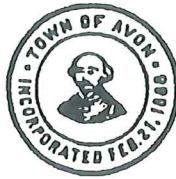


BOARD OF SELECTMEN
Steven P. Rose, Chairman,
Robert F. Brady, Jr., Clerk
Eric S. Beckerman, Associate

Gregory S. Enos
TOWN ADMINISTRATOR

Town of Avon Massachusetts



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TOWN OF AVON
2020 MAR -6 A 9:29
TOWN CLERK

BOARD OF SELECTMEN
THURSDAY, FEBRUARY 20, 2020
6:30 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
Joseph S. Lalli, Esq., Town Counsel
Patricia C. Bessette, Town Clerk
Laurice Hedges, Animal Control Officer
Deputy Police Chief Denis Linehan
Kathleen Waldron, Health Agent
William Fitzgerald, DPW Director
Ann Fogg, Library Director
Jerry McDermott, Norfolk County Sheriff
Sam Schofield, 31 Memorial LLC

Chairman Rose called the meeting to order at 6:30 p.m. with all members present.

Chairman Rose requested the Board make a motion to convene in Executive Session to discuss strategy with respect to Collective Bargaining with Union Bargaining Units (Police, Fire & AFSCME), and Employment Agreements with Non-Union Personnel, as such discussion may have a detrimental effect on the negotiating position of the governmental body, so declared by the Chair. The Board will reconvene in Open Session. Mr. Beckerman made a motion to convene in Executive 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 reconvened in Open Session at 7:00 p.m. in the Mary T. McDermott room.

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

James Norian led the meeting in the Pledge of Allegiance.
Chairman Rose called for a Moment of Silence for Michael Mazzella, brother of Council on Aging Director, Gene Mazzella.

Public Participation

None

APPOINTMENTS

7:05 p.m. – Town Clerk Patricia Bessette – 2020 Elections

Ms. Bessette appeared before the Board to remind voters of the upcoming Presidential Primary Election to be held on March 3, 2020 from 7:00 a.m. until 8:00 p.m. at the Mary T. McDermott room of Avon Town Hall. Ms. Bessette informed the Board that Early Voting will be available from February 24 through February 28, 2020 during the normal business hours of Town Hall. Ms. Bessette stated that absentee ballots will be available through March 3, 2020. Ms. Bessette stated that four ballots will be available during this Presidential Primary Election: (1) Democrat; (2) Republican; (3) Libertarian; and (4) Green Rainbow.

Ms. Bessette informed the Board that the Annual Town Election will be held on April 14, 2020 from 7:00 a.m. until 8:00 p.m. at the Mary T. McDermott room of Avon Town Hall. She stated that the last day to obtain nomination papers for the election is February 21, 2020 at 5:00 p.m. Ms. Bessette informed members of the viewing audience that there are still vacancies and currently no candidates for positions on the Park & Recreation Commission and School Committee.

7:15 p.m. – Norfolk County Sheriff Jerry McDermott – Status of Sheriff's Office & House of Corrections

Norfolk County Sheriff Jerry McDermott appeared before the Board to give a status update as to the Sheriff's Office and House of Corrections. Sheriff McDermott stated that his office has taken steps to increase the ranks of corrections officers and reduce forced overtime by adding 35 new corrections officers, including eight veterans and four women.

Sheriff McDermott stated that they have increased programs for offenders such as academic educational programs, vocational trade programs, legal services, substance use treatment, self-help programs, religious services and recreational services. Sheriff McDermott stated that his office has launched the Medication Assisted Treatment (MAT) pilot program to allow inmates to get the help they need prior to returning to the community.

Sheriff McDermott reminded the Board that the Community Service Work Crew is available to assist municipalities with help maintaining the community and town-owned buildings. Sheriff McDermott stated that other community programs include the Youth Leadership Summer Program for young adults, public safety programs for seniors and Distracted Driving Education. Sheriff McDermott also reminded the residents that the seat belt covers alerting emergency personnel if a passenger has autism is now available at the Avon Police Department. Finally, Sheriff McDermott thanked the Board for their time and stated that it was an honor to speak in the Mary T. McDermott meeting room, named after his mother.

