

**2012 ANNUAL TOWN MEETING  
MOTIONS**

**Saturday, April 7, 2012**

The Moderator opened the meeting at 8:00 AM at Plymouth North High School.

The color guard came from Plymouth County Sheriff's Department Honor Guard under the direction of Honor Guard Commander Captain Duane Fortes, who led the Pledge of Allegiance followed by the National Anthem performed by a member of Plymouth High Schools' Choral Group under the direction of Brandon Coons. The Invocation was offered by Reverend Rollin Johnson of Plymouth, a retired minister.

Senator Therese Murray delivered her State of the State message.

Upon notification by Town Clerk, Laurence Pizer, of the presence of a quorum, the Moderator called the meeting to order at 8:15 AM.

Representative Vinny deMacedo delivered his State of the State message.  
Representative Thomas Calter delivered his State of the State message.  
The Moderator noted that Michael Rothberg was serving as Assistant Moderator.  
William Hallissey, Jr. delivered his State of the Town Message.  
Dennis Begley delivered the State of the Plymouth Schools message.  
Marc Garrett delivered the State of Plymouth Planning message.  
Theodore Bosen spoke for the Plymouth County Charter Review Commission.  
Robert Nassau delivered opening remarks for the Advisory and Finance Committee.

The return of the warrant having been properly served, Town Meeting waived the reading of the return and of the warrant.

Mr. Nassau moved that adjourned sessions of this Town Meeting be held on April 9 and 10, 2012 at 7:30 p.m. at Plymouth North High School.  
The motion PASSED.

Mr. Nassau moved to adjourn this Town Meeting until completion of the First and Second Special Town Meetings.  
The motion PASSED at 9:15 AM.

The Moderator returned the meeting to order at 2:10 PM.

**ARTICLE 1:** There was no motion. Town Meeting took no action..

**ARTICLE 2:** Mr. Nassau moved that Town vote to receive the reports of several Boards, Officers and Committees of the Town thereon.

The motion PASSED.

**ARTICLE 3:** Mr. Nassau moved that the Town vote to establish revolving funds for certain Town Departments under the provisions of G.L. c.44, §53E ½ for the fiscal year beginning July 1, 2012, with specific receipts credited to each fund, the purposes for which each fund may be spent, and the maximum amount that may be spent from each fund for FY2013 as follows:

**Revolving Funds Chapter 44, Section 53E½**

**Fiscal Year 2013 Revolving Fund Requests**

<b>Spending Authority</b>	<b>Revolving Fund</b>	<b>Revenue Source</b>	<b>Use of Fund</b>	<b>FY2013 Authorized Spending Limit</b>
Planning Board	Manomet Village Parking Plymouth Center Village Parking Cedarville Village Parking West Plymouth Village Parking No. Plymouth Village Parking	The departmental receipts credited to this fund shall be those identified as payments made in lieu of on-site parking.	As provided by Section 305.12 of the Zoning Bylaw, these five funds may be used within their respective village centers for parking related uses including land acquisition, facility construction, and the preparation of plans and specifications.	<b>\$ 1</b>
Police Chief	Animal Shelter Adoption	The departmental receipts credited to this fund shall be those arising from deposits/spaying & neutering.	In accordance with G.L. c.140 §139A, all animals placed for adoption must be spayed or neutered. This fund provides for other expenditures as authorized by §139A as well as a refund of a thirty-dollar deposit, when proof of the spaying or neutering procedure is provided.	<b>\$ 10,000</b>
Harbormaster	State Boat Ramp	The departmental receipts credited to this fund shall be those identified as relating to State Boat Ramp parking sticker receipts.	This fund shall be used for part-time salaries of staff and other expenses for the purposes of managing, controlling and providing a higher level of public safety at the boat ramp.	<b>\$ 40,000</b>
Recreation Director	Recreation Fund	The departmental receipts credited to this fund shall be those identified as relating to recreational programs.	This fund shall be used for salaries and benefits of full-time staff, part-time and seasonal staff, for recreational programs, salary, and benefits of the program coordinator as well as facility expenses and other expenses related	<b>\$ 430,000</b>

			to recreation programs.	
Town Manager	Cable Services Fund	The departmental receipts credited to this fund shall be those identified as arising from cable-related franchise fees.	This fund shall be for cable-related programs and purposes such as legal/consulting services associated with enforcement of the contracts and compliance issues. And any repairs or upgrades.	<b>\$38,000</b>
School	Vocational Technical Services Fund	The departmental receipts credited to this fund shall be those identified as arising from the Vocational/Educational Studies Programs enumerated above	This fund shall be for the Salaries, benefits & expenditures of the following programs: a) Automotive b) CAD/CAM c) Carpentry d) Child Care e) Computer Science f) Cosmetology g) Culinary Arts h) Distributive Education i) Electrical j) Electronics k) Graphic Arts l) Metals/Welding m) Plumbing n) Marine Technology o) Design & Visual Communication	<b>\$600,000</b>
DPW Director	Plymouth Beach Fund	The departmental receipts credited to this fund shall be those identified as all non-resident parking receipts at Plymouth Beach, in addition to one-hundred percent (100%) of Plymouth Long Beach 4x4 sticker fees.	This fund shall be used for salaries and benefits of full time staff, part-time salaries of seasonal NRO's, police details and for the purposes of providing maintenance and public safety of Plymouth Long Beach and repairs to the seawall.	<b>\$ 232,000</b>

DPW Director	Cemetery Repair & Beautification Fund	The departmental receipts credited to this fund shall be those arising from foundation revenue.	This fund shall be used for beautifying, restoring, researching, and repairing town cemeteries.	<b>\$ 8,000</b>
Community Services Director	Council On Aging Programs Fund	The departmental receipts credited to this fund shall be those identified as relating to Council on Aging programs.	This fund shall be for contractual services and other expenses related to programs for senior citizens.	<b>\$ 45,000</b>
Community Services Director	Council On Aging Meals on Wheels	The departmental receipts credited to this fund shall be those identified as relating to donations for the Council on Aging Meals on Wheels program.	This fund shall be for payment to Old Colony Elder Services for meals.	<b>\$ 30,000</b>
Fire Chief	Fire Alarm Master Box Services	The departmental receipts credited to this fund shall be those identified as relating to fire alarm services performed by the Plymouth Fire Department, Fire Alarm Division.	This fund shall be for salaries, benefits, public safety equipment and materials used in accordance with Fire Alarm Services.	<b>\$ 65,000</b>
Fire Chief	Fire Safety and Prevention	The departmental receipts credited to this fund shall be those identified as relating to permits issued and inspections performed by the Plymouth Fire Department, Fire Prevention Division.	This fund shall be for salaries and benefits and to support the operational cost of services provided within the Fire Prevention Division.	<b>\$100,000</b>
Fire Chief	Local Hazardous Materials Program	The departmental receipts credited to this fund shall be those identified as relating to fees collected by the Fire Department as a result of responding and mitigating hazardous materials incidents	This fund shall be to replace, repair and/or purchase equipment and supplies used during hazardous materials incidents and to support the operational cost of services provided within the Fire Department Local Hazardous Materials	<b>\$60,000</b>

		either in Plymouth or by mutual aid responses.	Program.	
Fire Chief	Cedarville Community Center	The departmental receipts credited to this fund shall be those identified as fees collected from the hourly rental fees for the use of the Cedarville Community Center.	The funds will be used to pay for regular cleaning of the facility as well as to replace, repair, or purchase supplies used for the cleaning and up-keep of the Community Room.	<b>\$ 12,000</b>
DPW Director	Memorial Hall	The departmental receipts credited to this fund shall be those identified as relating to rental fees associated with Memorial Hall	This fund shall be for salaries, maintenance and operation of Memorial Hall.	<b>\$100,000</b>
DPW	Solid Waste Enterprise	The departmental receipts credited to this fund shall be those identified as relating to the sale of compost bins.	This fund shall be for purchasing compost bins.	<b>\$4,000</b>
Recreation Director and Park Superintendent	Hedges Pond	The departmental receipts credited to this fund shall be those identified as program fees from Recreation Dept. Day Program, daily-parking fees, special event, and rental fees.	The funds will be used to cover Recreation Dept. seasonal salaries and operational expenses for the facility. Excess funds will be used for future capital improvements.	<b>\$40,000</b>

The motion PASSED unanimously.

**ARTICLE 4:** Mr. Nassau moved that the Town vote, pursuant to Chapter 173 of the General By-Laws, to authorize the West Plymouth Steering Committee, the Manomet Steering Committee, and the Plymouth Harbor Committee continue for review in three years at 2015 Annual Town Meeting

and further,

Discharge the Plymouth School Building Committee.

