

**AVON TOWN COUNCIL
SPECIAL MEETING MINUTES
January 29, 2019**

I. CALL TO ORDER

The meeting was called to order at 7:00 p.m. at the Avon Town Hall, in the Selectmen's Chamber by Chairperson Maguire. Members present: Mrs. Maguire, Messrs: Bernetich, Stokesbury, and Pena. Mr. Speich was absent. 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: December 3, 2018 Special Meeting
December 6, 2018
January 3, 2019

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

RESOLVED: That the Town Council accept the minutes of the December 3, 2018 Special Meeting as presented.

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

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

RESOLVED: That the Town Council accept the minutes of the December 6, 2018 Meeting as presented.

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

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

RESOLVED: That the Town Council accept the minutes of the January 3, 2019 Meeting as presented.

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

V. COMMUNICATION FROM AUDIENCE - None

VI. COMMUNICATION FROM COUNCIL

Mr. Stokesbury noted the rapid progress being made with the Old Farms Road Bridge Project.

Chairperson Maguire reported that a swearing-in ceremony was held on January 15th for Fire Chief Appell as well as several promotions in the Avon Volunteer Fire Department. She also attended a vaping informational session at Avon High School the other night; a lot of information about concerns of vaping and the growing epidemic it is becoming; it is rising with youth today; the Farmington Valley Collaborative members sent letters to our State legislators encouraging them to raise the purchase age to 21.

VII. OLD BUSINESS

- 13/14-48 Avon High School Synthetic Turf Field and Track Improvement Project-**
- a. Review and Discuss a Proposal by ACORN to Raise Funds for Lighting at the Avon High School Field**
 - b. Discuss Additional Buffering Requirements**
 - c. Possibly Amend the Building Committee's Charge Accordingly**

Chairperson Maguire noted that this item has been on our agenda for years; it started in 2007 in the Recreation Plan as something that was needed for the Town; it has been through many different scenarios; it started at MH Rhodes and after a plan was put together it ended up at the High School with one field, then adding on another field; the timeline and process have been long; there has been a sub-committee that did a tremendous amount of work, putting together a design working with BSC Group and putting out a project that encompassed lights, a press box, had restrictions, a very well thought out process; on November 3, 2016 Council received the recommendation from the sub-committee for the whole package; in January 2017 the Board of Education wanted to be involved in the project and input on the infill. She noted that we had a project a year ago that we envisioned being a three-legged stool with private fundraising, State money, and money from the Town; State money was not forthcoming and there was really no fundraising so the Town took on that piece and put together a very scaled down project; within the last year BSC Group has designed this project, got it through to referendum which passed. She noted that we have a group that is interested in taking it to the next step and has brought us here tonight. She acknowledged Jesse Harris from BSC Group in the audience and will talk about how the design process would have to be handled, has provided cost estimates for lighting and can address some of the ideas that go behind those numbers. She also acknowledged Doug Gillette with our Bond Counsel in the audience and will talk about how our bond will work after the project is complete. She noted that there are a lot of moving parts, a lot of ideas that people have in their head and would like to share.

The Town Manager commented that there are a lot of familiar faces here and most have been along for the ride at some point. He noted that there were some questions that he had from Ms. Reboul earlier today; this is a special meeting and being held because of the timing evolving with this; the referendum passed in December and since then our task has been to spin up the project, get a timeline together, get a Building Committee appointed which the Council did at their last meeting, the Committee was supposed to meet last week but Mr. Harris had the flu so the meeting is scheduled for tomorrow night. He added that this meeting is primarily because of ACORN, Ms. Rietano-Davey and other members who are here tonight. He noted that in the middle of January Chairperson Maguire and Ms. Rietano-Davey had a conversation about the possibility for ACORN to go out and do some fundraising for the lights and the press box which were items stripped out in the spring of 2018 when we recognized that we had to contract the scope of the project because the three-legged stool was really reduced to one stool; we were unceremoniously booted from the State, Ben Barnes' office at OPM and told State funding was not an option and for good or bad private fundraising never materialized; so from that point forward it was stripped down minus any buffering, minus any lights. He added that the referendum was approved and we begin to get into construction mode; ACORN comes forward in the middle of January and says they are interested in spinning up a fundraiser effort for lights and we have an interest in seeing that fundraising process completed in such a way to install the lights as part of

