



TOWN OF AVON

SPECIAL TOWN MEETING

Wednesday, September 9, 2009

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

Moderator, Frank Staffier called the meeting to order at 7:30 p.m. and recessed the meeting until the required quorum of 75 was present. The meeting was again called to order at 8:10 p.m. the required quorum being present. Frank Hegarty, Chairman of the Board of Selectmen, led the assembly in the Pledge of Allegiance. 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 actions of the May 5, 2009 Annual Town Meeting by amending Line Item 751-2, Bond Payment, from One Million Two Hundred and Thirty-Two Thousand Four Hundred and Twenty-Two Dollars (\$1,232,422) to One Million Two Hundred Forty-Four Thousand Nine Hundred and Eighty-Two Dollars (\$1,244,982) and transferring Seven Hundred Ninety-Eight Thousand and Forty-Nine Dollars (\$798,049) from free cash to fund the actions of said Town Meeting.

Article 2: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to transfer from Line Item 192-1, Town Hall Building Salary, the sum of Fifteen Thousand Dollars (\$15,000) to Line Item 192-2 Town Hall Building Expenses.

Article 3: A motion was made and seconded and **DEFEATED BY THE MAJORITY** to accept MGL c. 64L, §2(a) to impose a local meals tax.

Article 4: A motion was made and seconded and **VOTED UNANIMOUSLY IN THE AFFIRMATIVE** to amend ARTICLE VII – POLICE REGULATIONS of the General By-Laws of the Town of Avon as follows:

Replace Section 19 with (changes highlighted in italics)-

Section 19 SECURED KEY ACCESS FOR FIRE DEPARTMENT

Any building other than a residential structure containing five or fewer dwelling units having a fire alarm system or other fire protection system shall provide a secure key box installed at a location accessible to members of the fire department in the event of an emergency. The secure key box shall contain keys to the fire alarm control panels and any other keys as may be necessary to operate or service any fire protection system or devices. *Electrically operated gates shall be equipped with an over-ride switch.* The secure key box *and over-ride switch* shall be of a type approved by the fire chief and shall be located and installed as approved by the said fire chief. *Multiple secure key boxes or over-ride switches may be required by the fire chief.* Any owner or other person having control of a building who after receiving instructions concerning such installation from the fire chief shall fail within thirty days to provide such a secure key

box *or over-ride switch* shall be subject to a penalty of fifty dollars for each day on which such violation shall continue.

NON-Criminal Disposition – Any person found in violation of this section by any police officer, or the chief of the fire department, or the officer in charge of any shift in the fire department, may be cited by such person for such offense pursuant to the non-criminal disposition provisions of these by-laws. The penalty for each offense, so cited, shall be fifty dollars. Each day on which a violation exists shall be deemed to be a separate, distinct offense.

Article 5: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY A COUNTED VOTE OF 64-3** to amend ARTICLE VII – POLICE REGULATIONS of the General By-Laws of the Town of Avon by adding the following:

Section 23 PUBLIC CONSUMPTION OF MARIJUANA OR TETRAHYDROCANNABINOL

No person shall smoke, ingest, or otherwise use or consume marijuana or tetrahydrocannabinol (as defined in MGL c. 94C, §1, as amended) while in or upon any street, sidewalk, public way, footway, passageway, stairs, bridge, park, playground, beach, recreation area, boat landing, public building, schoolhouse, school grounds, cemetery, parking lot, or any area owned by or under the control of the town; or in or upon any bus or other passenger conveyance operated by a common carrier; or in any place accessible to the public.

This by-law may be enforced through any lawful means in law or in equity including, but not limited to, enforcement by criminal indictment or complaint pursuant to MGL c. 40, §21, or by non-criminal disposition pursuant to MGL c. 40, §21D*, by the Board of Selectmen, the Town Administrator, or their duly authorized agents, or any police officer. Whoever violated the provisions of this section as it pertains to marijuana or tetrahydrocannabinol shall be punished by a fine not exceeding One Hundred Dollars (\$100) for the first offense, Two Hundred Dollars (\$200) for the second offense, and Three Hundred Dollars (\$300) for any third or subsequent offense. Any penalty imposed under this by-law shall be in addition to any civil penalty imposed under MGL c. 94C, §32L.

Article 6: A motion was made and seconded and **VOTED UNANIMOUSLY IN THE AFFIRMATIVE** to transfer from free cash the sum of Twenty Thousand Dollars (\$20,000) to Article 5 of the Annual Town Meeting of 2004 for the purpose of funding buyback of sick and vacation time of retiring employees.

Article 7: A motion was made and seconded and **VOTED UNANIMOUSLY IN THE AFFIRMATIVE** to transfer from FY04 Assessors' Overlay the sum of Sixty-Four Thousand Dollars (\$64,000); said sum to be used to fund the State mandated fiscal year 2011 Recertification.

Article 8: A motion was made and seconded and **VOTED UNANIMOUSLY IN THE AFFIRMATIVE** to transfer from FY04 Assessors' Overlay the sum of Eight Thousand Four Hundred and Ninety-Three Dollars and Sixty-Three Cents (\$8,493.63) to FY2006 Assessors' Overlay.

Article 9: A motion was made and seconded and **VOTED UNANIMOUSLY IN THE AFFIRMATIVE** to transfer the sum of Forty-Two Thousand Nine Hundred and One Dollars and Thirty-Eight Cents (\$42,901.38) from the Town of Avon's Insurance Recovery Account to pay the bills for the damage to the Avon Middle High School due to the fire on April 7, 2009.

Article 10: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to establish a revolving account under the provisions of MGL c.71, §71F for the purpose of receiving nonresidential special education tuition payments.

Article 11: A motion was made and seconded and **VOTED UNANIMOUSLY IN THE AFFIRMATIVE** to transfer from free cash the sum of Four Hundred and Thirty-Five Dollars and Forty-Nine Cents (\$435.49) to pay bills from a previous year as follows;

BMC	\$276.00
Boston University Neurology	\$124.00
Tech Lube	\$35.49

Article 12: A motion was made and seconded and **VOTED UNANIMOUSLY IN THE AFFIRMATIVE** to transfer from free cash, the sum of Six Thousand Dollars (\$6,000) for the repair of the Porter Well Pump Station roof.

Article 13: A motion was made and seconded and **VOTED UNANIMOUSLY IN THE AFFIRMATIVE** to transfer from free cash the sum of Four Thousand Dollars (\$4,000) for asbestos removal at Trout Brook Pump Station.

Article 14: An amended motion was made and seconded and **VOTED UNANIMOUSLY IN THE AFFIRMATIVE** to transfer from the Special Stabilization Account the sum of (One Hundred and Fifty Nine Thousand, Two Hundred and Thirty Dollars) \$159,230. for the completion of repairs to the Central Street Water Tank.

Article 15: A motion was made and seconded and **VOTED AFFIRMATIVE IN THE MAJORITY** to transfer from free cash the sum of Three Thousand One Hundred and Nineteen Dollars (\$3,119.00) to fund the purchase of computer hardware, software and licensing for the Building Department .

Article 16: A motion was made and seconded and **VOTED IN THE AFFIRMATIVE BY THE MAJORITY** to transfer from free cash the sum of (Three Thousand Five Hundred and Forty Six Dollars) \$3,546. to be placed in the Towns Stabilization Account.

A motion was made and seconded and **VOTED UNANIMOUSLY IN THE AFFIRMATIVE** to adjourn the meeting. The meeting was adjourned at 8:45 p.m.

Respectfully Submitted,

V. Jean Kopke
Town Clerk