

Town Council Minutes 12/12/2013
Printer-Friendly Version

AVON TOWN COUNCIL
MEETING MINUTES
December 12, 2013

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m. at the Avon Town Hall, in the Selectmen's Chamber by Chairman Zacchio. Members present: Mmes. Samul and Maguire and Messrs: Evans and Pena.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Zacchio.

III. PUBLIC HEARINGS:

13/14-29 Conveyance of Land on Timothy Way

The Public Hearing was called to order at 7:00 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, December 12, 2013 at 7:00 p.m. at the Avon Town Hall, Selectmen's Chamber, 60 West Main Street, Avon, Connecticut to consider the following:

The Town of Avon to transfer 50 foot wide strip of land to Sylvio Brighenti Family LLC known as Future Road off Timothy Way on a map entitled “Northgate Section 1, Land Owned by Harold F. Wheeler, Jr. Lovely Street – Conn. Route 167 Avon, Connecticut Sheet 1 of 5” land surveyor Nascimbeni & Jahne Surveyors, P.C. Date Jan. 1991.

Copy of said map is on file in the Town Clerk's Office, 60 West Main Street and is open to the public for inspection during normal business hours.

Dated at Avon, Connecticut this 21st day of November, 2013.

Brandon L. Robertson, Town Manager”

Attorney Robert Meyers shared a map provided by the Town's Engineering Department which portions the Assistant Town Engineer's suggested way, which the Town Planner and the Planning and Zoning Commission concurred with at their meeting two nights ago, to apportion this land. He added that in this instance and without setting a precedent the Planning and Zoning Commission would allow twenty feet in width at the front which is plenty to construct a driveway and put in utilities and leaves the Molson's driveway untouched. He noted that the request is for the Town Council to deed the area shown in blue to the Olsen's and deed the area shown in yellow to the Sylvio Brighenti Family LLC which is the owner of the parcel in the back and to deed this small orange triangle area to the abutters on the other side, the Smith's, to square off the lot. He added that at the Town Planner's request he prepared deeds that would accomplish this and the accompanying conveyance tax returns to be filed. Chairman Zacchio asked the Town Manager that with the changes that occurred with the Planning and Zoning Commission this week we are able to move forward with all three of those requests with the single public hearing notice. The Town Manager responded that he spoke to the Town Planner and we feel very comfortable with this and can move forward with it tonight.

Mr. Evans commented that the entirety of the strip will become part of the Molson's property. Attorney Meyers responded that the entirety of the blue portion will become part of the Molson's property. Mr. Evans commented that the yellow portion becomes property of Attorney Meyer's client. Attorney Meyers responded yes, twenty feet in width at the front which is non-conforming but being allowed in this case by the Planning and Zoning Commission. Mr. Evans commented that the orange strip will go

to the Smith's property. Mr. Evans questioned that everyone is in agreement with all of this. Attorney Meyers responded that he met with representatives of both families and they were in agreement. Mr. Evans questioned if the Molson's had an easement on the property before when it was not owned by them. Attorney Meyers responded no; they did not construct this driveway on the Town's land, they bought a spec house that was built by the builder with the driveway in place.

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

RESOLVED: That the Town Council close the public hearing.

Mmes: Samul and Maguire, Messrs: Zacchio, Evans, and Pena voted in favor.

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

RESOLVED: That Town Council approve the transfer of a 50 foot wide strip of land to Sylvio Brighenti Family LLC known as Future Road off Timothy Way on a map entitled "Northgate Section 1, Land Owned by Harold F. Wheeler, Jr. Lovely Street – Conn. Route 167 Avon, Connecticut Sheet 1 of 5" land surveyor Nascimbeni & Jahne Surveyors, P.C. Date Jan. 1991.

Mmes: Samul and Maguire, Messrs: Zacchio, Evans, and Pena voted in favor.

13/14-30 Fisher Farm Lease (East Side of Tillotson Road/North of Fisher Meadows)

The Public Hearing was called to order at 7:00 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, December 12, 2013 at 7:00 p.m. at the Avon Town Hall, Selectman's Chamber, 60 West Main Street, Avon, CT to consider the following:

To consider and authorize the proposed Fisher Farm Lease located on the east side of Tillotson Road and to the north of Fisher Meadows. The terms of the lease have been coordinated with the Town Attorney.

A copy of the proposed lease is on file in the Avon Town Clerk's Office and open to the public for inspection during normal business hours.

Dated at Avon, Connecticut this 21st day of November, 2013.

Brandon L. Robertson, Town Manager"

The Town Manager reported that one thing we did with the map in talking with potential lessee is we took out any property in the contingent use area around the existing well site that the Avon Water Company has as well as two additional potential well sites that they have and excluded those areas from the lease agreement.

Bob Wesneski, Avon Water Company, commented that when he read through the lease that area was still open for MPU for a farmer to use and questioned if that was correct. The Town Manager responded that as discussed it is going to be eliminated from the lease agreement and there will be no farming in the contingent use area. Mr. Wesneski questioned cutting the hay. The Town Manager responded that the farmer agreed to, if we asked him, to cut the hay or maintain it. Mr. Wesneski questioned that the land parcel shown that he is leasing includes that area. The Town Manager responded no, that it will be exempt from the lease. Mr. Wesneski asked that any approval ensures that area is exempt from the lease because the Town receives over \$50,000 per year from the Avon Water Company for use of extracting the water and it is half of the supply to the Town of Avon so he does not want to jeopardize it in any way. He added that he and the Town Manager have had several discussions on this but he had not seen the final copy of the lease and wanted to ensure that it did happen. The Town Manager responded that it did. Chairman Zacchio added that we do not want to jeopardize it either.

