

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



Town Offices  
Buckley Center 02322  
(508) 588-0414  
FAX: (508) 559-0209

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TOWN CLERK

## BOARD OF SELECTMEN MEETING THURSDAY, SEPTEMBER 17, 2015 7:30 p.m.

Members present: Francis A. Hegarty, Chairman  
Steven P. Rose, Clerk (Late arrival at 7:57 p.m.)  
Robert F. Brady, Jr., Associate

Others present: Francis T. Crimmins, Jr., Town Administrator  
Joseph S. Lalli, Town Counsel  
Warren B. Lane, Chairman, Board of Assessors  
Kristin J. Kopke, Member, Board of Assessors  
Kathleen Kelleher, Program Manager, Avon Office of Community Development

Chairman Hegarty called the meeting to order at 7:30 p.m.

Kathleen Kelleher led the meeting in the Pledge of Allegiance.

Mr. Brady made a motion to accept the minutes of Thursday, September 3, 2015 (Regular Session) as read. Chairman Hegarty seconded the motion. The motion carried.

Chairman Hegarty congratulated Paul Brunelle who will be receiving the French Legion of Honor Award. Mr. Brunelle was a member of the Fourth Infantry Division and is a lifelong resident of the Town of Avon. In addition, Mr. Brunelle served as a Trustee of the Avon Public Library for many years.

### 7:30 p.m. – Board of Assessors

As a follow up from the meeting of September 3, 2015, Mr. Lane and Ms. Kopke approached the Board at 7:30 p.m. to provide a status update on the job search for an Assistant Assessor in light of David Wood's departure. Ms. Kopke presented the Board with a packet which contained two job posting options and one job description for the position of Assistant Assessor. Mr. Lane informed the Board he would like to go forward with finding a replacement for Mr. Wood. Chairman Hegarty agreed with Mr. Lane and commented that he would like this job description posted as soon as possible. Mr. Lane questioned the salary as it is his opinion that Mr. Wood's salary was on the lower range for this type of position. Ms. Kopke interjected that the salary could be posted later depending on the quality of the candidates. She also inquired to the Chair as to the steps in this hiring process. Chairman Hegarty answered that first the Town Administrator would post this position, review the resumes and narrow down the stack of resumes for the Board of Assessors to review. At which time, another meeting would take place between the Board of Selectmen and the Board of Assessors to make sure both boards would be in agreement on the candidates selected for an interview. Chairman Hegarty informed the Board of Assessors that this job posting should be published in the Beacon and the Massachusetts Municipal Association publications. Ms. Kopke confirmed to the Board of Selectmen that the Board of Assessors would prefer to use the job

posting option number two (on page three of the packet) to publish instead of job posting option number one. Chairman Hegarty suggested that the Board of Assessors push back the deadline of October 16, 2015 for candidates to respond.

#### **7:45 p.m. – Opening of Bids for Community Development Block Grant Requests for Proposals and Qualifications**

There was only one bid submitted to the Town of Avon for the Community Development Block Grant. That bid was from Community Opportunities Group, Inc. The bid was inclusive for the full grant management. Mr. Brady made a motion to table the acceptance of the bid as to allow proper time to review the proposal and take under advisement until the next meeting of October 1, 2015. Chairman Hegarty seconded the motion. The motion carried.

#### **UNFINISHED BUSINESS**

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

Town Administrator Crimmins informed the Board that he has been in contact with the representative from Columbia Gas and, although a representative could not attend tonight's meeting, they have informed him that a representative will be available for whichever October meeting date was convenient to the Board. Chairman Hegarty informed Mr. Crimmins that he would prefer the Columbia Gas representative be present at the October 1, 2015 meeting.

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

Chairman Hegarty informed the Board and Mr. Crimmins that Veterans' Agent Dale Kurtz had some last minute addendums to the Veterans' Services Property Tax Credit draft, however, he is hopeful that this program will roll out soon.

##### **Water Tower Lease**

As an update, Mr. Crimmins informed the Board that both the Town of Avon and Mr. Gerry Squires from T-Mobile are in agreement that the water tower requires an in depth review by an expert consultant. However, there is dissention as to which party will pay for the cost of the expert consultant. Mr. Crimmins informed the Board that this issue should have a resolution soon.

