

MOTIONS
FALL ANNUAL TOWN MEETING
October 25, 2010

The Moderator opened the meeting at 7:30 P.M. in the auditorium of Plymouth North High School. Upon notification by Town Clerk, Laurence Pizer, of a quorum, the Moderator called the meeting to order at 7:30 P.M.

The Plymouth County Sheriffs' Department Honor Guard under the direction of Lieutenant Dwayne Fortes led a salute to the flag, followed by the National Anthem performed by Allison Schneider. The invocation was offered by The Rev. David Frederickson, Rector, Christ Church.

The Moderator named Adele Manfredi, Assistant Town Moderator.

Town Clerk swore in the Assistant Moderator and Town Meeting Representatives.

The Return of the Warrant of the Annual Town Meeting showed that it was properly served. With no objections the meeting waived the reading of the Constable's Return of Service of the Warrant of the Annual Town Meeting and further, waived the reading of the Warrant.

Mr. Driscoll moved that adjourned sessions of this Town Meeting be held on October 26, 27, & 28, 2010 at 7:30 p.m. at Plymouth North High School.

The motion PASSED.

Mr. Driscoll moved that Article 36 be taken out of order and heard first on Monday, October 25, 2010.

The motion PASSED by more than two-thirds.

Mr. Parker moved that Article 17 be taken out of order and heard second on Monday, October 25, 2010.

The motion PASSED by more than two-thirds.

Mr. Hammond moved to change the order of articles by taking up Article 7 as the last article to be considered.

The motion PASSED.

ARTICLE 36: Mr. Driscoll moved that the town vote to authorize the Board of Selectmen to acquire by exchanging certain parcels of land shown as Lots 155 and 156 on Assessors Map 37A and exchange land shown as a portion of Lot O on Assessors Map 37A, all parcels located in an area generally known as "Plymouth Long Beach" and further that the Town be authorized to vote the transfer of the care, custody and control of a portion of Lot O on Assessors Map 37A, said parcel located in the area generally known as "Plymouth Long Beach" currently in the custody of the Board of Selectmen for general purposes to the Board of Selectmen for conveyance; and further that the Town authorize the Board of Selectmen to convey said property by other exchange and upon conditions to be determined by the Board of Selectmen and pursuant to the requirements of M.G.L. c.30B,

The motion PASSED by more than two-thirds.

ARTICLE 17: Mr. Driscoll moved that the town vote to transfer a parcel of land with building thereon, shown on Assessor's Map 46, Lots H181-16A and H181-015, identified as 29 Manomet Point Road, from the Town Treasurer for the purpose of sale at auction to the Board of Selectmen for the purpose of conveyance, and further to authorize the Board of Selectmen, to convey said parcel of land and building thereon, and to authorize the Board of Selectmen to enter into all agreements and to execute any and all instruments as may be necessary or convenient on behalf of the Town of Plymouth to affect said conveyance, subject to such terms and conditions as the Board of Selectmen deem appropriate, including payment of nominal consideration.

Mr. Peck moved to amend the main motion to include a reversion provision in any conveyance of said property, which would require the new property owner to have applied for and received a building permit and commence construction or renovation thereunder within thirty-six (36) months of the date of conveyance, or property ownership would revert to the Town of Plymouth.

On the motion to amend, the motion PASSED.

On the main motion the motion PASSED by more than two-thirds.

ARTICLE 1: Mr. Driscoll moved that the town vote to amend the Classification and Compensation Plans and the Personnel By-Law and Collective Bargaining Agreements contained therein, in accordance with the memorandum dated August 25, 2010, from the Director of Human Resources located on page 25 of the Report and Recommendations of the Advisory & Finance Committee.

The motion PASSED.