7:45 p.m. Dangerous Dogs Hearing

At 7:45 p.m., Chairman Rose opened the Public Hearing of James Flynn and Jessica Flynn of 35 Oak Street. As the Clerk of the Board, Mr. Brady read the Notice of Hearing pursuant to M.G.L.c.140 sec.157: Nuisance or Dangerous Dogs; Orders for Remedial Action; Appeal; Violation of Order for the public hearing on February 20, 2020 at 7:45 p.m. at Town Hall regarding the disposition of the dogs

residing at 35 Oak Street. Mr. Brady stated that the notice of hearing was sent via certified mail to a Mr. James Flynn and a Ms. Jessica Flynn at 35 Oak Street. Mr. Lalli called for a Point of Order to specify that the hearing notice was sent via certified mail on February 11, 2020.

Chairman Rose requested that all parties who plan to speak or give testimony be sworn in by Town Clerk Patricia Bessette. The Public Hearing Officers, Chairman Rose, Mr. Brady and Mr. Beckerman were sworn in by the Town Clerk. Ms. Hedges, Deputy Chief Linehan, Ms. Waldron, Mr. Enos were all sworn in by the Town Clerk. In addition, Ms. Jane White of 47 Beech Road and Mr. Brett Flynn of 35 Oak Street were also sworn in by the Town Clerk.

Chairman Rose stated that the first order of business will be to hear from the Town's Animal Control Officer, who submitted a report dated February 5, 2020. Chairman Rose stated that this report contains the Noticed Violation: M.G.L. c.140 sec. 157: Nuisance or Dangerous Dogs; Orders for Remedial Action; Appeal; Violation of Order. Chairman Rose stated that additionally, the Board will consider the following in accordance with M.G.L. c.140 sec. 137: Registration and Licensing of Dogs; as well as the Town of Avon's Bylaws: c.126 sec. 2 Disturbing the Peace; c.126 sec. 3 Nuisance Complaints; c.126 sec. 6 Leash Law; c. 126 sec. 7 Unlicensed dogs; licensed dogs not wearing tags; and c.126 sec. 10 Violations and penalties.

Animal Control Officer Laurice Hedges read her report (*Exhibit B in the Notice of Hearing which was sent via certified mail to the Flynn residence*) in which she addresses concern to the Board regarding three unlicensed, unleashed dogs with no vaccination records residing at the Flynn residence at 35 Oak Street. Ms. Hedges informed the Board she has received frequent complaints regarding two dogs at that residence who are frequently loose and running around the neighborhood. Ms. Hedges stated that on February 1, 2020, one of the loose dogs attacked a Boston Terrier who had to be rushed to the emergency veterinarian. As a result of the attack, the Health Agent placed the both dogs involved in the February 1, 2020 incident on a state mandated ten-day quarantine. Ms. Hedges informed the Board that despite multiple attempts and numerous fines, the dogs remain unlicensed and the fees remain unpaid. She requested the Board's assistance with this situation.

Ms. Jane White of 47 Beech Road approached the Board to give testimony pursuant to the public hearing. Ms. White testified that on the morning of February 1, 2020, she was walking her leashed dog Molly, a Boston Terrier, on the corner of Cedar Road and Oak Street when two pit bulls came running up behind her and one of the dogs grabbed Molly by her neck harness and punctured her skin with several bites. Ms. White described the dogs as one black Pitbull and one tan and white pit bull. She stated that it was the tan and white pit-bull that attacked Molly. Ms. White stated that while trying to rescue Molly from the pit bull, the dog jumped on her back but because she had on a heavy winter jacket, she was unharmed. She stated that a neighbor across the street witnessed the incident and when she came outside, she grabbed a metal pole and was able to scare the dog away from Ms. White and her dog Molly. Ms. White informed the Board that she had to take Molly to an emergency veterinarian as it was the weekend and she incurred \$1391.06 in veterinary bills for Molly's treatment after the attack. Ms. White stated that she did file a police report regarding this incident. Ms. White pleaded with the Board that she be able to walk her dog in the neighborhood without the fear of being attacked in the future.

Deputy Chief Denis Linehan appeared before the Board and stated that Ms. White's testimony is consistent with the police report written by Officer Theil regarding the February 1, 2020 incident. Deputy Chief Linehan stated that Officer Theil visited the White household later in the evening on the date of the incident and observed a puncture wound behind Molly's front right leg as well as an injury around her neck. Deputy Chief Linehan stated that Officer Theil went to 35 Oak Street where a Mr. Brett Flynn answered the door to speak to Officer Theil. Mr. Flynn told Officer Theil that the dogs belonged to his sister Jessica Flynn. Mr. Flynn also told Officer Theil that no one was home at the time of the

incident. Mr. Flynn believed that the dogs got loose as the door seemed to be left ajar. Mr. Flynn informed Officer Theil that he learned of the dog attack from his neighbor Andrew Kang who witnessed the incident from his bedroom window.

