

**AVON TOWN COUNCIL
MEETING MINUTES
April 5, 2018**

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 Chairperson Maguire. Members present: Mrs. Maguire, Messrs: Bernetich, Stokesbury, Pena, and Speich.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Maguire.

III. PUBLIC HEARING:

17/18-34 Continuation of public hearing on 828 West Avon Road (Avon) acquisition and lease to third parties of a portion thereof for agriculture and farming, and 8310 Gillette Way (Farmington) utility easement acquisition

Chairperson Maguire explained that this was a continuation of a Public Hearing from last month's Council meeting. Below is the 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, March 1, 2018 at 7:30 p.m. at the Town Hall, Selectman's Chamber, 60 West Main Street, to consider and permit all interested persons to speak on the following matters:

(a) The proposed acquisition by the Town of an approximately 39.3 acre parcel of land known as 828 West Avon Road in the Town of Avon, now or formerly owned by William J. Severni, and all improvements and appurtenances thereto, (b) the acquisition by the Town of a utility easement over certain property known as 8310 Gillette Way, in the Town of Farmington, Connecticut, now or formerly owned by William J. Severni, abutting said 828 West Avon Road property, and (c) the lease by the Town to Lenore L. Severni and William J. Severni of an approximately 22.38 acre portion of said 828 West Avon Road property to be acquired by the Town, to be used by and occupied by the lessees solely for the purposes of agriculture and farming.

A copy of the proposed purchased and sale agreement and the proposed lease agreement have been drafted by the Town Attorney and 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 2nd day of February, 2018.

Brandon L. Robertson, Town Manager"

Chairperson Maguire asked for any comments from the Council; there were none. She asked for comments or questions from the audience.

Adam Lazinsk, 88 Deepwood Drive, commented that he thought the purchase was a great idea and happy to see the Town move to purchase this property.

Barbara Mitchell, 72 Oakengates, asked if there were any plans for building on this property. Chairperson Maguire responded that at least for the next eighteen years there would be no development and there are no plans at this time to build on the property.

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

RESOLVED: That the Town Council close the public hearing.

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

IV. MINUTES OF PRECEDING MEETING: March 1, 2018

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

RESOLVED: That the Town Council accept the minutes of the March 1, 2018 Meeting as presented.

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

V. COMMUNICATION FROM AUDIENCE

Laura Young, Hitchcock Lane, read a statement (which is attached and made part of these minutes) in regards to the School Resource Officer at Avon Schools.

VI. COMMUNICATION FROM COUNCIL

Mr. Speich inquired about Dial-A-Ride and where tickets get purchased. The Town Clerk responded that they are sold from her office. Mr. Speich asked if Avon has thought about making the rides free. He also asked if road closures could be put on the Town web site so residents can know in advance. He also spoke about a split in the sidewalk at Company #1 and that it should be repaired. He inquired about the collection of the AMR data too.

Mr. Stokesbury commented on the Town of Glastonbury and their budget regarding school buses; they own buses and the impact on capital. He also commented on New Haven having a financial review to avoid a deficit in their budget.

Mr. Pena commented on the budget process that we just finished with the Board of Finance and the Board of Education; every year we go through this and he thinks it gets better with the procedure. He noted that it is important because we all know that we start our budget process early on and same for the Board of Education; it is a long process, he thanked the Town Manager and his staff as they are involved in the budget process and do a lot of work to get there and thanked the Board of Finance for their hard work and also the Board of Education; it is a process of all of us getting together and making that happen. He thanked all. He added that we now we need to make sure that everybody goes out to vote and is important as the last part of the budget process.

Chairperson Maguire echoed Mr. Pena's sentiments; it was a good and thoughtful process, a lot of time and energy on behalf of the Town Manager, Assistant to the Town Manager, Director of

Finance, Board of Education team, and Board of Finance; last night was some great conversation and a lot of things to think about as we look down the road, go through our revaluation and how that is going to impact us and how to prepare ourselves for the next budget cycle; we are going to vote on this next month but the Town Manager and his team start planning for the next year shortly thereafter. She added that it went very smoothly with great comments from audience on Monday night and conversations between the Boards last night.

VII. OLD BUSINESS

13/14-48 Synthetic Turf Field Project: Avon High School

Chairperson Maguire reported that tonight we will update on what has gone on in the last month and what we can look to for the next month. She noted that letters were sent out to the legislators, Senator Witkos, Representatives LeGeyt and Slap, Secretary Barnes, and Governor Malloy, asking them to support us in our pursuit for a turf field; we did not get any responses. She noted that she and the Town Manager had the opportunity to meet with Secretary Barnes at OPM last week, who basically holds the purse strings and he made it very clear that Avon would not be getting any money for the turf field; there was no compromise at all. Chairperson Maguire noted that the Town Manager did an outstanding job speaking to show us a little something but there was nothing there, it was a brief meeting, and rather discouraging. She added that now we have to look towards a plan b; we have talked to our Financial Advisor to get our overall tax impact of two different scenarios: 1) roughly a \$5 million project and 2) \$2.5 million project and those numbers should be ready in May and we are also talking to BSC Group about reducing the scope of the project and bringing it in at around \$2 million which would require a lot of cutting and could potentially take this to a Town meeting. She noted that these are conversations that are going to develop over the next few months; the Council needs to talk about it as we see the numbers come in; we have to have a joint meeting with the Board of Education and see what their vision is and what they want as it really is their project and now we are in a position that the only real source of funding is us, the Town. She added that we don't have any private donations at this stage of the game but perhaps that will come along.