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

RESOLVED: That the Town Council close the public hearing.

Mmes: Samul and Maguire, Messrs: Zacchio, Evans, and Pena voted in favor.

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

RESOLVED: That Town Council authorizes the Town Manager to enter into a lease with Dan Logue on the Fisher Farm located on the east side of Tillotson Road and north of Fisher Meadows.

Mmes: Samul and Maguire, Messrs: Zacchio, Evans, and Pena voted in favor.

IV. MINUTES OF PRECEDING MEETING: November 14, 2013 Regular Meeting

Two modifications were given to the Clerk: to change "cue" to "queue" (page 5) and change "Jim Watson" to "Jim Hutton" (page 13).

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

RESOLVED: That the Town Council accept the minutes of the November 14, 2013 Regular Meeting as amended.

Mmes: Samul and Maguire, Messrs: Zacchio, Pena, and Evans voted in favor.

V. COMMUNICATION FROM AUDIENCE

Diane Carney, 36 Rosewood Road, made a few comments regarding the Avon Senior Center (her letter is attached and made part of these minutes). Chairman Zacchio commented that he and Ms. Carney had connected on this earlier in the month and the Town Manager is including a number of those items within the operating budget in different formats for Council to talk through as well as looking at the crowding issue that Ms. Carney refers to in terms of how we better utilize the space going forward. The Town Manager reported that he spoke to the Director of Recreation and Parks, they took a look and there is some cleaning out that we can do so in the early winter you will see that happening. Ms. Carney asked about the full-time position. The Town Manager responded that it will be considered as part of the operating budget process. Ms. Carney commented that the other towns around here have a full-time position and our Senior Center Coordinator also does social work functions in addition to working at the Senior Center.

VI. COMMUNICATION FROM COUNCIL

Mr. Pena commented with regards to the Senior Center that people sometimes come in with their wheelchairs or walkers. He added that in case of a fire he thinks there would be a major problem; people would not know how to exit the building. He noted that it might be worthwhile to send the Fire Department on a periodic basis to explain how to leave the building properly, etc. He is not necessarily recommending a fire drill but as ensuring the Senior Center Coordinator and staff know the procedure. He also reported that this past Thursday the veterans had their second part of the Vietnam presentation. He noted that he attended and it was very interesting.

Mr. Evans reported that earlier this month he participated in lighting the Town menorah on Hanukkah with Rabbi Samuel; it was an honor to represent Council on the evening of the festival of the lights; it was a nice time.

Mrs. Samul reported that the Valley Community Baptist Church had a service day and suggested that a letter of appreciation be sent to them; they cleaned up around a picnic area Fisher Pond where you could not see the pond but when they were done it showed up pretty well. She added that our policemen on duty, Adam Lazinsk, noticed that the gate was open and came down to investigate why, not knowing what was going on so he was fulfilling his obligations that day too. She reported that Paul Hoekman, David Theriault, Mike O'Hara, and Al Harris from our Public Works Department helped out and were terrific along with their willingness to come in on Saturday and help. She reported that the fire department cadets participated in a muster in October at the Connecticut Fire Academy in Windsor Locks; twelve of them attended and divided into two teams and they took home twelve trophies winning first and second prize in a number of them. She suggested that a note of recognition be sent to them. She noted that Tom Post was very proud of them.

Mrs. Maguire reported that she attended the grand re-opening of McDonald's with the Town Manager who said a few words on behalf of the Town of Avon.

Chairman Zacchio recognized Mrs. Samul as it is her last Council meeting with us. He noted that she

is finishing her sixth year on the Council plus all of the years she spent on the Planning and Zoning Commission. He added that the Council will miss her; she has been a pleasure to serve with through the years and have really contributed to the Town in meaningful ways, we appreciate it. Mrs. Samul responded with thanks. She appreciates the residents of Avon who entrusted her to make decisions on their behalf over the last six years and she could not have hoped for a better group of Council members to serve with and Town staff, it has been a joy. Mr. Evans remarked that it has been a pleasure working with Mrs. Samul and for greeting him very warmly when he joined the Council and learned a tremendous amount from her and has always been very measured, very deliberate, very detail-oriented; you are the person who reads the minutes like nobody else and you are never political, always speak your peace and have the best interest of the Town and those are all great attributes and you will definitely be missed. Mr. Pena remarked that she has very much enjoyed serving with Mrs. Samul; they go back to the Planning and Zoning Commission where he enjoyed serving with her then as he did also with the Council being elected at the same time. He added that it is not political, it is just what is best for the Town and that kind of attitude is great. He noted that it has been a pleasure serving with her and she will be missed.

VII. OLD BUSINESS

12/13-64 Appointment: Natural Resources Commission (R – 12/31/2013)

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

RESOLVED: That the Town Council table agenda item 12/13-64 Appointment: Natural Resources Commission (R – 12/31/2013) to the January 9, 2014 meeting.

Mmes: Samul and Maguire, Messrs: Zacchio, Evans, and Pena voted in favor.