this phase of the project which means they would have to be installed sometime this summer as Council has indicated to the Building Committee that we have a substantial completion date of August 23rd and have to be ready for play this fall. He added that is not a simple thing as the train has left the station; in order to make an allowance to possibly get this fundraising process done and to possibly get the lights and whatever buffering that is necessary incorporated into the project for a summer construction timeline we have to get that process going immediately; that process includes going back and doing our design and permitting work for lights and whatever buffering that will be required either because Council had discussed it previously or may be required as a condition of approval for the Planning and Zoning Commission; it would be necessary to do that work now because when we decided to move forward with just the basic field and track project all permitting and design work on buffering and lights stopped; buffering for a project like this is fairly straight forward, not so much from the dollar side, but from the permitting side you are looking at the amendment of a site plan approval from the Planning and Zoning Commission, however lighting is more problematic and would require a special exception under the zoning regulations which would require a public hearing so there is more time that is involved; we are working back from the timeline where we know we have to have the project done and ready for play and also working back from the timeline where the Building Committee has to make a recommendation to the Town Council to enter into contracts for this equipment, one contract for the general contractor with overall responsibility for the site but if we do addendums for the lights there could potentially be a second contract for that and those lights require a 4-6 week lead time so very quickly we need to have decisions made to move forward or not because we have to get permitting done, the decision as to whether or not we are going to do lights and if so place the order to make sure they are here on time. He concluded that is a very broad discussion for why it was necessary to call a special meeting. He noted that there is one primary issue that Council would have to approve in order for anything to move forward which doesn't necessarily mean pulling the trigger on the installation of a lighting project but we would need to re-charge the Building Committee to allow them to continue forward with the design and permitting process so we can have BSC Group do the additional work that is necessary for drawings, get in front of the Planning and Zoning Commission for their approval, and put the projects out to bid as an addendum so we can get some detail around what the actual costs are going to be; he knows ACORN is going to have a lot of questions about this and the best we can do now is the conceptual budget estimate that has been shared with their group, an estimate of \$523,000 and change; the reason for that is that we have not gone through detailed drawings; everything was on the tracks for the August 23rd substantial completion date, ACORN in the middle of January says they want to raise money to do this, if that is even going to be a possibility and he's not sure how much of a possibility it is at this phase of the project because amongst other things Council has to grapple with including are you comfortable in some form paying for the buffering that is going to be necessary for the project, he would suggest that if it has any chance of moving forward at this phase you need a check from ACORN in the amount of whatever the project cost is by the middle of March and the best we can do now with good solid bid results is \$523,000. Chairperson Maguire commented that she would like to hear from ACORN and their thoughts and questions and what you envision doing; we keep talking about the timeframe and it is very tight to do something by construction; it can take time.

Susan Rietano-Davey, 11 Edwards Road, ACORN President, introduced several members of their board in attendance including Louisa Hogan-Secretary, Jim Stapleton-Treasurer, Michelle Hards (new AHS Booster Club President), Matt Woods (Avon Youth Lacrosse Board Member),

and Lauren Magel. Ms. Rietano-Davey noted that ACORN has not decided to take this project on yet as before they decide to do it they need to know the numbers better; they had an original number of \$375,000 from a January 2017 estimate from BSC Group, then given an estimate of \$430,000 from BSC Group via the Assistant to the Town Manager a few weeks ago and then earlier this week the estimate was \$563,500, significant changes over a very short period of time; before they can begin to plan, they need to vote as a board if they want to spend that kind of money and invest the time it will take to fundraise for it before they begin strategizing planning. She asked Mr. Harris about the radical change, almost a 20% increase in two weeks; they are anticipating that the questions they have will be the same questions that donors will ask us. She noted that in Canton we know that the project was considerably less and to eyes like ours it looks pretty similar, four poles, LED lighting, similar sized field, more remediation as they did it after the fact with movement of cranes over the fields; their hardware from Musco lighting which is the standard bearer in the industry and do not have bid requirement because they have been pre-approved by the State and Federal government for these types of projects; their hardware cost was \$203,000 and installation cost was \$48,000 with no in-kind services from their town because it is not the size of ours and does not have the resources; Granby, all done, similar kind of project. She asked if she was getting too far in the weeds here. The Town Manager responded that this is more of a staff level discussion and not a full Council meeting we can make Mr. Harris available to come in and talk to the group. Last Friday afternoon he and Ms. Rietano-Davey discussed that we're not going to get better numbers until we get a better design; the best thing to do if there is interest in moving it forward is to put it out to bid because then you have a real snap shot of what the market is at a given point in time and even if BSC Group comes back and says our numbers are wrong which he doesn't think they are as he had an hour conversation with Kurt Prochorena on Friday afternoon who walked him through their methodology; it is probably high but because they are including some much contingency because a lot of the site work hasn't been done; there are questions about how the service is going to connect in from West Avon Road; under no circumstances are they going to come back with a bid that is over what they estimated; even if BSC Group says they were off \$200,000 and the bogey is \$300,000 you are still in the same position where in order to get ourselves in a position to move forward if ACORN can provide a \$300,000 check by March 15th, the trains need to leave the station and he needs to have authority to incur additional design cost from BSC Group for about \$20,000, go to Planning and Zoning Commission, and we need to talk about the Town contribution in terms of buffering. He added that we can have that conversation but does not think that is productive; the big picture here is can ACORN in the space of six weeks come up with \$300,000, it might as well be \$1 million, it seems like an insurmountable task in six weeks, and what Council needs to decide with respect to the buffering, again it is a high estimate because it is conceptual because we haven't done design and permit work yet but the number we are carrying is \$275,000; it wasn't discussed with the public; he has had conversations with Bond Counsel and under the bond language Council has the authority to amend the scope of the project to include buffering but that is the place to start, does Council want to participate in the project at that level? He added that it doesn't have to be the bond authorization; it could at some future point be a capital project or you do a temporary appropriation from Unassigned Fund Balance and we reimburse ourselves at some point; we need to work from the top down rather than bottom up; if it gets into a discussion with BSC Group about why you have "x" number of dollars for wiring we are going to be here all night. Ms. Rietano-Davey responded that they are not looking for that kind of detail; she is trying to give some background so Mr. Harris could understand what our concerns and our potential bigger donor concerns are; she thinks they were inviting here for that type of

