

Town Council Minutes 03/06/2014  
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AVON TOWN COUNCIL  
MEETING MINUTES  
March 6, 2014

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. at the Avon Town Hall, in the Selectmen's Chamber by Chairman Zacchio. Members present: Mrs. Maguire and Messrs: Evans, Pena and Stokesbury.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Zacchio.

III. PUBLIC HEARINGS:

13/14-51 10 East Main Street

The Public Hearing was called to order at 7:30 p.m. by Chairman Zacchio. Chairman Zacchio waived the reading of the following legal notice:

"TOWN OF AVON

LEGAL NOTICE

Notice is hereby given that the Town Council of the Town of Avon, Connecticut will hold a Public Hearing on Thursday, March 6, 2014 at 7:30 p.m. at the Avon Town Hall, Selectman's Chamber, 60 West Main Street, Avon, CT to consider the following:

To consider granting easement rights to the owner of 10 East Main Street to permit parking on and access through 8 East Main Street. In exchange for these rights the owner of 10 East Main Street will provide snow removal for the parking lot at 8 East Main Street and release the Town of Avon from driveway maintenance obligations on 10 East Main Street as described in a recorded agreement dated 1953.

Dated at Avon, Connecticut this 7th day of February, 2014.

Brandon L. Robertson  
Town Manager"

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

RESOLVED: That the Town Council close the public hearing.

Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

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

RESOLVED: That the Town Council approve granting easement rights to the owner of 10 East Main Street to permit parking on and access through 8 East Main Street and in exchange for these rights the owner of 10 East Main Street will provide snow removal for the parking lot at 8 East Main Street and release the Town of Avon from driveway maintenance obligations on 10 East Main Street as described in a recorded agreement dated 1953.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

13/14-52 Solar System Request for Proposals (Anticipate Rescheduling)

Chairman Zacchio reported that we anticipated having a recommendation from the Town Manager and the Superintendent of Schools to act on, however there has been more due diligence than we expected so there is no reason for us to have the public hearing tonight. The Town Manager reported that by the end of March we would be ready to have a meeting with the Town Council and the Board of Education with the status and some recommendations. Chairman Zacchio questioned if that in no way from a timing perspective takes us out of the running for an opportunity for this year should we choose to do so. The Town Manager responded no, we would still be in good position to pursue the LREC/ZREC auction process if action is taken at the April 3, 2014 meeting.

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

RESOLVED: That the Town Council reschedule a public hearing to be held at the April 3, 2014 meeting to consider authorizing the Town of Avon to negotiate easements for the purposes of access, installation, operation, maintenance, repairs and removal of certain solar photovoltaic (PV) systems and/or fuel cell systems (the "Project") on one or more of the following Town properties: Avon High School, Avon Middle School, Roaring Brook School, Pine Grove School, Thompson Brook School, Avon Free Public Library, Avon Town Office Buildings 2, 3, 5 & 6, Avon Public Works Facility and Annex, Avon Senior Center and Sycamore Pool House, Avon Fire Company #1, and Avon Fire Company #3.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

IV. MINUTES OF PRECEDING MEETING: February 6, 2014

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

RESOLVED: That the Town Council accept the minutes of the February 6, 2014 Regular Meeting as submitted.

Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

V. COMMUNICATION FROM AUDIENCE

Adam Lazinsk, 88 Deepwood Drive, reported that he did not attend last month's meeting and had wanted to speak to the matter of the proposed potential athletic field on Thompson Road. He commented that it is an issue whose time has come and he supports it. He noted that at the last meeting, \$40,000 was authorized to study that. He commented that he would not want to see that project come at the expense or in substitute of any other important capital improvement project within the Town; roads need paving, schools need HVAC equipment, and on and on. Chairman Zacchio commented that one of the strategies that we have taken with that is that we had anticipated throughout the bond and debt service cycles that this would be a project which might come before the Town of Avon in the next three or so years. He noted that there is interest among parents and others that would like to see that accelerated and are willing to step forward and do some fundraising in order to close the gap between what we would be able to borrow today versus three or four years down the road. He reported that the first step in doing that was for us to be able to allocate that \$40,000 to do some real drawings and engineering around what might fit on that spot and what might be options for us to move forward with. He added that group would be able to use it as a real document for fundraising activities and for the Town to understand what we are trying to move forward with. He noted that there are other priorities and we have to weigh those within the debt service curve and the CIP budget that runs from year to year. He appreciated Mr. Lazinsk's comments.

VI. COMMUNICATION FROM COUNCIL

Mrs. Maguire reported that she attended the Connecticut Conference of Municipalities workshop, another outstanding presentation to better understand parliamentary procedure, and glad that we are part of this organization.