13/14-11 FY 14/15 Budget: CIP Budget Presentations

a. Lake Association - a power point presentation is attached and made part of these minutes
Jean Dellamarggio, representative for the Secret Lake Association, reported that tonight marks their tenth presentation on this project to the Town Council and has been about improving the streets, storm drainage system, and flooding areas within the Secret Lake Association that exists in the Town of Avon. She added that in years past they have presented to the Town Council a comprehensive proposal which has been estimated to be around \$2 million but knew that those numbers were not hard because raising the elevation of Secret Lake Road is going to require a lot of other expenses that would be unknown until we got there. She reported that with the passage of time and realization that the economy is not with us last year they started to talk about trying to break this project down into smaller, more manageable pieces and perhaps looking at whether or not they could take it on street by street and have it make sense. She noted that since last year, and the Director of Public Works and the Town Engineer could probably speak better to this than she can, there has been an inventory of the streets in the Town of Avon that have been ranked in terms of their need for repair with one being the lowest ranking and one hundred being a street that is very good shape. She added that Secret Lake roads were included in that inventory and as a result a list of Secret Lake roads has been created with estimates based on the need for repair, either repaving or reclamation. She noted that Mountain Ledge has a rating of twelve with Goodwill Trail following. She added that the proposal is to bring them up to a safe standard, it may not necessarily being them up to the width standards of the Town of Avon. She noted that she is advised by the Director of Public Works and Town Engineer that this would also include making repairs to existing storm drains within each street; it would not increase the drainage capacity. Chairman Zacchio questioned if there is a need to increase the drainage. The Town Engineer responded that the problem with Secret Lake roads is that they are not Town standard roads; there are drainage issues that have impacted the quality of those roads. He noted that if you want to do it so you do not have to think about it again for fifty years you do it right and you do it with all new storm drainage, getting the proper easements, and making the roads as wide as Town roads but there is a whole litany of complications that go along with that. Chairman Zacchio questioned that to put in new storm drains we would need to bring the roads up to Town code. The Town Engineer responded that it

would make sense to do that. Chairman Zacchio commented that becomes an issue from a property perspective. Jean Dellamarggio reported that they have contemplated bringing the roads up to Town standards all along and the realization that there was going to be some work that had to be done in terms of obtaining easements. She added that this change reflects a more realistic approach to the economic times that we are in right now and the realization that for at least ten years we have been moving along with pothole repairs and as we go along the structure integrity of the streets just continues to deteriorate. She noted that safety and access have always been their number one concern and those concerns continue with very little attention being paid to the streets. She reported that this was an alternative; it may not be everything we want but it is a good firm first start. She noted that they are not abandoning the idea of increasing their storm drainage capacity but they know that is something to be thinking about much further down the road; they are also not abandoning the idea of raising Secret Lake Road but the flooding in that area occurs with one hundred year storm events or greater. She noted that this is the variation on that much more comprehensive proposal that they have made in past years.

Mrs. Dellamarggio reported that they have a request for \$25,000 to look into the dredging of Secret Lake; all of the storm outfalls go into the Lake and if they could be cleared out and expanded by dredging that might make some sense in terms of the drainage problems that they have.

Mrs. Dellamarggio extended her appreciation personally and on behalf of the Association to the Director of Public Works and Town Engineer as they spend a lot of time with her on this, they help with a lot of the framework that they need to put this presentation together. She introduced members of the Association who are in support of this proposal. She reminded Council that the Secret Lake Association was created by an Act of the General Assembly in the 1930s; along with that came a lot of private features that over the decades just do not exist anymore; they are sandwiched in between two public streets, the first part of Secret Lake Road coming off Route 44 which was adopted by the Town of Canton in the 1940s and the second part being Parkview Road and they provide that link between Route 44 and Route 177; there are no means to create exclusive use, the street is open to everyone. She, on behalf of the Association, asked the Council keep in mind the fact that a technical on the books feature in the Secret Lake Association that existed eighty years ago really does not exist in the present day and it would not benefit anybody if it did.

Mrs. Samul questioned if we put money aside last year towards any of these requested items. The Town Engineer responded that the Association's entire capital budget request last year was \$1.9 million of which no items were approved.

b. Engineering – a power point presentation is attached and made part of these minutes

Larry Baril, Town Engineer, reported that key factors that the Engineering Department uses in determining priorities for projects are public safety, reducing property damage from things like flooding, environmental protection and quality, infrastructure management, maintenance improvement, etc., and public and political input. He reported that the first item on their CIP request is for continued support for reconstructing and adding drainage to Cider Brook Road, identified as among if not the worst road in Town in terms of its condition, width, storm drainage issues, etc. It has been listed for a few years; received some support two years ago to do low pressure sewers, last year they received \$75,000 to do the beginning of the project. He noted that it does not really make sense to start tearing up the road and not be able to finish the road; as a result he has again requested additional funding to do more storm drainage, then the road needs to be widened which currently goes from sixteen feet to twenty-two feet and by Town standards it should be a minimum of twenty-six feet wide; it has very little formal storm drainage and the drainage that is there needs to be completely reconstructed. He noted that there is a bridge on the road which also needs to be replaced as well.

Mr. Baril reported that the next item is the Old Wheeler Lane Bridge, a placeholder only with no request for any funding next year. He noted that this will be designed and potentially reconstructed underneath the Federal Local Bridge Program which is an 80% Federal/20% Local split; we received

\$50,000 last year which will take care of the design phase which will carry us through next year. He added that we will learn by this point next year and have recommendations for what the construction phase item will cost. Mr. Evans questioned if Mr. Baril has a sense for where that might be. Mr. Baril responded that the consultants and Department of Transportation have figured that it will be somewhere in the neighborhood of \$750,000 but that is before design and we would pay 20% of that.

