

**SPECIAL TOWN MEETING**  
**Saturday, April 6, 2013**

There was a quorum call. A quorum was present.  
 The Moderator called the meeting to order at 10:13 AM.

Mr. Abbot moved to recess the Special Town Meeting and return to the Annual Town Meeting. The motion PASSED at 10:20 AM.

The Moderator returned Special Town Meeting to order at 11:10 AM.

The Moderator noted that the return of the warrant of Annual Town Meeting shows that it has been properly served. With no objection, Town Meeting waived the reading of the Constable's Return of Service and waived the reading of the warrant.

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

**ARTICLE 2A:** Mr. Moody moved that the town vote to transfer the sum of \$135,000 to be added to funds already appropriated under Article 7 of the 2012 Annual Town Meeting for the purpose of supplementing departmental expenses, as follows:

<b>ARTICLE 2A</b>			
<b>Sources</b>	<b>Amount</b>	<b>Uses</b>	<b>Amount</b>
<b>Free Cash</b>		<b>Fuel &amp; Utilities</b>	
	\$ 135,000.00	Other Expenses	\$ 135,000.00
<b>Total</b>	<b>\$ 135,000.00</b>	<b>Total</b>	<b>\$ 135,000.00</b>

The motion PASSED.

**ARTICLE 2B:** There was no motion. Town Meeting took no action.

**ARTICLE 3:** Mr. Moody moved that the town vote to transfer the sum of \$188,299.62 to pay certain unpaid bills of a prior fiscal year, as follows:

<b>ARTICLE 3</b>			
<b>Sources</b>	<b>Amount</b>	<b>Uses</b>	<b>Amount</b>
<b>Free Cash</b>		<b>Member Benefits</b>	
	\$ 188,299.62	100B Claims	\$ 188,299.62
<b>Total</b>	<b>\$ 188,299.62</b>	<b>Total</b>	<b>\$ 188,299.62</b>

The motion PASSED unanimously.

**ARTICLE 4:**

**Article 4, Item A- Seaport Marina Dredging Project**

Mr. Moody moved that the town vote to transfer the sum of \$26,009.16 from Free Cash to Seaport Marina Dredging Project, Special Revenue Fund to offset the existing deficit.

The motion PASSED.

**Article 4, Item B- 1820/1857 Courthouse Project**

Mr. Moody moved that the town vote to transfer the sum of \$75,000 from Free Cash for a Feasibility Study to determine the suitability of a Government Center and Municipal Complex at the 1820/1857 Courthouse and Corridor.

Mr. Landers moved the previous question.

The motion PASSED by more than two-thirds.

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

**ARTICLE 5:** Mr. Moody 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 25 in the printed Report & Recommendations of the Advisory & Finance Committee.

The motion PASSED.

The Moderator called a recess at 11:48 AM.

The Moderator returned the meeting to order at 12:48 PM.

**ARTICLE 6:** Mr. Moody moved that the Town vote, pursuant to G.L. c.44B, to transfer the sum of \$420,000 from the Community Preservation Fund Community Housing Reserves, as a grant to the Plymouth Taskforce for the Homeless for the acquisition of a multi-family residence located at 366 Court Street, Plymouth MA, shown as Assessors Map 1 Lot 3-7, 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 Plymouth 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 affordable housing units created 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 requirements that the Plymouth Taskforce for the Homeless grant to the Town an affordable housing restriction(s) in the property, and all rental income from 366 Court Street be for the care and maintenance of 366 Court Street and further, to authorize the Board of Selectmen to accept an affordable housing restriction(s) on said property for 5 affordable units.

The motion PASSED on a negative roll call with 10 in opposition.

**ARTICLE 7:** Mr. Moody moved that the Board of Selectmen is authorized to purchase, for general municipal purposes and for purposes of conveyance all or a portion of the

following described property on such terms and conditions as the Board of Selectmen deems appropriate and to accept the deed to the Town of Plymouth of a fee simple interest in the land containing .230 acres more or less and the buildings thereon located at 314 Ryder Way, in the Town of Plymouth located on Plymouth Long Beach shown on Assessors' Map 37A, as Lot 157 and 158A and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition; and as funding therefore, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow \$305,000 and to issue notes and bonds therefor under G. L. c. 44 of the General Laws or any other enabling authority.

