

**AVON TOWN COUNCIL
MEETING MINUTES
January 6, 2022**

I. OATH OF OFFICE

The Town Clerk gave the oath of office to the members of the Town Council: Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico.

II. CALL TO ORDER

The Town Clerk called the meeting to order at 7:00 p.m. via GoToMeeting. A quorum was present.

III. NOMINATIONS AND ELECTION OF COUNCIL CHAIR

The Town Clerk called for nominations for election of Town Council Chair.

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

RESOLVED: That the Town Council elect Dan Polhamus as Town Council Chairman. Mmes: Maguire, Ausiello, Messrs: Weber and Indomenico voted in favor. Mr. Polhamus abstained.

Mr. Polhamus expressed thanks for the vote of confidence and the opportunity to serve Avon in this capacity; this Town Council will serve the Town well; he considered himself lucky to serve with Mrs. Maguire who was Chair over the past few years, with Mr. Weber as a colleague, and welcomed Mr. Indomenico from the Board of Education, and Barbara Ausiello; Avon is truly fortunate; they have a great group of intelligent, respectful, and open minded volunteers serving them; this term is going to be characterized by the blessing of an infusion of cash from the American Rescue Plan Act, the challenge of making it through and recovering from the pandemic, and the critical challenge of unification to whatever degree that is possible; we meet today on Insurrection Day which marked divisiveness we all wish to put behind us as a country; he is confident that this Town Council will exemplify unity through a kind of healthy, respectful, and constructive debate that we all need to return to; our flavored unity won't always be unilateral agreement but rather a unilateral respect, a unilateral interest in the common good and the welfare of our neighbors of Avon; as Scott Fitzgerald's once said, something along the lines of intelligence being the ability to hold two opposing ideas in mind at the same time but still retain the ability to function; he looks forward to serving with you all intelligently in this 2022 term; thank you all for your volunteerism; let's do this.

IV. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Polhamus.

V. PUBLIC HEARING: None

VI. MINUTES OF PRECEDING MEETING: November 17, 2021 Special Meeting
December 2, 2021

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

RESOLVED: That the Town Council accept the minutes of the November 17, 2021 Special Meeting as drafted.

Mrs. Maguire, Messrs: Polhamus and Weber voted in favor. Ms. Ausiello and Mr. Indomenico abstained. Motion passed 3-0-2.

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

RESOLVED: That the Town Council accept the minutes of the December 2, 2021 Meeting as drafted.

Mrs. Maguire, Messrs: Polhamus and Weber voted in favor. Ms. Ausiello and Mr. Indomenico abstained. Motion passed 3-0-2.

VII. COMMUNICATION FROM AUDIENCE

Jennifer Thomas O'Brien, 544 Huckleberry Hill Road, stated that her property abuts within twenty feet of the homes on Anvil Drive, almost three acres, and specifically bought this house and property because there was no cell reception here and did not want to have it; she is a cancer person and grew up with someone who died at approximately 22-years old from brain cancer and residing next to a cell tower; her and her neighbors would never have purchased their property if in fact there was a cell tower; she is very concerned for health risks from the latest science that is coming out; she does not believe that anyone on the Town Council could tell her that they would honestly buy a piece of property adjacent to a cell tower for themselves or their children; having the audacity to put it directly on top of children in a community that people and parents are buying to raise their children in a healthy environment is outrageous; she cannot think of one scientific person who put themselves and their children on property adjacent to a 140' cell tower with multiple communications on it; the loss of property values, the health risks, the negative impact for resale; she cannot think of any positive for it at all. Chairman Polhamus thanked Ms. O'Brien for her comments. He clarified that there is an item on the agenda to discuss the cell tower lease agreement.

VIII. COMMUNICATION FROM COUNCIL

Ms. Ausiello expressed Happy New Year to everyone; she is happy and excited to be here; she thanked the voters for giving her this opportunity to serve Avon; she is hoping that with her work experience as a realtor and her volunteer experience in the community will serve the Town well. She thanked other members of the Town Council, the Town Manager, and the Clerk for answering her questions. She thanked all for their efforts with the recent COVID-19 test and mask distribution event.

Mr. Indomenico thanked former Town Council members Mr. Bernetich and Mr. Speich for their service to the Town over the years; they did a nice job on the Town Council and other roles for Avon and they continue to help out the Town. He is excited to be on the Town Council; it is a great time to be involved in Town government, there are exciting opportunities for us here in Avon; he previously served on the Board of Education for the last four and a half years; his mantra was that he didn't necessarily want to speak to hear his own voice, but if something needs to be fleshed out or there is a question he wants answered, he will ask; the longer and later these meetings go the harder it is to get business done.

Mr. Weber expressed Happy New Year to all; welcomed Ms. Ausiello and Mr. Indomenico – it is great to have you here, your insight and experience that you bring to the Town Council will provide unique perspectives as every voice does matter; he noted that it is good to see Mrs. Maguire again and look forward to working with you and having productive discussions about the Town of Avon and how we can continue to make this the best place in the state to live; and thank you to Mr. Polhamus for your service as our new Chairman, it is not an easy position to yield the gavel, but we as a Town are well off in your hands. He also thanked the volunteers and Town staff for their effort and time with Tuesday's COVID-19 test kit and mask distribution event. He noted that he enjoyed Winterfest; Bottoms Up did a great job bringing a nice winter celebration to Avon and he looks forward to more celebrations like that in the future, a way for us to get out into the community and see one another and connect again. He thanked the residents of Avon for voting him back in; it is a humble position to be in, to serve you, and looks forward to the next two years.

Mrs. Maguire expressed Happy New Year to all; extended congratulations to Mr. Polhamus on being the new Chair and you will do a great job, she enjoyed his speech and great words were said; extended congratulations to Ms. Ausiello and Mr. Indomenico and looks forward to working with them – we have a great group that has always been able to work well together, we come from a different perspective in life, but we are always respectful, listen to each other's ideas, we may disagree but at the end of the day we try to do what is best for Avon; when you show up at the Town Council meeting, you leave your D's and R's at the door and you do what is best for the Town of Avon and something she felt very strongly about in all of her years on the Town Council, when you look and see what is for the common good and greater good of the Town the decision is generally pretty easy; we have a lot of things planned. She noted that Bike Walk Avon will be holding a Town Council Bike Ride during the first week in May 2022; we have great work ahead of us and great things to do for our Town. She gave a shout out to Winterfest; she attended every day and was in awe of what Bottoms Up and Dom's Coffee were able to pull off; it was an amazing event and cannot wait until next year. She thanked Town staff for the test kit distribution event.

Chairman Polhamus stated that Winterfest was nothing short of amazing and it was great to see something like that happen here and people from all over Connecticut attended; community events are so important for us; thank you to Bottoms Up, Dom's Coffee, Town staff, and everyone involved; perhaps as we move forward we can look to see how we can encourage and assist other community event organizers. He thanked Representatives Eleni Kavros-DeGraw and Tammy Exum for their efforts to get Avon on the list for state funding for \$60,000 towards the replacement of the playground at Sycamore Hills Recreation Area; we have been talking about this item for a while and it is great to have our legislators fighting for Avon. He recognized another great community event, Prince Thomas of Savoy Christmas drive-thru event; he saw Officer Reardon who shared that they filled three cruisers with donations. He also thanked the Police Department for their community outreach over the last few years during a turbulent time for the police; hats off to them and there is a ton of community support here; we are lucky to have them and Jim Rio, Director of Police Services. He also thanked all involved with the test kit distribution event and N-95 masks are also available at the Library and the Building Department.

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

RESOLVED: That the Town Council move agenda item 21/22-54 Eagle Scout Proclamations up before agenda item 16/17-51 Amendment of Cellular/Wireless Lease Agreement for Property

Located at 277 Huckleberry Hill Road for Town and Public Safety Communications System Replacement Project.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

IX. OLD BUSINESS

16/17-51 Amendment of Cellular/Wireless Lease Agreement for Property Located at 277 Huckleberry Hill Road for Town and Public Safety Communications System Replacement Project

Chairman Polhamus noted that at the end of November, we held a public hearing, residents of the Town hired legal representation as well as Mr. Maxson, RF Engineer, who presented some material to us that Council thought would be wise to further review; Town staff has taken into consideration Mr. Maxson's suggestions and ideas; this has been a top priority for the highest level of Town staff spending countless hours dedicated to evaluating our options; the Town Manager will provide some background on what we have been looking at over the past month; we will hear from Larry Baril, Town Engineer, regarding visual simulations; we will see some coverage map simulations from Tom Kline; and we will hear from the Town's RF Engineer consultant, Federal Engineering.

The Town Manager congratulated and welcomed Ms. Ausiello and Mr. Indomenico to the Council; he congratulated Mr. Polhamus on assuming the Chair, congratulated Mrs. Maguire for putting the gavel down, and told Mr. Weber we look forward to continuing to work with him on the Town Council; on behalf of the Town staff, congratulations to all of you; it can be a thankless job and it is important that people step up.

The Town Manager reported that the reason we are here is because the Town has an antiquated, poorly functioning public safety communications system; we have known about this for quite some time; in 2015-2016 we did an RFP to bring on who at the time was L.R. Kimball Associates and now is Federal Engineering and provided us with an objective assessment of our system and they confirmed what we feared that the system is not fit for service and doesn't have the features of a modern public safety system, we have significant coverage gaps, in the northwestern part of town the system lacks interoperability, capabilities, and a solution needed to be identified; the recommendation was to replace the existing system with a P-25, 700 MHz simulcast system; we worked with Federal Engineering to develop a set of specifications that were put out to bid, we hired Motorola and moved forward with system design and ultimately an approval at referendum for the project costs; from that point we moved into the permitting; we got approval for the licenses from the Federal Communications System; the site that we currently use in our communications system is located about 200 feet over the Town line in Canton and had to go to them for the modifications that were needed to the Kingswood Drive site and Canton denied our request on January 8, 2020; since then Town staff has been working with our vendors, Motorola and Federal Engineering and the State of Connecticut to vet various options for our consideration; the overall recommendation regarding the type of system and our objective has not changed; what has changed is the need for additional sites due to the loss of the Kingswood Drive site; in September 2020 we made a presentation to the Town Council with our bottom line recommendation that we pursue a modification of an existing lease of a tower on Town property at the Landfill to increase the height and build out the installation at Ridgewood Drive; we would need a third site and depending on whether or not the Town decides to tie into the State system we would either use the

existing site on WFSB which is located on Talcott Mountain or use the Troop H antenna which is located a little further north; the Town Council agreed with that general approach; for the next six to nine months we had negotiations with SBA with whom we have a lease agreement for the property at the Landfill; we have an existing tower on that site since approximately 2004; the pole is 100' tall, SBA has three commercial carriers on that pole; the Town receives a combination of income streams from SBA, rent and revenue, as a result of those carriers being on the pole; we approached SBA, who has no obligation to engage the Town, as we have an existing lease with them that continues years beyond 2022 and advised that we need to have an increase of height at that location to meet our public safety objectives; through a series of negotiations and discussions we reached an agreement that he recommends; it is entirely appropriate; we had a discussion about it with Town Council in August; the next step in that process is a public hearing, prior to the Town entering into any ground lease for real property a public hearing is needed; in this case, we are amending an existing agreement and felt that given its nature we should go through a public hearing process which began in October; the lease agreement would allow the height of the pole to increase to 130 feet with an overall height of 150 feet as we have a few whip antennas between 14 and 16 feet tall that have to be attached to the pole; there are financial terms we negotiated in the agreement including a cost sharing for the project and a provision that if the commercial carrier, Verizon, were to locate on the pole in the future we would not receive revenue sharing from that carrier; the public hearing opened in October and closed in November; near the end of November, Town staff and our consultants had a conference call with an expert adviser retained by several of the neighbors and as a result Town staff had some follow-up to do and this item was tabled at the December Town Council meeting; since then we heard loud and clear and understand that aesthetic considerations are a primary concern for abutters; we contracted with a private vendor, Centek, and had a number of simulations completed that give an accurate visual representation of what this new tower will look like from various perspectives and we did not go on any private property; the marching orders to the Planning and Engineering staff were to choose the locations where we thought the tower would be most conspicuous and to give those locations to Centek to apply their methodology and create the simulations. Larry Baril, Town Engineer, will walk through a presentation to show what those simulations look like. Tom Kline, Assistant Chief, Avon Volunteer Fire Department, will walk through additional coverage maps. The Town Manager noted that what we are trying to achieve is a level of coverage for our communications system; we take various locations, various assumptions and give them to Motorola as our vendor and they will ultimately be contractually responsible for delivering the coverage specified and they prepare predictions using their software; one of the sites that was recommended by the expert adviser representing some of the neighbors was on Anvil Drive and Mr. Kline will walk through what those coverage scenarios yielded. He added that Mike Manning, our primary project manager with Federal Engineering, will also say a few words; they have been involved from the very start of this project and have a lot of years of experience in the field and important that the Council hear their perspective.

Larry Baril, Town Engineer, provided a presentation (which is attached and made part of these minutes). He noted that we hired Centek Engineering who has specialty capability to do realistic photo simulations based on actual location of the tower and locations from various points around the tower site; they employed a method that he would call scientific or mathematical to show the size of the tower from various locations based on the distance from the tower; they received coordinates from the Town Planner and Assistant Town Engineer, some of which were worst case locations meaning locations most likely to be seen by the public at public locations; nobody went

on private property. He described the process used by Centek of which they took photos at six locations using a 35 mm camera which most closely resembles what an image that can be seen by the human eye; the photo shows the location of the base of the tower, the location of the top of the existing tower, and projected the top of the new structure. He noted the first location is at Buckingham Playground; the second location is at the fence line near the Buckingham baseball field; the third location is at the baseball field; the fourth and fifth locations are at 22 and 10 Berkshire Crossing respectively and the sixth location is by the Farmington River. He noted that these photos were also taken in December when there are no leaves on the trees.

