

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, NOVEMBER 5, 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
Shanna M. Faro, Executive Assistant to the Town Administrator
Fire Chief Robert Spurr
William A. Fitzgerald, Jr., Department of Public Works Director
Senator Brian Joyce
Jose Vazquez, National Grid

Columbia Gas: Chavonne Baldwin, External Affairs Specialist
Michael DeAngelo, Field Operations Leader
Daniel Kelly, Restoration Leader

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

Selectman Brady led the meeting in the Pledge of Allegiance.

Mr. Brady made a motion to accept the minutes of Thursday, October 15, 2015 (Regular Session) as read.
Mr. Rose seconded the motion. The motion carried.

Mr. Brady made a motion to accept the minutes of Thursday, October 29, 2015 (Workshop Session) as read.
Mr. Rose seconded the motion. The vote was unanimous.

Mr. Brady made a motion to accept the minutes of Thursday, July 16, 2015 (Executive Session) as read.
Mr. Rose seconded the motion. All were in favor.

Mr. Brady made a motion to accept the minutes of Thursday, October 15, 2015 (Executive Session) as read.
Mr. Rose seconded the motion. The motion carried.

7:30 p.m. – Senator Brian Joyce

Senator Brian Joyce approached the Board at 7:30 p.m. with a brief slideshow presentation on the FY 16 Budget and a State House Update. Senator Joyce noted that for the FY 16 State Budget, the Town of Avon can expect the following areas for local aid: Chapter 70 Education; Unrestricted General Government Aid and Chapter 90 Assistance with Local Roads and Bridges. Senator Joyce informed the

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Board that the tax revenue is increasing as the economy is better and more people are working. Senator Joyce also stated that the FY 16 budget totals \$38.145 billion. The State will be investing in education at all levels as well as self-sufficiency and opportunities for working families. Senator Joyce informed the Board that 60% of the tax revenue comes from income tax followed by sales tax at 16%. Senator Joyce also informed the Board that in terms of the spending breakdown, 40% of the state budget goes to Mass Health. Only 15% of the state budget is allotted to Chapter 70 and Local Aid. Senator Joyce stated to the Board that under the FY 16 budget plan, the Town of Avon will receive \$2,685,275 in Local Aid including the following areas: \$1,011,381 in Chapter 70 education funding; \$638,935 in Unrestricted General Government Aid; and \$270,979 in Chapter 90 Local Roads and Bridges. In addition, Senator Joyce commented that Avon would receive \$27,141 for the Winter Recovery Assistance Program (WRAP) to help with snow removal. Senator Joyce concluded by stating that the Massachusetts economy continues to grow and add jobs. Senator Joyce departed at 7:55 p.m.

7:45 p.m. – Public Hearing on Petition #15467308 for Joint or Identical Pole Locations by National Grid and Verizon for Page Street Pole #45 and King Street Pole #1

Jose Vazquez from National Grid approached the Board regarding the petition #15467308 for joint or identical pole locations by National Grid and Verizon for Page Street Pole #45 and King Street Pole #1. This petition was tabled at the October 15, 2015 hearing for further clarification after Mr. Rose questioned page two of the contract stating that the wires attached to the pole by Massachusetts Electric Company would not exceed twenty wires, and the wires attached to the pole by Verizon New England, Inc. would not exceed forty wires and four aerial cables. When Mr. Vazquez approached the Board, Mr. Rose again asked the question as to why a residential pole would need this many wires attached to it. Mr. Vazquez replied that the petition that was submitted to the Board was a standard petition and uniform paperwork that is sent to every town. Mr. Vazquez stated that he did not believe the residential poles in question would require the maximum of forty (40) wires. However, Mr. Vazquez was unsure of exactly how many wires the poles on Page Street and King Street would need. Mr. Brady commented that he really wanted clarification as to how many wires will be running down Pond Street. Mr. Rose asked Mr. Vazquez if Joseph Cardinal will have an answer to this question when he appears before the Board on November 19, 2015 to which Mr. Vazquez responded in the affirmative. Mr. Brady made a motion to table petition #15467308 for joint or identical pole locations by National Grid and Verizon for Page Street Pole #45 and King Street Pole #1 until November 19, 2015 for further clarification by Mr. Cardinal of National Grid. Mr. Rose seconded the motion. The motion carried.