Mr. Stokesbury commented that on Monday night Len Tolisano stepped up to the podium and talked at length about the condition of the West Avon Road sidewalk, essentially from Scoville to Country Club, and he thinks the Town staff has a plan to deal with it in the short term. He questions whether any capital work associated with a true improvement to that structure could be made part of the turf field project, something for us to consider as an expansion of that project, while it is also serving the recreational needs of our residents, it may appeal to a slightly different group of individuals and may help the project move forward.

Mr. Speich commented that he would like to see something occur there and is anxious to see the numbers for the full and cut in half project and what those look like for an impact and get from the Board of Education what they would like and if that would suit the needs; we have some time to work on it. Chairperson Maguire commented that if we get numbers in May, have a chance to review it; the Town Manager also sent a letter to the Superintendent of Schools to get some information and feedback from the Board of Education; maybe we can look towards to a meeting in late May/early June as a tri-board meeting perhaps.

Maria Mascoli, 9 Tall Wood Hollow, thanked Council for the follow-up and for meeting with OPM. She commented that when it was mentioned that the Town Council will go to the Board of Education to see what they want, she thought it had already been established what the Board of Education wants and it was her impression was that this project was in the Town Council's hands, not in the Board of Education's hands and she asked for clarification. Chairperson Maguire responded that there was talk of a turf field years ago and they didn't think they could do it at the High School so they looked at the MH Rhodes property; that is where the Town began the involvement in it but it is a field of the High School so it would fall under what the Board of Education is going to ultimately want there and why we had the tri-board meeting a year ago to discuss it; they were onboard and we had the three-legged stool with three partners involved. She noted that if this project gets changed in any way, shape, or form we have to talk to the Board of Education; we are helping them out but it would be a Board of Education project. Mr. Stokesbury commented that it is also a courtesy as not only has the Town Council changed but the Board of Education has gone through a lot of change and enough time has gone by, enough issues have come up, we have heard member of the public, members of the Board of Education continue to raise concerns over safety issues with some aspects of it; we just want to hear it out again, if the Board of Education said they didn't want to do it we would consider that strongly. Ms. Mascoli commented that this need to get together with the Board of Education to collaborate, get an update, was mentioned a couple of months ago here and wondered if we could expedite that while the finance part is in limbo could the Town Council and Board of Education meet sooner rather than later to have those conversations and revisit how everybody feels about this project. Chairperson Maguire responded that we are going to take a look at the numbers in May and then we will let the Board of Education know that we would like to have some form of a meeting in the not too distant future. Mr. Stokesbury noted that the Board of Education can, and hopefully will have it on its April agenda to talk among themselves. Ms. Mascoli commented that if this does need to be reduced those who make the decisions would need to go back and revisit what the purpose of the project was in the beginning, to turf the two fields for reasons a thru z is a reduction in the project even meet the needs anymore. Chairperson Maguire responded that these are conversations that would have to happen. Ms. Mascoli questioned that if the turf does not seem to be doable in the near future, would it be possible for a portion of money to be allocated by the Town to improve the existing field hockey field, not speaking for the other sports, so that is up to par with the rest of the State or would that proposal be directed to the Board of Education. Chairperson Maguire responded that it would go through the Board of Education and would come to the Council. Mr. Stokesbury commented that the Town Manager would build a combined capital budget and present it. Ms. Mascoli asked if it was too late to do that for this budget season. The Town Manager responded yes. Mr. Stokesbury noted that depending upon the cost of what you are talking about yes, but if it is maintenance it is within the Board of Education's operating budget to maintain their fields. Ms. Mascoli responded that she is talking above and beyond what is currently done. Chairperson Maguire responded that it would start there and that would be something that maybe bringing in your Athletic Director to express the needs to the Board of Education; she recognized Laura Young, Board of Education member, in the audience and we can certainly follow up with the Superintendent of Schools on our end but that would be, raising those concerns to them and it would probably channel its way back here ultimately but it is not our decision to make. Mr. Stokesbury added to Ms. Mascoli's comment that we have heard people last month talk about the condition of the football field, he knows from firsthand experience that the track itself is deteriorating; there are a lot of issues over there that have perhaps been postponed while we look at that and that is part of our concern to

try and keep it moving and gives Chairperson Maguire a lot of credit for doing so; we have to get something that will pass and that is the fear. Mr. Pena commented that it has been frustrating because this goes back some time but at the same time changes have occurred from the beginning when we went from one field to another, one location over to the High School, there were three players in the whole process and now the State is out of it completely; some of the parents that had been very active at that time and wanted to give funding are no longer there. He noted that we are looking at the numbers hopefully in May and will know how or if we can move it forward; we are headed in the right direction. Chairperson Maguire commented that we are going to keep it on the agenda. Ms. Mascoli commented that her biggest concern is that now that we know where we are with the State, moving forward she hopes that these types of conversations can continue to happen frequently so that for instance if there was a decision on how we fund a reduced project then if this is what everyone wants to do we won't have any more road blocks. She noted that there are still conversations that need to be had about the turf material and doesn't know if the two Boards and whoever else needs to support this is 100% on the same page whether or not we need a turf field; she hopes that those types of sub-level conversations continue to occur while the financial side is looked at. She thanked Council for keeping it on the agenda and doing all that you are doing. Chairperson Maguire commented that you are a big part of this too; a citizen that can go out and say we need a turf field and this is why; she would be creating a community awareness; there has been hesitation as far as overall fundraising but there are companies in Town that might be interested in sponsorship. Ms. Mascoli agreed, but thinks we need to know where we are; is the project going to actually happen; we had commitments in the past. Chairperson Maguire responded that creating that excitement and getting people to support. Ms. Mascoli responded that she doesn't think there will be any hesitation to rejuvenate their excitement; the need is definitely there.

