

BOARD OF SELECTMEN MEETING
THURSDAY, FEBRUARY 2, 2012
7:30 P.M.

Members present: Francis A. Hegarty, Chairman
Steven P. Rose
Robert F. Brady, Jr.

Others present: Michael McCue, Town Administrator
Joseph Lalli, Town Counsel

Chairman Hegarty called the meeting to order at 7:30 p.m. with all members present.

Mr. Brady made a motion to table acceptance of the minutes of Thursday, January 19, 2012 (Regular Session) until the February 16, 2012 meeting. Mr. Rose seconded the motion. The vote was unanimous.

7:35 p.m. Joint appointment for Board of Water Commissioners vacancy

Water Commissioners Charles Linfield and Peter Marinelli appeared before the Board to vote jointly with the Board of Selectmen to fill a Water Commissioner vacancy created by the resignation of Mr. Kowalski. Water Superintendent John Tetreault was also in attendance.

Chairman Hegarty announced there were three (3) letters of interest received—Jason Suzor of 50 Littlefield Street, John Breckner and Bruce Conly of Connolly Road.

Chairman Hegarty suggested setting up a joint meeting with all three (3) candidates; have them come in and speak with both Boards. This was agreeable with the Water Commissioners present and Mr. Tetreault.

UNFINISHED BUSINESS

The Board again discussed the appointed Constable Policy tabled from the January 19, 2012 meeting.

Mr. Brady made a motion to rescind the last action taken on November 3, 2011 when it was unanimously voted to no longer appoint Constables, effective January 1, 2012. Mr. Rose seconded the motion. Chairman Hegarty abstained from voting. The motion carried: 2-0-1.

Mr. Rose made a motion to appoint the following Constables for 2012 based on those who have shown activity in the Town for the 2011 year: Mr. Asiaf, Mr. March, Mr. Loomis and Mr. DiCenso.

Mr. Brady questioned Mr. Bastis and asked him if he had shown activity and collected fees for the Town in 2011? Mr. Bastis responded "yes."

Mr. Rose amended the previous motion to include Mr. Bastis as an appointed Constable for 2012. Mr. Brady seconded the amended motion. Chairman Hegarty abstained from voting. The motion carried 2-0-1.

Award Bid for Printing of 2011 Annual Town Report

Mr. Rose made a motion to accept the Town Administrator's recommendation and award the 2011 Annual Town Report printing contract to Select Print Solutions of North Brookfield, MA, at a total cost of \$1,811 for 600 reports and \$2,106 for 700 reports to include delivery and an electronic copy (CD) to the Town. Mr. Brady seconded the motion. All were in favor.

A letter of interest was received from Mr. Anthony Becker of 112 West Spring Street, requesting appointment to the Conservation Commission. Mr. Rose made a motion to set up a joint appointment with the Conservation Commission and Board of Selectmen to meet with Mr. Becker. Mr. Brady seconded the motion. The motion carried.

At 7:40 p.m. Town Counsel Lalli left the meeting to attend a Conservation Commission meeting regarding 330 Howard Street.

Public Announcements

Chairman Hegarty announced anyone expressing interest in serving on the Celebration Committee for Avon's 125th Anniversary Celebration should attend an introductory Celebration Committee Meeting on Thursday, February 9, 2012 at 7:00 p.m. in the Mary T. McDermott Meeting Room.

The Highway Department will collect the last of the Christmas trees. This is the last opportunity for pick-up. Trees must be curbside on Monday, February 6, 2012 by 7:00 a.m.

Mr. Rose made a motion to approve all vouchers for the payment of bills minus Tibbetts Engineering's invoice to be put on hold. Mr. Brady seconded the motion. The motion carried.

At 7:45 p.m. the Board took a brief recess.

At 7:47 p.m. the Board reconvened.

7:45 p.m.—Public Hearing on the application for transfer of a beer and wine package store license for Avon Variety, Inc., 490 West Main Street

Attorney Van Paul Le and applicant Danny Bui appeared before the Board.

Mr. Rose, Clerk of the Board, read the Legal Notice published in the “Enterprise.”

Attorney Le explained Mr. Bui is an immigrant who was born in Vietnam and it has been his lifelong dream to start a business. Mr. Bui has started the process. The lease for the premises will be approved by the landlord contingent upon successful transfer of the beer and wine package store license.