Tom Kline, Assistant Chief, Avon Volunteer Fire Department, provided a brief presentation regarding Motorola coverage maps for Anvil Drive (which are attached are made part of these minutes). Mr. Kline noted that the current plan is to utilize three sites: two of them are for the Town to construct, the Landfill site and the Ridgewood Drive site which would be add-ons to the existing State system and we would be utilizing Troop H with the State system; if we join the State system as an add-on, these maps are modeled with not just these three sites but with all the surrounding State infrastructure that might impact and have some coverage in the Town of Avon; 97% covered area reliability based on coverage testing done by Motorola at an audio quality of 3.4 which means audio is regularly intelligible with very un-intelligible transmissions; this is modeled at a 12 dB loss figure, standard loss measurements for models 8 dB loss is used for residential construction and 12 dB is used for commercial construction; one concern is the area with Roaring Brook School and actual acceptance testing once the system is built would determine if we need to do something additional and there are technical solutions to cover this building with a BDA, bi-directional amplifier. He noted that we talked to Mr. Maxson at length of which he shared a suggestion to utilize the water tank site that CT Water owns on Anvil Drive; his recommendation was to look at it because it is more of a central location, at the bottom of a ridge line and would provide adequate coverage around the ridge line and would be worth investigating; we asked Motorola to model that in various combinations with 8 dB and 12 dB loss. He noted that we still believe that our best solution is utilizing the Landfill site, Ridgewood Drive site, and Talcott Mountain; it is an existing site with fiber optics, power, and a gravel road on Town-owned property and kind of secluded with negligible visual impact; the Anvil Drive site is a green site with no existing infrastructure and anything lower than a 100 foot pole would result in less coverage and would be seen from quite a distance. He noted that we have a coverage guarantee from Motorola that this is a viable solution; the next step should this be approved is to move forward with Motorola to finalize project details and price it.

Mike Manning, Project Manager/Consultant, Federal Engineering, commented that Federal Engineering is a leader in the area of land mobile radio consulting having conducted more projects than any other consulting companies; we have over fifty consultants, specialists, and former first responders dedicated to working with the Town of Avon; we provide huge depth on the bench; a unique strength and capability is the ability to blend this where we can view projects from both a technical perspective and operational lens; we serve the Town; we have never had a procurement successfully protested; we have been in existence for almost forty years supporting projects such as the Town of Avon and have developed tools and methodologies necessary for success with the towns' deployment in meeting their needs for today as well as in the future; we have been working with the Town since 2016 after winning a competitive bid; we conducted an assessment of the Town's current land mobile radio system used to support public safety, public service, and education department needs; we inspected the current system, equipment, and infrastructure, did

current analysis and reviewed the licensing for the system, conducted interviews to identify current and desired state, both operable and inoperable communications at the Town; a report was provided to the Town detailing equipment deficiencies, inadequate coverage, and corrective measures and system design options for improving critical communications; as we moved forward with procurement and project support, Federal Engineering prepared technical specifications for a P-25 simulcast, public safety grade radio system; this class system requires additional resiliency and redundancy in its design; as part of the Town's RFP process, and the focus of the system was not only to meet today's first responders but also a system that is scale able and allow you to use it for many years in the future; we assisted in proposal, evaluations, and procurements with the Town resulting in a competitive bid and award won by Motorola Solutions; the Town's plan for using the Canton site was denied about two years ago; during this time we with the Town, State of Connecticut and Motorola have been working diligently to locate sites to meet coverage guarantees required by the Town's new system; after reviewing a number of designs at different sites, it became clear that SBA factors in as one of the best sites to look at moving forward; you have multiple components in need of replacement; a catastrophic failure by your system will have an extreme impact on first responder communications and put first responder lives as well as the lives of citizens/visitors of the Town; the current system does not operate efficiently or effectively and does not operate like a modern public safety grade system does; the system currently requires dispatchers to manually steer calls; coverage is inadequate and poses impacts to prevention and response, management and mitigation recovery from manmade hazards; failing to take action is putting yourselves at risk; you have identified that the system needs to be replaced; you have multiple components that need to be replaced with inadequate coverage and the Town is operating at risk.

The Town Manager noted that nobody on this call with the exception of Bruce Appell, Fire Chief, and Jim Rio, Director of Police Services, and some Town staff is as aware of the risk proposition as he is; he regularly gets reports from the Fire Chief and Director of Police Services about failures in the field; he emphasized and underscored the precarious liability position that this system is placing the entire community in the longer that it goes unresolved; we have multiple examples of calls being dropped in the field; we had a dramatic demonstration during the special town meeting in 2018 leading up to the referendum where a police officer re-enacted a situation where he had a suspect in custody, his radio wasn't working and he had to fish around in his pockets to pull out a cell phone; this is not a situation we can allow to continue; he thought about how much easier it would be if we were talking about a building or a vehicle rather than something like a radio system that you can't touch/feel, the general public doesn't even know that it's there; if this were a vehicle it would have four flat tires and be rusted out and that is about where we are; his recommendation continues to be that the Town Council approve the amendment to the agreement assuming it happens the next step would be a referral to the Planning and Zoning Commission and their role is to review the proposal in the context of the Town Plan of Conservation and Development to ensure there are no conflicts; assuming they find no conflicts which he is confident there are none, the next step would be for SBA to proceed to the Siting Council for the final approval to build the new pole; locally, our next step will be to engage Federal Engineering to do an analysis on whether or not the Town should opt to join the State system, either the option of tying into the State's core and signing on for all that entails including the benefits but the costs going forward or go with our original plan which is to have a standalone campus system; once we finalize that analysis we make a presentation to the Town Council, we get direction on whether it is a State tie-in or standalone and then go to full build out to get final budget figures and from there determine what the approval

process is going to be; whether or not the change in scope and/or change in the budget amount requires the project to be voted on again at referendum or that we can proceed under the current bond authorization with the new project; regardless of the outcome of that process, we still need a taller pole on that site; we are limited with what we can do at the Kingswood Drive site, there is an 80 foot tower there now that is reaching the end of its useful life and cannot install a tower there and the plan would be to remove that pole and relocate any existing public safety equipment onto the taller pole at the Landfill site. Chairman Polhamus thanked all for their presentations.

Ms. Ausiello inquired about the lease language which says that it will require an increase in the height of the facility to no greater than 150 feet and asked if that includes the whip antennas. The Town Manager responded yes. In response to a question from Ms. Ausiello, the Town Manager responded that the lease permits a full structure of 150 feet; the plan and design call for a pole is 130 feet in addition to the whip antennas. In response to a question from Ms. Ausiello, the Town Manager responded that if the project did not move forward SBA would not be able to build a 150 foot pole. In response to a question from Ms. Ausiello, the Town Manager responded that we would only have responsibility for the maintenance of our public safety equipment. In response to a question from Ms. Ausiello, the Town Manager responded we will not know about potential new costs until we get to full system design and the decision of tying into the State system or maintaining our own system is going to have a significant impact on that; this is the first step that will allow us to proceed down that road. In response to question from Ms. Ausiello, the Town Manager responded that the existing carriers are moving laterally to the same positions on the new pole, the top is reserved for us, and we expect that there is room for an additional carrier because of the increase needed with the height of the pole.

Mr. Indomenico commented that he remembers sitting through many meetings that talked about this project when we were also talking about the turf field project and heard many of the presentations Mr. Kline gave then about the status of the radio system and it was apparent to him years ago that we have a public safety problem that we need to address for reasons that we all understand; he continued to follow the project as it progressed as it went through referendum, hit the hiccup in Canton, and he felt that the Town and staff has done more than their due diligence to make sure they were trying to get this public safety problem fixed and is still fairly convinced of that tonight. He noted that there will be other options; it sounds like there really aren't other viable options, that are practical, affordable, doable, that will give us the coverage we need to protect our Town as well as we can. In response to question from Mr. Indomenico, the Town Manager responded that this is the best plan and the most viable option.

Mrs. Maguire thanked all for their presentations; very informative and the tremendous amount of due diligence that has gone into looking at alternate sites is very helpful.

Joe Speich, 115 Old Farms Road, Assistant Chief, Avon Volunteer Fire Department, 25 years in fire service both career and volunteer, commented that this project has been going on for a long time; he has been incident commander on numerous large incidents in the Town and nothing is more frustrating while running an incident than looking at the portable radio trying to find the appropriate tower to make a good communication to our dispatchers and incoming units and it is going to get somebody hurt; he asks the Town Council to please approve this lease agreement so we can finally get this radio system up and running, we are in desperate need of it; thank you.

David Maxson, Isotrope, working for some residents on the call and in your Town, thanked Council for the opportunity to speak; we exchanged communications and appreciates that the Town made an effort to try and respond to some of his recommendations; he was disappointed that when he contacted the Town in early December to offer some support in following through on some of those recommendations that his advice was not required; as a result, his recommendation to give a serious, structural look at putting the antennas on top of the existing pole at the Landfill was not given any attention at all; the answer instead was that you cannot break the carrier leases in order to get on top of that pole; it doesn't really work that way; no due diligence was done to validate the idea of attaching Town antennas to the top of the pole; in his most recent letter he points out that Sprint will be shutting off its equipment and T-Mobile will be consolidating to a single space on that pole which will open up a space for Verizon and if they go on the 100 foot pole after Sprint leaves that gives us two opportunities: 1) Sprint is on top so it is a great opportunity to modify the top of the pole to put a pipe on top for the public safety antennas and 2) when Verizon takes over whatever remaining space is leftover the Town will continue to get the share of revenue from Verizon for that space on the pole without building a new tower, paying for a new tower, etc. This model of the current idea to extend the lease is a new term lease and is primarily for the financial benefit of SBA and taking money out of the Town's pocket over twenty years that revenue share is probably on the order of \$750,000. The big concern is this rush to put the SBA lease amendment upfront and does not think it is necessary and you could do it more quickly if you did it yourself; if you focus on your own pole on the site you would not be subject to SBA's schedule or the schedule of three or four wireless carriers who would be moving their antennas and you would not be paying a cost share to relocate those wireless carriers; there is a tremendous amount of fluff in this model; if we do a new 100 foot pole for public safety it does not have to go through the CT Siting Council which is another risk or time delay; you can get a new pole permitted and constructed on your own well before everything gets done with SBA, the carriers, the CT Siting Council, etc. He focused on the Landfill as that is clearly the direction you are working toward but the Anvil site will save you money as you will be doing a three-site solution versus a four-site solution if you count the fact that Roaring Brook School will not be getting the coverage it is supposed to get getting with the proposed combination and that you have to do those two sites; something that Motorola has not provided any evidence on time delay interference, the more sites you have, the more opportunity you have for interference between different sites hitting the radio with delayed communications and that is in the RFP; he has not seen time delay interference maps; if you are going to stick with the Landfill site do your own pole and risk of litigation that could slow you down; thank you.

Joe Zarb, 26 Berkshire Crossing, shared a presentation (which is attached and made part of these minutes).

David Karimedдини, 49 Anvil Drive, commented that his property is directly across the street from the water tower at the top of Anvil Drive; he is opposed to the proposal of putting a tower visible from his front door; this is a densely populated residential area, lots of kids in the neighborhood.

Jean Smyth, Campanelli & Associates, an attorney representing some of the residents here tonight, and she wanted to clarify a few things: Ms. Ausiello had asked earlier about whether or not SBA would be allowed to build their tower even if the referendum didn't pass; there is no clause in the lease amendment as it stands now that allows the Town to back out if the referendum doesn't pass and that means SBA can still build their tower at 150 feet; under the law, they would be allowed

to increase the height to 170 feet without asking the Town's permission, as per the Middle Class Tax Relief and Job Creation Act of 2012, Section 6409a; it prohibits local governments from not allowing them to increase it up to 120 feet. The photographs that were presented earlier are problematic; nobody went onto private property to take those photos; under federal law, photo simulations like this one that don't include perspectives from the private properties that stand to bear the most impact from the aesthetic intrusion are inherently defective and cannot be relied on; the clients have informed her that they are willing to pay for renderings to be done from their properties to accurately depict what they would see when they walk out into their backyard, etc.; it would be important to know what that looks like because adverse aesthetic impact is a valid reason to deny an application; the other good reason, under federal law, to deny this amendment would be the adverse impact on property values; she sent a flurry of e-mails to all of you just before the meeting tonight but there are letters from local realtors who know their business and have said that the property values in the homes that are immediately adjacent to the property where the tower will be will lose value at a rate of 10-20% and in some cases will be unsalable entirely; the FCC did a study regarding propagation maps and found them to be up to 64% accurate but as low as 34% accurate; the FCC issued a rule suggesting to local governments that you require the hard raw data to support whatever the propagation maps are supposed to be showing with either drive tests or dropped call records. There is nobody that she is representing who feels that the new system shouldn't be happy or that is not needed, everything she has heard tonight confirms that for her; the problem is where it does, how quickly it gets done, and what impact it has on the community.

Kristen Gibbs, 79 Westbury, commented that we never once suggested not implementing this public safety project we only asked that the Town figure out a way to limit the damage to the residents in its rollout; we were asking this of our own Town leaders; we spent our own money to help facilitate this, interviewed and hired experts in the field, and worked many hours trying to figure out a plan that would help preserve this side of Avon and the home values; the Town responded by trying to discredit all of our expert recommendations and prove everything outside of utilizing an expanded commercial tower to be wrong; the Town went on complete defense mode against its residents rather than working with them to find a compromise; the Town attempted to discredit our engineer who has three decades of experience in this area and considered one of the best in the nation but they found fault in any ideas that did not come from the Avon internal team and disheartening for us who are impacted and live here and not the definition of strong Town leadership; strong leaders listen to their residents and look out for their best interests; Avon management worked against its residents to be right and not proven wrong; utilizing the existing pole was never evaluated, paying for a structural analysis on the current tower was never done even though the residents offered to pay for it; in the Town official Q&A that was provided we were lied to about the minimum height required as it was higher due to Verizon, not public safety; she assumes all Council members have been shared into the projected cost models and have had a chance to study the financial impact of moving from a two-site to a three-site State solution; it is estimated at nearly thirty times higher with just operating costs and circumstances have changed greatly since the original RFP was issued so a new RFP should have been issued; the contract has not been updated to protect the residents; it still allows the location to move anywhere within the Landfill so as long as the Town and SBA agree it could move anywhere; we already feel that you have not been considering us so how are we supposed to feel better about that clause, we don't; the contract allows up a 150-feet but does not specify if that includes the antennas or not; why would that be written so loosely; the FCC allows an additional twenty feet so we are at 170-feet, not a single protection in contractual language; the aesthetic impact was not taken into account for this location, wooden or pine

monopolies were never considered; SBA specifically stated on our first call that there would be zero effort to conceal this tower and for some reason the Town is not taking issue with that; this tower will be approved for commercial use before the referendum vote to use it for public safety; suppose parents at Roaring Brook School are outraged about the addition of in-school amplifiers and radiation to their children or taxpayers are outraged over the astronomical costs for this system and the referendum does not get approved this tower moves to 150 feet for commercial use only. Is the Town Council okay with risking these neighborhoods for that potential outcome and why is there no escape clause to protect the Town residents from a scenario; to say that this is deeply saddening during a difficult time for all of us would be an understatement; regardless of what anyone says, if a commercial cell tower was proposed within a couple hundred feet of your own house you would not approve this; it is easy to say you would until it is buzzing outside your bedrooms all night; what you are recommending as being okay for our children, she can assure you that you would think twice for your own; she asks that you use your conscious and morals when deciding what will happen to our families and homes; what goes around, comes around; justice will always prevail, sometimes not on our timing, but it will; please make sure you are making the decisions with accurate information and that all options are truly exhausted; when the Town was attempting this project at Kingswood they communicated that was the only option; she is pretty sure they have considered better, less detrimental options swiftly if this huge commercial tower expansion is voted down; please consider the 1,000 acres of open space; please vote no.

