

**AVON TOWN COUNCIL
MEETING MINUTES
AUGUST 3, 2006**

I. CALL TO ORDER

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

II. PUBLIC HEARING:

06/07-01 7:30 p.m. Avon Water Company Easements

The Clerk read the call of the public hearing as follows:

"LEGAL NOTICE

TOWN OF AVON

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Avon, Connecticut will hold a Public Hearing on Thursday August 3, 2006 at 7:30 p.m. at the Avon Town Hall, Selectmen's Chamber, 60 West Main Street, for the following purpose:

To consider and permit all interested persons to speak on the plan of the Town Council to grant water main extension easements to Avon Water Company to install water lines and necessary electric service at the following Town owned properties:

- 1) To install underground electrical conduits at the southwest corner of Northgate and Lovely Street.
- 2) To install an underground 12 inch ductile iron water main on the west side of connector road between Pond Place and Darling Drive.

Maps regarding the above easements are on file in the Avon Town Clerk's Office and open to inspection during normal office hours.

Dated at Avon, Connecticut this 20th of July, 2006.

Philip K. Schenck, Jr.
Town Manager"

Mr. O'Neill of the Avon Water Company spoke to the need of the water company to secure these easements from the town.

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

RESOLVED: That the Town Council grant water main extension easements to the Avon Water Company to install underground electrical conduits at the southwest corner of Northgate and Lovely Street, and to install an underground 12 inch ductile iron water main on the west side of connector road between Pond Place and Darling Drive.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

III. MINUTES OF PRECEDING MEETING

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

RESOLVED: That the Town Council approve the July 6th meeting minutes as read.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

IV. COMMUNICATION FROM AUDIENCE -None

V. COMMUNICATION FROM COUNCIL

The Town Council presented Marilyn Dumas with a resolution for her service of 29 years as a Registrar of Voters for the Town of Avon, and wished her well in her future endeavors. She also received a paperweight from the Town Manager.

Mrs. Hornaday reported she noticed many people doing work in residents yards are parking on the roads, and many of the roads are narrow and it is dangerous to have someone parked with heavy equipment on the sides of the roads. A friendly reminder that if they could get off of the road, it would be helpful. The Town Manager will speak with the Police Department.

Chairman Carlson reported Caroline B. LaMonica, Town Clerk, is leaving us the end of this year, we are blessed with many long time employees and she is one of them, and if you have not had a chance to thank her, please do so. She has been the backbone of this Town for many years. Also Police Officer Whitney is completing his FBI training, he will be gone for three months, a recognition by the Chief would be appropriate. It is a great accomplishment, and we want to encourage our officers to go through Academy.

VI. OLD BUSINESS

00/01-07 Review and Discussion: Town Hall Renovations Buildings 5, 6 & 7.

The Town Manager reported this project has been a source of discussion and funding for over the past six years, but budget issues intruded in the interim. We undertook this project with the Engineering Department with Thomas Daukas acting as the Supervisor, and the Town acting as the general contractor, and specifically going out and getting subcontractors to do the work. Due to the budgeting issues, the project was extended. We are finally at the point with the Building 7 project that we have a temporary Certificate of Occupancy. The Building Official, however, was interested in ensuring that the Town moves ahead with the remaining part of the project which includes the connector between Buildings 6 and 7, which includes the elevator, and addresses the needs according to the Americans with Disabilities Act, and he also wants to make sure that we add sprinklers in Buildings 5 and 6. We want to connect Building 5 and 6 together with stairwells and bathrooms, and we want to be able to paint and carpet the interiors of 5 and 6. Building 5 which had minor repairs but not significant upgrades since it was constructed back in 1970. Building 6 was constructed and opened in 1978, by a ADA Grant, which is coming up on 30 years but is at the point where it needs upgrading, with window replacement and so forth. The project has been reduced substantially. We worked with the same Architect, Glenn Arbonese, who was involved with the original Town Hall plan set up in 1980. This is approximately phases 5 or 6 of that program, which included everything from the expanding of the Police Department, upgrading of the Town Clerk's Office, adding parking, and a number of other improvements over the years. We are at the point now where the estimates have come in, at approximately \$2.6 million. We have been meeting with the Architect, Town Clerk and Thomas Daukas, over the past month and we have reduced the project costs down to approximately 2.15 million. These are estimates they are not firm prices, we do not have the final plans completed, and we cannot get really firm prices until we get those plans. The project at 2 million, approaches bonding to get all of the money in place, and having a construction manager or general contractor manage the whole project. The other option is to split it into three cash payments over a period of three years and budget it in the capital improvement program. We included two cost estimates, the first is \$2,136,917, and the \$2,569,968 is for construction and administrative costs. He would prefer to do the whole project and get it completed, rather than trying to do this over another two, three or four years and have delays and problems in getting things completed. We plan on moving the Building and Engineering Departments into the new building probably within the next month, and as long as we can get some form of a firm commitment from the Town Council and hopefully the Board of Finance to move ahead with the project.

He reported Mr. Harrison, Chairman of the Board of Finance reported to him they discussed this project at their last meeting and there seemed to be some interest that a referendum might be more appropriate

regardless of whether it fell beneath our Charter threshold or not. That is one issue, whether you want to go to a town meeting, even though it is only slightly higher than that amount, or whether you would want to go to a referendum. That gets into the timing of scheduling issues, with a referendum opportunity potentially coming up with the high school project, and have two questions on the referendum, or whether you want to have either a referendum or town meeting. The next step would be to possibly schedule a separate town meeting for a referendum maybe in January or February, another would be to postpone doing anything, and allow us to get some more definitive figures, which is probably going to require a supplemental appropriation of somewhere in the neighborhood of \$25,000 to \$50,000, and we could come back then with very firm costs because we would have the final plans done. The architect does not have them completed at this point, to get much tighter figures than what we had. A third option is to put it off and run it with the budget hearings in the spring which would go to a referendum anyway, a separate question at that time. We could come back with firm figures, but we would need an intermediate appropriation of funds. Administratively we accepted the program a number of years ago, to flow incrementally through, and now we are running into issues, and we need to get some form of commitment to move ahead with this. That is a key thing administratively.

Glen Arbonese reported he would like to make some overall general comments. The Building and Engineering Departments will move into the upper two floors of Building 7, the lower floor will be meeting room and significant storage facilities, and available for public use. The other comment is that the accessibility requirement under the Americans with Disabilities Act, is taken quite seriously by your Building Official. The way to provide that in terms of accessibility is to use a single elevator and the floor area is large enough that a sprinkler system is needed, that causes a chain reaction. When the buildings are interconnected, there are also the fire exit and accessibility issues. The connection of the stairways in Buildings 5 and 6 would be demolished and the integration of town staff going back and forth would be improved.

Tom Daukas, Town Engineer reported the figures are highly inflated, although the Town Manager did elude to the fact that these are preliminary estimates, but he feels they are high. It would be cost effective to do it all right away, who knows what building costs will be doing, it does not seem to be stabilizing. Materials alone are fluctuating so much, you cannot get a good price at this point. Glen Arbonese reported the figures were done by Enterprise Construction, and we should give credit to them for coming through with this estimate of costs.

Finance Chairman Harrison questioned whether we would have to take \$50,000 out of contingency for the cost estimates or out of surplus. The Town Manager reported yes, or perhaps out of left over funds from other capital projects, but he has not yet put the financial end of it together. That would require a vote of the Town Council and then the Board of Finance approval of an appropriation.

Mr. Woodford reported first of all he would want firmer figures, second we should do it all at once, thirdly he would have no problem taking it only to a town meeting, rather than spending money on a second referendum.

Mr. Shea reported if it has to go to referendum he would like to add it onto the town budget referendum in the spring, and keep it as far away from the discussion on the high school as possible.

Mr. Zacchio reported certainly we need important figures before we can move forward, that is step one, it is a matter of timing, he would rather see it get done sooner than later but he would have no problem with it being paired with another referendum, as a separate question. Chairman Carlson reported we are prepared to go to the Board of Finance for additional funds. Finance Chairman Harrison reported that would not be an issue.