Mr. Howe moved the previous question.

The motion PASSED.

On the main motion, on a roll call vote, the motion PASSED with 89 in favor and 26 in opposition.

**ARTICLE 8:** There was no motion. Town Meeting took no action.

**ARTICLE 9:** Mr. Moody moved that the Town vote to transfer the sum of \$27,156.00 from Receipts Reserved for Insurance Recovery Account to the Town's Reserve Fund pursuant to G. L. c. 40, §6, to replace the funds authorized by the Advisory and Finance Committee to be transferred from said Reserve Fund for payment of the unforeseen cost of purchase of a police vehicle.

The motion PASSED unanimously.

**ARTICLE 10:** Mr. Moody moved that the Town vote to amend General Bylaws, Chapter 81, as follows:

**Chapter 81  
HARBOR**

**§ 81-1. Definitions.**

**§ 81-2. Speed limit; signs to be posted.**

**§ 81-3. Water-skiing.**

**§ 81-4. Pollution.**

**§ 81-5. Berthing.**

**§ 81-6. Float, pier and ramp areas.**

**§ 81-7. Noise; reckless operation of vessel.**

**§ 81-8. Fees.**

**§ 81-9. Regulations of the Harbor Master.**

**§ 81-10. Mooring applications and permits.**

**§ 81-11. Mooring specifications; minimum requirements.**

**§ 81-12. Violations and penalties.**

**[HISTORY: Adopted by the Special Town Meeting of the Town of Plymouth 6-3-1985 by Art. 12. Amendments noted where applicable.]**

**GENERAL REFERENCES**

Beaches -- See Ch. 30.

**§ 81-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**ANCHOR** -- To secure a vessel to the bed of a body of water by dropping an anchor therefrom which is designed or intended to be hauled back aboard when said vessel is not at anchor.

**HARBOR MASTER** -- The Harbor Master and Assistant Harbor Masters duly appointed by the Board of Selectmen. In addition to duties and responsibilities under the General Laws, the Harbor Master shall patrol the harbor, provide services and render assistance to boaters, conduct investigations of boating crimes and assist in the prosecution of those crimes and enforce the law in the harbor and perform related duties. **[Added 9-19-1988 STM by Art. 11]**

**HEADWAY SPEED** -- Headway speed shall mean the slowest speed at which a vessel may be operated at and still maintain steering. Headway speed is also known as steerageway speed. **[Added 4-5-2003 STM by Art. 13]**

**PLYMOUTH CODE**

§ 81-1

**MOORINGS:**

- A. The place where buoyant vessels are secured, other than a pier.
- B. The equipment and/or process used to secure a vessel, other than by anchoring, consisting of a block of anchor placed on the bed of a body of water, to which is affixed a buoy or float, to which is affixed a pennant.

**PLYMOUTH HARBOR** -- All areas of the harbor and municipal waterways contiguous thereto over which the Town of Plymouth may exercise its powers, excepting, however, those areas under specific lease to private persons or owned privately.

**§ 81-2. Speed limit; signs to be posted. [Substituted 4-5-2003 STM by Art. 13]**

- ~~A. Check your wake at all times.~~
- ~~B. The maximum speed limit is six miles per hour in Plymouth Harbor. A speed regulations sign reading "Speed Limit 6 MPH" will be placed on the west side of the channel, 1,000 feet southwest of Nun No. 14. A sign reading "Welcome to Plymouth, Check Your Wake at All Times" will be placed at the entrance of the harbor, locus about 1,000 feet north of Nun No. 8. These signs will be placed at these locations from June 1 to October 1 of each year.~~

- A. You are responsible for your wake at all times when operating within Plymouth Harbor and for all damage to public or private property which may be caused by excessive wake coming from your vessel.
- B. Maximum speed is headway speed within any and all mooring areas within Plymouth Harbor.

