

Town Council Minutes 04/04/2013

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AVON TOWN COUNCIL

MEETING MINUTES

April 4, 2013

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. Samul and Messrs: Pena and May. Mr. Evans was absent.

II. PUBLIC HEARINGS: None

III. MINUTES OF PRECEDING MEETING: March 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 March 7, 2013 Regular Meeting as submitted.

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

IV. COMMUNICATION FROM AUDIENCE - None

V. COMMUNICATION FROM COUNCIL

Mr. May reported that he and Mr. Pena attended a function for the businesses of Avon and Canton called Tastes of the Valley; many of the restaurants in the area were there offering food samples; there was a silent auction, and a band performing.

Chairman Zacchio complimented the Town staff, especially Bruce Williams, Director of Public Works. He noted that Mr. Williams is involved with a lot of our projects and helps wherever he can. He was called on recently by our new football coach for a tire from one of the loaders because the football coach wants to use it in some sort of exercise that he does with the kids. He reported that Mr. Williams in short order came up with whatever was needed and it was delivered to the high school today and the football coach is very grateful in that he never had a town so supportive. He extended much thanks to Mr. Williams; every time you call on him he tends to be right there and ready and finds a way to solve whatever issue is in front of him.

VI. OLD BUSINESS

12/13-06 FY 13/14 Budget Development

The Town Manager noted the following dates: Board of Finance Public Hearing on Monday, April 8th at 7:00 p.m. at the Avon Senior Center, Board of Finance Budget Workshop on Wednesday, April 10th at 7:00 p.m. at the Avon Senior Center; if necessary a second Budget Workshop is scheduled for April 15th at 7:00 p.m. at the Avon Senior Center; the Town Meeting is scheduled for May 6th at 7:00 p.m. and will adjourn to the Referendum to be held on May 15th.

The Town Manager reported that right now we are at a 2.6% tax increase with no other developments at this time.

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

On a motion made by Mr. Zacchio, seconded by Mrs. Samul, it was voted:

RESOLVED: That the Town Council appoint William Hooper to the Wild & Scenic River Study Committee with a term to expire on December 31, 2013.

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

VII. NEW BUSINESS

12/13-41 Approve Resolution: Explanatory Text for Annual Town Meeting, May 6, 2013

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

RESOLVED: That the Town Clerk be, and she hereby is, authorized and directed to prepare and distribute an explanatory text with respect to the proposed budget for the Town for the fiscal year July

1, 2013 through June 30, 2014, as recommended to the Town by the Board of Finance, in accordance with the requirements of the Charter of the Town and Section 9-369b of the Connecticut General Statutes.

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

12/13-42 Set Poll Hours: 6:00 a.m. to 8:00 p.m. Town Meeting Referenda

May 15, 2013, June 5, 2013 (if necessary), June 26, 2013 (if necessary)

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

RESOLVED: That the Town Council approve the extension of the polling hours of the Town Meeting Referendum from 6:00 a.m. to 8:00 p.m. on May 15, 2013, June 5, 2013 (if necessary), and June 26, 2013 (if necessary).

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

12/13-43 Eagle Scout Proclamations: Erik James Boswell, Aaron Todd Gladstein,  
and Michael Gunnar Oberhausen

Chairman Zacchio reported that tonight we have three Eagle Scout proclamations. He noted that Mr. May will be in attendance to present the proclamations at their Eagle Court of Honor ceremony on April 28, 2013.

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

RESOLVED: That the Avon Town Council recognize Erik James Boswell, Aaron Todd Gladstein, and Michael Gunnar Oberhausen with the following Proclamation:

April 4, 2013

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

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

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

Congratulations on your outstanding achievement!

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

12/13-44 Appointment: Inland Wetlands Commission (R - 12/31/2015)

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

RESOLVED: That the Town Council appoint Ken Birk to the Inland Wetlands Commission, effective June 1, 2013 with a term to expire on December 31, 2015.