ARTICLE 2A: Mr. Driscoll moved to amend the votes taken under Article 7A.1, 7A.2, and 7A.3 of the April 2010 Spring Annual Town Meeting as follows:

Reduce the amount appropriated for the purpose of funding appropriations under Article 7A.3, Long Term Debt, Item #43, as was listed in the printed Report and Recommendations of the Advisory and Finance Committee, by the sum of \$539,972;

Increase the amount appropriated under Article 7A.3, Harbor Master, Item #7, as was listed in the printed Report and Recommendations of the Advisory and Finance Committee, by the sum of \$2,800

Rescind the vote taken under Article 7A.1 transferring the sum of \$508,000 from the Stabilization Fund for said budget Item #43;

Revise the vote taken under Article 7A.3, as follows:

Reduce the amount to be raised and appropriated for a total General Fund Operating Budget (Item #'s 1-44) by the sum of \$537,172; increase the amount transferred from the Municipal Waterways Fund by the sum of \$2,800; reduce the amount to be raised from the FY2011 tax levy by \$103,947.91; and transfer the sum of \$71,975.91 from Premium on Debt Exclusion for the purposes of Article 7A.3.

The motion PASSED unanimously.

ARTICLE 2B: Mr. Driscoll moved that the town vote to amend the vote taken under Article 7E of the 2010 Annual Town Meeting warrant by reducing the amount appropriated from Airport Enterprise Receipts by \$850,000 and further reduce Airport Operating, All Other Expenses, Line item 46, as was listed in the printed Report and Recommendations of the Advisory & Finance Committee, by the sum of \$850,000
The motion PASSED.

ARTICLE 3: Mr. Driscoll moved that the town vote to amend the vote taken under Article 10 of the 2010 Annual Town Meeting warrant by reducing the amount raised and appropriated for the Town's Unemployment Compensation Fund by \$459,000, in accordance with the memorandum located on page 32 of the Report and Recommendations of the Advisory & Finance Committee.
The motion PASSED.

ARTICLE 4A: Withdrawn.

ARTICLE 4B: Withdrawn.

ARTICLE 4C: Withdrawn

ARTICLE 4D: Oliver Neck Road Access

Mr. Hallisey moved that the Town vote to raise and appropriate the sum of \$300,000 for Oliver Neck Road access, including costs incidental or related thereto, as described in the memorandum located on page 6 of the Supplemental Report and Recommendations of the Advisory & Finance Committee.

Patricia McCarthy moved to substitute option #3, which is to reopen Concord Road as a limited access gated throughway for emergency vehicles only and raise and appropriate \$160,000 as cost of construction by contract for the initial road.
On the motion to amend, the motion FAILED.
On the main motion, the motion FAILED.

ARTICLE 4E: Withdrawn

ARTICLE 4F: Withdrawn

ARTICLE 4G: Withdrawn

ARTICLE 4H: Withdrawn

ARTICLE 4I: Sewer Interceptor Project

Mr. Driscoll moved that the Town vote to appropriate the sum of \$800,000 for sewer interceptor project, including costs incidental or related thereto, as described in the memorandum located on page 36 of the Report and Recommendations of the Advisory & Finance Committee; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow the sum of \$800,000 under Chapter 44 of the General Laws or any other enabling authority, and to issue bonds and notes therefor, and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out the projects.

The motion PASSED on a negative roll call with one in opposition.

ARTICLE 4J: Airport Taxiway Relocation

Mr. Driscoll moved to appropriate the sum of \$88,000 for airport taxiway relocation, including costs incidental or related thereto, as described in the memorandum located on page 48 of the Report and Recommendations of the Advisory & Finance Committee; that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen is authorized to borrow the sum of \$88,000 under Chapter 44 of the General Laws or any other enabling authority, and to issue bonds and notes therefor, and that the Board of Selectmen is authorized to take any other action necessary or convenient to carry out the projects.

The motion PASSED unanimously.

ARTICLE 5: Withdrawn

ARTICLE 6: Withdrawn

ARTICLE 8: Mr. Driscoll moved that the town vote to rescind the following unused borrowing authority:

AMOUNT	PURPOSE	AUTHORIZATION
\$190,300	Local Acquisitions for Natural Diversity (LAND) grant, for the acquisition of a parcel of land containing 36 acres more or less, located off of Long Pond and Boot Pond Roads in Plymouth, Massachusetts, and shown as Assessors Map 88, Lot 26H	Article 7 April 3, 2010 Special Town Meeting

The motion PASSED.

