

**AVON TOWN COUNCIL
MEETING MINUTES
July 29, 2021**

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m. via GoToMeeting by Chairperson Maguire. Members present: Mrs. Maguire, Messrs: Bernetich, Speich, Polhamus, and Weber. A quorum was present.

II. PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Chairperson Maguire.

III. PUBLIC HEARING: None

IV. MINUTES OF PRECEDING MEETING: June 3, 2021

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council accept the minutes of the June 3, 2021 Meeting as drafted. Mrs. Maguire, Messrs: Speich, Polhamus, Weber, and Bernetich voted in favor.

V. COMMUNICATION FROM AUDIENCE - None

VI. COMMUNICATION FROM COUNCIL

Mr. Weber extended thoughts and prayers to the families of Lucas Brewer and Anthony Nagore who lost their lives on the Farmington River a few weeks ago; it was a tragic event; and he thanked the first responders who worked tirelessly searching for the young men. He thanked Jim Rio, Director of Police Services and Canton Chief of Police Christopher Arciero who attended a virtual forum with State Representative Eleni DeGraw discussing recent car break-ins; he recommended folks listening to it; there are common sense reforms being proposed at the State level which will hopefully help alleviate the problem we are seeing; he implored residents to lock their doors and keep the key fobs out of the cars. He noted that Jim Rio also spoke about the increase of gun permits in the Town and State and hopes people will not take things into their own hands; that is why we have the wonderful law enforcement officers we do in Town and our thoughts continue to go out to them when they respond to recent break-ins; he is happy to hear that Jim Rio is being listened to by our State representatives and hopefully some action can be taken so our residents in Town and throughout the State can feel safe if their property is secure.

Mr. Polhamus echoed Mr. Weber's sentiments.

Mr. Bernetich noted that the river rescue was tough and he expressed thanks to all of the Fire Department members who put in a lot of time and effort. Chairperson Maguire extended thanks to Mr. Bernetich and the Avon Volunteer Fire Department and the Avon Police Department for all of their hard work.

Mr. Speich echoed Mr. Weber's sentiments regarding the river rescue. He inquired about the possibility of placing a "water safety stand," a 4x4 post in the ground with a shepherd's hook, a safety ring, and a rope, at Fisher Meadows, the boat launch, etc.; they have been used in other towns that he lived in; he would like the Town to explore. He commented on car break-ins and we need to enforce a session and make the legislation happen. He noted that he was honored to represent the Town Council at the Eagle Scout ceremony on June 26th; these scouts worked hard to achieve this rank. The Town Manager responded that he would explore the option of a water safety post.

Chairperson Maguire extended thoughts and prayers to the Nagore and Brewer family. She introduced Sam Hoefer, who worked sixty-two hours as an intern in the Engineering Department with the Town of Avon. Sam Hoefer responded that it was an enjoyable and educational experience; staff was amazing and informative, Sangee Wallace was their internship mentor; it was interesting to see the work and dedication staff puts in to make towns fully function. Chairperson Maguire noted that it is election season; we all work really well together; be kind to each other and congratulations to the candidates on their nominations.

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council move item 21/22-01 Appointment: Bond Counsel up before Old Business.

Mrs. Maguire, Messrs: Bernetich, Weber, Polhamus, and Speich voted in favor.

VII. OLD BUSINESS

16/17-51 Town and Public Safety Communications System Replacement Project (Town Wide Radio System) – Set Public Hearing Date: Amendment of Cellular/Wireless Lease Agreement for Property Located at 277 Huckleberry Hill Road

Chairperson Maguire provided background that this project was approved at referendum in November 2018 and the Town proceeded to obtain necessary permits and licenses; our land approval process in Canton for the Kingswood Drive site was denied in 2020. She acknowledged Tom Kline, John Zematis, and Jim Rio who were in attendance tonight. The Town Manager noted that Tom Kline has been extraordinarily helpful with the technical aspects, Jim Rio jumped in as soon as he came on board, and John Zematis who recently served as the primary contact with SBA on this lease agreement. He added that the original site relied on two location: WFSB site on Deercliff Road and the Kingswood Drive site in Canton; the latter was denied by Canton. Plan B, working with our vendor, relies on three sites: the WFSB site on Deercliff Road, the site on Ridgewood Road, and 277 Huckleberry Hill Road at the Landfill; the common denominator in any solution going forward is 277 Huckleberry Hill Road. He noted that the Town entered discussions with SBA Communications; the Town has had a lease agreement with a provider going back to the early 2000s at 277 Huckleberry Hill Road; we are the landlord, SBA is the tenant; the pole is approximately 100 feet tall; the Town drives two revenue streams through this arrangement with a rental income and revenue sharing off the other carriers that co-locate on the pole and we get a check from SBA every month; the annual revenue is about \$80,000 and goes into a general revenue in the General Fund; SBA has an interest in relocating the pole and making improvements for our public safety communications; their primary tenant on the pole, Verizon, has a coverage deficiency in that area that we would like to solve. We worked through an amendment to the original lease

