

**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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TOWN OF AVON  
2015 SEP 18 AM 8:31  
TOWN CLERK

**BOARD OF SELECTMEN MEETING**  
**THURSDAY, SEPTEMBER 3, 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  
Frank Staffier, Delegate, Old Colony Planning Council  
Warren B. Lane, Chairman, Board of Assessors  
Cynthia A. Bernasconi, Clerk, Board of Assessors  
Kristin J. Kopke, Member, Board of Assessors

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

Town Counsel Joseph Lalli led the meeting in the Pledge of Allegiance.

Mr. Brady made a motion to accept the minutes of Thursday, August 13, 2015 (Regular Session) as read.  
Mr. Rose seconded the motion. The motion carried.

## **7:30 p.m. – Frank Staffier, Delegate for the Old Colony Planning Council (OCPC)**

Mr. Staffier informed the Board that the Old Colony Planning Council has been very active lately. Mr. Staffier requested that the Board invite Eric Arbeene, AICP, Community Planner for the Old Colony Planning Council to the next meeting as the OCPC has been given a large, financial grant to help assist towns that have sustained damages recently, such as from the past winter storms. Mr. Staffier suggested this grant could help pay for repairs to the Council on Aging Senior Center from the winter. Mr. Staffier also mentioned that many towns under the OCPC are taking advantage of this grant and he wanted to make the Board aware of this potential opportunity for the Town of Avon. Mr. Arbeene would be able to provide more information to the Board on this grant.

## **7:40 p.m. – Board of Assessors**

The members of the Board of Assessors approached the Board at 7:40 p.m. to discuss a plan for the impending departure of Assistant Assessor, David Wood on September 17, 2015. Chairman Hegarty stated that given Mr. Wood's resignation, the Board of Selectmen would like to move quickly in regards to reviewing the current job description and making the necessary changes to that description. The Board of Selectmen would like the Board of Assessors to have a job description for the Assistant Assessor position by Friday, September 11, 2015. In addition, the Board of Selectmen would like to meet with the

Board of Assessors at the September 17, 2015 Selectmen meeting to finalize the job description to get the job posting published.

Bruce Lane noted that it is typically a slow process in getting the Assistant Assessor position filled. There is also some competition as a neighboring town has a similar posting. Mr. Lane stated that Mr. Wood is trying to get all of his work completed before his departure. Mr. Lane also mentioned that in the event it takes a while to fill this position, he does know a retired assessor who works as a consultant on an hourly basis. Ms. Kopke noted that the quality of applicants will determine if there is a need for outsourcing. Ms. Kopke will e-mail Shanna Faro the job description to distribute to the Board of Selectmen and the Town Administrator for the next meeting.

## **UNFINISHED BUSINESS**

### **Columbia Gas Line Replacement Update**

Mr. Crimmins stated that he reached out to Chavonne Baldwin, the External Affairs Specialist for Columbia Gas of Massachusetts to see if a representative from their company could come to tonight's meeting. Unfortunately, no representatives from Columbia Gas were available tonight. Mr. Brady requested that Mr. Crimmins reach out to Ms. Baldwin again and try to obtain representatives for the meeting of September 17, 2015.

### **Cellular Phone Contract**

Mr. Crimmins stated that the cellular phone contract in which the Town of Avon's employees switched over from Sprint to Verizon has now been signed and completed. All town employees with the exception of two people have switched over their old phones to the new Verizon phones. Those two employees will give their devices to Geno Gingras within the next few days.

### **TLA-Holbrook LLC Municipal Waste Transfer Station**

Mr. Crimmins informed the Board that in addition to House Bill 675 filed by State Representative William Galvin in opposition to the proposed TLA-Holbrook LLC Municipal Waste Transfer Station, State Representative Walter Timilty has filed House Bill 768. If this bill is passed, it will prohibit the state's Executive Office of Energy and Environmental Affairs from approving a permit application for a transfer station until the applicant has submitted an environmental impact report, a waste-removal plan, and until the environmental secretary has reviewed and approved them.