Mr. Baril reported that the next item is the box culvert over Thompson Brook on Tillotson Road. He noted that several years ago we had sink holes that surfaced in that road, Department of Public Works came out, we investigated and found out there were some issues with the abutments and the structure of the bridge itself has deteriorated significantly. He added that over the last two years they have received \$10,000 and \$25,000. He reported that the project requires approximately \$240,000 in total; the basis on that number is that he went to Canton Village Construction and Capital for estimates; he subsequently talked to the Director of Public Works and he thinks that Public Works might be able to assist with some of this so we might be able to get the numbers down. He noted that the box culvert is approximately \$75,000. He added that this is a specialty construction project but would work with Public Works if they feel that they can handle aspects of it. Chairman Zacchio questioned if there is a scheduling issue with that bridge. Mr. Baril responded that it would probably make sense to do it in the summertime from a traffic perspective because the road will have to be closed with a two week turnaround for most of the project.

Mr. Baril reported that the next item is GIS mapping system which has been in the capital budget since 2010/2011. He noted that the mapping information that we have town wide which could be used by Natural Resources, Engineering, Sewer, Emergency Management, the last update was done in 1984; certainly there is a significant amount of development and changes that have occurred in the Town over the last thirty years.

Mr. Baril reported that the next item is the replacement of Old Farms Bridge over the Farmington River. He noted that the Department of Transportation has taken on the funding of design and construction services; they are hoping for a 2016/2017 construction start.

Mr. Baril reported on future requests: Arch Road to Darling Drive connector and replacement of the box culvert at Thompson Road and Thompson Brook; both of these items are low priority but he leaves them on the list as placeholders.

Mr. Baril reported that Sewers have the same basic factors in determining project priorities including public safety and environmental impacts and they utilize the Sewer Facilities Plan that was done in 2006 to help prioritize infrastructure rehabilitation and replacement; infrastructure maintenance and improvements are considered and again public and political input.

Mr. Baril reported that the first item is the Route 44 pump station rehabilitation. He noted that this is becoming a critical issue for us; this station is thirty-four years old; it is dangerous to enter; the pumps are down thirty-five feet in the ground in a very narrow enclosure; they are not contemporary by design and considered a confined space entry. He added that the Fire Department has already told us that they cannot rescue somebody who ends up in trouble down there so they are looking at UCONN as the next closest rescue source. He reported that the pumps and equipment down there has started to wear out. He noted that they have a project going on right now for an emergency rehabilitation to replace the two pumps in that chamber with pumps that are submersible and in dry conditions so they can be reused when they do a full rehabilitation of the station. His request is for \$65,000 for design; next year would be a request for the rehabilitation itself. He emphasized that although these are big numbers for this station, it serves two complexes that have recently come online, the Avon Place and the Avon Mill apartment complexes, which contribute significant flows directly to that station and the connection fees alone are more than double the fees that would be expected to be spent to rehabilitate the station so from a financial perspective it is relatively simple to pay for by virtue of the contributors of that station. Mr. Evans questioned if the users would pay design or construction. Mr. Baril responded both. Mr. Evans questioned if there is an estimate for the construction portion. Mr. Baril responded that his

estimate is approximately \$250,000 to \$300,000; the connection fees for Avon Place and Avon Mill apartment complexes are approximately \$480,000 each. Mrs. Samul questioned if it would be possible to move forward faster on that. Mr. Baril responded yes. He noted that last night both pumps clogged and the station was in danger of overflowing; this happens on occasion because the pumps are old and they cannot pass things that come through it. He added that we are not waiting to do the full rehabilitation to replace these two pumps. Mrs. Samul questioned that Mr. Baril is only asking for design dollars and not asking for any construction dollars. Mr. Baril responded that until the station rehabilitation is designed he cannot give a truly qualified estimate. Mrs. Samul questioned how long realistically would it take upon approval to get a design. Mr. Baril responded that once you get through the whole procurement process you are probably looking at a three-month turnaround for design. Mrs. Samul questioned if there will be weather considerations to prevent construction to being in a timely manner. Mr. Baril responded that he would not do the project in the springtime because of wet weather conditions. Mr. Evans asked the Town Manager if this gets paid separately out of the Sewer budget. The Town Manager responded yes. Mr. Evans commented that it does not affect the general fund or capital budget. The Town Manager responded that any appropriation would come out of Fund 5. Mr. Baril reported that the next item is the sewer capacity infiltration and inflow study and modeling project. He noted that this has to do with water that enters the system that is not sewage, rain water and ground water, an indication of leaks within the system and people who have connected to the system illicitly with sump pumps, roof leaders, or storm drainage; as a result we see a significant inflow element within our treatment plants, pumps come on at a much greater rate and the treatment plants see an inundation of flows from Avon. He noted that we have an issue with Farmington. He added that the DEEP recognizes the value of doing these kinds of studies and offer Clean Water Funds at a rate of 55% grant/45% local share for such studies; we have received correspondence from DEEP that this project is eligible and he would like to move forward with doing this study particularly in the Farmington shed. Mr. Evans questioned if the \$150,000 represents our 45% share. Mr. Baril responded that a project like this takes more than one calendar year to perform; the \$150,000 is for phase one of two with 45% of that being the Town's share.

