

Town Council Minutes 03/07/2013

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AVON TOWN COUNCIL

MEETING MINUTES

March 7, 2013

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. at the Avon Town Hall, in the Avon Room by Chairman Zacchio. Members present: Mrs. Samul and Messrs: Evans, Pena, and May.

II. PUBLIC HEARINGS:

12/13-28 Acceptance of Open Space, 140 Huckleberry Hill Road

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, March 7, 2013, at 7:30 p.m. in the Selectman’s Chamber, 60 West Main Street, Avon, Connecticut for the following purposes:

Acceptance of open space, 21,867 SF (.5Ac), as shown on Drawing No. S-1, Subdivision Map for Lovely Development Inc, dated June 29, 2012 revised 1/7/13, 140 Huckleberry Hill Road, Avon, CT, Kratzert, Jones & Associates, Inc.

Copy of said map is on file in the Town Clerk’s Office and open to the public for inspection during normal business hours.

Dated at Avon, Connecticut this 8th day of February, 2013.

Brandon L. Robertson

Town Manager”

Chairman Zacchio reported that this is pursuant to a previous Planning and Zoning Commission application where a percentage of the development is returned back to the Town in terms of open space; this piece happens to be contiguous with open space that we already own on the back side of the property.

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

RESOLVED: That the Town Council closes the Public Hearing at 7:35 p.m.

Mrs. Samul, Messrs: Zacchio, Pena, Evans, and May voted in favor.

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

RESOLVED: That the Town Council accept open space, 21,867 SF (.5Ac), as shown on Drawing No. S-1, Subdivision Map for Lovely Development Inc, dated June 29, 2012 revised 1/7/13, 140 Huckleberry Hill Road, Avon, CT, Kratzert, Jones & Associates, Inc.

Mrs. Samul, Messrs: Zacchio, Pena, Evans, and May voted in favor.

12/13-31 Acceptance of Drainage Easements, Hidden Oaks Drive (Lots 1, 2 & 4)

The Public Hearing was called to order at 7:35 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, March 7, 2013, at 7:30 p.m. in the Selectman’s Chamber, 60 West Main Street,

Avon, Connecticut for the following purposes:

1. To accept a Drainage Easement for Lot 1 and 2, Hidden Oaks Drive located in the Town of Avon, Connecticut and shown as "PROP. 10' DRAINAGE EASEMENT IN FAVOR OF TOWN OF AVON OVER LOTS #1 AND #2" on a certain map entitled, "PROPOSED SUBDIVISION PLAN FOR HIDDEN OAKS #173 & #181 ARCH ROAD AVON, CT Scale 1"=40' Date: April 4, 2012 Revised 9/26/12 and 11/20/12 kja File No.:212-033 Drawing No.:S-1" by Kratzert, Jones & Associates, Inc.
2. To accept Drainage Easement for Lot 4, Hidden Oaks Drive located in the Town of Avon, Connecticut and shown as "PROP. 20' DRAINAGE EASEMENT IN FAVOR OF THE TOWN OF AVON WITH UNRESTRICTED RIGHT TO DISCHARGE TO WETLANDS TO SOUTH" on a certain map entitled, "PROPOSED SUBDIVISION PLAN FOR HIDDEN OAKS #173 & #181 ARCH ROAD AVON, CT Scale 1"=40' Date: April 4, 2012 Revised 9/26/12 and 11/20/12 kja File No.:212-033 Drawing No.:S-1" by Kratzert, Jones & Associates, Inc.

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

Dated at Avon, Connecticut this 8th day of February, 2013.

Brandon L. Robertson  
Town Manager"

Chairman Zacchio reported that these are standard drainage easements that have been approved by the Planning and Zoning Commission as well as the Town Engineer.

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

RESOLVED: That the Town Council closes the Public Hearing at 7:37 p.m.

Mrs. Samul, Messrs: Zacchio, Pena, Evans, and May voted in favor.

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

RESOLVED: That the Town Council accepts: 1) a Drainage Easement for Lot 1 and 2, Hidden Oaks Drive located in the Town of Avon, Connecticut and shown as "PROP. 10' DRAINAGE EASEMENT IN FAVOR OF TOWN OF AVON OVER LOTS #1 AND #2" on a certain map entitled, "PROPOSED SUBDIVISION PLAN FOR HIDDEN OAKS #173 & #181 ARCH ROAD AVON, CT Scale 1"=40' Date: April 4, 2012 Revised 9/26/12 and 11/20/12 kja File No.:212-033 Drawing No.:S-1" by Kratzert, Jones & Associates, Inc. and 2) a Drainage Easement for Lot 4, Hidden Oaks Drive located in the Town of Avon, Connecticut and shown as "PROP. 20' DRAINAGE EASEMENT IN FAVOR OF THE TOWN OF AVON WITH UNRESTRICTED RIGHT TO DISCHARGE TO WETLANDS TO SOUTH" on a certain map entitled, "PROPOSED SUBDIVISION PLAN FOR HIDDEN OAKS #173 & #181 ARCH ROAD AVON, CT Scale 1"=40' Date: April 4, 2012 Revised 9/26/12 and 11/20/12 kja File No.:212-033 Drawing No.:S-1" by Kratzert, Jones & Associates, Inc.

Mrs. Samul, Messrs: Zacchio, Pena, Evans, and May voted in favor.

III. MINUTES OF PRECEDING MEETING: February 7, 2013 Regular Meeting

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

RESOLVED: That the Town Council accept the minutes of the February 7, 2013 Regular Meeting as submitted.

Mrs. Samul, Messrs: Zacchio, Pena, Evans, and May voted in favor.

