

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

Town of Avon Massachusetts

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Michael McCue, Town Administrator



BOARD OF SELECTMEN MEETING THURSDAY, AUGUST 16, 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. Rose made a motion to accept the minutes of Thursday, May 10, 2012 (Workshop Meeting) as written. The motion was seconded by Brady. The motion carried.

Mr. Rose made a motion to accept the minutes of Thursday, August 2, 2012 (Regular Session) as written. Mr. Brady seconded the motion. The vote was unanimous.

Mr. Rose made a motion to approve the minutes of Thursday, August 2, 2012 (Executive Session) as submitted. Mr. Brady seconded the motion. The motion carried.

The Board discussed a legal bill from Trident Insurance Services. The item was tabled from the August 2, 2012 Board of Selectmen's meeting. Mr. McCue presented the Board with an e-mail from Charlie Rourke of Estabrook & Chamberlain Insurance, detailing the fact that Trident Insurance has paid the legal fees on the Town's behalf on this claim. The Town is required under contract to pay up to a \$5,000 deductible per claim. The amount of \$3838.98 is justified to be paid to Trident Insurance.

Mr. Rose made a motion to approve payment of the legal bill to Trident Insurance Services in the amount of \$3838.98. Mr. Brady seconded the motion. All were in favor.

Chairman Hegarty requested when the policy renews next year, policy quotes should be received with and without a deductible.

Request for Street Opening Permit to install gas service at 294 Pond Street—Columbia Gas of Mass.

A request was received for a street opening permit to install gas service at 294 Pond Street. Mr. Rose commented that it is important for the trench work is done properly in the restoration of the road. The condition of the road must be equal to or better than before the curb cut. Chairman Hegarty also commented that no work would be done on weekends. After some discussion, Mr. Rose made a motion to grant permission to excavate to make the gas installation at 294 Pond Street with the following stipulations:

“This work must be repaired with flowable fill and must be done in compliance with the date set by the resident engineer overseeing the Pond Street project. The Highway Supervisor, or his designee, must witness trench repair and must be notified at least one day in advance of work. Said work will not be allowed on weekends. This requirement is especially emphasized given two recent instances in which this guidance was not followed. Further non-compliance will result in denial of future non-emergency requests. Please be further advised that all police details and engineering oversight deemed necessary by the Highway Supervisor will be borne by Columbia Gas.”

Mr. Brady seconded the motion. The vote was unanimous.

7:45 p.m.—Public Hearing on the application of Inez Vargas for a Common Victualler’s license—A-1 Market Deli at 85 East Main Street

Applicant Inez Vargas appeared before the Board requesting a Common Victualler’s license. Mr. Brady, Clerk of the Board, read the Legal Notice published in the “Enterprise” newspaper.

Ms. Vargas reported her hours of operation would be from 7:00 a.m. to 2:00 p.m. six (6) days per week (Tuesday through Sunday). Mr. Rose explained that if Ms. Vargas wanted to change the hours of operation, she would need to come before the Board for a hearing.

The Board checked the Board of Health’s food permit issued to A-1Market Deli.

Mr. Brady made a motion to grant the Common Victualler’s license to Ms. Vargas for A-1 Market Deli at 85 East Main Street. Mr. Rose seconded the motion. All were in favor.

Request for street opening permit from Columbia Gas of Massachusetts at 21 Pond Street

Mr. Rose made a motion to approve the street opening permit at 21 Pond Street to install gas service with the following conditions:

“This work must be repaired with flowable fill and must be done in compliance with the date set by the resident engineer overseeing the Pond Street project. The Highway Supervisor, or his designee, must witness trench repair and must be notified at least one day in advance of work. Said work will not be allowed on weekends. This requirement is especially emphasized given two recent instances in which this guidance was not followed. Further non-compliance

will result in denial of future non-emergency requests. Please be further advised that all police details and engineering oversight deemed necessary by the Highway Supervisor will be borne by Columbia Gas."

The motion was seconded by Mr. Brady. The motion carried.

Request for street opening permit from Columbia Gas to cut off gas stub at 54 West High Street

Mr. Brady made a motion to approve the street opening permit at 54 West High Street with the following stipulations:

"Please be advised that the road in question is just barely five (5) years old. The Town of Avon places high value on the maintenance and integrity of its roadways, especially those so recently reconstructed. Thusly, it is a mandatory requirement that the Avon street restoration policy is followed exactly in this location. The Highway Supervisor, or his designee, must witness trench repair and must be notified at least one (1) day in advance of work. Said work will not be allowed on weekends. This requirement is especially emphasized given two (2) recent instances in which this guidance was not followed. Further noncompliance will result in denial of future non-emergency requests. Please be further advised that all police details and engineering oversight deemed necessary by the Highway Supervisor will be borne by Columbia Gas."

