

**BOARD OF SELECTMEN**

Francis A. Hegarty, Chairman

Steven P. Rose, Clerk

Robert F. Brady, Jr., Associate

Michael McCue, Town Administrator

# Town of Avon Massachusetts

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



**BOARD OF SELECTMEN MEETING  
THURSDAY, APRIL 3, 2014  
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.

Town Counsel Lalli led the meeting in the Pledge of Allegiance.

Chairman Hegarty called for a moment of silence in memory of the two Boston firefighters who perished this week as well as the Plymouth and Fort Hood tragic events where lives were lost.

Mr. Brady made a motion to approve the minutes of Thursday, March 20, 2014 (Regular Session) as submitted. Mr. Rose seconded the motion. The motion carried.

**APPROVAL AND SIGNING OF THE ATM WARRANT OF TUESDAY, MAY 6, 2014**

Chairman Hegarty read and discussed the following May 6, 2014 Annual Town Meeting articles to be voted on:

Article 1 – Reading of the reports and minutes

Article 2 – Salaries of the elected Town Officers for FY '15

Article 3 – Defray the Town Charges for FY '15

Article 4 – Construction, reconstruction and/or improvements to Town roads

Article 5 – Establish a reserve fund for future payment of accrued liabilities for compensated absences

Article 6 – Repayment of Title V Water Pollution Abatement Trust Loan

Article 7 – Repairs and improvements to Town Hall building

Article 8 – Construct parking and entrance and exit roadways at Butler Elementary School

Article 9 – Amend By-Law fund raising registration fee

Article 10 – Purchasing of vehicles for the Department of Public Works  
Article 11 – Purchasing of a dog license program  
Article 12 – Installation of a new telecommunications system in Police/Fire building  
Article 13 – Waived reading – Motion was made by Mr. Rose, seconded by Mr. Brady. The vote was unanimous.  
Article 14 – Payment of 10<sup>th</sup> and final payment of the lease purchase agreement on the Fire Department's Aerial Ladder Truck  
Article 15 – Reimburse insurance companies for overpayments and to pay ALS mutual aid costs  
Article 16 – Training, continuing education and related expenses  
Article 17 – Payment of second of five payments of the lease purchase agreement on the Fire Department's Rescue Pumper Truck  
Article 18 – Waive reading – Motion made by Mr. Rose, seconded by Mr. Brady. The vote was unanimous.  
Article 19 – Strong Fire Chief Law  
Article 20 – Installation of netting on the backstop at Noonan Field  
Article 21 – Waived reading – Motion made by Mr. Rose, seconded by Mr. Brady. The vote was unanimous.  
Article 22 – Amend Town of Avon Zoning By-Laws  
Article 23 – Amend Town of Avon Zoning By-Laws  
Article 24 – Engineering, drainage design and road layout services for Brentwood area  
Article 25 – Improvements to DeMarco Park  
Article 26 – Waived reading – Motion made by Mr. Rose, seconded by Mr. Brady. The vote was unanimous  
Article 27 – Stabilization Account

Mr. Brady made a motion to sign the Annual Town Meeting Warrant of Tuesday, May 6, 2014. Mr. Rose seconded the motion. All were in favor.

#### STATEMENT OF INTEREST—MSBA

School Superintendent Paul A. Zinni is requesting the Board's "Form of Vote" to submit to the MSBA a Statement of Interest (SOI) for the re-design of the Ralph D. Butler Elementary School parking lot.

Mr. Rose made a motion to approve the request to submit to the MSBA a Statement of Interest (SOI). Mr. Brady seconded the motion. All were in favor.

Mr. Rose read the "Form of Vote" to the MSBA as follows:

*"Having convened in an open meeting on April 3, 2014, prior to the closing date, the Avon Board of Selectmen, in accordance with its charter, by-laws and ordinances has voted to authorize the Superintendent to submit to the Massachusetts School Building Authority the Statement of Interest, dated on or before April 11, 2014, for the Ralph D. Butler Elementary School, located at Patrick Clark Drive, Avon, Massachusetts, which describes and explains the following deficiencies and the priority category(s) for which an application may be submitted to the Massachusetts School Building Authority in the future—Priority #1 "Replacement or*

*renovation of a building which is structurally unsound or otherwise in a condition seriously jeopardizing the health and safety of school children, where no alternative exists." For the re-design of the parking lot at Ralph D. Butler Elementary School, and hereby further specifically acknowledges that by submitting this Statement of Interest Form, the Massachusetts School Building Authority in no way guarantees the acceptance or the approval of an application, the awarding of a grant or any other funding commitment from the Massachusetts School Building Authority, or commits the Town of Avon to filing an application for funding with the Massachusetts School Building Authority."*

Mr. Rose made a motion to approve the Form of Vote as read. Mr. Brady seconded the motion. Motion passed 3-0. April 3, 2014.

A request was received from Sally Theil, Candidate for Town Clerk, for the Board's permission to display political signs for her campaign.

Mr. Rose made a motion to grant permission for Sally Theil to display political signs prior to the Annual Town Election. Mr. Brady seconded the motion. The motion carried.

On a motion made by Mr. Brady, seconded by Mr. Rose, it was unanimously voted to accept, with regret, the resignation of Bill Salter, COA Van Driver, effective April 18, 2014.

A request for a temporary sign permit was received from Technology Management Corp. at 69 Memorial Drive to display four (4) vinyl banners from March 24<sup>th</sup> through April 24<sup>th</sup>.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to approve a temporary sign permit for Technology Management Corp. advertising the services of the company from March 24<sup>th</sup> to April 24<sup>th</sup>.

