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

Francis T. Crimmins, Jr.
TOWN ADMINISTRATOR

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Massachusetts

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TOWN OF AVON
2015 OCT 16 AM 9:04
TOWN CLERK

BOARD OF SELECTMEN MEETING
THURSDAY, OCTOBER 1, 2015
7:30 p.m.

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

Others present: Francis T. Crimmins, Jr., Town Administrator
Joseph S. Lalli, Town Counsel
Shannon MacKenzie, Town Accountant
Representative William Galvin
Paul Zinni, School Superintendent
Amanda Decker, Coalition Coordinator of ACES
Pasquale Ciaramella, Executive Director, OCPC
Eric Arbeene, AICP, OCPC

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

Selectmen Rose led the meeting in the Pledge of Allegiance.

Mr. Brady made a motion to accept the minutes of Thursday, October 1, 2015 (Regular Session) as read. Mr. Rose seconded the motion. The motion carried.

7:30 p.m. – Representative William Galvin

Representative William Galvin appeared before the Board at 7:30 p.m. Chairman Hegarty thanked Representative Galvin in particular for all his help and assistance with the proposed TLA Holbrook Trash Transfer Station. As Mr. Hegarty stated, Representative Galvin organized the site visit at the proposed transfer station in Holbrook with the Department of Environmental Protection Commissioner and within days of that site visit the Commissioner issued an unfavorable ruling on the proposed trash transfer station. Furthermore, Mr. Hegarty thanked Representative Galvin for his assistance with the Community Development Block Grant and the MassWorks grant application. Mr. Hegarty stated that, although Avon is the smallest town in Representative Galvin's district, he certainly works hard for the Town of Avon. Mr. Rose and Mr. Brady also extended their sincerest thanks to Representative Galvin.

Representative Galvin conveyed that communication is the key for both the Board of Selectmen and Avon residents. Representative Galvin stressed to the Board the importance of pushing Bill No. 675 to pass. Mr. Galvin stated that the DEP Commissioner issuing a negative report on the trash transfer station was a small victory. However, the proponents of the project are in the appeal process so the battle will be ongoing. As for the MassWorks application, Representative Galvin stated that the secretary is impressed with the grant proposal submitted by the Town of Avon. However, the state received applications from

many towns and there is a limited budget. Chairman Hegarty requested the need for local aid, particularly for Harrison Boulevard. Mr. Hegarty stated that Harrison Boulevard was never intended to handle the volume of traffic that it now has. Avon is often the first responders to accidents on Route 24 and Harrison Boulevard and the Town does not get reimbursed for their assistance. In addition, the wear and tear on local roads is tremendous. Representative Galvin said he will continue to push for funding for Route 28 and Harrison Boulevard. He departed at 7:50 p.m.

7:50 p.m. – Superintendent Paul Zinni and Amanda Decker of Avon Coalition for Every Student (ACES)

Superintendent Paul Zinni and ACES Coalition Coordinator Amanda Decker approached the Board at 7:50 p.m. to thank the Board for all of their support with the Avon Public Schools. In addition, they wanted to share the favorable results of the 2015 Avon Youth Health Survey which was adapted from the 2011 Massachusetts Youth Risk Behavior Study (YRBS) by the Centers for Disease Control. Mr. Zinni informed the Board that about seven years ago, this study was performed with disturbing data results regarding drug use for students in grades 6-12. The alarming data from the 2008 study prompted the need for the school to apply for a grant and get funding for programs such as ACES.

Amanda Decker informed the Board that the goal of ACES is to bring people and organizations together to identify data driven solutions for a drug-free community. She stated it is a collective effort. Ms. Decker informed the Board that for grades 6-8 in Avon, the study showed that 95.5% of the kids have not been offered, sold, or given drugs at school. The study also showed that 100% of kids in that age group have not drank alcohol or used marijuana on school property during the last 30 days.

Ms. Decker informed the Board that for teenagers in grades 9-12 in Avon, the statistics for 30 day use of alcohol for teenagers in Avon is 18% as opposed to 36% overall in Massachusetts, 7.5% in Avon for cigarette use as opposed to 11% overall in Massachusetts and 18.5% in Avon for marijuana use as opposed to 25% overall in Massachusetts. The study showed that 90% of the Avon teenagers in grades 9-12 from this study have not been offered, sold or given drugs at school. The study also showed that 97% of Avon teenagers in grades 9-12 have not drank alcohol or used marijuana on school property during the last 30 days.

Ms. Decker explained that some of the protective factors in grades 6-12 are kids' involvement in sports and athletics, music and performing arts, and religious groups. In addition, the majority of kids feel they have an adult they can confide in and do not want to disappoint their parents by substance abuse.

