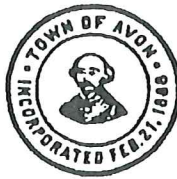


**BOARD OF SELECTMEN**  
Francis A. Hegarty, Chairman  
Robert F. Brady, Jr., Clerk  
Steven P. Rose, Associate

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

# Town of Avon Massachusetts



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2016 OCT 21 AM 11:22  
TOWN CLERK

## **BOARD OF SELECTMEN MEETING THURSDAY, OCTOBER 6, 2016 5:00 P.M.**

**Members present:**

Francis A. Hegarty, Chairman  
Robert F. Brady, Jr., Clerk  
Steven P. Rose, Associate (*arrived late at 5:10 p.m.*)

**Others present:**

Francis T. Crimmins, Jr., Town Administrator  
Shanna M. Faro, Executive Assistant to the Town Administrator  
Joseph S. Lalli, Town Counsel  
Shannon MacKenzie, Town Accountant  
Debra J. Morin, Treasurer/Collector  
Carl Fischer, Park & Recreation Vice Chair  
Michael Lawler, Park & Recreation Member  
Scott Bettencourt, Bettencourt Law Group  
John O'Rourke, Good Energy

Chairman Hegarty called the meeting to order at 5:00 p.m.

Selectman Robert F. Brady, Jr. led the meeting in the Pledge of Allegiance.

### **Meeting Minutes**

Mr. Brady made a motion to accept the minutes of Thursday, September 15, 2016 (Regular Session) as read. Chairman Hegarty seconded the motion. The motion carried.

Mr. Brady made a motion to accept the minutes of Thursday, September 15, 2016 (Executive Session) as read. Chairman Hegarty seconded the motion. The motion carried.

### **5:15 p.m. – John O'Rourke of Good Energy**

John O'Rourke, Director of Marketing Northeast for Good Energy, appeared before the Board to propose a plan for Municipal Aggregation. Mr. O'Rourke prefaced his presentation by stating that Municipal Aggregation is the formation of a buying group composed of the residents and businesses of one or more municipalities that is developed and operated through municipal officials. Mr. O'Rourke explained that the objective of Municipal Aggregation is to lower the electricity bills through the formation of this buying group without interfering with the level of service provided by the utility (*i.e. National Grid*), that distributes the electric supply. Mr. O'Rourke stated that the process for implementing a Municipal Aggregation Plan begins with placing a Municipal Aggregation article on the Town Meeting Warrant. Mr. O'Rourke stated that the Town of Avon passed the Municipal Aggregation article at the Special Town Meeting of December 1, 2015. Mr. O'Rourke stated that the next step after acceptance of the

article is for the municipality to enter into a contract with a company such as Good Energy and work together in the preparation and submission of a Municipal Aggregation Plan to the Department of Public Utilities. Mr. O'Rourke informed the Board that once the Department of Public Utilities approves the Plan, Good Energy would develop Requests for Proposals for the supply of electricity from licensed competitive suppliers at no cost to the municipality. Mr. O'Rourke stated that, at that point, the Board of Selectmen would vote to accept or reject the Competitive Supplier bid. Mr. O'Rourke explained that the final step in this process would be for the residents and business owners of the Town to accept (by default) or reject (opt out) participation in the Municipal Aggregation Program. Mr. Brady made a motion for Good Energy to begin a Municipal Aggregation Plan for the Town. Mr. Rose seconded the motion. All were in favor.

#### **5:45 p.m. – Park & Recreation Commission**

Carl Fischer and Michael Lawler approached the Board to propose the Winter Teen Program which the Commission intended to run bi-weekly on Friday evenings from 6:30 p.m. to 9:30 p.m. at the Civic Center beginning October 14, 2016 through February 10, 2016. Mr. Fischer stated that the Commission was proposing hiring a Director to run the program, who would be in charge of organizing, planning and scheduling the Teen Program. Mr. Fischer stated that the Commission also requested that the Board appoint three Counselors for the program. However, only two Counselors would be required to work on a given night. Mr. Fischer stated that the Commission budgeted the Director to work about 30 hours for the Teen Program, at a G-12, Step 1 rate of \$15.9 per hour. Mr. Fischer stated that the Commission budgeted the Counselors at a G-8, Step 2 maximum pay level.

