

**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 OF AVON

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TOWN CLERK



## BOARD OF SELECTMEN MEETING

THURSDAY, JULY 16, 2015

7:30 p.m.

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

Others present: Francis A. Crimmins, Jr., Town Administrator  
Joseph Lalli, Town Counsel

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

Mimi Rothstein, the Selectmen's Secretary, led the meeting in the Pledge of Allegiance.

Chairman Hegarty called for a moment of silence in memory of Thomas S. Kenney who passed away. Mr. Kenney served as the Town Engineer. On behalf of the Board of Selectmen, sincere condolences go out to his family.

Chairman Hegarty announced that Mimi Rothstein, the Board of Selectmen's Secretary, will be retiring at the end of this month and this is the last Selectmen's meeting she will attend.

Chairman Hegarty and the Board thanked Mrs. Rothstein for her 14 plus years of service to the Board and the Town and wished her the best of luck in her move to Florida.

On a motion made by Mr. Brady, seconded by Mr. Rose, it was unanimously voted to accept the following minutes:

July 2, 2015 (Regular Session)  
July 2, 2015 (Executive Session)  
June 18, 2015 (Executive Session)  
June 4, 2015 (Executive Session)  
May 21, 2015 (Executive Session)

**7:45 P.M.—JANE HANLEY, COUNCIL ON AGING DIRECTOR**

COA Director Jane Hanley appeared before the Board with recommendations for the two COA part time positions available; Head Cook and Van Driver.

Town Administrator Crimmins reported the Head Cook position is for less than 19 hours per week at Grade F7, Step 1 at a rate of \$13.87 per hour.

With all paperwork completed, Mr. Rose made a motion to appoint Cynthia Seeley to the position of COA part time Head Cook, Grade F7, Step 1, at a rate of \$13.87 per hour, contingent upon passing of her pre-employment physical. Mr. Brady seconded the motion. All were in favor.

Mr. Crimmins reported the part time Van Driver position is for less than 19 hours per week at Grade F5, Step 1 with a salary of \$11.84 per hour. Mr. Crimmins stated the candidate's driving record has been checked out.

With all paperwork in order, Mr. Rose made a motion to appoint John MacIsaac to the position of part time Van Driver, Grade F5, Step 1, at a rate of \$11.84 per hour, contingent upon the fact that all favorable conditions are met. Mr. Brady seconded the motion. The motion carried.

Mrs. Hanley discussed some of the COA activities that occurred such as the Volunteer Appreciation Luncheon held at Tutto Bene in Brockton; Senatorial citations for service were presented posthumously to the families of Margaret (Peg) Meninno, for 30 years of volunteer service and Pauline Walsh for 15 years of service. The Annual Cookout was held at Avon Fish & Game and a good time was enjoyed by all who attended!

Town Administrator Crimmins informed the Board that the Council on Aging building needs repair work. The doors need repair as well as the carpeting, wet spots on the ceiling, etc. Mr. Crimmins is requesting funding an article for COA improvements in the near future.

### **UNFINISHED BUSINESS**

#### **NATIONAL GRID**

Mr. Crimmins informed the Board that Joe Cardinal of National Grid will attend the next Board of Selectmen's meeting scheduled for Thursday, August 13, 2015 at 7:30 p.m. to discuss the Harrison Blvd. project.

#### **CASINO UPDATE**

At the Board's request, Town Counsel Lalli created informational packages for the Board regarding surrounding communities' information to assist the Board in a decision to hire specialized counsel. Town Counsel Lalli spoke about Surrounding Community Agreements and gave recommendations on experienced firms who work on such agreements, such as Kopelman and Paige, P.C. Town Counsel Lalli believes the choice of Special Counsel is time sensitive.

Town Counsel Lalli explained that communities may petition the Mass. Gaming Commission to be designated as a surrounding community. If a community has not executed a surrounding community agreement or has not been designated as a surrounding community in an application, the community may send a petition to the Mass. Gaming Commission requesting the Commission to designate the community as a surrounding community. This petition must be received by the Commission **no later than October 13, 2015**.