8:00 p.m. – Fire Chief Robert Spurr Regarding the Appointment of Five (5) New Call Firefighters/EMTs

Chief Spurr appeared before the Board at 8:05 p.m. Mr. Rose stated to Chief Spurr that he was looking for an explanation as to why the Personnel Action Forms are dated months earlier than the October 15, 2015 date when they were presented to the Board. Chief Spurr explained that in order to get started on the hiring process for the new Call Firefighters/EMTs, each of the candidates filled out the extensive application complete with a background check in which results can take as long twelve weeks to surface. Chief Spurr stated that he started the in-house classroom training for six candidates the first week of August, with the stipulation that if they did not pass their Physical Ability Test (PAT), they would not be hired as a Call Firefighter/EMT for the Town of Avon. Chief Spurr further clarified that he did not receive the results of the PAT test until the first week of October, which explains why he could not present the Personnel Action Forms to the Board earlier than the October 15, 2015 meeting date. Chief Spurr reported that five of the six candidates passed the PAT test. The sixth candidate failed by a very slim margin and will be allowed to retake the test. Mr. Rose questioned as to whether the Town of Avon would be liable if one of the six candidates got hurt or injured prior to officially being hired by the Town. Chief Spurr responded that he did not allow any of the six candidates to do anything other than sit in a classroom for training prior to the results of the PAT test. Mr. Hegarty informed Chief Spurr that he

should have been more cautious in case there was some type of issue such as discrimination or sexual harassment in which the Town would have been liable. Mr. Hegarty noted that Chief Spurr should check with legal counsel next time prior to having any candidates in training classes before they are officially hired. In addition, Mr. Hegarty commented that the Town Hall had no paperwork at all for any of these individuals in the event an issue arose. Chief Spurr apologized to the Board for any confusion and problems created in the hiring process of these new candidates. Mr. Rose made a motion to approve the appointment of Bethany Ramsey, Michael McNeil, David Martineau, Jr., Kevin Murphy, and Stephen Mallett as Call Firefighters/EMTs. Mr. Brady seconded the motion. The motion carried.

UNFINISHED BUSINESS

Update from Cable Advisory Committee Regarding the Cable Rate Regulation

Mr. Hegarty read a memorandum from Chairman Bruce Lane of the Avon Cable Advisory Committee dated October 31, 2015. In his memorandum, Mr. Lane reported that the Committee met last week and reviewed the letter from the Department of Telecommunications and Cable, as requested by the Board at a previous meeting. Mr. Lane reports that Form 1240 is an annual filing and Form 1205 is an interim filing by the cable company regarding basic rates. Mr. Lane further reported in his memorandum that Comcast is planning on retaining the 2015 basic rates for the year 2016. The letter from the Department of Telecommunications and Cable is in regard to an FCC Order changing the presumption that cable companies are not subject to effective competition, essentially allowing cable companies to be deregulated. Mr. Lane explained in his memorandum that the Department of Telecommunications and Cable, as the regulating authority, is looking at filing a Form 328 to appeal the change for all towns subject to rate regulation.

Update on Assistant Assessor Position

Town Administrator Crimmins stated that there are several candidates who submitted resumes for the Assistant Assessor position to be selected for an interview. Mr. Crimmins reported that he and Bruce Lane, Chairman of the Board of Assessors, plan to meet next week to review resumes and call in several candidates for joint interviews.

Update on Administrative Assistant Position at the Council on Aging

Mr. Crimmins reported that there is still a vacancy at the Council on Aging. The Administrative Assistant position was posted internally for AFSCME union members for seven days through Friday, October 30, 2015. Mr. Crimmins informed the Board that there were no internal applicants. Mr. Crimmins stated that this position had now been posted externally and that there were already several applicants. The deadline for resumes for this position is November 20, 2015.