Mr. Zinni stressed how incredible the rates and figures in this study are as opposed to the study performed a few years ago. The rate of drug and alcohol use for teenagers in the Town of Avon is extremely low. Mr. Zinni informed the Board that he believes Avon schools are incredibly safe and would like to reassure parents that their children are being well taken care of while they are in school. They departed at 8:15 p.m.

8:15 p.m. – Pasquale Ciaramella, Executive Director and Eric Arbeene, AICP, for the Old Colony Planning Council (OCPC)

Pasquale Ciaramella, Executive Director and Eric Arbeene, AICP, for the Old Colony Planning Council (OCPC) approached the Board at 8:15 p.m. to discuss the Old Colony Hazard Mitigation Plan. Mr. Ciaramella explained to the Board that in 2010, the OCPC received a grant from the Federal Emergency Management Agency (FEMA) to update the 2006 Old Colony Hazard Mitigation Plan for fifteen communities in the OCPC region. Avon was one of those communities included in the plan. Mr. Arbeene explained that the Hazard Mitigation Plans identify policies and actions that can be implemented over the long term to reduce risk and future losses. Mr. Arbeene went on to state that the Disaster

Mitigation Act of 2000 is federal legislation that encourages state and local authorities to plan for disasters before they occur. Mr. Arbeene stated that hazards such as flooding, hurricanes and winter storms were profiled in the plan. Mr. Arbeene informed the Board that one feature of the plan element is risk assessment. A risk assessment was developed for each community to determine their vulnerabilities and risks. The assessment includes an inventory of critical facilities and their relationship to the aforementioned hazards. Furthermore, Mr. Arbeene stated that after evaluating the hazards, risks and assets in each community, a mitigation plan was created that detailed a series of actions specific to each community. Mr. Arbeene explained that actions include prevention, property protection, public education and awareness, natural resource protection, structural projects and emergency services protection. Mr. Arbeene provided the example such as drainage on Bodwell Street and Kiddie Drive, and periodic flooding of the library parking lot. Finally, Mr. Arbeene explained that the Plan received the Approval Pending Adoption (APA) designation from FEMA on August 14, 2015. The Town of Avon has adopted the Old Colony Hazard Mitigation Plan. Mr. Arbeene stated that the plan will expire five years from the date of the first community adoption or on August 25, 2020.

Chairman Hegarty asked Mr. Arbeene and Mr. Ciaramella what pressure is FEMA, if any, on the public utility companies. Mr. Hegarty expressed his concern that the utilities are not being forced to change their systems and make improvements, despite antiquated systems that are affected by the elements of nature such as rain, snow and ice. Mr. Crimmins also inquired as to what can be done in the event the power goes out and the traffic lights on Harrison Boulevard do not function. Mr. Crimmins asked if there is any action the Town of Avon can take to get funding for back-up generators despite Harrison Boulevard being a state road and owned by the Massachusetts Department of Transportation. Mr. Arbeene and Mr. Ciaramella stated that they will research this request and report back to the Board. They departed at 9:00 p.m.

UNFINISHED BUSINESS

Community Opportunities Group, Inc.'s Bid for FY 2015 Community Development Block Grant

Town Administrator Crimmins informed the Board that Community Opportunities Group, Inc. was the sole bidder for the FY 2015 Community Development Block Grant. Mr. Crimmins recommended that the Board accept the bid. Mr. Rose made a motion to accept Community Opportunities Group, Inc.'s bid for FY 2015 Community Development Block Grant. Mr. Brady seconded the motion. The vote was unanimous.

Designer Selection Procedures

Town Counsel Joseph Lalli and Town Accountant Shannon MacKenzie approached the Board to provide an informational packet on the Commonwealth of Massachusetts Chapter 149 Procurement Laws as well as guidelines provided by the Office of the Inspector General regarding the proper and law abiding Designer Selection Procedures relating to the construction of a new public safety building for the Town. Mr. Lalli stressed to the Board the importance of starting this process in the correct manner. Ms. MacKenzie informed the Board that the informational packet they received contained the entire procedure process from start to finish as an overview for the Board on constructing a new town building. Mr. Lalli interjected that the focus for the Board right now should be on Step One of the Designer Selection Procedure which is "adopting written procedures for your jurisdiction on applying the designer law" according to Chapter 149 of the Procurement Laws. Mr. Lalli stated that at the October 15, 2015 meeting, he will present to the Board a Designer Selection Procedure which will be reflective of the most recent Appellate Law changes and requirements of the Inspector General. He advised that he will request the Board to adopt these procedures at that time.