Mr. Crimmins also informed the Board that on September 2, 2015, with less than a two hour notice, State Representative William Galvin sent an e-mail to Mr. Crimmins inviting him to a site visit at 1:30 p.m. in Holbrook, at the site of the potential trash transfer station. State Representative Walter Timilty arranged for the site visit with the Commissioner of the Department of Environmental Protection Martin Suuberg. Some of the participants in the site visit included Representative Bruce Ayers, Representative Mark Cusack, and Representative William Galvin. Mr. Crimmins along with Health Agent Tara Tradd were able to attend the visit. As the site is private property, the visit took place on the perimeter of the property. The purpose of the visit was to make the strongest case possible in opposition to the proposed trash transfer station. Chairman Hegarty thanked Mr. Crimmins for attending the site visit on such short notice.

### **Veterans' Services Property Tax Credit**

As an update to the draft Veterans' Services Property Tax Credit Program that Mr. Crimmins is working on with the Veterans' Agent Dale Kurtz, Mr. Crimmins noted that Mr. Kurtz has reviewed the draft and



has made some edits. Mr. Crimmins will make Mr. Kurtz's suggested edits and will send another draft back to him. Mr. Crimmins noted that they hope to finalize this draft very soon. In addition, Mr. Crimmins thanked Mr. Kurtz for all of his assistance with this matter.

### **Community Development Block Grant Request for Proposals/Qualifications**

Mr. Crimmins noted that the Avon-West Bridgewater Housing Rehabilitation Program was awarded a grant through the Massachusetts Community Development Block Grant Program. As such, all pertinent federal and state statutes apply. The Town of Avon has followed this protocol by placing an advertisement in the Brockton Enterprise on August 24, 2015, in which the Town of Avon requests proposals and qualifications for services relating to CDBG grant consulting, administration, and implementation. Services being requested are for Community Development Director, Program Manager, Housing Rehabilitation Specialist, and Administrative Assistant/Bookkeeper. Proposers are invited to submit qualifications and proposal packages in response to this solicitation. The Town intends to enter into a single contract for all of the services under this procurement. The successful proposer may either be a single entity or joint venture with a designated lead party. Proposers must submit one original and three copies of the complete proposal package to Mr. Crimmins by 2:00 p.m. on Monday, September 14, 2015.

### **Water Tower Lease**

Mr. Crimmins stated that as an update to the status of the request from Gerry Squires of T-Mobile Northeast LLC, a subsidiary of T-Mobile USA, Inc., to upgrade the communications facility at the Sanborden Road (Off Central Street) water tank, both Mr. Crimmins and DPW Director William Fitzgerald have been researching the structural integrity of the water tank as it stands now, as well as the antennas that are currently on the water tank. Mr. Fitzgerald has sought out an expert consultant for guidance in this matter and to investigate and report on the current status of the water tower. It is the position of Mr. Fitzgerald and the Town of Avon that T-Mobile USA, Inc. should pay for the expert consultant's review and assessment of the current conditions on the water tower. Mr. Fitzgerald has contacted Mr. Squires regarding this matter and is waiting for a response.

### **Motor Vehicle Assigned to the Board of Health**

Mr. Crimmins mentioned that the Board of Health has a new vehicle. The Town of Avon decal has recently been placed on the vehicle as well. Mr. Crimmins stated that there was some discussion as to what to do with the Board of Health's old vehicle, which is an old Crown Victoria. Peter Marinelli of the DPW had mentioned that the body of the Crown Victoria is in great shape, however, the mileage on the vehicle is high and it does need some electrical repairs. The current estimate for repairs is around \$2,000 to \$3,000. Mr. Marinelli is checking other auto body repair shops for a better price. Mr. Marinelli mentioned that the DPW could use that car for inspections. Mr. Rose commented that he was concerned about the price on fixing and maintaining the old Crown Victoria. He was concerned that the car would need frequent repairs.

