

BOARD OF SELECTMEN MEETING
THURSDAY, APRIL 14, 2011
7:30 P.M.

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

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.

Reorganization of the Board was the first item of business. Chairman Hegarty welcomed Robert F. Brady, Jr. to the meeting and congratulated him on being elected Selectman for the Town of Avon.

Mr. Brady thanked all the residents of the Town who supported him and is looking forward to serving the Town as Selectman.

Town Administrator Michael McCue conducted the reorganization of the Board and opened up nominations for the position of Clerk of the Board.

Mr. Brady made a motion to nominate Steven P. Rose for the position of Clerk of the Board. Chairman Hegarty seconded the motion. The motion carried.

Town Administrator McCue opened up the nominations for the position of Chairman of the Board.

Mr. Rose made a motion to nominate Francis A. Hegarty to serve as Chairman of the Board. Mr. Brady seconded the motion. All were in favor.

Mr. McCue congratulated Chairman Hegarty and Mr. Rose. He also congratulated Mr. Brady on his election.

Mr. Rose made a motion to approve the minutes of Thursday, March 24, 2011 (Regular Session) as written. Chairman Hegarty seconded the motion. The vote was unanimous. Mr. Brady abstained from voting.

Mr. Rose made a motion to accept the minutes of Thursday, March 24, 2011 (Executive Session) as submitted. Chairman Hegarty seconded the motion. The motion carried. Mr. Brady abstained from voting.

There were no public comments during the Open Forum.

Chairman Hegarty read the Tuesday, May 3, 2011 Annual Town Meeting Warrant with 24 articles. The warrant required the Board's signature.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to sign the Annual Town Meeting Warrant of May 3, 2011 as previously read.

Public Hearing on the application for transfer of a beer and wine package store license for 85 East Main Street

Applicant Pinakin Patel and Attorney George Asack appeared before the Board. Attorney Asack explained that Mr. Patel has applied for transfer of a beer and wine package store license currently issued to MJS Group, Inc., D/B/A A-1 Market at 85 East Main Street. Attorney Asack explained that Mr. Patel is purchasing the business and the real estate.

Chairman Hegarty read the legal notice. Mr. Rose questioned whether abutters needed to be notified. Chairman Hegarty responded "no" because this is a license transfer and not a new license application.

Chairman Hegarty explained the Town's strict policy with liquor license establishments. There are periodic "sting" operations and every employee must be TIPS or similarly trained. The manager of record, which is Mr. Patel, must be on the premises a minimum of 40 hours per week. Mr. Patel explained that he would be running the business and his wife would also be there.

After some further questioning by the Board, Mr. Rose made a motion to approve the application for transfer of a beer and wine package store license to A-1 Nivniva Corp., D/B/A A-1 Market at 85 East Main Street. Mr. Brady seconded the motion. The motion carried.

Statewide Public Works Municipal Mutual Aid (MGL c. 40, §4K)

Mr. McCue explained there is no cost to the Town to opt-in to the mutual aid agreement, but it does require the Board's vote. This agreement creates a statewide public works municipal mutual aid agreement. Assistance provided under the agreement includes, but is not limited to, services related to public works, personnel, equipment, supplies and facilities to prepare for, prevent, mitigate, respond to and recover from public works incidents.

Mr. Rose made a motion to authorize the Town to “opt-in” to the Statewide Public Works Municipal Mutual Aid Agreement. Mr. Brady seconded the motion. The vote was unanimous.

The U.S. Census Bureau released the 2010 census figures and the Town of Avon is eligible to remain one precinct due to the population being less than 6,200. The Board of Selectmen will need to vote for the Town to remain one precinct. Once approved by the Local Election District Review Commission (LEDRC), the Town would remain one precinct for 10 years.

Mr. Rose made a motion to approve the request for the Town of Avon to remain one precinct. Mr. Brady seconded the motion. All were in favor.

The Old Colony Planning Council (OCPC) is beginning the process of updating the Old Colony Regional Multi-Hazard Pre-Disaster Mitigation Plan. OCPC is now taking steps to form a Multiple Hazard Community Planning Team (MHCPT). To be covered by the Plan, the MHCPT must have one representative from each community.