Deputy Chief Linehan attached a report of the number of calls the Police Department has received since 2016 in which many calls refer to animal complaints, including dogs being off their leash and roaming the neighborhood. Deputy Chief Linehan stated that he received a similar complaint on November 25, 2020 from a resident stating that he was walking his dog on the corner of Oak Street and Glendower Street when his dog was attacked by a tan and white dog in which Officer Dombrosky traced back to the Flynn residence at 35 Oak Street.

Ms. Waldron testified to the Board that on February 3, 2020, she received notification that there was an incident between the Boston Terrier Molly and two dogs residing at 35 Oak Street. Ms. Waldron informed the Board that she quarantined both Molly and the two dogs from February 4, 2020 through February 11, 2020. She did note that when she went to the Flynn residence at 35 Oak Street, she observed a third dog now residing at the property. Ms. Waldron stated that the owner of the dogs stated that she was in the process of taking vaccinating the dogs. However, to date, Ms. Waldron has not received any documentation of the same.

Mr. Brett Flynn approached the Board to provide a statement. Mr. Lalli asked Mr. Flynn if he received the public hearing notice in the mail via certified letter to which he replied yes. Mr. Lalli asked Mr. Flynn if he would take responsibility for the information and ruling of tonight's hearing to which he replied in the affirmative. Mr. Flynn informed the Board that the dogs in question are his sister's dogs and that unfortunately, his sister was not in the position to be present at tonight's hearing due to health reasons. Mr. Lalli asked Mr. Flynn if his sister was aware of the incident to which he replied yes. Mr. Flynn apologized to the Board and his neighbors for this ongoing problem and stated that he is working to rectify the situation. Mr. Flynn stated that in the days since the attack, he has begun to install a fence which is almost complete. He also stated he has paperwork stating that one of the dogs, Nova, did receive her vaccination yesterday. Mr. Flynn identified the dogs as the following: (1) Remney, a small black pit bull; (2) Diesel, a brown pit bull; and (3) Nova, a tan and white pit bull. Mr. Flynn informed the Board that Remney no longer resides at 35 Oak Street and the new owner does not reside in the Town. Mr. Flynn stated that it is their intent to give Diesel away as well. Mr. Flynn stated that his sister only wants to keep Nova, the tan and white pit bull. Chairman Rose was unsympathetic to Mr. Flynn's request for leniency due to the blatant disregard to the state laws as well as the Town's bylaws. Chairman Rose requested the list of overdue dog fees and fine from the Town Clerk to which she replied a delinquency in the amount of \$275 over the past two years. Chairman Rose pointed out that no attempt was made by Nova's owner Jessica Flynn to Molly's owner Jane White regarding an apology or an offer to help pay for the veterinarian's bills regarding the February 1, 2020 incident. Mr. Flynn informed Chairman Rose that it is his sister's intent to pay all outstanding fees and fines and to keep Nova's vaccination shots up to date.

Chairman Rose requested motions from the Board regarding a decision on this public hearing. Mr. Beckerman made a motion that the Board follow M.G.L. c.140 sec. 157 (c) and deem Nova a dangerous dog. Mr. Brady seconded the motion. The motion carried.

The Board unanimously voted on the following requirements as a result of this public hearing and requested that Mr. Lalli write a Notice of Order of Disposition for Mr. Flynn to pick up in person at Town Hall on Monday, February 24, 2020. The orders are as follows:

(1) Dog Number One (Remney) – By March 2, 2020, the owner must provide evidence to the Animal Control Officer Laurice Hedges as to where the dog is currently residing. If evidence is not presented for

the new licensed location of the dog, the Animal Control Officer has the right to inspect the premises of 35 Oak Street for evidence that Remney still resides at the premises.

(2) Dog Number Two (Diesel) – The owner is hereby ordered to notify the Animal Control Officer when the dog is removed from the home as Mr. Flynn testified that Diesel would be given away. Furthermore, it was ordered that by March 2, 2020 the owner must comply with M.G.L c. 140 sec. 137 and the Town of Avon's Bylaws; c. 126 sec. 6 Leash Law, c. 126 sec. 7 unlicensed dogs; licensed dogs not wearing tags. If the dog leaves the premises, it is to be muzzled humanely.