Request for Street Opening Permit from Columbia Gas of Massachusetts at 19 Bartlett Street

Chavonne Baldwin, Daniel Kelly and Michael DeAngelo of Columbia Gas approached the Board. DPW Director William Fitzgerald also approached the Board. Mr. Rose asked the members of Columbia Gas how many more streets would need to be cut for end cap transition. Ms. Baldwin stated that the end cap transition is a seven year restoration project, so there will be more, however, she was not able to provide an accurate number of how many more end caps will need to be replaced. Ms. Baldwin stated that she would find out that information and report back to the Board. Mr. DeAngelo stated they had only one more end cap transition for 2015. Mr. Hegarty expressed his concern at the number of cuts being made into the Town of Avon roads, noting in particular that some patches have been less than satisfactory. Mr. Kelly informed the Board that Columbia Gas has invested \$2,000,000 and started a Restoration Department. Mr. Kelly acknowledged that 40% of the cuts into the road have been a due to gas issues.

Mr. Kelly stated that Columbia Gas is making a conscious effort to do a better job in repairing the streets after a road cut. Mr. Fitzgerald interjected that it was the wish of the Board to do a complete overlay of Bartlett Street after the last street opening request back in June 2015. Mr. Kelly apologized that due to some shifting and reorganization in the company, he did not see the overlay request from the Board until about two weeks ago. Mr. Kelly informed the Board that, although Columbia Gas cannot do a complete overlay of Bartlett Street, he will ensure that the company will go above and beyond to patch up Bartlett Street. Mr. Brady made a motion to approve the street opening permit from Columbia Gas of Massachusetts for a 5' x 5' road cut for end cap transition in the gas main in the street at 19 Bartlett Street. Mr. Rose seconded the motion. All were in favor.

Request for Street Opening Permit from Columbia Gas of Massachusetts at 106 Highland Street

Mr. Rose made a motion to approve the street opening permit from Columbia Gas of Massachusetts for a 5' x 5' road cut for end cap transition in the gas main in the street and sidewalk at 106 Highland Street. Mr. Brady seconded the motion. The motion carried.

Grade 2 Gas Leak at 55 Bodwell Street

Mr. DeAngelo informed the Board that last spring a motor vehicle struck the meter at 55 Bodwell Street. When Columbia Gas went to fix the meter, they noticed a Grade 2 gas leak. Mr. DeAngelo stated that if this problem is not resolved by winter, the leak will get worse. Mr. DeAngelo further stated that to fix the leak, Columbia Gas would have to run a new service directly across Bodwell Street. Mr. DeAngelo stated that it would be the intent of Columbia Gas to keep the road open to traffic, but limit traffic to one lane, with police detail. Mr. Fitzgerald expressed his dissatisfaction to the members of Columbia Gas with being told inconsistent information regarding the status and details of this gas leak. Mr. Fitzgerald also expressed dismay that Columbia Gas was digging this gas leak area yesterday at Bodwell Street without a permit and permission from the Board. Ms. Baldwin apologized for yesterday as there was a miscommunication regarding that matter. Mr. Fitzgerald asked why Bodwell Street has to be opened as he has been informed that the leak has been shut off on the property side. Mr. Kelly stated it is a necessity that Bodwell Street be opened, as the gas pipe has to be replaced due to federal compliance regulations. According to federal regulations, Columbia Gas cannot have parts of a pipe being made of steel while the other half is made of plastic. Mr. Brady asked if the pipe is something that has to be replaced to which Mr. Kelly replied in the affirmative. Mr. Rose questioned the restoration process for this industrial road, as it is a major truck route. Mr. Hegarty interjected that if the road cut is done during the week, there will have to be major restrictions and limited hours during the day to do the roadwork. Mr. DeAngelo stated that Columbia Gas can perform the road cut on Bodwell Street during a Saturday. Mr. Rose made a motion to approve the street opening to repair the Grade 2 gas leak at 55 Bodwell Street with the stipulations that the road cut be done under the supervision of DPW Director William Fitzgerald, during a Saturday and that Columbia Gas cannot close off the entire road during this process. Mr. Brady approved this motion. The vote was unanimous.