Mr. Rose seconded the motion with discussion. Mr. Rose amended the previous motion as follows: "to add that the work must be repaired with flowable fill and clarification is needed from Columbia Gas regarding their policy on gas stubs. Mr. Rose added the item should be tabled for clarification."

It was unanimously voted to approve the amended motion as stated above. The motion carried.

Request for street opening permit from Columbia Gas to do maintenance repair and corrosion control at Clover Ave. and Fletcher Street

Mr. Rose made a motion to grant permission for a street opening permit at Clover Ave. and Fletcher Street with the following stipulation:

"The Town of Avon places high value on the maintenance and integrity of its roadways, especially those in such good shape as this road. Thusly, it is a mandatory requirement that the Avon street restoration policy by followed exactly in this location. The Highway Supervisor, or his designee, must witness trench repair and must be notified at least one day in advance of work. Said work will not be allowed on weekends. This requirement is especially emphasized given two recent instances in which this guidance was not followed. Further noncompliance will result in denial of future non-emergency requests. Please be further advised that all police details and engineering oversight deemed necessary by the Highway Supervisor will be borne by Columbia Gas."

Mr. Brady seconded the motion. The motion carried.

**Request for street opening permit from Columbia Gas—to cut off gas stub at main—67
Robbins Street**

Mr. Rose questioned what happens when a gas stub is cut off and then the house is sold. The Board is concerned about new residents wanting to re-install gas service.

The Board would like further information from Columbia Gas on their gas stub policy. Why are they requesting this? Is it for safety reasons?

Mr. Rose made a motion to table the item until further information can be gathered from Columbia Gas. Mr. Brady seconded the motion. All were in favor.

**Request for street opening permit from Columbia Gas to cut off gas service at main at 404
Page Street**

Mr. Rose made a motion to table the item pending further information from Columbia Gas regarding Columbia's policy on cutting off gas service stubs. Mr. Brady seconded the motion. The motion carried.

Application for Temporary Sign—25 Grant Drive—William Perry

A temporary sign application was received from William Perry to advertise lobster selling at 25 Grant Drive.

Mr. Rose stated he was confused with the application. He questioned whether a permanent sign would be more appropriate since he is selling several days per week until the end of the year. Is 25 Grant Drive an empty lot? He asked for further clarification on who is selling the lobsters and who do we hold responsible if a violation occurs? Mr. Brady agreed. The Board also requested written documentation from the property owner, F.X. Messina.

Mr. Brady made a motion to table the item. Mr. Rose seconded the motion. The vote was unanimous.

A request was received from Wal-Mart's Store Manager, Scott Wokoske, located at 30 Memorial Drive, for the Board's approval to open at 1:00 a.m. on November 23, 2012. This is the day after Thanksgiving (Black Friday).

Chairman Hegarty expressed his concern with issues of a mad rush and stampedes with shoppers. Police Chief Warren Phillips needs to weigh in on this to determine if there is enough manpower if a situation arises at Wal-Mart. Mr. Rose asked if the Board could place a condition on the request that police details would be required.

Mr. McCue suggested that the Board tables the item and receives written feedback from the Police Chief on the matter.

Mr. Brady made a motion to table the request until further information is available from Police Chief Warren Phillips. Mr. Rose seconded the motion. The motion carried.

Meeting dates for the month of September were announced as follows:

Thursday, September 6, 2012 at 7:30 p.m.
Thursday, September 20, 2012 at 7:30 p.m.

On a motion made by Mr. Brady, seconded by Mr. Rose, it was unanimously voted to approve all vouchers for the payment of bills, minus Tibbett's Engineering Corp.

TOWN ADMINISTRATOR'S REPORT

Mr. McCue reported there are two (2) potential new businesses to go into the Avon Industrial Park. Thank you to Building Inspector Robert Borden for sitting in on meetings.

Mr. McCue stated funds are available from a prior Town Meeting for a Sewer Feasibility Study—scope of work and timeline.

Mr. McCue reported that he met with a consultant from the new telecommunications company. It was reported that the Town has seen a \$193.00 savings per month with a total savings of \$4780.00 to date.

Mr. Rose questioned the property on Main Street and West High Street. It was brought to his attention that a wheelchair cannot get through the area. There is a barrier in the way. Mr. Rose asked Mr. McCue to look into the matter.

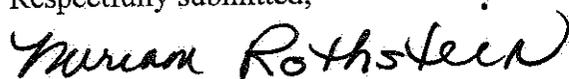
At 8:25 p.m., Mr. Rose made a motion to enter Executive Session to discuss strategy relative to management contracts. Mr. Brady seconded the motion.

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.

Respectfully submitted,



Miriam Rothstein
Secretary