#### **NEW BUSINESS**

##### **Results of Special Town Election on September 15, 2015**

Chairman Hegarty informed the Board that 26% of Avon voters turned out for the special election on September 15, 2015. By a two to one margin, voters cast their vote in favor of a new police facility and renovations to the existing fire station. Mr. Hegarty announced it was an excellent turnout for a debt exclusion vote. The percentage of voters was the highest the Town of Avon has had in many years. Mr. Hegarty thanked the voters for their support of improvements to the Town. The Board of Selectmen will now begin the process of moving the project forward.

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

Chairman Hegarty announced that the second victory for the Town of Avon this week, aside from the special election, was that on September 10, 2015, when the Department of Environmental Protection issued a Negative Report on Suitability for Site Assignment for the proposed TLA-Holbrook LLC

Municipal Waste Transfer Station. Mr. Hegarty stated that the proposed waste transfer station has been of great concern to the Board due to increased truck traffic, noise and air pollution and negative effects to the Town's water supply. Mr. Hegarty thanked all Avon residents who wrote to the state representatives and to the Department of Environmental Protection regarding this matter. In addition, Mr. Hegarty thanked Department of Public Works director William Fitzgerald and Board of Health Agent Tara Tradd for all of their hard work and efforts to deter this project. Mr. Hegarty professed an immense thank you to Representative William Galvin who was able to get the DEP Commissioner to personally visit the Holbrook site and within one week of that site visit, the negative report was issued. Finally, Mr. Hegarty advised the Board that the negative report is only a partial victory, as the applicant still has a fourteen day appeal period. Mr. Hegarty stated that the goal is still to get House Bill No. 675 passed in the Senate.

### **Designer Selection Procedures**

Mr. Crimmins announced that since the debt exclusion vote passed at the special election, the Town of Avon must abide by the state designer selection laws. He presented the Board with a draft "Designer Selection Procedures" which he requested the Board to consider. The draft he presented has been adopted in a half a dozen other communities. Mr. Crimmins asked the Board to review the Designer Selection Procedures and requested this item be placed on the October 1, 2015 meeting agenda to be approved so that the process of building a new police station and renovating the existing fire station can be moved along. Mr. Brady made a motion to schedule this item for discussion at the October 1, 2015 meeting. Mr. Rose seconded the motion. All were in favor.

### **Brockton Casino Update**

Mr. Crimmins announced that Brandon Moss of the law firm Murphy, Hesse, Toomey & Lehan, LLP has submitted correspondence to the Board of Selectmen as special counsel to the Town of Avon as a surrounding community designation to the proposed casino in the City of Brockton. Mr. Moss will attend tonight's Executive Session meeting with the Board as there is an issue that may involve potential litigation which cannot be discussed in open session. However, Mr. Crimmins wanted to inform the Board that Mr. Moss is special counsel on the case, that there are deadlines approaching and an update will be provided later on tonight.

### **Request from Jonathon Madore for Permission to Use the Municipal Lot for a Handicapped Equipped Vehicle for a Disabled Tenant at his 222 West Main Street Apartment**

Jonathon Madore approached the Board along with his mother Sherry Madore regarding a formal request that they submitted to the Board in which they requested permission to use the municipal lot across the street from the Avon Cooperative Bank for a handicapped equipped vehicle for a disabled tenant residing at 222 West Main Street. The Madores cited section 8-5 "Location of Parking Spaces" of the Zoning Bylaws in which they believed if their building was within 200 feet of the municipal lot, they would have access to use that public lot for private parking. Mr. Crimmins informed the Board of Selectmen that if they voted favorably on this matter, the next step would be for the applicant to approach the Zoning Board of Appeals with this request. Ms. Madore stated to the Board that she believed they had gone through the proper steps for their tenant and the parking situation by obtaining a certified plot plan of their West Main Street property and researching Section 8-5 of the Zoning Bylaws. It was not until the night that their tenant had moved into their building that they noticed the "No Overnight Parking" signs in the municipal lot. Furthermore, they requested the Board grant permission for all of their tenants, not just the handicapped vehicle to park in the municipal lot. Mr. Rose inquired to Ms. Madore as to whether there was any on-site parking at the West Main Street apartment building. Ms. Madore answered that there are five parking spaces; however, the building occupancy is for ten people. Mr. Rose also inquired as to whether the tenant can maneuver his vehicle into one of the spaces at the West Main Street apartment building. Ms. Madore stated that the tenant drives an F350 truck and it is difficult for him to maneuver