discussion and if we are going to be partnering with the Town to be raising quite a lot of money from private donors so at the very least she would like to know why in ten days the estimate went from \$430,000 to \$563,500; is that a fair question to ask? Chairperson Maguire responded yes and if we could talk about it in an overview kind of concept; where the Town Manager is going is that in two months we will have a better sense of what the bottom line cost is going to be once we have gone through the design and once we go out to bid then we will have a real number. She is curious why that number is so much; what are you looking at that is so different than other town like Canton. The Town Manager noted that \$423,000 was a ballpark for what we might be looking at to have for the meeting with ACORN. Ms. Rietano-Davey questioned the \$375,000 from 2017 from Luke's (BSC Group) presentation. Mr. Stokesbury responded that was two years ago. Chairperson Maguire added that technology and things like that change. Mr. Harris reported that in 2016 it would have been an HID lighting system, a metal halide light bulb; now we are talking about LED systems; they still make the metal halide but do not recommend for this application because of our tight site constraints with the neighbors and need the ability to focus that light. He added that the \$423,000 was an initial blush when the Town Manager asked about the general cost for a four pole, LED dimmable system with 80-foot poles, the foundations. Mr. Stokesbury questioned if 80-foot is unusual. Mr. Harris responded no; it is typical to get the coverage that we are looking for on the field, a 50-foot candle level that is standard for high schools; that includes the controls and a 25-year warranty (labor and parts); the difference in the jump within a couple of weeks is that when they started thinking about it you need to upgrade the electrical service to feed that and we don't know what that entails yet; we need pedestrian lighting to get people safely from the bleachers to the parking lot and there is ancillary electrical associated with that as well as adding contingency for this level of effort. Mr. Stokesbury questioned if there is a step up in price from HID to LED. Mr. Harris responded yes, but it allows you controllability. He added that as a group we have talked about the public being able to walk that track as a public benefit so the lighting system will allow instant on and off and dim them to a level to just walk around the track safely; the old system you had to wait for them to warm up to get full use and was all or nothing; whoever controls the light, there is an app so they can control what is happening there, they can shut it off, override a timer that the public may turn on and that is worked into that number. Mr. Stokesbury commented that we talked about neighborhood concerns and evening use. Chairperson Maguire questioned if there is any significant about the poles that might make them more expensive. Mr. Harris responded that is all about wind load design and ice loading; in Canton they had the foundations installed a few years ago as part of a different project and since then the building code has changed with a higher wind load rating that needs to be applied and could not fit the number of fixtures that they typically would on that system so they are getting a 45-foot candle level which incrementally reduces the warranty so those are some of the minor differences from Canton. Ms. Rietano-Davey commented that the minor differences were between this and the original proposal; Canton has all of those features, the pedestrian light, remote access app, the ability for walkers to hit the low density light to walk around the track. Mr. Harris responded he is not sure where the installation numbers from Canton come from; our material costs are probably pretty similar. Ms. Rietano-Davey questioned of the \$563,500 what percentage is hardware versus installation; she spoke to Mike Mahoney at Musco and those prices are pretty fixed; the wild card is the installation. Mr. Harris responded that basic as much as we can break it down at this point, for the four pole LED system you are about \$250,000 and that is an estimate based off the best numbers at this point budgetary wise; installation is about \$175,000, again an estimate and won't really know until it gets bid. Ms. Rietano-Davey questioned that there is an approximate

