

BOARD OF SELECTMEN
Steven P. Rose, Chairman,
Robert F. Brady, Jr., Clerk
Eric S. Beckerman, Associate

Gregory S. Enos
TOWN ADMINISTRATOR

Town of Avon Massachusetts



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TOWN OF AVON

2019 NOV 22 A 9 12

TOWN CLERK

BOARD OF SELECTMEN
THURSDAY, NOVEMBER 14, 2019
7:30 P.M.

Members Present: Steven P. Rose, Chairman
Robert F. Brady, Jr., Clerk
Eric S. Beckerman, Associate

Others Present: Gregory S. Enos, Town Administrator
Shanna M. Faro, Executive Assistant to the Town Administrator
Joseph Lalli, Esq., Town Counsel

Chairman Rose called the meeting to order at 7:30 p.m. with all members present.

Chairman Rose called for a Moment of Silence for Worcester firefighter Lieutenant Jason Menard who was killed in the line of duty on November 13, 2019.

Chairman Rose announced that the meeting is being recorded by the local Cable Access Channel.

Matt Doucet led the meeting in the Pledge of Allegiance.

Public Participation

Paul Chute of the Avon Civic Association announced that the Annual Holiday Festival will be held on Sunday, December 1, 2019 at DeMarco Park from 12:00 p.m. to 5:00 p.m. Mr. Chute informed the Board and members of the viewing audience that the celebration will include amusement rides for the children, holiday concerts, food and beverages for sale and photographs with Santa Claus.

Meeting Minutes

Mr. Brady made a motion to accept the minutes of October 17, 2019 (Regular Session) as written. Mr. Beckerman seconded the motion. The motion carried.

Mr. Brady made a motion to accept the minutes of October 24, 2019 (Workshop Session) as written. Mr. Beckerman seconded the motion. The motion carried.

UNFINISHED BUSINESS

Opioid Litigation

Mr. Lalli reminded the Board that several months ago, Attorney Richard Sandman spoke at a Selectmen's meeting regarding retaining his firm for the purpose of the Town joining in the opioid litigation. Mr. Lalli informed the Board that at that time, the damages for Avon were likely not high, and there would be little chance for significant recovery. Mr. Lalli said for that purpose, he did not recommend entering a fee agreement with Rodman, Rodman & Sandman, P.C. Mr. Lalli provided an update on the opioid litigation stating that since that time, there has been much activity on the national scale, including the creation of a national class action lawsuit in attempts to resolve cases with opioid manufacturers and distributors on behalf of all cities and towns in the country. Mr. Lalli informed the Board that the Town of Avon is automatically members of the class action lawsuit unless the Town purposely decides to opt out. Mr. Lalli recommended that the Town not retain any attorney for this class action lawsuit. Mr. Lalli stated that attorney's fees would be approximately 25% of any settlement the Town should receive. Mr. Brady made a motion for the Town to remain in the class action lawsuit and not opt out and to not sign a fee agreement with any attorney at this time. Mr. Beckerman seconded the motion. The motion carried.

Common Victualler's License for D'Angelo's

Mr. Lalli reminded the Board that he was requested to research the Common Victualler's license application of New England Authentic Eats LLC (d/b/a Papa Gino's and D'Angelo's) as a result of the Chapter 11 Bankruptcy filing. Mr. Lalli informed the Board that the bankruptcy code provides for reorganization, usually involving a corporation or partnership. A Chapter 11 debtor usually proposed a plan for reorganization to keep its business alive and pay creditors over time. Mr. Lalli stated that it is his belief that the former company of Papa Gino's and D'Angelo's has done so by selling their assets to New England Authentic Eats LLC. Mr. Lalli stated that MGL Chapter 140, Section 2, would mandate that the new ownership requires an issuance of a new license to the new owner. Therefore, Mr. Lalli recommended that the Board approve the request for a new Common Victualler's license to New England Authentic Eats LLC (d/b/a Papa Gino's and D'Angelo's). Mr. Beckerman made a motion to approve the license. Mr. Brady seconded the motion. The motion carried.

NEW BUSINESS

Requests to Surplus Equipment

Mr. Beckerman made a motion to grant the request from the Library Director and declare the unused shelving units and many extra shelves as surplus equipment at the Avon Public Library. Mr. Brady seconded the motion. The motion carried.

Mr. Brady made a motion to grant the request from the Assistant DPW Director and declare the 1997 Ford F-350 pick-up truck with mechanical issues and four push lawn mowers that no longer work as surplus equipment. Mr. Beckerman seconded the motion for discussion. Mr. Beckerman asked as to the how the vehicle would be disposed of properly to which Mr. Enos replied that if there is still value to the vehicle, he will recommend that it be placed for auction online in accordance with the state law. The motion carried.

Mr. Beckerman made a motion to grant the request from the Fire Chief and declare the 1993 international ambulance as surplus equipment. Mr. Brady seconded the motion. The motion carried.

Mr. Brady made a motion to grant the request from the Fire Chief and declare the 1987 Cablec trailer as surplus equipment. Mr. Beckerman seconded the motion. The motion carried.

Personnel Action Forms

Mr. Brady made a motion to approve the step increase for Part-Time Circulation Assistant Paul Kerwin from a Grade F6, Step 2 to a Grade F6, Step 3 at the rate of \$12.94 per hour effective October 16, 2019. Mr. Beckerman seconded the motion. The motion carried.

Mr. Beckerman made a motion to approve the Personnel Action Form for new hire Alicia Moses for the Part-Time Recording Secretary position at the rate of \$16.00 per hour effective November 18, 2019. Mr. Brady seconded the motion. The motion carried.