There was a lot of information presented in the informational packages and Chairman Hegarty suggested having the Board read the information and then scheduling a meeting prior to the August 13<sup>th</sup> meeting to discuss how to go forward. The matter would be taken up as an agenda item at the August 13<sup>th</sup> meeting.

### **VETERANS SERVICES PROPERTY TAX CREDIT PROGRAM**

Town Administrator Crimmins presented a draft (Version One) of the Veteran Services Property Tax Credit Program for the Board's review, which establishes a program whereby veterans may acquire up to \$750.00 annually in credit to apply to their property tax bill by working in a municipal department, augmenting the existing work force. Mr. Crimmins worked in conjunction with Veterans Service Agent Dale L. Kurtz on the language for the Tax Credit Program.

### **NEW BUSINESS**

#### **SCADA CONTRACT – DPW**

Mr. Crimmins reported a letter from Amory Engineers, P.C. was sent to DPW Director William Fitzgerald stating 3 bids were received for the SCADA System Contract. Bids were opened on April 9, 2015 and LaFleur Electrical Co., Inc. out of Auburn, MA submitted the low bid in the amount of \$205,000. Richard Johnson of Amory Engineers recommends awarding of the SCADA System Upgrade Contract AWD-1014 to LaFleur Electrical.

Mr. Rose questioned whether the bid would remain the same from LaFleur Electrical since the bid is more than 90 days old.

At this point in time Mr. Fitzgerald joined the meeting and suggested awarding the bid to LaFleur Electrical with a conditional vote that the price of \$205,000 remains the same.

Mr. Brady made a motion to award the bid to LaFleur Electrical Co., Inc. of Auburn, MA in the amount of \$205,000 based on the condition that the April 9, 2015 bid is honored. Mr. Rose seconded the motion. All were in favor.

#### **CELLULAR PHONE CONTRACT**

Mr. Eugene Gingras, our I/T Specialist, has reviewed our cellular phone contract and is recommending a changeover for those departments that currently use Sprint for their cellular wireless services to Verizon. It was determined that by bringing the phones over to Verizon

there would be a cost savings of about \$75.00 per month. The signal strength and data plans overall appear to be better. As part of the process of changing carriers, Verizon is offering an incentive of \$150.00 per line that is moved over from Sprint.

Chairman Hegarty thanked Mr. Gingras for his recommendation and is asking for an inventory of cell phones and who has them for the Board's next meeting on August 13<sup>th</sup>.

#### **WATER TOWER LEASE CONTRACT**

Mr. Crimmins received a letter from T-Mobile Northeast, LLC, d/b/a Metro PCS, Massachusetts, LLC that informed him that the Lessee is in the process of updating certain equipment that supports its wireless telecommunications network. Lessee will need to perform work at the telecommunications facility located at Sanborden Road (off Central Street) in Avon. Metro PCS needs the Town's consent for the proposed work. The scope of work is to add three (3) antennas, three (3) remote radio heads and related cables to an existing wireless communications facility on the water tank.

Mr. Rose made a motion to request Town Administrator Crimmins to enter into re-negotiations with T-Mobile Northeast, LLC, d/b/a Metro PCS, Massachusetts, at the Central Street Water Tower. Mr. Brady seconded the motion. The vote was unanimous.

#### **OCPC PAVEMENT MANAGEMENT SERVICES**

DPW Director William Fitzgerald received a letter from OCPC with a Scope of Service and Contract for Pavement Management Services. OCPC will provide an assessment of the Town of Avon's non-federal and roadway network pavement conditions for a total cost of \$5100.00.

Mr. Rose made a motion to enter into agreement with Old Colony Planning Council to provide an assessment of roadways for a cost of \$5100.00. Mr. Brady seconded the motion. All were in favor.