ARTICLE 9: Mr. Driscoll moved that the town vote to transfer care, custody and control of the property located at South Russell Street, Plymouth, MA, shown as Assessors' Map 19, Lot and Plat: 019-000-002-000, commonly known as the 1820 Courthouse, from the Board of Selectmen for the purposes for which it is currently held to the Board of Selectmen for the same purposes, and also for the purpose of conveyance of an historic preservation restriction in said property to the Commonwealth of Massachusetts, acting by and through the Massachusetts Historical Commission, in accordance with G.L. c.44B, §12 and G.L. c.184, §§31-33 in order to meet the requirements of the Community Preservation Act and enable the Town and/or Redevelopment Authority to be eligible for grant funds from the Massachusetts Preservation Projects Fund for the preservation of the Courthouse building. The motion PASSED by more than two-thirds.

ARTICLE 10: Mr. Driscoll moved that the town vote to rescind the appropriation of \$46,000 from Community Preservation Fund FY2011 Estimated Annual Revenues made under Article 16A of the April 3, 2010 Annual Town Meeting for the payment of debt service for the Center Hill Preserve acquisition, which acquisition was authorized under Article 9F of the October 2005 Fall Town Meeting and Article 10 of the May 2006 Special Town Meeting. The motion PASSED.

ARTICLE 11: Mr. Driscoll moved that the town vote to rescind the appropriation of \$1,150,000 from Community Preservation Fund FY2011 Estimated Annual Revenues made under Article 16B of the April 3, 2010 Annual Town Meeting warrant for the remaining balance owed for the for the Center Hill acquisition, which acquisition was authorized under Article 10 of the October 2005 Fall Town Meeting. The motion PASSED.

ARTICLE 12: Mr. Driscoll moved that the town vote pursuant to G.L. c. 44B to transfer from Article 13B of the April 4, 2009 Special Town Meeting, the sum of \$75,000, to be expended by the Town Manager in consultation with the Community Preservation Committee, as a grant to the Plymouth Redevelopment Authority for the preparation of an Historic Structures Report for the preservation of the historic 1820 Plymouth County Court House.

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

Mr. Buechs moved to set the method of voting by roll call. The motion PASSED.

On the main motion, on a roll call, the motion PASSED with 73 in favor, 36 in opposition and 1 abstention.

The Moderator called a recess at 9:19 PM.

The Moderator returned the meeting to order at 9:34 PM.

ARTICLE 13: Mr. Driscoll moved that the town vote pursuant to G.L. c.44B to transfer the sum of \$212,245 from the Community Preservation Fund Community Housing Reserve and appropriate the sum of \$187,755 from Community Preservation Fund FY2011 Estimated Annual Revenues, for a total of \$400,000, as a grant to the Plymouth

Taskforce for the Homeless for the acquisition of the multi family residence located at 368-370 Court Street, Plymouth MA, shown as Assessors Map 1, Lot 3-2, for community housing purposes, and to authorize the Town Manager, in consultation with the Community Preservation Committee, to enter into a grant agreement with said Taskforce for the Homeless setting forth the terms and conditions upon which the funds may be expended, which agreement shall include a requirement that the creation and use of the affordable housing units shall be eligible for inclusion on the Subsidized Housing Inventory maintained by the Department of Housing and Community Development for the Town of Plymouth, and a requirement that the Taskforce for the Homeless grant to the Town an affordable housing restriction(s) in the property, and to authorize the Board of Selectmen to accept an affordable housing restriction(s) on said property.

The motion PASSED on a negative roll call with 5 in opposition.

ARTICLE 14: Mr. Driscoll moved that the town vote pursuant to G.L. c.44B to appropriate the sum of \$66,000 from the Community Preservation Fund FY2011 Estimated Annual Revenues as a grant to the Plymouth Redevelopment Authority for the renovation of 217 Roxy Cahoon Road, shown as Assessors Map 57, Lot 60a-008, for the purpose of support of community housing, and to authorize the Town Manager, in consultation with the Community Preservation Committee, to enter into a grant agreement with said Redevelopment Authority setting forth the terms and conditions upon which the funds may be expended, which agreement shall include a requirement that the creation and use of the affordable housing units shall be eligible for inclusion on the Subsidized Housing Inventory maintained by the Department of Housing and Community Development for the Town of Plymouth, and a requirement that the Redevelopment Authority grant to the Town an affordable housing restriction(s) in the property, and to authorize the Board of Selectmen to accept a affordable housing restriction(s) on said property.