Street Opening Permits from Columbia Gas

Mr. Brady made a motion to approve the Street Opening Permits from Columbia Gas for 188 Central Street, 167 West High Street and 120 Packard Street as they were all for emergency gas leaks and the work has already been completed. Mr. Beckerman seconded the motion. The motion carried.

Mr. Brady made a motion to approve the Street Opening Permit from Columbia Gas for 15 South Street for a 4' x 6' road cut to install new gas service and grant a one-week extension to the winter moratorium. The Street Opening Permit was granted with the stipulation that all work be completed by November 22, 2019 and in accordance with the DPW's trench rehabilitation procedures. Mr. Beckerman seconded the motion. The motion carried.

Temporary Sign Permit Application

Mr. Brady made a motion to approve the Temporary Sign Permit for Dress Barn to announce a "Store Closing" sale from November 15, 2019 through December 31, 2019 with the stipulation that the store manager obtain written permission from the landlord, FX Messina, consenting to the temporary sign which must be forwarded to the Board of Selectmen prior to approval of the application. Mr. Beckerman seconded the motion. The motion carried.

Notary Policy

Mr. Enos informed the Board that the Town Clerk has drafted up a Notary Policy based on several towns regarding policies and guidelines for notary services in the Town. Mr. Lalli requested that the policy be revised to include the importance of the notary's log and that citizens requesting notary services are required to sign the logbook. Mr. Enos will inform the Town Clerk to make the suggested change prior to the Notary Policy being finalized.

Appointment of Hearing Officer

Mr. Beckerman made a motion to appoint the Town Administrator Gregory Enos as the Hearing Officer for the Town. Mr. Brady seconded the motion. The motion carried.

Announcements

Chairman Rose announced that all Town Offices, the Avon Public Library and the Council on Aging will be closed to the public on Friday, November 29, 2019. Chairman Rose announced that the Tax Classification Hearing will be held on November 21, 2019 at 7:00 p.m. in the Mary McDermott Room.

Chairman Rose made the following winter announcements which are in effect from November 15, 2019 through April 15, 2019. There is a winter parking ban – no on street parking is allowed. The DPW also

requests that all basketball hoops, hockey nets, etc. be removed from the streets. No sump pump hoses or removal of water into the street is allowed. Finally, no snowplow removal into the streets is allowed.

Mr. Brady announced that the Town of Avon received a Veterans Day Proclamation from Governor Baker.

Town Administrator's Report

Mr. Enos informed the Board that the Town Hall generator has been dropped off and he is working with Columbia Gas to obtain a regulator and a second meter. Mr. Enos stated that the line striping for the Town Hall parking lot will be completed this weekend. The renovated parking lot will include new railings, a drop off box for tax payments and new signage. Mr. Enos informed the Board that he has received the draft Housing Production Plan from the Old Colony Planning Council. He has also received some information from the DeMarco Park survey study. Finally, Mr. Enos informed the Board that the Town has received funding from the Victoria Snelgrove foundation and the "Torie Tot Lot" will be created at the Butler Elementary School. Mr. Enos stated that the "Torie Tot Lot" will be a fenced in area outside of the Carl Lundgren playground for children ages three to five. Mr. Enos stated that the Park & Recreation Commission is looking for volunteers to help install the equipment as the grant provides the playground equipment but installation. The equipment will be installed on Saturday, November 23, 2019. Mr. Enos commended the group of children who call themselves the South Street Police Department and patrol the neighborhood on their bicycles.

Adjournment


At 8:25 p.m., Chairman Rose requested the Board make a motion to conclude the Regular Session. An Executive Session would begin after the Open Session to discuss Collective Bargaining with Union Bargaining Units (Police, Fire & AFSCME); and Employment Agreements with Non-Union Personnel as such discussion would have a detrimental effect on the negotiating position of the governmental body if discussed during the Open Session. Mr. Beckerman made a motion to adjourn the Regular Session. Mr. Brady seconded the motion. The motion carried.

A roll call vote was taken.

Mr. Beckerman voted aye.
Mr. Brady voted aye.
Chairman Rose voted aye.

The Board would reconvene in Open Session for the sole purpose of adjournment. At 10:00 p.m., Mr. Beckerman moved to adjourn the meeting. Mr. Brady seconded the motion, so voted 3-0.

Respectfully submitted,



Shanna M. Faro
Executive Assistant to the Town Administrator

LIST OF DOCUMENTS

1. November 14, 2019 Board of Selectmen Meeting Agenda
2. October 17, 2019 Meeting Minutes (Regular Session)
3. October 24, 2019 Meeting Minutes (Workshop Session)
4. E-mail from J. Lalli to R. Sandman dated 11/04/19 re: Massachusetts Opioid Litigation
5. Common Victualler's License Application for New England Authentic Eats LLC d/b/a D'Angelo
6. Request from A. Fogg to Board of Selectmen dated 10/24/19 re: surplus equipment
7. Request from B. Martin to Board of Selectmen dated 11/07/19 re: surplus equipment
8. Requests from R. Spurr to Board of Selectmen dated 11/13/19 re: surplus equipment
9. Personnel Action Form for Part-Time Library Circulation Assistant
10. Personnel Action Form for Part-Time Recording Secretary
11. Requests from Columbia Gas for Street Opening Permit Applications for:
 - a. 188 Central Street
 - b. 167 West High Street
 - c. 120 Packard Street
 - d. 15 South Street
12. Temporary Sign Permit Application for Dress Barn
13. Town of Avon Notary Services Policy/Guidelines