#### **DEP WATER INFRASTRUCTURE PLANNING AND TECHNICAL ASSISTANCE GRANT**

Mr. Crimmins reported the Commonwealth of Massachusetts – Department of Environmental Protection – Division of Municipal Services (MassDEP) presented the Town with contract documents for a Water Infrastructure Planning and Technical Assistance Grant (WIPATA) in the amount of \$10,000. A question was raised "who is the authorized signatory"?

After some discussion, Mr. Rose made a motion to approve acceptance of the MassDEP grant, in the amount of \$10,000, and research who should sign it. Mr. Brady seconded the motion. The motion carried.

#### **VFIS MASSACHUSETTS AGREEMENT—INJURED ON DUTY CLAIMS SERVICES**

An Injured on Duty Services Agreement is entered between the Town of Avon and Gowrie Claim Services, a unit of VFIS of Southern New England and Gowrie Barden and Brett, Inc. (the Contractor). The Contractor agrees to perform claim administrative services on behalf of the Town of Avon for its employees injured on duty as provided for in the above referenced statute (MGL Chapter 41, Sections 100 and 111F). The Town of Avon will pay the Contractor a flat fee of \$2,500 for the services enumerated in this Agreement.

Chairman Hegarty signed the VFIS Massachusetts Agreement for Injured on Duty Claims Services.

### **ANNOUNCEMENTS**

Chairman Hegarty announced a Public Hearing would be held in City Council Chambers at Brockton City Hall on Monday evening, July 20, 2015 at 7:00 p.m. This hearing is being held by the Brockton City Council to hear and consider public comment on the proposal to create the Downtown Brockton District Improvement Financing (DIF) District under M.G.L. Chapter 40Q.

On behalf of the Library Trustees, Library Director Karen Johnson is requesting the appointment of Brooke von Ehrenkrook to the position of Shelver at the Avon Public Library, at an F5, Step 1 position at a rate of \$11.84 per hour.

Mr. Brady made a motion to appoint Brooke von Ehrenkrook to the position of Shelver at the Avon Public Library, Grad F5, Step 1 at a salary of \$11.84 per hour. Mr. Rose seconded the motion. The motion carried.

### **ANNOUNCEMENTS**

Chairman Hegarty announced the Board will meet on Thursday, August 13, 2015 at 7:30 p.m. That is the only meeting scheduled for the month of August.

A request was received from Affordable Furniture to Go for a temporary sign permit to display two (2) banners advertising a Back to School Sale; banners to be displayed from 7/26 through 9/7/15.

Mr. Rose made a motion to approve the temporary sign permit for Affordable Furniture to Go to display two (2) banners from 7/26 to 9/7/15 for a Back to School sale. Mr. Brady seconded the motion. All were in favor.

A second request for a temporary sign permit was received from Affordable Furniture to Go to display two (2) vinyl banners advertising a Columbus Day sale from 9/16 to 10/12/15.

Mr. Rose made a motion to approve the temporary sign permit for Affordable Furniture to Go displaying two (2) banners advertising a Columbus Day sale from 9/16 to 10/12/15. Mr. Brady seconded the motion. The vote was unanimous.

A request for a temporary sign permit was received from New Balance Factory Store at 15 Stockwell Drive to display four (4) vinyl banners advertising a "Retail Sale" from July 17<sup>th</sup> through August 17<sup>th</sup>.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to approve the temporary sign permit for the New Balance Factory Store to display four (4) banners from July 17<sup>th</sup> to August 17<sup>th</sup>.

### **APPOINTMENT OF ELECTION WORKERS**

Town Clerk Patricia Bessette is requesting appointment of election workers that need to be approved "not earlier than July 15<sup>th</sup> but not later than August 15<sup>th</sup>."

Chairman Hegarty read the list of election workers to be appointed as follows:

Jean Kopke	Warden
Faith Simon	Checker
Carol Geary	Checker
Joanne Grenham	Checker
Julia Fasano	Checker
Margaret Cain	Checker
Margaret Rudy	Checker
Patricia Olson	Checker
Linda Chute	Checker
Carla Costa	Office, Relief, Count
Shanna Faro	Office, Relief, Count
Sally Theil	Office, Relief, Count

Mr. Brady made a motion to approve appointment of the election workers as read above. Mr. Rose seconded the motion. All were in favor

A request was received from Columbia Gas for a street opening permit (in the street and sidewalk) at 106 Highland Street for end cap transition in the gas main.

