



TOWN OF AVON

ANNUAL TOWN MEETING

Tuesday, May 6, 2014

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

Meeting was called to order at 7:30 p.m. with the required quorum present.

Moderator Staffier called for Frank Hegary, Chairman of the Board of Selectman, to lead the meeting in the Pledge of Allegiance.

Moderator Staffier acknowledged Jean Kopke former Town Clerk for her years of service. He introduced the new Town Clerk, Patricia Bessette.

Town Administrator, Michael McCue introduced Smart Source Solutions. John Trudeau of Smart Source Solutions gave a demonstration on how to use the electronic devices which were used for voting.

Moderator Staffier called for Article 1.

ARTICLE 1: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to waive the reading of the reports and minutes of the previous session(s) and to waive the reading of the annual reports of the Town Officers and Town Departments for the year ending December 31, 2013 and to waive the hearing of the reports of any committees.

ARTICLE 2: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to address Article 2 within Article 3 to fix the salaries of the elected Town Officers for the Fiscal Year 2015, and raise and appropriate the necessary funds to defray such costs.

ARTICLE 3: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** 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 2015, including salaries of the several elected officers of the Town, and make appropriations for the same.

<u>Dept</u>	<u>LINE</u>	<u>Description</u>	<u>2014 Approved</u>	<u>2014 Reserve Fund Transfers (to date)</u>	<u>FY15 Department Request</u>	<u>FY 2015 BUDGET</u>
<u>114</u>	<u>MODERATOR</u>					
		Salary	1,000		1,000	1,000
		Expenses	250		250	250
	Total Moderator		1,250		1,250	1,250
<u>122</u>	<u>SELECTMEN</u>					
		Salary				

		15,000		15,000	15,000
	Expenses	13,000		14,000	14,000
	Newsletter	4,800		4,800	4,800
	Celebrations		-	7,500	7,500
	Total Selectmen	32,800		41,300	41,300
<u>125</u>	<u>HUMAN RESOURCES</u>				
	Expenses	2,000		2,000	2,000
	Total Human Resources	2,000		2,000	2,000
<u>129</u>	<u>TOWN ADMINISTRATOR</u>				
	Salary	86,093	2,238	90,327	90,327
	Expenses	2,958		2,963	2,958
	Total Town Administrator	89,051		93,290	93,285
<u>131</u>	<u>FINANCE COMMITTEE</u>				
	Salary, Clerical	1,800		1,800	1,800
	Expenses	6,050		6,050	6,050
	Total Finance Committee	7,850		7,850	7,850
<u>132</u>	<u>FINCOM RESERVE</u>				
	Reserve Fund	100,000		100,000	100,000
	Total Reserve Fund	100,000		100,000	100,000
<u>135</u>	<u>TOWN ACCOUNTANT</u>				
	Salary	67,393		69,537	69,537
	Expenses	43,520		44,884	44,884
	Total Town Accountant	110,913		114,421	114,421
<u>141</u>	<u>ASSESSORS</u>				
	Salaries	50,316		51,148	51,148
	Expenses	19,800		19,600	19,600
	Total Assessors	70,116		70,748	70,748
<u>145</u>	<u>TOWN TREASURER</u>				
	Salary	-		-	-
	Expenses	-		-	-
	Tax Title	-		-	-
	Total Town Treasurer	-		-	-
<u>146</u>	<u>TAX COLLECTOR</u>				
	Salary	-		-	-
	Expenses	-		-	-
	Total Tax Collector	-		-	-

145 TREASURER/COLLECTOR

Salary	69,322	71,055	71,055
Expenses	23,495	17,035	17,035
Total Treasurer/Collector	92,817	88,090	88,090

149 TECHNOLOGY

Expenses	89,286	95,728	95,728
Total Technology	89,286	95,728	95,728

151 LEGAL

Retainer, Town Counsel	11,250	11,250	11,250
Purchase Services	90,000	90,000	90,000
Assessors Legal Expense	30,000	30,000	30,000
Total Legal	131,250	131,250	131,250

152 PERSONNEL BOARD

Salary	-	-	-
Expenses	100	100	100
Total Personnel Board	100	100	100

155 PAYROLL DATA PROC.

Expenses	12,000	12,000	12,000
Total Payroll Data Proc.	12,000	12,000	12,000

159 CLERICAL POOL

Salaries	249,541	250,427	250,427
Total Clerical Pool	249,541	250,427	250,427

161 TOWN CLERK

Salary	35,094	34,594	34,594
Expenses	2,900	2,970	2,970
Total Town Clerk	37,994	37,564	37,564

