

AS OF 6/4/2010



**TOWN OF AVON**  
**COMMONWEALTH OF MASSACHUSETTS**  
**ANNUAL TOWN MEETING WARRANT**

**Tuesday, May 4, 2010**

at 7:30 o'clock in the evening at Avon High/Middle 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 Middle/High School Auditorium on West Main Street, in said Town of Avon on Tuesday, May 4, 2010, 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 hear the reading of the reports and minutes of the previous session(s) and to hear and act on the annual reports of the Town Officers and Town Departments for the year ending December 31, 2009 and to hear the reports of any committees, or take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 2:** To see if the Town will vote to fix the salaries of the elected Town Officers for the Fiscal Year 2011, and raise and appropriate the necessary funds to defray such costs or take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 3:** To see if the Town will vote to raise and appropriate or transfer from available funds such sums of money as may be necessary to defray the Town charges for the ensuing Fiscal Year 2011, including salaries of the several elected officers of the Town and make appropriations for the same, or take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 4:** To see if the Town will vote to authorize the Board of Selectmen to accept and to enter into a contract for the expenditure of any funds allotted or to be allotted by the Commonwealth of Massachusetts and/or County of Norfolk for the construction, reconstruction and/or improvement of Town roads or take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 5:** To see if the Town will vote to create an Offset Receipts Account known as the Cross Connection Control Offset Receipts Account in accordance with M.G.L. Chapter 44, Section 53E, or take any other action in relation thereto.

**WATER COMMISSIONERS**

**ARTICLE 6:** To see if the Town will vote to adopt the provisions of M.G.L. Chapter 32B, Section 20, or take any other action in relation thereto.

**TOWN CLERK/TREASURER**

**ARTICLE 7:** To see if the Town will vote to transfer from the Septic Loan Receipts Account the sum of Ten Thousand Four Hundred Dollars and Thirty-Six Cents (\$10,400.36) for repayment of the Title V Water Pollution Abatement Trust Loan voted and approved at the Annual Town Meeting of May 5, 1998, Article 23, or take any other action in relation thereto.

**BOARD OF HEALTH**

**ARTICLE 8:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Thirty-Seven Thousand Five Hundred Dollars (\$37,500) to be used towards the construction of a veterans' memorial park to be located behind the Avon public library, or take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 9:** To see if the Town will appropriate to the Methyl Tertiary Butyl Ether (MTBE) stabilization fund, established at the Special Town Meeting of Tuesday, May 5, 2009, the sum of Three Hundred Seventy-Three Thousand Two Hundred and Ninety-Eight Dollars (\$373,298) recovered from a class action suit, or take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 10:** To see if the town will vote to raise and appropriate and/or transfer from available funds the sum of One Hundred and Eighty Thousand Dollars (\$180,000) for the demolition and removal of the former Crowley Elementary School, or to take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 11:** To see if the Town will vote to amend the informal charter of the Town of Avon by repealing M.G.L. Chapter 41, Section 1 which calls for the election of two constables within the Town, or to take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 12:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Twenty-Nine Thousand Five Hundred and Thirty Dollars (\$29,530) to be used to make repairs and/or improvements to the Town Hall building, or to take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 13:** To see if the Town will vote to raise and appropriate and/or transfer from available funds the sum of Fifteen Thousand Dollars (\$15,000) to be used for the Town's 125th Anniversary Celebration, or to take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 14:** To see if the Town will vote to accept, on terms and conditions acceptable to the Board of Selectmen, a gift of land located at 14 King Street, identified on Assessors' Map B7, Block 4, Lot 8, containing two (2) acres, more or less owned by Elaine Wallace, Executrix of the estate of Barbara Tibnam, being described in a deed recorded in the Norfolk County Registry of Deeds at Book 20705, Page 69, with no encumbrances, or to take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 15:** To see if the Town will accept Sections 3 to 7, inclusive, of Chapter 44B of the General Laws, otherwise known as the Massachusetts Community Preservation Act, by approving a surcharge on real property for the purposes permitted by said Act, including the acquisition, creation and preservation of open space, the acquisition, preservation, rehabilitation and restoration of historic resources, the acquisition, creation and preservation of land for recreational use, the acquisition, creation, preservation and support of community housing, and the rehabilitation and restoration of such open space, land for recreational use and community housing that is acquired or created as provided under said Act; to determine the amount of such surcharge on real property as a percentage of the annual real estate tax levy against real property and the fiscal year in which such surcharge shall commence; to determine whether the Town will accept any of the exemptions from such surcharge permitted under Section 3(e) of said Act; or to take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 16:** To see if the Town will vote to raise and appropriate, borrow or transfer from available funds the following sums of money, or any other sums as may be necessary to defray the costs of the Fiscal Year 2011 Capital Improvement Plan outlined as follows:

<u>Department</u>	<u>Item</u>	<u>Cost</u>
Highway Department	Outfitted GVWR Dump Truck	\$64,776
Senior Center	Handicap ramp	\$7,000
Water Department	Vacuum system	\$23,906

or take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 17:** To see if the Town will vote to transfer the sum of Sixty-Seven Thousand Four Hundred and Seventy-Five Dollars (\$67,475) from the Ambulance Revolving Fund to be used to pay the sixth of ten (10) payments of the lease purchase agreement on the Fire Department's Aerial Ladder truck, or take any other action in relation thereto.

**FIRE CHIEF**

**ARTICLE 18:** To see if the Town will vote to transfer the sum of Three Thousand Dollars (\$3,000) from the Ambulance Revolving Fund to be used for the purpose of reimbursing insurance companies for overpayments and to pay ALS mutual aid costs, or take any other action in relation thereto.

**FIRE CHIEF**

**ARTICLE 19:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Twelve Thousand Dollars (\$12,000) for the fencing on the Bartlett Street tennis courts and any other costs associated with this project or take any other action in relation thereto.

**PARK AND RECREATION  
COMMISSION**

**ARTICLE 20:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Ten Thousand Six Hundred and Forty-Five Dollars (\$10,645) for the replacement of the white fence and gate at the Miller-Tracy Memorial Playground, located at the rear of the playground on Page Street and any other costs associated with the project, or take any other action in relation thereto.

**PARK AND RECREATION  
COMMISSION**

**ARTICLE 21:** To see if the Town will accept the provisions of Mass. General Laws, Chapter 41, Section 81U, Paragraph 16 which allow the proceeds of any such bond or deposit to be made available to the Town for expenditure to meet the cost and expenses of the municipality in completing the work specified in an approved plan. If such proceeds do not exceed one hundred thousand dollars, the expenditure may be made without specific appropriation under Section 53 of Chapter 44; provided, however, that such expenditure is approved by the Board of Selectmen, or take any other action in relation thereto.

**PLANNING BOARD**

**ARTICLE 22:** To see if the Town will amend the Town of Avon Zoning By-Laws with the text pertaining to new mixed development/density zoning as posted with the Town Clerk and subject to a public hearing, or take any other action in relation thereto.

**PLANNING BOARD**

**ARTICLE 23:** To see if the Town will amend the Town of Avon Zoning By-Laws as follows:

Replace Section 5-3, H. Other Principal Uses, 6. with the following;

6. Wireless or Broadcasting towers over 100 feet high erected on Federal, State, County, or Town Property Only

<u>AVON ZONING DISTRICTS</u>				
Res.	Res.	Bus.	Ind.	Com.
<u>R-25</u>	<u>R-40</u>	<u>B</u>	<u>I</u>	<u>C</u>
N	Y	Y	Y	Y

or take any other action in relation thereto.

**PLANNING BOARD**

**ARTICLE 24:** To see if the Town will amend the Town of Avon Zoning By-Laws with the text pertaining to Wind Energy Conversion Facilities as posted with the Town Clerk and subject to a public hearing, or take any other action in relation thereto.

**PLANNING BOARD**

**ARTICLE 25:** To see if the Town will vote to amend the Town of Avon Personnel By Laws, with the text as posted with the Town Clerk and subject to a public hearing, or take any other action in relation thereto.

**PERSONNEL BOARD**

**ARTICLE 26:** To see if the Town will vote to appropriate a sum money for the design and construction of parking and entrance and exit roadways at the Ralph D. Butler Elementary School located at Patrick Clark Drive and any other costs associated with the project; to determine whether this appropriation shall be raised by borrowing or otherwise; or take any other action in relation thereto.

**SCHOOL COMMITTEE**

**ARTICLE 27:** 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**

And you are hereby directed to serve this Warrant by posting attested copies thereof, at not less than seven (7) public places, including the Post Office, and by leaving not less than twenty (20) copies in each of the public places for distribution in said Town, seven (7) days at least before the time of holding said meeting.

**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 Twenty-Second day of April, in the year of our Lord Two Thousand and Ten.

A True Copy. Attest:

\_\_\_\_\_  
V. JEAN KOPKE, TOWN CLERK

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FRANCIS A. HEGARTY, CHAIRMAN

\_\_\_\_\_  
STEVEN P. ROSE

\_\_\_\_\_  
WARREN PHILLIPS, POLICE CHIEF

\_\_\_\_\_  
WAYNE M. PHILLIPS

**AVON BOARD OF SELECTMEN**