The motion PASSED unanimously.

ARTICLE 15: Mr. Driscoll moved that the town vote pursuant to G.L. c. 44B to transfer \$212,245 from the Community Preservation Fund Open Space Reserve and appropriate the sum of \$762,755 from the Community Preservation Fund FY2011 Estimated Annual Revenues, for a total of \$975,000, to be expended by the Town Manager, in consultation with the Community Preservation Committee, for the creation, restoration and rehabilitation of land acquired and held for open space and recreational use, in particular the creation of a Town Day Camp and Public Park at the Hedges Pond Recreational Area and Preserve in accordance with G.L. c.45, §14, including, but not limited to, implementation of the Weston and Sampson Master Plan for renovations of existing buildings, and creation of basketball courts, tennis court, play ground areas, refurbished beach area, pavilion, picnic area and a baseball and multi-purpose playing field, including all expenses incidental and related thereto; and further that Board of Selectmen, Town Manager, Recreation Director, or other appropriate public officials of the Town of Plymouth shall be authorized to file on behalf of the Town of Plymouth any and all applications deemed necessary for grants and/or reimbursements from the Commonwealth of Massachusetts under the so-called PARC Act (Chapter 933 of the

Acts of 1977, as amended) and/or any other grant programs in any way connected with the scope of this article.

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

On the main motion, the motion PASSED on a roll call with 77 in favor and 31 in opposition.

ARTICLE 16A: Mr. Driscoll moved that the town vote to authorize the Board of Selectmen to acquire by purchase for open space purposes pursuant to the Community Preservation Program and to accept the deed to the Town of Plymouth of a fee simple interest or less to 10.95 acres of land, more or less, in the Town of Plymouth located off of Drew Road shown on Assessors Map 88 as Lot 25 and further that said land shall be held under the care, custody, and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to appropriate \$20,510 from the Community Preservation Fund FY2011 Budgeted Reserve and \$179,490 from the Community Preservation Fund FY2011 Estimated Annual Revenues, for a total of \$200,000.

The motion PASSED on a negative roll call with 1 in opposition.

ARTICLE 16B: Mr. Driscoll moved that the town vote to authorize the Board of Selectmen to acquire by purchase for open space purposes pursuant to the Community Preservation Program and to accept the deed to the Town of Plymouth of a Conservation Restriction on 40 acres of land, more or less, in the Town of Plymouth located off Russell Mills Road shown on Assessors Map 83 as Lot 19J and further that said interest in land shall be held under the care, custody, and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to appropriate \$169,000 from the Community Preservation Fund FY2011 Budgeted Reserve.

The motion PASSED on a negative roll call with 1 in opposition.

ARTICLE 16C: Mr. Driscoll moved that the town vote to authorize the Board of Selectmen to acquire by purchase for open space purposes pursuant to the Community Preservation Program and to accept the deed to the Town of Plymouth of Conservation Restriction on 18 acres of land, more or less, in the Town of Plymouth located off Center Hill Road shown on Assessors Map 52 as Lot 26-U, 27A, 9C and 9F and further that said interest in land shall be held under the care, custody, and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to appropriate \$165,000 from the Community Preservation Fund Undesignated Fund Balance.

The motion PASSED on a negative roll call with 1 in opposition.

ARTICLE 16D: Mr. Driscoll moved that the town vote to authorize the Board of Selectmen to acquire by purchase for open space purposes pursuant to the Community Preservation Program and to accept the deed to the Town of Plymouth of a fee simple interest or less to 23.4 acres of land, more or less, in the Town of Plymouth located off

Quail Run Road shown on Assessors Map 61 as Lot 1, and further that said land shall be held under the care, custody, and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to appropriate \$15,309 from Community Preservation Fund FY2011 Budgeted Reserve, and \$84,691 from the Community Preservation Fund Undesignated Fund Balance, for a total of \$100,000. The motion PASSED unanimously.

