

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

Town Offices
Buckley Center 02322
(508) 588-0414
FAX (508) 559-0209



BOARD OF SELECTMEN MEETING THURSDAY, DECEMBER 1, 2016 7:30 P.M.

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

Others present: Francis T. Crimmins, Jr., Town Administrator
Shanna M. Faro, Executive Assistant to the Town Administrator
Joseph S. Lalli, Town Counsel
William Fitzgerald, DPW Director
Keith Nastasia, Assistant DPW Director
Robert Borden, Building Inspector
Mohammed Ahmad

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

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, November 17, 2016 (Regular Session) as read. Mr. Rose seconded the motion. The motion carried.

Mr. Brady made a motion to accept the minutes of Thursday, November 17, 2016 (Executive Session) as read. Mr. Rose seconded the motion. The motion carried.

UNFINISHED BUSINESS

Good Energy Contract

Mr. Lalli stated that he has been in contact with John O'Rourke from Good Energy. Mr. Lalli stated that he has reviewed the proposed Agreement between the Town of Avon and Good Energy and he has a few questions that he has asked Mr. O'Rourke to answer before the Agreement is signed. He has also asked Mr. O'Rourke to provide Good Energy's Certificate of Insurance. Mr. Lalli stated that he anticipates the Agreement will be ready for the Board's signature at the meeting of December 15, 2016.

Recommendation from DPW Director on Sand & Salt Bid Awards

After reading the recommendation from DPW Director William Fitzgerald, the Board voted as follows regarding the award for the Sand and Salt Bids, opened at the meeting of November 17, 2016.

Mr. Rose made a motion to award the Salt Bids to the low bidder, Mid-American Salt, for 2000 tons of delivered Rock Salt at the price of \$57.21 per ton and 300 tons of delivered Treated Salt at the price of \$74.65 per ton. Mr. Brady seconded the motion. All were in favor.

Mr. Rose made a motion to recommend no award for the Sand Bids based on the recommendation of the DPW Director William Fitzgerald and in the best interest of the Town. Mr. Brady seconded the motion. The vote was unanimous.

NEW BUSINESS

Liquor License Renewals

Mr. Brady made a motion to approve the Liquor License Renewals for the eleven (11) establishments in the Town. Mr. Rose seconded the motion for discussion. Mr. Rose stated that two (2) of those establishments owe a tax balance. Mr. Rose made an amended motion to grant the liquor license renewals to only those establishments that do not owe a tax balance. Mr. Brady seconded the amended motion. The motion carried.

Establishment	Address	Manager
Shooters, Inc.	36 East Main Street	Linda D. Lewis Martin, Manager
Jeffrey Sinkiewicz D/B/A Slap-Shotz Family Sports Pub	39-43 East Main Street	Jeffrey Sinkiewicz, Manager
Avon Post #8892, V.F.W., Inc.	263 East Main Street	Mildred D. Papp, Manager
Avon's Generations	81 Memorial Drive	John Kalinowski, Jr., Manager
Big Jim's Liquors, Inc.	155 East Main Street	Donald Hung Dong, Manager
Costco Atlantic Liquors, Inc. D/B/A Costco Liquors	120 Stockwell Drive	Shannon Collins, Manager
Avon Food Mart, Inc.	17 North Main Street	George Elias, Manager
Wine-Com-Massachusetts, Inc. D/B/A Wine.com	33 Wales Avenue, Unit E	Michael Arico, Manager
Sulamita Figueiredo D/B/A Mainha Restaurant	160 Memorial Drive	Sulamita Figueiredo, Manager

Entertainment License Renewals

Mr. Brady made a motion to renew the entertainment licenses for the following establishments. Mr. Rose seconded the motion. All were in favor.

