

BOARD OF SELECTMEN MEETING
THURSDAY, DECEMBER 4, 2008
7:30 P.M.

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

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, November 20, 2008 (Regular Session) as written. Mr. Phillips seconded the motion. The vote was unanimous.

On a motion made by Mr. Rose, seconded by Mr. Phillips, it was unanimously voted to approve the minutes of Thursday, November 20, 2008 (Executive Session) as submitted.

Mr. Rose made a motion to accept the minutes of Thursday, November 13, 2008 (Open Session) as written. Mr. Phillips seconded the motion. The vote was unanimous.

A donation was received from resident Constance Vieira to be used for the Annual Tree Lighting Ceremony. Mr. Rose made a motion to accept the gift from Ms. Vieira in the amount of \$50.00. Mr. Phillips seconded the motion. All were in favor.

Chairman Hegarty announced this year's Christmas celebration begins on Sunday, December 7th at 1:00 p.m. Santa will be at the gazebo, followed by a concert at the Avon Baptist Church. At 5:00 p.m. the annual tree lighting will be held on the corner of Harrison Blvd. and West Main Street. The holiday lighting ceremony is sponsored by IKEA of Stoughton.

7:35 p.m.—Classification Hearing

Assessors Warren Lane, Cynthia Bernasconi and James Donovan appeared before the Board.

Chairman Hegarty read the Legal Notice regarding the Classification Hearing to set the tax rates for the next fiscal year.

Chairman Bruce Lane discussed the Assessors recommendations in setting the tax rate, using a residential factor of 64.6457. The Assessors' recommendations for the various classes are as follows:

Residential to be set at \$10.59
Commercial/Industrial to be set at \$22.86
Personal Property to be set at \$22.78

Mr. Lane reported the 10% small business exemption was calculated in their recommendations.

Mr. Phillips made a motion to accept the above-mentioned recommendations of the Board of Assessors using the 64.6457 residential factor. Mr. Rose seconded the motion. The motion carried.

Mr. Phillips made a motion to extend the maximum small business credit of 10%. Mr. Rose seconded the motion. The vote was unanimous.

2009 License Renewals

Chairman Hegarty read the list of liquor license renewals for 2009 as follows:

Shooters, Inc.	36 E. Main St.	All Alcoholic Restaurant
Chester Foods, LLC D/B/A Scofields Pub	39 E. Main St.	All Alcoholic Restaurant
Avon Post #8892 V.F.W. Inc.	263 E. Main St.	All Alcoholic Club (Veterans)
Avon's Generations, Inc.	81 Memorial Dr.	All Alcoholic Restaurant
Avon Chinese Restaurant Corp. D/B/A Charlie Chan's	9 North Main St.	All Alcoholic Restaurant
Janet Ashton-Geiss D/B/A Blanchard's Tavern	98 N. Main St.	Wine & Malt Restaurant
MJS Group, Inc. D/B/A A-1 Market	85 E. Main St.	Wine & Malt Package Store
Big Jim's Liquors, Inc.	155 E. Main St.	All Alcoholic Package Store
Alan Group, Inc. D/B/A Avon Line Beer & Wine	2 Memorial Dr.	Wine & Malt Package Store
Costco Atlantic Liquors, Inc. D/B/A Costco Liquors	120 Stockwell Dr.	All Alcoholic Package Store

Avon Food Mart, Inc. 17 N. Main St. Wine & Malt Package Store

E-Vineyard Retail Sales – Massachusetts, Inc.
D/B/A WINE.COM 33 Wales Ave. Wine & Malt Package Store

Lai Van Lam 490 West Main St. Wine & Malt Package Store
D/B/A Avon Variety

On a motion made by Mr. Phillips, seconded by Mr. Rose, it was unanimously voted to renew the above-mentioned liquor licenses for 2009 as stated.

Chairman Hegarty read the list of Class I licenses for 2009 renewal as follows:

McDevitt Trucks, Inc.	One Mack Drive
Bayside Trucks, Inc.	11 Ledin Drive
Daniel Kourafas D/B/A Danny's Scooter Shop	105 Memorial Drive

Mr. Rose made a motion to approve the Class I license for 2009 renewal as previously read. Mr. Phillips seconded the motion. The motion carried.

