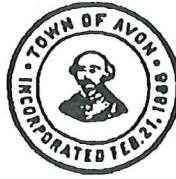


BOARD OF SELECTMEN
Francis A. Hegarty, Chairman
Steven P. Rose, Clerk
Robert F. Brady, Jr., Associate

Francis T. Crimmins, Jr.
TOWN ADMINISTRATOR

Town of Avon Massachusetts



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BOARD OF SELECTMEN MEETING
THURSDAY, MARCH 17, 2016
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

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

Executive Assistant Shanna Faro led the meeting in the Pledge of Allegiance.

Chairman Hegarty wished everyone a Happy St. Patrick's Day.

Mr. Rose made a motion to accept the minutes of Thursday, March 3, 2016 (Regular Session) as read.
Mr. Hegarty seconded the motion. The motion carried.

Mr. Rose made a motion to accept the minutes of Thursday, March 3, 2016 (Executive Session) as read.
Mr. Hegarty seconded the motion. The vote was unanimous.

UNFINISHED BUSINESS

Annual Town Meeting Update

Town Administrator Crimmins informed the Board that the Annual Town Election Warrant has been combined with the Annual Town Meeting Warrant. Town Clerk Patricia Bessette has requested the elections hours to be from 11:00 a.m. to 7:00 p.m. for the Annual Town Election. Mr. Crimmins stated that there are twenty-six (26) articles in the Annual Town Meeting Warrant. Mr. Crimmins informed the Board that after checking with Town Counsel and modifying the language on a few articles, the Warrant was given to the Finance Committee. The Finance Committee has been meeting on Tuesday nights in preparation of the Annual Town Meeting on May 3, 2016. Mr. Crimmins stated that he will provide a copy of the Warrant to the Town Moderator as well.

TOWN OF AVON
2016 APR - 8 AM 10:45
TOWN CLERK

Review of Bids for the Annual Town Report

At the meeting of March 3, 2016, bids were opened for the printing of the Annual Town Report. Mr. Crimmins asked the Board to consider using The Country Press of Lakeville, as that was the company that was awarded the bid last year and, in his opinion, they were easy to work with and did a great job. Mr. Brady made a motion to award the bid to The Country Press of Lakeville in the amount of \$1,996.29 for 600 copies and \$2,441.06 for 700 copies. Mr. Rose seconded the motion. All were in favor.

Park & Recreation Outstanding Invoice

Mr. Crimmins prefaced this discussion by informing the Board that there was seemingly a "contract" that was given to the Town Accountant by the Park & Recreation Board. The document in question appears to be an agreement between an applicant for the position of Youth Coordinator for the Teen Program and one member of the Park & Recreation Board in which the applicant agreed to the "contract" position for the period of October 1, 2015 through February 29, 2016 or the sum of \$2,500. Mr. Crimmins stated that the Town Accountant received this invoice for payment of services rendered in February even though this person had started working as Youth Coordinator in October. Mr. Crimmins further stated that when the Town Accountant received this invoice, she had some questions as to the validity of this "contract" and contacted Town Counsel. Mr. Rose asked Mr. Lalli for his opinion as to his review of the agreement. Mr. Lalli read his March 16, 2016 e-mail to Executive Assistant Shanna Faro regarding the findings of his review of this agreement. Mr. Lalli omitted the name of the Youth Coordinator when reading his statement. In summary, Mr. Lalli stated that the agreement appears to be nothing more than the beginnings of a job description. Mr. Lalli stated that in his legal opinion, the Youth Coordinator is not a "Contracted Person" as a contractor in IRS terms would have their own tools and supplies. In this case, the Youth Coordinator is using the supplies of the Park & Recreation Department. In addition, Mr. Lalli does not view the Youth Coordinator as a "Contracted Person" as she did not provide any insurance for herself while doing contracted work for the Town. Mr. Lalli stated there was no provision for insurance in the agreement. It is Town Counsel's view that Park & Recreation should have utilized the Youth Coordinator as an employee of the Town. Mr. Lalli further stated that Park & Recreation should have gone through the proper hiring for the Youth Coordinator as a Town employee including filling out the required paperwork with the proper background check for such a position. Chairman Hegarty requested that Mr. Lalli's e-mail be placed on file with the minutes of this meeting. (*Mr. Lalli's March 16, 2016 e-mail is included as Attachment A.*) Chairman Hegarty stated that improper hiring is a habitual problem with the Park & Recreation Board as they have absolutely no hiring or contractual authority. Mr. Hegarty stated that the Park & Recreation Board needs to be in compliance with the Commonwealth of Massachusetts laws as well as the Town's Bylaws. Mr. Hegarty further stated that the "contract" was signed by only one member of the Park & Recreation Board and not the majority of Board members. Mr. Rose asked Mr. Lalli what steps the Board of Selectmen should proceed to take in the case of this illegal, non-binding contract. Mr. Lalli stated that by law, he deems the individual should be paid for their services. However, Mr. Lalli stated that it is within the legal rights of the Board to require additional supporting paperwork to process payment. Mr. Lalli further suggested that this be considered a "payment in protest" in which the Board pays the Youth Coordinator but requires the person to sign a release protecting the Town from any claims this individual might make that they were an employee of the Town. Chairman Hegarty recommended the entire Park & Recreation Commission be brought before the Board at the meeting of April 7, 2016. Chairman Hegarty recommended that each member of the Commission receive a copy of the ethics law, the Town Bylaws and the hiring policies of the Town of Avon and be made to sign an acknowledgment form. Mr. Brady made a motion to require the Park & Recreation Commission to meet with the Board of Selectmen at the meeting of April 7, 2016. Mr. Rose seconded the motion. The motion carried.