### **NEW BUSINESS**

#### **Community Development Block Grant**

Mr. Brady made a motion for the Chair to sign the FY2015 CDBG – Community Development Fund I (CDFI), standard contract package between the Department of Housing and Community Development and the Town of Avon. Mr. Rose seconded the motion. The motion carried.

### **Inter-Municipal Agreements**

Mr. Crimmins stated that he has asked Attorney Lalli to collect all the inter-municipal agreements that the Town of Avon has with other municipalities. Mr. Crimmins noted that it is his intent is to get all inter-municipal agreements in one central location so that should a problem arise, the Town of Avon can refer to the agreement as a reference as to which municipality would address this problem. For the Board's reference, Mr. Crimmins submitted an inter-municipal agreement from the Police Department, a Mutual Aid Agreement for the Detention or Arrestees or Pre-Trial Detainees at the Norfolk County Correctional Center. This agreement is between the Sheriff of Norfolk County and the Town of Avon Police Department.

### **Water Main Repair System**

Mr. Fitzgerald submitted a pamphlet to the Board from Five Star Centri-Cast pipe repair system, a method for economically repairing storm water pipes with little to no disruption to traffic or property. Mr. Rose questioned whether the Five Star Centri-Cast pipe repair system is applicable to water main pipes as the pamphlet seems to specifically refer to storm water pipes as opposed to water main pipes.

### **Gift Acceptance Policy for the Board of Selectmen**

Mr. Crimmins requested some guidance from the Board on the gift acceptance policy. Chairman Hegarty stated that there have been extensive discussions previously that Town departments and Town employees are not to solicit donations from anybody or any property owners requiring permits. All donations are to be directed towards the Board of Selectmen for approval. No individual, employee or affiliate of the Town should solicit a donation from another individual, business or organization within the Town unless specifically authorized as to not violate the conflict of interest law. Mr. Hegarty reiterated that all donations need approval of the Board of Selectmen.

### **Local Meals Excise Tax**

Mr. Crimmins stated that the Department of Revenue recently inquired as to how many common victualler licenses the Town of Avon has as the rate increase for the local meals tax will go into effect on October 1, 2015. Mr. Crimmins noted that we need to remind our local businesses of this change. Mr. Rose inquired as to how restaurants are being monitored to make sure they are in compliance with the law. Mr. Crimmins answered that the Department of Revenue monitors the restaurants. Mr. Crimmins also noted that the Town will start to receive the funds for this tax by the first quarter of next year.

### **MassWorks Infrastructure Grant**

Mr. Rose made a motion to authorize William A. Fitzgerald, DPW Director, to submit the Town's application for a 2015 MassWorks grant, for the reconstruction of the Bodwell Street Extension and Ledin Drive, in the Avon Industrial Park. Mr. Brady seconded the motion. The motion carried.

### **King Street Pole Relocation**

Mr. Crimmins stated that it has been brought to his attention that National Grid intends to file a Petition for Joint or Identical Pole Locations regarding Page Street Pole #45 and King Street Pole #1. National Grid will request to relocate Pole #45 on Page Street, 20' southeast of the existing pole, relocating the pole to allow King Street to be widened. The petition will also be to install Pole #1 on King Street and relocating Pole #2 to accommodate an entrance to a new development. Mr. Crimmins noted that the petition has not been submitted to the Board of Selectmen yet as the petition is currently being held up by Verizon. Chairman Hegarty stated that this type of petition requires a public hearing with the proper

notification to the public and to the utility companies. Mr. Rose questioned if the widening of the road was previously approved by the Planning Board. Mr. Crimmins answered yes to Mr. Rose's question that the Planning Board has approved the road widening.

#### **Request to Hire Part Time Employee in the Department of Public Works**

Mr. Crimmins stated that Dennis Corvi has recently finished up his sixteen weeks, seasonal employment with the Department of Public Works. Mr. Corvi has been of great assistance to Mr. Fitzgerald with the GIS Mapping project. Since the GIS Mapping project is still ongoing, Mr. Fitzgerald has requested that the Board hire Mr. Corvi as a part time employee in the Department of the Public Works. Mr. Crimmins noted that Mr. Corvi is available to assist the Department of Public Works a few days a week as he is currently pursuing a Master's Degree at Bridgewater State University. Mr. Rose made a motion to hire Dennis Corvi as a part time worker in the Department of Public Works. Mr. Brady seconded the motion. The vote was unanimous.