IV. COMMUNICATION FROM AUDIENCE

Senator Witkos reported that it was their pleasure, on behalf of him and Representatives Becker and LeGeyt to appear before the Town of Avon they all represent to some capacity. He reported that they are still in the public hearing phase of their budgets, both the Finance Committee which he and Representative Becker serve on and the Appropriations Committee which Representative LeGeyt serves on; not that it is going to matter anyways because the State does not have any money. He noted that this has been one of the busiest times that he has ever served at the State Capitol because of the tragedy that took place in Newtown and the development of the bipartisan Task Force it has been a session within a session with numerous meetings of a variety of different topics meanwhile conducting

the normal business of legislature and now the budget deliberations. He reported that the legislature is the one that creates the budget and only the Governor can either adopt it or veto it. He added that this year is somewhat difficult to follow; Governor Malloy is trying to do the best job that he can by combining and reducing the size of agencies but with that we are using the word of streamlining and can only tell what is being funded or not by the bottom line of a subject matter. He noted that our spending over the next biennium will have increased roughly 9% and that is over a huge increase that we had in taxes two years ago. He is very concerned when the two chairs of the Appropriations Committee got minimal cuts to our budget that they did not like; they could proclaim that this is not the Connecticut that I know that we live in. He noted that until we start getting some suburban and rural legislators in some of these leadership positions he thinks we are in it for the long haul on not willing to trim the fat out of State government. He commented that he wished we could take lessons from Town Councils like you who manage your budgets so well and all of the other communities that do as well and have to come in at a balanced budget; we are not doing it at the State level in his opinion. Representative LeGeyt reported that Senator Witkos' position about the focus of power in Connecticut, its legislature and the cities is justified; we have a beltway mentality in Hartford and there is a disconnect between what happens in Hartford and out in towns like Avon, Canton, and around the state. He added that there is plenty of frustration about gun violence and the issues surrounding Newtown and the Task Force that has been put together to try to deal with that. He reported that there is also frustration about the budget because even though there is a 9% increase in spending, our Governor would like to say and by a stretch of the definition he can say that he has made cuts and there are cuts to certain accounts but in the sum total we are up again and we do not have the revenue to support it. He reported that he is on the Appropriations Committee which manages to craft a spending proposal and his colleagues, Senators Witkos and Representative Becker, on the Finance Committee have to figure out a revenue package to support that; it is hard to say who has the more difficult job but nonetheless it is a real challenge. He added that he is on three of the Sub-Committees of the Appropriations Committee that meet with various departments and agencies of the government to try to get a handle on what their proposals are and then those Sub-Committees aggregate up to the Committee as a whole to put it all together and come up with a package; the process is long and detailed and if you climb into at any position you see that there are a lot of little parts that work and hopefully always happens that in the end we have a budget that works. He noted that there are challenges for small towns in that budget, not the least of which is the car tax and he cannot imagine that it has a lot of support but we will see; and some shuffling of funds, PILOT funds that normally come to the towns for state-owned land and so forth is being merged into ECS. He reported that there is some maneuvering going on to try and make the numbers work.

Representative Becker reported that he represents the eastern part of Avon, the western part of West Hartford, and a small piece of Farmington around the UCONN Health Center. He commented that the car tax is an approximate \$4 million loss in revenue if that goes away unless Avon decides to shift that to real estate taxes and a choice facing every municipality if this were to pass. He agreed with Representative LeGeyt that he does not think it is going to pass. Chairman Zacchio questioned if those communities are entering a revaluation date along with us. He reported that one of the particular issues with Avon and Canton is that we will be doing a revaluation in the same year that the car tax would hit and for us that would be double trouble because then we would have to come up with whatever the gap is in revaluation in terms of property value assessment as well the car tax piece. He added that if it were to happen it is permissible this year but mandatory next year but we are a long way away from that happening. He noted the changes from fiscal year 2013 into fiscal year 2014 and 2015; there are a lot of moving parts but the bottom line is the total is the same. He reported that he sits on the Finance Committee and General Obligation Sub-Committee. He reported that the PILOT money that is being shifted into ECS, a relatively small amount in Avon at \$90,000, and when he had an opportunity on the Finance Committee to ask Ben Barnes that he had read in numerous places that he was saying that

could be shifted back by the towns onto the municipal side and he said yes and would be for both years of the biennium. Representative Becker questioned why we are doing it. He noted that those who leave the funds in ECS it then become part of the NBR; a question that we have outstanding. He commented that there is still plenty of time for input and feedback and he asks that if there is anything else that you think of that would help the Town please communicate with us and we work pretty well together as a delegation to try to do what we can that is the best for the Town of Avon.

Dick McCall, Lawrence Avenue, asked the legislators to please keep the property tax on vehicles; he noted that the only people that would benefit from this are people who pay no other tax or live in an apartment. He commented on the tolls at our borders; he travels a lot and pays tolls everywhere he goes. He reported that in the 1980s when former Governor Bill O'Neill eliminated tolls it was netting \$18 million and employing 300 people; 300 people lost their jobs and the State lost \$18 million; he would like to hear the other side of it. He reported that he would rather see a tax on aircraft; the Town of Avon would not benefit but would benefit towns like Simsbury; it would bring in hundreds of thousands of dollars on all those aircraft, tax them on the Town that they are registered in or the Town that they have their aircraft garaged.

