

**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, SEPTEMBER 1, 2011  
7:30 P.M.**

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

Not present: Michael McCue, Town Administrator (out sick)  
Joseph Lalli, Town Counsel

Others present: Fire Chief Robert Spurr  
Building Inspector Robert Borden  
Water Superintendent John Tetreault

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 18, 2011 (Regular Session) as submitted. Mr. Brady seconded the motion. The motion carried.

A request was received from the Nichols Avenue neighborhood to hold a block party on Saturday, September 17<sup>th</sup> beginning at 4:00 p.m. with a rain date of Saturday, September 24<sup>th</sup>. The block party would be held on Howard Lane.

Fire Chief Spurr was in the audience and commented that he had no objection to the block party on Howard Lane.

Mr. Rose made a motion to approve the request for a block party on Saturday, September 17<sup>th</sup> (rain date of September 24<sup>th</sup>) on Howard Lane with the stipulation that approval must be received concurrently from the Police Chief due to closure of the road, beginning at 4:00 p.m. until 11:00 p.m. Mr. Brady seconded the motion. The vote was unanimous.

A request was received from Columbia Gas of Massachusetts for a street opening permit to install gas service at 174 Pond Street.

Highway Superintendent Ed Sarni approved the request with stipulations noted.

After some discussion, Mr. Rose made a motion to approve the request for installation of gas service at 174 Pond with the following stipulations as recommended by the Highway Superintendent:

1. The work is completed within two (2) weeks
2. Use of flowable fill
3. Plated between fill and binder
4. Must be overseen by the resident engineer on the Pond Street road project

Mr. Brady seconded the motion. The motion carried.

**7:35 p.m.—Joint meeting with Water Commissioners to appoint candidate to fill vacancy**

Water Commissioners Charles Linfield and Peter Marinelli appeared before the Board for a joint meeting to appoint a candidate to fill the vacancy of Water Commissioner created by the death of Gene Guilbault.

Chairman Hegarty announced all six (6) candidates in nomination. There would be a joint vote by closed ballot. The appointed candidate would serve until the 2012 Annual Town Election.

Mr. Rose asked "what about a tie"? Chairman Hegarty responded that there would be a run-off of the top two (2) candidates.

Letters of interest were submitted as follows:

Charles Kowalski	26 Juniper Road	Avon, MA
David Breckner	120 East Main St.	Avon, MA
John McEntee	186 East Spring St.	Avon, MA
Bruce Conly	105 Connolly Rd.	Avon, MA
Patrick Murphy	12 Maple Ave.	Avon, MA
Leo Issa	28B Leo's Lane	Avon, MA

A motion was made by Mr. Brady to move the nominations. Mr. Rose seconded the motion. The motion carried.

The ballots were distributed.

On behalf of the Board, Chairman Hegarty thanked all six (6) candidates for submitting a letter of interest to serve as Water Commissioner.

Mr. Rose, Clerk of the Board, tallied the votes.

There were five (5) votes total – two (2) votes went to one candidate – Charles Kowalski.

Mr. Linfield made a motion to appoint Mr. Charles Kowalski to the position of Water Commissioner for the Town of Avon. Mr. Rose seconded the motion. All were in favor.

Water Commissioners Charles Linfield, Peter Marinelli and Water Superintendent John Tetreault departed.

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.

### **Hurricane Irene Response**

Fire Chief Spurr and Building Inspector Robert Borden appeared before the Board.

Chairman Hegarty thanked the Police, Fire, Highway, Tree Warden and many others who acted as liaison between National Grid and Town Departments during the recent hurricane.

Chairman Hegarty stated that the Town of Avon did everything possible to assure that residents got power restored as soon as possible. There was constant communication between Town officials and Town departments with the utility companies.

Chairman Hegarty reported that National Grid was in total control. The Town has no licensing authority over National Grid. National Grid is licensed from the Department of Public Utilities.

### **Comments from the Board**

Mr. Rose was disappointed and frustrated with the slow response from National Grid to restore power. He is asking that a representative from National Grid be invited to the next meeting as well as a member from the Attorney General's office, Senator Joyce, Representative Galvin to hear some of the issues that the Town faced and how we can better be prepared in the event of another storm emergency.

Fire Chief Spurr reported that at 4:00 p.m. today there were 55 customers still without power in Avon. He is trying to determine how many homes would be affected by that number. He hopes total power restoration will be by Friday morning.

Chief Spurr informed residents that they must call to let the utility company know if they have no power. In this storm, one side of the street had power and the other side didn't. Even though there was a representative from National Grid at the Fire Station, it was difficult to determine what "leg" power was coming from at each location. Chief Spurr felt he didn't get the accurate answers he was looking for and certainly not quickly enough.

Chief Spurr reported that Butler School still has no power but the power on South Street is on. It is a different "feed" and that is why certain portions of Town had power and other sections didn't.

Mr. Rose asked "what type of response from an Emergency Management standpoint"?

Chairman Hegarty stated a lot was learned from this storm. It would be prudent to convene a meeting to put an Emergency Plan into motion. We hadn't had a storm this bad in 20 years.

Chief Spurr stated the Board needs to appoint an Emergency Management Director. Judd Cronin was the former director and e-mails were being sent to him with the latest updates and not to Chief Spurr.

Mr. Rose asked Chief Spurr to document a timeline of events. Mr. Rose believes a Class Action lawsuit will be forthcoming. The Town should prepare some kind of description of events and forward such to the Attorney General's office.

Chief Spurr responded that he is calculating damages from the storm which includes overtime paid, generators used, chippers rented, etc.

Mr. Brady reported that he took a lot of notes along the way. Since he has his own electrical business, he had a lot of issues that required emergency response. He turned to his brother, State Representative Michael Brady, who assisted him with cell phone numbers directly to National Grid. He spoke with the Mayor of the City of Brockton who offered assistance to the Town. Mr. Brady stated he was concerned for the seniors without any power. Fellowship Circle was one area that lost power for about 4 days.

Chairman Hegarty reported that we need to calculate the Town's loss. FEMA will provide 75% reimbursement for the storm. The remaining 25% may be recouped through a Class Action suit against National Grid.

Chairman Hegarty announced all residents who lost cable service, phone service, internet service may seek credit and deduct from their bills the days lost without service. Residents should also check with their insurance company because many companies will reimburse you for the loss of food in the refrigerator. You need to check with your individual insurance carrier.

Mr. Brady informed the public that if you see wires down after such a storm or any emergency situation, don't go near them! Call the Police/Fire Department immediately to report the problem.

Mr. Borden, Building Inspector, stated we were very lucky when it came to structural damage with Hurricane Irene. Some signs fell in the Industrial Park; trees went down, power was out but all in all, we did OK.

Mr. Brady stated he was extremely proud of all the departments for all of their efforts.

Chairman Hegarty asked Chief Spurr to attend the September 15<sup>th</sup> Board of Selectmen meeting.

At 8:22 p.m. Mr. Rose made a motion to enter Executive Session to discuss a litigation matter. 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.

Respectfully submitted,

*Miriam Rothstein*

Miriam Rothstein  
Secretary

**Exhibits:**

- Minutes of Board of Selectmen's Meeting of August 18, 2011 (Regular Session)
- Block party request from Nichols Avenue residents for September 17, 2011
- Street opening permit request from Columbia Gas to install gas service at 174 Pond Street
- Letters of interest from Charles Kowalski, David Breckner, John McEntee, Bruce Conly, Patrick Murphy and Leo Issa to fill Water Commissioner vacant position