

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

Town of Avon Massachusetts

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TOWN ADMINISTRATOR
Michael W. McCue



BOARD OF SELECTMEN MEETING THURSDAY, OCTOBER 18, 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, October 4, 2012 (Regular Session) as written. The motion was seconded by Mr. Brady. The motion carried.

Mr. Rose made a motion to accept the minutes of Thursday, October 4, 2012 (Executive Session) as submitted. Mr. Brady seconded the motion. The vote was unanimous.

A request for a curb cut was received from Ted Parker for relocation of the driveway at 404 Page Street. Mr. Parker was in attendance at the meeting and explained the request from the plans presented.

Mr. Rose made a motion to grant permission for the curb cut at 404 Page Street with the stipulation that all work must be completed by November 15, 2012, per Town of Avon regulations. Mr. Brady seconded the motion. The vote was unanimous.

OPENING OF ROCK SALT BIDS – 7:35 p.m.

Mr. Brady, Clerk of the Board, read the Legal Notice for 350 tons of Rock Salt. Mr. Brady opened the sealed bids as follows:

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|--------------------------------|----------------------|---------------------------------|
| 1. American Rock Salt | Mt. Morris, New York | \$50.55/per ton delivered price |
| 2. Eastern Minerals, Inc. | Lowell, Mass. | \$52.20 per ton delivered |
| 3. International Salt Co., LLC | Clarks Summit, PA | \$59.30 per ton delivered |

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Mr. Rose made a motion to take the bids under advisement. Mr. Brady seconded the motion. All were in favor.

OPENING OF SAND BIDS – 7:40 p.m.

Mr. Brady, Clerk of the Board, read the Legal Notice for 1600 tons of washed coarse sand.

Mr. Brady opening the sealed bids as follows:

- | | | |
|--------------------------|--------------|-----------------|
| 1. Kingstown Corporation | Plymouth, MA | \$20.23 per ton |
| 2. T.L. Edwards, Inc. | Avon, MA | \$14.98 per ton |

Mr. Rose made a motion to take the bids under advisement. Mr. Brady seconded the motion. The vote was unanimous.

Chairman Hegarty announced the Board needed to vote to authorize the second of the two one (1) year options on the “Street Paving and Appurtenant Work for the Town of Avon and the Avon Housing Authority” contract.

Mr. Rose made a motion to exercise the second of the two one-year options on the contract “Street Paving and Appurtenant Work for the Town of Avon and the Avon Housing Authority” as described in Section 8—Contract Time. Mr. Brady seconded the motion. The motion carried.

DISCUSSION OF VEHICLE USAGE POLICY

Mr. Rose referred to Item #10 of the Vehicle Usage Policy which states “Employees may use their own vehicles for Town business but only with the prior approval of their supervisor.” Mr. Rose questioned the liability to the Town if an employee was involved in an accident doing Town business. Chairman Hegarty reported a copy of the employee’s insurance must be presented and his/her insurance carrier should be notified that the employee’s car is being used for work.

Town Counsel Joseph Lalli stated that if an employee is using his/her own vehicle in the course of regular Town business, the employee’s vehicle becomes a commercial vehicle. Town Counsel Lalli reported that the maximum amount of coverage of \$500,000 should be on such a vehicle.

Chairman Hegarty expressed his concern about the Town being exposed for an underinsured employee if an accident occurred. Mr. Rose suggested checking with our insurance agent. What do other Towns do?

Mr. Brady made a motion to table the item. Mr. Rose seconded the motion with discussion. Mr. Rose asked Town Administrator McCue to research with other Towns, Town Counsels and insurance representatives to determine what appropriate wording should be used in the Vehicle Usage Policy, Item #10. The vote was unanimous.

8:00 p.m. Violation Hearing—Slap-Shotz Family Sports Pub at 39-43 East Main Street

Mr. Jeffrey Sinkiewicz, manager/owner of Slap-Shotz Family Sports Pub appeared before the Board. Chairman Hegarty explained the Board received a Police Report indicating a possible violation on September 30, 2012, namely employees consuming alcohol at the bar after hours. A second potential violation was reported on Sunday, October 7, 2012, namely employees consuming alcohol at the bar after hours. Officer George Houhoulis was the reporting officer.

Chairman Hegarty explained the Town of Avon's Alcohol Policy. Last call is at 12:50 a.m. By 2:00 a.m. the building must be secured.

Mr. Sinkiewicz apologized to the Board. He reported that the second incident on October 7th an employee called in sick and he had to hire a substitute bartender. The night was busy and it took a long time to clean up the premises. Mr. Sinkiewicz stated "it won't happen again."