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

RESOLVED: That the Town Council recommend to the Board of Finance that an amount not to exceed \$50,000 to develop firm cost estimates for continuation of renovations to Town Hall Buildings 5, 6 & 7 be approved.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

03/04-64 Status Report: Avon High School Building Committee: Hank Frey

Avon High School Renovation Addition Building Committee Chairman Frey reported the bottom line to complete the project is an additional \$4,688,300 to the \$25,998,000 approved at referendum a year ago. Time has passed, costs have gone up, we had an unexpected delay with the State Board of Education and the DEP. Our original estimates which were good for the referendum were based on preliminary drawings. We were hoping it was a good estimate and might have been at the time, and this is where we are today. The core construction costs are \$27,474,350, it is guaranteed by FIP not to exceed that price, the \$3,311,950 are costs that the Town will incur, again they are estimates, and we have some contingency of \$523,056, as well as in construction costs of \$600,000, hopefully we will not need any of those monies. If things go forward and it is approved, all of the money will not be spent. At this point, to move forward, we need \$4,688,300. Chairman Carlson stated which requires us to go through another referendum, he questioned the date of the referendum. The Town Clerk reported the timing has changed a little, we need a joint meeting with the Board of Finance on August 28th, we also will sign the call of the Town Meeting for September, and a Referendum in October.

The Town Manager reported the bonding people like to round things up, he would suggest that we add \$11,700 into the owners contingency, that would bring the total increase to \$4,700,000.

Mr. Shea questioned how they arrived at the contingency amount. The Architect, Chuck Boos, reported construction contingency was carried forward from the original estimate of almost \$1,000,000 and now it is \$600,000, the owners contingency went from \$392,000 to \$523,056, and that was an alternate. The Building Committee decided that although they preferred the alternate be put into the bid price for the playing field into the contingency, and that decision of making a commitment can be made later on down the road. Mr. Shea questioned whether the whole project would be a one shift project, as a whole Mr. Shopis, of FIP, reported one shift is scheduled, but with subs there are always changes necessary, it is a normal occurrence. Mr. Shea questioned whether there are any concerns in not having security guards at night on this type of project, as no costs were added for night watchman. Mr. Shopis stated we have no concerns. Mr. Shea questioned whether the payment performance bond is for FIP or combined for all of the subs that are going to be involved. Mr. Shopis reported it is a line item, all of the major subs names are already included in the cost of the bond. Mr. Shea reported the layering of that protects FIP's bond company, how does that bond protect the Town? Mr. Shopis reported according to the Contract any faulty sub contractors which causes additional costs to the project and an addition to the schedule becomes part of the cost of work, change orders, so the dollars the Town is spending in bonding the subcontractors insures the Town they will not have to spend additional monies to replace contractors. Mr. Shea reported that insulates us from faulty work by anyone hired on the sub list.

Mr. Woodford questioned why the video/data items doubled. Mr. Boos, Architect, reported the initial data was based on what we heard and very initial conceptual stage reports, when we got into it, we found that we had to add dollars to that to tie the whole thing together and make it work. Mr. Woodford questioned whether we are re-roofing the existing buildings. Mr. Boos reported we are doing the roof as planned, that has not changed. It is far less expensive to do that now, than to make it a separate project later.

Mrs. Hornaday questioned about the asbestos abatement, you obviously learned some things about the building. Architect Boos reported we learned some things and it is FIP's intention to rebid those documents, therefore that number should come down. He further reported in addition to asbestos

abatement, there is radon remediation, so there is a whole different component that was even thought about in April 2005. We have specific evidence to have an abatement system placed in the building to determine that. Mr. Woodford questioned whether they check for radon at the school. Architect Boos reported yes, but he does not have the scoring results. Mr. Woodford questioned are they testing because it goes above the federal guidelines or because they think it is a good idea. Architect Boos reported he is not prepared to answer that, simply because of the Hazmat consultant, we incorporated it into the drawings because it has to be done but we can get an answer to that question. Mr. Woodford reported if he were the contractor he would love to do it too, but he wants to know if we are above that or not. Committee Chairman Frey reported if the number is high, we need to do another test, if needed we will.

Mrs. Hornaday reported the reason we are pressing on this, is for the very same reason we do not want to go forward with our project over here at Town Hall, until we have very firm numbers and explanation for them for the residents. We all know that you are going to receive a lot of hard questions on these very specific questions, and people are going to say - well how do you know? – and we want to know exactly why you are recommending this, and particularly the asbestos, because the Town has spent so much money on all of the buildings and she knows that it has been needed. But we have to show where it is new, as opposed to is it the same flooring area that was done in the past. You have to be prepared for that, and our questions are just a little preview of coming attractions. Architect Boos reported he does not believe flooring is an issue, it is probably in the window caulking and things like that, they find it everywhere today. Mrs. Hornaday reported we need to be prepared, we are asking the residents for quite a bit of additional money for this project. It is 15 to 18% and everyone is aware that costs have gone up in building these days, but she is saying we need to be prepared.

Committee Chairman Frey reported the Board of Education has put together a lot of remarks and answers to questions that will go out in the mailer. He saw a rough draft today, with about five pages of answering questions that are expected to be asked by the public, that will be given to everyone. We will not know the answers to everything until it is all done, and he has done about three projects, the exact costs will not be known until it is done. Mrs. Hornaday reported she knows very well that renovations always cost more than you thought they were going to. The addition part you can hone in on, it is the renovations and those other changes that are difficult. Chairman Frey reported we have some experts who will do this, who felt that early on, Mr. Shopis from FIP knew we were under budget, even before the bids came in, because the times are not what they were last April. He informed us, before the bids came in and he was within \$300,000 to \$400,000 as to where they would go.

Mr. Zacchio reported he has several questions. You accepted alternates, 3, 4, 5 & 7, which is approximately \$350,000, he cannot answer a resident if we do not have the answers. Mr. Shea reported the question is what is new, is there anything other than the additional costs? Mr. Zacchio reported in fact he would ask when you went out to bid, have there been additions made to the original specifications for video and audio, by the Administration, Board of Education, anyone else? Architect Boos reported it was not refined in any great extent in April 2005, it was the best guesstimate of the need, and prices have changed considerably since then. The best guesstimate was not based on a survey, we did the survey after the fact, after the project was approved, so it is not new. The alternates are the same as they were in April. Mr. Zacchio reported then it has not significantly changed since what was originally brought to referendum. Architect Boos reported Alternate 4, the fascia was not something that was thought of as an alternate, the Committee decided that they wanted to know what that number is. Chairman Frey reported it needs to be done, it looks terrible.

Mr. Zacchio asked in general have there been changes made by the Board of Education or the Administration to this project in terms of specifications. Board of Education Chairman Roell reported she thinks the answer is no, she has not been a part of the day to day discussions. The Board of Education has not changed the educational specs since they were originally approved. Architect Boos reported as a

matter of fact they met and reaffirmed the educational specifications before the approved final documents, and we know we did not increase any of the program requirements or the areas set forth in the original conceptual plans - - 67,500 is the new area it has not changed at all. Chairman Roell reported in going through the December estimate we eliminated about \$365,000 worth of items, including the divider which was going to be on the stage to make the stage a separate classroom that was estimated to be \$80,000, we reduced the price of the scoreboard, and a whole list of items, we basically went through a total change of about \$365,000 over various categories. Mr. Shea reported you are saying that you changed some of the needs of the project once you found out that it was more than we had anticipated. Chairman Roell reported the answer is yes. Mr. Shea reported you reduced items in order to help the budget. Chairman Roell reported that is correct. Mr. Shea reported he would like someone to help out with the impact of the summer/winter/summer verses the winter/summer/winter, which have been incorporated as far as costs go, with regard to any vulnerability the Town has. Mr. Shopis reported in addressing that, originally the project was to start in May of this year, so it brought us through one winter for a total of 16 months of construction. The project starting now in mid October, we will go two winters, forecasting about a 20 month schedule. Originally we anticipated somewhere in the area of \$60,000 to \$75,000 for winter related costs, we are now carrying an allowance of \$200,000 to take us through two winters, because the second winter will be significant because the finish work will be far more intensive for winter protection. Mr. Shea reported when will we know if there will be a delay in the completion, at what point, although it may not be a fair question because mother nature is involved, how do you communicate that to the Town, through the Building Committee, through the Board of Education. Mr. Shopis reported there will be an update on the project every month by FIP which will summarize all aspects of the project, financial, updating the schedule, updating the progress on the project on a monthly basis, if anything comes up you will know, whether it is in the 2nd month or the 18th. We are very confident that with the appropriate phasing of the project, from a phasing standpoint, from the projection standpoint, that winter will not be what holds up the project from completion for the summer of 2008.

