

**AVON TOWN COUNCIL
MEETING MINUTES
September 7, 2023**

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m. at the Avon Town Hall, in the Selectmen's Chamber as well as via GoToMeeting by Chairman Polhamus. Members present: Dr. Barthel, Mmes: Ausiello, Maguire, Messrs: Polhamus and Weber. A quorum was present.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Polhamus.

Chairman Polhamus shared the following thoughts regarding the recent passing of former Town Council member Jason Indomenico. It is with a heavy heart that we open today's meeting three weeks after Jason's passing. It came to many of us as a surprise, but it probably shouldn't have been. To know Jason was to love Jason; the line at Carmon's was evidence of this. The past few weeks when he has driven through Town he is frequently on my mind, when I passed Prince Thomas, which I know he loved dearly; when I passed the turf field to which he served on its building committee; as I drive by Sperry Park, most kids knew him as a coach; and as kids return to school, the pride he took in his work with the Board of Education; and now sitting here, there are few people in Avon who Jason's life didn't touch. We live in a better Avon now due to Jason's selfless service, his dedication to the community and I hope that his life is one that will inspire, and his success is making a positive difference in peoples' lives and hope they will be grateful for Jason's great success. Ms. Ausiello noted that Jason left a big hole in the lives of his friends, his family, his community; it was obvious how many people he touched; there is not going to be anybody else like him but there are qualities that he had that we can all aspire to. Especially having served with him, he was always very pragmatic, practical, fair, he listened well, had a lot of humor mixed in; that is her takeaway from the last few weeks and to go forward and feel a little more like him in those aspects, he was a heck of a guy and will be sorely missed. Chairman Polhamus asked everyone to join him a moment of silence.

III. PUBLIC HEARING:

22/23-94 Chapter 55, Section 36 of the Town Code of Ordinances entitled: Tax Abatement Authorization for Low and Moderate Income Housing

Chairman Polhamus noted that we have been discussing this topic over the last few meetings; General Statutes allow a municipality to introduce this ordinance to encourage affordable housing and use as a tool to attract affordable housing where we want there to be such in Town.

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

RESOLVED: That the Town Council open the public hearing.

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

Chairman Polhamus waived the reading of the following notice:

"TOWN OF AVON

LEGAL NOTICE
NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Avon, Connecticut will hold a Public Hearing on Thursday, September 7, 2023 at 7:00 p.m. at the Avon Town Hall, Selectman's Chamber, 60 West Main Street, Avon, CT and virtually to consider the following:

To consider and permit all interested persons to speak on the plan of the Town Council to adopt Town Ordinance Chapter 55 Section 26 – Tax Abatement Authorization for Low and Moderate Income Housing.

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

Dated at Avon, Connecticut this 28th day of July, 2023.

Brandon L. Robertson, Town Manager"

The Town Manager noted this is an enabling ordinance; it gives the Town Council the ability to enter into tax abatement agreements with developers of projects that meet strict affordable housing guidelines; it tracks the statute; all discretion remains with the Town Council; the only thing we added to the proposed language that isn't required in the ordinance is a provision that before the Town Council authorizes the Town Manager or another designee agent to enter into this type of agreement, a public hearing is required.

Jim Speich, 14 Yorkshire Lane, commented that this ordinance was likely spearheaded because of the Security Insurance building, which is a great location for the proposed development, close to transportation, etc. He is concerned about when the statute changes and how dramatic the change may be; the ordinance states real property taxes on "any housing" and what does that mean. He would consider having this as a wider range tax abatement to include businesses. He recalled that when Reflexite came into Town many years ago they received a tax abatement. It could help with concerns about bringing in new businesses. He noted that he would probably not be in favor based on how it is written.

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

RESOLVED: That the Town Council close the public hearing.

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

The Town Manager commented there is a whole philosophy around tax abatements for businesses and why historically the Council hasn't gone there; there is enabling language where you can do tax abatements for businesses and there are also tools that the Assessor's Office has at their disposal to do more on an administrative basis to try to get a business where it needs to go as far as whatever tax liability it is looking at. This is strictly for affordable housing and affordable housing is defined by federal regulations, regulations for the CT Finance Housing Authority; it can apply to detached units, apartments, or condominiums. The statute, 8-215, is straightforward and gives the municipality the ability to adopt an ordinance to provide these types of incentives; it may change in the future; it is not funded by the State; we will monitor any potential changes through Connecticut Conference of Municipalities (CCM) and our legislators. In response to a question from Ms. Ausiello, the Town Manager responded that Council could repeal the ordinance if the legislator does something that Council doesn't agree with. Chairman Polhamus noted that all approvals are at the Council's discretion. Ms. Ausiello commented that the ordinance states that the abatement is to be used solely for low or moderate income persons or families. The Town