Representative Becker responded that with regards to the tolls the reason they went away was the crash in Stratford and now we have EZ Pass and high speed readers that can charge a toll without even slowing down your vehicle. He added that it is possible; the key will be whether we can actually direct those funds into rebuilding our infrastructure and not sweeping them into General Fund because obviously we have needs for our infrastructure, the question is can we do that. He commented that one problem is making sure that the money gets designated and stays designated in the way that you intended it if you put something in. He responded that regarding aircraft it is too easy for them to be moved out of state and we would not realize the taxes that you were hoping to get there. Senator Witkos commented that he has not met a legislator or a First Selectman/Town Manager that says do away with the car tax so he would consider that dead on arrival. He added that Secretary Barnes was asked during a public hearing of the Finance Committee about that very specific reason as to doing away with the car tax since it would cost municipal taxpayers a lot of money because it would reflect in their property taxes and his comments were on the record were no it won't and if you are being told that either the First Selectman or the Town Manager's did not read it or they just don't understand it. Senator Witkos commented that was a slap in the face to the local elected officials. He responded that as far as the tolls it was a cause of the Stratford toll plaza incident but then there was a provision that the federal government said once you remove them and they started compensating you for the absence of that toll if you tried to reinstitute tolls on your highways then you would have to pay back the federal government all of the money that they have paid over the years; they have since loosened that up a little bit and have provided waivers to the different states and that is why more states are starting to have conversations about tolls now that they may not have to pay back federal governments of the monies that they are looking for. He noted that one of the reasons that we have the highest gas taxes in our country is because that money is supposed to go towards a special transportation fund which is supposed to pay for roads and bridges but it is routinely raided by the legislature to fund general government so until we get some kind of control over that he would never support a toll because we have not learned to live within our means on our spending side so what makes him think that if we create another source of revenue coming into the State that it is going to be used for its designated purpose, similar to fees that paid for fishing and hunting licenses which are supposed to be for environmental concerns, that is swept; they try to sweep money from the Clean Energy Fund that everybody pays on their electrical bills to fund general government so you cannot trust government at this point until we have something in place that will prevent the sweeping of funds he will not support another increase on anything because we do not have metrics in place to make sure that those funds go to the places they are supposed to go.

Chairman Zacchio commented that it is the ability to keep it designated for the purpose in which the

revenue source is being developed; the lotto in Connecticut was one way it was going to fund roads and bridges, the slots with Mohegan was another way, the temporary personal income tax which is only temporary because it continues to go up so there has been a number of those in his memory that were supposed to go to roads and bridges and construction and it seems that we continue to find new revenue sources that get swept into the general fund and until you can find a way to make sure those new revenue sources are directed and stay directed towards the processes they are meant to go to we are going to continue to have the same problems. Representative LeGeyt reported that one of the key indicators of what is driving this problem is that State government has grown too large, to cover more and more things, to manage more and more things, and we are out of control and it is frustrating. Nancy Anstey, 3 Copplestone, questioned the legislators regarding their feelings on the future of regional tourism since it is currently out of the budget. Senator Witkos responded that we are still revolutionary.

Steve Hunt, 12 Roaring Brook Road, commented that he looks at these budget debates, on a national level too; we saw this huge fight on a national level over a sequester which was 2% and it ignores what really the main driver of things was which are your entitlements which was 40%. He added that when he looks at the State government he has to believe that there are a lot of the similar things; how many years have we not funded the teacher retirement program? He added that gap accounting should be applied to the State government as well as the Federal government and these should be carried as existing charges. For example if we are going to say to a teacher or police officer this is what you are going to get paid, as a Town we have to reserve that money but on the State level they are not and worrying about the deficit as it is now but is not really counting all of these promises that are made or is it. He questioned if we are counting unfunded liabilities as part of this deficit and if not how can we get at these real drivers because all of this other stuff is like picking up nickels and dimes and leaving hundred dollar bills on the table. Representative Becker responded that this Governor has moved us towards gap; we have been funding the current pension liabilities for the current year and started to make end roads into these unfunded liabilities. He added that as a legislature two years into the budget said that we would fill that gap over a fifteen year period; in the current budget there is a provision to borrow \$750 million to prepay a portion of that up front and commit ourselves to repaying that over time. He is not sure that he likes that idea. Mr. Hunt commented that we are going to take out a loan in order to fund the liability on the theory that the loan has to actually have a payment made versus the unfunded mandate that doesn't. Representative Becker responded that is right, it holds our feet to the fire however because it is money that is owed to ourselves an alternative that occurs to him is if we said that we could pay it in fifteen years, if we cannot afford that payment because our economy has not come back, our revenues have been down, and we have more people who need the services. He added that with the entitlements that are our citizens needs when they lose their job and need more help. Mr. Hunt reported that although Medicaid is going to be funded by federal government beginning in 2014 that funding is a temporary thing which means that we have to assume our Medicaid bill is going to be much higher, more people on it and Washington is not ramping up the contributions to the State so looking ahead as we are don't we have to almost assume that we are going to have a steadily growing bill from Medicaid. Representative Becker commented on Mr. Hunt's gap question, do you try to restructure the amortization so that we can afford it without having to take the money and pay interest on it; it is not a legal obligation like it would be on a bond. Representative LeGeyt responded regarding the gap that this whole budget is a moving process so that even when we get a number at the end of session this June, we announce it to the world and we have a spending and revenue package that is going to keep us at zero, as soon as that happens things start to adjust out of balance. He noted that they had to go into session in December to adjust the budget that was \$415,000,000 in deficit and since then our budget has climbed to \$70,000,000 in deficit and may need to have another deficit mitigation session just for that and is for the 2012/2013 budget. He noted that they are trying to put together the budget for 2013/2014 and 2014/2015.

