

FALL ANNUAL TOWN MEETING WARRANT

October 18, 2014

To the Town Clerk of the Town of Plymouth, Commonwealth of Massachusetts:
GREETINGS:

In the name of the Commonwealth, you are directed to notify and warn the Inhabitants of Plymouth, qualified to consider and vote on articles at the Fall Annual Town Meeting of the Town of Plymouth, to meet at Plymouth North High School at 41 Obery Street in Plymouth, MA on Saturday, the Eighteenth Day of October, 2014 at 8:00 AM, to act on the following articles to wit:

ARTICLE 1: To see if the Town will vote to amend the Classification and Compensation Plans and the Personnel By-Law and Collective Bargaining Agreements contained therein, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 2A: To see if the Town will vote to amend the vote taken under Article 7A of the 2014 Annual Town Meeting warrant, and, as necessary, to raise, appropriate, transfer or borrow funds for the purpose of supplementing departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 2B: To see if the Town will vote to amend the votes taken under Article 7B, 7C and 7D of the 2014 Annual Town Meeting warrant, and, as necessary, to raise, appropriate, transfer or borrow funds for the purpose of supplementing enterprise departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer a sum of money to pay certain unpaid bills, including bills of a prior fiscal year, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 4: 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 and/or for feasibility studies and other types of studies for the various departments of the Town substantially as follows:

A. Communications Tower

or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 5: Withdrawn

ARTICLE 6: To see if the Town will vote to amend the General Bylaws to include a new section regulating Bodywork, a copy of which is on file in the Town Clerk's office, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 7: To see if the town will vote to rescind Chapter 140 of the General Bylaws, Responsible Contractor, as adopted at the April 2004 Annual Town Meeting, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 8: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for a special act in the form below, providing that the Town may establish a fund to reimburse surviving family members or next of kin for funeral expenses for Town employees that lost their lives while in performance of their duties; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court; and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same as follows:

SECTION 1. Notwithstanding section 100G¼ of Chapter 41 or any other general or special law to the contrary, the Town of Plymouth, acting by and through its Board of Selectmen, is hereby authorized to establish a special account to be used to reimburse the families or next of kin for funeral expenses incurred for any Town employee that lost his or her life while in the performance of their official duties. Deposits to said account may be by vote of Town Meeting to raise and appropriate, transfer or borrow funds for this purpose, or by donations received by the Town for this purpose.

SECTION 2. The Town Treasurer shall be the custodian of the special account and may invest monies in the account and the income and interest accruing shall inure to the benefit of the account.

SECTION 3. The Town of Plymouth may, subject to the approval of the Town Manager, provide reimbursement for funeral and burial costs as provided in section 1 of this act, not to exceed \$15,000 per employee. This act shall apply to any such employee that lost his or her life on or after January 1, 2014.

SECTION 4. This act shall take effect upon its passage.

or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 9: Withdrawn

ARTICLE 10: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the appraisal services and/or legal costs associated with negotiating a new payments-in-lieu-of-taxes ("PILOT") Agreement between the Town and Entergy Nuclear Generation Company, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 11: Withdrawn

ARTICLE 12: To see if the Town will vote to authorize the Board of Selectmen to negotiate and enter into an agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to G.L. c. 59, §38H(b), and G. L. c. 164, §1, or any other enabling authority, in the amount of \$14,000 per megawatt, which amount shall escalate at a rate of 2.5 percent each year, for a term of up to 25 years for real property and/or personal property attributable to a solar photovoltaic facility located (or to be located) on privately owned land in Plymouth (Assessor's Map 83, Lot 19E), having a proposed capacity of approximately 4.26 megawatts, a copy of which is on file in the Town Clerk's office, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 13: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to establish a local excise tax on all cultivation, transfers, and sales of medical marijuana, cannabis compounds, and other cannabis-sourced products within the Town of Plymouth or emanating from an organization within Plymouth; provided, however, that the General Court may make clerical or editorial changes of form only to said bill, unless the Board of Selectmen approves amendments thereto prior to enactment by the General Court, and provided further that Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

REVENUE IDEA TASK FORCE

ARTICLE 14: Withdrawn

ARTICLE 15: Withdrawn

ARTICLE 16A: To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance or reserves the total sum of \$20,000 with \$15,000 as a grant to the Christ Church of Plymouth to immediately preserve, restore, and rehabilitate the two oil on linen painted portraits of Robert and Abby Hall, each measuring approximately 56 inches high x 44 inches wide, and, consistent with G.L. c.44B, to reserve the sum of \$5,000 for future preservation and restoration work on said paintings; and further to authorize the Board of Selectmen to enter into a grant agreement with Christ Church of Plymouth, which shall include a requirement that the Church grant the Town a Historic Preservation Restriction on the portraits meeting the requirements of G.L. c.184 and for the portraits to be donated to the Town for the purpose of display at the Town Hall, if the Town is unable to display the portraits they would revert back to Christ Church Parish (Episcopal), Plymouth, MA, and on such other terms and