Manager responded that for the Beacon Communities project, there is a PILOT payment structure that differentiates rates for affordable units at \$700 and not restricted units at \$1,000; we do not interpret the statute to mean that the entire project, all 176 units of the development, have to be affordable. Ms. Ausiello stated that it is unclear because the whole building is not solely low income. The Town Manager noted that the “solely” language is right out of General Statute 8-215. In response to a question from Dr. Barthel, the Town Manager responded that we have the ability to do it in our municipal area for a mixed-use building; the Beacon Communities project would fall within the statute.

Harry DerAsadourian, Town Assessor, commented that tax assessment taxation is all controlled by the statutes; this is specific to low and moderate incoming housing; there are specifications and requirements in terms of the financing and where the financing comes from, the rent, the mix of occupancy in terms of income levels; it is strictly for residential use; commercial use is another statute that allows the Council to enter into agreements for businesses that has a 10-year life. He added that it is not a blanket approval for any project; each project has to come before the Council and is voted on in its merits; the proposal is to pass the ordinance. He noted that at this point there is no specific contract; that will possibly come at the next meeting where we work with a developer who is looking to develop property and needs this agreement to get their financing from CHFA.

In response to an inquiry from Mrs. Maguire, the Town Manager responded that other towns who currently have such an ordinance in place include Canton, Farmington, Simsbury, and Bloomfield.

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

RESOLVED: That the Town Council adopt Town Ordinance Chapter 55 Section 26 – Tax Abatement Authorization for Low and Moderate Income Housing.

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

IV. MINUTES OF PRECEDING MEETINGS: July 27, 2023

On a motion made by Ms. Ausiello, seconded by Dr. Barthel, it was voted:

RESOLVED: That the Town Council accept the minutes of the July 27, 2023 Meeting as drafted. Dr. Barthel, Mmes; Maguire, Ausiello, Messrs: Polhamus and Weber voted in favor.

V. COMMUNICATION FROM AUDIENCE

Joe Speich, 115 Old Farms Road, a 17-year paramedic and speaking for his wife who was an RN for 16 years, 13 years as an advanced provider and many years in the ICU, shared that on November 19, 2022 his youngest son suffered a medical emergency at home and had to be transported by ambulance to CCMC; he is fine, however it took 26 minutes for an ambulance to get his house that day and 16 minutes of that time was our current provider trying to find an ambulance. He noted that the Police Department was great and the officer who assisted was very compassionate and was also concerned with the ambulance response time. He added that he has done CPR many times and cannot imagine being in a position where he has to do CPR for that long on someone in his family; he did not do CPR on his child; it is not possible to do CPR for that long. He noted that we are a suburban community in 2023 and we can and must do better than waiting 26 minutes for an ambulance. He asked the Council for some additional oversight for our EMS in Town; meeting benchmarks for response times; there is contractual language for response times; the Police Department has been good this whole time, but they run EMS which is why he

engaged the Chief of Police and they can provide many examples of response times that are bad. He concluded that we need to provide the most appropriate and timely care for all our residents, especially our youngest who cannot speak for themselves. The Town Manager stated that we provide compliance data to Council on a monthly basis; there is a contract that we have had for many years with AMR; there are provisions that allow for exceptions; around 2011 we changed the arrangement, so AMR is based in Avon out of the Public Works facility. In response to a question from Dr. Barthel, the Town Manager responded that even with AMR based in Town they are covering other towns. She asked if there is a contract to say we must maintain a certain number of ambulances in our Town at any given time. The Town Manager responded that he would have the Chief of Police come in and provide an overview of the contract. He noted that we also have some level of medical oversight through UConn. Mr. Weber requested that this be an item be added to the next meeting agenda for discussion. Mr. Speich commented that the EMS system in Connecticut is extremely overloaded; COVID broke the EMS system because of high call volume, there has been some remedy with that but unfortunately no one at the State or local level wants to deal with the broken system because it costs money to fix; EMS has never been busier. Council thanked Mr. Speich for bringing this to their attention. Chairman Polhamus requested information on what our neighboring towns are doing and what their solutions are.

