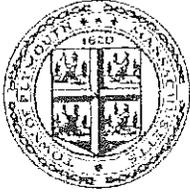


Town of Plymouth

SEWER DIVISION

131 Camelot Drive
Plymouth, MA 02360

(508) 830-4159
FAX: (508) 732-0238



May 27, 2008

Roger Hammond, DPW Director
11 Lincoln Street
Plymouth, MA 02360

RE: Wastewater Facilities Planning Study History Summary

The original Wastewater Treatment Facility located at 197 Water Street was designed and permitted to provide secondary wastewater treatment with annual average flow of 1.75 MGD. Treated wastewater effluent from the facility was discharged into Plymouth Harbor. The treatment facility began operation in 1970, but by 1977 the annual average flow exceeded plant capacity.

The DEP identified many permit violations and required the town to take corrective actions during the 1980's to bring the plant into compliance. Those efforts were unsuccessful. The flow/hydraulic overload continued resulting in water quality violations to continue.

- In 1987 the Commonwealth of Massachusetts commenced action against the town for operating its sewer system in violation of the Clean Water Act. That same year the Commonwealth and the Town agreed to the entry of an Interim Order. That document required the town to address specific items and improve the operation of its sewer system including the wastewater treatment facility and the collection system.
- On January 15, 1992 the Town of Plymouth & the Commonwealth of Massachusetts entered into a Consent Decree, requiring the town to undertake specific tasks in order to achieve consistent compliance with its discharge permit and MA Clean Water Act. The Consent Decree also stipulated that the town commence Wastewater Facilities Planning, to include design and construction of treatment, residual management and effluent disposal facilities or the town would be subject to stipulated penalties.
- CDM began assisting the town in 1992; many planning assumptions were based on studies conducted in the 1980's. The Phase I and II FP/EIRs conducted during 1992 and 1993 prioritized four sites for effluent disposal included detailed analyses of the two most suitable sites. Phase IIIA examined all the critical aspects that had been evaluated during the several previous years of planning as



well as developing innovative methods of examining alternatives. This included placing more emphasis on the role of on-site systems in solving wastewater disposal needs, re-examining the entire community for potential land application sites, and developing compelling data to demonstrate the acceptability of the existing outfall. The Phase IIIB process resulted in selection of a plan to meet the state's Consent Order requirements and enable the town to protect its valuable fresh and marine water resources.

- On June 19, 1995 STM approved additional funding to prepare Wastewater Treatment Facilities Plan/ Environmental Impact Report in accordance with a scope of work approved by DEP and MEPA. An independent Wastewater Study Committee (WSC) was formed by Town Meeting to work with an independent peer review consultant to address the following critical questions:
 1. To what extent should the town add additional treatment capacity to accommodate future commercial and industrial growth in the town?
 2. Were the scientific studies and findings used to conclude "minimum impact to the Eel River from the new treatment facility correct?
 3. What is the fairest way to share project cost among existing system users, those not receiving sewerage services, and future users?

The firm Stearns & Wheeler (S&W) was hired to assist the WSC. CDM also undertook additional environmental studies required by the DEP and requested by the town.

- In December of 1995, the selectmen decided to form a Wastewater Facilities Planning Task Force (WFPTF) to assist in developing a consensus plan. The task force was concerned that most town citizens did not understand all of the wastewater issues and that a greater number of individuals and groups need to be involved in the wastewater planning process. In order to solicit different points of view, the WFPTF invited all Town Meeting members, several Town and State Officials, and Town wastewater committees to a workshop on Saturday, January 27, 1996. Workshop attendees raised questions on issues such as:
 1. The treatment facility location.
 2. Method of treatment wastewater disposal.
 3. Capacity requirements.
 4. Extent to which the town should encourage business growth.
 5. Plan cost and cost allocation; environmental impacts.
 6. Method of reaching a consensus.

Workshop attendees also suggested that the town explore other solutions that would not initially provide substantial additional capacity for growth but would allow the town a way to phase capacity in the future as needed.

- The Citizen's Advisory Committee (CAC) voted on July 25, 1996 and again on September 11, 1996 to recommend the implementation of Alternative 1 to address the town's needs to meet state and federal requirements. Alternative 1 includes the use of Site A for wastewater treatment and effluent disposal, Site WW for a pumping station, the existing outfall for discharge of flows up to 1.75 MGD and Site 101 reserved as a backup effluent disposal site.
- On November 1, 1996 the Secretary of Environmental Affairs issued a Certificate on the DS FP/EIR stating that the document adequately and properly complied with the Massachusetts Environmental Policy Act (MEPA) and its implementing regulations.
- On November 18, 1996 STM article #1 voted to accept the report of the Wastewater Study Committee. Article #2 approved the appropriation of \$40,000,000 of acquiring land for and construction of a wastewater treatment and disposal facilities, to borrow all or a portion of such amounts from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C of the General Laws. Article #3 approved the formation of, Municipal Wastewater District (MWD).
- In December of 1996 the town received a citizen petition with sufficient signatures to require a special town-wide referendum on the Town Meeting funds appropriation.
- On January 11, 1997 approximately 13 percent of the town's eligible voters turned out, and the STM article #2, appropriation was overturned by a two to one margin.
- On January 28, 1997 The Board of Selectmen reappointed those CAC members who wished to remain on the committee. The Board also appointed four new members.
- On January 29, 1997 Town Officials and Consent Decree parties met to discuss possible ways to proceed. Participants assigned a high priority to meeting the existing Consent Decree schedule May 1, 1997 for the submittal of Phase IIIB Final Supplemental Facilities Plan / Environmental Impact Report (FS FP / EIR).
- On February 6, 1997 the CAC held a meeting and invited interested members of the public to present new alternatives for consideration. The CAC received seven such alternatives for consideration. In addition, the CAC voted to bring forth the five alternatives studied in the DS FP/EIR. The town added two more alternatives, resulting in a total of 14 alternatives.
- On February 13, 1997 CDM and Town Officials met with representatives from the DEP and MEPA to review each alternative. Some alternatives were modified slightly to avoid triggering any supplemental environmental analyses, which

would have rendered the town unable to meet the May 1st Consent Decree deadline.

- On February 19, 1997 CDM presented the comments from Town Officials DEP & MEPA to the CAC. They voted to carry out eight of the alternatives, as modified forward for further evaluation and to eliminate four alternatives. Two alternatives became moot because modifications made them identical to other alternatives.
- The eight remaining alternatives were evaluated in terms of cost, technical consideration and environmental impacts. All of the alternatives were considered by the DEP to meet the town's immediate wastewater management needs for capacity of at least 2.5 MGD. Seven of the alternatives allowed for expansion to at least 3.0 MGD, the eighth relies on private facilities to accommodate flows exceeding 2.5 MGD. The eight alternatives all had disposal needs exceeding the existing plant's outfall capacity of 1.75 MGD. And as such rely on discharge of more highly treated wastewater to inland infiltration basins.
- On March 10, 1997 after review of the Notice of Project Change submitted to MEPA, a notice of availability was published in the Environmental Monitor. The Notice of Project Change described the following:
 1. The process followed to define eight new alternatives studied in the FS FP/EIR.
 2. Each alternative as presented, modified, and voted on by the CAC.
 3. DEP/MEPA issues of concern for each alternative.
 4. The proposed scope of work for the FS FP/EIR.
 5. A request to submit the Draft Section 61 Finding under separate cover.
 6. Current membership status of the CAC.
- On April 2, 1997 the Secretary issued a certificate on the Notice of Project Change approving the proposed scope of work. The certificate also required the FS FP/EIR to contain a Draft Section 61 Finding.
- On April 5, 1997 STM article #1 the town voted to endorse a wastewater treatment facilities plan identified as alternative one as described in the town's Notice of Project Change. It was submitted as the town's recommended plan in the Final Phase IIIB Facilities Plan and Final Environmental Impact Report. Article #2 the Town voted to appropriate \$36,000,000 for acquiring land for and construction of wastewater treatment and disposal facilities. Article #3 Town Meeting voted not to approve "AN ACT authorizing the Town of Plymouth to enter into contracts for the operation and maintenance, lease or sale and modification of the wastewater treatment plant, sewer, and pump stations".
- On April 5, 1997 Annual Town Meeting article #4 voted to discharge Wastewater Study Committee, and created a temporary study committee; know as the Sewer Privatization Study Committee (SPSC). The SPSC was established to

