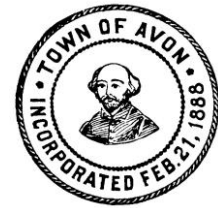


TOWN OF AVON
COMMONWEALTH OF MASSACHUSETTS
SPECIAL TOWN MEETING



SATURDAY, JANUARY 28, 2023

The Moderator, Frank Staffier called the meeting to order at 10:04 AM with the required quorum of fifty (50) being present. Moderator Staffier called for the Board of Selectman Chair Eric Beckerman to lead the meeting in the Pledge of Allegiance. This was followed with a moment of silence.

Moderator Staffier called for Article 1.

ARTICLE 1: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to pay out of available funds the sum of approximately Fifty-Five Thousand Dollars (\$55,000) as ratification for a three-year Collective Bargaining Agreement for the period of July 1, 2022 to June 30, 2025 between the Town and A.F.S.C.M.E, Local 1395.

NOTE: The amount of the retro as part of the ratification will be paid from the FY23 Salary Reserve budget as well as available funds in specific departments. The amount is approximate due to unknowns with overtime projections for FY23. FY24 budgets will be set based on ratification of contract.

ARTICLE 2: A motion was made and seconded to amend this article and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to transfer from Free Cash the sum of One Hundred and Ninety Thousand Dollars (\$190,000) as ratification for a three-year Collective Bargaining Agreement for the period of July 1, 2022 to June 30, 2025 between the Town and Avon Police Relief Association, Local 383.

NOTE: The amount of the retro as part of the ratification will be paid from the FY23 Salary Reserve budget and/or Free Cash. FY24 budgets will be set based on ratification of contract.

ARTICLE 3: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to revoke the acceptance of Civil Service Laws for the Town of Avon Police Officers at all ranks effective July 1, 2023, thereby removing the police force from the provisions of the Civil Service Laws, and the rules and regulations relating to the same, provided that this revocation will not affect the Civil Service status of existing personnel in their current positions.

NOTE: Town Meeting adopted Civil Service in 1932 for all Police Officers pursuant to Articles 18 of the Town Meeting Warrant for September 13, 1932. Police Officers are the only Civil Service government employees in the Town of Avon. Civil Service restricts who can be on a hiring list based on a multiple-choice test issued statewide. The number of applicants to be considered is limited by the number of vacancies available. The restrictions set forward by Civil Service restrict the Town's ability to hire qualified candidates in a timely manner. Civil Service does not prescreen candidates for disqualifying matters and requires Avon to extensively document why a candidate is not selected for appointment. This process can take years. Leaving Civil Service will allow Avon to establish hiring processes to test candidates; create the opportunity to forge community workforce pipeline partnerships with local and regional educational institutions; and will enhance the size and quality of the candidate pool. Avon will be able to prescreen and identify quality candidates,

with diverse backgrounds, college or military experience, prior experience in police service, community service, language proficiencies, and other types of skills that would best serve our community. While leaving Civil Service provides more flexibility on recruitment and promotions, it would not eliminate important standards for training, qualifications for hiring, or police officer certification. For example, whether in Civil Service or not, any candidate for the Avon Police Department would need to complete the Massachusetts Municipal Police Academy and would be subjected to background checks, physical examinations, and psychological examination, prior to being hired. Once hired, officers must maintain certification from the state Peace Officers Standards and Training Commission (POST) – which was created by the 2020 Massachusetts Police Reform law – to remain in service. The Board of Selectmen, Chief of Police and the Police Union all support leaving Civil Service.

ARTICLE 4: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to transfer from Free Cash the sum of One Million One Hundred and Seventeen Thousand Dollars (\$1,117,000) to complete funding for paving various streets.

NOTE: The Town is replacing various Asbestos Concrete (AC) water pipes in the vicinity of Oak, Maple, Beech and Cedar Streets. The funding is through our ARPA allocation. Due to rising construction cost and the Town's share of the Rock and Gill Streets MassWorks project, we are limited in Ch. 90 Funds. This funding will allow the streets to be completely reconstructed with potential sidewalk at various points depending on available funding. This allows the town to fund the project now rather than wait for multiple years of funding.

ARTICLE 5: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to transfer from Free Cash the sum of Seventy-Five Thousand Dollars (\$75,000) to purchase and install electronic signage.

NOTE: The Town is looking to purchase and install a double-sided electronic message sign at the corner of W. Main Street and Harrison Boulevard along where the DPW garage is located.

ARTICLE 6: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to transfer from Free Cash the sum of Two Hundred Ninety Thousand Dollars (\$290,000) for the renovation, repairs and installation of recreation areas at Bartlett Street and Fagan Drive.

NOTE: This would be for the installation of a basketball court on Fagan Drive where it was before but a regulation size with fencing, lighting, security cameras and landscape screening. The Bartlett courts would be reconstructed with a new court system over the existing damaged court with an interlocking tile court to include one tennis court and two pickle ball courts.

ARTICLE 7: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to appropriate Seventy-Five Thousand Dollars (\$75,000) within Article ATM 5.4.21 Art #7 to pay costs associated with planning activities related to developing a lead service line inventory and/or developing and prioritizing a lead service line replacement program. To meet this appropriation, the Treasurer, with the approval of the Board of Selectman, is authorized to borrow said amount pursuant to Chapter 44, Section 7(7) and/or Chapter 29C of the General Laws, or pursuant to any other enabling authority, and to issue bonds or notes of the Town therefor; that the Treasurer with the approval of the Board of Selectmen is authorized to borrow all or a portion of such

amount from the Massachusetts Clean Water Trust (the “Trust”) established under Chapter 29C of the General Laws and in connection therewith to enter into a financing agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection (“DEP”) with respect to such loan and for any federal or state aid that may be available for the project or for the financing thereof; and that the Chair of the Board of Selectmen is authorized to enter into any agreements with the DEP, to expend all funds available for the project.