Kiley Gosselin, 180 Deercliff Road, expressed support for the proposed Beacon Communities project in Avon and the discussion around the assessment agreement that you will have later on the agenda. She noted that as a recent resident of Avon but a long time advocate for affordable housing at the local, state and federal levels. She couldn't be more pleased to support the addition of this much needed affordable housing in Avon and the Town's support for an assessment. She noted that her professional space has allowed the opportunity to get to know many affordable housing developers and Beacon is truly one of the best; not only do they do great work, but they engage communities in a comprehensive way throughout the planning and development process, their properties are well managed and maintained, provide great many uses and support the residents for the long-term; we are lucky in Avon to have a project that is being developed by this group. She noted that having worked as a housing tax credit attorney for several years and as a municipal official who assisted in creating affordable housing and creating tax assessment agreements, she can attest to how important these agreements are for not only the encouragement of affordable housing both current and future but also in financing these properties both for affordable housing and for mixed income. She commends the Council for considering such an assessment. She added that Connecticut faces a shortage of housing stock, but mostly for families at the moderate, low, and very low levels; housing costs have risen far more quickly than wages in recent decades; households working moderate and lower wage jobs are unable to afford rent, let alone buy in mostly places in the State; the majority of our housing here is in family homes often on larger lots; as a State over the past decade we haven't built enough multi-family housing stock and especially stock that is affordable for the workers that we need here in Avon. In 1960, 12% of renters spent over half their income on housing costs; by 2020, that has more than doubled to 26.9% and is higher today; too often the people here in Avon who stock our grocery shelves, serve us our coffee, assist in a local medical office, or even teach our kids can't afford to find a place to live here in Town, as well as elderly residents. She noted that this project utilizes an existing building, close to shopping and transportation, all great things that make it all the more likely that a project like this and its residents will thrive here in Avon. She commends the Town as a whole in moving this important project forward and considering an assessment as part of that support is

critical; hopes this is the first of many proposals that bring a diversity of housing stock, more density, and people to Avon. Council thanked Ms. Gosselin for her remarks.

VI. COMMUNICATION FROM COUNCIL

Ms. Ausiello attended her first Avon Public Schools convocation with an amazing motivational speaker and hopes all kids have had a good start to their year.

Mr. Weber shared that school is back in session so slow down on the roads; a Town Council Bike Ride will take place on September 28th, it's always an enjoyable time, all are welcome to join; and we will all miss Jason, he brought brevity and honesty and an ability to cut right through it and say the things we were all thinking and that kind of gift is rare in this world.

Mrs. Maguire echoed sentiments regarding back to school; this Monday is the 9/11 Memorial at the Town Green at 7:45 a.m., a moving and an emotional day; LaFesta is coming up the weekend of September 22-23; the Lions Club Carnival is the same weekend, Friday through Sunday and the Lions Club is very grateful for the support of the Town and the enthusiasm going around and volunteers are welcome to help at the event.

Dr. Barthel thanked the Town Manager for meeting with her over the last month to catch up and what it means to be on Town Council and everything that happens in Town; she thanked all who have done all the work to put the words to paper for the Council meeting packet; she thanked Public Works for the pothole repair at the Scoville and Old Farms Road intersection; and there will be an Extreme Risk Protection Order (red flag laws) educational event at the Avon Free Public Library on September 17th.

Chairman Polhamus shared there will be a third Bicycle and Pedestrian Master Planning public information meeting on September 19th at 7 p.m. at the Avon Senior Center; he offered condolences from Avon for Officer Robert Garten who died in the line of duty yesterday and our thoughts are with our own Police Department as a loss anywhere in the force affects all of their people.

VII. OLD BUSINESS

21/22-46 American Rescue Plan Act: Discussion re: Projects List

Chairman Polhamus noted that there is one project, Town-wide Fiber Network, on the agenda tonight for discussion and approval. He also asked the Town Manager to check with Social Services regarding the potential need for additional funding for the Avon Fuel Bank.

23/24-11 Appointment: CRCOG Regional Planning Commission (D – 12/31/2023)

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

RESOLVED: That the Town Council table agenda item 23/24-11 Appointment: CRCOG Regional Planning Commission (D – 12/31/2023) to their October 5, 2023 meeting.

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

VIII. NEW BUSINESS

23/24-16 Contract Recommendation: Recreation & Parks Master Plan Update

Ruth Checko, Director of Recreation and Parks, reported that this project has been in the capital improvement plan for some time and it is to upgrade the 2007 Master Plan; the firm being recommended, Weston & Sampson, have done master planning for Simsbury and Darien, both with very complex recreation demands. The Town Manager noted that this plan will be used as the foundation for our capital planning going forward, which will drive operating budgets in the future; we should have a final Master Plan by March/April 2024; and Council will receive ongoing updates on its progress. In response to a question from Dr. Barthel, the Town Manager responded that this firm should be able to provide us with information on grants we can apply for. The Town Manager noted that this firm could also use a statistically valid survey with a sample of the population to validate the online survey results by the public; we are waiting on a price for that component.

