

BOARD OF SELECTMEN MEETING
THURSDAY, MAY 12, 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.

Chairman Hegarty called for a moment of silence in memory of John Cawley, who passed away last week. Mr. Cawley served the Town of Avon as a member of the School Committee, as a Selectman and Assessor.

Mr. Rose made a motion to approve the minutes of Thursday, April 28, 2011 (Regular Session) as submitted. Mr. Brady seconded the motion. The motion carried.

Mr. Rose made a motion to approve the minutes of Thursday, April 28, 2011 (Executive Session) as written. Mr. Brady seconded the motion. The vote was unanimous.

Mr. Rose made a motion to approve the minutes of Tuesday, March 29, 2011 (Regular Session) as written. Chairman Hegarty seconded the motion. The motion carried.

Mr. Rose made a motion to accept the minutes of Wednesday, March 16, 2011 (Executive Session) as written. Chairman Hegarty seconded the motion. The vote was unanimous.

There were no public comments during the Open Forum.

Chairman Hegarty discussed setting a date for a debt exclusion election. The Annual Town Meeting of Tuesday, May 3, 2011 voted and passed the replacement of the roof at Butler Elementary school. Town Clerk Jean Kopke recommended the date of Tuesday, June 21, 2011. That date is within 90 days of the May 25th vote of the School Building Authority.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to hold an election for a debt exclusion question on Tuesday, June 21, 2011.

Chairman Hegarty explained the FY '12 budget must be balanced and asked the Board for suggestions on how to resolve the overspending of Town Meeting. Total expenditures came to \$16,934,618 with a deficit of -227,804.

Mr. Rose questioned whether two issues (override and debt exclusion) could be placed on one Special Election ballot? Chairman Hegarty responded that in checking with DOR, both questions can be placed on the ballot. The election can be scheduled no sooner than 45 days from Annual Town Meeting and no later than 90 days. Town Clerk Jean Kopke needs a certain amount of time for the printing of the ballots and programming the voting machines. It would be more cost effective to place both questions on the ballot and hold one election. Chairman Hegarty reported that an election costs the Town roughly \$5000.00.

After some discussion, Mr. Rose stated that he is in favor of putting both questions on the ballot.

Mr. Rose made a motion to hold a Special Election on June 21, 2011 with a debt exclusion question and an override question to be placed on the ballot of June 21, 2011. Mr. Brady seconded the motion. All were in favor.

A resignation letter was received from Daniel Lane, Assistant Assessor for the Town whose last day of work would be Friday, May 20, 2011.

Mr. Rose made a motion to accept Mr. Lane's resignation. Mr. Brady seconded the motion. The motion carried.

Street Opening Permit for 408 East Main Street

A request for a street opening permit was received from Columbia Gas to install gas service at 408 East Main Street. Chairman Hegarty noted that the road cut is on Lambert Drive and not East Main Street, which is a state road.

After some discussion, Mr. Rose made a motion to approve the request for a road opening permit at the above location with the cut on Lambert Drive, with the stipulation that approval must be received in writing from the Water Department. Mr. Brady seconded the motion. All were in favor.

Reserve Fund Transfer Requests

1. Elections—request increase to \$6600.00. An additional \$5000.00 is needed for the Special Election. Town Clerk explained coding expenses have gone up.

Mr. Rose made a motion to recommend the \$6600.00 transfer to the line item "Elections" from the Reserve Fund. Mr. Brady seconded the motion. The motion carried.

2. Town Hall Building—request \$350.00—Salary not budgeted for care of the Town Clock. The balance is now -0-.

Mr. Rose made a motion to recommend transfer of \$350.00 to the “Salary” account from the Reserve Fund. Mr. Brady seconded the motion. All were in favor.

3. Town Hall Building—request for \$6500.00 to cover the cost of utilities for the month of June

Mr. Rose made a motion to table this item until the next meeting since there is a balance remaining in the account. Mr. Brady seconded the motion. The motion carried.

4. Legal—request for \$12,000.00 to cover legal issues surrounding union contracts and litigation where legal expenses have exceeded budgeted amounts. This amount is an estimate to the end of the fiscal year.