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

12/13-45 Supplemental Appropriation-Emergency Management Performance Grant

The Town Manager reported that this is the Emergency Management Performance Grant (EMPG) that we have received for the last seven or eight years now. He added that we do not budget for this appropriation because on a year to year basis we are never quite sure whether or not the grant program is going to continue. He noted that once we have the check in hand we have been coming to Council and Board of Finance to request a supplemental appropriation for spending authority for the money. He reported that we are looking to increase staff hours until the end of the current fiscal year for two current employees that are providing support to both emergency management and fire inspection. He noted that one employee is currently at nine hours per week and the other employee at approximately fifteen hours per week and both would be going to twenty-two and a half hours per week. Chairman Zacchio commented that use is consistent with how we have used this grant in the past. The Town Manager responded it is exactly what we have done in the past. Mr. May questioned exactly what these employees are doing with the extra time. The Town Manager responded that for one of the employees there is work that is being done to update the Emergency Operations Plan and requires a lot of clerical work to pull it together. He noted that Jamie DiPace, Emergency Management Director, has been

doing his best with it but what we would like to do is get this secretarial position bumped up a couple of hours per week so by the end of the year we can have that in good shape. He added that Mr. DiPace is functioning as the Emergency Management Director and the Fire Marshal and on the emergency management side there is a need for clerical assistance just to catch up with back filing and general administrative assistance, primarily the Emergency Operations Plan update. He reported that the other position is the Part-Time Deputy Fire Marshal and keeping up with the required fire inspections is always a task so that position will spend more time in the field. Mr. May asked if that person is well trained in what to look for. The Town Manager responded that this employee is certified.

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

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY 12/13 Budget by increasing:

#### REVENUES

General Fund, Intergovernmental, EHSM1 Emergency Homeland Security, Account #01-0330-43385 in the amount of \$ 9,879.00 (\$8,679.00 EMPG & \$1,200.00 7/12 Hurricane Exercise)

and increasing

#### APPROPRIATIONS

General Fund, Fire Prevention, Regular Part Time, Account #01-2201-51012 in the amount of \$7,340.00 for the purpose of paying additional part time hours to Emergency Management staff and General Fund, Emergency Management, Professional Development, Account #01-2501-52155 in the amount of \$2,539.00 for the purpose of professional development.

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

#### 12/13-46 Supplemental Appropriation-Hydraulic Lift and Overhead Cranes

Chairman Zacchio reported that there are two overhead cranes used to lift heavier items up off the trucks or equipment like engines out of the trucks but in particular one of the surface lifts we had a discussion on, it is currently working but is well over its useful life and something that the Department of Public Works has been looking to replace for some time. He noted that it was suggested that we use the surplus fund from which we have sold equipment that has finished its useful life, a capital account specifically put aside for this type of issue rather than trying to fit it into an already very tight capital budget.

The Town Manager reported that there is an existing designation on Fund Balance of approximately \$44,100. It is revenue that has resulted from the sale of surplus equipment and the requested supplemental appropriation is \$25,000. He noted that it would cost \$20,000 to replace the lift which is currently tagged out of service and the overhead cranes are \$2,500 each. He reported that the lift is used every day and an imposition not to have it working and the cranes are used to pull heavy equipment. He added that Mr. Williams, Director of Public Works, thinks the cranes date back to the 1970s so they have seen better days. He noted that the balance after this appropriation would be approximately \$19,000 in the Fund Balance designation.

Chairman Zacchio noted that he talked to Mr. Williams, Director of Public Works, on this subject and it seems the lift can handle less than a quarter of its stated capacity in terms of what it can actually get off the ground which renders it unsafe. He agreed that it is an imposition for them to not have that working, especially with the heavy equipment that they have.

