

BOARD OF SELECTMEN  
Eric S. Beckerman, Chairman  
Jason L. Suzor, Sr., Clerk

Gregory S. Enos  
TOWN ADMINISTRATOR

# Town of Avon Massachusetts



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BOARD OF SELECTMEN  
THURSDAY, OCTOBER 20, 2022  
6:30 P.M.

**Members Present:** Eric S. Beckerman, Chairman  
Jason L. Suzor, Sr., Clerk

**Others Present:** Gregory S. Enos, Town Administrator  
Shanna M. Faro, Executive Assistant  
Joseph S. Lalli, Esq., Town Counsel  
William A. Fitzgerald, DPW Director  
Deb Morin, Treasurer/Collector  
Emmanuela Isidor, Prevention Coordinator  
Patricia Bessette, Town Clerk  
Peter Brown, Esq., Brown Legal PLLC (via videoconference)  
Dhareen Jean-Michel, ACES  
Eduardo Acosta  
Benjamin Pinkawitz, Roger Gordon Adjusters, LLC d/b/a B&C Motors

TOWN OF AVON  
2022 NOV - 7 A 10:51  
TOWN CLERK

Chairman Beckerman called the meeting to order at 6:30 p.m. with all members present. 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 Beckerman reminded the viewing audience that people who would like to view this meeting while in progress may do so by 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. Lalli led the meeting in the Pledge of Allegiance.

## Public Participation

None

## APPOINTMENTS

### 6:35 p.m. – Proclamation for Red Ribbon Week

Dhareen Jean-Michel, a student from Avon Middle-High School, read the Proclamation for Red Ribbon Week, which will take place from October 23 to October 31, 2022 encouraging citizens to participate in drug prevention education activities, making a visible statement that the community stands in support of those who choose to live a drug free lifestyle and in honor of all those whose lives have been affected by

substance abuse. Prevention Coordinator Emmanuela Isidor informed the Board that the students have been working hard and are committed to healthy, drug-free lifestyles. She asked for citizens to show their support visually by wearing red or displaying red ribbons in public places. Ms. Isidor stated that ACES will be asking local members of the community to show their support by displaying ribbons outside of their businesses. The Avon Middle High School will display red flags on the lawn of the school. Ms. Isidor stated if anyone is looking for ribbons, the library will have some or they should contact her. Mr. Suzor made a motion to sign the proclamation and declare October 23 – 31, 2022 Red Ribbon Week in the town. Chairman Beckerman seconded the motion. The motion carried. All were in favor.

#### **6:45 p.m. – Class II License Application of Roger Gordon Adjusters d/b/a B&C Motors**

Mr. Pinkawitz appeared before the Board to request a Class II License Application for Roger Gordon Adjusters d/b/a B&C Motors. Mr. Suzor read the Public Hearing notice as advertised in the Brockton Enterprise on September 28, 2022. Mr. Suzor also collected the return receipts from the certified mail notice to the abutters of 491 West Main Street. Mr. Pinkawitz informed the Board that he originally applied for the license over a year ago. However, soon after he applied, he learned that he would first have to apply for a Special Permit under Massachusetts General Law, Chapter 40A, Section 11 before the Zoning Board of Appeals as the business location of 491 West Main Street is in the industrial zone. Mr. Pinkawitz informed the Board that the Special Permit was granted on October 5, 2021. Mr. Enos informed the Board that the town has not issued a Class II license in many years. Therefore, Town Counsel worked diligently with Ms. Faro to ensure the proper paperwork was included in the application package. Mr. Lalli informed the Board that Mr. Pinkawitz has complied with all requests and the application package is complete. Mr. Pinkawitz stated that the purpose of the Class II license is to sell cars online. There will be no cars parked on the premises. Mr. Suzor made a motion to approve the Class II license application of Roger Gordon Adjusters d/b/a B&C Motors. Chairman Beckerman seconded the motion. The motion passed.

