

**AVON TOWN COUNCIL
MEETING MINUTES
SEPTEMBER 4, 2007**

I. CALL TO ORDER

The meeting was called to order at 7:30 p.m. at the Avon Senior Center by Chairman Carlson. Members present: Mrs. Hornaday, Messrs Shea, Woodford and Zacchio.

II. PUBLIC HEARING:

07/08-13 Acceptance of Open Space: 3.2 acres, West Hills Subdivision

The Clerk read the call of the public hearing 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 Tuesday, September 4, 2007 at 7:30 p.m. at the Avon Senior Center Community Room, 635 West Avon Road, to consider the following:

To consider and permit all interested persons to speak on the plan of the Town Council to accept on behalf of the Town of Avon, one parcel of open space in the West Hills Subdivision, Parcel #4740035 consisting of 3.2 acres as shown on a map entitled “Plan of Subdivision, “West Hills”, to be developed by Sunlight Construction, Inc., West Hills Drive, Avon, CT, dated December 12, 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 27th day of August, 2007.

Blythe C. Robinson
Assistant to the Town Manager”

Mr. Carlson reported for clarification this parcel of land is part of the development that is currently being developed, which abuts behind the Middle School property off of West Avon Road.

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

RESOLVED: That the Town Council accept on behalf of the Town of Avon a parcel of land in the West Hills Subdivision, shown as parcel 4740035, consisting of 3.2 acres, as open space. Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

III. MINUTES OF PRECEDING MEETING: August 6, 2007

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

RESOLVED: That the Town Council approve the August 6, 2007 minutes as read. Mrs. Hornaday, Messrs Carlson, Shea, Woodford and Zacchio voted in favor.

IV. COMMUNICATION FROM AUDIENCE

Florence Stahl read a prepared statement to the Town Council regarding teachers negotiations. Her statement is made a part of these minutes and is attached.

Mr. Newman reported he is a resident of Avon. He distributed a letter from the Stonefield Group, and read certain sections to the Town Council, which is attached and made a part of these minutes. He reported we hope you will look into these issues. Mr. Carlson reported we have received your letter, which involves litigation, and will discuss it in Executive Session.

Martin Kaplan reported he has been involved in the government of Farmington Woods a number of years, and resided there for 30 years. Farmington Woods is basically a condominium that borders both

Farmington and Avon, there are 1,200 families in the condominium residences, of those 1,200, about 1,000 are in the Avon area, and 200 are in the Farmington area, and there are a number of us here tonight, and we do pay a fair amount of taxes to the Town of Avon and Farmington. The Town of Avon does not provide many services to Farmington Woods. We do our own snow plowing, and Avon was involved early in the game which was to take care of our sewer system, and at some extent to have some police patrols. He reported we pay a fair amount of taxes to Avon based on the mill rate, we also pay taxes to Farmington Woods, so we are doubly taxed for our condominiums. We noticed that there is a lot of apathy in Farmington Woods with regard to the taxes that we pay, the issue is that a lot of people called him, and indicated what is happening to the tax rate in the Avon area recently, with regard to the add-ons to the Avon High School, with regard to increasing fees for salaries. But it is an issue that he does subscribe to, having an open forum, an advertised forum on the part of the Town Council, indicating where our taxes go. Most of our taxes go to teachers salaries or to school systems and would like to know more about that because although we have some young people in Farmington Woods area that go to the schools, most of the people are on fixed incomes, and can barely pay the rate of expenditure that we have in our own tax system. Since the number of services that you provide is very little, he would ask for more open forums that are advertised with regard to where our taxes are going.

Neil Livingston reported he lives at 120 Craigmere Circle. When he originally came to this Town, he thought it was well run, and he went for years through revaluations, then his taxes increased 14%, and recently with what is going on at the high school, he decided he had to spend more time finding out exactly what is going on. The first issue is what Mrs. Stahl covered, we are looking for an open forum on the teachers' negotiations. He reported he has been here since 1982, his children went through the school system, they had portable classrooms, they were just in front of the Middle School and they never went to the high school with this nor the last addition. His children managed to get through it, they graduated and went to college. Mr. Livingston reported we ought to hold somebody accountable for the \$5,000,000 debacle on the high school, from referendum approval, to a need to increase that amount. He reported no one responded about his tax stabilization, so he is back at you here. Stabilization is an issue, we have a town right in our back yard which managed to get through without a mill rate increase. Mr. Carlson questioned whether he had been up through Windsor. Mr. Livingston reported he went there and did his research.