Scott Bettencourt, Labor Counsel for the Town, informed the Board that this program is slated to run beyond the sixteen-week limit that Massachusetts law enforces for "Seasonal" workers. Mr. Bettencourt stated that to run beyond that limit is problematic to the Town. Mr. Fischer and Mr. Lawler stated that they will revise the time frame for the Winter Teen Program and send the Board an updated proposal for this Program. Satisfied with their answers from the Board, they departed.

#### **UNFINISHED BUSINESS**

##### **Update on Memorial Drive Properties**

Mr. Brady made a motion to table the update on the Memorial Drive properties. Mr. Rose seconded the motion. All were in favor.

#### **NEW BUSINESS**

##### **Special Town Meeting Warrant for October 24, 2016**

Chairman Hegarty read the Special Town Meeting Warrant for October 24, 2016. After reading the warrant, the Chairman opened up the forum for questions concerning articles on the Warrant. Town Accountant Shannon MacKenzie expressed her concern for Article One concerning retroactive pay for members of the AFSCME Unit from Fiscal Year 2015. Ms. MacKenzie stated it was her interpretation that according to Massachusetts General Laws Chapter 44, Section 68, she would be prohibited from paying the AFSCME Unit retroactive pay for any years beyond one prior Fiscal Year. Scott Bettencourt stated that in his twenty years as Labor Counsel for the Town, this issue has never been problematic before. Furthermore, Mr. Bettencourt stated that Massachusetts General Law Chapter 150 E would allow for the settlement of a three-year union contract. After a brief discussion, Chairman Hegarty stated that Article One needed to be amended to include retroactive pay for the AFSCME Unit for Fiscal Year 2015. Mr. Rose was not comfortable signing the Warrant until the numbers were adjusted for some Articles on the Warrant including Article One. Mr. Rose made a motion to table the Special Town Meeting Warrant



and return to it later in the meeting after the other agenda items were discussed. Mr. Brady seconded the motion. The motion carried.

After all other agenda items were discussed, the Board returned to the Special Town Meeting Warrant for October 24, 2016. Mr. Brady made a motion to amend the figure in Article One to raise and appropriate \$166,596.75 to fund retroactive and current increases to the AFSCME Union Employees for the period covering Fiscal Year 2015 through Fiscal year 2017. Mr. Rose seconded the motion. The vote was unanimous.

Mr. Brady made a motion to amend the figure in Article Two to raise and appropriate \$400,000 to be placed in a stabilization account for the purposes of addressing traffic, parking and related safety concerns at the Ralph D. Butler School. Mr. Rose seconded the motion. All were in favor.

The Board unanimously voted to correct the typographical error for the figure in Article Five to raise and appropriate \$892.52 to pay prior year bills.

With the amendments made to the Warrant, Mr. Brady made a motion to close and sign the Warrant for October 24, 2016. Mr. Rose seconded the motion. The motion carried.

#### **November 8, 2016 State Election Warrant**

Chairman Hegarty read the November 8, 2016 State Election Warrant. Mr. Brady made a motion to sign the warrant. Mr. Rose seconded the motion. The vote was unanimous.

#### **Appointment of Board of Health Agent**

Mr. Crimmins introduced the Board to Kathleen M. Waldron. Mr. Crimmins informed the Selectmen that upon notice of the resignation of Health Agent Tara Tradd, the Board of Health had conducted interviews for a new Health Agent. Mr. Crimmins stated that the Board of Health was pleased to present Ms. Waldron to the Selectmen for the appointment of the Town's new Health Agent. Mr. Crimmins stated that Ms. Waldron is currently working for the Board of Health at a neighboring town, has an impressive education and extensive background and certifications in this field including Soil Evaluator, ServSafe, Certified Pool Operator, Foundations for Public Health and Lead Determinator. Mr. Crimmins asked for the Board to review the Employment Agreement for Ms. Waldron. Mr. Rose had a few questions regarding the Employment Agreement and asked to convene briefly in Executive Session. At 6:21 p.m., Mr. Brady made a motion to convene briefly in Executive Session. Mr. Rose seconded the motion. The motion carried. A roll call vote followed. Mr. Hegarty voted aye. Mr. Brady voted aye. Mr. Rose voted aye.