Mr. Rose made a motion to appoint Fire Chief Spurr or his designee, and Police Chief Phillips or his designee, to the Multiple Hazard Community Planning Team (MHCPT). Mr. Brady seconded the motion. The vote was unanimous.

Fire Chief Robert Spurr requested the Board declare as surplus a 1995 Ford F350 vehicle and would like the vehicle removed from the Fire Department’s inventory.

Mr. Rose questioned whether the vehicle might be used in some other Town department? Mr. McCue stated he would look into the matter.

Mr. Rose made a motion to declare as surplus at this time a 1995 Ford F350, VIN # 2FDKF38F7SCA31593. Mr. Brady seconded the motion. All were in favor.

A resignation letter was received from Finance Committee Secretary Doreen Gouthro. Ms. Gouthro stated she would complete the Annual Town Meeting booklet that is delivered to Town residents.

Mr. Rose made a motion to accept Ms. Gouthro’s resignation from the Finance Committee with regret. Mr. Brady seconded the motion. The motion carried.

A request for gift acceptance was received from the Council on Aging, in the amount of \$20.00. The donation is to be used for postage for the “Love Box” program. Mr. Rose questioned why this request was not on the agenda. Mr. McCue stated the request was received today and given to Chairman Hegarty to be acted upon at the last moment prior to the meeting. He explained the Opening Meeting Law does allow such to be considered.

Chairman Hegarty made a motion to accept the \$20.00 donation to the Council on Aging. Mr. Brady seconded the motion. Mr. Rose abstained from voting on the item. The motion carried.

A request for a temporary sign permit was received from Jordan's Furniture at 100 Stockwell Drive to display promotional banners from May 1, 2011 through October 1, 2011.

Mr. Rose made a motion to approve the temporary sign permit for Jordan's Furniture for the period May 1, 2011 through October 1, 2011. Mr. Brady seconded the motion. All were in favor.

A request for a temporary sign permit was received from Affordable Furniture, Inc. at 75 Stockwell Drive to display a banner and lawn signs to advertise a "Clearance Sale" for the period April 21, 2011 through May 22, 2011.

Mr. Rose made a motion to approve the temporary sign permit for Affordable Furniture, Inc. for the period April 21 through May 22, 2011. Mr. Brady seconded the motion. The motion carried.

A request was received from Avon Fish & Game Association for a one-day special alcohol permit on Saturday, June 11, 2011.

Mr. Rose made a motion to approve the one-day special alcohol permit for Avon Fish & Game Association for a Club Function on June 11, 2011. Mr. Brady seconded the motion. The motion carried.

Avon Baptist Church – Men's Fellowship requested a Flea Market permit on Saturdays only from 7:00 a.m. to 3:00 p.m. beginning Saturday, May 14, 2011 through Saturday, October 29, 2011. As in the past, a request was made to have the permit fee waived.

Mr. Rose made a motion to grant the Flea Market license with fee waiver to the Avon Baptist Church – Men's Fellowship for Saturdays only beginning May 14, 2011 and ending Saturday, October 29, 2011 from 7:00 a.m. to 3:00 p.m. Mr. Brady seconded the motion. The vote was unanimous.

Application for Transfer of a Class I License for One Mack Drive

Mr. Brian Buckley, General Manager of Ballard Mack Sales & Service, Inc, appeared before the Board. Chairman Hegarty read the Legal Notice to the public. Mr. Buckley stated that the hours of operation would remain the same as listed on the application. The company has been in business since 1988 and has service agreements with Volvo Group North American, LLC and Mack Trucks, Inc.

After some additional questioning by the Board, Mr. Rose made a motion to approve transfer of the existing Class I license to Ballard Mack Sales & Service, Inc. at One Mack Drive in Avon. Mr. Brady seconded the motion. All were in favor.

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.

Updates

Chairman Hegarty announced the FY 2012 House Ways and Means budget proposal submitted has the same figures as Governor Patrick's.

At 8:30 p.m. Mr. Rose made a motion to enter Executive Session to discuss a collective bargaining 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
Secretary