Mr. Livingston brought up issues, such as advanced placement and full time kindergarten. Mr. Carlson replied the Town Council cannot legally line item veto any item in the Board of Education. Also, the issues you have brought to our attention are issues that should be addressed to the Board of Education not the Town Council.

Ilene Kaplan – We have been in Farmington Woods 30 years. Her concern is that we are losing residents in Farmington Woods, they are leaving because they cannot afford the taxes. We need to do everything we can to retain people here, we have children in our community they are in the school system but there are very few. We know our residents have supported the budgets, but they are not doing it anymore, they have been examining the issues, they are comparing the teacher's salaries to other towns in the State. We urge you to please examine exactly what is going on with the teachers salaries, I have taught and I am in total agreement that there is nothing more important than educating our children but their salaries have really risen to the point where I do urge you to take serious consideration and do something about it.

Bill Reboul, 23 Sudbury Way – He reported he is not going to talk about the budget directly, he does have another issue he would like to raise with the Town Council. He understands that the Executive Summary Recommendations Parks and Facilities Master Plan, is still under consideration. One of the issues raised by the Town Council is that the number one priority of the fields that were highlighted in that plan was the high school where they were looking to put in turf and lights, and that was raised to

number one priority in the plan, as a result of contributions to be made. What he wanted to do is to make sure that the Town Council is contemplating that as you go through that for education exercise, that the million dollar contribution not be considered, and that the other sites that are in that plan, are actually evaluated. Because it appears that money has disappeared, and he wants to make sure that it is being considered as you are prioritizing that site over the other sites in that plan.

V. COMMUNICATION FROM COUNCIL

Mrs. Hornaday reported she would like to respond to some of the comments that were made here. This is the time for some of you to go to the meeting of the Board of Education, while they are in negotiation and before those contracts are agreed upon, so that those who are negotiating on behalf of the community and are elected members of the Board of Education, have your input before those contracts are finalized. Because we cannot do anything about it while it is going on, but you can make certain that they are aware of your concerns during the negotiations and not after.

VI. OLD BUSINESS

**06/07-02 Budget: Request for Supplemental Appropriation – Restoration of Road Overlay
Funds: \$98,500.**

The Town Manager reported essentially based upon the meeting last April, and also at our meeting in August, we prepared a supplemental resolution requesting that the Board of Finance, now that we are clear as to what the State Budget picture is, to basically restore or approve a supplemental appropriation to the Capital Improvement Budget in the amount of \$98,500, to do the overlay/repaving program that we have in the Capital Improvement Program. We talked about this at the last meeting and we have the resolution prepared for the Town Council to hopefully approve and recommend to the Board of Finance for adoption.

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

RESOLVED: That the Town Council hereby recommends that the Board of Finance amend the FY07/08 Budget by increasing General Fund, Licenses and Permits, Recording & Conveyance, Account #01-0320-43411 and General Fund, Capital Improvement Projects, Facilities, Road Overlay Account #01-8501-53003 and transfer from General Fund, Other Financing Uses, Interfund Transfers Out Account #02-8700-58000 in the amount of \$98,500 for transfer to Capital Projects Fund (Facilities & Equipment), Other Financing Sources, Interfund Operating Transfers In, Account #02-0390-43918, and Capital Projects Fund (Facil. & Equip.), Town CIP-Facil/Road Overlay, Road Overlay Account #02-4831-53003 in the amount of \$98,500 for the purpose of restoring funds to road improvements in the Capital Improvement Budget per discussion at the Board of Finance Workshop held April 10, 2007.

Mrs. Hornaday, Messrs Carlson, Shea and Zacchio voted in favor. Mr. Woodford abstained, not involved in the initial discussions.

07/08-06 Appointment: Inland Wetlands Commission

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

RESOLVED: That the Town Council table the appointment to the October meeting.