Request for a Curb Cut at 106 West Spring Street

At the meeting of October 5, 2015, this request was tabled and referred to the Planning Board for a recommendation. Mr. Hegarty stated that the Planning Board has reviewed this request and recommends allowing the curb cut as long as the requirements of the Zoning Bylaw 8-9 are followed. Mr. Rose made a motion to grant the request for a curb cut at 106 West Spring Street. Mr. Brady seconded the motion. The motion carried.

Catch Basin Cleaning Bids

Mr. Fitzgerald presented to the Board three quotations for Catch Basin Cleaning. The first quote was from Wells Landscaping, Inc. at the price of \$92.50 per hour. The second quote was from R.J. Gabriel Const. Co., Inc. at the price of \$89.50 per hour. The third quote was from BMC Corp. at the price of \$149.00 per hour. Mr. Brady made a motion to award R.J. Gabriel Const. Co., Inc. the bid for Catch Basin Cleaning. Mr. Rose seconded the motion. The vote was unanimous.

NEW BUSINESS

Snow Plowing Services Contracts for Nye Corp, Inc. and T.L. Edwards, Inc.

Mr. Fitzgerald presented to the Board his recommendation to award snow plowing contracts to Nye Corporation and T.L. Edwards. For Nye Corporation, Mr. Fitzgerald recommended the rate of \$145 per hour for one (1) loader with less than a 12' plow, and \$95 per hour for four (4) six wheel plow vehicles. For T.L. Edwards, Mr. Fitzgerald recommended the rate of \$185 per hour for one (1) large loader with a plow 12' or greater, and \$95 per hour for five (5) six wheel vehicles. Mr. Brady made a motion to approve Mr. Fitzgerald's recommendations and award snow plowing services to Nye Corp., Inc. and T.L. Edwards, Inc. Mr. Rose seconded the motion with discussion. Mr. Rose requested that Mr. Fitzgerald ensure that all subcontractors have equipment that works, as that was problematic last winter. Mr. Fitzgerald stated that he will require the subcontractors to list all of their equipment in the contract. In addition, Mr. Fitzgerald stated that the new contract would contain specific language and instructions in the event a subcontractor's equipment breaks down.

Discussion of a Possible Special Town Meeting

Mr. Hegarty stated that there were a number of special needs of the Town that should be addressed prior to the Tax Classification Hearing. Mr. Hegarty opened the warrant for the Special Town meeting. Mr. Hegarty announced that the warrant will be closed by midnight on Tuesday, November 10, 2015. Mr. Hegarty proposed the date of Tuesday, December 1, 2015 for the Special Town Meeting. There were no objections from other members of the Board.

Zoning Amendment

In regards to holding a Special Town Meeting, Mr. Fitzgerald approached the Board regarding a proposed Zoning Amendment to revise the Water Supply Protection District (WSPD) on the Zoning Map to include the current Zone II's of the Town of Avon's current wells. Mr. Fitzgerald pointed out that the WSPD Zoning Map does not match the existing Zone II's for Porter Well and the Trout Brook aquifer wells and that institution of local land use controls covering Zone II's is a requirement of 310 CMR 22.21 for water supplies. Mr. Fitzgerald stated that this amendment would make the map consistent with the language of the Avon Zoning Bylaw and would also meet DEP requirements for active water supplies. Mr. Fitzgerald requested the Board initiate and refer the Zoning Amendment to the Planning Board for a Public Hearing. Mr. Hegarty informed Mr. Fitzgerald that the Board of Selectmen cannot act on this matter until the warrant is open.

Agreement By and Between the Town of Avon and Community Opportunities Group, Inc. for Administration Services for the FY 2015 CDF-1 Program and Amendment #1 to the Agreement

Mr. Brady made a motion to sign and execute the Agreement By and Between the Town of Avon and Community Opportunities Group, Inc. for Administration Services for the FY 2015 CDF-I Program. Mr. Rose seconded the motion. The motion carried.

Mr. Brady made a motion to sign and execute Amendment #1 to the Agreement By and Between the Town of Avon and Community Opportunities Group, Inc. for Administration Services for the FY 2015 CDF-I Program. Mr. Rose seconded the motion. All were in favor.

