

**AVON TOWN COUNCIL  
MEETING MINUTES  
FEBRUARY 1, 2007**

**I. CALL TO ORDER**

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

**II. PUBLIC HEARINGS: 7:30 P.M.**

**05/06-54 Codification of Ordinances (Revise/Modify all Town Ordinances)**

The Public Hearing was called to order at 7:30 p.m. The Clerk recommended, the Council agreed, to waiving the reading of the public hearing notices as multiple copies are available.

The public hearing notice reads as follows:

“TOWN OF AVON  
LEGAL NOTICE  
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, February 1, 2007 at 7:30 p.m. at the Town Hall, Selectmen's Chamber, 60 West Main Street, to consider codification of Town Ordinances.

A summary of the Proposed Codification of Town Ordinances is as follows:

The Town Council proposes to codify the existing ordinances of the Town of Avon. Codification involves the reorganization and integration of the ordinances into a single Code of Ordinances, which, upon its adoption by the Town Council, shall supersede and replace, as of its effective date, all existing ordinances of the Town.

The proposed Code of Ordinances deletes obsolete ordinances, modifies others to reflect changes in Connecticut law, and reorganizes the ordinances by subject matter. Efforts have been made to correct errors and use consistent language throughout the Code.

The proposed Code adds a new Chapter 1, which contains general provisions that are applicable to the entire Code. These provisions include definitions, rules of construction and a provision governing violations and penalties that is applicable to violations that are not separately addressed elsewhere in the Code.

In many cases, provisions in existing Ordinances that impose fees with respect to certain activities have been deleted and will now be included in Town Council Policies or other regulations adopted by the appropriate Town body.

The proposed Code of Ordinances includes a separate Chapter 51 that addresses solid waste. The new chapter substantially rewrites existing Ordinances 59, 63, 64 and 65, and makes both substantive and non-substantive changes.

This document is prepared for the benefit of the public, solely for purposes of information, summarization and explanation. This document does not represent the intent of the legislative body of the Town of Avon for any purpose.

A copy of the proposed Code of Ordinances, which has been marked to indicate changes from the existing ordinances of the Town, is available for public inspection at the office of the Town Clerk, 60 West Main Street, Avon, Connecticut 06001. Upon request, the Town Clerk will mail a copy of the proposed Code of Ordinances to any person requesting a copy at no charge to that person.

Dated at Avon, Connecticut this 19<sup>th</sup> day of January, 2007.

Philip K. Schenck, Jr.  
Town Manager”

Chairman Carlson reported this is the Codification of Ordinances, that we have revised and modified all of our Town ordinances, which has been a multi-year project, led by our Town Clerk Caroline LaMonica with the assistance of Dwight Johnson our Town Attorney. The Town Attorney reported the codification

involves three parts, the first part is taking them and reprinting it as is without anyone trying to change this. The second part, which is the part that is being noticed here tonight for a hearing, involves taking the numbered ordinances that the Town has, and reorganizing those ordinances in a way that is logical and by subject matter. This part of the ordinances will include a table of contents and an index, so that it will be much easier to find materials in them. As part of the codification, we will have these documents, not only in hard copy but also on the website in a form which will be very easy for the public and town members to search. The third piece is regulations, primarily land use regulations, Planning & Zoning, and Inland Wetlands. In those cases again we are simply taking the documentation and reprinting it in a slightly different form, but we are not reorganizing it as we are the ordinances themselves. The other thing he would add is that in connection with codifying the ordinances, we have deleted obsolete ordinances, we have tried to make the language of the various ordinances consistent among themselves, and we have modified ordinances in some respects to reflect changes in the law. In general it is fair to say the ordinances have not been substantially changed, but they have been made current and easier to use. The only exception he would add to this is that as the Town Council met, we did substantially rewrite the ordinances regarding solid waste, because the ordinances in solid waste had been done at various times over the years, and were inconsistent within themselves and in some cases the did not reflect the law.

Mr. Zacchio questioned how frequently this re-codification is done. The Clerk reported we have never done it. The Town Attorney reported he would say we are, among towns our size, the last to have done it. He would suggest we would probably update them, which is not a very expensive process, to make changes to it both in the hard copy and on the web, perhaps semi-annually. Some of the regulations, for instance Planning & Zoning, because they change fairly often, we may update those substantially more frequently, the updates are generally charged by the page, not that expensive and we can update portions of it, and not all. The Clerk reported our town probably had the least amount of ordinances, we only had about 72 or so. The Town Manager reported we have gone through them several times in the past, and had the Town Attorney, at least in his tenure, review all of the ordinances. We had some omnibus changes, but we never codified them really, as we have done this time. The other thing he wanted to mention is that many of the ordinances have regulations attached and we are having those redone, and those will be coming in at the March meeting, the Town Attorney is working on those. The Town Attorney reported he would add there is some information in existing ordinances which we included, but upon review by Clerk LaMonica and the Town Manager, they could easily come out of the ordinances and go into regulations, for instance the number of fees that were in the ordinances are now being regulations. He and Clerk LaMonica are working together to time the effective date of the codification, so that it occurs at about the same time as the new regulations go into effect.

Chairman Carlson called for public comment.

