

BOARD OF SELECTMEN
Steven P. Rose, Chairman
Eric S. Beckerman, Clerk
Jason L. Suzor, Associate

Gregory S. Enos
TOWN ADMINISTRATOR

Town of Avon Massachusetts

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TOWN OF AVON
2021 MAR 19 P 12:03
TOWN CLERK

BOARD OF SELECTMEN
THURSDAY, MARCH 4, 2021
6:30 P.M.

Members Present: Steven P. Rose, Chairman
Eric S. Beckerman, Clerk (via videoconference)
Jason L. Suzor, Associate (via videoconference)

Others Present: Gregory S. Enos, Town Administrator
Shanna M. Faro, Executive Assistant (via videoconference)
Joseph S. Lalli, Esq., Town Counsel (via videoconference)
Fire Chief Robert Spurr (via videoconference)
Kathleen Waldron, Health Agent (via videoconference)
Patricia Bessette, Town Clerk (via videoconference)
Warren Bruce Lane, Avon Civic Association (via videoconference)
Linda Chute, Avon Civic Association (via videoconference)
David Frenette, Esq., Frenette & Associates, P.C. (via videoconference)
Terry L. Edwards, T.L. Edwards, Inc. (via videoconference)

Chairman Rose announced that pursuant to Governor Baker's March 12, 2020 Order suspending certain provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, this meeting of the Board of Selectmen is being conducted via remote participation. No in-person attendance of members of the public was permitted, but every effort was made to ensure that the public can adequately access the proceedings as provided for in the Order. Chairman Rose reminded the viewing audience that persons who would like to view this meeting while in progress may do so by watching local cable on Channel 9 or joining the Zoom link for the videoconference. Links to watch the recorded meeting will be available on the Avon Cable Access website www.avontv.org.

Chairman Rose called the meeting to order at 6:30 p.m. with all members present. Chairman Rose was present in the Mary McDermott meeting room, while Mr. Beckerman and Mr. Suzor were present through the videoconference Zoom. Each Board member acknowledged their presence at the meeting by responding in the affirmative during the roll call. In addition, all anticipated speakers acknowledged their presence by responding in the affirmative when Chairman Rose called their names.

Mr. Lane led the meeting in the Pledge of Allegiance.

Moment of Silence for Bernie Baher

Chairman Rose requested a Moment of Silence for long-time Avon resident Bernard "Bernie" Baher. Bernie passed away at the age of 100 on March 1, 2021. Bernie was a lifelong supporter of the Town of

Avon and the Blue Hills Regional Technical School. Bernie served on the original Fire and Police Station Building Committee and carved the eagle which is displayed on the front of the William T. Wheeler Public Safety Building. Bernie was instrumental in gilding the weathervane which will rest on top of the cupola once the renovation project is completed at the Fire Station. Bernie was also the Town's Election Warden from 1987 until his resignation in 2015. Bernie served on the Blue Hills Regional Technical School's District School Committee representing the Town of Avon for 22 years from 1965 through 1986. After retiring from the School Committee, Bernie was a volunteer at the school in several capacities for the next 20 years, including volunteering in the engineering program, working on different school projects, and helping to put together and serve on the Blue Hills Foundation. Bernie was a generous and caring man who enjoyed giving back to his community and will be missed.

Public Participation

None

Meeting Minutes

Mr. Beckerman made a motion to accept the meeting minutes of February 18, 2021 (Regular Session) as written. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Mr. Beckerman made a motion to accept the meeting minutes of February 20, 2021 (Workshop Session) as written. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

UNFINISHED BUSINESS

COVID-19 Updates & Update on Town Offices Opening Plan

Ms. Waldron informed the Board that Avon has had a total of 19 positive coronavirus cases over the past two weeks in a continued downward trend which puts Avon in the yellow zone for a lower risk community for a third consecutive week. Ms. Waldron stated that pursuant to Governor Baker's March 1, 2021 Order, the State is now in Step Two, Phase Three of the Reopening Plan which will allow larger venues to be open at a 50% capacity such as the Town's trampoline park. Ms. Waldron stated that the 40% occupancy for restaurants has now been lifted with the stipulation that tables remain six feet apart. Ms. Waldron informed the Board that the mask mandate and travel advisories are still in effect. Ms. Waldron stated that she is still working in conjunction with the Town of Randolph in holding vaccination clinics. Chief Spurr stated that although it was difficult, he was pleased to report that he and Ms. Waldron were able to secure enough second dose vaccines for the seventy seniors aged 75 or older who attended the February vaccination clinic at Town Hall for their first dosage. The Board thanked Chief Spurr and Ms. Waldron for their diligent efforts during the entire pandemic and for their assistance with the vaccination clinics.