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

RESOLVED: That the Town Council award a contract to Weston & Sampson of Rocky Hill, CT, to prepare an update to the Town's 2007 Recreation & Parks Master Plan in an amount not to exceed \$60,000.

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

23/24-17 Recreation and Parks Department Reorganization

Chairman Polhamus noted that Ruth Checko, Director of Recreation and Parks, will be retiring and is glad to see that she is strategizing about how that might go and appreciates having her insight. The Town Manager provided a summary of a proposed staffing reorganization for the Recreation and Parks Department; one step would be to reclassify the Recreation Program Specialist to an Assistant Director and second step would be to modify the existing part-time Administrative Secretary I to a full-time Program Coordinator; there are really good strategic reasons why that is a good move; it builds internal capacity from a management perspective; and allows for a more seamless knowledge transfer as Ruth phases out. He noted that we are off budget cycle; we expect this to take effect around January 1, 2024 with an impact of about \$15,000 to the current fiscal year's operating budget which we can cover; the next fiscal year would have an impact of about \$55,000 and we will have time to plan for; it is a mid-stream reorganization and there is a cost impact. Ms. Checko shared that we currently have a great structure in the Recreation and Parks Department, we have grown leaps and bounds with a full-time Program Specialist, and there is a lot more coming especially with the Master Plan that will impact capital projects and staffing and programming; this is an opportunity to lay the foundation in a staffing realm that will put us in a good position moving forward. Ms. Ausiello appreciated Ms. Checko's thoughts behind this, it's good for retention and keeping institutional knowledge in place before she leaves. Mrs. Maguire agreed, it makes really great sense, and congratulated Ms. Checko on her impending retirement. Chairman Polhamus clarified that the \$70,000 year over year is the total impact on the operating budget. The Town Manager added that amount is spread across General Fund and Special Revenue Fund so we may be able to shift more of the impact to the Special Revenue Fund so actual programming users are supporting the costs involved. Mr. Weber expressed congratulations to Ms. Checko and putting this together; he has always been an advocate of Recreation and Parks Department; it is one of our most forward facing departments so a

reorganization and infusion of additional thoughts to run the programming is a smart idea. Council gave consensus to move forward with the proposed staffing reorganization as presented.

23/24-18 Route 44 Pump Station Upgrade Project:

- a) To recommend an appropriation, to consider and act upon a resolution, and to refer said resolution to the Board of Finance for approval**

The Town Manager reported that we need to hold a Special Town Meeting vote by hand because there are pre-determined thresholds in the Charter that require different approval processes based on the amount we are appropriating; the total project cost is \$1.8 million, about \$1.3 million is coming from the Sewer Fund; hats off to Representative Eleni Kavros DeGraw who was able to secure \$500,000 for Avon to offset the balance of the project; and no General Fund impact. Chairman Polhamus noted that no General Fund impact means the users of the sewers that are paying \$1.325 million. He added that the Frequently Asked Questions is very good and asked how we can share it with the public. The Town Manager responded that we could post it on the Town's web site, post on the Town's Facebook page, and have it available at the meeting as a handout. The Assistant Town Manager added that we were going to follow a similar process as the fire apparatus special town meeting with an informational item with all the details and a handout at the Town Meeting. Council thanked Larry Baril, Town Engineer, for putting together a very comprehensive document.

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

RESOLVED: That the resolution entitled "Resolution Appropriating \$500,000 Of Grant Funding And \$1,325,000 Of Funding From The Committed Fund Balance Of The Sewer Fund For Costs Related To The Upgrade Of The Route 44 Sanitary Sewer Pump Station," a copy of which is attached hereto is hereby approved and referred to the Board of Finance for review and recommendation for approval by a majority of persons present and qualified to vote in the Town at a Special Town Meeting.

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

- b) To instruct the Town Clerk to publish a timely call for a vote at Special Town Meeting**

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

RESOLVED: That the foregoing proposal be considered and acted upon by a Special Town Meeting to be held October 3, 2023, in the Avon High School Auditorium, located at 510 West Avon Road, at 7:00 P.M. (E.T.), for the following purposes: (A) to consider and take action upon the resolution entitled "Resolution Appropriating \$500,000 Of Grant Funding And \$1,325,000 Of Funding From The Committed Fund Balance Of The Sewer Fund For Costs Related To The Upgrade Of The Route 44 Sanitary Sewer Pump Station"; (B) to instruct the Town Clerk to publish a timely call and proper notice of said meeting, to be published in a newspaper having a general and substantial circulation in the Town, and that said notice be posted upon signposts or other exterior place nearest the office of the Town Clerk and at all other places and signposts designated by the Town; (C) to submit the aforesaid resolution in (A) above for action at said Special Town Meeting, in accordance with the General Statutes of Connecticut, Revision of 1958, as amended, and pursuant to Section 10.3.1 of the Town Charter; and (D) to direct the Town Clerk to publish as provided by law notice of said Special Town Meeting in the attached form.