(3) Dog Number Three (Nova) – Pursuant to M.G.L., c.140 sec. 157 (c) the Board of Selectmen have deemed this dog "dangerous". Being of "said dangerous" condition, the following sections shall apply:

(ii) that the dog be confined to the premises of the keeper of the dog; provided, however, that "confined" shall mean securely confined indoors or confined outdoors in a securely enclosed and locked pen or dog run area upon the premises of the owner or keeper; provided further, that such pen or dog run shall have a secure roof and, if such enclosure has no floor secured to the sides thereof, the sides shall be embedded into the ground for not less than 2 feet; and provided further, that within the confines of such pen or dog run, a dog house or proper shelter from the elements shall be provided to protect the dog;

(iii) that when removed from the premises if the owner of the premises of the person keeping the dog, the dog shall be securely and humanely muzzled and restrained with a chain or other tethering device having a minimum tensile strength of 300 pounds and not exceeding 3 feet in length;

(iv) that the owner or keeper of the dog provide proof of insurance in an amount not less than \$100,000 insuring the owner or keeper against any claim, loss, damage or injury to persons, domestic animals or property resulting from the acts whether intentional or unintentional, of the dog or proof that reasonable efforts were made to obtain such insurance if a policy has not been issued, the owner or keeper shall produce such policy upon request of the hearing authority or a justice of the district court; and provided further, that if a policy has not been issued the owner or keeper shall produce proof of efforts to obtain such insurance.

The owner by the order of the Honorable Board of Selectmen, has no later than March 5, 2020 to comply with any provision of outside confinement of said dog. The confinement must be approved by the Animal Control Officer.

The Honorable Board of Selectmen have also ordered that should said dog leave the premises for any reason it shall be muzzled humanely.

In addition to the provisions of M.G.L. c. 140 sec. 157 (c) and the conditions here to set forth; the owner must comply with the Town of Avon By Laws c.126 sec. 6 Leash Law c.126 sec.7 unlicensed dogs, licensed dogs not wearing tags.

Immediately upon receipt of this order, the owner must pay all fines, costs and assessments immediately to the Town of Avon.

Should there be any violation of this order, or a failure to comply with this order that will result in an immediate, "default" and the owner agrees to waive notice of any purported action and shall appear, when notified, immediately before the Honorable Board of Selectmen.

The Animal Control Officer is hereby ordered to report in writing, to the Honorable Board of Selectmen no later than March 5, 2020, that this order has been in full compliance.

Mr. Beckerman made a motion to close the public hearing at 9:10 p.m. Mr. Brady seconded the motion. The motion carried.

Meeting Minutes

Mr. Beckerman made a motion to accept the minutes of February 6, 2020 (Regular Session) as written. Mr. Brady seconded the motion. The motion carried.

UNFINISHED BUSINESS

Personnel Action Form for Outreach Coordinator

Mr. Beckerman made a motion to approve the Personnel Action Form for Outreach Coordinator Louise Hardiman for a rate increase effective October 30, 2019. Mr. Brady seconded the motion. The motion carried.

NEW BUSINESS

Personnel Action Form for Assistant DPW Director

Mr. Brady made a motion to approve the Personnel Action Form for the Assistant DPW Director Brian Martin for a rate increase effective January 14, 2020. Mr. Beckerman seconded the motion. The motion carried.

Purchase of a New Police Cruiser

Mr. Enos informed the Board that the 2016 police cruiser that the Town was seeking to replace was recently involved in an accident and deemed totaled by the insurance adjuster. Mr. Enos provided the Board with quotes for a replacement vehicle. Of the two vendors who responded to the bid, Colonial Municipal Group from Plymouth submitted a quote in the amount of \$46,157.35. MHQ of Marlborough submitted a quote in the amount of \$49,897. Mr. Enos stated that the \$45,000 was allocated at Town Meeting for a new police cruiser. Mr. Enos stated that although both bids are above the total funds allocated, the Town will receive insurance money from the accident to cover the difference in price. Therefore, Mr. Enos recommended that the Board approve the quote from Colonial Municipal Group. Mr. Brady made a motion to approve the quote from Colonial Municipal Group and allow the Town Administrator to proceed with the purchase of the replacement cruiser. Mr. Beckerman seconded the motion. The motion carried.

Appointment of Senior Circulation Assistant

Mr. Brady made a motion to appoint Heather Wade to the position of Senior Circulation Assistant at the Avon Public Library for a Grade OAL 2, Step 1 at the rate of \$18.66 per hour effective March 9, 2020. Mr. Beckerman seconded the motion. The motion carried.