review/study the feasibility of privatizing the Town of Plymouth's Sewer System operation.

- On June 7, 1999 STM article #1 the town voted to appropriate, in addition to amounts previously appropriated, the sum of \$5,400,000 for acquiring the land and for the construction of wastewater treatment and disposal facilities as described in the vote under Article #2. April 5, 1997 Special Town Meeting, including without limitation all cost thereof as defined in Section 1 Chapter 29C of the General Law, authorizing the Selectmen to borrow all or portion of such amount from the Massachusetts Water Abatement Trust. Article #2 approved pursuant to Section 4 of Chapter 138 of the Acts of 1997, authorization to Town Manager to award a contract in excess of five years to U.S.Filter Operating Services, Inc. for the Design Build & Operation (DBO) of the Treatment System.
- On July 19, 1999 The Town of Plymouth awarded the contract for the design and construction of the modified pumping station and force mains to the project team of Faye, Spofford & Thorndike, Inc. and P Gioioso & Sons, contract amount was \$12,394,200.
- On November 10, 1999 The Town of Plymouth awarded the (DBO) Design Build & Operation Contract for the New Wastewater Treatment Facility to U.S.Filter Operating Services Inc. Contract amount was \$21,599,994.
- On April 7, 2001 STM article #10 the town voted to appropriate the sum of \$2,770,000 in addition to the \$36,500,000 previously appropriated under Article #2. The April 5, 1999 special town meeting and the \$5,400,000 previously appropriated under Article #1 for the June 7, 1999 special town meeting. The additional \$2,770,000 dollars was for settlement agreement related to eminent domain land acquisitions. Article #11 Town Meeting voted to approve one hundred percent assessment of the cost to the Town of the North Plymouth Industrial Park Sewer Extension project and one hundred percent of the incremental cost to the town to increase wastewater treatment plant flow from 1.75 million gallons per day to 3.00 million gallons per day. Also one hundred percent of the planning, engineering, legal and borrowing cost related to these projects, (and to charge interest on apportionments of such privilege fees at a rate equal to two percent above the rate of interest charged to the town for these projects,) upon those who benefit from the project, such assessments be made by the permanent privilege fee method under G.L.c. 83, §17.
- On August 24, 2004 the Board of Selectmen voted to adopt the Sewer Bank Allocation & Permit Policy.
- On October 25, 2004 Annual Town Meeting, Article #25 approved the adoption of mandatory sewer connection as described within Chapter 149, Section 2 of the bylaws.

Through out the facilities planning process the town solicited and responded to citizen concerns. The (CAC) Citizens Advisory Committee was the primary vehicle for public input to the facilities planning process and had a membership representing town government, local business, citizens at large, neighboring community's interests, local fishermen and sewer system rate payer.

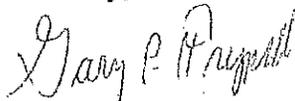
The role of the (WSC) Wastewater Study Committee was to review and coordinate the work of the independent consultant, Stearns & Wheeler. The role of the (WFPTF) Wastewater Facilities Planning Task Force was to coordinate town and state agency review of all aspects of the DS FP/EIR. The role of the (SPSC) Sewer Privatization Study Committee was to review the feasibility of privatization with emphasis on cost savings and treatment technology innovations.

Including the meetings conducted by aforementioned committee's and the workshops conducted by the Board of Selectmen, there were garter than one hundred open meetings available for public participation. As part of the MEPA certificate the secretary commended the Town for the open and public process that was adopted. The total cost of the wastewater facilities planning land purchase and construction was \$44,670,000 see attached wastewater program budget worksheet for itemized detail.

As you can imagine the lengthy Facilities Planning Process & subsequent Environmental Impact Report / Studies generated volumes of reports and data. Phase IA through Phase IIIB Wastewater Treatment FP/EIR Volume 9- Final Supplemental Report BOEA No. 8228, are available for review in the reference department of the Plymouth Public Library.

I hope this document will be helpful and informational with respect to the history of the Facilities Planning Process.

Sincerely,



Gary P. Frizzell
Wastewater Manager
Industrial Pretreatment Coordinator

CC: Paul Wohler, Utility Superintendent
David Gould, Environmental Manger
Mark Sylvia, Town Manager
Melissa Arrighi, Assistant Town Manager

Attachments: Chronological history detailing wastewater Town Meeting Articles.
Wastewater Program Budget

SPECIAL TOWN MEETING
19 JUNE 1995

ARTICLE #4

SPECIAL TOWN MEETING
19 June 1995

ARTICLE 4: Mr. Sanguinet moved to transfer from free cash the sum of \$325,000 for the cost of engineering services to prepare the Phase IIIB Wastewater Treatment Facilities Plan/Environmental Impact Report in accordance with a scope of work approved by the Department of Environmental Protection and the Massachusetts Environmental Policy Act office which may include additional evaluation of the water quality impacts of the use of Sites A and 101 for the land disposal of wastewater effluent, and for the cost to hire an engineering consultant to be retained by the Town Manager to perform a third party review as to whether the recommended plan for wastewater treatment facilities as set forth in the Phase IIIA report is reasonable and adequate to meet the requirements of the DEP, the final judgment, and the future wastewater needs of the Town; and to establish a temporary committee to be known as the Wastewater Study Committee which shall consist of seven members appointed by the Board of Selectmen as follows: one member of the Board of Selectmen, one member of the Advisory and Finance Committee, two at large members, three members from the current Citizens Advisory Committee, one who shall be a resident of the Eel River basin, one who shall be a member of either the Plymouth Industrial Development Commission or the Plymouth Chamber of Commerce, and one who shall be a member of the Conservation Commission; said committee shall make a report to the first Annual or Special Town Meeting held after November 1, 1995, and shall provide a copy of its report to the Board of Selectmen by November 1, 1995, said report to include recommendations with respect to the findings of the third party review of the recommended plan for wastewater treatment facilities, and a recommendation with respect to financing options for the new facilities, and provided that the Wastewater Study Committee shall be dissolved upon presentation of its report to Town Meeting.

The Moderator called a recess at 9:10 P.M.
Town Meeting returned to order at 9:27 P.M.