Mr. Carlson questioned as far as the brochure, do we have it defined, because that is the question in peoples' minds. Architect Boos reported yes, there was an unforeseen backup for the State School facilities, coupled with an unusually long period where DEP had to approve the land swap with the Avon Water Company. They would not issue the authorization to go to bid, it was finally issued in June. We tried to expedite the process, but it did not work. Mr. Carlson reported that is one aspect of question and answer, that is an acute answer that should go into the brochure, people will want to know, we are incurring an additional \$150,000 or thereabouts because of the sliding of the schedule, we need to explain that to the Town's people. Architect Boos reported he would like to make it clear that by no means was that explanation a criticism of the State Board of Education, they do a wonderful and thorough job..

Mr. Shea questioned with regard to the furnishings, fixtures and equipment, that is not included in the project, has the Board of Education come up with some numbers as to what they are going to need. Committee Chairman Frey reported that is \$600,000.

The Town Manager reported you need to be aware that there have been three or four reiterations of the estimates, and what you have tonight is just the one sheet, the backup sheets that went out may not match the sheet you got tonight in detail.

Chairman Carlson questioned why the Furniture, Fixture and Equipment budget increase by 20%., from \$500,000 to 600,000, he understands building costs going up on everything but this one troubles him. Architect Boos reported that was for electronics, there is about \$100,000 for smart boards, projectors and support equipment, they are reimbursable. Mrs. Hornaday reported those are in addition to the 5F, video/audio infrastructure upgrades. Architect Boos reported infrastructure is infrastructure, this is the equipment, yes it would be in addition to that.

The Town Manager reported we have had Dennis Dix, our Financial Advisor go through with the increase in the project of \$4,700,000 and from a debt standpoint we are looking, based upon estimated interest rates, we are looking at a peak of debt service increases in the 08/09 fiscal year of about 4.85% which comes to about \$280,000. That is the most expensive year that we will have for increases in the debt service, at this particular time.

Mr. Shopis reported he would like to make two points on the sheet that was given out this evening , you will also see that we have put in the numbers at the bottom from the previous referendum, to show the reimbursement rate. It is important to note that although the project is up \$4.7 million, the total amount it actually costs the Town is just under \$4 million with the reimbursement rate, relative between the reimbursement and the new reimbursement. He would also comment on the alternate sheet that Mr. Shea was referring to previously as the alternate for the generator. The Town Manager reported it does have the generator in there, and that was bid out to be inclusive in the project, but will be funded separately through the capital improvement program. Mr. Shopis reported the cost of the generator is identified but it is not included in our costs.

It was the consensus of the Town Council to accept the report developed by FIP for the Avon High School renovation project and agree to the amounts as stated in the report.

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

RESOLVED: That the Town Council authorize the preparation and distribution of a brochure for the Avon High School Renovations and Additions.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

Mrs. Florence Stahl reported she understands the role of FIP, in terms of the bidding and the overseeing and the coordination of the construction, but what is the Town's role with regard to quality control during the construction?

Architect Boos reported first of all we are responsible contractually to the Town to ensure that the process and the project is built in accordance with plans and specifications which includes quality. One of the features of the Construction Manager system is that FIP is not in an adversary role, they are not like a general contractor, they are receiving a professional fee for their work, and they are interested in quality as well as we are. The Town Manager reported you also have the entire Building Department, and the fact that you have building codes, and life safety codes, and our Building Department is responsible, and our Inspectors and the Building Official, for inspecting the project, this is not an owner's rep type of thing. We do that in every building that is built in the Town of Avon to make sure that it is built according to the codes.

Mrs. Stahl reported she is just asking the question, everything built has to be tested, concrete has to be tested, how are we going to keep up with that. Architect Boos reported that is a line item for testing services, that certainly is a specification requirement that all concrete once contracted will be tested. The Town Manager reported a lot of that paperwork has to be submitted to the Building Department also, certified with a seal.

Finance Chairman Harrison reported the whole reason we went with a construction setup that we have is that it goes back to the reputation FIP as overseers of the contract, they have a vested interest in the quality as much as we do, versus a contractor that could cut corners in order to pad his profits, putting us in a more vulnerable basis.

Mrs. Stahl reported as long as they have a vested interest in it, she remembers the Town Manager saying early on that with a Construction Manager type of construction the Town is very involved in it, very

heavily involved. The Town Manager reported much more involved from an overhead standpoint than we are with a general contractor, but the process is different in the sense that you have more management over the costs through the checks and balances that are in place, and the quality of it as well. This is the first time we have been through this, and the Town Clerk and he have been discussing this, and there is a significant amount of work that we are having to pick up internally because of the process. Mrs. Stahl stated, so you are saying the Town will be on top of quality control is what she means. This is a substantial project in the community by any standards, and the amount of time it is going to take for our Building Department, the Building Inspectors, is going to be substantial as well. Mrs. Stahl questioned who is responsible for quality control. The Town Manager reported technically the Architect Chuck Boos, Building Committee Chairman Hank Frey, the Building Department, and the Building Committee in a broader sense. Mrs. Stahl reported she remembers for the last referendum Peggy Colligan, Town Finance Director, prepared the tax statement, and she trusts the same thing will be done. Finance Chairman Harrison reported it will show the tax impact on what was voted on last year, the tax impact based on this specific \$4.7 and the combined tax impact of both, three columns. Mrs. Stahl reported that is great, because taxpayers really want to know what their annual commitment is to debt service. You mentioned \$280,000, but the total payment to debt service is in the millions. Mr. Carlson reported he would rather not get into numbers until we get that tax impact statement from the Director of Finance.

Mrs. Stahl reported as long as they are given, we probably all know that asking for more money after an initial referendum is not a new phenomenon, it is quite new in Avon, but it has been occurring with increasing frequency way before Hurricane Katrina, you cannot blame it on that. It has happened in Burlington and other towns. It is a troubling trend, to go to a referendum, and the people think okay this is the amount, it undermines the taxpayers trust in the process because even though there will be tightly constructed excuses and rationals, taxpayers are weary of voting for something and then never knowing the ending.

Chairman Carlson reported again it will be very carefully delineated, and they also have the right to reject it if they want to. Mr. Shea reported it is inappropriate if we do not recognize that this community supported this project, prior to supporting the referendum amount, based on the criteria that was used and the work that had to be done, this has not substantially changed, the dollars have. What we cannot do is to have a mixed message here, as much as we all do not want to have another referendum, it is painful for everyone that is involved, especially the taxpayer, but it is important to recognize this community overwhelmingly supported this project, and the project has not changed. Mrs. Stahl reported this community overwhelmingly supported the project at a certain price. Mr. Woodford reported to get all of the specs and final plans, before referendum would cost a lot of money, when do you choose to go that route. Mrs. Stahl reported we took a chance, it cost us a lot of money. Chairman Carlson reported when it has worked out, and to his knowledge it has except but one, then he would say that the pattern is such that there it was a reasonable move to go ahead in the way that we did. Mr. Woodford reported on the next school we will do it differently.

05/06-23 Authorization for Approval – Lease Agreement; Avon Park South Sign

The Town Manager reported that is a timing issue with the DOT, you already essentially approved it, but we have to re-approve it with a new resolution, in the format that they want and have the date as of today's date. He reported, regarding the maintenance, he has been going back and forth with Ron Evans to make sure that he understands we are not mowing it, because the Town Council has given us guidelines, when we agreed to assist them that there would be no costs to the Town. Mr. Evans was informed he may have to find someone to mow it, and trim bushes, or whatever else they may have for landscaping.