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$25,000 from Account #01-0390-43913, General Fund, Other Financing Sources, Unassigned Fund Balance with the intended source General Fund Fund Balance Assigned for Capital Asset Replacement and transfer from Account #01-8700-58000, General Fund, Other Financing Uses, Interfund Transfers Out

to

Account #02-4844-53073, Capital Projects Fund (Facil & Equip), Town CIP – Equipment, Ground Lift

and Cranes, and Account #02-0390-43918, Capital Projects Fund (Facil & Equip), Other Financing Sources, Interfund Operating Transfers In, in the amount of \$25,000 to purchase a Ground Lift and two Overhead Cranes.

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

12/13-47 Commercial & Industrial Property Assessed Clean Energy Program (C-Pace)

Chairman Zacchio reported that this is part of the Clean Energy Program called C-Pace. He noted that it is designed to give building owners an opportunity to engage in more efficient energy use of their building and an interesting process of funding and financing for it. The Assistant Town Manager commented that he has become a bit of an expert as he has attended a few workshops, talked to our energy guru with Murtha Cullina and has had conversations with program staff at CEFIA that oversees the program. He reported that it is a program that allows interested business owners to work with a vendor to design energy related improvements to their building. He noted that CEFIA says the program is really designed for investments of more than \$150,000 in improvements; the business owner designs the project with a vendor, if the Town has opted into the program which he noted more and more towns are doing that and is modeled off a program that is active in more than twelve states now; it would go to CEFIA, present the project, one of the values added by CEFIA is that they have the technical expertise to look at these projects, determine what the return on investment is. He noted that in order for the project to be approved there has to be a positive cash flow in year one; they set the term, they see what the projected savings by making these improvements are, if the savings do not outpace the cost then the project is not advanced however if there is a positive cash flow CEFIA essentially takes a project and second advantage is that they bundle these projects and take them to the investment community and sell them to commercial banks as a bundle so the property owner can get access to financing that they otherwise could not. He added that the improvements are made and the towns then collect on an annual basis the amount that needs to be collected as part of the amortization schedule so if it is a ten-year term the Town will be collecting alongside their property tax bill that amount, the Town remits it to CEFIA and they pay off the bond that has been floated to fund the project. He noted that our role is as a collection agency; this would not supersede property tax bills so we do not run the risk of not having taxes paid because of this assessment; we are simply putting it in an envelope, mailing it to the property owner. He noted that the contract that the State is using has in essence been written by one of our Town Attorney's colleagues at Murtha Cullina.

The Town Manager reported that there is a statute behind all of this and it was adopted by the legislature in 2012 and is in the roll out phase now. He noted that in the value that CEFIA adds to this process is they provide an underwriting process to make sure that there is a positive cost benefit analysis and the other part is that the business that takes advantage of the program can get a lower interest rate not only because of that underwriting process but because the loan runs with the property, the actual building is the collateral for the loan and the Town is responsible for collecting the debt payment. He added that because another governmental agency is responsible for collecting the payments with the same vigor that we would apply to collecting property tax payments that is an added security to the lender. He reported that in talking with the Collector of Revenue, the Assessor, and the Town Clerk because they all touch it in one way or another there is some additional administrative overhead; it entails to the extent that you have businesses that are taking advantage of this and we have had two that have approached us about it, there are land records that need to be filed and there is an additional tax bill that has to go out; if they do not pay the bill then they get on our list and we have to call them and follow up on it; and all of that staff time is reimbursable by CEFIA. He added that other than that there really is no liability for the Town. He noted that our tax collection stays in first position, this is subordinate, and there is an administrative burden. Mr. May asked why do they desire local control over this and if it was a state or federal program. The Town Manager responded that he could not really speak to that. He knows that when the legislature adopted this program what they had in mind was duplicating existing programs throughout the country and the executive director of CEFIA or

