

**AVON TOWN COUNCIL  
SPECIAL MEETING MINUTES  
July 10, 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:** None

**IV. MINUTES OF PRECEDING MEETING:** May 31, 2018 Special Meeting  
June 7, 2018

One correction to the May 31, 2018 Special Meeting minutes was made as follows:  
On page 2, 1<sup>st</sup> paragraph, 18<sup>th</sup> line, change "project" to "projects."

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

**RESOLVED:** That the Town Council accept the minutes of the May 31, 2018 Special Meeting as amended.

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

Two corrections to the June 7, 2018 Meeting minutes were made as follows:

On page 8, 1<sup>st</sup> paragraph, 30<sup>th</sup> line, change "Nagel" to "Neagle" and on page 9, last paragraph, end of last sentence should read "...to be spent on qualified educational expenses."

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

**RESOLVED:** That the Town Council accept the minutes of the June 7, 2018 Meeting as amended.

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

**V. COMMUNICATION FROM AUDIENCE:** None

**VI. COMMUNICATION FROM COUNCIL**

Mr. Speich expressed thanks for his new name tag and welcomed back the Town Clerk.

Mr. Stokesbury shared a reminder to the Town Manager, in the turf discussions Laura Young asked for a copy of the old infill matrix study that was passed out in 2016. The Town Manager responded that he gave to the Superintendent of Schools for distribution. Mr. Stokesbury thanked Coach Steve Harris of the American Legion Baseball Team for single handedly leading

a project to install a flagpole at Buckingham where there hadn't been one, got it done in thirty days with some help from staff; it is well placed and they use it for every home game.

Mr. Pena reported that he attended the Avon Police bike event; it was very nice, they plan to do it again next year and noted that the Town Manager also participated. The Town Manager noted that the idea came from Jason Reid as a fundraiser for cystic fibrosis. He extended congratulations to both Mr. Stokesbury and Chairperson Maguire for their graduate. Mr. Stokesbury commented that Avon High School Principal Dave Peling extended an opportunity to himself, Chairperson Maguire, and Margaret Bratton as elected officials to present diplomas to our children and appreciate his outreach to do that.

Chairperson Maguire commented on the Avon High School graduation which was very nice and an honor to give her daughter her diploma and then there was Project Graduation which went very smoothly and had great support from the custodial staff and cafeteria workers at Avon Middle School and Assistant Deputy Fire Marshal Tom Post was there all night as well as our SRO Officer O'Neill; it was a big success with thanks from the Town and the Board of Education for their assistance. Mr. Speich questioned the participation in this event. Chairperson Maguire responded that we had 281 graduates and ended up with 233 that attended; we make a valiant effort to call kids and parents and try to include everybody; it is from 10 p.m. to 3:30 a.m. Mr. Pena noted that some students are hesitant but after they go they are very glad not to have missed it. Chairperson noted that businesses, restaurants and families are so supportive for this event.

## **VII. OLD BUSINESS**

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

Chairperson Maguire commented that the reason we are here tonight is to keep the momentum going and move ahead with the turf field project. She noted that we received a much anticipated letter from the Board of Education regarding their support of the one turf field and a track. She added that we need to look at a few things that stood out in the letter, a timeline for how we move this into referendum, and how to proceed.

Chairperson Maguire noted that one of the things that keeps coming up is the infill; everybody wants this to happen but there is so much concern and you read and hear a lot of things; what we want to do is get the Council and the Board of Education on the same page; this is a partnership and we will have to be happy with what we produce and make sure we produce something that is safe. She noted that there has been a lot of discussion about the coated crumb rubber and that has been put through by the Farmington Valley Health District and BSC Group; we have a lot of support behind that. She asked what would be our next best option if we weren't to use that. She noted that as a Council we look at the safety and also the cost involved. The Town Manager responded that the project has a long history, primarily because of the funding situation and how we are pursuing with the State. He noted that when that sub-committee was recharged for the third time in 2016 their charge included a specific item to look at the current state of infill materials and make a recommendation to Town Council; he and the Assistant to the Town Manager were at a lot of those meetings and they spent a lot of time going through that effort particularly with respect to the infill because of how it was played up in the resolution that