The motion PASSED.

**ARTICLE 5:** Mr. Nassau moved that the Town vote to amend the Personnel By-Law in accordance with the memorandum from the Director of Human Resources, located on Page 77 in the printed Report & Recommendations of the Advisory & Finance Committee, dated January 24, 2012.

The motion PASSED.

**ARTICLE 6:** Mr. Nassau moved, pursuant to G.L. c.41, §108 that the Town vote to fix the salaries of elected Town Officials as follows:

	Stipend Without Health Insurance	Stipend With Health Insurance
Board of Selectmen		
Chairman	\$ 4,500	\$ 2,000
Other (s)	\$ 4,000	\$ 1,000
Moderator	\$ 2,000	\$ 300

The motion PASSED.

## **ARTICLE 7A: GENERAL FUND OPERATING BUDGET**

### **ARTICLE 7A:**

Mr. Nassau moved, as amended, that the Town vote to raise and appropriate \$160,731,944 for a total General Fund Operating Budget (Item #'s 1-43), to provide for a reserve fund and to defray the expenses of the Town, and for the purposes listed in the printed Report and Recommendations of the Advisory and Finance Committee, and to meet said appropriation transfer the sum of \$122,570 from the Title V Betterment Program, and transfer the sum of \$23,189 from the Recreation Revolving Fund, and transfer the sum of \$16,297 from the Plymouth Beach Revolving Fund, and transfer the sum of \$33,714 from Cemetery Perpetual Care, and transfer the sum of \$122,633 from Municipal Waterways, and transfer the sum of \$6,967 from Fire Safety & Prevention Revolving Fund, and transfer the sum of \$3,360 from Tech Studies Revolving Fund, and transfer the sum of \$232,759.08 from Premium from Debt Exclusion and raise \$160,170,454.92 from the 2013 Tax Levy.

<b>Summary of Vote for 7A</b>	
Total General Fund Operating Budget (Item #'s 1-43)	\$ 160,775,954.
Stabilization Fund for LT Debt (Art 7A.1)	\$0.00
Free Cash for Debt Service	\$0.00
Title V Betterment Program	\$122,570
Recreation Revolving Fund	\$23,189
Plymouth Beach Revolving Fund	\$16,297
Cemetery Perpetual Care	\$33,714

Municipal Waterways	\$122,633
Fire Safety & Prevention Revolving Fund	\$6,967
Tech Studies Revolving Fund	\$3,360
Overlay Surplus	\$0.00
Premium for Debt Exclusion	\$232,759.08
Less Total Transfers	\$561,489.08
To be raised by the 2013 Tax Levy (General Fund revenues & other sources)	\$160,214,464.92

Mr. Parker moved to postpone indefinitely Article 7A-E.  
The motion FAILED.

Ms. Jaynes moved to adjourn. The motion PASSED on a roll call with 97 in favor and 1 in opposition at 3:00 PM.

Annual Town Meeting  
7 April 2012  
Adjourned Session of 9 April 2012

Upon notification from Town Clerk, Laurence Pizer, that a quorum was present, the Moderator called the meeting to order at 7:30 PM.

Mr. Manfredi moved to amend line 31, Department of Public Works – Personal Services by increasing the amount appropriated from \$4,714,790 to \$4,758,800 and to make a corresponding increase of \$44,010 in the amount to be raised by the tax levy.  
The motion PASSED.

Mr. Hallisey moved to amend line 40, Member Insurance, by decreasing the amount appropriated from \$25,154,224 to \$24,954,224; and to make a corresponding reduction of \$200,000 in the amount to be raised from the tax levy.  
The motion FAILED.

Mr. Hallisey moved to amend line 42, Non Enterprise Debt, by decreasing the amount appropriated from \$10,438,449 to \$10,258,449; and to make a corresponding reduction of \$180,000 in the amount to be raised from the tax levy.  
The motion FAILED.

Mr. Hallisey moved to amend the main motion by adding funding to be transferred from free cash in the sum of \$618,368, and to make a corresponding reduction of \$618,368 in the amount to be raised from the tax levy.  
The motion FAILED.

On Article 7A, as amended, the motion PASSED unanimously.

**ARTICLE 7B: WATER ENTERPRISE FUND**

Mr. Nassau moved that the Town vote to appropriate \$3,043,055 from Water Enterprise Receipts to defray Water direct costs and that \$1,102,265 as appropriated under Article 7A, be used for Water indirect costs, all to fund the total costs of operations of the Water Enterprise as follows:

Personal Services (Item #53)	\$ 1,021,834
All Other Expenses (Item #54)	\$ 1,231,381

Debt Service (Item #55)	\$ 789,840
Appropriated for Direct Costs	\$ 3,043,055
Indirect Costs – Charged to Enterprise Fund From General Fund (Item #56)	\$ 1,102,265
Total Cost – Water	\$ 4,145,320

**ARTICLE 7B: WATER ENTERPRISE FUND**

Mr. Manfredi moved to amend the main motion by increasing the amount to be appropriated from Water Enterprise Receipts in the amount of \$8,214 to \$3,051,269, and further, to add to Personal Services Item 53 the same amount, with a corresponding increase to Direct Costs, as follows:

Personal Services (Item #53)	\$ 1,030,048
All Other Expenses (Item #54)	\$ 1,231,381
Debt Service (Item #55)	\$ 789,840
Appropriated for Direct Costs	\$ 3,051,269
Indirect Costs – Charged to Enterprise Fund From General Fund (Item #56)	\$ 1,102,265
Total Cost – Water	\$ 4,153,534

On Mr. Manfredi’s motion to amend, the motion FAILED with 37 in favor and 62 in opposition. On Article 7B, the motion PASSED.

**ARTICLE 7C: SEWER ENTERPRISE FUND**

Mr. Nassau moved that the Town vote to appropriate \$4,487,363 from Sewer Enterprise Receipts to defray Sewer direct costs, and that \$318,110 appropriated under Article 7A, be used for Sewer indirect costs, all to fund the total costs of operations of the Sewer Enterprise as follows:

Personal Services (Item #48)	\$ 313,353
All Other Expenses (Item #49)	\$ 1,910,223
Debt Service (Item #50)	\$ 2,263,787
Appropriated for Direct Costs	\$ 4,487,363
Indirect Costs – Charged to Enterprise Fund From General Fund (Item #51)	\$ 318,110
Total Cost – Sewer	\$ 4,805,473

On Article 7C, the motion PASSED.

**ARTICLE 7D: SOLID WASTE ENTERPRISE FUND**

Mr. Nassau moved that the Town vote to appropriate \$4,930,027 from Solid Waste Enterprise Receipts to defray Solid Waste direct costs, and that \$270,610 appropriated under Article 7A, be used for Solid Waste indirect costs, all to fund the total costs of operations of the Solid Waste Enterprise as follows:

Personal Services (Item #58)	\$284,417
All Other Expenses (Item #59)	\$4,411,875
Debt Service (Item #60)	\$233,735
Appropriated for Direct Costs	\$4,930,027
Indirect Costs – Charged to Enterprise	\$270,610

Fund From General Fund (Item #61)	
Total Cost – Solid Waste	\$5,200,637

Ms. McCarthy moved to amend the main motion by decreasing the amount to be appropriated from solid waste enterprise fund receipts in the amount of \$3,600,000 to \$1,330,027 and further, to decrease Other Expenses Item 59 by the same amount with a corresponding decrease to Direct Costs, as follows:

<b>Article 7D Solid Waste</b>	<b>Grand Total of Final Vote</b>
Personal Services (Item #58)	\$284,417
All Other Expenses (Item #59)	\$811,875
Debt Service (Item #60)	\$233,735
Appropriated for Direct Costs	\$1,330,027
Indirect Costs – Charged to Enterprise Fund From General Fund (Item #61)	\$270,610
Total Cost – Solid Waste	\$1,600,637

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

On Ms. McCarthy’s motion to amend, the motion PASSED.

On Article 7D, the motion PASSED unanimously.

**ARTICLE 7E: AIRPORT ENTERPRISE FUND**

Mr. Nassau moved that the Town vote to appropriate \$2,686,215 from Airport Enterprise Receipts to defray Airport direct costs, and that \$176,450, as appropriated under Article 7A be used for Airport indirect costs, all to fund the total costs of operations of the Airport Enterprise as follows:

Personal Services (Item # 44)	\$ 438,195
All Other Expenses (Item #45)	\$ 2,248,020
Debt Service	\$ 0.00
Appropriated for Direct Costs	\$ 2,686,215
Indirect Costs – Charged to Enterprise Fund From General Fund (Item #46)	\$ 176,450
Total Cost – Airport	\$ 2,862,665

The motion PASSED unanimously.

