

**AVON TOWN COUNCIL
MEETING MINUTES
AUGUST 4, 2005**

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. in the Selectmen's Chamber by Chairman Hines. Members in attendance, Mrs. Hornaday, Messrs Shea and Woodford. Absent: Mr. Carlson

II. PUBLIC HEARING - None**III. MINUTES OF PRECEDING METING: July 7, 2005**

On a motion made by Mr. Woodford, seconded by Mr. Shea, it was voted:

RESOLVED: That the Town Council approve the minutes of July 7, 2005 as read.

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

IV. COMMUNICATION FROM AUDIENCE- None**V. COMMUNICATION FROM COUNCIL**

Chairman Hines reported one item we should give a very kind comment to our financial experts here for another fine report, Achievement for Excellence in Financial Reporting. We again thank the Finance Director, Margaret Colligan, for the great effort she does, we have been winning these reports for quite a number of years.

Mrs. Hornaday reported it is important to let residents know that we are not going to sell Towpath property, and that it will remain Town property, and be converted to a park, it should be put in the newsletter, as many residents do not seem to know about that.

VI. OLD BUSINESS

03/04-64 Avon High School Addition/Renovation: Selection of Construction Manager; Hank Frey

Jeffrey Brighenti, Vice Chairman of the Avon High School Renovation/Addition Building Committee, reported he is here tonight to give their recommendation for Construction Manager of the project. The process began with the Town Council approving the Committee's recommendation to hire a Construction Manager for this project, therefore we put an RFP out, received qualified bids from six contractors/construction managers. We pared down those six to three for an interview process, the three selected were - - - Downes Construction from New Britain, FIP out of Cheshire, and Gilbane out of Glastonbury. Five members of the Committee were present and Architect Chuck Boos and Scott Mangelo from Kaestle Boos, Dr. Kisiel, Superintendent of Schools and Caroline B. LaMonica as Staff Representative. We interviewed them, all three gave excellent proposals, but at the end of the process and questions and answers period, members unanimously voted to recommend FIP Construction be awarded the Construction Manager services. We feel they were an outstanding choice and on behalf of the Building Committee tonight he recommends FIP as Construction Manager for the Avon High School Renovation/Addition Building Project. Chairman Hines questioned how the Committee determined the cost of the construction management. The Committee Vice Chairman reported the Construction Manager was done in a couple of different phases, there is pre-construction price, we then put a percentage price on as cost not to exceed, for instance \$22,550,000 was FIP's budgeted cost, they take a percentage of that 1.95%, which came out with their pre-construction services of \$440,000, then reimbursables which they bill the Town for and that is everything including fencing, water, portable bathrooms, trailer, copy machine, telephone, a multitude of things estimated at \$1.2 million worth of products that are considered reimbursable, on top of \$440,000 construction services, for a total of roughly \$1.6 million for their services.

Mr. Woodford questioned if they actually were the lowest cost. The Committee Vice Chairman reported they were not necessarily the lowest cost, but it is not really a bid, it is really more of a construction service. Their cost not to exceed was lower than some others because they take a percentage of what that final number is. Mr. Woodford reported the only numbers we can use are the numbers that we have which are 1.95%, compared to the other two where did that fall? The Committee Vice Chairman reported it fell right in the middle, number two.

Mr. Boos, Architect, reported the difference is the philosophy on reimbursables, you might have one CM firm push off a lot of the reimbursables onto the trade contractors, so that the actual reimbursables that will be billed to the Town will be a lot less but you are really paying the same. In our estimation the real issue would have been the fee, and their fee probably was the lowest, reimbursable are direct costs that the Building Committee would see, and it is not that it is \$1.2 million that is going into the Construction Manager's pocket, that is not the case these are bills that submitted and approved as reimbursables.

Chairman Hines reported he understands it is a maximum not to exceed on the total cost. The Architect reported on the fee yes, and ultimately the form of contract will be a guaranteed maximum price. Chairman Hines reported so there is still some uncertainty as to how many hours you need for project management during construction. The Architect reported there were questions during the interview process of how many people you would actually have on site on a daily basis, and that was answered very satisfactorily, so that we know that there is going to be these people dedicated to the job from day one, until completion.

