

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

Michael McCue, Town Administrator

# Town of Avon Massachusetts

Town Offices  
Buckley Center 02322  
(508) 588-0414  
FAX (508) 559-0209



## BOARD OF SELECTMEN MEETING THURSDAY, MAY 16, 2013 7:00 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  
Avon Department Heads

Chairman Hegarty called the meeting to order at 7:00 p.m. with a quorum being present.

Chief Warren Phillips led the meeting in the Pledge of Allegiance.

### **7:00 p.m.—Department Head Meeting to discuss how to address additional funds voted at the ATM for FY 14.**

Chairman Hegarty reported as a result of the May 7, 2013 Annual Town Meeting appropriations voted, this meeting is held to discuss how to address additional funding. Chairman Hegarty explained there are two (2) scenarios to look at: (1) Go back to Town Meeting, or (2) Hold a (Proposition 2 ½) override election. How do we move forward?

Public and administrative responses were in favor of another Town Meeting.

Chairman Hegarty explained going back to Town Meeting re-opens the entire budget and all monetary articles that have appropriations attached to them. Chairman Hegarty expressed his concern with the timing of a Special Town Meeting. When can we call a Special Town Meeting to reconvene? 21 days notification is necessary and we are almost at the end of May. A summer meeting would make it difficult to get a quorum. If a Special Town Meeting was scheduled in the month of June, the quorum necessary would still be 75.

Chairman Hegarty reported to the audience that the motion on the floor for four (4) additional firefighters addressed salary but did not take into account employee benefits. The amount of

\$350,000 to fund four (4) additional firefighters was not accurate; the figure would be much higher—closer to \$400,000 to fill those four (4) positions with benefits.

Chairman Hegarty presented a FY '14 Revenue Forecast/Projection handout showing the FY '14 appropriations and shortfalls based on the House and Senate budgets. We overspent our revenue projections by \$288,665 or \$288,852. There is a shortfall that has to be addressed.

After further discussion, Chairman Hegarty stated we will be taking into account all comments and concerns. He thanked department heads for their attendance and the department head portion of the meeting ended at 7:35 p.m.

Mr. Rose stepped out of the Meeting Room into the hall for a few moments.

Mr. Brady made a motion to accept the minutes of Thursday, May 2, 2013 (Regular Session) as written. Chairman Hegarty seconded the motion. The motion carried.

Mr. Brady made a motion to approve the minutes of Thursday, May 2, 2013 (Executive Session) as written. Chairman Hegarty seconded the motion. All were in favor.

Mr. Brady made a motion to accept the minutes of Thursday, May 9, 2013 (Open Meeting) as submitted. Chairman Hegarty seconded the motion. The vote was unanimous.

Mr. Brady made a motion to approve the minutes of Tuesday, May 7, 2013 (Meeting prior to Special Town Meeting/Annual Town Meeting) as written. Chairman Hegarty seconded the motion. The motion carried.

At this point Mr. Rose returned.

**Open Forum**—Mrs. Elizabeth Pylypink of 118 West High Street came before the Board with several questions during Open Forum.

Mrs. Pylypink questioned Chairman Hegarty on the sick time buyback for the Treasurer/Collector's contract. Mrs. Kopke would be entitled to 75 days for one year of her contract. Upon retirement she would receive 50 days buyback at 100%. Mrs. Pylypink stated with other contracts in the Town there is a 35% buyback policy; the state's buyback policy is 20%. Why is the Treasurer/Collector receiving 100% buyback? Could each selectman explain this and how was her contract negotiated?

Chairman Hegarty explained the number that is in her contract is for her total time working for the Town of Avon—sick time and carryover—recognizing 15 plus years as an elected official plus her previous time as an employee under union agreement. She could not buy back when she left that position.

This is a one-time situation. She went from a union position to an elected position. There is no sick time buyback for an elected official. She could not carry anything forward. As an elected official she had no buyback at all.

Mrs. Pylypink stated you are talking about \$13,000.

Chairman Hegarty stated that would not be out of the realm for what management or union employees would receive for sick time buyback.

Mr. Rose agreed with Chairman Hegarty and explained about the process of negotiating contracts. He feels this was a fair contract. Mr. Brady concurred.

Mrs. Pylypink commented that on Town Meeting floor the Town Clerk's position was discussed. Mrs. Pylypink stated as of July 1<sup>st</sup> the Town Clerk's position would be an appointed position and next year at election time it would become an elected position. What is the process? Are we posting the job?

Chairman Hegarty responded the position would be posted once it becomes vacant and anyone can apply.

Mrs. Pylypink stated so once this position becomes vacant on July 1<sup>st</sup> the position of Treasurer/Collector (a contracted full time position) and Town Clerk (a part time position)—the same person would not be able to hold both of those positions?

Chairman Hegarty responded that there is nothing to stop the person but the person would not be taking on that job.

Mrs. Pylypink asked where it says that can happen.

Chairman Hegarty responded where does it say it can't?

Chairman Hegarty stated everything is allowable unless there is a state law that prohibits it.

Mrs. Pylypink referred to Chapter 268A, Section 20.

Chairman Hegarty responded that specifies Selectmen not being able to hold other positions.

Mrs. Pylypink stated "you are telling me that a person can hold an appointed position and a paid elected position at the same time."

Chairman Hegarty responded "correct." There is nothing under Chapter 268A, Section 20 that prohibits it.

Mrs. Pylypink departed.

**7:45 p.m.—Public Hearing on the application of Adel Adam of Brockton and Maggie Rahimi of Raynham for a Common Victualler's license at 17 North Main Street—Crown Fried Chicken and Pizza**

Applicants Adel Adam and Maggie Rahimi appeared before the Board. Also present was Jamil Rahimi.