Chairman Zacchio thanked the Department of Public Works for their work this year; it has been a very difficult snow season for us so far with constraints around salt, trucks breaking down, and snow storms that had drivers on the road long periods of time. He added that we had some residents worried about the width of the roads, but if you have never done a ride along program with Public Works it is a very difficult job to even see out of those trucks, they do an excellent job. He noted that they will have a lot of work ahead of them in terms of road repair from this season with heaves and potholes from the freezing process.

Mr. Pena reported that this past Saturday he represented the Council at the Cub Scout Pack 122's Annual Blue and Gold Banquet; it is a great event. He added that it is a great job that the Scouts do and the lessons they learn. Chairman Zacchio thanked him for being there.

VII. OLD BUSINESS

13/14-11 FY 14/15 Budget Development

Chairman Zacchio reported that from the Saturday workshop, the adjustments that we asked the Town Manager to make have been completed and the next step is for Council to move it to the Board of Finance. The Town Manager reported that the total proposed budget is \$83,887,095 which represents a 2.6% increase and is across all categories – Town, Board of Education, Sewers, Debt Service, and the Capital Improvement Program. He noted that we have a decrease in the Grand List but in terms of the increase in the mill rate, approximately 2.66% of the increase in the mill rate is required to support the budget as proposed; the balance is required to restore the levy that was reduced because of the decrease in the Grand List caused by the revaluation process. He reported that the next step is the Board of Finance.

Mr. Evans commented that it is a very good and responsible budget, we spend a lot of time on it and he is proud to support this budget and pass it along. He noted that we are doing good things with this budget, meeting our contractual obligations and being able to continue to fund capital needs that are necessary in this Town.

Chairman Zacchio noted that is the consensus of the Council. He added that he is hearing a lot of positive feedback around Town with some of the items that we are addressing, for example, the Senior Center to being open five days a week is something that we tried to do last year and did not have an opportunity to do and we were able to knit it through the operating budget to make it happen this year and there will be a lot of new programming that can happen because of that and securing Jennifer Bennett is a real win for our seniors because she is well-liked, very well organized, and does a really good job there. He added that being able to increase the recruitment cycle for the Police Department will do a lot in terms of getting people here who want to work in Avon on a faster pace than the old consortium process that we followed. He also noted that we would be able to pave a lot of roads and able to fit Country Club Road in there from West Avon Road to Lovely Street and one of the most heavily traveled road in Town that we own outside of the State roads. He noted that we fit in the full CIP for the Schools, including the track. He has talked to Fire Chief Michael Trick about the Fire Department and they are very happy with the way that we have addressed their needs this year. He noted that all around it is a good budget and hopes that it gets broad support from the community and the Board of Finance alike. Mr. Evans commented that we should give credit to the Town Manager, the Assistant Town Manager, and Peggy Colligan, Finance Director and the entire staff because when it comes to Council it already has tremendous detail and a lot of thought; this process starts almost right after the current budget passes. He commended and extended kudos to the entire staff. The Town Manager commented that it is a team effort.

Chairman Zacchio reported that with the change in revaluation and the mix that was happening that we were able to do that much with as little money as we are requesting, that really goes to Town Staff and their hard work – good job.

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

RESOLVED: That the Town Council recommends the FY 14/15 Proposed Budget of \$83,887,095 to the Board of Finance, as follows:

REVENUES		
Property Tax & Assessments	\$	72,721,955
Intergovernmental		4,940,842
Licenses, Fees & Permits		1,054,725
Charges for Current Services		4,370,778
Other Local Revenues		498,663
Other Financing Sources (Uses)		300,132
TOTAL	\$	83,887,095
EXPENDITURES		
Town Operating Budget	\$	21,494,682
School Operating Budget		54,230,554

Sewer Operating Budget	1,923,732
Capital & Debt Service Budgets:	
Debt Service	3,647,490
Capital Budget (CNREF, Facilities & Equipment)	2,590,637
Subtotal: Capital & Debt Service	6,238,127
TOTAL	\$ 83,887,095

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

13/14-62 Appointment: Planning & Zoning Commission (R – 12/31/2017)

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

RESOLVED: That the Town Council appoints Thomas Armstong to the Planning & Zoning Commission to fill a vacancy with a term to expire on December 31, 2017.

Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

#### VIII. NEW BUSINESS

13/14-66 Review and Approval: 2014 Girl Scout Week Proclamation

Chairman Zacchio reported that the proclamation is to recognize March 12th as the 102nd year of Girl Scouting. He welcomed members from Girl Scout Troop 61119. He asked what the 102 years of Girl Scouts means to them. One troop member responded that it is her tenth year in Girl Scouting and her last year because they are high school seniors so it has been neat to see how much has changed for the better and the history behind it. He read the proclamation.