into the West Main Street apartment building. Both Mr. Rose and Mr. Brady stated that they would be opposed to Ms. Madore's request that in general all tenants be allowed to park in the municipal lot. Mr. Brady also mentioned if the Board grants parking to tenants, it could be a potential liability to the Town of Avon. Chairman Hegarty interjected that in that particular area, there are lots of rental units that could make similar requests. The intent of the municipal parking lot was to help local business in that area provide parking for their customers. If the Board allows this request, it would set a precedent that would go against the original intent of the municipal lot. Mr. Brady made a motion to deny the request of Jonathon Madore to use the municipal parking lot for the residential parking for his tenant at 222 West Main Street. Mr. Rose seconded the motion. The vote was unanimous.

#### **Personnel Board Business**

A request was made by Library Director Karen Johnson for a step increase to part time Circulation Assistant Linda Pendergrace from a Grade F6 Step 3 at the rate of \$12.94 per hour to a Grade F6 Step 4 at the rate of \$13.16 per hour. Mr. Rose made a motion to grant the step increase of part time Circulation Assistant Linda Pendergrace to a Grade F6 Step 4 at the rate of \$13.16 per hour. Mr. Brady seconded the motion. The motion carried.

#### **Appointment of Seasonal Employee for the Department of Public Works**

A request was made to appoint John Picardi to the position of Seasonal DPW at a Grade G7 Step 5 at the rate of \$9.94 per hour. Mr. Rose made a motion to appoint John Picardi to the position of Seasonal DPW at a Grade G7 Step 5 at the rate of \$9.94 per hour. Mr. Brady seconded the motion. All were in favor.

#### **Appointment of Executive Assistant to the Town Administrator/Benefits Coordinator**

Mr. Crimmins requested that the Board appoint Shanna Faro to the position of Executive Assistant to the Town Administrator/Benefits Coordinator. Mr. Crimmins informed the Board that the salary and compensation package would be discussed in Executive Session. Mr. Rose made a motion to appoint Shanna Faro to the position of Executive Assistant to the Town Administrator/Benefits Coordinator. Mr. Brady seconded the motion. The vote was unanimous.

#### **Request for a One Day Special Alcohol Permit from Avon Fish & Game Association for September 27, 2015**

A request was made from the Avon Fish & Game Association for a one day special alcohol permit for September 27, 2015 (Valid September 26, 2015 – September 29, 2015). Mr. Rose made a motion to approve the request from the Avon Fish & Game Association for a one day special alcohol permit for September 27, 2015 (Valid September 26, 2015 – September 29, 2015). Mr. Brady seconded the motion. The motion carried.

#### **Well #1 Contract Approval**

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. In 2010, the original screen failed and a liner screen was installed, reducing the capacity and performance of the well. 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. Chairman Hegarty informed Mr. Fitzgerald that contract approval for a well

replacement is an item that may require a special town meeting to get the funding for this project. Mr. Hegarty did not believe there was money in the DPW budget for this expense. Mr. Hegarty expressed his concern about having two wells in need of repair as Porter Well requires repairs as well. Mr. Rose also asked where the Town can get the funding for a well replacement. Mr. Hegarty recommended to Mr. Fitzgerald that he meet with Mr. Crimmins to formulate a plan for this project. In addition, Mr. Hegarty would like Mr. Fitzgerald to meet with the Finance Committee. Mr. Fitzgerald asked Mr. Hegarty for permission to go ahead with Phase One of the project if he could get the funding from his existing budget. 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.

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

Mr. Rose made a motion to approve the payment of bills. Mr. Brady seconded the motion. All were in favor.

### **Announcements**

An announcement was 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.

The Avon Seasonal Flu Clinic for ages 9 years and older will be held on Tuesday, September 22, 2015 from 3:00 p.m. to 7:00 p.m. at Town Hall. Citizens are reminded to wear a short sleeve shirt and bring their insurance and/or Medicare card.