Mr. Baril reported that the next item is the Farmington interceptor replacement. He met with the Farmington Public Works Director this fall to discuss this item. He noted that it was undersized when it was built; it is a 12" sanitary sewer that takes flows from Avon's 21" line. He noted that on wet weather flow in particular that interceptor surcharges, meaning it backs up and sewage rises in the manholes that the pipes are connected to. He added that in the worst case scenario it is going to reach an elevation that is higher than the homes connected to it and when that happens those homes are going to back up; those homes are in Farmington. He noted that in our inter-municipal service agreement this interceptor line is Avon's responsibility. He reported that he has requested \$250,000 to do the beginning stages of this interceptor line replacement. Chairman Zacchio questioned what is included with the beginning stages. Mr. Baril responded design and carry money for the construction phase. Chairman Zacchio questioned what portion of that is for design. Mr. Baril responded approximately \$20,000 for design in-house and may require some survey work and legal work.

Mr. Baril reported that the next item is the lateral expansion program driven by typically public requests and/or to stay ahead of our Pavement Management Program. He noted that whenever he does a sewer expansion project, even if he has not received public request, he does reach out to the public soliciting their input because there is ultimately going to be a cost to them. He added that any money that is spent in the lateral expansion program ultimately gets refunded by the residents through assessments. He reported that it is a placeholder.

c. Public Works – a power point presentation is attached and made part of these minutes
Bruce Williams, Director of Public Works and Alex Trujillo, Deputy Director of Public Works, reported on capital budget requests including the Pavement Management Program. He noted that he has sixteen miles of crack sealing he would like to do; the municipal parking lots identified for next year are

Countryside Park and the Town Hall complex.

Mr. Williams reported that the next item is improvements to the Shop walls and floors.

Mr. Trujillo reported on the fleet requests. He noted that the first item for the Highway Division is a backhoe/loader which has some seed money from the previous year. He added that the current piece has an engine problem which would cost approximately \$10,000 to \$15,000; it is a vital piece of equipment for everything from catch basins to excavations and used year round. He reported that the second item is Truck #3; it failed this summer, the frame and body rotted away. He noted that we are noticing aggressive rust building up on equipment so they are taking precautions to make their new equipment last longer. He added that they have a truck that was not sold yet which will get us through the winter months and operate just for snow; without that truck we would have one complete route unmanned and the time that it would take to man it with the other vehicles you would see a significant backlog in getting the job done. He reported that the third item is a one-ton truck.

Mr. Trujillo reported that for Buildings and Grounds there is a request for a field mower which we use quite often taking care of all athletic fields in the Town; there is a huge demand for making sure those fields are properly mowed for everyone that utilizes the fields for their games. He noted that when we have an issue with a mower going on we receive phone calls but when they are maintained well we receive great compliments on it, including teams that come from other towns.

Mr. Williams reported on facility improvements which included underground storage tank removal and replacement. He noted that the canopy has been delivered, both above ground tanks have been set and we expect to be, without any unforeseen problems, fueling those tanks within the next few weeks and weather permitting getting that station up and running. He noted that this will allow us to move into the next phase to remove the existing two 10,000 gallon tanks and one 6,000 gallon tank; it is important that this project be funded as the State of Connecticut DEEP has now put a requirement on land owners to put bonds on any underground tanks at \$1 million for each tank. Mr. Evans questioned if we funded a portion of that already. Mr. Williams responded that it has been funded the last few years. Mr. Evans questioned if the \$100,000 would finish the project. Mr. Williams responded that it will certainly cover to pull the three tanks out and the fuel island, then we work on restoration. Mr. Evans questioned if there is any sense whether they might be a need for soil remediation. Mr. Williams responded that he does not believe so; we have to sample that when we excavate the graves. Mr. Evans questioned if there are any signs of leakage. Mr. Williams responded that there is no correspondence in the files that we have come across to reflect any contamination. Mrs. Samul questioned no change in usage. Mr. Williams responded that these tanks are monitored so we know if any of the materials are leaking. Mr. Trujillo added that there is a daily log that staff has to complete and onsite for DEEP inspection and that would be the first indication if we had a leak. Chairman Zacchio questioned if there is any process with just abandoning those and leaving them in the ground. Mr. Williams responded that if you stop using a tank that is still considered abandoned by DEEP.

Mr. Williams reported on the boiler replacement at Company #1 which is a vintage of 1973; a very inefficient boiler; the recommendation would be to upgrade that to an energy efficient boiler fueled on natural gas. Mrs. Samul asked the Town Manager if this is an item that we can get grant money for. The Town Manager responded that going to a higher efficiency system there might be some money out there to offset. Mr. Williams, Director of Public Works, responded that there would be a partial reimbursement from CL&P and maybe even Connecticut Natural Gas.

Mr. Williams reported that there are two roofs in poor conditions, Building #1 and Building #2 at Town Hall. He showed requests on the Highway 5-year plan and summaries for future years. He reported that the police patrol building has been deteriorating, used 24 hours a day, seven days a week, 365 days a year; over the years the program has changed, some structures have changed which affects the HVAC. He noted that numerous areas are outgrown. Mrs. Samul asked about the mold. Mr. Williams responded that we have come across a lot of mold in the building, along with rodent complaints. Mrs. Samul questioned what is being suggested to mitigate the mold in this presentation. Mr. Williams

responded that as part of the renovation we will do the HVAC system and any changes that need to be done with the layout. Mr. Evans questioned that for the \$225,000 for the police patrol building what is included. Mr. Williams responded that he would recommend someone working with them to identify a program, space allocation for the program and look for the proper design for a healthy building for ventilation. Mr. Evans questioned if the recommendation is the initial stage of some sort of study/design. Mr. Williams responded yes.