Mr. Sanguinet moved that adjourned sessions of Town Meeting be held at 7:30 P.M. at Plymouth North High School on Tuesday, June 20, Wednesday, June 21, and Thursday, June 22.

Mrs. Lilla moved to change the makeup of the Wastewater Study Committee to be appointed by the Moderator and to consist of 1 member residing in or owning property in an area currently on town sewerage, 1 member residing the Eel River Valley/Site A area, 1 member residing in the West Plymouth/Site 101 area, 1 member representing Industrial Development interests, 2 members who sit on the CAC, 1 member at large, and to secure a second opinion to study alternatives to the present proposal and to

SPECIAL TOWN MEETING
19 June 1995

report to Town Meeting.

Mrs. Chafee moved the previous question. Her motion PASSED.

On the motion to amend, the motion FAILED.

Mr. Mark Withington moved to amend Article 4 in the scope of work, which the third party will undertake, to include an evaluation of the methodology used in forecasting the 3.0 MGD requirement. In particular to evaluate the consistency of future projections in reference with past residential, institutional, commercial, and industrial growth both within Plymouth and the state of Massachusetts.

Mr. Motta moved the previous question. The motion PASSED.
On the motion to amend, the motion FAILED.

On Mr. Brewster's motion to close debate, the motion PASSED.

On the main motion, the motion PASSED.

Mr. Sanguinet moved to adjourn this session of Special Town Meeting at 10:30 P.M. to Tuesday, June 20, at 7:30 P.M. at Plymouth North High School.

SPECIAL TOWN MEETING
19 JUNE 1995
Adjourned Session of 20 June 1995

SPECIAL TOWN MEETING
19 June 1995
Adjourned Session of 20 June 1995

The moderator opened the meeting at 7:30 P.M. Mr. Pizer informed him that a quorum was present, and he called the meeting to order at 7:30 P.M.

Ms. Nelson moved to reconsider Article 4.
Mr. Motta moved the previous question. The motion PASSED.

On Ms. Nelson's motion, the motion FAILED.

ARTICLE 5: Mr. Sanguinet moved that the Town vote to authorize the Selectmen to petition the General Court for an act to authorize the Town to borrow money to assist Plymouth homeowners to replace electric radiant heating systems in their homes, and to impose upon the benefitted homeowners assessments and personal liability for the repayment of the debt incurred for their benefit, such legislation to be (substantially in the form presented to this meeting) (in such form as the Selectmen and the General Court shall deem appropriate); that \$375,000 is appropriated for this purpose, subject to enactment of such legislation; that to meet this appropriation, the Treasurer, with the approval of the Selectmen, is authorized to borrow \$375,000 and issue bonds or notes therefor; and that the Board of Selectmen is authorized to take any other action necessary to carry out the project.

Mr. Gomes moved the previous question. The motion PASSED.

Mrs. Scheid moved to fix the method of voting by roll call.
The motion PASSED.

84 voting in favor, 6 opposed, 2 abstaining, the motion PASSED with the necessary 2/3 margin.

ARTICLE 6: Mr. Sanguinet moved that the Town vote to amend Section 400.02 of the Zoning Bylaws of the Town of Plymouth and the Official Zoning Map, effective January 1, 1996, as shown in the "FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW REGARDING SAMOSET STREET AND PILGRIM HILL ROAD" by changing the designation of the land shown on Zoning Map No. 1, Plymouth Quadrant, and described as the land lying on the southerly side of Samoset Street (Route 44) and west of Pilgrim Hill Road and shown as Lots 6-5, 21A, 22B and 22C on Plat 101 of Plymouth Assessors' Maps, from R-20MD (Residential Mixed Density) to AC (Arterial Commercial).

Mr. Pomarole moved the previous question. The motion PASSED.

**SPECIAL TOWN MEETING
18 NOVEMBER 1996**

ARTICLE #1

ARTICLE #2

ARTICLE #3

Special Town Meeting
November 18, 1996

The Moderator, F. Steven Trifflelli, opened the meeting at 7:30 P.M., on Monday, 10 June 1996 at Plymouth North High School - VFW Post 1822 and American Legion Post 40 presented the colors. The Plymouth Community Intermediate School 8th Grade Band played the National Anthem. Rabbi Lawrence Silverman of Temple Beth Jacob gave the invocation.

The Moderator called the meeting to order at 7:36 P.M., and the Clerk certified to him that a quorum was present.

The Moderator reported that the return of the warrant of the Special Town Meeting was properly served. With the assent of Town Meeting, he waived the reading of the Constable's Return of Service and the reading of the warrant.

ARTICLE 1: Mr. Sanguinet moved that the Town vote to accept the report of the Wastewater Study Committee.

The motion PASSED.

ARTICLE 2: Mr. Sanguinet moved that the Town vote to appropriate \$40,000,000 for acquiring land for and construction of wastewater treatment and disposal facilities, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$40,000,000 and issue bonds or notes therefor under Section 7(1) of Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Mrs. Sawyer moved that debate limits for this article be extended to ten minutes for each Town Meeting Member. The motion FAILED.

The Moderator declared a recess at 9:28 P.M.

The Moderator returned the meeting to order at 9:45 P.M.

Mr. Sanguinet moved that adjourned sessions of this Town Meeting be held on Tuesday, November 19, Wednesday, November 20, and Thursday, November 21, all at 7:30 P.M. at Plymouth North High School. The motion PASSED.

Mrs. Barrett moved to change the order of articles to take up Article 11 at 7:30 P.M. on Tuesday, November 19. The motion PASSED.

Mrs. Young moved the previous question. By a vote of 44 in favor and 37 in opposition with one abstention, the motion FAILED to reach the necessary 2/3 majority.

Mr. Regan moved the previous question. The motion PASSED.

Mrs. Scheid moved to fix the method of voting by roll call. By a vote of 66 in favor, 27 in opposition, 1 abstention, the motion PASSED with the necessary 2/3 majority.

Mr. Sanguinet moved to adjourn at 10:53 P.M. until 7:30 P.M. at Plymouth North High School. The motion PASSED.

Special Town Meeting
November 19, 1996

Special Town Meeting
November 18, 1996
Adjourned Session of November 19, 1996

The moderator opened the meeting at 7:30 P.M. The Town Clerk, Mr. Pizer, informed him that a quorum was present, and he called the meeting to order at 7:32 P.M.

ARTICLE 11:

Mr. Sanguinet moved that the Town vote to transfer the sum of \$448,000 from Free Cash for the design and installation of lights at the Plymouth South High School Athletic Field, said funds to be expended under the supervision of the Plymouth School Committee.

Mr. Vandini moved the previous question. The motion PASSED.

On the main motion, the motion PASSED.

ARTICLE 3: Mr. Sanguinet moved that the Town vote to amend its Zoning Bylaw as shown in the "RECOMMENDATION OF THE BOARD OF SELECTMEN, AND THE WASTEWATER TASK FORCE ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW TO PROVIDE FOR AND CONTROL THE ESTABLISHMENT OF MUNICIPAL FACILITIES FOR WASTEWATER TREATMENT, PROCESSING AND DISPOSAL, INCLUDING THE DESIGNATION OF APPROPRIATE DISTRICTS AND ASSOCIATED REGULATIONS".

On November 12, 1996, the Board of Selectmen voted (4-1) to recommend approval to Town Meeting of the following amendment to the Zoning Bylaw.