David Goldsholl, 57 Old Kings Road, reported he questions in terms of any financial impact these changes pro or con will have on taxpayers.

Chairman Carlson reported in most cases the financial impact to these ordinances has been measured at the time that they were originally passed, and implemented by the Town. He does not believe as a result of this set of revisions, there is any financial impact beyond that which was originally measured.

The Town Attorney reported there could be a very small financial impact with respect to some of the penalties, the legislature this past year modified the penalty statutes that are applicable to municipalities, and as part of this codification we have taken advantage of that modification. So it would permit the Town in certain cases to charge higher penalties per violation according to the ordinance, that would be the change here, it is not contrary that it would have any significant impact.

Mr. Goldsholl reported it refers to the list of changes. The Town Attorney reported there is a copy in the Town Clerk's office that shows all of the changes that are proposed to be adopted at this public hearing.

The public hearing was closed at 7:45 p.m.

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

**RESOLVED:** That the Town Council adopt the Codification of Town Ordinances as proposed. Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

**06/07-44 Retirement Plan Update (Amend Ordinance #69)**

The public hearing was called to order at 7:45 p.m. The public hearing notice reads as follows:

“TOWN OF AVON  
LEGAL NOTICE  
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, February 1, 2007 at 7:30 p.m. at the Town Hall, Selectmen’s Chamber, 60 West Main Street, to consider the following:

To consider and permit all interested persons to speak on the plan of the Town Council to amend the Retirement Plan for Police Officers, Non-Organized Employees, Public Works Employees and Dispatchers of the Town of Avon. Also, amend language incorporated in the Agreement between the Town of Avon and Local 1303-096 AFSCME concerning retirement incentives for defined benefit plan members.

A copy of the proposed amendments is on file in the Avon Town Clerk’s Office and open to inspection during normal office hours.

Dated at Avon, Connecticut this 18<sup>th</sup> day of January, 2007.

Philip K. Schenck, Jr.  
Town Manager”

The Human Resources Director, William Vernile, in December 2003, with advice of Town Council, the Town adopted Ordinance 69 which adopted our Pension and Retirement Plan that had been in place. Subsequent to that, through negotiations, there have been amendments to the plan, also the Town Council has authorized changes to the plan for non-organized employees, and there have been some administrative changes we have adopted to make the plan more smooth to operate. Based on the Town Attorney’s recommendation, we did not come back and adopt an ordinance for each one of the changes as they occurred, we waited until we had a significant number of changes to adopt them collectively. Therefore, as these changes occurred during negotiations, we would forward them to the Actuaries, they actually would prepare the amendments as they did occur, until we could formally adopt those. If the Council formally adopts them, the Town Manager would be authorized to sign off on the amendments and they become an official part of the plan. The Town Manager reported as you know, we closed our Defined Benefit Plan back in December of 1996, and we have about 40% of our employees that are still in that plan, a number of these changes relate primarily to that plan, they do not relate to the Defined Contribution Plan. There are a few in here that are IRS Administrative, that reflect changes in the Defined Contribution Plan but most of these are a result of negotiations with the few remaining Police and Public Works bargaining unit members that we negotiated over the last three years or so.

Chairman Carlson called for public comment on changes to Ordinance 69. There being none, the public hearing was closed at 7:48 p.m.

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

**RESOLVED:** That the Town Council accept and approve amendments to the Retirement Plan for Police Officers, Non-Organized Employees, Public Works Employees and Dispatchers of the Town of Avon, also amend language incorporated in the Agreement between the Town of

Avon and Local 1303-096 AFSCME concerning retirement incentives for defined benefit plan members, as presented and recommend by the Human Resources Director.

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

**06/07-46 Revision to Drainage Easement**

The public hearing was called to order at 7:48 p.m. The public hearing notice reads as follows:

“TOWN OF AVON  
LEGAL NOTICE

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Town Council of the Town of Avon will hold a Public Hearing on Thursday, February 1, 2007 at 7:30 p.m. at the Town Hall, Selectmen=s Chamber, 60 West Main Street, to consider the following:

To consider and permit all interested persons to speak on the plan of the Town Council to amend the Drainage Easement Improvements with Discharge and Ponding Rights as shown on a map entitled AEasement Map@ Far Hills of Avon Firepond Easement To Be conveyed to the Town of Avon Vermillion Drive, Avon, Connecticut Revised November 29, 2006.

Copy of said map is on file in the Avon Town Clerk=s Office and open to inspection during normal office hours.

Dated at Avon, Connecticut this 23<sup>rd</sup> day of January, 2006.

Philip K. Schenck, Jr.  
Town Manager”

The Town Manager reported basically this involves a revised easement, the Town retains the ownership of the property, this is simply a revised easement that has been requested as a modification due to drainage. Avonridge Inc. is the subdivision/developer on the issue. Our Engineering Department has reviewed this and is recommending that it be approved. The pond that is there, is a drainage basin pond/cistern that the Fire Department uses for emergency water supplies, and the Developer has cleaned that out and rebuilt the interior of it. The Fire Department has tested it again to make sure that after the work was done it functioned appropriately and they approve it as well. We are recommending a modification to the easement. Mr. Zacchio questioned whether there was any impact on the Inland/Wetlands. The Town Manager reported no, there is no change, it is just on the boundaries of the easements.