Establishment	Entertainment Licenses
Avon V.F.W. Post #8892 263 East Main Street	One (1) Video Entertainment Machine Licenses for one (1) jukebox One (1) Pool Table License One (1) Public Entertainment License for one (1) juke box to include karaoke and a live band
Shooters, Inc. 36 East Main Street	Three (3) Pool Table Licenses Four (4) Automatic Amusement Device Licenses – includes one (1) jukebox One (1) Public Entertainment License for one (1) juke box
Jeffrey Sinkiewicz D/B/A Slap-Shotz Family Sports Pub 39-43 East Main Street	Two (2) Amunchie Video Games One (1) Platinum Touch II Video Game One (1) Touch Tunes Juke Box One (1) Public Entertainment License for one (1) juke box to include live

	bands, singers and comedy acts
Generations 81 Memorial Drive	One (1) Public Entertainment License for 2016

Common Victualler's License Renewals

Mr. Brady made a motion to renew the Common Victualler's licenses for the following establishments that do not owe any tax balances. Mr. Rose seconded the motion. The vote was unanimous.

Establishment	Address
Costco Wholesale Corp. D/B/A Costco Wholesale	120 Stockwell Drive
Avon House of Pizza	163 Main Street
Delops, Inc.	600 Page Street
Café Management Associates, LLC D/B/A Dunkin Donuts	600 Page Street
Independence Foods, LLC D/B/A Dunkin Donuts	20 Memorial Drive
Linda D. Lewis Martin D/B/A Shooters, Inc.	36 East Main Street
Jeffrey Sinkiewicz D/B/A Slap-Shotz Family Sports Pub	39-43 East Main Street
Wal-Mart	30 Memorial Drive
JLW Donuts, LLC D/B/A Dunkin Donuts	5 Stockwell Drive
Independence Foods, LLC D/B/A Dunkin Donuts	30 Memorial Drive (at Wal-Mart)
Sulamita Figueiredo D/B/A Mainha Restaurant	160 Memorial Drive
Pizzas Galore D/B/A Geri's	147 Main Street
Avon's Generations, Inc. D/B/A Generations	81 Memorial Drive

Class I, II & III License Renewals

Mr. Brady made a motion to renew the Class I, II and III licenses for the following establishments that do not owe any tax balances. Mr. Rose seconded the motion. The motion carried.

Establishment	Type of License
Ballard Mack Sales and Service, Inc. One Mack Drive	Class I
George's Garage, Inc. 340 East Spring Street	Class II & Class III
Mr. Steven DeAcetis Avon Auto Center, Inc. 104 Memorial Drive	Class II
Robert Nicholson D/B/A Brittanic Motors 110 Memorial Drive	Class II
Robert Sneider 21 Ledin Drive	Class II
C.N. Wood Co., Inc. 140 Wales Avenue	Class II

Livery License Renewals

Mr. Brady made a motion to renew the livery licenses for the following establishments that do not owe any tax balances. Mr. Rose seconded the motion. All were in favor.

Establishment	Livery License
TAZ, Inc. 185 Main Street	One (1) Livery License
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TAZ, Inc. 185 Main Street	One (1) Livery License
TAZ, Inc. 185 Main Street	One (1) Livery License
TAZ, Inc. 185 Main Street	One (1) Livery License
TAZ, Inc. 185 Main Street	One (1) Livery License
TAZ, Inc. 185 Main Street	One (1) Livery License – Handicap Van
TAZ, Inc. 185 Main Street	One (1) Livery License – Handicap Van

Reappointment of Constables

Mr. Brady made a motion to reappoint the following Constables for 2017:

David DiCenso
David Asiaf of Asiaf & Associates, Inc.
Harold March of March, Whitcomb & Associates
Jerold S. Loomis of All State Constables, Inc.

The reappointment term for these Constables will expire on December 31, 2017. Mr. Rose seconded the motion. The vote was unanimous.

Personnel Action Form for Executive Assistant to the Town Administrator/Human Resources Coordinator

Mr. Brady made a motion to approve the 2% salary increase for the Executive Assistant to the Town Administrator/Human Resources Coordinator, retroactive to her anniversary date of September 28, 2016. Mr. Rose seconded the motion. The motion carried.