Proposed Amendment

I) To amend Section 102 - "Definitions" so as to add the following thereto:

Municipal Wastewater Facility

A facility owned and/or operated by the municipality, or a private corporation under contract with the municipality, pursuant to General Law, Chapter 30B, Section 1 (e), for treatment, processing, or disposal of wastewater or septage or wastewater treatment residuals, provided the facility is located on land outside Zone II's as defined by 310 CMR 22.21(2) DEP Drinking Water Regulations, Wellhead Protection Zoning and Non-Zoning Controls.

II) To amend Zoning Map # 1 Plymouth Quadrant so as to denote the Municipal Sewage District, as shown on plan entitled Proposed Municipal Wastewater District, dated October 29, 1996, on record with the Plymouth

Special Town Meeting
November 18, 1996
Adjourned Session of November 19, 1996

Town Clerk.

- III) To amend Section 401 "District Regulations" so as to add the following new section thereto:

Section 401.26 - Municipal Wastewater District (MWD)

A) Intent

The intent of this section is to promote the public health, safety, and general welfare by defining specific and appropriate areas for the location of Municipal Wastewater Facilities. This designation is intended to protect persons and property and to encourage the appropriate siting of necessary municipal wastewater facilities.

Special Town Meeting
November 18, 1996
Adjourned Session of November 19, 1996

- B) The Municipal Wastewater District (MWD) shall be considered as overlaying other zoning districts, and is as delineated on Zoning Map No. 1.
- C) Allowed Uses
1. All uses provided for in the underlying district.
 2. Notwithstanding any other use restrictions of the Zoning Bylaw, a Municipal Wastewater Facility as defined in Section 102 shall be allowed within this district.
- D) Special Permit Uses All Special Permit uses and Special Permit uses subject to Environmental Design Conditions as provided for in the underlying district.
- E) Dimensional and Other Requirements
- The minimum setback and buffer requirements shall be as provided in the underlying zones. Submittal shall comply with the procedural requirements of Section 201.02.

and further, Mr. Sanguinet moves to amend the above by substituting the following language:

E) Dimensional and Other Requirements

Substitute the following language for the first sentence:

"a: There shall be a separation of no less than two hundred (200) feet between buildings."

and add a second paragraph as follows:

"b) Within the MWD boundary line there shall be a minimum one hundred (100) foot vegetative buffer strip of natural vegetation or designed by a registered landscape architect, so that the municipal wastewater facility is completely screened year-round."

Mr. Terzian moved to amend the main motion by substituting the following for the entire main motion:

FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD
ON THE PROPOSED AMENDMENT
TO THE ZONING BYLAW TO PROVIDE FOR AND CONTROL THE
ESTABLISHMENT OF MUNICIPAL FACILITIES FOR WASTEWATER
TREATMENT, PROCESSING AND DISPOSAL, INCLUDING THE DESIGNATION

Special Town Meeting
November 18, 1996
Adjourned Session of November 19, 1996

OF APPROPRIATE DISTRICTS AND ASSOCIATED REGULATIONS

DATE OF PUBLICATION OF PUBLIC HEARING:

SEPTEMBER 19, 1996
SEPTEMBER 26, 1996

DATE OF PUBLIC HEARINGS:

OCTOBER 8, 1996
OCTOBER 15, 1996
OCTOBER 22, 1996
OCTOBER 29, 1996

VOTE: On October 29, 1996, the Planning Board voted (3-2, Mr. Babini and Mr. MacGregor in dissent) to recommend approval to Town Meeting of the following amendment to the Zoning Bylaw.

PROPOSED AMENDMENT:

- I. To amend Section 102 - "Definitions" to add the following language:

Municipal Wastewater Facility

Special Town Meeting
November 18, 1996
Adjourned Session of November 19, 1996

A facility owned by the municipality designed for the treatment, processing, or disposal of wastewater, seplage, or wastewater treatment residuals, generated within the Town of Plymouth provided such facility is located on land outside any Zone II as defined by 310 CMR 22.21 (2) DEP Drinking Water Regulations, Wellhead Protection Zoning and Non-Zoning Controls.

II. To amend Section 400.02 of the Zoning Bylaw of the Town of Plymouth by amending the Official Zoning Map No. 1, Plymouth Quadrant so as to denote the Municipal Wastewater District, as shown on plan entitled Proposed Municipal Wastewater District, dated October 29, 1996, on record with the Plymouth Town Clerk.

III. To add the following Section 401.26 to the Zoning Bylaw:

Section 401.26 Municipal Wastewater District (MWD)

A) Intent

To promote the public health, safety and general welfare of the inhabitants of the Town of Plymouth relative to wastewater generated within its boundaries. The treatment, processing and disposal of wastewater, seplage or wastewater treatment residuals shall be consistent with any and all statutes, standards, guidelines, rules and regulations of the appropriate Federal and State Agencies and shall be further regulated by dimensional and intensity requirements of the Zoning Bylaw contained herein.

The Municipal Wastewater District (MWD) shall be considered as an overlaying zoning district and shall be delineated specifically on Zoning Map No. 1.

B) Allowed Uses

All allowed uses in the underlying zoning district.

C) Special Permit Uses

All special permit uses in the underlying district.

D) Special Permit Uses Subject to Environmental Design Conditions

1) All special permit uses subject to Environmental Design Conditions in the

Special Town Meeting
November 18, 1996
Adjourned Session of November 19, 1996

underlying district.

2) A Municipal Wastewater Facility as defined in Section 102.

E) Prohibited Uses

All other uses prohibited in the underlying zoning district except a Municipal Wastewater Facility.

F) Dimensional and Intensity Requirements

1) For all uses in the underlying zoning district the applicable dimensional and intensity requirements shall govern.

2) For a Municipal Wastewater Facility:

Special Town Meeting
November 18, 1996
Adjourned Session of November 19, 1996

- a) There shall be a setback of no less than 200 feet along all boundary lines of the Municipal Wastewater District (MWD).
- b) Within the prescribed setbacks there shall be a minimum 100 foot vegetative buffer strip of natural vegetation or designed by a registered landscape architect, so that the municipal wastewater facility is completely screened year round.
- c) ~~The Planning Board in its discretion may allow for setback and buffer requirements less than prescribed above, which based upon superior design are sufficient to protect public health and safety and avoid undue detriment to the neighborhood while providing necessary municipal wastewater treatment.~~
- d) Submittal shall comply with Section 205 Special Permits, including Section 205.02 Conditions and Safeguards, and Section 205.03 Environmental Design Conditions.
- e) The Planning Board shall be designated the Special Permit Granting Authority for a Municipal Wastewater Facility.

NEED & JUSTIFICATION:

In association with the plan recommended by the Citizens Advisory Committee for the construction of wastewater treatment and disposal facilities, it is necessary to amend the Zoning Bylaw so as to enable the facility to be located on the two sites identified. Site A, located off Long Pond Road at Camelot Drive; and Site 101, located off Samoset Street adjacent to the Plymouth Industrial Park would be subject to an overlay district that specifies the uses allowed and the procedures to be followed.

The Planning Board acknowledges the need to address the problems associated with community's wastewater facilities and to move forward at this time toward a solution. It is necessary, however, that a special permit process be established in order to assure that the final design includes appropriate safeguards. If defined as an "allowed use", future input from the Planning Board would be in an advisory capacity only. In the alternative, the Planning Board seeks to create a mechanism that will incorporate public input and allow the Board to require additional on and off site improvements, or if the design is unacceptable to deny the permit.