Mr. Enos informed the Board that he is preparing for the reopening of Town Offices to the public. He met with Chief Spurr and Ms. Waldron this week to discuss reopening Town Hall, the Avon Public Library and perhaps resuming some activities at the Council on Aging. Mr. Enos stated that although he was not quite ready for reopening, he will provide recommendations at the March 18, 2021 meeting of the Board. Mr. Enos stated that his primary concerns include meals or snacks at the Council on Aging, as well as spacing issues for Park & Recreation activities at the Civic Center. Chairman Rose requested that Mr. Enos provide several options and recommendations for the Board at their next meeting to review and consider.

NEW BUSINESS

Intermunicipal Agreement Between Avon, Brockton, and Applicant

Mr. Frenette introduced himself as the attorney representing Terry Edwards of T.L. Edwards, Inc. on the matter of an Intermunicipal Agreement between the Town of Avon and the City of Brockton. Mr. Frenette stated that his client owns property on Reservoir Street located off Central Street in Avon and bordering the City of Brockton. Mr. Frenette stated that Mr. Edwards intends to build an apartment complex at that location consisting of four buildings for a total of 104 units. Mr. Frenette stated that Mr. Edwards cannot proceed without obtaining sewer and water service for this project. Mr. Frenette stated that since Avon does not have a wastewater or sewer system within its boundaries, the intent is for T.L. Edwards and the Town of Avon to enter into an Intermunicipal Agreement with the City of Brockton for water service and sewer. Mr. Frenette stated that the billing, processing and collection of anticipated water and sewer flow will be assessed pursuant to Mass General Laws Chapter 40, Section 42A et seq., and Mass General Laws, Chapter 83, Section 15 et seq. regulating the assessment, method of calculation and ability to lien and fine for non-payment. Mr. Frenette stated that the agreement will allow for the usage of 100,000 gallons of water a day for 30 days. Mr. Frenette stated that his client does not anticipate using more than 40,000 gallons a day based on the number of units he intends to build. Mr. Frenette stated that his client will pay the penalty should the water usage exceed the maximum capacity allowed pursuant to the agreement. Mr. Frenette stated that other terms of the Intermunicipal Agreement include that T.L. Edwards will reimburse the Town of Avon for any and all fees, charges, penalties and late chargers connected with the Intermunicipal Agreement and the City of Brockton including work to the infrastructure that services the property owned by T.L. Edwards. Mr. Frenette stated that any and all bills from the City of Brockton connected to the Intermunicipal Agreement will be sent and handled by the Town of Avon's Department of Public Works Director. Mr. Frenette stated that any and all fees or charges billed to T.L. Edwards from Avon will be paid by T.L. Edwards within 20 days of receipt. Furthermore, T.L. Edwards will be responsible for paying any and all expenses that may arise in relation to the maintenance, repair, or replacement of the flow meter. Another term of the agreement is that T.L. Edwards gives the Town of Avon the right to lien the subject property for any non-payment of any and all fees and charges related to the Waste/Wastewater Intermunicipal Agreement pursuant to Massachusetts General Laws.

Mr. Frenette informed the Board that in addition to main Intermunicipal Agreement, he has also included a Declaration of Covenants, Conditions and Restrictions which include stipulations that the developer of this project will agree to maintain the sewer pipe and water line within the property line in good operating condition; prevent entry of any sewage from any source outside of the property line into the sewer line; prevent the entry of stormwater or groundwater into the sewer and water lines; to pay for the calibration of the flow meter two times annually; to reimburse the Town of Avon for any and all fees connected to the Water/Wastewater Intermunicipal Agreement including work performed by the City of Brockton to main the infrastructure; to pay all fees and charges to the Town of Avon Department of Public Works; and finally to comply with all ordinances, rules and regulations of the City of Brockton regarding the connection and operation of sanitary sewer and water lines, including the inspection of the connection to each unit to the sewer and water lines.