the C-Pace program who is in Connecticut now was responsible for implementing the program in Oregon so they are looking at how other states have done it and in other states they have pushed it down to a lower level. Chairman Zacchio commented that it sounds like they are trying to piggy back off of the local governments and place infrastructure around tax collection; it is interesting. Mr. May commented that he does not like this. The Assistant Town Manager commented that if they made it a statewide program then towns that are not interested in the program would be stuck administering the program and by making it a local control/opt in, only the towns that are interested in participating can participate. The Town Manager commented that it is a state program. Mr. May commented that it is the state putting a regulation on a clean energy which in his estimation is debatable whether that can compete with the energy that we have right now that is readily available and he is more of a free market person and would think that in a free market place you let them compete evenly. Mrs. Samul reported that she went to the seminar that was provided by Murtha Cullina on this and as she understood it if she has a manufacturing building that has an old heating system she does not have to go to an energy efficient, meaning something like solar power or wind, she just needs to upgrade her seventy-five year old heating system to a higher efficiency where there is a payback and she sees this as good for the Town in that it provides financing for needed repairs to an existing building and thereby maintaining property values in Town. She added that green energy does not really enter into this and where the individual property owner might not be able to get financing at a rate that he can afford it by bundling it with others to larger investors he can now obtain it so it is an efficiency. Chairman Zacchio commented that it creates an incentive to upgrade your systems to be something more efficient with a credit union type, low interest opportunity loan that is low interest because the Town's involvement gives them more comfort in that it can be collected and the building becomes collateral in the lien. The Town Manager reported that through this program they can finance for up to twenty years and for most bank loans or construction loans the typical term is five or eight years so you are calibrating the financing to the useful life of the equipment and that obligation runs with the building over time, not just the owner and recorded in the land records. Chairman Zacchio commented that the owner needs to apply for this. The Town Manager responded yes. Mr. May questioned what happens if the owner goes bankrupt. The Town Manager responded that it stays with the land. Mr. Pena commented that it could keep the businesses in Town longer. Mr. May asked the Assistant Town Manager how big these businesses are that have approached us. The Town Manager responded that there are two that we have talked with; one is Security Drive where CREC is now and the other is the Golf Club of Avon; they have suggested that this is something that they would like to see implemented. Mr. May asked why there is not more of a drive from this as there are several hundred businesses in the Town. The Assistant Town Manager responded that there has only been one or two projects completed thus far through the program so CEFIA has been clear that when a town opts in they do want the local government to help communicate what the program is. Chairman Zacchio commented that it provides a business with a low interest, long-term loan to make improvements to their energy efficiency, whatever they choose it to be, and that low interest loan is collateralized by their building and the collection process through a lien that the Town bills for which is probably what gives them some comfort. Chairman Zacchio asked who is providing the dollars. The Town Manager responded CEFIA is. Chairman Zacchio questioned what if they go out of business, is someone still on the hook for the loan? The Assistant Town Manager responded that CEFIA is a creature of CL&P in the State of Connecticut. The Town Manager commented that this is a useful arrow to have in the quiver; as he goes out to talk to businesses, were Council to adopt this, it is something that they would like to hear about. He added that as the program gains traction and more businesses become aware of it, he thinks it will catch on and more will take advantage. Mrs. Samul commented on why we only have two businesses interested thus far and that it is a very, very new program. The Town Manager responded that the program has been out for approximately six months. Mrs. Samul added that she did not think anybody in Avon would be applying for it because of the type of businesses that we have here and that

they are not that old where they would be in need of this retrofitting so we have a limited number of property owners in Town even though we have several hundred businesses in Town. She does not think it is going to be something that is used a lot in this Town. Mr. May commented that he does not like CEFIA will be overseeing something and approve or disapprove per the language. Chairman Zacchio responded that the loan is low interest because the Town's involvement is that there is a lien on the building which satisfies their need for a loan because eventually the building could be sold so they can be paid off if the business fails, etc.; the Town's only involvement is that we are just a collection agency that collects the tax and writes the check to pay the loan off. Mr. May commented that we should be cautious with this, especially with a brand new program. Chairman Zacchio questioned what our exposure is. Mr. May responded that his exposure is a philosophical one that he does not like it. Mr. Pena questioned how big the projects are dollar wise. The Assistant Town Manager responded that \$150,000+ is where it starts to make sense. He added that another advantage is that when the business comes to CEFIA thinking that a vendor has convinced them is a good project for their business, CEFIA is analyzing it and they may say that it does not make any sense for you because the payback is not there and therefore we cannot finance that. He agreed with Mrs. Samul's point in that the scrutiny in the size will limit the number that we see. Chairman Zacchio added that to Mrs. Samul's point it gives an advantage to the Town in saying that our infrastructure whether it be retail or private business is higher and worth more and probably more rentable. Mr. Pena agreed that there are not as many old buildings but it is a plus for the businesses that there are possibly some that fall into this category. Chairman Zacchio commented that any administrative costs are reimbursable so while there is some more administrative burden those costs are covered and we would not expect that causes us even if 30% of the businesses took advantage of this we would not have to go up in staff administratively. The Town Manager responded no. The Assistant Town Manager added that there is language that says the day you sign up you get \$500 up front to cover your administrative costs and in the event that they exceed that to provide documentation to CEFIA and they will reimburse for the cost incurred.

