

**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 21, 2012 7:30 P.M.

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

Others present: Joseph Lalli, Town Counsel

Not present: Michael McCue, Town Administrator (on vacation)

Chairman Hegarty called the meeting to order at 7:30 p.m. with all members present.

Mr. Brady made a motion to accept the minutes of Thursday, June 7, 2012 (Regular Session) as written. The motion was seconded by Chairman Hegarty. Mr. Rose abstained from voting since he was absent from the meeting.

Mr. Rose made a motion to accept the minutes of Tuesday, May 1, 2012 (Town Meeting minutes) as written. Mr. Brady seconded the motion. The vote was unanimous.

Mr. Rose made a motion to approve the minutes of Thursday, April 26, 2012 (Workshop/Executive Session) as submitted. Mr. Brady seconded the motion. The motion carried.

### **Meeting with the Avon School Committee**

At 7:30 p.m. School Committee members John Nolan, Tracy Sheehan, Sonya Mahoney and Jeanne Martineau-Fernald appeared before the Board. Dr. Frieswyk was also in attendance for the meeting.

Dr. Frieswyk presented to the Board a proposed redesign and expansion of the existing parking lot at Butler School. This is a project the School Committee would like to discuss this evening. Dr. Frieswyk reported that she had spoken with Mr. McCue regarding a possible article if a Special Town Meeting is scheduled in the fall of 2012. That article would request that the Town vote to fund the redesign and expansion of the existing parking lot at the Butler School. The

current lot does not meet the capacity needs of the staff and parents who work and visit that school. There are safety issues associated with the lack of capacity and the single exit and entrance onto and leaving the property (South Street). Dr. Frieswyk discussed plans to include expanding onto the existing tennis courts/skate board area at the entrance and to the left of the property. That piece of land, under the jurisdiction of the Avon Park and Recreation Commission, was voted by the Commission to turn that land over to the School Department for the purpose of redesigning and expanding the parking lot at Butler.

Dr. Frieswyk gave a brief history of the parking lot expansion project. This project was submitted and not accepted by the MSBA in 2007. In May of 2008 and again in May of 2010, an article for funding the parking lot expansion was withdrawn at Town Meeting.

Dr. Frieswyk submitted a handout to the Board for the "Parking Improvement Plan" for the Butler Elementary School. The plan layout was done by E.T. Engineering, Inc. and was dated September 2007 and revised in May, 2008. The cost at that time for the project was \$1.1 million.

Dr. Frieswyk asked the Board if they had any questions. Chairman Hegarty asked if the abutters were notified as well as the City of Brockton. Dr. Frieswyk replied that the abutters were notified but the City of Brockton was not contacted. Chairman Hegarty stated the property is close to the plot line of Brockton. Chairman Hegarty also stated a permit would be needed from the EPA.

The Board discussed with the School Committee drainage issues in the area and the wetlands.

Dr. Frieswyk commented that the current parking lot is crumbling and needs to be resurfaced. Why spend money to resurface when the entire parking lot needs to be expanded and redesigned?

Dr. Frieswyk contacted Town Clerk Jean Kopke to obtain information regarding the Town's debt schedule. Mrs. Kopke replied that resurfacing of the existing parking can only be borrowed for 5 years. New construction can be borrowed for 10 years. This proposed project would probably be a mixture of both.

Jeanne Martineau-Fernald asked if the Board of Selectmen would support this project. She stated it is a Town project; not a School project.

Chairman Hegarty replied that the Board would need an updated estimate. How much will this project cost? The School Committee would need to present to the Board updated construction plans and get an updated estimate of the cost of the project. The School Committee can then get back in touch with the Board and plan a future meeting. The Board can move forward when they see the plans and cost. Mr. Rose responded the Board would look into the matter and he is concerned with the existing safety issues.

Dr. Frieswyk stated it would cost about \$1200.00 for updated plans.

Mr. Nolan stated the Board should consider a Special Town Meeting after the holidays and put the project before the voters.

Mr. Nolan then asked if the Board had any questions on any other matters.

Chairman Hegarty responded that the Board was notified by the Norfolk County Agricultural School that the invoice from the Norfolk County Agricultural High School for tuition for the 2011-2012 school year has not been paid. Chairman Hegarty stated the Board of Selectmen paid this tuition/assessment from Selectmen's funds last year. They have no place to pay this from this year. Chairman Hegarty reported the fee is \$2000.00 per student attending the Norfolk County Agricultural High School. This is in accordance with the authority granted in Chapter 6, Section 82 of the Acts of 1991. The Legislature passed this tuition/per pupil assessment. Chairman Hegarty stated it is the School Department's responsibility to pay the invoice since two students who live in Avon attend the vocational school.

