

SELECT BOARD

Eric S. Beckerman, Chair
Jason L. Suzor, Sr., Clerk
Shannon M. Coffey, Associate

Jonathan L. Beder
TOWN ADMINISTRATOR

Town of Avon Massachusetts



Town Offices
Buckley Center 02322
(508) 588-0414
FAX (508) 559-0209

AVON TOWN CLERK
REC'D DEC 22 2023 AM 9:44

**SELECT BOARD
THURSDAY, DECEMBER 7, 2023
MARY MCDERMOTT MEETING ROOM
6:30 P.M.**

Members Present: Eric S. Beckerman, Chair
Jason L. Suzor, Sr., Clerk
Shannon M. Coffey, Associate

Others Present: Jonathan L. Beder, Town Administrator
Shanna M. Faro, Executive Assistant/HR Coordinator
Joseph S. Lalli, Esq., Town Counsel
William A. Fitzgerald, DPW Director
Interim Fire Chief Kevin Partridge
Patricia C. Bessette, Town Clerk
Paul Garcia, Conservation Commission Chair

Mr. Beckerman called the meeting to order at 6:30 p.m. with all members present. Mr. Beckerman announced that this meeting of the Select Board is being conducted via a hybrid method. The public may attend the Select Board meetings in-person or may continue to participate via remote Zoom access. Mr. 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.

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

Mr. Beckerman called for a Moment of Silence for Avon resident Keith McKechnie who passed away on November 25, 2023.

Public Participation

None

Meeting Minutes

Mr. Suzor made a motion to approve the November 13, 2023 (Workshop Session) meeting minutes as written. Ms. Coffey seconded the motion. The motion passed.

Mr. Suzor made a motion to approve the November 16, 2023 (Regular Session) meeting minutes as written. Ms. Coffey seconded the motion. The motion passed.

Mr. Suzor made a motion to approve the November 18, 2023 (Workshop Session) meeting minutes as written. Ms. Coffey seconded the motion. The motion passed.

UNFINISHED BUSINESS

None

NEW BUSINESS

Conservation Commission Fee Schedule

Mr. Garcia appeared before the Board to discuss the fee schedule for the Conservation Commission. Mr. Garcia informed the Board that the Conservation Commission has not raised fees in years. The current \$50 fee does not cover the cost of completing the most basic permit work. Mr. Garcia informed the Board that he has drafted a revised fee schedule for the Conservation Commission which mirrors the rates used by the Conservation Commission in the Town of Randolph. Mr. Garcia stated that the revised fee schedule was approved by the Conservation Commission at their meeting of October 12, 2023. Mr. Garcia requested approval by the Select Board as well. Mr. Suzor made a motion to approve the revised Conservation Commission fee schedule effective December 14, 2023. Ms. Coffey seconded the motion. The motion passed.

DPW Unit Price Construction Bid Award

Mr. Fitzgerald approached the Board to discuss the DPW Unit Price Construction Bid Award. Mr. Fitzgerald informed the Board that bids were opened on November 30, 2023. T.L. Edwards, Inc. was the sole bidder at \$2,698,801.90. Mr. Fitzgerald stated that GCG Associates has reviewed the bid for the FY 2024 Street Paving and Site Work and confirmed that T.L. Edwards, Inc.'s bid package and references are satisfactory. T.L. Edwards, Inc. has been the town's annual paving contractor for the past three years and is currently listed as a MassDOT prequalified Pavement Surfacing contractor. Mr. Fitzgerald recommended the Board award the bid to T.L. Edwards, Inc. Mr. Suzor made a motion to award the annual paving bid to T.L. Edwards and approve the contract once finalized. Ms. Coffey seconded the motion. The motion passed.

Liquor License Renewals

Mr. Suzor made a motion to approve the following liquor license renewals for 2024.

