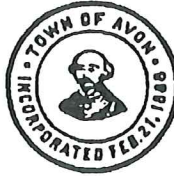


**BOARD OF SELECTMEN**  
Francis A. Hegarty, Chairman  
Robert F. Brady, Clerk  
Steven P. Rose, Associate

Francis T. Crimmins, Jr.  
**TOWN ADMINISTRATOR**

# Town of Avon Massachusetts



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2016 MAY 20 AM 10:04  
TOWN CLERK

## BOARD OF SELECTMEN MEETING THURSDAY, MAY 5, 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  
Fire Chief Robert Spurr  
William Fitzgerald, DPW Director  
Charles Comeau, Chairman, Planning Board  
Jason Suzor, Planning Board  
Chavonne Baldwin, External Affairs Specialist, Columbia Gas  
Dan Kelly, Restoration Specialist, Columbia Gas  
Joseph Cardinal, Manager Community & Customer Management for  
National Grid

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

Selectman Steven Rose led the meeting in the Pledge of Allegiance.

### Meeting Minutes

Mr. Brady made a motion to accept the minutes of Thursday, April 21, 2016 (Regular Session) as read.  
Mr. Rose seconded the motion. All were in favor.

Mr. Brady made a motion to accept the minutes of Thursday, April 21, 2016 (Executive Session) as read.  
Mr. Rose seconded the motion. The motion carried.

### 7:45 p.m. – Columbia Gas

Chavonne Baldwin and Daniel Kelly approached the Board to discuss the status of street opening permits for gas installation and repairs. Chairman Hegarty stated that the Board has received numerous requests for street openings. Chairman Hegarty stated that the Board was dissatisfied with the patch jobs that were done throughout Town last season. Mr. Hegarty informed Ms. Baldwin and Mr. Kelly that he would like those roads addressed first before proceeding with new requests. Mr. Kelly stated that he had received a list of streets needing attention this week from Shanna Faro and his team at Columbia Gas had already started making the necessary repairs. Mr. Kelly stated that the rainy weather this week has hindered his

team from finishing these repairs and that he hoped to conclude the repairs by next early next week. Mr. Fitzgerald confirmed that the streets needing repair were Central Street, Highland Street, Doherty Avenue and Bodwell Street. Mr. Rose asked Mr. Kelly and Ms. Baldwin that if construction were to be done on a substantial part of the Town's roads, would they be able to coordinate with Mr. Fitzgerald and do any upgrades and repair any leaks prior to new roads being built to which Ms. Baldwin replied in the affirmative. Chairman Hegarty asked if Columbia Gas would be able to provide the Board with a list through active GIS of the location of the gas mains throughout the Town. Mr. Kelly replied that due to security reasons, Columbia Gas would not be able to provide the Board with that information. Ms. Baldwin stated that they could provide a list of streets that have no gas mains. With the Board satisfied with the responses from Ms. Baldwin and Mr. Kelly, they departed.

#### **8:00 p.m. – National Grid**

Joseph Cardinal appeared before the Board to discuss the status of the Harrison Boulevard substation project as well as to provide an update as to the status of the utility pole transition project. In regards to the substation, Mr. Cardinal stated that the substation has been energized and is connected to the transmission system. The distribution work has not been completed yet. There is an underground duct bank and the crew is in the process of putting cables in them. As soon as that work is done, the distribution area will be energized which Mr. Cardinal estimates will be this July. Mr. Cardinal stated that they have a meeting scheduled with the arborist next week regarding planting for an additional buffer zone. After their meeting with the arborist, Mr. Cardinal would like to schedule another meeting with the Board to discuss the revised planting plan for the Board's review and suggestions. Chairman Hegarty advised Mr. Cardinal to be cautious of the west side of the entrance as he has seen many trucks pulling up and using that area for illegal u-turns or as a rest area. Chairman Hegarty stated that National Grid may want to consider a guard rail for that area. Mr. Rose agreed that the entrance area needs more shielding.

