

BOARD OF SELECTMEN MEETING  
TUESDAY, SEPTEMBER 4, 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.

Chairman Hegarty called for a moment of silence in memory of Thomas Minehan who passed away. Mr. Minehan served on the Police Department, Fire Department, as a member of the IDC, and also served as a Constable for the Town.

Mr. Brady made a motion to accept the minutes of Thursday, August 16, 2012 (Regular Session) as written. The motion was seconded by Mr. Rose. The motion carried.

Mr. Brady made a motion to accept the minutes of Thursday, August 16, 2012 (Executive Session) as submitted. Mr. Rose seconded the motion. The vote was unanimous.

At 7:35 p.m. Michael Sawler of West Main Street and members of his family presented the Board with an old road "Engineering" map of West Main Street. The 1888 map of Avon showed the few lots that existed on West Main Street and who owned them. Michael's mother wanted to donate the map to the Town.

The Board thanked the Lawler family for the donation. Chairman Hegarty remarked that this is a piece of Avon's history and four generations of the family were present for the presentation.

Chairman Hegarty announced that on behalf of the Town, we will preserve this piece of history. This is perfect for the 125<sup>th</sup> Anniversary celebration coming up in 2013. Chairman Hegarty wanted to remind residents that the festivities will begin for the 125<sup>th</sup> Anniversary celebration in February of 2013 and all residents are invited. The Celebration Committee is looking for volunteers to get involved and any help you can offer would be most appreciated. The next

Celebration Committee meeting is scheduled for Monday, September 10, 2012 at 7:00 p.m. in the Mary T. McDermott Room at the Avon Town Hall.

A request was received from the Avon Police Department to accept a donation, in the amount of \$202.88, from Home Depot for a small refrigerator.

Mr. Rose made a motion to accept a donation from Home Depot to the Avon Police Department for a small refrigerator in the amount of \$202.88. Mr. Brady seconded the motion. The motion carried.

A request was received from Wal-Mart to open the day after Thanksgiving, November 23<sup>rd</sup>, at 1:00 a.m. The item was tabled from the August 16, 2012 meeting for feedback from the Avon Police Chief.

Chief Phillips had some concerns and recommended staying with the 4:00 a.m. opening as we have in the past.

Mr. Rose made a motion to approve the 4:00 a.m. opening for Wal-Mart on Friday, November 23, 2012, based on the Police Chief's recommendation. Mr. Brady seconded the motion. All were in favor.

A request for a donation acceptance from Margaret Mennino and Ernest Edwards was received from the Council on Aging. The donation, in the amount of \$105.98, would be used to purchase new mixers for food preparation at the Council on Aging.

Mr. Rose made a motion to accept a donation from Margaret Mennino and Ernest Edwards to the Council on Aging, in the amount of \$105.98, to be used to purchase new mixers for the COA. Mr. Brady seconded the motion. The vote was unanimous.

A request for appointment of Linda Pendergrace to the position of part-time Circulation Assistant was received from Library Director Karen Johnson for the Board's approval. The position would begin on September 17, 2012 at F6-Step 1, at a salary of \$12.51 per hour.

Mr. Rose made a motion to approve hiring Linda Pendergrace to the position of part-time Library Circulation Assistant at Grade F6-Step 1 at \$12.51 per hour, contingent upon successful fulfillment of Town of Avon hiring policies. Mr. Brady seconded the motion. All were in favor.

Chairman Hegarty announced that Senator Brian Joyce will be holding office hours at the Avon Town Hall in the Mary T. McDermott Meeting Room on Tuesday, October 2, 2012 from 9:00 a.m. to 10:00 a.m. If anyone has an issue they would like to discuss with the Senator, please feel free to stop by. No appointment is necessary.

**7:45 p.m.—Public Hearing on the application of Adel Adam for a Common Victualler's license—Top Spot Pizza at 17 North Main Street**

Applicant Adel Adam appeared before the Board. Mr. Brady, Clerk of the Board, read the Legal Notice published in the "Enterprise." Mr. Brady checked the returned receipts and all were accounted for. Chairman Hegarty asked about the hours of operation. Mr. Adam replied that the establishment would be open from 10:00 a.m. to 11:00 p.m. daily. Food establishment permits were received from the Board of Health for the new business at 17 North Main Street, Unit B.

Mr. Rose made a motion to grant the Common Victualler's license for Top Spot Pizza at 17 North Main Street. Mr. Brady seconded the motion. All were in favor.

Applicant William Perry appeared before the Board requesting approval of a temporary sign permit to advertise the sale of lobsters at 25 Grant Drive in Avon. Mr. Perry is in partnership and plans on storing the lobsters at 25 Grant Drive. The selling of live lobsters would take place from Thursday through Sunday from now until December 31, 2012. Mr. Perry explained that he needs to display the temporary signs to increase lobster sales. There are three (3) in-ground signs, 4' x 2.'