Tom Malone, 48 Carriage Drive, questioned where a few of the dollar figures come from in their presentation. Representative LeGeyt responded on page 2 it should read "sales tax" and on page 3 it read "Education 21%" and "Nursing Homes 70%." Mr. Malone commented on remarks made earlier about State spending outpacing inflation due to government expansion. Representative LeGeyt responded that the graph speaks for itself; the drivers of a State budget should be increased population, more people that need to be served, more people who have needs, and some level of inflation; the only other explanation for the increase in the State spending is that people thought that there should be some other service that the State should provide and so a program is put in place, people were hired, it served a certain segment of the State's population, something else would come into play so over time you keep accumulating and increasing the scope of what the State government does and at the same time revenues do not keep pace. Senator Witkos commented that it is not just programs; a lot of it is the B&B (bonding and borrowing) of Connecticut and it is not good for our State. He noted that instead of attracting businesses to our State, we are relocating businesses around our State, for example, the \$115 million that was given to the proprietor of one of the largest hedge fund managers in the country, the guys brings home \$3 billion in a year and to help him relocate from Stanford it was not the money it was the location of where he wants to go. He commented that it is all politics and if we are going out there saying that we do not want to raise taxes then he has to come up with a way to try and bring as much revenue as he can into the State without it being taxed and that is why you see the taxes that are supposed to be sunsetted are not. He commented that if we eliminate the car tax to save money for folks in the middle class, the State makes approximately \$20 million on that because you cannot claim it on your income tax anymore. He added that State spending is going up. He noted that at some point you have to look at how expensive can we be and for how long and until we start having those kinds of decisions it is going to continue in the wrong direction. Mr. Malone questioned if that conversation will happen anytime soon. Senator Witkos responded that it happens all the time, but people come at it from a different perspective.

Representative Becker commented that the matter that the Senator was alluding to is Bridgewater Associate (hedge fund) but the \$115 million is actually \$35 million in cash the State is giving them, an \$80 million tax credit that they can only take if they follow through on their promise and their promise is to invest \$715 million and putting up a new building and promise to create a 1,000 jobs in the next two years; all of this is from the Department of Economic and Community Development. He noted that he too was concerned when he heard this so he asked the Commissioner why we would do this and after hearing the explanation it does not sound as bad as we are giving money to a billionaire especially if the thought was that they were going to move out of our State and take all of that with them. He added that the tax credit that is to come we would not even be talking about that because they would be gone so is that worth the trade. He noted that under the First Five Program the State is investing \$184.8 million in cash and the companies themselves are investing \$1.36 billion in cash and there is also \$155 million in tax credits; there is also the Small Business Express Program and so far we have given small businesses in the form of grants, low interest loans, and the like \$100 million and just yesterday we approved as a legislature another \$60 million being put into that program from another fund that was not being as heavily hit because this has been such a successful program and will put more money in the hands of businesses who are buying equipment, enhancing their businesses, hiring people, and the like. He commented that there are different types of borrowing; it is ok when you borrow to make an investment. He noted that if we can expand our economy and more people are working instead of having to get the assistance from the State that is what is going to bring us out of this. Representative LeGeyt commented some of those goals are proper but truly in past years we have also bonded at the State level for operating expenses. Senator Witkos commented that they have not had a chance to analyze until those jobs in the First Five Program have been created like they said they are going to be. He commented on the Jackson Labs Project and that Florida after an eighteen month period said it was not a good option for their State and not going to work and then Hartford within a two-month

timeframe the legislature was voting on it, creating 300 jobs. He added that we have not had a chance to study it, how do we know what types of jobs are going to be created, is this good for the State; we are buying a building and turning over the keys. He voted against it but hopes that ten years from now when they should have met their requirement of creating these jobs that is a vote that he regrets but kind of early to tell on all of these projects that are happening; we get it in the legislature, it is funded, and this is what we hope to get out of it; the devil is in the contracts that they do not see.

Chairman Zacchio commented that we struggle with the same budgetary issues that the State does; we are in a situation where our bond rating is AAA, we have very good credit, very low debt; there is always that push every budget year to think about what are your needs and what are your wants and a measured approach to that budget keeps our borrowing in check because it would be very easy to borrow to pay for every want that anybody in the public wants. As an example, he commented on whether we should pay cash for fire trucks or apparatus for the Fire Department or the Public Works Department or paving roads and pay as you go which is your money from the tax base or should we just borrow it and give you a break on taxes this year and do that for the next twenty years. He added that they struggle with the same conversations here every budget year in terms of should we borrow or should we not and traditionally we have not borrowed unless they are large infrastructure items that we wish to invest in which is an investment for our community for the future; not unlike what the Town struggles with in terms of budgeting as well. He commented that the State continues to create new mandates and we would ask the legislators always, and he knows that they do, think about the small communities and what those mandates mean to us because a lot of times those mandates are unfunded because the State does not have the money to pay for them but it was at somebody's whim that this new mandate has come down the pike and whether it affects the Town or the Education budget it becomes something that we have to struggle with every year in our budget in terms of how much taxes our community can afford to pay for those mandates that are not on our own thinking. He added that there are those cases where a funding mandate comes, and thank you to our legislators who supported one two years ago, for a bill that required police departments to have video surveillance equipment in interrogation rooms where there was no law around that before and that fell on the smaller communities to figure a way out to fund it. He reported that we just received notice that we will get over \$22,000 in State grant money in order to help our community be compliant with that mandate. He added that all of that is just increasing your local or state taxes because somebody has to be pay for and it is the same people in the room whether you live in Avon or elsewhere. He commented on ways to raise new revenues and Senator Witkos introducing the Bill around closing the loop hole on conveyance taxes and Representatives LeGeyt and Becker are involved as well where if you sell your house there is a conveyance tax that goes to the State but if a builder does it there is a loop hole that allows a conveyance tax to be based on just the property but not its improvement value, not the house so the builder has a loop hole in terms of what the conveyance taxes are paid to the State which is a revenue driver for the State as well as a piece of the conveyance tax comes back to the Town to offset the taxes that we all have to raise each year in order to close our gap so we appreciate all of the work that you are doing on that as well because although it is small dollars to us right now, every development that happens is another opportunity for us to fund a half a teacher or half a police officer or pave another two miles of road and with our budgets as tight as they are those precious dollars mean a lot to us so we appreciate the work that you have done on that. Senator Witkos commented that although he does not serve in the House any longer he knows that under the leadership of Brendan Sharkey, who he did have the opportunity to serve with in the House, is very cognizant of mandates on municipalities; he has reinstituted the commission to look at mandates and always looking at the towns' best interest through regionalization, sharing of projects and dollars. Representative Becker agreed. He noted that there is involvement in trying to get an asphalt machine to be shared with Simsbury, Granby, and Avon for hot patching potholes; that money right now is not in the budget, it has been zeroed out but he has spoken to some leadership and we are working to see if we can get something back in for that.