EFFECT:

The effect of this amendment will be to:

Special Town Meeting
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Adjourned Session of November 19, 1996

- 1) Define a "Municipal Wastewater Facility" which at present is undefined. Such a facility would be owned by the municipality, operated for the specified purpose, and would preclude wastewater and septage generated outside the Town of Plymouth.
- 2) Identify two specific locations for the siting of a Municipal Wastewater Facilities.
- 3) Establish a Special Permit process through the Planning Board for the review of the final plan.

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Adjourned Session of November 19, 1996

Increased buffers and setbacks have been included to protect abutting residential, commercial, and industrial uses. Should the Planning Board determine that an alternative layout and design is "superior", these buffers and setbacks may be reduced.

INTENT:

The intent of this amendment is to enable the Town's plan for improved wastewater treatment and disposal to proceed, in a manner substantially consistent with the plan recommended by the Citizens Advisory Committee. The Special Permit review process would guarantee public input into the final design, and would better insure the protection of adjacent and neighboring properties through proper design and buffering.

TOWN OF PLYMOUTH BY:

Nicholas Filla

H. Judson Terzian

Christopher B. Bean

BEING A MAJORITY OF THE PLANNING BOARD

DATE FILED WITH THE TOWN CLERK
DATE SIGNED BY THE PLANNING BOARD

cc: Town Clerk
Board of Selectmen
Advisory and Finance Committee

Mr. Motta moved the previous question. His motion PASSED by 67 in favor and 17 opposed, reaching the necessary 2/3 majority.

Mr. Terzian's motion to amend FAILED by 30 in favor and 54 opposed.

Mr. Hoagland moved to divide the question presented under Article 3 by voting

Special Town Meeting
November 18, 1996
Adjourned Session of November 19, 1996

separately as to the rezoning of Site A and Site 101, as identified in Part II of the Proposed Amendment as moved by the Advisory and Finance committee.

The motion FAILED.

Mr. Beauregard moved the previous question. The motion PASSED.

Mrs. Scheid moved to fix the method of voting by roll call. Her motion PASSED.

The main motion PASSED with 59 voting in favor and 29 in opposition, surpassing the necessary 2/3 majority.

Mr. Sanguinet moved to take up Article 4 at 7:30 P.M. on Wednesday, November 20. The motion PASSED.

ARTICLE 5: Mr. Sanguinet moved that the Town vote to raise and appropriate the sum of \$6,800 for the replacement of two (2) 8' x 20' floats, said funds to be expended under the supervision of the Town Manager

The motion PASSED.

The Moderator declared a recess at 9:16 P.M.

The Moderator returned the meeting to order at 9:32 P.M.

SPECIAL TOWN MEETING
5 APRIL 1997

ARTICLE #1

ARTICLE #2

ARTICLE #3

SPECIAL TOWN MEETING
5 April 1997

The Clerk having certified a quorum at the Annual Town Meeting of 5 April 1997, the Moderator, Mr. Triffletti, called the Special Town Meeting to order at 9:12 A.M. He accepted service of the warrant and accepted unanimous approval to waive reading of the warrant.

ARTICLE 1: Mr. Sanguinet moved that the Town vote to endorse a wastewater treatment facilities plan identified as alternative one in the Town's notice of project change dated February 27, 1997, to be submitted as the Town's recommended plan in the Final Phase IIIB Facilities Plan and Final Environmental Impact Report which the Town is required to submit to the Secretary of Environmental Affairs on or before May 1, 1997 in accordance with the requirements of the final judgement entered in Suffolk Superior Court, Civil Action No. 87-2185, Commonwealth of Massachusetts v. Town of Plymouth.

The Moderator called a recess at 10:03 A.M.
Town Meeting returned to order at 10:18 A.M.

Mr. Sanguinet moved that adjourned sessions of this Town Meeting be held on April 7, 8, 9, 10, 14, 15, 16, and 17, 1997 at 7:30 p.m. at Plymouth North High School.

Mr. Roger Silva questioned the quorum. A count showed that 74 members were present, so the quorum was met.

Mr. Sanguinet's motion was held for later consideration.

Ms. Enos moved to amend the main motion by substituting alternative nine for alternative one.

Mr. Parker moved to allow Mr. Withington to speak an additional five minutes. The motion PASSED.

The Moderator called a recess for lunch at 12 :20 P.M.
Town Meeting returned to order at 1:20 P.M.

Mr. Sanguinet moved that adjourned sessions of this Town Meeting be held on April 7, 8, 9, 10, 14, 15, 16, and 17, 1997 at 7:30 p.m. at Plymouth North High School. The motion PASSED.

Mr. Sanguinet moved that this session adjourn no later than 3:20 P.M. The motion PASSED.

Mr. Motta moved the previous question on Mrs. Enos's amendment. The motion PASSED.

Ms. Enos moved to fix the method of voting by roll call vote. The motion PASSED.

On Ms. Enos's amendment, 40 voted in favor, 47 in opposition, 1 abstention, the motion FAILED.

Ms. Wallace moved the previous question on the main motion. The motion PASSED.

Mr. Beauregard moved to fix the method of voting by roll call. His motion passed with 58 in favor, 27 opposed, and one abstention.

On Article 1, the motion PASSED with 63 voting in favor, 23 opposed, and 1 abstention.

Special Town Meeting
April 5, 1997

ARTICLE 2: Mr. Sanguinet moved that the Town vote to appropriate \$36,500,000 for acquiring land for and construction of wastewater treatment and disposal facilities as described in the vote under Article 1 of this Special Town Meeting, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$36,500,000 and issue bonds or notes therefor under ~~Section 7(1) of Chapter 44 of the General Laws and/or Chapter 29C~~ of the General Laws; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all funds available for the project and to take any other action necessary to carry out the project.

Mr. Brewster moved the previous question. The motion PASSED.

On the main motion, the motion PASSED with 73 voting in favor, 13 opposed, and one abstention, a margin greater than 2/3.

ARTICLE 3: Mrs. Teagan moved that the Town vote to instruct the Board of Selectmen to file a Home Rule Petition in the General Court for special legislation entitled "AN ACT authorizing the Town of Plymouth to enter into contracts for the operation and maintenance, lease or sale and modification of the wastewater treatment plant, sewer, and pump stations" substantially in the form as presented in the handout to Town Meeting Members included in the Special Town Meeting informational packet dated April 5, 1997.

Mrs. Teagan agreed to incorporate the following: Revise Section 4 of the proposed Special Act, second to last sentence to read as follows:

Subject to the approval of the Board of Selectmen, and with respect to any contract in excess of five years, the authorization of Town Meeting, the Town Manager shall award the contract by written notice to the selected offeror within the time for acceptance specified in the request for proposals.

Mr. Fava moved the previous question. The motion PASSED.

The motion FAILED with 38 in favor, 42 in opposition, and

ANNUAL TOWN MEETING
5 APRIL 1997

ARTICLE #4

and further,

Mr. Sanguinet moved that the Town vote to continue the Plymouth Beach Revolving Fund for Fiscal 1998 as established under Article 2 of the 1995 Annual Town Meeting.

