

BOARD OF SELECTMEN

Francis A. Hegarty, Chairman

Steven P. Rose, Clerk

Robert F. Brady, Jr., Associate

Michael McCue, Town Administrator

Town of Avon Massachusetts

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**BOARD OF SELECTMEN MEETING
THURSDAY, JULY 21, 2011
7:30 P.M.**

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

Others present: Michael McCue, Town Administrator
Joseph Lalli, Town Counsel

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

Chairman Hegarty called for a moment of silence in memory of Eugene Guilbault (Gene) who passed away on June 25th. Mr. Guilbault served for many years as Water Commissioner, Conservation Officer, as well as on the Conservation Commission, Police and Fire Departments. On behalf of the Board, our sincere condolences to his family.

Mr. Rose made a motion to accept the minutes of Thursday, June 16, 2011 (Regular Session) as written. Mr. Brady seconded the motion. The motion carried.

Mr. Rose made a motion to approve the minutes of Thursday, June 16, 2011 (Executive Session) as submitted. Mr. Brady seconded the motion. All were in favor.

Mr. Rose made a motion to accept the minutes of Thursday, June 2, 2011 (Executive Session II) as submitted. Mr. Brady seconded the motion. The vote was unanimous.

Suzanne Miller of 11 Everett Street appeared before the Board during the Open Forum. Ms. Miller received a letter from Town Administrator McCue that was dated July 13, 2011, and felt it was her responsibility to come here to discuss the matter. Ms. Miller gave a brief history of her family, the taxes that were paid for years on their property and the adjacent parcel at 11 Everett Street. Ms. Miller stated her family paid taxes on the adjacent lot in question for years and she is requesting that the Town pays her family back for the taxes paid on that parcel. Ms. Miller reported that her brother went to get an equity loan and was told his family did not own the adjacent parcel of land. The septic system is also on that lot.

Ms. Miller stated that all of a sudden on the 2011 tax bill, 6000 square feet disappeared off her tax bill. Mr. McCue's letter stated "the Town of Avon does not possess any authority to rectify the situation which exists at your property and the adjacent parcel and it is suggested you engage an attorney to assist you in resolving issues of ownership." Ms. Miller is outraged that now she can't sell her house because the septic system is on the lot in question and she is requesting the money back from the Town for all the years her family has paid taxes on that piece of property.

Chairman Hegarty commented that the Town cannot give her the deed to the property and that a lengthy investigation was conducted by the Avon Board of Assessors as well as legal counsel, and the ruling must come from, unfortunately, land court.

Mr. McCue commented that he was glad that Ms. Miller retained counsel so that the matter could be resolved.

Ms. Miller departed and informed the Board that the matter would be turned over to an attorney.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to appoint the following individuals as "Special Police Officers," term to expire: June 30, 2012:

Robert Brady	Joseph Lalli
Theodore Colocousis	Bruce Lane
Charles Comeau	Michael McCue
Stephen Cosindas	Steven P. Rose
Peter Crone	William Salter
Edward Doran	Alex Sinclair
Linda Farley	John Tetreault
Francis Hegarty	Sheri Zagami
Jeanmarie Kent Joyce	

Paul Chapman ("Permanent Intermittent Police Officer")

A request for a street opening permit was received from Columbia Gas at 11 Klondike Road to do maintenance repair and corrosion control. Mr. Rose made a motion to approve the street opening permit at 11 Klondike Road. Mr. Brady seconded the motion. The motion carried.

A request for a street opening permit was received from Columbia Gas at 11 Klondike Road – at Pole #3 - to install test station and anodes. Mr. Rose made a motion to approve the street opening request at 11 Klondike Road at Pole #3. Mr. Brady seconded the motion. All were in favor.

A request for a temporary sign permit was received from Affordable Furniture, Inc. at 75 Stockwell Drive to display 4 signs "Back to School" and "Tax Free Weekend" for the period July 28, 2011 through September 6, 2011.

Mr. Rose made a motion to approve the request to display 4 signs from July 28th through September 6th, with the stipulation that if the tax free weekend to be voted on by the state falls out of these dates, the display time would need to be adjusted. Mr. Brady seconded the motion. The vote was unanimous.

Chairman Hegarty stated approval was received from the ABCC for the transfer of a beer and wine package store license at 85 East Main Street. The Board signed the approved license which would expire on December 31, 2011.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to approve and sign the Class II license as recommended by the Planning Board, to Avon Auto Brokers, Inc. at 159 Memorial Drive for an increase in vehicles to 170, with the stipulation that no cars are allowed on the impervious areas of the lot.

8:00 p.m. —Meeting with the Park and Recreation Commission

Park and Recreation members Barbara Littlefield, Sandra Anderson, Kathy McDonald, Bryan Vaughn and Secretary Carol Geary appeared before the Board. Also in attendance was Highway Superintendent Ed Sarni.