Mr. Rose made a motion to grant permission for a street opening permit to excavate for gas maintenance repair for end cap transition in the gas main at 106 Highland Street. Mr. Brady seconded the motion. The vote was unanimous.

Chairman Hegarty announced a letter was received from Governor Baker notifying the Town of Avon, on behalf of itself, and the Town of West Bridgewater, has been awarded a FY 2015 Community Development Block Grant (CDBG) in the amount of \$762,784. This grant is to be used to carry out approved community development activities. Town Administrator Crimmins appeared in Boston to receive the grant award.

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.

Town Administrator Crimmins discussed an invoice received from Clough, Harbour & Associates, LLP (CHA). Mr. Rose suggested contacting CHA to see when they will be finished with the Wastewater Treatment Facility study testing and evaluation of the next phase of the project.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to approve payment of the Norfolk County Tax Assessment semi-annual bill in the amount of \$38,098.36.

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

Town Administrator Crimmins announced he was in Boston to receive the CDBG grant award from Governor Baker. Mr. Crimmins expressed his gratitude to Kathleen Kelleher and the work she has done to assist seniors in the application process. The CDBG program is a great program which allows community development activities to be carried out to those who qualify.

Fire Department—a replacement flag was donated by Fire Chief Spurr. In the Board's packets, a Flag Order Form is available to order additional flags for the Town.

Mr. Crimmins attended a Regional Animal Shelter meeting today with Chairman Hegarty.

There is a new organizational chart for the Police Department.

Police Department—the Patrolman's position advertisement for the Avon Police Department will appear in the summer edition of the "Beacon" to be mailed out on July 17<sup>th</sup>.

Treasurer/Collector—furnished a list of properties in tax title

Town Accountant—on 7/15/15 Shannon MacKenzie will wrap up figures for fiscal year 2015.

Assessors—submitted revised new growth figures on July 16; new growth figure at \$257,442.

Town Clerk—Ms. Bessette has wrapped up the Annual Town Meeting and is working on the Special Town Election to be held on Tuesday, September 15<sup>th</sup>.

Building Inspector—Town Hall building renovation project will go out to bid

Board of Health—residents please send correspondence to the Department of Environmental Protection regarding the proposed trash transfer station on the Avon/Holbrook line. Also please write to your legislators.

Library—new appointed position for a Shelver.

Council on Aging—Jane Hanley discussed COA June activities in the earlier part of the meeting.

Town Counsel—Attorney Lalli updated the Board on ongoing legal issues. (a) National Grid—Chris Novak is no longer with National Grid. (b) Town Charter and By-Laws and (c) Surrounding Community Agreement

Chairman Hegarty announced the Avon Public Library presents "Arsenic in Assinippi," a book talk by local author John Gallagher on Tuesday evening, July 21<sup>st</sup> at 6:30 p.m. and the Avon Public Library. Light refreshments will be served.

Chairman Hegarty is encouraging residents to send letters of support for House Bill 675 to our legislators. There is one week left to send letters of opposition to the Department of

Environmental Protection. Please check on Avon's website at [www.avon-ma.gov](http://www.avon-ma.gov) for further information and addresses.

At 9:45 p.m., Mr. Rose made a motion to enter Executive Session to discuss the status of collective bargaining agreements and the status of contract negotiations with non-union personnel and strategy with respect to potential litigation as an open meeting may have a detrimental effect on the litigating position of the public body, so declared by the Chair, and to reconvene in open session for the sole purpose of adjournment. 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 reconvene in open session for the sole purpose of adjournment.

Respectfully submitted,

A handwritten signature in cursive script that reads "Miriam Rothstein".

Miriam Rothstein  
Secretary