

**AVON TOWN COUNCIL
MEETING MINUTES
September 3, 2015**

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: Pena, Evans, and Stokesbury.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairman Zacchio.

III. PUBLIC HEARING

15/16-01 Amendment of Article V of Chapter 53 Section 88 of the Town Code of Ordinances entitled Liability, placement and removal of snow, obstructions or hazards, violations and penalties

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 OF A PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Avon, Connecticut will hold a Public Hearing on Thursday, September 3, 2015 at 7:30 p.m. at the Avon Town Hall, Selectman's Chamber, 60 West Main Street, Avon, CT to consider the following:

1. To consider and permit all interested persons to speak on the plan of the Town Council to amend Ordinance Sec. 53-88 Liability, placement and removal of snow, obstructions or hazards, violations and penalties.

Copy of the proposed amendment 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 7th day of August, 2015.

Brandon L. Robertson
Town Manager"

Chairman Zacchio reported that it came to our attention that just because we assign ownership of sidewalk to an abutter does not necessarily mean that we transfer liability to that abutter if the abutter does not clear the snow. He noted that we had our Town Attorney review the current ordinance and has made some adjustments. He added that any time we are making changes to an ordinance we have to hold a public hearing.

Mr. Stokesbury commented that the rewrite by the Town Attorney has done a good job with clarifying the language and it is a common sense approach to a required change and he would be in favor of it. Mr. Evans questioned with respect to some of the new changes if the time limits provided for subsection B were in the prior draft. The Town Manager responded yes. Mr. Evans

added that it is much more readable and he supports it too. The Town Manager reported that he had a phone call from a resident on West Avon Road who saw the public notice and wanted to understand what the change would be as his original concern was that he abuts West Avon Road and the town takes care of that portion of the sidewalk but he wanted to make sure that the change in the ordinance would not have the effect of giving him that responsibility. The Town Manager reassured the resident the change would not have said effect.

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

RESOLVED: That the Town Council approve the amendment to Article V of Chapter 53, Section 88 of the Town Code of Ordinances entitled Liability, placement and removal of snow, obstructions or hazards, violations and penalties.

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

IV. MINUTES OF PRECEDING MEETING: August 6, 2015 Meeting

A correction was made under “Communication from Council” (3rd paragraph, last sentence) to replace “rear” with “side.”

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

RESOLVED: That the Town Council accept the minutes of the August 6, 2015 Meeting as amended.

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

V. COMMUNICATION FROM AUDIENCE

Jamie DiPace, Town Council Representative for the Avon Volunteer Fire Department, reported on the Live Fire Training Facility and that there should be a ground-breaking ceremony on October 29th. He added that the pre-fab building itself has been ordered or will be within days. He noted that between now and delivery of the building we will get the foundation put in and we are working with a company that will supply the water main and also working with the Avon Public Works Department who will probably dig that trench which will be a big deduction from the money that we need to raise. He added that they are doing the car show again that is held in Farmington on October 24th. He noted that the golf tournament held in August made at least \$11,000 but is not finalized yet. He added that the former community club building is gone and now covered with water main supplies and the lot looks pretty good. He noted that they are well underway. Council extended congratulations. Mr. Stokesbury questioned if there is an estimated completion date. Mr. DiPace responded that they are hoping to be able to use the building starting next spring. Chairman Zacchio asked Mr. DiPace to thank everyone in the Avon Volunteer Fire Department for their hard work on this. Mr. DiPace thanked the Council for their support.

VI. COMMUNICATION FROM COUNCIL

Mr. Pena reported that he attended part of the Police Department's Women's Situational Awareness and Personal Safety Seminar which was very well attended and they did a great job with it. He shared his comments with Chief Rinaldo as well.

Mrs. Maguire commented that it was a good start to the school year with everything going pretty smoothly. She noted that a lot of parents have been talking about the water main on West Avon Road and a lot of panic about the potential traffic jams in the mornings and afternoons. She asked if they are going to take a break during those times. The Town Manager responded that he will comment on this under his Construction Update. Chairman Zacchio commented that some residents think that Avon Water Company is a department of the Town of Avon. His understanding was that Avon Water Company was going to be there earlier but was pulled down to Lovely Street to do the water mains because the State was paving Lovely Street out of schedule which put us behind here. He agreed that we should get information out to residents for general awareness.

Mr. Stokesbury commended Mr. Evans for his fine leadership at the meeting last month. He highlighted one issue from Mr. Farrell's presentation on behalf of the Avon Water Pollution Control Authority at last month's meeting regarding that with overgrowth they are having some trouble locating manholes, etc. on various easements and illustrates the delicate balance that our Public Works Department has to use in allocating man hours to do all of these different jobs. He added that we need to be aware of the fundamentals like this when we willingly offer up their services in-kind for other community projects; we have to take care of our base. He asked that we focus on that as we look at each issue. He reported that he attended the Eagle Scout Court of Honor a few weeks ago for Frank Campanelli and Jack Kostal where he read and presented their proclamations. He also gave a short speech challenging them to be good citizens, use the skills they have learned as Eagle Scouts and go forth and be leaders in their communities and thinks it was well received.