As to the status of the double poles throughout Town, Chairman Hegarty acknowledged that while National Grid has transferred over their lines to the new poles, other utility companies such as Verizon and Comcast have not followed suit in a timely manner satisfactory to the Board. Chief Spurr agreed with Chairman Hegarty that Verizon has been the most problematic utility company to work with on this project of transferring lines to the new poles. Chairman Hegarty informed Mr. Cardinal that the Board is very concerned about the number of double poles throughout the Town that is causing serious safety issues. Chairman Hegarty stated that on Thanksgiving Day, a motor vehicle hit an already loose pole on West Main Street causing significant damage and danger to the community. Chairman Hegarty also expressed concern with the following poles on South Street that appear to be shaky: Pole #21, #23, #25 and #26. In addition, Chairman Hegarty expressed his dismay that Pole #40 on South Street was hit by a motor vehicle last week and Verizon left one-half of the pole, about four feet in the ground and stuck a traffic cone on top of the pole instead of removing it. In addition, the pole was leaning into the street. Chairman Hegarty commented that South Street is a dark road at night, the emergency route leading to hospitals and the Butler Elementary School is located on South Street. He stressed the importance of safety on that road. Mr. Cardinal was empathetic to the frustration of Mr. Hegarty and agreed that it is frustrating when other utility companies do not do their job as National Grid is still liable for any accidents related to poles, being 50% owners of the pole with Verizon. Mr. Cardinal was aware of Pole #40 on South Street and will have a crew come out next week to remove the dangerous pole. He will also inspect the other poles listed by the poles. With the Board satisfied with Mr. Cardinal's responses, he departed.



## **UNFINISHED BUSINESS**

### **Annual Town Meeting Update**

Mr. Crimmins stated to the Board that the proposed Operating Budget for Fiscal Year 2017 was supported at the Annual Town Meeting on May 3, 2016. Mr. Crimmins thanked the Finance Committee for all of their hard work in preparation for the Annual Town Meeting. Mr. Crimmins stated to the Board that all of the articles in the Warrant passed on Tuesday night with the exception of the Brentwood article which failed. Mr. Crimmins stated his surprise that not many residents of the Brentwood area showed up to vote at the Town Meeting. Mr. Crimmins reinforced the notion that this infrastructure project is ready for the next phase of the plan, however, it cannot resume without the voters' support. Nonetheless, Mr. Crimmins stated that the Annual Town Meeting was a great success and thanked the Department Heads for all their hard work.

### **Technology Update**

Mr. Crimmins stated that three articles in the Annual Town Meeting Warrant were submitted by IT Director Geno Gingras in an effort to keep up with the growing demands of additional security for our computer systems to protect against viruses such as the "ransom" virus, power outages, and backing up data on the cloud system. Mr. Crimmins stated that one of the articles that passed was for a new phone system which will tie in lines from all Town buildings such as the Council on Aging and the Police and Fire Station. Mr. Crimmins mentioned that Geno Gingras spoke with the Board prior to the meeting, and satisfied the Board's questions regarding a new phone system.

### **Designer Selection Committee**

Mr. Crimmins stated that the Designer Selection Committee will hold their first meeting on Thursday, May 12, 2016 at 7:00 p.m.

### **Memorial Day Parade**

Mr. Crimmins stated that the Memorial Day Parade Committee is headed by Mike Stanley, Jack McEntee, Ron Smith, Stan Stanovicz, Frank Hegarty, Shannon MacKenzie and Shanna Faro. The Committee had a meeting this afternoon and progress is being made to ensure a great parade. Mr. Crimmins stated that the Memorial Day Parade will be held on Sunday, May 29, 2016 at 1:00 p.m. starting at St. Michael's Church, proceeding down to East Main Street and ending at the VFW. There will be several stops along the way to hear speeches and the band play their songs.

## **NEW BUSINESS**

Chairman Hegarty congratulated Town Moderator Frank Staffier, who was recently elected as the President of the Old Colony Planning Council.

### **Blue Hills Regional Technical School**

Chairman Hegarty read a letter from Superintendent-Director James Quaglia of the Blue Hills Regional Technical School dated April 28, 2016 informing town officials that the Blue Hills Regional Technical District School Committee voted to increase the school's 2015-2016 operating budget by \$926,277 for the purpose of funding a Massachusetts School Building Authority feasibility and design study for the renovation of the school building. The source of the funds for this appropriation is the district's Excess and Deficiency account and no additional assessment will be asked for from any member district for the FY 16 budget. Chairman Hegarty further read in the letter that pursuant to Massachusetts General Law,

Chapter 71, Section 16B, a regional vocational district must seek approval of two-thirds of its member communities for a district school committee's budget increase vote to result in an increase in the district's operating funds. Finally, Chairman Hegarty read that the letter stated that our community has 45 days to vote on the requested amendment from the date of the letter, and should a member community fail to vote within the time frame, according to the law, the amendment will be deemed approved by that community. Chairman Hegarty was unclear as to whether this vote should be a vote of the Board or a vote for Town Meeting. He referred this letter to the Town Administrator to review and take under advisement.