\$140,000 buffer. Mr. Harris responded yes; it is \$425,000 for the sports field lighting piece of the \$563,000. Ms. Rietano-Davey commented that we as a group think they can make a more compelling campaign if we are looking at a large number and wouldn't it be nice if we can replace the concession stand, upgrade the bleachers, get a nice press box; they were hoping to a turn-key fundraising capital campaign at once and is why these number mean so much for us in order to make a compelling pitch. She realizes there are variables that we don't know but even from \$563,000 to \$425,000 that gives us a lot more money to work with if indeed they are able to raise \$500,000. Chairperson Maguire questioned how the group plans to go back doing this fundraiser. Ms. Rietano-Davey responded that we have not even voted on whether we are doing this yet; we had one Board member leave because he thought the numbers were outrageous; we want to know what we are chasing; it is a difficult thing to do without hard numbers to go out and ask people for four and five figure donations without saying this is what it is going to cost and this is what it is going to get you. Chairperson Maguire responded that we will have a better sense of that in a couple months; if we go through the permitting and design process and go out to bid we will have a number to work with. Ms. Rietano-Davey responded that we look at a different timeline in that case. She questioned what the cost will be for field and track remediation if we put in lighting after the fact; that was biggest mistake made in Canton. Chairperson Maguire commented that we made a commitment to get a track and field in there by the start of school and that is aggressive; if the lights are not funded by then, that is okay, we will find a way to make it work. Ms. Rietano-Davey noted that there is a big difference between six weeks and six months; when we went into this we thought we would probably know the number by February and could we raise \$500,000 for more than just the lights and could they raise by September which was aggressive but they thought they could do it; this is pretty emotional; she was President in 2010 and President in 2005 when there was a donor willing to do it; we may not, but we have members on our Board who are willing to make significant donations and we have people in the public who have already expressed interest. She questioned why they would need a check by March 20th for services that have not been rendered and products that have not been delivered. Mr. Stokesbury responded that we are not going to expend Town dollars to put improvements on Town property if it is going to be paid for privately without a high level of confidence that the money is going to be available when the bill is due and the way to get it is to collect ahead of time. Ms. Rietano-Davey commented that there is no billing in March. Doug Gillette, Bond Counsel, noted that the bond resolution is capped, not only how much you can ultimately spend on this contract but what you can enter into contracts with so if the Town would be entering into a contract to expend \$500,000 on lighting you need to have an appropriation in place; assuming that the cost of this project is above the appropriated amount before you contract to have that installed or equipment purchased you need to have a supplemental appropriation from some source, so if you don't have donations in hand you are looking at Fund Balance unless you are going to amend the bond resolution. Chairperson Maguire responded that we have not had that conversation and are not ready to go there yet. She noted that we would need the money up front before we placed an order. Ms. Rietano-Davey questioned if there is flexibility with the March date. Chairperson Maguire responded that it could be March a year from now but if we want to do it for August/September when we are planning on opening, yes March 20th would be the date; again we can do it one year or two years from now; it depends on what kind of fundraising is out there; it is a big number. Ms. Rietano-Davey commented that it is a much more attractive big number if there are more things included in it. Chairperson Maguire repeated that if we go through the permitting and design process and we take this out to bid and put in the lighting and buffering as an add alternate we will have a much better sense of

what the market dictates and what kind of numbers we are looking at and give you a stronger case going forward to potential donors. Ms. Rietano-Davey questioned the kind of access they will have to those numbers. Chairperson Maguire responded that it is public record; Building Committee meetings are open to the public as well. Mr. Stokesbury commented that we are here tonight to consider expanding the charge to the Building Committee to consider the cost of the design and cost of a buffer and of a lighting project; until he got here tonight he had not heard the words press box, expanded concession stand, etc. and bringing them into the equation initially now will hit a red light, it is not within the bond to add that to the project that has been approved; himself and other members of the Council are very concerned and cognizant of what the public approved and what the money is expected to be used for and what happens if the money is not fully needed for the approved expense; we have a lot to consider as we go forward. He thinks that looking at the design for bringing in the lighting and how to construct the bases and where to put buffering, what it is going to be appropriate from our point of view, from the neighbors' point of view, from Planning and Zoning's point of view is appropriate at this time and part of the base project but a press box and new concession stand is certainly not in the scope of where we are today and has to be another phase of the project down the road; you would never get it through Zoning in the relative time period you need. Ms. Rietano-Davey responded that lights are part of it. Mr. Stokesbury noted that the base project included conduit for lighting. Ms. Rietano-Davey commented that we approved a \$2.95 million project that included a contingency; she questioned where that extra money goes. Chairperson Maguire responded that it has two contingencies, one for the infill and one for the overall project. Ms. Rietano-Davey commented that assuming BSC Group's estimates are conservative and there is extra money, is the money restricted to work on this particular project. Chairperson Maguire responded yes. Mr. Stokesbury commented that is a point of discussion we have had privately among members of the Board; we have had a very well defined base project since the May 31, 2018 meeting with a very detailed list of expenses down to \$5,000 for goals, etc. and nowhere in it is there actual lighting cost or buffering. He added that there is the question among the members of the Council whether buffering is an appropriate expense within the referendum that has been passed. He added that there are two contingencies: roughly \$214,000 against the base project (10% of \$2.1 million) and \$330,000 for the incremental increase to move from coated crumb rubber to the approved coated sand. He noted that if coated sand comes in at \$100,000 and we have \$230,000 he does not think it is appropriate to use it for anything and should be returned to the taxpayers as a savings on the approved project.

Susan Reboul, 23 Sudbury Way, commented that after sat through meeting after meeting right up to the referendum residents asked that very question and very clearly what was stated, and they asked specifically if it could be deflected to lighting or buffering, before the vote was no, it goes back; so for her to hear well maybe we will sort of change that to maybe make this work out really conveys a level of deception because when she voted she heard over and over again no buffering, no lights, we are not discussing this as part of any plan and if there is a savings, as part of a referendum, must be returned to the taxpayers; she was not under the understanding that these things were permitted to change and since that was brought out publicly and information used to base her vote to hear something different now is astounding. Mr. Stokesbury questioned where she has heard something different tonight; in his opinion it is inappropriate to use any unnecessary contingency funds for anything but the intended purpose, using the infill as an example his very strong opinion is that it gets returned to the taxpayer; he has not heard a member of this Board tonight to say anything contrary. Ms. Reboul commented that there was a