At 6:38 p.m., the Board reconvened the meeting in Open Session. At that time, Mr. Brady made a motion to sign and execute the Employment Agreement between the Town of Avon and Kathleen Waldron, who will commence as Health Agent for the Town as of October 17, 2016. Mr. Rose seconded the motion. All were in favor.

#### **Community Development Block Grant Request for Single Case Waiver for Case No. A-086**

The Board reviewed a request from Kathleen Kelleher, Program Manager of the Avon-West Bridgewater Housing Rehabilitation Program. Ms. Kelleher stated that the Avon-West Bridgewater Community Development Advisory Committee (CDAC) has reviewed and recommended a request for a waiver of the \$35,000 per-unit cost cap for the housing rehabilitation program case #A-086. The Board reviewed the request packet including a description of the project, the low bid, construction estimate and photographs.

Mr. Brady made a motion to approve the Single Case Waiver for Case No. A-086. Mr. Rose seconded the motion. The vote was unanimous.

#### **Requests for Temporary Sign Permits**

Mr. Brady made a motion to approve the Temporary Sign Permit for Jordan's Furniture for (3) three 12' x 70' vinyl, mesh banners advertising the "Boston Rocks" laser show from October 7, 2016 through December 1, 2016. Mr. Rose seconded the motion. The motion carried.

Mr. Brady made a motion to approve the Temporary Sign Permit for Vee Fashions for (2) two 4' x 2' vinyl signs to be displayed on both sides of the building from October 7, 2016 through December 31, 2016 with the stipulation that Vee Fashions obtain written permission from the landlord for the signs. Mr. Rose seconded the motion. All were in favor.

#### **Requests for Street Opening Permits**

Mr. Rose made a motion to approve the Street Opening Permit for 57 Page Street for a 4' x 6' road cut to replace the gas service with the stipulation that all work be completed by November 15, 2016 and that the trench be rehabilitated per the specific requirements of the Department of Public Works. Mr. Brady seconded the motion. The vote was unanimous.

Mr. Rose made a motion to approve the Street Opening Permit for 64 Highland Street for a 4' x 6' road cut to replace the gas service with the stipulation that all work be completed by November 15, 2016 and that the trench be rehabilitated per the specific requirements of the Department of Public Works. Mr. Brady seconded the motion. The motion carried.

#### **Request for Name Change on Common Victualler's License of Dunkin Donuts at 5 Stockwell Drive**

The Board reviewed an application from JLW Donuts, LLC to change the name on the Common Victualler's License #11-2016 from Dunkin Brands d/b/a Dunkin Donuts to the new owner of the business JLW Donuts, LLC d/b/a Dunkin Donuts at the 5 Stockwell Drive location. Mr. Rose made a motion to approve the name change on the Common Victualler's License of Dunkin Donuts at 5 Stockwell Drive. Mr. Brady seconded the motion. All were in favor.

#### **Resignation Letter of Captain Robert Pillarella of the Avon Fire Department**

Chairman Hegarty read the resignation letter of Captain Robert Pillarella of the Avon Fire Department. Captain Pillarella retired effective September 30, 2016 as he reached the maximum age requirement according to Massachusetts General Laws Chapter 32, Section One. Captain Pillarella served on the Avon Fire Department for 46 years. The Board unanimously accepted Captain Pillarella's retirement and congratulated him on a job well done and thanked him for his many years of service to the Town.

#### **Halloween Costume Drive**

Chairman Hegarty announced the Halloween Costume Drive would be held at Town Hall on October 15, 2016 from 9:30 a.m. to 1:00 p.m. and October 19, 2016 from 5:00 p.m. to 8:00 p.m. The Halloween Costume Drive allows citizens to donate a new or gently used costume, swap it out for one, or donate to someone in need.