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

c) Conditional Approval of Contract Award

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

RESOLVED: That the contract for the Route 44 Sanitary Sewer Pump Station Upgrade Project (the “Project”) be awarded to Suburban Sanitation Service, Inc., which is the lowest, responsible, qualified bidder that submitted a proposal in response to the Town of Avon’s Invitation for Bid No. 23/24-1 (“IFB”), provided that:

- The resolution entitled “Resolution Appropriating \$500,000 Of Grant Funding And \$1,325,000 Of Funding From The Committed Fund Balance Of The Sewer Fund For Costs Related To The Upgrade Of The Route 44 Sanitary Sewer Pump Station,” a copy of which is attached hereto, is recommended for approval by the Board of Finance; and
- The contract shall not exceed \$1,825,000, which is the amount appropriated pursuant to the Resolution; and
- The legal voters of the Town of Avon approve the Resolution at a Special Town Meeting in accordance with the General Statutes of Connecticut, Revision of 1958, as amended, and Section 10.3.1 of the Charter of the Town of Avon.

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

23/24-19 Contract Recommendation: Realignment of Old Farms Road & Roundabout Construction (LOTICIP Project No. L004-0001; CCGP Project No. 0170-3513)

Larry Baril, Town Engineer, shared news that the Project Authorization Letter was signed today and an Authorization to Award letter should be received by the CT DOT in the coming days. He noted that the company being recommended received glowing reviews from six different municipalities that have used them on LOTICIP programs. He noted that Fuss & O’Neill, the designer on the project, was asked by the CT DOT to review the three low bidders and they could not find a single item that they questioned; the same review is conducted by CRCOG and CT DOT. In response to a question from Mr. Weber, Mr. Baril responded that they have 525 calendar days to complete the work but the recommended company believes they can complete it well ahead of the schedule; a pre-construction meeting would likely happen mid to late September and mobilizing October 1st.

On a motion made by Ms. Ausiello, seconded by Dr. Barthel, it was voted:

RESOLVED: That the Town Council award a contract to Spazzarini Construction Co., LLC, of Enfield, CT for the construction of the Realignment of Old Farms Road & Roundabout (LOTICIP Project No. L004-0001; CCGP Project No. 0170-3513) in the amount of their base bid of \$4,897,445, subject to any change orders that may be approved at the discretion of Town staff, contingent upon the receipt of an Authorization to Award from the LOTICIP program.

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

23/24-20 Review, Discuss, Set Public Hearing: Proposed Tax Assessment Agreement with Beacon Communities for Property located at 20 Security Drive

Harry DerAsadourian, Town Assessor, provided a summary regarding the PILOT payment structure in the proposed tax assessment agreement; any savings generated by the agreement to lower the taxes has to flow back to the project in the form of lower rents with affordable, subsidized units; the agreement would be in place for twenty years in order to support the tax credits they will

be marketing to finance the project; there are a lot of checks and balances built into the agreement with federal and state financing; in terms of tax dollars generated, this is a 100,000 square foot office building that has no market so it will generate in terms of a reduced assessment or vacant office building slightly less than what the proposal is should it be developed as affordable housing; this falls into the same sequence that this kind of project needs to move forward, the ordinance, the agreement, syndicators by someone needing tax credits, investor, and financing; the agreement is needed to move the project forward; we have worked with Beacon for several months on this agreement; Beacon is an umbrella company; and each project is an entity in itself.