Representative LeGeyt appreciated Senator Witkos' comments about Speaker Brendan Sharkey; he thinks he is a genuinely fair and thoughtful guy and one example is his insistence that to the degree that is possible there be more bipartisan efforts and actions going on, one of which is the gun violence, school safety and mental health task force that has been put together. He serves on the School Security Subcommittee and in their deliberations they were very concerned about mandating new equipment, new requirements on school districts to make them more safe so that was part of his directive and we have certainly taken it to heart on our side so the recommendations from their Subcommittee tried to avoid any mandated costs in that regard. Chairman Zacchio asked the legislators to pay attention as well just to the entire gun legislation, in particular some folks have asked him about what would be retroactive of any of the bills that come forward; one of the concerns that he has with the retroactive piece is who is going to enforce it and will that fall on our local police departments in terms of an unfunded mandate that we do not have the manpower nor the dollars to try to legislate our community in terms of compliance with anything in a retroactive fashion; something to keep in mind because the pressures on our budget year over year are tremendous and it is difficult for us to make ends meet and keep our tax rate in check as well.

Frank Burnham, 243 Waterville Road, commented that he has been in this town for almost fifty years, built his home, raised his family where they all went to school and would love to stay in Avon but the State of Connecticut has him seriously thinking about picking up and moving out with all of the taxes and something should be done and why all of the legislators cannot get along. Representative LeGeyt responded that if the three of these legislators were in charge things would go a lot better. Council thanked the legislators for their time.

Nancy Anstey thanked the Town Council, on behalf of the Farmington Valley Visitors Association, for being wonderful supporters. She thanked them for allowing the Avon brochure to be created; Brandon, Steve, and Jennifer, it is a fabulous piece; real estate agents love it, they come to the office for it and all of her relocation packages and people that she sees in the office get it. She reported that there are a whole bunch of exciting events going on, including the Mob Italian Wedding Dinner Fundraiser on April 5th and they also started with their historic sites bus tours which have been successful for three years. She reported that their film commission is working with a film director who is also an Avon resident to do an independent film. She noted that the Town has been very generous in the past about letting him shoot and they are working on funding. She commented that the state of tourism in Connecticut has zeroed out. She commented that she hopes the Council will continue to help support them and she will help them in any way that she can.

#### V. COMMUNICATION FROM COUNCIL

Mr. Pena reported that he and Mr. May had the privilege of attending the Blue and Gold Scout banquet this past Saturday and it is a great event. Mr. May agreed and noted that Senator Blumenthal was there to talk to the cub scouts and boy scouts.

#### VI. OLD BUSINESS

12/13-06 FY 13/14 Budget Development

Chairman Zacchio reported that the Town Manager has made the adjustments that were talked about their budget workshop. He noted that although the numbers came out a little different than what we had finished with because of the rounding issues and making sure everything that we had in there was going to be funded at the right level it is now 3.85% and that constitutes a 2.6% increase. Chairman Zacchio questioned if there are any items of substance from their budget workshop that they should be aware of. The Town Manager responded no, other than what we talked about at the workshop in terms of reducing those couple of capital items, adding some capital items back, and adding an additional \$50,000 in non-tax revenue, no changes. Mr. Evans commented that we should all be happy with this budget; it is responsible and meets the Town's needs in terms of safety and public welfare and something that we should feel confident that we are presenting a solid and responsible budget to the Town and he supports it. Mrs. Samul commented that borrowing to discipline them to put money aside



for other post-employment benefits, we are funding our post-employment benefits. Chairman Zacchio agreed that we do have a great budget and encouraged the Board of Finance to look closely at it. He noted that the Board of Education worked diligently in developing it and we struggled with getting to a place in capital that we were comfortable but thinks we funded a good number of projects, a good number of roads re-paving, the security is in there for the schools so comprehensive wise we have done a good budget for them to deliberate on this year for sure.

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

RESOLVED: That the Town Council recommends the FY 13/14 Proposed Budget of \$81,760,417 to the Board of Finance, as follows:

#### REVENUES

Property Tax & Assessments	\$70,862,542
Intergovernmental	4,581,904
Licenses, Fees & Permits	995,755
Charges for Current Services	4,873,808
Other Local Revenues	446,408
Other Financing Sources (Uses)	0
TOTAL	\$ 81,760,417

#### EXPENDITURES

Town Operating Budget	\$ 20,851,925
School Operating Budget	52,828,986
Sewer Operating Budget	1,807,419
Capital & Debt Service Budgets:	
Debt Service	3,858,790
Capital Budget (CNREF,	
Facilities & Equipment)	2,413,297
Subtotal: Capital & Debt Service	6,272,087
TOTAL	\$ 81,760,417

Mrs. Samul, Messrs: Zacchio, Evans, Pena, and May voted in favor.

12/13-34 Appointment: Wild & Scenic River Study Committee (R – 12/31/2013)

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

RESOLVED: That the Town Council table agenda item 12/13-34 Appointment: Wild & Scenic River Study Committee to the April 4, 2013 meeting.

Mrs. Samul, Messrs: Zacchio, Pena, Evans, and May voted in favor.

#### VII. NEW BUSINESS

12/13-36 Review and Approval: 2013 Girl Scout Week Proclamation

Chairman Zacchio reported that the proclamation is to recognize March 12th as the 101st year of Girl Scouting. He read the proclamation.