Attorney Le informed the Board that Mr. Bui has already taken TIPS training. Mr. Rose asked the attorney if Mr. Bui was aware that all of his employees must be TIPS certified. Attorney Le responded “yes” that Mr. Bui was told this.

Chairman Hegarty reported that the Town of Avon does do “sting” operations on its own and in conjunction with the ABCC and the State Police. There is a “zero tolerance” policy in the Town of Avon and underage drinking and underage selling of alcohol will not be tolerated.

Mr. Brady asked Attorney Le if his client can read enough English to verify someone’s age on a driver’s license? Attorney Le responded “yes” he can. Attorney Le reported that tonight his client was very nervous coming before the Board of Selectmen.

The hours of operation were listed on the application. No questions were asked by the Board. Attorney Le informed the Board that alcohol sales on Sunday would end at 6:00 p.m. When there were no further questions by the Board, Mr. Rose made a motion to approve the application for transfer of the beer and wine package store license for Avon Variety, Inc. Mr. Brady seconded the motion. The vote was unanimous.

Chairman Hegarty informed the attorney that the Town would submit the application, but he had no idea how long it would take to hear from the Alcoholic Beverages Control Commission.

Attorney Le and applicant Mr. Bui departed.

8:00 p.m. Meeting with Avon Community Access and Media Corporation

Mr. Bruce Lane, Mr. Gerald Picardi and Ms. Sharon Kelly appeared before the Board.

Chairman Hegarty explained an agreement between ACAM and the Town needs to be set up in order to transfer funds from the Town to ACAM. The need for a paper trail was initially recommended to satisfy the auditors, allowing the Town the right to move Town funds to ACAM.

Mr. Lane explained the studio has had equipment failures and the expenses are increasing for ACAM. Funds are needed.

Chairman Hegarty referred to the Comcast contract. The Board agreed that a contract needs to be generic and an attorney must look at both contracts.

Mr. Lane reported that as long as money is coming in, Channel 9 will keep running. The studio in Avon is in a quaint, historical location, and the Town owns the building.

Chairman Hegarty stressed that the Town needs to be protected and the Avon Community Access and Media Corporation need to be protected. Expert advice is needed at this point.

Mr. Lane stated there is money left under the old contract with the Cable Advisory Board for educational purposes. Chairman Hegarty suggested getting in touch with Comcast to research this and use whatever funds are left under the old contract. Chairman Hegarty stated the Board would get back to the Avon Community Access and Media Corporation's members.

Town Administrator's Report

Mr. McCue reported a seminar/training was held on Massachusetts Public Records Laws on January 26th. It was conducted by a member of the State's Public Records Division.

Mr. McCue reported a letter was received from T-Mobile stating that the potential merger with AT & T fell apart. Mr. McCue stated the cell tower at the Crowley School would be a great revenue source for the Town.

Mr. McCue has been in touch with Municibid. There are two obsolete trucks for disposal. Mr. McCue will set up a meeting with Municibid and report back to the Board.

Mr. McCue met with the Insurance Advisory Committee regarding the potential savings to the Town relative to health insurance. Mr. McCue will report back to the Board with the figures.

Chairman Hegarty reported he and Community Development members met with Senator Joyce and Representative Galvin to discuss the Housing Rehabilitation Program and repairs to Fellowship Circle as part of the current grant filed on December 16, 2011.

At 8:25 p.m. Mr. Rose made a motion to call for a brief recess until 8:30 p.m. Mr. Brady seconded the motion. All were in favor.

At 8:30 p.m. Mr. Rose made a motion to reconvene the hearing for Avon's Generations. Mr. Brady seconded the motion. The motion carried.

8:30 p.m.—Continued Public Hearing for Avon's Generations, Inc.

Attorney Darcy McDonald and Manager Adam Silver appeared before the Board. Also present was Avon Police Chief Warren Phillips.