Mr. Driscoll moved to adjourn to 7:30 PM at Plymouth North High School on Tuesday, October 26. The motion PASSED at 10:30 PM.

Fall Annual Town Meeting
25 October 2010
Adjourned Session of 26 October 2010

The Moderator opened the meeting at 7:30 PM. Town Clerk, Laurence Pizer, informed him that a quorum was present, and he called the meeting to order at 7:30 PM.

ARTICLE 18: Mr. Driscoll moved that the town vote to transfer the care, custody, management, and control of the property located on Taylor Avenue, Plymouth, MA, shown as Assessors Map 7A-2 on Plat 46, Parcel 046-000-007A-002, also known as the White Horse Beach property, from the Town Treasurer for purposes of sale at auction to the Board of Selectmen for general municipal purposes and highway purposes. The motion PASSED unanimously.

ARTICLE 19: Mr. Driscoll moved that the town vote to transfer the care, custody, management, and control of a Portion of Assessor's Plats 45C-000-151-000, 046-000-007A001, 046-000-007-087, 046-000-087C-000, 046-000-881-000, and 046-007-025-000, all as shown on a sketch plan dated September 30, 2010, on file with the Town Clerk, from the Board of Selectmen for General Municipal purposes to the Board of Selectmen for Highway purposes in conjunction with the reconstruction of Taylor Avenue. The motion PASSED unanimously.

ARTICLE 20: Mr. Driscoll moved that the town vote to authorize the Board of Selectmen to accept a perpetual easement for public way purposes over the property of Augustino Diodato located at 1 Carver Road, Plymouth, MA and shown as Plymouth Assessor's Parcel No. 103-000-003-004, as shown on a recorded plan entitled, "Subdivision Plan of Land #182 of 2010, dated May 12, 2010, Plan Book 55, Page 954 as on file with the Town Clerk. The motion PASSED unanimously.

ARTICLE 21: Mr. Driscoll moved that the town vote to authorize the Board of Selectmen to accept a perpetual easement for public way purposes over the property of Augustino Diodato located at 1 Carver Road, Plymouth, MA and shown as Plymouth Assessor's Parcel No. 103-000-003-004, as shown on a recorded plan entitled,

“Subdivision Plan of Land #182 of 2010, dated May 12, 2010, Plan Book 55, Page 954 as on file with the Town Clerk;

and further to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition:

Carver Road, Re-Establish, and alter a Portion Thereof;
The motion PASSED unanimously.

ARTICLE 22: Mr. Driscoll moved that the town vote to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to accept gifts for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition :

River Run Way, Entire Length thereof
The motion PASSED unanimously.

ARTICLE 23: Mr. Driscoll moved that the town vote to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, accept gifts for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition:

Cordage Park, Court Street to the Cul-de-sac;
The motion PASSED unanimously.

ARTICLE 24: Mr. Driscoll moved that the town vote to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, , and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to accept gifts for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition:

Commerce Way, Re-Establish, and alter A Portion Thereof;
The motion PASSED unanimously.

ARTICLE 25: Withdrawn.

ARTICLE 26: Withdrawn.

ARTICLE 27: Mr. Driscoll moved that the town vote to amend Chapter 157 of the General Bylaws entitled “Solid Waste” by adding a new section, “Section III” on mandatory recycling and further by amending the Chapter 1 of the General Bylaws, Article II, §1-4, Fine Schedule, as on file with the Town Clerk’s Office, and as set forth on page 117 of the Report and Recommendations of the Advisory & Finance Committee.