VII. OLD BUSINESS

14/15-72 Appointment: Planning and Zoning Commission - Alternate (R-12/31/2015)

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

RESOLVED: That the Town Council appoint Mary Harrop as an alternate member of the Planning and Zoning Commission to fill a vacancy with a term to expire on December 31, 2015. Mrs. Maguire, Messrs: Zacchio, Pena, Stokesbury, and Evans voted in favor.

15/16-02 Approve Resolution: Capital Workforce Partners-Amended & Restated Intergovernmental Consortium Agreement

Chairman Zacchio reported that this is the Agreement that we have talked about in the past and now need to amend and restate the Intergovernmental Consortium Agreement. The Town Manager reported that we originally had a request from CRCOG to adopt the resolution that was adopted at the last meeting. He added that the Workforce Innovation and Opportunity Act of 2014 has superseded the Workforce Investment Act of 1998 and as a result there are a number of administrative steps the member towns of the Consortium have to take. He noted that at the last

meeting based on CRCOG's request and what they thought was the advice at the time by the State Department of Labor the Town Council adopted a resolution which was sent in. He added that in July we received correspondence from the Consortium saying that it is no longer efficient, they have received additional guidance from the Department of Labor. He has read the revisions to the agreement that the Town Council originally adopted back in 2003 and none of it is of concern. He also talked to Alan Rosenberg, Director of Social Services, about the Consortium and noted that it is a conduit for federal funding for workforce training. He added that it is difficult to quantify exactly how Avon benefits but you can rest assured that some of the residents do look for that kind of assistance. He recommended that Council adopt the resolution.

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

WHEREAS, the 105th Congress of the United States of America enacted the federal Workforce Investment Act of 1998 ("WIA"), for the purpose of providing workforce investment activities through statewide and local workforce systems; and

WHEREAS, pursuant to WIA, the Governor of the State of Connecticut created the North Central Region consisting of thirty-seven municipalities (the "Municipalities"), including the Municipality of Avon (the "Municipality"); and

WHEREAS, in or about 2003 the Municipalities entered into an Intergovernmental Consortium Agreement (the "Existing ICA") to implement a local workforce system for the North Central Region; and

WHEREAS, the 113th Congress of the United States of America enacted and President Obama signed into law on July 22, 2014 the federal Workforce Innovation and Opportunity Act of 2014 ("WIOA"), to continue with certain changes the policies and programs created and administered under WIA, including the initial re-designation of the North Central Region as the North Central Connecticut Workforce Development Area (the "Local Area"); and

WHEREAS, the implementation of WIOA and the re-designation of the Local Area shall require amending the Existing ICA through the execution of an amendment creating an Amended and Restated Intergovernmental Consortium Agreement (the "New ICA") among the Municipalities in the Local Area specifying among other things the powers and authority of the Consortium of the Municipalities created thereby (the "Consortium"), the process for the selection of the members of the workforce development board, the designation of a grant recipient and of a sub grant recipient/administrative agency/fiscal agent and a statement of accountability for allocated federal workforce funds; and

WHEREAS, the Municipality wishes to remain a part of the Consortium and the Local Area and to continue to receive funds under WIOA and other related workforce funding streams so as to provide workforce services to its constituents, by entering into the New ICA;

NOW THEREFORE BE IT RESOLVED, that the Municipality having complied with all of its municipal and other applicable requirements to enter into the New ICA, authorizes its chief elected official or chief executive officer to execute any amendment or other documents and to do such other lawful things as are necessary to enter into the New ICA on behalf of the Municipality; and

BE IT FURTHER RESOLVED, that the Municipality authorizes its designated representative to the Consortium to act for the Municipality on all Consortium matters as set out in the New ICA.

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

VIII. NEW BUSINESS

15/16-09 Acceptance of Gift: Avon Education Foundation Grant to the Avon Senior Center, \$300

Mrs. Maguire reported that this was a grant given by the Avon Education Foundation (AEF), the Mardelle and David Pena Grant for their generous donation to AEF, to the Senior Center to have a collaboration between high school students and seniors to do a living history. Chairman Zacchio commented this is not the first time that we have seen a grant from the AEF; they remember the seniors every single year, not only the Board of Directors but generous people like David and Mardelle who make donations. He thanked Mr. Pena and asked the Town Manager to thank the Board formally as well. They continue to further the kind of programming we can offer at the Senior Center.

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

RESOLVED: That in accordance with Town Charter, Section 4.3.2(1), the Town Council hereby accepts a gift of \$300 from the Avon Education Foundation to assist in payment for the collaboration of Avon High School Seniors and Avon Senior Citizens in documenting life stories for future generations.

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

The Town Manager noted that a few months ago Council authorized the acceptance of the gift from the Rotary Club for \$500 to purchase a television for the Senior Center. Chairman Zacchio noted that the AEF last gave new iPads to the Senior Center.

15/16-10 Approval of Real Estate Tax Refunds, \$2,812.62

Chairman Zacchio reported that both the bank and homeowner paid taxes due this year and this approval would refund those overpayments.