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

RESOLVED: That the Town Council approve the following proclamation:

WHEREAS, March 12, 2014, marks the 102nd anniversary of the Girl Scouts of the United States of America, which began in 1912 when Savannah, GA native Juliette Gordon Low gathered 18 girls to provide them the opportunity to develop physically, mentally, and spiritually;

WHEREAS, 1912 was also the year in which Girl Scouting started in the state of Connecticut;

WHEREAS, for more than 100 years, Girl Scouting has helped build millions of girls and women of courage, confidence, and character who act to make the world a better place; and,

WHEREAS, the Girl Scout Leadership Experience helps girls discover themselves and their values, connect with others, and take action to make the world a better place; and,

WHEREAS, through the dedication, time, and talent of volunteers of different backgrounds, abilities, and areas of expertise, Girl Scouts of Connecticut offers the Girl Scout Leadership Experience to nearly 44,000 girls in grades K-12 across the state of Connecticut; and,

WHEREAS, the Girl Scout Gold Award, the highest honor in Girl Scouting, requires girls to make a measurable and sustainable difference in their community, assess a need and design a solution, find the resources and support to make it happen, and complete the project;

WHEREAS, core programs around environmental stewardship, anti-bullying techniques, Science, Technology, Engineering and Math (STEM), and healthy living, help girls develop a solid foundation in leadership; and,

WHEREAS, today, more than 59 million American women are Girl Scout alumnae and 3.2 million girls and adult volunteers are active members;

NOW, THEREFORE, I, Mark W. Zacchio, by virtue of the authority vested in me as Chairman of the Town Council of Avon, Connecticut do hereby applaud the Girl Scouts of the United States of America for more than 100 years of leadership and expertise as the voice for and of girls, proudly proclaim March 12, 2014, as Girl Scout Day.

Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

Council extended congratulations to the Girl Scout Troop members.

13/14-67 Request by Ensign Bickford-Release of Restrictive Covenant

Mr. Stokesbury reported that he has a direct conflict regarding this item and stepped out of the room.

The Town Manager reported that in Avon Park North there are two pieces of Town property that are subject to restrictive covenants – one on the Town Green and the other is on Ensign Drive. He added that Ensign Bickford is requesting action by Council to lift the restrictions which would then be subject to the zoning regulations. He noted that it does not require a public hearing, only action by Council. Gus Jasminski, Ensign-Bickford Realty Corporation, reported that when the Parks were typically developed in the 1970s and 1980s the developers put restrictive covenants in place to restrict ground coverage, building changes, and all changes to signs and elevations to the building had to be approved by the developer; at the time the zoning wasn't fully in place in Avon. He noted that subsequent to that, thirty years later you have full zoning regulations, you have a Planning & Zoning Commission, and all of those things really do not need to be regulated by the developer. He noted that it is to clear up the title issues as the covenants are currently tied to land records which are superior to the Town zoning regulations. He added that it does not change any of the zoning issues; it releases Ensign-Bickford Realty Corporation's restriction on your property and we are willing to happily give that up and have the Town take care of that. Chairman Zacchio commented that it puts the authority back in the Town on our own property. The Town Manager reported that we researched this thoroughly and there is no downside to release them of the restriction. Mr. Evans questioned if the restriction that is on the records by virtue of the restrictive covenant more onerous or less onerous than the Town regulations. Mr. Jasminski responded that technically they are a little different because in the covenant it is twenty percent of the building whereas the Town is 50% is overall coverage which comes out pretty close to being the same.

Mr. Evans questioned if we would be lifting the restriction to make this property more favorable for development. Steve Kushner, Town Planner, responded yes because it will add flexibility to all of the private property owners. He added that one reason this came to life is in connection with the desire by Ensign-Bickford to sell the land remaining in Avon Park North. He noted that the Planning & Zoning Commission adopted some new special regulation to promote a mixed use development and added some flexibility with respect to the lot coverage issue because what we are trying to do to accomplish a vibrant walk-able small town center you really need to have some density and at the same time preserve some green space in the Parks so whereas the old rules required a parcel by parcel basis each parcel observed a maximum lot coverage requirement, the new more flexible regulations allow a private developer to accomplish that lot coverage objective by analyzing all of the property in Avon Park North, a higher concentration of development in one area and to compensate you have to preserve more open space elsewhere. He added that in meeting that new zoning regulation you could theoretically find yourself not in compliance with this private restriction so by lifting that restriction it adds flexibility to the private property owners. Mr. Jasminski reported that by switching from the old zoning to the new zoning you are still subject to 50% coverage and none of that changes but the flexibility says that on said parcel you can be a little over 50% here but overall on your whole parcel you have to maintain it.