agreement with SBA; it would provide cost-sharing on the part of the Town up to \$250,000, foregoing revenue going forward; rental abatement would begin when our equipment is placed on the pole or eighteen months from the date the lease amendment is signed, whichever is sooner; while the rental abatement is in effect, the revenue sharing would continue and is the larger part of the revenue stream compared to the rent; Verizon would pay rent going forward but no longer subject to the revenue sharing provisions; this is a lot cheaper than putting up a new pole at Kingswood Drive and we are not bonding it so we don't have to pay interest. He added that we have a novel arrangements, makes a lot of sense, and will result in better commercial coverage, and we get additional height on the pole and access to build out our communications system. He noted that he cannot predict what will come out from the neighborhood, having seen what this experience was in Canton; it has been put in past Town newsletters and we would send out a letter to the abutters and invite them to an informational meeting; Verizon would be the applicant and will prepare all of the drawings and full submittal to the CT Siting Council; a referral to the Town's Planning and Zoning Commission, 8-24 of the general statutes, would be required because of the lease and real property. John Zematis added that this site has been identified as truly critical to either of the solutions that we choose. The Town Manager noted that the current pole is 100 feet so we would need another 50 feet which includes the antennae at the top; there is no other location in that area in Town that is going to achieve our objectives; we have looked at every property block. He asked Council to schedule a public hearing for their September 2nd meeting.

In response to a question from Mr. Speich, the Town Manager responded that with regards to the revenue stream the rent won't be received during the payback period, approximately seven to eight years down the line, and will start again; this is still a very profitable site for the General Fund; the height of the pole will increase and presumably there are more carriers that will locate on the pole and increase the revenue stream. He noted that the original lease provided for rent, the revenue stream, and a 3% cost escalator. In response to a question from Mr. Speich, the Town Manager responded that rent for FY 21 was about \$29,000 which we will lose; when we do our non-tax revenue estimates for next year we may reduce it by approximately \$30,000. In response to a question from Mr. Speich, the Town Manager responded that the public hearing may include residents who don't want the 150 foot pole; it is all tied together with the revenue sharing and everything else. Chairperson Maguire commented that this is a necessity; the steps taken will make it more efficient and ultimately a better system. She thanked Tom Kline, Jim Rio, and John Zematis for the all of their hard work.

On a motion made by Mr. Speich, seconded by Mr. Bernetich, it was voted:

RESOLVED: That the Town Council set a public hearing date to be held at their September 2, 2021 meeting to consider and authorize the Town Manager to execute the lease amendment between the Town of Avon and SBA 2012 TC Assets, LLC for property located at 277 Huckleberry Hill Road, Avon, CT 06001.

Mrs. Maguire, Messrs: Speich, Polhamus, Weber, and Bernetich voted in favor.

20/21-24 Appointment: Central Regional Tourism District (12/31/2021)

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council table agenda item 20/21-24 Appointment: Central Regional Tourism District (12/31/2021) to the September 2, 2021 meeting

Mrs. Maguire, Messrs: Bernetich, Polhamus, Weber, and Speich voted in favor.

Chairperson Maguire noted that this vacancy will be revisited in January 2022 when new election terms begin.

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

RESOLVED: That the Town Council remove item 20/21-24 Appointment: Central Regional Tourism District (12/31/2021) from the agenda.

Mrs. Maguire, Messrs: Bernetich, Weber, Speich, and Polhamus voted in favor.

VIII. NEW BUSINESS

21/22-01 Appointment: Bond Counsel

Chairperson Maguire reported that the Town recently issued a Request for Proposal, Town staff interviewed two firms, and Robinson and Cole is being recommended for appointment. The Town Manager noted that Robinson and Cole was recently appointed as special attorney to assist with the Farmington Wastewater Treatment Plant issue and we had a good experience; we think they are a great fit and happy to make the recommendation.