**§ 81-3. Water-skiing.**

Water-skiing will not be permitted in posted areas or anchorages.

**§ 81-4. Pollution.**

- A. Oil shall not be dumped or pumped overboard in any harbor area.
- B. ~~Untreated sewage, rubbish, debris, garbage or dead fish shall not be discharged into Plymouth Harbor. [Deleted 4-6-2013 STM by Article 10]~~  
Treated or untreated sewage from a Type I and Type II marine sanitation device, rubbish, debris, garbage or dead fish shall not be discharged into Plymouth Harbor. **[Added 4-6-2013 STM by Article 10]**
- C. Boats or vessels shall not run their engines with propellers engaged while tied to the docks. Boats requiring dock trials may do so with permission of the Harbor Master in each instance.
- D. Derelict boats, motors, etc., shall not be allowed in the harbor or on the shores.

HARBOR

§ 81-5

**§ 81-5. Berthing.**

- A. Tie-up periods at town floats will be limited to 15 minutes. A tie-up time limit at the town floats or piers for visitors at night, or boats with breakdowns, will be limited by discretion of the Harbor Master.
- B. All visiting craft entering Plymouth Harbor are subject to the direction of the Harbor Master, who shall be consulted before anchoring or tying to any of the facilities or moorings.
- C. ~~All draggers, while moored at docks, shall have their trawl boards swung inside rails at all times.~~  
  
All draggers, gill-netters, or other fishing vessels moored at the docks must have their trawl board, hauling gear, or other fishing gear secured inside the rails at all times. **[Substituted 4-5-2003 STM by Art. 13]**
- D. Boat moorings cannot be rented out by owners and are assignable, when not in use, by the Harbor Master.
- E. Boats shall not be tied to docks in dead storage without special permission from the Board of Selectmen. Any boat so illegally tied up for over four weeks' time

will, upon notice from the Harbor Master, be removed [at the owners expense.  
[Final four words added 4-5-2003 STM by Art. 13]]

**§ 81-6. Float, pier and ramp areas.**

- A. Fishing gear, equipment or any other matter shall not be allowed to remain on the docks or floats for over 24 hours without permission of the Harbor Master.
- B. Swimming will not be allowed from the state pier, town pier or floats attached to public docks or the launching ramp area in Plymouth Harbor.
- C. There will be no soliciting from town-owned piers, floats, launching ramp and parking areas unless authorized by the Board of Selectmen.
- D. ~~Rules.~~

~~\_\_\_\_\_ (1) Rules for the ramp and adjacent parking area shall be as follows:~~

~~\_\_\_\_\_ (a) No public drinking.~~

~~\_\_\_\_\_ (b) No open fires.~~

~~\_\_\_\_\_ (c) No camping.~~

~~\_\_\_\_\_ PLYMOUTH CODE \_\_\_\_\_ § 81-7~~

~~\_\_\_\_\_ (d) No cleaning of fish.~~

~~\_\_\_\_\_ (e) No littering.~~

~~\_\_\_\_\_ (f) No swimming.~~

~~\_\_\_\_\_ (g) No unattended boats, floats, gear, etc.~~

~~\_\_\_\_\_ (h) No soliciting.~~

~~\_\_\_\_\_ (2) A sign shall always be posted listing the above.~~

**[Deleted 4-6-2013 STM by Article 10]**

Rules for Town owned or managed boat ramps or boating access areas

1. No person shall build or maintain a fire for any purpose.
2. No person shall remove, destroy, or deface any vegetation, sign, poster, building or other property.
3. Parking areas are for the sole use of motor vehicles parking in conjunction with the intended use of the facility.
4. Camping, swimming, sleeping, and picnicking activity shall not be permitted within the boundary of the boat ramp/ access area.
5. Water-skiing shall not be conducted from or within 300 feet of any boat ramp/ access area. The operation of personal watercraft shall not be conducted from any boat ramp/ access area, except for initial embarkation and final disembarkation.
6. No fishing activity shall be conducted from within a fifty (50) foot radius of any boat launching ramp.