#### **Request from Mr. Acosta of 7 Nichols Drive to Remove Stone Wall for Driveway Extension**

Mr. Acosta of 7 Nichols Avenue appeared before the Board to request removal of a stone wall in the front of his property for a driveway extension. Mr. Acosta informed the Board that he had his property surveyed and it was determined that half of the stone wall is on Mr. Acosta's property, while the other half is owned by the town. Mr. Acosta requested permission to remove the stone wall to the left of his property. Mr. Acosta stated that he intends to expand his driveway so that all of his cars are stored off the street in the winter. Mr. Enos informed the Board that he and the Building Commissioner inspected the stone wall at 7 Nichols Drive. Mr. Enos stated that pursuant to the Zoning Bylaws, the maximum width of the driveway could be 24 feet at the front of the property line with a curb cut maximum of 25 feet. Mr. Enos suggested that as a compromise, Mr. Acosta could pave, starting at his current driveway, the difference between 25 feet, which is an approximate expansion of 10 to 12 feet. Mr. Acosta would be responsible to safely remove the stone wall. Mr. Enos expressed concern that there is a fire hydrant which is located in close proximity to the proposed driveway expansion area. Mr. Fitzgerald stated that a driveway expansion up to a total of 20 feet should be adequate. Mr. Suzor made a motion to approve the removal of the stone wall for a driveway expansion up to the zoning bylaw maximum with the approval of the Building Commissioner and DPW Director and with caution that the expansion will disturb the fire hydrant. Chairman Beckerman seconded the motion. The motion carried.



### **Tax Title Meeting with Attorney Peter Brown**

Ms. Morin and Mr. Brown appeared before the Board to provide a status update on Tax Title proceedings. The total outstanding tax title amount is \$417,953.16 which is composed of 20 properties. Mr. Brown stated that is an excellent number for a town. Mr. Brown stated that he would not be discussing specific properties due to pending litigation. Mr. Brown reminded the Board that over the years, the town has held two public auctions for tax title properties. Mr. Brown informed the Board that the outstanding tax title is broken down into four categories. The first category is outstanding tax title that is totally recoverable through standard protocols in the amount of \$120,090.61. This category is composed of four properties and represents 29% of the total outstanding tax title. Mr. Brown stated that the second category is the biggest category in terms of value to the town in the amount of \$253,747.00. This category is potentially recoverable. It is composed of eight properties and represents 61% of the total outstanding tax title. Mr. Brown informed the Board that in this category, more research is needed. For example, there may be property that is not a buildable lot, or it may have conservation issues. Mr. Brown suggested devising a team to research and examine the suitability of these properties. Mr. Brown suggested the team provide an analysis and develop an action plan as to how to proceed on these potentially recoverable properties. The third category are properties eligible for low value process in the amount of \$36,106.85. This is composed of five properties and represents 9% of the total outstanding tax title. Mr. Brown stated that this is a good project for the Principal Assessor to clear the balance off the books. Mr. Brown stated that the land of low value properties is usually sold through an auction for interested abutters of these properties. The fourth category is likely not worthwhile to pursue in the amount of \$8,008.70. This category is composed of three properties and represents 1% of the total outstanding tax title. Mr. Brown stated that to clear this category from the books is often times more costly than the value of the properties and the town could potentially lose money from pursuing this category. Mr. Enos informed the Board that the town did not pursue outstanding tax title aggressively during the COVID pandemic as it was not the right time to do so. Mr. Brown stated that the Treasurer/Collector Deb Morin is working actively on pursuing outstanding tax title at this time. The Board thanked Mr. Brown and Ms. Morin for the update regarding this matter.

### **Meeting Minutes**

Mr. Suzor made a motion to approve the October 6, 2022 (Regular Session) meeting minutes as written. Mr. Beckerman seconded the motion. The motion passed.

### **UNFINISHED BUSINESS**

None

### **NEW BUSINESS**

#### **Discussion on Water Rates**

Mr. Fitzgerald reminded the Board that pursuant to discussions over the past few years, the proposed water rates for Fiscal Year 2023 are intended to (1) reduce the taxpayer subsidy of water system costs, and (2) meet the state requirements that water rates recover water costs, over a reasonable amount of time. Mr. Fitzgerald informed the Board that increasing the water operations budget has not been an objective and has not been increased in many years. Mr. Fitzgerald proposed the Fiscal Year 2023 water rates as follows:

<b>Tier</b>	<b>FY22</b>	<b>Proposed FY23</b>
Base Charge	\$90	\$100
Tier 1 - 0 -1,400 cf	\$1.00 per ccf	\$1.14 per ccf
Tier 2 - 1,401 to 4,000 cf	\$4.00 per ccf above 1,400	\$4.56 per ccf above 1,400
Tier 3 – 4,001 to 8,000 cf	\$5.00 per ccf above 4,000	\$5.70 per ccf above 4,000
Tier 4 – 8,001 cf and above	\$6.50 per ccf above 8,000	\$7.41 per ccf above 8,000

Mr. Fitzgerald stated that half of the rate payers and most residential payers are in the Tier 1 and Tier 2 categories. Mr. Suzor made a motion to approve the proposed Fiscal Year 2023 Water Rate increase as outlined by DPW Director William Fitzgerald. Chairman Beckerman seconded the motion. The motion carried.