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

**RESOLVED:** That the Town Council approves the following release and termination of Declaration of Restrictive Covenants:

WHEREAS, on January 24, 1984, Avon Park Properties placed certain covenants and restrictions against the real property subdivision known as Avon Park North located in Avon, Connecticut (the "Property") by recording that certain Declaration of Restrictive Covenants dated as of January 24, 2984 in Volume 143 at Page 581 of the Avon Land Records (the "Declaration").

WHEREAS, the undersigned, being all of the current owners of the Property, desire to terminate the Declaration as it affects the Property.

NOW THEREFORE, NOTICE IS HEREBY GIVEN by the undersigned, being all of the owners of the Property, that the Declaration is hereby released, terminated and of no further force and effect. Mrs. Maguire, Messrs: Zacchio, Evans, and Pena voted in favor.

Mr. Stokesbury rejoined the meeting with Council.

13/14-68 Review, Discuss and Possibly Set Public Hearing Date: Orafol Americas, Inc., Release of Obligation

Chairman Zacchio reported that the original design anticipated a road that went through what is now a center parcel of the building space in lieu of the road that was granted to the Town of Avon during the last upgrade to the building that is slightly west of this location. He added that the request is to lift the restriction on the anticipated road. The Town Manager reported that with the anticipated road there is an obligation in the land records that was recorded in 1979 to build but it was more or less overcome by events because there was further development on the property and in 2006 Orafol conveyed the connector road. He added that Orafol has some possible plans to expand in the future and that road would run down the middle of the properties so they are asking to be released from that obligation going forward; we have reviewed it and the Town staff agree that they should be released but because the Town does have an interest in the property that, unlike the restrictive covenant that we just spoke about, requires a public hearing.

Steve Kushner, Town Planner, reported that we have asked Murtha Cullina to start to take a look at this and they discovered that in 2006 when Orafol deeded to the Town the new, current 60-foot strip of land that we are using as emergency access between Darling Drive and Arch Road we should have at that time obtained a couple of releases when we took title and are taking steps to correct that and we hope to have that resolved as well by the time of the public hearing. He noted that one of those releases has to do with the same restrictive covenants with Ensign-Bickford Realty Corporation and the second restriction has to do with an Avon Water Company agreement that we do not think applies any longer, but in the late 60s there was an agreement between several different property owners with regards to the construction of the water tank and pumping station that is in Avon Park South and possible financial obligation to help to contribute to those items.

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

RESOLVED: That the Town Council set a public hearing to be held at their April 3, 2014 meeting to consider granting a release of rights to acquire a 60-foot Right-of-Way, owned by Orafol Americas, Inc., (f/k/a Reflexite Corporation) located in the vicinity of 120 and 140 Darling Drive, in connection with an agreement dated February 6, 1979, and recorded in the Town of Avon Land Records in Volume 109, Page 876.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

13/14-69 Supplemental Appropriation: Dial-A-Ride Van, \$40,000

Chairman Zacchio reported that we have received the grant monies for the Dial-A-Ride van in the amount of \$40,000 and the van is here and in service. Mr. Stokesbury questioned what is happening to the old van. The Assistant Town Manager responded that it will continue to be used in the short-term; it is back at the Public Works shop getting inspected and the Deputy Director of Public Works is talking to others, including the Police Department to possibly use for the cadet program.

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

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

REVENUES

Capital Projects Fund (Facil & Equip), Intergovernmental, Dial A Ride DOT 5310, Account #02-0330-43399 in the amount of \$40,000

and increasing

APPROPRIATIONS

Capital Projects Fund (Facil & Equip), Town CIP- Equip/AVFD, Dial A Ride Van, Account #02-4837-53014 in the amount of \$40,000, for the purpose of purchasing a new Dial-A-Ride Goshen Coach Bus through the CT DOT Section 5310 Program.

Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

13/14-70 Supplemental Appropriation: I/I Study for Farmington Sewer Shed, \$400,000