13/14-27 Appointment: Natural Resources Commission (R – 12/31/2015)

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

RESOLVED: That the Town Council table agenda item 13/14-27 Appointment: Natural Resources Commission (R – 12/31/2015) to the January 9, 2014 meeting.

Mmes: Samul and Maguire, Messrs: Zacchio, Evans, and Pena voted in favor.

13/14-38 Appointment: Natural Resources Commission (D – 12/31/2013)

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

RESOLVED: That the Town Council table agenda item 13/14-38 Appointment: Natural Resources Commission (D – 12/31/2013) to the January 9, 2014 meeting.

Mmes: Maguire and Samul, Messrs: Zacchio, Evans, and Pena voted in favor.

VIII. NEW BUSINESS

13/14-40 Review, Discussion and Approval: Year End Transfers and Appropriations

Peggy Colligan, Director of Finance, expressed her statement to Mrs. Samul that she enjoyed working with her on the budgets. Mrs. Samul responded that Ms. Colligan does a superb job. Ms. Colligan highlighted areas in the Year End Transfers and Appropriations booklet. She noted that there were positive operating results for FY 2012/2013; in terms of revenues our collections were at 99.77% which is the highest it has been since FY 2010/2011. She noted that we came in over \$400,000 above the budget appropriation for Taxes and Assessments; for Licenses and Permits we came in over \$600,000 in exceeding budget appropriations which was due to building and permitting activity and recording and conveyance; in Intergovernmental we also exceeded our budget appropriation over \$600,000. She noted that this is the second year we have incorporated a lot of Board of Education intergovernmental revenues and we saw favorable receipts in that area. She reported that Charges for Services and Other Local Revenues ran behind our budget appropriations down approximately \$100,000 and \$170,000 respectively; one of the largest categories in Other Local Revenues is our interest income which came in at approximately \$95,000 under budget and we also have a lot of revenue sources that do fluctuate from year to year depending on what is going on; a lot of time reflect exceptional one-time events. She noted that overall positive revenues came in for the year in excess of \$1 million and because of that there will be some recommendations with how to allocate that positive activity as we close out the year. She reported on the expenditures for the General Fund and the Board of Education which came in under budget with very minimal return of appropriations; we knew we would have an issue with utilities and janitorial services which we were able to cover those from transfers and the Board of Education also suffered some budget stressors and able to cover all of their expenditures as well so no request for use of Fund Balance to balance the budget.

Ms. Colligan provided an overview of the sections. The first section, Tab A - Transfers and Encumbrances, the Town Council approved a Charter, approved transfers to the level of 1/10 of 1% of the Town operating budget which is at approximately \$20,000. She noted that in total the transfers in and out are \$329,000, an exceptional range of what we usually see. Mr. Evans questioned if transfers have any picture in terms of positive or negative view over the health of the finances of the Town. Ms. Colligan responded no, it is more of a budgeting tool that you might ask yourself why this account had funds left and the funds that required substantial money why did they need it; you would research it and there could be particular reason why. Mr. Evans questioned if you receive grant money which was then appropriated for the use of the grant money if that would be reflected in here too. Ms. Colligan responded yes, but not in the transfer section, it would be a budget adjustment to the original

appropriation. The second section, Tab B – Supplemental Appropriations for the General Fund, includes one appropriation for \$22,000; an accounting entry that our auditors asked us to make. She added that we have the ability at the end of a fiscal year if we buy fuel, postage, or in some cases pre-pay for salt, if we do not use the inventory up by the end of the year and we have a substantial dollar amount invested on the books we have in the past recorded a journal entry to a pre-paid inventory. The third section, Tab C – Supplemental Appropriations for Other Funds, is the budget amendment that takes place for all of the other funds other than General Fund. She noted that these entries would reflect grant activity. The fourth section, Tab D – Transfers and Fund Balance Assignments, is what we look at operationally, financial management wise what would be a good thing to do especially in a year as we just experienced in FY 2012/3013 with revenues that were healthy, how can we build up some reserves and at the same time how can we also build up the General Fund – Unassigned Fund Balance. Mr. Evans questioned if these entries represents the entirety of all of the excess funds from that fiscal year. Ms. Colligan responded it does not; it came in over \$1 million so the rest of it is in Unassigned General Fund Balance. Mr. Evans questioned how much is going in there. Ms. Colligan responded \$501,949; it will bring up our Fund Balance which was at \$6.6 million or 8.4% at June 30, 2012, we used approximately \$238,000 during the FY 2012/2013 for a heart and hypertension claim and had two appropriations for FEMA to present to the Board of Education, it was money collected in one year and we moved it into their FY 2012/2013 budget; we are looking at a \$700,000 range that moved into Unassigned General Fund Balance but we are restoring the \$230,000 we used, we are adding to it and it will bring our Fund Balance as a percentage of operating transfers out and expenditures to about a 9.2% and we were at 8.4% at June 30, 2012. She noted that one of our goals that we said we would do as result of Moody and Standard and Poors when we just issued debt in October 2012 is move towards that 10% so this is a good year to do it, build up some reserves and restore General Fund. Mr. Evans questioned that if there is some anticipation of using some funds to deal with this being a revaluation year, does it make a difference from the auditor's stand point whether we put something into an Undesignated Fund Balance and then take it back out the next year or better to segregate that into a separate account designated for that purpose. Ms. Colligan responded that she does not believe the auditors care; the credit rating agencies might care more because they would look at it as a plan; you lose flexibility when you put it into an assignment. She added that if you keep it in the unassigned portion you have a little bit more flexibility. She noted that the important thing is building it up; the Town has always moved it and left it in the Unassigned Fund Balance to show that progression and in the absence of a formal policy saying that you would move to a particular assignment she does not think the auditors or the credit rating agencies would have a problem with that. She added that all the funds showed positive operating results.