Dara Kovel, CEO, and Jaye Fox, Vice President-Development, with Beacon Communities, LLC were in attendance. Ms. Fox commented that there are some details with the language and entities that we can work out before the next Council meeting. Mr. DerAsadourian noted there are provisions that require Beacon to report to us occupancies, financial information; at this point there is no reimbursement in State tax dollars but should the State start funding this program again there are provisions where Beacon has to provide income information so we can come up with an assessment based on capitalization of the NOI so we have safeguards to help us move forward should reimbursement of loss revenue from the State occur. In response to a question from Ms. Ausiello, Ms. Fox responded that once we close on financing with the State the number of affordable housing units cannot change; we have a set dollar amount for income restricted unit versus a set dollar amount for non-income restricted unit so if the State asks them to shift things it won't blow this whole agreement out of the water. In response to a question from Ms. Ausiello, Ms. Fox responded that this agreement kicks in once they hit 75% occupancy and they will share with certainty where they are at; there is a lottery-type system regarding which type of units and build them in the order they receive the applications. Mr. DerAsadourian noted that the intent of this agreement is to cover the entire project; there are two phases: Phase I is the existing building to be renovated into roughly 75 units and Phase II is construction of a separate building for 100 units; Phase I, for logistical reasons, is being postponed, moving on to Phase II and then going back to Phase I. In response to a question from Mr. Weber, Ms. Fox responded that it was understood that the current existing mid-century office building based on its age would qualify for federal historic tax credits but sometime between site plan approval and early 2023 the historic tax credit consultant they use reported that the entire office park has to qualify on an age basis but because all buildings didn't open at the same time, the historic tax credit is not applicable until the last building in the office park will qualify even though they are not developing it; so the federal historic tax credit can only be eligible for the 20 Security Drive building in 2028. In response to a question from Mr. Weber, Ms. Fox responded that Beacon is a property manager in it for the long haul and it would be truly not acting in our own interest if they decide to develop a new construction building of 100 units and leave a vacant property which we have to maintain the security and landscaping while we are renting and occupying the other units; they will have acquired it and being paying for it and not a carrying cost they are looking forward to; the PILOT is between us and you; as an affordable housing developer, rather than putting up money for risk and looking for the largest return we have lower risk and make money off very predictable fees. Mr. Weber noted that it pleases him to hear there is an incentive for them to do that, thank you; the rehabilitation of existing buildings is extremely preferable and he can foresee some questions from our constituents about the process of this project. Ms. Fox noted that federal historic tax credit program has been in place for 50+ years. Ms. Kovel added that we're engaging conversations with the State and to move this part of the project forward as quickly as we can. In response to a question from Dr. Barthel, Ms. Fox responded that the qualified allocation plan from

the State of Connecticut specifies what they want to see, more than 20%, we have 21 of the 100 units we are proposing to be considered affordable housing units. She noted that there is the amount of money you make on the operating side and the cost of developing; the rents leverage a certain amount of debt; low-income tax credits are not received on market rate units so we want to do as many affordable housing units. She added that after 20 years we enter into an extended use agreement as part of our financing with the State of Connecticut, either 30 or 50 years, and Beacon owns affordable housing units they developed in the 1970s; when financing runs out, we refinance affordable housing developments to pay for improvements and enter into another agreement to keep the units affordable; this is their business model. Mr. DerAsadourian noted that there is a project in the Connecticut Housing Authority that could have sold the property to a developer and got out of the business, but Beacon retained it as an affordable housing project and made improvements; the State encourages continuation in many ways. In response to a question from Ms. Ausiello, Ms. Fox responded that the number of units is largely a measure of the qualified allocation plans set forth by the State of Connecticut and our interest in maximizing our competitiveness; right now, the plan gives the most points if you do 40% of the units at 50% of area median income (\$112,400) and another 25% of the subsidized units at 30% of area median income and up to just under the 21 units for eligible tax credits, anywhere under 80% of your area median income as long as everything averages out to under 60%. Ms. Kovel noted that given that the Town originally approved 175 units as part of their planning they would love to make as many of them as affordable as they can; because there is a lot of excitement about the Town's support of this development and the location to do this volume of affordable housing they are doing two applications at once for both phases. In response to a question from Dr. Barthel, Ms. Fox responded that there is a 99-year ground lease which acts like a purchase of the property. In response to a question from Chairman Polhamus, Mr. DerAsadourian responded that any blanks in the draft agreement should be filled in and would be to Beacon's advantage to have a complete agreement for the public hearing in October so they can move forward to the State and show that the Town is engaged in the project. Council thanked Mr. DerAsadourian, Ms. Kovel, and Ms. Fox for their explanations. Ms. Kovel thanked Town staff for their assistance.

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

RESOLVED: That the Town Council set a public hearing to be held at their October 5, 2023 meeting to consider entering into an Agreement between Beacon Communities and the Town of Avon at 20 Security Drive for a Pilot Payment in lieu of property taxes for a twenty-year period to encourage and participate in the development of affordable housing.