#### **Applications for Temporary Sign Permits**

A request was made for a temporary sign permit from Dunkin Donuts to display a 10' x 3' banner advertising a "\$5.99, All Day, Every Day!" special from August 1, 2015 through December 31, 2015. Mr. Rose made a motion to amend the sign permit from September 11, 2015 through December 31, 2015. Mr. Brady seconded the amended motion. The motion carried.

A request was made for a temporary sign permit from Jordan's Furniture to display three banners 12' x 70' to be displayed on the building advertising the "Boston Rocks Laser Show" from September 1, 2015 through November 1, 2015. Mr. Rose made a motion to amend the sign permit from September 11, 2015 through November 1, 2015. Mr. Brady seconded the amended motion. The vote was unanimous.

#### **Request from AIPA President Bob Costa to Waive the Permit Fee for the Open House Luncheon on October 7, 2015**

Mr. Rose made a motion to grant the request from AIPA President Bob Costa to waive the permit fee for the Open House Luncheon on October 7, 2015. Mr. Brady seconded the motion. All were in favor.

#### **Change of Manager for Frank M. Noyes VFW Post 8892**

A motion was made by Mr. Brady to table this item as no supporting paperwork has been submitted for this item yet. Mr. Rose seconded the motion. The motion carried.

#### **Adoption of the Old Colony Region Natural Hazard Mitigation Plan**

A motion was made by Mr. Rose to adopt the Old Colony Region Natural Hazard Mitigation Plan, prepared in accordance with FEMA requirements at 44 C.F.R. 201.6. Mr. Brady seconded the motion. All were in favor.

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

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



## **ANNOUNCEMENTS**

Chairman Hegarty announced that the Open Meeting Law and Conflict of Interest Presentation for all Town employees, Board and Committee members for the Town of Avon will be held on October 8, 2015 at 5:30 p.m. at the Mary McDermott meeting room in Avon Town Hall. He strongly encouraged everyone to make every effort to attend this meeting.

An announcement was also made that the Michael J. Mottau Hobey Baker Award Dedication will take place on Sunday, September 27, 2015 at 1:00 p.m. at the Avon Public Library. There will be a ceremony to dedicate a plaque on the grounds of the Avon Public Library. Mike achieved the Hobey Baker award at Boston College in 2000. He played for the Boston Bruins and other NHL teams. A reception will follow at Avon Fish & Game Club.

An announcement was made that the special election will be held on Tuesday, September 15, 2015 regarding the proposed new Public Safety Building. The polls will be open from 7:00 a.m. to 8:00 p.m.

## **TOWN ADMINISTRATOR'S REPORT**

**Town Administrator** – The Town Administrator has provided the Board of Selectmen a “Fleet Utilization” spreadsheet which lists all of the town vehicles, their year, make, model, license and VIN number. Avon Community Access & Media Executive Director Gary Erickson noted that they have been having some issues with the live feed signal at the Town Hall Selectmen’s meetings. A representative from Comcast will be down to Town Hall to work on the issue in the cable equipment area. The Department of Public Health has submitted the report “Guidance for Municipalities Regarding the Medical Use of Marijuana” updated August 2015.

**Police Department** – Chief Martineau informs the Board that the 2013 Police Officer eligible list is scheduled to be revoked with the establishment of the 2015 list on November 1, 2015. Results are being finalized from the April 2015 Police Officer exam and should be issued to candidates at the end of the September. Chief Martineau has also been explaining to residents the need to replace the existing Public Safety Building. He is hoping for a good turnout at the Public Safety Building’s Open House on September 12, 2015.

