

BOARD OF SELECTMEN MEETING  
THURSDAY, JUNE 2, 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.

Mr. Rose made a motion to accept the minutes of Thursday, May 26, 2011 (Regular Session) as written. Mr. Brady seconded the motion. The motion carried.

Mr. Rose made a motion to approve the minutes of Thursday, May 26, 2011 (Executive Session) as submitted. Mr. Brady seconded the motion. All were in favor.

There were no public comments during the Open Forum.

**Approval of Seatbelt and Texting Policy**

The Board discussed approval of a Seatbelt, Helmet and Texting Policy. Mr. Rose questioned the exclusion of certain pieces of equipment, such as a Blackberry and 2-way radios? Mr. Rose also noted that there is no action or guideline for violations in the policy. Town Administrator McCue explained the Town needs to take such steps to protect the Town regarding risk avoidance policies. Mr. Rose stated he is in favor of this new policy but our hands are bound if we cannot take any action or penalties. Mr. McCue stated it is necessary to have such a policy in place. Chairman Hegarty reported that all collective bargaining agreements are open and such language regarding this policy must be added. Mr. McCue stated that it is Labor Counsel's opinion to remove or take out any restraints. He is of the opinion that penalties should be withdrawn and will be negotiated as part of the collective bargaining agreements. Mr. McCue stated that it makes common sense for all employees to be adhering to this policy. Mr. Rose asked if the policy could be approved and revisited in a certain time frame. Chairman Hegarty

suggested 180 days for review. Chairman Hegarty also reminded Mr. McCue to make the School Committee aware of this policy.

After further discussion, Mr. Rose made a motion to approve the Seatbelt, Helmet and Texting Policy with the stipulation that the policy is reviewed in 180 days and at that time penalties can be added. Mr. Brady seconded the motion. The motion carried.

A request for one-day special alcohol permits was received from Avon Fish & Game Association for July 23, 2011 and September 17, 2011.

Mr. Brady made a motion to approve the request for a one-day special alcohol permit for July 23, 2011. Mr. Rose seconded the motion with discussion.

Mr. Rose referred to an advisory received from the ABCC which stated: “when granting one-day licenses, local licensing authorities should consider issuing the license for three or four days to allow for proper delivery, storage and disposal of all alcoholic beverages purchased. This extension will ensure that one-day licensees comply with all storage requirements under MGL Chapter 138.”

Chairman Hegarty suggested allowing a 96 hour window for licensees to purchase and return any unsold alcohol.

It was unanimously voted to amend Mr. Brady’s motion as follows: “to approve one-day special alcohol permits for July 23, 2011 (valid 7/22 to 7/25/11) and September 17, 2011 (valid 9/16 to 9/19/11) with a three day window of time for delivery and disposal of alcohol.”

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 reported that he signed a 24 month agreement with Constellation Energy for a fixed contract for natural gas. Constellation is also our provider of electricity. This agreement will achieve a 30% savings to the Town going forward with Constellation.

Mr. McCue spoke with the Inspector General’s office regarding a grant from DCS to install solar panels on municipal buildings in the Town. Mr. McCue researched this further and came to find out that there is a process to go through and this project may not go forward with DCS. The installation of solar panels is put on hold for the current time. Mr. McCue will continue to monitor the situation and report back to the Board.

At 8:05 p.m., on a motion made by Mr. Rose, seconded by Mr. Brady, it was unanimously voted to call for a brief recess.

At 8:20 p.m. the Board reconvened.

At 8:20 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 will reconvene in Open Session.

At 8:55 p.m. on a roll call vote, the Board voted to exit Executive Session and reconvene in Open Session.

Mr. Rose voted aye  
Mr. Brady voted aye  
Chairman Hegarty voted aye

At 9:00 p.m. the Board reconvened in Open Session.

Chairman Hegarty announced there are vacancies on many Boards and Commissions and the Board is looking for volunteers to serve on the Conservation Commission, By-Law Committee, Personnel Board and the Zoning Board of Appeals.

At 9:05 p.m. Planning Board members Matt Curley, Robert Pillarella, Dolores Daigle and Chuck Comeau appeared before the Board to discuss the amount of unaccepted streets, partially accepted streets, etc. in Avon and a strategy to deal with their upkeep going forward, particularly in the Industrial Park.

Mr. Comeau reported there are 2 businesses in the Industrial Park who would like to meet with the Board of Selectmen to discuss repair work in their area (where Waste Management is located) so that further damage to the road is limited.

Chairman Hegarty reported that the Town has done maintenance on unaccepted roads in the Industrial Park where roads take abuse from the heavy weight of vehicles passing through. Mr. Rose stated that there are other areas of Town with unaccepted streets in poor condition.

Mr. Pillarella suggested getting a list of streets causing concern.

Chairman Hegarty stated a new street listing has been published but that is only for residential streets and not industrial. Town Clerk Jean Kopke would have the information on streets that are accepted/ not accepted. It would be a project but something that is necessary to begin researching. Chairman Hegarty mentioned that we could possibly get State aid for the accepted streets.

Mr. Curley mentioned Anisa Lane and asked if we can use the existing paving contract or go out to bid? Mr. Rose replied we need to draw up a “Scope of Work” that needs to be done.

The Board directed Mr. McCue to provide the Planning Board with a copy of the open road work contract for a cost analysis.

The Board agreed to set up another meeting with the Planning Board their first scheduled meeting in July.

At 9:20 p.m. Mr. Rose made a motion to re-enter Executive Session to discuss strategy with respect to collective bargaining. 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