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

23/24-21 Town-wide Fiber Network Project

The Town Manager noted that \$25,000 was previously appropriated for the pole attachment agreements. Glenn Grube, Library Director, shared that Sertex Broadband Solutions, a vendor through CRCOG, will take us through the engineering and construction of the network. In response to a question from Dr. Barthel, Mr. Grube responded that regarding ongoing service, we another company that handles the existing fiber network cable running in Town that we may utilize. In response to a question from Chairman Polhamus, Mr. Grube responded that the yearly savings estimate of \$120,000 is still accurate.

a) Supplemental Appropriation (ARPA), \$214,000

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

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY 23/24 Budget by increasing:

REVENUES

American Rescue Plan Act Grant, Intergovernmental, American Rescue Plan Act Grant Revenue, Account #50-0330-44037 in the amount of \$214,000.00 and increasing:

APPROPRIATIONS

American Rescue Plan Act Grant, Town CIP-Facilities, Town-Wide Fiber Network-ARPA, Account #50-4829-53472 in the amount of \$214,000.00, for the purpose of allocating funding received through the American Rescue Plan Act towards the expansion of the Town's fiber optic network.

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

b) Supplemental Appropriation (CT Urban Act Program), \$700,000

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

WHEREAS, The Town applied for, and was awarded, a State of Connecticut, Urban Act Program grant from the State of Connecticut Department of Economic and Community Development ("DECD") in the not-to-exceed amount of \$700,000.00 (the "Grant") in connection with the Town's fiber optic improvement program (the "Program"); and

WHEREAS, The Town desires to enter into that certain Assistance Agreement by and between the Town and DECD (the "Grant Agreement") and other ancillary document (collectively, the "Grant Documents") to memorialize the terms of the Grant; and

WHEREAS, The Grant funds will be disbursed by DECD on a reimbursement basis as the Town incurs costs in connection with the Program.

WHEREAS, The Town Manager and the Town Council have determined that it is in the best interest of the Town to accept the Grant, to amend the FY 23/24 Budget and to appropriate the Grant funds for expenditure.

NOW, THEREFORE, BE IT:

RESOLVED: That the Town Council hereby recommends that, contingent upon the execution and delivery of the Grant Documents, the Board of Finance amend the FY 23/24 Budget by increasing:

REVENUES

Capital Projects Fund (Facil. & Equip.), Intergovernmental, Urban Act Program Grant, Account #02-0330-43426 in the not-to-exceed amount of \$700,000.00 and increasing:

APPROPRIATIONS

Capital Projects Fund (Facil. & Equip.), Town CIP-Facilities, Town-Wide Fiber Network, Account #02-4829-53472 in the not-to-exceed amount of \$700,000.00, for the purpose of expanding the Town's fiber optic network.

RESOLVED: That (1) the Town Manager, on behalf of the Town, is authorized to execute and deliver the Grant Documents and any and all documents required by DECD in connection with the Grant, the execution and delivery thereof by said Town Manager on behalf of the Town constituting conclusive evidence binding upon the Town of the approval of the terms thereof; (2) the Town Manager, on behalf of the Town, is authorized to take any and all other actions that the Town Manager believes to be necessary or appropriate and in the best interest of the Town to

complete the transaction contemplated by the foregoing resolutions, and (3) that all acts of the Town Manager, on behalf of the Town which would have been authorized by the foregoing resolutions, except that they were taken prior to adoption of these resolutions, including but not limited to, submission of the Grant application, the negotiation of the Grant Documents, be and are hereby authorized, adopted, approved, ratified and confirmed in all respects.

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

On a motion made by Mrs. Maguire, seconded by Dr. Barthel, it was voted:

RESOLVED: That the Town Council authorize the use of CRCOG's cooperative contract with Sertex Broadband to implement the Town-wide Fiber Network Project.

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

23/24-22 Approval of Motor Vehicle Tax Refunds, \$2,110.55

On a motion made by Dr. Barthel, seconded by Mrs. Maguire, it was voted:

RESOLVED: That the Town Council approve motor vehicle tax refunds to VCFS Auto Leasing Co. in the amount of \$1,021.52 and to JP Morgan Chase Bank in the amount of \$1,089.03.

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

IX. TOWN MANAGER'S REPORT/MISCELLANEOUS

Misc. A: Purchasing Update: The Town Manager noted with regards to the RFQ-Architectural & Engineering Services for the AVFD Renovation, Expansion & New Construction of Fire Facilities, the Committee has their second meeting on September 13th; letters were sent to abutters of the West Avon Road property in July, and we will invite them to participate in two neighborhood meetings in the fall for discussion. The Assistant Town Manager noted with regards to the EV Charging Station, there are four funding sources: Eversource utility incentive, encumbered funds from the FY 23 operating budget, Library Board will contribute ongoing operating and networking costs, and Volkswagen infrastructure program grant through CT DEEP. In response to a question from Mr. Weber, the Assistant Town Manager responded that the charger will come with a second network that will accept credit card payments; we would set a rate that covers the Library's electricity cost and operating cost moving forward; it will be a dual port, level two charger.

