

**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 DEC 17 A 9:25  
TOWN CLERK

**BOARD OF SELECTMEN**  
**THURSDAY, DECEMBER 2, 2021**  
**6:30 P.M.**

**Members Present:** Steven P. Rose, Chairman  
Jason L. Suzor, Associate

**Others Present:** Gregory S. Enos, Town Administrator  
Shanna M. Faro, Executive Assistant  
Joseph S. Lalli, Esq., Town Counsel  
Fire Chief Robert Spurr  
Kathleen Waldron, Health Agent  
Francis T. Crimmins, Jr., Esq., Ab Initio Elder Law Solutions, LLC  
Steve Reilly, General Counsel, Insa  
Katherine Feodoroff, Mead, Talerman, and Costa, LLC

Chairman Rose called the meeting to order at 6:30 p.m. Selectman Beckerman was absent from the meeting. He announced that this meeting of the Board of Selectmen is being conducted via a hybrid method. The public may attend the Selectmen meetings in-person or may continue to participate via remote Zoom access. Until further notice, in-person attendees, who are not vaccinated, will be recommended to wear a mask. Chairman Rose reminded the viewing audience that people 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](http://www.avontv.org).

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

**Public Participation**

None

**Meeting Minutes**

Mr. Suzor made a motion to accept the meeting minutes of November 18, 2021 (Regular Session) as written. Chairman Rose seconded the motion. The motion carried.

## **UNFINISHED BUSINESS**

### **COVID-19 Updates**

Ms. Waldron informed the Board that the number of positive cases has increased from 5, (*as of November 4, 2021*), to 28 cases as of today. Ms. Waldron stated that the uptick was to be expected due to people gathering for the holiday. Ms. Waldron stated that the numbers will continue to rise this winter as last year the state was still in semi-lockdown and less people were out. Ms. Waldron encouraged all citizens to get vaccinated, wear masks, and social distance to stop the spread of the virus. Ms. Waldron informed the Board that .05% of patients who are vaccinated need to be hospitalized and only .01% of vaccinated patients die from the disease, therefore, vaccines do work in minimizing the severity of the illness. Ms. Waldron stated that vaccines are available at Walmart and the Intergenerational Center in Randolph, although there is approximately a 4–5-day backup due to high demand. Ms. Waldron stated that the Board of Health is working on scheduling a booster clinic at Fellowship Circle. Chief Spurr agreed with Ms. Waldron that vaccines are working on lessening the severity of the symptoms with only 35% of COVID-19 patients hospitalized statewide. Chief Spurr stated that pursuant to the state's requirement, masks are worn all the time in the ambulance. Chief Spurr informed the Board that the Avon Fire Department is well equipped to respond to COVID-19 patients as they have stocked up on PPE in preparation for the winter months.

### **Update on Town Opening Plan**

Mr. Enos informed the Board that he will be sending an e-mail to employees next week to remind them that due to the increase in COVID-19 cases, staff will be encouraged to use the glass partition windows when assisting patrons. In addition, meetings should be held in the two large conference rooms on both ends of the building to allow for appropriate social distancing. Mr. Enos stated he is also going to recommend that DPW employees maintain in their own vehicles and do not ride together in the same vehicle.

## **NEW BUSINESS**

### **Medical Marijuana Facility**

Mr. Reilly, Mr. Crimmins, and Ms. Feodoroff approached the Board to participate in the Medical Marijuana Facility update and discussion on the proposed Stockwell Drive location. Mr. Reilly requested an update on the status of the Host Community Agreement ("HCA"). Mr. Reilly stated that there have been several drafts circulating between him and Ms. Feodoroff. Mr. Reilly informed the Board that the one sticking point that is delaying the process is the Town's provision in the draft contract in which the language stipulates that if Insa does not meet its projected sales figures, the Town would have the right to rescind their license and cease operations. Mr. Reilly stated that Insa intends to invest a lot of time and money into renovating the building on Stockwell Drive and is apprehensive about that language remaining into the HCA. Mr. Reilly stated that Insa is projecting between \$5 to \$6 million in sales based on the numbers of their Springfield medical marijuana facility. Mr. Reilly informed the Board that Insa is confident in those numbers. Ms. Feodoroff informed the Board that she has been in communication with Mr. Reilly and was sure to incorporate the Board's comments and concerns into the draft HCA. Ms. Feodoroff informed the Board that it is difficult for a business to project an exact sales figure. She was not aware of many businesses that would agree to that provision in the agreement. Ms. Feodoroff asked the Board if they would consider removing that stipulation from the HCA.