Mr. Woodford questioned when you say the final contract will be a not to exceed, is there going to be a number there and that is it, it is not going any more than that. The Project Architect reported there is going to be a guaranteed maximum price, the form of contract that is proposed for this project is Construction Manager At Risk which means that toward the end of the documentation phase or even into the bidding phase, the CM will say to the Town or the Building Committee that we have an established guaranteed maximum price and we are willing to sign a contract and provide a bond for that. That includes some contingencies, but you know that you are going to build this project within that guaranteed maximum price. The Project Architect reported all of the CM's interviewed agreed that they could do the job within the budget. The Architect reported one of the beauties of the system is that if there are some anomalies as we move forward, we have the opportunity of making adjustments before you go to that final bid, and if you bid for instance one trade contractor that is substantially over what we expected it to be, then we can examine what was wrong with that particular trade package, and do what we need to do to get it back into line with the rest of the project. We have that opportunity, it is not one lump sum bid. Mr. Woodford questioned whether the Architect is involved at all with setting that number as the process goes along. The Project Architect reported yes, the number that has been set was a product of our estimate plus the professional estimate that we had done. Now the function of the CM is to take the documents that have been established and work with us and the Building Committee to keep that project in line. So this is an ongoing process, it is something that we will see an estimate from the CM within probably a month, and then we will see another estimate at the end of the design development where everything is really defined, and then there will be a final estimate at the end of the completion of bid documents. The goal is, of course, to get to that, make sure that final estimate is in line, and then when the project is bid that the bid is less than the final estimate, close but less. Mrs. Hornaday reported there has not been a contract yet, because until we accept the Building Committee's recommendation, they do not have a firm contract yet, the details will be worked out then. She thinks the Building Committee is very aware of our views, and that they will do what they need to do to keep it in line with what we are saying here tonight, and that we can count on them.

On a motion made by Mr. Shea, seconded by Mrs. Hornaday, it was voted:

RESOLVED: That the Town Council approve and award the contract for Construction Management Services to F.I.P. Construction, Inc. for the Avon High School Renovation/Addition Building Project, as recommended by the Avon High School Renovation/Addition Building Committee.

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

04/05-80 Review and Discussion: Steve Kushner

a. Town Green Master Plan

The Town Planner reported when the Planning & Zoning Commission granted site plan approval to construct the renovations and additions that are under construction now on the Town Green, the Commission was, as was the Town Council, concerned about the impact that those projects would have on the quality of the Town Green, understanding that the construction project itself was deemed to be of a reasonably high quality program, nevertheless it could have a visual and aesthetic impact on the green. The Planning & Zoning Commission required that Ensign/Bickford hire a landscape architect to develop a master plan with the understanding that they would be under no obligation to finance the cost of the improvements to the Town Green, just finance the study, and the Town would be able to do as we would like to with that plan, perhaps work towards some longer term implementation of a series of additional improvements to the green to enhance the aesthetics of the green and emphasize the importance of that public space. We have had the opportunity to work with the Architect working on the plan, and he will run through the highlights of the drawings.

The Architect reported he is a Landscape Architect with Richter & Cegan, and here tonight to go over the master plan he has been working on for several months, in conjunction with Town staff. The process to start the master plan began with making the space something people recognize in the Town as a meeting place and a collection place for the gatherings. The Gazebo area as existing has been a main focal point, a focal point with the veterans memorial, and these function very well for the Town. Our main goal was to make this a more recognizable place for the Town itself. Along Ensign Drive and Route 44, we have an entrance which runs off of the bicycle path which is a natural segue into the Town Green, we have existing walkway, existing gazebo, a connection to Route 44, and the existing veterans memorial. Prior to the construction of the building parking lot, the green itself was very wide open and the site was pretty well undefined as far as the space was concerned, we felt that it was important to define the space being that we have some new constraints now. What we decided was is to go back to the old master plan which was developed several years ago, where there was a circular walk all the way around the green containing the main lawn area, and contain that area, which our constraints now are a little greater because of the new parking lot, but we did keep the circular area around the green itself making this the main meeting space. What we would do with the proposed walkways around the area would be of the same brick material that is out there now, so there would be some continuity. The other thing that we felt was really important was to make connections to other portions of the Town, the downtown study that has been done talked a lot about connections with the downtown and how that was to become a focal point for the Town. We felt that all the connections to the retail and the area further down towards Route 202 and 44 were important connections, connections to the hotel and to Town Hall, and to the other various areas around the green. There are many connections now to the green that were not there in the past, so now we have connected the green field area, the Town Hall, along Route 44, down to the hotel, and if you look at the overall master plan for the retail area, you will see how all of these connections work together. When we were doing the retail area we were thinking in terms of how was this going to effect the Town green, the other thing we felt was important is that both of the main focus areas for the green were on the south side of the green along Route 44, and we felt it would be good to turn this around and have a third focal point area that was a place for people to gather, and so we have a triangular situation now, almost wherever you stand in the green there is something that is going to be important to look at. We felt that it was important for this focal point to do a couple of things, the end structures that we have here at the end of the pergola will take on a look which is very