162 ELECTIONS/REGISTRARS

Salary	2,500	5,000	5,000
Expenses	4,000	5,000	5,000
Total Elections/Registrars	6,500	10,000	10,000

163 CENSUS

Expenses	2,100	2,200	2,200
Total Census	2,100	2,200	2,200

171 CONSERVATION COMMISSION

	Salary	1,000		1,000	1,000
	Expenses	5,850		5,850	5,850
	Total Conservation Comm.	6,850		6,850	6,850
175	<u>PLANNING BOARD</u>				
	Salaries	10,500		10,500	10,500
	Expenses	1,000		1,000	1,000
	Total Planning Board	11,500		11,500	11,500
176	<u>BOARD OF APPEALS</u>				
	Salary	1,800		1,800	1,800
	Expenses	200		200	200
	Total Board of Appeals	2,000		2,000	2,000
182	<u>INDUSTRIAL DEVELOPMENT COMMITTEE</u>				
	Salary, Clerical	-		-	-
	Expenses	-		-	-
	Total Ind. Dev. Comm.	-		-	-
184	<u>CABLE TV ADV. BOARD</u>				
	Expenses	-		-	-
	Total Cable TV Adv. Board	-		-	-
192	<u>TOWN HALL & BUILDING MAINT.</u>				
	Salary (clock)	500		750	750
	Expenses	87,345	9,934	97,345	97,345
	Total TH and Bldg. Maint.	87,845		98,095	98,095
193	<u>BUILDING INSURANCE (DEDUCTABLES)</u>				
	Expenses	-		-	-
	Total Deductable	-		-	-
195	<u>TOWN REPORTS</u>				
	Expenses	4,000		4,000	4,000
	Total Town Reports	4,000		4,000	4,000
210	<u>POLICE DEPARTMENT</u>				
	Salary	1,444,930		1,480,324	1,480,324
	Expenses	128,340		128,340	128,340
	Police Cruiser	70,000		30,000	30,000
	CMVI transfer	(70,000)		(30,000)	(30,000)
	Total Police Department	1,573,270		1,608,664	1,608,664
215	<u>FIRE & POLICE DISPATCH</u>				
	Salary				

		308,754	308,754	308,754
	Total Fire & Police Dispatch	308,754	308,754	308,754
<u>220</u>	<u>FIRE DEPARTMENT</u>			
	Salary	1,149,512	1,154,636	1,154,636
	Ambulance transfer	(56,200)	(35,000)	(35,000)
	Expenses	176,800	193,000	193,000
	Ambulance transfer	(40,000)	(40,000)	(40,000)
	Total Fire Department	1,230,112	1,272,636	1,272,636
<u>241</u>	<u>BUILDING INSPECTOR</u>			
	Salary	62,500	64,750	64,750
	Alt. Inspector	2,400	2,400	2,400
	Expenses	7,595	8,563	8,563
	Total Building Inspector	72,495	75,713	75,713
<u>242</u>	<u>GAS INSPECTOR</u>			
	Salary	6,750	7,000	7,000
	Alt. Inspector	500	500	500
	Expenses	600	600	600
	Total Gas Inspector	7,850	8,100	8,100
<u>243</u>	<u>PLUMBING INSPECTOR</u>			
	Salary	6,750	7,000	7,000
	Alt. Inspector	500	500	500
	Expenses	600	600	600
	Total Plumbing Inspector	7,850	8,100	8,100
<u>245</u>	<u>WIRING INSPECTOR</u>			
	Salary	14,700	15,200	15,200
	Alt. Inspector	800	800	800
	Expenses	1,200	1,200	1,200
	Total Wiring Inspector	16,700	17,200	17,200
<u>291</u>	<u>CIVIL DEFENSE</u>			
	Salary, Clerical	-	-	-
	Expenses	-	-	-
	Total Civil Defense	-	-	-
<u>292</u>	<u>ANIMAL CONTROL</u>			
	Salary	-	-	0
	Expenses	10,000	10,000	10,000
	Total Animal Control	10,000	10,000	10,000

294 TREE WARDEN

Salary	750		1,000	1,000
Expenses	10,000	8,000	20,000	20,000
Total Tree Warden	10,750		21,000	21,000

299 LOCAL EMERGENCY MANAGEMENT

Salary				
Expenses	-		-	-
Total Local Emerg. Mgt.	-		-	-

300 AVON PUBLIC SCHOOLS

Operating Expense	7,577,170		7,859,908	7,859,908
School Choice offset	(1,080,450)		(1,073,150)	(1,073,150)
Total Public School	6,496,720		6,786,758	6,786,758