Chairman Carlson called for public comment on this item. There being none, the public hearing was closed at 7:50 p.m.

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

**RESOLVED:** That the Town Council approve the revisions to the Fire Pond Easement on Vermillion Drive, as shown on a map entitled, “Easement Map Far Hills of Avon, Fire Pond Easement to be conveyed to the Town of Avon Vermillion Drive, Avon, Connecticut, Revised November 29, 2006”.

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

**III. MINUTES OF PRECEDING MEETING:**

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

**RESOLVED:** That the Town Council approve the minutes of the January 4, 2007 meeting as read.

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

**IV. COMMUNICATION FROM AUDIENCE**

William Farquhar, 4 Larkspur Lane, reported he gave to the Town Manager a letter he received from the Police Chief back in December, and he brought up this matter at the January meeting, about his concern for safety at the intersection of Climax and Bickford. There are two issues that the Police Department is

considering, one is the enforcement of speeding, and the Chief made some comments about the fact that they could not put up a four way stop because of some federal highway guidelines. He reported the Town Manager mentioned to him tonight that although Simsbury and Canton apparently have them, they are in violation, and Avon wants to be apparently in compliance. He would just like to get some sort of a response here, what the results of the study the Police have been doing. He is just following up on what is happening, because he does not see anything different. He does not think there is anyone here tonight to report, but he would like to request of the Town Council to follow up on this. Chairman Carlson reported he would suggest a meeting be arranged through the Police Department. Mr. Farquhar reported he is not an expert on all of these four way stops and what the rules are, he can certainly see that if you have a country road and the speed limit is 60 miles an hour, and you go around a curve and there is a stop sign, somebody could say that is not a very safe place to put a stop sign, but if you are going 25 miles an hour, it would be simple to stop, he does not see the danger, but again he is not an expert. But there are many of these four way stops up in Simsbury that he is aware of, and there seems to be a similar one at Firetown and Owens Brook, Firetown and Laurel Lane and others. His wife told him there was only one all way stop that she could think of in Avon, that is the one at Woodmont and Juniper, and one at the bottom of Helena and Juniper. They do exist in Avon, whether they are in violation or not. You cannot have a police cruiser out there 24 hours a day, that is why a four way stop should be given serious consideration, as well as enforcement.

Chairman Carlson reported he suggests Mr. Farquhar follow up with the Police Department directly, as they are the experts on this.

The Town Manager reported he deserves an answer, there should be a report, he has not seen it yet. In terms of the use of stop signs to control speeding, many towns do that in contravention to the uniform manual on traffic control devices, if there is an accident at those types of intersections where a stop sign has been inappropriately used, this can be introduced in court, and the municipal body authorizing the sign will become a party to the accident. He cannot comment on the actions that they have taken on speed enforcement, we have speed enforcement targeting areas throughout the community at various times, depending upon observed behavior and complaints. He reported Climax Road is a connector street, it is not a residential street and the only time the Town of Avon places four way or all way stops is where there is sufficient traffic from all directions to warrant them, in accordance with the uniform manual. Other towns use them for speeding controlling, if something happens there they could potentially be at risk. But he will check up on this, and certainly we are due a report.

## **V. COMMUNICATION FROM COUNCIL**

The Town Manager reported he would like to introduce our new Hartford Courant reporter, Katie Malone. She was welcomed by the Town Council and congratulated on her new position of covering Avon.

Mr. Shea reported it is a sad day for the Town of Avon today, a friend of the Town Council and a friend of the Town, and a loyal servant died today. Modesto Brunoli who had served for close to 40 years on the Board of Finance and on the Town Council died today. He was 80 years old, a great guy and somebody who really supported the Town, gave back to the Town, served the Town well, and provided the Town with the toughness it needed at times and with the humor that it needed at times. He will be sorely missed.

Mr. Woodford reported he seconds that, another part of old Avon that he worked with, on which he grew up with, has passed, it is really sad. Mr. Brunoli, 'Moe', defines citizenship and did an awful lot for this Town behind the scenes that nobody knows about and he did not want anybody to know about. He also defined the loyal opposition, in terms of our little politics that we play in this Town. That generation of Moe, Bill Shea's father, and all of those folks, it seemed to be more fun during those days, as it was a loyal opposition.

Mrs. Hornaday reported she went to a forum panel discussion on the use of the real estate property tax, for funding of public education, it was CRCOG. It was interesting, she did not learn anything that she did not particularly know, but one thing that she would recommend to everyone, if they have a chance, is to hear Jack Jacoby, who served as Interim Superintendent in Hartford, incredible speaker and very succinct. She reported David Pena was there who serves on our Planning & Zoning Commission. It was an interesting meeting and worthwhile, and will give more information on it during the budget meetings.

Chairman Carlson reported he received a call from our Representative, Congressman Chris Murphy, the day of the State of the Union address, he had left a message and responded right away. He is extremely responsive, and wanted to know what types of things we would like him to pay attention to, he did suggest deficit and those things, but from a town perspective he related to him that certainly anything that would help us fund the acquisition of property, to keep the value of what is currently open space - recreation, passive or active, would be of interest to this Town Council. He did not get enough time to brief all of the Council members before giving these comments. Secondly, anything that might lead to a furtherance of sharing of services amongst small towns throughout Connecticut, he felt would be of interest to this Council. Obviously, he is not talking about police or education, but he is talking about perhaps some social services, recreational and those types of things for health, that would give us a chance to do that. Mr. Murphy was very responsive, said he hopes to come up and meet the Council. He invited Congressman Murphy to come to any of our meetings. He applauds his reaching out to us, and thanked him for it, and he also reached out to the Town Manager as well.