Michael Galati, 14 Berkshire Crossing, extended congratulations to Mr. Indomenico and Ms. Ausiello for joining the Town Council and congratulations to the incumbents for winning a re-election. He commented that the goal should have been to secure the best possible public safety communications system while maintaining the aesthetic values, property values, and overall beauty; he thinks this project went wrong four years ago when to no fault of their own, just to have a bias of the first responders running this project, tasked with creating a public safety communications system and you actually are to benefit, that is paramount to what you are thinking about doing; if you have a neutral person on board that looked at balancing a public safety communications system with the aesthetic beauty, property values, and how can we marry all of them, you would have landed at a different solution years ago; that is the frustration that the Town seems to be doubling down on what it has been going for four years; Mr. Maxson found his solution in four hours. We need to take a step back; because we're tired and we just want to vote this thing forward, it is going to be here for a long time; the Council in 2004 put forward a 99 foot wood pole; in fifteen years there could be another Town Council that moves this up to 170-180 feet; everything is connected. Regarding the e-mails that were shared by the Town, we all live in the same Town but we are perceived as the enemy. He quoted an e-mail from John Zematis, Town staff, to SBA, "Would the accurate hypothetical statement if SBA was to build a 180 foot tower would the coverage be better? I want to throw this out to the neighbors as if to say the tower could have been much greater than what we are seeking." Step back if you are reading this as a neighbor; we are trying to find a comprised solution and they are plotting to lie to us to send us away. How would you feel? Pretty terrible; that is your own Town; but kudos to Motorola and SBA who said you can't do that. He brought this up to the Town Manager who he thought would be disappointed with that behavior, but instead voiced that he was sorry that we were disappointed; that is why we are frustrated; there has been very little effort to find a compromise; it is win or lose, you or us. Put a 100 foot public safety communications tower 100 feet away in the same area; all of these neighbors would be so happy; doing that is very easy, it gets it in the ground faster, gets your

system up and running faster, it avoids litigation, it avoids several months of environmental projects. He hopes you choose that and it is a win/win for everybody if you do; thank you.

Kelly Natrass, 87 Westbury, commented that we have five children; you all have children, and you need to understand what my child looks like so you understand why this cellular tower should not be over his bedroom. She asks that you take the time to look into a public safety only tower; she does think that is a huge ask; we all have children and families, we live here together; please delay this until we have time to know all of the information so that we are all in agreement in how we proceed; thank you.

Jim Speich, 14 Yorkshire Lane, asked the Town Council to please approve the amendment to the lease; the tower that you are proposing is the best solution for what needs to be done; he has been sitting through these meetings for four years and hearing public conversation and discussion about this; we have been listening and the Town has been working hard to make the proper solution; he agrees that the solution of the tower at the Landfill is the best solution; he is upset by the misrepresented visuals that continue to be shown on this; it is not proper; we need a public safety communications system and we need it to be working properly; the Roaring Brook School situation can be solved very easily; please vote yes to approve the amendment to the lease.

Bruce Appell, 85 New Road, Fire Chief, commented that a lot has been said tonight; public safety is paramount; any public safety pole would have to be in the 130 foot range to get the coverage needed; he lives near the river by the power plant and during his 35+ years in the Avon Volunteer Fire Department he has been on numerous calls and first on scene with his portable radio walking along the river to find your sons, daughters, family members that are wondering through the woods or have gotten injured in the river; communication is paramount for timely rescues; moving the site to Anvil Drive is not practical, it has minimal coverage for the public safety personnel that are in the New Road section and this end of Town; we need to have a solution that will help provide the best coverage for all of our residents in public safety form; thank you.

Ramneek Kaur, 21 Berkshire Crossing, commented that she has listened to this conversation over the last few meetings; she does not understand the definition of public safety; what does public safety mean in these states? In the days of the pandemic doesn't public safety only relate to deter crimes; isn't health part of public safety also; this proposal is impacting our health, our accommodations, and causing more stress to the residents of Avon; she highly recommends that you consider this as a sincere threat to the people living near the tower; thank you.

Elizabeth, Garnett Hill Lane, commented that there doesn't seem to be a lot of conversation about health and impact of living so close to towers like this; can someone comment on what kind of analysis has been done in that regard; put her name in the hat as another person who is concerned about that aspect. Chairman Polhamus responded this is not a Q&A format; the health question is one that you can find a lot of research out there.

Julianna Thompson, 22 Berkshire Crossing, echoed that we need to get the public safety tower done and in order to get it done faster it needs to be separate from the cell tower that is going to be tied up in delays that will go on and on; why can't the Council see that; there are a million reasons that it shouldn't be together with the cell tower; it needs to be a separate issue; vote no tonight so

we can get this public safety antenna up and we can solve this problem, not together with SBA and all of this garbage with the cell tower.

David Cunningham, 18 Berkshire Crossing, echoed Ms. Gibbs' comments who made great points as well as the attorney's comments; what you are considering tonight is the amendment and a question was put by one of the new Council members about the protections and it has been pointed out the proper protections are not there and the current state of the amendment is going to ultimately hurt the Town; a solution is needed but there are other viable solutions; engage more with Mr. Maxson as he has really important ideas that would help the Town with solutions, don't just discard his input; people are willing to come to a compromise and solution for the Town that works for everyone in the best way; don't vote yes for the amendment and go forward with blinders on; don't take the vote tonight and get the additional information and fix the amendment before it is signed by the Town Council.

Jim Rio, Director of Police Services, commented that the residents' consultant testified that health affects were not a concern with this particular incident; the allegation that Town staff has not been upfront or transparent or honest or have some ulterior motives is offensive to me and the other people who have been working very hard on this; Mr. Zematis' e-mail is completely taken out of context by Mr. Galati who doesn't understand it and that is unfortunate and hopes that the Town Council understands that; thank you.

Joe Capozzoli, 22 Berkshire Crossing, reiterated some of Mr. Zarb's points made around the financial transparency of this project; we have been talking about health and safety which is important, the safety and equipment that is needed from police and fire which we can agree on, the aesthetics which is important relative to property values and when you think about property values in this area and you take a three to five mile radius in and around where the proposed site is and you look at a 10-20% reduction in property values you are talking about over \$15 million of lower property values; look at Zillow and the market values of the properties and the economic decision that you are going to saddle us with in the vote that you are proposing tonight is quite significant; in addition, nobody from this project has put forth updated financials and how that impacts the Avon budget in any way, shape, or form; zero transparency; the quotes that the Town has provided are over four years old; with where costs of technology has moved over the last four years; the current cost structure of this as well as the subsidies coming back from the cell carriers, there is zero financial transparency and if the Town Council members don't recognize that and don't consider that as an important issue, how can you possibly vote on a matter of this nature without having updated, current financial information that you are saddling this Town with, us as the taxpayers who are contributing to the revenues that cover the costs of this project is unbelievable to him that nobody is even talking about it; the presentations that the Fire Department who is running this project has provided, there has been zero financial transparency; if you don't think that is a problem, he is shocked and you should be ashamed that you are not financially cognizant of the decisions that you are making and the amendment that is going forth, the duration for which that amendment is going to last and how you have considered the economics associated with that is completely unacceptable; his recommendation to this Town Council is take a harder look; you have an obligation, you owe it as a fiduciary responsibility to your role as a Town Council member to know exactly what you are getting into as you make this decision; he is very confident that none of you are prepared with the right information to make that decision because

it certainly hasn't been shared with the Town residents and it certainly should be shared with the Town residents; thank you.

Lissa Calma, 73 Westbury, commented that she has been vocal in past Town Council meetings; she welcomed our newest Town Council members; she is not sure if they participated in other Town Council meetings in the past and heard their voices and concerns with this proposal; tonight she is asking the new members to listen and hear all of us out; many residents have valid points and she echoes everything they have said tonight; she is all for providing the appropriate equipment for our first responders but she does not support any commercial property being added to this tower; you have heard reasons why; she worries about the safety of her three children and one has special needs and is always nervous scared and worried about her health at all times; she worries about the children in our neighborhood, other people who play with our kids in our neighborhood; she wants to make sure that our neighborhoods are a safe place for all of us; she asked Council to not make such a quick decision; she hopes that when you do make a decision that you come prepared knowing what you are deciding on, understanding what is going on, and not just been given a bias opinion; she hopes and trusts that you will make the right decision for us, for our neighbors, and for our children.

Tom Kline, 12 Windrush Lane, shared that he has two children in the school system and has been a volunteer firefighter in Avon since 2003; he has been involved with this project as a volunteer since it started in 2015/2016; he has heard a lot of misinformation tonight; he has heard a lot of valid information as well; he wants his radio to work when he goes on a call to somebody's house, that is the reason he volunteered to work on this project; personally he does not care if it is an SBA tower, if it is a popsicle stick, however he wanted to clear up a few things; that location at the Landfill is a prime location for a radio site; it is equidistant between the north and south borders of Avon on that side of Town, the Northington ridge line acts as a barrier to radio signals; the valley with the Farmington River is a radio dead zone; we could put a tower anywhere that it is approved; we looked at the Foundland, it is not going to get approved; you want to put a tower at the Kingswood Drive site in Canton to get the coverage we need, it is not going to get approved; he understands that all of these neighbors don't want it in their backyard; Anvil Drive neighbors don't want it in their backyard; we talked about the Huckleberry Hill recreation area opposite the Landfill and that gets close to the Northington Drive neighbors so no matter where we put it there is a house nearby plus that property was deeded for open space; before the Town Council tonight is the decision to amend this lease; if you think it is a bad business decision that is one thing, if you think it is good business decision that is fine too; we are going to need to put a radio site on this property or somewhere in this area and the Landfill is Town owned property; he has heard from different residents here being concerned about being close to the cell tower and their property values; we heard from other residents at other meetings that said their property values are affected because they don't have cell service; you can find research on the internet to support whatever your opinion is; he is getting animated about this because we put in a lot of time; there is no disingenuous anything going on; the police and fire want to be able to communicate and feel safe when we respond to a call; when he goes to the schools for a fire alarm or because of a gas leak at the high school in the middle of the day and he pulls in there in a big red truck with a 1,000 kids in the parking lot he is thinking about the kids and his kids that are going to be coming up into the high school in the future; this tower is part of a Town wide system; we cannot build the system until we have the sites nailed down; that is how we got into this predicament; we had direction in the RFP to use existing sites; why build out a brand new, green site if we have a tower at an existing

site that we can use; the original proposal was to use existing sites, however we didn't have permission to use the site before the project was approved and that is why we are in the position that we are in today; we need to have the location narrowed down so the engineering team can design it, whether that is Motorola or throw it all out and start from scratch, before we can get a design and cost; he believes that regarding the tower to go taller by law applies to private property towers where the Town cannot intervene on a transaction between a carrier and the private property owner that is why the Siting Council was created to prevent local jurisdictions from intervening in private commercial transactions; he appreciates the time.

The Town Manager commented about the earlier comments made about financial transparency and given his experience about the project he does not know what assumptions are being made behind Mr. Zarb's numbers; in terms of the datedness of the financial information, as we keep saying we can't get updated cost estimates until we nail down the site and then have the discussion about State system or standalone; once we have the approval, once we have A or B selected as the option we want to pursue then we go out and get updated cost estimates; at this point the only information we would have about the cost estimates for the project are those that were prepared prior to the referendum. He spoke to the diligence of the professional staff that has been working on this project at his direction; this has been a top priority; we have spent a lot of time and lot of Town resources drilling into this because we know it is important to all of you and to the community. Again, he recognized Tom Kline who is doing this as a volunteer and John Zematis in the Police Department; between the two of them they have spent the better part of their working time over the last three or four months continuing to chase down different ideas and make sure we have as well vetted an idea as we can have here.

Carolyn and Paul Marshall, 27 Berkshire Crossing, recognized that there have been so many people involved on all sides of this project and we are in full support of getting the proper emergency response systems for all of our first responders in Town; we have lived in Town for 27 years; in order to support our first responders and to do it the correct way, at this point she would encourage the Town Council of which many are new to the Town Council and being asked to lay their nickel down on this big, big Town decision with not a lot of prior involvement to at this time, vote no and please understand and dive deeper into the complex financial implications of voting yes for this amendment; personally when we make decisions for our family we have a pretty good idea of what we are going to spend before we decide to make the decision to spend the money and when you are responsible for other people's money as you are a fiduciary for the Town making this kind of decision, to her that would be a prudent analysis to do before voting yes; please engage with reasonably minded people who have expertise such as Mr. Maxson, please consider a solo tower, please hear the voices and the prior testaments from many of the taxpayers over the past four meetings that we have been involved in; she recognizes there are a lot of well meaning people trying to do the right thing but it is still not there in our opinion; be prudent in your decision making and don't feel rushed to make a decision before it is really vetted out and done in the correct manner; thank you for your time.

Ms. Ausiello commented that she is new to Council but has been digging deep into the minutes and information that has been shared both by residents and the Town over the last several weeks and has spent many, many hours on it which pales in comparison to the many, many hours that current Council members, the Town Manager and Town staff have put into this; she wholeheartedly agrees and feel very strongly that this public safety system needs to move forward;

it has not been rushed; the referendum was four years ago, understanding that the site was chosen for Canton and didn't come through; a good amount of effort has been put forth by the Town to respond to concerns of the residents with regards to coverage maps, looking at different locations, spending time with Mr. Maxson, and she appreciates the emotion on all sides; the conversation is turning to the financials and that is probably because it feels like putting the cart before the horse because we need to determine the site to be able to move the project forward to update the financials; knowing there will be a referendum down the road and other permitting processes, etc. she referred to the lease and asked that if something were to happen the Town would have to agree to wherever the location of the tower would be. The Town Manager responded yes; the language is by mutual agreement. She stated that the project needs to be moved forward so we need to vote to approve this amendment; thank you.