390 BLUE HILLS REG. SCHOOLS

Operating Expense	696,198		787,488	787,488
Schools to Careers	12,350		12,535	12,535
Total Blue Hills	708,548		800,023	800,023

395 NORFOLK AGRICULTURAL

Operating Expense	6,000		6,000	6,000
Total Norfolk Aggie	6,000		6,000	6,000

421 HIGHWAY DEPARTMENT

Salary	273,749		-	-
Expenses	90,160	23,524	-	-
Total Highway Department	363,909		-	-

423 SNOW & ICE

Expenses	80,000		100,000	100,000
Total Snow & Ice	80,000		100,000	100,000

424 STREET LIGHTING

Expenses	98,000		98,000	98,000
Total Street Lighting	98,000		98,000	98,000

433 WASTE DISPOSAL

Rubbish Collection	435,014		388,368	388,368
Recycling Expenses	5,000		5,000	5,000
Total Waste Disposal	440,014		393,368	393,368

DPW

Salary	-		675,000	675,000
Expenses	-		575,866	575,866

	Total DPW	-	1,250,866	1,250,866
<u>450</u>	<u>WATER DEPARTMENT</u>			
	Salary	355,221	-	-
	Expenses	487,170	-	-
	Water Mgmt. Permit	-	-	-
	Capital outlay	-	-	-
	Total Water Department	842,392	-	-
<u>449</u>	<u>SEWER DEPARTMENT</u>			
	Expenses	-	-	-
	Total Sewer Department	-	-	-
<u>510</u>	<u>BOARD OF HEALTH</u>			
	Salary/Service	65,270	66,485	66,485
	Animal Inspector	-	-	-
	Expenses	8,100	8,080	8,080
	Compost Attendant	6,500	6,500	6,500
	Total Board of Health	79,870	81,065	81,065
<u>529</u>	<u>HEALTH SERVICES</u>			
	Visiting Nurses	3,000	3,000	3,000
	Total Health Services	3,000	3,000	3,000
<u>541</u>	<u>COUNCIL ON AGING</u>			
	Salary	103,993	109,510	109,510
	Expenses	6,535	5,655	5,655
	Total Council on Aging	110,528	115,165	115,165
<u>543</u>	<u>VETERANS SERVICES</u>			
	Salary	4,000	15,000	15,000
	Expenses	1,500	1,500	1,500
	Veterans Benefits	18,200	18,200	18,200
	Veterans Quarters	700	700	700
	Veterans Memorial Comm.	-	-	-
	Total Veterans Services	24,400	35,400	35,400
<u>610</u>	<u>LIBRARY</u>			
	Salary	244,525	246,036	246,036
	Expenses	141,662	140,836	140,836
	HVAC	-	-	-
	Total Library	386,187	386,872	386,872

650 PARK & RECREATION

Salary	24,353	24,353	24,353
Expenses	25,130	35,130	35,130
Total Park & Rec.	49,483	59,483	59,483

691 HISTORICAL COMMISSION

Expenses	-	-	-
Total Historical Comm.	-	-	-

695 CULTURAL COUNCIL

Expenses	100	100	100
Total Cultural	100	100	100

699 MEMORIAL DAY

Expenses	5,000	7,000	7,000
Total Memorial Day	5,000	7,000	7,000

DEBT PAYMENT

<u>710</u>	Debt outside cap	1,793,602	1,737,719	1,737,719
<u>752</u>	Short Term Borrowing	1,000	1,000	1,000
<u>760</u>	Cost of Bond Issuance	3,000	3,000	3,000
	Total Debt Payment	1,797,602	1,741,719	1,741,719

911 PENSIONS

	Norfolk County Retirement	892,006	936,559	936,559
	Non-Contribu. Retirement	-	-	-
	OPEB	78,787	79,377	79,377
	Total Pensions	970,793	1,015,936	1,015,936

INSURANCE

<u>912</u>	Workmens Comp	155,000	159,650	159,650
<u>913</u>	Unemployment	45,000	45,000	45,000
<u>914</u>	Medical & Life	2,400,000	2,500,560	2,465,467
<u>916</u>	Medicare	145,000	145,000	145,000
<u>910</u>	Medicaid	10,000	10,000	10,000
<u>945</u>	Liability	185,000	4,133	190,550
	Total Insurance	2,940,000	3,050,760	3,015,667

Total Budget	19,788,090	47,828	20,442,345	20,407,247
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ARTICLE 4: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** 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.