similar to the materials that are being used at the gazebo, the columns would be the same with brownstone walls, roofing material would be the same, so we now are tying together the parts of the green itself. The other thing that we felt was important as well as having the walk in the area for the pergola at both ends of the walk, that there be some sort of a structure here that is large enough and have the mass to say you have arrived at a very important spot in our green. We felt that it would be a very good idea to have a low wall from the back of the pergola bordered with benches for people to sit in, an overhead structure a long wooden pergola that runs along the backside of the green with seating underneath, vines growing over the top to provide shade, to provide another meeting place. Along with that we felt there needed to be an additional focal point which we believe could be a fountain in the center between the ends of the pergola. The other thing is the noise from Route 44, and by having the water moving and bubbling from this structure it is going to mask that and give this space a little more privacy. The other thing we felt was important was the edge treatment, what we are planning to is to soften the edge, define the edge of the green with plant material that would be seasonal, to give it a different look with every season of the year, so this would always be a changing landscape, that way there would be interest all year round.

The other item we felt was important was that we have a great resource for art material with our art complex right behind Town Hall, there was a suggestion made that maybe this would be a place where they could provide local arts, to display their sculpture on a rotating basis, so that there would always be something different. It could also be a gathering space for the arts if they decide to have an outdoor art show. We felt that would be a very positive adjunct to the green. The details of benches to be placed around with lights that match the lights designed for the downtown area, there are six lights being proposed, that will also tie it together as the downtown area begins to evolve.

Chairman Hines reported this is something that we could have a cost sharing situation or raise some funds. The Town Planner reported the Town Manager indicated that we perhaps establish a partnership with the garden club, and have a significant fund raising effort on the part of the garden club, to encourage donations, and breaking the project up into some smaller portions that were more easy to handle. If the Town Council endorses the project this is a long term project, taking maybe ten years. He and the Town Manager had a meeting with Ensign-Bickford Realty representatives, and you could see from the plan here that if we were to go with this overall design there is a portion of the pergola, this curved linear structure, which crosses the Town boundary line, and a portion of the structure as shown in this drawing is actually on land owned by Ensign-Bickford. Ensign-Bickford did react very positively to the overall program, these are going to be significant enhancements that is going to help them, their concern is that they are trying to rent Talbot's which is vacant, although they would be aesthetic improvements they are concerned about anything that would screen Talbots from the roadway and reduce its visibility to the roadway. We would like to recommend tonight that we have some additional dialogue with Ensign-Bickford Realty to see if they are willing to go back to their investors and Board of Directors, and we would like to work on a series of compromises and do some studies then return to the Town Council. The Town Planner reported Ensign-Bickford is somewhat unhappy with the fact that this structure with this mass could in some way block or reduce the visibility of this building to customer traffic when they are driving by. The Town Planner reported one of the greatest challenges we have are tenants that end up renting spaces that are going to have limited visibility and end up trying to make that space what it is not, these spaces typically rent for less to companies who cannot afford larger spaces. We probably have 450,000 square feet of retail space in Avon that fit that description.

Mr. Woodford reported there should be some grant money around that would favor something like this, but to him the fountain is a little overdone, it is large, he would like it to be more understated. Mrs. Hornaday reported it would be very restful and what we want for a park that also includes our veterans memorial and that design does, the whole feel is attractive, that size fountain might be a little elaborate for our community but likes the idea of a fountain of some kind. She would ask if Ensign-Bickford does not want to extend our

use into their land, could this be adjusted a little so that it pulls it in so that it would be on our property. The Architect reported this is what the Town Planner was eluding to at this point, from conversations with Ensign-Bickford, in order to see if some of these things could be worked out. Mr. Shea reported this is a great plan, but he views this, as he realizes the issue about visibility for the retail store there, that this really enhances the Ensign-Bickford Realty location. The Town Planner reported we are hoping to make the best of the small space, we have not lost any land, this is the Town land we have, and have had for many years, but the feeling is that it has been shrunk, the idea is to make some significant enhancements over time to make it be what it is, a great space.