**ARTICLE 8:** Mr. Nassau moved that the Town vote to appropriate, the total sum of \$1,573,126 for the repair and/or purchase and/or lease and/or replacement of departmental equipment for the various departments as follows; and to meet this appropriation: transfer the sum of \$12,701 from Cemetery Perpetual Care, and transfer the sum of \$9,500 from Receipts Reserved for Municipal Waterways Improvements and transfer the sum of \$42,240 from Solid Waste retained earnings

and transfer the sum of \$58,000 from Airport Enterprise retained earnings and transfer the sum of \$1,450,685 from Free Cash, as follows:

<b>Project</b>	<b>Department</b>	<b>Project Description</b>
A	Information Technology	Desktop Computers
B	Information Technology	Police Technology Update
C	Town Clerk	Precinct Maps
D	Police	Upgrade GPS Data Modems in Fleet
E	Police	6 Marked Cruisers
F	Police	2 Utility Vehicles
G	Police	Unmarked Cruiser
H	Fire	Main Repeaters
I	Fire	Upgrades & equipment in 7 stations
J	Fire	Automatic Defibrillators
K	Fire	Supply Line Hose
L	Fire	Station 5 Generator
M	Fire	Portable Radios
N	Fire	Set of Rescue Equipment
O	Harbormaster	UHF Radios
P	Harbormaster	Automatic Defibrillators
Q	School – CSES	Replace Fire Alarm Panels
R	School – CSES	Replace Intercom
S	School	Replace Carpenter's Truck
T	School	Replace Food Service Truck
U	School	Replace Plumber's Van
V	School	Replace Electrician's Van
W	School	Replace Rotating Deck Oven
X	DPW – Engineering	Engineering Copier
Y	DPW – Highway	Air Compressor H320
Z	DPW – Highway	8 Ton Equipment Trailer
AA	DPW – Highway	Heavy Equipment Tires
BB	DPW – Highway	Storage Trailer
CC	DPW – Highway	Conflict Monitor Traffic
DD	DPW – Highway	Asphalt Equipment Trailer
EE	DPW – Highway	Asphalt Hot Box
FF	DPW - Maintenance	Town Hall Cupola Repairs
GG	DPW - Maintenance	Liquid Propane Vaporizer
HH	DPW - Maintenance	Bartlett Hall Repairs
II	DPW – Fleet Maint.	Heavy Motor Equipment
JJ	DPW – Fleet Maint.	Hand Held Scan Tool
KK	DPW – Fleet Maint.	Ford Scan Tool
LL	DPW – Fleet Maint.	4WD Pick Up Truck
MM	DPW – Fleet Maint.	EGR Motor Vac Clean
NN	DPW – Fleet Maint.	Hook Lift System
OO	DPW - Environmental	Inspections of Dams
PP	DPW – Solid Waste	50 Yd Heavy Duty Containers
QQ	DPW - Crematory	Backup Generator
RR	DPW – Crematory	Security Camera
SS	DPW – Crematory	Flag Pole
TT	DPW – Grounds & Cemetery	One Ton Pickup Truck

UU	DPW – Grounds & Cemetery	Skid Steer Loader
VV	DPW – Grounds & Cemetery	Burial Hill Tree Work
WW	DPW – Grounds & Cemetery	52” Scag Hydro Mower
XX	DPW – Grounds & Cemetery	Weed Wacker
YY	DPW – Grounds & Cemetery	Blower
ZZ	DPW – Grounds & Cemetery	Mud Tracks
AAA	DPW - Parks	One Ton Pickup Truck
BBB	DPW – Parks	Morton Park Bathroom
CCC	DPW – Parks	¾ Ton Pickup Truck
DDD	DPW – Parks	Restoration of Training Green/Monument
EEE	DPW – Parks	61” Scag Riding Mower
FFF	DPW – Parks	Play Structures Replacement
GGG	Library	Task Chairs
HHH	Library	Public Chairs
III	DPW - Recreation	Steel Door & Frame
JJJ	DPW - Recreation	Picnic Tables for Hedges
KKK	DPW - Recreation	Soccer Goals for Forges
LLL	DPW - Recreation	6’ Tables for Manomet Youth
MMM	DPW - Recreation	Forges Field Lighting
NNN	Airport	Land Acquisition at end of runway
OOO	Airport	¾ Ton Pickup Truck w/Plow

**ARTICLE 8:** Mr. Hallisey moved to amend the main motion by removing the following items and reducing the amount transferred from General Fund Free Cash by the sum of \$343,386:

Project	Department	Project Description	Amount
D	Police	Upgrade GPS Data Modems in Fleet	37,786
E	Police	1 Marked Cruisers	35,500
N	Fire	Set of Rescue Equipment	42,000
S	School	Replace Carpenter’s Truck	39,900
T	School	Replace Food Service Truck	34,000
U	School	Replace Plumber’s Van	35,700
V	School	Replace Electrician’s Van	35,700
W	School	Replace Rotating Deck Oven	29,400
Y	DPW – Highway	Air Compressor H320	18,000
NN	DPW – Fleet Maint.	Hook Lift System	22,000
GGG	Library	10 Task Chairs	2,000
HHH	Library	12 Public Chairs	11,400

Mr. Brewster moved to extend Ms. Brewster’s time by two minutes. The motion PASSED.

On Mr. Hallisey’s motion to amend, the motion FAILED.

On the main motion, the motion PASSED unanimously.

The Moderator called a recess at 9:01 PM.

The Moderator returned the meeting to order at 9:16 PM.

Ms. Heine moved to reconsider Article 7A.

The motion FAILED.

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities for various departments of the Town and/or for feasibility and other types of studies as follows:

**ITEM A-1**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$67,020 for the Procurement Division to replace the telephone system at the Police Department, said funds to be expended under the supervision of the Town Manager.

**ITEM A-2**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$307,590 for the Police Department to Upgrade the 2-Way Radios, said funds to be expended under the supervision of the Town Manager.

**ITEM A-3**

Mr. Nassau moved that the Town vote to transfer from Article 9C-1, School Building Repair Program, of the June 9, 2007 ATM the sum of \$50,000 for the School Department to Replace four Circulation Pumps at Cold Spring Elementary School, said funds to be expended under the supervision of the School Committee.

**ITEM A-4**

Mr. Nassau moved that the Town vote to transfer from Article 9C-1, School Building Repair Program, of the June 9, 2007 ATM the sum of \$113,568 for the School Department to Replace the Aluminum Storefront of the Greenhouse at Plymouth South High School, said funds to be expended under the supervision of the School Committee.

**ITEM A-5**

Mr. Nassau moved that the Town vote to transfer from Article 9C-1, School Building Repair Program, of the June 9, 2007 ATM the sum of \$5,856.90 and transfer from General Fund Free Cash the sum of \$142,554.10 for the School Department for the Wood Gymnasium Bleachers at Plymouth South High School said funds to be expended under the supervision of the School Committee.

**ITEM A-6**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$133,900 for the School Department to Grind and Replace Asphalt at West Elementary School, said funds to be expended under the supervision of the School Committee.

**ITEM A-7**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$85,000 for the School Department for the Repairs and Stripes Asphalt in Student Parking Lot at

Plymouth South High School, said funds to be expended under the supervision of the School Committee.

**ITEM A-8**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$75,000 for the School Department for Outside Doors at Plymouth Community Intermediate School, said funds to be expended under the supervision of the School Committee.

**ITEM A-9**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$59,683 for the School Department to Replace Curbing, Sealcoat & Stripe Asphalt at Plymouth South Middle School, said funds to be expended under the supervision of the School Committee.

**ITEM A-10**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$54,000 for the School Department to Replace Flooring at Plymouth South Middle School, said funds to be expended under the supervision of the School Committee.

**ITEM A-11**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$110,555 for the DPW Town Building Repair Program for Roof Replacements at Manomet Fire Station, Fresh Pond Bath House, Morton Park Bath House, Nelson Street Concession and Stephens Field Concession, said funds to be expended under the supervision of the Town Manager.

**ITEM A-12**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$96,325 for the DPW Town Building Repair Program for Roof and Building Repairs at six Fire Stations & 2 Salt Sheds said, funds to be expended under the supervision of the Town Manager.

**ITEM A-13**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$110,500 for the Fire Department to Refurbish, Upgrade & Repair Aerial Ladder 2, said funds to be expended under the supervision of the Town Manager.

**ITEM A-14**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$142,840 for the Fire Department to Refurbish & Repair 2 Brush Trucks #177 & #375, said funds to be expended under the supervision of the Town Manager.