NOTE: No borrowing is intended, nor are new funds dedicated for this purpose in this article. This language is newly required by the state in order to apply for a 100% reimbursable grant for the federally mandated Lead Service Line inventory post-Flint Michigan. Should the article fail, the costs of the inventory work to meet the federal mandate will have to come from the Town, instead of a grant.

ARTICLE 8: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY A 2/3RD VOTE (COUNTED YES 55/ NO 13)** to adopt the following resolution.

A RESOLUTION TO FILE AND ACCEPT GRANTS WITH AND FROM THE COMMONWEALTH OF MASSACHUSETTS, EXECUTIVE OFFICE OF ENERGY AND ENVIRONMENTAL AFFAIRS FOR IMPROVEMENTS TO DEMARCO PARK AND DEDICATE THE DEMARCO PARK PROJECT SITE TO PARK AND RECREATION USES IN ACCORDANCE WITH M.G.L CHAPTER 45 SECTION 3

- Whereas: DeMarco Park is by far a community-wide and regional asset and the preservation, development and improvements to this facility are a Town priority as evidenced in the most recent Open Space and Recreation Plan and DeMarco Park Master Plan; and
- Whereas: DeMarco Park’s rehabilitation and development, guided in principal by the Open Space and Recreation Plan and the DeMarco Park Master Plan, will greatly enhance this facility with improved infrastructure, path systems, site lighting, universal access, green infrastructure, etc.; and
- Whereas: The main focus of the Plan is to increase the available space in the Park to adequately host events and activities, as well as active and passive recreational use for all citizens, regardless of disability;
- Whereas: This overall cost and fiscal budget constraints prevents the Town from proceeding ~~forward~~ with full implementation. The project was instead viewed as being implemented with the intention of securing grant funding, when and if available, to assist in this effort; and
- Whereas: The Executive Office of Energy and Environmental Affairs (EEA) is offering reimbursable grants to cities and towns to support the development, preservation and restoration of parks, recreation and open space;
- Whereas: The DeMarco Park Project will cost a total of \$575,000 and at the May 3, 2022 Annual Town Meeting the Town appropriated that full amount \$575,000 of the total project cost pending execution of a grant agreement;

NOW, THEREFORE, BE IT VOTED

1. The land, hereinafter described, of the DeMarco Park PARC project, shall be dedicated to park and recreation purposes under M.G.L. Chapter 45, Section 3, the premises being approximately 24.15 acres of land including any buildings thereon

located on North Main Street in the Town of Avon, Massachusetts per Order of Taking filed at Book 12211, Page 407 in the Norfolk Registry of Deeds, at 649 High Street, Dedham, MA 02026; and

2. That the DPW Director be and is hereby authorized to file a EOEEA and related grant applications, and is authorized to serve as the contract and Town's official representative of the Town in connection with this application; and
3. The Chair of the Board of Selectmen, as Chief Executive Officer may accept grants from the Executive Office of Energy and Environmental Affairs (EOEEA); and
4. That the DPW Director be and is hereby authorized to take such other actions as are necessary to carry out the terms, purposes, and conditions of this grant to be administered by the Town; and
5. That this resolution shall take effect on passage.

NOTE: This article is needed to dedicate the land designated as DeMarco Park as parkland only rather than general municipal purposes, in order to receive the \$333,500 PARC grant match funding awarded by the state as part of the renovation of the park.

ARTICLE 9: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY A 2/3 VOTE (COUNTED YES 54 / NO 23)** to

- i) amend the General By-Laws, by changing all references of the Board of Selectmen to the Select Board, and for such purposes, in each place they appear, replace the words "Board of Selectmen" and "Selectmen" with the words "Select Board", the word "selectman" with the words "select board member", and, consistent therewith, the word "chairman" with the word "chair"

(ii) authorize the Board of Selectmen to petition the General Court for a special act to read:

AN ACT CHANGING THE BOARD OF SELECTMEN OF THE TOWN OF AVON TO A SELECT BOARD

(III) amend the Zoning By-Laws by changing all references of the Board of Selectmen to the Select Board, and for such purposes, in each place they appear, replace the words "Board of Selectmen" and "Selectmen" with the words "Select Board", the word "selectman" with the words "select board member", and, consistent therewith, the word "chairman" with the word "chair"

(IV) amend the following Regulations: Board of Health, Subdivision of Land and Water Department by changing all references of the Board of Selectmen to the Select Board, and for such purposes, in each place they appear, replace the words "Board of Selectmen" and "Selectmen" with the words "Select Board", the word "selectman" with the words "select board member", and, consistent therewith, the word "chairman" with the word "chair"

ARTICLE 10: A motion was made and seconded and **DEFEATED BY A 9/10TH VOTE (COUNTED YES 67/ NO 9)** to transfer from Free Cash the sum of One Thousand One Hundred Fifty-One Dollars and Forty-One cents (\$1,151.41) to pay prior year bills.

A motion was made and seconded to and **VOTED IN THE AFFIRMATIVE BY A 2/3RD VOTE (COUNTED YES 58/ NO 14)** to reconsider Article 10. (10:41AM).

A motion was made and seconded and **DEFEATED BY A 9/10TH VOTE (COUNTED 68/ NO 8)** to transfer from Free Cash the sum of One Thousand One Hundred Fifty-One Dollars and Forty-One cents (\$1,151.41) to pay prior year bills.

RBLA Design: \$765

Atlantic Tactical: \$134.66

WB Mason: \$251.75

Meeting Adjourned at 10:43 A.M.

Respectfully Submitted,

Patricia C. Bessette
Town Clerk