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

WHEREAS, March 12, 2013, marks the 101st 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 over 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 Program 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 Program to over 47,300 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 Science, Technology, Engineering and Math (STEM), environmental stewardship, 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 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 over 100 years of leadership and expertise as the voice for and of girls, proudly proclaim March 12, 2013, as Girl Scout Day.

Mrs. Samul, Messrs: Zacchio, Evans, Pena, and May voted in favor.

A Girl Scout Troop leader highlighted that this particular group of girls have done things like the historical work at the Darrin House and designed and planted those gardens, they trained her dog to be a therapy dog and spent a whole year bringing this dog to Avon Health Center, they put together a program for special needs kids of a certain age group at FAVRAH and ran play groups for a year; for their age and the number of years they have been scouting they have made a tremendous impact on our community. Mrs. Samul questioned if any of them are working towards their gold award. The Girl Scout Troop leader responded that they are not as yet and would start thinking about that as a freshman. Chairman Zacchio commented that the Council is glad to see that they are in the community and volunteering because we need you; we need folks to volunteer and get involved and that is what makes our community better so thank you.

12/13-37 Resignation: Inland Wetlands Commission (R - 12/31/2015)

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

RESOLVED: That the Town Council accept with regret the resignation of Diane Carney from the Inland Wetlands Commission effective June 1, 2013.

Mrs. Samul, Messrs: Zacchio, Evans, Pena, and May voted in favor.

12/13-38 Approval: Refund of Real Estate Taxes, \$25,161.86

Chairman Zacchio reported that all of these real estate tax refunds are a case of where both a resident and the bank have paid the taxes to the Town so we have an overpayment in all four situations. Mr. May asked if the refund goes to the taxpayer. Chairman Zacchio responded yes because the bank has paid through escrow.

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

RESOLVED: That the Town Council approves real estate tax refunds of: \$5,108.07 to Charles A. and Maria A. Primiano, \$4,688.69 to Michael and Maria Conroy, \$3,735.66 to Corelogic Tax Services, \$9,114.08 to Corelogic Tax Services, and \$2,515.36 to QBE First.

Mrs. Samul, Messrs: Zacchio, Evans, Pena, and May voted in favor.

12/13-39 Contract Recommendation: Revaluation Services

Chairman Zacchio reported that we will do a revaluation next year; the firm that is being recommended is the same firm that we used in 2008. Mrs. Samul questioned that the entity that we used last time was slightly higher than the low bid this time. The Town Manager responded yes; it was the same firm from 2003. Chairman Zacchio reported that the total contract is \$142,500. He questioned the breakout between Avon and Canton as we use the same revaluation service. The Town Manager responded that Canton will pay approximately 40% of that cost. Chairman Zacchio questioned if that is still a valid number or should we be testing what the breakout is. The Town Manager responded that we took a look at it and still makes it. Mr. Evans questioned if it is per capita or per residence. The Assistant Town Manager responded that it is by account. The Town Manager reported that there were four bids and P.B.S. Systems LLC was the low bid and a well known entity and have done a lot of revaluation projects in the area. Chairman Zacchio commented that they did a pretty good job in 2003. He noted

that we move from firm to firm a lot of times because you do not want to get the same firm doing the same process, it pays to have a different firm looking at it and adds to the value; it is good that they are cycling through and coming back because they did not do it last time.

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

RESOLVED: That Town Council awards the contract to P.B.S. Systems LLC based on their low bid in an amount not to exceed \$142,500 for the Town of Avon 2013 revaluation.

Mrs. Samul, Messrs: Zacchio, Evans, May, and Pena voted in favor.

12/13-40 Emergency Contingency Plan – Registrar of Voters

Ann Clark, Registrar, reported that because of what we have gone through in the last two years when we have had these 100-year storms it was decided that the registrars better have an emergency contingency plan. The Registrar of Voters Office staff has drafted a plan. She noted that during the first storm they did have to move their polling place. She added that in that election there was a ballot problem in Bridgeport. She commented that with regards to loss of power our polls are at the high school and Firehouse Company #1 so there are generators but the tabulators have battery back-up power. Mr. Evans questioned if there is an interruption of power do the tabulators retain whatever information is in them. Ms. Clark responded yes. She noted that in order to end an election a piece of paper has to be put into the tabulator. She reported that each worker is given a job regarding evacuation and noted that the advantage is that we use our fire police and they enforce if we have any problems. She reported that the storm two years ago was a run through and they worked with the Town Manager's Office to use the Reverse 911 system and able to notify people through the Town web site, radio, and signs. She added that our Department of Public Works is class one and will do anything for us and we are really fortunate. She reported that at each of their elections now they give the moderators a list of phone numbers. Mrs. Samul questioned if we have ever had a problem with phone service at Roaring Brook. Ms. Clark responded that cell phone service is bad there. Chairman Zacchio commented that issue is being addressed as part of our emergency plan and Mr. Mala is looking into some boosters that can be purchased and Verizon can install to improve cell phone service at that location. Mrs. Samul commented that her concern was more that you are aware that there is an issue and have a hard line to use. Ms. Clark responded that they do; each of their polling places has a hard line. She reported that they are going to have an emergency kit for each of the moderators; there is a first aid kit at each of the polls as well. She noted that when they do evacuate a building the moderator will be in charge, the assistant registrars will take care of those people who have voted and who have not voted; the ballot clerks will take the ballots that they have on their table that have not been voted, the checkers will take the lists that they have checked off, and the person at the tabulator will turn the machine off and get out. She reported that they do have a second tabulator at each polling place so if their tabulator malfunctions they do have a backup and all of their ballots are there under lock and key all day long. Mr. May asked if they have ever run out of ballots. Ms. Clark responded that they have never run out of ballots, only in a referendum. She added that what they do is they go back and look at how many people have voted. She noted that for this last presidential election they went back four years ago when the Secretary of the State's Office asked them to go 100% plus 10% and out of the ballots ordered only 1,500 people did not vote. She reported that this plan needs to be filed with the Secretary of the State's Office by April 1st. Mr. Pena commented that getting people out of the building should be the primary concern if there is an emergency. Ms. Clark agreed. Mr. Evans questioned if she has seen what other towns have done. Ms. Clark responded yes; Newington and Farmington are very similar, Wilton did theirs in 2011 and it is much more involved. Mr. Evans commented on their good work.