question about buffering and could we use it to cover buffering. Chairperson Maguire commented that lights have always been part of a plan; it was never that they weren't going to exist and the only reason they weren't part of this was the budget that we wanted to go to referendum with; we sat through many meetings where people asked about lights and that is private fundraising. Ms. Reboul noted that she acknowledged that in an e-mail to the Town Manager today that there was that awareness. Mr. Stokesbury commented that any discussion of the contingency funds is wholly premature; we haven't entered into a contract, we haven't built out the project; in his opinion you need to wait until the end of the project to see what is left to see if there is anything left. He personally thinks it is appropriate to include in the charge of the Committee the design work because it is important for all of us to get on the same page sooner rather than later and it benefits all stakeholders in the Town that are looking at it but that is a nominal cost. Ms. Rietano-Davey commented that the process by which we have to gift to the Town, if there is money left over from that portion of the project that is funded privately that money goes back to us and our accountant has full access to that accounting. Chairperson Maguire responded yes. Ms. Rietano-Davey commented that one of the reasons the quote went up was because LED lights were not available two years ago; the tennis courts that are four years old have LED lights. Mr. Harris responded that their original estimating was based on HID lighting at that time at \$375,000; technology has changed in the LED form since 2016.

Laura Young, 57 Hitchcock Lane, commented that the LED lights at the Avon Middle School tennis courts were an actual cost of \$49,000 but they are a different height and were installed in 2012. She asked for a better explanation on what happens with the contingency money as taxpayers don't each get a check back from the Town. Mr. Gillette, Bond Counsel, responded that part of it depends on the financing process; once the Town finalizes costs and goes to permanent financing, under the tax codes you are only going to be able to borrow what you reasonably expect to spend; if the project comes in under budget and those monies aren't used otherwise, there isn't really money to be returned, you are just going to borrow less so savings to the taxpayers is that you are not going to borrow as much as you otherwise would. The Town Manager noted that what we will likely do is finance internally under Unassigned Fund Balance given the schedule we feel pretty comfortable with that option. Ms. Young clarified that financing would be coming from accounts that are within the Town's holding already. The Town Manager responded that financing could come from one of two places temporarily, either in the form of a bank loan, bond anticipation note, or internal financing through Unassigned Fund Balance; the Bond Counsel is saying that we will only bond the final total amount of the project which will almost certainly be less the amount approved at referendum.

Matt Woods, 101 Revere Knolls, commented on the Tolland project on BSC Group's web site and asked for a breakdown on the lighting costs for that project. He also noted that with LED lights they have gotten significantly less expensive at Home Depot over the last few years; he recognizes that HID to LED might be a 20-25% increase. Mr. Harris responded that Tolland was a lot earlier than that. He noted the New Milford High School project which has a very similar system in 2016 and is LED; we had an observatory just outside the field and able to use that; we were right around \$400,000 for the main stadium field as they actually have two fields.

Mr. Pena commented that as far as the surplus that money was never to be utilized for other than the purpose of the referendum; it did not say anything about the lights or buffering.

John Carlson, 28 Sudbury Way, commented that he sat on three building committees with the Town, Pine Grove School, Middle School Renovations, and Roaring Brook School Renovations and the practice being discussed here about not bonding the full amount that was agreed to at the referendum was the same practice we followed in each of those; there were times during those projects that the Board of Education as the eventual user of the property would come in and ask if we could do “this” and unfortunately we could not as it was outside the scope of the original referendum, we had Council weigh in on it and at the end of the day we didn’t spend what was allocated because there were very strict guidelines. Mr. Gillette, Bond Counsel, responded that there are over issuance problems if you issue more than you expect to use on a project as described under treasury regulations that government tax exempt financing can be jeopardized.

Mr. Stokesbury commented that he has been focused on what we consider to be the approved base project of \$2.1 and add in contingencies and get to \$3 million. He questioned if our concept of project different than Bond Counsel’s. Mr. Gillette responded that the investors aren’t very concerned about project, the description that would be in the marketing materials would simply say athletic facility project; this is not a revenue based financing; the security for this financing is the full faith and credit of the Town of Avon so investors will be interested that you are building up your educational, athletic, and recreational facilities, in a general sense they are more interested in the management and fiscal stability and strength of the Town. Mr. Stokesbury noted that the authorizing resolution that the Town Council approved probably has a little flexibility in it and we have heard that notwithstanding the wiggle room which may be legally permissible we have a standing practice through a number of building committees and perhaps personal opinions as to what is appropriate and what the taxpayers thought they were approving. He questioned if we are being more conservative than the law allows. Mr. Gillette responded that we were working with the Town Manager to develop the description and we try to build in some flexibility; the language is fairly broad and stated is what is contemplated to be within the project; we build in in the section that describes the bodies that will determine the particulars in the scope of the project which is the Building Committee with the authorization of the Town Council that reductions and modifications can be made; legally that may be broader than what the Council is comfortable with; you probably have less flexibility as a decision making body than we would give you if you were asked; there are bounds beyond which you can’t go with that language that gives you flexibility. Mr. Stokesbury commented that particulars might be the add-on for buffering as an example; is there money appropriately in the \$3 million to spend on buffering or no. He questioned what constraints there are to adding particulars; we have heard a number of \$275,000 for buffering which may be high or low and do not know what the Town is going to approve but that number if about 13% of the approved conceptual base project, seems like a huge add-on to him. Mr. Gillette responded that there is no legal black line test; the scope of the project is dealing with athletic facilities at the High School so you couldn’t use leftover money to put on a classroom addition; within athletic facility improvements that are tied to the field and track it does include associated site improvements, so arguably some buffer work might be appropriate; if you stay related to that base project, contemplated to include some particulars, at some point the size of the alteration and the impact on the budget, if you took 75% of the money and used it on something other than the base project especially if you did not complete the base project we would be uncomfortable with that as you are doing a very different project; if you can complete what is the base project as described and have related athletic facility site improvements, legally we would be comfortable that is within the scope of the power of the Town Council to charge the Building Committee to include that in the project; that leaves open