7. At no time shall a person deposit or leave any refuse on land or adjacent waters under the control of the Town of Plymouth. The deposit of sanitary waste is also strictly prohibited.
8. The washing of motor vehicles, flushing motors or other equipment is prohibited.
9. No person shall carry on any business or commercial calling or trade, sell or otherwise deal in wares of any sort, advertise any such business or commercial calling, hold any public meeting, or conduct any tournament contest or organized event, unless he shall have received a written permit from the Town of Plymouth. Posting of any sign or notice (commercial or otherwise) without the prior approval of the Town of Plymouth is prohibited. .
10. Disorderly conduct, gambling, drinking of alcoholic beverages, use of illegal drugs, obscene or indecent language or behavior is prohibited.

**[Added 4-6-2013 STM by Article 10]**

**§ 81-7. Noise; reckless operation of vessel.**

- A. Unmuffled noise from engines, outboards, amplifying systems, radios and the like shall be kept at a minimum when in the proximity of piers, floats, anchorages or ramp areas.
- B. No person shall operate any motorboat or any vessel in a reckless or negligent manner so as to endanger the life, safety or property of any person.

**§ 81-8. Fees.**

- A. Commercial interest, party boats, fishing boats, associations or companies using the town pier for permanent moorings, float access or gangways will pay an annual fee fairly determined by the Board of Selectmen.
- B. All persons tying tenders at the town pier shall be charged an annual fee to be fairly determined by the Board of Selectmen.

**§ 81-9. Regulations of the Harbor Master. [Added 4-13-1988 ATM by Art. 25]**

The Harbor Master, with the approval of the Board of Selectmen, may from time to time promulgate rules and regulations relating to the matters within his or her powers and jurisdiction under MGL c. 102, §§ 19 through 26.

**§ 81-10. Mooring applications and permits.**

- A. No person shall place, maintain or use a mooring within Plymouth Harbor without a permit for said mooring having been issued by the Harbor Master. The fee for such permit shall be set by the Board of Selectmen. **[Amended 9-19-1988 STM by Art. 12]**

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§ 81-10

- B. Applications for moorings in Plymouth Harbor shall be submitted to the Harbor Master, on forms approved by the Harbor Master, which shall include whatever information may be required in the discretion of the Harbor Master for the purpose of properly administering this chapter.

- C. Said applications shall be date stamped upon receipt by the Harbor Master, who shall consider permit applications in the order of their submission. The Harbor Master shall grant permits in the order of submission of the applications, provided, however, on the basis of the availability of suitable mooring space for the particular boat.
- D. Moorings shall be assigned by the Harbor Master according to the specific requirements of the particular boat, including its length, draft, type, rig or other pertinent requirements.
- E. Any applicant [or mooring holder **[Added 4-5-2003 STM by Art. 13]**] aggrieved by a decision of the Harbor Master with respect to any decision regarding any application or forfeiture may receive a hearing before the Board of Selectmen by filing a written request therefor within 30 days following said decision, unless the time for filing such request shall be extended by the Board for good cause shown.
- F. All moorings shall be placed at the location designated by the Harbor Master.
- ~~G. A mooring is not transferable under any circumstances [except from spouse to spouse **[Added 4-5-2003 STM by Art. 13]**]. **[Deleted 4-6-2013 STM by Article 10]**~~
- ~~H. A mooring is deemed forfeited upon its being abandoned or otherwise left unused for any unreasonable period of time. **[Deleted 4-5-2003 STM by Art. 13]**~~

**§ 81-11. Mooring specifications; minimum requirements.**

- A. Dredged areas.
  - (1) ~~Block or mushroom.~~ Hairpins or eyes in blocks must be 25% heavier than chain specification.