**ITEM A-15**

Mr. Nassau moved that the Town vote to appropriate \$150,000 for the DPW Environmental Management Division Stormwater Project, of which \$45,000 shall be transferred from General Fund Free Cash and \$105,000 shall be applied from a Costal Pollution grant for such purposes, said funds to be expended under the supervision of the Town Manager.

**ITEM A-16**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$235,000 for the DPW Highway Division for the Purchase of a new Excavator & Trailer, said funds to be expended under the supervision of the Town Manager.

**ITEM A-16**

Mr. Hallisey moved to amend the main motion by transferring from General Fund Free Cash the sum of \$160,000 and to transfer the sum of \$75,000 from Chapter 90 Highways Funds for the DPW Highway Division for the Purchase of a new Excavator & Trailer, said funds to be expended under the supervision of the Town Manager.

The motion to amend FAILED.

**ITEM A-17**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$280,000 for the DPW Highway Division for the replacement of a 1988 Motor Grader #H322, said funds to be expended under the supervision of the Town Manager.

**ITEM A-18**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$85,000 for the DPW Highway Division for the replacement of 1995 Dump Truck # H39 with Chipper Box, said funds to be expended under the supervision of the Town Manager.

**ITEM A-19**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$134,000 for the DPW Maintenance Division to replace seven Staff Vehicles with Fuel Efficient Vehicles, said funds to be expended under the supervision of the Town Manager.

**ITEM A-20**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$57,132 for the DPW Maintenance Division to replace a Service Truck, said funds to be expended under the supervision of the Town Manager.

**ITEM A-21**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$59,000 for the DPW Parks & Forestry Division to replace a Wood Chipper, said funds to be expended under the supervision of the Town Manager.

**ITEM A-22**

Mr. Nassau moved that the Town vote to transfer from Sewer Enterprise Retained Earnings the sum of \$250,000 for the Sewer Department Wastewater Master Plan, said funds to be expended under the supervision of the Town Manager.

**ITEM A-23**

Mr. Nassau moved that the Town vote to transfer from Sewer Enterprise Retained Earnings the sum of \$110,500 for the Sewer Department to Replace Vehicles #S55 and #S56, said funds to be expended under the supervision of the Town Manager.

**ITEM A-24**

Mr. Nassau moved that the Town vote to transfer from Sewer Enterprise Retained Earnings the sum of \$100,000 for the Sewer Department for Sewer System Upgrades, said funds to be expended under the supervision of the Town Manager.

**ITEM A-25**

Mr. Nassau moved that the Town vote to transfer from Water Enterprise Retained Earnings the sum of \$105,000 for the Water Department to replace a 1989 Backhoe, said funds to be expended under the supervision of the Town Manager.

**ITEM A-26**

Mr. Nassau moved that the Town vote to transfer from Water Enterprise Retained Earnings the sum of \$1,050,000 for the Water Department for the Restoration of the North Pine Hill Tank, said funds to be expended under the supervision of the Town Manager.

**ITEM A-27**

Mr. Nassau moved that the Town vote to transfer from Water Enterprise Retained Earnings the sum of \$250,000 for the Water Department for the Water Distribution System Improvements, said funds to be expended under the supervision of the Town Manager.

**ITEM A-28**

Mr. Nassau moved that the Town vote to transfer from Solid Waste Enterprise Retained Earnings the sum of \$200,000 for the Solid Waste Division for Manomet Transfer Station Realignment, said funds to be expended under the supervision of the Town Manager.

**ITEM A-29**

Mr. Nassau moved that the Town vote to transfer from Solid Waste Enterprise Retained Earnings the sum of \$190,000 for the Solid Waste Division for the replacement of a 2001 Roll Off Truck, said funds to be expended under the supervision of the Town Manager.

**ITEM A-30**

Mr. Nassau moved that the Town vote to transfer from General Fund Free Cash the sum of \$100,000 for the Town Manager to conduct a Town Building Facility Study, said funds to be expended under the supervision of the Town Manager.

On Article 9A, all items PASSED unanimously.

**ITEM B-1**

Mr. Nassau moved that \$184,000 is appropriated to pay costs of replacing windows at the Hedge Elementary School, including all costs incidental and related thereto; and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow \$184,000 under G.L. c.44 or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

**ITEM B-2**

Mr. Nassau moved that \$157,000 is appropriated to pay costs of bathroom upgrades at various school buildings, including all costs incidental and related thereto; and that to meet this appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow \$157,000 under G.L. c.44 or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

**ITEM B-3**

Mr. Nassau moved that \$2,500,000 is appropriated to pay costs of Water Street bridge construction, including all costs incidental and related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,500,000 under G.L. c.44 or any other enabling authority; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project.

On Article 9B, all items PASSED unanimously.

**ARTICLE 10:** Mr. Nassau moved that the Town vote to raise and appropriate the sum of \$150,000 to the Town's Unemployment Compensation Fund, said funds to be expended under the supervision of the Town Manager.

The motion PASSED.

**ARTICLE 11:** There was no motion. Town Meeting took no action.

**ARTICLE 12:** Mr. Nassau moved that the Town vote to transfer the sum of \$483,501 from the Hotel/Motel Tax Fund to fund the Town Promotion Fund pursuant to Chapter 4 of the Acts of 1993, in accordance with the memorandum located on Page 179 in the printed Report & Recommendations of the Advisory & Finance Committee.

# Memo

To: Board of Selectmen  
Finance Committee

From: Lee Hartmann, Director of Planning and Development

Re: FY13 Town Promotion Fund

Date: January 11, 2012

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The receipts collected through the 6% Hotel/Motel Tax increased by 17% (\$157,320) from last year (\$1,074,447 compared to \$917,127 last year). The Town, by a special act, places 45% of the total Hotel/Motel Tax into its Promotion Fund. The total FY13 funding to be approved for the Town Promotions budget is \$483,501, which is \$70,794 more than last year's appropriation.

The Visitor Services Board over sees expenditures from the Promotion Fund.

This year's fixed costs are \$270,877 and include:

- The Town Promotions contract with Destination Plymouth is \$185,000
- The Water Street Visitors Information Center operation contract is \$37,527
- Public Improvements at \$48,350, which is 10% of the budget as required by the Home Rule Petition.

Other costs include (\$212,624 available)

- Event Funding (\$57,479 last year)
- Distinguished Visitors (\$5,000 last year)
- Exhibit Grants
- Additional Marketing
- Additional Public Improvements
- 2020 Celebrations

Funds that are not expended (primarily due to event cancellations) remain available. The current unexpended balance is approximately \$18,980. Due to the current economic situation, we expect to see a continued decrease in private donations for tourism events and activities. These funds will be available to help off-set these reductions. The majority of these funds (\$9,798) can only be used to support public improvements. To expend these funds, the Visitor Services Board is working with the DPW on several infrastructure projects.

The FY 13 budget is as follows:

Salaries and Wages (Admin. Support).....	\$600
Contractual Services (Promotions and Info Center) .....	\$222,527*
Public Improvements .....	\$48,350*
Event Funding Distinguished Visitors, Special Events, Exhibit Grants & Additional Marketing .....	<u>\$212,024</u>
Total.....	\$483,501

\*Fixed costs

The following is a list of Celebrations (special events and exhibit grants) funding from FY12:

**Special Events**

Musician's Union Concert Series	\$2,000
National Trails Day	\$1,900
July 4 <sup>th</sup> Parade	\$5,400
July 4th Fireworks	\$5,400
Blessing of the Fleet	\$1,100
Sail Plymouth	\$4,200
Project Arts Concert Series	\$8,000
Plymouth Harbor Folk Festival	\$3,000
Pilgrims Progress	\$600
Shakespeare on the Rock	\$1,000

Downtown Waterfront Festival	\$4,000
The Thirsty Pilgrim	\$1,400
Annual Juried Art Show	\$3,800
Barktoberfest	\$2,129
Plymouth Festival of Cyclo Cross	\$2,300
First People's Pavilion	\$650
Thanksgiving Parade	\$8,300
Christmas in Historic Plymouth	\$900
Myles Standish Road Race	\$1,400

First Time Events

Score for A Cure	\$1,200
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Misc.

Plymouth 400, Inc. – Consulting Services	\$8,300
2020 Celebrations – Public Improvements	\$30,000
Event Coordinator Handbook	\$2,000
Destination Plymouth Marketing	\$90,000
America's Hometown Shuttle	\$10,000
Downtown Hanging Planters	\$5,595
Tourism Event Calendar Boards	\$2,100
Showmobile Stage Repairs	\$2,500
Information Center Repairs	\$10,000
Holiday Decorations	\$6,035
Cleaning of 1749 Court House Restrooms	\$9,000
Film Footage for Video Library	\$1,000

Thank you.

