

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

Francis T. Crimmins, Jr.  
**TOWN ADMINISTRATOR**

# Town of Avon Massachusetts

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**BOARD OF SELECTMEN MEETING**  
**THURSDAY, JULY 2, 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 Lalli, Town Counsel  
Frank P. Staffier, Old Colony Planning Council Delegate  
Barbara Littlefield, Park & Recreation Chair (arrived late)

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

Frank P. Staffier, Delegate for the Old Colony Planning Council, led the meeting in the Pledge of Allegiance.

Mr. Brady made a motion to accept the minutes of Thursday, June 18, 2015 (Regular Session) as read.  
Mr. Rose seconded the motion. The motion carried.

**7:35 p.m. – Frank P. Staffier, Delegate on the Old Colony Planning Council (OCPC)**

Frank P. Staffier appeared before the Board on behalf of his involvement as the Delegate for the Town of Avon on the Old Colony Planning Council to provide an update on the status of several active projects the OCPC has been working on lately.

Mr. Staffier recently attended an OCPC meeting in which several items were discussed including the transportation system, BAT buses, the Industrial Park in which they are looking at plans for getting public transportation up in that area. Mr. Staffier wanted to bring the Board up to date on the TIP Program for the Town of Avon which has two projects being developed. The first project is scheduled for the Spring of 2016 and it is the installation of the median barriers on Harrison Boulevard to divide the road. If the project is done in the Spring of 2016 as anticipated, they have allotted \$460,000 for the repair of that road. If the project extends to 2017, they have added 12% to 14% and so forth up until 2019 but they anticipate it will be complete by the Spring of 2016.

The big project that the OCPC is working on for Avon is the intersection improvements at Harrison Boulevard and Pond Street. The plan is to reconstruct that intersection to lessen the amount of traffic there and possibly construct lights in that area. It is on the TIP for 2018-2019 to repair the entire road and they have allotted to Avon \$449,510.00. It will be a state wide project and the Road Survey Audit has already been done. Mr. Staffier submitted this report to Town Administrator Crimmins.

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TOWN CLERK

Mr. Staffier also thanked the Board for his reappointment to the Old Colony Planning Council.

Chairman Hegarty suggested Mr. Staffier push the Department of Transportation to release some of the funding that was appropriated for the reconstruction of Route 28 due to the increase of traffic for East Main Street and Memorial Drive for vehicles trying to get on Harrison Boulevard during rush hour. The section of road between the Randolph/Avon line to the Howard Street Bridge still needs attention.

Mr. Staffier informed the Board that the next meeting of the OCPC will be in August. He will relay the concerns voiced by Chairman Hegarty and will inform the Board of the specific date of the meeting.

**7:45 p.m. – Chair Barbara Littlefield for Park & Recreation – Approval of Park & Recreation Summer Hires**

Town Administrator Crimmins prefaced Barbara Littlefield's introduction with a thank you to Barbara Littlefield, Anne Littlefield and Shanna Faro for their help in progressing the Park & Recreation summer employees' paperwork so that it can be presented at tonight's meeting. Mr. Crimmins noted that a checklist was put together for the new hires and he was pleased to announce that all potential employees had either had their pre-employment physical at Tristan Medical or had an appointment scheduled for their exam. Mr. Crimmins stated that a CORI background check had been done for each potential candidate. Mr. Crimmins also noted that the paperwork was submitted and in order for each potential employee. Results of the CORI background search and Tristan Medical would be forthcoming.

Mr. Crimmins stated that the biggest question remaining for the Park & Recreation summer employees was about pay. Such questions include the grade and step, the rate put on seasonal work, and addressing the issue of prohibiting seasonal employees from collecting unemployment after fifteen (15) weeks by putting them in a category where they would not be eligible.

Ms. Littlefield informed the Board that the grades and steps she proposed for the seasonal employees were based mainly on the fact that these people will be working with children and with that comes a lot of responsibility.

Ms. Littlefield proposed Grade 7/Step 2 at the rate of \$9.43 per hour for prospective counselors Kevin Curley, Cameron Kenney, Cheryl Ann McDonnell, Krishon Odom and Bhamini Shah.

Ms. Littlefield stated that a Step 1 is below the current minimum wage. Mr. Crimmins informed the Board that according to the Attorney General, minimum wage does not apply to municipalities.