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

RESOLVED: That the Town Council approves real estate tax refunds to the following: John M & Marie E King \$1,769.04 and Sheryl K Brunstad \$1,043.58.

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

15/16-11 Resignation: Recreation & Parks Committee

Chairman Zacchio reported that Paul Marioni has been a Recreation & Parks Committee member for a long time and is involved with town as referee and umpire for sports programs and we appreciate his services.

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 Paul Marioni from the Recreation & Parks Committee effective December 31, 2015.

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 we are still working with the building committee on the Avon Middle School Classroom Project; a walkthrough is scheduled and the RFP is going out by next week; we have a list of five pre-qualified architects and his goal is to have it on Council's agenda for October to get a contract award. He reported that Avon Day is coming up on September 26th and the bid for equipment rental was done with the low bid at approximately \$11,000. He reported that we also continue to work on the STEAP Project – Phase IV and expects it will go out to bid this fall but does not expect any work until next year. He noted that we are currently working on the easement that will be needed to go across Healthtrax.

Misc. B: Construction Update: The Town Manager reported on the Avon Water Company project and the concern about it going on as school starts; the answer is that it is an Avon Water Company project, the contractor is Suburban Sanitation and it was ready to go at the beginning of summer, but the State decided they were going to repave and do some work on Lovely Street so that interrupted Avon Water Company's schedule and had to re-task Suburban Sanitation and unfortunately that project took some time and we have this unfortunate circumstance that we are replacing water mains at the time school is starting. He talked with Bob Wesneski (Avon Water Company) about it and they are attuned to our concerns which is why they have the notice board out there, getting it in the newspaper, on our Town web site and police will be directing traffic. He added that they have not ruled out the possibility of doing the work at night; the project was not initially bid as such and would require change orders and additional cost. He added that they have been working closely with the Superintendent of School's office and have 7:30-7:45 a.m. and 2:15-2:30 p.m. where they want construction suspended entirely to help with the inflow and outflow of the traffic and Avon Water Company is amenable to that. He noted that he will get something out to the community next week to keep everyone updated. Mr. Pena questioned the duration of this project. The Town Manager responded it should take two months and is supposed to start next week on the west side of West Avon Road from Country Club Road to Kingsbridge. Mr. Stokesbury commented that is only the first phase and then they keep going north. The Town Manager responded yes but does not have the schedule for that work yet.

The Town Manager reported that the paving on Stagecoach and Briar Hill is complete minus the line paving as we wait a few weeks for the oil to dry up so the paint adheres. He added that paving was being done on Woodmont today. Chairman Zacchio commented that those are some great improvements as there is a lot of traffic that comes through those streets. He noted that the Director of Public Works pushed quickly to try and get it done before the buses were rolling but with the paving contractor's schedule was not able to. Mr. Stokesbury commented that the State has already lined Lovely Street so he does not understand who is right, who is wrong about whether or not we have to wait that long to do the center line on our roads. He added from personal experience that Woodmont with the curves as you head up towards Juniper people are always drifting over the line when it is there and he would encourage us to get those yellow lines up as soon as possible. He added that there is also a speed awareness sign up on Stagecoach. The Town Manager commented that the Police Department is going to step up patrols in that area as we did with Country Club Road. He noted that by the end of the season the other projects (Frandel, Pioneer, Oak Ridge, Cliff, a section on Thompson heading west up to the bike path) will be done. Mr. Stokesbury asked if the west end of Juniper is going to be done. The Town Manager responded yes, but he does not have a schedule for it yet. Mr. Stokesbury

questioned pricing with oil prices decreasing as it must be helpful to the budget. The Town Manager responded that it is. He noted that at the end of the season he and the Director of Public Works take stock and look at how things look in the Pavement Management Program fund. Chairman Zacchio commented that he would continue in the same path that Council put the Town Manager on in the spring, pave as much as you can, oil prices are low, if we have money in the budget work right up until they close the plants and pave as much as you possibly can.

The Town Manager reported that the work at Roaring Brook School is complete with the pavilion in the back. He noted that the Department of Public Works did all of the work in terms of platform and it looks fantastic. He reported that we have the carefree building on order for Buckingham for the dugouts and will be delivered next week; we will do the foundation and drop them on top. He reported that we are all set to do the work on Sycamore Pool which closes on Labor Day.

The Town Manager reported that we are getting into budget season and capital requests are being received by department heads which will be presented at upcoming Council meetings. He reported that Hiram Peck, Director of Planning and Community Development started a week ago Monday and it has been a smooth transition.

X. EXECUTIVE SESSION: Collective Bargaining

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

RESOLVED: That the Town Council go into Executive Session at 7:58 p.m.
Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

The Town Manager and Town Clerk attended the session.

XI. ADJOURN

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

RESOLVED: That the Town Council adjourn the meeting at 8:05 p.m.
Mrs. Maguire, Messrs: Zacchio, Pena, Evans, and Stokesbury voted in favor.

Attest:

Ann L. Dearstyne, Town Clerk