ARTICLE 5: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to accept the provisions of Chapter 40, Section 13D to establish a reserve fund for the future payment of accrued liabilities for compensated absences due any employee or full-time officer of the Town upon the termination of the employee's or full-time officer's employment, and to transfer Forty-Five Thousand, Six Hundred and Seventy-Six Dollars and Twenty-Two Cents (\$45,676.22) from Article 5 of the Annual Town Meeting of 2004.

ARTICLE 6: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to transfer from the Septic Loan Receipts Account the amended sum of Ten Thousand Four Hundred Dollars (\$10,400) 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.

ARTICLE 7: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to raise and appropriate 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.

ARTICLE 8: A motion was made and seconded and **DEFEATED BY THE MAJORITY (2/3 VOTE NECESSARY TO PASS)** to appropriate One Million Five Hundred Thousand Dollars (\$1,500,000) to construct parking and entrance and exit roadways at the Ralph D. Butler Elementary School, including the payment of costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow (\$1,500,000) under M.G.L. c. 44 §7 or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out this project; provided, however, that this vote shall not take effect until the Town votes to exempt from the limitation on total taxes imposed by M.G.L. c.59 §21/C (Proposition 2 ½) the amount required to pay the principal of and interest on the borrowing authorized by this vote.

A VOTE TO RECONSIDER THIS ARTICLE WAS DEFEATED (2/3 vote necessary to reconsider) AT 9:38 p.m.

ARTICLE 9: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY A 2/3 VOTE** to amend the General Bylaws of the Town of Avon, by replacing Article VII, Section 2. Fund Raising D. Registration Fee in its entirety and replacing it with the following:

1. Each applicant for registration or re-registration shall pay a fee of \$25.00 to the Town

ARTICLE 10: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** raise and appropriate a sum of Two Hundred Ninety One Thousand Eight Hundred and Five Dollars (\$291,805) for the purchasing of vehicles for the Department of Public Works.

ARTICLE 11: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to or transfer from Article 13 of the Town Meeting of 2006 (Hwy/Wtr Stormdrn A06-13) the sum of One Thousand Seven Hundred and Eighty-Five Dollars (\$1,785) for the purchasing of a dog license program.

ARTICLE 12: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to raise and appropriate the sum of Forty Thousand Dollars (\$40,000) for installation of a new telecommunications system in the Police and Fire Building.

ARTICLE 13: A motion was made and seconded to amend this article. A Second **MOTION WAS MADE AND SECONDED AND VOTED IN THE AFFIRMATIVE BY THE MAJORITY TO WITHDRAW THE AMMENDED VERSION** and revisit it at a later date.

Amended Version: To see if the Town will vote to amend the General Bylaws of the Town of Avon, by adding Article VII, Section 10A. Residential Snow Removal as follows:

Residential Property Snow Removal

(1) Purpose

Since pedestrian safety is paramount, it is important to provide safe access to sidewalks during periods of inclement weather. During winter months when snow and ice are a major concern the Town strives to keep sidewalks clean and traversable for the safe passage of pedestrians. The purpose of this by-law is to assure that access to these sidewalks is not blocked by the placing of snow upon sidewalks by shovel, plow or other means which blocks pedestrian traffic.

(2) Definitions

For the purpose of this Section, the following terms shall have the following definitions:

(a) **OBLIGATED PERSON** - the person responsible for compliance with this Subsection pursuant to Paragraph (4).

(b) **SIDEWALK** - a paved walkway (whether paved with brick, stone, cement, concrete, asphalt, or other impervious material) that is located within the right-of-way of a street that abuts residential property.

(3) Obligations

Snow, slush, and ice shall be removed from any area blocking access to a sidewalk and shall remain clear of restriction for the duration of any period during which such conditions exist.

(4) Obligated Persons

The owner of record of a residential and/or commercial property abutting a right-of-way in which a sidewalk is located shall be obligated to comply with this Section within that portion of the right-of-way to which the residential property abuts, unless the owner of record can demonstrate that this obligation has been duly delegated to a responsible person, identified by name and address, by a written agreement signed by the person so delegated or by an express reference to the obligation in a written lease.

(5) Removal of snow, slush and/or ice

Upon the conclusion of snow/ice/slush removal operations on sidewalks abutting a particular property by the Town, obligated persons shall assure complete access to sidewalks abutting their property within twelve (12) hours.