Mr. Frenette informed the Board that he reviewed the Intermunicipal Agreement and Covenants dated January 22, 2021 and asked if there were any questions regarding the terms of this agreement. Mr. Suzor informed the Board that he has filed a Notice of Disclosure with the Town Clerk regarding this matter. Mr. Lalli recommended that the Intermunicipal Agreement contain three signature lines for each member of the Board to sign accordingly. Mr. Lalli also recommended an administrative fee for the quarterly tax bills. Chairman Rose requested the attorneys negotiate an appropriate fee. The Board agreed with Mr. Lalli's recommendations and requested that Mr. Frenette update the Intermunicipal Agreement with these

revisions. Mr. Frenette stated that the terms of the Intermunicipal Agreement have been agreed to by the City of Brockton and is ready for approval by the Town of Avon's Board of Selectmen. Chairman Rose clarified should the Board approve the Intermunicipal Agreement, this project is still subject to approval by the Planning Board. Mr. Beckerman made a motion to approve the Intermunicipal Agreement as outlined by Mr. Frenette. Mr. Suzor seconded the motion. Mr. Beckerman requested to amend the motion to approve the Intermunicipal Agreement and Declaration of Covenants, Conditions, and Restrictions for the Water/Wastewater Agreement between the City of Brockton, Town of Avon and T.L. Edwards, Inc. subject final approval of the Board with the revisions as discussed. Mr. Suzor seconded the amended motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Police Department Request for 411 Tip App

Mr. Enos informed the Board that Chief Bukunt has requested to purchase a subscription to "Tip411", which is an app that allows the Police Department to engage the public with information, as well as to gather and cultivate information from the proactive citizens and store the data in a searchable database. Chief Bukunt stated that tips not only aid in the clearance of a crime, but also prevent crime and drive down investigative costs. Mr. Enos informed the Board that the Town of Randolph uses the Tip411 app and recommends it. Mr. Enos stated that an internal policy would be created for this app in conjunction with the Town's existing Social Media policy and Code Red policy. Mr. Beckerman made a motion to approve the subscription to the Tip411 app. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Request from DPW to Surplus Items

Mr. Enos received a request from Assistant DPW Director Brian Martin to surplus 40 old street signs posts that were damaged, and 30 D-Ring style catch basin frames and grates that are no longer used. Mr. Martin stated that upon approval, the discarded items would be scrapped to a metal recycling company. Mr. Beckerman made a motion to declare the items listed as surplus items. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Town Hall HVAC Update

Mr. Enos reminded the Board that the article for new HVACs for Town Offices was approved at the Special Town Meeting of February 20, 2021. Mr. Enos informed the Board that he received three quotes from companies approved and listed on the state's website. Mr. Enos stated that the lowest quote was from SS Service Corp. in the amount of \$71,050. Mr. Enos recommended SS Service Corp. to purchase new HVACs for Town Hall and requested authority to allow the Town Administrator to sign the contract. Mr. Beckerman made a motion to approve SS Service Corp. and allow the Town Administrator to sign the contract. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Snow & Ice Deficit

Mr. Enos informed the Board that the Snow & Ice account is currently in deficit. He stated that recent changes in the Municipal Modernization Act allow for deficit spending in this account with funding taken from other accounts or free cash. Mr. Enos stated that an article could be placed on the Annual Town Meeting for the deficit, so it does not have to be placed on the Recapitulation Sheet. Mr. Enos stated that the Snow & Ice account is currently \$73,000 over budget. Chairman Rose requested that the Town Administrator provide an update on the account balance at every Selectmen's meeting going forward.