The motion PASSED unanimously.

**ARTICLE 13:** Mr. Nassau moved that the Town vote to accept a sum of money that the State declares as available funds as the State's share of the cost of work under G.L. c.90, §34 (2)(a) of the Massachusetts General Laws, said funds to be expended under the supervision of the Town Manager.

The motion PASSED.

**ARTICLE 14A:** Mr. Nassau moved that the Town vote to transfer the sum of \$562,327 from General Fund Free Cash to the Stabilization Fund, as authorized by the provisions of G.L. c.40, §5B as amended.

**ARTICLE 14A:** Mr. Hallisey moved to amend the main motion by reducing the amount to be transferred from General Fund Free Cash by \$100,000, for a total appropriation of \$462,327.

The motion to amend FAILED.

The main motion PASSED unanimously.

**ARTICLE 14B:** Mr. Nassau moved that the Town vote to establish an Airport Stabilization Fund, as authorized by the provisions of G.L. c.40, §5B for capital projects for the Airport, and transfer \$300,000 from Airport Retained Earnings, which fund shall be under the care and custody of the Town Treasurer.

The motion PASSED unanimously.

**ARTICLE 15:** Mr. Nassau moved that the Town vote to approve an amendment to the payment in lieu of taxes agreement between the Town and Entergy Nuclear Generation Company for the property known as the Pilgrim Nuclear Generation Station, as on file with the Town Clerk and entitled 'First Amendment to the Amended and Restated Payment in Lieu of Tax Agreement', dated November 29, 2011.

TOWN OF PLYMOUTH  
11 Lincoln Street  
Plymouth, MA 02360  
(508) 747-1620  
Fax (508) 830-4140

OFFICE OF TOWN MANAGER  
MEMORANDUM

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**To:** *Board of Selectmen*

*Advisory and Finance Committee Members*

From: Melissa G. Arrighi, Assistant Town Manager

**Date: January 11, 2012**

**Re: Annual Town Meeting, Article 15 – Agreement with Entergy**

*ARTICLE 15: To see if the Town will vote to approve a payment in lieu of taxes agreement between the Town and Entergy Nuclear Generation Company for the property known as the Pilgrim Nuclear Generation Station, as on file with the Town Clerk, or take any other action relative thereto.*

**BOARD OF SELECTMEN**

**History:**

The five year Entergy PILOT agreement, approved at the 2007 Town Meeting, is in place through the end of this fiscal year only. Plans were to begin negotiations for a new value for the Plant once relicensing had occurred. However, as time slipped by and Entergy continued through a lengthy federal process without a final result, it was apparent that a short term solution was needed.

**Progress on Relicensing:**

The license renewal application for Pilgrim Nuclear Generation Station is still under review by the Nuclear Regulatory Commission. Until that proceeding is complete and the NRC’s order is final, there will continue to be uncertainty as to the future fair cash value of the Plant. However, while that process is occurring, the Town faced the formulation of a budget that did not have a set tax dollar amount that would be paid by the plant. This caused a gap in revenues of approximately 10 million dollars. It was evident that some type of short term remedy was necessary.

**Solution:**

Negotiations began in earnest with representatives from Entergy Nuclear Generation Company for a one year extension and an agreement was reached. It was important to the Board that any agreement result in NO decline in revenue to the Town from the Plant for fiscal year 2013. As a result, the Plant agreed to extend their current fair cash value of \$700,000,000 for an additional year and all other terms of the agreement would remain.

On November 29, 2011, the Board of Selectmen voted to approve and execute the First Amendment to Amended and Restated Payment in Lieu of Tax (“PILOT”) Agreement through Fiscal Year 2013.

**Financial Impact:**

FY	Value	Estimated Tax Rate	Tax
2011	750,000,000	13.04	9,780,000.00
2012	700,000,000	13.82 (est)	9,674,000.00
<b>2013</b>	<b>700,000,000</b>	<b>14.18 (est)</b>	<b>9,926,000.00</b>

**Town Meeting approval:**

We are respectfully requesting that you recommend this article to Town Meeting. Approval of this article will eliminate the possibility of Entergy filing for an abatement on a Town assessed value of the property. The abatement process is lengthy and may take upwards 12 – 18 months. During that time, the Town would not be able to include this revenue amount in the budget and would have to set aside a portion of the revenue into overlay reserve for the abatement process. Without question, this would leave a glaring hole in the budget that would have to be made up with cuts or raising more taxes.

The motion PASSED.

**ARTICLE 16A:** There was no motion. Town Meeting took no action.

**ARTICLE 16B:** Mr. Nassau moved that the Town vote, pursuant to G.L. c. 44B, to appropriate the sum of \$307,000 from the Community Preservation Fund, of which \$205,341 shall be transferred from the Historic Preservation Reserves and \$101,659 shall be transferred from Community Preservation Fund FY2013 estimated revenues as a grant for the preservation, rehabilitation and restoration of forty stained glass windows in the First Parish Meetinghouse Church, which windows are identified as #1 through #40 in the Community Preservation Application submitted to the Community Preservation Committee on January 11, 2012, by the First Parish Meetinghouse Church, which windows are located on the property at the Town Square shown as Assessors Map 19, Lot 21, Assessors parcel ID 019-000-021-000, and further, that the grant agreement between the Town and the First Parish Meetinghouse Church shall include requirements that the Church provide the Town with an Historic Preservation Restriction meeting the requirements of G.L. c.184 on the windows, and an easement to be mutually agreed upon providing for increased public access to the Church; and further, to authorize the Board of Selectmen to accept said restriction and easement, and to authorize all appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town.

The motion PASSED unanimously.

**ARTICLE 16C:** Mr. Nassau moved that the vote, pursuant to G.L. c. 44B, to transfer from Community Preservation Fund FY2013 estimated revenues the sum of \$175,000 and 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 from the Wildlands Trust in 7.4 acres of land, more or less, in the Town of Plymouth located between Long Pond Road and Morgan Road, shown on Assessors Map 69 as Lots 71 (a portion of), 72A and 72B, said Conservation Restriction to be held under the care, custody, and control of the Conservation Commission, and further the Wildlands Trust shall grant an easement to the Town to utilize the Community Building/Barn located on such property for Town committee meetings for free or at cost with the permission of the Wildlands Trust, which permission shall not unreasonably be denied, and further, to authorize the Board of Selectmen to accept said easement and authorize the Board of Selectmen or other appropriate officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase.

The motion PASSED unanimously.

**ARTICLE 16D:** Mr. Nassau moved that the Town vote to appropriate from the Community Preservation Fund FY2013 estimated annual revenues the sum of \$87,595 to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2013;

and further,

to reserve for future appropriation from the Community Preservation Fund FY2013 estimated annual revenues the sum of \$218,987 for the acquisition, creation and preservation of open space excluding land for recreational use; \$218,987 for acquisition, preservation, restoration and rehabilitation of historic resources; and \$218,987 for the acquisition, creation, preservation and support of community housing.

and further,

to transfer from the Community Preservation Fund FY2013 estimated annual revenues the sum of \$1,445,311 to a FY2013 Budgeted Reserve.

The motion PASSED unanimously.

**ARTICLE 17A:** Mr. Nassau moved that the Town vote to raise and appropriate the sum of \$249,473 to assist the School Department in recovering Medicaid reimbursements, said funds to be expended under the supervision of the School Committee.

The motion PASSED unanimously.

**ARTICLE 17B:** Mr. Nassau moved that the Town vote to raise and appropriate the sum of \$59,478 to fund the transportation costs of out of district Agricultural Vocational students, said funds to be expended under the supervision of the School Committee.

The motion PASSED unanimously.

**ARTICLE 18:** Mr. Nassau moved that the Town vote to increase the rate of interest that accrues on property taxes deferred by eligible seniors under G.L. c.59, §5, Clause 41A to 4%, with such rate to apply to taxes assessed for any fiscal year beginning on or after July 1, 2012.

The motion PASSED.

**ARTICLE 19:** Mr. Nassau moved that the Town vote to amend Chapter 23 of the General Bylaws, as recommended by the Town Clerk and on file with the Town Clerk's Office, entitled 'Proposed Changes to Chapter 23 General Bylaws Concerning Kennels', dated January 12, 2012.