Ms. Littlefield proposed a Grade 7/Step 3 at the rate of \$9.69 per hour to prospective counselor Meghan Damiano as she is a paraprofessional and has more experience working with children.

Ms. Littlefield proposed a Grade 7/Step 5 at the rate of \$9.94 per hour to prospective Assistant Director Jessica Jaro as she will have more responsibility assigned to her than the counselors and will assist Director Colleen McCune as necessary.

Ms. Littlefield proposed a Grade 10/Step 5 at the rate of \$13.78 per hour to prospective Director Colleen McCune.

Ms. Littlefield stated that when she was assigning proposed grades and scales, she tried to start the summer employees in the middle of the range for pay scale.

Mr. Rose questioned without a Personnel Board, do they have the power to assign a grade and rate?

Ms. Littlefield noted that the pay scale and schedule is from 2012 and needs to be updated.

Mr. Rose asked what the reinstatement policy was for the summer employees. Mr. Crimmins informed Mr. Rose that all seasonal employees are to be viewed as new hires, even if they are returning from working the summer program last year. All new hires need to fill out the job application, as well as all of the additional paperwork each year. In addition, all new hires also need a CORI background check and physical exam at Tristan Medical every year.

Mr. Brady made a motion to accept the grades and steps that Ms. Littlefield assigned. Chairman Hegarty seconded the motion and opened it up for discussion.

Mr. Rose suggested the Board review the grades and steps to try to fairly compensate the fact that these people will be managing children.

Mr. Rose made a motion to amend those starting at a Grade 7/Step 2 at the rate of \$9.43 per hour move to Grade 7/Step 5 at the rate of \$9.94 per hour for the following Counselors: Kevin Curley, Cameron Kenney, Cheryl Ann McDonnell, Krishon Odom and Bhamini Shah. Mr. Brady seconded the amended motion. All were in favor.

Mr. Rose recommended those starting at a Grade 7/Step 3 at the rate of \$9.69 per hour move to Grade 7/Step 6 at the rate of \$10.06 per hour for Counselor Meghan Damiano.

Mr. Rose recommended that those starting at a Grade 7/Step 5 at the rate of \$9.94 per hour move to Grade 8/Step 1 at the rate of \$10.26 per hour for Assistant Director Jessica Jaro.

Mr. Rose recommended that those starting at a Grade 10/Step 5 at the rate of \$13.78 per hour move to Grade 10/Step 6 at the rate of \$13.91 per hour for Director Colleen McCune.

Mr. Brady made a motion to accept the above motions as amended. Mr. Rose seconded. The motion carried.

Mr. Rose clarified that all rehires are required to obtain physicals. Mr. Rose further clarified that all CORI results must be favorable before the Board allows the new hires to manage and supervise children.

Ms. Littlefield thanked the Board for the amended pay rates and their time. The Park & Recreation Board will implement new procedures so that there is less confusion next year.

## **NEW BUSINESS**

### **Reappointment of Special Police Officers for 2015/2016**

Chairman Hegarty read the reappointment list for 2015/2016 as follows:

Robert Brady  
Sheri Carney  
Charles Comeau  
Linda Farley  
Francis Hegarty  
Michael Theil  
Warren Phillips

Laurice Hedges  
Joseph Lalli  
Steven Rose  
Alex Sinclair  
Tara Tradd  
Alex Cutts  
Francis Crimmins

Chairman Hegarty also read the reappointment list for Brockton Police Officers assigned to patrol D.W. Fields as Avon Special Police Officers.

Officer Antonio Randolph  
Officer David Santos

Officer Mark Reardon  
Officer Eric Smith

Mr. Brady made a motion to approve the reappointment list as read. Mr. Rose seconded the motion. All were in favor.

#### **One-day Special Alcohol Permits from Avon Fish & Game Association**

A request was made for one-day special alcohol permits from Avon Fish & Game Association for the dates of July 19, July 26, August 9 and August 15, 2015. Mr. Brady made a motion to approve the permits as read. Mr. Rose seconded the motion. The vote was unanimous.

#### **Warrant for Special Election on September 15, 2015**

A request was made from Town Clerk Patricia Bessette for the Board to sign the warrant for the Special Election to be held on Tuesday, September 15, 2015. The polls will be open from 7:00 a.m. – 8:00 p.m. that day. Mr. Brady made a motion to sign the warrant. Mr. Rose seconded the motion. All were in favor.