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

RESOLVED: That the Town Council hereby recommends that the Board of Finance approve the Fiscal Year End Transactions: Transfers and Encumbrances, Supplemental Appropriations, Assignments, Appropriations from Fund Balance, as outlined in the booklet Final Fiscal Year Transactions FY 2012-2013, and as described in the memoranda from the Director of Finance to the Town Manager.

Mmes: Maguire and Samul, Messrs: Zacchio, Evans, and Pena voted in favor.

13/14-41 Supplemental Appropriation: DPW Trailer, \$21,400

Bruce Williams, Director of Public Works, asked Council to support the supplemental appropriation request for a replacement trailer. He noted that over the last year we have had the luxury of borrowing a trailer from another community which we have since lost. He added that it would have been in excess of sixty moves at \$300 per move equals \$18,000. He noted that Mr. Trujillo, Deputy Director Public Works, has been very successful in raising revenue. Mrs. Samul commented that we will recoup the cost of it in almost one year. Chairman Zacchio questioned the balance in the Sale of Property Fund. Ms. Colligan responded that it is approximately \$30,000. Chairman Zacchio questioned the

timing on getting the trailer and where the trailer was found. Mr. Trujillo responded that it was found at one of the equipment dealers out of the Springfield area; it is time sensitive because it is open for anybody to pick up and that size trailer does not come out very often in good shape.

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$9,957.95 from General Fund, Other Local Revenues, Sale of Property, Account # 01-0360-43911 and an appropriation not to exceed \$11,442.05 from Account #01-0390-43913, General Fund, Other Financing Sources, Unassigned Fund Balance with the intended source General Fund Fund Balance Assigned for Capital Asset Replacement for a total amount of \$21,400.00; and increasing General Fund, Roadways, Equipment, Account #01-3101-52194 in the amount of \$21,400 for the purpose of purchasing one replacement Public Works trailer.

Mmes: Maguire and Samul, Messrs: Zacchio, Evans, and Pena voted in favor.

13/14-42 Donation by Dr. Susan May to the Avon Police Department (\$2,500)

a. Acceptance of Gift

b. Supplemental Appropriation

Chairman Zacchio reported that Dr. Susan May has made a donation to the Avon Police Department in the amount of \$2,500 in the name of her late husband and our former colleague Dr. Chris May. He added that the Chief of Police thought it would be a good tribute to Dr. Chris May to buy another AED unit that would be portable on the bike patrol and use within facilities that the bikes can get to it for events like Memorial Day, soccer tournaments, etc.

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

RESOLVED: That the Town Council, on behalf of the Town of Avon, accept the gift of \$2,500 from Dr. Susan May with great thanks for her generosity.

Mmes: Maguire and Samul, Messrs: Zacchio, Evans, and Pena voted in favor.

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

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY 13/14 Budget by increasing:

REVENUES

General Fund, Other Local Revenues, Donations & Grants, Private Sources, Account #01-0360-43651 in the amount of \$2,500.00

and increasing

APPROPRIATIONS

General Fund, Patrol Services, Materials-Other, Account #01-2107-52239 in the amount of 2,500.00 for the purpose of purchasing one (1) automatic external defibrillator (AED) for the Bike Patrol Division of the Avon Police Department.

Mmes: Maguire and Samul, Messrs: Zacchio, Evans, and Pena voted in favor.

Mr. Evans asked the Town Manager what the standard practice is when someone makes such a generous gift; is a letter sent on behalf of the Town Council. The Town Manager responded that he would send a letter of thanks and in this case do a phone call as well.

13/14-43 Regional Performance Incentive (RPI) Program Resolution: Nutmeg
Network Connectivity

Chairman Zacchio reported that this grant is for internet connection. The Town Manager commented that last month Council authorized being part of a collective grant application through CRCOG and now OPM is requesting that all communities that are interested in being involved with this apply individually as well.

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

RESOLVED: That the Town Council adopt a resolution which endorses the Regional Performance Incentive Program proposal referenced in Connecticut General Statutes Section 4-124s as amended by Section 251 and 253 of Public Act 13-247.

Mmes: Maguire and Samul, Messrs: Zacchio, Evans, and Pena voted in favor.

13/14-44 Supplemental Appropriation: Consulting Services for Traffic Study for Proposed Subdivision "Stratfordshire", 44 Lenox Road, \$5,700

Chairman Zacchio reported that we have a policy in place that allows the Town to do an independent traffic study of a development at the developer's expense; this money was received from Mr. Ferrigno in terms of that ordinance and reimburses us for the cost of the traffic study for proposed subdivision. Mrs. Samul questioned if the traffic study has already been done. Chairman Zacchio responded that it has been done, invoiced, and paid for.