#### BROCKTON/AVON TASK FORCE

The Board agreed to send a letter to the Mayor of Brockton to request the towns join together on ways to work to improve D.W. Field Park.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to set up a Task Force for Avon and Brockton to improve D.W. Field Park.

#### ADMINISTRATIVE ASSISTANT I

Mr. Rose made a motion to appoint Shanna Faro to the position of Administrative Assistant I at Grade OAL 2, Step 1, at a salary of \$16.21 an hour, contingent upon successful fulfillment of the Town of Avon hiring policies. Mr. Brady seconded the motion. The motion carried.

### COA OUTREACH COORDINATOR

On a motion made by Mr. Brady, seconded by Mr. Rose, it was unanimously voted to appoint Louise Hardiman to the position of COA Outreach Coordinator at a salary of \$17.00 per hour, contingent upon successful fulfillment of Town of Avon hiring policies.

### PART TIME CLERK

Mr. Brady made a motion to appoint Mary Ann Diamond to the position of part-time basic Board secretary at Grade F6, Step 1 at a salary of \$12.51 per hour, contingent upon successful fulfillment of the Town of Avon hiring policies. Mr. Rose seconded the motion. The vote was unanimous.

Mr. Rose made a motion to approve a Flea Market Permit for 2014 for Avon Baptist Church—Men's Fellowship beginning May 10<sup>th</sup> for Saturdays only from 7:00 a.m. to 3:00 p.m., ending on October 25<sup>th</sup> and the permit fee waived. Mr. Brady seconded the motion. The motion carried.

Chairman Hegarty announced the Compost Site would open for the season on Wednesday, April 16<sup>th</sup> from 10:00 a.m. to 3:00 p.m.

Mr. Camille Najjar, property owner at 94 Gill Street in Avon, appeared before the Board. Mr. Najjar complained of an ongoing septic system problem at that address. Mr. Najjar rents to others at that address. He and his family live on Nichols Ave. in Avon.

Chairman Hegarty referred the matter to Town Administrator McCue. He asked Mr. McCue to meet with Tara Tradd, the Board of Health Agent, to look into the complaint and report back to the Board.

Mr. McCue reported the Town was awarded a \$25,000 grant from Mass DEP towards two (2) electric vehicles and a charging station. Mr. McCue reported it gives the Town of Avon the option of taking advantage of this grant through the end of the year. If the Town decides not to use the grant money, then it must be returned and would be awarded to someone else.

On a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to accept the \$25,000 grant awarded the Town of Avon.

On a motion made by Mr. Brady, seconded by Mr. Rose, it was unanimously voted to approve all vouchers for the payment of bills as submitted.

### TOWN COUNSEL REPORT—SETTLEMENT WITH CITY OF BROCKTON

Town Counsel Lalli reported on a recent meeting he attended with Chairman Hegarty at Brockton City Hall. The purpose of the meeting was to review the "First Draft Deed" and go over the Conservation restrictions on the deed. Chairman Hegarty was asked "what would you accept for restrictions"? Chairman Hegarty replied "none."

Town Counsel Lalli discussed two (2) parcels of land owned by Brockton that we have water rights to. The Town of Avon would notify the City of Brockton if something was going to take place on those parcels of land.

Town Counsel Lalli reported a draft of notification language should be here by next week. Chairman Hegarty reported we should go back to the original agreement. He is confident that it would be resolved in the next week. Chairman Hegarty stated we have done more to protect the reservoir than the City of Brockton has.

Town Counsel Lalli will get back to the Board.

### ANNOUNCEMENTS

Chairman Hegarty announced on Saturday, May 10, 2014 the Town of Avon is hosting a Town Wide Clean Up Day. Avon residents of all ages are invited to take part in this community building event. We will meet at Town Hall parking lot at 8:00 a.m. and depart from there. Gloves and bags will be provided. Following the event, participants are welcome back to the Town Hall for a celebration picnic. Please contact Tara Tradd at the Avon Board of Health if you would like to participate.

On April 17<sup>th</sup> the Council on Aging's Easter luncheon will be held. Please R.S.V.P. on or before April 10<sup>th</sup>.

### TOWN ADMINISTRATOR'S REPORT

Mr. McCue reported that the Board of Selectmen approved payment to DERO Bike Rack Company for the bicycle racks delivered. \$2100.00 will be reimbursed through the Old Colony Planning Council's Bicycle Rack Reimbursement Program.

Mr. McCue stated that he has received no response to the RFP submitted for a cell tower at the Crowley School site. What is the Board's pleasure? Does the Board want Mr. McCue to re-advertise this? Mr. McCue asked the Board to get back to him with a response.

Mr. McCue announced a letter was sent to Mass Highway and MassDOT regarding the Board's concerns on Harrison Blvd. The letter was also sent to our three State representatives and Avon's representatives. Chairman Hegarty added that if we do not hear back by Wednesday of next week, Mr. McCue will send another letter via Certified Mail, Return Receipt Requested in both locations. Mr. Brady added that he met with Representative Galvin who reported the state has nothing set forth for Harrison Blvd. Mr. Rose added we need support from OCPC and a copy of the letter should be forwarded to our OCPC representative.

At 8:30 p.m., with all business completed, Mr. Brady made a motion to adjourn. Mr. Rose seconded the motion. All were in favor.

Respectfully submitted,

*Miriam Rothstein*

Miriam Rothstein  
Secretary