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

RESOLVED: That the Town Council authorize the Town Manager to sign on behalf of the Town of Avon the Right of Entry Agreement with the State Department of Transportation, for installation of the new Avon Park South signage.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

05/06-42 Appointments: United CATV Advisory Council (2R)

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

RESOLVED: That the Town Council table the appointments to the September 7, 2006 meeting.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

05/06-54 Review and Discussion: Codification of Ordinances

The Town Attorney reported he has shortened his presentation but there are things that we need to discuss. A brief update--the project is on track for completion prior to the end of this year, we are actually looking to complete by the end of November but certainly by the end of the year. This involves taking the principal governmental documents involving the Town Charter, Ordinances, Town Council Policies, and many of the important regulations of your agencies, put them in a single volume, for ease of access, also put them all on the website in a searchable form, and also generate CD's so that people that need to take them with them can do so. These documents will be updated on a regular basis, by the Municipal Code Corporation, at a modest cost. The main thing he wants to talk about is the codification of the ordinances, we are using the phrase codification when we talk about this whole process, but codification really in a narrow sense only takes place with respect to the ordinances, because what Municipal Code is doing is to take your existing 73 Ordinances and reorganizes them by subject matter, creating a more logical way so that people can find them more easily and more effectively. During that process the experts at Municipal Code Corporation go through all of your ordinances and identify any inconsistencies, put them in the same format, so that they are using the same language, finding ordinances that are either obsolete or that are contrary to current State Law, making suggestions, and appropriate deletions or modifications. It is a very involved process, they have gone through it on a first go round, and he and the Town Clerk have participated in several lengthy conference calls with them, reviewing their draft changes. There are a number of ordinances that will be deleted, he will not go through those. He would like to focus on a couple of key factors that we need to give feedback to Municipal Code, so that they can present its final draft for our final review, and ultimately approval. He would mention that probably at the October or November meeting, we may be presenting you with the new Codification of the Ordinances, that will reflect many changes in the organization, deletion of some, modifications of others. The Town Council, after a public hearing, will be called upon to approve all of the ordinances in this new codification. So that at the end of that process, we will have a document which includes all of our new ordinances, that will be your code, that will have the effect of law. With respect to other items, like the Charter and the regulations of Planning & Zoning, etc., we will not modify those now, their Codification is really just a transposition of those documents without promoting changes other than typos and things like that into the CD and into your website. So we are not changing those documents except as to form, but we are changing the ordinances and creating a new base line code for the Town of Avon.

The Town Attorney reported there are a couple of questions he needs feedback on so that he can pass it on. Without going through all of the ordinances that we are proposing to delete as obsolete or inconsistent, but there are a couple. One is the hours of liquor sale, not an ordinance but State law describes very particularly what the hours would be permitted for liquor sales, Avon's ordinance tracks that, with one exception, Avon, if we eliminate our ordinance the only effect of the elimination would be that certain establishments would now be able to begin serving liquor starting at 11 a.m. on Sunday, rather than at noon Sunday. In your existing ordinance you list such institutions as golf clubs, hotels and restaurants, to begin serving liquor at 11 a.m. on Sunday, however you do not permit cafés, charitable organizations, special for sporting facilities, etc. to serve liquor until 12:00 noon. If you eliminate this the only effect would be you broaden this 11 a.m. start time to include all of those organizations. That seemed

like a rational decision to us, where possible we are eliminating ordinances that are adequately covered by State law, and that is one of our proposals to delete them.

The Town Attorney reported we have a separate littering ordinance, that ordinance essentially tracks state law, with two exceptions, one is our ordinance defines up to certain dollars, under state law we can now fine up to \$250, although we have to split that fine with the State, but not the up to \$100. If we just go on the State law basis, we will have to split the up to \$250, so that the Town gets another \$25, and the State gets \$125. The other change is that in Avon we have the presumption that if a piece of litter is thrown out of a vehicle, that the owner of the vehicle is presumed to have been responsible for the littering so therefore we go after that person. The State however does not have that presumption, if you eliminate our Town littering ordinance, you lose that. If you think that is important, you can leave the ordinance in place, if not, eliminate it. With the State there is no presumption. Mr. Shea reported he would like to increase it to \$250, and leave it in, continue to presume the owner, and split it with the state. Mr. Woodford questioned if we have stopped people that litter. The Town Manager reported occasionally, but we do not have any history on it. It was the consensus of the Town Council to raise the limit to \$250.

The Town Attorney reported there are more subsequent issues, fees and penalties, right now as you may know many of your ordinances provide for specific fees, we have found it to be somewhat of a nuisance over the years, when we want to modify those fees that we have to go through a full ordinance amendment process. It is our recommendation that we take the fees out of the ordinances, put them in as a Town Council Policy, which means you still have to adopt them, but you do not have to go through the process of amending ordinances. Mr. Carlson questioned would we have to adopt them on an annual basis. The Town Attorney reported no, you would only have to keep them up. The Town Manager reported so the Ordinance remains the control, but the amount will be our responsibility to change. The Town Attorney reported there are some parts in the Town that specify their own fees and that your Ordinances do not cover now, that would remain with those agencies or parties.

The Town Attorney reported the last question is with penalties, we talked with the Town Manager and Town Clerk about this at some length. Many of your ordinances have penalties specifically assigned to that ordinance, and they are always in a block from \$10, \$40, \$100. We talked about conforming all to a single penalty structure, and decided that might be too difficult for enforcement of an up to 20 different ordinances, and would be time consuming and not necessary, therefore what we suggest that we do. The other is that the State in the last few months has amended penalty statutes in general to permit towns to impose penalties up to \$250. What we propose to do is have a general penalty ordinance that would apply to all new ordinances, or that you could pick up from existing ordinances on a case by case basis, so to create this general penalty ordinance that would permit penalties up to \$250 per violation, in some cases per day, but we would not propose in this codification to change any of the existing penalties, other than the penalty for littering to increase that to \$250.

The Town Attorney reported other minor elements, there are two existing ordinances, that talk about specific streets or specific signage, the first one which is Ordinance #2, adopted in 1941, talks about closing a Mountain View Avenue, we are not suggesting that we eliminate that decision by the Town Council, be we are suggesting that because it is not a general applicability, we take it out of the ordinances and put it in the Town Council Policy, we want to maintain the public record which in this case shows that it was proposed and investigated. Ordinance #7A, which talks about the Town agreeing to maintain certain sidewalks, shoveling snow, etc., in general obviously that is a landowner's obligation, but the Town took on this specified obligation with respect to a few sidewalks because schools are in that area. Our proposal is to take that out of the Codification of Ordinances and put it under Town Council Policies. Town Council Policies we are treating as if they were regulations. The Town Council was in agreement.

The Town Attorney reported that is all he has, he will be coming in either October or November, and probably will need up to an hour to go through the entire codification document, then approve them. The Town Manager reported we have a special meeting usually the second or third Thursday in November to have the capital improvement presentations, and usually that is the only item on the agenda, it is relatively short, so we could have the Town Attorney come in at that same meeting. Chairman Carlson reported if the Town Attorney feels we need to do this in October, perhaps you could look at the October agenda items and slide some to November, and put this item on that agenda.

The Town Attorney reported in going over some of these, one of the interesting features he found is that under your open early ordinance, if someone burns without a permit the Town proposes to put that person in jail for up to three months. The Town Council was in agreement that the Town Attorney make the proposed changes.