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

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY 13/14 Budget by increasing:

REVENUES

General Fund, Other Local Revenues, Refunds & Reimbursements Account #01-0360-43612 in the amount of \$5,700.00 and increasing:

APPROPRIATIONS

General Fund, Planning, Service & Consultants, Account #01-7101-52184 in the amount of \$5,700.00 for the purpose of recording funding received from Sunlight Construction for consulting services by John Meyer Consulting for traffic study for proposed subdivision at 44 Lenox Road.

Mmes: Maguire and Samul, Messrs: Zacchio, Evans, and Pena voted in favor.

13/14-45 Resignation: Inland Wetlands Commission (R – 12/31/2015)

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

RESOLVED: That the Town Council accept with the resignation of Ken Birk from the Inland Wetlands Commission.

Mmes: Maguire and Samul, Messrs: Zacchio, Evans, and Pena voted in favor.

13/14-46 Appointments: CRCOG Policy Board Alternates

Chairman Zacchio reported that Dick Hines has served in the capacity as alternate member for the CRCOG Policy Board on Council's behalf for a number of years. He added that Mr. Hines is an advantageous person to have on there because he understands the Town of Avon and sat in our seats and understands where we are headed. He noted that he does a lot of the work behind the scenes for the Town Manager in terms of attending these meetings and reporting back on a very regular basis. He added that he has had a conversation with Mr. Hines about continuing to do this and he does. He noted that because of the timing there are CRCOG Policy Board meetings going on this month which he would be representing us and needs to be reappointed before January 2014. The Town Manager reported that he has gone to CRCOG meetings for twelve or thirteen years now and it is such a help to have Mr. Hines attend these meetings; he is thought very highly of and reports back immediately, very clear, concise reports and really an asset.

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

RESOLVED: That the Town Council appoints Richard Hines as an alternate member of the Capitol Region Council of Governments Policy Board for a term to expire on December 31, 2015.

Mmes: Maguire and Samul, Messrs: Zacchio, Evans, and Pena voted in favor.

IX. TOWN MANAGER'S REPORT/MISCELLANEOUS

Misc. A: Purchasing Update: The Town Manager reported that the items included in the update are routine; the RFP for the Animal Control Services is coming up for renewal; it will expire on June 30, 2014 and is a position that we share with the Town of Canton.

Misc. B: Construction Update: The Town Manager reported that the items included in the update are routine; the Roaring Brook School playground project includes a contribution from the Board of Education of \$25,000 for a total revenue of \$155,000; the fundraising is continuing and the Director of Public Works is working closely with the contractors to try to zero in on more competitive pricing.

Misc. C: Commission on Accreditation for Law Enforcement Agencies (CALEA) Report: The Town

Manager reported that we have been reaccredited and have been since 1993 and one of a dozen municipal agencies in the State that go through this process; a good housekeeping seal of approval with a lot of value. Mr. Evans questioned why every municipality does not go through this. The Town Manager responded that there is a cost involved in doing it and a lot of time; you have to reorient your structure to accommodate CALEA. Mr. Evans commented that it is a feather in our cap in which we voluntarily submit to this process and open up our doors and books and records in the Police Department and year after year receive full accreditation and that is a good thing. He added that the Department should be commended on a job well done.

Misc. D: Solar Panels: The Town Manager reported that in September 2013 we talked about entering into an agreement with CCM to walk us through this process of bidding the ZRECs and coming up with solar panel providers; we have done a little more due diligence and what we found is that our law firm, Murtha Cullina, has the ability to do this internally; they have an attorney by the name of Paul Michaud who has a lot of expertise in this area. He added that we had a conversation with him, he has helped some other communities do this and they are willing to do it for less cost per kilowatt. He noted that Mr. Michaud came in and spoke to the Clean Energy Commission and the Commission agreed to go this route. He added that we will go out to the market and bring back some power purchase agreements to look at.

Misc. E: Bright Ideas Grant Recognition: The Town Manager reported that he and Bernie Zahren went to the Capitol last week and received a very nice plaque for our participation in the Clean Energy Communities Program, Bright Ideas; we met certain metrics, received a grant for \$10,000 that we used to offset a portion of the HVAC cost in the Town Manager's Office. He noted that we were one of thirty-nine towns that received a grant. Mrs. Samul asked the Town Manager if this information has been posted on the Town web site. The Assistant Town Manager responded that we have a Clean Energy article going in the January newsletter so it can be included there.

Misc. F: GFOA Budget Award Recommendations: The Town Manager reported that every time we go through this we receive comments back that we then have to adapt and make amendments to our next budget presentation booklet to meet the commenters' recommendations. He noted that one of the comments made this last time around was that we should take a look at how we are identifying the Town's long and short range strategic objectives; we have that information sprinkled throughout the operating budget booklet but what we are looking at doing is reformatting it to consolidate it and make it a little more clearer and a change that you will likely see in the January books.

X. EXECUTIVE SESSION: None

XI. ADJOURN

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

RESOLVED: That the Town Council adjourn the meeting at 9:10 p.m.

Mmes: Samul and Maguire, Messrs: Zacchio, Evans, and Pena voted in favor.

Attest:

Ann L. Dearstyne, Town Clerk