Laurence R. Pizer, Town Clerk  
11 Lincoln Street  
Plymouth, MA 02360  
508-747-1620 X171

**Town Clerk**

# Memo

**To:** Board of Selectmen and Advisory and Finance Committee  
**From:** Laurence R. Pizer, Town Clerk  
**Date:** May 8, 2012  
**Re:** Boarding Kennel Bylaw

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Plymouth's first zoning application for a canine boarding kennel made evident the insufficiency of a section of the General Bylaws concerning kennels.

- The Bylaws define kennels as “one collection of dogs on a single premises, whether maintained for breeding, boarding, sale training, hunting or other purpose, including more than three dogs, three months old or older . . .”
- State law requires a kennel owner to prove to the Town Clerk annually at the time of licensing that each dog has up-to-date rabies protection. The Town Clerk thereupon provides a license for each dog within the kennel.

For a Boarding Kennel, the licensing procedure does not work. Dogs boarded may not be from Plymouth, and they are very likely already licensed.

Therefore, this article proposes to amend the General Bylaws by adding a definition of Boarding Kennel as a temporary collection of dogs and then establishes a procedure for a business person to receive the right to run an operation to house animals on a temporary basis. It protects the Town and public health by requiring rabies certificates, but it separates those certificates from normal Plymouth dog licensing.

I attach the proposed addition to Chapter 23, Section A, and I have added Section H

**§ 23-13. License required; kennel licenses. [Replaced 4-13-2004 ATM by Article 45]**

~~A. All dogs six months of age or older shall be licensed with the Town Clerk on January 1 of each year. By June 15 of each year the Town Clerk shall cause a notice to be sent to the owner or keeper of record of any unlicensed dog. In addition to the license fee established by this article, said owner or keeper shall be subject to an additional charge of \$5 for each dog licensed after June 15. This subsection may be enforced by any Dog Officer or any police officer of the town.~~

~~B. The Town Clerk shall not issue any kennel license until an applicant presents a certificate of approval for the kennel from the Building Inspector.~~

~~C. The Town Clerk shall not issue a dog license for any dog included in § 23-21 of this chapter until an applicant presents a certificate of approval from the Board of Selectmen.~~

**A. KENNEL DEFINITION**

The word kennel shall be one collection of dogs on a single premises, whether maintained for breeding, boarding, sale training, hunting or other purpose, including more than three dogs, three months old or older, provided however, that a veterinary hospital shall not be considered a kennel under the intent of this Bylaw. A commercial boarding kennel shall require a boarding kennel license.

**B. KENNEL LICENSE REQUIRED**

A kennel license shall be required for all kennels and shall be classified as a Grade One License for the keeping of four to five dogs, a Grade Two License for the keeping of six to nine dogs, and a Grade Three License for the keeping of ten to twenty-five dogs. A kennel in excess of twenty-five dogs shall not be permitted. The new kennel licensing requirements shall become effective on January 1, 2005.

**C. APPLICATION AND ISSUANCE OF LICENSE AND FEES**

A kennel license shall be issued annually by the Town Clerk upon written application by an owner or keeper of dogs and after inspection and determination by the Animal Control Officer, or other Agent as designated by the Town Manager, that the conditions set forth in Section D are met.

- a. An application fee of one hundred and fifty dollars, (\$150.00), shall be required for the initial application and for any applications to make changes to an existing kennel license.

EXCEPTION: All existing kennels licensed before January 1, 2005, shall be exempt from the requirement of a new application, and be subject only to the requirement of the annual inspection and renewal fee.

**D. CONDITIONS THAT MUST BE MET FOR THE ISSUANCE OF A KENNEL LICENSE**

1. The Animal Control Officer, or other Agent as designated by the Town Manager, shall determine that:
  - a. The proposed licensed premises contains sufficient and suitable space for the keeping of the specific breed(s) and number(s) of dogs, including both indoor and outdoor areas.
  - b. The proposed licensed premises for a Grade One License, a Grade Two License, and a Grade Three License shall provide suitable distances from nearby residential dwellings. Suitable distances from nearby residential dwellings shall be determined by the Animal Control Officer, or other Agent as designated by the Town Manager, upon inspection of the proposed licensed premises.
  - c. The proposed licensed premises contain a suitable shelter for the dogs, which for a Grade Three License includes adequate running water and an impervious floor suitable for sanitary maintenance.

**E. KENNEL LICENSE CONDITIONS**

All kennel licenses shall be issued annually and be subject to the following conditions:

1. The licensee shall maintain a certificate of health signed by a licensed veterinarian for each dog in the kennel. The certificate of health shall be updated at least annually upon review of the kennel license, and the payment of the annual kennel license fee.

2. The licensee shall maintain a certificate signed by a licensed veterinarian that each dog in the kennel six month of age or older has a current rabies vaccination.
3. The licensee shall comply with the Town of Plymouth Leash Bylaw, Chapter 23, Section 4.

4. The licensee shall maintain compliance with the bylaw relating to noise under Town Bylaw, Chapter 120.

5. The licensed premises shall be subject to unannounced, annual inspections by the Animal Control Officer, or other Agent as designated by the Town Manager, regarding compliance with the conditions of the kennel license.

#### F. PENALTIES AND ENFORCEMENT

The operation of a kennel without a license shall be a violation of this Article of the General Bylaws of the Town of Plymouth. Any violation of the conditions of a kennel license as set forth in this Article, Section D and Section E, shall be grounds for suspension, revocation, or non-renewal of the kennel license. The provision of this article shall be enforced by the Animal Control Officer, or other Agent as designated by the Town Manager. The penalties for violating the kennel licensing provision set forth in this Article shall be fifty dollars, (\$50.00), for the first offense, and seventy-five dollars, (\$75.00), for each subsequent offense, each day of the violations, each day constituting a separate offense.

#### G. APPEAL AND WAIVER

1. Should a kennel license be denied because of the applicant's inability to meet the requirements of sufficient and suitable space, suitable distance from nearby residential dwellings, and suitable shelter for the dogs, as

determined upon inspection by the Animal Control Officer, or other Agent as designated by the Town Manager, the applicant may appeal the Town Clerk's denial to the Board of Selectmen, or their Designee, within thirty-days (30) of receiving the denial.

2. The Board of Selectmen, or their Designee, shall hold a hearing on said appeal within forty-five (45), days of receipt of the written notice of appeal.

3. Notice of the hearing shall be given by postage prepaid first class mail to the abutters of the proposed licensed premises, both to the property owner and any tenants, as appearing in the Board of Assessors most recent list, and also shall be published in a newspaper of the general circulation in the Town, at least fourteen days (14) prior to the date of the Board of Selectmen's, or their Designee's hearing. The applicant shall pay the expenses of giving said notice.

### ANIMALS

§ 23-13

4. After hearing, the Board of Selectmen, or their Designee, may waive strict compliance with the provisions set forth in Section D, and order the Town Clerk to issue the license if:

a. The Animal Control Officer, or other Agent as designated by the Town Manager, recommends a waiver.

b. The Board of Selectmen, or their Designee, determines that there is sufficient area for the keeping of the dogs, and that the health and the safety of the public is protected.

c. In granting a waiver under this Section, the Board of Selectmen, or their Designee, may impose conditions on the waiver such that the health and the safety of the public is protected.

#### H. BOARDING KENNEL LICENSE

A Boarding Kennel, for temporary boarding of dogs, requires a zoning permit. Each dog boarded must be accompanied with a certificate proving up-to-date rabies inoculation and licensing from a municipality or county.

- a. An application fee of one hundred and fifty dollars, (\$150.00), shall be required for the initial application and for any applications to make changes to an existing kennel license.
- b. The cost of a renewal license shall be \$75 annually.

The motion PASSED unanimously.

**ARTICLE 20:** Mr. Nassau moved that the Town vote to amend the General Bylaws, Chapter 23, Animals, Article 1, Dog Control, as follows:

(1) By inserting in §23-1 the following new definition:

VICIOUS - - Dogs meeting the following descriptions, as determined by the Animal Control Officer, shall be considered vicious:

- A. Any dog found to, without provocation, attack, threaten or terrorize any person on any public ground including streets and sidewalks.
- B. Any dog with a history of attacking without provocation or has caused injury to any human being or domestic animal.
- C. Any dog that bites, injures, assaults, or attacks a human being or domestic animal.
- D. Any dog found to be involved or trained in dog fighting.
- E. Provided, however, that notwithstanding the above criteria, no dog may be considered vicious for inflicting injury or damage to a person who:
  - i. is found to be willfully trespassing or in the process of any other tort offense on the property of the animal's owner; or
  - ii. teases, torments, abuses, or assaults the dog.