#### **Approval of Transfers from End of the Year Reserves**

Mr. Brady made a motion to transfer from the Reserve Fund \$1,175 to Human Resources Department to cover the cost of random drug and alcohol testing and newly hired employees. Mr. Rose seconded the motion. The motion carried.

Mr. Brady made a motion to transfer from the Reserve Fund \$2,710 to Medicare to cover the retroactive settlement from the AFSCME contract which was not budgeted in Fiscal Year 2015. Mr. Rose seconded the motion. The vote was unanimous.

Mr. Brady made a motion to transfer \$5,000 from the Veteran's Salary to Veteran's Services to cover benefits and death benefits of veterans in Fiscal Year 2015. Mr. Rose seconded the motion. All were in favor.

Mr. Brady made a motion to transfer \$5,900 from Police Salary to the Expense Account of the Police Department to purchase fifteen (15) armored vests. Mr. Rose seconded the motion. The motion carried.

Mr. Rose made a motion to transfer \$14,760 from the Fire Salary Account to Technology Expenses to cover the technology services for the new CJIS System at the Police and Fire Station. Mr. Brady seconded the motion. The motion carried.

Mr. Brady made a motion to transfer \$37,520 from the DPW Salary to DPW Expenses due to the emergency contamination problem that was uncovered at Porter Well. Mr. Rose seconded the motion. The vote was unanimous.

Mr. Rose made a motion to transfer from the Reserve Fund \$11,000 to Town Hall Maintenance Account to put lighting in the Town Hall parking lot. Mr. Brady seconded the motion. All were in favor.

Mr. Brady made a motion to transfer from the Reserve Fund \$745 to the Town Liability Insurance Item to cover the increase in liability insurance on the Town's behalf. Mr. Rose seconded the motion. The vote was unanimous.

### **Approval of Vouchers for the Payment of Bills**

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.

### **ANNOUNCEMENTS**

Chairman Hegarty announced that Town Hall is closed on Friday, July 3, 2015 in observance of the 4<sup>th</sup> of July holiday.

### **TOWN ADMINISTRATOR'S REPORT**

Mr. Crimmins wished the members of the Board a Happy Fiscal New Year.

**Police Department** – Chief Martineau reports that with the warmer weather also comes an increase in traffic which requires proactive enforcement of traffic violations. The two new Special Officers have been riding with seasoned officers and will soon be adequately trained to patrol on their own. The staffing of the Police Department continues to be a priority as does filling the vacant Deputy Chief's position. So far there has only been one response to the lateral transfer posting, but the individual is not employed by a civil service department and therefore is not eligible for transfer. The Police Department has submitted an organizational chart which will be submitted for the next meeting with job descriptions for the Board to review.

**Fire Department** – The Fire Department has also submitted their organizational chart which will be presented at the next meeting.

**Department of Public Works** – Peter Marinelli has done a great job with the staff maintaining the grounds. A new flower bed was installed today at the corner of East Main Street and Memorial Drive. The DPW is looking for seasonal staff to help Mr. Marinelli maintain the grounds this summer. Mr. Fitzgerald reports that in regards to pavement striping, the Town has had success with epoxy instead of latex, which is what is now used for the center lines. Epoxy is more expensive; however, it can last up to five years and is more visible at night. Porter Well is running well. There are no non-compliance issues. New Water Management Act Water Withdrawal Permit will start moving fast. Mr. Fitzgerald will speak to the Board soon regarding this matter. With regards to the new truck (FY15 Article), the chassis was moved to Madigan to install the body. The Bridgewater State University intern Dennis Corvi has been really helpful with the GIS project. With pavement management, the Utility Cloud water system information and storm water work, the DPW should have a good baseline for the infrastructure capital planning. The Pavement Management Proposal should be on the agenda for the next meeting to award. Lastly, as for water billing, Mr. Fitzgerald says of significant importance is to bring in past balances from Continental. Chairman Hegarty expressed his appreciation to the donations of Old Castle Concrete who donated the supplies necessary for the construction of the flower planters. In addition, Chairman Hegarty requested that Mr. Fitzgerald attend the July 16, 2015 Board of Selectmen meeting to address the issues of delinquent water payers and possibly making a public list for those who have continuously not paid their bills.

**Treasurer/Collector** – Treasurer Deb Morin has completed her first year as newly appointed Treasurer-Collector. Deb Morin has been busy with the treasurer's cash reconciliation as well as the tax collector's reconciliation. Deb recently attended the annual Cape conference for continuing education on June 15, 2015 with Carla Costa and with Karen Collum on June 16, 2015.