appointed them; they prepared with BSC Group a matrix which he did send to the Superintendent of Schools and assumes she also shared with the Board of Education and that matrix goes through all the different alternatives as they existed in 2016; we should keep in mind the work effort it took to get to the point of the coated crumb rubber which was chosen because of the food grade acrylic coating that goes over the crumb rubber which has positive impacts on the off-gassing which is one of the primary concerns that people have and on the heat that is generated; coating the crumb rubber was one way to manage for the perceived risk; the other way of managing for that perceived risk from the perspective of the sub-committee was to go with that fail safe pad and if there was ever an issue with crumb rubber, coated or uncoated, you could vacuum it out and put another solution in, whether it was an organic solution or something else out there. He noted that is why the coated crumb rubber solution came to be to begin with and when you look at all of other fields that have gone in, we haven't done an exhaustive search statewide, but he is only aware of two other alternate materials that have been used – one is in Hamden with cork and coconut which as we talk with BSC Group about it as a number of other negative consequences and the other option is using the silica based material which is what they used in South Windsor and the issue is playability; part of the rationale for this surface is to standardize across playing surfaces with the schools and the standard infill material that is used is the coated crumb rubber and when you start introducing other types of infill it changes the way the ball plays and how the field feels. He shared that one thought is that we could go ahead and perhaps, recognizing that there may be more to discuss with respect to the infill material, it is evolving, we know what the science is at this point having heard most recently from our Executive Director from the Farmington Valley Health District; if the idea is to move this project along we are going to have eventually solve for that one way or another; we know that a non-coated crumb rubber solution is going to be more expensive; he can go back to BSC Group and ask what the next best option is that does not include any type of crumb rubber and bring that solution back for discussion at your next meeting because if the intent is to get the train on the tracks heading towards a referendum we are going to have to push that train out of the station starting this month. He added that we can build in a contingency into the budget that is ultimately sent to referendum that provides adequate funding regardless of whether or not coated crumb rubber is selected or not. He suggested adding \$250,000 to \$300,000 to the number that you have already been seeing and that is the number you would put to referendum. Mr. Stokesbury commented that the infill cost was about \$400,000. The Town Manager responded yes. Mr. Speich commented that cost will never hold a day. The Town Manager added that it will be the upcharge up front, ongoing maintenance and what that cost might look like and may require irrigation systems; if you are using organic infill material does it become a vector for spreading bacteria or with coconut are you attracting Canadian geese that do what they do on the field and create a biohazard; there are negative consequences to every one of these choices; when you get into organic solutions they don't have the same track record and not as broadly used so there is not the same type of experience we can look back on. He noted that a recent example for all of us is our geothermal system at the Library; another example where there wasn't much of a track record and the cost of ownership and maintenance and replacement are things that we are having to learn as we go through it. He noted that having gone through all of this discussion the sub-committee said all of these solutions have potential negative downsides, the best science that we know right now about the coated infill material is that it is not an issue and if we find at some point it becomes an issue the way that we manage that risk is to have that fail safe pad put in under it so we vacuum it out and put in whatever solution is deemed the best at the time whatever that is.

Mr. Speich commented that you don't want to make it so that if someone reads on the internet about something they will want to vacuum it out before its time. He asked if it was possible to look outside the State and it is not a reflection on the Farmington Valley Health District or BSC Group but are there any other experts we could go out to and get another opinion because everyone uses these fields throughout the United States. Chairperson Maguire commented they could be an impartial party. The Town Manager responded that if we want impartial then we don't want anybody involved that are in the trade organizations or groups like BSC Group, one option would be to get a Fuss and O'Neill type firm or Milone & MacBroom that have very deep science benches and especially when we were talking about the fracking situation Fuss and O'Neill provided some invaluable counsel to him understanding the science of it; we do a lot of work with Fuss and O'Neill, they helped us with the geothermal project and he likes that they attend to approach things from a first principles' perspective. He would have a conversation with them and the scope would be that we are considering this project and the sticky wicket is the infill material, do a literature review, look at the MSDS (Material Safety Data Sheets) if there are any, look at the chemical composition of the stuff, and tell us what you think in a summary; that is how the Health District approached it from a science public health perspective. He noted that we don't have any money for it but if it is under \$5,000 he is sure it something we can accommodate. Chairperson Maguire responded that she likes the idea and would be a good impartial party that can give us another perspective and confidence in what is the right path to take here. Mr. Pena agreed but asked how long it would take to get those results. The Town Manager responded that if the desire is to push forward he would have that conversation with BSC Group about grossing up the bottom line to accommodate some other contingency and roll forward with that as the expected budget number and if he talks to Fuss and O'Neill and give them six weeks to complete the assignment you would know before the number gets set in stone for referendum. Mr. Speich questioned if they would also consider the off flow of the water and things. The Town Manager responded yes; that question did come up and his understanding is that it does not sheet drain, there are drains in the field; he would phrase it so that it was an overall environmental impact. He noted that part of the reason we have the MS4 permits, etc. is because the water comes off the asphalt and picks up toxic junk. Chairperson Maguire asked if the Town Manager needed concurrence from Council. She noted that Fuss and O'Neill makes sense; they have worked with us before. The Town Manager responded that if this is the direction and you recognize that is generally the scope as he outlined it and may or may not be but if that is the work product you want then he has what he needs. Chairperson Maguire commented that it is another tool, we have to sell this to the community and make sure that everybody is comfortable with what is going into the ground and a third party that is not involved would be money well spent assuming it is not astronomical. Mr. Stokesbury commented it is going through the mass of reports and those on coated material; we need a qualified and independent advisor. The Town Manager commented there is a lot of "junk" science when you start googling this so somebody has to take time and wade through all of that. Chairperson Maguire responded that it is important. Mr. Stokesbury commented that the advisor can sift through the "junk" and know what journals are more respectable than others. Council was in agreement.