Mrs. Hornaday reported people feel it has shrunk because they think certain areas were ours that were not. With regard to the other land we are talking about as a park, is that we tried to visually have a coordinated look so that people could go from one thing to the other and still have that same feel and that it not be a disjointed kind of a feel. I know that our plan at Towpath is just basically trim the shade trees, put in a couple of park benches. She does like this idea and it is very tasteful and very lovely. The Town Planner reported we do have two other small parking areas that we talked about in this Avon Master Plan, one of which we hope to implement fairly soon and that is a small 5,000 square foot parcel of land that Ensign-Bickford has committed to deed to the Town, and it is at the intersection where Nod Brook crosses Ensign Drive, down by the hotel, where the big tree is with grassed area, we would like to excavate a small shallow pond kind of a reflector pool adjacent to the brook, with another area of benches connecting to the walkway, bike way, to try and tie some of these spaces together. We have deposited with the Town \$3,000 also from the Developer of that hotel committed to help fund projects, and we were hoping to use that as part of the approval of the hotel area improvements, earmarked specifically to hire a private contractor to excavate the pond, and then over time again through donations and through some other process maybe install a couple of benches, it is important to install benches and do some ornamental pieces and landscaping there.

The Town Manager reported we are looking tonight for whether we are on target with this, there is a \$400,000 potential to do it all, we already have Ensign-Bickford's committed \$20,000, if we match it with \$20,000, we are pretty close to the \$20,000 with donations for lights or people that want to donate for lights. Ensign-Bickford is paying for these conceptual drawings as part of their approval for their expansion of their retail, a condition of approval. Once we agreed to it, he was hoping that we had agreement from them before we came tonight, but the Town Planner had a meeting with them and they have some reservations over this visibility issue, so they are going to go back to their corporate people, discuss it within the next two weeks, we may be back with a final agreed upon design at the next meeting.

b. Ornamental Street Lighting Plan

The Town Manager reported the other thing that we need to discuss, is the ornamental lighting plan. The fact that we are or will be very shortly in the process of actually accepting checks for the lamps, but we have to get an electrical engineer to design the wiring, the cement posts and the connection to the lamps. He reported we do not have that money at this point. The Town Planner reported on the drawing it shows the lights along Ensign Drive and Route 44 are proposed to be 12' in height, then one additional light fixture along the walkway which is to be a little smaller at 10' in height. Ensign-Bickford has already installed three ornamental light fixtures at their cost as part of their renovations, the same light fixture installed, and we already have one installed at Town Hall. Since the article on lighting fixture donations, we have received calls and generous donations from the Town Council members, therefore we have six committed donations, which is the amount needed for the Town Green. The costs are \$2,400 for the fixture itself, there are additional costs as well. He discussed the idea of using the Public Works Department wherever we can, as one approach, the Public Works Director indicated he would be happy to help out in any way they can, that will help reduce the cost. He would like to come back at a later meeting either in September or October and present some specific costs associated with that. It seems as though one reasonable approach might be for the Town to pickup the costs of the construction of the bases and prepare the site so that as donors come

forward we are essentially in the position where we can go ahead and have a location for them. The Town Planner reported what he would like to do for the next meeting is to have Dean Johnson, the other Landscape Architect who has been helping us with the downtown plan, think about how we can phase the seventy light poles for the whole Avon Center area into about five different phases so that we can do it in small bites over the next five years. The Town Planner reported even though we do not have a budget for this year, with the matching grant that Ensign-Bickford committed this \$20,000, and six donations we have already received contract on, perhaps we can put something together to get going on Phase I, which would be the Town green. The Town Manager reported we may need an appropriation out of contingency to get the Electrical Engineer to do the wiring diagram, and some of the expenses for these lights that we have received commitments for, we need the Town Council's okay on where we are going and how we are going to do this. Once we get that in, which we may be able to get this fall, then we will seek the donations, order the fixtures, and put them up. Mr. Shea questioned whether this is the official plan. The Town Planner reported yes. Chairman Hines reported you have done a great job, this will really enhance the center.

04/05-91 Review and Discussion: 175th Anniversary Committee Avon Events Calendar: Mary Harrop

The Town Manager reported the 175th Anniversary Committee would like this item put on the next agenda. It is a request for a town sign that would announce all town event. He displayed a picture of a similar sign in the Town of Colchester. To put the sign along the road, you would need permission from the state because it is a state highway. It was the consensus of the Town Council it is not something that the Town Council is interested in at this time.

VII. NEW BUSINESS

05/06-06 FY05/06 Budget: Approval of Budget Calendar

On a motion made by Mr. Shea, seconded by Mrs. Hornaday, it was voted:

RESOLVED: That the Town Council approve the FY2006/2007 Budget Calendar as follows:

ACTIVITY	LATEST DATE Per TOWN CHARTER	RECOMMENDED DATE
Capital Budget Forms Prepared & Sent to Depts.		August 5, 2005
Operating Budget Forms Prepared & Sent to Depts.		September 2, 2005
Completed Capital Budget Forms returned to Town Manager		October 7, 2005
Completed Operating Budget Forms returned to Town Manager	February 15, 2006	November 4, 2005
Town Manager's Proposed Operating and Capital Budget submitted to Town Council	March 1, 2006	January 20, 2006
Board of Education Budget to Town Council	February 15, 2006	February 15, 2006
Capital Improvement Program submitted To Planning & Zoning Commission For Sec. 8-24 Review		March 14, 2006
Budget Work by Town Council completed & Budget submitted to Board of Finance	April 1, 2006	March 22, 2006
Public Hearing on Budget held by Board of Finance not later than 3 weeks before May 1, 2006 Town Meeting	April 10, 2006	April 3, 2006
Board of Finance completes work on Budget Copy of Budget approved by Board of Finance Printed in Newspaper at least 5 days before		April 17, 2006

Annual Town Meeting	April 25, 2006	April 19, 2006
Annual Town and Budget Meeting first Monday in May	May 1, 2006	May 01, 2006
First Referendum	May 16, 2006	May 10, 2006
Second Referendum	June 9, 2006	June 05, 2006
Third Referendum	July 5, 2006	June 26, 2006

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

05/06/07 Award Bid: Timber Harvest: Found Land and Alsop Meadows; New England Timber, LLC, \$13,595.

On a motion made by Mr. Woodford, seconded by Mr. Shea, it was voted:

RESOLVED: That the Town Council award the contract for Timber Harvesting in the Found Land and Alsop Meadows to New England Timber LLC in amount \$13,595, as recommended by the Director of Public Works.

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

05/06-08 Supplemental Appropriation: Town Road Aid Grant: \$39,336

On a motion made by Mr. Woodford, seconded by Mrs. Hornaday, it was voted:

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY05/06 Budget by increasing:

REVENUES

Town Road Aid Fund, Intergovernmental, Town Aid-Public Works Department, Account #08-3103-53353 in the amount of \$39,366 and increasing:

APPROPRIATIONS

Town Road Aid Fund, Snow and Ice Removal, Materials-Other, Account #08-3103-52239, in the amount of \$39,366, for the purpose of recording additional State Revenue to be received to offset the increased costs of eligible activities under this grant program.

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

05/06-09 Approve Tax Refund (Reported to wrong town) \$1,640.95

On a motion made by Mr. Woodford, seconded by Mr. Shea, it was voted:

RESOLVED: That the Town Council authorize a tax refund to DeLage Landen Operational Services LLC in amount \$1,640.95, as recommended by the Collector of Revenue.

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

05/06-10 Supplemental Appropriation: (Reimbursable) \$9,350; Old Farms Road Bridge and \$44,877 Thompson Rd/Old Farms Road Re-design

On a motion made by Mrs. Hornaday, seconded by Mr. Shea, it was voted:

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY04/05 Budget by increasing:

REVENUES

General Fund, State and Federal Grants, State Bridge Reimbursement,		
	Account #03-0330-43363	\$1,870
General Fund, State and Federal Grants, Federal Bridge Reimbursement,		
	Account #03-0330-43318	<u>\$7,480</u>
		<u>\$9,350</u>

and increasing:

APPROPRIATIONS

CNRF, Old Farms Bridge Project 04-116, Streets, Account #03-4937-52211 in the amount of \$9,350 for the purpose of reimbursement from the State & Federal Government for expenditures associated with Old Farms Bridge Project.

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

05/06-11 Review and Discussion: Request of SBC for Easement

Mr. Woodford reported he does not like where they are trying to put it, it should be more east, it is going to be obtrusive. Mr. Shea reported their paperwork is fine, but when you go there that is not where that is located. Mr. Woodford questioned whether anyone has talked to the homeowners - - - that is a big structure. The Town Manager reported there was one homeowner there when they were staking it, and they talked to that one person, but we have not had a formal meeting with them. Mr. Shea reported anybody that lives there should be informed, he wants to know what they think. The Town Manager reported he will speak with the homeowners.

On a motion made by Mrs. Hornaday, seconded by Mr. Shea, it was voted:

RESOLVED: That the Town Council table this item to the next meeting.

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

05/06-12 Set Public Hearing: 9/7/05, 7:30 p.m. Ordinance #73 Waiver of Property Taxes in Small Amounts.

On a motion made by Mr. Woodford, seconded by Mr. Shea, it was voted:

RESOLVED: That the Town Council schedule a Public Hearing for September 7, 2005 at 7:30 p.m. in the Selectmen's Chamber, for consideration of Ordinance #73, Waiver of Property Taxes in Small Amounts.