- (2) By amending §23-2 by deleting the text of §23-2(A) (4) and inserting in place thereof the following, “If found to be a vicious dog.”
- (3) By amending §23-2 by deleting §23-2(A)(5) and renumbering the remaining content accordingly;
- (4) And further, by amending §23-21, Classification, by deleting the word “pitbulls” and inserting, after the words “wolves” the following, “Any dog found to be vicious under Section 23-1 of the Town Bylaws.”

Ms. Hall moved to postpone the motion indefinitely.

On Ms. Hall’s motion, the motion FAILED.

On the motion, on a negative roll call, the motion PASSED with 18 in opposition.

**ARTICLE 21:** Mr. Hallisey moved that the Town vote to amend the General Bylaws by inserting a new section, Chapter 164, entitled “Stretch Energy Code”, for the purpose of regulating the design and construction of buildings for the effective use of energy, pursuant to Appendix 115.AA of the Massachusetts Building Code, 780 CMR, the “Stretch Energy Code”, including future editions, amendments or modifications thereto, in the form set forth in the Advisory and Finance Committee’s Final Report and Recommendations.

The motion FAILED on a roll call vote with 9 in favor and 94 in opposition.

Mr. Nassau moved to extend Town Meeting past 10:30 PM.

**ARTICLE 22:** Mr. Nassau moved that the Town vote to amend Chapter 173-3 of the Town General Bylaws, Meeting and Election Dates, by changing the date for convening the Fall Annual Town meeting from the “fourth Monday in October” to “the third Saturday in October; provided, however, that the Board of Selectmen may, consistent with G.L. c.39, §9, delay the date of said Fall Annual Town Meeting to a date no later than November 30”

The motion PASSED on a negative roll call with 19 in opposition.

**ARTICLE 23:** Mr. Nassau moved that the Town vote to transfer the care, custody, management and control of a certain parcel of land shown as Lot 23 on Assessors Map 19 from the School Department for school purposes to the Board of Selectmen for general municipal purposes or for the purpose of conveyance, including sale, transfer or lease, and further, to authorize the Board of Selectmen to convey said land pursuant to the requirements of G. L. c. 30B, the Uniform Procurement Act, and on such terms and conditions as may be deemed to be in the best interests of the Town.

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

On the motion, the motion FAILED to reach two-thirds with 55 in favor and 46 in opposition.

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

**ARTICLE 25:** There was no motion. Town Meeting took no action.

**ARTICLE 26:** There was no motion. Town Meeting took no action.

**ARTICLE 27:** There was no motion. Town Meeting took no action.

**ARTICLE 28:** Mr. Nassau moved that the Town vote to accept and allow as public ways the following streets 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, or eminent domain an easement or easements to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisition(s).

Bournehurst Drive	Cabot Circle	Carolyn Drive
Christopher Road	Columbia Road	Cottontail Trail
Davenport Road	Dorothy Road	Great Wind Drive
Hallick Road	High Pine Drive	Howard Drive
Lauren Road	Lawrence Road	Lee Drive
Nixon Avenue	October Lane	Sheridan Drive
Sherman Avenue	Woodvale Avenue	

The motion PASSED.

**ARTICLE 29:** Mr. Nassau moved that the Town vote to accept and allow as public ways 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, or eminent domain an easement or easements to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisition(s).

River Run Way- alter a Portion thereof

The motion PASSED.

**ARTICLE 30:** There was no motion. Town Meeting took no action.

**ARTICLE 31:** Mr. Nassau moved that the Town vote to amend its Zoning Bylaw, Section 205-58, Floodplain District and Section 205-17, Lot Regulations, Paragraph G (4) (a) by adopting revised Flood Insurance Rate Maps (FIRM) for the Town of Plymouth, Massachusetts, Plymouth County, as on file with the Planning and Development Office.

April 2012 Spring Town Meeting

Article 31

REPORT AND RECOMMENDATION OF THE PLANNING BOARD  
ON THE PROPOSED AMENDMENT TO THE ZONING BYLAW AND MAP  
TO REDEFINE THE TOWN'S FLOODPLAIN DISTRICT

DATE OF PUBLICATION OF PUBLIC HEARING: January 11, 2012

January 18, 2012

DATE OF PUBLIC HEARING:

January 30, 2012

VOTE: On January 30, 2012 the Planning Board voted (5-0) to recommend approval of the following article to the Spring Town Meeting.

NEED & JUSTIFICATION:

The 100-year floodplain is an area that on average is expected to have a 1% chance of being flooded in any given year. For example, during the life of a 30-year mortgage there is a 30% chance that your property will be flooded. These flood areas are mapped by the Federal Emergency Management Agency (FEMA). The maps can be examined at the Office of Planning and Development at the Town Hall.

The current floodplain maps were prepared by the Federal Emergency Management Agency (FEMA) in 2006. FEMA has revised the maps to include a county wide mapping format, and is requiring the Town to adopt the revised maps. This update consists only of the new county format and title reference on the Flood Insurance Rate Maps; no changes to flood hazard areas were made. In addition, in order to properly reference the new maps FEMA is requiring that the Town revise the current Floodplain Zoning District language.

FEMA is the only source of flood insurance in the United States. Numerous property owners receive flood insurance through the National Flood Insurance Program. If the Town does not adopt the revised maps and text, these property owners will no longer be eligible for flood insurance.

EFFECT:

The effect of this amendment is to adopt revised floodplain maps and to adopt text that is consistent with the National Flood Insurance Program requirements.

INTENT:

It is the intent of this amendment is to ensure that Plymouth's floodplain bylaw complies with federal requirement. By adopting this bylaw, property owners located within flood prone areas will be able to maintain flood insurance for their homes and businesses.

VOTE:

\* Underlined text added  
~~Strikethrough text deleted~~

**§ 205-58.Floodplain District (FP).**

- A. **Intent.** The purpose of this section is to promote the public health, safety, and general welfare and to minimize public and private losses due to flood conditions in specific areas by provisions designed:
  - (1) To protect human life and health;
  - (2) To minimize expenditures of public money for costly flood-control projects;
  - (3) To minimize the need for rescue and relief efforts associated with flooding;
  - (4) To ensure that those who occupy areas of special flood hazard assume responsibility for their actions.
  
- B. **Scope and authority.** The Floodplain District is herein established as an overlay district. Any uses permitted in the portions of the districts so overlaid shall be permitted subject to the provisions of this district, as well as those of the Massachusetts State Building Code dealing with construction in floodplains.
  
- C. **Delineation of district.** The Floodplain District includes all special flood hazard areas within the Town of Plymouth, designated as Zone A, AE, AO, and VE on the ~~Town of Plymouth County~~ Massachusetts, Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency, for the administration of the National Flood Insurance Program. The map panels of the Plymouth County FIRM that are wholly or partially within the Town of Plymouth are panel numbers

25023C0244J, 25023C0263J, 25023C0342J, 25023C0352J, 25023C0353J, 25023C0354J, 25023C0356J, 25023C0357J, 25023C0358J, 25023C0359J, 25023C0361J, 25023C0362J, 25023C0363J, 25023C0364J, 25023C0366J, 25023C0367J, 25023C0370J, 25023C0376J, 25023C0378J, 25023C0379J, 25023C0386J, 25023C0387J, 25023C0388J, 25023C0389J, 25023C0391J, 25023C0393J, 25023C0394J, 25023C0477J, 25023C0479J, 25023C0485J, 25023C0487J, 25023C0491J, 25023C0492J, 25023C0494J, 25023C0505J, 25023C0506J, 25023C0507J, 25023C0508J, 25023C0509J, 25023C0511J, 25023C0512J, 25023C0513J, 25023C0514J, and 25023C0516J,

~~to be dated December 19, 2006~~ July 17, 2012. The exact boundaries of the District may be defined by the 100-year base flood elevations shown on the FIRM and further defined by the Plymouth County Flood Insurance Study (FIS) report dated July 17, 2012. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk. ~~These maps and the accompanying Plymouth, Massachusetts, Flood Insurance Study (FIS) are incorporated herein by reference.~~

#### Base Flood Elevation and Floodway Data

1. Floodway Data. In Zones A and AE, along watercourses that have not had a regulatory floodway designated, the best available Federal, State, local or other floodway data shall be used to prohibit encroachments in floodways which would result in any increase in flood levels within the community during the occurrence if the base flood discharge.
2. Base Flood Elevation Data. Base flood elevation data is required for subdivision proposals or other developments greater than 50 lots or 5 acres, whichever is the lesser, within unnumbered A zones.

