

BOARD OF SELECTMEN
Francis A. Hegarty, Chairman
Robert F. Brady, Jr., Clerk
Steven P. Rose, Associate

Michael McCue, Town Administrator

Town of Avon Massachusetts

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

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

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

Not present: Steven P. Rose

Chairman Hegarty called the meeting to order at 7:30 p.m. with a quorum being present. Mr. Rose was absent from the meeting this evening.

Mr. Brady made a motion to accept the minutes of Thursday, May 17, 2012 (Regular Session) as written. Chairman Hegarty seconded the motion. The vote was unanimous.

Mr. Brady made a motion to approve the minutes of Thursday, May 3, 2012 (Executive Session) as submitted. Chairman Hegarty seconded the motion. The motion carried.

Mr. Brady made a motion to accept the minutes of Thursday, April 12, 2012 (Workshop Meeting) as submitted. Chairman Hegarty seconded the motion. All were in favor.

During the Open Forum, Mr. Tom Mulvaney of 87 Pond Street and Mr. Joseph Mahoney of 95 Pond Street appeared before the Board. Mr. Mulvaney stated he received a letter from Mr. McCue back in December of 2011. Mr. Mulvaney had spoken with Mr. McCue regarding his driveway access and a slope complaint relative to the rehabilitation work being done on Pond Street. Mr. Mulvaney reported he is a single parent with a handicapped daughter. Due to the current slope of his driveway, his driveway is not usable at this time. His daughter is unable to push her wheelchair down the driveway. It is too steep. Mr. Mulvaney stated that Mr. Mahoney's wife at 95 Pond Street looks after his handicapped daughter. His daughter is unable to get her wheelchair up Mr. Mahoney's driveway at 95 Pond Street because it is too steep. Mr. Mulvaney also indicated that he has had vehicles damaged entering/exiting his driveway, i.e. a snow plow, his truck and the family automobile.

After further discussion, Chairman Hegarty directed Mr. McCue to set up a meeting with Mr. Mulvaney, Tibbetts Engineering and Paolini Corp. within the next two weeks to discuss the matter. Mr. McCue stated he would get back to Mr. Mulvaney by Monday afternoon of next week with a meeting date to evaluate the matter.

7:45 p.m.—Public Hearing on the application of Patricia and Stanley Kelly for a Class II license at 41 North Main Street

Applicants Patricia and Stanley Kelly appeared before the Board. Mr. Brady, Clerk of the Board, read the Legal Notice and checked the abutters' receipts.

Mr. Kelly stated he is requesting ten (10) cars on the back parking area with two of those cars for show at the front end of the parking area closest to the street for sale. They are also requesting permission to repair the vehicles on the premises so that they can warranty their own cars.

Chairman Hegarty asked if the hours of operation would remain the same. Mr. Kelly responded yes – same hours of operation.

Chairman Hegarty stated this is a new application for a Class II license. The Board could not renew their Class II license in the month of December 2011 because of septic issues at 41 North Main Street. Their original Class II license was issued December 6, 2007.

Mrs. Helen Enright, owner/resident of 21 North Main Street and one of the abutters, asked if she could move forward so that she could hear what was being said. Chairman Hegarty responded "yes." Mrs. Enright was asked if she had anything to say. Mrs. Enright stated she is opposed to granting the Class II license. She has many environmental concerns on their property. Currently she observed 7 cars on the side of the house with 2 for sale. Mrs. Enright observed repairs being done on vehicles in the rear of the property. She has an environmental concern with a brook running behind the property that goes into Randolph. There are wetlands in the rear of the property. Where is the oil going after it is changed? She reported there is a mini-junkyard with tires, rusty auto parts and debris in the rear of the property. Mrs. Enright is concerned with the environment and the fact that the condition of the property with additional vehicles for sale would hurt the neighborhood.

Mr. Kelly responded that he has put a lot of money into his property and wants to keep his existing business.

Chairman Hegarty asked about the mechanical work being done. Are there drains on the property? What happens to the oil that is changed? Is there a berm around the property to contain the oil? Mr. Kelly responded that there are no drains or berm set up on the property.

The Kellys stated they bought the property in December of 2005. There is a marine business on the property but Mr. Kelly assured the Board that no boat repairs are being done.

Mr. Brady stated in view of what has been discussed, he is not comfortable issuing the Class II license.

Mr. Kelly asked if it would be acceptable to place one car in front and the remainder in the rear.

Mr. Brady stated he would be willing to give the Kelly's a trial period and referred back to their original license which allowed one car in the front to be displayed, 6 cars in the back and warranty work to take place off the premises. He would grant the Class II license as previously stated with periodic visits for compliance.