Glenn Santoro reported that he is a partner with Robinson and Cole in the public finance area and practicing since 1989; he is very happy to be here before the Council and looks forward to a very long relationship with Avon. In response to an inquiry from Mr. Speich, Mr. Santoro responded that Bond Counsel assists with drafting bond resolutions and prepare bond documents for closings for various projects, and also work with the Town's Financial Advisor.

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

RESOLVED: That the Town Council appoint Robinson and Cole with Glenn Santoro, Lead Partner, as Bond Counsel.

Mrs. Maguire, Messrs: Speich, Polhamus, Weber, and Bernetich voted in favor.

21/22-02 Supplemental Appropriation: Board of Education-Open Choice, \$166,054

Susan Russo, Business Manager, Avon Public Schools, reviewed the request with Council. She noted that this is an annual occurrence before Town Council; per pupil amounts are received as well as additional funds if our enrollment percentages are over and for pre-K and K students.

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

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY 20/21 Budget by increasing:

REVENUES

General Fund, Intergovernmental, Education Program Grants, Account #01-0330-43343 in the amount of \$166,054.00 and increasing

APPROPRIATIONS

General Fund, Board of Education, BOE Expenses, Account #01-9401-55000 in the amount of \$166,054.00 for the purpose of funding school programs and special education needs.

Mrs. Maguire, Messrs: Polhamus, Weber, Bernetich, and Speich voted in favor.

21/22-03 Knights of Columbus Carnival & Food Truck Event – September 2022

Steve McMahon with the Knights of Columbus provided the following highlights: the event would include 12-15 carnival rides and 20-25 food trucks; the carnival company would be Shamrock Shows out of New York and their first show in Connecticut; no alcohol will be served; and no fireworks due to budgetary constraints. He noted that they anticipate 5,000 people to attend. The Town Manager noted that Mr. McMahon met with Town staff to start the process. He added that we are confident they know what they are getting into; we have had some practice ourselves and happy to provide support; we are looking for approval with the concept so we can help them with the logistics; the event date is September 2022; we want to give neighbors advance notice; and it should be a lot of fun. Mr. McMahon looks forward to the Town's help. Chairperson Maguire thanked Mr. McMahon and will be looking forward to it; anything that Council or the Town can do, please let us know. In response to an inquiry from Mr. Weber, Mr. McMahon responded that the food trucks will be from Connecticut and Massachusetts. In response to an inquiry from Mr. Speich, Mr. McMahon responded that at this time proceeds will benefit the Knights of Columbus of Unionville. Mr. Speich noted that we are bringing in a group from out of town to use our facility and from a policy perspective are we okay with that. The Town Manager responded that is a good question because we will get these types of requests in the future which would come through the same path. Chairperson Maguire asked Mr. McMahon to see if they could involve the Knights of Columbus of Avon in some capacity, but overall this is a good event for Avon, Farmington, and the Farmington Valley. In response to a question from Mr. Weber, the Town Manager responded that costs associated with a special permit for land use depends on the event and what level of involvement the Town will have; with this, there will be some kind of in-kind services from the Town; the infrastructure is on the applicant; there is no specific fee for a special land use permit.

On a motion made by Mr. Polhamus, seconded by Mr. Speich, it was voted:

RESOLVED: That the Town Council approve the use of the property at 99 Thompson Road for a Knights of Columbus Carnival & Food Truck Event to be held September 16-18, 2022.

Mrs. Maguire, Messrs: Speich, Bernetich, Weber, and Polhamus voted in favor.

21/22-04 Land Protection Assistance Grant from Lower Farmington River & Salmon Brook Wild & Scenic Committee**a. Acceptance of Grant Award**

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

RESOLVED: That the Town Council accept the gift of \$3,000 from the Lower Farmington River & Salmon Brook Wild & Scenic Committee.

Mrs. Maguire, Messrs: Bernetich, Speich, Weber, and Polhamus voted in favor.

b. Supplemental Appropriation, \$3,000

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

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY 21/22 Budget by increasing:

REVENUES

General Fund, Intergovernmental, DEP / Farmington River Trail, Account #01-0330-43323 in the amount of \$3,000.00 and increasing:

APPROPRIATIONS

General Fund, Parks, Services – Other, Account #01-5201-52189, in the amount of \$3,000.00, for the purpose of funding the clearing of a section of trail in Fisher Farms.