Article III

MANDATORY RECYCLING

157-8. Purpose and Intent

157-9. Establishment of Program

157-10. Collection of Recyclable Materials

157-11. Enforcement & Violations

157-8. PURPOSE and INTENT: The Town of Plymouth now participates in a municipal managed recycling program; and the Commonwealth of Massachusetts has promulgated Waste Bans which restrict the disposal of certain recyclable items at solid waste landfills, transfer stations and incinerators in Massachusetts (310 CMR 19.017). The restricted materials are: lead batteries, leaf waste, and yard waste, white goods, recyclable aluminum, metals, and glass bottles & jars, all grades of recyclable paper, single polymer plastics, cathode ray tubes in televisions and computers. Compliance with the Waste bans may be accomplished through reducing the amount of solid waste to the fullest; and promoting public support for recycling and composting.

157-9. ESTABLISHMENT of PROGRAM: There is hereby established in the Town of Plymouth a program for the mandatory separation of recyclable materials from trash. None of the above referenced materials may be disposed of in the town trash containers. Trash shall be defined as non-recyclable non-hazardous household waste disposed of at the transfer station.

157-10. COLLECTION of RECYCLABLE MATERIALS: The Transfer Station will reject unacceptable recoverable restricted materials. The following items are acceptable for recycling at the Transfer Stations and shall be deposited in the appropriately marked recycling containers:

1. Paper – All types of paper, cardboard and paperboard products excluding tissue paper, toweling, paper plates and cups, wax-coated cardboard, paper used to wrap food products, contaminated by paint, oil or other substances and other low-grade paper products, which become unusable to paper mills as a result of normal intended use.

2. Batteries – Lead acid batteries used in motor vehicles or stationary applications, rechargeable batteries, and household batteries.
3. Glass Containers – Clear and colored glass bottles or containers but specifically excluding light bulbs, Pyrex cookware, plate glass, drinking glasses, windows, windshields and ceramics. Caps, corks or lids should be removed, but labels may remain. Containers should be empty and fairly clean, but do not need to be washed out.
4. Metal Containers – Any aluminum, steel or bi-metal beverage and food container except those carrying hazardous materials such as paint, petroleum products or other prohibited materials.
5. Plastic Containers - #1 through #7 plastics clean containers only (check for the recycling symbol and number on the container).
6. Deposit/Redeemable Cans and Plastic Bottles - All Deposit or redeemable plastic bottles and aluminum cans may be to be deposited in the labeled containers
7. Cast Iron – Heavy items containing cast iron such as sinks bathtubs and radiators.
8. Metals – Items containing metal other than cast iron such as lawn chairs, bicycles, etc. No mufflers, tailpipes or drums/tanks having contained petroleum products are allowed.
9. Clothing – All types of clothing and shoes in good condition.
10. Leaves and Grass Clippings – Leaves and grass clippings will be placed in the composting area with plastic bags removed.
11. Brush – Residential – Brush brought to the facility by homeowners will be separated from the leaves and grass clipped and placed in the designated area.
12. Oil – Residential – Motor oil from vehicle and mechanical equipment oil changes will be accepted in the designated area.
13. Fluorescent Fixtures – including Compact Fluorescent Light (CFL's), Ballasts , as well as other Mercury containing items such as thermometers & thermostats.

The following items are part of the recycling program and are subject to a fee for disposal:

1. Tires – Residential – Tires.

2. Cathode Ray Tubes (Televisions and CRT's) – Any intact, broken, or processed glass tube used to provide visual display in televisions, computer monitors and certain scientific instruments such as oscilloscopes fee.

3. White Goods – Appliances employing electricity, oil or natural gas or liquefied petroleum gas to preserve or cook food, to wash or dry clothing, or to cool or heat air or water. These include refrigerators, freezers, dishwashers, residential trash compactors, clothes washers, clothes dryers, gas or electric ovens and ranges, and hot water heaters.

4. Propane Gas Containers.

157.11 ENFORCEMENT AND VIOLATIONS:

The DPW Superintendent, or his authorized representative, shall be responsible for enforcement.

The Town of Plymouth has the right to inspect bags of trash and recycling materials.

The Chief of Police shall, when required by the Department of Public Works or its authorized Transfer Station Representatives, cooperate in all ways in the enforcement of this by-law.

