

BOARD OF SELECTMEN MEETING
THURSDAY, DECEMBER 3, 2009
7:30 P.M.

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

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

Not present: Wayne Phillips

Chairman Hegarty called the meeting to order at 7:30 p.m. with a quorum being present. Mr. Phillips was absent from the meeting with a work commitment.

Mr. Rose made a motion to accept the minutes of Thursday, November 19, 2009 (Regular Session) as submitted. Chairman Hegarty seconded the motion. The motion carried.

On a motion made by Mr. Rose, seconded by Chairman Hegarty, it was unanimously voted to table the minutes of Thursday, November 19, 2009 (Executive Session).

There were no public comments during the Open Forum.

A donation was received from IKEA of Stoughton, in the amount of \$1200.00, for the Board's acceptance to be used to fund the Annual Christmas Tree Lighting Ceremony.

Mr. Rose made a motion to accept the gift from IKEA to fund the Christmas Tree Lighting Ceremony to be held on December 12, 2009. Chairman Hegarty seconded the motion. The motion carried.

Chairman Hegarty announced Saturday, December 12, 2009 will be a full day of celebration. Beginning at 1:30 p.m. Santa will arrive in the Square; 3:00 p.m. Avon Park and Recreation will present "A Christmas Band," — a children's play at the Avon Middle/High School; 5:00 p.m. the annual Christmas Tree Lighting Ceremony will be held at the Avon Christmas tree at Harrison Blvd. and West Main Street. There will be music and refreshments.

On behalf of the Board of Selectmen, Chairman Hegarty thanked the Avon Civic Association, the Police, Fire, and Highway Departments, Dunkin Donuts and IKEA for their generosity. The day's activities will be posted on the Town's website.

At the prior Board of Selectmen's meeting, Mr. McCue distributed a draft of a Harassment Policy for the Board's review. Chairman Hegarty asked the Board for comments, changes, etc. to the policy. Mr. Rose made a motion to accept the draft of the Harassment Policy as submitted with no changes. Chairman Hegarty seconded the motion. The motion carried.

Town Counsel Joseph Lalli provided the Board with a draft of a newly promulgated Liquor Policy for the Town. The Town's Alcohol policy has not been amended since February, 2004. Chairman Hegarty asked the Board to review the draft alcohol policy with comments, etc. so that the updated liquor policy could be voted on at the December 17th meeting.

7:35 p.m.—Classification Hearing

Assessors James Donovan, Cynthia Bernasconi and Tax Collector Michael DePesa appeared before the Board. Also present was Marjorie Malone, Assistant Assessor for the Town.

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

Assessor Cynthia Bernasconi discussed the Assessors' recommendations in setting the tax rate, using a residential factor of 65.1295. The Assessors' recommendations for the various classes are as follows:

Residential to be set at \$10.91
Commercial/Industrial to be set at \$23.06
Personal property to be set at \$22.95

Mr. Rose made a motion to accept the above-mentioned recommendations of the Board of Assessors using the residential factor at 65.1295. Chairman Hegarty seconded the motion. All were in favor.

Mr. Rose made a motion to continue the 10% small business exemption. Chairman Hegarty seconded the motion. The motion carried.

Assistant Assessor Marjorie Malone stated several forms have been approved by the Department of Revenue. It appears the Recap Sheet will be available on Monday, December 7th.

2010 License Renewals

Chairman Hegarty read the list of liquor license renewals for 2010 as follows:

Shooters, Inc.	36 East Main St.	All Alcohol Restaurant Linda D. Lewis Martin, Mgr.
Chester Foods, LLC D/B/A Scofields Restaurant & Pub	39-43 East Main St.	All Alcoholic Restaurant John J. Paulding, Sr., Mgr.
Avon Post #8892 V.F.W., Inc.	263 East Main St.	All Alcoholic (Veteran's Club) Mildred D. Papp, Mgr.
Avon's Generations, Inc. D/B/A Generation	81 Memorial Dr.	All Alcoholic Restaurant Adam Silver, Mgr.
Avon Chinese Restaurant Corp. D/B/A Charlie Chan's	9 N. Main St.	All Alcoholic Restaurant Lee Liang, Mgr.
Janet Ashton-Geiss D/B/A Blanchard's Tavern	98 N. Main St.	Wine and Malt Restaurant
MJS Group, Inc. D/B/A A-1 Market	85 E. Main St.	Wine and Malt Package Store Jasvir Kaur/Mgr.
Big Jim's Liquors, Inc.	155 E. Main St.	All Alcoholic Package Store Donald Hung Dong/Mgr.
Alan Group, Inc. D/B/A Avon Line Beer & Wine	2 Memorial Dr.	Wine and Malt Package Store Robert Curtis, Mgr.
Costco Atlantic Liquors, Inc. D/B/A Costco Liquors	120 Stockwell Dr.	All Alcoholic Package Store Shannon Lundholm, Mgr.
Avon Food Mart, Inc.	17 N. Main St.	Wine and Malt Package Store George Elias, Mgr.
Wine.com-Massachusetts, Inc. D/B/A wine.com	33 Wales Ave.	Wine and Malt Package Store Michael Arico, Mgr.
Lai Van Lam D/B/A Avon Variety	490 W. Main St.	Wine and Malt Package Store Lai Van Lam, Mgr.

Mr. Rose commented that a letter was received from Robert Borden, Building Inspector, stating that there were several violations of the annual inspection requirements for the premises at 9 North Main Street, Avon Chinese Restaurant Corp., D/B/A Charlie Chan's. Until the cited violations are corrected, no Inspection Certificate would be issued by the Building Inspector and the Fire Chief. All other liquor license establishments met the inspection requirements.