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

**07/08-08 Review, Discussion, and Approval: Charge for Avon Free Public Library
Renovation/Addition Building Committee, and Appointments Thereto.**

Mr. Carlson reported we have a draft copy of the Charge for the Avon Free Public Library Renovation/Addition Building Committee. The Town Manager reported there is one change to be made, based upon some research that we did, we should eliminate ‘their friends and associates’. The Library Board, and the Friends of the Library are an independent 501C free corporation, and we do not have the

ability to do that. He would recommend that those four words 'their friends and associates' be deleted from the draft. The rest of the resolution is pretty self explanatory, it basically outlines the reference material and it gives them an organizational meeting to set up. We have attached a tentative schedule, and this has been reviewed by the Library Director. With that one change, he would recommend that we adopt this. This Charge requires a supplemental, it only goes through the referendum process, and then we would have to go ahead and have an amendment or an addition to it, that would charge the Committee to reach the construction portion of the project.

Mr. Shea questioned whether the draft schedule matches our peak debt service line. The Town Manager reported the debt schedule prepared by Dennis Dix, Town Financial Advisor, showed that the first payment for the Library project would be in the 2010/2011 fiscal year, the first borrowing would take place in 2009/2010, but that the actual payment would not be made until 2010/2011, we are on target with the debt schedule. Mr. Shea questioned whether they took into consideration some money coming from the State, obviously they are going to have some fund raising, and there was an amount to be determined at another time, anywhere from \$200,000 to \$1 million from the State. If that money was front ended, does that help us from a debt standpoint, would that flatten out that line? The Town Manager reported yes that would help, the principal amount that we had anticipated borrowing was \$7.5 million, that was based upon an addition of 20,000 square feet at \$300 a square foot, and \$1.5 million in additional costs, engineering, architectural, legal, all of the other aspects of it. If we receive money from the State, assuming that estimate is correct, any money from the State and any money raised by the Library Board volunteers would reduce that amount, and it would reduce the amount of debt that is currently in the debt schedule. Mr. Shea questioned the cash flow, if we have some outside funds involved like this, does that money come in first to help us with the debt service line? The Town Manager reported the donations certainly could. The Library Director reported the grant money would be available once the project is completed.

Mr. Woodford questioned whether it was decided to have Construction Management at some point. The Town Manager reported we have not decided on that, but we are moving in that direction. Certainly in terms of a quick review, the high school project has been a very positive experience. Mr. Woodford reported this is a much smaller project. The Town Manager reported we are using it also on the Town Hall renovations, certainly that is something that if you want it on a different basis, such as a General Contractor that can be considered. Mr. Woodford reported no, he just thought we should talk about it. Second of all, is this the appropriate document to express our concerns about change of scope in the projects and the need for the Building Committee to come back to us. The Town Manager reported we have generally done that in the form of guidance, not as formal as putting it in here. Chairman Carlson reported he is in favor of doing that type of thing, but wondered if we are going to have to generate another charge for the building committee post referendum. The Town Manager reported it would just be an add on. Chairman Carlson reported at that time though he would want to have that language built in there.

The Library Director reported while she does understand Mr. Woodford's comment about changing the scope of the project, what does that mean? Mr. Woodford reported we have had some concerns on building projects where the Town votes on a referendum for \$5 million to build this according to specifications, and then as that process goes along the scope of the project changes dramatically by adding whatever, and the Town theoretically has not voted on that change. Mr. Shea reported what we talked about was that the Building Committee come back to us, because sometimes in that process value engineering produces changes that are a benefit, so it does not mean there cannot be changes, it just means we want to talk about - - - it should be an open discussion. Chairman Carlson reported in any renovation you are more likely to have the change orders than in a brand new project, since you have substantial renovation here you will have some of this.

Mr. Kaplan questioned whether presently is there going to be taxpayer funds going into this library project, either on a study basis or whatever. Chairman Carlson reported yes there is \$70,000 funded in this year's operating budget to cover the architectural fees, schematics and cost estimates. The Town Manager reported it is a line item in the Capital Improvement Program. Mr. Kaplan questioned can you see the line items. The Town Manager reported yes, you can go to the Town Website, the Library and the Town Hall have a hard copy. Mr. Woodford reported we are going to be starting our budget process soon, then we have meetings Saturdays and nights, come and get involved. If you want to know about the budget, the information is there, when you say you want more public meetings, we have a great deal of public meetings, you just have to come, and that is when we talk about the budgets in detail. There is a lot of information out there; you just have to avail yourself of it.