the question of your comfort level. Mr. Stokesbury questioned if Bond Counsel would get involved at all on decisions about allocation of contingency funds. Mr. Gillette responded that we will weigh in if asked on particular use and we have a certain comfort level on the parameters that he has described; we do not go over the final budget to see where every dollar has been spent. The Town Manager added that is the responsibility of management to flag those issues and if there is something that is at all questionable as this is it is really a political question, judgment call to bring those to Bond Counsel's attention to be sure we are in the line of the law. Mr. Gillette noted that if you start pairing down the base project in order to accomplish the additions it would raise our level of concern. Mr. Stokesbury commented that we have no ability to go over the referendum funding; it is hard to spend the contingency until you know the actual price.

Ms. Rietano-Davey questioned what the incentive is to having a really refined quote; it would seem to her that there is a great incentive to have a lot of extra money because if you came in under budget and money that could go back into General Fund to be spent. Mr. Stokesbury responded that in this case we are far deeper into the nitty gritty of the costs than we would be on a typical project before it went to referendum. The Town Manager added for the basic scope of the project, yes with the exception of what we are talking about here. Mr. Carlson clarified that the money doesn't go back to the General Fund because the money has never been raised as we haven't floated the bonds yet which isn't until the project is over and the way you finance the project throughout is either through a bond anticipation note or through normal cash that is available in the Town's coffers today. Mr. Stokesbury noted that we would consider the reserve. The Town Manager commented that the only reason we might do a temporary financing is because it is not just this project we are dealing there is also the communication system so we have to evaluate that total spend based on what we have for Unassigned Fund Balance. Ms. Young questioned where the monies come from in the Unassigned Fund Balance. The Town Manager responded that the definition of Unassigned Fund Balance is that it is funding that is available for appropriation by the local financial authority; in our case, subject to meeting the policies that we have in place, Council recommendation, Board of Finance approval, you can draw down from this amount available for appropriation, an accumulation of surplus over time.

Jim Stapleton, 45 Zachary Drive, commented that the Council is going to decide whether it wants to charge the Building Committee with looking at the inclusion of lights in going forward to design the site and come up with cost estimates with the understanding that what that number is it is not part of the project and those monies would have to be raised outside of the Town. Mr. Stokesbury responded that some of that decision is premature; you have heard our point of view. Mr. Stapleton commented that what has to happen next is the Town Council has to decide whether it wants to ask or tell the Building Committee to incorporate this in the initial part of their development of their plan for the site. Mr. Stokesbury responded yes, both lighting and buffering. Chairperson Maguire added that tonight we want to decide if we want to pursue permitting and design and revise the charge to the Building Committee. Mr. Stapleton commented that all of that could go forward without any fundraising happening and the lights and buffering not moving forward. Chairperson Maguire responded yes it will but fundraising comes down to what ACORN wants to do; it could start at any point or you could wait two months and get a more solid number and have input from Planning and Zoning and the Building Committee; it does not mean you can't start fundraising now. Ms. Rietano-Davey questioned how long Planning and Zoning's ruling lasts; if it doesn't happen in this summer, if their voting

on it in the spring it will be over a year before it even starts. The Town Manager responded that a special permit is two years and can be renewed.

Ms. Reboul commented that when she raised money for the Pine Grove School playground she was not permitted to begin raising money on behalf of a project for the Town until a plan was established, a cost associated and I had received permission. She questioned if that process has changed. Chairperson Maguire responded that when she fundraised for the playground at Roaring Brook they barely came to the Council. Ms. Rietano-Davey noted that ACORN is a 501(c)-3 and can raise money any time they want; it is a matter of whether we can gift it to them for the project that we want. Mr. Stokesbury added that it is a matter of what you can represent to the public. Ms. Rietano-Davey noted that they are not going to feel comfortable asking for money without having a number.