Zoning Board of Appeals Vacancy

Mr. Hegarty announced that there are currently two open positions on the Zoning Board of Appeals. This first vacancy is for a full time member on the Board. The second vacancy is for an alternate member. Mr. Hegarty requested that interested residents please send a letter of interest to the Board of Selectmen.

Requests for Temporary Sign Permits

Mr. Brady made a motion to approve a request from Affordable Furniture To Go for a temporary sign permit for two 4' x 6' vinyl banners advertising a sale from November 6, 2015 through December 7, 2015. Mr. Rose seconded the motion. The motioned carried.

Mr. Brady made a motion to approve a request from Affordable Furniture To Go for a temporary sign permit for two 4' x 6' vinyl banners advertising a sale from December 11, 2015 through January 11, 2016. Mr. Rose seconded the motion. All were in favor.

Mr. Brady made a motion to approve a request from Jordan's Furniture for a temporary sign permit for three 12' x 70' vinyl mesh banners advertising the "Enchanted Village" from November 6, 2015 through January 1, 2016. Mr. Rose seconded the motion. The vote was unanimous.

Correspondence

Mr. Hegarty acknowledged correspondence that the Board of Selectmen received from NSTAR Electric regarding a Notice of Project Change – EEA#15194 concerning the Walpole to Holbrook Reliability Project which was submitted to the Massachusetts Executive Office of Energy and Environmental Affairs.

Mr. Hegarty acknowledged receipt of a letter to the Board of Selectmen from Kevin J. Foster Jr., President of the Avon Firefighters' Relief Association dated October 23, 2015 regarding a change in some of the elected officials for the Call Firefighters as well as a request for an evaluation of the pay scales.

Employee Recognition

Mr. Hegarty acknowledged Health Agent Tara Tradd who was recently honored with the Michael D. Saraco Award by the Massachusetts Health Officers Association for best demonstrating her vast knowledge in the field of Public Health and for her dedication, loyalty, enthusiasm and leadership in the Massachusetts Health Officers Association.

Mr. Hegarty acknowledged Peter Marinelli for celebrating his 25th year as an employee with the Town of Avon. Mr. Hegarty thanked Mr. Marinelli for his years of service and dedication to the Town.

Announcements

Mr. Hegarty announced that the deadline to submit letters to the Board requesting to be a member on the Designer Selection Committee is November 19, 2015.

Mr. Hegarty announced that Bulk Collection Day is Saturday, November 7, 2015. Residents are asked to place bulky items such as furniture, boxes and other large items to the curb by 7:00 a.m. No construction material is allowed.

Mr. Hegarty announced that the Norfolk County Registry of Deeds, William P. O'Donnell, Register, will hold Avon office hours on Thursday, November 12, 2015 from 10:00 a.m. to 12:00 p.m. at the Mary McDermott meeting room in Avon Town Hall. The Register and members of his staff will be available to help answer questions about any Registry of Deeds matter.

Approval of Vouchers for the Payment of Bills

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

TOWN ADMINISTRATOR'S REPORT

Town Administrator – There was a Department Head meeting on November 4, 2015 in which important items such as the budget, Department goals for FY 16, procurement policy and procedures and Human Resources employee assistance programs and benefits were among the topics of conversation.

Police Department – Chief Martineau reports that the new computer system “Enforcers” has gone into effect at the Police Department. Both the officers and dispatchers attended training classes to be fluent on the new system. The new system is a CAD program meant to accurately dispatch, record and report the officers' actions while maintaining a permanent archive of the same. Chief Martineau thanks IT Director Geno Gingras for all of his assistance with this new program. Sergeant Buker reports that all officers are trained in the proper deployment of tasers.

Fire Department – The Board heard from Chief Spurr earlier tonight regarding the appointment of five new Call Firefighters/EMTs. The month of October produced 113 calls to the Fire Department, 68 of those calls were medical calls. Chief Spurr also reports there was an incident with someone setting fires at D.W. Field Park. The police have interviewed a person of interest regarding the D.W. Field Park fires.

Department of Public Works – Mr. Fitzgerald has been dealing with multiple water issues lately. Mr. Crimmins advised Mr. Fitzgerald to make a Capital Project list and review some grant programs to assist the Town of Avon in these matters.