Chairperson Maguire addressed the letter from the Board of Education as far as them having veto power; this is a partnership where we all have to be in agreement one way or another as to what goes on; we all want it to be safe, we all want it to be playable and would hope that when we do this that both boards are in agreement; as far as a Building Committee we will want

representation from the Board of Education and talked about in 2016 as was concurrence in the 2016 letter. Mr. Stokesbury commented on the concept of veto and a concern in the change in the terminology from the 2016 letter to the 2018 letter. He added that the reservation in 2016 said to approve the artificial turf field proposal subject to later concurrence with turf fill in the presence of a Board of Education member on the Building Committee; the motion last month is contingent upon one, preferably two BOE members on the Building Committee and the Board of Education maintaining the right to approve the material. Mr. Indomenico, Board of Education member and liaison to the Town Council, responded that one of the concerns he has had coming to these meetings is we don't necessarily want to give you information you are going to rely upon to make this decision; if you have a true concern about the language the best practice is to make sure you get it sorted out between the Town Manager and the Superintendent. He noted that personally how he interprets the language is that approve or concurrence means the same thing; ultimately you folks here are going to a decision about the fill and whether it comes back to the Board of Education to concur with your decision or approve your decision, it means the same thing to him, that is how he reads it. Mr. Stokesbury commented that the way he has always considered it was that mutual concurrence really means that each of the boards can veto a selection of material but can't override the other board in making the final decision; from his personal perspective he expected that we will have a concurrence of the two boards voting independently and reach agreement on a material but does not believe that the Board of Education would have the right to make the final decision in spite of our position overruling we say A they say B so he thinks if we can't agree it's a deadlock and we work to get to a good product. Chairperson Maguire agreed; this is why we are going to bring in a third party; the answer should be pretty obvious, she is hoping, that we should be able to work together but understands that we want to make sure it is really concurrence. Mr. Speich commented that we are all dealing with the same data and would think commonly we should be able to work together like we worked together on other things. Chairperson Maguire commented that based on the history and the work already done by the Sub-committee and their matrix and what the best infill is they were able to be cohesive and from all different walks; we want to be unified in our decision as two separate boards; we are looking at the overall good of the community. The Town Manager commented that we will find out from BSC Group what the next best option is, say it is \$250,000-\$300,000 with this list of downsides that go with it and then compare that to what we get back from the third party and balancing those two the decision is going to be what is the value of the risk that we are trying to manage here; if the consultant comes back and says there is no evidence that there is any issue with the crumb rubber and going a step further and encapsulated it and if that profile changes you have gone with this fail safe pad mechanism that you can vacuum it out and put something else in so in essence there is really no valiant risk and is that worth \$300,000.

Chairperson Maguire addressed the timeline to put this to referendum in the fall. She noted the two scenarios provided to Council. The Town Manager thanked the Assistant to the Town Manager and Ann Clark, Registrar of Voter, for drafting the referendum scenarios; whenever you are going into primary season there are lockout periods on either side of the primary date where you can't initiate an item to go to referendum; there is a lockout period for an extended period of time afterwards because the voting machines may be audited; we even looked at the possibility of renting voting machines or trying to get them from another location but every other municipality is in the same boat. He noted that we looked at two options: get it to referendum for October 18<sup>th</sup> before all of these statutory delays become effective and the other one was to do