Length of Boat (feet)	<del>Mushroom</del> (pounds)	Cement Block or Equivalent (inches)
16 to 20	<del>150</del>	28 x 28 x 18
21 to 26	<del>250</del>	32 x 32 x 18
27 to 32	500	36 x 36 x 20
33 to 38	800	36 x 36 x 24
39 to 42	1,000	42 x 42 x 24
43 to 55	<del>2 to 1,000</del> on bridle or 1,500	48 x 48 x 24

PLYMOUTH CODE

§ 81-11

**[Deleted 4-5-2003 STM by Art. 13]**

56 and over Subject to ruling by Harbor Master

(2) Chain size.

**Length of Boat  
(feet)**

**Diameter  
(inches)**

16 to 20

$\frac{1}{2}$

21 to 26

$\frac{1}{2}$

27 to 32

$\frac{5}{8}$

33 to 38

$\frac{5}{8}$

39 to 42

$\frac{3}{4}$

43 to 55

$\frac{7}{8}$

56 and over

Subject to ruling by Harbor Master

(3) Pennant diameter.

**Length of Boat  
(feet)**

**Nylon or Equivalent  
(inches)**

16 to 20

$\frac{1}{2}$

21 to 26

$\frac{5}{8}$

27 to 32

$1\frac{3}{4}$

33 to 38

$1\frac{1}{8}$   $\frac{7}{8}$

39 to 42

$1\frac{1}{4}$  1

43 to 55

$1\frac{3}{8}$   $1\frac{1}{4}$

**[Substituted 4-5-2003 STM by Art. 13]**

HARBOR

§ 81-11

56 and over Subject to ruling by Harbor Master

(4) Scope.

(a) Length of chain for flotation buoys: ocean floor to two feet above maximum high water.



Under 16	$\frac{1}{2}$
17 to 20	$\frac{1}{2}$
21 to 26	$\frac{5}{8}$
27 to 32	$\frac{3}{4}$
33 and over	Subject to ruling by Harbor Master

**[Deleted 4-5-2003 STM by Art. 13]**

(4) Scope.

<b>Length of Boat (feet)</b>	<b>Scope (feet)</b>
Under 16	30-10
17 to 20	34-10
21 to 26	38-12
27 to 32	40
33 and over	Subject to ruling by Harbor Master

**[Substituted 4-5-2003 STM by Art. 13]**

(5) Boats moored on flats at two feet below mean low water shall have their moorings completely buried.

C. Special areas: moorings in channels, Hobs Hole, Saquish Head, Goose Point, Cordage Channel or equivalent tidal areas.

(1) Present moorings may stay at existing overall scope. If the harbor conditions in these areas become congested in the future, moorings shall be shortened in these tidal areas with chain two feet above mean high water and the length of the pennant equal to the length of the boat.

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~~(2) Special area moorings for small boats inside the Plymouth town wharf basin and directly opposite the westerly jetty are to have the following regulations:~~

~~(a) Moorings: to be spaced 20 feet apart and to have an overall length of scope of 14 feet from exposed flat to the bow chock of the boat.~~

~~(b) Mushroom: fifty pound block, 18 inches by 18 inches by 12 inches.~~

~~\_\_\_\_\_ (c) Chain:  $\frac{3}{8}$  inch to  $\frac{1}{2}$  inch.~~

~~\_\_\_\_\_ (d) Scope: 14 feet.~~

~~\_\_\_\_\_ (e) Diameter of pennants, nylon or equivalent:  $\frac{1}{2}$  inch.~~

**[Deleted 4-5-2003 STM by Art. 13]**

D. All areas.

(1) The use of spars or stainless steel floats for chain flotation shall be prohibited. Only cans, balls or styrene-type chain flotation shall be used. In all types of chain flotation buoys, other than metal, chain or a metal rod must be passed through the buoy connecting the mooring pennant to the mooring chain.

(2) All chain flotation buoys shall be plainly and clearly visible above any tide level at all times.

~~(3) The above described moorings shall be painted white with a blue band, the owner's or boat's name and the length of the boat on the can or buoy, and also the owner's name on the mooring block or mushroom anchor.~~

The above described moorings shall be painted white with a blue band and must display the owners last name and mooring number on the can or buoy.

