

**AVON TOWN COUNCIL
SPECIAL MEETING MINUTES
August 17, 2021**

I. CALL TO ORDER

The meeting was called to order at 6:00 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. NEW BUSINESS

21/22-12 Farmington Wastewater Treatment Plant

Chairperson Maguire noted that this has taken a long time to get to this point, the attorneys have been involved, and through the hard work of the Town Manager, Town Engineer, and the AWPCA we have reached an agreement. The Town Manager recognized the Town Engineer and thanked the AWPCA who held a special meeting last week to approve their portion and were also complimentary of the effort and the terms that were reached. He noted that there are three moving parts: two have to do with the ongoing operating and maintenance (O&M) charges that we pay Farmington for the cost of operating the plant; we have had a dispute over those charges and the Memorandum of Understanding (MOU) includes a cross-release all of the claims and going forward the Town Engineer and his counterpart in Farmington are going to work together to develop a method for billing O&M costs that will comply with the original agreement with Farmington and will allow for a reconciliation mechanism in the agreement. He added that it is very important to Avon that we not be billed just based on the budgeted amount; we need to know the actual cost so we can set rates appropriately going forward; the other piece has to do with the flow and we are agreeing to purchase an additional 125,000 gallons of flow per day and would bring our allowable flow through the plant up to 725,000 gallons; the last time we purchased additional flow was in 2002 when we went from 500,000 to 600,000 gallons; up to 725,000 gallons of flow per day will give us room for growth; there is a cost associated with that, hence the appropriation being requested tonight; Farmington has agreed to use the cost of the last major upgrade of the plant which was done in 1995 as opposed to the most recent completed upgrade which is a significant benefit for Avon. Larry Baril, Town Engineer, commented that this is a good move for Avon for a number of reasons; we have a point to move forward from rather than constantly looking backwards; the additional flow is good for Avon; and Farmington has acknowledged that they can provide an accounting based on actual costs versus budget going forward. The Town Manager noted that regarding the appropriation, as we have talked about in the capital budget process over the last few years we have been holding off on sewer related projects because of costs associated with the Farmington wastewater treatment plant upgrade, and we have sufficient reserves to fund the appropriation.

In response to a question from Mr. Polhamus, the Town Manager responded that the MOU is by operation of the 1970 agreement through a formula that defines how we pay for expansion and

upgrade of Farmington's treatment plant when and if that should become necessary; the cost, 16.38%, is a function of that agreement and the MOU reflects that. Mr. Baril commented that it is a proper application of the 1970 agreement; it was not simple getting there as we had some challenges with Farmington understanding the agreement.

Mr. Speich commented that it is interesting that Farmington did not want to go to the recent cost versus 1995 but perhaps that was part of the contract. In response to a question from Mr. Speich, Mr. Baril responded that in his opinion since we have been paying on an unreconciled budget for all of these years it is to Avon's advantage to pay based on actual costs; we have been paying Farmington based on their budgeted costs and not their actual costs even though the agreement is explicit about that. He noted that the challenge that he and the Farmington Town Engineer will have is identifying and coming to agreement on what are going to be applicable charges to the Town of Avon; we are only obligated to pay for operations and maintenance of the treatment plant and not the remainder of their collection system; we have had some challenges verbally about how that accounting is going to happen; we will be able to separate the issues of the treatment plant upgrade and flow allocation and operating and maintenance and coming to terms on two of those three is a good look forward rather than backward. Chairperson Maguire agreed; it shall be more advantageous to Avon down the road.

a) Authorize Execution of the MOU Agreement with Farmington

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

RESOLVED: That the Town Council authorize the Town Manager to execute a Memorandum of Understanding Agreement between the Town of Avon and the Town of Farmington regarding the Farmington Wastewater Treatment Plant.

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

b) Appropriation: Additional Flow at the Farmington Wastewater Treatment Plant, \$347,778.71

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$347,778.71 from Sewer Fund, Other Financing Sources, Unassigned Fund Balance, Account #05-0390-43913, to Sewer Fund, Sewage Collection & Disposal, Town of Farmington, Account #05-3205-52195 for additional flow at the Farmington Wastewater Treatment Plant.

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

Chairperson Maguire noted this is a huge step forward for Avon; a great thing following many years of work on this; thank you to Mr. Baril, the Town Manager, and the team.

21/22-13 Transfer of Appropriation: Emergency Drainage Improvements, \$70,121

Chairperson Maguire noted that this request is a result of excessive rain in July and a problem with the drainage system at 60 Eddy Street; the storm drainage and sanitary sewer infrastructure needed repairs. Mr. Baril reported that eleven years ago we had incredible storms that eroded the soil in back yards of homes and undermined a pipe which breached and caused raw sewage to leak;

emergency repairs were made with Suburban Sanitation and the area was improved significantly given the topography in the area and it worked terrific; fast forward to now, we had one storm alone with five inches of rain; the intensity of the flow was so significant that it caused the uprooting of a mature, solid oak tree which took the storm drainage system with it, it separated the pipe and re-exposed the area up above to the sanitary sewer; we received a call from a resident; we acted quickly to avoid another sewer breach; we re-established a cover over the sanitary sewer pipe, brought in boulders and armored the embankment, and we infilled with rip-rap and extended the storm drainage; within a week we resolved the problem to a point that we do not expect to have to come back to again; the damage was unbelievable and is a statement about the power of moving water. He added that the funding being requested is a bargain for the work that Suburban Sanitation did for the Town. He noted that residents were always involved and we also had to work with the MDC (Metropolitan District Commission) as we had to go along one of their easements; he could not say enough about how Suburban Sanitation responded and Tim Foster, Superintendent of Sanitary Sewers, was also onsite throughout the process; for what was an unfortunate event, it worked out so that we were able to repair it in a very proper way. Chairperson Maguire commended Mr. Baril and the team. In response to an inquiry from Chairperson Maguire, Mr. Baril responded that he would be happy to share some before and after photos. Chairperson Maguire reported that, as was recommended by the Town Manager's Office, drainage improvement work should be part of capital budget planning moving forward. Mr. Baril noted that drainage systems are not able to handle intense rain events, i.e. Deepwood Drive and New Road. The Town Manager commented that the idea is to have a contingency for drainage improvements; in this emergency situation, we went through other capital projects for which funding had already been appropriated and had some reasonable nexus for those types of improvements and the recommendation is to transfer those appropriations into this new capital project specifically for Eddy Street. In response to a question from Mr. Polhamus, Mr. Baril responded that American Rescue Plan Act funding may be applicable for future drainage improvement work and/or through FEMA reimbursement. The Town Manager will research.

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance to amend the FY 21/22 budget by transferring, \$10,000 from Capital Projects Fund (Facil & Equip), Town CIP-Facil/Drainage Imp., Drainage Improve-Cider Brook Road, Account #02-4830-53002; \$32,000 from Capital Projects Fund (Facil & Equip), Town CIP-Facilities, Reconstruct Tillotson Road, Account #02-4829-53056; \$20,000 from Capital Projects Fund (Facil & Equip), Town CIP-Facil/Road Overlay, Chidsey Drainage, Account #02-4831-53399; and \$8,121 from CNREF, CNREF:Town, Secret Lake Drainage Project, Account #03-4930-53367; to Capital Projects Fund (Facil & Equip), Town CIP-Facil/Drainage Imp., Drainage Improvements, Account #02-4830-53074; for emergency drainage work costing \$70,121.

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

IV. ADJOURN

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

RESOLVED: That the Town Council adjourn the meeting at 6:28 p.m.

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

Attest: Grace Tiezzi, Assistant Town Manager