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

RESOLVED: That the Town Council approve the Town of Avon "Emergency contingency plan for elections, primaries, and elections" dated March 1, 2013.

Mrs. Samul, Messrs: Zacchio, Evans, May, and Pena voted in favor.

## VIII. TOWN MANAGER'S REPORT/MISCELLANEOUS

Misc. A: Purchasing Update: The Town Manager reported that we are working with the Town of Farmington with their Farm Subcommittee on the Fisher Farm lease; most recently they had a Subcommittee meeting last week and had a number of letters of interest in response to the RFP that was advertised and they have it down to a short list of nine, starting from fifteen; there are interviews coming up and he and/or the Assistant Town Manager will be in for those interviews to monitor. He commented that the Assistant Town Manager has been at each of the meetings so we have always been in the loop on this. Chairman Zacchio commented that one of the bidders is either related to or somehow connected to one of the Farmington Town Council members. The Town Manager responded that there is a relation between one of the bidders and one of the members on the Subcommittee and that the member recused themselves. Chairman Zacchio commented that although we are not part of the lease agreement with the farm clearly we are attached from the land owner perspective and wanted to make sure it was consistent with our conflict of interest policy. The Town Manager noted that of the nine that will be interviewed one is the current lessee.

The Town Manager reported that the State did impose a mandate, they gave us some money to meet the mandate, and we have the grant agreement for \$22,475 for the video surveillance equipment.

Chairman Zacchio questioned the timeline. The Town Manager responded that he has the grant award on his desk, sign it, and a couple of months by the time they process the check and should have it by July 1st. The Assistant Town Manager noted that January 2014 is the deadline so there is plenty of time.

The Town Manager reported that with the household hazardous waste we are moving forward as reported at the last meeting. He added that we did get a letter from MDC where they were willing to accept household hazardous waste from non-participating communities in participating communities but the cost is exorbitant. He reported that it was discussed at a Farmington Valley Collaborative meeting last week and the feeling amongst all the towns was thanks but no thanks. He added that we are getting the word out early, posted on the web site, making up posters everywhere we can; it is important because we are heading into the season. The Assistant Town Manager commented that Ken Byron had a nice article in the Hartford Courant as well.

Misc. B: Construction Update: The Assistant Town Manager reported that we are within a week of moving back into the Town Manager's Office. He reported that the deadline is fast approaching to submit an application for the RFTP Grant and we had talked about a two-part beautification of the gateway to the greenway as well as some ADA parking improvements so folks who are using the trail have a paved and ADA compliant way to access the trail. He noted that the Town Manager had asked for this item to go back onto the Update so that when staff is given direction to start the process folks are comfortable with that as an idea.

Misc C: CRCOG-STP-Urban Solicitation: Request for Proposals: The Town Manager reported that we recently had word through CRCOG that \$4 million is being made available through the federal surface transportation program to fund two types of projects: paving rehab projects and stand alone sidewalk projects; it is a quick turn around with applications being submitted by April 24th and they do require a resolution of the local legislative body. He added that as it is \$4 million for twenty-nine towns and cities so he does not know how far it is going to go but he does suggest that we could ahead and apply for it. He commented that in terms of paving rehabilitation, the Director of Public Works had addressed this back during the capital project presentation; Country Club Road is in need of repair, specifically the section running from West Avon Road to Lovely Street. He suggested putting in a mill and overlay project for the entire length of Country Club with an emphasis on the West Avon Road to Lovely Street section; that is a big project with an approximate value of \$750,000 to \$800,000.

Chairman Zacchio commented that the basins are the expensive part and they are all double basins.

The Town Manager noted that the basins are sinking. Chairman Zacchio commented that if the grant process is not successful we may have to rethink some of what we have in the capital for paving to do

some work there. He added that Country Club Road is taking a real beating this winter and we will have to do something there for sure. Mr. Evans questioned if the Town Manager's sense is that we would be eligible for the full amount from the grant for repaving that whole section. The Town Manager responded that it is an eligible project; he does not want to raise expectations too high. He would submit for the entire application and make it clear what our emphasis is and if they are going to fund any of it, then that section is our priority. Mrs. Samul questioned that when they respond is it an all or nothing on their part or if it costs \$750,000 to do the entire Country Club Road would they come back with \$325,000 or do they just say no. The Town Manager responded that the nice thing about this process, typically these types of projects go into the black box at the CT Department of Transportation and you do not know how they do what they do but in this case it is a Subcommittee of the Transportation Committee at CRCOG that is going to have a lot more involvement in this. He added that typically he would say no, it sort of is what it is and it is all or nothing but in this case there might be some more flexibility. Mrs. Samul commented that if we got just a portion of the money maybe we could do from Lovely Street to West Avon Road but not West Avon Road to Old Farms Road. The Town Manager responded that we will make that very clear in the application materials.