(6) Fines

Any person obligated or not under Section 4 of this by-law found to have placed or caused to be placed snow/ice/slush upon the sidewalks which impairs access, endangers safety of pedestrians or impinges upon pedestrian safety shall be subject to a fine as follows:

First offense – written warning

Second offense – \$50

Third and successive offense within a winter season – \$100 each

(8) Enforcement

Enforcement of this by-law shall be by a non-criminal written citation issued by any Police Officer of the Town. Any Health or Safety Inspector of the Town or employee of the Department of Public Works may also ask the Police Department to issue such a citation if they find a situation that violates the intent of this by-law.

ARTICLE 14: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to transfer the amended sum of Sixty Seven Thousand Four Hundred and Seventy Five Dollars (\$67,475) from the Ambulance Revolving Fund to be used to pay the tenth and final payment of the lease purchase agreement on the Fire Department's Aerial Ladder truck.

ARTICLE 15: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** 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.

ARTICLE 16: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to transfer the sum of Three Thousand Dollars (\$3,000) from the Ambulance Revolving Fund to Article 12 of the 2010 STM to be used for training, continuing education and related expenses.

ARTICLE 17: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to transfer the amended sum of Ninety Seven Thousand Seven Hundred and Eighty Nine Dollars and Eighty Eight Cents (\$97,789.88) from the Ambulance Revolving Fund and transfer the sum of Eight Thousand Six Hundred and Five Dollars and Six Cents from Article 16 ATM 2013 (\$8,605.06) to be used to pay the second of five (5) payments of the lease purchase agreement on the Fire Department's Rescue Pumper truck.

ARTICLE 18: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY A DECLARED 2/3 VOTE** to amend the General Bylaws of the Town of Avon, by adding Article VII, Section 23. Scrap Metals Recycler/Junk Dealer License as follows:
Section 23 Scrap Metals Recycler/Junk Dealer License

A. Definitions

1. Scrap Metals. For purposes of this ordinance the term “Scrap Metals” shall be defined as including all ferrous and non-ferrous metals.

2. Junk. For the purposes of this ordinance the term "Junk" shall be defined as including all collected junk, old metal with limited economic value, rags, paper or second-hand articles; excluding old gold and antique furniture.

3. Scrap Metals Recycler. For purposes of this ordinance the term “Scrap Metals Recycler” means any person, firm or corporation in the Town engaged in the business of paying for regulated metals that have served their original economic purposes, whether or not engaged in the business of performing the manufacturing process by which metals are converted into raw materials products consisting of prepared grades and having an existing or potential economic value.

4. Junk Dealer. For purposes of this ordinance the term “Junk Dealer” shall mean any person, firm, or corporation in the Town engaged in the business of paying for or selling Junk, old metal, rags, paper or second-hand articles; excluding old gold and antique furniture.

B. Requirement for License

No person, including a Scrap Metals Recycler, salvage yard operator, Junk Dealer or second hand dealer, shall engage in the business of purchasing, selling, bartering or dealing any Junk, Scrap Metals or any articles containing those metals, from the general public for the purpose of reselling or recycling the Junk or Scrap Metals without first obtaining a license from the Board of Selectmen. No applicant shall be granted a Scrap Metals Recycler license, or Junk Dealers license unless the applicant is determined to be a suitable person, of proven character and reputation such as to suggest that the applicant will operate the business in conformity with the requirements of this bylaw. Each such license shall be signed by the Police Chief.

C. License Details

Every applicant for a Scrap Metal Recycler license or Junk Dealers license, shall provide the name, address, phone number and email address of all persons having an interest in the license. In the case of a publicly-traded corporation, the applicant shall provide the name, address, phone number and email address of the designated individual having general oversight or management responsibility for the business operation. The keeper of a shop shall display his license in some conspicuous place in his shop. Each motor vehicle to be operated under the license shall have the number of the license attached to or painted upon the outside in a conspicuous place in figures at least two (2") inches in height.

D. Identification of Seller of Goods and Maintenance of Records

- (a) Every person licensed under this ordinance shall require the seller of any goods or merchandise to present a valid motor vehicle operator’s license containing his or her photograph or other such suitable identification containing his or her photograph. (Passport, Military, State or Federal Identification).
- (b) For each sale, the licensee shall obtain and record the following information: the vehicle make, model, color, and registration of the seller.

- (c) The licensee shall photograph the vehicle the seller uses to transport and the goods or merchandise being sold, so as to obtain a visual record of the general character and appearance of the goods or merchandise.
- (d) The licensee shall maintain a record of the same, together with any other records required by law.
- (e) Every seller shall sign a statement stating that the seller is the legal owner of the property, or is the agent of the owner authorized to sell the property.
- (f) Records of such sales shall be maintained by the licensee for a minimum of two (2) years.

