



TOWN OF AVON
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING WARRANT

Wednesday, September 9, 2009
at 7:30 o'clock in the evening at Avon Middle/High School

Norfolk, SS: To either of the constables in the Town of Avon in the County of Norfolk.

Greetings: In the name of the Commonwealth of Massachusetts you are required to notify and warn the inhabitants of the Town of Avon qualified to vote in Town affairs to meet in the Avon High/Middle School Auditorium on West Main Street, in said Town of Avon on Wednesday, September 9, 2009 at 7:30 o'clock in the evening at Avon Middle/High School, then and there to act on the following articles:

Article 1: To see if the Town will vote to amend the actions of the May 5, 2009 Annual Town Meeting by amending Line Item 751-2, Bond Payment, from One Million Two Hundred and Thirty-Two Thousand Four Hundred and Twenty-Two Dollars (\$1,232,422) to One Million Two Hundred Forty-Four Thousand Nine Hundred and Eighty-Two Dollars (\$1,244,982) and by raising and appropriating Seventeen Million Two Hundred Eighty-Seven Thousand Five Hundred and Eighty-Six Dollars (\$17,287,586) and transferring Seven Hundred Ninety-Eight Thousand and Forty-Nine Dollars (\$798,049) from free cash to fund the actions of said Town Meeting, or take any other action in relation thereto.

BOARD OF SELECTMEN

Article 2: To see if the Town will vote to transfer from Line Item 192-1, Town Hall Building Salary, the sum of Fifteen Thousand Dollars (\$15,000) to Line Item 192-2 Town Hall Building Expenses, or take any other action in relation thereto.

BOARD OF SELECTMEN

Article 3: To see if the Town will accept MGL c. 64L, §2(a) to impose a local meals tax, or take any other action in relation thereto.

BOARD OF SELECTMEN

Article 4: To see if the Town will amend ARTICLE VII – POLICE REGULATIONS of the General By-Laws of the Town of Avon as follows:

Replace Section 19 with (changes highlighted in italics)-

Section 19 SECURED KEY ACCESS FOR FIRE DEPARTMENT

Any building other than a residential structure containing five or fewer dwelling units having a fire alarm system or other fire protection system shall provide a secure key box installed at a location accessible to members of the fire department in the event of an emergency. The secure key box shall contain keys to the fire alarm control panels and any other keys as may be necessary to operate or service any fire protection system or devices. *Electrically operated gates shall be equipped with an over-ride switch.* The secure key box *and over-ride switch* shall be of a type approved by the fire chief and shall be located and installed as approved by the said fire chief. *Multiple secure key boxes or over-ride switches may be required by the fire chief.* Any owner or other person having control of a building who after receiving instructions concerning such installation from the fire chief shall fail within thirty days to provide such a secure key box *or over-ride switch* shall be subject to a penalty of fifty dollars for each day on which such violation shall continue.

NON-Criminal Disposition – Any person found in violation of this section by any police officer, or the chief of the fire department, or the officer in charge of any shift in the fire department, may be cited by such person for such offense pursuant to the non-criminal disposition provisions of these by-laws. The penalty for each offense, so cited, shall be fifty dollars. Each day on which a violation exists shall be deemed to be a separate, distinct offense.

, or take any other action in relation thereto.

FIRE CHIEF

Article 5: To see if the Town will amend ARTICLE VII – POLICE REGULATIONS of the General By-Laws of the Town of Avon by adding the following:

Section 23 PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in MGL c. 94C, §1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds,

cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to MGL c. 40, §21, or by non-criminal disposition pursuant to MGL c. 40, §21D*, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. Whoever violated the provisions of this section as it pertains to marijuana or tetrahydrocannabinol shall be punished by a fine not exceeding One Hundred Dollars (\$100) for the first offense, Two Hundred Dollars (\$200) for the second offense, and Three Hundred Dollars (\$300) for any third or subsequent offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under MGL c. 94C, §32L.

, or take any other action in relation thereto.

POLICE CHIEF

Article 6: To see if the Town will vote to transfer from free cash the sum of Twenty Thousand Dollars (\$20,000) to Article 5 of the Annual Town Meeting of 2004 for the purpose of funding buyback of sick and vacation time of retiring employees; or take any other action in relation thereto.

BOARD OF SELECTMEN

Article 7: To see if the Town will vote to transfer from FY04 Assessors' Overlay the sum of Sixty-Four Thousand Dollars (\$64,000); said sum to be used to fund the State mandated fiscal year 2011 Recertification, or take any other action in relation thereto.

BOARD OF ASSESSORS

Article 8: To see if the Town will vote to transfer from FY04 Assessors' Overlay the sum of Eight Thousand Four Hundred and Ninety-Three Dollars and Sixty-Three Cents (\$8,493.63) to FY2006 Assessors' Overlay, or take any other action in relation thereto.

BOARD OF ASSESSORS

Article 9: To see if the Town will vote to transfer the sum of Forty-Two Thousand Nine Hundred and One Dollars and Thirty-Eight Cents (\$42,901.38) from the Town of Avon's Insurance Recovery Account to pay the bills for the damage to the Avon Middle High School due to the fire on April 7, 2009, or take any other action in relation thereto.

SCHOOL COMMITTEE

Article 10: To see if the Town will vote to establish a revolving account under the provisions of MGL c.71, §71F for the purpose of receiving nonresidential special education tuition payments, or take any other action in relation thereto.

SCHOOL COMMITTEE

Article 11: To see if the Town will vote to transfer from free cash the sum of Four Hundred and Thirty-Five Dollars and Forty-Nine Cents (\$435.49) to pay bills from a previous year as follows;

BMC	\$276.00
Boston University Neurology	\$124.00
Tech Lube	\$35.49

or take any other action in relation thereto.

BOARD OF SELECTMEN

Article 12: To see if the town will transfer from free cash, the sum of Six Thousand Dollars (\$6,000) for the repair of the Porter Well Pump Station roof, or take any other action in relation thereto.

WATER COMMISSIONERS

Article 13: To see if the town will transfer from free cash the sum of Four Thousand Dollars (\$4,000) for asbestos removal at Trout Brook Pump Station, or take any other action in relation thereto.

WATER COMMISSIONERS

Article 14: To see if the Town will vote to transfer from available funds or raise and appropriate through borrowing a sum of money for the completion of repairs to the Central Street Tank, consisting of the stripping and repainting of the tank; and if need be include as part thereof authorization and instruction to the Treasurer with the approval of the Board of Selectmen to borrow said sums or any part thereof under the provisions of M.G.L. c. 44 as amended; or take any other action in relation thereto.

WATER COMMISSIONERS

Article 15: To see if the Town will transfer from free cash the sum of Three Thousand One Hundred and Nineteen Dollars (\$3,119.00) to fund the purchase of computer hardware, software and licensing for the Building Department or take any other action in relation thereto.

BUILDING INSPECTOR

Article 16: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to be placed in the Stabilization Account or take any other action in relation thereto.

FINANCE COMMITTEE

HEREOF FAIL NOT, and make due return of this Warrant, with your doings thereon, to the Town Clerk, at the time and place of meeting as aforesaid.

Given under our hands this 13th day of August, in the year of our Lord Two Thousand and Nine.

A True Copy, ATTEST:

AVON BOARD OF SELECTMEN

V. Jean Kopke, Town Clerk

Francis A. Hegarty, Chairman

Wayne Phillips

Steven P. Rose

Warren Phillips, Police Chief