John Nolan responded that the School Committee contacted Attorney Dupere for a legal opinion regarding the Norfolk County Agricultural High School invoice. Mr. Nolan handed out the attorney's response to that request and stated as follows:

***"It is my legal opinion that the Town of Avon, by statute, is legally responsible for the payment of all expenses associated with Vocational education. This liability exists whether or not the expense was approved by Town Meeting. The School system has no statutory authority to pay this expense."***

Chairman Hegarty explained the County is given a Foundation budget from the State. That amount cannot be increased. It is the responsibility of the School Department to provide vocational education to any student living in Norfolk County. If the Norfolk County Agricultural School was not able to meet an Avon student's needs, then the student may be admitted to a school in another town and the School Department would be required to pay the full tuition and not an assessment.

Mr. Nolan responded that the School Committee would look into the matter.

At 8:45 p.m. School Committee members and Dr. Frieswyk departed.

A request was received from Columbia Gas Company of Massachusetts for a road opening permit to excavate to install gas service at 533 West Main Street.

After some discussion, Mr. Rose made a motion to grant the street opening permit to install gas service at 533 West Main Street with the following stipulations:

***"The road is only several years old. Columbia Gas must follow the Highway Restoration Procedure exactly. Columbia Gas must notify Highway Superintendent Ed Sarni to witness the patching procedure. The sidewalk, constructed of concrete, if disturbed, must be put back to MASS DOT standards in whole sections. Any portion of the concrete sidewalk must be restored as is. No use of bituminous concrete will be allowed."***

Mr. Brady seconded the motion. The motion carried.

A request for a road opening permit was received from Columbia Gas to install gas service at 309 Central Street.

Mr. Rose made a motion to approve the road opening to excavate to install gas service at 309 Central Street. Mr. Brady seconded the motion. All were in favor.

A request for a street opening permit was received from Columbia Gas Company of Mass. to install gas service at 14 West High Street.

Mr. Rose made a motion to grant permission for a street opening permit to excavate and install gas service at 14 West High Street with the following special note:

***“The road is only five (5) years old. Columbia Gas must follow the Highway Restoration Procedure exactly. Columbia Gas must notify Highway Superintendent Ed Sarni to witness the patching procedure.”***

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

A request for a temporary sign permit was received from Affordable Furniture at 75 Stockwell Drive to display four (4) cardboard signs from June 29 through July 15, 2012.

Mr. Rose made a motion to approve the temporary sign permit for Affordable Furniture for the period June 29 through July 15 as long as no signage obstructs the view. Mr. Brady seconded the motion. The vote was unanimous.

A request for a one-day special alcohol permit was received from Avon Fish & Game Association for a club function event on September 15, 2012.

Mr. Rose made a motion to approve the one-day special alcohol permit for Avon Fish & Game Association on September 15, 2012. Mr. Brady seconded the motion. The motion carried.

### **End of Year Transfers**

A request for a Reserve Fund transfer, in the amount of \$2500.00, is needed for emergency repairs to the Town's gazebo. The transfer would fund the Town Hall Building expense line item.

Mr. Rose made a motion to recommend approval of the \$2500.00 transfer from the Reserve Fund to the Town Hall Building expense line item. Mr. Brady seconded the motion. The vote was unanimous.

A year end line item transfer request was received from the Fire/Police Dispatch salary account line item to be transferred to the Police Salary line item. This transfer, in the amount of \$7000.00, is needed due to a sergeant out longer than expected with surgery.

Mr. Rose made a motion to recommend transfer of \$7000.00 from the Fire/Police Dispatch salary account to the Police Salary account. Mr. Brady seconded the motion. All were in favor.

A request for a year end line item transfer from the Fire/Police Dispatch Salary account to be transferred to the Police Expense account was received for \$7500.00. The reason for the transfer is the 911 reimbursable grant needs to be used before July 1, 2012. The Police/Fire Department will be reimbursed \$4000.00 from 911.

Mr. Rose made a motion to recommend transfer of \$7500.00 from the Fire/Police Dispatch Salary account to the Police expense account. Mr. Brady seconded the motion. All were in favor.

Mr. Brady made a motion to approve all vouchers for the payment of bills. Mr. Rose seconded the motion. The motion carried.

Chairman Hegarty announced this is the last meeting in the month of June.

The summer schedule for BOS meetings is as follows:

Thursday, July 19, 2012

Thursday, August 2, 2012

Thursday, August 16, 2012

Chairman Hegarty stated workshops will be scheduled as needed next week.

Chairman Hegarty announced that on Saturday, June 23, 2012 at 10:00 a.m. the dedication of the Eugene T. Guilbault Water Filtration Plant will be held at 140 Memorial Drive. The event is open to all residents. The dedication will take place rain or shine.

At 9:05 p.m., with all business completed, Mr. Rose made a motion to adjourn. Mr. Brady seconded the motion. All were in favor.

Respectfully submitted,



Miriam Rothstein

Secretary