Mr. Rose made a motion to table the item until the next Board of Selectmen’s meeting. Mr. Brady seconded the motion. The motion carried.

5. Workers Compensation—request for \$5,000.00. The account is in deficit due to the result of a payroll audit.

Mr. Rose made a motion to recommend transferring from the Reserve Fund \$5000.00 to line item Workers Compensation. Mr. Brady seconded the motion. The motion carried.

6. Liability Insurance—request for \$2000.00 to cover a liability claim deductible.

Mr. Rose made a motion to approve the transfer from the Reserve Fund in the amount of \$2000.00 to line item Liability Insurance. Mr. Brady seconded the motion. All were in favor.

7. Veterans’ Services—request for \$729.10. This amount is requested due to an increase in Veterans’ benefit claims.

Mr. Rose made a motion to approve the recommendation to transfer from the Reserve Fund \$729.10 to line item Veterans’ Benefits. Mr. Brady seconded the motion. The motion carried.

8. Request for Appropriation Transfer between or Within Departments—to be transferred from Police Department Salary to Police Department Expenses in the amount of \$5000.00 to cover the increase in fuel costs.

Mr. Rose made a motion to table the item until the next Board of Selectmen’s meeting since the request requires the Police Chief’s signature. Mr. Brady seconded the motion. The vote was unanimous.

Chairman Hegarty read two proclamations that will be presented to Timothy Zaleski and Daniel Zaleski on May 22nd in recognition of both boys becoming an Eagle Scout. The Board extends best wishes to both boys for continued success.

Building Inspector Robert Borden appeared before the Board to discuss a permit application he designed as required by the recently passed by-law regarding Yard Sales in the Town of Avon. The designed yard sale permit card has a space for signs and one sign is allowed per Yard Sale Permit. The cost of the yard sale permit is \$5.00. Additional temporary signs would cost \$5.00 per sign. The existing temporary sign application would be used for additional temporary signs.

Mr. Borden expressed his concern to the Board that some businesses within the Town are abusing these temporary signs by perpetuating the installations.

After some discussion, the Board agreed that somewhere on the yard sale permit should read “this permit shall be posted in a visible location.”

Chairman Hegarty reported that the Town is waiting for the Attorney General’s notification for approval of the Yard Sale By-Law.

Mr. Borden discussed with the Board time restrictions on temporary sign permits and changeable signs. Chairman Hegarty stated the Board would research the item without being too restrictive.

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.

Town Administrator’s Report

Mr. McCue mentioned that the Norfolk County Sheriff’s Office would again provide staff to help in painting and cleaning some Town Hall areas. Thank you again to Sheriff Bellotti’s office.

Mr. McCue reported that he attended a seminar in Worcester on May 11th designating Avon as a cultural district. Massachusetts cultural grants are available and the Town of Avon may be able to anticipate some funding in the future.

Mr. McCue stated Avon is designated as a “Tree City” and an Arbor Day event was held at the Avon Middle/High School on April 29th. This designation may put the Town in better stead going forward in the future for grants.

Mr. McCue met with Trident Insurance to discuss Risk Avoidance. Mr. McCue will provide the Board with a policy for their review regarding wearing seat belts, no texting, etc. in Town vehicles when driving.

The lease for the T-Mobile cell tower at the Crowley School site should be delivered shortly.

Mr. McCue contacted the Planning Board and is awaiting a response from them to meet with the Board of Selectmen at the May 26th meeting.

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

Exhibits:

- Board of Selectmen Minutes of April 28, 2011
- Board of Selectmen Executive Session Minutes of April 28, 2011
- Board of Selectmen Minutes of March 29, 2011
- Board of Selectmen Executive Session Minutes of March 16, 2011
- Resignation letter from Daniel Lane, dated May 9, 2011
- Columbia Gas Street Opening Permit request for 408 East Main Street, dated April 26, 2011
- May 18, 2011 Memo from Robert Borden regarding Yard Sale Permits and Temporary Signs
- FY '12 Budget and Overage spreadsheet