VII. NEW BUSINESS

06/07-02 Adopt FY07/08 Budget Schedule

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

RESOLVED: That the Town Council adopt the FY07/08 Budget Calendar as follows:

ACTIVITY	LATEST DATE Per TOWN CHARTER	RECOMMENDED DATE
Capital Budget Forms Prepared & Sent to Depts.		August 04, 2006
Operating Budget Forms Prepared & Sent to Depts.		September 01, 2006
Completed Capital Budget Forms returned to Town Manager		October 06, 2006
Completed Operating Budget Forms returned to Town Manager	February 15, 2007	November 03, 2006
Town Manager's Proposed Operating and Capital Budget submitted to Town Council	March 01, 2007	January 19, 2007
Board of Education Budget to Town Council	February 15, 2007	February 15, 2007
Capital Improvement Program submitted To Planning & Zoning Commission For Sec. 8-24 Review		March 13, 2007
Budget Work by Town Council completed & Budget submitted to Board of Finance	April 01, 2007	March 21, 2007
Public Hearing on Budget held by Board of Finance not later than 3 weeks before May 1, 2006 Town Meeting	April 09, 2007	April 02, 2007
Board of Finance completes work on Budget Copy of Budget approved by Board of Finance Printed in Newspaper at least 5 days before Annual Town Meeting	May 01, 2007	April 16, 2007
Annual Town and Budget Meeting first Monday in May	May 07, 2007	April 18, 2007
First Referendum	May 21, 2007	May 07, 2007
Second Referendum	June 15, 2007	May 16, 2007
Third Referendum	July 06, 2007	June 06, 2007
		June 27, 2007

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

06/07-03 Review and Discussion: 2006 Avon Day: Len DelGallo

Mr. DelGallo, Avon Day Committee, reported he would like to update the Town Council by giving a progress report on what is going on. The Committee continues to work hard, we are now combined with Avon Volunteer Fire Department sponsoring this event. He has an updated report on the budget, we do not have all of the figures but as you look at the \$28,675 we have for a budgeted figure. Income to date is actually \$11,900, that does not conform to the same number that is on the budget report. When you come down we have budgets that amount to \$15,900, and it also talks about the number of booths that are committed to date, and we have work to do there, quite frankly that is pretty common because it increases the last couple of weeks before an event. There are a number of outstanding contributors which we will contact and the income there will be roughly \$5,300, then the expected income from inflatables is about \$5,000, as we have increased that amount and have increased from one day to two days so that should also bring income in. Last year we did not charge nonprofit booths, but this year we are taking 10% to defray the costs for the tents.

When you look down at the bottom line, we anticipate income from Avon Day's Flyer and other contributors of about \$2,000, which should get us to our expected \$29,000, which is very encouraging, hopefully making a profit of \$325. However there is a possibility, if we do not get the income we expect, we could have a shortfall of about \$5,000, which he would like to raise to you tonight. We are looking to the Town to make up that difference if it gets to that point. Or our last ditch effort would be to cancel the fireworks which would be a savings of \$10,000. This is the 25th Anniversary of Avon Day, started in 1982, started right on the Village Green. We have continued it through the years, he has been involved in it the last 9 years with UNICO. In fact we got so excited about last year because we had such a great time with the fireworks that we wanted to continue it again this year, and we also thought because we had the Volunteer Fire Department with us we would go from one day to two days. We are still very excited about the event however, we have to think about what we are going to do about Avon Day going forward. We find as a committee it is difficult for us to raise \$35,000 a year to make this plan go. Even though the budgeted amount looks like \$28,600, what we really need is about \$35,000 to run the event.

The other thing is the event is very taxing on the Public Works Department, the Fire Department and the Police Department because the man hours there come out of their budgets, and it just gets worse if we go to a two day event. So consideration has to be given maybe to having Avon Day be a line item in your budget, that line item would probably be at the cost of \$35,000. If we cutback to a one day event, that would save about \$12,000. The last thing is, as an option you could have the event go to selling corporate tents, the way Simsbury, Canton and West Hartford are doing. They actually sell their corporate tents for \$1,000 each, and the companies that are involved can sell their products. We have never done that, but it is a consideration as we go forward, as to what we want to do.

The appeal tonight is to consider these items, and then hopefully get reassurance that whatever shortfall we have will be picked up by the Town. Mr. Zacchio reported he supports the two days, but the flyer says Friday and Saturday, and the Friday is just a 3 hour grand opening. Has any analysis been done to see if that was scaled back, and not do Friday night, what the cost would be, then secondly what do you expect to do on Friday night to 9:30 p.m. Do you expect a large number of participants coming, with families from 6 p.m. to 9 p.m., what is the focus of that 6 to 9 p.m.? Mr. DelGallo reported initially we thought Friday night would be the Avon Volunteer Fire Department, and it will be because they are going to do bingo that night. You are also going to have an entertainment thing, story time for the children, and the nonprofit food booths, and the inflatables, so there is income and there is something to draw people there. Our interest was to have it for the sake of the Avon Fire Department. Again these are the things that are now taxing our Public Works Department, with another day of overtime, the tents get set up on Wednesday and Thursday. Friday night there is a lot of prep work, then the cleanup process. He is speaking for these departments who are pleading to him because this is taxing their budgets and we realize this as a committee. Mr. Shea reported you have given us this documentation that says \$29,000, how does it become a \$35,000 event. Mr. DelGallo reported the reason it becomes \$35,000 is if you take the

monies that we would have to give to the Public Works and Recreation Department and fund it fully. A member of the Committee reported for our fundraising activities, having fireworks seems to be what people want to have again this year.

The Fire Chief reported he has attended some of the Committee's fund raising activities that were held at the firehouse, they are attended by many people, but businesses are not donating like they have in the past. Again the fireworks is a big thing everybody was so enthusiastic because of the fireworks last year, and we looked at it like an extension of the carnival in the past to raise more funds. Mrs. Hornaday reported she wants to be very supportive of what you are doing, as in the past we have always been supportive of people who come forward, and when something is really good, you do not want to overdo. With regard to the fireworks, this Council wants to be very careful and very specific, make it very clear that we all understand what we are committed to on our part and on the part of the group doing it so that there is no question when we come to the end of what we had in mind in terms of financial support.

The Town Manager reported we are estimating that the overtime just for the Public Works Department which does not include Police, is probably going to approach \$13,000, that we do not have in the budget. If we have this repetitively it will not only be impacting the budget to make up the deficit in the services, we are going to start talking about increases to some of our line items for overtime. The Public Works Department, for instance, provide a lot of the erection and take down and maintenance during the days, we are talking a gross cost here of \$45,000 to \$50,000. Chairman Carlson reported before we get into Avon Day, we are going to have to start having planning meetings with UNICO, the Fire Department, Town Employees, and a Manager to try and figure out this one day to three days, what will the committee need for a budget and then come back and tell us, so that we are not in a situation August 6th, having to allocate money. Although you have been planning for this over a year, we are coming in on the back end, employees are part of us, underwriting up to \$5,000 might be a way for this year's program to succeed.

Mr. Shea reported while we want to help with activities, how do we struggle with the number of people in Avon, who do not have fuel, who struggle to find a place to live, how do we justify this. We need to look at this with totality, what if that amount grows, or continues to grow. Our discussions have been about a one day event, and now it is two, perhaps three. Mr. Zacchio reported he does support the \$5,000 although not more, and he would not want to invite corporate sponsors to be involved at this point.

Mr. Woodford questioned whether we are clear on what we are saying here about the money, if you have a shortfall, are we willing to make that up to \$5,000. Mr. Del Gallo reported yes. Mr. Carlson reported if there is a \$10,000 shortfall we are not underwriting that. Chairman Carlson questioned if they are prepared to make a call as to whether it is two days, if donations do not come in as expected. Mr. Del Gallo reported we have every confidence that the income will come in to meet our budget goal of \$28,000, the only danger he can see is that we have roughly \$15,000 committed, he cannot see us short income wise, where we are going to go beyond the \$5,000. What happens if we go beyond the \$5,000 he does not know. Mr. Shea requested the Committee give the Town Council a report at the September meeting. Mr. Woodford reported if somebody could get some publicity to get some donation forms into the hands of the general public. He was at the fireworks and at least 15 people approached him that wanted to donate to the event that night. He does not believe the Town of Avon knows that right now. Mr. Del Gallo reported when this flyer goes out, it will go to every student in Town in September. Mr. Woodford reported you should make it geared more towards the fireworks, you would be much more effective in that people want to donate to it. Mr. Del Gallo reported they will work on these, and furnish a report for the September meeting.