E. Records of transactions required – Reports to Police

The licensee shall, upon request of the police, provide a report of all transactions including the type and quantity of materials purchased, the seller's name, address, driver's license number and state of issuance, date of birth, vehicle registration number, vehicle make and model and color. Such report shall be either written or electronic format as determined by the Police Chief or his or her designee. Such reports shall be provided no more frequently than once per day. Said licensee shall also respond fully and cooperatively to any inquiries for additional information from the police, including the opportunity to examine the licensee's records relating to specific purchases, and to view any materials on site.

F. Holding Period for Property acquired by Licensee

Every licensee shall hold for a minimum of twenty-four hours, and shall notify immediately the Police Department of the following property purchased or received consisting of brass, bronze, copper, cast iron, stainless steel, and/or wrought iron:

- (a) Statues and sculptures;
- (b) Weathervanes;
- (c) Down spouts;
- (d) Handrails;
- (e) Decorative fencing;
- (f) Grave markers, sculptures, plaques and vases, the appearance of which suggest that the articles have been obtained from a cemetery;
- (g) Manhole covers;
- (h) Beer kegs;
- (i) Contractor's, builders or mechanic's type tools. During such holding period, such property shall be kept separate and distinct and shall not be disfigured or treated in any manner to alter or destroy its identity. The Chief of Police or his or her designee may issue an annual waiver for F as long as D and E are maintained by the Licensee.

G. Enforcement

This by-law shall be monitored and enforced by the Avon Police Department. Violations of any part of this by-law shall be punished by a fine of \$300.00 for each offense pursuant to M.G.L. Chapter 40 Section 21. Additionally, the Town may seek equitable relief in Superior Court for any violation of this by-law.

ARTICLE 19: A motion was made and seconded and **DEFEATED BY THE MAJORITY** to annul the adoption of MGL Chapter 48, Section 42, known as the 'Strong Fire Chief Law'.

ARTICLE 20: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to raise and appropriate the sum of Fourteen Thousand Dollars (\$14,000) for the installation of netting on the backstop at the Noonan Field and any other costs associated with this project.

ARTICLE 21: to see if the Town will vote to amend the General Bylaws of the Town of Avon, by adding Article VII, Section 24. Fingerprinting For Certain Licenses as follows:

Section 1. As authorized by G.L. c. 6, § 172B ½, the Police Department may conduct State and Federal fingerprint based criminal history checks of individuals applying for licenses to engage in the business of Hawking and Peddling, Junk/Metal/Secondhand Dealers, Pawn Brokers, House to House Commercial Salesmen and Hackney Drivers. Fingerprint-based state and national criminal history records shall solely be used for screening applicants for the above named municipal licenses and for no other purpose, including municipal employment. An applicant seeking to engage in the above licensed activities if required by the licensing authority, shall allow the Police Department to fingerprint that applicant. The Police Department will transmit the fingerprints to the State Police Identification Unit through the Department of Criminal Justice Information Services (DCJIS), formerly the Criminal History System Board (CHSB).

Section 2. In rendering an applicant fitness determination, the Police Department will decide whether the applicant has been convicted of, or is under pending indictment for, any crime which bears upon his/her ability or fitness to be granted a license, or any felony or a misdemeanor which involved force or threat of force, controlled substances, or was a sex-related offense.

Section 3. The Police Department and any authorized municipal recipients shall store all criminal history record information received from the FBI for municipal licensing background check purposes in a secure location, and such information may not be disseminated to any unauthorized persons or entities. The Police Department shall restrict access to areas in which the information is processed and handled to authorized personnel in the performance of their duties. The Police Department and authorized municipal recipients of fingerprint-based state and national criminal history information must provide a secure area, out of the view of the public and unauthorized personnel, for the handling and retention of the information. When fingerprint-based state and national criminal history information is no longer needed, the licensing authority is responsible for its destruction. It shall be destroyed by the Police Department by burning, shredding, or other method rendering the information unreadable.

Section 4. An applicant may request and is entitled to receive a copy of his/her criminal history record from the Police Department. The Police Department must advise the applicant of the procedures to change, correct, or update the record. The Police Department must provide the applicant with the opportunity to challenge the accuracy or completeness of the FBI criminal history before action is taken on the application for which the record is sought.

Section 5. The Town or any of its officers, departments, boards, committees or other licensing authorities are hereby authorized to deny any application for, or to revoke or suspend any license

or permit, including renewals and transfers thereof, for any person who is determined unfit for the license, as determined by the licensing authority, due to information obtained pursuant to this by-law. The licensing authority shall not deny a license to an applicant based on information in a criminal record until the applicant has been afforded a reasonable time to correct or complete the information, or has declined to do so.