Temporary Sign Permit

Mr. Brady made a motion to approve the Temporary Sign Permit from February 24, 2020 through August 24, 2020 for 31 Memorial, LLC for a vinyl, 8' x 4' mounted sign on a wood frame advertising O'Reilly Auto Parts coming soon. Mr. Beckerman seconded the motion. The motion carried.

Tata & Howard Interconnect Grant Contract

Mr. Fitzgerald approached the Board to discuss a grant opportunity. Mr. Fitzgerald requested the Board's permission to approve the proposed and scope and fee for the interconnect grant project for Tata & Howard. The purpose of the proposal is to perform a study to address the emergency and long-term water supply needs for the Town. The proposal includes an evaluation of emergency and long-term supply from potential interconnections, as well as ways to increase the sustainability of existing Town supplies. Mr. Fitzgerald stated that \$95,000 of the contract would be covered by the Department of Environmental Protection grant, and \$35,000 from article funding. Mr. Beckerman made a motion to approve the proposed scope and fee for the interconnect grant project for Tata & Howard and for the Chair to sign the contract pending the approval for funding by the Town Accountant, Town Counsel approving to contract form and receipt by the Tow of the executed Commonwealth grant contract. Mr. Brady seconded the motion. The motion carried.

Announcements

Chairman Rose announced that there will be a Special Town Meeting on February 24, 2020 at 7:00 p.m. at the Avon Middle-High School.

Chairman Rose announced that the next upcoming Budget Workshop meetings of the Board will be on February 22, 2020 at 8:00 a.m. and February 29, 2020 at 8:00 a.m. in the Mary McDermott room.

Chairman Rose announced that the March meetings of the Board will be on March 5, 2020 and March 19, 2020.

Correspondence

Chairman Rose read correspondence from Eversource Energy dated February 3, 2020 regarding their intent to selectively apply herbicides along the power line rights-of-way that pass through the Town of Avon. The foliage treatments will take place between May 1, 2020 and October 18, 2020.

Chairman Rose acknowledged Comcast's Form 500 for 2019.

Chairman Rose read a Public Hearing notice from the Planning Board for March 5, 2020 at 7:30 p.m. regarding a Special Permit pertaining to the Fire Station Renovation Project.

Town Administrator's Report

Mr. Enos informed the audience that the Board voted in Executive Session to approve the Memorandum of Agreement and new contract for the AFSCME Bargaining Unit. He requested that the Board vote the same in Open Session as well. Mr. Beckerman made a motion to approve the Memorandum of Agreement and contract for AFSCME. Mr. Brady seconded the motion. The motion carried. Mr. Enos stated that the final step in this process is the ratification of this contract by the voters at the Special Town Meeting of February 24, 2020.

Mr. Enos stated that he and the Building Inspector will be meeting with representatives from Messina next week to discuss their Stockwell Drive properties and new plans to revitalize that area and the number of vacant store fronts.

Mr. Enos informed the Board that he received some plans and options from the architect this week regarding Town Hall renovations. Mr. Enos stated that although some plans need tweaking, he will have a meeting with the architect next week regarding moving forward with this project.

Adjournment

At 9: 11 p.m., Chairman Rose requested the Board make a motion to adjourn the Regular Session. Mr. Brady made a motion to adjourn the Regular Session. Mr. Beckerman seconded the motion. The motion carried.

A roll call vote was taken.

Mr. Beckerman voted aye.

Mr. Brady voted aye.

Chairman Rose voted aye.

Respectfully submitted,



Shanna M. Faro

Executive Assistant to the Town Administrator

LIST OF DOCUMENTS

1. February 20, 2020 Board of Selectmen Meeting Agenda
2. February 6, 2020 Meeting Minutes (Regular Session)
3. Notice of Hearing Pursuant to M.G.L. Chapter 140 Section 157 to James and Jessica Flynn dated February 11, 2020
4. List of Overdue Dog Licensing Fees from the Town Clerk for the Flynn residence
5. List of Reports and Calls for Service from Deputy Police Chief Linehan regarding 35 Oak Street
6. Personnel Action Form for the Outreach Coordinator
7. Personnel Action Form for the Assistant DPW Director
8. Quotes for the Purchase of a 2020 Ford Police Utility vehicle
9. Personnel Action Form for Senior Circulation Assistant
10. Temporary Sign Permit Application for 31 Memorial, LLC
11. Tata & Howard Interconnect Grant Contract
12. Eversource Energy Correspondence dated February 3, 2020
13. Comcast Form 500 for 2019
14. Planning Board Notice of Hearing for March 5, 2020