Council on Aging Update

Mr. Crimmins informed the Board that there has been substantial activity with the Council on Aging since the last meeting. Mr. Crimmins requested that the Board consider hiring Stephen Genatossio as a temporary van driver for the Council on Aging. Mr. Genatossio is a van driver for the Council on Aging in Canton and he is willing to help out the Town of Avon during the interim period until a new van driver is hired and appropriately trained for the job. Mr. Brady made a motion to appoint Stephen Genatossio as a temporary van driver for the Council on Aging at the rate of pay that he is making in Canton. Mr. Rose seconded the motion. The vote was unanimous. Mr. Crimmins thanked the Board of Selectmen, current van driver Woody Salter, and Diane Tynan, Council on Aging Director in Canton for their assistance with this matter.

Mr. Brady made a motion to appoint Meghan Mallett as a van driver for the Council on Aging at a Grade F, Step 5 at the rate of \$11.84 per hour. Mr. Rose seconded the motion. All were in favor.

Mr. Crimmins requested that the Board consider V. Jean Kopke for the seventh and final position on the Council on Aging Board. Mr. Crimmins informed the Board that Ms. Kopke has been a tremendous help during the interim period between the former Director's retirement and now while the search for a new Director is finalized. Ms. Kopke has generously given her time at the Council on Aging during this time as well as having served as a member on the Interview Committee. Mr. Brady made a motion to appoint V. Jean Kopke to the Council on Aging Board. Mr. Rose seconded the motion. The motion carried.

Mr. Crimmins informed the Board that the Interview Committee has the names of several well qualified candidates for the Council on Aging Director to present to the Board. Mr. Crimmins stated that he was confident that a new Director will be appointed to the Council on Aging very shortly.

Operations Coordinator for the Department of Public Works

Mr. Crimmins presented the Board with a job description for a new position proposed by DPW Director William Fitzgerald. Mr. Crimmins explained that his office is gathering information and supporting documentation in preparation of the Annual Town Meeting so that voters will be apprised of this new position proposed in the DPW's budget. Mr. Crimmins stated that if the taxpayers vote to support this new position at the Annual Town Meeting, his office will advertise and post the job description to find a suitable person for the job.

Designer Selection Committee

Mr. Crimmins stated to the Board that this item was tabled at the last few meetings due to some changes in the procurement law and new information from the Office of the Inspector General. Mr. Crimmins stated that his office now had the most updated information and that the Board may finally select members for the Designer Selection Committee if they so choose. Mr. Brady made a motion to appoint the following members to the Designer Selection Committee: Elaine Dombrosky, Tracy Self, Jason Suzor, Charles Comeau and Timothy Flanigan. Mr. Rose seconded the motion. The vote was unanimous.

NEW BUSINESS

Selectmen's Newsletter

Executive Assistant Shanna Faro approached the Board and displayed a sample of the Spring 2016 Newsletter, which had just been received from the printer. Ms. Faro stated that 2,000 copies of the newsletter had been printed and will be sent to residents via the Moneysaver for their March 23, 2016

publication date. Ms. Faro explained that the goal of the Newsletter was to provide information to residents that don't necessarily utilize the Town's website. Ms. Faro stated that the newsletter contained a featured article on the new Assistant Assessor Paul Sullivan, information on the Annual Town Election and Annual Town Meeting, as well as a calendar of events for the Town. Mr. Rose inquired as to whether the Newsletter can be printed in color for the summer edition. Ms. Faro will look into the cost.

Appointment of Part-Time Assistant Town Accountant

Mr. Brady made a motion to appoint Susan Kane as Assistant Town Accountant at a Grade F 11/ Step 4 at the rate of \$20.09 per hour. Mr. Rose seconded the motion. All were in favor.

Signing of the Town Election and Annual Town Meeting Warrant

Mr. Brady made a motion to table the signing of the Town Election and Annual Town Meeting Warrant until the election hours were voted on by the Board. Mr. Rose seconded the motion. The vote was unanimous. After voting on the election hours to be held from 11:00 a.m. to 7:00 p.m., Chairman Hegarty read all twenty-six (26) articles contained in the Warrant to members of the viewing audience. Mr. Brady made a motion to sign the Town Election and Annual Town Meeting Warrant. Mr. Rose seconded the motion. All were in favor.