Chairman Hegarty read the following Class III license renewal for 2009 as follows:

George's Garage, Inc. 340 East Spring St.

On a motion made by Mr. Rose, seconded by Mr. Phillips, it was unanimously voted to renew for 2009 the Class III license as previously read.

Chairman Hegarty read the list of Class II licenses for 2009 renewal as follows:

George's Garage, Inc.	340 East Spring St.
Edart Truck Rental Corp. of Mass.	100 Wales Ave.
Steven DeAcetis, Avon Auto Center, Inc.	104 Memorial Drive
Robert Nicholson, D/B/A Brittanica Motors	110 Memorial Drive
Brian White, D/B/A Cycle Performance Auto Body	271 East High St.
Robert Sneider, E.J. Auto, Inc.	21 Ledin Dr.
Avon Auto Brokers, Inc.	159 Memorial Dr.
Avon Auto Brokers, Inc.	109 Memorial Dr.
C.N. Wood Co., Inc.	140 Wales Ave.
42 N. Main Used Cars	41 N. Main St.

Mr. Rose made a motion to approve the Class II licenses for 2009 renewal as previously read. Mr. Phillips seconded the motion. The motion carried.

Chairman Hegarty read the list of Common Victualler's licenses for 2009 renewal as follows:

Costco Wholesale Corp. D/B/A Costco Wholesale	120 Stockwell Dr.
Avon House of Pizza	160 Main St.
Delops, Inc.	600 Page St.

Randolph Donuts, Inc.	600 Page St.
Independence Foods, LLC D/B/A Dunkin Donuts	20 Memorial Dr.
Linda D. Lewis Martin, D/B/A Shooters, Inc.	36 East Main St.
Janet Ashton-Geiss, D/B/A Blanchard's Tavern	98 N. Main St.
Chester Foods, LLC, D/B/A Scofields Restaurant & Pub	39-43 E. Main St.
George Papadopoulos, D/B/A Supreme Pizza	17 N. Main St.
Nana's Pizza and Subs	490 W. Main St.
Walmart	30 Memorial Dr.
Avon Variety	490 West Main St.
Dunkin Donuts/Baskin Robbins	5 Stockwell Dr.
Independence Foods, LLC, D/B/A Dunkin Donuts	30 Memorial Dr. (at Walmart)
Sulamita Figueiredo, D/B/A Mainha Restaurant	160 Memorial Dr.
Total Brasil	101B Memorial Dr.
Subway of Avon LLC	5 Stockwell Dr.

On a motion made by Mr. Rose, seconded by Mr. Phillips, it was unanimously voted to approve the Common Victualler licenses for 2009 renewal as previously read.

Chairman Hegarty read the list of Livery licenses for 2009 renewal as follows:

TAZ, Inc. (nine vehicles operating, including two handicap vans) 71 Glendower St.

Sydney O. Webbe, D/B/A A Special Way & Associates (Limousine transportation)	77 Lynn Rd. Brockton, MA
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Avon Courier Service	24 Emerson Ave. Brockton, MA
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Above & Beyond Limousine Service	68 Pratt St.
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On a motion made by Mr. Rose, seconded by Mr. Phillips, it was unanimously voted to approve the Livery licenses for 2009 renewal as read.

Chairman Hegarty read the list of General licenses for 2009 renewal as listed below:

Richard Cannon, D/B/A Avon Greenhouse & Flower Shop, Inc. 151 East Main St.

On a motion made by Mr. Rose, seconded by Mr. Phillips, it was unanimously voted to approve the General license for 2009 renewal as previously read.

Chairman Hegarty read the list of Entertainment licenses for 2009 renewal as follows:

1. Avon VFW Post #8892	263 E. Main St.
Eight (8) video entertainment machine licenses (includes one juke box)	
One (1) pool table license	
One (1) public entertainment license for one (1) juke box	

2. Shooters, Inc.	36 E. Main St.
Three (3) pool table licenses	

Eight (8) automatic amusement device licenses (includes license for one (1) juke box)
One (1) public entertainment license for one (1) juke box

3. Chester Foods, LLC 39 E. Main St.
D/B/A Scofields Restaurant & Pub
Four (4) Megatouch Video Entertainment machine licenses
One (1) license for one (1) juke box
One (1) license for Public Entertainment for one (1) juke box, public entertainment to include karaoke and up to a four (4) piece band

4. Generations 81 Memorial Drive
No license renewals submitted.

On a motion made by Mr. Rose, seconded by Mr. Phillips, it was unanimously voted to approve the three (3) entertainment license renewal requests for 2009 as read.