Section 6. The Police Chief shall adopt policies and procedures to effectuate the purposes of this by-law which shall be consistent with G.L. c. 6, § 172B ½, EOPSS guidelines, Massachusetts Department of Criminal Justice Information Services rules, guidelines and with the Department of Criminal Justice Information Services Model Municipal Civil Fingerprinting Policy, as well as with all Federal Bureau of Investigation requirements for access to the national database.

THIS ARTICLE WAS WITHDRAWN WITH NO DISCUSSION

ARTICLE 22: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY A DECLARED 2/3 VOTE** to amend the Town of Avon Zoning By-Laws with the text pertaining to new zoning as posted with the Town Clerk and subject to a Public Hearing.

Handouts regarding the proposed amendments were made available at Town Meeting. (See attached)

ARTICLE 23: To see if the Town will amend the General Bylaws of the Town of Avon by revising Article X Wetland Protection Bylaws with the text pertaining to the proposed revised language allowing regulations to be drafted, as posted with the Town Clerk and subject to a Public Hearing.

THIS ARTICLE WAS WITHDRAWN

ARTICLE 24: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to raise and appropriate the sum of One Hundred Twenty Five Thousand Dollars (\$125,000) for engineering, drainage design and road layout services for streets within the area of Town commonly referred to as “Brentwood”.

ARTICLE 25: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to transfer from the Town Anniversary Fund the amended sum of Eighteen Thousand Eight Hundred and Thirty Six Dollars and Thirty-Nine Cents (\$18,836.39) and from the Town Anniversary Special Revolving Fund the amended sum of Eight Thousand Two Hundred and Eleven Dollars and Twenty-Six Cents (\$8,211.26) for a total of Twenty-Seven Thousand and Forty Seven Dollars and Sixty-five Cents (\$27,047.65) to be used for improvements to DeMarco Park.

ARTICLE 26: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY A DECLARED 2/3 VOTE** to amend the General Bylaws of the Town of Avon, by adding Article VII, Section 25. Pawnbrokers as follows:

Section 25. Pawnbrokers

25.1 No pawnbroker shall operate in the Town of Avon unless a license has been granted by the Board of Selectmen. The term “pawnbroker” shall mean a person, firm, or corporation who engages in or carries on the business of lending money on mortgages, deposits or pledges of wearing apparel, jewelry, ornaments, household goods or other personal property or of

purchasing such property on condition of selling it back again at a stipulated price, when the property so mortgaged, pledged or purchased is deposited with the lender. This requirement for licensing as a pawnbroker shall not apply to loans made upon stock, bonds, notes or other written evidence of ownership of property or of indebtedness to the holder or owner of such securities.

25.2 Application for license as a pawnbroker and for the renewal of such license shall be filed with the Town Clerk for submission to the Board of Selectmen for approval or disapproval. The application for the renewal of a license shall be filed with the Town Clerk a minimum of thirty days prior to its expiration. All licenses issued shall expire on May first following the date of issue unless sooner revoked.

25.3 The application for a license shall state the name and address of any person or persons having any interest, financial or otherwise, in the business to be conducted under the license. If the applicant is a single proprietorship or a partnership, the name and address of the owner or each partner shall be stated. If the applicant is a corporation, the name and address of the President, Vice President, Clerk and Treasurer shall be stated.

25.4 The fee for a license as a pawnbroker shall be established by ordinance. The licensee, at the time of receiving such license, shall file with the Town Treasurer/Collector a bond payable to the Town of Avon in the sum of three hundred dollars, with two sureties approved by the Town Treasurer/Collector, as conditioned for the faithful performance of the duties and obligations pertaining to the business so licensed.

25.5 Whoever, not being licensed, carries on the business of a pawnbroker or whoever, being licensed, carries on such business in any other place or manner than that designated in his license or carries on such business, after notice to him that his license has been revoked, shall be punished by a fine of fifty (\$50.00) dollars.

25.6 Every pawnbroker shall keep a book in which, at the time of making a loan, shall be legibly written in the English language an account and description, including all distinguishing marks and numbers, of the articles pawned, the amount of money loaned thereon, the time of pawning them, the rate of interest to be paid on such loan, and the name and resident of the person pawning such articles, and shall furnish a correct record of such transactions, containing all such information, once a week, or more often if required, to the Board of Selectmen or to any person designated by it. Every pawnbroker shall also photograph any person pawning articles and keep the photographs with said books as part of his records.

