

BOARD OF SELECTMEN MEETING  
THURSDAY, APRIL 3, 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 7:40 p.m. with all members present.

A Street opening permit request was received from Bay State Gas Co. requesting the replacement of gas main and tie over services starting at 310 East Main Street and ending at 379 East Main Street for a total length of 990 feet.

Fire Chief Spurr appeared before the Board informing them that numerous complaints had been received during the month of January 2008 regarding gas odors around 357 East Main Street. According to Chief Spurr, a gas leak was detected in the area caused by a deteriorated pipe. Chief Spurr asked the Board to expedite the road cut. It is a Fire Department and Gas Company concern.

Mr. Phillips made a motion to approve the gas main replacement with the necessary road cut, based on Chief Spurr's recommendation. Mr. Rose seconded the motion with discussion. Mr. Rose would approve the motion with the stipulation that written approval from Mass. Highway was received.

It was unanimously voted to amend the motion as follows: to approve replacement of the gas main and tie over services from 310 East Main Street and ending at 379 East Main Street with written approval from Mass Highway.

**7:45 p.m. —Public Hearing on Potential Violation for 81 Memorial Drive**

Attorney Darcy MacDonald and Sean MacDonald, owner of Avon's Generations, Inc. appeared before the Board. Notification of the hearing was sent via Certified Mail to

Lisa Rappoli, Manager of Avon's Generations, Inc. Ms. Rappoli was not in attendance for the hearing.

Chairman Hegarty read the Police Department's Narrative Report #2008001048 dated Sunday, February 10, 2008 for the record (See Attachment A) which was reported by Sergeant George Houhoulis.

According to the Police Report, Sgt. Houhoulis entered Generations parking lot at 2:00 a.m. and observed 8-10 cars in the parking lot. He also observed several lights on inside the bar area. Sgt. Houhoulis attempted to knock on the front glass door but was unsuccessful in reaching anyone inside. Sgt. Houhoulis reported he didn't know if he was being ignored or that no one was able to hear him knocking.

Chairman Hegarty stated that the Board, being the Local Licensing Authority for the Town, has a strict closing policy that must be carried out by liquor establishments in the Town. Chairman Hegarty reported that at 1:15 a.m. all non-employees must vacate the premises.

Attorney MacDonald responded that on the night of February 10, 2008 there was a function with over 100 people and the employees and cleaning crew were in the building between 2:00 a.m. and 2:15 a.m. cleaning up from the function. Attorney MacDonald reported Board of Health requirements establishes that garbage and food must be cleared away. With the cleaning crew working in all rooms of the building, it would be difficult to hear anyone knocking at the front door.

Attorney MacDonald stated that she would work with the Police Department to develop a policy of who is inside the building.

Chairman Hegarty asked who is the bar manager? Attorney MacDonald replied "Adam Silver." Mr. MacDonald corrected her and replied "Lisa Rappoli."

Mr. Rose asked: "What time do the premises have to be vacated? What time is last call?"

Town Counsel Joseph Lalli stated, according to the Town's closing policy, last call is at 12:45 a.m. At 1:00 a.m. all bar service stops and everyone must be out of the bar area. The establishment has one (1) hour to do whatever is necessary (cleaning, etc.) from last call. At 1:15 a.m. all patrons must be out of the establishment. Absolutely no one is permitted inside the building after 1:45 a.m., or one hour after last call.

Chairman Hegarty reported the purpose of the hearing tonight was to find out what Generation's closing practices are.

After further discussion, Mr. Rose made the following motion: "to continue the hearing at the next Board of Selectmen's meeting scheduled for April 17, 2008 at 8:00 p.m., State and Local regulations would be furnished to Avon's Generation's Inc. and the Manager of Record would be in attendance." Mr. Phillips seconded the motion. All were in favor.

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

A request was received from Comcast's Senior Manager of Government and Community Relations, Catherine Maloney, to extend the response time deadline for the Request for Proposal (RFP) for the Cable Television Renewal License. The renewal license expires on November 16, 2008.

On a motion made by Mr. Rose, seconded by Mr. Phillips, it was unanimously voted to extend the response time deadline for the RFP to Monday, May 12, 2008.

On a motion made by Mr. Rose, seconded by Mr. Phillips, it was unanimously voted to open the Compost site on Saturday, April 19, 2008 with the following schedule:

*Saturdays, Sundays, and Wednesdays      9:00 a.m. to 2:00 p.m.*

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

Chairman Hegarty read the 28 article Annual Town Meeting Warrant of May 6, 2008.

Mr. Rose questioned Town Administrator Michael McCue regarding Article 19, asking to amend the article with the additional language of ... contingent on the passage of HR 2570. Mr. McCue stated he would make the language change.

Mr. Rose made a motion to sign the Annual Town Meeting Warrant of May 6, 2008 with the changes made by the Town Administrator. Mr. Phillips seconded the motion. All were in favor.

Chairman Hegarty announced the Annual Town Election would be held on Monday, April 14, 2008. Polls open at 7:00 a.m. and close at 8:00 p.m.

At 8:50 p.m., with all business completed, Mr. Rose mad a motion to adjourn. Mr. Phillips seconded the motion. The vote was unanimous.

Respectfully submitted,

Miriam Rothstein  
Secretary