Barbara Littlefield stated she received a letter with some safety concerns at Noonan field. She would update the Board on what those concerns are.

Ms. Littlefield also asked if the Highway Department was still short-handed and if the Board would be able to hire anyone in the vacant position.

Chairman Hegarty responded that replacement would depend on budgetary constraints. He also stated that so far being down on personnel has not affected the maintenance of the fields. Ms. Littlefield agreed.

Ms. Littlefield asked if Mr. Sarni could let her know if the department is still short-handed next March because she would hire a contractor to do the fertilizing, etc. of the fields as needed.

Mr. Sarni commented that this has always been past practice where contractors are hired to do fertilizing, etc. The Highway Department works diligently to keep up with the Little League schedules as presented to them.

Ms. Littlefield mentioned graffiti was reported on the slides at the playground and also questioned whether the tennis nets could be installed at the Bartlett Street tennis courts.

Mr. Sarni responded that he would look into the graffiti but if it is on brick, it is difficult to remove. He also stated he was told the surfaces at the tennis courts were unsafe but would look into the matter.

The Board thanked the Park and Recreation Commission for attending the meeting.

Building Inspector—Discussion of Yard Sale permits and Temporary Sign policy

Building Inspector Robert Borden appeared before the Board.

Mr. Borden referred to his memo of June 17, 2011 which stated the recently enacted "Yard Sale" general by-law has created a conflict with the existing temporary sign policy established by the Board of Selectmen. The Yard Sale by-law allows one (1) on-site sign to promote the event. Any off-site signs to promote the event would fall within the requirements of a "temporary sign" where the initial application fee for one sign is \$25.00 and any additional signs \$5.00. The result of this conflict of permits results in a Yard Sale permit fee of \$5.00 and Temporary Sign permit fees which may exceed \$50.00.

Mr. Borden is requesting the Board of Selectmen considers amending their temporary sign policy regulations and fees.

Mr. Borden commented that businesses continue to renew temporary signs and he feels some businesses have abused the temporary sign policy regulations.

Mr. Borden proposed some changes to the temporary sign regulations and fees. He discussed size of the signs and daily fees based on temporary sign sizes.

Chairman Hegarty requested the item be discussed at the next Board of Selectmen's meeting where timelines can be considered and restrictions enforceable.

Discussion of Abandoned Building Registration Fee

Mr. Borden reported that he and Chuck Comeau took a tour of the Town last week and discovered seven (7) dilapidated buildings, four (4) of which were abandoned. The property owners were notified that the property is being neglected. Mr. Borden stated abandoned or dilapidated buildings encourage unsecured properties (squatters) and causes the surrounding neighborhood to suffer from declining real estate values. This creates significant maintenance and monitoring costs to the Town of Avon.

The Board discussed setting an annual abandoned building registration fee, an amount and multi-tier schedule to be determined and placed on the next Board of Selectmen's meeting agenda.

A request for gift acceptance was received from the Park and Recreation Commission, in the amount of \$400.00, from the Amateur Baseball League of Mass. The donation is for the use of the Butler Field.

Mr. Rose questioned whether this is really a donation? The field is used on Sunday mornings?

Mr. Rose made a motion to table the item so that Mr. McCue could investigate and verify the facts on the application and research that there are no conflicts in usage. Mr. Brady seconded the motion. All were in favor.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to approve all vouchers for the payment of bills as submitted.

Town Administrator's Report

Mr. McCue reported that interviews have been held for the open position of Assistant Assessor. There is one (1) candidate that the interviewing team is very interested in and Mr. McCue hopes to make a recommendation to the Board at the next Selectmen's meeting. There were 7 candidates who applied for the position.

Mr. McCue reported that he attended an MMMA event. Jay Gonzalez, Secretary of the Executive Office of Administration & Finance was the guest speaker, discussing the change in the health insurance structure. The state will be looking at how local aid is distributed. He will update the Board as information becomes available.

Mr. McCue informed the Board that he received a list of accepted streets from the Planning Board.

He will be applying for a Mass Works grant in hopes of receiving some funding to revitalize the downtown center of Avon.

Mr. McCue announced the Town of Avon has opened a Cooling Station at the Council on Aging in response to the excess heat that is forecasted. Residents received a Reverse 911 call that was initiated from the Sheriff's office. The Cooling Station will be open from 8:30 a.m. to 7:00 p.m. tonight and tomorrow. Anyone who needs to use the facility to stay out of the heat should report to the COA or call the COA if a ride is needed.

At 9:07 p.m. a motion was made by Mr. Rose to enter Executive Session to discuss a possible litigation matter. The motion was seconded by Mr. Brady.

A roll call vote was taken:

Mr. Rose voted aye
Mr. Brady voted aye
Chairman Hegarty voted aye

The Board would not reconvene in Open Session.

Respectfully submitted:



Miriam Rothstein
Secretary