25.7 Licensed pawnbrokers may charge the following rates of interest:

- a. For loans up to and including twenty-five (\$25.00) dollars, three (3%) per month;
- b. For loans over twenty-five (\$25.00) dollars, three (3%) per month
- c. No such pawnbroker shall charge or receive any greater rate of interest and the rate shall be determined on the precise sum advanced by the lender;
- d. No pawnbroker shall make or receive any extra charge or fee for storage, care or safekeeping of any goods, articles or things pawned with the licensed pawnbroker. (G.L.C. 140, Section 78). M.G.L. c 140, §70 to 85 delegates the licensing of pawnbrokers to cities and towns and requires that cities and towns obtain the Commissioner of Banks' approval of any locally adopted pawnbroker regulations, including provisions to set maximum interest rates.

NO PAWNBROKER MAY LAWFULLY CHARGE AN INTEREST RATE THAT HAS NOT BEEN APPROVED BY THE DIVISION OF BANKS.

25.8 Every pawnbroker, shall at the time of making such a loan, deliver to the person who pawns any article a memorandum or note signed by him and containing the substance of the entry required by Section 25.6 hereof. No charge shall be made or required by any pawnbroker for such entry, memorandum or note.

25.9 The Chief of Police or any police officer authorized by him may at any time enter upon any premises used by a licensed pawnbroker for the purposes of his business, ascertain how he conducts his business, and examine all articles taken in pawn or kept or stored in or upon said premises and all books and inventories relating thereto. Every such pawnbroker, his clerk agent or other person in charge of the premises shall exhibit to such officer on demand any or all of such articles, books and inventories.

25.10 A licensed pawnbroker, clerk, agent or other person in charge of such premises who refused to admit thereto an officer authorized to enter the same, or who fails to exhibit to him on demand all such articles, books and inventories, and any person who willfully hinders, obstructs or prevents such officer from entering the premises or from making the examinations authorized in Section 25.9 hereof, shall be punished by a fine of two hundred (\$200.00) dollars.

25.11 Articles deposited in pawn with a licensed pawnbroker shall be retained by the lender on the premises occupied by the pawnbroker for the business for at least four (4) months after the date of deposit. After the expiration of the four (4) month period, the pawnbroker may sell the articles in a commercially reasonable manner, apply the proceeds thereof in satisfaction of the debt or demand and the expense of the notice and sale, and pay any surplus to the person entitled thereto demand; provided, that no such sale of any article shall be made unless not less than ten days prior to the sale written notice of the intended sale shall have been sent by registered mail to the person entitled to the payment of any surplus, addressed to her or his residence, as appearing on the records of such pawnbroker. No article taken in pawn by such pawnbroker exceeding twenty-five (\$25.00) dollars in value shall be disposed of otherwise than as here provided, any agreement or contract between the parties thereto to the contrary notwithstanding MGL C. 140, Section 71. Proof of notice by registered mail shall be kept in the records of the pawnbroker for one (1) year after the date of the sale.

25.12 All licensed pawnbrokers shall adhere not only to the provisions of this ordinance but to the provisions pertaining to pawnbrokers set forth in Chapter 140, Sections 70 through 83 of the Massachusetts General Laws and to the rules and regulations of the Avon Police Department pertaining to pawnbrokers.

25.13 Whoever violates any provision of this ordinance shall be punished by a fine of two hundred (\$200.00) dollars, except where a lesser fine is imposed herein for any specific violation of the ordinance. The violation of any provision of this ordinance or the making of any false statements on the application for a license shall be cause for the revocation of the license.

25.14 The penalties imposed herein for violations of this ordinance shall be assessed in accordance with the provisions for the non-criminal disposition of violations in General Laws Chapter 40, Section 21D as amended.

25.15 No pawnbroker shall sell, rent, or lease firearms, rifles, shotguns or machine guns. A pawnbroker, who loans money secured by deposit or pledge of a firearm, rifle, shotgun, or machine gun, shall be punished, in accordance with the provisions of General Laws, Chapter 140, Section 131B, by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than one (1) years or by both.

ARTICLE 27: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY A MAJORITY VOTE** to raise and appropriate the sum of Thirty Thousand Dollars (\$30,000) for the construction of a backstop at the Crowley Field and any costs associated with this project.

ARTICLE 28: 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.

THIS ARTICLE WAS WITHDRAWN WITH NO DISCUSSION

MEETING ADJORNED AT 10:31.

Respectfully Submitted,

Patricia C. Bessette
Town Clerk