Treasurer/Collector – Deb Morin has been busy with tax titles lately and has attached a summary of outstanding tax liens in her monthly report. In addition, tax bills were due on Monday, November 2, 2015. Water bills have been mailed out and are due on November 30, 2015.

Town Accountant – Shannon MacKenzie attended a couple of procurement classes this week. She has also been busy with the Public Safety Building project and forming templates to assist Department Heads with their budget review.

Assessors – The Board of Assessors had a meeting tonight to review resumes for the Assistant Assessor position. The Board also needs to schedule the Tax Classification hearing. The Board has retained consultant Richard Finnegan to help with this matter. Mr. Crimmins will be meeting with Bruce Lane next week to begin the interview process for an Assistant Assessor.

Town Clerk – Patricia Bessette attended the MTCA Fall Seminar on October 1, 2015. The 2016 Election Year will be very busy. Ms. Bessette reports that fifty-five (55) people attended the Open Meeting Law and Conflict of Interest Seminar on October 8, 2015. Doreen Gouthro started as an Administrative Assistant in the Town Clerk's office on Monday, October 26, 2015. Ms. Bessette reports that Doreen is a quick learner and picking up the duties of the office quickly.

Building Inspector – Bob Borden attended the International Code Council annual educational conference and code approval hearings in the beginning of October. Mr. Borden received three certificates of completion: Best Practices for Building Departments, Code Official Liability and Working with Existing Buildings. Mr. Borden also reports that he has fielded a number of inquiries regarding the placement of a medical marijuana facility in the Town. The five family condominium project on Page Street is almost ready to be permitted and the owner would like to get the foundation in before the ground freezes.

Board of Health – Tara Tradd reports that there was one septic system constructed during the month of October. The final paperwork for the Septic Loan Program has been completed and submitted to the DEP

for the final signoff. The Board held a hearing on October 7, 2015 for those retailers who sold tobacco to a minor on September 29, 2015. The Board unanimously approved to waive the \$200 fine and required mandatory merchant education. The Merchant Education Training is scheduled for November 12, 2015 at 6:00 p.m. at Town Hall.

Library – Karen Johnson reports that there have been lots of inquiries as to the new grass that is being planted outside the front of the Library as well as inquiries regarding the new Michael Mottau plaque.

Council on Aging – Jane Hanley reports that there were issues with the Council on Aging building this week. A clogged grease trap in the kitchen cancelled the Tuesday luncheon. Ms. Hanley is also anxious to have the Administrative Assistant vacancy filled.

School – Mr. Crimmins thanked Superintendent Zinni for attending the Department Head meeting yesterday and for his contributions to that meeting.

Town Counsel – Joseph Lalli reported that the Designer Selection Procedures was adopted by the Board of Selectmen on October 15, 2015. Mr. Lalli's office is looking into whether or not the Town of Avon's private auditing firm who audits the Town's finances has a legal right to look at tax abatement information. Mr. Lalli stated that he is still looking into a list of Town Owned Properties with DPW Director William Fitzgerald. Mr. Lalli also reported that he met with Shanna Faro regarding Liquor License Renewals for the Town. Mr. Lalli was pleased to report that all eleven liquor license renewals applications were sent to their respective establishments. Finally, Mr. Lalli reported that there is now officially a vacancy on the Avon Housing Authority and his office has researched the issue of tenant membership that was required in a 2014 change in the law.

ADJOURNMENT

At 10:18 p.m., Mr. 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 current litigation, Collective Bargaining regarding AFSCME, contract negotiations with non-union personnel and tax title litigation, all of which could prove detrimental if discussed during the Open Session. Mr. Rose made a motion to adjourn the Regular Session. Mr. Brady seconded the motion. All were in favor.

A roll call vote was taken.

Mr. Rose voted aye.

Mr. Brady voted aye.

Mr. Hegarty voted aye.

The Board would reconvene in Open Session for the sole purpose of adjournment.

Respectfully submitted,



Shanna M. Faro

Executive Assistant to the Town Administrator