Mrs. Maguire, Messrs: Bernetich, Polhamus, Weber, and Speich voted in favor.

21/22-05 Supplemental Appropriation: State Historic Preservation Grant for Brian Jones Paleoindian Site, \$10,000

Chairperson Maguire noted that she and the Town Manager participated in a meeting with Terri Wilson, Avon Historical Society President, and Town staff about this item, among other great things coming out from the Avon Historical Society. She noted that a Request for Proposal will go out to look for a consultant to engage in this work, the work will take about six months at which time we will learn whether or not this site qualifies to become part of the State historical preservation. The Town Manager added that this meeting also included Nora Howard, Town Historian; it is interesting to learn what the academics are learning from this site; this will come back before Council for further discussion.

On a motion made by Mr. Speich, seconded by Mr. Bernetich, it was voted:

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY 21/22 Budget by increasing:

REVENUES

General Fund, Intergovernmental, Misc. State Grant Receipts, Account #01-0330-43410 in the amount of \$10,000.00 and increasing:

APPROPRIATIONS

General Fund, Town Manager, Service & Consultant, Account #01-1201-52184, in the amount of \$10,000.00, for the purpose of reviewing the archaeological site at Fisher Meadows to determine its candidacy for a state archaeological preserve designation.

Mrs. Maguire, Messrs: Speich, Bernetich, Weber, and Polhamus voted in favor.

21/22-06 Supplemental Appropriation: Inspection Services for Avon Village Center, \$5,293

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY 21/22 Budget by increasing:

REVENUES

CNREF, Other Local Revenues, Refunds & Reimbursements, Account #03-0360-43612 in the amount of \$5,293.00 and increasing:

APPROPRIATIONS

CNREF, Avon Village Center, Service & Consultant, Account #03-4858-52184 in the amount of \$5,293.00, for the purpose of paying independent inspections services.

Mrs. Maguire, Messrs: Weber, Polhamus, Speich, and Bernetich voted in favor.

21/22-07 Eagle Scout Proclamations

Mr. Speich, who attended the Eagle Scout ceremony on Saturday, June 26th, read the following proclamation aloud.

June 26, 2021

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. Through the years you have spent in scouting you have had to show qualities of leadership, integrity, loyalty, and service to your troop, community, school, religion, 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!

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council approve proclamations for the following Scouts who recently achieved Eagle rank: Ryan Patrick Bagley, Alexander Bump, William P. Klemm, Andrew Carl Pooler, and Jacob Theodore Pooler.

Mrs. Maguire, Messrs: Bernetich, Polhamus, Weber, and Speich voted in favor.

21/22-08 Approval of Motor Vehicle Refund, \$1,464.87

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

RESOLVED: That the Town Council approve a motor vehicle tax refund to JP Morgan Chase NA in the amount of \$1,464.87.

Mrs. Maguire, Messrs: Polhamus, Speich, Bernetich, and Weber voted in favor.

21/22-09 Approve Fiscal Year 2022/2023 Budget Calendar

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

TOWN OF AVON FY 2022/2023 BUDGET CALENDAR

ACTIVITY	RECOMMENDED DATE	LATEST DATE PER TOWN CHARTER
Capital Budget Forms Prepared and sent to Departments	August 16, 2021	
Operating Budget Forms Prepared and sent to Departments	September 10, 2021	
Completed Capital Budget Forms returned to Town Manager	October 01, 2021	
(a) CIP Budgets presented at Town Council Meetings by Department Heads	Nov. – Dec. 2021	
Completed Operating Budget Forms returned to Town Manager	November 05, 2021	February 15, 2022
(a) Town Manager meets with Department Heads to review budget submissions.	Nov. – Dec. 2021	
(b) Town Manager makes recommended reductions.	Dec. 2021 – Jan. 2022	
Town Manager’s Proposed Operating and Capital Budgets submitted to Town Council	January 21, 2022	March 01, 2022
Board of Education Budget to Town Council	February 04, 2022	February 15, 2022