## **VI. OLD BUSINESS - None**

## **VII. NEW BUSINESS**

### **06/07-47 Review, Discussion and Approval: Selection of Town Roofing Consultant and Authorize Signing of Contract for Design Work, Roaring Brook School Roof.**

Assistant to the Town Manager Ms. Robinson reported she worked with the Board of Education staff to go out and seek proposals for a roofing consultant primarily now on two projects that are being contemplated, the Public Works Facility roof and Roaring Brook School roof. We received 14 expressions of interest and received 10 actual proposals, we reviewed eight that met our minimum criteria. We formed a selection committee, that Committee decided the criteria we would use to select a short list of applicants, and then to interview those firms. Setting aside the price proposals, as we selected a short list we tried to focus on the firms proposals and their response to what we were looking for, we picked three, and then interviewed them, after that process, we looked at the price proposals as part of our decision making process which was set up in advance. The end result was that Kaestle Boos Architects was chosen, and in fact they were the lowest priced proposal received. They have a very good understanding of both roof projects, and felt it wise to proceed with them, if those projects remain in the CIP budget. She further reported the Town Attorney is working with us on the contract.

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

**RESOLVED:** That the Town Council approve Kaestle Boos Associates as the Town's Roofing Consultant for the replacement of Roaring Brook School Roof and the Public Works Facility Roof, and authorize the Town Manager to sign, on behalf of the Town of Avon, a contract with Kaestle Boos Associates for the design portion of the Roaring Brook School Roof project.

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

### **0607/48 Review, Discussion and Approval; Three Year Extension of Actuarial Services Agreement**

The Director of Finance reported we have been with this particular actuarial firm since 1995, and we feel because it is a closed plan, with diminishing depreciation, and also the fact that the actuaries have been pro-active in helping us plan ahead, they know our plans and are familiar, they can help in the area of

human resources to guide in contract negotiations, how to diminish perhaps our future OPEB liability, because they know the familiarity of participants. We would like to continue extending the contract for another three years. The analysis of prior and current activity shows what the rates have been since 2000, in terms of their valuations, and their hourly rates that they would charge for their services.

Mr. Carlson reported his only thing is, he knows of them and they are a highly capable firm, although he is not familiar with this particular account. He would hope that they test their assumptions with some other agencies or public firms from time to time because, when you stay with the same firm, their one weakness, is that , their assumptions are the ones they continue with, so it is good to have someone else look at them and have a close watch in place on a periodic basis.

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

**RESOLVED:** That the Town Council approve and authorize a three year Extension of the Actuarial Services Agreement with Milliman, USA, for providing actuarial consulting services for the Defined Benefit Pension Plan and OPEB (Other Post Employment Benefits) valuations.

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

#### **06/07-49 Review and Discussion: Avon Community Emergency Response Teams**

The Town Manager reported federal legislation out of the Homeland Security Act effects several Acts that have set up what is known as CERT, Community Emergency Response Team. We have two groups in Town on their own, without our encouragement, decide that they wanted to form a CERT. Some of them, one group in particular, has gone ahead and completely trained themselves, this is a group that is indigenous to the Farmington Woods area of Avon. The leadership of that group changed and the same leader who was instrumental in setting up the Farmington Woods group has now established another group in Avon connecting churches together, solicited volunteers from the various churches to belong to that group. He further reported he spoke with Fire Chief DiPace, who did our reorganization last June, he feels there is a value for a limited use basis with these teams, should we have some form of a large scale disaster requiring a lot of volunteers. For instance, staffing our shelters, perhaps even in traffic control areas and if we had some form of a flu epidemic like they have been talking about off and on, we would have to set up a process and procedures. The Avon High School and Simsbury High School are the designated points for people to get shots for any type of vaccination program that might be implemented by the Department of Homeland Security, so we might need them in that case too.

The Town Manager reported he is recommending that you authorize the Emergency Management Director, who is the Town Manager, to certify these teams and they will become part of our Emergency Response Program. What that means is if they are activated, we have to notify the State of Connecticut, and they are responsible for providing Workers Compensation coverage and other coverage to them in a locally declared disaster. They would obviously come under the Emergency Management Director of the Town's Emergency Management Plans, in terms of implementation. We would have to maintain a roster of these individuals, we would have to retain copies of their training certificates to ensure that they have been trained. They can become trained either through formalized training programs at different locations in the Capitol Region, or they can be trained by taking courses over the internet through FEMA and Homeland Security.

There is some overhead and maintenance involved in having these teams available but he and Chief DiPace both thought that they could be valuable under certain circumstances. The Farmington Woods team would be primarily limited to activities in Farmington Woods. We have been talking with the management of Farmington Woods and talking about them setting up a shelter/reception area at their clubhouse/dining facility, for individuals, as there are only two ways out of that complex, and if something happened you have 1,250 housing units, probably 2,000 to 3,000 people that are located there that are going to need some type of assistance. The other group would be for the rest of Avon.

