

BOARD OF SELECTMEN MEETING  
THURSDAY, OCTOBER 18, 2007  
7:30 P.M.

Members present: Francis A. Hegarty, Chairman  
Steven P. Rose  
Wayne Phillips

Others present: Michael McCue, Town Administrator  
Joseph Lalli, Town Counsel

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

Mr. Rose made a motion to accept the minutes of Thursday, October 4, 2007 as submitted. Mr. Phillips seconded the motion. The vote was unanimous.

On behalf of the Board, Chairman Hegarty welcomed Michael McCue, who joined the Town on October 15<sup>th</sup> as Town Administrator.

There were no public comments during the Open Forum.

A donation was received from the Avon Junior Garden Club to the Avon Public Library requiring the Board's acceptance, in the amount of \$393.11.

Mr. Phillips made a motion to accept the gift to the Avon Library in the amount of \$393.11. Mr. Rose seconded the motion. The motion carried.

Chairman Hegarty reported a flyer has been circulating through the Town from an organization called "Avon Pride." The organization has concerns of keeping the Town clean and free of trash. The flyer stated that many neighborhoods are well cared for but some are not. Their motto is "Be Aware and Care."

Chairman Hegarty informed residents that this organization is not sponsored by the Town nor any organization connected to the Town.

Meeting dates for the month of November were set as follows:

Thursday, November 1, 2007 at 7:30 p.m.



Thursday, November 15, 2007 at 7:30 p.m.

On a motion made by Mr. Rose, seconded by Mr. Phillips, it was unanimously voted to approve all vouchers for the payment of bills as submitted.

At 7:40 p.m. it was unanimously voted to call for a brief recess.

At 7:45 p.m. the Board reconvened.

**7:45 p.m. —Public Hearing on the application for a Common Victualler's license for Subway of Avon, LLC at 5 Stockwell Drive**

Mr. Tom Farrell, Franchisee and Development agent for Subway stores in Norfolk County, appeared before the Board.

Mr. Farrell explained he is representing Kimberly Morano, who is applying for a common victualler's license for Subway of Avon, LLC located at 5 Stockwell Drive, the former location of Togo's. There would be no renovation changes at the location. The hours would correspond to Dunkin Donuts hours. Kimberly Morano is owner/manager of Subway of Avon LLC.

After some questioning by the Board, Mr. Rose made a motion to approve the common victualler's license for Subway of Avon LLC located at 5 Stockwell Drive. Mr. Phillips seconded the motion. The vote was unanimous.

At 7:55 p.m. Mr. Rose made a motion to call for a brief recess until 8:15 p.m. at which time a public Ascertainment Hearing is scheduled with Comcast. Mr. Phillips seconded the motion. The vote was unanimous.

At 8:15 p.m. the Board reconvened.

Chairman Hegarty called the public Ascertainment Hearing to order at 8:15 p.m.

Chairman Hegarty stated he is the Chairman of the Avon Board of Selectmen, which is the statutory Issuing Authority. He introduced Selectman Rose and Selectman Phillips and the members of the Cable Advisory Committee as follows: Ms. Sharon Kelly, Mr. Warren Lane, Mr. Gerald Picardi and Mr. Patrick Murphy who are in attendance this evening.

Chairman Hegarty stated tonight's hearing was published on 10/4/07 and 10/11/07 in the *Enterprise* newspaper. A copy of the Legal Notice would be provided for the public record.

Chairman Hegarty explained tonight's hearing is mandated by the renewal provisions of the federal Cable Act. The current cable television license held by Comcast expires November 16, 2008. The Town is currently involved in the federally required ascertainment process. The purpose of tonight's hearing is to (1) identify future cable related community needs and interests and (2) to review the performance of Comcast under its current television license. The Town must conduct at least one (1) public

hearing, but may have more. The Board of Selectmen may decide to conduct one or more additional hearings in the future.