Furthermore, Mr. Lalli stated that he can provide the Board guidance in committee selection for this project. Mr. Lalli stated that ultimately, under the law, the Board of Selectmen is responsible in creating a committee for a project such as the new public safety building.

Well #1 Contract Approval

At the previous meeting of September 17, 2015, Department of Public Works Director William Fitzgerald approached the Board requesting permission to replace Well #1. Mr. Fitzgerald stated that as the well was installed in the early 1940's it is far past its useful life and should be replaced. A replacement well, generally within 250' of the existing well, is much less expensive than creating an entirely new source. Mr. Fitzgerald also informed the Board that the total cost of a replacement well would be in the $200,000 range. Phase I would be $31,000, including engineering and test well drilling. Mr. Fitzgerald stated that if the Board approved of the well replacement, he could then proceed with design, permitting, bidding and installation of the replacement well. Mr. Hegarty informed Mr. Fitzgerald to meet with the Town Accountant Shannon MacKenzie first, and if she agreed that the DPW has the funding in their budget for Phase One, Mr. Fitzgerald would have his permission to proceed with Phase One of the project.

Mr. Fitzgerald approached the Board and confirmed that he has spoken with the Town Accountant, Shannon MacKenzie, who has confirmed there is funding in his budget for Phase I. Mr. Rose made a motion to grant authority for William Fitzgerald to begin Phase I of the Well #1 replacement project between the Town of Avon and Bristol Engineering Advisors, Inc. for $31,000. Mr. Brady seconded the motion. All were in favor.

SCADA Contract

At the previous meeting of July 16, 2015, the Board voted in favor of awarding the SCADA (Supervisory Control and Data Acquisitions) System Upgrade Contract AWD-1014 to LaFleur Electrical in the amount of $205,000. Mr. Crimmins informed the Board that since awarding the bid to LaFleur Electrical, it has been called to the attention of Mr. Fitzgerald that LaFleur Electrical had an issue with their bonding company which would not sign off on the project with the liability language as written. As a result, LaFleur Electrical cannot secure the bond for this project. Mr. Brady made a motion to rescind the bid award to LaFleur Electrical based on failure to secure the bond for this project. Mr. Rose seconded the motion with discussion. Mr. Rose raised the question to the Board on whether the Town could go after LaFleur's bid bond for this project. Mr. Fitzgerald replied that the bid bonds have not yet been returned to the bidders for this project yet. Mr. Rose made a motion to investigate the legal recourse for the bid bond provided by LaFleur Electrical. Mr. Brady seconded the motion. The motion carried. A brief discussion was held by the Board on whether this project needs to go out to bid again. A motion was made by Mr. Rose for the SCADA contract to go out to the bidding process again based on the fact that the previous bids were over six months old. Mr. Brady seconded the motion. The vote was unanimous.

Meals Excise Tax

Mr. Crimmins reminded both the Board, citizens and local restaurant owners that effective October 1, 2015, the Town of Avon is imposing a local sales tax of .75% on sales of meals by a restaurant as a provision of the Massachusetts General Law Chapter 64L.

Assistant Assessor Job Posting Update

Mr. Crimmins informed the Board that as an update to the Assistant Assessor job posting, to date, he has received two resumes, one phone inquiry and one e-mail inquiry about this position. The deadline for resumes is October 16, 2015.

NEW BUSINESS

Housing Rehabilitation Subordination Request

Mr. Crimmins informed the Board that he received a request from Kathleen Kelleher, Program Director for the Avon-West Bridgewater Housing Rehabilitation Program, that a former West Bridgewater Housing Rehabilitation client is seeking to refinance her mortgage for a lower interest rate and has submitted a Subordination Agreement for the Board's approval. Mr. Brady made a motion to approve the Housing Rehabilitation Subordination request. Mr. Rose seconded the motion with discussion. Mr. Rose questioned whether the Board should get the recommendation of West Bridgewater prior to approving this request as the client's house is in the Town of West Bridgewater, and not Avon. Mr. Crimmins informed Mr. Rose that the Town of Avon has the lead on the Avon-West Bridgewater Housing Rehabilitation Program grant, and as such, all the paperwork for these projects must come through the Town of Avon. Mr. Brady made the motion again to approve the Housing Rehabilitation Subordination request. Mr. Rose seconded. The motion carried.

Request for a Temporary Sign for K9 Ranch Inc. to Display a 2' x 8' Vinyl Sign Advertising the Store Opening from October 2, 2015 through December 21, 2015

Mr. Brady made a motion to approve the request for a temporary sign for K9 Ranch, Inc. to display a 2' x 8' vinyl side advertising the store opening from October 2, 2015 through December 21, 2015. Mr. Rose seconded. The vote was unanimous.