Mr. Suzor read a letter from the Avon Coalition for Everyone's Success ("ACES") into the record. ACES expressed their concern regarding the Town allowing a medical marijuana facility into Town by



virtue of a Host Community Agreement. In their letter, ACES stated that although there may be some initial financial gain by means of the Town receiving 3% of gross sales for five years, there does not seem to be any profit beyond that time. In addition, a recent study from the Centennial Institute of Colorado claims that for every \$1.00 of taxes gained from marijuana, \$4.50 is spent to mitigate the effects of legalizing the substance. ACES stated that in addition, marijuana is both addictive and harmful to the human brain, especially when used as an adolescent. ACES also stated in their letter that there is no difference between the products sold in a medical marijuana facility versus a recreational facility. Studies also show that people ages 18-25 use marijuana the most. Finally, ACES implored the Board to consider all aspects of the community before deciding to enter into an agreement with a medical marijuana business.

Mr. Reilly countered by saying although he had not had a chance to review the letter prior to tonight's meeting, many medical marijuana facilities have a perceived detrimental impact, however, the reality is quite different with most facilities having no negative impact at all. Mr. Reilly encouraged the Board to do their due diligence and speak with other communities with Host Community Agreements and have medical marijuana facilities in their towns. Mr. Reilly invited the Board to visit Insa's Springfield location. Finally, Mr. Reilly stated that there are provisions in the HCA to mitigate and offset any negative impact. Ms. Feodoroff stated that she had not had a chance to review the ACES' letter previously either. However, she did state that she felt some of the issues related to recreational and medicinal may have been compacted in the letter. She did agree that marijuana usage would have a negative impact on young adults, especially those under the age of eighteen.

In conclusion, Ms. Feodoroff informed the Board that the draft Host Community Agreement contains all provisions as they requested including that the term of the agreement will be for five years, a traffic study is to be completed prior to the building opening, the community impact fees will be 3% of gross sales, and new HCA will need to be renegotiated upon the expiration of the five-year term. Mr. Suzor informed Chairman Rose that he would be willing to remove the stipulation regarding the language that the projected sales must be met or the HCA would be revoked. Chairman Rose agreed with Mr. Suzor and requested Ms. Feodoroff remove that stipulation from the contract. Chairman Rose stated that all other provisions as requested by the Board must remain in the Host Community Agreement. Chairman Rose informed Ms. Feodoroff that he did not want the Board to vote on the Host Community Agreement tonight as Selectman Beckerman was absent from the meeting. Chairman Rose gave Ms. Feodoroff permission to amend the draft HCA based on tonight's meeting and produce a final copy of the agreement for the Board to officially vote on at the meeting of December 16, 2021. All parties agreed to return at the next meeting of the Board for an official decision on this matter.

### **Annual License Renewals**

#### **Alcoholic Beverages Licenses**

Mr. Suzor made a motion to approve the renewal of the following Alcoholic Beverages licenses for 2022:

<b>Business Name</b>	<b>Address</b>	<b>Manager</b>	<b>Type of License</b>
Shooters, Inc.	36 East Main Street	Linda D. Lewis Martin	All Alcohol – Restaurant
A-1 Nivniva Corp. d/b/a A-1 Market, Inc.	85 East Main Street	Pinakin Patel	Beer & Wine – Package Store
Big Jim's Liquors, Inc.	155 East Main Street	Donald Hung Dong	All Alcohol- Package Store
Costco Atlantic Liquors, Inc. d/b/a Costco Liquors	120 Stockwell Drive	John Stather	All Alcohol – Package Store
Avon Food Mart, Inc.	17 North Main Street	George Elias	Beer & Wine – Package Store

CCDD LLC d/b/a SIPS	490 West Main Street	Jessica Becker	Beer & Wine – Package Store
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Chairman Rose seconded the motion. The motion carried.

