

BOARD OF SELECTMEN MEETING
THURSDAY, JANUARY 5, 2012
6:30 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 6:40 p.m. with all members present.

School Committee members Jeanne Martineau-Fernald, Vice Chair John Nolan, Tracy Sheehan and School Superintendent Midge Frieswyk were in attendance for a meeting with the Board of Selectmen.

At 6:45 p.m. Mr. Rose made a motion to enter Executive Session to discuss strategy with respect to collective bargaining where an open meeting may have a detrimental effect on the government's bargaining position. 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 reconvene in Open Session.

At 7:45 p.m., Mr. Rose made a motion to re-open Open Session. Mr. Brady seconded the motion.

A roll call vote was taken:

Mr. Rose voted aye
Mr. Brady voted aye

Chairman Hegarty voted aye

OLD BUSINESS

The first item of business was the signing of a Common Victualler's license issued to Avon's Generations, Inc. The license was omitted in error from the renewal Common Victualler's licenses for 2012.

Mr. Rose made a motion to approve the Common Victualler's license for Avon's Generations, Inc. for 2012. Mr. Brady seconded the motion. The motion carried.

NEW BUSINESS

A discussion ensued regarding the Appointed Constable Policy. Chairman Hegarty explained at the November 3, 2011 Board of Selectmen's Meeting, it was unanimously voted to no longer appoint Constables, effective January 1, 2012.

Mr. Brady commented that he has received correspondence from two appointed Constables—Mr. Sean Bastis and Mr. Gerald Loomis.

Mr. Rose questioned what are some of the additional activities by Town appointed Constables? Mr. Rose asked what are the duties of a Constable? There is no list of specific duties.

Mr. McCue pointed out that no such list is provided in Mass. General Law.

Chairman Hegarty reminded the Board that a vote was taken not to renew the appointed Constables for 2012 based on the number of complaints over the past two years that the Board has received. His main concern is liability to the Town. The question arose "are appointed Constables considered Public Employees?"

Mr. Gerald Loomis, who has been an appointed Constable in Avon for many years, appeared before the Board. Mr. Loomis stated he carries his own liability insurance and every Constable, he believes, should have coverage. This is his full time profession and has been for over 30 years. He has taken training classes. They are available but not mandatory according to Mass. General Laws. He commented "you need appointed Constables in this Town."

Mr. Rose asked "what are some of the tasks that you would perform"?

Mr. Loomis responded: evictions, arrest warrants (civil), seizure of motor vehicles, papers that come out of Probate Court. The Police Department handles criminal matters; a Constable handles civil matters.

Chairman Hegarty expressed his concern regarding Constables performing duties in other communities other than Avon.

Mr. Loomis replied that if the paperwork comes out of Probate Court, then a Constable is considered a “Special Process Server.”

Mr. Rose asked “how do we deal with complaints for Constables who serve the Town of Avon?”

At this point, Chairman Hegarty turned the discussion over to Town Counsel.

Mr. Lalli stated a Constable handles civil process—divorces, custody matters or one could hire a sheriff. The law is definitely nebulous. It is his opinion that the Town needs to set strict guidelines if the Town wants to move forward and appoint Constables. Constables should carry liability insurance.

Mr. Lalli stated with Probate Court, serving a “capias” means a Constable has the authority to go anywhere in the Commonwealth of Massachusetts to serve papers.

Mr. Brady suggested the Board considers writing up a policy and perhaps setting a limit on the number of appointed Constables?

Mr. Rose made a motion to table the discussion so that more research could be done and reconsideration of the action taken by the Board regarding the appointed Constables could be discussed at the January 19, 2012 meeting. Mr. Brady seconded the motion. All were in favor.

A request was received from Fire Chief Spurr to remove from inventory and declare as surplus a 1973 International 1310 vehicle.

Mr. Rose made a motion to approve the Fire Chief’s request to declare a 1973 International 1310 vehicle as surplus and authorizes disposal. Mr. Brady seconded the motion. The motion carried.

Mr. Rose made a motion to hire Alexander London to the position of part-time Library Circulation Assistant, Grade F6, Step 1 at \$11.48 an hour, contingent upon successful fulfillment of the Town of Avon hiring policies. Mr. Brady seconded the motion. All were in favor.

Announcements

Norfolk County Register of Deeds William O’Donnell will hold office hours in Avon Town Hall on Tuesday, January 17, 2012 from 10:00 a.m. to Noon in the Meeting Room. No appointment is needed.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to approve all vouchers for the payment of bills as submitted.

Town Administrator’s Report

Mr. McCue reported he had an introductory meeting with members of “Habitat for Humanity” to discuss potential properties in Avon for affordable housing. At present, no such properties are available. Mr. McCue would report back to the Board if there are any future meetings.

Mr. McCue informed the Board that he has been working on scheduling a seminar on Massachusetts Public Records law. The presentation would be conducted by the Secretary of the Commonwealth's Public Records Division. A presentation will be held on Thursday, January 26th at noon. No one is available after hours to conduct a seminar/training from the Public Records Division.

At 8:35 p.m., with all business completed, Mr. Rose made a motion to adjourn. Mr. Brady seconded the motion. The motion carried.

Respectfully submitted,

Miriam Rothstein
Secretary