



TOWN OF AVON

SPECIAL TOWN MEETING

Monday, June 24, 2013

7:30 o'clock in the evening at Avon High/Middle School

Moderator Staffier called the meeting to order at 7:41 p.m. the required quorum of 50 being present.

Moderator Staffier requested the Board of Selectmen to present Article 1 and to explain the purpose of the Article. Voter Barbara Littlefield called for a point of order. She stated she felt it was an illegal meeting as two money Articles from the Annual Town Meeting were left off this warrant. They were the two articles dealing with the Stabilization Fund. Mr. Staffier stated he would allow the meeting to proceed. Chairman Hegarty addressed Ms. Littlefield's question and stated that the purpose of this meeting was to address appropriations being above our levy limit and since Stabilization does not affect the levy limit these two articles were not included. Eric Beckerman, Chairman of the Finance Committee further stated that the funds put into the Stabilization account were the remainder of the free cash from the previous year and were not available to use in the FY14 Budget. He stated that they were advised that the funds could be put into Stabilization at the Annual Town Meeting and this is why it was handled in this manner. Chairman Hegarty explained how the vote was to proceed and the purpose of the vote. Moderator Staffier called for Article 1.

ARTICLE 1: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to amend the line items approved in Article 2 and Article 3 of the May 7, 2013 Annual Town Meeting in accordance with the recommendations of the Finance Committee. (Attached recommendations and vote)

ARTICLE 2: A motion was made and seconded and **UNANIMOUSLY VOTED IN THE AFFIRMATIVE** to accept the articles approved at the May 7, 2013 Annual Town Meeting in accordance with the recommendations of the Finance Committee.

	Appropriated	Recommended
<u>ARTICLE 5:</u> Funding buyback of sick and vacation time	\$30,000.	\$30,000.
<u>ARTICLE 7:</u> Repairs and/or improvement to the Town Hall building	\$29,530.	\$29,530.
<u>ARTICLE 12:</u> Repair of the Police and Fire Building	\$25,000.	\$25,000.
<u>ARTICLE 22:</u> Playground equipment at the Lundgren Playground	\$150,000.	\$150,000.
<u>ARTICLE 23:</u> Update Cross Connection Program	\$27,065.	\$27,065.
<u>ARTICLE 24:</u> Water Department facilities security system upgrades	\$7,500.	\$7,500.

	Appropriated	Recommended
<u>ARTICLE 25:</u> Repair Well #3 pump and motor	\$61,000.	\$61,000.
<u>ARTICLE 26:</u> Water Department van	\$30,000.	\$30,000.
<u>ARTICLE 27:</u> WTI Utility Billing Software	\$21,801.	\$21,801.

Selectmen Chairman Hegarty presented Article 3. This Article was passed at the Annual Town Meeting but was disallowed by the Attorney General's Office due to a technicality. The Article has been amended and he requested a vote from Town Meeting on the amended article.

ARTICLE 3: A motion was made and seconded and **UNANIMOUSLY VOTED IN THE AFFIRMATIVE** to amend the Town of Avon Zoning Bylaws, as follows:

(a) By adding a new Section XIV, Interim Regulations for Medical Marijuana Uses, to read as follows:

Interim Regulations for Medical Marijuana Uses

14.1 Purpose

This Section is intended to provide restrictions on the establishment of facilities associated with the medical use of marijuana facilities, as provided by state laws and regulations, in Avon. These restrictions will provide the opportunity to study potential impacts of said facilities on adjacent uses and on the general health, safety, and welfare, and to develop zoning and other applicable regulations that appropriately address these considerations consistent with statewide regulations and permitting procedures.

14.2 Definition

A Medical Marijuana Treatment Center shall mean any medical marijuana treatment center, as defined under state law as a Massachusetts not-for-profit entity that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers, which is properly licensed and registered by the Massachusetts Department of Public Health pursuant to all applicable state laws and regulations.

14.3 Exclusion of other Marijuana Uses

Any establishment that acquires, cultivates, possesses, processes (including development of related products such as food, tinctures, aerosols, oils or ointments), transfers, transports, sells, distributes, dispenses, or administers marijuana, products containing marijuana, related supplies, or educational materials to qualifying patients or their personal caregivers shall not be permitted if such establishment has not been properly registered and licensed in accordance with applicable state and local laws and regulations, or is not operating as a not-for-profit entity, or otherwise fails to meet the definition of a Medical Marijuana Treatment Center.

14.4 Exclusion of Accessory Uses

In no case, other than that prescribed in 105 CMR 725, shall the acquisition, cultivation, possession, processing, transference, transportation, sale, distribution, dispensing, or administration of marijuana, products containing or derived from marijuana, or related products be considered accessory to any use.

14.5 Interim Restriction

14.5.1 Medical Marijuana Treatment Centers shall not be permitted in any zoning district in Avon as long as this Section 14 is effective, as set forth in Section 14.6 below.

14.5.2 Other than that prescribed in 105 CMR 725, The cultivation, processing, sale, and distribution of marijuana, products containing or derived from marijuana or related products shall not be permitted in any zoning district in Avon as long as this Section 14 is effective, as set forth in Section 14.6 below.

14.6 Expiration

This Section 14 shall be effective through May 15, 2014.

(b) Amend the Table of Contents to add Section 14, Interim Regulations for Medical Marijuana Uses.

ARTICLE 4: A motion was made and seconded and **UNANIMOUSLY VOTED IN THE AFFIRMATIVE** to transfer from FY2004 Assessors' Overlay the sum of Eighty Six Thousand Two Hundred Thirty Five Dollars and Sixty-One cents (\$86,235.61) to FY2011 Assessors' Overlay.

A motion was made and seconded and **VOTED IN THE AFFIRMATIVE TO ADJOURN.**

The meeting adjourned at 8:40 p.m.

Respectfully submitted,

V. Jean Kopke
Town Clerk