Mr. Brady made a motion to grant the Class II license for 41 North Main Used Cars with one car for display in front, 6 vehicles in back and no repairs on the premises.

Chairman Hegarty seconded the motion with discussion. Chairman Hegarty voiced his concern with repair issues with no berm and no containment of oil on the premises. Run-off would go into the wetlands. Chairman Hegarty opposed granting the Class II license. The motion fails (Vote: 1 to 1). The license is denied.

Mr. Kelly asked at that point "what else can we do?" Chairman Hegarty replied that Mr. and Mrs. Kelly could re-apply and would need a site plan review by the Planning Board and they may also need to appear before the Conservation Commission.

**8:00 p.m.—Shaun Burke—Peer to Peer Technical Assistance Program Grant Update—
Joint Meeting with the Planning Board**

Mr. Shaun Burke, Peer consultant, is assisting the Town to develop options for downtown economic development through a Peer-to-Peer Technical Assistance Grant. The grant is funded by the Department of Housing and Community Development. Planning Board members Charles Marinelli, Robert Pillarella, Charles Comeau and Dolores Daigle were in attendance. Building Inspector Robert Borden was also in attendance.

Mr. Burke provided a draft of "Avon Downtown Visioning" to the Board and the Planning Board members. Mr. Burke threw out a bunch of ideas and observations as well as suggestions.

Mr. Burke reported that although business stability and private reinvestment in downtown Avon has remained a Town priority, the recent recession and new business competition has hurt the traditional downtown. The Avon Cooperative Bank stands alone as a symbol of reinvestment; adjacent to the bank there are "For Rent" signs and a number of empty storefronts. Coupled with these issues is a perception of a lack of available public parking. There is one off-street public parking lot. Mr. Burke discussed Route 28 which he reports has the biggest and most difficult impact on Avon as a road. He explained the intersection at downtown which becomes four lanes at one point. Shortly after that, West Main Street slips off to the right and East Main continues southbound as four lanes. There are two traffic islands placed north/south in the roadway. The width of the roadway and the number of overhead signals makes this one of the most unfriendly small town streets. Mr. Burke stated downtown Avon is a challenging location to define. He commented that we need additional parking, angled spaces, no bike lane exists, no trees. We must identify downtown – we must define it and we must create a safe, pedestrian-friendly downtown.

Mr. Burke's preliminary plan will be discussed and he should be finished with design suggestions by the end of June.

Management Sick Bank Policy

Chairman Hegarty read the proposed policy for full time management employees. After some discussion, Mr. Brady made a motion to approve the Management Sick Bank Policy as written. Chairman Hegarty seconded the motion with discussion. Chairman Hegarty offered a friendly amendment to the motion—to change the language in the first paragraph and again in the last paragraph to read “calendar year” in place of “fiscal year.” Chairman Hegarty stated this would be much simpler for record keeping purposes.

It was unanimously voted to approve the Management Sick Bank Policy with the amended language, using calendar year instead of fiscal year for reporting purposes.

Chairman Hegarty announced a tragic fire took place on Tuesday evening of this week (June 5th) and destroyed the home of Mr. and Mrs. Garrett Ryan and their sons, Patrick and Liam, of 109 Connolly Road. We are happy to report that all occupants of the home were able to get out safely. Liam, who was originally hospitalized for observation, has been released from the hospital. Their home is destroyed. The family escaped with only the clothes on their back. We are asking members of the community to reach out to this family. You may donate to the emergency fund established to aid the Ryan family. Contributions may be made to the Ryan Family Fire Fund, c/o the Avon Cooperative Bank, One East Main Street, Avon, MA 02322.

The Board would like to commend the actions of the Avon Fire Department, the Avon Police Department and we also wish to extend our thanks to the Fire Departments of Brockton, Stoughton, Randolph and Holbrook who provided mutual aid and station coverage.