it as quickly as possible once the lockout period ends and that date would be December 12<sup>th</sup>. He added that October 18<sup>th</sup> would be extraordinarily compressed and at your next meeting you would have to refer both projects to the Planning and Zoning Commission for the 8-24 referral, have the project descriptions, the appropriation language ready to go and have not only the Council act on that and refer but it would have to go to the Board of Finance by July 30<sup>th</sup> for action; from there August 2<sup>nd</sup> we would have to have you approve the Town wide referendum mailer which is a very detailed pamphlet like we did for the Library that goes into the project purpose and needs statement which has to be approved by the lawyers, you have to do the tax impact analysis, a lot of work to try to push out. He noted that we quickly discounted that timeline and moved to December 12<sup>th</sup> which gives us much better cadence, the first time that the Council would formally act on moving the train down the tracks would be on September 6<sup>th</sup>; at our next meeting in July we could fine tune numbers and make sure Council is satisfied with the two projects and how they are packaged and that would include on the field project having the contingency number we talked about from BSC Group so we can gross up the project cost and then on the radio side to have a good conversation and budget review of that project and would plan to have Mike Manning from Federal Engineering and Chief Mark Rinaldo here to answer any questions and we have prepared a six page Q&A piece that is designed for the voter who doesn't have a technical background to say I'm being asked to approve a \$4 million for radios, why. He added that it is designed to answer everything from why can't we use cell phones to why can't we continue to repair what we have to why are we going to buy something when technology moves so fast, why don't we just do a rent-lease option. He noted that we could use the July meeting for that and get things finalized for action in September and that would give him time to talk with the Board of Finance at their August meeting, let them know it's coming and put us on the tracks for the December referendum date. Mr. Stokesbury questioned if that December date conflicts with any known events, holidays, etc. The Town Manager responded not that he knows of. The Assistant to the Town Manager added that it is the day Hanukkah ends; it is a Wednesday. Mr. Pena asked the Town Clerk if she remembers us doing a December referendum. The Town Clerk responded never; we have done February and October. The Town Manager commented that one of the benefits to trying to get this resolved by the close of the calendar year is that the radio side we are good with that, it is not weather dependent, but with the field project, his recommendation would be to get it done in December and then assuming it passes having a special meeting as soon as possible thereafter to get a Building Committee in place because the project has to go out to bid; we have modeled all of that so even if it is approved we have enough time to ensure completion to ensure time for completion of all of the documents, an appropriate bidding window so we can get in the ground in late spring of 2019 but would not want to push too far into 2019 because contractors start loading up their schedules, the bidding environment is more competitive and may not be as favorable. Mr. Speich questioned if there is a big enough supply base to handle that stuff because he is sure there are other towns that will have the same kind of schedule. Mr. Stokesbury commented that we are behind the curve; a lot of these fields are already installed. The Town Manager responded that there are no other towns that he knows of now and nothing else that has been approved by the Bond Commission for State funding where they have a project that is teed up and ready to go.

Chairperson Maguire commented that there is concurrence among the Council for a December 12<sup>th</sup> referendum. She asked the Town Manager if they will receive an actual timeline at their next meeting. The Town Manager responded yes, he will have the number from BSC Group, include a specific item to delve into the radios so everybody is comfortable with that and make

sure Tom Kline is here, the Q&A for the radios, and a critical path that will show you exactly how it is going to move through the process. Council was in agreement.

## **VIII. NEW BUSINESS**

### **18/19-01 Technology Lease/Purchase Approval**

Chairperson Maguire commented that we have done these before where we looking to add some laptops and chrome books, we lease them for four years and buy them for a \$1 at the end; the annual lease payment would be \$71,259.15 over a four-year term totaling \$289,036.60 for HP computers. Heather Michaud, Director of Fiscal Affairs, reported a typo in the memo and the total would actually be \$285,036.60. Mr. Speich questioned when you buy them, per dollar how long do they last. Ms. Michaud responded that depending on how and where they are used we have a group of chrome books that is going on seven years; chrome books are programmed to have an end of life forcing to purchase new technology with newer operating systems. She added that the hope is to get more time out of these new ones. Chairperson Maguire inquired about the warranty. Ms. Michaud responded that the lease has a four-year warranty covering the entire life of the lease; both Dell and HP have been great; after the warranty period ends they have a relationship with a vendor that performs these types of repairs for us so turnaround time is minimal. Mr. Stokesbury questioned how this pricing compares to the State standard contract. Ms. Michaud responded that this is on the State standard contract; the last two leases have been off the State contract. Mr. Stokesbury asked if reverse auction versus State contract is not an opportunity here because of the marketplace. Ms. Michaud responded that during their time when they were performing reverse auctions is that it really works best when you have a product or service that is a very specific spec and no deviation from the spec at all. She noted that she gave an example at the June Board of Finance meeting; if she was purchasing two million bank deposit slips, all identical, reverse auction would work fantastic for that; with technology each company has something a little bit different than the other to make the spec a problem with that reverse auction process; it is better to go through the State bid process and get what we need and want without having to haggle afterwards and doesn't always work out in their favor. Mr. Stokesbury referenced page two of Ms. Michaud's memo and the vendor reciting what a typical tax exempt installment sale is composed of and it says, "under this structure title is typically passed to the lessee, Town, at lease acceptance now and the lessor, HP, would file a security interest in the equipment." He noted that to his knowledge the Town would never grant a lien on this equipment or any equipment without more intense scrutiny. He questioned if we give them a lien. Ms. Michaud responded that to her knowledge no one has ever come back and placed a lien. Mr. Bernetich questioned how much each of the chrome books are. Ms. Michaud responded that she believes they are less than \$200 but she would have to check the exact price. Mr. Bernetich commented that five hundred times \$200 is \$100,000. He questioned how much the laptops are. Ms. Michaud responded they run around \$800 and just rolled them out to the high school faculty this year and highly successful so the idea is to equip everyone by the same type of laptops so they are more expensive. Mr. Bernetich commented that is each one is \$800 that should be roughly \$85,000 and each chrome book is \$200 that is \$100,000. Ms. Michaud responded that she did not count in the operating systems and software they are buying on top of it so each laptop has to have the Office Suite still put on it. She would have to get him the pricing break out if he would like to see it. Mr. Bernetich commented that for \$285,000 over four years and the cost is \$100,000 less than that why don't we go to Best Buy with an order?

