommendation.

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

RESOLVED: That the Town Council appoint Day Pitney as an Assistant Town Attorney pursuant to Chapter 6 (c)(ii) of the Town Charter for the Avon Water Company matter.

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

16/17-47 Appointment: Board of Assessment Appeals (R – 12/31/2019)

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

RESOLVED: That the Town Council table agenda item 16/17-47 Appointment: Board of Assessment Appeals (R – 12/31/2019) to the March 2, 2017 meeting.

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

IX. TOWN MANAGER'S REPORT/MISCELLANEOUS

Misc. A: Purchasing Update: The Town Manager reported that we opened bids for sewer projects last week and are in the process of reviewing the bid results; we have a CRCOG bid out for fuel/oil/diesel due on February 7th; and Engine 7 was delivered to Company #1.

Misc. B: Construction Update: The Town Manager reported that we are continuing to wrap up Phase IV of the STEAP project with punch list items to be completed; Police Department improvements will begin in the spring and focus on Building #3 and the new storage building and will have a recommendation for a capital appropriation in FY 18 for \$250,000 to do the scope of work we have discussed for Building #4; we have work underway for various Fire

Company improvements, particularly Company #4. He added that with the Fisher Meadows field expansion project the next step is for the requested appropriations to go before the Board of Finance and assuming approved we are ready to go with his and work will start mid to late March and the goal is to have two of these fields online for the fall playing season. Chairman Zacchio commented that the plan is still to have two sod fields and the rest seed. The Town Manager responded yes.

Misc. C: Radio System/Communications Project: The Town Manager reported that we have funding in the current year budget to complete an analysis of the existing public safety radio system and for the consultant to make recommendations for improvement and/or replacement. He noted that Chief Rinaldo put together a committee to work with him and the consultant and they have some recommendations. He would like Council to hear the recommendations in March; there are some potentially big numbers involved and another item he will talk about with the updated debt service projections at the budget workshop. Mr. Stokesbury commented that as we look at all of these projects and our spend of money we need to continue to look at regional cooperation and how we may do our job more efficiently. He knows that from time to time we have looked at this issue of the radio system; we have heard in the past about consolidating dispatch and that has not gone well but he would like to keep that active in the back of the conversation to make sure that if the State is not in some way helping to support a more regional program here that we at least are planning ahead to be consistent so that systems can be integrated in the future. He noted that we are talking about public safety statewide and how it fits into the statewide system. The Town Manager responded that interoperability is an important aspect of this and the Chief has talked to the surrounding communities and some are looking at radio systems now and especially since they are in very close proximity we would be communicating with them a lot so we are thinking about this with an eye towards interoperability and not building a silo. Mr. Stokesbury commented that he does not want to put up a tower next door to where Canton might be putting one.

Misc. D: Avon High School Synthetic Turf Field(s): The Town Manager reported that he sent a letter to the legislators with a response from them and they are working on it.

Misc. E: Avon Village Center: The Town Manager reported that when we were last updating the charge for the Avon Clean Energy Commission there was a lot of discussion on the role that the Commission may play with this development. He noted that the Plan of Conservation and Development (POCD) as we updated it included a lot of input from the Commission, concepts of sustainability that have been introduced and there was discussion regarding a micro grid for that property. He noted that a meeting was held last week with a few Commission members, Town staff, and representatives from Eversource. He will report back with more detail and a path forward to determine the feasibility of a micro grid for that property that will serve both the Avon Village Center and Town Offices. Mr. Speich questioned what a micro grid is. The Town Manager responded that the key with a micro grid is that you have to have generation source on site, a fuel cell for instance, and has to have the ability to island and close itself off from the rest of the grid just it is only serving the facilities that are connected to that energy source. Mr. Speich questioned what happens when that energy source goes down. The Town Manager responded that because it is generating on site you hope that you do not have the grid down at the same time or you have completely defeated the purpose. He noted that virtual net metering can be done from the energy source.

Mr. Stokesbury questioned where Avon Village Center is with starting to haul earth material. The Town Manager responded nothing definitive on that right now; they are moving it around on the site but not off the site. Mr. Stokesbury commented that when that process starts it will have an impact on the community and would like as much awareness as possible. The Town Manager responded that if the hauling starts up in earnest which is approved through their excavation permit we will get the appropriate notices out. He noted that Town staff is meeting with their team consistently and they are working to develop their detailed site plans to go back before the Planning and Zoning Commission. Mr. Speich commented that he does not feel confident that they are making all of their milestones that we would think they are going to make for this project. The Town Manager responded that they have work to do. Mr. Speich questioned if there is some time that we can request a status of it. The Town Manager responded that he can have the Town Planner come in and provide an overview of where it stands. Chairman Zacchio commented that they do not have detailed plans in front of the Planning and Zoning Commission yet to begin that process but as far as the earth removal it has been delayed as we thought it was going to start in September. The Town Manager commented that by now we were hoping that we would have seen the detailed site plans go before the Planning and Zoning Commission. Mr. Pena questioned if the micro grid process will put any burden on the Avon Clean Energy Commission. The Town Manager responded that the Commission is very enthusiastic and want to get into it.

X. EXECUTIVE SESSION: Pending Claim/Litigation
Real Estate

On a motion made by Mr. Pena, seconded by Mrs. Maguire, it was voted:
RESOLVED: That the Town Council go into Executive Session at 8:40 p.m.
Mrs. Maguire, Messrs: Pena, Zacchio, Stokesbury, and Speich voted in favor.

The Town Manager, Assistant to the Town Manager, Town Clerk, and Town Attorney attended the session. The Town Attorney left the meeting at 8:55 p.m.

XII. ADJOURN

On a motion made by Mr. Pena, seconded by Mrs. Maguire, it was voted:
RESOLVED: That the Town Council adjourn the meeting at 9:05 p.m.
Mrs. Maguire, Messrs: Stokesbury, Zacchio, Pena, and Speich voted in favor.

Attest:

Ann L. Dearstyne, Town Clerk