You should also know that the Town of Avon has to set up a mass distribution point for food and water. We have selected the Town Garage, where they can bring in helicopters with bottled water and rations, and other things that would have to be distributed. We could use this team to assist in that process as well if we had to. He would need authorization from the Town Council to go ahead.

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

**RESOLVED:** That the Town Council authorize the Town Manager, as Director of the Town's Emergency Management Response Team, to proceed with the process of setting up the Community Emergency Response Teams, CERTS, coordinated nationally by the Department of Homeland Security, in conjunction with FEMA.

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

**06/07-50 Acceptance of Donation: 1998 Ford Windstar Van**

The Town Manager reported we checked the vehicle out, it is an honest arms length donation, it is very worthwhile, we plan on using it for the animal control officer. It does not have a lot of price attached to it because of its age, it is functional and will serve a good purpose.

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

**RESOLVED:** That the Town Council authorize acceptance of the donation of a 1998 Ford Windstar, to be used by the Animal Control Officer.

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

**06/07-51 Appointments: Farmington River "Wild and Scenic River Study Committee"**

Chairman Carlson reported we received a letter from the Department of the Interior, who recommended we have two volunteers to serve on the committee, which will have representatives from 10 towns. Mrs. Hornaday reported she is enthusiastic about these volunteers, Diane Field is her neighbor, and Harry Spring has been involved in our Town with the Wetlands, and the Land Trust, and a lot of good programs for a very long time. These would be two wonderful representatives for our community.

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

**RESOLVED:** That the Town Council appoint Diane E. Field and Henry E. Spring to serve as Avon's Representatives on the Wild and Scenic River Study Committee, to oversee and direct the Wild and Scenic River Study of the Lower Farmington River and Salmon Brook, for a term to expire December 31, 2007.

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

**06/07-52 Approve Tax Refund: \$1,811.27**

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

**RESOLVED:** That the Town Council authorize a tax refund to Penske Truck Leasing Company, in amount \$1,811.27 as recommended by the Collector or Revenue.

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

**VIII. TOWN MANAGER'S REPORT/MISCELLANEOUS**

The Town Manager reported we should take up the issue of the scheduling and the potential sequence of events dealing with two capital projects, primarily the town hall renovations and the Secret Lake water, road, curbing and drainage project. Previous to the meeting he asked the Town's Financial Advisor to update costs with a plan in terms of debt service that would show how we could finance these improvements. We do not know the pricing yet on buildings 5 & 6, we will know that on February 21. On the Secret Lake project, he and Assistant Robinson along with the Deputy Town Engineer and Fire Chief DiPace have attended two public meetings at Secret Lake, and one more Saturday morning at their request to review the aspects of water installation.



He further reported the water part of the project came up two years ago when we budgeted \$30,000 to update the roads, curbing and drainage in the Secret Lake area. Chris Rioux of the Secret Lake Association indicated that the Association would like to install water, and would like to install the water before we do the roads because of the potential for having to dig them up in a subsequent year. The Association has taken it upon themselves to set up these meetings, they have done a rather lengthy questionnaire with a lot of questions and answers, in terms of this project. They will be having a vote on February 24<sup>th</sup> as to whether to proceed with the water installation.

There have been a number of questions that have come up in these meetings concerning the legality and the process that they are using to conduct the vote. The Town Attorney has been helpful in outlining some of these issues and in discussing it with their Attorney, to make sure that whatever is done is done appropriately, since this is such a large project. We had originally budgeted for \$2 million, the Water Company came in last week and reduced their costs by \$125,000, so we are now talking a project of about \$1,875,000. Our limit for referendum under the new grand list will be \$2,226,000. Anything above that amount must go to referendum, below that amount you have an option - we can vote on it by a voice vote at a regular Town Meeting, or if you wish to you can still send it to referendum. The issue developing with that is that the amount of money is too large for us to phase through our capital improvement program, so in order to accommodate that we have asked our Financial Advisor to revise his models and include the Secret Lake water project in his modeling of our debt service.

He further reported the other project is the Town hall project, we do not know the estimates on that, but Assistant Robinson can give an update as to where we are. Assistant Robinson reported the Architect has finished the construction documents and turned it over to the estimating firm to do their work, then have a preliminary meeting on February 16<sup>th</sup> to go over what those numbers are. There are nine different alternates to try and find ways, depending upon what the number is, to take things out or add things back in, if we are lucky to come in at a price that seems appropriate, and working with the Architect also to tell us what the soft costs are in the project, like financing, and the Architect has agreed to oversee it.