The Stoughton, Holbrook, Avon, Randolph (SHAR) Medical Reserve Corps (MRC) and the Avon Board of Health will be at the Walmart in Avon on Saturday, September 19, 2015 recruiting volunteers between the hours of 9:00 a.m. to 1:00 p.m.

The National Prescription Drug Take-Back Day will be on September 26, 2015 from 10:00 a.m. to 2:00 p.m. at locations in Braintree, Rockland, Milton, North Easton, Quincy, Weymouth, East Bridgewater, Hanover, Norwood, Hanson and Dedham.

### **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. Earlier tonight prior to the meeting, the new DPW truck with the attached snow plow was displayed in the Town Hall parking lot.

**Police Department** - Chief Martineau has been very active lately in his efforts to get residents to vote yes for a new police facility. The Chief would also reminded the Board about staffing issues and the need for more police officers.

**Department of Public Works** - Mr. Fitzgerald would like to address issues with the water supplies on a warrant for the next special town meeting.

**Fire Department** - Mr. Crimmins has asked Chief Spurr for an accident report for Route 28 as he is still submitting supporting documentation for House Bill No. 675 to pass.

**Treasurer/Collector** - Deb Morin is in the process of tax takings for residents with outstanding tax bills. She has provided a list of taxpayers who have been sent a final letter informing them that their properties will be advertised the first week of October for non-payment of their FY14 taxes.



**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.

**Assessors** – Mr. Crimmins received an e-mail from Assistant Assessor David Wood explaining why the Department of Revenue hearing on the tax classification of WM Avon did not take place on September 14, 2015 and the next steps in that process.

**Town Clerk** – Patricia Bessette did a great job on the September 15, 2015 Special Election with the help of election workers Sally Theil, Shanna Faro, Carla Costa and V. Jean Kopke as the Warden. As Shanna Faro was appointed tonight as the Executive Assistant to the Town Administrator, there will now be a vacancy in that office. Mr. Crimmins will speak to Patricia Bessette about working on the job posting for that office.

**Building Inspector** – Bob Borden's role as zoning enforcement officer is a tough job as evidenced by tonight's request for the parking space in the municipal lot. The parking lot in Town Hall is now well lit thanks to the efforts of Mr. Borden. In addition to the parking lot, the electrician has also put up some additional lighting in Town Hall.

**Board of Health** – Thanks for the great effort of Tara Tradd and her work with ACES to stop the spread of opioid usage. Superintendent Paul Zinni and Amanda Decker of ACES have requested a spot at the October 1, 2015 Selectmen meeting to provide the Board with an update on the progress they have made from their work with ACES.

**Library** – The Library has requested some assistance from the Board with a Capital Planning Project. There will be an update to follow in future meetings.

**Council on Aging** – An item regarding the Council on Aging will be discussed in the Executive Session. A grant has expired and there will be some discussion on what to do during the interim between the expired grant and the approval of funds from the new grant.

## **TOWN COUNSEL'S REPORT**

**General Bylaws** – Mr. Lalli is working with Patricia Bessette on the possibility of an updated codification of the Town's Bylaws. Mr. Lalli and Ms. Bessette will approach the Board soon regarding this matter.

**Town Owned Properties** – The project of acquiring an accurate list of all town owned properties is still on track. Mr. Lalli's goal is to have the Phase One map ready to present to the Board at the second meeting of October 2015.

**Easements** – Mr. Lalli is attempting to identify some easements through the Norfolk County of Deeds to see if some potential easements are listed under a different name or if there has been a name change from the original identity that the Town of Avon is not aware of.

**Inter Municipal Agreements** – Once Mr. Lalli gets approval from the Town Administrator, his memorandum regarding requesting any and all inter municipal agreements will be sent to all boards, commissions, committees or departments for submission to Town Counsel.

## **ADJOURNMENT**

At 9:20 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, contract negotiations with non-union personnel, and the Brockton Casino Surrounding Community Agreement, all of which could prove detrimental if discussed during the open session. Mr. Rose made a motion to adjourn the regular session. Mr. Rose 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,

A handwritten signature in cursive script that reads "Shanna M. Faro". The signature is written in dark ink and is positioned above the printed name.

Shanna M. Faro