**Town Accountant** -- Shannon MacKenzie has been busy wrapping up Fiscal Year 2015. She has also been busy with line item transfers.

**Assessors** -- The Assessors' office is continuing to look at properties for more information to improve their database cards.

**Finance Committee** -- Thanks to Eric Beckerman and the Finance Committee for the meeting on Tuesday evening, June 30, 2015 and for approving year end transfers and reserve fund transfers.

**Town Clerk** -- The Annual Town Meeting reconvened on Tuesday, June 9, 2015. The votes were tallied by Turning Technologies. The four articles that required bylaw changes have been submitted to the Attorney General's Office. The state has assigned them as case #7675 and the review should be completed by September 14, 2015. The Clerk's Office sent out 250 letters to those residents that showed up in the VRIS as inactive voters. To date, they have received 51 responses back. Sally Theil is currently working the Voter Registration Data Crosscheck lists showing residents who appear as voters on two towns/states databases. Preparations have begun for the Special Town Election on September 15, 2015. On Thursday, October 8, 2015 from 4:30 p.m. -- 7:00 p.m. in the meeting room, David Giannotti, Public Education and Communications Division Chief from the State Ethics Commission and Mallory Morales, Paralegal with the Division of Open Government from the Office of the Attorney General will do a presentation on the Open Meeting Law and Conflict of Interest Law. This will be open to town hall employees and members of the Town's boards and committees. Patricia Bessette also sent out 40 letters to Avon residents who have turned 18 or about to turn of age this year informing them of the different ways a citizen can register to vote. Dog Officer Laurice Hedges has mailed out 83 tickets to residents who missed the May 30, 2015 deadline to register their dog. She also notes that several boards and committees have vacancies and suggests listing the vacancies on the website. Patricia Bessette also thanks Bruce Lane and Joe Bellanger from Architectural Glazing Systems, Inc. and Bob Borden for their contributions to the new corkboards in the lobby window of Town Hall needed to post meeting agendas as required by MGL Chapter 30A, Section 20. Finally, Patricia Bessette, Sally Theil and Shanna Faro attended courses at the Massachusetts Town Clerk's Association summer conference in Yarmouth on June 10 and June 11, 2015.

**Building Inspector** -- Bob Borden has provided some information on the repairs for the Town Hall building and the last section of Town Hall to be completed. There has also been some damage to Town Hall over the winter. In addition, Mr. Borden has been busy with a National Grid project with Attorney Lalli that Mr. Lalli will speak about shortly.

**Board of Health** -- Effective July 1, 2015, the Board of Health has adopted some stricter policies for minors in the Town of Avon for tobacco control regulations and regulations restricting the sale of tobacco and nicotine delivery products.

**Library** -- The Library Director will have her report for the next meeting.

**Council on Aging** -- Director Jane Hanley has proposed two people for the open job vacancies at the Council on Aging, the van driver and the assistant cook. At meeting time, the prospective candidates are still completing their paperwork as well as the CORI background check and the pre-employment physical. The two candidates will be proposed in writing for consideration and appointment to the Board for the next meeting.

**Town Counsel** -- At this time, Mr. Crimmins asked Town Counsel Joseph Lalli to approach the Board to provide an update on a matter between the Town of Avon and National Grid.

### **TOWN COUNSEL'S REPORT**

Town Counsel Joseph Lalli voiced the Town of Avon's concerns and disagreement to Chris Novak of National Grid on their company policy to withhold information to the Town on the electric utility company's proposed transmission lines and structures in an e-mail dated May 27, 2015. The Board of Selectmen for the Town of Avon disagrees with National Grid's position that their project is exempt from requiring a building permit. As support to their stance, National Grid has cited the case of Boston Edison Co. v. Town of Sudbury, 356 Mass.406 (1969) stating that, "in this case, the Court concluded that the town's building bylaws had no applicability to the electric utility company's proposed transmission lines

or to its constituent electrical transmission structures (as opposed to buildings of a type usually subject to building codes).”