Mary Deppe, 35 Westland Road, thanked Council for keeping this agenda; it is a very important thing and a priority, especially prime spring season time and thanked Ms. Mascoli for everything she said. She added that this time is of the essence, this has been going on and on, and thinks there are ways it can be expedited; since you have mentioned considering taking parts of it perhaps not needing therefore to go to referendum perhaps one field could be turfed for the fall which is actually very doable that we could have one of the field turfed and maybe the most economical one would be the north field, the field hockey field, which would be able to be played for field hockey and then in the spring all the lacrosse teams could use it for practices and allow them to be able to serve the spring season with all the other schools in the CIAC conference of the CCC that we are in. For example, the boys' high school lacrosse team could not practice today or tomorrow because they ran out of personal funds that they acquired through fundraising to get them to rent a turf field or to rent indoor space. She noted that it is impacting all of Avon youth lacrosse, kids from kindergarten to eighth grade; you have girls' lacrosse, boys' lacrosse, field hockey. She added that if you commit to saying that you are going to put a field and give us a date she guarantees that there will be all of these people coming forward with wanting to help; you are doing a disservice to the children and the people in our community; the infrastructure is coming apart, it is dangerous for the kids to play on there, and we are falling way behind all the other schools; yes, Avon has great academics but it is not going to be enough; and to just say that you're going to wait for the bond information to come in May but there are lot of things that can be done between now and then and it just keeps getting put forward and forward. She noted that back in the fall of 2016 the Town Council and Board of Education had a meeting at the Senior Center with kids there, student athletes speaking, and the Board of

Education agreed on it and went back and had a unanimous vote to support this project so you keep putting it back on the Board of Education and she thinks someone needs to step up or maybe the Council doesn't support it or have kids that are impacted by this, maybe you don't care, but it is very disappointing and sorry she is not quite the most political savvy Town person.

Mr. Bernetich commented that he has mentioned this before when this first came out years back and with the number of students that we have had graduate and have incredible success in their careers is there any possibility that we reach out to those people, fifty graduating classes since Avon High School opened, and he referenced Suffield, Connecticut where a single individual cut a check for \$4 or \$5 million and did the entire field up there, it is absolutely beautiful, lights, bleachers, turf and he funded the ongoing replacement of the field and he didn't know if there was a Facebook page that was trying to reach out to people if someone wants to put their name on the field. He questioned if that has been done. Laura Young, Board of Education member, responded that there is a Town policy against naming so maybe that is something that should be revisited. Chairperson Maguire commented that it would probably end up being a Planning and Zoning issue but we have had many projects here funded by businesses that have gotten a plaque or sponsor recognition but does not know about naming something. Ms. Mascoli commented that bringing it back to the taxpayers to fund a portion or all of this project; she cannot go out and ask and she is sure many will not go out and ask for that kind of support when we don't even know if this is really 100% supported by the tri-boards. Ms. Deppe commented that there is enthusiasm when speaking with everybody but we need to say, here is the project, here is the start and end time, and realistically in your own personal lives you are not going to invest in something unless you have all of the information and we are not getting all of the information, we are not going to go out and ask people for money when we have been coming to these meetings for ten years and we are still here.

Tom Mitchell, 72 Oakengates, commented that he is confused and asked what court is the ball in? Is it in your court or the Board of Education's at this point and time? Chairperson Maguire responded that is a good question; the Town has put together a shovel ready \$5 million project that would be at the Avon High School and would fall under the Board of Education's overall jurisdiction so they would need to support the project and the scope of the project; it kind of goes together. Mr. Stokesbury commented that it is a funding issue at this point with the State dropping out Council is concerned with potentially going to the public with a \$5 million referendum, many of us feel that request might be rejected by the public and might be doing a disservice to those in Town who want the project to go forward with that large request if we can value engineer the project, come up with some changes that would be more attractive and help get it passed because even when we were going out with a \$5 million proposal, it like the Library that you were clearly involved in, the Library was a \$9 million project with a \$1 million from the Friends which started out at \$500,000 but able to raise \$1 million and the State came through with a \$1 million library grant, but things have changed as we don't have anything coming from the State, we have citizen after citizen come to us and say they can't raise money until there is a project which is different than past experiences with the Library where Mark went forward with the fundraising before it went to referendum and we are challenged by some of those issues; if it is all going to be Town money and our initial estimate for Town money was \$2.5 million are we prepared as a Town to raise that limit of Town bond money from \$2.5 million to \$4 or \$5 million and fully fund it through taxpayer bonding; that is what we are struggling with; what is the scope of the project that the taxpayers of Avon will support. Mr. Mitchell clarified that the ball is in