Mrs. Maguire echoed the sentiments that Ms. Ausiello just mentioned; this does need to move ahead; we have been at this for four years and there has been a tremendous amount of due diligence that has gone into this project and the amount of time and energy on behalf of the staff, Council members, and all the people involved in this; she does not feel that there has been any transparency issues; the Town has provided a tremendous amount of information to the neighborhood, there have been FOIA requests and you have had the opportunity to go through and ask questions of everybody at the Town and they have done their very best to answer those questions and clearly you do not agree with all of the answers, but we have gone out through the RFP process, we brought in Motorola and Federal Engineering and they are the hired experts in this area that we chose; we should put this up to a motion tonight and vote on it; she is ready to move ahead on this project; this was always the first step; the design and costs come after we get the location and more of the pieces will fall into place.

Chairman Polhamus agreed with a lot of what Mrs. Maguire said; we are going to need the Landfill site moving forward in order to do any kind of realistic fiscal projection; we are going to have to think about whether we join the State system or not; we have talked about adding a tower at the Landfill and have discussed this with the Town Manager, cost projections of doing so for public safety only is around \$500,000; we are at a \$160,000 cap for our shared tower with SBA so he does not think it is fiscally responsible to move forward with a second Landfill site; Motorola has designed 75% of the projects across the State; there are good answers to all of the concerns brought up; ultimately this comes down to the very understandable fact that nobody wants a tower in their backyard; he knows we are upsetting people by moving forward with this and he does not like that; the visual simulations made him feel better about it but at the same time some of you may see it from your bedrooms, he doesn't like it; the fact is that is going to be the truth wherever we put this in Avon; it is unfortunate; you live next to some of the best publicly owned land in Avon, your property values benefit from living where you do, you live next to one of the best playgrounds in the area, you have great hiking trails; sometimes the Town needs to be able to use its land as it needs to in order to protect the citizens; we need to move forward with this because we need to move forward with the public safety system, we are at a major risk now.

Mr. Weber commented that he knows more than probably any teacher should know about public safety communications systems and towers; he is reading a book called "The Crisis of Expertise" by Gil Eyal and it talked about the rise of participatory democracy, the thought process behind when governments begin to enact old projects that the thoughts and considerations of the residents of the Town are brought into the fold; this had its rise in the 1960/70s with the building of the

nuclear power plants; prior to that people deferred to the expertise to the nuclear physicists and the design and build out began; what followed that was the rise of nimbyism, a euphemism for not in my backyard; counter arguments were brought forth, the end result being an eventually grinding to a halt of large projects; in trying to apply some of those lessons learned there to our current project, he tends to defer the governmental experts and expertise that Town staff has put into this and has been provided by the neutral carriers that we have hired; to address some of the concerns, the specter that there is back handshake deals is simply not there and not how government operates in the Town of Avon; when considering all of these sites we have to give credence that Town staff has spent years on this as well; we are not building a new tower in a space where there was none; the tower is being moved and raised to a height according to the lease agreement of a minimum of ten additional feet but in no event shall the relocated facility height be more than 150 feet together with the necessary non-exclusive access and utility easement required to access the relocated site; combined with the public safety aspect of this he is ready to move forward on this lease agreement to allow us to continue to provide our first responders the necessary access to communication to keep our residents safe; there are competing versions of safety; there is always the counter argument or alternative but at the end of the day this is, in the minds of the governmental organization and experts that we brought onboard is the best plan and he is prepared to move forward with this as well.

Mr. Indomenico reiterated that he has followed this project for many years because of his involvement with the turf field project; he was at Town Council meetings where this radio project was discussed at length and has followed it since; this past fall he watched a high school football game at the turf field under lights that weren't even part of the approved project that were added in as an extra afterwards and we are still trying to get this radio project done; we need to get this back on track and is ready to vote on it.

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

RESOLVED: That the Town Council authorize the Town Manager to execute the Amendment to the Cellular/Wireless Lease Agreement with SBA for Property Located at 277 Huckleberry Hill Road for Town and Public Safety Communications System Replacement Project as presented, and to refer the Lease Agreement Amendment to the Planning and Zoning Commission for review pursuant to Connecticut General Statutes Section 8-24.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

21/22-19 Appointment: Building Code Board of Appeals (R – 12/31/2023)

Chairman Polhamus noted that the following two agenda items will be covered under agenda item 21/22-53 Appointments.

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

RESOLVED: That the Town Council remove agenda item 21/22-19 Appointment: Building Code Board of Appeals (R – 12/31/2021).

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

21/22-20 Appointment: Committee on Aging (D – 12/31/2021)

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

RESOLVED: That the Town Council remove agenda item 21/22-20 Appointment: Committee on Aging (D – 12/31/2021).

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

21/22-28 **FY 22/23 Budget: Town Council Budget Workshop Schedule:**
Recommended Date: Saturday, February 5, 2022 at 8:00 a.m.

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

RESOLVED: That the Town Council approve the Budget Workshop Schedule for Saturday, February 5, 2022 at 8:00 a.m. via GoToMeeting as follows:

8:00 a.m.	Budget Overview
8:20 a.m.	Library
8:40 a.m.	Police Department
9:00 a.m.	Public Works
9:20 a.m.	Fire Department
9:40 a.m.	General Government
10:00 a.m.	Break
10:15 a.m.	Public Safety (except Fire and Police)
10:30 a.m.	Health/Social Services
10:50 a.m.	Recreation & Parks
11:20 a.m.	Conservation & Development
11:40 a.m.	Engineering/Sewers
12:00 p.m.	Lunch
12:30 p.m.	Special Revenue Funds / Capital Improvement Program / Debt Service
1:00 p.m.	Adjustments, wrap-up – Adjourn

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

21/22-46 **American Rescue Plan Act: Special Revenue Fund**

Chairman Polhamus noted that the Town has been discussing setting up a special revenue fund to help us track the use of American Rescue Plan Act (ARPA) funds. The Town Manager added that we are recommending the creation of a special revenue fund specifically to track the revenues and expenditures related to this grant program; this is not uncommon, we have a number of them ranging from Sewer Use Fund, Recreation Activities, and Fisher Meadows; they have a specific revenue source and a specific expenditure purpose; the only revenues that will be accepted will be from the grant and the only expenditures that will be made will be pursuant to the regulations with the grant; it requires both Town Council and Board of Finance approval. He shared that Town Council has been provided with a draft list of potential projects and have been pulled from various locations including the capital budget, the capital improvement plan, the Plan of Conservation and Development and others are the result of brainstorming by Town staff. He noted that the list will be posted on the Town web site and we will seek ideas from residents; for the February Town Council meeting each of the respective department heads will attend and present their project(s) and answer any questions you may have and/or hear any other ideas you may want us to pursue; some projects that are “no brainers” include pavement management and will show up in the proposed FY 23 budget; other projects that would be dealt with outside of the budget process and done through the supplemental appropriation process include \$500,000 for road work, Sycamore

Pool work, and Phase II RTU Project at Avon High School. He added that we received final guidance from the Treasury Department today. He concluded that this is an unbelievable, once in a lifetime opportunity for the community to get ahead on its capital projects and do some interesting things that would otherwise probably never happen.

Chairman Polhamus expressed that putting this information on the web site would be great for residents to read and provide input. He suggested verifying what might not be covered by the infrastructure bill while we create the list of ARPA fund uses. Mr. Weber inquired if there is any idea how much might be distributed to towns with regards to infrastructure. The Town Manager responded that he will track down where it is in the process and how it might influence any decisions you may want to make regarding ARPA funds. He noted that ARPA funds have to be committed by December 31, 2024 and spent by December 31, 2026; seems like a long time but given the nature of some projects with design, bidding, and seeking contractors as every municipality in the state will be doing similar projects; and we will have unexpended balances in individual capital projects that we will have to roll up and re-appropriate to other projects; there is a possibility that the regulations may be amended to provide communities more time but not guaranteed at this time.

On a motion made by Ms. Ausiello, seconded by Mrs. Maguire, it was voted:

RESOLVED: That the Town Council approve the creation of a new Special Revenue Fund called the American Rescue Plan Act Grant Fund.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

X. NEW BUSINESS

21/22-53 Appointments

On a motion made by Mr. Indomenico, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council appoint Jay Spivak to the Board of Education to fill a vacancy with a term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mr. Indomenico, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council re-appoint Lisa Levin and appoint Robin Baran and Chet Bukowski to the Planning and Zoning Commission for a four-year term to expire on December 31, 2025.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

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

RESOLVED: That the Town Council re-appoint Elaine G. Primeau and appoint Julie Rousey and Tom Armstrong as alternate members to the Planning and Zoning Commission for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

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

RESOLVED: That the Town Council re-appoint Michael Feldman, Michael Sacks, and appoint Carol Hauss and Gary Gianini to the Inland Wetlands Commission for a four-year term to expire on December 31, 2025.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mrs. Maguire, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council re-appoint Jennifer Das, Bob Yass, and appoint Norm Sondheimer, Mildred McNeill, Fran Gurtman, Keri Willis, and James Beaudoin to the Recreation and Parks Committee for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

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

RESOLVED: That the Town Council re-appoint Kathy Randall Gill to the Committee on Aging for a four-year term to expire on December 31, 2025 and table two vacancies (2-D) with the same term to the February 3, 2022 meeting.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mrs. Maguire, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council appoint Micah Rousey to the Water Pollution Control Authority for a four-year term to expire on December 31, 2025 and table a vacancy (1-D) with the same term to the February 3, 2022 meeting.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mrs. Maguire, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council table a vacancy (1-D) on the Building Code Board of Appeals with a term to expire on December 31, 2023 to the February 3, 2022 meeting.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mr. Indomenico, seconded by Mr. Weber, it was voted:

RESOLVED: That the Town Council re-appoint Al Smith as Town Attorney for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mrs. Maguire, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council re-appoint Murtha Cullina, LLP, FordHarrison LLP, and Thomas A. Kaelin as Assistant Town Attorneys for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mrs. Maguire, seconded Ms. Ausiello, it was voted:

RESOLVED: That the Town Council appoint Charles Harvell as Town Treasurer for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mrs. Maguire, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council table the appointment for Depository of Town Funds to the February 3, 2022 meeting.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mr. Indomenico, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council re-appoint USI as the Town's Insurance Agent of Record for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

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

RESOLVED: That the Town Council re-appoint James Rio, Director of Police Services, to the North Central EMS for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Ms. Ausiello, seconded by Mr. Indomenico, it was voted:

RESOLVED: That the Town Council re-appoint Lawrence Baril – Transportation and Brandon Robertson – Municipal Services as CRCOG Committee Representatives for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mr. Weber, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council re-appoint Lisa Levin as a regular member – Town Council Representative and re-appoint Thomas Armstrong as an alternate member to the CRCOG Regional Planning Commission for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mr. Indomenico, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council appoint Dan Polhamus – Member and re-appoint Hiram Peck – Alternate and Brandon Robertson – Alternate to the CRCOG Policy Board for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mrs. Maguire, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council re-appoint James Rio, Director of Police Services, as Town Council Representative on the CRCOG Public Safety Council for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

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

RESOLVED: That the Town Council re-appoint Elaine G. Primeau to the Plainville Area Cable Area Television Advisory Council for a two-year term to expire on December 31, 2023 and table a vacancy (1-R) and a second vacancy (Board of Education) with the same term to the February 3, 2022 meeting.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mrs. Maguire, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council table the appointment to the Central Regional Tourism District (D – 12/31/2023) to the February 3, 2022 meeting.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Ms. Ausiello, seconded by Mr. Indomenico, it was voted:

RESOLVED: That the Town Council appoint Dan Polhamus – Member and re-appoint Brandon Robertson – Alternate to the Connecticut Conference of Municipalities Legislative Committee for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

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

RESOLVED: That the Town Council appoint Barbara Ausiello to the Connecticut Water Customer Advisory Council for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mrs. Maguire, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council table the appointment to the North Central Regional Mental Health Board (D – 12/31/2023) to the February 3, 2022 meeting.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mrs. Maguire, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council appoint Dana Barcellos-Allen as Town Constable for a two-year term to expire on December 31, 2023 and table a vacancy (1-R) with the same term to the February 3, 2022 meeting.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mrs. Maguire, seconded by Ms. Ausiello, it was voted:

RESOLVED: That Town Council re-appoint Gary Greene – Lakeview Association, Caroline LaMonica – Senior Citizen, Sue Anderson – Secret Lake Association, and appoint Jim Speich – Avon Volunteer Fire Department as Town Council Representatives for a two-year term to expire on December 31, 2023 and table a vacancy (VNA) with the same term to the February 3, 2022 meeting.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Mr. Weber, seconded by Ms. Ausiello, it was voted:

RESOLVED: That the Town Council re-appoint the Farmington Valley Health District – Avon Health Department, Jennifer Kertanis – Director, Brandon Robertson – Town Council Representative, and Maura Shea – Town Council Representative to the Farmington Valley Health District for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

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

RESOLVED: That the Town Council re-appoint Alan Rosenberg as the Town's Municipal Agent for the Elderly for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

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

RESOLVED: That the Town Council re-appoint Alan Rosenberg as the Town's Municipal Agent for the Veterans for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

On a motion made by Ms. Ausiello, seconded by Mrs. Maguire, it was voted:

RESOLVED: That the Town Council re-appoint Jaime Polhamus as a regular member and James Williams as an alternate member to the Lower Farmington River & Salmon Brook Wild and Scenic Committee for a two-year term to expire on December 31, 2023.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

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

RESOLVED: That the Town Council re-appoint Elizabeth Abshire – Parent/Community Member, Susan Alexe – Youth Services Professional, Heather Toyen – School Advisor, and James Rio – Director of Police Services to the Youth Services Advisory Board for a two-year term to expire on December 31, 2023 and table three vacancies (3-D) with the same term to the February 3, 2022 meeting.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

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

RESOLVED: That the Town Council re-appoint Christine Winter, Carrie Firestone, and appoint Kim Stevenson, Michael Dawson, and Michael Guerrera to the Avon Clean Energy Commission for a two-year term to expire on December 31, 2023 and table two vacancies (2-R) with the same term to the February 3, 2022 meeting.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

21/22-54 Eagle Scout Proclamations

Chairman Polhamus noted that the following Scouts will be honored for their achievement of Eagle rank at an Eagle Court of Honor ceremony this coming Sunday, January 9th: Brian Matthew Cunningham, Rodrigo Monteiro Portal, and Falcon Skylar Yule. Council congratulated the Scouts, we are grateful for your service, and Chairman Polhamus read one of the proclamations aloud.

January 6, 2022

Permit the Town Council to join your many friends in offering our heartiest congratulations upon your achievement as an Eagle Scout.

This is indeed an appropriate honor for the many years you have spent as a Boy Scout. Through the years you have spent in scouting you have had to show qualities of leadership, integrity, loyalty, and service to your troop, community, school, religion, and your friends.