Mr. Shea reported he believes this charge covers exactly what he thought it should, including the draft schedule for meetings and on October 4, 2007 to appoint the Chairman. Chairman Carlson reported we will need names for the Committee Members for the October meeting.

The following is a schedule of events:

<u>DATE:</u>	<u>ACTION:</u>
September 6, 2007	Town Council Reviews & Approves Charge to the Committee
October 4, 2007	Town Council Appoints Committee Members/Appoint Chairman
October 15, 2007	Committee has first organizational meeting & sets a Meeting Schedule
November 2, 2007	Committee Approves an RFP to invite proposals for Architectural Services
December 15, 2007	Committee Recommends Town Council Approval of an Architectural Firm
January 3, 2008	Town Council awards a contract for an Architect
February 1, 2008	Architect Begins Work (six months for the architect)
August 7, 2008	Presentation and acceptance by the Town Council on Schematic Design & Budget
September 1, 2008	State Library Construction Grant Application Due
Fall/Winter 2008/09	Project Referendum

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

RESOLVED: That the Town Council adopt the following charge to the Avon Free Public Library Renovation/Addition Building Committee:

BE IT RESOLVED: That the Town Council has accepted the Library Board's "**Statement of Needs**" as presented to the Town Council on August 6, 2007, and further

RESOLVED: That a Committee, "**The Avon Free Public Library Renovation/Addition Building Committee,**" consisting of seven (7) members is hereby established for an indefinite term to:

1. Organize in an appropriate manner to carry out the functions of the committee to include a chair appointed by the Town Council and a vice-chair and secretary from among the membership to be selected by the Committee.
2. Familiarize itself with Town Council Policy #13, "**Procedures for Constructing Public Buildings – Avon, Connecticut.**" These "Procedures" have been drawn by the Town Attorney and define the Town Charter and Connecticut General Statute steps and requirements to be followed in a building project.
3. Familiarize itself with the following documents prepared by the Library Board:

Avon Free Public Library Strategic Plan, 2007–2010, adopted September, 2007

Avon Free Public Library Technology Plan, 2007-2010, adopted September 2007

Avon Free Public Library Building Program, 2007

4. Phase I: Recommend for Town Council approval through an open, competitive process, the services of a qualified architectural firm to:
 - a. Determine how the permanent additions and renovations to the Avon Free Public Library can be fulfilled at the location of the existing Library site located at 281 Country Club Road, including informal reviews by the appropriate land use commissions of the Town, and;
 - b. Provide appropriate sketches, schematics and detailed cost estimates of the project and its components necessary for presentation and acceptance by the Town Council at their August 7, 2008 meeting, to submit a State Library Grant application by September 1, 2008 and to assist the Building Committee as appropriate and necessary for the preparation and presentation of materials for a late fall/winter 2008/09 referendum vote.
5. The selection of a qualified architectural firm should be completed by January 1, 2008. The schematic plans and cost estimates should be completed by July 30, 2008 for Town Council review and approval August 7, 2008, in order to meet with the State Library Board’s Submission deadline of September 1, 2008 for a State grant.
6. Dependent upon referendum approval by the voters an award of a grant by the State Library, and any donation of funds to help offset construction costs by the Avon Free Public Library, Inc., the Committee may be further charged to seek the services of a Construction Manager, subject to Town Council approval, for the construction of the renovations and additions to the Library, and to oversee such construction to completion.

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

VII. NEW BUSINESS

07/08-14 2008 State Legislative Program (CCM, COST, CRCOG)

The Town Manager reported you received a copy of CCM material, and we provided you with copies of letters we sent last year to CRCOG, CCM and COST, and we would recommend essentially the same program, with one addition that he would have is from Mr. Hines who is recommending service sharing with more emphasis on that, and he has no problem with that, it is something that we always supported, and he would recommend that be included.