Attorney Lalli stated that in reviewing the 1969 decision, the Court relies on G.L. c.143 sec. 3. This section does not authorize local regulation by a town’s building bylaw of the construction of an electric transmission line or its constituent structures. However, Attorney Lalli stressed that since the 1969 decision, there have been significant changes affecting G.L. c.143 such as The Acts of 1972 Chapter 802 Sections 75, 76 and 77 creating a uniform state building code. Therefore, Attorney Lalli noted to National Grid that references made in the 1969 decision to “local codes” no longer has any effect due to the newer legislature.

The Board feels it is imperative that National Grid provide the Town with prudent information for this project as these transmission structures will stand extremely close to the Town’s underground water supply. The Board needs information from National Grid as to what precautions the company will take to protect the water supply from possible pollutants in the event of an emergency. In addition, the Town’s Fire Department and first responders should be in communication with National Grid as to how to prepare in the event of an emergency at these transmission structures. What contaminants could our first responders possibly be exposed to and how do they take precautions? What safeguards are in place? The biggest issue currently is that the Town of Avon has requested to see National Grid’s insurance policy regarding this project and to date National Grid has not provided that to the Town.

Attorney Lalli stated that he sent his May 27, 2015 e-mail regarding the above matters to Chris Novak. He has since discovered that Mr. Novak is no longer with the company and the e-mail has been forwarded to Mr. Novak’s replacement. In his e-mail, Attorney Lalli stressed to the company that in order to keep this project moving at a steady pace, and in lieu of debating the lack of a building permit, he requested National Grid provide the Town with the complete information regarding the insurer of this project with most specific concentration in the area of “pollution”. The Board is requesting any and all information on insurance. In the event that National Grid does not cooperate with the Board’s request to provide information, Attorney Lalli suggests the town reserve all rights to suspend any further actions from National Grid on this project such as filing a temporary restraining order with Superior Court, requesting the Building Commissioner file a Stop Work Order to possibly hold the project up 8-10 months.

Mr. Rose questioned Attorney Lalli on whether there are other towns that have had similar problems with utility companies. Attorney Lalli was not aware of other towns specifically and said he would research other towns through the suggested sources such as e-mail list serves. Attorney Lalli will also research other case law and history to see if he can find similar cases. Mr. Brady also suggested that the Board speak with the Planning Board and Conservation Commission to see if they have any additional information regarding the project. He is also concerned that the new transformers have synthetic fluids that could be harmful. Chairman Hegarty also advised Attorney Lalli to request another meeting with Mr. Cardinal and the Head of the Construction Division and Engineer at National Grid to address the Board’s concerns on this project. Chairman Hegarty expressed his disappointment that National Grid did not tell the Board the scope of this project. During their initial meetings, representatives for the company assured the Board that the substation would not be seen from Harrison Boulevard. They failed to mention the amount of trees that would be cut down as well. What they told us and what the Town is now seeing regarding this project are two different things. Chairman Hegarty requested the National Grid representatives schedule another meeting with the Board and if their answers and information provided is not satisfactory to the Board, the Town of Avon will take protective measures as it is the Board of Selectmen’s job to protect the citizens.

### **Proposed Trash Transfer Facility in Holbrook**

Chairman Hegarty urged Avon residents once again to please support House Bill No. 675. Representative Galvin's office and Senator Joyce's office has received an abysmal response of letters from Avon residents in opposition to the potential Holbrook transfer station. The deadline for these letters is three weeks away. Chairman Hegarty requested residents support Board as the Selectmen have worked closely with legislators to file House Bill No. 675. There are approximately 800 truck trips daily now in the Town of Avon and should the Holbrook Trash Transfer Facility pass, the truck traffic will increase up to 35% - 40%. The Town will be subjected to an increase in noise, trash odor, risk to our water supply, harmful emissions and a truck route that proposes access to the facility through Avon. There are already trash transfer facilities in both Brockton and Stoughton. There is no need for another facility.

### **American Flag Half Staff**

The Avon Town Hall flag is at half staff this week through Tuesday to mourn the passing of State Senator Thomas Kennedy who passed away, Sunday, June 28, 2015.

### **Adjournment**

At 9:49 p.m. Mr. Rose made a motion to enter Executive Session to discuss the collective bargaining agreement. The Chair declared that the bargaining position of the Town would be negatively affected if discussion was held at open session. Mr. Brady seconded the motion. The Board reconvened in open session for the sole purpose of adjournment.

A roll call vote was taken.

Mr. Rose voted aye.

Mr. Brady voted aye.

Chairman Hegarty voted aye.

Respectfully submitted,

  
Shanna M. Faro