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

05/06-13 Review and Discussion: Request of Avon Volunteer Fire Department: Allocation of Returned funds

On a motion made by Mr. Woodford, seconded by Mrs. Hornaday, it was voted:

RESOLVED: That the Town Council approve that the unexpended FY04/05 Avon Volunteer Fire Department Budget Balance of \$17,534.74 to be added to the present balance, with \$3,200 added to utilities, \$3,090.78 to cover the police expense bill for the Carnival, and the remaining \$11,243.96 added to the fund for the Company One kitchen.

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

05/06-14 Acceptance of Resignation: Board of Education

On a motion made by Mr. Woodford, seconded by Mr. Shea, it was voted:

RESOLVED: That the Town Council accept with regret the resignation of David T. Shopis from the Board of Education.

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

05/06-15 Appointment: Board of Education

On a motion made by Mrs. Hornaday, seconded by Mr. Woodford, it was voted:

RESOLVED: That the Town Council appoint William C. Stokesbury to serve on the Board of Education, for a term to expire January 1, 2006.

Mrs. Hornaday, Messrs Hines, Shea and Woodford voted in favor.

VII. TOWN MANAGER'S REPORT/MISCELLANEOUS

The Town Manager reported as you are all aware, we had the accident on the morning of July 29th, the latest background information is in the packet, along with a report from Governor Rell announcing the results of the American Crushing and Recycling inspections and additional inspection sites. You also have a copy of the report from the Police Department basically indicating that their investigations are continuing. The North Central Connecticut Accident Reconstruction Team will be in charge of producing a report probably

within 60 to 90 days, after all of the data has been gathered on the accident. There are a wide variety of agencies and departments at the State level, at our level and even at the Federal level, that are involved. In terms of detail, the dump truck and the bus are located at our Public Works Garage, the truck is in an impoundment area, the bus is in the washbay of the garage in order to provide a secure environment. It is his understanding that the truck brakes, clutch and transmission have all been removed and taken to some form of a laboratory or shop, to have a thorough analysis. The dirt and all of the debris has been put into a dumpster, under State DEP auspices, and will be taken to a weighing station to see if the truck was overloaded or not, we have not received a report back on that. The 18 automobiles are impounded in Canton, all of the owners are aware of that. That is part of the normal procedures on any fatality. The cars are impounded for review for insurance and legal purposes. Those will be released by the Police Department at the appropriate time after the work has been done. In terms of the injuries, we really are not monitoring that closely at this point, most of the people have been released, there is only the ones that were in critical condition that are still in the hospital, we do call the hospital to make sure what their status is, but there has not been any significant change, some of them have been upgraded. I do not have, and obviously they would not release the detailed conditions of the patients.

Chairman Hines questioned the condition of the cars, if someone wanted to have their car repaired, how much time is this going to be impounded, so that they can get their transportation. The Town Manager reported they are going to have to contact the Police Department, they will have to determine what car it is, they would then have to try to determine where it was in terms of the accident, then go ahead and make a determination as to whether it could be released or not. The individual would then have to either rent a car under their car insurance provisions or find some other form of transportation. We have already had attorneys at the Police Department trying to get a list of the injured, so we have provided the list that we provide to the public.

The Town Manager reported in terms of the accident, my goals tonight are to get permission from the Town Council to send a letter to the newspapers to try to get it published, to thank everybody that was involved, we had between 50 and 100 people there literally at various times for 18 hours. The road was not opened until close to midnight on the day of the accident, and the accident occurred around 7:30 in the morning. The other thing you might want to consider, is to send a letter to the Governor and to DOT Commissioner Corder, on some of the things that we have recognized with the road over the years. They do have a project that is 7.2 million dollars, State Project # 04-123. We may want to try to get that project accelerated so that we can get that work done sooner, that would include medians, try to make sure that it included break down lanes, both going up the hill and coming down. We have some occasional breakdowns, and trucks and people going up the hill there is no place for them to pull off. We might want to have them take another look concerning a run away truck lane coming down the hill, there are some intersection alignment issues at the base of the mountain, in terms of lanes matching up with corresponding lanes on the other side of the intersection, vegetation growth on some of the signs, needs to maybe be looked at. There are several issues the State is looking at a lot of these already but it might be appropriate if we at least wrote a letter indicating that we were interested in having those things done. Another whole area that is really not in our jurisdiction, and the Governor is already doing something on this with this report, is to look at the issues of heavy trucks on the highway, the level of certification, licensing, registering, both the vehicles and the drivers. Nancy Johnson did appear out on the site Friday afternoon, we talked to her, she was concerned about how the regional aspects of the response worked, which worked very well. But it might be the type of thing that she has also copied on that because it might be something that she would find appropriate to take a look at on the federal level.