The Town Manager reported we will know the pricing on the Building 5, 6, 7 project on February 21. We will have a vote from Secret Lake on the 24<sup>th</sup>. Assistant Robinson has worked out some tentative draft schedules to hand out, we need some input from the Town Council as to how you want to approach this. The Board of Finance at their meeting last week showed some hesitancy about trying to put any of these projects with their budget process. They feel, particularly the Chair, that there might be some value in separating them. What you have is a schedule that has got two different flows to it, one that is tied in with the budget and one that is not tied in with the budget. We are on very tight schedules, as you can see with both of them, there are a lot of different things that have to be done. He has no problems using the cost estimates that we get from the Building 5, 6 & 7, renovations, to extend a referendum on that until June, that is certainly doable, and so is the Secret Lake referendum process. If for some reason, Secret Lake votes against the water on February 24<sup>th</sup>, going to a referendum on that becomes a mute point. We can start a year from now putting into the capital budget, the roads, curbing and drainage project, that is about an \$800,000 project, that would go into the capital budget, subject to Town Council approval, in the process a year from now. We would not budget any of that in this forth coming year. The town hall renovations however are another matter, and we are anticipating, based upon prior estimates that we are going to be coming in somewhere around that \$2.2 million threshold of going to a referendum. From discussions held last year, both the Town Council and Board of Finance felt that if it was that close to the threshold that we should go to the voters with a full referendum on that project.

The Town Manager further reported those schedules that you have show what we have to do, and what we are interested in finding out tonight is: One – are you comfortable with the debt service modeling that our Financial Advisor has done, and he will ask Mr. Dix to stay into the Executive session, because his Model II involves some options that we might want to take up in terms of the negotiations that we are conducting.

Chairman Carlson questioned in the case of our going to referendum, is it two questions on the referendum ballot or one. The Town Manager reported that is a choice that the Town Council can make, in the past generally we have tried to split them, so that they have individual votes on each one. He would say based upon some of the comments that he is hearing at these public meetings in Secret Lake, it may be better to have them as separate votes. What will happen with the Secret Lake water situation, is that once they are through with their public hearings and through with their vote, if it is a positive vote, they may come in here and the Town Council is going to have to make a decision at that time, even if there is some substantial opposition. There is a potential for controversy coming to this venue if there is a substantial strong minority feeling on the part of some of the residents, which appears to be developing.

The Town Manager reported the question is, do you want us to try to track with the budget referendum, or do you want to track a little later so that it is a separate referendum? Mr. Shea reported it appears as though the Board of Finance does not want this involved with their budget.

Mrs. Hornaday reported she feels whether it goes with the budget or not, it is important for us to make the residents aware that this is one of our perceived needs for the community, so that there is not a feeling of - we have this budget hearing then a month later they come back with these other items. We need to make people aware of what the long, even several years out, that we knew they were on our list of things that need to be done. She stated she would want us to at least reference it at the budget hearing, have Chairman Carlson present it.

Mr. Shea reported we have to do more than reference it, we have to continually bring it up at all of the meetings. Mrs. Hornaday reported that is what she thinks we have to do.

Mr. Woodford reported this scares him. The Town Manager reported we can have our Financial Advisor present and discuss it to us. Mr. Woodford reported he would like to talk more as to whether we want to push ahead with the water project right now. He thinks the Library, Fisher Meadows and Fire Station people had better be made aware that it is going to be a few years down the road, at least in his mind. If we can flatten that projected debt out and get it down, then it makes more sense. He is not sure we want to do all of these projects right now.

The Town Manager reported on the Secret Lake water project, we will collect all of that through assessments, with the exception of the hydrants, which is about \$25,000. Mr. Woodford reported yes, but when? The Town Manager reported it is over the life of the bond issue.

Mrs. Hornaday reported her point is, we want to make sure that the residents know that these other infrastructure items will be coming up. Mr. Shea reported everyone agrees with that, the real issue is do we want to have more than one question when you go in. Mr. Carlson reported no. Mr. Zacchio reported no, and that was the Board of Finance point, and we know from experience there that they have always wanted to let the budget stand on its own. People can see the difference, and it takes a lot of explanation to get there, but to Mrs. Hornaday's point you want to make sure people are aware of all of the items in capital improvement that we are looking at, whether they are bonded items or items we are putting within the capital improvement budget, so that there are no surprises. He agrees that the budget standing on its own would be a better way to do it. Mr. Shea reported we as a community have always done a great job at trying to advise and inform the public in the best way possible, they can do it on the web, in the Town Newsletter, in the meetings, that we have projects that are coming up. Mr. Carlson reported he is not endorsing that debt line by any sense. Mr. Shea reported he agrees. Mr. Carlson further reported but he is endorsing that you're going to two votes, versus one vote on the same day for both items. He will be doing the presentation, he will make strong reference to that upcoming referendum as well. We do not want to be accused of hiding something from the public, i.e. we pass the budget, then turn around a month later

and have a vote. Very clearly we are going to have to state the fact that vote is coming up and here is what is involved, and have to be a little discussion about it.

The Town Manager reported he would recommend two questions. We have enough direction now. At the March Town Council Meeting we will know what the results are regarding the water at Secret Lake, and we can start to get into the schedule.