Chairman Hegarty read the following list for 2012/2013 Reappointments:

<u>Board/Commission</u>	<u>Name</u>	<u>New Term to Expire</u>
Board of Appeals	Gerald E. Picardi	June 30, 2015
Assistant Town Clerk/ Assistant Town Treasurer	Carla Mazgelis Costa	April, 2015
Assistant Tax Collector	Karen Collum	June 30, 2015
Avon Cultural Council	Norma Mercuri	June 30, 2017
Building Inspector (ALT)	Charles Comeau	June 30, 2013
Council on Aging	Jason Miller	June 30, 2015
Plumbing/Gas Inspector	Alexander Campbell	June 30, 2013
Plumbing/Gas Inspector (ALT.)	Brian Campbell	June 30, 2013
Plumbing/Gas Inspector (ALT.)	Joseph Donovan	June 30, 2013

Historical Commission Warren B. Lane June 30, 2015

Official Weighers/Bituminous
Concrete Albert Weigel June 30, 2013
 Terry L. Edwards
 Kevin Edwards “
 Mark Klim
 David Young
 Stephen Edwards
 Edward Doherty
 Christopher Edwards

Old Colony Elder Svcs.
(Avon’s representative to
The Board of Directors) Margaret Meninno June 30, 2015
Keeper of the Town Clock Paul C. Barker June 30, 2013
Town Counsel Joseph S. Lalli June 30, 2013
Veteran’s Agent Michael Stanley June 30, 2013
Wire Inspector Dennis Collum June 30, 2013
Wire Inspector (ALT.) Dennis M. Collum June 30, 2013
Wire Inspector (ALT.) Brian T. Collum June 30, 2013
Wire Inspector (ALT.) George Davey June 30, 2013

Mr. Brady made a motion to reappoint the above-mentioned list as read. Chairman Hegarty seconded the motion. The vote was unanimous.

A request was received from Columbia Gas of Massachusetts to install gas service at 89 West High Street. Chairman Hegarty reviewed the sign-offs from the Highway and Water Departments. Highway Superintendent Edward Sarni signed off on the curb cut with stipulations since the road is only five (5) years old.

Chairman Hegarty made the following motion: ***“Permission is granted with the caveat that Columbia Gas must follow the Highway Restoration Procedure exactly. Columbia Gas must notify the Highway Superintendent to witness the patching procedure. If the Highway Superintendent is not comfortable with the work being done, the work must cease. By order of the Board of Selectmen, it is required that the gas company’s trench work is guaranteed in writing.”*** Mr. Brady seconded the motion. The motion carried.

Chairman Hegarty mentioned that in the future the Town may require a bond to be posted for curb cuts.

A request for a temporary sign permit was received from Jordan’s Furniture at 100 Stockwell Drive for permission to display three (3) 12 x 60 vinyl mesh banners on the building from 6/7/12 through 8/24/12.

Mr. Brady made a motion to grant the temporary sign permit to Jordan's Furniture to display three (3) vinyl mesh banners from 6/7/12 through 8/24/12 Chairman Hegarty seconded the motion. The motion carried.

A list of summer program hires was requested by the Park and Recreation Commission for the Board's approval.

Mr. Brady made a motion to hire the following individuals to the Park and Recreation Department's summer program, contingent upon successful fulfillment of the Town of Avon hiring policies:

Director – Elizabeth Doucette	G10-1	\$11.77
Assistant Director – Kelli Mains	G8-1	\$9.41
Counselors:		
Emily Waldron	G7-5	\$9.12
Luke Pomelue	G7-1	\$8.24
Catherine Dequinzio	G7-1	\$8.24
Jose Melendez	G7-1	\$8.24
Christopher Pitman	G7-1	\$8.24
Cassandra Doherty	G7-1	\$8.24

Chairman Hegarty seconded the motion. The motion carried.

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

Town Administrator's Report

Town Administrator McCue reported he attended a "Tree City USA Forum and Awards Program" on May 31, 2012 in New Bedford. The Town of Avon received a one year Tree City award. This event was presented by the Urban and Community Forestry Program of the Massachusetts Department of Conservation and Recreation, which assists communities in protecting, growing and managing their community trees and forests.

On May 30, 2012 Mr. McCue and Chairman Hegarty attended a seminar at Harvard University – JFK School of Government.

Sheriff Bellotti's Community Task Force will send a work crew to weed and trim the community parking lot across from Avon Cooperative Bank. They will also be spreading mulch.

On Saturday, May 19th Pepsi volunteers came to Avon to prepare and paint the wood on the Town's gazebo. "Pepsi Gives Back" supports surrounding town programs. Lunch and games were provided by Pepsi.

OCPC will be drafting a report regarding wastewater needs for the Board's review.

Chairman Hegarty expressed his thanks to the "Pepsi Gives Back" Program to help surrounding communities with volunteers. He also thanked Sheriff Bellotti's office for the work crew sent to Avon.

At 9:50 p.m., with all business completed, Mr. Brady made a motion to adjourn. Chairman Hegarty seconded the motion. All were in favor.

Respectfully submitted,

Miriam Rothstein

Miriam Rothstein
Secretary