After further discussion, Mr. Rose made a motion to approve the temporary sign permit for three (3) temporary signs advertising "Live Lobsters" on Bodwell Street and Grant Drive through December 31, 2012. Mr. Brady seconded the motion. The motion carried.

A petition was received from Massachusetts Electric Co. and Verizon New England, Inc. requesting permission to remove a pole to pole guy at 269 East High Street and to install an anchor for installation of a sidewalk guy.

After some discussion and review of the map, the Board expressed concern about the sidewalk remaining passable for the disabled given the location of the new guy. Mr. Rose stated there is not enough information based on the sketch provided.

It was Mr. McCue's suggestion to table the item so that a representative from National Grid could be present at the next meeting.

Mr. Brady made a motion to table the request from Massachusetts Electric Co. and Verizon New England, Inc. regarding a new sidewalk guy at 269 East High Street. Mr. Rose seconded the motion. All were in favor.

A street opening permit request was received from J. Aiello Trucking and Excavating. Building Inspector Robert Borden, who was in attendance at the meeting, explained to the Board that this street opening was necessitated by a leaking sprinkler supply line at 133 Main Street, which is holding up the filling of the foundation hole and removal of the barriers and fence.

Mr. Rose made a motion to grant the street opening permit for J. Aiello Trucking and Excavating at 133 Main Street with the condition that the Town of Avon's street restoration conditions are met. Mr. Brady seconded the motion. The motion carried.

## **MEETING WITH THE BOARD OF ASSESSORS**

Assessors Bruce Lane, Cindi Bernasconi and Patricia Hatch appeared before the Board. Assistant Assessor David Wood was also in attendance.

Chairman Hegarty asked the Assessors if there was any new growth this year. Mr. Wood replied that the next fiscal year would show better new growth figures due to new homes being built and the telecommunications company.

Mr. Lane stated that all information would be provided to the Department of Revenue by the beginning of November.

By October 1, 2012 all final numbers should be available for the tax rate recapitulation. A request was received from Columbia Gas of Massachusetts for a street opening permit to insulate gas service at main at 25 Bodwell Street.

Michael Kane, Director of Government Affairs for Columbia Gas, and Seth Kreuger, one of Columbia Gas's engineers, were in attendance.

Mr. Kane reported that Columbia Gas has recently requested a number of street opening permits for the purpose of inactivating natural gas service lines.

Mr. Rose asked the representatives of Columbia Gas what determines the proper time for a curb cut, especially those cuts requested to cut off gas stubs. The Board is concerned about new home owners requesting the installation of gas service once the gas service is capped.

Mr. Kane presented the Board with Massachusetts Law, specifically 220 CMR 107.05 and 107.06 which **“requires each service line which was installed on or before July 31, 1971, and subsequently becomes inactive, must be separated from the gas main in the street not later than five (5) years after the most recent inactivation date. If a service line is plastic or cathodically protected steel, such service lines must be inactivated not less than ten (10) years after the most recent inactivation date.”** To inactivate a service, we must open the street.

Mr. Rose stated that it would be beneficial to both the Town and Columbia Gas to plan when these compliance dates come up. There is a five (5) year moratorium on newly constructed roads in Avon. Working together, we can plan ahead and get the work done, especially on new roads.

Mr. Kane asked for a list of future road projects in Avon.

Chairman Hegarty mentioned Robbins Street, which is newly paved and only two (2) years old. Unless there is an emergency cut, this request is not acceptable.

There have been three (3) requests for road openings on West High Street to install gas service and that is a road just barely five (5) years old.

The request for a street opening for 98 West High Street was due to an inactive service for ten (10) years requiring cut off of the gas service and stub.

Chairman Hegarty reported that on two (2) occasions a crew from Columbia Gas showed up on a Saturday. The requirement stated no weekends and the Highway Superintendent must be notified one (1) day in advance to witness the patching procedure. The work must be done during normal working hours and done according to the Town of Avon's restoration policy.

After further discussion, Mr. Rose made a motion to approve all road opening requests from Columbia Gas, as long as the restoration procedure is followed for:

25 Bodwell Street  
98 West High Street  
54 West High Street  
404 Page Street

Mr. Brady seconded the motion. The motion carried.

It was unanimously voted to deny the request for a street opening permit at 67 Robbins Street to cut off gas stub at main.

It was unanimously voted to approve all vouchers for the payment of bills as submitted.

At 8:30 p.m., George Mello, Senior Project Engineer of Construction Services for Tibbetts Engineering Corp., appeared before the Board. Mr. Mello reported that all poles have been removed on Pond Street as of this past Monday morning. Paolini Corporation is scheduled to begin work on September 11<sup>th</sup>. The completion date for the Pond Street project is October 19<sup>th</sup>. This does not include any additional work from Paolini Corp. Mr. Mello will report back to the Board the end of September to update the progress.