The high standards of the Boy Scouts of America are well known and your elevation to Eagle Scout most certainly attests to your fulfillment of their high standards.

Congratulations on your outstanding achievement!

XI. TOWN MANAGER'S REPORT/MISCELLANEOUS

Misc. A: Purchasing Update: The Assistant Town Manager noted that the CT Green Bank Solar MAP PPA proposal is being worked on with the Board of Education and we plan to bring it before the Avon Clean Energy Commission at a special meeting in January and bring it before the Board of Education and Town Council in the coming months. She noted that regarding the AVFD Master Plan, the consultant has conducted a site visit.

Misc. B: Construction Update: The Town Manager noted that the Police Department Improvements are nearing completion; he would like to schedule a tour of Town Hall and Public Works with Town Council at some point. He noted that at a future meeting, he will have the Town

Engineer provide an in-depth overview of the Old Farms Road Projects; we have commitments to fund from the State for both sections of the road; we have another grant for \$380,000 through another program that the Assistant Town Manager was able to track down; the pieces are coming together; we may be ready to go, assuming referendum approval, for the summer of 2024. He noted that the Library Courtyard Restoration is in progress. The Assistant Town Manager noted that the fencing along the Rails to Trails has gone in. She added the Avon Room took on flood damage following Hurricane Ida and improvements are in progress; we have engaged Fuss & O'Neill to study the brook and make recommendations to prevent future flooding. In response to a question from Ms. Ausiello, the Assistant Town Manager responded that the STEAP grant for the sidewalk replacement will cover from the intersection of Country Club to the driveway of Avon High School; the next phase will bring it around to Scoville Road and go back and take care of the sidewalk over the culvert closer to Country Club Road.

Misc. C: Materials Innovation & Recycling Authority (MIRA): The Town Manager reported that the Director of Public Works will attend Council's February meeting to provide an update on this item; it has to do with the breakdown of the Mid-Connecticut Project and the trash to energy facility in Hartford and the ongoing viability of MIRA and how that is going to influence our costs; we pay a TIP fee directly based on that and it has an impact on any business or resident in Town who has a contract with a hauler.

Misc. D: National Opioid Settlement: The Town Manager reported that we received notice that we had to sign by January 3rd; they needed as many towns/cities in the country as possible to ensure they reached critical mass; we waive any future litigation or any claim we may have against these manufacturers but the odds of Avon individually pursuing a claim against Johnson & Johnson are probably zero; we will get some money back; most of the other towns in the valley have done the same thing so it may be an option that for the money we get back we could somehow use to benefit opioid programming that can be conducted through the Farmington Valley Health District.

XII. EXECUTIVE SESSION: Pursuant to C.G.S. 1-200 6 (a) Executive Level Employment

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

RESOLVED: That the Town Council enter into Executive Session at 10:36 p.m.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

XIV. ADJOURN

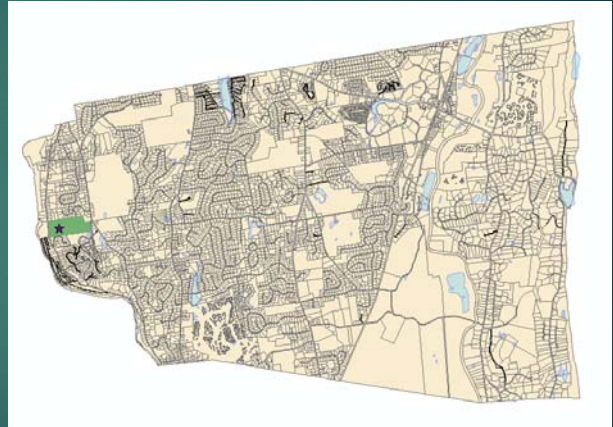
On a motion made by Mr. Polhamus, seconded by Mr. Weber, it was voted:

RESOLVED: That the Town Council adjourn the meeting at 11:10 p.m.

Mmes: Maguire, Ausiello, Messrs: Polhamus, Weber, and Indomenico voted in favor.

Attest: Jennifer Worsman, Clerk

Photographic Simulations: Public Safety Radio Tower Project



Photographic Simulations: Public Safety Radio Tower Project

Process Followed to Prepare Photo Simulations:

1. The existing tower was located using professional-grade field survey GPS total-station and coordinates for the Tower base was collected. A photo image is also collected at the site by the total-station.
2. A coordinate for the top of the Tower is also projected within the total-station using the base point for reference. The coordinate points were superimposed onto the photo.
3. The total-station is relocated to each selected location and images are taken. *The survey total-station can identify the superimposed points as if there were no obstructions between the total-station and tower. The total-station uses "mathematical perspective" meaning that objects closest to the camera are full-size, while objects further away appear smaller.*
4. These images will look similar to :



Photographic Simulations: Public Safety Radio Tower Project

Process Followed to Prepare Photo Simulations (cont.):

5. After capturing an image with the total-station, an identical image is captured as a 35 mm photo. *A 35mm camera lens closely mimics images as seen by the human eye.*
6. Once the images are captured, the proposed tower is modeled to scale in a 3D modeling program (AutoDesk's Revit software).
7. Once all the data is captured, it is loaded into a photo editing program and, if visible, the tower is placed within each photo illustrating the correct scale.

Photolog Key Plan



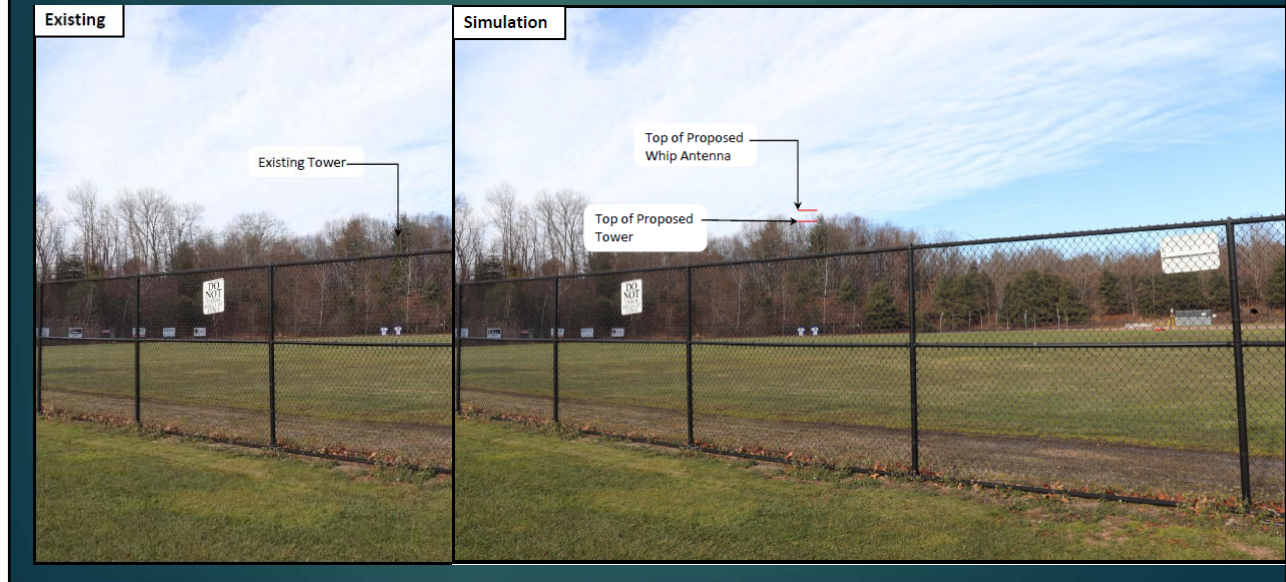
Photographic Simulations: Public Safety Radio Tower Project

Photo location #1 – Buckingham Playground (1,350 ft away)



Photographic Simulations: Public Safety Radio Tower Project

Photo location #2 – Edge Buckingham Ball Field (878 ft away)



Photographic Simulations: Public Safety Radio Tower Project

Photo location #3 – Buckingham Ball Field (720 ft away)



Photographic Simulations: Public Safety Radio Tower Project

Photo location #4 – 22 Berkshire Crossing (690 ft away)



Photographic Simulations: Public Safety Radio Tower Project

Photo location #5 – 10 Berkshire Crossing (490 ft away)



Photographic Simulations: Public Safety Radio Tower Project

Photo location #6 – Near Farmington River (1,800 ft away)



Photographic Simulations: Public Safety Radio Tower Project

End of Presentation

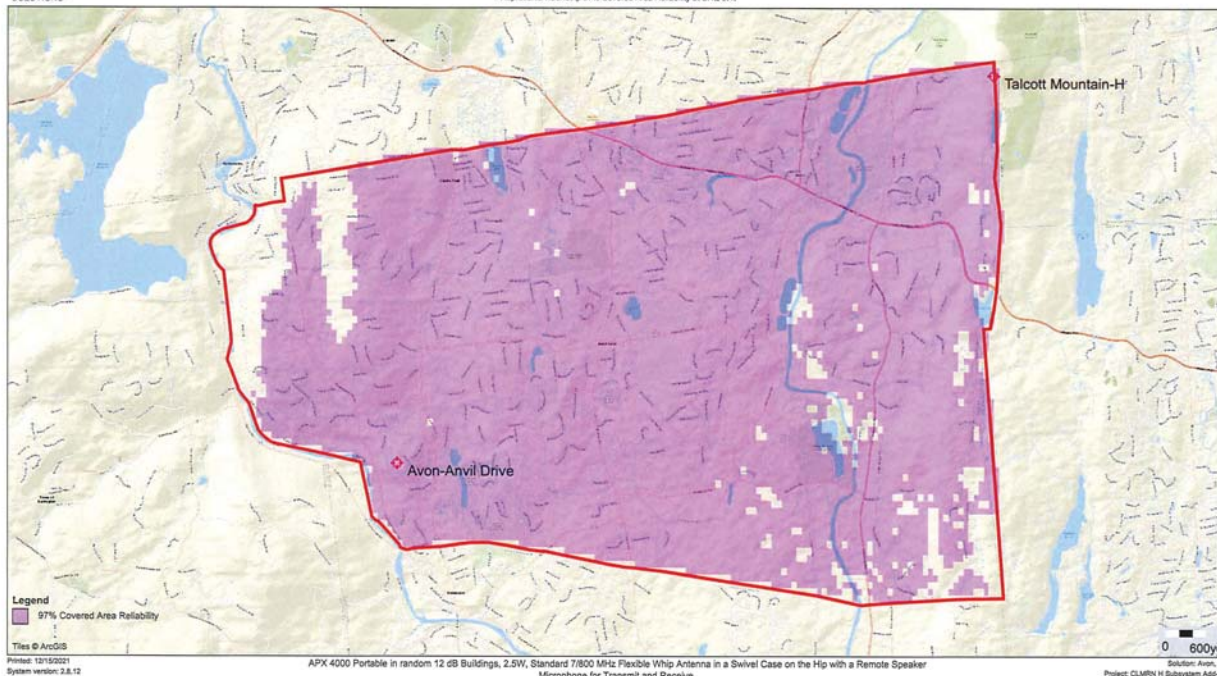




Town of Avon, CT

For Information Only

Connecticut Land Mobile Radio Network (CLMRN) H-6-Site ASTRO 25 700/800 MHz TDMA Simulcast Subsystem w/Avon Anvil Drive Add-On Site. Shaded Area Represents Roundtrip 97% Covered Area Reliability at DAQ 3.4.



This map is intended solely for the equipment configuration stated above.
Coverage can vary significantly if different configurations are used.

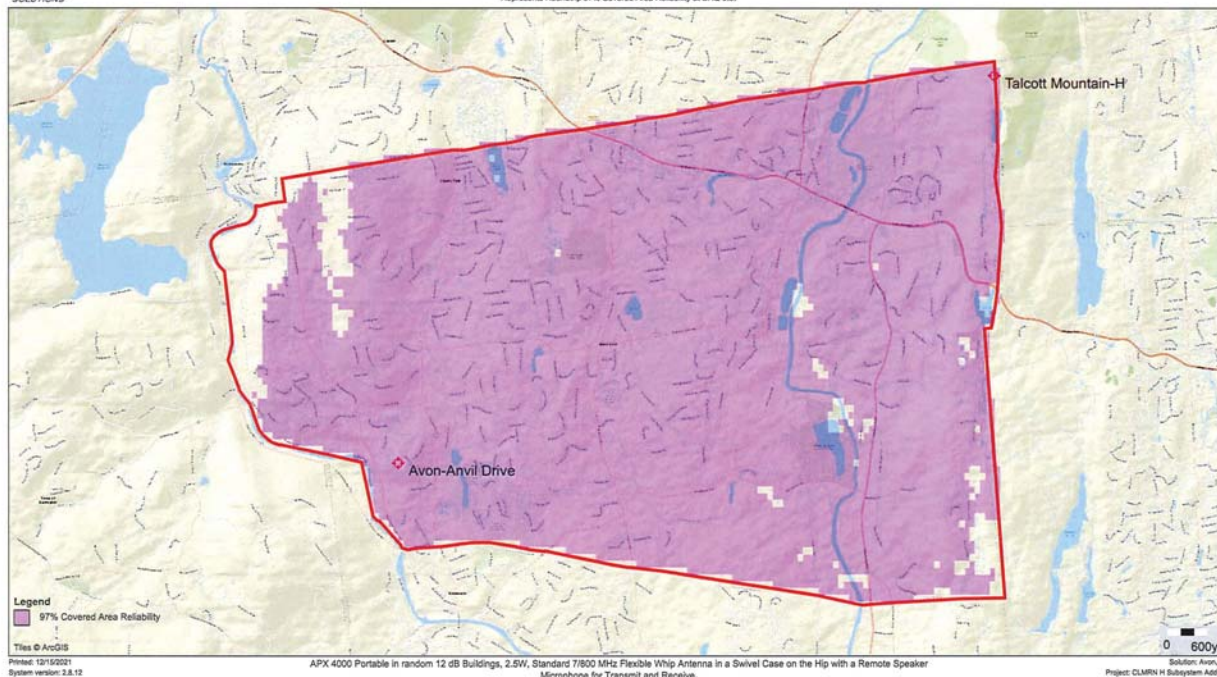
Reference 37 - DAQ 3.4



Town of Avon, CT

For Information Only

Connecticut Land Mobile Radio Network (CLMRN) H-6-Site ASTRO 25 700/800 MHz TDMA Simulcast Subsystem w/Avon Anvil Drive Add-On Site. Shaded Area Represents Roundtrip 97% Covered Area Reliability at DAQ 3.0.



This map is intended solely for the equipment configuration stated above.
Coverage can vary significantly if different configurations are used.