#### **Application for Endorsement of Plan Believed Not to Require Approval for Plots 3 & 4, Pond Street**

The Board reviewed a Form A – Application for Endorsement of Plan Believed Not to Require Approval for Plots 3 & 4, Pond Street, as shown on Map B-4, Block 7. This application was submitted to the Planning Board by the applicant, Subon Co. of Braintree. The engineer on this plan is J.K. Holmgren Engineering Inc. of Brockton. The deed of property is recorded in the Norfolk County Registry of Deeds, Book 6384, Page 175. Mr. Crimmins stated that the applicant came before the Planning Board this evening and that his office had received previous correspondence from the Board of Health and Planning Board indicating increased activity and an interest in those plots of land. Mr. Crimmins left the meeting briefly to return with members of the Planning Board, Charles Comeau and Jason Suzor, to provide answers to some of the Board's questions regarding this application. Chairman Hegarty stated that this is a large piece of property and that any development on this land will have great impact upon the Town. Chairman Hegarty stated his concern with Plots 3 & 4 as they abut land that is owned by the Town, its close proximity to D.W. Field Park and the busy intersection of Pond Street and Harrison Boulevard. Mr. Hegarty further stated that this land has both electric and gas easements on the property and wetlands. Previous attempts to develop on this land have been unsuccessful. Mr. Comeau stated that the Planning Board had a hearing on these two pieces of property tonight and approved the Application for Endorsement of Plan Believed Not to Require Approval. Mr. Comeau stated that the Planning Board approved making the commercial lot slightly larger by sliding the property line over within bounds of the zoning line which will give them a little more frontage on Pond Street as there was not a lot of room on that lot after you factor in the 100 foot buffer zone off the wetlands. Mr. Comeau noted that he asked the applicant as to what the intention was for these pieces of property, however, he received no response. Mr. Comeau stated that no further action has been taken by the Planning Board regarding these pieces of property. Mr. Comeau stated that the Planning Board was also concerned about the roadway issue, access issues and blocking a busy intersection. Chairman Hegarty stated that both Boards need to stay vigilant regarding this project. Mr. Comeau agreed that this is a sensitive piece of property and will keep the Board apprised of any new developments in this project.

#### **Requests for One Day Special Alcohol Permits**

Mr. Rose made a motion to approve the one day special alcohol permit for Avon Fish & Game Association for a club function on May 14, 2016. (Valid May 13, 2016 to May 16, 2016) Mr. Brady seconded the motion. The motion carried.

Mr. Rose made a motion to approve the one day special alcohol permit for Avon Fish & Game Association for a club function on June 18, 2016. (Valid June 17, 2016 to June 20, 2016) Mr. Brady seconded the motion. All were in favor.

Mr. Rose made a motion to approve the one day special alcohol permit for Avon Fish & Game Association for a club function on July 3, 2016. (Valid July 2, 2016 to July 5, 2016) Mr. Brady seconded the motion. The vote was unanimous.



### **Street Sweeping Contract**

Mr. Brady made a motion to award the street sweeping contract to Wells Landscaping of Randolph at the rate of \$125 per hour based on the recommendation of DPW Director William Fitzgerald. Mr. Rose seconded the motion. The motion carried.

### **Correspondence**

Chairman Hegarty read a Public Hearing notice by the Zoning Board of Appeals for May 9, 2016 at 7:30 p.m. to hear the petition requesting a "Special Permit" and "Variance" of the requirements of the Avon Zoning Bylaws Case #16-3, Petitioner, Empire Design-Build Inc. of 80 South Main Street, Berkley, Massachusetts. As required by Section 7-5J, within Section 7-5J, is a restriction on the allowed area of a dwelling unit created for Temporary Living Quarters. For the owner Ms. Linda Curley for property located and known as 2 Brentwood Avenue, Avon, Massachusetts.

Chairman Hegarty read correspondence from the Alcoholic Beverages Control Commission dated May 2, 2016 in which a hearing will be held on May 31, 2016 at 3:30 p.m. at 239 Causeway Street in Boston for Big Jim's Liquors, Inc. on 155 East Main Street in Avon to determine whether they have violated certain provisions of the Massachusetts General Laws for the sale or delivery of an alcoholic beverage to a person under 21 years of age on March 24, 2016.

Chairman Hegarty read correspondence from the Alcoholic Beverages Control Commission dated May 2, 2016 in which a hearing will be held on May 31, 2016 at 3:00 p.m. at 239 Causeway Street in Boston for A-1 Nivniva Corp. d/b/a A-1 Market in Avon to determine whether they have violated certain provisions of the Massachusetts General Laws for the sale or delivery of an alcoholic beverage to a person under 21 years of age on March 24, 2016.