Chairman Zacchio reported that the Avon Water Pollution Control Authority (AWPCA) would like to conduct a study that would examine our sewage waste system for leaks and coming up with some plans around how to fix any leaks that they find. Michael Farrell - AWPCA Chairman, and Eric Johansen – AWPCA Vice-Chairman, and Larry Baril – Town Engineer were in attendance. Mr. Baril reported that what they are trying to do is identify leaks in the system, particularly in the Farmington Sewer Shed; the primary drivers for that are that we know that we have significant leaks when we have wet weather conditions. He shared a flow chart comparing June 2011 to June 2013. He noted the flow limit of 417 gallons per minute (or 600,000 gallons per day) has to do with our municipal agreement with the Town of Farmington. He added that if we exceed that on a quarterly basis for any quarter we are obligated to pay an increased share of the cost of their treatment plant, in addition to having to pay for treatment of the effluent which is on a per gallon basis. He noted that when there is a wet weather event, the flows go significantly above the limit. He added that costs us, on a treatment basis only, approximately \$40,000 to treat rain and ground water. He reported that we have a condition in Farmington where they are increasing their treatment plant size and we have some obligations in our agreement regarding interceptor capacity and we are exceeding that when we have wet weather and Farmington surcharges us. He noted that so far we have been fortunate in that no homes in Farmington have been affected by our floods but that is coming. He reported that for the last two or three years he has put in a CIP request to initiate the Infiltration and Inflow (I & I) study but it has not been approved. He added that he feels it is past time; he brought this up with the AWPCA in the past, the budgets have been challenging for us but they are here in front of Council today to request a supplemental appropriation to move forward with this project. Mr. Farrell reported that the AWPCA believes unanimously that we are approaching a point of criticality and we do not want to enter into the arena where we have to deal with residential flooding. He added that we do have an obligation to do this sooner than later; the Sewer Fund is certainly able to absorb this. He noted that we will experience a wet spring so it is a very opportune time to do this study; the data would certainly support that there is an issue that is only going to get worse. He added that they are appreciating greater revenue streams from some recent connections than they have in previous years. He noted that every indicator here is that this is the most opportune time and sensible time to move forward.

Chairman Zacchio commented that you keep referring to the Farmington side and questioned what section of Town this is focused on and is there a certain age aspect to this or are you looking at everything on the Farmington side. He agreed that we have the dollars to do it within the sewer budget. Mr. Baril responded that we are focusing on older systems but we are not ignoring all parts of the system because I & I come from two primary components: ground water which typically comes from leaks in the pipes or manholes and illicit connections to the system. Chairman Zacchio questioned if the study would reveal things other than leaks. Mr. Farrell responded that this study ideally could reveal that. He noted that it is a mature part of the system if you consider the area of Town that it services, these are neighborhoods that are not relatively new and there are some spur developments consistent with the rest of the Town. He added that it will be pretty labor intensive to get at some of the manholes, etc. He reported that it is something that they are just not comfortable putting off any longer. Mr. Baril added that this study will tell us where the leaks in the system are. Chairman Zacchio questioned if the leaks will be prioritized in terms of what the most important leaks to fix first would be and then do we start to think about a capital plan moving forward. Mr. Baril responded that the output of this is in fact the capital plan. He added that this project is eligible under the Clean Water Fund for 55% reimbursement and we were fortunate in that we were also able to mesh into this a hydraulic capacity model built for the Town which although very helpful for the study is not necessarily something that would be required to complete a study like this. He noted that it will give them a toolset for the future development in Avon and run future capacity analyses. He added that this study is almost 60% of the sewer budget but will provide us with tools well beyond the I & I component with it funded

55% by the Clean Water Fund.

Mr. Evans commented that he is going to defer to Town staff whom if said that we need this he supports it. He questioned the timing of this study. Mr. Baril responded that if Council approves this, then it has to have Board of Finance approval at the end of March, but his goal would be to have a contract signed the day after that. Mr. Evans questioned if there is a contractor already in mind or if we need to go through a competitive bidding process. Mr. Baril responded that they do have a contractor in mind and it does not have to go through a bidding process because this is intended to be an extension of the previous Master Facilities Plan project that was done. He added that the Clean Water Fund endorsed the idea of continuing to work with the same consultant and so all it really amounts to is an amendment to that contract. Mr. Evans questioned if the Town is comfortable with that consultant. Mr. Baril responded very much so. Mr. Evans questioned the eligibility of the reimbursement. Mr. Baril responded that they tell you that the project is Clean Water Fund eligible but they will not guarantee the funds until the Bond Commission does their thing in the State of Connecticut. He noted that the same kind of thing was done with the Sewer Facilities Plan which was similarly 55% reimbursed; it did take several years to get reimbursement but we were reimbursed. Mr. Evans commented that the project is eligible but it is a question of when the Bond Commission makes those funds available to State level. Mrs. Maguire commented that the \$400,000 is going to be for the study, looking at the leaks, finding the problem. She questioned if there will be additional costs ahead of us. Mr. Baril responded yes, the goal of the study is to come up with where the leaks are and to identify base costs on how to repair them and prioritize them. Mr. Farrell added that it may reveal illicit connections that would be an enforcement issue and not necessarily an infrastructure issue, probably a minute part of the findings but nonetheless every little bit counts.