Officer Houhoulis reported that there was no problem with Mr. Sinkiewicz. His attitude was cordial; very polite. Officer Houhoulis knocked on the door on September 30th at 2:50 a.m. He asked about the cars in the parking lot and said it was hard to tell who owned the vehicles. He questioned Mr. Sinkiewicz about closing time and it appeared Mr. Sinkiewicz did not know he was in violation. Officer Houhoulis explained he must be ready to go by 2:00 a.m. or he needs to call the Avon Police Department Dispatcher and report that he is still in the building.

Chairman Hegarty explained the seriousness of being a liquor license holder. The Board takes the matter very seriously. This is a small Town and not following the liquor license policy will not be tolerated. Action will be taken.

After further discussion, Mr. Rose made a motion to take the matter under advisement and notify the license holder in writing of the Board's decision within seven (7) days. Mr. Brady seconded the motion. The motion carried.

"OUR COMMON PLACE" DISCUSSION

"Our Common Place" is a civic technology organization made up of young people working to use the tools of the internet to revitalize the spirit of local community engagement in towns and cities across America.

Mr. McCue reported that some of the towns using "Our Common Place" in Massachusetts are Burlington, Wilmington and Chelmsford.

Chairman Hegarty stated in reviewing the material, he has some concerns/conflicts with the Open Meeting Law. Mr. Rose asked Mr. McCue to get in touch with the Attorney General's office and inquire about "Our Common Place." Chairman Hegarty is concerned about who is going to monitor information and what the Town's liability is. The Board agreed.

Mr. Brady made a motion to table the item until information is received from the Attorney General's office. Mr. Rose seconded the motion. The motion carried.

DISCUSSION OF FOOTBRIDGE AT THE AVON PUBLIC LIBRARY

Building Inspector Robert Borden appeared before the Board. He reported on the safety of the footbridge structure—indicating that guard rails are missing; unprotected nails are sticking out and commented that the structure is unsafe right now. He is surprised that no one has been hurt. It is his opinion to either take it down or rebuild it but it cannot be left as it is. A lot of the destruction of the footbridge is due to vandalism. He feels it is unsafe to cross the bridge and the Town is liable if someone gets hurt.

Chairman Hegarty commented that those who are violating and vandalizing the footbridge should be punished.

After further discussion, Mr. Rose made the following motion:

“to request the Building Inspector to (1) determine the cost to repair the footbridge; (2) what options are available in repairing the footbridge so that vandalism would not be so easy; (3) enforcement—to increase patrols in the area and post “no loitering” signs there; (4) clean up and address any debris—Highway Department. Temporary fencing should be done immediately so that no pedestrian crossing can take place.”

Mr. Brady seconded the motion. All were in favor.

Chairman Hegarty announced the Special Town Meeting would be held on Monday evening, October 29, 2012 at 7:00 p.m. The Special Town Meeting Warrant contains two articles. Chairman Hegarty read the two articles in the warrant for the public. Chairman Hegarty explained the Department of Environmental Protection issued fines to the Town of Avon as a result of activities at the water treatment facilities. Article one is asking residents to vote to approve a sum of money to be used to fund items required by the consent order from DEP. This is an emergency situation.

Chairman Hegarty announced to the residents that at no time was the public safety in jeopardy or was the Town’s water supply unsafe. He explained the Town is under a consent order to address the issues regarding software and mechanical feeding equipment. Article two is asking the voters to approve a sum of money to be placed in the Public Safety Building’s Stabilization account.

Mr. Beckerman, Finance Committee Chair, asked: what are the ramifications of shutting off the water system in Avon? Chairman Hegarty responded that the Town would have to purchase water from an outside source and that would be very expensive.

Engineers will be present at Special Town Meeting to answer residents’ questions.

REQUEST FOR CURB CUT AT 100 SOUTH STREET

Mr. Rose made a motion to approve the curb cut at 100 South Street with the stipulation that the work must be completed by November 15th or must begin after April 15, 2013. Mr. Brady seconded the motion. The motion carried.

Chairman Hegarty announced meetings for November are set as follows:

Thursday, November 1, 2012 at 7:30 p.m.
Thursday, November 15, 2012 at 7:30 p.m.

Tax Classification Hearing set on Thursday, November 8, 2012 at 7:00 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 as submitted.

Chairman Hegarty announced Register of Deeds William O'Donnell and member of his staff would be holding office hours at the Avon Town Hall on Thursday, October 25, 2012 from 9:00 a.m. to noon. All residents are welcome.

At 9:00 p.m. Mr. Rose made a motion to enter Executive Session to discuss collective bargaining strategy for union and non-union personnel. 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

Exhibits:

Board of Selectmen Minutes of Thursday, October 4, 2012 (Regular Session)
Board of Selectmen Minutes of Thursday, October 4, 2012 (Executive Session)
Town of Avon General Government Vehicle Usage Policy (Draft)
"Our Common Place" basic information
Request for street opening permit for 404 Page Street
Request for street opening permit for 100 South Street