Failure to comply shall result in the imposition of a twenty-five dollar (\$25.00) fine. Each subsequent event of non-compliance shall constitute a separate violation.

Mr. Howe moved the previous question. The motion FAILED with 46 in favor and 60 in opposition.

Mr. Wood moved to amend the main motion by adding that the effective date of the bylaw shall be July 1, 2012.

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

On Mr. Wood's motion to amend, the motion FAILED.

On the main motion on a roll call, the motion FAILED with 40 in favor and 57 in opposition.

ARTICLE 28: Mr. Driscoll moved that the town vote to designate fines for violation of the Graffiti bylaw as "municipal charges" pursuant to G.L. c. 40, §58, collectible by adding such charge to the tax on property to which it relates, in the manner provided said statute, and, to the extent necessary, to authorize the Board of Selectmen to seek special legislation for the purpose of allowing the collection of penalties under the Graffiti bylaw in the manner provided in G. L. c. 40, §58, as set out in a handout entitled "An Act Authorizing the Town of Plymouth to Place Municipal Charges Liens on Certain Properties in the Town of Plymouth For Nonpayment of Graffiti Local Charge, Fee or Fine." provided, however, that the General Court may make clerical or editorial changes

of form only to the Bill, unless the Board approves amendments to the Bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public's objectives of this petition.

The motion PASSED.

ARTICLE 29: Withdrawn

ARTICLE 30: Withdrawn

ARTICLE 31: Mr. Driscoll moved that the town vote to authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact legislation, pursuant to G.L. c.43B, §10, to amend the Town Charter, Chapter 2, Section 2-12-1, by striking out the words "at least one member" and inserting in place thereof the words "no more than three (3) members".

The motion PASSED by more than two thirds.

ARTICLE 32: Withdrawn

ARTICLE 33: Withdrawn

ARTICLE 34: Mr. Abbott moved that the town vote to authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact legislation to provide that:

- (a) Elected officials of the Town of Plymouth who receive compensation by vote of the town at an annual or special town meeting per G.L. c.41, §108 shall not, as such, constitute employees for purposes of G.L. c 32B and shall not, as such, be eligible for participation in the town's contributory medical, dental and life insurance plan (the "plan");
- (b) Notwithstanding the foregoing, however:
 - (i) Any such elected officials who were elected prior to the effective date of this act, whether or not presently serving, if eligible and vested as of said date to participate in the plan upon retirement, or as presently retired, shall continue to be eligible and vested to participate in the plan upon retirement, or as presently retired;
 - (ii) Any such elected officials who were elected prior to the effective date of this act who participate in the plan on the effective date of this act shall continue to be eligible to participate in the plan until the end of their current terms, and in the event they serve an immediately successive term or terms thereafter, shall continue to be eligible to participate in the plan during said successive term or terms, provided that they pay 100 percent of the cost of participation in the plan, plus any administrative cost therefor as may be imposed by the board of selectmen; and

- (iii) Nothing contained in this act shall impair or in any way affect any right of a town retiree created by c. 36 of the Acts of 1998 or c. 24 of the Acts of 2003.

(c) This act shall take effect upon the date of its passage;

provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public's objectives of this petition.

The Moderator called a recess at 9:27 PM.

The Moderator returned the meeting to order at 9:42 PM.

Michael Main moved the previous question. The motion PASSED on a standing vote with 71 in favor and 32 opposed.

Karen Buechs moved to set the method of voting by roll call. The motion FAILED with 47 in favor and 59 opposed.

On the main motion, the motion PASSED with 66 in favor and 37 opposed.

ARTICLE 35: There was no motion. Town Meeting took no action.

ARTICLE 7: William Hallisey moved that the town vote to appropriate from the Town Promotion Fund, created pursuant to Chapter 4 of the Acts of 1993, the sum of \$8,700 for programs and projects that enhance the beautification, recreational resources, public safety, promotional and marketing activities, events, services and public improvements.

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

On the main motion, the motion PASSED on a roll call with 65 in favor and 36 in opposition.

Mr. Driscoll moved to dissolve this Fall Annual Town Meeting. The motion PASSED AT 10:25 p.m.