Avon Civic Association – Spring Program at DeMarco Park

Mr. Lane informed the Board that the Avon Civic Association would like to hold a spring event at DeMarco Park. Mr. Lane stated that the Association has obtained some heavy cardboard material which would be distributed to interested parties to construct spring-themed objects such as flowers, butterflies, birds, frogs, baseballs, etc. to design, decorate, and place on display at DeMarco Park. This event would be similar to the fall themed scarecrow event in which residents made scarecrows for a contest and prize. Ms. Chute stated that there would be no crowd gatherings for this event, you can peruse the decorations at your leisure. Ms. Chute stated that she has consulted Health Agent Kathleen Waldron who has no issues with this event as proposed. Mr. Beckerman made a motion to approve a Spring Program at DeMarco Park. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Retirement Announcement of Full-Time Firefighter

Chairman Rose read the retirement letter of Kevin Foster effective February 19, 2022. Chief Spurr stated that Captain Foster has already begun training and imparting his vast knowledge to the team prior to his departure. The Board thanked Captain Foster for his 45 years of service to the Town of Avon.

Polling Hour Request for Annual Town Election

Ms. Bessette requested permission from the Board to shorten the poll hours for the Annual Town Election on April 13, 2021 as there are no contested races and the coronavirus pandemic is still ongoing. Ms. Bessette proposed polling hours between 12:00 p.m. to 6:00 p.m. Ms. Bessette stated that she is still waiting to hear from the state as to whether early voting by mail will extend beyond March 31, 2021. Mr. Beckerman made a motion to approve the shortened polling hours of 12:00 p.m. to 6:00 p.m. for the Annual Town Election on April 13, 2021. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Town Budget/Warrant Workshop Discussion

Mr. Enos informed the Board that the budget is almost finalized, and articles have been submitted for the Annual Town Meeting Warrant. Mr. Enos proposed a Workshop Meeting on March 16, 2021 to review all proposed articles on the Warrant. The Board approved the date of the Workshop Meeting. Mr. Beckerman made a motion to open the Annual Town Meeting Warrant this evening and to close the Warrant on March 16, 2021. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Town Administrator's Report

Mr. Enos was pleased to report that according to the Division of Local Services, 10 out of 322 towns that have submitted their reports to DLS have seen a tax decrease of \$100 or more and Avon is one of those communities with a substantial decrease.

Mr. Enos stated that he has reached out to a consultant to help with the assessment of Town Offices and whether it is financially feasible to repair the building or make a request for a new building. Mr. Enos stated that the consultant's fees would be \$2,200. Mr. Beckerman made a motion to approve the consultant for an assessment of Town Offices. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Mr. Enos presented the Board with a contract from CC-Teknologies, Inc. in the amount of \$8,400 for a cloud-based phone system for the Town. Mr. Enos stated that the contract includes disaster recovery solutions such as automated attendants, calls can be routed to cell phones, voicemails to e-mail, redundant internet, and phone backup. Mr. Enos informed the Board that CC-Teknologies, Inc. is on the state list. Mr. Beckerman made a motion to approve the CC-Teknologies, Inc. contract for a cloud-based phone system. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Adjournment

At 8:25 p.m., Chairman Rose requested the Board make a motion to adjourn the Regular Session and to convene in Executive Session for the review and approval of executive session minutes to comply with, or act under the authority of, any general or special law or federal grant-in-aid requirements – and more specifically the Open Meeting Law, G.L. Chapter 30A, Sections 22(f) and (g) and to discuss strategy with respect to collective bargaining (AFSCME, Police, Fire) as an open meeting may have a detrimental effect on the government's bargaining or litigating position. The Board will reconvene in open session for the sole purpose of adjournment. Mr. Beckerman made a motion to adjourn the Regular Session and to convene in Executive Session. Mr. Suzor seconded the motion. A roll call vote was taken. Mr. Beckerman voted aye. Mr. Suzor voted aye. Chairman Rose voted aye. The motion carried.

Respectfully submitted,



Shanna M. Faro
Executive Assistant to the Town Administrator

LIST OF DOCUMENTS

1. March 4, 2021 Meeting Agenda
2. February 18, 2021 Meeting Minutes
3. February 20, 2021 Meeting Minutes
4. Memo from Chief Bukunt re: Tip411 app
5. Surplus items list from Assistant DPW Director
6. HVAC Town Offices Quotes
7. E-mail from Paul Chute to Greg Enos dated 02/26/21 re: Spring Program at DeMarco Park
8. Request from Town Clerk to shorten polling hours
9. Retirement letter of Kevin Foster
10. CC-Teknologies Contract