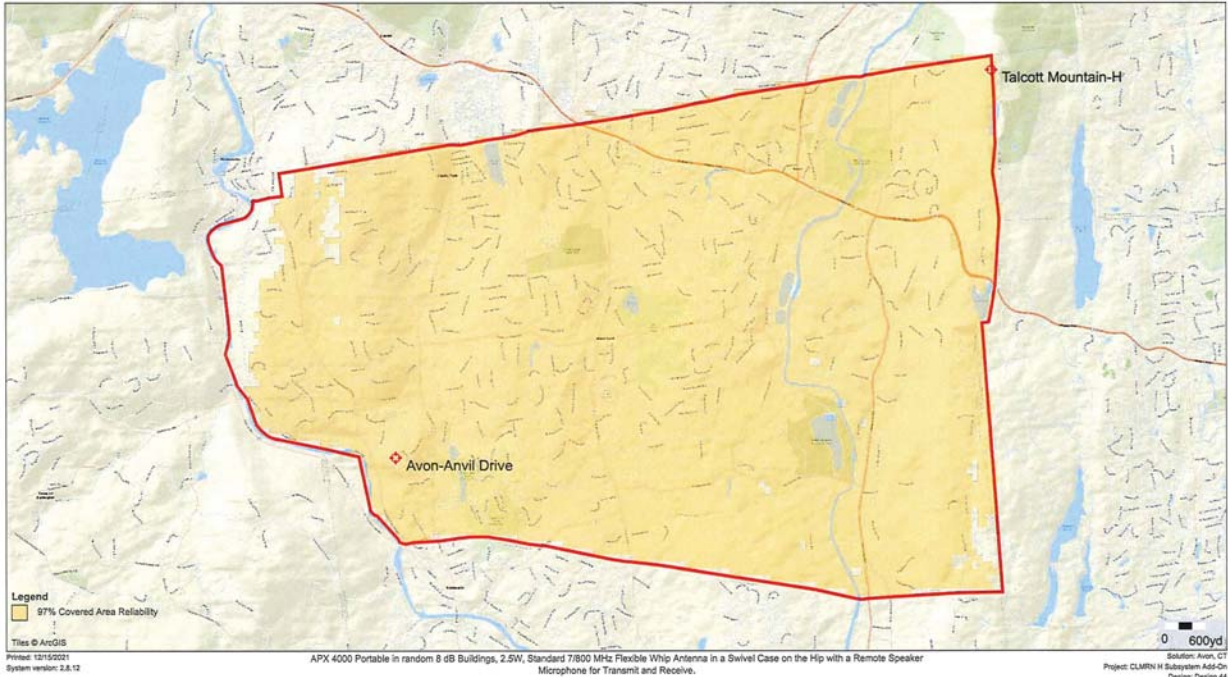
Reference 38 - DAQ 3.0



Town of Avon, CT

For Information Only

Connecticut Land Mobile Radio Network (CLMRN) H 6-Site ASTRO 25 700/800 MHz TDMA Simulcast Subsystem w/Avon Drive Add-On Site. Shaded Area Represents Roundtrip 97% Covered Area Reliability at DAQ 3.4.



This map is intended solely for the equipment configuration stated above.
Coverage can vary significantly if different configurations are used.

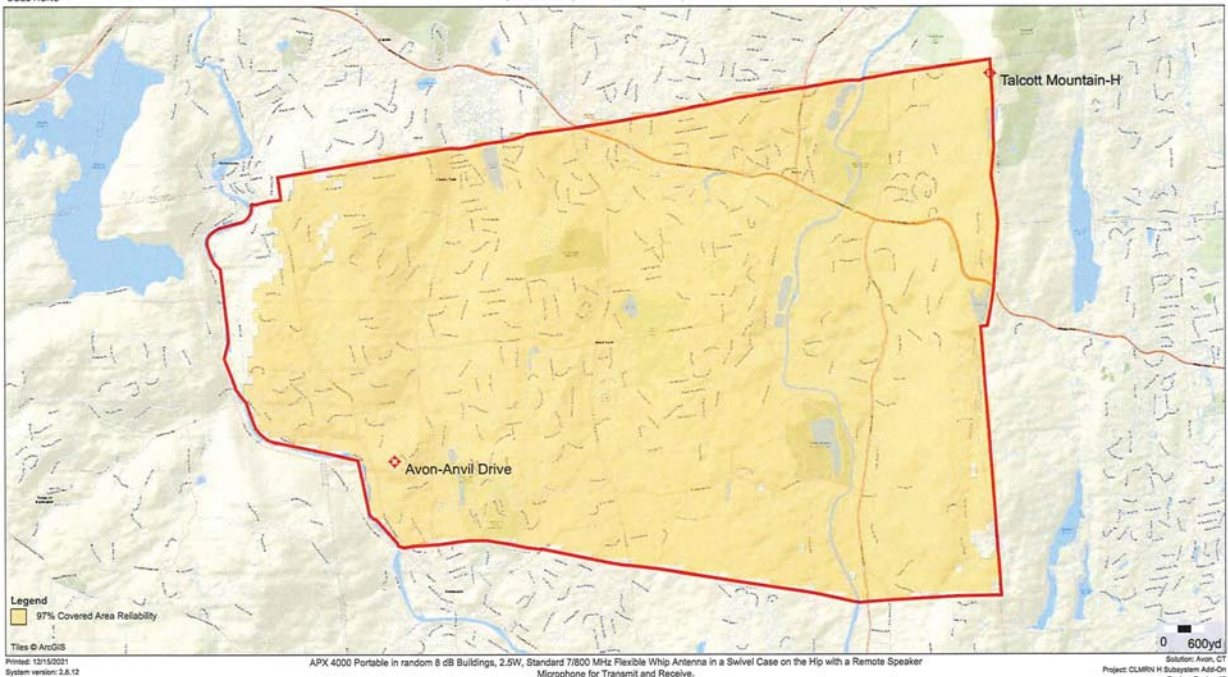
Reference 39 - DAQ 3.4



Town of Avon, CT

For Information Only

Connecticut Land Mobile Radio Network (CLMRN) H 6-Site ASTRO 25 700/800 MHz TDMA Simulcast Subsystem w/Avon Drive Add-On Site. Shaded Area Represents Roundtrip 97% Covered Area Reliability at DAQ 3.0.



This map is intended solely for the equipment configuration stated above.
Coverage can vary significantly if different configurations are used.

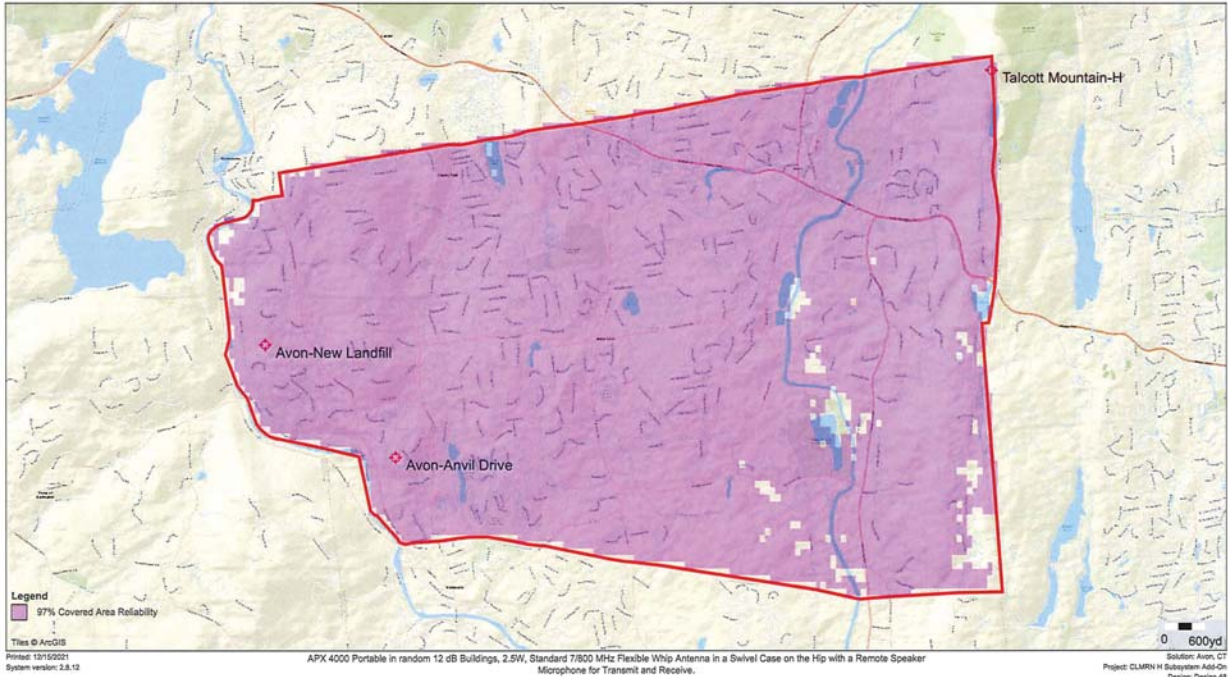
Reference 40 - DAQ 3.0



Town of Avon, CT

For Information Only

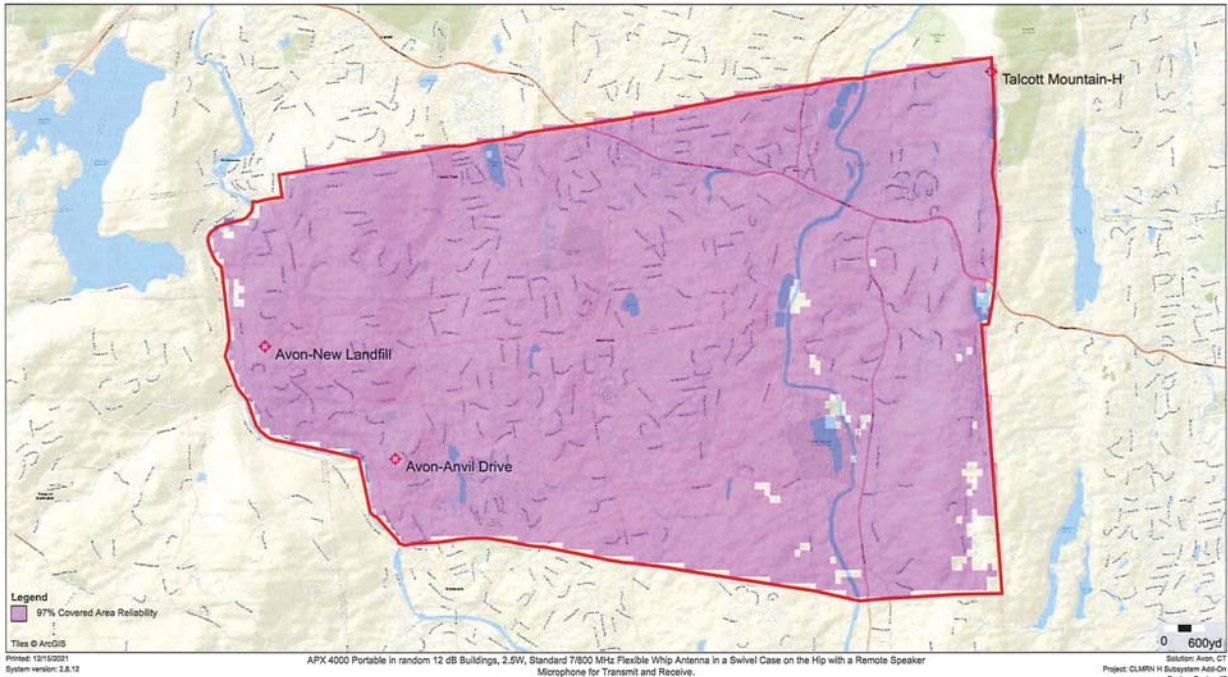
Connecticut Land Mobile Radio Network (CLMRN) H 6-Site ASTRO 25 700/800 MHz TDMA Simulcast Subsystem w/Avon Anvil Drive and Avon Landfill (100 Ft) Add-On Sites. Shaded Area Represents Roundtrip 97% Covered Area Reliability at DAQ 3.4.



Town of Avon, CT

For Information Only

Connecticut Land Mobile Radio Network (CLMRN) H 6-Site ASTRO 25 700/800 MHz TDMA Simulcast Subsystem w/Avon Anvil Drive and Avon Landfill (100 Ft) Add-On Sites. Shaded Area Represents Roundtrip 97% Covered Area Reliability at DAQ 3.0.

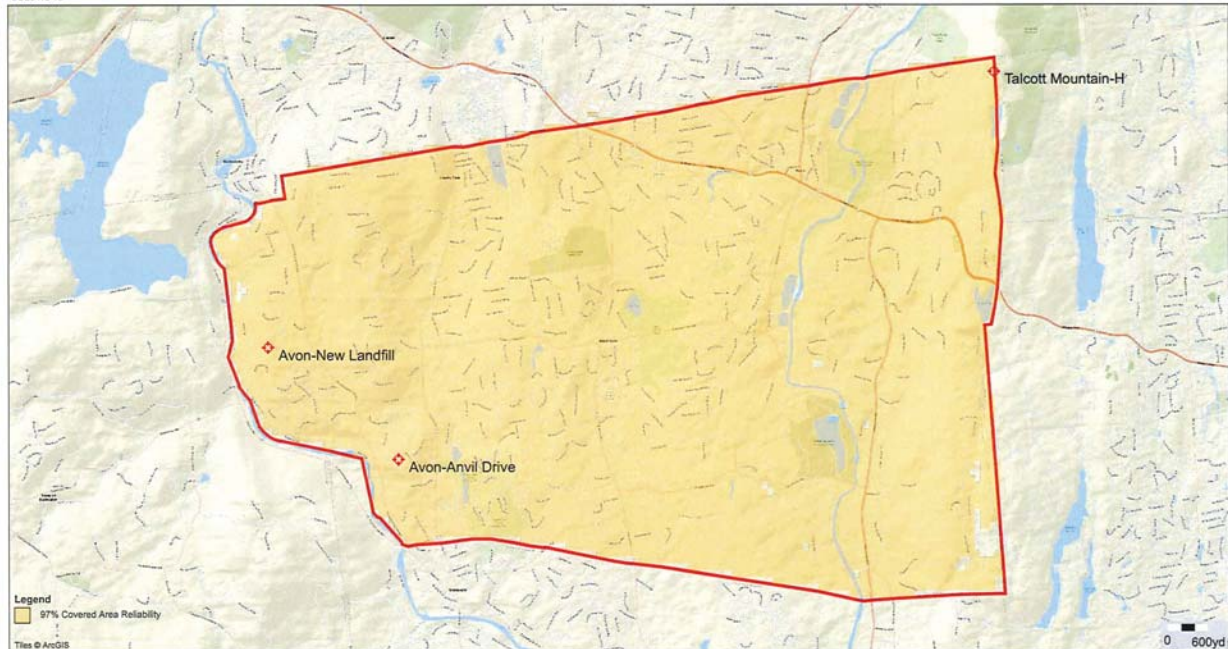




Town of Avon, CT

For Information Only

Connecticut Land Mobile Radio Network (CLMRN) H 6-Site ASTRO 25 700/800 MHz TDMA Simulcast Subsystem w/Avon Anvil Drive and Avon Landfill (100 Ft) Add-On Sites. Shaded Area Represents Roundtrip 97% Covered Area Reliability at DAQ 3.4.