Mr. Rose made a motion to approve the liquor licenses as read minus one for Avon Chinese Restaurant Corporation, D/B/A Charlie Chan's at 9 North Main Street. Chairman Hegarty seconded the motion. The motion carried.

Mr. Rose discussed that when license renewal notification letters are mailed, the following information should be provided by each liquor license holder when liquor licenses are picked up for the new year:

1. TIP information—a listing of all servers who passed the TIPS program per establishment
2. Notification of the Town's sting policy should be provided to each liquor license holder upon pick-up of their new license

Class I licenses

Chairman Hegarty read the list of Class I license renewals for 2010 as follows:

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

Mr. Rose made a motion to approve the Class I license renewals for 2010 as read. Chairman Hegarty seconded the motion. The motion carried.

Class II licenses

Chairman Hegarty read the list of Class II licenses for 2010 renewal:

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

Mr. Rose made a motion to approve the Class II licenses for 2010 renewal as read, term to expire: December 31, 2010. Chairman Hegarty seconded the motion. The motion carried.

Class III licenses

Chairman Hegarty read the list of Class III licenses for 2010 renewal as follows:

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

Mr. Rose made a motion to approve the Class III license for 2010 renewal as previously read. Chairman Hegarty seconded the motion. The motion carried.

Livery Licenses

Chairman Hegarty read the list of Livery license renewals for 2010 as follows:

TAZ, Inc. 71 Glendower St. Avon, MA
TAZ, Inc.
TAZ, Inc.
TAZ, Inc.
TAZ, Inc.
TAZ, Inc.
TAZ, Inc.
TAZ, Inc.
TAZ, Inc. (Handicap Van)
TAZ, Inc. (Handicap Van)
Sydney O. Webbe D/B/A A Special Way & Associates (Limousine transportation) 77 Lynn Rd.
Brockton, MA

Avon Courier Service 24 Emerson Ave. Brockton, MA

Mr. Rose questioned why livery licenses are being issued to businesses with a Brockton address. Mr. Rose asked Town Counsel Lalli to look into the matter. Why are they receiving licenses from Avon when the business is based in Brockton? Town Administrator Michael McCue stated he would report back to the Board with a response.

On a motion made by Mr. Rose, seconded by Chairman Hegarty, it was unanimously voted to table approval of the livery license renewals for 2010 until the next meeting of December 17, 2009.

General Licenses

Chairman Hegarty read the list of General licenses for 2010 renewal as follows:

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

Mr. Rose made a motion to approve the above-mentioned General License for 2010 renewal as read. Chairman Hegarty seconded the motion. All were in favor.

Common Victualler's Licenses

Chairman Hegarty read the list of Common Victualler's licenses for 2010 renewal as follows:

Costco Wholesale Corp. D/B/A Costco Wholesale	120 Stockwell Dr.
Avon House of Pizza	163 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 E. 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.
Valcy Araugo D/B/A Supreme Pizza	17 N. Main St.
Nana's Pizza and Subs	490 W. Main St.
Wal-Mart	30 Memorial Dr.
Avon Variety	490 W. Main St.
Dunkin Donuts/Baskin Robbins	5 Stockwell Dr.
Independence Foods, LLC D/B/A Dunkin Donuts	30 Memorial Dr. (at Wal-Mart)
Sulamita Figueiredo D/B/A Mainha Restaurant	160 Memorial Dr.
Total Brasil	101B Memorial Dr.
Subway of Avon, LLC	5 Stockwell Dr.

Mr. Rose made a motion to approve the Common Victualler licenses for 2010 as read. Chairman Hegarty seconded the motion. The motion carried.

Entertainment Licenses

Chairman Hegarty read the list of Entertainment License renewals for 2010 as follows:

Avon V.F.W. Post #8892
263 East Main St.
Avon, MA

Eight (8) video entertainment machine licenses (includes license for one (1) juke box
One (1) pool table license
One (1) public entertainment license for one (1) juke box

Shooters, Inc.
36 East Main St.
Avon, MA

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

Avon's Generations, Inc.
81 Memorial Dr.
Avon, MA

Eight (8) Video entertainment machines (includes license for one (1) juke box)
Two (2) pool tables
One public entertainment license for one (1) juke box
Mr. Rose made a motion to approve the above-mentioned list of Entertainment licenses for 2010 renewal as read. Chairman Hegarty seconded the motion. All were in favor.

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

Town Administrator's Report

Mr. McCue reported that the Town has retained the services of Waverly Landscape Associates for the clearing of streams and brooks as a result of Special Town Meeting action of September, 2006. Mr. McCue stated the company has started working on Ladge Drive. Residents may see workers behind certain locations. Please call the Town Hall if you have any concerns.

Congressman Lynch's office informed Mr. McCue that a bill is under consideration in Washington regarding national water – flood control. Mr. McCue has asked Congressman Lynch's office to obtain additional funding for Avon for stream and brook clearing.

Chairman Hegarty discussed setting up an interdepartmental meeting on Thursday, January 7, 2010 to begin discussion on budgets for fiscal year 2011.

Public Announcements

Chairman Hegarty announced the Special Primary election will be held on Tuesday, December 8, 2009 at the Town Hall Meeting Room. Polls are open from 7:00 a.m. to 8:00 p.m. Residents will cast their votes for U.S. Senator.

The compost site will close this coming Sunday, December 6, 2009.

At 8:15 p.m. Mr. Rose made a motion to enter Executive Session to discuss a litigation matter. Chairman Hegarty seconded the motion.

A roll call vote was taken:

Mr. Rose voted aye
Chairman Hegarty voted aye

The Board would not reconvene in open session.

Respectfully submitted,

Miriam Rothstein
Secretary