

BOARD OF SELECTMEN MEETING  
THURSDAY, MARCH 10, 2011  
7:30 P.M.

Members present: Francis A. Hegarty, Chairman  
Steven P. Rose  
Wayne Phillips

Others present: Michael McCue, Town Administrator  
Joseph Lalli, Town Counsel

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, February 24, 2011 (Regular Session) as submitted. Mr. Phillips seconded the motion. The motion carried.

Mr. Rose made a motion to accept the minutes of Thursday, February 24, 2011 (Executive Session) as submitted. Mr. Phillips seconded the motion. All were in favor.

Mr. Rose made a motion to accept the Executive Session minutes from Thursday, January 13, 2011 as written. Mr. Phillips seconded the motion. The vote was unanimous.

A Finance Committee transfer request was received from the Fire/Police Department due to a heating system failure in the building. The amount of the request is \$7520.00; \$3760.00 for Fire and \$3760.00 for Police. These funds are considered an “emergency.”

Mr. Rose made a motion to approve the transfer request in the amount of \$7520.00 to cover the cost of a new heating system for the Fire/Police Station. Mr. Phillips seconded the motion. The motion carried.

**Unfinished Business**

Chairman Hegarty explained new ADA regulations regarding the presence and use of service animals in all local governmental buildings and public schools must have policies in place by March 15, 2011. The Board received a draft of a “Service Animal Policy” from Town Administrator McCue to review. Schools must develop their own for municipal buildings.

Mr. Rose made a motion to adopt the “Service Animal Policy” as written. Mr. Phillips seconded the motion. The motion carried.

### **Avon Auto Brokers—Increase in vehicles at 109 and 159 Memorial Drive**

Mr. Dana Nessen, owner of Avon Auto Brokers, Inc. at 109 and 159 Memorial Drive appeared before the Board. Mr. Nessen went before the Planning Board for a Site Plan Review and a Special Permit to place additional parking spaces at each location; at 159 Memorial Drive he is requesting an increase of 85 additional vehicles; currently his license is set at 85 vehicles. At 109 Memorial Drive his Class II license currently has a limit of 19 vehicles; Mr. Nessen is requesting 37 more spaces for a total of 56 parking spaces.

The Planning Board voted to grant a Special Permit and Site Plan Review for 159 Memorial Drive with an Order of Conditions. The Board questioned whether everything was completed. Mr. Nessen replied that the only item not completed is the required fencing. Mr. Nessen stated the ground is still frozen and the weather too cold to install fencing.

A Special Permit and Site Plan Review were granted by the Planning Board for 109 Memorial Drive on February 3, 2011. An Order of Conditions was attached. Mr. Nessen stated the requested paving of the existing driveway has not been done due to the cold weather. Chairman Hegarty requested that when loading and unloading vehicles delivered or removed, it must be conducted on the property at 159 Memorial Drive and not across the street. Mr. Rose requested at 159 Memorial Drive to stripe the last stall so that the alleyway remains open.

Mr. Rose made a motion to allow the Class II license issued for 159 Memorial Drive to have a vehicle limit of 170 vehicles on the property as long as the Order of Conditions from the Planning Board is met. Mr. Phillips seconded the motion. The vote was unanimous.

Mr. Rose made a motion to amend the Class II license issued at 109 Memorial Drive to allow 37 additional vehicles, for a total of 56 cars as long as the Order of Conditions is met from the Planning Board. Mr. Phillips seconded the motion. All were in favor.

A request was received from Avon Fish & Game Association for one-day special alcohol permits on March 19, April 30, May 7 and June 18, 2011.

Mr. Phillips made a motion to approve the one-day special alcohol permits for Avon Fish & Game Association for March 19, 2011 (Club Function-Fundraiser), April 30, 2011 (Club Function-First Communion), May 7, 2011 (Club Function-First Communion) and June 18, 2011 (Club Function-Graduation). Mr. Rose seconded the motion. The vote was unanimous.