Business Name	Address	Manager	Type of License
Shooters, Inc.	36 East Main Street	Linda D. Lewis Martin	All Alcohol – Restaurant
David Benvissuto d/b/a Ben's Pour House	39-43 East Main Street	David Benvissuto	All Alcohol – Restaurant
Avon Post #8892, V.F.W., Inc.	263 East Main Street	Joseph Bernardo	All Alcohol – Club
Avon's Generations	81 Memorial Drive	John Kalinowski, Jr.	All Alcohol – Restaurant
On Avon Corp. d/b/a A-1 Market, Inc.	85 East Main Street	Oanh Quah	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

Wine.com-Massachusetts, Inc. d/b/a Wine.com	33 Wales Avenue, Unit E	Michael Arico	Beer & Wine – Package Store
Sulamita Figueiredo d/b/a Mainha Restaurant	160 Memorial Drive	Sulamita Figueiredo	Beer & Wine – Restaurant

Ms. Coffey seconded the motion. The motion passed.

Class I, II, and III License Renewals

Mr. Suzor made a motion to approve the following Class I, II, and III license renewals for 2024.

Business Name	Address	Type of License
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 Brittanic 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
C.N. Wood Co., Inc.	140 Wales Avenue	Class II License
Avon Gas & Service, Inc.	284 East Main Street	Class II License
Roger Gordon Adjusters d/b/a B&C Motors	491 West Main Street	Class II License
George's Garage, Inc.	340 East Spring Street	Class III License

Ms. Coffey seconded the motion. The motion passed.

Mr. Suzor made a motion to approve the following Class II license renewals with the stipulation that all outstanding bills owed to the town be paid by December 31, 2023.

Business Name	Address	Type of License
Avon Auto Brokers, Inc.	109 Memorial Drive	Class II License
Avon Auto Brokers, Inc.	159 Memorial Drive	Class II License

Ms. Coffey seconded the motion. The motion passed.

Livery Licenses

Mr. Suzor made a motion to approve the following livery license renewals for 2024.

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)

Common Victualler's Licenses

Mr. Suzor made a motion to approve the following Common Victualler's license renewals for 2024.

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
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
Sulamita Figueiredo d/b/a Mainha Restaurant	160 Memorial Drive	Common Victualler's License
NN Business Development, LLC	5 Stockwell Drive	Common Victualler's License
Geri's Pizza, LLC	147 Main Street	Common Victualler's License
Avon's Generations, Inc. d/b/a Generations	81 Memorial Drive	Common Victualler's License
TamBo's Kitchen	490 West Main St.	Common Victualler's License
Ava Kirolos Inc. d/b/a Avon's Best Pizza & Grill	17B North Main St.	Common Victualler's License
Avon V.F.W. Inc., Post #8892	263 East Main St.	Common Victualler's License

Ms. Coffey seconded the motion. The motion passed.

Mr. Suzor made a motion to approve the following Common Victualler license renewals for 2024 with the stipulation that all outstanding bills owed to the town are paid by December 31, 2023.

Business Name	Address	Type of License
Wal-Mart	30 Memorial Drive	Common Victualler's License

Ms. Coffey seconded the motion. The motion passed.

Entertainment License Renewals

Mr. Suzor made a motion to approve the following entertainment license renewals for 2024.

Business Name	Address	Manager	Type of License
Avon VFW Post #8892	263 East Main Street	Joseph Bernardo	One (1) video entertainment license for a juke box, one (1) pool table license, and one (1) public entertainment license
Shooters, Inc.	36 East Main Street	Linda D. Lewis Martin	Three (3) pool table licenses; two (2) automatic amusement devices including a juke box; and one (1) public entertainment license

David Benvissuto d/b/a Ben's Pour House	39-43 East Main Street	David Benvissuto	One (1) amusement licenses for a juke box, one (1) public entertainment license, and two (2) pool table licenses
Avon's Generations, Inc. d/b/a Generations	81 Memorial Drive	John Kalinowski, Jr.	One (1) public entertainment license

Ms. Coffey seconded the motion. The motion passed.

One Day Special Permit

Mr. Suzor made a motion to approve the One Day Special Alcohol Permit for the Avon Fish & Game Association for an outdoor club event on December 16, 2023. Ms. Coffey seconded the motion. The motion passed.

Appointment of Constables

Mr. Suzor made a motion to reappoint the following constables for the term beginning January 1, 2024 through December 31, 2024:

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

Ms. Coffey seconded the motion. The motion carried.

Personnel Action Forms

Mr. Suzor made a motion to approve the Personnel Action Form for Recording Secretary Lynne McKenney for a step increase effective December 12, 2023. Ms. Coffey seconded the motion. The motion passed.