The Town Manager reported internally in terms of Avon, we are going to have a meeting next week among the Police Chief, Fire Chief, himself, Public Works Director, and some of the others that were involved in this to look at all of our own internal procedures and processes to see what we can do. From his

observations, he came away with a very comfortable feeling that everybody worked very, very smoothly together. They were not the typical, as sometimes we hear about turf issues, there were not any, everybody responded very well, knew their jobs, worked together cooperatively. We had over 20 different agencies and authorities and departments and everything there at various times during the day, and they all cooperated very well, very methodical, very sequential in terms of things that had to be done. There is no easy answer to the deaths in this type of an event, but in terms of our response at the Town level. "I am very pleased with it." But in general, this is not the first time we have had a situation where we have had a runaway vehicle coming down the mountain, we have had a number of them, it seems every few years we have them. On the other hand you have 26,000 vehicles a day going up and back on that road, just the law of averages will say that you are going to have some failures at some time with something happening, even though you try to minimize it. Our Town crew worked very well, our neighbors were all there, Farmington, Simsbury, Canton, Lowell Humphrey the Chief of Canton is the individual in charge of supervising the accident reconstruction team was there basically all day. We had the mobile command post from Newington, the West Hartford accident reconstruction team, Hartford had some officers, Granby. He could go on and on with all of the different ones, State Police were there all willing to help, all supportive. We had the Accident Reconstruction team set up their headquarters at the Old Farms Inn on the northeast corner of the intersection, the press was on the southeast corner of the intersection, and we then basically moved ahead to take on the respective duties that we had. The Old Farms Inn provided us with food and water, the Hotel came there and indicated that if we needed rooms or meals or anything, we had citizen volunteers, not only at the accident scene immediately after the accident but throughout the day there were several people that volunteered and stayed.

Part of our job next week is to compile a list of everybody that we know was there, both organizationally and individually, and try to come up with a program. Probably out of that review will come the names of some individuals that the Town should recognize as going beyond the call of duty, maybe in October or November we would have that list and at the October Council meeting we would have some kind of a formal presentation of awards or something for those that perhaps the Town wants to recognize. That is a decision we can make as we go along, we are still, really it is just starting to slow down a little bit, in the last 24 to 48 hours in terms of the amount of time we are having to devote to this. There is going to be in terms of the cost factor, we set up a special account through the Finance Department to pay bills. We are picking up all of the expenses internally at this point in time. We will be totaling that account, and once the responsible parties have been firmly identified we will file a claim with them for the recovery of our costs in dealing with the accident. But we are segregating all of the expenses so that we can go ahead and have a good accounting of exactly what this has cost the Town. The majority of it will more than likely be in Police overtime costs, particularly as it is related to the accident reconstruction team, but there are other costs, we used the fence for the impoundment area at the Town Garage for the dump truck as an additional cost that we are going to pick up. There will probably be rental costs on the facility in Canton where these automobiles are stowed, the State DEP always tries to recover its costs from various spills and so forth. As another example of the detail of this sort of thing, they had to call in a Waste truck to pump out all of the gas tanks, the diesel tank on the bus and so forth, to avoid secondary fires and explosions once they start removing the vehicles. Again this is all done sequentially in accordance with the plans that everybody has for these things. So there will be costs, some of these we will probably in the end have to absorb ourselves, others we may be able to recover some of the costs, he does not have a total figure at this time.

Chairman Hines reported the draft letter which we reviewed, and tonight revised with Mr. Carlson's suggestions, on a letter to the editor thanking everybody including our Town people and out of town and all others, we should move ahead on that. It was the consensus of the Town Council to have the Town Manager proceed to send the letter to the Editor. Chairman Hines reported if you want to move ahead on that he is in favor, but he would like to get a report back from our officials here in Town, before we start sending letters, and also complete the investigation, we have not done that yet. Mr. Woodford reported the

State officials are looking at it, we should maybe wait until they make some recommendations, then endorse or not endorse what they are talking about.