- 1) This fund shall be for repair and maintenance of Plymouth Beach.
- 2) The departmental receipts credited to this fund shall be those identified as all non-resident parking receipts at Plymouth Beach, in addition to fifty percent (50%) of Plymouth Long Beach 4 X 4 sticker fees.
- 3) The Town Manager shall be empowered with the authorization to make expenditures from the fund.
- 4) The limit of expenditure authorized for Fiscal Year 1998 shall not exceed \$50,000.00.

and further,

Mr. Sanguinet moved that the Town vote to continue the Cemetery Repair and Beautification Revolving Fund for Fiscal 1998 as established under Article 2 of the 1995 Annual Town Meeting.

- 1) This fund shall be for repair and beautification of cemetery properties in Plymouth.
- 2) The departmental receipts credited to this fund shall be those identified as those arising from foundation revenue.
- 3) The Director of Public Works shall be empowered with the authorization to make expenditures from the fund.
- 4) The limit of expenditure authorized for Fiscal Year 1998 shall not exceed \$3,600.00.

The motion PASSED.

ARTICLE 4: Mr. Sanguinet moved that the Town vote to

Discharge: the Animal Shelter Building Committee,
Police Station Building Committee,
Wastewater Study Committee,

and,

Continue: the Manomet Steering Committee,

Mr. Tavares moved that a temporary study committee to be known as the Sewer Privatization Study Committee be established to study the feasibility of privatizing the town of Plymouth's sewer plant and system. This committee is to report its progress at the next and subsequent Special Town Meeting (s). A formal report is to be submitted to the 1998 Annual Town Meeting. The moderator is to appoint a temporary chairperson. Membership appointed by the moderator is to be as follows:

- 2 Plymouth homeowners using a private septic system
- 2 Plymouth homeowners that are directly connected to the sewer system
- 1 representative from the local union
- 1 citizen from the Citizens Advisory Committee
- 1 member from the Advisory and Finance Committee
- 1 Town Meeting Member
- 1 representative from the Planning Board
- 1 citizen from the Plymouth business community

The Board of Selectmen is to appoint one citizen at large. Ex-officio members of the committee are to include the DPW Director and the Plymouth Sewer Department Superintendent. A report is required to be filed with the Town Clerk at least thirty days before the 1998 Annual Town Meeting.

Ms. Wallace moved to amend by providing for appointment by the Board of Selectmen rather than the Moderator of two Plymouth homeowners that are directly connected to the sewer system and a citizen from the Plymouth business community. Rather than appointment by the Moderator, the Citizens Advisory Committee would appoint its own member, the Advisory and Finance Committee would appoint its own member and the Planning Board would appoint its own member. Mr. Tavares accepted Ms. Wallace's motion as a friendly amendment and it became part of his motion.

Mr. Fava moved that in place of the Moderator's appointment of a Town Meeting Member, that appointment be made by the Board of Selectmen.

Mr. Gauss moved the previous question on Mr. Fava's motion. The motion PASSED.

On Mr. Fava's motion, the motion FAILED.

Mr. Gomes moved the previous question on Mr. Tavares's amendment. The motion PASSED.

On Mr. Tavares's amendment, the motion PASSED.

On Article 4 as amended, the motion PASSED.

ARTICLE 7: Mr. Sanguinet moved that the Town vote to raise and appropriate the sum of \$94,923,443 to provide for a reserve fund and to defray the expenses of the Town and for the purposes as listed in the printed Report and Recommendations of the Advisory and Finance Committee, and amendments thereto voted, of which:

\$ 49,607.00 Shall come from State Aid to Libraries for Library
Personal Services, Item #60

SPECIAL TOWN MEETING
7 JUNE 1999

ARTICLE #1

ARTICLE #2

Special Town Meeting
7 June 1999

Mr. Triffletti opened the meeting at 7:00 P.M. Cub Scout Pack 47 led the pledge of allegiance under the direction of Deborah and Robert Prive. James Quilty-Dunn sang the National Anthem. The Reverend William Kremmell of Blessed Kateri Tekakwitha offered the invocation. Town Clerk Laurence Pizer swore in new Town Meeting Representatives. Mr. Tavares presented a motion on the State of the Town. The Town Clerk stated that quorum was present and the Moderator called the meeting to order at 7:14 P.M.

The return of the warrant of the Special Town Meeting shows that it has been properly served. Town Meeting agreed to waive reading of the Constable's return of service of the warrant and the warrant itself.

Mr. George Parker moved that all questions and answers to town officials and consultants not be counted against time limits during the discussion of Articles 1 and 2. The motion PASSED 41 in favor and 35 in opposition.

ARTICLE 1: Mr. Bradley moved that the Town vote to appropriate, in addition to amounts previously appropriated, the sum of \$5,400,000 for acquiring land for and construction of wastewater treatment and disposal facilities as described in the vote under Article 2 of the April 5, 1997 Special Town Meeting, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Selectmen is authorized to borrow \$5,400,000 and issue bonds or notes therefor under Section 7(1) of Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; that the Treasurer with the approval of the Selectmen is authorized to borrow all or a portion of such amount from the Massachusetts Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection to expend all funds available for the project and to take any other action necessary to carry out the project.

Mr. Gogan moved to extend Ms. Enos's time of debate by three minutes. The motion PASSED.

Mr. Shirley moved the previous question. The motion PASSED.

Mr. J. Randolph Parker moved to fix the method of voting by roll call vote. The motion PASSED.

The motion PASSED with 74 in favor and 14 in opposition. (699-1)

ARTICLE 2: Mr. Bradley moved that the Town vote pursuant to Section 4 of Chapter 138 of the Acts of 1997, to authorize the Town Manager to award a contract in excess of five years to U.S. Filter Operating Systems, Inc., for the operation and maintenance of a

Special Town Meeting
7 June 1999

new wastewater treatment plant to be constructed by U.S. Filter Operating Systems at Camelot Park, and for the operation and maintenance of the entire sewer collection system of the Town.

Mr. Bosanquet moved the previous question. The motion PASSED.

Mr. Beaugard moved to fix the method of voting by roll call. The motion PASSED.

The main motion PASSED with 76 voting in favor, 11 in opposition and one abstention. (699-2)

The moderator called a recess at 8:59 P.M.

The moderator returned the meeting to order at 9:14 P.M.

ARTICLE 3: Mr. Bradley moved that the Town vote to reduce by \$200,000, the total amount of \$105,685,050 voted under Article 7 of the 1999 Annual Town Meeting, specifically for item 76, Department of Public Works, Sewer Enterprise.

The motion PASSED.

ARTICLE 4: Mr. Bradley moved that the Town vote to raise and appropriate the sum of \$30,000 to establish a Year 2000 contingency account.

The motion PASSED.

ARTICLE 5: Mr. Bradley moved that the Town vote to raise and appropriate the sum of \$13,191 to increase the hours of a clerk in the Department of Inspectional Services from part-time to full-time.

The motion PASSED.

ARTICLE 6: Mr. Bradley moved that the Town vote to amend its Zoning Bylaw, Section 500.02 – “Residential Development Phasing” in accordance with the “FINAL REPORT AND RECOMMENDATION OF THE PLANNING BOARD ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW SECTION 500.02 “RESIDENTIAL DEVELOPMENT PHASING” as it relates to the issuance of building permits for new dwelling units by exempting from the provisions of this section permits issued for reduced density developments.