Mr. Stokesbury asked the Town Manager if Fund #5 – Sewer Fund would be appropriate use for this type of an investigatory project as opposed to a maintenance use. The Town Manager responded yes. Mr. Stokesbury questioned what happens if you find a leak of infiltration on private property in the lateral going out to the street; what are the responsibilities of the Town and the property owner. Mr. Baril responded that the property owner's responsibility begins at the property line so they own their own sewer laterals; the Town owns the main line and the connections to it. He added that if there is a leak found in a lateral somewhere on somebody's property it is up to the property owner to fix it under order from the Town. Mr. Stokesbury commented that all repairs would not necessarily be a Town obligation. Mr. Baril agreed. Mr. Stokesbury commented that we have heard a lot on Clean Water, particularly with some of the older cities where they have a mixed system where rain water would flow into the sewage system. He questioned if we have that problem by design as opposed to by leak. Mr. Baril responded no, we have no designed combined sewers in Avon.

Chairman Zacchio commented that Council will be interested in the outcomes around the prioritization if you do find leaks or if no significant leaks are found. He added that at the end of the day this is paid for by those users of the sewers and just want to make sure that it is being spent the right way; clearly there is a risk if we do not do it and we will have an outcome that is going to cost us some time in planning around how we address that from a CIP perspective. He asked that while going through the process thought be given to the prioritization of any leaks that are found and what might be the best ways to get those done. He noted that from the graphs provided there are some significant sways that would cause us to undergo this kind of activity. Mr. Farrell commented that from the AWPCA's perspective they have always prided themselves in that Council hears very little from them and that is exactly the way they like it.

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

**RESOLVED:** That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$400,000 from Sewer Fund, Other Financing Sources, Unassigned Fund Balance Account #05-0390-43913 and transfer from Sewer Fund, Other Financing Uses, Interfund Transfers-Out Account #05-8700-58000 to Capital Projects Fund (Facil & Equip), Town CIP-Facilities, Infiltration &

Inflow Study, Account #02-4829-53393 and Capital Projects Fund (Facilities & Equipment), Other Financing Sources, Interfund Operating Transfers-In Account #02-0390-43918 in the amount of \$400,000 for the purpose of identifying significant infiltration and inflow leaks into the sanitary collection system and developing a flow modeling system.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

The Town Manager asked Larry Baril, Town Engineer, about notices to residents regarding this. Mr. Baril responded yes, he would like to put something in the Avon newsletter and the field work component is primarily putting temporary meters at twenty identified locations in the Farmington Shed. He added that most of that work is done at nighttime so people do not see it so people are not going to see a lot of activity but there are a few places where there will be meters put within easements on private property but we have rights to be there. He added that all of those people will certainly get notices well in advance to tell them what is going on. Chairman Zacchio questioned that assuming a major leak is found that flow can be calculated off of and you look back at a graph, do you tend to stop the search at that point or continue? Mr. Baril responded that we would stop at that point.

13/14-71 Dissolution of Natural Resources Commission

Chairman Zacchio asked the Council to table this item until the next meeting. He added that Council has received a list of accomplishments that the Commission has had throughout the years since it was put in place in 1972. He noted that Bob Breckinridge, Chairman for Natural Resources Commission, could not be here tonight and we would like to invite others as well.

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

RESOLVED: That the Town Council table agenda item 13/14-71 Dissolution of Natural Resources Commission to the April 3, 2014 meeting.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

13/14-72 Approval: Refund of Real Estate Taxes, \$2,277.73

Chairman Zacchio reported that this requested real estate tax refund is due to the mortgage company and homeowner both paying the same real estate taxes. Mr. Pena questioned if this process where both the mortgage company and homeowner receive the tax bill has come to an end. The Town Manager responded that there was one year where multiple bills were sent out and that has been fixed.

Chairman Zacchio commented that there is still an opportunity for it to happen when people move, from a timing perspective the mortgage company might have paid and the homeowner has closed and paid it differently. Mr. Stokesbury added that it could also be a situation where a family member takes over writing checks. The Town Manager noted that there is a Town Council policy in place where the Town Manager has authority to sign up to \$1,000 which is why this one is being passed through to Council for approval.

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

RESOLVED: That the Town Council approve a real estate tax refund of \$2,277.73 to Emil J and Charlotte Ziolo.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

13/14-73 Resignation: Planning & Zoning Commission – Alternate (R – 12/31/2015)

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

RESOLVED: That the Town Council accept with regret the resignation of Donald Bonner as an alternate member with the Planning & Zoning Commission.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

13/14-74 Resignation: Town Constable (R – 12/31/2017)

Chairman Zacchio reported that Mr. & Mrs. Hopper are relocating out of town after being in Avon for forty-five years. He added that they have served on a number of boards and been very active in the community for a number of years and they will be missed.

