

BOARD OF SELECTMEN MEETING
THURSDAY, APRIL 17, 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.

On a motion made by Mr. Rose, seconded by Mr. Phillips, it was unanimously voted to approve the minutes of Thursday, April 3, 2008 (Regular Session) as submitted.

Mr. Rose made a motion to accept the minutes of Thursday, April 3, 2008 (Executive Session). Mr. Phillips seconded the motion. The vote was unanimous.

Reorganization of the Board was the first item of business.

Mr. Phillips made a motion to nominate Francis A. Hegarty to serve as Chairman of the Board. Mr. Rose seconded the motion. The motion carried.

Mr. Phillips made a motion to nominate Steven P. Rose for the position of Clerk of the Board. Chairman Hegarty seconded the motion. The motion carried.

Chairman Hegarty congratulated Mr. Phillips on being re-elected to the position of Selectman for the Town of Avon.

A request for a street opening permit was received from Bay State Gas Co. for maintenance repair and corrosion control at East and Littlefield Streets.

Mr. Rose made a motion to approve the request from Bay State Gas Co. for maintenance repair at East and Littlefield Streets. Mr. Phillips seconded the motion. All were in favor.

A request was received for a street opening permit from Bay State Gas Co to make the proposed gas installation at Lot 4, Crescent Ridge Lane. Mr. Phillips questioned whether this was a new development. Chairman Hegarty stated it is.

Mr. Rose made a motion to grant the road opening permit for Lot 4, Crescent Ridge Lane. Mr. Phillips seconded the motion. The motion carried.

Bay State Gas Co. requested permission to excavate to install gas service into 463 Central Street. After some discussion regarding the house numbers on the street, Mr. Phillips made a motion to approve the road cut at 463 Central Street. Mr. Rose seconded the motion. The vote was unanimous.

Chairman Hegarty announced the compost site would open this coming Saturday, April 19th. The compost site hours are as follows:

Saturdays, Sundays and Wednesdays – open from 9:00 a.m. to 2:00 p.m.

Chairman Hegarty reported the Annual Town Report Books for 2007 are now available for residents at Town Hall.

The Board received a decision from the Alcoholic Beverages Control Commission (dated April 4, 2008) upholding the March 9, 2007 suspension of Avon Variety's beer and wine package store license for a period of ten (10) days. Chairman Hegarty asked the Board to consider the dates for suspension of the liquor license.

After some discussion, Mr. Rose made a motion to suspend the beer and wine package store license for Avon Variety from Monday, April 28, 2008 through May 7, 2008. Mr. Phillips seconded the motion. The motion carried.

It was unanimously voted to approve a one day special alcohol permit for Avon Fish & Game Association for Saturday, May 17, 2008.

Mr. Phillips made a motion to approve a Flea Market permit for the Avon Baptist Church-Men's Fellowship beginning Saturday, May 10, 2008 through Saturday, October 25, 2008 with the permit fee waived. Mr. Rose seconded the motion. The motion carried.

Mr. Rose made a motion to approve all vouchers for the payment of bills minus the invoice tabled regarding an elected Constable insurance bond. Mr. Phillips seconded the motion. All were in favor.

Chairman Hegarty announced Town Hall would be closed on Monday, April 21st in honor of Patriots Day.

Chairman Hegarty congratulated those individuals who were elected following the April 14th Annual Town Election.

8:00 p.m.—Continued Public Hearing for 81 Memorial Drive regarding potential violation of closing policy in a liquor establishment

Attorney Darcy MacDonald and Manager Lisa Rappoli appeared before the Board.

Chairman Hegarty explained and provided Attorney MacDonald with the Board's 1993 Closing Policy for all liquor establishments in the Town of Avon as follows:

Last call at 12:50 a.m.

All Bar Service stops at 1:00 a.m.

All patrons out of the establishment by 1:15 a.m.

Between 1:15 a.m. and 2:00 a.m. all employees may be on the premises for cleaning/closing purposes but no alcoholic beverages to be served to employees. No drinks to be on bars or on tables.

2:00 a.m. Premises must be completely closed

Chairman Hegarty explained the Board's main concern is that no patrons remain in the building after 1:15 a.m.

Attorney MacDonald stated she has spoken with ABCC staff and brought M.G.L. Ch. 138, Section 12 to the Board's attention. Attorney MacDonald stated she is disputing the section of the policy whereby all employees must be out of the building by 2:00 a.m.

Attorney MacDonald reported the owners work in the establishment approximately 90-110 hours per week. The employees remain until all the work is done, including clean-up and set-up for the next day's functions.

Mr. Rose asked what measures are in place that can verify that all patrons are out by the 1:15 a.m. deadline? Attorney MacDonald responded that at 1:15 a.m. all doors are locked. Police officers could call the restaurant phone number and the phone would be answered. On any given night, approximately eight (8) cars remain in the parking lot, belonging to employees.

After further discussion, Chairman Hegarty reported that the Board would get back to Attorney MacDonald regarding clarification of the ABCC statute and the Town's closing policy. Chairman Hegarty would also be in communication with Police Chief Warren Phillips to discuss how the Police Department could verify that employees are remaining in the building and not patrons after closing.

At 8:25 p.m. Mr. Rose made a motion to enter into Executive Session for the purpose of collective bargaining. Mr. Phillips seconded the motion.

A roll call vote was taken:

Mr. Rose voted aye

Mr. Phillips voted aye

Chairman Hegarty voted aye

The Board would not reconvene in open session.

Respectfully submitted,

Miriam Rothstein
Secretary