



TOWN OF AVON
COMMONWEALTH OF MASSACHUSETTS
ANNUAL TOWN MEETING WARRANT

Tuesday, May 5, 2009

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 5, 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 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, 2008 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 2010, 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 2010, 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 rescind the remaining amount of Twenty-Four Thousand Dollars (\$24,000) of the original authorization (Article 11, approved at the Annual Town Meeting of May 4, 1999, Adjourned to June 10, 1999) to borrow Two Hundred Thousand Dollars (\$200,000) for the Wastewater Engineering Study, or take any other action in relation thereto.

TOWN TREASURER

ARTICLE 7: To see if the Town will vote to rescind the remaining amount of One Hundred and Ninety Dollars (\$190) of the original authorization (Article 13, approved at the Special Town Meeting of September 25, 2006) to borrow Three Million One Hundred Forty-Four Thousand Two Hundred and Fifty Dollars (\$3,144,250) for the Water Filtration and Pumping Station, or take any other action in relation thereto.

TOWN TREASURER

ARTICLE 8: To see if the Town will vote to transfer the sum of Seventy Thousand Eight Hundred and Forty-Eight Dollars and Seventy-Five Cents (\$70,848.75) from the Ambulance Revolving Fund to be used to pay the fifth 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 9: To see if the Town will vote to transfer the sum of One Hundred and Fifty Thousand Dollars (\$150,000) from the Ambulance Revolving Fund for the purpose of purchasing and equipping a new brush truck for the Fire Department, or take any other action in relation thereto.

FIRE CHIEF

ARTICLE 10: To see if the Town will vote to transfer the sum of Three Thousand Dollars (\$3,000) from the Ambulance Revolving Fund to Article 19 of the 2007 ATM 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 11: To see if the Town will vote to transfer the sum of Ten Thousand Dollars (\$10,000) from the Ambulance Revolving Fund to Article 21 of the 2007 ATM to be used for Emergency Medical Technician training (all levels), continuing EMS education and related expenses or take any other action in relation thereto.

FIRE CHIEF

ARTICLE 12: To see if the Town will accept the provisions of Chapter 43D of the MA General Laws as amended pursuant to Section 11 of Chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at One Kiddie Drive (Map B6, Parcel 1) as a Priority Development Site, or take any other action in relation thereto.

BOARD OF SELECTMEN

ARTICLE 13: To see if the Town will vote to raise and appropriate or transfer from available funds Eighteen Thousand Dollars (\$18,000) for the repair of the HVAC system at the Town of Avon Public Library, or take any other action in relation thereto.

LIBRARY TRUSTEES

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Six Thousand Dollars (\$6,000) for the construction of a concrete shed to be located on the ball field off of Patrick Clark Drive, behind the Ralph D. Butler School, or take any other action in relation thereto.

**PARK AND RECREATION
COMMISSION**

ARTICLE 15: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Nine Thousand Dollars (\$9,000) to replace damaged playground equipment at the Lundgren Playground, located off of Patrick Clark Drive, behind the Ralph D. Butler School, or take any other action in relation thereto.

**PARK AND RECREATION
COMMISSION**

ARTICLE 16: To see if the Town will vote to raise or appropriate through borrowing or such other means as the Town may determine, the sum of Eight Hundred Thousand Dollars (\$800,000), or any other sum of money, for purposes of acquiring architectural design and related services in connection with a public safety facility for the town; said facility to provide headquarters and operational space for the town's police, fire, and emergency preparedness departments, including as part thereof related site improvements, necessary demolition, and original equipment; said facility to be placed upon the current public safety building location and adjoining town-owned property; including as part thereof authorization and instruction to the Board of Selectmen to grant or obtain any necessary rights in real estate to carry out this project; and including 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; and including as part thereof authority and instruction to the Board of Selectmen, the Treasurer, the Building Committee appointed by the Town Meeting of May 2006, and any other town entity to otherwise take any other action necessary to carry out this project; including as part thereof the provision that this vote shall not take effect until the Town votes to exempt or exclude from the limitation on total taxes imposed by General Laws Chapter 59, Section 21C (Proposition 2 1/2) amounts required to pay the principal and interest on the borrowing, if any, authorized by this vote, or take any other action in relation thereto.

BUILDING COMMITTEE

ARTICLE 17: To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Forty-Eight Thousand Dollars (\$48,000) to upgrade the Town Accountant's Financial Management System which will no longer be supported by Data National (WTI) after July 1, 2010 and convert to Fundware, or take any other action in relation thereto.

TOWN ACCOUNTANT

ARTICLE 18: To see if the Town will amend the Town of Avon Zoning By-Laws with the text as posted with the Town Clerk and subject to a public hearing, the substance of which is to address language that pertains to the Master Plan, by amending Section I, Subsection 1-4, "Purposes"; Section III, Subsection 3-3 "Changes to Map"; Section IV, Subsection 4-1 "Interpretation, conflict of laws"; and Section VI, Subsection 6-1 "Effect of this Section", or take any other action in relation thereto.

PLANNING BOARD

ARTICLE 19: To see if the Town will amend Section V, Subsection 5-3 "Table of Use Regulations – Principal Uses" of the Town of Avon Zoning By-Laws with the text as posted with the Town Clerk and subject to a public hearing, the substance of which is to modify allowable uses through Special Permit and or use by right for renting of rooms, multi-family units, non-profit libraries or museums, retail sale of merchandise, dancing or live entertainment, lumber yards, recycling facilities and tree surgeon/landscape gardener, or take any other action in relation thereto.

PLANNING BOARD

ARTICLE 20: To see if the Town will amend the tables found in the Town of Avon Zoning By-Laws with the text as posted with the Town Clerk and subject to a public hearing, the substance of which is to address language that pertains to Density Regulations as found in Section VI, Subsection 6-4 “Dimensional and Density Regulations Table” and Land Space requirements as found in Section VII, Subsection 7-5A “Specific Requirements for Particular Uses by Special Permit”, or take any other action in relation thereto.

PLANNING BOARD

ARTICLE 21: To see if the Town will amend Section VII, Subsection 7-5 “Specific Requirements for Particular Uses by Special Permit” of the Town of Avon Zoning By-Laws by:

Striking the last line of subsection J “Temporary Additional Living Quarters” and inserting the following;

“It is the intention of this provision that such additional living quarters shall not be used as an apartment for hire, but only as a convenience for a member of the owner’s family under special circumstances, **and that it shall not exceed 770 square feet in gross floor areas.**”

Striking subsection I, “Home Occupations,” item 4 and inserting the following;

“There shall be no exterior display or storage of materials and no other exterior indication of the use of the premises for other than residential purposes except for an exterior sign, **either stationary or portable**, as may be permitted by Section X of the bylaw.”

or take any other action in relation thereto.

PLANNING BOARD

ARTICLE 22: 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 23: 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 24: 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 second day of April, in the year of our Lord Two Thousand and Nine.

A True Copy. Attest:

V. JEAN KOPKE, TOWN CLERK

FRANCIS A. HEGARTY, CHAIRMAN

STEVEN P. ROSE

WARREN PHILLIPS, POLICE CHIEF

WAYNE M. PHILLIPS

AVON BOARD OF SELECTMEN