### Entertainment Licenses

Mr. Suzor made a motion to approve the renewal of the following Entertainment licenses for 2022:

Business Name	Address	Manager	Type of License
Shooters, Inc.	36 East Main Street	Linda D. Lewis Martin	Three (3) Pool Table Licenses
Shooters, Inc.	36 East Main Street	Linda D. Lewis Martin	Two (2) Automated Amusement Device Licenses (includes one (1) juke box)
Shooters, Inc.	36 East Main Street	Linda D. Lewis Martin	Public Entertainment License for one (1) juke box

Chairman Rose seconded the motion. The motion carried.

### Common Victualler's Licenses

Mr. Suzor made a motion to approve the renewal of the following Common Victualler's licenses for 2022:

Business Name	Address	Type of License
Costco Wholesale Corp. d/b/a Costco Wholesale	120 Stockwell Drive	Common Victualler's License
Avon House of Pizza	163 Main Street	Common Victualler's License
New England Authentic Eats LLC	600 Page Street	Common Victualler's License
Café Management Associates, LLC d/b/a Dunkin Donuts	600 Page Street	Common Victualler's License
WB Donuts, LLC d/b/a Dunkin Donuts	20 Memorial Drive	Common Victualler's License
Linda D. Lewis Martin d/b/a Shooters, Inc.	36 East Main Street	Common Victualler's License
Wal-Mart	30 Memorial Drive	Common Victualler's License
JLW Donuts, LLC d/b/a Dunkin Donuts	5 Stockwell Drive	Common Victualler's License
WB Donuts, LLC d/b/a Dunkin Donuts	30 Memorial Drive	Common Victualler's License
Abdo Amazing Pizza LLC d/b/a Geri's Pizza	147 Main Street	Common Victualler's License
A-1 Nivniva Corp. d/b/a A-1 Market	85 East Main Street	Common Victualler's License
TamBo's Kitchen	490 West Main St.	Common Victualler's License
Emel Mendez d/b/a Avon's Best Pizza & Grill	17B North Main St.	Common Victualler's License

Chairman Rose seconded the motion. The motion carried.

### Livery Licenses

Mr. Suzor made a motion to approve the renewal of the following Livery licenses for 2022:

Business Name	Address	Type of License
Charles P. Marinelli	340 East Spring Street	Livery License
Charles P. Marinelli	340 East Spring Street	Livery License
Charles P. Marinelli	340 East Spring Street	Livery License
Charles P. Marinelli	340 East Spring Street	Livery License



Charles P. Marinelli	340 East Spring Street	Livery License
Charles P. Marinelli	340 East Spring Street	Livery License
Charles P. Marinelli	340 East Spring Street	Livery License
Charles P. Marinelli	340 East Spring Street	Livery License (Handicap Van)
Charles P. Marinelli	340 East Spring Street	Livery License (Handicap Van)

Chairman Rose seconded the motion. The motion carried.

### **Class I, II, & III Licenses**

Mr. Suzor made a motion to approve the renewal of the following Class I, II, and III licenses for 2022:

<b>Business Name</b>	<b>Address</b>	<b>Type of License</b>
Ballard Mack Sales and Service, Inc.	One Mack Drive	Class I License
New England Truck Solutions of Avon	11 Ledin Drive	Class I License
Unbreakable, LLC	105 Memorial Drive	Class I License
George's Garage, Inc.	340 East Spring Street	Class II License
Steven DeAcetis, Avon Auto Center	104 Memorial Drive	Class II License
Robert Nicholson d/b/a Brittanica Motors	110 Memorial Drive	Class II License
Brian G. White d/b/a Cycle Performance Auto Body	271 East High Street	Class II License
Robert Sneider	21 Ledin Drive	Class II License
Avon Auto Brokers, Inc.	109 Memorial Drive	Class II License
Avon Auto Brokers, Inc.	159 Memorial Drive	Class II License
C.N. Wood Co., Inc.	140 Wales Avenue	Class II License
Avon Gas & Service, Inc.	284 East Main Street	Class II License
George's Garage, Inc.	340 East Spring Street	Class III License

Chairman Rose seconded the motion. The motion carried.