1999 June Special Town Meeting

Article 6

FINAL REPORT AND RECOMMENDATION
OF THE PLANNING BOARD

ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW SECTION 500.02
"RESIDENTIAL DEVELOPMENT PHASING"

SPECIAL TOWN MEETING

7 APRIL 2001

ARTICLE #10

ARTICLE #11

Special Town Meeting
7 April 2001

\$ 412.00	South Middle School Construction	Article 9, 1996 ATM
\$ 810,000.00	Russell Mills Land Purchase	Article 12, 11/99 STM

The motion PASSED.

ARTICLE 4: Mr. Ricardi moved that the Town vote to establish a Solid Waste Division account as an enterprise fund in accordance with the provisions of G.L. c.44, §53F½.

Mr. George Parker moved to postpone Article 4 to Monday, April 9 at 7:30 P.M.
The motion FAILED.

Mr. Gomes moved the previous question. The motion PASSED.

On the main motion the motion PASSED on a roll call vote with 78 in favor and 18 in opposition.

ARTICLE 5: Mr. Ricardi moved that the Town vote to transfer from the Overlay Surplus the sum of \$200,000 to the FY2000 Overlay Reserve for Abatements and Exemptions.

The motion PASSED unanimously.

ARTICLE 6: Mr. Ricardi moved that the Town vote to transfer from Airport Enterprise Free Cash the sum of \$19,596 to a Capital Reserve Account for future capital projects at the Airport Division.

The motion PASSED unanimously.

ARTICLE 7: Mr. Ricardi moved that the Town vote to transfer from Sewer Enterprise Free Cash the sum of \$156,788 to a Capital Reserve Account for future capital projects at the Sewer Division.

The motion PASSED unanimously.

ARTICLE 8: Mr. Ricardi moved that the Town vote to transfer from Water Enterprise Free Cash the sum of \$151,380 to a Capital Reserve Account for future capital projects at the Water Division; and further, that the town vote to transfer from Water Enterprise Free Cash \$65,000 for the purpose of supplementing the Electricity/Utilities Account for the Water Division.

The motion PASSED unanimously.

ARTICLE 9: Mr. Ricardi moved that the Town vote to transfer from Airport Enterprise Free Cash the sum of \$45,000 for the purpose of supplementing the Aviation Fuel & Oil for the Airport Division.

The motion PASSED unanimously.

ARTICLE 10: Mr. Ricardi moved that the Town vote to appropriate the sum of \$2,770,000, in addition to the \$36,500,000 previously appropriated under Article 2 of the warrant for the April 5, 1999 special town meeting and the \$5,400,000 previously appropriated under Article 1 of the

Special Town Meeting
7 April 2001

warrant for the June 7, 1999 special town meeting, for acquiring land for and construction of wastewater treatment and disposal facilities, including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,770,000 and issue bonds or notes therefor under Chapter 44 of the General Laws and/or Chapter 29C of the General Laws; 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 Water Pollution Abatement Trust established pursuant to Chapter 29C and in connection therewith to enter into a loan agreement and/or security agreement with the Trust and otherwise to contract with the Trust and the Department of Environmental Protection with respect to such loan and for any federal or state aid available for the project or for the financing thereof; and that the Board of Selectmen is authorized to enter into a project regulatory agreement with the Department of Environmental Protection, to expend all funds available for the project and to take any other action necessary to carry out the project.

Mr Motta moved the previous question. The motion PASSED.

On the main motion, the motion PASSED on a roll call with 96 voting in favor and 1 in opposition.

ARTICLE 11: Mr. Ricardi moved that the Town vote to assess one hundred percent of the cost to the Town of the North Plymouth Industrial Park Sewer Extension Project and one hundred percent of the incremental cost to the Town to increase wastewater treatment plant flow from 1.75 million gallons per day to 3.00 million gallons per day, plus one hundred percent of the planning, engineering, legal and borrowing costs relating to these projects, (and to charge interest on apportionments of such privilege fees at a rate equal to two percent above the rate of interest charged to the Town for these projects,) upon those who benefit from the project, such assessments to be made by the permanent privilege fee method under G.L. c.83, §17

Ms. McCarthy moved the previous question. The motion PASSED.

On the article, the motion PASSED.

ARTICLE 12: There was no motion. Town Meeting took no action.

ARTICLE 13: There was no motion. Town Meeting took no action.

ARTICLE 14: Mr. Ricardi moved that the Town vote to accept by purchase for \$1.00 on such terms and conditions as the Board of Selectmen may agree, property of the Massachusetts Bay Transportation Authority, known as the former Old Colony Railroad Right of Way, running from Hedge Road to Lothrop Street for construction of a bicycle/walking trail.

The motion PASSED.

ARTICLE 1: Town Meeting returned to a discussion of Article 1.

The Moderator called a luncheon recess at 12:15 P.M.

The Moderator returned the meeting to order at 1:15 P.M.

**ANNUAL TOWN MEETING
25 OCTOBER**

ARTICLE #25

Fall Annual Town Meeting
25 October 2004
Adjourned Session of 26 October 2004

cc: Town Clerk
Board of Selectmen
Advisory and Finance Committee

The motion PASSED unanimously.

ARTICLE 23: There was no motion. Town Meeting took no action.

ARTICLE 24: There was no motion. Town Meeting took no action.

ARTICLE 25: Mr. Bisaccio moved that the Town vote to vote to adopt the following mandatory sewer connection bylaw as Chapter 149, Section 2 of the Bylaws:

A. SEWER CONNECTION REQUIRED

Within an area of the Town to be sewerred as identified in the final wastewater facilities plan dated June 16, 1997 and abutting on any public or private way in which there is a common sewer:

- (1) The owner of any occupied structure to be constructed shall, if there exists sufficient capacity within the Town's sewer system, connect said building by a sufficient drain to the common sewer;
- (2) The owner of any occupied structure served by a Soil Absorption System (SAS) constructed prior to March 31, 1995, if there exists sufficient capacity within the Town's sewer system, may increase the sewer flow from such building only upon connecting such building by a sufficient drain to the common sewer;
- (3) The owner of any occupied structure served by a Soil Absorption System (SAS) constructed subsequent to March 31, 1995, if there exists sufficient capacity within the Town's sewer system, may increase the sewer flow from such building, provided that the Board of Health certifies that the SAS is sufficient to handle the existing sewer flow, and further provided that the increased flow is directed by a sufficient drain to the common sewer; and
- (4) The owner of any occupied structure served by a Soil Absorption System (SAS) determined by the Board of Health to be failing shall connect said building by a sufficient drain to the common sewer.

B. OCCUPANCY OF STRUCTURES REQUIRED TO BE SEWERED

No occupied structure hereafter constructed, or any part of an existing occupied structure, that is required to be connected to the common sewer as set forth above, shall be occupied until such connection is completed.

C. VIOLATIONS AND PENALTIES

Fall Annual Town Meeting
25 October 2004
Adjourned Session of 26 October 2004

Any person who violates this Bylaw shall be subject to a fine of \$300.00 per day, with each day the violation continues constituting a separate violation. This bylaw may be enforced through the non-criminal disposition procedure of G.L. c.40, §21D. The Director of Public Works, or his designee, or any police officer of the Town, shall be the enforcing agent under this bylaw.