**Fire Department** – Chief Spurr reports a total of 127 calls for the month of August, 69 of those calls were medical calls. All double pole transfers currently in the NJUNS database have had fire alarm wires moved. The fire alarm system upgrades at 40 Strafello are underway. Also, the sprinkler repairs from structural failures at 40 Murphy and 21 Parker are underway. The department had a very good ambulance inspection by the Department of Public Health. They granted the Fire Department an Advanced Life Support registration for Engine One. This will allow patients to be treated sooner if the crew is out in the engine when a call comes in. The cost for this is under \$500 per year.

**Department of Public Works** – The Mass Works grant application is due on Friday, September 4, 2015. The initial approval from the insurance company was received on the Quonset Hut replacement, therefore bidding can proceed. The Norfolk County Mosquito Control has drafted a multi-year plan for cleaning drainage in four areas of town. The FY 15 new truck for the DPW should arrive within the next week.

**Treasurer/Collector** – Deb Morin has attached her Cash Reconciliation Report showing the Cash Balance in each of the Town’s bank accounts. She has also attached the Tax Collector’s reconciliation with the Town Accountant. This report gives an idea of what amount remains to be collected in each year for real estate, personal property, and motor vehicle commitments. During the month of September, Deb Morin, along with the Assistant Tax Collector, will be reviewing all real estate balances due for FY12-14 and will begin the process of Tax Takings.

**Town Accountant** – The Massachusetts Department of Revenue has sent Shannon MacKenzie notification of free cash approval for the Town of Avon. Based upon the unaudited balance sheet submitted, Deputy Director of Accounts for the DOR has certified that the amount of available funds or

“free cash” as of July 1, 2015 for the Town of Avon’s General Fund is \$1,011,821.00. This certification is in accordance with the provisions of G.L. Chapter 59, Section 23, as amended.

**Assessors** – Mr. Crimmins has provided the Board of Selectmen the existing employment agreement for the position of Assistant Assessor for their review. David Wood is planning on attending the hearing on September 14, 2015 regarding the Department of Revenue’s ruling granting a manufacturing designation for WM Avon, which exempts all of its personal property from taxation. This led to a discussion by the Board of Selectmen. Chairman Hegarty questioned whether the Town of Avon should have legal representation present at the September 14, 2015 hearing. Mr. Hegarty feels strongly that the DOR’s ruling should be contested by the Town of Avon.

**Finance Committee** – The Finance Committee will have a meeting next month and there will be more information to report then.

**Town Clerk** – The Office of the Attorney General has approved Articles 11, 26, 34 and 35 from the May 5, 2015 Annual Town Meeting. The website has had almost 10,000 hits this month. Patricia Bessette is busy preparing for the Special Election on September 15, 2015. Absentee ballots are available and residents are already filling them out. Patricia Bessette is also preparing for the Open Meeting Law Presentation on October 8, 2015. Finally, the Town Clerk continues to review the General Bylaws with Attorney Lalli. The General Bylaws have been reposted on the website.

**Building Inspector** – Building Inspector Robert Borden reports that year to date there has been a total of 157 Building Permits issued, valued at approximately \$3,363,000. The fees collected by the Building Department year to date totals \$67,970. Certificates of Occupancy, Inspection, Mechanical Permits and other miscellaneous fees collected is \$2,625. Contrary to recent years, 2015 is proving to be the year of the residential permit both in volume and value. Repairs of recent winter storms and roof top solar panel installations have dominated the permits. There have been two permits issued for new single family homes and site work has begun for a Planning Board approved, 5 unit, townhouse structure.

**Board of Health** – Health Agent Tara Tradd reports that August has been a busy and productive month in regards to septic systems. There were eight septic systems constructed during the month of August. Tara Tradd performed three percolation tests for failed septic systems and approved three plans for septic repairs. The Town of Avon has also been approved through the Septic Loan Program for a \$400,000 loan for residents to repair their failed septic systems. New Tobacco Control Regulations became effective August 1, 2015. The Board of Health also rolled out the new “Remynder” App for smart phones. Remynder is the most convenient way to communicate curbside collection schedules to Avon residents.