In accordance with the Town's request to review additional stonewall rebuilding at houses #250, 256, 268, and a section of 270 Pond Street, Mr. Mello reported that Tibbetts Engineering and Mr. Sarni have reviewed the referenced properties. Mr. Mello provided pictures and estimates to the Board.

Mr. Mello stated the existing stonewalls were either rebuilt or relocated only if the existing stonewalls were in conflict with the proposed installation of handicapped sidewalks. If the Town considers proceeding with the extra work for stonewalls rebuilt at these locations, several trees would have to be removed.

After some discussion, Mr. Rose made a motion to deny the request for additional stonewalls at 250, 256, and 268 Pond Street as the additional work is not needed for the reconstruction of Pond Street. Mr. Brady seconded the motion. The motion carried.

95 Pond Street—Mr. Joseph Mahoney

Mr. Joseph Mahoney of 95 Pond Street was unable to attend tonight's meeting.

Mr. Mello reported he has reviewed preconstruction and progress photos and various inspector memos and daily reports regarding the owner's request at 95 Pond Street for additional work at the driveway of 95 Pond Street.

Mr. Mello provided the following comments to the Board:

1. The homeowner at 95 Pond Street without Town, contractor or inspector approval excavated and widened his driveway into his property beyond the proposed work limit/property line. The area of work on private property was not required to be performed for either grade or sidewalk construction.
2. The homeowner removed without Town/contractor approval several hundred linear feet of edging/curbing from the roadway/site which was to be utilized for property line transitions if required or given to the Avon DPW for Town use.
3. The Town/contractor as an appeasement to this homeowner, paved the additional area extended in the driveway beyond the work limits/property line into private property.
4. The current request to remove a section of the stonewall radius returns into the driveway and install granite curb/edging has been reviewed. This work, if approved, could be performed when the contractor returns to the site in mid-September, 2012.

Mr. Rose reviewed the comments made by Mr. Mello and listened to the resident's complaint regarding the conflict he is having on his turn into the driveway.

After a lengthy discussion, Mr. Rose suggested scheduling a survey crew to take shots to determine how to proceed. The Board agreed. Mr. Rose suggested a follow-up report from Mr. Mello by the Board's next scheduled meeting on September 20<sup>th</sup>.

#### 87 Pond Street—Mr. Thomas Mulvaney

Mr. Mulvaney reported he is still experiencing a driveway access/slope problem.

Mr. Mello reported that the homeowner is requesting reconstruction of his existing non-conforming driveway to a lower driveway profile grade by approximately 8% to 10%.

Mr. Mello stated he has reviewed preconstruction photos, inspector's daily reports, progress photos, memos, etc.

After further discussion, Mr. Rose requested survey work be done on the 87 Pond Street driveway with photos and Mr. Mello would update the Board with recommendations. The Board concurred.

#### 36 Pond Street

A request was received from the homeowner at 36 Pond Street to either eliminate or relocate the constructed wheelchair ramp on Malley Avenue and to utilize said ramp as a driveway access into their property.

Mr. Mello commented that to utilize the wheelchair ramp as a driveway access should be considered a traffic violation and also a violation of ADA, DOT and MUTCD standards.

Mr. Mello reported that the homeowner's existing Pond Street driveway was widened at his request as an appeasement by the Town to his parking concern. A second driveway was also constructed on Malley Avenue, easterly of the intersection, to afford the home owner an additional property access location.

After some discussion by the Board, Mr. Rose made a motion to deny the home owner's request at 36 Pond Street to build a new wheelchair ramp. Mr. Brady seconded the motion. The motion carried.

At 10:00 p.m. Mr. Mello departed.

### **Town Administrator's Report**

Mr. McCue informed the Board that he has had continuing conversations with the members of Community Opportunities Group. The Town's approach for future grants is going to change to a regional approach with neighboring communities. Mr. McCue has spoken with Norwood's Town Planner. Mr. McCue would report back to the Board when he has further information.

Mr. McCue has spoken to an OCPC staff member who informed him that OCPC would be doing traffic counts on Central Street. Mr. McCue was asked if Avon has any additional counters to study. Chairman Hegarty responded that he would like to see counts on Stockwell Drive, Harrison Blvd and the cross traffic on West Main Street.

At 10:10 p.m., Mr. Rose made a motion to enter Executive Session to discuss strategy relative to contracts. Mr. Brady seconded the motion.

A roll call vote was taken:

Chairman Hegarty voted aye

Mr. Rose voted aye

Mr. Brady voted aye

The Board would not reconvene in Open Session.

Respectfully submitted,

Miriam Rothstein  
Secretary