### **COA Outreach Worker**

Mr. Rose made a motion to hire Arthur Dramer to the position of Council on Aging Outreach Worker at \$9.50 per hour, contingent upon successful fulfillment of the Town of Avon hiring policies and on continued funding from the Department of Elder Affairs. Mr. Phillips seconded the motion. The vote was unanimous.

## **FY '12 Budget Update**

Chairman Hegarty updated the Board on the FY '12 budget. The Blue Hills assessment for the Town will reflect an \$85,000 plus increase as it is based on the number of students. It was announced the House Ways & Means Committee's budget will have larger cuts in local aid.

## **Town Administrator's Report**

Mr. McCue reported that a letter was received from MASS DOT and the MBTA regarding the rail tie replacement project along both the Middleboro and Plymouth/Kingston branches of the Old Colony system. Work has been suspended over the winter months, but will start again in early March. To expedite the project schedule, work will now take place seven days a week. To accommodate the construction, grade crossings will be closed to vehicular and pedestrian traffic. For the Town of Avon, the Tie Replacement Project necessitates the closing of Spring Street the weekend of June 11<sup>th</sup> and 12<sup>th</sup> and the closing of High Street the weekend of June 18<sup>th</sup> and 19<sup>th</sup>. Grade crossings will close on Friday evenings at midnight and will open by 5:00 a.m. on Monday morning.

Mr. McCue informed the Board that he will meet with the engineers doing the work and the Police and Fire Chief this coming Friday to discuss road closings for the project and how it will impact the Town.

Mr. McCue stated he attended a seminar in Bristol, Rhode Island regarding free solar panels for Town buildings. There are still tax credits out there but they would expire the end of this year. DCS Energy is the sole source provider. If the solar panels are installed, the old panels could be returned to National Grid. There would be no cost to the Town of Avon. The company did a satellite review of Avon buildings and all were acceptable. Mr. McCue will continue looking at the installation process but asked for the Board's permission to take the next step.

Mr. McCue explained the Town may have some engineering costs with the solar panel replacement project.

After some discussion, Mr. Rose made a motion to allow Mr. McCue to continue on with the research of the solar panel replacement. Mr. Phillips seconded the motion. The motion carried.

Mr. McCue discussed signing and locking in energy prices with Metromedia Energy. A proposed contract was received today. Energy costs are volatile due to problems in the Middle East. Mr. McCue stated the prices quoted are only good until this coming Friday. Mr. McCue asked the Board's permission to lock in a contract.

After some discussion, Mr. Rose made a motion to have the Town Administrator investigate the matter a little and get some other pricing on energy costs. Mr. Phillips seconded the motion. All were in favor.

Chairman Hegarty announced Tuesday, April 12, 2011 is the Annual Town Election. Since there are no contested candidates for the voters, it is recommended to limit the hours of the election to save costs.

After some discussion, Mr. Rose made a motion to limit the hours of the Annual Town Election of Tuesday, April 12, 2011 from Noon to 7:00 p.m. Mr. Phillips seconded the motion. The motion carried.

Chairman Hegarty announced that any Town department that wishes to speak to the Board regarding their Recommended Budget for FY '12 that would be presented at the Annual Town Meeting should contact Mr. McCue.

“Enterprise” reporter Mr. Arbuckle appeared before the Board requesting a copy of the Annual Town Meeting of Tuesday, May 3, 2011. Chairman Hegarty explained that the warrant is in draft form and may be subject to change. Mr. McCue furnished Mr. Arbuckle a draft copy of the warrant.

At 8:30 p.m. Mr. Rose made a motion to enter Executive Session to discuss a litigation matter. Mr. Phillips seconded the motion.

A roll call vote was taken:

Chairman Hegarty voted aye  
Mr. Rose voted aye  
Mr. Phillips voted aye

The Board would not reconvene in Open Session.

Respectfully submitted,

Miriam Rothstein  
Secretary