### **Paving Contract Extension**

Mr. Fitzgerald informed the Board that the T.L. Edwards, Inc. paving contract contained two one-year extensions in the agreement. Mr. Fitzgerald stated that the first one-year extension expired on October 15, 2022. Mr. Fitzgerald recommended that the Board exercise its right to approve the second one-year extension with for the annual paving contract with T.L. Edwards, Inc. Mr. Suzor made a motion to approve the recommendation of DPW Director William Fitzgerald regarding the second one-year extension with T.L. Edwards, Inc. for the annual paving contract. Chairman Beckerman seconded the motion. The motion passed.

### **Solar Crosswalk Location**

Mr. Enos informed the Board that the second solar crosswalk was installed at the intersection of South Street and West Main Street. There is one solar crosswalk remaining for installation. Mr. Enos stated that DPW Director William Fitzgerald has proposed the location of the intersection of Pond Street/Page Street/Malley Avenue due to the number of walkers to school from the Brentwood area. Mr. Enos stated that this location has been approved by the DPW Director, School Superintendent, and Police Chief. Mr. Suzor made a motion to approve installation of the third solar crosswalk at the intersection of Pond Street/Page Street/Malley Avenue. Chairman Beckerman seconded the motion. The motion carried. All were in favor.

### **Net Metering Credits**

Mr. Enos informed the Board that he would like to re-enter into a Net Metering Credit Purchase Agreement with the Town of Abington. Mr. Enos stated that this would be approximately the third year in which the town has entered into a Memorandum of Understanding with Abington. Mr. Enos informed the Board that last year the town went slightly over the credits due to the utility rates for streetlights. Mr. Enos stated that while he is waiting for the updated Memorandum of Understanding for 2022, it will be similar to the 2021 version where Abington will transfer \$200,000 in net metering credits from their electricity account to Avon's electricity account. The cost of the credits will be 80% of their value, \$160,000 with the signing of the Net Metering Credit Purchase Agreement. Mr. Enos stated that he will confirm with the Town Accountant which account the funds should come from. Mr. Suzor made a motion to approve the Net Metering Credit Purchase Agreement with the Town of Abington and authorize the Town Administrator to sign the 2022 Memorandum of Understanding once it is finalized. Chairman Beckerman seconded the motion. The motion passed.



### **Historic Fire Equipment Transfer to H.L. Blanchard Museum**

Mr. Suzor read a request from Fire Chief Spurr stating that as part of the fire station renovation project, two items were identified that the Blanchard Museum would like to display which are the emergency management siren and the air horn tower. Chief Spurr stated that the use of these items was discontinued years ago due to newer technology. Chief Spurr stated that if not for the museum's interest in these items, they would have been disposed of as debris by the contractor, as they have no value above steel scrap. Therefore, Chief Spurr requested that these items be placed in the custody of the H.L. Blanchard Trust for display at the museum. These items will serve to educate museum patrons of the historical methods of notification used by the town. Mr. Enos informed the Board that since this transfer is technically considered the disposition of property, he will have to notify the state in accordance with the Massachusetts procurement laws. Mr. Suzor made a motion to allow the Fire Department to donate the emergency management siren and air horn tower to the H.L. Blanchard Trust. Chairman Beckerman seconded the motion. The motion carried. All were in favor.

### **State Election Warrant**

Mr. Suzor read the candidates on the Warrant for the State Election on November 8, 2022 from 7:00 a.m. to 8:00 p.m. in the Mary McDermott meeting room of Town Hall. Mr. Suzor reminded voters that there will be four questions on the ballot as well. Mr. Suzor made a motion to approve and sign the State Election Warrant. Chairman Beckerman seconded the motion. The motion passed.