Attorney McDonald reported that she and Mr. Silver are prepared to issue a statement to the Board. Before issuing the statement, she wanted to apologize to the Board for losing her temper and her behavior at the last meeting. She reviewed the minutes of April 22, 2009 with Mr. Silver. With the Board's permission, Mr. Silver and I want to submit a proposal to the Board. We are hoping it satisfies the objectives of all concerned. It appears through us, and I know your objective as the local licensing authority, is to secure the public safety. The Police Chief's objective is to secure the public safety. Adam wants his patrons to be safe. Before I get into the proposal, this may not be information we have provided to the Board in the past. Any time there is an event with 100 people or more, there is a crowd manager in place. If Mr. Silver feels there are multiple events going on, then for the safety of his patrons, there is private security in place. Having said that, we propose that (1) Adam meets with Chief Phillips on a monthly basis with a spread sheet that contains all functions booked. Chief Phillips could then independently determine public safety concerns and evaluate functions. This spread sheet would contain information like wedding – 125 people - birthday party – 75 people, baptisms, bridal showers, etc. The Chief then can sit down with that and say – O.K. what have you got? The Chief can then sit down with Adam – such as a lot of Sweet 16's – the nature of the function? The Chief may say – this event has 225 people – this may be an opportunity for kids to get rambunctious – and this would require a police detail. This would allow the Chief to independently evaluate the need for detail and eliminate a last minute determination, which is pretty much what happened on New Year's Eve. We also believe that everyone's best interest is served with a clear and consistent procedure to address public safety concerns. And that is one thing that I think we all agree has been missing in terms of how to approach this. Adam and I have spoken at length about that type of regular meeting with the Chief and Adam sitting down, would go a long way to develop a good rapport with the Police, discuss everything that's in front of them, and get away from the history and hostility of the past. It would seem this would be a step in the right direction. We're asking for the Board to consider this to address these types of situations going forward and see if this is the right solution to satisfy's everyone's needs.

Mr. Rose replied “sounds good” as long it is understood the Chief's decision is final. You would need to refer to the Chief that private security is acceptable to him in certain situations. We put out value and trust in the Police Chief to make those decisions. The Chief is the final say.

Attorney MacDonald responded that it was understood that the Chief would be the final word.

Mr. Rose replied that I would refer to the Chief that private security may not be enough—may not be acceptable. It may be above and beyond what the Chief might require – you need to refer to the Chief.

Chairman Hegarty asked for Chief Phillips' reaction and comments.

Chief Phillips replied “when we need a detail man, we need a detail man, and I ask also that you pay for the detail in a timely fashion (30 days).”

Chairman Hegarty suggested, for instance, meeting in the middle of the month of February for March events.

Chairman Hegarty reported that the Board is concerned with large crowds. We don't have the ability to respond to an out of control situation. We would have to call mutual aid and we don't want to see people get hurt.

Adam replied "better to stop it before it happens."

Attorney MacDonald stated Generation's main venues are a series of graduations and first communions. That is the predominance of where his business is. Weddings, baptisms, 100 year old birthday parties, anniversary parties—that's what they are doing down there and that might be the reason why the perception on our part that a detail would be necessary has changed. The gatherings have changed. But at the same time we want to reconcile the fact that our perception is not necessarily yours. Anybody will benefit on the sharing of knowledge.

Mr. Rose wanted to say that it is your obligation – the Chief is always available on last minute things that happen.

Attorney MacDonald said one of the last minute things that happen are bereavements. Chairman Hegarty stated "we would leave this up to you, Adam Silver and the Chief."

Attorney MacDonald asked about a follow-up to this meeting? Do we have a time frame? Do you want to set a time frame?

Chairman Hegarty responded – 6 months? Chairman Hegarty thanked Attorney MacDonald and Adam Silver. Attorney MacDonald would provide an outline of the proposed policy.

At 8:50 p.m. Mr. Rose made a motion to call for a short recess. Mr. Brady seconded the motion. All were in favor.

The Board reconvened at 8:52 p.m.

Chairman Hegarty informed Attorney MacDonald that Generations would need to apply for an entertainment license so that the establishment is covered for entertainment and so is the Town. We don't have anything like a one-day license. It will be necessary to apply and hold a hearing. We have a standard license application for entertainment. Nothing on a temporary basis is needed.

Attorney MacDonald and Mr. Silver departed.

Chairman Hegarty announced some reminders for the Board:

Meeting this coming Saturday morning at 8:00 a.m. – Budget Meeting.
Tuesday evening, February 7th at 7:00 p.m. – Budget Workshop.

Mr. Rose made a motion at 8:53 p.m. to enter Executive Session to discuss strategy with respect to collective bargaining. Mr. Brady seconded the motion.

A roll call vote was taken:

Mr. Rose voted aye

Mr. Brady voted aye

Chairman Hegarty voted aye

The Board would not reconvene in Open Session.

On behalf of the Board, Chairman Hegarty wished a happy day on Sunday for the Patriots!

Respectfully submitted,

Miriam Rothstein

Secretary