This map is intended solely for the equipment configuration stated above.
Coverage can vary significantly if different configurations are used.

Project: CLMRN H Subsystem Add-On
Design: Design 48
C13824

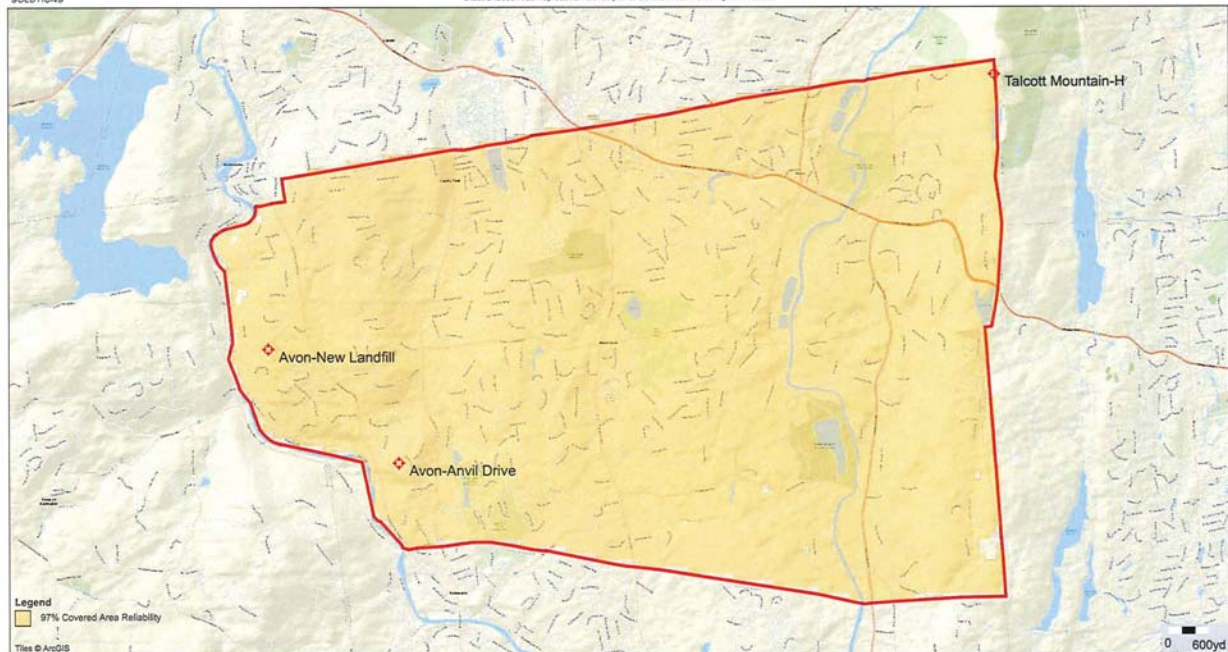
Reference 43 - DAQ 3.4



Town of Avon, CT

For Information Only

Connecticut Land Mobile Radio Network (CLMRN) H 6-Site ASTRO 25 700/800 MHz TDMA Simulcast Subsystem w/Avon Anvil Drive and Avon Landfill (100 Ft) Add-On Sites. Shaded Area Represents Roundtrip 97% Covered Area Reliability at DAQ 3.0.



This map is intended solely for the equipment configuration stated above.
Coverage can vary significantly if different configurations are used.

Project: CLMRN H Subsystem Add-On
Design: Design 47
C13824

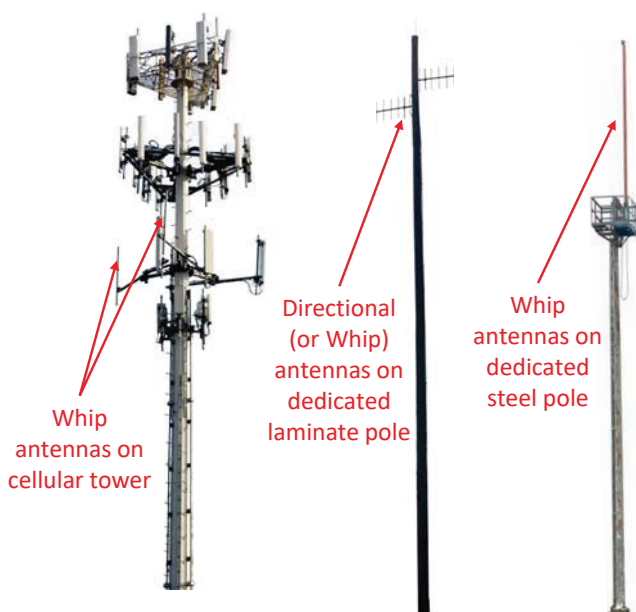
Reference 44 - DAQ 3.0

Agenda



- The TC can have their tower, just skip the cellular tower
- The TC must prioritize RBS and other schools over SBA revenues
- The proposed lease amendment is high-risk and exposes the town
- The financials do not work – tax payers have been misled
- A viable alternative, compatible with surrounding towns was ignored
- The RFP Process was apparently rigged for Motorola from the start, a potential legal exposure for the town
- The TC computer simulated renderings are terribly flawed and insulting
- The TC must restore integrity to this process, and stop misleading the public

The TC can have their tower, just skip the cellular tower

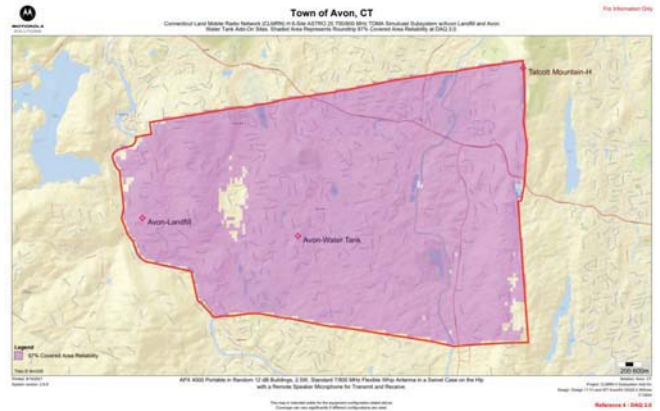


The current SBA lease amendment **REQUIRES** SBA to co-locate Avon equipment on the existing tower. Avon may also install an additional tower on the site. Two whip antennas of 50 lbs or more are permissible by SBA. A \$2,500 engineering study to place these whip antennas on the existing tower was never funded by Avon, even when the neighbors offered to pay.

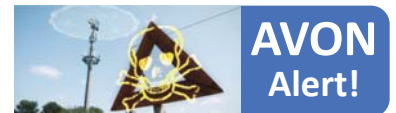
The TC must prioritize RBS and other schools over SBA revenues



- The current approach to “plug the gap” for lack of coverage of RBS, is an after-thought using existing antiquated equipment and has yet to be scoped and priced, and will populate our schools with radiating radio equipment
- The 700MHz design does not provide coverage over schools, the key driver of this project after the Sandy Hook incident
- Alternative viable proposals from Isotrope and Marcus Radio did
- A 400MHz-based solution would provide far better coverage, reduce the network cost and complexity, minimize single-points of failure, while utilizing existing tower assets.



The proposed lease amendment is high-risk and exposes the town



- Current SBA tenants which are part of the town revenue-share include ATT and T-Mobile
- But that’s just recently as Cingular and Sprint, the original tower operator, and tenants had to merge or be acquired to survive
- ATT acquired Cingular
- T-Mobile acquired Sprint
- The current lease amendment has a carve-out that provides Verizon “rent-free” access to the SBA tower as “payment in kind” for tower upgrades to accommodate Avon. In actuality, SBA would do these upgrades on their own if they wish to grow their TAM, revenue, or margin – and what company does not want to grow?
- What happens to the town revenue when Verizon merges with ATT or T-Mobile and uses the name Verizon?
- What happens to the town revenue when Verizon acquires SBA and uses the Verizon name?

The financials do not work – tax payers have been misled



Section 1: Capital	
Capital Available	
Referendum Budget (previously approved for project)	\$3,890,000
Capital Required	
Equipment Costs (based on quotations from August 2017)	
System Component	(\$1,978,043)
System Service Costs	(\$979,195)
Infrastructure Development	(\$770,687)
User Radio Costs	(\$1,229,622)
Total Equipment Costs	(\$4,957,547)
Net Capital Surplus (Deficit)	(\$1,067,547)

Section 3: Net Cash Cost Over Life of Project	
Total Equipment Cost	(\$4,957,547)
Net Project Expenses	(\$8,507,996)
Total Net Cash Surplus (Cost) of Project	(\$13,465,543)
Approved Funds for Project (Referendum Budget)	\$3,890,000
Net Cost of Project Not Yet Approved or Included in Town Budget	(\$9,575,543)

Section 2: Annual Operating Revenues & Expenses	
Average Annual Revenues	
Rent	\$35,958
Tenant revenue sharing	\$80,690
SBA contra revenue	(\$27,042)
Total Average Annual Project Revenues	\$89,606
Referendum Bond(s)	
Principal	(\$259,333)
Interest	(\$25,165)
Total Bond Servicing	(\$284,498)
Average Annual Maintenance Costs	
Radio System	(\$174,204)
Microwave System	(\$12,830)
System Manager Maintenance	(\$2,476)
Logging Recorder Maintenance	(\$17,175)
Radio System Maintenance	(\$17,013)
Fiber Backhaul Fees	(\$60,000)
Total Average Annual Maintenance Costs	(\$283,697)
Average Annual Interest Expense on Indebtedness	(\$88,611)
Average Annual Net Income (Expense) for Project	(\$567,200)

\$13 MILLION+ is NEW & ADDITIONAL Avon Operating Budget on a \$3,890,000 approved Referendum Budget!!!

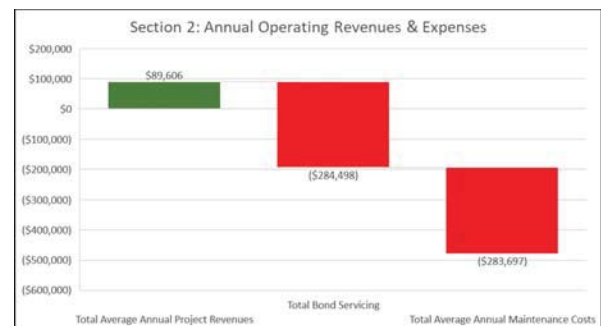
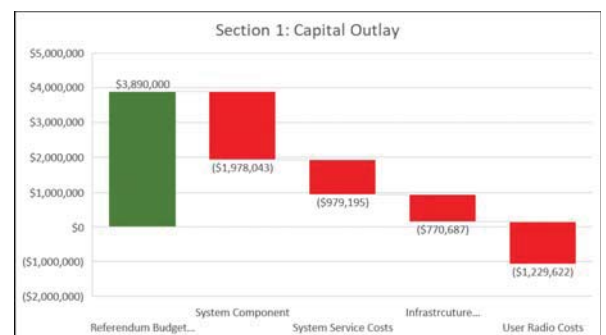
The financials do not work – tax payers have been misled



Section 4: TCO of CPEs (push-to-talk user devices)

Device Type (From Motorola Proposal)	QTY	\$/Year (ACV)	\$/Life - 15 Years (TCV)
Non-Public Safety Portables	76	(\$242,795)	(\$3,641,926)
Fire Portables	77	(\$245,990)	(\$3,689,846)
Police Portables	37	(\$118,203)	(\$1,773,043)
Multi Band Portables	2	(\$6,389)	(\$95,840)
Non-Public Safety Mobiles	32	(\$102,230)	(\$1,533,443)
Fire Portables	28	(\$89,451)	(\$1,341,762)
Police Portables	27	(\$86,256)	(\$1,293,842)
Multi Band Mobiles	2	(\$6,389)	(\$95,840)
Totals	281	(\$897,703)	(\$13,465,543)

\$13.4 MILLION+ is the "PHONE BILL" for 281 handsets for 15 years or \$266 per month. Assuming no new handsets, no new network infrastructure, and all repairs are covered under the Motorola maintenance agreement completely – highly unlikely. A complete network & CPE refresh will most likely be needed or mandated by CT State between years 10-12.

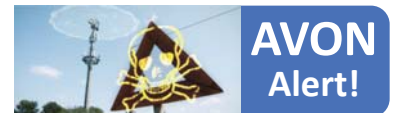


The financials do not work – tax payers have been mislead



- A referendum for \$3,980,000 was approved on a project that will cost a minimum of \$13,400,000!!
- Once Avon is on the State 700MHz DIGITAL (not Analog) Network, Avon will be beholden to the State architectural, engineering, maintenance, and upgrade schedule
- If CT State “upgrades” their network base-stations, the town will have to as well – none of these upgrades have been estimated, scheduled or budgeted
- The proposal assumes that the handsets and mobile (automobil) sets will last fifteen years – highly unlikely, there will most likely be a need for a refresh of all handsets and partial base stations incurring millions more in investment that is not budgeted

A viable alternative, compatible with surrounding towns was ignored



Marcus Radio Proposal

- Unlike Motorola proposal, compliant with RFP
- P25 simulcast system with Multi bands Radios for Town and State interoperability
- Unlike Motorola proposed Trunking system, less equipment& cost needed to eliminate single points of failure
- Cost efficient tower design using Town existing assets and spectrum
- Industry best-practice delivery of 95% coverage 95% of the time

Town’s Response

- Never called Marcus in for a briefing or “Orals”
- Sent form letter “thanks; but no-thanks”

Questionable Practices

- RFP looks purpose-built for Motorola – they are the only vendor on the State Network
- Most likely Federal Engineering had Motorola author RFP, and they “sold” the RFP to Avon.