Financial Advisor, Dennis Dix, reported a couple of quick comments on the first projections, on the first page under the High School, the Bond NIC, the percentage should be 5.23%, which saves 100 basis points and the Bond Avg. Life is 8.15 yr. A couple differences from prior models that you see, we have been working off interest rates that were based on basically late 2005 numbers, but they were pushed up to give us enough margin against future interest rate increase. Those increases did not happen, so he has updated the base interest rate schedules from January 29, 2007 with some allowance for the fact that we are now talking about going out to 2013. These are conservative, and you will find hopefully by the time you get to 2013 it still might be accurate, we try to update them every year or two as we get closer to bonding. The net impact of all of this, we have the two new projects, the Secret Lake which in terms of long term funding is only shown at \$1,025,000, we are assuming that \$850,000 of \$1.875 million is going to be assessed and paid by Secret Lake residents. That is not shown as part of the Town's obligation. Mr. Shea reported how do we account for the fact that we are loaning them money, does that come under this. The Financial Advisor reported when you actually get to the budget process, it will show a debt service outlay of the full amount, but there is a revenue offset for that amount each year. Mr. Shea questioned how it will effect the auditors? The Town Manager reported the auditors will not have any problem with that, it will show as a revenue, and it will be actual and will be collectable. It is looked upon as an asset. The Financial Advisor reported the bottom line -- we are sort of bouncing around 4.5% increase in debt service, in 2008, 2009 and 2010, and then we start to run off at 2011, down 2012 and on out, just for these two projects. We have gotten pretty much to the point of where the guideline was a 3% increase, now we are talking a 4% increase, which is almost virtually impossible with the timing, and with the dollar amounts to meet those.

The Town Manager reported we have given to our Financial Advisor, that we wanted a 3% increase in debt service per year, the new assumption is a 4% increase in debt service per year. We are looking at how the debt service impacts the total budget. The guidance he has been given is to work out a plan that does not increase the debt more than 4% a year. What he is saying is we are right at the point where if we do anything more he is going to have to go above the 4% to be able to accommodate it. All present projects are already factored into this, the library, fire station, the new ones, at those numbers. If it comes in less and we get grant money from the State and everything else, that is going to bring that down.

Mr. Woodford reported he would like the graph without any other projects in it. He reported he would like one without the new project included, so that we could get an idea of what that impact is. Chairman Carlson reported the idea is which one of these theoretically removed would change it. He further reported take the existing debt, add to it \$5 million, then \$10 million, then \$15 million, color code each project as it goes up the chart. That would show us that we know for \$5 million this is the impact, then we know what we can decide to do for that impact. The Financial Advisor to provide those charts.

The Town Manager reported we have run into a problem with the Public Hearing on the budget for April 2<sup>nd</sup>, we will have to move it to Monday, April 9<sup>th</sup>, Passover is April 3<sup>rd</sup>, and it begins at sundown on April 2<sup>nd</sup>. We have not handed out the schedule, but it is on the Town Calendar, so it needs to be changed. We are trying to schedule this between Easter, Passover and school vacation.

Assistant Robinson reported this budget year includes brush collection with \$45,000 budgeted. Having not done it for a couple of years, we put out the bid just for the collection of the brush. We received two bids and they were both in excess of the budget amount, they were \$74,900, and \$75,000. After working

with Public Works, looking at ways we can try to have a more favorable price, it was decided the chips themselves might have some value, and putting it back out to bid with the removal of the chips to use as they see fit, might be a worthwhile undertaking. We are seeking Town Council input, as to whether you would want us to proceed with the process if those bid results are in excess of the budgeted amount.

Mr. Zacchio reported he is not opposed, we put it in the budget because we had a lot of people looking to have that collection happen, it sounds like a good idea to go out and get another bid if we can save money, with one of the options to let them use space at the landfill to transfer chips during a period of lime, but would limit the period of time they could do that. Assistant Robinson reported we would reject current bids, and then rebid, but at what price is acceptable, we would use contingency.

Mr. Woodford reported he would like to save the brush collection, but the Town did survive without doing it somehow, but taking it out of contingency is wrong, this is not a one time event.

Mr. Shea reported the other problem is every year that we have done this we have had to pay overtime, to Town staff to go back out, so what we have to look at, whatever that number is going to be. The Public Works Director should go back into the file to look at how much money they are going to have to spend on overtime. It is not going to be just what we bid out, there is going to be Public Works, and it is not straight time it is overtime, it is a mistake to go to our Contingency.

The Town Manager reported this year it is in the calendar, we will somehow come up with the money somewhere, and some may have to be out of contingency, or we do not do it.

Mr. Woodford reported if it is in the budget put the right number in there, and let people see it as a negative loss. Mrs. Hornaday reported surely we have money left in the snow removal budget. The Town Manager reported yes. Mr. Shea reported even in the past we have not had a lot of bidders on this, and the people that bid it are people that do work with wood, so they have access to a lot of wood chips, so you are not going to see a significant decrease here. We are going to do it, but we are not looking at a commodity that will dramatically decrease it, and we are also going to have to factor in the overtime. The Town Manager reported first we lean on the contractor, then if the contractor for some reason we cannot get them to do it, then we do it ourselves at our schedule, generally during the day, but sometimes overtime.