The Town Manager reported the letter thanking people should be sent out, but hold up the letter to the Governor and Commissioner until we get some more information. Mr. Shea reported we need at least 30 or 60 days, just to learn more about this investigation and to get some information from the experts, but it is fair to say that this Town, and this community, and its citizens are going to want to have some input, and things cannot stay the same. There is a sense of urgency now, some changes have to be made. Chairman Hines reported a couple weeks ago there was a meeting with the State and the Engineering Department and talked about the top of the mountain, which is probably even a more key area for accidents. The Town Manager reported that is where that project is, it is moving along, the State has its planning process and it has its way of programming the funds and everything else. What he is suggesting is that perhaps we encourage them to take it out of sequence and move it along faster, and reallocate the funding. The Federal Transportation Bill was just passed, President Bush just signed it this past week, so there will be new funding sources coming down, and the State will be able to count on those. We can request in the letter that the process be accelerated. Chairman Hines reported he would put that through CRCOG Transportation Committee as well. Mr. Shea reported at the very least some form of signage should be put up, there is only one sign at the top of that mountain that gives them any warning as to the grade, something has to be done in the short term. Certainly they should be reviewing that, and certainly there should be some form of supplemental signage in terms of warning, the issue of vegetation clouding some of the signs needs to be looked at. What he is hearing is that you feel generally at this point in time, comfortable with asking them to accelerate the project that is already being discussed, and to review the signage. The third thing would be that we have some concerns over the licensing and inspection and certification of the vehicles, while the Governor is moving ahead on that maybe we should just send positive indication that we feel very strongly that she is on the right track with that.

Mrs. Hornaday reported in regard to the State's plan, we might ask them to move it up, but also be prepared to make some changes to their plan based on the information that has developed from what has happened on the lower part. The Town Manager reported it was a corridor study from Hartford all the way out to New Hartford. Mrs. Hornaday reported it may be that they will want to revise their plan on the mountain based on what has developed. The Town Manager reported basically the Farmington Valley Collaborative has started looking at that and it is almost ten years ago that study was started, and there has been very little implementation of it, and in terms of the growth that is occurring out here in the Farmington Valley, the traffic loads on Route 44, that there is a need to move that ahead, that reduces turning movements, reduces curb cuts, provides focussed turning movements at lights so that you do not have this in and out business. While we want to focus initially on the mountain issues from West Hartford to Avon, certainly the rest of that corridor study needs to be looked at too. He will include that in the letter too.

The Town Manager reported we have a letter from both Thomas Herlihy and Jonathan Harris, who really cover that section from Mountain Road in West Hartford to our side of it with their concerns expressed, and we will obviously copy our legislative delegation on all of these letters, so they have that as well.

The Town Manager reported we have the results of the Chamber Town Business Study, the Chamber wants to have a joint release of that study, presentation by the UCONN people and have both the Chamber and the Town Council to go ahead and present it. The Town Council can have the Chamber come to our September 7th meeting and we will have the UCONN people come in and we will do it here. We are looking at a 15 to 20 minute presentation. Mr. Shea questioned whether they are looking for the Town to make changes in this joint meeting, like signage, etc. The Town Manager reported he is not getting that at this time at all, he and the Town Planner had a meeting already with Ron Evans and Cove Creek Mortgage, and there is nothing really in there that is an issue. They want a meeting because they want to go ahead and showcase it

as a Town/Chamber cooperative event. Mrs. Hornaday reported they want to come, we can give them 30 minutes of our time. Mr. Shea reported it is great, a nice joint thing with the community working together, business development, but in this 15 minute meeting all we are doing is release the information, this is an economic development meeting, it is not about changes.

The Town Manager reported we have to make improvements to the Town Clerk's vault, we are also getting ready to, in late fall or early winter, move these departments out and into building 7, vacating building 5 & 6. We had the million dollars that we were talking about, so we are probably going to go to a Town Meeting, we do not have to go to referendum but we are going to want to go to a Town Meeting to get the million dollars appropriated so that we can do the other buildings. If the Town Council wants to include enough money in there to do the Town Clerk's renovations with that project. That would up it from \$1 million to roughly \$1,250,000, estimated. We still could go and do separate projects, but it is better if we try to do it all at one time and get it done. These renovations are not anywhere near as extensive as building 7's, they are mainly recarpeting, painting, windows/energy things we have to do, some code things. The town meeting would be after the election sometime in November. We need to get Board of Finance approval and Town Council approval. We will start now working on a schedule, he needed the amount to start working on the process. Mr. Shea reported we have the growth, the need is very obvious and if they vote it down, we will just keep coming back, we will get it eventually.

Mr. Shea reported we should also compliment the Town Manager on his leadership throughout this whole thing, with this tragedy, and he has done a great job. He is proud of everybody, it is a sad tragic moment, but they were great. The Town Manager reported he is sorry that he did not keep the Town Council as informed that day initially, he spoke to each one eventually to let you know what was going on. If it is something the Town Council feels we can improve, he is looking for your information, if there is something we can do to improve on it. The Town Council was in agreement that everything was done appropriately, and that they as individuals could not really have helped.

VIII. EXECUTIVE SESSION: Litigation/Negotiation – None

IX. ADJOURNMENT

The meeting was adjourned at 9:00 p.m.

Attest:

Caroline B. LaMonica
Town Clerk