Once the Town has gathered community input, it will forward the results to Comcast in an RFP (Request for Proposal). This RFP will inform Comcast of the kinds of services and facilities that the Town expects will be provided during any possible renewal term. The testimony given tonight is very important. Testimony given will be part of the official record.

Chairman Hegarty reported there are two (2) related subjects over which the Board of Selectmen have no authority to regulate—the rates that Comcast charges for its services and the commercial programming that Comcast chooses to show on its cable systems.

Chairman Hegarty opened up the hearing to comments and public testimony.

1. Robert Spurr—Avon Fire Chief and resident of 209 Page Street  
Chief Spurr commented that he is concerned with public safety. He would like to see local access programming where information could be provided to all residents of the town in case of emergency, i.e., evacuation plans, severe weather updates, etc. and a back-up system at a public safety facility to town buildings, schools, etc.

2. Scott Hulien—Technology Coordinator for the Avon Public Schools and resident of 11 Nichols Avenue  
Mr. Hulien would like to see cable brought back into the high school. Cable was taken out with the Avon Middle/High School renovation project. Classrooms are cable ready.

3. Patrick Murphy—Member of the Cable TV Advisory Committee and resident of 12 Maple Avenue  
Mr. Murphy received two (2) letters that he would like to have entered into the public record. One (1) was from Water Superintendent John Tetreault. Mr. Tetreault would like to see high speed internet service provided into all municipal buildings at no charge.

A second letter from the Avon Housing Authority, a low income/71 bedroom housing community in Avon— would request an equitable arrangement for cable availability to seniors in the Town. Mr. Murphy would like the community to think creatively about the future and the role television can serve as a vehicle for communicating information. Provisions should be made for senior citizen discounts. Mr. Murphy, who has been involved with Cub Scouts, Little League, Housing Authority, etc. stressed that technology is available to us. Technology is getting more portable and less expensive. Seniors and residents should be able to obtain information on current activities in the Town, Town department information, infomercials, scheduling of town events, public emergency information, sporting events, etc.

4. Sharon Kelly—Member of the Cable TV Advisory Committee and resident of 67 Robbins Street

Ms. Kelly has the cable bundle package with phone service. She expressed her frustration with bad phone service. She would like to see better selections in the cable package. She would also like to see a cable access channel for Avon only.

5. Warren Lane—Chairman of the Cable TV Advisory Committee and resident of 19 Robbins Street

Mr. Lane expressed his frustration with cable performance in the Town. He has great difficulty with channel 2 (WGBH). It appears there is no signal for PBS at his home. When surfing channels, the volume is not consistent with each channel. With the new cable contract there would be no studio availability provided by Comcast to do a community program like Cracker Barrel. There is a possibility of pairing with the Town of Holbrook and sharing a studio.

At 8:50 p.m. Comcast Senior Manager of Government and Community Relations, Catherine Maloney, appeared before the Board with her comments and response.

Ms. Maloney stated the Town's current license expires November 16, 2008. Ms. Maloney noted the technical issues reported this evening and will try and resolve them. Ms. Maloney reported that Comcast has provided scholarship money and donations to the Town of Avon. She also stated Comcast makes every effort to offer the best rates available for cable service.

With no further testimony, Chairman Hegarty concluded the public hearing. The hearing would be open for fourteen (14) days in order to receive additional testimony. Interested parties are encouraged to submit written testimony on any renewal-related issues discussed tonight or any cable related issue.

Please send written comments to the Board of Selectmen's office by Thursday, November 1, 2007 (14 days after the hearing) to the Avon Town Hall, 65 East Main Street, Avon, MA 02322.

Please direct any questions about tonight's hearing or the cable television renewal process to the Board of Selectmen's office (508) 588-0414.

Chairman Hegarty thanked everyone who attended the ascertainment hearing.

At 8:55 p.m. Mr. Rose made a motion to adjourn the meeting. Mr. Phillips seconded the motion. The vote was unanimous.

Respectfully submitted,

Miriam Rothstein  
Secretary