### **Constable Reappointments**

Mr. Suzor made a motion to reappoint the following constables for the term beginning January 1, 2022 through December 31, 2022:

1. David Asiaf of Asiaf and Associates Constables, Inc.
2. David A. DiCenso
3. Adam P. Loomis of All State Constables, Inc.
4. Harold March of March, Whitcomb & Associates

Chairman Rose seconded the motion. The motion carried.

### **H2Olson Contract for General Services**

Mr. Enos informed the Board that DPW Director William Fitzgerald has requested their approval of the H2Olson Contract for General Services. Mr. Enos stated that according to Mr. Fitzgerald, in the past year, H2Olson helped to manage the centralization of prechlorination for iron and manganese removal from two remote facilities to the Filter Plant. They have also improved operations of the remote corrosion control facilities by eliminating chlorine related precipitation at those facilities and reducing overtime calls. H2Olson also managed the replacement of the carbon media to help with quarterly testing

compliance, assisted in staff training, worked on a pandemic response for water operations, was part of the cybersecurity team, and helped draft the Annual Consumer Confidence Report as required by the EPA.

Mr. Enos stated that Mr. Fitzgerald's plan for H2Olson in 2022 will include completing the short-term cyber plan by December 31<sup>st</sup> to the EPA, completing the plan for the next phases of SCADA upgrades, working to restore underperforming production in the wells and wellfields, and scope methods of advanced leak detection to reduce unaccounted for water.

Mr. Suzor made a motion to approve and execute the H2Olson Agreement for Professional Services. Chairman Rose seconded the motion. The motion carried.

#### **Appointment of Part-Time Circulation Assistants**

Mr. Suzor made a motion to appoint Meghan Damiano as a Part-Time Circulation Assistant at the Avon Public Library at a Grade F-8, Step 2 at the rate of \$15.15 per hour. Chairman Rose seconded the motion. The motion carried.

Mr. Suzor made a motion to appoint Elizabeth Vallee as a Part-Time Circulation Assistant at the Avon Public Library at a Grade F-8, Step 1 at the rate of \$14.82 per hour. Chairman Rose seconded the motion. The motion carried.

#### **Personnel Action Form for Van Driver**

Mr. Suzor made a motion to approve the classification change for Anthony Famalore from Per Diem Van Driver to Part-Time Van Driver effective January 2, 2022. Chairman Rose seconded the motion. The motion carried.

#### **Town Administrator's Report**

Mr. Enos informed the Board that the online auction held on Municibid for surplus items brought in a total of \$13,400 for the Town. Mr. Enos stated that the 2002 International Dump Truck sold for \$7,900. Other items sold included Kabota mower attachment, John Deere Skid Steer backhoe attachment, and a 6' bed of a 2019 Chevy Silverado.

Mr. Enos reminded the Board that the Avon Civic Association will host its Holiday Celebration on December 4, 2021 at DeMarco Park. In addition, children may write letters to Santa and mail it at the North Pole mailbox located in the Avon Public Library.

Mr. Enos informed the Board that he has received additional plans from the architects on the Town Hall Feasibility Study and will place this item on the agenda for the Board's review at the meeting of December 16, 2021.

Mr. Enos stated that after numerous complaints regarding traffic issues on West Spring Street, Old Colony Planning Council conducted a recent survey and study of that area and found that it does meet the criteria to apply for a Heavy Vehicle and Truck Exclusion route. Mr. Enos recommended that the Board have a discussion regarding this issue with Chief Bukunt and DPW Director William Fitzgerald at the next meeting.

## **Adjournment**

At 7:20 p.m., Mr. Suzor made 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, Call Firefighters) or litigation as an open meeting may have a detrimental effect on the government's bargaining or litigating position. Also, to conduct strategy sessions in preparation for negotiations with non-union personnel (Fire Chief). Chairman Rose seconded the motion. A roll call vote was taken. 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. December 2, 2021 Meeting Agenda
2. November 18, 2021 Meeting Minutes (Regular Session)
3. ACES letter re: Medical Marijuana Facility on Stockwell Drive
4. Alcoholic Beverages License Renewals
5. Entertainment License Renewals
6. Common Victualler's License Renewals
7. Livery License Renewals
8. Class I, II, and III License Renewals
9. Constable Reappointment Letters
10. H2Olson Contract for General Services
11. Personnel Action Forms for Part-Time Library Circulation Assistants
12. Personnel Action Form for Council on Aging Van Driver