Mr. Suzor made a motion to approve the Personnel Action Form for Head Cook Kellyann Cole for a step increase effective December 20, 2023. Ms. Coffey seconded the motion. The motion passed.

Mr. Suzor made a motion to approve the Personnel Action Form for Assistant Cook Kevin Flynn for a step increase effective December 20, 2023. Ms. Coffey seconded the motion. The motion passed.

Gift Acceptance Form

Mr. Suzor made a motion to accept the gift donation from the Trustees of the Home for Aged Men in the City of Brockton in the amount of \$10,000 to the Council on Aging for any program or event that benefits the seniors. Ms. Coffey seconded the motion. The motion carried. The Board thanked the Howard Trust for their generous donation.

Formal Name Change from Board of Selectmen to Select Board

Ms. Bessette informed the Board that on December 1, 2023, she received notification from Senator Brady's office that the Governor signed the bill changing the name of the "Board of Selectmen" to "Select Board" on November 28, 2023. We can now officially move forward with the name change. Ms.

Bessette stated that she has already reached out to the General Code to make the changes. She has also started making edits to the town website, letterhead, templates, and business cards. Effective immediately, the Board will now be referred to as the Select Board.

Town of Avon Flag Policy

Mr. Beder informed the Board that he has revised the Town of Avon's Flag Policy dated June 18, 2020 as the original policy only addressed half-staff protocols. The proposed revised policy will also address flag raising, approved flags to be flown on town property, half-staff protocols and procedures. The revised policy has been approved by the Town Counsel. Mr. Suzor made a motion to approve and adopt the revised Town of Avon Flag Policy. Ms. Coffey seconded the motion. The motion passed.

AT&T Small Cell Tower Utility Update

Mr. Beder informed the Board that he has heard from the attorney who filed the petition for a grant of location for a small cell wireless facility in the public right-of-way near 24 Rock Street (Pole #4). On July 10, 2023, AT&T officially withdrew without prejudice the pending petition. As an update, Mr. Beder stated that Mr. Pare informed him that AT&T does intend to move forward with the petition for the alternate location of a utility pole (#50-84) located near 139 East Main Street. The attorney for AT&T assured Mr. Beder that the small cell wireless facility will fully comply with all applicable requirements, including applicable FCC requirements relating to radio frequency emissions. Mr. Beder stated that East Main Street falls under the jurisdiction of the Massachusetts Department of Transportation and not the Town of Avon. Mr. Beder stated that concerned residents should contact the state.

Request from Girl Scouts to Sell Cookies on Town Property

Mr. Beder informed the Board that he received a request from the Avon/Holbrook Girl Scouts of Eastern Massachusetts to sell Girl Scout cookies outside of Town Hall and the Avon Public Library for approximately 4-6 dates that would take place on Saturdays or Sundays during the months of January and February. There will be adult supervision at all times, and the troop will be responsible for set-up and take down of their booth sale. Mr. Beder stated that that Girl Scouts did provide insurance paperwork. Mr. Suzor made a motion to approve the request of the Girls Scouts to sell cookies on town property. Ms. Coffey seconded the motion. The motion passed.

Intermunicipal Agreement for Emergency Motor Vehicle Technical Services between the Towns of Easton and Avon

Interim Fire Chief Kevin Partridge appeared before the Board to request approval of an Intermunicipal Agreement for Emergency Motor Vehicle Technical Services between the Towns of Easton and Avon. Chief Partridge informed the Board that the Town of Easton Fire Department employs a full-time certified Emergency Vehicle Technician and offers and provides emergency vehicle repair services to area communities that wish to enter into an Intermunicipal Agreement. Chief Partridge stated that the Easton technician is certified to work on emergency vehicles and has numerous certifications with respect to specialized emergency response equipment. Chief Partridge recommended entering into an Intermunicipal Agreement with the Town of Easton. He stated that this will allow us in many cases to decrease the down time of Avon's apparatus, and reduce the cost of various repairs, as Easton's technician's hourly rate is lower as compared to most vehicle repair services the town is currently using. Mr. Suzor made a motion to approve the Intermunicipal Agreement for Emergency Motor Vehicle Technical Services between the Towns of Easton and Avon and authorize the Chair to sign the contract. Ms. Coffey seconded the motion. The motion carried.