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

RESOLVED: That the Town Council agrees to underwrite a deficit not to exceed \$5,000 for the Avon Day Celebration in 2006 and not commit to any shortfall in excess of \$5,000.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

06/07-04 Award Contract: Recreation Master Plan: Weston and Sampson Engineers, Inc. \$25,000

Recreation and Parks Committee Chairman Robert Meyers and member Peggy Roell briefed the Town Council on the master plan. Mr. Meyers reported a memo from the Recreation Director is in the packet, recommending that the Town Manager be authorized to enter into a contract with the consultant Weston & Sampson Engineers, Inc., represented here tonight, chosen by the Recreation Committee to finish production of the Master Plan.

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

RESOLVED: That the Town Council approve and authorize the Town Manager to sign, contingent upon Town Attorney review and approval, a Contract with Weston & Sampson Engineers, Inc. to finish production of the Recreation Master Plan, in amount not to exceed \$25,000, as recommended by the Parks and Recreation Committee.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

06/07-05 Approve Grant Application: Homeland Security/FEMA; \$10,987

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

RESOLVED: That the Town Council approve and authorize the Town Manager to sign on behalf of the Town of Avon the FEMA Grant Application for additional funding in amount \$10,987 to help support the additional costs for Homeland Security activities.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

06/07-06 Review and Discussion: 2007 Legislative Program

The Town Manager reported if there are no new items to add to those discussed for the Legislative Program last year, he will submit them again.

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

RESOLVED: That the Town Council authorize the Town Manager to submit the list of items from last year's submission to COST, CCM and CRCOG for the 2007 Legislative Program.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

06/07-07 Approve Tax Refund: \$29,170.91 (Court Stipulated 2003 Revaluation Settlement-Avon Health Center)

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

RESOLVED: That the Town Council approve a tax refund in amount \$29,170.91 to Avon Health Center, as recommended by the Collector of Revenue.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

06/07-08 Request for Supplemental Appropriation: Board of Education: \$156,962.

Board of Education Chairman Roell reported as shown on the chart, approximately \$60,000 of BOE operating budget funds have been used to pay for emergency repairs due to these unexpected events. An additional \$122,000 to \$157,000 is needed to complete the other items. She reported that the following should be done as soon as possible:

Avon High School: Boiler #2 Leak	\$12,296 - \$24,315
Avon Middle School: Hot water tank replacement	\$31,805 - \$34,700
Roaring Brook School: Underground fuel tank removal	\$25,500 - \$27,500
Thompson Brook School: Compressor Failure on Chiller unit	\$ 9,839 - \$27,947

The Board of Education does not have monies to complete these projects. On a going forward basis we could put in some kind of line item, but now the four listed are of immediate urgency. The amount is not quantifiable at this time because of the environmental cleanup, and any remediations that are necessary will not be known until the tank is removed.

Board of Education Finance Director Franzl reported we have three proposals on each of these items, we are getting closer to finishing the process. This claim has also been submitted to our insurance carrier, and we have not heard whether or not there will be reimbursement, as part of their submission the Board of Education stated any reimbursements will come back to the Town..

Mr. Woodford questioned if we have an underground tank. The Town Manager reported yes, at RBS, but it is on a concrete pad, it is not buried, it is sitting recessed on a slab.

Chairman Carlson reported his question is why do we want to appropriate general funds balances now, instead of waiting until we see if we do get it back, and if you do not then ask for it, or is it because you wanted to do it in one shot. Education Finance Director Franzl reported what typically happens is that the insurance companies will come in and do inspections, make an estimate of value for reimbursement, and then we would authorize the Board of Education to go out for purchase orders for actuals on them. Chairman Carlson reported some of these have been submitted for claims, some approved and some pending, ones approved you are waiting for funds, but we are going to move funds out of undesignated fund balances then put them back. The Town Manager reported that is correct at the end of the year, they become excess revenues, revenues we have not budgeted for.

Director Franzl reported the other suggested funding on this, there was some residual funds of approximately \$6,794 from the Roaring Brook School Roof Replacement, to partially offset this, also \$40,000 is available from rental Fees, and our suggestion was to tap that \$40,000 plus the \$6,700 to offset maintenance expenditures, so the net amount we are actually looking for is approximately \$110,000. The Town Manager reported what he is saying is that \$110,000 is coming out of surplus, or general fund undesignated fund balance, the balance of it is coming from other fund balances, different funds. Mr. Zacchio questioned whether this has been done in the past, he does not recall on the Board of Finance in years ever doing this. Finance Director Franzl reported we found during the year we had less opportunities educationally, and maintenance wise, to cover expenditures of this type. These are such large expenditures that you cannot pay out of the operating budget, you would not have enough. Mr. Zacchio reported in the past you would have robbed Peter to Paul out of different line item budgets, and something else in your budget suffered. Mr. Franzl further reported these are safety issues, fire alarm panels or what have you. Chairman Roell reported the point is we did it for \$60,000 which is probably consistent with what has happened in other years, then we were on a budget freeze for three or four months, that is a lot of expenses. Mr. Zacchio reported it was tighter than normal, he would rather do it this way, than try to budget for it. Mr. Shea reported the Board of Finance did say to come to them if there was a problem. The Town Manager reported the Board of Education will be coming back to us with a request for additional funds needed to complete project in amount \$156,962 which is the total, there is also a supplemental appropriation process here, supplemental appropriations from any board, agency or commission have to go to the Town Council to be reviewed, then the Town Council recommends them to the Board of Finance. Mr. Shea questioned even with the Board of Education on an operational side. The Town Manager reported not with the Board of Education on an operation side, but these all qualify, or most of them qualify as capital projects. The money is being asked for out of the Town surplus which is separate from the Board of Education's budget. To get that money out of there and get it appropriated to either the capital budget or the Board of Education budget, it has to flow through the Town Council to the Board of Finance. That is not in their operating budget at all, what we are doing is taking the money out of those three accounts, and now appropriating it to the Capital Budget, they will administer these

projects, there will be an accounting at the end, if they do not spend all of the \$156,962, the balance that is unspent lapses back into the Town's General Fund Undesignated Balance, or other accounts.

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$21,153.50 from general Fund, Other Financing Sources, Undesignated Fund Balance Account 01-0390-43913, and transfer out from General Fund, Other Financing Uses, Interfund Transfers Out Account #01-8700-5800 to Capital Projects Fund (Facil & Equip), Other Financing Sources, Interfund Operating Transfers-In Account #02-0390-43918 in the amount of \$21,153.50 for the purpose of replacement of TBS Compressor due to mechanical failure. Transfer from Capital Projects Fund (Facil & Equip), B O E CIP-Facilities, RBS Roof Replacement Account #02-4859-53325 in the amount of \$6,793.50, for a combined total of \$27,947.

To

Capital Projects Fund (Facil & Equip), B O E CIP-Facilities, TBS Compressor Failure Chiller Unit Account # 02-4859-5311, for the purpose of replacement of TBS Compressor due to mechanical failure.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$8,000 from General Fund, Other Financing Sources, Undesignated Fund Balance, Account #01-0390-43913, and transfer from General Fund, Other Financing Uses, Interfund Transfers-Out, Account #01-8700-58000, and an appropriation not to exceed \$40,000 from Use of School Facilities Fund, Other Financing Sources, Undesignated Fund Balance, Account #15-0390-43913, in the amount \$40,000 and transfer out from Use of School Facilities Fund, Other Financing Uses, Interfund Transfer Out, Account #15-8700-58000 to Capital Projects Fund (Facil & Equip), B O E CIP-Facilities, TBS Underground Fuel Tank Pad repair, Account #02-4859-53112 in the Amount of \$48,000, and transfer into Capital Projects Fund (Facil&Equip), Other Financing Sources, Interfund Operating Transfers In, Account #02-0390-43918 for the purpose of funding repairs to Thompson Brook School's fuel oil storage tank.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

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

RESOLVED: That the Town Council favorably recommends to the Board of Finance an appropriation not to exceed \$81,015 from General Fund, Other Financing Sources, Undesignated Fund Balance Account #01-0390-53100, and transfer from General Fund, Other Financing Uses, Interfund Transfers-Out Account #01-8700-58000 to Capital Projects Fund (Facil & Equip), Other Financing Sources, Interfund Operating Transfers In, Account #02-4859-43918 and to

Capital Projects Fund (Facil & Equip), BOE CIP-Facilities,		
AHS Boiler #2 Leak	Account #02-4859-53100	\$ 24,315
Capital Projects Fund (Facil&Equip), BOE CIP-Facilities		
AMS Hot Water Tank Replacement	Account #02-4859-53101	\$ 29,200
and Capital Projects Fund (Facil&Equip), BOE CIP-Facilities		
RBS Underground Fuel Tank Removal	Account #02-4859-53103	\$ 27,500
	TOTAL	\$81,015

for the purpose of funding the aforementioned unplanned Board of Education capital expenditures.

Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio, voted in favor.

06/07-09 Supplemental appropriation: Town Aid Road Grant \$15,285.

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

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY06/07 Budget by increasing:

REVENUES

Town Road Aid Fund, Intergovernmental, Town Aid-Public Works Department, Account #08-0330-43353 in the amount of \$15,285, and increasing

APPROPRIATIONS

Town Road Aid Fund, Snow and Ice Removal, Materials-Other, Account #08-3103-52239, in the amount of \$15,285, 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 Carlson, Shea, Woodford and Zacchio voted in favor.

06/07-10 Request for Waiver of Purchasing Policy: Emergency Vehicle Lighting; Alex Trujillo

The Town Manager reported a memo from the Public Works Department on Emergency Lighting and specifically Machinery Superintendent Trujillo is here to go into it in more detail. He is recommending that we go with a Whelen product. The Machinery Superintendent reported essentially everything that we have right now that requires emergency lighting has been provided by Whelen. In order to standardize the equipment that we have, it is good to stay that way, because then we will not incur additional costs with having to learn new systems, stock more supplies, and the procurement of the items will take longer periods of time. Whelen is a Connecticut company, with a long history in emergency lighting. We can bring a Police vehicle down to Chester, CT where they are located, and if it had say a circuit panel that was bad, they will take that circuit panel out, while he is waiting with the car, walk across their parking lot, fix it or replace it, put it back in the car, and that car is back in Avon within a matter of hours. You will not find that with the other companies on the market. After 911, a lot of people are getting into the emergency type, homeland security, police, fire equipment, and everybody is trying to create something that already exists, and to get into the market they are coming in just at rock bottom pricing. When you call them they say you cannot get parts or service, you cannot get technical help. We should have no problem with Whelen as far as bidding because they are already on state contracts, the State of Connecticut does their research and that is all they use for State Police vehicles. There is a current contract out right now which he believes is 38% or 40% off list, from a company called NHQ which is a distributor of Whelen, the largest distributor in New England in fact holds that State contract, and they have a satellite office here in West Hartford.

The Superintendent reported by standardizing and saying that he only wants to spec out Whelen, does not limit competition because there are distributors and retailers that if he wanted a Peter Built truck, and he spec'd out exclusively Whelen as one of the bidders, whether Peter Built, International or whoever, he could go to multiple Whelen retailers and there still would be competition. That is why he is asking for this waiver, not so much on the everyday thing, because that is covered under State contract, and most likely will always be covered under State Contract unless the State of CT decides to change their outlook. He is more concerned about vehicles that he purchases, like dump trucks, pickup trucks, and he puts it out to bid as a package, he does not want Ford or Peter Built or whoever comes through the door to try to come in with their equipment. Whoever is going to bid on whatever piece of equipment bid just that Whelen part, they can go through whoever they want to get their equipment, which they probably will canvas, to see who gives them the best price but that is their business.

Mr. Woodford reported you have explained it, he does not particularly like it, who says Whelen is going to be the best forever? Superintendent Trujillo reported Whelen is actually the pioneer in this field, everybody is trying to copy Whelen, and he agrees somebody could come along with something better,

but until that day comes along it is a proven product. Mr. Woodford reported he does not like that. The Superintendent reported there is a benefit from doing this, his past experience they did everything as equal but at times they found that they ended up with products that maybe on the surface were equal but looking at the longevity of the product it really was not equal, so where you might have saved a few dollars, in the long run it cost them more money. That is why we are very sensitive as to what items you can put out there and say, and/or equal.

Chairman Carlson reported you equal clause does not include serviceability of it, location of work where it can be serviced or that type of thing. Superintendent Trujillo reported in the bigger picture, if he were buying a truck, this is such a small component of that truck, that portion of it would not come into play. When it would come into play would be the location of a vendor. He would be looking at the bigger picture there, when we do the rating for the bid, it is either you need or do not need it. On a little truck it would be spending \$20,000 but on a big truck you might be looking at one, for \$140,000. You should not allow with such a big purchase item like this, that it is not in the Town's best interest, avoid things such as lighting. But when you come to an emergency scene, where each has a different manufacture vehicle, the policeman cannot just reach in and turn something off because he is not familiar with the system. Currently with Whelen, that Police Officer knows how to turn on the lights or siren or whatever, on a fire truck and even on our Public Works trucks.

The Town Manager reported another way of differentiating it, and he said no at first and told Alex he had to come to explain it. The other way to do it would be that the spec would have service available that we can take the vehicle to and get it replaced, we used to have to do all of our own wiring on this, they would have to spend days rewiring them, not that they did not do the best they could with the jobs, and previously you were not dealing with this computerized system as you are now. So we could go ahead and specify that we want a service support system in place, and that would eliminate all of the other vendors. He knows how sensitive the Town Council is to creating a spec that eliminates other vendors, you want competition, so you want to make it a generic spec, but it is important to us not to have our mechanics installing all of these systems. We can replace bulbs and stuff like that but if it gets down into harnesses and the computer interfacing with them, that then begins to get beyond our capability of servicing.

Mr. Zacchio reported it has a lot of peripheral advantages certainly, the centralization thing makes perfect sense, but how do we assure we are getting the best pricing on that. If we are not going out for any kind of competitive bid, what keeps Whelen from going up in price? How do we monitor their pricing policy? He knows the right part has its advantage, but if it is Whelen the more towns he can get to go with his product, and it is a good product and well proven throughout the State that it is probably a top notch product, but how do we keep them competitive and keep them fair in the pricing game, that is more his concern than anything else. Superintendent Trujillo reported he must say to the best of his knowledge out of the 169 communities in the State, roughly speaking about a dozen to a dozen and a half do not use Whelen products. He reported you are right, if they know they have the market cornered, they can handle the price. He speculates that they realize that sooner or later they will price themselves out of the market, and people will say they do not mind training staff to use other products.

The Town Manager reported for instance on the police vehicle the lighting systems run, depending upon the configuration and so forth, \$6,000 to \$7,000 per vehicle, we can get ten years or so out of the light bars, sometimes you have to go in and replace the strobe systems, because the intensity of the flashing decline over a period of time. What you have is that we are probably talking on average \$10,000 to \$15,000 for new systems a year. So we are not talking major dollars here, maybe over a ten year period you are spending \$100,000 to \$150,000 on the emergency lighting for the whole Town. The Superintendent reported when we own the vehicle, we are always utilizing established contractors, his concern is when you are buying a vehicle that is already outfitted, for example, again whether a pick up

truck or a dump truck, you cannot outfit them sometimes afterwards, some of these lights are installed directly into the dump body at point of manufacture, before everything is buckled on and sealed. With the strobe lights, today the technology is all LED, it is a lot brighter, more efficient on the electrical system of the vehicles, and are actually carrying five year warranties. Those new light bars, short of a new technology coming out, they will last even longer than what we have experienced.