**[Substituted 4-5-2003 STM by Art. 13]**

(4) All new complete moorings placed or replaced in any location in Plymouth Harbor after April 1, 1963, shall conform to the regulations and will be placed at a locus designated by the Harbor Master.

(5) Winter spars must be installed on all moorings. They shall be painted and identifiable at all times except during ice conditions.

(6) Winter spars or buoys shall not be installed prior to September 1 and must be removed by June 1.

PLYMOUTH CODE

§ 81-11

(7) The Harbor Master will inspect all moorings regularly, commencing June 1 through September 1 of each year, for flotation of cans, balls or buoys and notify owners, in writing, by certified mail, if their cans, balls or buoys do not conform to this chapter.

(8) All pennants shall be nylon or equivalent with adequate mooring devices, approved by the Harbor Master, to eliminate the hazard of chafing.

(9) Owners with defective moorings shall be allowed seven days after receiving notice from the Harbor Master to correct the defective conditions. If the defect is not corrected after this time, the owner will be subject to penalty in conformance with this chapter. The Harbor Master,

upon finding a defective mooring, shall properly mark said mooring to show danger or obstruction.

(10) ~~The Harbor Master shall order owners of moorings to have said moorings lifted, at the owner's expense, once each five years for visual inspection by the Harbor Master to determine their condition. In lieu of lifting moorings, replacements may be made. Upon certification of mooring fitness or replacement, the owner may replace the mooring at the original locus. [Deleted 4-5-2003 STM by Art. 13]~~

(11) The Harbor Master shall keep a detailed description of all moorings, their locus, the owner's name, telephone number and home and business address, date of mooring and length and rig of the boat.

**§ 81-12. Violations and penalties.**

- A. A fine not to exceed \$50 may be imposed for first offense infractions or disobedience to this chapter when state or federal penalties do not apply. All other fines that are applicable are defined in MGL c. 40, § 21.
- B. Offenders will be prosecuted by the Harbor Master and all other enforcement agents.
- C. Violations of this chapter may be sufficient cause for the Harbor Master to refuse an individual or his or her vessel the use of town-owned or town-controlled facilities for such period of time as may be determined by the Harbor Master or the Board of Selectmen, in addition to necessary court action in cases of violation of the Motorboat Law.<sup>1</sup>

The motion PASSED.

**ARTICLE 11:** Mr. Moody moved that the Town vote to establish a Solid Waste Stabilization Fund, as authorized by the provisions of G.L. c.40, §5B which fund shall be under the care and custody of the Town Treasurer, and further, to transfer from Solid Waste Retained Earnings the sum of \$300,000 for the purpose of funding said Solid Waste Stabilization Fund.

The motion PASSED on a negative roll call with 2 in opposition.

**ARTICLE 12:** Mr. Moody moved that the Town vote to amend Chapter 173, Section 10 of its General Bylaws to change the method of posting notice of Adjourned Town Meetings to the Town's website.

**§ 173-10. Notice of adjourned meeting.**

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Notice of the time and place at which any adjourned session of a Town Meeting is to be held shall be posted *on the public notice bulletin board at the Town Office Building* by 9:30 a.m. of the day of the adjourned meeting.

Replace italicized words with on the Town's website.

The motion PASSED unanimously.

**ARTICLE 13:** Mr. Moody moved that the Town vote to authorize the Board of Selectmen to negotiate one or more agreements for payments-in-lieu-of-taxes (PILOT) pursuant to the provisions of M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1, or any other enabling authority, for a certain sum and a certain term of years, between the Town and one or more property owners for real property and personal property relating to renewable energy generation facilities located or to be located on privately owned land in Plymouth, which agreements, if negotiated, shall be subject to approval by subsequent Town Meeting vote.

The motion PASSED.

Mr. Moody moved to dissolve Special Town Meeting.  
The motion PASSED at 1:39 PM