Mr. Rose made a motion to table entertainment licenses for 2009 renewal for Generations. Mr. Phillips seconded the motion. The vote was unanimous.

8:00 p.m.—Avon Community Development Strategy Session

Mr. Peter Sanborn, President of Community Opportunities Group, Inc. appeared before the Board to discuss 2009 Massachusetts Community Development Block Grant funds. Mr. Sanborn explained the purpose of the meeting is to discuss a grant application that would be submitted to the Mass. Dept. of Housing and Community Development. As part of the application process, the Town must develop a Community Development Strategy. Mr. Sanborn questioned the Board and the audience on what types of things they feel is needed to make this a better community—projects/activities to address local community development needs, revitalization needs, existing housing conditions, etc. Mr. Sanborn reported that *if the Town qualifies*, there are projects that can be funded.

Chairman Hegarty discussed the aging demographic population in Avon. Assistance in low interest loans for home improvements to lower and moderate income residents/seniors would be most helpful. Chairman Hegarty also mentioned the hiring of a new COA director who will focus on expanding programs for the elderly.

After further discussion, Mr. Sanborn stated the application process is extremely involved—developing the application requires public input, research and documentation and a survey of town residents. Community Opportunities Group is well qualified to assist the Town in the preparation of the grant application.

The Board thanked Mr. Sanborn for his presentation.

Public Announcements

Chairman Hegarty announced the compost site will close this coming Sunday, December 7th at 2:00 p.m.

Office hours would be held on Wednesday, January 7, 2009. Representatives from Congressman Lynch's office will be at Town Hall from 10:00 a.m. to noon to answer any questions/concerns from residents.

Chairman Hegarty announced Barbara Brenton has been hired as COA Director for the Town and begins her employment on Monday, December 15th.

MTBE SETTLEMENT STATEMENT

Chairman Hegarty reported "a settlement was made with many oil companies as a result of the detection of the gasoline additive Methyl Tertiary Butyl Ether (MTBE) in our public water supply. Avon was one of 80 Massachusetts public water providers that participated in this class action lawsuit. The total amount received by the Town of Avon is \$3,545,178.04. These funds have been placed in an interest bearing account for the time being. A future Town Meeting will determine how to use these funds, specifically for costs related to past, present and future water system projects. Settlement amounts were determined by the amount of wells affected. Every well in Avon tested positive for MTBE. However, our wells NEVER reached the point at which DEP declared them a public health threat. Please be assured that the water in the Town is safe to drink now and was in the past."

It was unanimously voted to approve all vouchers for the payment of bills as submitted.

Town Administrator's Report

Mr. McCue announced the Board voted to deny the cable contract renewal agreement with Comcast. A new contract may be available by the next meeting for review. Mr. McCue will get the new cable contract renewal agreement to the Board in the next week or so.

Mr. Rose asked if the Cable Advisory Committee could indicate comparisons from the last contract to the new contract.

At 8:40 p.m. Mr. Rose made a motion to call for a brief recess. Mr. Phillips seconded the motion. The vote was unanimous.

At 8:45 p.m. the Board reconvened.

8:45 p.m. —Public Hearing on the Application for Change in Manager for Avon's Generations, Inc.—81 Memorial Drive

Mr. Adam Silver, owner of Generations, Inc. and current manager Lisa Rappoli, appeared before the Board. After a brief discussion, Mr. Rose made a motion to continue the Public Hearing until the next Board of Selectmen meeting, Thursday, December 18, 2008. Mr. Phillips seconded the motion. The vote was unanimous.

At 8:50 p.m. Mr. Rose made a motion to enter Executive Session to discuss a litigation matter and the Board would not reconvene in Open Session. Mr. Phillips seconded the motion. A roll call vote was taken:

Mr. Rose voted aye
Mr. Phillips voted aye
Chairman Hegarty voted aye

Respectfully submitted,

Miriam Rothstein
Secretary