D. RELATION TO OTHER LAW

This Bylaw shall not be construed to limit or constrain in any way the powers of the Board of Health, pursuant to G.L. c.83, §11 or other applicable law, to require connection to the common sewer.

and further, to amend Chapter 1, Section 1-4, Fine Schedule to read as follows:

Fine \$300 per day, per offense

Mr. Bosen moved to extend Mr. Serkey's time by one minute. The motion PASSED.

On the main motion, the motion PASSED on a roll call vote with 106 in favor, 5 in opposition, and 1 abstaining.

ARTICLE 26: Mr. Bisaccio moved that the Town vote to amend the Town Bylaws Chapter 1, §1-4, Fine Schedule to read as follows:

Plymouth Long Beach Enforcement Regulations

Section	Subject	Fine
2 (c)	Enforcement	First: Warning
		Second: \$ 50.00
		Third violation and Subsequent Offenses: \$100.00

The motion PASSED unanimously.

ARTICLE 27: Mr. Bisaccio moved that the Town vote to authorize the Board of Selectmen to appoint an Ad-Hoc Committee to investigate the municipalization and/or aggregation of electric power and/or distribution and whether or not to municipalize ownership of electric lights.

The motion PASSED.

ARTICLE 28: There was no motion. Town Meeting took no action.

Mr. Bisaccio moved to dissolve the Fall Annual Town Meeting at 7:59 PM.

Home & Hastings	21153	\$ 1,312.50	\$ 1,312.50	\$ -	\$ -	\$ 1,312.50	
Dewitt D & D	80637	\$ 3,500.00	\$ 3,500.00	\$ -	\$ -	\$ 3,500.00	
Bowker	21152	\$ 10,000.00	\$ 7,665.52	\$ 2,334.48	\$ -	\$ 7,665.52	
Land Costs	Misc	\$ 4,935,999.87	\$ 4,935,999.67	\$ -	\$ -	\$ 4,935,999.67	
Mitigation Costs							
Dams							
Hayden Pond		\$ 75,181.00	\$ -	\$ -	\$ 85,000.00	\$ 85,000.00	Bid plus Contingency
Russell Mill Pond		\$ 150,000.00	\$ -	\$ -	\$ 215,000.00	\$ 215,000.00	Estimate
Watermains		\$ 50,000.00	\$ -	\$ -	\$ 25,000.00	\$ 25,000.00	Estimate
Police Details		\$ 250,000.00	\$ 156,742.00	\$ 93,258.00	\$ 43,258.00	\$ 200,000.00	Lowered ETC \$50K
Bond Issuance		\$ 600,000.00	\$ -	\$ -	\$ -	\$ -	Altern Funding
Bond Counsel		\$ 25,000.00	\$ -	\$ -	\$ -	\$ -	Altern Funding
Potential COs							
MPS - Boiler		\$ 50,000.00	\$ -	\$ -	\$ -	\$ 50,000.00	Estimate
MPS - Equipment		\$ 50,000.00	\$ -	\$ -	\$ -	\$ 50,000.00	Estimate for wash press
MISC Charges		\$ 75,000.00	\$ 56,115.53	\$ 18,884.47	\$ 18,884.47	\$ 75,000.00	From town accounts
Project TOTAL						\$ 44,482,295.87	
Budget							
Article 2 1997		\$ 36,500,000.00					
Article 1 1999		\$ 5,400,000.00					
Article ? 10-4/01		\$ 2,770,000.00					
Budget TOTAL	STM	\$ 44,670,000.00				\$ 44,670,000.00	
Contingency						\$ 187,704.13	

TOWN OF PLYMOUTH, MA - WASTEWATER PROGRAM BUDGET							
Compiled by CDM				As of November 5, 2003			
Company	Town P.O.	Contract Amount	Expended	Encumbered	E.T.C.	Total	Comments
ARI	80580	\$ 383,000.00	\$ 369,530.25	\$ 13,469.75	\$ -	\$ 369,530.25	Work complete
	20804	\$ 150,000.00	\$ 106,567.18	\$ 43,432.82	\$ -	\$ 106,567.18	Contract discharged
CDM Contract 7197	80162	\$ 2,827,810.00					
CDM Amend #2	80162	\$ 862,390.00					approved
CDM Amend #3	80162	\$ 205,000.00					approved
CDM Amend #4	80162	\$ 30,300					approved
CDM Amend #5	80162	\$ 105,000.00					approved
CDM Amend #6	80162	\$ 118,900.00					approved
CDM Amend #7	80162	\$ 76,000.00					Approved
CDM Subtotal	80162	\$ 4,225,400.00					
CDM Amend #1	80614	\$ 31,700.00					Costs charged to PO 80162
CDM Total		\$ 4,257,100.00	\$ 4,154,144.38	\$ 102,955.62	\$ 102,955.62	\$ 4,257,100.00	
Kopelman & Paige	Misc.	\$ 300,000.00	\$ 289,693.00	\$ 10,307.00	\$ 10,307.00	\$ 300,000.00	Estimate only
P. A. Landers	20680	\$ 90,389.58	\$ 90,389.58	\$ -	\$ -	\$ 90,389.58	
P. Gioioso & Sons	20720	\$ 12,394,200.00					
CO #1		\$ (710,675.00)					approved
CO #2		\$ 44,751.17					approved
CO #3		\$ 35,000.00					approved
CO #4		\$ 320,161.00					approved
Total		\$ 12,083,437.17	\$ 11,992,102.80	\$ 91,334.37	\$ 91,334.37	\$ 12,083,437.17	
USFOS	20503	\$ 21,605,625.00					
CO #1		\$ 23,190.00					approved
CO#2		\$ (28,821.00)					approved
Total		\$ 21,599,994.00	\$ 21,599,994.00	\$ -	\$ -	\$ 21,599,994.00	
OTHER							
Land Appraisals							
Home & Hastings	80613	\$ 7,800.00	\$ 7,800.00	\$ -	\$ -	\$ 7,800.00	
Home & Hastings	80652	\$ 19,000.00	\$ 19,000.00	\$ -	\$ -	\$ 19,000.00	

TOWN OF PLYMOUTH, MASSACHUSETTS
Wastewater Treatment Facility Funding Activity
Through June 30, 2003

FY 1998	Art 2 - 4/97 STM	Land/Construction WWTF	\$	36,500,000.00	
			\$	(1,143,856.90)	35,356,143.10
FY 1999	Art 1 - 6/99 STM	Land/Construction WWTF	\$	5,400,000.00	
			\$	(1,885,803.47)	3,514,196.53
FY 2000			\$		
			\$	(4,294,299.86)	(4,294,299.86)
FY 2001	Art 10 - 4/01 STM	Court Judgement - Balboni	\$	2,770,000.00	
	Art 4a - 10/00 ATM	No.Ply Indust.Pk Project	\$	1,616,000.00	
			\$	(23,398,129.30)	(19,012,129.30)
FY 2002	Art 5 - 10/01 ATM	Nutrient Management	\$	515,000.00	
	Art 4a - 4/02 STM	No.Ply Indust.Pk Project	\$	425,000.00	
			\$	(10,338,950.34)	(9,398,950.34)
FY 2003	Art 2b - 10/02 STM	No.Ply Indust.Pk Project	\$	150,000.00	
			\$	(3,257,016.08)	(3,257,016.08)
				June 30, 2003 Balance	2,907,944.05