The Town Manager reported the Simmons Farm, in Fisher Meadows, is now bottling their own milk, and is doing quite a successful business. Mr. Simmons is planning to stop selling bulk milk, and going more and more into this custom bottling business. Also, he has some investors that are willing to invest in creating a small cheese operation, and they want to export it to Europe. The "cheese factory" will be on the Avon side, on Avon land. They are going to build this, but in return for that they want a ten year commitment from Simmons on a lease, so that they have a supply of milk from Simmons for the "cheese factory". He told Mr. Simmons he would bring this to the Town Council for their consideration. He was informed that we have already extended the lease once, and believed that the Town would not necessarily be opposed to extending the lease. We need to work this out with Farmington. We will want to see who the investors are, and get all of the facts on the table. He further reported they will build a building, it is going to be a small one, we do not have the details, but Mr. Simmons said it would be very small, but probably bigger than the shed that is there now. Mr. Woodford reported it is a beautiful working farm, and he personally does not want to stray too much from that concept. The Town Manager reported he cannot make money. Mr. Woodford reported then let someone else go in there. The Town Manager reported his operation is changing. Mr. Woodford reported if he cannot make money on the land, he should hang it up. The Town Manager reported Mr. Simmons has received substantial grants. The barn has been re-roofed, they have another grant, the grants go through Farmington because the buildings are located in Farmington, but we have written letters of support for the grants for the roofing and now they are going to be doing windows there as well.

The Town Manager reported the last thing, he would like to go over the brief summary of the budget. He reported the Board of Finance set a target for both the Town and the Board of Education, of 5% on the budget increase, we have been able to do that, we will show you the things that we had to take out of the budget, which we had hoped to be able to fund. But the Town budget is up 5%, which is \$835,000, the sewer budget is up marginally. He received a call from Tim Vincent, First Selectman in Simsbury, a couple of weeks ago about their first sewer payment, we are probably going to have a large payment in the fall of 2007 or the fall of 2008, but it is going to be close to \$1 million, and we do have that money set aside in the Sewer Account.

The Town Manager reported the Debt Service is up 4%, it is kind of keeping with what the Financial Advisor has planned out in prior years, in terms of working our debt service. The Capital Improvement Program is up significantly, 53% or \$896,060. Part of that is \$300,000 plus due to Roaring Brook School roof, we have also included the Department of Public Works roof in there which is \$300,000 plus. He further reported the Grand List is up 1.80%, to a little over \$39 million, roughly \$1 million in additional revenue at the current tax rate. School construction grants continue to decline, we have about \$104,000 decline in that. We are recommending a potential increase in the landfill fees. We are including it again this year to raise an additional \$20,000, to help offset our fees to CRRA. The whole CRRA contract suit is all in flux at the moment, if we get a substantial amount of money in, it will just go into surplus, it will not effect these rates. However, they may decide to reduce their rates. Interest on Investments is up, 7.1%, basically all of our other fees, charges and grants, are remaining essentially flat at this point, we are not sure where that is going. We have not included any use of the conveyance tax surcharge in the operating budget, at this point, and we are not recommending any use of fund balance. Expenditure highlights, are wage and salary increases of \$240,000, 2.91%, if you take out the one new position, that we have added, that falls to 2.10%, in terms of wages and salary increases. Part of that is reflective of the continuing turnover we are having in the Town Hall and being able to hire people at much lower rates, higher health contributions, and they are going into the Defined Contribution Plan. Health insurance costs increases are up 8.9%, pension increases 8.8%, utility increases up 17.4% and that includes water and hydrant rental costs increase in the Avon Volunteer Fire Department budget. The Fire Department came in this year with a 12% increase in their budget. They have been relatively stable for the last three or four years. They will be in to explain some of that. Increase to Disposal Fees to CRRA – there is the \$27,000 increase, we want to offset some of that \$20,000 of it with an increase in fees. Increase in Avon Day costs \$15,400 - a 44.8% increase, and a new program, Youth Service Bureau, we want to implement that - at \$14,400 or a 100 % increase.

Mr. Woodford questioned that Avon Day increase is potential, not for sure. The Town Manager reported correct, but what this reflects is the overtime, the increases that we have been building in trying to deal with our own budget, and we got direction here that we need to show those in there, we cannot just ‘eat them’ anymore. Chairman Carlson reported these are real costs that we have been paying through other line items. The Town Manager reported that is correct it has been in Community Activities and in Public Works overtime, and now we are honing in and quantifying this.

Mr. Shea questioned whether we should show the Avon Day increase this way, it shows a 44.8% increase in a line item which was not really an increase, we were spending that money in other areas. Mr. Zacchio reported we spent the rest of the costs under other line items, and now we are budgeting \$15,000. The Town Manager reported that is correct, but this represents a transference of that overtime into the Avon Day budget, and leaving the overtime amount the same in the Public Works Budget, we did not reduce that budget, because what we were finding is we were running an overage in overtime, we were short overtime and when we analyzed the overtime that we were overspent, there was about \$12,000 of overtime that was taken out the of Public Works Budget for Avon Day, which we have transferred over under Avon Day, and left the original amount of Public Works Overtime the same.

**IX. EXECUTIVE SESSION: Litigation/Negotiation**

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

**RESOLVED:** That the Town Council go into Executive Session at 9:15 p.m.

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

Those in Attendance: Town Manager, Town Council Clerk, Financial Advisor, Assistant to the Town Manager, Town Attorney, Assessor and Director of Finance.

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

**RESOLVED:** That the Town Council come out of Executive Session at 9:50 p.m.

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

**X. ADJOURNMENT**

The meeting was adjourned at 9:50 p.m.

**ATTEST:**

**Caroline B. LaMonica**  
Clerk