## **Correspondence**

Chairman Hegarty acknowledged notice of a Public Hearing by the Planning Board on October 6, 2016 at 7:30 p.m. at Town Hall in regards to a special permit under Section 5-4, Water Supply Protection District, regarding the property located at 41 Ledin Drive, Map B6 Block 1 Plot 18.

## **Approval of Vouchers for the Payment of Bills**

Mr. Brady made a motion to pay the bills. Mr. Rose seconded the motion. The vote was unanimous.

## **Town Administrator's Report**

Mr. Crimmins informed the Board that he will be working with the Department Heads to prepare the budget for Fiscal Year 2018. The Finance Team held a meeting on September 14, 2016 to discuss the budget preparation process. Mr. Crimmins stated that his office continues to keep busy with Human Resources and personnel matters. The Park & Recreation Commission needs assistance with a Winter Teen Program. Mr. Crimmins and Mr. Bettencourt have met with several Bargaining Units regarding contract negotiations. Mr. Crimmins stated that the Human Resources Department is also working on creating standardized time cards and finalizing the Internet Use and Social Media Policy. Mr. Crimmins stated that on September 29, 2016, representatives from Boston Mutual Life Insurance were at Town Hall for open enrollment for employee's life insurance policies. Mr. Crimmins, Deb Morin and Shanna Faro met with MIIA representative Jill Gallant-Shaw on October 5, 2016 regarding renewal of the Town's health insurance plan.

**Board of Health** – Health Agent Tara Tradd is resigning on October 7, 2016. She will be greatly missed. Kathleen Waldron will be the new Health Agent. Her first day with the Town of Avon will be October 17, 2016. There will be a Hazardous Waste Day for Avon and Randolph residents on Saturday, October 15, 2016 in the Randolph High School parking lot.

**Police Department** – Halloween is quickly approaching. Chief Martineau has requested that no one dress up in a clown costume in light of recent events in neighboring communities in the Commonwealth.

**Fire Department** – There will be an Open House at the Fire Station on Saturday, October 15, 2016 from 10:00 a.m. until noon for Fire Prevention Week.

**Treasurer/Collector** – Deb Morin reports the first year of the meals tax program has brought in a total of \$56,184.86 in revenue for the Town.

**Town Accountant** – Shannon MacKenzie has set up the Town with a COMMBUYS account with the Operational Service Division. COMMBUYS is a procurement system that the state is running to post bids for services, supplies, and some equipment. This system will also be a mechanism to search for grants that are offered from the state.

**Library** – Ann Fogg is officially the Acting Library Director.

**Building Inspector** – Bob Borden reports a rise in the number of building permits for the month of September.

**IT** – Geno Gingras has been busy preparing for the new telephone system that will be forthcoming shortly.

**Town Counsel** – Joseph Lalli was pleased to report the completion of the Request for Proposal for the Owner's Project Manager for the new Public Safety Police Station. Mr. Lalli worked together with the Designer Selection Committee to complete this document. Mr. Lalli is working with Geno Gingras finalizing the agreement with Partners Technology for the new telephone system. Mr. Lalli is researching a Zoning By-law change as well as comprehensive permits. Finally, Mr. Lalli is working on another draft of the Technology Policy which will incorporate both internet usage and social media policies.

### Announcement

Mr. Brady took a moment to address the audience and members of the viewing public on misconceptions and incorrect information that he has seen lately regarding the Police Department on social media. Mr. Brady stated that he has read many complaints from citizens about the increase of crime and lack of support from the Board of Selectmen to the Police Department. Mr. Brady stated that he has requested more information from Chief Martineau as these crimes have not been reported and there is no statistical data to support a high increase in crimes for the Town.

### Adjournment

At 7:33 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 purposes of discussing Collective Bargaining with Union Bargaining Units and Employment Agreements with Non-Union Personnel, all of which could prove detrimental if discussed during the Open Session. Mr. Brady made a motion to adjourn the Regular Session. Mr. Rose seconded the motion. The motion carried.

A roll call vote was taken.

Mr. Hegarty voted aye.

Mr. Brady voted aye.

Mr. Rose 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