The Town Manager reported that the second part is that the \$4 million allocation is intended also to address stand alone sidewalk projects. He commented that it was talked about at the staff level and there is a project to install a signalized crosswalk at the intersection of Country Club Road and Lovely Street, a CT Department of Transportation project. He reported that the current timing is summer/fall of 2013 but always subject to change. Chairman Zacchio commented that it is funded and approved which is a long way from where we were seven years ago. The Town Manager reported that there is also a project heading north on Old Wheeler Lane to do the bridge so an idea in terms of a sidewalk we had first looked at a sidewalk running on Old Wheeler Lane but the crosswalk is going in at the base there; another idea would be to put in a sidewalk and run it on the north side of Country Club Road heading east and creating a connection with Old Wheeler Lane. He reported that in terms of cost for those two projects, very rough estimate not including the bridge is \$137,000. He noted that the little section of Country Club Road is problematic primarily because of the culvert and very rough estimate would be \$150,000. Chairman Zacchio commented that is the most important leg to connect to the crosswalk at Lovely Street. The Town Manager noted that the \$150,000 does not include right of way acquisition that might be involved there. He added that it would be a good candidate for a sidewalk project. Chairman Zacchio commented that most of the schools are connected via sidewalk except neighborhoods to Roaring Brook probably because of its age; if that project was to get funded and we were able to get from Lovely Street to Old Wheeler Lane, that picks up that entire side of Town; you can come down the back roads to get there, if we extend it just out to Brookmoor you pick up Brookmoor and beyond and if you extend to Blueberry then you pick up Blueberry and that entire connection to Juniper, etc.; those might be in phase but if we have grant monies available that may be the right direction for us to be thinking. The Town Manager commented that with sidewalks you get long-term operational and maintenance issues. Mrs. Samul commented that in the cities that she knows of it is up to the resident to maintain and to clear the sidewalk in front of their house and that does not seem to be the case in Avon. The Town Manager responded that Avon has a unique ordinance with respect to the sidewalk maintenance and repair; the Avon ordinance in some cases unless the Council makes an exception requires that the abutters maintain their sidewalks to the extent that the Town can put an abutter on notice that they are not maintaining their sidewalk and require them to do so; the Town can go ahead and do it and then bill the abutter for the cost. He added that the Town Council can make a finding that on a request of the Board of Education, which he thinks is the case with West Avon Road that the Town can accept responsibility for the sidewalk and that is why there is a maintenance agreement for that section on West Avon Road. Mrs. Samul commented that when installing sidewalks one of the things that we need to be aware of, unlike in a city where many of the lots have fifty to seventy five feet of frontage our people are having maybe two hundred feet of frontage and that is a

significant burden to put on some people when we extend the sidewalk and may want to have public input as to the public's desire to have sidewalks in some locations, in general. Chairman Zacchio commented there would be some situations where that is probably important. Mr. Pena commented that abutters do need to understand the maintenance part of it. A member of the audience questioned that if a public hearing were to take place if that would delay the grant application process or would you apply for the grant at the risk of not getting input from the public. Chairman Zacchio responded that we are definitely under a time constraint from a grant perspective with the idea that that is what we would use it for but your question raises another one in terms of if we were to go through that process and we were unsuccessful in getting a project what happens to that money. The Town Manager responded that the money would be reallocated to the other towns. Chairman Zacchio commented that it has power in that if the State has a Department of Transportation program to put the lights and the crosswalk there anyway hopefully it would make sense to do the sidewalk project as well. Mr. Pena questioned if the application would have to first go to the Planning and Zoning Commission as part of the process. The Town Manager responded yes. Mrs. Samul commented that we talked about connecting the dots and this is another dot so then if we are talking about going down to Brookmoor or Blueberry we are impacting more homeowners and we need to have an understanding of what the residents want in total and at some point touch base and have some type of a public hearing, not necessarily for this one specific leg but a general approach. Mr. Pena commented that the Board of Education could request of the Town that for people's safety ask the Town Council to install the sidewalk and be maintained by the Town. Mrs. Samul questioned if the Town Council has the option to say no if presented with such request. The Town Manager responded yes. Mr. Evans questioned if we apply for the grant and we get sometime over the summer is there a timeframe to use the money. The Town Manager responded typically no; we will have time.

Chairman Zacchio reported that he asked the Town Manager to think about a policy around if and when we pave roads within a certain period of time if a builder chooses to pull up sewers or gas lines or anything else that we require a recapping of the entire road if it is within a certain period of time because we have had several events of roads that were just paved or dug up and put a patch over it which looks great for two years and then never lasts as long as the capped road. He referenced Country Club Road which had a gas line put in a year after it was paved and it has not lasted as well as the rest of the road and has probably caused the deterioration of the westbound lane to some degree.

Misc. D: Police Department "Re-Accreditation": The Town Manager reported that they will be onsite starting on April 7th. Mr. Pena commented on the request to write letters. The Town Manager responded that there will be a public input process as part of this.

Misc. E: Commercial & Industrial Property Assessed Clean Energy (C-PACE) Program: The Town Manager reported that this has to do with on bill financing for energy related improvements; a lot of communities have adopted this program. He noted that we have had interest from two business owners in Avon about this and it is likely that we will have something ready for the April meeting to talk about it more substantively.

The Town Manager reported that regarding the Old Farms Road Environmental Assessment, all of the values that the consultant is proposing have to be approved by the State and the contract is getting to the point where it will be ready for Council action perhaps in April.

The Town Manager reported that we have received the final funding reimbursement from Storm Alfred in the amount of \$431,000. He noted that this was for the debris removal.

#### IX. EXECUTIVE SESSION: Pending Claim/Litigation-Claim Pending Before the Commission on Human Rights and Opportunities Collective Bargaining

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

RESOLVED: That the Town Council go into Executive Session at 9:30 p.m.

Mrs. Samul, Messrs: Zacchio, Pena, Evans, and May voted in favor.

The Town Manager, Assistant Town Manager and Clerk attended the session.  
On a motion made by Mr. Pena, seconded by Mr. Evans, it was voted:  
RESOLVED: That the Town Council come out of Executive Session at 9:45 p.m.  
Mrs. Samul, Messrs: Zacchio, Pena, Evans, and May voted in favor.

XI. ADJOURN

The meeting was adjourned at 9:45 p.m.

Attest:

Caroline B. LaMonica  
Clerk