Request for Relief from the Street Commissioners Regarding the Property Known and Numbered as 406 Central Street

Mr. Ahmad, Mr. Borden and Mr. Fitzgerald approached the Board to discuss construction of a stone wall at Mr. Ahmad's property at 406 Central Street which is encroaching Town property at the corner of Central Street and Russell Road. Mr. Borden stated that he first questioned the location of the stone wall on November 10, 2016 and verbally notified the contractor that he should verify the location of the wall as it appeared too close to the street. Mr. Borden stated that construction continued on the wall without apparent verification of the location. Mr. Borden informed the Board that after he reviewed the approved site plan and confirmed that the wall was being built on Town property, he returned to the site and told the contractor to stop working on the wall, which he did. Mr. Borden then contacted the surveyor or record and the property owner. Mr. Borden stated that the resultant survey of the wall as constructed

clearly shows that portions of the wall are within the layout of Russell Road. Mr. Borden further explained that the stamped plan provided by the surveyor shows the wall to be entirely on the owner's private property as it approaches the intersection of Russell Road and Central Street and being constructed within the street layout by approximately five feet as the wall lays westbound along Russell Road. Property owner Mohammed Ahmad stated that he would take full responsibility of the stone wall in front of his property in the event that the wall is damaged, needs repairs or maintenance. Mr. Ahmed stated that the wall was built in the wrong position by mistake, and that the sole intentions were to enhance the look of the property and the street. Mr. Fitzgerald stated his concern that the location of the wall as it stands will hinder the snow plow efforts by the Department of Public Works. In addition, Mr. Fitzgerald was concerned that the wall would damage the snow plows. Chairman Hegarty asked Mr. Lalli the implications for liability to the Town on the stone wall which is now on Town property. Mr. Lalli informed him that he would research the legal ramifications and report back to the Board. Mr. Rose asked Mr. Lalli to expedite his research as the winter weather is approaching.

Mr. Brady made a motion to allow Mr. Ahmad to continue construction on the stone wall that is on his property boundary on Central Street. Mr. Rose seconded the motion. The motion carried.

Mr. Rose made a motion to table making a decision on the part of the stone wall that is encroaching Town property until such time as Town Counsel can report back to the Board with his recommendation. Mr. Brady seconded the motion with one amendment that Mr. Ahmad meet with DPW Director William Fitzgerald regarding the water trench which was poorly constructed. The motion carried.

Request for Transfer from the Reserve Fund to Line Item Unemployment

Mr. Rose made a motion to approve the request to the Finance Committee for transfer of \$69,580 from the Reserve Fund to Line Item Unemployment. Mr. Brady seconded the motion. All were in favor. Mr. Rose did express his concern about depleting almost 70% of the Reserve Fund. Chairman Hegarty agreed that interdepartmental communication is crucial. Chairman Hegarty stated that if the Board had known about this issue earlier, it could have been placed as an Article on the Town Meeting Warrant.

Temporary Sign Permit

Mr. Rose made a motion to approve the Temporary Sign Permit for New Balance Factory Store for a 3' x 7' vinyl banner attached to the building advertising a sale from December 2, 2016 through December 24, 2016. Mr. Brady seconded the motion. The vote was unanimous.

Community Development Block Grant

Mr. Brady made a motion to approve the request from the Avon-West Bridgewater Community Development Block Grant for a six-month extension of its grant deadline to June 30, 2017. Mr. Rose seconded the motion. The motion carried.

Correspondence

Chairman Hegarty stated that the Board of Selectmen received a Powerpoint presentation from the Old Colony Planning Council regarding the Route 28 Traffic and Safety Study.

Chairman Hegarty read correspondence from Xfinity dated November 17, 2016 regarding important information on price changes effective December 20, 2016.

Chairman Hegarty read correspondence from Comcast dated November 30, 2016 regarding Comcast's right to continue carrying Fox College Sports will expire on December 31, 2016.

Announcements

Chairman Hegarty announced that Town of Avon's Annual Holiday Celebration 2016 will be held on December 11, 2016 from 12:00 p.m. until 5:00 p.m. Chairman Hegarty read the schedule of events for that day and encouraged everyone.

Approval of Vouchers for the Payment of Bills

Mr. Brady made a motion to pay the bills. Mr. Rose seconded the motion. The motion carried.

Town Administrator's Report

Mr. Crimmins informed the Board that a Department Head meeting was held on November 29, 2016. Mr. Crimmins stated that the main topic for that meeting was the Budget for Fiscal Year 2018. He stated that he has met with several Department Heads already regarding their proposed budgets and has asked Shanna Faro to set up budget meetings with additional Department Heads for next week. Mr. Crimmins was pleased to announce that the Holiday Lighting Project is almost complete.