### **Local Election Warrant**

Mr. Suzor read the Warrant for the Special Town Election to fill the Selectman vacancy on December 10, 2022 from 9:00 a.m. to 4:00 p.m. in the Mary McDermott meeting room of Town Hall. Chairman Beckerman inquired as to why it is listed as a three-year vacancy if the candidate will only be completing the remaining term left unfilled upon Mr. Rose's departure. Ms. Bessette stated that Mr. Rose's vacancy left a term of approximately 2 ½ years so it was rounded up on the warrant, however, the candidate that fills the vacant position will have to run again in April 2025. Mr. Suzor made a motion to approve and sign the Special Town Election Warrant. Chairman Beckerman seconded the motion. The motion carried.

### **Request to Display Political Campaign Lawn Signs**

The Board reviewed a request from Shannon Coffey to display 50 political campaign lawn signs throughout the town for her bid as candidate for Selectman. Ms. Coffey stated that her signs will be placed up 30 days prior to the election and will be removed within 10 days after the election. Mr. Suzor made a motion to approve the request of Shannon Coffey to display 50 political campaign lawn signs throughout the town. Chairman Beckerman seconded the motion. The motion passed.

### **Appointment of Full-Time Public Safety Dispatcher**

Mr. Suzor made a motion to approve the Personnel Action Form and appoint Christine Mendoza as a Public Safety Dispatcher effective November 14, 2022. Mr. Enos informed the Board that Ms. Mendoza will fill the vacancy of a recent retirement. Chairman Beckerman seconded the motion. The motion carried.

### **Reclassification of School Crossing Guard**

Mr. Suzor made a motion to approve the Personnel Action Form for a reclassification and step increase in accordance with the category for a School Crossing Guard as outlined in the Management and Non-Union Fiscal Year 2023 Compensation Study Chart for a Grade 4, Step One increase for Frances Cruise effective October 4, 2022. Chairman Beckerman seconded the motion. The motion passed.

### **Announcements**

Chairman Beckerman announced the November meetings of the Board as November 3, 2022 and November 17, 2022.

Chairman Beckerman wished residents a safe and happy Halloween.

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

Mr. Enos informed the Board that with National Grid increasing their utility rates, he would like to remind all residents of the Avon Community Electricity Aggregation (CEA) Program. Avon Community Electricity Aggregation offers electricity rates that are fixed and will not change through December 2024. Mr. Enos stated that more information on the aggregation program is listed on the town's website.

Mr. Enos informed the residents that Early Voting for the state election will begin on Saturday, October 22, 2022 from 9:00 a.m. to 1:00 p.m. at Town Hall. The absentee ballot application deadline is November 1, 2022 at 5:00 p.m.

Mr. Enos announced that today is community media day. He thanked Gary Erickson and Avon Community Access and Media ("ACAM") for all of their hard work.

### **Town Counsel's Report**

None

### **Adjournment**

At 7:40 p.m., Mr. Suzor made a motion to adjourn the regular session and 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. Mr. Beckerman seconded the motion. A roll call vote was taken. Mr. Suzor voted aye. Chairman Beckerman voted aye. The motion carried.

Respectfully submitted,



Shanna M. Faro  
Executive Assistant to the Town Administrator

### LIST OF DOCUMENTS

1. October 20, 2022 Meeting Agenda
2. October 6, 2022 Meeting Minutes
3. Red Ribbon Week Proclamation
4. Class II License Application Package of Roger Gordon Adjusters d/b/a B&C Motors
5. Plot Survey of 7 Nichols Drive for driveway extension
6. Tax Title Summary Sheet dated 10/18/22 from Peter Brown, Esq.
7. Memorandum from DPW Director to Board dated 10/14/22 re: proposed FY 23 water rates
8. Memorandum from DPW Director Board dated 10/18/22 recommending paving contract extension for T.L. Edwards
9. Picture of proposed solar crosswalk location at the intersection of Page/Pond/Malley
10. MOU – Net Metering Credit Purchase Agreement with the Town of Abington for 2021
11. Memorandum of Chief Spurr to Board dated October 4, 2022 re: request to donate equipment to H.L. Blanchard Trust
12. November 8, 2022 State Election Warrant
13. December 10, 2022 Local Election Warrant
14. Request from Shannon Coffey to display political campaign lawn signs
15. Personnel Action Form for Public Safety Dispatcher
16. Personnel Action Form for School Crossing Guard