Mr. Evans questioned what a Town Constable does. The Town Manager responded that the Charter requires the appointment of two Constables. He added that neither he nor the Town Clerk has had any

contact with a Town Constable for as long as they can remember. He reached out to Caroline LaMonica, former Town Clerk, and she recalled that Town Constables were used at a time before the Police Department professionalized and they were used to serve papers before the Marshalls became involved. Chairman Zacchio noted that they are still part of the Charter and until such time that we open the Charter and would make a change, we by Charter need to continue to appoint somebody into those positions.

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

RESOLVED: That the Town Council accept with regret the resignation of Monte Hopper as Town Constable.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

13/14-75 Resignation: Committee of Aging (R – 12/31/2017)

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

RESOLVED: That the Town Council accept with regret the resignation of Cynthia Hopper as a member with the Committee of Aging.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

13/14-76 Appointment: Lakeview Association (12/31/2015)

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

RESOLVED: That the Town Council table agenda item 13/14-76 Appointment: Lakeview Association (12/31/2015) to the April 3, 2014 meeting.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

13/14-77 Appointment: Avon Clean Energy Commission (R – 12/31/2015)

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

RESOLVED: That the Town Council appoint Joseph Gentile to the Avon Clean Energy Commission to fill a vacancy with a term to expire on December 31, 2015.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

13/14-78 Appointment: Building Code Board of Appeals (R – 12/31/2015)

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

RESOLVED: That the Town Council table agenda item 13/14-78 Appointment: Building Code Board of Appeals (R – 12/31/2015) to the April 3, 2014 meeting.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

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

Misc. A: Purchasing Update: The Town Manager reported that the Thompson Road synthetic turf complex RFP has been completed, we have a long list of architects of those that we have sought and those who have contacted us, and we are going to send it out to those firms on Friday, March 7th and will run in the Hartford Courant on March 12th.

The Assistant Town Manager reported that we have canvassed as many firms as we could think of to take a look at the Legal Services RFP and bids are due in a couple of weeks. He added that our timeline is to review the proposals internally, conduct some interviews, and come back in May with a short list for Council to consider. Mr. Evans questioned if there is a point that Council will be involved in the interview process. The Town Manager responded that we will have a Staff committee do the first cut for interviews, Council will receive the entire list and all of the qualifications and there may a firm or individual that did not make the cut at the Staff level that Council wants to bring in anyway, but yes the final interviews and appointment will be conducted by Council. Mr. Evans questioned if they do at a regularly scheduled meeting or do we have a special meeting or a non-meeting. The Town Manager responded that we would probably schedule a special meeting to conduct interviews; it has been a long time since we have done this in Avon and looking back that is what was done. Mr. Stokesbury questioned if it is tied to the fiscal year at all. The Town Manager responded no.

The Assistant Town Manager reported that the Board of Education has a number of projects in the CIP that are recommended for approval so we are actively putting together the bid documents for those

which include flooring at Roaring Brook School and Avon Middle School, the Avon High School track, the ADA items, and the Roaring Brook School fire alarm. He noted that the bids will go out and a lot of those companies are lining up work for the summer so once a low, responsive bidder has been selected a letter will go out that states that subject to Council approval and referendum success they would be awarded the work. He added that some of these projects are estimated to take eight weeks which fills up the summer break window; they are the highest priority items right now along with grounds maintenance which is a fiscal year item. The Town Manager reported that with regard to the Board of Education projects he is really pleased with how all of these are being coordinated this year. Mr. Stokesbury questioned if we are planning to have Roaring Brook School offline for summer activities if the alarm is going to be out of service. Mrs. Maguire added that the Roaring Brook School playground should be built in April but the brick work is planned to be completed over the summer so it would not be a great place to conduct summer camp this summer. The Town Manager responded that he would make a note to coordinate between the Board of Education and Recreation and Parks. Mr. Pena questioned the status of the cell phone service communication at Roaring Brook School. He noted that it had been discussed in November. The Town Manager responded that Jamie DiPace, Emergency Management Director, took a look at that, it was bounced back to Gary Mala, Superintendent of Schools who wanted to give it some more thought but it is probably something that needs to come back around again. He added that it may require a meeting with Mr. DiPace, Police Chief Mark Rinaldo, and others. He will get an update and report back at the next meeting. Mrs. Maguire noted that she is at that school every day and if there was ever an emergency, cell phone communication is an issue. Mr. Pena commented that even within the system there they can communicate but going into the spring and summer when planned activities are outside they will not have communication. Mr. Stokesbury questioned if it is just Verizon service as opposed to AT&T. Mrs. Maguire commented that AT&T gets better service there but Verizon gets no service. Mr. Stokesbury commented that there was an item on a Planning and Zoning Commission agenda for replacement of antennas on a tower off Hollister Drive. He added that it might solve the problem or present an opportunity where the problem could be solved.