Clerk Rose read the Legal Notice which appeared in the "Enterprise" newspaper.

Mr. Rahimi explained this is a new business at 17 North Main Street. The hours of operation are Monday through Sunday from 10:00 a.m. to midnight.

Chairman Hegarty stated a final inspection from the Board of Health office would be necessary before the Common Victualler's license can be released. Mr. Rahimi stated he understood that a final inspection was needed and would contact the Board of Health office on Friday.

Mr. Rose made a motion to grant the Common Victualler's license to Adel Adam and Maggie Rahimi, D/B/A Crown Fried Chicken and Pizza at 17 North Main Street. Mr. Brady seconded the motion. The motion carried.

### **Petitions from National Grid and Verizon covering joint pole locations**

David Terk, a contractor working for National Grid and Aleksandr Groshev, P.E. appeared before the Board.

Mr. Rose stated there are several half poles throughout the Town that create an eye sore. He would like those addressed. These are poles damaged by accident. What is the process to eliminate these poles?

Mr. Terk and Mr. Groshev recorded the information.

Mr. Rose explained one pole was installed on Pond and Page Street (behind the High School) without the Board granting permission.

Chairman Hegarty voiced the Board's displeasure that no officials appeared for the petition hearing from National Grid. The Board has questions that they wanted communicated to National Grid officials and not the subcontractors sent to the meeting. Chairman Hegarty asked Mr. McCue to write a letter and notify National Grid over their displeasure this evening. Chairman Hegarty stated the Board provided letters of support to the required state officials and agencies when National Grid requested the Town's support for the proposed Harrison Boulevard substation.

1. East Spring Street—Mr. Terk reported this request should be taken off the list as of today.
2. South Street and South Park Drive intersection—install a new jointly owned pole (#40). Mr. Rose made a motion to approve the new pole installation. Mr. Brady seconded the motion. The motion carried.
3. West Main Street—install a new Soley owned pole (1-84); Chairman Hegarty questioned can a plow get through; a minimum of 5 feet is needed. National Grid must notify the

Town Administrator when this is being staked so that the Highway Department can determine if there is clearance. Mr. Rose made a motion to grant the pole installation with the condition that we view the actual stake. Mr. Brady seconded the motion. The vote was unanimous.

4. Bodwell Street—National Grid proposes new pole location for the new Harrison Substation project (Pole 17-50). Mr. Brady made a motion to approve National Grid's request for a new pole location (Pole 17-50). Mr. Rose seconded the motion. All were in favor.
5. Bodwell Street—Pole 3-50. National Grid proposes a new pole location for the new Harrison Substation project. Mr. Brady made a motion to approve National Grid's request for a new pole location (Pole 3-50). Mr. Rose seconded the motion. The motion carried.
6. Bodwell Street—Pole 5-50. National Grid proposes a new pole location for the new Harrison Sub project. Mr. Brady made a motion to approve National Grid's request for a new pole location (Pole 5-50). Mr. Rose seconded the motion. The vote was unanimous.
7. Bodwell Street—Pole 24-50. National Grid proposes a new pole location for the new Harrison Sub project (2 poles). Mr. Brady made a motion to approve National Grid's request for a new pole location (Pole 24-50). Mr. Rose seconded the motion. The motion carried.

#### **Request for Transfer from the Reserve Fund**

Town Treasurer Jean Kopke is requesting \$2430.00 to be transferred from the Reserve Fund to "Unemployment" to cover a shortfall of \$2035.00 for June's invoice. This expenditure was unforeseen due to an additional unemployment claim received for a school employee that was let go in March.

Mr. Rose made a motion to approve a transfer from the Reserve Fund, in the amount of \$2430.00, to Department 913-Unemployment. Mr. Brady seconded the motion. The motion carried.

A request was received from the Council on Aging to accept a donation, in the amount of \$35.00, in memory of Lucille Stetson. The donation is to be used for senior center activities.

Mr. Brady made a motion to accept the \$35.00 donation to the Council on Aging in memory of Lucille Stetson. Mr. Rose seconded the motion. All were in favor.

Meetings for the month of June 2013 were announced as follows:

Thursday, June 6, 2013 at 7:30 p.m.

Thursday, June 20, 2013 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 Tibbetts Engineering Corp.

## Town Administrator's Report

Mr. McCue reported he met with DEP – Lakeville and introduced our new Water Superintendent. Mr. McCue also explained creating a Department of Public Works in the Town which will be established on July 1, 2014. DEP was pleased that we are moving in the right direction.

Mr. McCue discussed the Unaccepted Roads Survey and reported it is going in a different direction. The Town will be using another engineering firm.

Mr. McCue informed the Board that a small reimbursement was received from FEMA for Hurricane Irene damages which occurred in August of 2011.

Chairman Hegarty opened discussion regarding how to proceed with either setting a Special Town Meeting date or a Proposition 2 ½ override election.

After some discussion, Mr. Rose made a motion to set a Special Town Meeting on Monday evening, June 24, 2013 at 7:30 p.m. to reconvene and address the operating budget for the Town. Mr. Brady seconded the motion. The motion carried.

Chairman Hegarty stated a meeting needs to be set up with the Finance Committee ASAP.

Chairman Hegarty announced the Memorial Day Parade will be held on Sunday, May 26, 2013 at 1:00 p.m. The parade has a new route this year. Please check your "Moneysaver." There will be an insert next Wednesday explaining the parade route which begins at Town Hall.

Mr. Brady announced this coming Saturday is Bulk Pick Up. Items must be at the curb by 7:00 a.m.

On behalf of the Board, Chairman Hegarty wished all residents a Happy and Safe Memorial Day Weekend.

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

Respectfully submitted,



Miriam Rothstein  
Secretary