your court. Mr. Stokesbury noted that we want to make sure that the Board of Education is with us; in prior meetings we have heard the Board of Education Chair raise some concerns, we have had individual members of the Board of Education raise other concerns and the Board has changed membership so he for one ask to make sure that they are still on board with us. Ms. Young commented that Mr. Bernetich had a great idea and Ms. Deppe talked also about another great idea; the naming rights possibility should be revisited and would like the Council to review the regulation which came up when we were fundraising for the Middle School tennis courts; maybe the naming rights issue could be resolved if everybody came up with a plan for revisiting that and then perhaps there could be some private fundraising done. She wondered if we couldn't look at a phase type of project which was brought up at last month's meeting; the issue would be where everything was plotted out at the High School; her recollection is that the Board of Education did unanimously come together and say they want it at the High School, they asked for a caveat that said we want the right to determine what the fill would be but it was unanimously supported by the Board of Education at the High School and because of the funding issue it has gotten kind of stuck and she hopes that we can come together and figure out how to move forward with this because it has been going on for too long; there is such great capacity for us to come together and do something; if it is being creative and coming up with changing policies around naming, figuring out how to do it in a phased way so we can come in under having to do with a referendum, whatever it is she has faith that we can all come together and do this; let's try and look at ways to come together and overcome the road blocks that we have had and get it done. Mr. Speich asked if Ms. Young as the Board of Education's representative if she is saying that the Board is in favor of the project. Ms. Young responded that at this time the Board does not know some of the things that we have talked about here publicly tonight; to her knowledge she has not seen any memos or e-mails that have said what you just talked about tonight so there needs to be a communication about what you just talked about, what happened last week, and we need to understand the ramifications of that and understand what you pointed out with respect to what borrowing capacity there is; as far as the three-legged stool issue she has not heard or been aware of anybody coming forth with any major donations but if something were parceled out and if it was a field hockey field we were talking about rather than the entire scope of the project you might start finding that there are people willing to give smaller amounts. Mr. Speich commented that we have to wait for May to see what it looks like. Ms. Young responded that the Board of Education is not really in charge; her understanding was that it was a community project at a school and maybe this conversation needs to be carried forward and understood better between all. Chairperson Maguire wrapped up the discussion; a lot of good ideas have come through and we will get with the Superintendent of Schools and try and get something set up with the two boards to go over numbers and look at what the Board of Education wants. Ms. Young commented that it is really what the community wants. Ms. Deppe asked when that meeting will happen. Chairperson Maguire responded that we will have to get back to you with a date.

17/18-24 FY 18/19 Budget Development

Chairperson Maguire reiterated that we had good progress over the last week and coming up will be the Town Meeting on May 7th at 7:00 p.m. at the Senior Center followed by the Budget Referendum on May 16th at the Senior Center, hours of operation from 6:00 a.m. to 8:00 p.m. and we hope that people will come out to vote.

17/18-34 Approve Resolution: 828 West Avon Road Acquisitions/Buffer Zone Leaseback

The Town Manager reported that before approving the resolution will be the timing for the Special Town Meeting; there are two different critical paths, one gets to a Special Town Meeting on April 30th and the other is June 4th; April 30th is tight so his recommendation in June 4th. Council gave consensus for June 4th.

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

RESOLVED, that the Town Council recommends that the Town of Avon: (a) appropriate \$1,600,000 for the payment in part of the costs of acquisition by the Town of: (i) an approximately 38 acre parcel of land known as 828 West Avon Road in the Town of Avon, now or formerly owned by William J. Severni, and all improvements and appurtenances thereto, and (ii) a utility easement over certain property known as 8310 Gillette Way, in the Town of Farmington, Connecticut, now or formerly owned by William J. Severni, abutting said 828 West Avon Road property, including legal and other consultant fees, and other expenses related to the project or its financing; and (b) issue bonds or notes and temporary notes in an amount not to exceed \$1,600,000 to finance the appropriation. The anticipated aggregate cost of the acquisitions is \$2,070,000, the \$470,000 balance of such cost not funded from this appropriation contemplated to be funded from an appropriation for the project to be included in the Town's fiscal year 2018-19 capital budget.

FURTHER RESOLVED, that, subject to the recommendation of the Board of Finance thereof, the foregoing proposal be considered by a Special Town Meeting to be held on Monday, June 4, 2018 at the Avon Senior Center, 635 West Avon Road in Avon, Connecticut, at 7:30 p.m.

FURTHER RESOLVED, that, if such 828 West Avon Road property is acquired by the Town, the Town Council hereby approves the lease of an approximately 22 acre portion of said property by the Town to Lenore L. Severni and William J. Severni to be used by and occupied by the lessees solely for purposes of agriculture and farming. The Town has agreed that it will continue the current use (farming/haying) of the portion of the 828 West Avon Road property not being leased to the Severnis for so long as the Severnis are leasing such approximately 22 acre portion of the property.

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

Chairperson Maguire noted that Planning and Zoning has already approved the 8-24, the Board of Finance will take action in April, and the next task will be to publish a legal notice for the Special Town Meeting on June 4th. Mr. Speich questioned what we have to publish before the Special Town Meeting. The Town Manager responded there is a legal notice that we have to publish. He noted that as we move through this we will put together an information piece along the lines of the summary that we included in the Council packet and what was presented at the public hearing the other night so that will be posted on the Town's web site and will make it generally available. He added that Council may want to consider holding a special presentation at the Library for instance where we put it out there and an opportunity for folks to come in and get a Q&A about the proposed acquisition. Mr. Speich responded that is a good idea; the more of those we can do the better. Council agreed.

17/18-42 Approve Resolution: Prohibiting Waste Associated with Natural Gas and Oil Extraction