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

WHEREAS, Section~157 of Public Act No. 12-2 of the June 12, 2012 Special Session of the Connecticut General Assembly (the "Act") established a program, known as the Commercial Property Assessed Clean Energy (C-PACE) program, to facilitate loan financing for clean energy improvements to commercial properties by utilizing a state or local assessment mechanism to provide security for repayment of the loans; and

WHEREAS, the Act authorizes the Clean Energy Finance and Investment Authority (the "Authority"), a public instrumentality and political subdivision of the State charged with implementing the C-PACE program on behalf of the State, to enter into a written agreement with participating municipalities pursuant to which the municipality may agree to assess, collect, remit and assign, benefit assessments to the Authority in return for energy improvements for benefited property owners within the municipality and for costs reasonably incurred by the municipality in performing such duties; and

WHEREAS, the Commercial Property Assessed Clean Energy ("C-PACE") Agreement (the "C-PACE Agreement") between the Town of Avon and the Authority, as attached hereto, constitutes the written agreement authorized by the Act.

NOW, THEREFORE, BE IT RESOLVED:

(a) that we, the Town Council, constituting the legislative body of the Town of Avon, Connecticut, hereby approves the C-PACE Agreement, and

(b) that Brandon Robertson, Town Manager is hereby authorized and directed, on behalf of the City/Town, to execute and deliver the C-PACE Agreement, substantially in the form attached to this Resolution, for the purposes provided therein, together with such other documents as he or she may determine to be necessary and appropriate to evidence, secure and otherwise complete the C-PACE Agreement.

Mrs. Samul, Messrs Zacchio and Pena voted in favor; Mr. May opposed. Motion carries, 3 to 1.

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

RESOLVED: That the Town Council amends the agenda to add item 12/13-48 Appointment: Plainville Area Cable Television Advisory Council.

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

12/13-48 Appointment: Plainville Area Cable Television Advisory Council

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

RESOLVED: That the Town Council appoint Stephen Vicino to the Plainville Area Cable Television Advisory Council.

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

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

Misc. A: Purchasing Update: The Town Manager reported on the Fisher Farm lease and that the Farmington Town Council has a Farm Subcommittee that has been interviewing potential tenants for the Town Farm; they have a list of nine applicants that they are working through and they have their second round of interviews scheduled for tomorrow and then next week they are going to meet to come up with a short list for further interviews. He noted that our Assistant Town Manager has been attending the sessions and he will probably go when they talk about the short list. He understands that there is a lot of variety in the proposals that are being looked at, everything from very professional dairy farming operations to operations that have more of an educational component like the community farm in Simsbury which is a model that they have talked about. He reported that we have been emphasizing Avon's interest in this process and luckily we do not have any structures but we do have a lot of land to be taken care of and any successful lessee is going to be responsible for picking up those responsibilities. He noted that the current tenant is in the process thus far. Chairman Zacchio questioned what a professional dairy operation is. The Assistant Town Manager responded that in the first interview process they interviewed a pair of brothers who lease property in different parts of the state, own their own equipment, and in their proposal they talked about bringing thirty to forty cows to this site which is less than what is there now, getting the bottling operation back up and running. He added that they had a very strong business plan, they have outgrown the space that they have and this would allow them to have part of their herd here and use the pasture and facilities. The Town Manager reported that for the next Council meeting he will be able to report back on where this stands. The Town Attorney reported that there is an environmental restriction on the land that is owned by the Town which prevents that land from being used in any kind of an active way.