Chairman Hegarty read an e-mail from John Whoriskey, Jr., Assistant Location Manager of the movie "Stronger" to Shanna Faro in which filming for the movie will take place at Costco on 120 Stockwell Drive on May 11, 2016 from approximately 8:00 a.m. until 2:00 a.m. on May 12, 2016.

### **Announcements**

Chairman Hegarty announced the Town Wide Clean-Up Day on Saturday, May 7, 2016 from 9:00 a.m. to 11:30 a.m.

Chairman Hegarty announced the Bulk Collection Pick-Up Day on Saturday, May 14, 2016. All items should be curbside by 7:00 a.m.

### **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 motion carried.

### **TOWN ADMINISTRATOR'S REPORT**

**Town Administrator** – Mr. Crimmins informed the Board that his office has been busy wrapping up the Fiscal Year 2016. Mr. Crimmins held a Department Head meeting on April 28, 2016. There was a meeting with the Town's auditors on April 25, 2016. He and Shanna Faro have also been occupied with a water damage claim in the Civic Center from a ruptured pipe. Ms. Faro has also been busy assisting with the Memorial Day Parade Committee.

**Police** – Chief Martineau requests hiring additional staffing for the Department and respectfully disagrees with the Board’s decision on the order in which the positions should be filled. Mr. Crimmins asked the Board for guidance on a response to the Police Chief.

**Fire** – Chief Robert Spurr is back on duty after a medical leave and attended both the Annual Town Meeting and tonight’s meeting. Mr. Crimmins also received an organizational chart for the Fire Department.

**Department of Public Works** – Bill Fitzgerald reports that we will receive payment from the MEMA State Contract for the January 2015 snowstorms, FEMA-DR-4214-MA. Mr. Fitzgerald is also seeking seasonal DPW workers. Mr. Crimmins asked the Board to consider raising the pay for that position as Mr. Fitzgerald is having difficulty acquiring workers at the \$9.94 per hour rate.

**Treasurer/Collector** – Tax bills were due on May 2, 2016. Water bills are due on May 31, 2016. Deb Morin reports that the Town now owns 29 Memorial Drive.

**Town Accountant** – Despite being at a Procurement class on April 28, 2016, Shannon MacKenzie provided Department Heads with a detailed memorandum containing information on year end closeouts and instructions for if any Department was running low on funds.

**Assessors** – Paul Sullivan reports that his office continues to receive income and expense forms and Forms of List for the recertification year 2017.

**Finance Committee** – The Finance Committee treated Department Heads very well during the budget process and article preparation for the Annual Town Meeting.

**Town Clerk** – The Annual Town Election was quiet. Ms. Bessette thanks all of her election workers. The Town Clerk’s office was very well prepared for the Annual Town Meeting.

**Building Inspector** – Bob Borden reports that a house fire at 71 West Spring Street resulted in significant damage to the structure of the house. However, the residence can be rebuilt without the necessity of a total demolition. The residents are currently housed in a temporary trailer located in their driveway.

**Board of Health** – The Community Clean-Up Day is this coming Saturday, May 7, 2016 and it is a great event for the Town.

**Library** – Karen Johnson reports that the library has held several events in April such as “Laughter Yoga”, Friends of the Library Book Sale, a “Babysitting Basics” class and coloring nights have returned. Ms. Johnson invites everyone to stop by the library and take their picture with the William Shakespeare cardboard cutout.

**Council on Aging** – Gene Mazzella held a Mother’s Day luncheon earlier today which was very well attended. Mr. Mazzella played a video of Garth Brooks singing a special song called “Mom” in honor of Mother’s Day.

**Town Counsel** – Attorney Lalli informed the Board that the Town has prevailed on a judicial review in front of Justice Mathers regarding a License to Carry denial by Police Chief Martineau. Mr. Lalli is working with the Town Clerk Patricia Bessette on a department wide public records request seeking information on Brian Joyce. Mr. Lalli also worked with Ms. Bessette researching questions to some articles on the Warrant in preparation for the Annual Town Meeting. Finally, Mr. Lalli has been working with Bill Fitzgerald standardizing DPW agreements for consultants.

## **ADJOURNMENT**

At 10:25 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 negotiations with non-union personnel, 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". The signature is written in dark ink and is positioned above the printed name and title.

Shanna M. Faro

Executive Assistant to the Town Administrator