Ms. Rietano-Davey asked if BSC Group has used any other vendor besides Musco for other lighting projects. Mr. Harris responded that there are a few other vendors; Musco typically predominates that market in the U.S. Ms. Rietano-Davey commented that we should have a number to the penny on that. Mr. Harris responded that is the \$250,000 plus the labor. Mr. Stokesbury questioned where the four pylons will be located in relation to the track. Mr. Harris responded that they are outside the track. Mr. Stokesbury commented that conduit would be running out under the track and field so that when the time comes we hire a contractor to build the appropriate foundation for these poles, pull wire, bring in a crane and hook them up. He questioned if that would work outside the perimeter of the track and the damage that heavy equipment would raise to the track we seem to have a relatively accessible site to bring in the crane to do that at whatever date there is appropriation for lighting. Mr. Harris responded that it is a lot more complicated; on the east side of the field, the baseball side, it is the logistics of getting the crane to lift an eighty-foot pole or down the grass swale road down to the baseball field and around or drive on the track. He added that even on the home bleacher side it is logistics of north and south because the bleachers are staying and have to work around them. Ms. Rietano-Davey questioned if it would be a considerable cost after the field was installed and any type of remediation to whatever is disrupted in the installation of the lights. Mr. Harris responded that a cost would be incurred to protect the work with pads and plates or it is the remediation of any damage caused by it. Mr. Stokesbury questioned what the foundation is for one of these poles. Mr. Harris responded it is typically a round, precast concrete foundation about 24" by 15' and then connect the conduits to it; the metal pole part that supports the lights gets slid over the top of that. Mr. Stokesbury commented that we need a cost breakdown of each of those incremental steps. Mr. Harris responded that is where the labor to do the concrete foundation is harder to pin down; the number is full turnkey. Mr. Bernetich commented that we can figure out when to get the crane down there at a different point in time, run the wires already in the budget, have the holes done when the machinery is there, cover them, and as far as the buffer it goes around the perimeter; we get the lighting prepared to move forward, we add in one thing, the site work required to get the actual lights in the ground, the concrete foundation, run the wire to it, and then do not have this time crunch to get the money in six weeks and we can do it at a point in the future. Ms. Rietano-Davey responded that the foundations and wiring are part of the \$175,000 labor and that was not part of the project. Mr. Harris added that you could run into the Canton situation where you didn't do it until two or three years later and the design requirements change and not end up with something you originally hoped for. Mr. Stokesbury commented that timing of buffering is part of a discussion we've had; there is a commitment to

the neighbors that it will be done as part of the lighting project. Mr. Bernetich agreed. He questioned what the buffering includes. Mr. Harris responded that it was planned to be a dense planting buffer supplemented with privacy fencing. Mr. Bernetich suggested it to be a Boy Scout project. Ms. Reboul responded that referring to it as that feels very minimizing; there is a point and purpose and many discussions and many promises that we have had over the course of a long time and at no point has it been referenced something a team of Boy Scouts will or should be done; it is also a \$280,000 budget item; it is that comprehensive. Mr. Bernetich responded that he respects the folks in the neighborhood and not trying to minimize the impact; this does not need to be done in the next six weeks, we set everything up and it can be done in the future; then the finance portion from ACORN does not have to be a check written, just put everything in place for when the time comes. Mr. Carlson noted that Ms. Reboul's reaction was about the Boy Scout comment; he sat on the Board for a long time, spoke his mind and showed a little more respect to the people out here. Mr. Bernetich responded that it is no disrespect; the point is that this does not need to be done now. Ms. Rietano-Davey commented that she expected a really different meeting, being glad they are here, willing as very busy people and commit a lot of time to do a project that most of us don't have children that will benefit from; she feels like they have completely irritated the Town Manager, and we are asking questions that any person with a fiduciary responsibility for any amount of hundreds of thousands of dollars should ask; what Mr. Bernetich said makes us feel we are appreciated and the fact we want to do this is appreciated and we are getting a little give from the Council. The Town Manager responded that he is not irritated and we talked about all of this on Friday afternoon; he is trying to answer the questions that are coming up; there are a lot of moving parts; we have committed a project to the public that we have to keep on track so from the staff perspective we need direction now. Ms. Rietano-Davey commented that on Friday she said she was going to ask BSC Group these questions; Mr. Harris was able to tell us as a percentage of project where the money is going so this is very helpful.

Chairperson Maguire apologized for not starting the meeting off that way; this meeting wouldn't be happening if you weren't willing to step up and give of yourselves; she and the Council are eternally grateful to have these conversations; if you are not interested in doing it they probably will not happen in the foreseeable future; she thinks there has been so much energy going into this project from the very beginning and so long and coming and when we finally got to the referendum and had success she was euphoric and all she wants is to get that field in the ground and want kids playing on it in September playing the sport that they love; then the lights came and we can do this but it is another start from square one and building up and a lot of the pieces that have to go in; the neighbors are a huge piece, the buffering is extremely important and she thinks it is ultimately going to be phase II; the timeline to get this done but we are happy that you are doing this; it is great; all together we are going to put out a product that is going to be great for this Town and be very cognizant of the noise, of the use and garbage and everything that goes along; we are going to be good neighbors; she wants you to have confidence in us.

Mr. Carlson commented that he is not against fields, voted for them, his kids played on them for years; if he was in ACORN he'd rather see the money go towards a field hockey field. He shared four concerns that he has brought up over multiple years attending the sub-committee meetings as an observer: what are the days of usage for the lights, we have asked repeatedly and not received an answer; within those days what will be the hours of usage of those lights; who do

we call when the lights are still on when they shouldn't be; and how will the policy implemented be subject to change.

Chairperson Maguire responded that conceptually it has been spelled out; generally there are going to be lights on during spirit week, one week in the fall and one week in the spring, it will change year by year, fifteen nights plus four nights if we make the playoffs. Mr. Carlson commented that as long as it is in writing and there is clarity around it, no issues. Ms. Reboul questioned what happens when there is a specialty group that says they did not get their fair share. She noted that now lights are on 24/7 at the High School all over the parking lot; who do they call? Ms. Young commented on the app that is currently at the Middle School tennis courts and the Director of Recreation and Parks can control the lights from a laptop at her home. Chairperson Maguire responded that this is not something that we will decide tonight; it will go through the Building Committee, Planning and Zoning and it will be discussed.