Chairperson Maguire reported that we have been talking about fracking waste the last few months and there is a lot going on at the State level on this recently; the Environment Committee has put together State Bill 103 that addresses some of the fracking concerns and what this Committee and people are discovering is that it is not really something that a local ordinance will cover or the enforcement of it makes it very hard to monitor. She noted that Council will talk about adopting a resolution that lets the State representatives know we feel about it and gets the idea that we don't want fracking in our community and recognize that our citizens are concerned about it and let these decisions be handled by the State. The Town Manager commented that we have learned that it is a complex legislative and regulatory environment and we did have success with the testimony that he gave on behalf of CCM to the Environment Committee and the Committee was sympathetic to the comments and a lot of those comments have been incorporated into the draft bill that has reported out of the Committee; some of those changes include expanding the definition of fracking waste to include not only natural gas, but oil. He added that this is not an issue that should be regulated at the local level; we do not have the horsepower to do it and we can't impose penalties and sanctions that are effective and by State statute we are restricted and limited to assessing a \$250 fine per violation by law and if you get a bad actor that is meaningless; the State has more regulatory levers that they can pull; and from a common sense regulatory perspective you want this dealt with on a statewide basis, not 169 towns legislating this in a different way; so that practical issue, the legal issues about pre-emption, and as communities get into this ordinance, there are other actors that are getting engaged now, for instance, the CT Construction Industries Association, an interested party in the southern part of the state that has a web site up called "Banish the Ban" where they point out all of the problems with this ordinance and as recently as tonight he received an e-mail from somebody that said do you recognize that by wrapping oil into the ordinance communities through their paving vendors are finding that the paving vendor cannot attest that there is no fracking waste in this asphalt product so is the unintended consequence of that because a contractor cannot attest that there is no fracking waste that as part of the bidding process that is part of the ordinance the Town cannot find an asphalt vendor to buy material from to pave roads. He added that it has too many unintended consequences; there are communities that are having a lot of trouble now with the implementation; his advice is that the proposed resolution is adopted which clearly articulates the Council concern but the responsibility back where it belongs with the State of CT; working through DEEP and all of the resources that the State has that is the proper level to legislate this issue, not at the local level. He noted that the proposed resolution achieves that goal and his recommendation is Council adopt it and assuming it is adopted we will send it to the leadership of the Environment Committee and leadership of the General Assembly and then take whatever action they take; recognizing that if they take no action at all and DEEP does not promulgate regulations by July 1st the moratorium, flawed though it may be in some opinions, remains in place.

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

WHEREAS: It is a long term goal of the Town Council of the Town of Avon to "provide a safe, secure and pleasing environment where people can live, work, and play in harmony with their surroundings," and;

WHEREAS: The Town Council aims to protect public health and public safety, preserve public and private property, and conserve our supply of precious and finite natural resources on behalf of the current and future residents of Avon, and;

WHEREAS: It is the policy of the State of Connecticut to “conserve, improve and protect its natural resources and environment and to control air, land and water pollution in order to enhance the health, safety and welfare of the people of the state” (CGS 22a-1), and;

WHEREAS: It is the responsibility of the State to establish, legislate and regulate environmental policy so that Connecticut residents, regardless of the Town in which they live, are protected by uniform laws and regulations that are scientifically accurate, legal and enforceable, and;

WHEREAS: Residents of Avon have expressed concerns about the health, safety, and environmental risks posed by introducing the waste associated with natural gas and oil extraction activities, also known as “fracking,” into our community, and;

WHEREAS: The State of Connecticut General Assembly is considering the passage of Substitute Senate Bill 103 “An Act Concerning Hydraulic Fracturing Waste in Connecticut,” and;

WHEREAS: Substitute Senate Bill 103 permanently bans the acceptance, receipt, collection, storage, treatment, transfer, selling, acquisition, handling, processing and disposal of hydraulic fracturing waste, natural gas waste, or oil waste in Connecticut.

NOW THEREFORE BE IT RESOLVED, that the Town Council of the Town of Avon, strongly recommends that the Connecticut General Assembly consider Substitute Senate Bill 103 and take appropriate action during the 2018 legislative session.

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

Christine Winter, 191 Cold Spring Road, commented that what we were really hoping for is a request that the General Assembly, when they consider it which they will be because it is going to come before them, that they vote favorably for the bill; asking them to consider it, why bother; we are asking for a certain action on their part on behalf of the resident of the Avon; we want the State to take charge about this and then we have to specifically ask them to do it, not just to think about it. Chairperson Maguire responded that she thinks it makes our intentions very clear. The Town Manager commented that from his review of all of this this cuts to the core of the matter which is that we are not subject matter experts, we are not qualified to make an opinion so that is the reason we concluded the resolution we did because DEEP has the horsepower, the State has the scientific technical expertise internally to make sense of this, the Town doesn't. Chairperson Maguire concurred and we are expressing our concern and ask for their consideration; it gets our point across. Ms. Winter commented that there is another bill that has come out of the Committee which could impact the outcome of this bill and that is House Bill 5454 and that bill suggests that any regulation that has been passed to DEEP and is not acted upon within ninety days will automatically pass and that, speaking of unintended consequences, could have major consequences, so there is that to consider; this may not be done yet; even if we get the General Assembly to say yes the State will take responsibility for this; it is very important that we not in any way support turning this over to DEEP because it is brought with risk; there is the possibility of the suggestion of research into beneficial use for these materials coming into the State and that is a kind of a loophole and leaves things wide open for bringing things in that we are trying not to have come into our State. She mentioned at the last meeting that there was some background discussion about the possibility of importing contaminated sand that could be used to produce

concrete and that concrete could be used to construct barriers along Long Island Sound and that is a dangerous product because if that concrete breaks/cracks it will release radioactive and toxic materials into Long Island Sound which would be very detrimental to the fishing industry in our State and to the health of our beaches. Mr. Stokesbury commented that her point is well made which is it is a very complex matter and Council believes strongly that it is best addressed at the State level; you have some concerns about the way the State may handle it but we as a board have just made clear that we are asking our legislators to act appropriately to meet the concerns of our residents and members of our Board and protect our health and well-being and that is what we are asking them to do; if they are not doing a good job, don't re-elect them. Ms. Winter responded that she would feel happier if we could come right out and say we are asking you to support Senate Bill 103. Mr. Stokesbury responded that he is not sure we have been expert enough to study the whole bill. Ms. Winter responded that the people of the General Assembly know no more than you do, trust me. Chairperson Maguire appreciated Ms. Winter's comments.