(a) Town Council holds Special Budget Workshop.	February 2022	
(b) Further reductions are made by Town Manager's Office if necessary.	February 2022	
Capital Improvement Program Submitted to Planning & Zoning Commission for Sec. 8-24 Review	March 15, 2022	
Budget Work by Town Council completed and Budget submitted to Board of Finance	March 28, 2022	April 01, 2022
Public Hearing on Budget held by Board of Finance not later than three (3) weeks before May 02, 2022 Town Meeting	April 04, 2022	April 11, 2022
(a) Board of Finance holds evening Budget Workshop(s)* with Town Council and Board of Education after the Public Hearing. *additional dates (April 11 and/or April 13), if needed	April 06, 2022	
Board of Finance Completes Work on Budget	April 2022	
Copy of Budget approved by the Board of Finance printed in Newspaper at least five (5) days before the Annual Town Meeting	April 21, 2022	April 22, 2022
Annual Town and Budget Meeting First Monday in May	May 02, 2022	May 02, 2022
First Referendum	May 11, 2022	May 13, 2022
Second Referendum (if necessary)	June 01, 2022	June 03, 2022
Third Referendum (if necessary)	June 22, 2022	June 24, 2022

Mrs. Maguire, Messrs: Speich, Weber, Polhamus, and Bernetich voted in favor.

21/22-10 Resignation: Building Code Board of Appeals (R – 12/31/2023)

On a motion made by Mr. Speich, seconded by Mr. Polhamus, it was voted:

RESOLVED: That the Town Council accept with regret the resignation of James H. Eacott, III from the Building Code Board of Appeals.

Mrs. Maguire, Messrs: Polhamus, Weber, Bernetich, and Speich voted in favor.

21/22-11 Resignation: Committee on Aging (D – 12/31/2021)

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

RESOLVED: That the Town Council accept with regret the resignation of Gloria L. Farrell from the Committee on Aging.

Mrs. Maguire, Messrs: Weber, Bernetich, Speich, and Polhamus voted in favor.

IX. TOWN MANAGER'S REPORT/MISCELLANEOUS

Misc. A: Purchasing Update: The Town Manager noted that CIRMA is our new liability/auto/property/workers compensation carrier; there is value going to an insurer who only deals with municipalities; it is member owned and member governed. He added that the Rescue Truck Lease-Purchase worked out good for us and with the Avon Free Public Library Geothermal HVAC system we will make sure we get the as-built drawings and know how to maintain it correctly; the system seems to be working great. He noted that we have received incentive awards for four medium sized projects in Avon related to the ZREC incentive program through CT Green Bank.

Misc. B: Construction Update: The Town Manager noted that we continue to work through Police Department improvements; he and the Town Engineer met with Avon Old Farms School to bring them up to speed regarding the Old Farms Road Project; there are storm drainage issues at Eddy Street and Deepwood Drive/New Road that are being addressed; road improvements continue and he will tentatively have the Director of Public Works attend Council's October meeting to provide an overview and sizing of a potential debt issuance; and we are supporting the Avon Little League with their project at Sperry Park.

Misc. C: American Rescue Plan Act: The Town Manager noted this is ongoing; we have received the first portion of \$2.7 million; we are coming up with ideas for use.

Misc. D: Town Board/Commission Meetings: The Town Manager showed the OWL device to Council; we learned about this from Simsbury; this would allow for hybrid meetings; Council can test the device at its September 2nd meeting in the Selectmen's Chamber.

Misc. E: Cannabis Act: The Town Manager reported that this Act is effective July 1st; it has implications for municipalities from an employment perspective, public safety and as a land owner; the Planning and Zoning Commission recently voted to prohibit the sale/dispensing of adult use recreational cannabis. He noted that any policy concerns would be discussed with Council.

Misc. F: Flag Policy: The Town Manager reported that a policy will be ready for Council's review at their September meeting.

The Town Manager reported that he recently met with the Vice President of the North Atlantic Region with Whole Foods; there is no confirmed date for their grand opening.

X. EXECUTIVE SESSION: Collective Bargaining
Farmington Wastewater Treatment Plant

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

RESOLVED: That the Town Council enter into Executive Session at 8:41 p.m.
Mrs. Maguire, Messrs: Bernetich, Speich, Polhamus, and Weber voted in favor.

The Town Manager and Clerk attended the session.

XII. ADJOURN

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

RESOLVED: That the Town Council adjourn the meeting at 8:59 p.m.

Mrs. Maguire, Messrs: Bernetich, Speich, Polhamus, and Weber voted in favor.

Attest: Jennifer Worsman, Clerk