



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

**Tuesday, May 3, 2011**

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 3, 2011, 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, 2010 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 2012, 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 2012, 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 reauthorize 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 transfer from free cash the sum of Seventeen Thousand Five Hundred and Ten Dollars and Three Cents (\$17,510.03) to pay bills from a previous year as follows:

Health Resources	\$ 31.00
MEGA Property and Casualty Group, Inc.	\$ 6,384.00
MEGA Property and Casualty Group, Inc.	\$ 8,858.00
Charles Guilbault	\$ 1,648.64
George Houhoulis	\$ 588.39

or take any other action in relation thereto.

**BOARD OF SELECTMEN**

**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 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 take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 10:** To see if the Town will vote to approve the use of a portion of the land shown on Assessor's Map D5, as Parcel 6-7 (Crowley School), which is located in the Restricted Development zoning district, for a telecommunications tower, or take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 11:** To see if the Town will amend the General Bylaws of the Town of Avon by striking out Article II, Section 6 (a) in its entirety and replacing it with the following:

**Membership** - The Finance Committee shall consist of five (5) registered voters. No person who is an elected officer of the Town, member of any Board of the Town, except as otherwise provided by law or a vote of the Town, or any employee of the Town, shall be qualified to serve as a member of the Finance Committee. The Finance Committee may appoint a secretary who shall not be a member of the Committee and who may receive such compensation as a Committee may vote from any appropriation for the use and expenses of said Committee, or take any other action in relation thereto.

**FINANCE COMMITTEE**

**ARTICLE 12:** 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 take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 13:** 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 seventh 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 14:** To see if the Town will vote to transfer the sum of Two Thousand Dollars (\$2,000) 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 15:** To see if the Town will vote to transfer the sum of Twenty Thousand Dollars (\$20,000) from the Ambulance Revolving Fund to Article 12 of the 2010 STM to be used for training, continuing education and related expenses, or take any other action in relation thereto.

**FIRE CHIEF**

**ARTICLE 16:** To see if the Town will vote to transfer from the Ambulance Account the sum of Fifty Three Thousand Dollars (\$53,000), for the purpose of upgrading fire alarm equipment in Town-owned buildings, or take any other action in relation thereto.

**FIRE CHIEF**

**ARTICLE 17:** To see if the Town will vote to transfer from the Ambulance Account the sum of Seventy Five Thousand Dollars (\$75,000), for the purpose of purchasing firefighting equipment for the Fire Department, or take any other action in relation thereto.

**FIRE CHIEF**

**ARTICLE 18:** To see if the Town will vote to raise and appropriate or transfer from available funds the sum of Six Hundred Fifty Thousand Dollars (\$650,000) to purchase and equip a new rescue-pumper truck for the Fire Department.

**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 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 21:** To see if the Town will create a Charter Study Committee composed of seven members appointed by the Board of Selectmen, to deliver recommendations for changes to the Avon Charter, so called, in consideration of a special act charter request; said committee will deliver recommendations within twelve months of its constitution; meetings of said committee will be held as public hearings, or take any other action in relation thereto.

**BOARD OF SELECTMEN**

**ARTICLE 22:** To see if the Town will vote to appropriate, borrow or transfer from available funds, Nine Hundred and Fifty Thousand Dollars (\$950,000) to be expended under the direction of the School Building Committee for the replacement of the roof at the Ralph D. Butler Elementary School located at Patrick Clark Drive, Avon, Massachusetts (a “Green Repair Project” within the meaning of the regulations of the Massachusetts School Building Authority (“MSBA”)). The proposed repair project will materially extend the useful life of the school and preserve an asset that otherwise is capable of supporting the required educational program. The

MSBA's grant program is a non-entitlement, discretionary program based on need, as determined by the MSBA, and any project costs the Town incurs in excess of any grant approved by and received from the MSBA shall be the sole responsibility of the Town. Any grant that the Town of Avon may receive from the MSBA for the Project shall not exceed the lesser of (1) Fifty-Eight point Twelve percent (58.12%) of eligible, approved project costs, as determined by the MSBA, or (2) the total maximum grant amount determined by the MSBA, or to take any other action relative thereto.

## SCHOOL COMMITTEE

**ARTICLE 23:** To see if the Town will amend the General Bylaws of the Town of Avon by adding a yard sale section:

### ARTICLE X

#### YARD SALES REGULATIONS

##### SECTION 1 PURPOSE

In order to properly control the use of yard sales for the purpose of selling usable items which may otherwise be discarded and to provide for the general health and safety of the public.

##### SECTION 2 DEFINITIONS

Yard Sale - Includes all sales entitled "Yard Sales", "Garage Sale", "Lawn Sale", "Attic Sale", "Cellar Sale", "Barn Sale", "Tag Sale", or any similar casual sale of tangible personal property whether or not said sale is advertised by any means whereby the public at-large is or can be made aware of such sale.

Person - Any individual or group of individuals but not including non-profit organizations.

Premises - The entire area or any parcel of land under single ownership including contiguous parcels and parcels lying directly across any street or way.

##### SECTION 3 PERMIT REQUIRED

- a. It shall be unlawful for any person to conduct a yard sale within the Town of Avon without obtaining from the Building Inspector a permit which shall be known as a "Yard Sale Permit".
- b. A Fee of five (\$5.00) dollars for each yard sale shall be charged.

##### SECTION 4 ISSUANCE AND DISPLAY OF PERMIT

- a. A Yard Sale Permit shall be issued not more than once in any one (1) month or twice in any one (1) year to any one (1) premises.
- b. Each permit issued under this By-Law must be available on the premises throughout this

entire period of the sale and must be shown to any police officer or zoning enforcement officer if requested.

SECTION 5 CONTENTS OF APPLICATION:

The information to be filed with the Building Inspector upon application for a Yard Sale Permit shall be as follows:

- a. Name and address of person to conduct said sale.
- b. Name of the owner of the property on which sale is to be conducted and the written consent of the owner if applicant is other than the owner.
- c. Location at which the sale is to be conducted.
- d. Hours during which the sale will be held.
- e. Date and nature of any past sale held within one (1) year.

SECTION 6 MISCELLANEOUS

- a. The Yard Sale shall be restricted to the sale of personal property belonging to the Applicant or Applicant's family, which is being sold on their own approved premises.
- b. One temporary sign advertising the Yard Sale may be erected on the day(s) of the sale on the premises in accordance with Zoning Bylaw requirements, and shall be promptly removed at the conclusion of the sale. Additional signage shall be subject to the Avon Temporary Sign policy. Signs that create a nuisance or threat to public safety are prohibited and shall be removed at the request of the zoning enforcement official or police officer.
- c. The Yard Sale holder shall be responsible for orderly parking and traffic flow. If parking or traffic flow conditions create a threat to the safety of the public, the Yard Sale event shall be terminated at the request of a police officer.
- d. No Yard Sale event shall be held at a time or place so that it negatively impacts or interferes with any other public event in the community.

SECTION 7 VIOLATIONS AND PENALTIES

Any person who shall violate any provision of this By-Law shall be liable to a fine of twenty-five (\$25.00) dollars for each violation. Each day shall constitute a separate offense.

or take any other action in relation thereto.

**BY PETITION  
JEANNE MARTINEAU FERNALD  
69 SCHOOL STREET**

**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 Fourteenth day of April, in the year of our Lord Two Thousand and Eleven.

A True Copy. Attest:

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

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FRANCIS A. HEGARTY, CHAIRMAN

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

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

\_\_\_\_\_  
ROBERT F. BRADY, JR.

**AVON BOARD OF SELECTMEN**