17/18-46 Appointment: Committee on Aging (R-12/31/2019)

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

RESOLVED: That the Town Council appoint Jo Ann Clark as a regular member to the Committee on Aging to fill a vacancy with a term to expire on December 31, 2019.

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

17/18-47 Appointment: CRCOG Regional Planning Commission – Alternate (D – 12/31/2019)

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

RESOLVED: That the Town Council table agenda item 17/18-47 Appointment: CRCOG Regional Planning Commission – Alternate (D – 12/31/2019) to the May 3, 2018 meeting.

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

VIII. NEW BUSINESS

17/18-58 Contract Recommendation: Janitorial Services for Town-Owned Facilities

Chairperson Maguire reported that there were five vendors that submitted bids as of March 9th and the lowest responsible bidder was Horizon Facility Management & Supply of East Hartford with a total bid \$294,000 split out over three years. The Town Manager commented that this reinforces the point that we talked about in the public hearing presentation the other night and this is one of the ways that Avon is smart and we manage well whereas many communities have year-round custodial help that is employed; we go through a competitive bidding process and contract it out; we have been doing it for years to great success. He noted that we vetted it, done the background checks, reference checks, and this is the company that we are recommending. Mr. Stokesbury commented that when you look at the bid chart you see Quality Facility Solutions out of Brooklyn seems to be a lower bidder perhaps until you get into the windows where there is a dramatic difference. The Assistant to the Town Manager responded that they were our low bidder if you just went off price however when the Deputy Director of Public Works went to check their references we were unable to contact two of them and the third was not a good reference so we went to the next low bidder which was Horizon Facility Management

and determined that they were the lowest responsible bidder. Mr. Stokesbury commented that concerns that had been raised with past vendor was inability to engage employees of sufficient character so that they would be cleared to work in certain sensitive areas of Town-owned buildings, how have we handled that with this bid? The Assistant to the Town Manager responded that we have included in the bid specs that they must pass a State police background check before they are admitted to work in a police building so it would behoove the contractor to conduct his own background check to ensure that his employees will be able to meet those standards. She noted that as soon as this contract is executed we are going to ask that they begin the background process so by the time July 1 rolls around we have more than one employee for this contract ready right off the bat. Mr. Pena commented that he attended the Committee on Aging meeting the other day which is held twice a year and one of the things that came out of it is that when new people come to clean they don't really know what to do, that may just be an excuse but one of them requested that maybe there could be a list of things to be cleaned as at the Senior Center that is not being done; there is a little confusion about who cleans what. The Assistant to the Town Manager responded that she will talk to the Deputy Director of Public Works about that and make sure that when we do orient the new vendor that they are aware of what needs to be done and how their employees need to be trained in order to clean the facilities. Mr. Pena commented that he knows sometimes they use that as an excuse but at the same time, they may be doing more and that sets the limit then they are looking for that to be done again and they are not supposed to do that.

A member of the audience commented he is not sure this is the right time or place but it is a pet peeve of his and has to do with maintenance and he would love to get the windows in the Library cleaned; they have been filthy for so long. The Assistant to the Town Manager responded that we have also put the bid out for window cleaning, pending available funding we will work on it.

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

RESOLVED: That the Town Council award the contract to Horizon Facility Management & Supply of East Hartford, CT for a three-year period beginning in July 2018 and ending on June 30, 2021, in an amount not to exceed \$294,018 (Year 1 \$92,208.12; Year 2 \$95,060.16; Year 3 \$98,000.16) for janitorial services for Town-owned facilities.

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

17/18-59 Supplemental Appropriation: Two Police Vehicles (Fund 7), \$116,000

Chairperson Maguire reported that this request would come out of Fund 7 for \$116,000 and would replace two vehicles currently out of service. The Town Manager commented that if this is approved by the Town Council and the Board of Finance we will replace two vehicles and we have another one budgeted in the special revenue fund. He noted the fleet inventory also shared with Council in their packet; we are falling behind and with these three new vehicles it will help to catch up but his hope is, especially if we have more work on Avon Mountain or if there are fees that are charged that are associated with the Village Center Project will get revenue back into that special revenue fund so we can get a couple more vehicles to turn the fleet over. He noted that the vehicles that we are replacing, they are toast, we will get another six months out of them but they are not even vehicles that we can pass through to other departments, we will sell them off for scrap. Mr. Stokesbury questioned the comment about an administrative vehicle replacement and if it is a fourth vehicle. The Assistant to the Town Manager responded that two

would be purchased through this supplemental if it is approved and there is one more vehicle recommended in the FY 19 budget so that third vehicle that would potentially be ordered in July would be an administrative vehicle so either the Chief or one of the Lieutenants. Mr. Stokesbury commented that the last clause on the first page of the memo can be deleted and anticipate a cost for a third vehicle.

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$116,000 from Police Special Services Fund, Other Financing Sources, Unassigned Fund Balance Account #07-0390-43913 and transfer from Police Special Services Fund, Other Financing Uses, Interfund Transfer-Out Account #07-8700-58000 to Capital Projects Fund (Facil & Equip), Town-CIP Equipment, Vehicles Account #02-4844-53311 and Capital Projects Fund (Facil & Equip), Other Financing Sources, Interfund Operating Transfers In Account #02-0390-43918 in the amount of \$116,000, for the purpose of purchasing two new Interceptor vehicles and the in-vehicle set-up for both.