Request for a Curb Cut at 106 West Spring Street

A request was made from homeowner Thomas DeMayo for a curb cut to provide for a 16' x 20' parking area at his residence. Mr. DeMayo provided the Board the curb cut application, the contractor's estimate as well as his insurance liability forms, colored photos and a diagram from Google maps of the area of the curb he would like cut for his new driveway. The application created some discussion and questions from the Board. Mr. Brady questioned the need for a better drawing of the proposed project. Mr. Brady also inquired as to whether the abutters should be notified of this project given the close proximity. Mr. Rose questioned whether the Town of Avon would also need insurance liability on this project as the sidewalk is being cut and the proposed new driveway seems relatively close to the telephone pole. Chairman Hegarty suggested the Board seek more input from the Planning Board before acting on this project. Mr. Brady made a motion to table the request for a curb cut at 106 West Spring Street until more information is provided. Mr. Rose seconded the motion. All were in favor.

Approval of Vouchers for the Payment of Bills

Mr. Brady made a motion to approve the payment of bills. Mr. Rose seconded the motion. The vote was unanimous.

TOWN ADMINISTRATOR'S REPORT

Town Administrator – On September 21, 2015, Chairman Hegarty submitted to Mr. Dharam Dixit, Finance Director at the Department of Housing and Community Development the Town of Avon's FY13 CDF I Grant Monitoring Response. Comcast Cable Communications, LLC submitted its FCC Forms 1240 and 1205 to the Town of Avon on September 30, 2015. A request was made from the President of Logan Furniture Emadeddin Muntasser for the DPW to clean and jet the storm drains around Kiddie Drive given the recent rainfall. Chairman Hegarty interjected that the storm drains Mr. Muntasser is referring to are not owned by the Town.

Police Department – Chief Martineau wishes to thank the Board and citizens for their support in the passing of the override for the new public safety building. The Chief would now like to focus on staffing issues. He has provided the Board with a job description for a Deputy Chief and a detective position. He would also like to hire two new patrolmen by the end of the year
Fire Department – Chief Spurr has been busy this week with emergency management coordination in the event of a tropical storm, hurricane or persistent rain.
Department of Public Works – Mr. Fitzgerald has been busy with projects such as the Well #1 replacement, parking lot drainage for Town Hall, and joining the SURGE program.
Treasurer/Collector – Deb Morin has made an agreement with all but five delinquent taxpayers for non-payment of their FY14 taxes. The FY15 audit is two thirds complete with the new firm of Scappini and Pina. The audit should be completed by mid-November. Tax bills are due November 2, 2015.
Town Accountant – Shannon MacKenzie has provided each department a spreadsheet of their budget status so departments can see how they are doing year-to-date.
Town Clerk – Patricia Bessette will miss Shanna Faro as an administrative assistant in the Town Clerk's office. Ms. Bessette is busy preparing for the October 8, 2015 Open Meeting Law Seminar.
Building Inspector – Bob Borden is in California this week at the International Building Code Council annual educational and code approval conference. In the month of September, 37 permits have been issued, six certificates of occupancy and three miscellaneous permits.
Board of Health – Tara Tradd reports that there were seven septic systems constructed in the month of September. Each system is inspected at least three times throughout the construction process. Three percolation tests were performed for failed septic systems and three plans were approved for septic repairs. Avon has been approved for the $400,000 loan for residents to repair their failed septic systems. The flu clinic held on September 22, 2015 was very successful. Over 60 flu shots were administered.
Library – The Library has submitted their October calendar of events.
Council on Aging – Correspondence was received from Mark Southard, the Community Development Manager for the State that they have finally received an agreement from HUD. Contracts are being sent to the Undersecretary for signature and will be distributed as they are made ready.
Town Counsel – Mr. Lalli spoke to the Board previously this evening about the Designer Selection Procedures. Mr. Lalli is also working on locating all of the town owned properties using GIS mapping.

ADJOURNMENT

At 10:12 p.m., Chairman Hegarty requested the Board make a motion to conclude the regular session. An executive session would begin at the conclusion of the open session for the purposes of collective bargaining and potential litigation, both of which could prove detrimental if discussed during the open session. Mr. Rose made a motion to adjourn the regular session. Mr. Brady seconded the motion. All were in favor.

A roll call vote was taken.

Mr. Rose voted aye.
Mr. Brady voted aye.
Chairman Hegarty voted aye.

The Board would reconvene in open session for the sole purpose of adjournment.

Respectfully submitted,

Shanna M. Faro

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