#### Notification of Watercourse Alteration

In a riverine situation the Flood Coordinator shall notify the following of any alteration or relocation of a watercourse:

- Adjacent Communities
- NFIP State Coordinator  
Massachusetts Department of Conservation and Recreation  
251 Causeway Street, Suite ~~800~~ 600-700  
Boston, MA 02114-2104
- NFIP Program Specialist  
Federal Emergency Management Agency, Region I  
99 High Street, 6<sup>th</sup> Floor  
Boston, MA 02110

#### § 205-17(G)(4)(a)

Wetlands, as defined and regulated by § 205-39, shall be built upon only in compliance with regulations contained therein. Where low spots exist which do not fall within the definition of § 205-39 but which are subject to occasional flooding as defined on the Plymouth County Flood Insurance Rate Maps (FIRM) issued by the Federal Emergency Management Agency (FEMA) reference Section 205-58 Floodplain District ~~by the one hundred year flood limits of the United States Army Corps of Engineers,~~ where such data exists, no principal structure shall be built on any such portion of any lot unless the lowest floor elevation is a minimum of one foot above the elevation of said flood limits. Where such floodplain limits cannot be established, the Building Inspector shall determine the lowest buildable floor elevation, which shall not be less than five feet above the lowest point of the floodplain.

TOWN OF PLYMOUTH BY:

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**Department of Planning  
& Development**

\_\_\_\_\_  
Paul McAlduff

\_\_\_\_\_  
Larry Rosenblum

\_\_\_\_\_  
William Wennerberg III

BEING A MAJORITY OF THE PLANNING BOARD

DATE SIGNED BY THE PLANNING BOARD: \_\_\_\_\_

DATE FILED WITH TOWN CLERK: \_\_\_\_\_

cc: Town Clerk  
Board of Selectmen  
Advisory and Finance Committee

The motion PASSED unanimously.

**ARTICLE 32:** Mr. Nassau moved that the Town vote to amend the General Bylaws, Chapter 196, Wetlands Protection, Section 196-3 Definitions, and Section 196-4 Jurisdiction, by adopting revised Flood Insurance Rate Maps (FIRM) for the Town of Plymouth, Massachusetts, Plymouth County, as on file with the Planning and Development Office.

## Memorandum

To: Board of Selectmen  
Finance Committee

C: Melissa Arrighi, Assistant Town Manager  
Pam Borgatti, Budget Analyst  
Lee Hartmann, Director of Planning and Development

**From:** Elizabeth Sullivan, Conservation Planner

**Date:** February 6, 2012

**Re: Spring Town Meeting Warrant Articles 31 & 32 - Adoption of updated FEMA Maps**

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The purpose of Articles 31 (Zoning Bylaw), and 32 (Wetlands Bylaw) of the Spring Town Warrant, involve adopting required updates to the existing Flood Insurance Rate Maps (FIRM Maps) for the Town of Plymouth. Essentially, the two Articles are the same tailored to each specific Bylaw.

The current floodplain maps were prepared by the Federal Emergency Management Agency (FEMA) in 2006. FEMA has revised the maps to include a county wide mapping format, and is requiring the Town to adopt the revised maps. This update consists only of the new county format and title reference on the Flood Insurance Rate Maps; no changes to flood hazard areas were made. In order to properly reference the new maps the attached minor revisions are proposed to the current Floodplain Zoning District language, and Wetlands Protection Bylaw.

FEMA is the only source of flood insurance in the United States. Numerous property owners receive flood insurance through the National Flood Insurance Program. If the Town does not adopt the revised maps and text, these property owners will no longer be eligible for flood insurance.

The Planning Board and Conservation Commission are in full support of these Articles, and recommend that that the Board of Selectmen and Finance Committee vote to support Articles 31 and 32.

**Proposed changes/revisions to the  
Plymouth Wetlands Protection Bylaw  
Spring Town Meeting 2012**

1. The changes proposed all relate to the adoption of the new FEMA Flood Insurance Rate Maps (FIRM) Plymouth County, Massachusetts (All Jurisdictions) and Flood Insurance Study (FIS) which will become **effective July 17, 2012**. The new maps have been prepared in a countywide format, which means that flood hazard information for all jurisdictions has been combined in one FIRM and FIS report. Once distributed, Plymouth will receive only those panels that present flood hazard information within the town boundary.

DATE OF PUBLICATION OF PUBLIC HEARING: January 11, 2012

DATE OF PUBLIC HEARING: January 24, 2012

VOTE: On January 24, 2012 the Conservation Commission voted unanimously to recommend approval of Article No. 32\*-Chapter 196 Wetlands Protection, to the Annual Town Meeting.

\*Language attached.

TOWN OF PLYMOUTH BY:

\_\_\_\_\_  
Evelyn Strawn, Chairwoman

\_\_\_\_\_  
Gerre Hooker, Vice-Chairwoman

\_\_\_\_\_  
Jaime Aimone

\_\_\_\_\_  
David Foster

\_\_\_\_\_  
Brooke Monroe

\_\_\_\_\_  
John Scagliarini

\_\_\_\_\_  
Paul Withington

BEING A MAJORITY OF THE CONSERVATION COMMISSION

DATE SIGNED BY THE CONSERVATION COMMISSION \_\_\_\_\_

DATE FILED WITH TOWN CLERK: \_\_\_\_\_

c: Town Clerk, Board of Selectmen, Advisory and Finance Committee

## **Plymouth Wetlands Protection Bylaw**

\* Underlined text added  
~~Strikethrough text deleted~~

### **§196-3 Definitions**

**Excerpt from the Plymouth Wetlands Protection Bylaw**

#### **III. DEFINITIONS**

WETLANDS ARE AREAS COMPRISING OF POORLY DRAINED OR PLASTICS SOILS INCLUDING, BUT NOT LIMITED TO, CLAYS, MUCK, PEAT OR BOG IN WHICH DEPTH TO WATER TABLE IS 6 INCHES OR LESS DURING THE PERIOD BETWEEN FEBRUARY AND MAY DURING MOST YEARS, AND AS DESCRIBED IN THE WETLANDS ACT MGL C.131, SEC.40. IN ADDITION, BARRIER BEACHES, TIDAL FLATS, AND AREAS SUBJECT TO FLOODING BY THE 100 YEAR TIDAL FLOOD DETERMINED BY F.E.M.A. AND DESIGNATED AS ZONE A, AE, AO AND VE A1 A30, V1 V30 AND ZONE B ON WITHIN THE TOWN OF PLYMOUTH, ON THE PLYMOUTH COUNTY MASSACHUSETTS FLOOD INSURANCE RATE MAPS AND THE FLOOD BOUNDARY AND FLOODWAY MAPS AS AMENDED, ON FILE WITH THE TOWN CLERK AND RELATED DOCUMENTS, EXCEPT AS PROVIDED IN SECTIONS V, VI, OR AS PERMITTED BY THE CONSERVATION COMMISSION IN SECTION VII.

### **§196-4 Jurisdiction**

#### **IV. JURISDICTION**

NO PERSON SHALL REMOVE, FILL, DREDGE, OR ALTER WITHIN 100 FT. OF THE FOLLOWING RESOURCE AREAS: SURFACE WATER BODY, VEGETATED WETLAND OR UNVEGETATED WETLAND, ANY BANK, FRESH WATER WETLAND, COASTAL WETLAND, COASTAL BANK, BEACH, DUNE, FLAT, MARSH, MEADOW, BOG, SWAMP, OR ISOLATED LAND SUBJECT TO FLOODING, OR LANDS ADJOINING THE OCEAN OR ANY ESTUARY, CREEK, RIVER, STREAM (WHETHER INTERMITTENT OR CONTINUOUS; NATURAL OR MAN MADE), POND, OR LAKE, OR ANY LAND UNDER SAID WATERS OR ANY LAND SUBJECT TO TIDAL ACTION, COASTAL ACTION, COASTAL STORM FLOWAGE, OR FLOODING, AS DEFINED BY THE FEDERAL EMERGENCY MANAGEMENT ACT AGENCY AND DESIGNATED AS ZONE A, A1 A30, V1 V30 AND ZONE B ON WITHIN THE TOWN OF PLYMOUTH, ON THE PLYMOUTH COUNTY, MASSACHUSETTS FLOOD INSURANCE RATE MAPS AND THE FLOOD BOUNDARY AND FLOODWAY MAPS AS AMENDED, ON FILE WITH THE TOWN CLERK AND RELATED DOCUMENTS, EXCEPT AS PROVIDED IN SECTIONS V, VI, OR AS PERMITTED BY THE CONSERVATION COMMISSION IN SECTION VII.

The motion PASSED unanimously.

**ARTICLE 33:** There was no motion. Town Meeting took no action.

**ARTICLE 34:** There was no motion. Town Meeting took no action.

Mr. Nassau moved to dissolve the Annual Town Meeting. The motion PASSED at 11:02 PM.