Misc. B: Construction Update: The Town Manager noted with regard to the Public Safety Communication System Project, Town staff is working with Motorola to get designs done and orders placed; we expect work to start at the Landfill site on September 18th. In response to a question from Mrs. Maguire, the Town Manager responded that we have not talked to the neighbors on Berkshire Crossing. He noted that design is underway with regards to the East/West Section of the Old Farms Road Project; the Town Clerk's Vault is done; we have funding available for other improvement to Building #2; with regards to the Sidewalk Replacement West Avon/Country Club/Scoville, Phase I is complete and we will resume next spring; Sycamore Hills Tennis Courts work should begin in late September; regarding the BOE Central Office, we received an initial assessment from the architect and it would be very expensive to do the necessary improvements at that facility

Misc. C: Bicycle and Pedestrian Master Plan: The Town Manager noted that a final public information meeting will be held on Tuesday, September 19th at 7:00 p.m. at the Senior Center.

Misc. D: Automated Traffic Enforcement Safety Device: The Town Manager reported that if the Town decides to utilize an automatic traffic enforcement safety device, the Town Council would need to hold a public hearing for the Town to adopt an ordinance before we can adopt a plan which has to follow the program guidelines that shall be adopted by the CT Department of Transportation by January 2024.

X. EXECUTIVE SESSION: Pursuant to C.G.S. 1-200 (6) (e)

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

RESOLVED: That the Town Council enter into Executive Session at 9:06 p.m.

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

The Town Manager, Assistant Town Manager, Assistant Town Attorney (FordHarrison LLP), and the Clerk attended the session.

XI. ADJOURN

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

RESOLVED: That the Town Council adjourn the meeting at 9:32 p.m.

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

Attest: Jennifer Worsman, Clerk

TOWN OF AVON
NOTICE OF SPECIAL TOWN MEETING – October 3, 2023

Pursuant to Chapter 90 of the General Statutes of Connecticut, Revision of 1958, as amended (the “General Statutes”), and Section 10.3.1 of the Charter of the Town of Avon (the “Town”), notice is hereby given to the electors and citizens qualified to vote in the Town that a Special Town Meeting will be on October 3, 2023, at 7:00 P.M. (E.T.) in the Avon High School Auditorium, located at 510 West Avon Road for the following purposes:

1. To consider and act upon a Resolution Appropriating \$500,000 Of Grant Funding And \$1,325,000 Of Funding From The Committed Fund Balance Of The Sewer Fund For Costs Related To The Upgrade Of The Route 44 Sanitary Sewer Pump Station,”
2. To transact any other business proper to come before the meeting.

A copy of the proposed resolution is on file and open to public inspection during normal business hours at the office of the Town Clerk.

Electors of the Town and qualified voters are invited to attend the Special Town Meeting in-person at Avon High School. The meeting will also be livestreamed via the internet. The livestream may be accessed by web at the following link: <https://meet.goto.com/935319173> or by phone by dialing 1-866-899-4679 and entering access code 935-319-173. The livestream instructions will be made available on the Town’s website www.avonct.gov. Electors of the Town and qualified voters wishing to provide public comment or vote on the question posed during the meeting must attend the meeting in-person at the high school. There will be no opportunity for the virtual audience to provide public comment or vote on the question posed during the meeting.

The question to be voted upon is as follows:

Shall the Resolution Appropriating \$500,000 Of Grant Funding And \$1,325,000 Of Funding From The Committed Fund Balance Of The Sewer Fund For Costs Related To The Upgrade Of The Route 44 Sanitary Sewer Pump Station be Approved?

Electors of the Town and qualified voters are entitled to vote. A qualified voter is citizen of the United States of the age of eighteen years or more who, jointly or severally, was liable to the Town for taxes assessed against him based on an assessment of not less than \$1,000 on the last completed grand list of the Town or who would be so liable if not entitled to an exemption under subdivision (17), (19), (22), (25) or (26) of Section 12-81 of the General Statutes.

The full text of the proposed resolutions is on file open to public inspection at the office of the Town Clerk.

Dated at Avon, Connecticut, this 8th day of September, 2023.

/s/ **Dan Polhamus**, Chairman
Avon Town Council