Recommend listing as follows:

1. DOT Requests:
 Three Projects in Avon:
 Reconstruction Route 44 Top of Avon Mountain
 Bridge over Farmington River
 Old Farms Road
2. Binding Arbitration
 Major Item Driving Town Budget repeal/amend
3. Legislative Items
 State Mandated Code of Ethics (not needed)
 Revaluation – Return to once every 10 Years
 Implement Tax Reform Studies as Recommended by Blue Ribbon Commission

4. School Aid to Towns
 ECS Grant Formula Needs Major Overhaul
 Avon Grants not in Line With Avon's Contribution via Connecticut Income Tax
5. State Mandates
 Prevailing Wage (Davis/Bacon) – repeal/modify thresholds
 School Requirements (unfunded), Special Education, etc.
 Clearly Define Department Heads in Municipal Employee Relations Act for Membership in Bargaining Units.
6. Mr. Hines recommendation
 Service sharing, with more emphasis on that.

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

RESOLVED: That the Town Council authorize the Town Manager to submit the list above which includes Mr. Hines suggestion, to COST, CCM and CRCOG for the 2008 Legislative Program.

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

07/08-15 Appointments:(2) Plainville Area Cable Television Advisory Council (PACTAC)

Mr. Kaplan questioned whether there are problems with service. Mrs. Kaplan reported the Art Channel is not longer carried on cable. Mr. Shea reported he is not familiar with any problems, if you would send an email to the Town, he will pass it on to our present representative.

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

RESOLVED: That the appointments be tabled to the October meeting.

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

VIII. TOWN MANAGER'S REPORT/MISCELLANEOUS

The Town Manager reported he has just one item to report on. We received word from the Youth Service Bureau, the grant that we had applied for, has been approved. We will be talking with the Town of Farmington over the next month to oversee the formal arrangements and include the agreement on the next agenda. He suggested that the Council think about appointments at that particular time or if not for October then November, after you approve the organizational contract. Chairman Carlson questioned how many appointments are needed. The Town Manager reported seven. Mr. Shea requested a description be sent as to what types of people should be chosen, frame what their interests and backgrounds should be. The Town Manager reported this was discussed last spring and he will forward that to the Council.

The Town Manager reported included with the agenda are miscellaneous items, one is the Construction Report from the Staff for the building projects. Ms. Robinson reported the High School contractor completed work necessary for the school to open on schedule, with a partial CO issued for renovated areas of the building. The gym will follow in mid-September and the cafeteria in late November. We are still on schedule and under budget. No new change orders were approved by the Committee. She further reported from a construction standpoint the project is going well. There is one utility pole at the new driveway entrance in the middle of the traffic island because the utility companies were not able to finish their work in time. The construction company moved ahead and paved it and it will come down as soon as they can finish the relocation.

Mr. Shea complimented FIP Construction. He drove through the school site last night at 7:30 p.m. because he was curious as to what it would look like, it is great. He did not see a drop of litter, and the site was as clean as it could be. He said FIP did a tremendous job with a severely limited site. The Town Manager reported that the fire alarms and systems have been tested. There have been some intermittent

problems, but we have had our staff available for whatever was needed to make sure that the school opened on time, and everything seems to be going fine.

Mr. Woodford reported that it is not our responsibility but there is a lot of litter down in the area of the high school track, from people using the tracks, because there are no garbage receptacles there. The Town Manager reported he will report this to the Board of Education Office.

Ms. Robinson reported that the renovation of Buildings 5/6 have been a little of a bumpy ride. As we go through everything we are discovering problems, as we take down ceilings and walls and dig around foundations. Basically, these buildings really do not have foundations, the stone is on the ground. One of the change orders on the list is shoring up those foundations, which was completed at Buildings 5 and 6 on Friday. There is missing grout mortar between the stones of Building 6 that was discovered when we took off the deck that went in front of the two buildings. Building 6 needs major work, and we are dealing with that in terms of what the allowance for that work will cover. The worst costs we have been faced with so far is the lead paint abatement of the interior and exterior and the footings around the foundation that we dug up. About \$20,000 of foundation work will have be done between the two new additions. The lead paint on the exterior shed roof came to \$11,000.

The other construction projects are on schedule, the Roaring Brook roof is almost completed. We signed the contracts for the design of the Public Works Facility and Senior Center roofs as well.

IX. EXECUTIVE SESSION: Litigation/Negotiation

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

RESOLVED: That the Town Council go into Executive Session at 8:25 p.m.

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

Present: Town Manager, Assistant to the Town Manager and Town Council Clerk.

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

RESOLVED: That the Town Council come out of Executive Session at 9:00 p.m.

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

X. ADJOURN

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

Attest:

Caroline B. LaMonica
Clerk