The Assistant Town Manager reported that with regard to the Fire Department apparatus he and the Town Manager met with members of the Fire Department this past week and they are finalizing specifications for a Class I Pumper that has been funded over the last couple of years. He added that once the Fire Department is finished working on the specifications it should be a quick turnaround and should be able to see what comes of it.

Misc. B: Small Town Economic Assistance Grant "STEAP": The Town Manager reported, thanks in large part to the Assistant Town Manager, we received another \$450,000 award through the STEAP grant program. Council congratulated the Assistant Town Manager. The Town Manager added that this award allows us to continue with the Streetscape Improvements that we have been doing in the Village Center; first phase was the north side of Route 44, second phase was down the east side of Simsbury Road, and the project that we are talking about with this round of funding is to mirror what is on the north side of Route 44 on the south side. He added that this is all being done in accordance with the Village Center Plan that was approved by Planning and Zoning. Chairman Zacchio questioned where the sidewalk would start on the south side. The Town Manager responded that it would start across from the Town Green and run east toward O'Neill's. Chairman Zacchio commented that if it is possible he would like to see it go up to Darling Drive because then you start to connect the pedestrian traffic that could come down the walkway and continue down Route 44 from O'Neill's. Adam Lazinsk commented that during the weekdays there are employees of some of the industries on Darling Drive that are dropped off by Connecticut Transit bus out in front of the Police Department and try cautiously to cross over Route 44 and walk along the shoulder to get up to their places of employment so a sidewalk would help.

Mr. Pena questioned who is responsible for clearing the sidewalk on Ensign Drive. The Town Manager

responded that the property owner is. Mr. Pena commented that there are people that walk quite a bit and have to walk in the street and because of the curve it makes it difficult to see somebody walking, particularly in the evening.

Misc. C: Director of Recreation & Parks Recruitment: The Town Manager reported that we will start the process at the end of the month. He has reached out to the Presidents of all of the League Associations and asked to meet with all of them and get their input and talk about any issues that they are interested in on the recreation side and feel them out for what they are looking for in a Director of Recreation & Parks, what kind of contact they have, and hoping to get those meetings complete by the end of the month. He added that he had a good meeting last week with Peter Ponziani, Chairman, Recreation and Parks Committee, and the intention is to get Mr. Ponziani involved in the process as well. The Town Manager thinks that we will have a great turnout in terms of candidates for this position. He noted that the recruitment brochure is almost complete. He will keep Council posted. The Town Manager reported that we have forty-eight applicants for the one-day Police Department testing process. He noted that the test if March 22nd and Human Resources prepared a notice for the applicants of what to expect for the day which he will forward to Council.

Misc. D: Fire Training Center/Burn Facility: The Town Manager reported he had a meeting that Jamie DiPace also attended with the Town Manager in Farmington and a Farmington Fire Chief to talk about the status of the Fire Training Center/Burn Facility fundraising. He noted that Farmington is well underway with their fundraising process. He anticipates that the Avon Volunteer Fire Department (AVFD) is going to get started soon. He added that we have talked with Farmington about coordinating on the terms of the Shared Services agreement; we have a really good start on that document. He noted that he will likely have Mr. DiPace come to the next Council meeting to give more of an overview of how the AVFD is going to approach the fundraising, etc.

Mr. Evans questioned if in addition to the fundraising there is going to be a request for the Town to make a contribution for the Fire Department's participation of the facility. The Town Manager responded that the AVFD wants to raise the money themselves for their required contribution, but as we left it with them as part of the capital planning process, if they come up short they can come back and have a conversation with Council but any appropriation would count against their \$400,000 appropriation for fiscal year 2014/2015. Chairman Zacchio commented that they are pretty excited that they can do it. He noted that Farmington has laid out a pretty good plan in terms of approach and strategy that has helped the AVFD move along quickly and really working well together. Chairman Zacchio commented that he had met with Farmington at one time and one of the outstanding items was getting with the Town to talk about the Shared Services agreement and ownership of the building. He noted that he is hesitant to spread Public Works too thinly especially with the road work that we have ahead of us this year but to the extent that we can offer in-kind service to help with either the construction of or laying of the water connections he would support to help them get there. He asked the Town Manager to keep that in mind and how we can help them get closer; it helps against the \$500,000 as it was around building the unit and pulling in the utilities. Mr. Stokesbury inquired about assistance with engineering work. Chairman Zacchio responded that anything we can do to help them achieve that goal we would be willing to talk about in terms of in-kind services.

X. EXECUTIVE SESSION: None

XI. ADJOURN

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

RESOLVED: That the Town Council adjourn the meeting at 8:45 p.m.

Mrs. Maguire, Messrs: Zacchio, Evans, Pena, and Stokesbury voted in favor.

Attest:

Ann L. Dearstyne, Town Clerk