The Town Manager reported that with regards to household hazardous waste we are working to continue to emphasize the message that Avon, Canton, Simsbury, and Granby are not using MDC for this season and therefore there is no reciprocity with the upcoming event in Farmington. He reported that we have a few notices out to date and put another notice out just before the Farmington event just to make sure that this is first and foremost in people's minds so we do not get Avon residents going to Farmington to drop off their waste.

Misc. B: Construction Update: The Town Manager reported that we are gearing up for the coming paving season. He reported that the Town Manager's Office is having an Open House on Monday, April 8th, the new accommodations are up and running.

Misc C: Environmental Assessment-Old Farms Road: The Town Manager referred Council to a memo in their packet and added that he would send any attachments referred to in the memo to Council members via e-mail. He reported that we are nearing the end of our negotiations for two contracts, one is with the company, C&C LLC, that will be responsible for serving as the lead consultant to complete the environmental assessment and the second is with the State of Connecticut which will serve to reimburse the Town for the in-kind services that we are providing to support this process, including time of Tom Daukas and Phil Schenck who is serving in a limited capacity on some technical aspects, and other Town staff. He added that the C&C contract will be in the range of \$648,000, that amount is 90% reimbursable to the Town so the net cost will be approximately \$64,800 and the balance is

covered by state and federal reimbursements. He noted that the likely revenue back to the Town for the contract with the State is not done yet, we are still negotiating. He is hoping that for the May or June Town Council meeting he will have these two contracts ready for consideration and approval so we can keep this process moving forward.

Misc. D: Disturbed Pavement Policy: The Town Manager reported that Mr. Williams, Director of Public Works is working through this with a team and should have something for Council to review at the next meeting. Mr. Pena asked what surrounding towns are doing and can be provided when the policy is presented to Council. The Town Manager responded that is what we are basing it on, not only towns in the area but with Mr. Williams being very active in APWA we will get some national examples as well. Mr. Pena questioned if there is some damage after six months, how it gets addressed and is there a bond. The Town Manager responded that they are all over the place and we are trying to synthesize and figure out what works best for Avon, typically there is not a bond involved but the time periods are all over the place. Chairman Zacchio commented that we are envisioning that if we paved a road and we pick a date, i.e. five years and within five years the gas company wants to cut the road and install a gas line our requirement would be to repave the entire section of road versus today they can just pave that one little slot and that does not bode well for the longevity of the road. He added that this protects the Town from having work done in a road that we have just paved and a period that we get to define whereas we will require a contractor doing that work to pave a larger area. Mr. Pena asked the Town Attorney if we can ask the contractor to make it whole again even though we have five or eight years into it. The Town Attorney responded that he cannot answer it precisely because he has never been involved with this particular item but he does know that other towns have similar policies and his sense is that the utility companies become aware of these policies and they will in fact plan accordingly. Chairman Zacchio commented that the utility company may do it right before we going to pave the road and usually then there is some collection, as we did with Huckleberry Hill Road, of payment in lieu of them paving that we are able to make stretch a lot longer than they would be able to with just a straight contractor. The Town Manager commented that we really try to minimize this and one of the pieces that you do not see that happens behind the scenes is that before every paving season there is a meeting where we sit down and figure out what the plan of attack is and that is shared with the utility companies. He also thinks that the utility companies have a copy of our Pavement Management Plan as well so there is good communication between Public Works and Engineering and those who would be doing work in the right of way so that we do try to avoid these things to the extent that we can or we coordinate around it. Chairman Zacchio commented that is in most cases, however it is development of a piece of land or construction that draws the need for the road to be dug up that we did not anticipate because that is of a private nature. He added that we do a fair job of making sure that if there is water mains that are going to be replaced we coincide that with work that we are doing but it is those unanticipated ones where contractors are taking advantage of a piece of property and building it that has caused us the issues in the past. Mrs. Samul questioned if we have come across any situations in talking with other communities where they have found resistance to extending any utility because they would have to go through and repave it, in particular a gas line because sometimes communities have solicited a gas line extension as was done recently in the last few years here in Avon to bring it into a neighborhood and the gas company would not know ahead of time what the people are going to petition them to do and would not know what our paving schedule is, etc. She questioned if there has been any indication that utility companies have declined or been hesitant to extend utilities because of a program such as this. The Town Manager responded that he has not talked to anybody about that specific issue but it is possible if there is a rehab policy when they work it into their cost benefit analysis, if they do not have enough users on the street to make the math work. Chairman Zacchio commented that it may be cost prohibitive or that it eats into their profit or it extends out their cost benefit from three to five years so a business decision on their part; to us it is protecting the investment the Town has made on the road during some period of time that we feel like we should