Town Election Hours

Town Clerk Patricia Bessette made a request to the Board to modify the election hours for the Town Election on April 12, 2016. An election is usually held between the hours of 7:00 a.m. to 8:00 p.m. Ms. Bessette requested the election hours be held between the hours of 11:00 a.m. to 7:00 p.m. Mr. Rose was concerned about people who want to vote for the Town Election but may not have a chance with the limited voting hours. Chairman Hegarty noted that there are no contested races this year and that absentee voting is available. Chairman Hegarty also mentioned that scaling back the election hours has been done in the past. Mr. Brady made a motion to hold the hours of the Town Election on April 12, 2016 from 11:00 a.m. to 7:00 p.m. Mr. Rose opposed the motion. Chairman Hegarty seconded the motion. The motion carried.

Correspondence

Chairman Hegarty read the intention of the Planning Board to hold a Public Hearing on March 24, 2016 at 7:30 p.m. regarding property located on Lot B8-4 at 101 Wales Avenue.

Chairman Hegarty read correspondence from Xfinity in which Al Jazeera America has announced it will cease operations and its programming on Channels 107 and 254 effective April 12, 2016.

Chairman Hegarty summarized correspondence from the Department of Conservation and Recreation regarding the availability of FEMA's 2016 Pre-Disaster Mitigation Grant (PDM) Program and 2016 Flood Mitigation Assistance (FMA) Program funding.

Announcements

Chairman Hegarty announced the Board's next meetings as April 7, 2016 and April 21, 2016.

Approval of Vouchers for the Payment of Bills

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

TOWN ADMINISTRATOR'S REPORT

Town Administrator – Mr. Crimmins informed the Board that his office has been very busy with Human Resource issues such as filling positions for the Council on Aging, Assistant Town Accountant and Summer Counselors for Park & Recreation. Mr. Crimmins announced that he will be meeting with the MIIA health insurance representative Jill Gallant-Shaw next week. Mr. Crimmins stated that he will be meeting with Charlie Rourke next week for an FY17 insurance plan. Mr. Crimmins also reported that the Leslie Gold footbridge is already being repaired after last weekend's accident near the Avon Public Library. Finally, Mr. Crimmins advised the Board that he has created a development team, which is a subcommittee to review all projects that will come before the Board. The purpose of this development team is to make the Board aware of projects that are happening throughout Town so that there is not another situation such as the Harrison Boulevard/National Grid project that became a large-scale project without the full attention and awareness from the Board of Selectmen.

Police – The Police Department is working on filling some additional positions through Civil Service.

Fire – Mr. Crimmins has asked Chief Spurr for the Standard Operating Procedures for the Fire Department in electronic format.

DPW – Bill Fitzgerald has spent a great deal of time finalizing the Brentwood project article for Town Meeting. Mr. Crimmins has asked Mr. Fitzgerald for a revised organizational chart for his department that will incorporate his proposed new position of Operations Coordinator.

Treasurer/Collector – Mr. Fitzgerald's Brentwood project article has prompted Deb Morin to research bond information for that article.

Town Accountant – Shannon MacKenzie is eagerly awaiting the final report from the auditor.

Assessors – Paul Sullivan hosted a St. Patrick's Day function today at Town Hall. It was well attended and very well received by all Town Hall employees.

Finance Committee – The Finance Committee has been meeting on Tuesday nights in preparation of the Annual Town Meeting. The Finance Committee is trying to finish their recommendations to prepare the booklet for the Annual Town Meeting.

Town Clerk – Patricia Bessette is preparing for the Town Election. Mr. Crimmins thanked Doreen Gouthro for her continued assistance at the Council on Aging. He also thanked Sally Theil for her extra efforts in the Clerk's Office while Doreen is across the way at the COA.

Building Inspector – Bob Borden is keeping busy with inspections from homeowners still repairing their houses from last year's winter storms. Mr. Borden should have an estimate for the renovation of the final wing of Town Hall shortly.

Library – The library will be hosting a paint party on Tuesday, March 22, 2016. In addition, the adult coloring nights continue to be quite popular and well attended.

Town Counsel – Attorney Lalli has finished his review of the Request for Proposals Collection, Transportation, and Disposal of Solid Waste and Recyclable Materials for Health Agent Tara Tradd and the Board of Health. Mr. Lalli is providing assistance to David Martineau who is being sued in his capacity as Police Chief over denying a resident a License to Carry. Mr. Lalli reported that the Town Owned Properties project is now a priority. Mr. Lalli stated that since Assistant Assessor Paul Sullivan joined the team and provided his assistance to the project, they now have more information that is needed for the GIS map. Mr. Lalli is working with Kathleen Kelleher on a Lead Paint Agreement for the CDBG Grant. Mr. Lalli reported that there was still no resolution with Voice Systems. Mr. Lalli will be meeting with the Fire Chief next week regarding the OCI Confidential software system agreement.

ADJOURNMENT

At 9:43 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 purpose of discussing strategy for Collective Bargaining with Union Bargaining Units including the AFSCME, Police and Fire

Unions, 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. The motion carried.

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,

A handwritten signature in cursive script that reads "Shanna M. Faro".

Shanna M. Faro

Executive Assistant to the Town Administrator