Mr. Stokesbury responded that part of it is the package, the operating system and the warranty. Mr. Bernetich commented that it always seems as a municipality we are paying a lot more than a consumer would for the exact same item and that is not a reflection on Ms. Michaud. Chairperson Maguire commented that if you look at the service that you are getting, like Best Buy you would have to buy a 3-year protection; here we are buying that protection and buying that at the end of the four years we keep them and there is a warranty that is pretty good and the ability to fix them. Mr. Bernetich responded that he is not saying that we shouldn't get warranties for four years and all of the service agreements as well; he is the only one that feels that we overpay for everything because we are a municipality. Chairperson Maguire responded that is a fair assumption but \$200 for a chrome book plus the software doesn't seem bad. Ms. Michaud reported that she will get the quotes for Council. Mr. Stokesbury commented that he does not think it is fair to characterize the municipality as overpaying more than a consumer without looking at the constraints that the municipality has to work with, whether it is union work rules or other constraints that we have, we have professional management that is tasked with saving money for us every day of the week and they take that job seriously and would be surprised if we were knowingly spending too much money on any service. Mr. Bernetich agreed with what Mr. Stokesbury is saying but he is always pinching pennies as he feels that is part of their job too. Chairperson Maguire responded that it is a valid question and a good conversation. Ms. Michaud reported that just the base on the laptop for our faculty and staff is \$732.07 but have quite the list of items that go with that which she described; just the laptops total \$136,728.90 and the chrome books are \$205 with management consult because they are on the educational side for security reasons and care package is \$31.50 each; chrome books total \$131,552.50; then there are financing charges on top of that; we can try to look at it through a Best Buy perspective. Mr. Bernetich requested the quote and he will go over to Best Buy and say beat this.

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

**RESOLVED:** That the Town Council approve a four-year lease agreement between HP Financial Services and Town of Avon for the Board of Education to secure 105 laptops for faculty at Avon Middle School and Thompson Brook School and 505 chrome books to create a 1:1 device to student ratio from Kindergarten to Grade 8, in an amount not to exceed \$285,036.60, or annual installments of \$71,259.15.

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

## **IX. TOWN MANAGER'S REPORT/MISCELLANEOUS**

The Town Manager reported that there are a lot of interesting activities happening at the Library over the summer with Galileo on August 23<sup>rd</sup> and some interesting authors. Chairperson Maguire added that the Farmer's Market is celebrating five years and giving out punch cards; a list of farms from all over the State is posted online.

## **X. EXECUTIVE SESSION: Collective Bargaining**

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

**RESOLVED:** That the Town Council go into Executive Session at 8:34 p.m.

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



The Town Manager, Assistant to the Town Manager, and Town Clerk attended the session.

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

**RESOLVED:** That the Town Council come out of Executive Session at 8:45 p.m.

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

**18/19-02**     **Possible Action on Item Discussed in Executive Session (Police Contract)**

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

**RESOLVED:** That the Town Council authorize the Town Manager to execute an agreement with IBPO Local 541 as presented by the Town Manager for the three year period of July 1, 2018 through June 30, 2021 which has been approved by the Police Union.

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

**XI.**     **ADJOURN**

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

**RESOLVED:** That the Town Council adjourn the meeting at 8:46 p.m.

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

**Attest:**

**Ann Dearstyne, Town Clerk**