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

17/18-60 Approve Resolution: Explanatory Text for Annual Town Meeting,
May 7, 2018

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

RESOLVED: That the Town Clerk be, and she hereby is, authorized and directed to prepare and distribute an explanatory text with respect to the proposed budget for the Town for the fiscal year July 1, 2018 through June 30, 2019, as recommended to the Town by the Board of Finance, in accordance with the requirements of the Charter of the Town and Section 9-369b of the Connecticut General Statutes.

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

17/18-61 Set Poll Hours: 6:00 a.m. to 8:00 p.m. Town Meeting Referenda
May 16, 2018, June 6, 2018 (if necessary), June 20, 2018 (if necessary)

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

RESOLVED: That the Town Council approve the extension of the polling hours of the Town Meeting Referendum from 6:00 a.m. to 8:00 p.m. on May 16, 2018, June 6, 2018 (if necessary), and June 20, 2018 (if necessary).

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

17/18-62 Approval of Real Estate Tax Refund, \$3,438.62

Mr. Stokesbury reported that this refund request is the result of an adjusted tax bill.

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

RESOLVED: That the Town Council approve a real estate tax refund to James R. Marsh in the amount of \$3,438.62.

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

17/18-63 Appointment: Assistant Town Attorney (LeClairRyan)

The Town Manager reported that we recently received notice that Mike Harrington, the partner from Murtha Cullina that has been our labor and employment attorney since 1999 will be changing firms and going to LeClairRyan and for a lot of reasons we couldn't get a lot of notice about it; he left on Thursday or Friday and changed firms on Monday. He noted that this being Thursday his recommendation is that Council formally appoint Assistant Town Attorney LeClairRyan to remain in compliance with the Charter and Mike Harrington would continue to serve as our labor and employment attorney; this is particularly important because we are going to have that vacancy coming up in the Director of Human Resources position effective June 1st and he wants to have the continuity there as counsel knows the Town well. He added that the Town Attorney Al Smith has been very good to work with, as always, and we are looking at adjusting Murtha's monthly retainer amount to include an offset for labor and employment so that between what we pay Murtha and what we would be paying LeClairRyan we will end up even. Mr. Stokesbury questioned if we need to authorize the Town Manager to negotiate those contracts. The Town Manager responded no; if Council appoints LeClairRyan as Assistant Town Attorney that is implied and he could do that. Mr. Stokesbury commented that it is not unusual for attorneys to change firms at different stages in their career; he does not know much about LeClairRyan but it is a national, perhaps international firm, that has more recently come into the Connecticut market so we should not have concern over whether or not they have the horsepower to represent us; his guess is they recruited Mike and he is looking forward to having his expertise in that narrow subject.

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

RESOLVED: That the Town Council appoint LeClairRyan as Assistant Town Attorney.
Mrs. Maguire, Messrs: Bernetich, Speich, Stokesbury, and Pena voted in favor.

IX. TOWN MANAGER'S REPORT/MISCELLANEOUS

Misc. A: Purchasing Update: The Town Manager highlighted that we are moving ahead on a management recommendation that had been made by the auditors previously to complete a Fraud Risk Assessment; we went through an RFP bid process; there aren't many firms left doing public auditing so we did not have a great response, one was extraordinarily high, with another one the follow-up wasn't good so we are going ahead with Blum Shapiro to do this work; we talked about it at the last Board of Finance meeting and said it was something we need to execute on, the Board of Education will be part of this so it will be a useful exercise and a task that we can mark off the list. Mr. Stokesbury questioned what the scope is of the Fraud Risk Assessment. His real concern, we have heard any number of municipalities getting hacked lately, the most recent one that hasn't gotten much press is the city of Atlanta which was basically shut down and held for ransom and not sure how it has been resolved, is that fraud risk is a real risk for the Town and need to be using our IT professionals to protect us in that regard in addition to the whole, more mundane at this point which is just fraudulent financial transactions. The Town Manager responded that the scope is going to focus on more traditional processes and will look at points where cash exchanges hands and also looking to be make sure that we have redundancy in terms of business processes to make sure we don't have single member dependencies and have the adequate sign-offs on transactions; the cyber security is proceeding on a separate but equally important track and will be on our upcoming IT Committee meeting and talked a lot about

internally before given the fact that we know our neighboring community was a victim of fraud in the amount of about \$1 million. Mr. Stokesbury commented that it is what we know about. The Town Manager reported that he recently attended a presentation where Art House, cyber security guru for the State of Connecticut talked about the plan for what they are doing; you can get infected with ransomware that locks up your systems and get a ransom note that is \$50,000 or \$100,000 and our initial reaction would be that we are not going to pay money to terrorists but the fact is that if you have that and you cannot respond to public safety calls or cannot make a scheduled debt service payments because your systems are locked you will pay; we are very aware of that issue; with our insurance carrier and IT contractor we are addressing it. Mr. Stokesbury commented that with his law firm size they have central server data backed up nightly that he carries out daily that we can go to a completely separate backup server and put the law firm back online in probably a half a day; that may not be practical for a municipality but it goes to that level, you need the redundancy and if system A gets hacked you need that backup system ready to go and in his opinion cannot be tied to being up in a cloud, it has to be on the ground and ready to work; it is more money and more maintenance and what we need to do.