Correspondence from Xfinity regarding Price Changes

Mr. Beckerman stated that the Board has received a letter from Xfinity regarding fee increases which will impact service pricing effective December 20, 2023.

Announcements

Mr. Beckerman announced that the Winter Parking Ban is in effect and there is to be no on-street parking from November 15, 2023 through April 15, 2024.

Mr. Beder informed the Board that the Town of Avon does have CodeRed available and readily accessible in which residents can receive notifications from the Police or Fire Department in the event of emergency situations or critical community alerts. Anyone who is interested in signing up for CodeRed can visit the town's website for more information. Ms. Faro stated that CodeRed alerts are available through text messages, telephone calls, or a mobile app.

Town Administrator's Report

Mr. Beder was pleased with the results of the Special Town Meeting on November 18, 2023 as all articles passed. Mr. Beder informed the Board that the attorneys are working on the purchase and sale agreement for Article One, the open space acquisition. Mr. Beder stated that the contracts for Article Six and Article Seven are being reviewed by Town Counsel.

Mr. Beder informed the Board he continues to work on a level service budget for Fiscal Year 2025. Capital requests were formally submitted by the Department Heads on December 6, 2023. All budget proposals and capital requests must be submitted to the Select Board and Finance Committee no later than January 4, 2024.

Mr. Beder stated that BadgeQuest is moving along with the recruitment process for a new Fire Chief. The job posting was advertised in the Massachusetts Municipal Association and the Fire Chiefs Association. Applications are due by December 22, 2023. Once the posting closes, there will be an assessment center and an interview panel set up to interview the finalists.

Mr. Beder stated that we continue to move forward with the implementation of e-permitting. The Board of Health will be the first department who has online permitting available. The platform is being tested and a January startup date is anticipated to go live.

Mr. Beder informed the Board that the Housing Rehabilitation Program continues to advance with a variety of projects in which a scope is being developed and finalized for homeowner approval. There is currently \$288,450 remaining in the budget in which up to \$35,000 of financial assistance can be programmed for eligible projects.

Town Counsel's Report

Mr. Lalli is working on updating outdated policies. He is assisting Ms. Faro with the license renewals. He is working with Mr. Fitzgerald on DPW contracts including the wastewater treatment plant. Mr. Lalli will be issuing a Cease-and-Desist Order to the abutter of the Veterans Park. He finalized the amended Town of Avon Flag Policy. He has also spoken with the attorney regarding the proposed small cell tower facility.

Adjournment

At 7:33 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 as an Open Meeting may have a detrimental effect on the town's bargaining or litigating position. (AFSCME, Police, Fire, Call Firefighters); and to conduct strategy sessions in preparation for negotiations with non-union personnel (DPW Director). Ms. Coffey seconded the motion. A roll call vote was taken. Ms. Coffey voted aye. Mr. Suzor voted aye. Chairman Beckerman voted aye. The motion passed.

Respectfully submitted,



Shanna M. Faro
Executive Assistant to the Town Administrator

LIST OF DOCUMENTS

1. December 7, 2023 Meeting Agenda
2. Meeting Minutes (11/13/23, 11/16/23, 11/18/23)
3. Conservation Commission Fee Schedule
4. DPW Unit Price Construction Bid Award & Draft Contract
5. Liquor License Renewals for 2024
6. Class I, II, and III License Renewals for 2024
7. Livery License Renewals for 2024
8. Common Victualler's License Renewals for 2024
9. Entertainment License Renewals for 2024
10. One Day Special Alcohol Permit for Fish & Game Association on 12/16/23
11. Request Letters from Constables for Reappointment
12. Personnel Action Forms (Head Cook, Assistant Cook, Recording Secretary)
13. Gift Acceptance Form for Council on Aging
14. Legislation regarding name change from Board of Selectmen to Select Board
15. Town of Avon Amended Flag Policy
16. Request from Girl Scouts to sell cookies on town property
17. Intermunicipal Agreement for Emergency Motor Vehicle Technical Services
18. Correspondence from Xfinity regarding price changes
19. Town Administrator's Report