

**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, AUGUST 18, 2011 7:30 P.M.

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

Others present: Joseph Lalli, Town Counsel

Not present: Michael McCue, Town Administrator (on vacation)

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

Mr. Rose made a motion to accept the minutes of Thursday, August 4, 2011 (Regular Session) as submitted. Mr. Brady seconded the motion. The motion carried.

Mr. Rose made a motion to accept the minutes of Thursday, August 4, 2011 (Executive Session) as written. Mr. Brady seconded the motion. All were in favor.

Mr. Rose made a motion to approve the minutes of Wednesday, July 13, 2011 (Workshop Meeting) as written. Mr. Brady seconded the motion. The vote was unanimous.

Mr. Rose made a motion to accept the minutes of Wednesday, June 29, 2011 (Workshop Meeting) as submitted. Mr. Brady seconded the motion. All were in favor.

A request was received from Columbia Gas of Massachusetts for a street opening permit to excavate and install gas service at 14 Foster Street.

Mr. Rose made a motion to grant permission for a street opening permit and install gas service at 14 Foster Street. Mr. Brady seconded the motion. The motion carried.

A request was received from Columbia Gas of Massachusetts for a street opening permit to excavate and install gas service at 77 Pratt Street.

Mr. Brady made a motion to grant permission for a street opening permit to install this gas service at 77 Pratt Street. Mr. Rose seconded the motion. All were in favor.

Chairman Hegarty read a resignation letter received from Ellen Nagle, a member of the Board of Library Trustees. A library trustee position is now vacant. Anyone interested in serving on the Board of Library Trustees, should send a letter to the Board of Library Trustees or the Board of Selectmen. The Board of Selectmen will meet with the Library Trustees during their second scheduled September meeting (September 15<sup>th</sup>) for a joint meeting to fill the vacant position until the April 2012 Annual Town Election.

Mr. Rose made a motion to send a letter to Mrs. Nagle thanking her for her service to the Town. Mr. Brady seconded the motion. The motion carried.  
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.

Chairman Hegarty announced there would be no Town Administrator's Report this evening since Mr. McCue is on vacation.

Meeting dates for the month of September were announced as follows:

Thursday, September 1, 2011 at 7:30 p.m.  
Thursday, September 15, 2011 at 7:30 p.m.

Mr. Rose mentioned a workshop meeting was held on August 17<sup>th</sup> regarding proposed extra work associated with the sidewalk construction on Pond Street.

At 7:40 p.m. Chairman Hegarty called for a brief recess until 7:45 p.m. when a Public Hearing would be held.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to recess.

At 7:45 p.m. the Board reconvened.

**7:45 p.m.—Public Hearing on the application of A-1 Nivniva Corporation, D/B/A A-1 Market, 85 East Main Street; Pinakin Patel, Manager, for a Common Victualler's license**

Mr. Rose, Clerk of the Board, read the Legal Notice published on August 11, 2011.

Mr. Patel purchased the business at 85 East Main Street. Ming Dong, Agent for the Buyer, was in attendance along with Mr. Patel. Mr. Patel stated the closing would take place next Wednesday, August 24<sup>th</sup>.

Chairman Hegarty asked if Mr. Patel would maintain the same hours? Mr. Patel responded the hours would remain the same.

Chairman Hegarty read some of the issues revealed by the Building Inspector who did a recent visual inspection of the premises. The following conditions must be met for the transfer of license:

1. Handicap parking must be provided and correct signage installed.
2. Parking area stripping needs to be renewed
3. Exterior sidewalls particularly in the rear need repair/replacement.
4. Exterior wall penetrations require sealing to prevent vermin and/or air infiltration
5. Exterior grounds require maintenance

Mr. Patel reported to the Board that he will remodel the premises with new counters, flooring, new signage, etc.

After further discussion, Mr. Rose made a motion to approve a Common Victualler's license for A-1 Nivniva Corporation, D/B/A A-1 Market, on the condition that the recommendations from the Building Inspector are completed within a reasonable amount of time. Mr. Brady seconded the motion. The vote was unanimous.

### **Announcements**

There is a vacancy for Water Commissioner. Applications/letters will be accepted until Thursday, September 1, 2011. A joint meeting will be held with the Water Commissioners and the Board of Selectmen to appoint a candidate for the position.

There is a vacancy on the Board of Library Trustees. Letters will be accepted until Thursday, September 15, 2011. A joint appointment would be made at the September 15<sup>th</sup> Board of Selectmen's meeting.

Zoning Board of Appeals – two openings  
Conservation Commission  
By-Law Committee

Please consider sending a letter of interest to the Board of Selectmen. Your participation is vital to the Town.

At 7:55 p.m. Mr. Rose made a motion to enter Executive Session to discuss one matter for probable litigation. Mr. Brady seconded the motion.

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.

On behalf of the Board, a happy and safe Labor Day to all residents.

Respectfully submitted,

*Miriam Rothstein*

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Secretary