Mr. Shea reported in all of the time that he sat here, and he is guessing you are right, but he is not going to be able to support the request for a waiver. For the sake of discussion, you do not get the waiver, what happens, he cannot support it because it is hard compatibility wise, with the procedures and practices of the Town, and this could change within six months to a year, for us to give you this kind and you are an expert and you know what you are talking about, but he is uncomfortable with us identifying just one. Tell us what you would do in six months, if you do not get the waiver, what is going to happen. The Superintendent reported on a worse case scenario, any piece of equipment that we put out to bid that is not on type specific basis, and he has to spec out emergency lighting, the issue will be that we get an inferior lighting system, inferior service, more down time for the Town, not only for the vehicle but also in labor, at an added cost. Mr. Shea reported he is of the opinion that the police officers, the firemen and the other town employees, will be able to adapt, he believes they will be able to turn the lights on and off. He further stated if you are not granted this waiver, is it fair to say you could back in six months to a year with some documented data. The Superintendent reported the operability part he agrees with, anyone after a few seconds can power up the lighting, can read and figure out which button is which, the downside is if he had a police car that goes down because of a control category, light or whatever, he cannot take something off his shelf or off an existing vehicle and make it work until he has time to repair those things. His worse case scenario is fire apparatus or our Public Works dump trucks that are working in the middle of the night, now he can do mutual aid, whether it be with West Hartford, Hartford, most likely Farmington, Simsbury, Granby. Mr. Shea reported he gives Mr. Trujillo a lot of credit for challenging the system, and questioning the system, and trying to make creative changes. He personally will say no. For whatever reason, if you do not get it, he hopes you will come back again in six to twelve months to say "here are some of the experiences I have had".

The Town Manager reported the immediacy of this thing, is that we are getting ready to go ahead and order the police cruisers. Mr. Zacchio reported he sat here and it seems to be saying that more than anything else it is the serviceability of it, the parts, so therefore in your bid documents Whelen or equivalent, and the service would be equivalent. The Superintendent reported measurements to the millimeter. Mr. Woodford reported that is right, and we do not want that happening. Mr. Zacchio reported from an efficiency standpoint, you cannot help but agree, your plight is a good one, you want the same kinds of products on your cars and trucks, you want to have the service locally, you want to have just one set of spare parts not ten, then from a fairness standpoint it does not seem fair to do, it is hard to argue.

The Town Manager reported he is not from an administrative standpoint interested in getting back into the light bar business, where we are having to install them and do the harnesses and everything else. What we are basically saying, potentially here is that if we get another bidder that comes in, in terms of the hardware, we are going to have to probably, it may be factory installed initially so that we do not have to worry about it, but if we have to replace it or something else, you run into the problem. Mr. Shea reported with this process, it is not unusual for the Town Manager or the Department Head to not recommend the low bidder, for whatever reasons, so that process allows us not to choose. Mr. Shea reported his point is just, you are going to all of a sudden end up with just one, just dealing with certain people, how about the police cars, just use Fords or something. He would rather take our time with making a decision on the waiver.

Chairman Carlson reported he is with Mr. Shea, at this point he does not think he can support it, he does understand what they are trying to accomplish, but because of the fact that once we start this, it will open

Pandora's box. If you come back to us in six months, a year, or sixteen months and you say 'I got a big problem because you did not do this. Chairman Carlson stated 'I guarantee that I for one will sit here and listen hard and be willing to change it, because of the uniqueness of this situation, but at this juncture he cannot support it. Mr. Zacchio reported, as Mr. Shea said, we do have a safety valve for this, you do not necessarily have to recommend the lowest bidder, for a good reason, then we can make that decision. Mr. Woodford reported what worries him, we start with the Whelen lights, and then two years from now you are in here saying, that we have to buy a Ford truck with a Cummings engine, etc. and nobody else is equal, and he does not want to see that happen.

Mrs. Hornaday reported she definitely understands the idea of the service, and the fact that the time that is saved is a financial savings to the Town, when you do that. The fear is always the designated vendor, and we have always avoided that. Her sense is that when you put in a spec, that you want this product or equal to, anybody that comes in with this product as far as she is concerned is a little up. She does not want to hear, or equal, if somebody has offered the product that you specified. She is very content to say, if you put out specs that have this in it, or equal, and somebody says that 'we will put in the Whelen' even if it is a little bit more, that is really first choice. When you say it is this or equal, and you can say that these folks are offering our first choice. She does understand what you said, and the efficiency is worth a great deal to several in your position, there is no question about that. But she certainly agrees with what other members have said that the designated vendor is something that we do try to avoid.

It was the consensus of the Town Council not to approve the waiver proposed by the Department of Public Works.

VIII. TOWN MANAGER'S REPORT/MISCELLANEOUS

The Town Manager reported you received in the folders information on the tax freeze that was passed. Mr. Ralph Economu was right on the button, and brought in a letter today, and he will be pushing that. Briefly, it is for people over 70 that meet certain income guidelines and the Town can put a lien on it. We already have the other tax program, and he talked with Mr. Economu on that, then talked with the Assessor and requested he do research and work. The Assessor is opposed to implementing this one, because it is essentially a long term process, this program was discontinued in 1979. But in some other communities there are people that are still living who are under the 1979 Act, that are still having to be processed through the Assessor's Office. Our Assessor is not in favor of it, from an administrative standpoint, feels it is a duplication of what we already have, and that people should be basically looking at what we already have. But we may get considerable pressure to do something. In the past we usually up the limits or review it anyway what we have in place in odd numbered years, and generally have done it in the Spring so that it impacts the taxes that would go into effect the next July 1st. He can put it on the Agenda for review and discussion at some point. Mr. Shea questioned what is the basic benefit of it. The Town Manager reported it freezes your property tax at a particular level, whatever it might be that particular year, forever going forward as long as you qualify, but you have to be age 70 and meet these income data. Going back a little earlier with regard to budgets, what is happening with these things is that there is such pressure to support the spending, and the spending pressure there, and we have an aging population more and more on a fixed income, and the way the steam gets let out of the kettle is through these tax programs. The older people on lower incomes are given tax breaks, and they are willing to accept those, and then the burden, and right now with our existing program we have about \$160,000 burden that has been switched from people that are eligible under our program to those that are not eligible. We all pick up a little of that \$160,000, this is just going to add more of switching the tax burden based upon ability to pay property taxes. Mr. Woodford questioned whether you have to lien the property. The Town Manager reported no you do not have to, it is an option. Mr. Shea questioned how many municipalities our size, like us, Hartford suburban municipalities, have more than one tax relief program for senior citizens. The Town Manager reported he does not know, that is some of the questions he will

be asking about, this just went into effect you could not do this before. Mr. Woodford reported he does not think we should just dismiss this, he would like to hear a little more, how many people would be eligible, what is the impact.

The Town Manager reported we have the third highest median age in the region, we also trying to keep people in their homes, so that we do not see an increase in children from the rollover, just some of the economics of this. Chairman Carlson reported we should have the Assessor do some research on this. Mr. Woodford questioned what basically is the income guideline. The Town Manager reported it is \$27,000 for a single person, \$39,000 for a couple. Chairman Carlson reported he would the Assessor to come in with a comparison contrast to our program. The Town Manager reported we will work to get a lot of the background information, then have the Assessor come in for a review and discussion on it. Mr. Woodford reported we want to help seniors that need help. Mrs. Hornaday reported that is the problem everywhere, in all of our communities they have houses that are worth a whole lot of money but they still do not have much more income. Mr. Shea reported yes, they are cash poor, and some are using those reverse mortgage options, a very bad deal for them.

The Town Manager reported we may have a need to change our regular meeting night to Tuesday the 5th, or Wednesday the 6th, because we will be scheduling a Town Meeting for Sept 7th. It was the consensus of the Town Council to change the next Town Council meeting from Thursday the 7th to Tuesday the 5th.

The Town Manager reported the Fire Department returned money from their budget again this year in the amount of \$17,000.

IX. EXECUTIVE SESSION/MISCELLANEOUS – None

X. ADJOURNMENT

The Town Council Meeting was adjourned at 10:50 p.m.

ATTEST

**Caroline B. LaMonica
Town Clerk**