Misc. B: Construction Update: The Town Manager highlighted that with the Oak Bluff Pond Dry Hydrant he has been keeping Mr. Genco and Mr. Reich up-to-date on this, the adjacent property to the north that would have to give us a construction easement is being managed now by a trustee committee and the property is about to go on the market and the trustee committee is not inclined to sign off on the construction easement so we can access the property until it is sold; they are concerned that it will detract from the value as it is on the market, but his argument is that it should add to the value while it is on the market; we are working with the agent of the trustee to try and convince them to convince the committee otherwise but he is not hopeful and without having that easement signed we cannot get on the property; it remains a property and we want to get it done as much as anyone. Mr. Stokesbury commented that at this point communication is critical making sure that the neighborhood representatives are clearly aware of why it has stalled. Mr. Stokesbury questioned if we have talked about any work not going in from the north. The Town Manager responded that there isn't one; the work around we have now is to continue what we would do without it which is to pull up and draw; it is not the most economical way of approaching it but that is what we will have to do.

The Town Manager highlighted the Fisher Meadows Fields Expansion Project is underway; the equipment is onsite and we are rolling. Mr. Stokesbury questioned the schedule on the work for the existing field piping. The Assistant to the Town Manager responded that the labor is not out to bid yet; we have a lot of the parts that we purchased so once we get the labor going, maybe this summer; we are not tearing up existing fields to do that work, we can tunnel under and push the heads up through the grass.

The Town Manager highlighted that at the last Board of Finance meeting there was a lot of discussion about the repurposing of the funding from the Middle School Science Lab Project to security upgrades; they tabled the item pending the receipt of more detailed information; he has been talking with the Superintendent of Schools and at the next Board of Finance meeting we will be back with an itemized list of exactly what the funding is going for but in the meantime we are continuing to roll forward with the expectation that we will be able to do these projects this summer. Mr. Stokesbury asked if Council will get that same detail. The Town Manager responded yes.

Misc. C: School Resource Officer: The Town Manager reported that Ms. Young spoke to this item earlier in the evening.

Misc. D: Fisher Meadows Lease Agreement: The Town Manager reported that we are in negotiations now with Connecticut Water which Avon Water is a wholly-owned subsidiary of Connecticut Water and that triggers language in the lease agreement that we have with the water company; we have options there; the lump sum payment doesn't make any sense so right now we are renegotiating the demand and commodity charge and will come back before Council to get approval for at some point. Mr. Speich questioned if the Connecticut Water Company is up for sale. The Town Manager responded yes, it was purchased by another company based out in the pacific. Mr. Speich commented that all of our agreements with them are consistent no matter who buys them. The Town Manager responded yes; another company would just stand in their shoes and assume all of their responsibilities. Mr. Stokesbury clarified that the change in control provision that you are dealing with now applies. The Town Manager responded yes.

Mr. Stokesbury commented on the department monthly reports and under Engineering, the February report talks about the Riverdale pump station problems, Eversource new power line, controls are failing forcing emergency retrofits, it seems to be with emphasis and wants to know if it is being addressed without interfering with the system and asked for an update. The Town Manager responded we have had issues with it in the past. Mr. Stokesbury commented on the financial report – general fund revenues, the line item for Licenses, Fees, and Permits is only at 60% through the end of February as is Charges for Services which is trailing at 47%; are those significant weaknesses in our ability to close out the year favorably. The Town Manager responded no; while the percentage looks large, the dollar amount is relatively small and we will easily cover that with investment income over the year; it is not material; the building permits are always difficult to project.

Mr. Bernetich commented that at the budget public hearing we discussed having police officers do paperwork in front of the schools so he thought it was a funny joke that he was driving by the old schoolhouse at the end of West Avon Road and Brickyard and there was an officer sitting there; it was the spirit of it but wondered if there was any way to find out if that is actually happening. The Town Manager responded that he will report back.

X. EXECUTIVE SESSION: Pending Claim / Litigation
Collective Bargaining

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

RESOLVED: That the Town Council go into Executive Session at 9:08 p.m.
Mrs. Maguire, Messrs: Pena, Stokesbury, Speich, and Bernetich voted in favor.

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

XI. ADJOURN

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

RESOLVED: That the Town Council come out of Executive Session at 9:45 p.m.
Mrs. Maguire, Messrs: Pena, Stokesbury, Speich, and Bernetich voted in favor.

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

BE IT RESOLVED, the Avon Town Council hereby authorizes the Town Manager, Brandon Robertson, to execute a settlement agreement to resolve matters at the Avon Free Public Library concerning the geo-thermal HVAC system.

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

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

RESOLVED: That the Town Council adjourn the meeting at 9:48 p.m.

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

Attest:

Ann L. Dearstyne, Town Clerk

Town of Avon April 2018 Newsletter

Avon Police Department appoints Officer John O'Neill to Position of School Resource Officer for Avon Schools

Mark Rinaldo, Chief of the Avon Police Department, in collaboration with Brandon Robertson, Avon Town Manager and Dr. Bridget Heston Carnemolla, Avon Superintendent of Schools, announce the appointment of Officer John O'Neill as School Resource Officer for the Avon school system, effective March 15, 2018, to increase school safety and security and strengthen relationships between the Department and Avon students, their parents and school faculty.

SRO O'Neill has established an on-site office at Avon High School so students and faculty can contact him throughout the school day. In addition to his presence at the High School, SRO O'Neill will also routinely serve all other Avon schools, working with students, their parents and faculty to support the shared goal of a safe, secure learning environment for all students.

SRO O'Neill is a well-respected 10-year veteran of the Avon Police Department. In addition to his Patrol Officer duties, O'Neill has held special assignment positions at the Department including Field Training Officer, Drone Operator, SIMS Safety Instructor, certified POSTC Instructor, Bike Patrol Unit member and in-house Fleet Manager. He has served as an alternate member of the Administrative Review Board and has worked on the Department's Accreditation Committee. SRO O'Neill is a lifelong resident of Connecticut.

Establishing the School Resource Officer program reinforces the Avon Police Department philosophy of *Service to the Community* and its strong commitment to community policing.