Sarah Roberson, 24 Sudbury Way, commented on the parking lights at the High School and when they were on 24/7 when the former Superintendent of Schools was here she was told that they were supposed to go off at 10:00 p.m. She added that a few weeks ago all of the lights were on again. She noted that the custodial staff should have lights on at night. She will call the Superintendent of Schools about the current issue.

Chairperson Maguire commented that there is a lot of conversation that will continue to happen; we want to hear your thoughts. The Town Manager commented that if the buffering is not included in the bond authorization it is going to have to come from some place or some outside source. Mr. Indomenico questioned that he heard the Bond Counsel say that things tied into this approved project could come out of the bond money and becomes the political appetite for getting as much as you can out of the approved amount versus containing the cost of the approved cost. Mr. Stokesbury responded that Mr. Indomenico's understanding is correct; he has a narrow point of view constructing the project; we have contingencies that were explained to the public for particular purposes and he believes it would inappropriate to expand the scope of the project to add in a significant new expense that was not discussed with the public. Mr. Indomenico commented that it is legally permissible to add in the buffering if you so choose and it fit under the budget. Mr. Stokesbury responded that what we are doing now is amending the charge to investigate; the issue of source of funds for any of this work is premature. Ms. Rietano-Davey commented that for those that voted at the referendum, those like her who do not have a lot of knowledge about construction when she interpreted the word conduit meaning everything would be there except the poles and assumes that some people thought so Mr. Bernetich's suggestion that the receptor for those poles seems to be reasonable to consider. Mr. Stokesbury commented that a concrete foundation is not conduit; conduit holds wire; the point is well taken; we spent a long time ending in May 2018 looking at the base project and conceptually we were very aware of what was happening in other towns and trying to avoid unnecessary expense at phase II and decided to create pipe that runs under everything with a string in it that we can later pull the wire; to do anything more is premature because we don't know the specs and the State code that will be applicable at the time we do it.

Mr. Pena agreed with Mr. Stokesbury. He noted on September 14th we stated no buffering because there would be no lights. He questioned if we can change that now. Mr. Gillette responded the operative document is the resolution itself, not the discussion that surrounded it;

the resolution is more general and does not exclude buffering; it becomes a philosophical and political issue as to what you feel is appropriate. Mr. Stokesbury noted that this project is not a standalone; we have other referendum planned for the future that we have to answer to the public about how we have done in years past. Mr. Pena noted that he is not against the buffer and it should be done; but he has a problem when we said one thing to the voter and in favor of keeping it that way. Mr. Bernetich questioned if there is an upcoming project with extra fill and could start using it on any Town projects and going around the perimeter. The Town Manager responded that there is fine grade soil stock piled at Public Works but it would have to be tested for suitability. Mr. Harris noted that we contemplated a berm with plant material on top of it.

Chairperson Maguire commented that there are a lot of ideas out there, conversations still to be had with the \$287,000 or the amount that will go toward the buffering and we are not in agreement as to how that will be funded with options through capital or Unassigned Fund Balance; if the money is raised she will stand behind whatever way to get the buffering in. She noted that these are conversations in a few months once we get the bids back.

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

BE IT RESOLVED: That on this 29th day of January 2019, the Town Council hereby amends the January 3, 2019 CHARGE of the Avon High School Synthetic Turf Field and Track Improvement Project Building Committee to authorize the Committee to work with staff to complete the required design and permitting work pertaining to the installation of athletic lighting, and vegetative and structural buffering. These elements shall be each included in the Project bid document as separate “add-alternates.” The Building Committee shall refer the results of the bid process to the Town Council for further discussion.

Mrs. Maguire and Messrs: Bernetich and Stokesbury voted in favor. Mr. Pena voted nay. Motion carried, 3-1.

The Town Manager noted that there is a Building Committee meeting tomorrow night; we will provide them with the amended charge. Chairperson Maguire thanked everyone for coming out; she appreciates the involvement and motivation to take this to another step. Ms. Reboul commented that there is greater value in doing the add-ons as a later step.

VIII. TOWN MANAGER’S REPORT/MISCELLANEOUS

Misc. A: Purchasing Update: The Assistant to the Town Manager provided highlights.

Misc. B: Construction Update: The Town Manager provided highlights. He noted that with the sewer agreement with Farmington it is probably an appropriate discussion under executive session at some point. He noted that Sub Edge Farm recently violated the terms of his agreement by attempting to do some grading on his property and will be responsible for remediation costs.

Misc. C: Fisher Meadows Lease: The Town Manager reported that Dan Logue passed away last year; we revised the assignment on the agreement for his brother Dave. Mr. Stokesbury commented that it is important that we look at it when the current term is up for renewal; we have a qualitative evaluation to do and see if the assignee is acting appropriately.

X. **ADJOURN**

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

RESOLVED: That the Town Council adjourn the meeting at 9:03 p.m.
Mrs. Maguire, Messrs: Pena, Bernetich, and Stokesbury voted in favor.

Attest: Jennifer Worsman, Clerk