Human Resources – Keith Nastasia started work on Monday as Assistant Director to the Department of Public Works and already has multiple projects to work on. Applications are now being accepted for a Part-Time Van Driver for the Council on Aging. The Library Trustees will be meeting on Monday, December 5, 2016 to review resumes for the Library Director position. The Library Technician job was posted on November 22, 2016 and AFSCME internal applicants are interested in the position. Mr. Crimmins informed the Board that he expects to make his recommendation for appointment of a new a Part-Time Police Dispatcher at the next meeting of the Board.

Building Inspector – Bob Borden has been nominated for President of the Massachusetts Federation of Building Officials. This would be an interim position to serve out the balance of the retiring President's term until April 2017. The Board will vote at their next meeting in December.

School – Superintendent Zinni reports that unfortunately, Avon lost the annual Thanksgiving football game to West Bridgewater. However, several different teams and coaches commended all Fall sports teams such as the Girls' Soccer, Boys' Soccer and Football for their outstanding sportsmanship.

Police – Chief Martineau reports that their "Enhanced 911 Program" is changing over to "Next Generation 911". IT Director Geno Gingras is working on the cutover now and the new system should be in place by early December. Chief Martineau reports that "Black Friday" went smoothly and there were no major issues. The number of shoppers has decreased in the recent years. Walmart may approach the Board of Selectmen to open earlier next year.

Fire – Chief Spurr reports that blasting on Memorial Drive took place two weeks ago which will allow for the construction of a two story office building. Several neighbors were concerned about the blasting, but the project went smoothly with no issues.

Library – Artist Janet Landry-Borden hosted her artist reception on November 17, 2016 which was well attended. There was also a pajama story time with readers such as Superintendent Zinni, Acting Director Ann Fogg and parent Emily Russell, reading stories and doing crafts with little ones who came in their pajamas. Ann Fogg reports that she will check with the Library Trustees on the status of the Library Building Study Committee.

Council on Aging – Gene Mazzella reports that the COA is looking for an additional van driver to meet the increasing transportation demands. The COA has been asked by the Avon Housing Authority to provide outreach support to their residents. The intergenerational "Leaf Collect" helped several seniors get clean-up their yard for the Fall by AMHS students.

Treasurer/Collector – Deb Morin reports that the month of November was a very busy month for her office. Tax bills were due November 1, 2016, along with water bills being due. Many people took advantage of the "Early Voting" at the Town Clerk's Office after paying their bills at the Town Hall. Deb

reports that since the Tax Classification Hearing of November 3, 2016 set the new tax rate, she is working on getting the tax bills out for December.

Town Accountant – Shannon MacKenzie is pleased to report that she has paid out all retro pay owed to the AFSCME union employees. She is also preparing her month end reports. On November 9, 2016, she attended a procurement class regarding the new municipal law changes. The class also addressed the changes in the public records law.

Town Clerk– Patricia Bessette reports that elections were certified on November 18, 2016 which included the provisional ballots. Ms. Bessette plans to offer online dog licensing for January 2017. She is also preparing for the annual Census which will be mailed out to residents in January.

DPW – Bill Fitzgerald is preparing for the first snowfall. He has reviewed the Sand & Salt bids and made his recommendation. Bill stated that he has three sanders ready to go and he is preparing a fourth sander as well. Peter Marinelli has placed the snow plow on the front of his new truck and is checking daily for snowflakes to start falling.

Legal – Joseph Lalli reports he is working in conjunction with Shanna Faro on the Annual License Renewals, as well as a request for a Liquor License Transfer. Mr. Lalli has also been working on finalizing the Good Energy Contract. He has also sent a memorandum to the Town Administrator advising the Council on Aging to cease and desist any Board or staff member from transporting seniors in their private vehicles.

Adjournment

At 9:07 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, Employment Agreements with Non-Union Personnel, and review of the Call Firefighter Agreement, 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. 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,



Shanna M. Faro

Executive Assistant to the Town Administrator