**Library** – Library Director Karen Johnson reports that Artist J. Marshall Dyke held his 33<sup>rd</sup> annual art exhibit displaying his recent works in the Reading Room of the library. The artist’s reception on August 20, 2015 was well attended. The library also had many programs throughout the summer such as the summer reading program “Every Hero Has a Story”, pajama story time, “Paint Night” with Dave Locurno on August 18, 2015, and the babysitting program with Beth Oleson “Home Alone-what to do when you are home alone”. The Avon Public Library plans to co-host a brunch on Friday, September 4, 2015 with the Council on Aging.

**Council on Aging** – Director Jane Hanley reports that in August, program planning and changes have included having “co-hosts” at their Friday social hours. This is an open concept where people can come and ask questions, voice concerns, and meet with members of the community. The first guest was Police Chief David Martineau on August 21, 2015. Jane Hanley and Tara Tradd also attended the Avon/Randolph Rotary Club on August 28, 2015 as guests of School Superintendent Paul Zinni. The purpose of attendance was to discuss an upcoming meeting Rotary is having with the Red Cross and for them to learn what the Town has in place for emergency procedures. Jane Hanley reports it was a wonderful opportunity to discuss other needs for elders such as snow shoveling and minor home repairs. The COA Board of Directors did not meet this summer.

**School Department** – Mr. Crimmins reported that Boston Magazine has published its list of “Best Public Schools in Boston 2015”, an exclusive ranking of 125 school districts in the Greater Boston area. Avon Public Schools ranked number 93 on this list. Blue Hills Regional Technical School is celebrating its fiftieth anniversary this year. The Board of Selectmen will be invited to the Blue Hills 50<sup>th</sup> Anniversary Celebration to be held in the spring of 2016. Finally, Treasurer Deb Morin reports that the Blue Hills

appropriation voted at the Town Meeting was not correct. The Town of Avon will need an additional \$35,741 if there is a Special Town Meeting.

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

Pursuant to a request by Chairman Hegarty to identify all town owned properties, Attorney Lalli and his office have been working on identifying all parcels of land within the Town of Avon that are owned by the Town. This project has been made possible with the assistance of DPW Director William Fitzgerald and David Wood from the Assessor's Office. This project is being done using GIS Mapping to ensure the accuracy of the data. Mr. Lalli stated that the Town has many parcels of land that it owns within its borders. However, many of these parcels of land are either currently in use by the Town, have definitive restrictions placed upon them, are owned by other municipalities or have other reasons for not being available for use. In Mr. Lalli's discussions with Chairman Hegarty, the Board of Selectmen would like to determine if in fact there may be parcels of land not in use that the Town may sell for additional revenue.

Mr. Lalli stated that Mr. Crimmins requested of him to gather information on what easements exist within the Town of Avon that are either granted by the Town or granted to the Town. Mr. Lalli was not able to recall seeing a complete list of easements which currently exists. Mr. Lalli stated that it is imperative that such a list should exist for various municipal reasons. Mr. Lalli has been able to access some preliminary data from the Norfolk Registry of Deeds. His office has been able to create a draft listing of easements; however, additional research still needs to be done. The next step of this project will be verification of the easement.

Mr. Lalli has also been working with Town Clerk Patricia Bessette on the General Bylaws. The current Town Clerk Patricia Bessette has prepared the "2015 Revision of the General Code of the Town of Avon" which Mr. Lalli has reviewed and has now been placed on the Town's website. Mr. Lalli stated that there still needs an official codification of the bylaws as the last one was performed in 1989.

Finally, Mr. Lalli was asked by the Town Administrator to collect up all inter-municipal agreements the Town has in use. This has proven to be a difficult task many Departments claim they have no Inter-Municipal Agreements. Attorney Lalli will continue his attempts to gather up these agreements.

### **ADJOURNMENT**

At 10:01 p.m., Mr. Rose made a motion to enter Executive Session for the purposes of collective bargaining, contract negotiations with non-union personnel, grievance and 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. Brady voted aye.

Mr. Rose voted aye.

Chairman Hegarty voted aye.

Respectfully submitted,

  
Shanna M. Faro