protect it.

Misc. E: Clean Energy Commission Charge: The Town Manager reported that we did have a meeting last night; good discussion about possible amendments to the charge. He noted that the last time the charge was amended was in August 2011. This item will probably be on the next Council agenda for discussion.

The Town Manager reported that we have the CALEA Onsite Assessment beginning on April 7th for the accreditation and happens once every three years; it will be a fairly involved couple of days. He noted that there are going to be two agents onsite checking how we are complying with the CALEA standards. He reported that there is going to be a public input session on Tuesday, April 9th at 5:30 p.m. at the Senior Center. Chairman Zacchio commented that the Police Department does a very good job with the accreditation that we have been doing since the early 1990s. He questioned what we get versus what are the costs around doing this. He commented on it in terms of what we did with the Library; we knew we wanted to be LEED certified silver, a good energy efficient building, we should want those things anyway and we chose if you recall to build the facility to meet those standards yet not spend the extra dollars to get the accreditation from LEED to say your LEED is silver certified because it did not buy us anything. He challenged the Town Manager to look at that process to decide what is it that we get from the accreditation process, it is good to be accredited, our Police Department is professional and they act in a way and it is good to have some third party validate for us but at what cost to the Town in terms of real hard dollars and time; think of it in terms of a cost benefit analysis what that might look like in the future. He would encourage that we continue to meet the standards to be accredited but he is not sure what is entailed with the extra piece that we are doing here. He added that as tight as budgets are and the Police Department gets stressed about time on the road and people in cruisers he is wondering how much time is taken to do this kind of activity; it may very well be worth it in terms of what we are doing but there is a cost to it and he wants to challenge that cost against what we are getting out of it and think about whether we want to continue or not. The Town Manager responded that it is not an inexpensive process and the time that goes into this, there is a very significant opportunity cost. He noted that while you have the emphasis on gearing up for this and keeping the records throughout the interim periods that is time where they are not doing something else, not on the road. He suggests that it is a good future agenda item and after we are reaccredited with flying colors. Chairman Zacchio noted that we should be thinking about that in terms of anything that we do on an annual, biannual, other term basis that is not any requirement, we should be challenging that every now and then; it may very well just continue but we also may have a different point of view.

IX. EXECUTIVE SESSION: Pending Claim(s) Litigation: Heart & Hypertension,  
Claim involving Avon Volunteer Fire Department (AVFD),  
Claim for Damages,  
Claim Pending before CHRO  
Collective Bargaining

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

RESOLVED: That the Town Council go into Executive Session at 8:25 p.m.

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

The Town Manager, Assistant Town Manager, Town Attorney, and Clerk attended the session.

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

RESOLVED: That the Town Council come out of Executive Session at 9:35 p.m.

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

XI. ADJOURN

The meeting was adjourned at 9:35 p.m.

Attest:

Caroline B. LaMonica  
Clerk