Town	Police Department	Fire Department
Simsbury	Town	Town
Farmington	Town	Town
Plainville	Town	Town
Burlington*	State [no town PD]	Town
Avon	Town → State	Town → State
Stonington** <small>[Due to lack of state coverage, town forced to operate two networks]</small>	Town & State	Town & State

From page 6 of the RFP: “The Town also desires to explore the following initiatives as OPTIONS in the new system procurement and deployment:

Geographically diverse control equipment; Master control equipment to provide for multiple simulcast systems, such as neighboring towns that would like to join in the future; Upgrade existing systems utilized by non-public safety departments.

Why? Where will the town really need help from: Stamford & Litchfield or Simsbury & Farmington?

A viable alternative, compatible with surrounding towns was ignored



CT Reference Customers

Berlin Fire Department
1657 Berlin Turnpike Berlin, CT
Jeff Pajor Fire chief
(860)-209-6105
jpajor@gmail.com

- 2 channel P25 4 site simulcast system
- Console system
- 300 Harris and Kenwood mobiles and portables
- 18 Ghz Microwave backhaul system

Simsbury Police Department and System For All Town Agencies
933 Hopmeadow Street Simsbury, CT 06070
Nick Boulter Chief
(860) 658-3100
NBoulter@PD.Simsbury-CT.gov

- 4 Site UHF Tait P25 Simulcast System.
- 3 Site UHF Tait P25E Simulcast System
- 3 Site UHF Tait Analog Simulcast System
- 3 - 2 Site UHF Analog Tait Simulcast Systems
- 43 Dual band Harris XL-200 Portables
- 25 P25 VM-7000 Dualband Viking Mobiles
- 116 P25 NX-5000 Series Kenwood Mobiles
- 70 P25 NX-5000 Series Kenwood Portables
- 100+ P25 NX-5000 Series Kenwood Portables.
- Licensed & installed 18GHz microwave for wireless backhaul
- 2 position Avtec console

Town of West Hartford, CT
50 South Main Street West Hartford, CT 06107
Assistant Chief Dan Copping
(860) 670-5783

- Police: 3 site 6 channel P25 phase 1 & 2 trunked simulcast
- System includes a 2 site 2 channel analog simulcast.
- Six position Avtec console system.
- SAIE microwave system- five links
- System supports 800+ subscribers.

Town of Ludlow, MA
Construction under way of a P25 Phase 2 UHF 3 site trunked system.
Chief Ryan Pease
(413) 583-8332

- Construction of a new greenfield tower site with 160' SST and fill size shelter
- Construction of a 100' SST
- New back-up generators for all sites
- Redundant 4-layer microwave system
- 400 subscribers
- 4 position Console
- Marcus handled system design & engineering.

Manchester Police Department
239 Middle Turnpike East Manchester, CT 06040
Jim White, Director of Communications
(860) 533-8624
whitej@manchestercrct.gov

- 6 position DFSI Avtec console with all new furniture.
- 3 channel, 4 site Tait TB9100 P25 system.
- 140 Kenwood portables and 80 Kenwood mobiles with AES Encryption.
- Licensed & installed 18GHz Exalt microwave for wireless backhaul.

A viable alternative, compatible with surrounding towns was ignored



CT Reference Customers

Meriden Police Department
50 West Main Street Meriden, CT 06450
Doree Price, Communication Systems Director
(203) 376-1556
dprice@meridencrct.gov

- Public Safety Radio Communication System / 2009 - Present
- Awarded two contracts worth \$2.25 million
- 6 site, 3 Channel P25 Simulcast Tait radio system
- 84 Tait mobile radio installations and 160 portables with DES encryption.
- Marcus constructed a Stealth flagpole in the middle of a residential neighborhood. The neighborhood closely scrutinized the tower construction with no complaints.
- All six sites are connected by redundant microwave in 4.9GHz and 5.8GHz bands.
- Handled all aspects of the system engineering, construction, and deployment of the radio system.
- Installed a 6 position Avtec Console in their renovated dispatch center.
- Equipped a mobile emergency command post which included multiple radios plus a Tait digital/analog repeater working on all of Meriden's frequencies.
- Coverage verification was provided by Marcus.

Meriden Fire Department
561 Broad St. Meriden, CT 06450
Ryan Dunn, Deputy Chief
(203) 630-5868
rdunn@meridencrct.gov

- Public Safety Radio Communication System Since 2018
- 4 Site Analog Simulcast System with microwave backhaul
- 4 Site Analog recording and receiving system.
- Coverage verification was provided by Marcus.

South Windsor Police Department
151 Sand Hill Road South Windsor CT 06074
Chief Christian Lindstrom
(860) 644-2551

- Public Safety Radio Communication System / 2010 - Present
- 3 site, 2 channel P25 Simulcast Tait Radio System.
- Marcus handled system design, engineering, construction, and deployment.
- Converted from a single Transmit 800MHZ, 3 receive Analog System.
- 33 Mobile and 57 portables are both Tait/Kenwood subscribers.
- All FCC coordination, engineering and licensing was provided by Marcus.
- Coverage verification was provided by Marcus.
- In 2012, we installed a new 3 position DFSI Avtec console along with all new furniture.

Vernon Police Department
725 Hartford Turnpike Vernon, CT 06066
Lieutenant Robert Marra
(860) 872-9126 x221
VMeier@vernon-ct.gov

- 2 site 2 channel P25 Simulcast Tait Radio System.
- 33 Mobiles and 62 portables - mix of Tait/Kenwood subscribers.
- Replaced a 7-site voting 2 transmitter analog system with vastly improved coverage.
- Coverage verification was provided by Marcus.

	Town / Motorola / SBA	Isotrope Consulting	Marcus Radio Proposal
Society	New Road Coverage Primary & New Gear	RBS Coverage Primary & New Gear	RBS Coverage Primary & New Gear
	RBS Coverage Afterthought & Legacy Gear	New Road Coverage Secondary & New Gear	New Road Coverage Secondary & Upgraded
	Community Resistance	Community Supported	Community Supported
Financial	Excessive 3-Tower Approach	More Cost-Efficient 2-Tower Approach	Best Practice 95% coverage, 95% of the time
	700MHz Unpredictable State Controlled Costs Structure	700MHz Unpredictable State Controlled Costs Structure	Town Control of Town Assets including 400MHz Spectrum Bands
	Non-Transparent Costs or Coverage	Transparent Cost Warning & Coverage	Fully Transparent Costs & Coverage
	Export CT Tax Revenue to IL (Motorola HQ)	Export CT Tax Revenue to IL (Motorola) HQ Company	Keep CT Tax Revenue in CT HQ Company
Commercial	Non-Compliant RFP Response (Trunc)	Non-Compliant RFP Response	Fully Compliant RFP Response with 95% Coverage / 95% Service SLA Simulcast
	Dependent on State and SBA Resources – Landlord becomes Tenant	State Control of All Assets	Town Control of All Assets
	Unpredictable Financial Loss (Verizon Acquisitions) and 2 Dimensional Vertical Land Use	Predictable Financials	Predictable Financials
	No RBS Coverage on Core Backbone	RBS Coverage on Core Backbone	RBS Coverage on Core Backbone
Technical	Antiquated CPE Equipment for Schools	Modern CPE Equipment for Schools	Modern CPE Equipment for Schools
	Trunk Architectural Complexity to eliminate single points of failuer	Trunk Architectural Complexity to eliminate single points of failuer	No Single Point of Failure – Simulcast Radio to Radio Comms
	Must Maintain Costly Compatibility with State Network	Must Maintain Costly Compatibility with State Network	Manage Functional Enhancements and Upgrades at Town's Discretion & Budget

The RFP Process was apparently rigged for Motorola from the start, a potential legal exposure for the town



3.8 VHF/UHF Interoperability Network

A. In efforts to maintain the current level of interoperability with mutual aid participants surrounding the Town of Avon, who do not have access to 700 MHz subscriber devices, the Town wishes to incorporate currently licensed VHF/UHF/800 MHz interoperability channels, operated through the console to control stations located at the Avon Police Department, with the proposed P25 system.

4.2.1 Portable Radios

A. The Town has estimated the quantities of portable radios. For this RFP, RESPONDENT shall provide pricing with the assumption that the Town may purchase the number of portable radios shown in Table 3 and as outlined in the Price Forms.

B. Single Band and Multiband portable radios:

1. RESPONDENT shall propose single band portable radios capable of operating in the following frequency bands, dependent on licensed spectrum:

- UHF: 450-512 MHz OR
- 700/800 MHz: 762 – 862 MHz

2. RESPONDENT shall propose multiband portable radios capable of operating in the following frequency bands:

- VHF: 136 – 174 MHz
- UHF: 450 – 470 MHz
- 700/800 MHz: 762 – 862 MHz

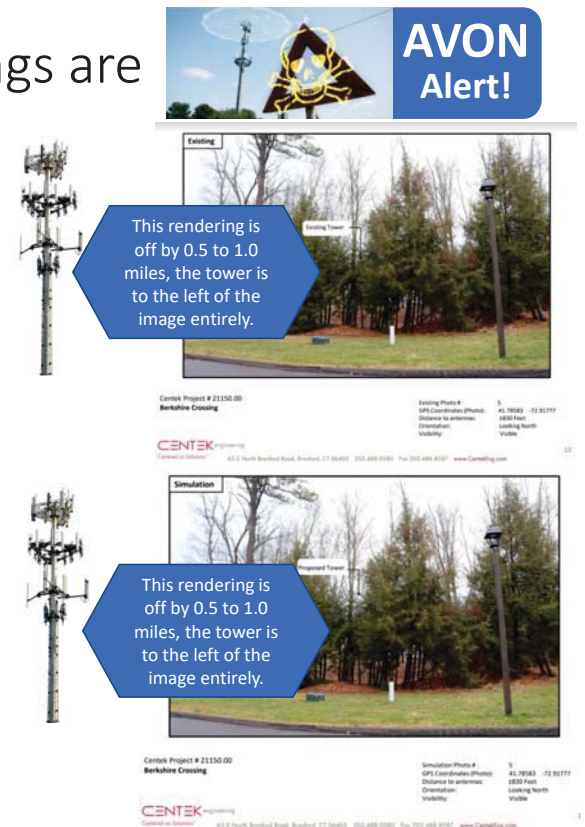
The bid specifications is simply the most expensive and elaborate system on the market even by todays standard. Some of it at the time of 2017 was not even proven in the field yet and is still full of issues.

700MHz channels require Avon to be regionalized – so connecting an AVON system to the state now qualifies to get additional channels. – to be clear a state system option was never asked for in the RFP. And the state system, option is Motorola only!

Why such specific frequency ranges? Exclusive, Motorola Support versus other vendors.

The TC computer simulated renderings are terribly flawed and insulting

In the Town's haste, the renderings are grossly flawed in their positioning versus the existing tower and yet still demonstrate the neighborhood's worst fears – this cellular tower is an eyesore from street level and will be exasperated from living in-home and backyard views. **Why not use a crane and ask citizens to come out and look for themselves?**



The TC computer simulated renderings are terribly flawed and insulting



- The proposed lease amendment is a black and white binding contract.
- It CLEARLY states the pole height will be up to 150'.
- Once the tower is under CT Siting Council authority, SBA may request a height increase of 15% or 20' whichever is greater per FCC rules. That would put the pole height at 170'; plus 16' Avon whip antennas and the tower stands at 186' – significantly higher than 130'.
- **Therefore all renderings MUST detail a range of 150' at the lower level (legally binding height) to 186' (theoretical limit once Avon surrenders control to the State).**
- Additionally, the existing pole is located in a 40' x 40' fenced-in pen or 1,600 square feet. The lease amendment provides a space of 10,000 square feet or a pen of 100' x 100'.
- Renderings must detail multiple site locations in that 10,000 square foot area as the elevation can vary 100s of feet.
- Moving the tower 30' closer to the capped landfill, would raise the height of the tower by more than 50'.

Actual FCC rule:

Question: How often has the CT Siting Council denied a change to a cellular tower operator?

Answer: Never.

Height increases

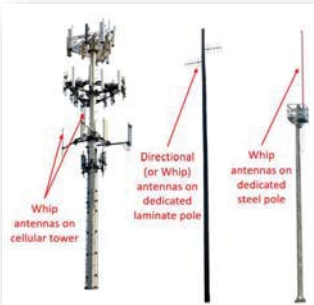
Existing FCC rules for eligible facilities requests deem that a modification to a tower outside the right of way is considered a "substantial change" and not an eligible facilities request if it "increases the height of the tower by more than 10% or by the height of one additional antenna array with separation from the nearest existing antenna not to exceed 20 feet, whichever is greater."

The ruling states that "separation" of existing antenna means the distance from the top of the antenna to the bottom of the proposed antenna. This means that the local government is barred from denying a 6409(a) application to add more than 20 feet to the height of a tower outside the right of way if there is not more than 20 feet between the top of the existing tower and the bottom of the new antenna array.

The TC must restore integrity to this process, and stop misleading the public



Town Claim: can't place a second tower close to a cellular tower.



Truth: its done all the time, everywhere – the existing lease with SBA authorizes a second tower co-located with the existing cellular tower.

Town Claim: can't place a second tower at Avon Fire Station 4 due to open space.



Truth: A fire alarm sits on the roof, a dedicated 200' steel pole with whip antennas can be disguised as a flag pole and situated in back parking lot.

Town Claim: the Avon Landfill is capped and can not support an additional tower.



Truth: A small portion of the Avon Landfill is capped, a dedicated steel or laminate pole can easily be accommodated.

Town Claim: Avril water tower dedicated steel pole would offend neighbors there.



Truth: CT Water will provide free access, & power is at the site, and operates its own private network there on a pole. A dedicated steel pole can easily be hidden in the deep wooded area.

Conclusions



- Prioritize Avon's Elementary Children over New Road Residences
 - No radiating equipment in our schools! This 700MHz design is NOT the BEST COVERAGE!
- Avoid the Risk of Unpredictable Revenue due to Changes in Ownership (Verizon or SBA) and Non-Compliant SLA Performance (Motorola)
- Do Not Commit to 700MHz Network Design until a Fair RFP is Conducted
 - The Marcus Radio Proposal used the Town's existing 400MHz Spectrum
- We Can Make More Money with the Existing Tower versus New Tower
- Hidden Operating Costs of Current Proposal is Excessive and Coercive to Tax Payers – Must be Approved by Referendum
- The TC Should Control Avon's Destiny
 - Do Not Surrender Control of Town Land and First Responder Network to Unpredictable Shifts in State Government Whims
- Be Inclusive of Tax Payer Sentiment and Sensibilities – We Do Not Want This Lease Amendment or New Tower in Our Neighborhood
- Re-issue a fair and open-ended RFP to get the best ideas, versus a cookie cutter consultant boilerplate strife with questionable practices
- Vote NO on the Lease Amendment – Vote NO