conditions as the Board deems appropriate; and further to authorize the Board of Selectmen to accept said restriction and the appropriate Town officials to enter into all agreements and take such other action as may be necessary to carry out the purposes of this article, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 16B: To see if the Town will vote to amend the vote taken under Article 16A of the 2014 Spring Annual Town Meeting by reducing the \$5,000,000 borrowing authorization approved thereunder for the restoration for 1820 Court House by the sum of \$500,000 and further to transfer \$500,000 from fiscal 2015 Community Preservation Act revenues for purposes of future restoration of said 1820 Court House, including construction, demolition, renovation, operation, and related costs, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 16C: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G.L. c.44B on such terms and conditions as the Board of Selectmen deem appropriate and to accept the deed to the Town of Plymouth, of a fee simple interest or less in the land comprised of 27 acres, more or less, located at 30 Lake Road off Old Sandwich Road in Plymouth, described more particularly in a deed recorded with the Plymouth County Registry of Deeds in Book 29254, Page 346, as further known as Map 62 Lots 4-7 Thru 4-61, 4-66, 4-83 Thru 4-132, and 4-138 Thru 4-200, such land to be held under the care, custody and control of the Conservation Commission, and to appropriate \$450,000, including the sum of money received as a LAND Grant from the Commonwealth of Massachusetts, Division of Conservation Services, for the acquisition of said land and other costs associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum pursuant to G.L.c.44B, section 11 or G.L. c.44, section 7 or any other enabling authority; and further to authorize the Board of Selectmen to grant a conservation restriction in said property in accordance with G.L.c.44B, section 12 meeting the requirements of G.L. c.184, sections 31-33; and to authorize appropriate Town officials to file on behalf of the Town any and all applications deemed necessary for grants and reimbursements from the Commonwealth of Massachusetts deemed necessary under G.L. c.132A, section 11 and to authorize them to enter into all agreements as may be necessary on behalf of the Town to effect said purchase; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 16D: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G.L. c.44B and to accept the deed to the Town of Plymouth, of a fee simple interest or less of land located off Bourne Road in Plymouth comprised of 98 acres, more or less, shown on Assessors' Map 129 as Lot 10a, said land to be held under the care, custody and control of the Conservation Commission, to appropriate \$750,000 for the acquisition and other costs associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum which shall be reduced by the amount of any grants received by the Town pursuant to G.L.c.44B, section 11 or G.L. c.44, section 7 or any other enabling authority; and further to authorize the Board of

Selectmen to grant a conservation restriction in said property in accordance with G.L.c.44B, section 12 meeting the requirements of G.L. c. 184, sections 31-33; and to authorize appropriate Town 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; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 17: To see if the Town will vote to appropriate the sum of Five Million Six Hundred Thousand Dollars (\$5,600,000), for the construction costs and other related Town and engineering services costs associated with the Samoset Street Sewer System Expansion – Phase 1, including the payment of all costs incidental or related thereto; to determine whether this amount shall be raised by taxation, transfer from available funds, borrowing, or otherwise, or any combination thereof; and to provide that such betterment assessments as the Board of Selectmen may make for the cost of such project, in accordance with Section 149-3 of the Plymouth Code and all other applicable law, shall bear interest at a rate equal to two (2) percent above the rate of interest chargeable to the Town for such project from the thirtieth day after the assessments have been committed to the collector; or take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS

ARTICLE 18: Withdrawn

ARTICLE 19: Withdrawn

ARTICLE 20: Withdrawn

ARTICLE 21: Withdrawn

ARTICLE 22: Withdrawn

ARTICLE 23: To see if the Town will vote, pursuant to Massachusetts General Laws Chapter 6, Section 172 B ½, to adopt a new General By-law enabling the Police Department to conduct State and Federal Fingerprint Based Criminal History checks for individuals applying for the following licenses: Hawking and Peddling or other Door-to-Door Salespeople, Manager of Alcoholic Beverage License, Owner or Operator of Public Conveyance, Dealer of Second-hand Articles, Pawn Dealers, Hackney Drivers and Ice Cream Truck Vendors and to adopt appropriate policies and procedures to effectuate the purposes of this bylaw, a copy of which is on file in the Town Clerk's office, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 24: To see if the Town will vote to amend the General By-laws by adopting a bylaw authorizing electronic voting at Town Meeting, a copy of which is on file in the Town Clerk's office, and to raise and appropriate, transfer from available funds or borrow a sum of money to lease electronic voting equipment, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 25: To see if the Town will vote to correct, ratify, and confirm its vote under Article 13 of the 2012 Fall Annual Town Meeting by voting to:

- (1) transfer care, custody and control from the Plymouth Airport Commission for airport purposes to the Plymouth Airport Commission for the purpose of conveyance in the name of the Town of Plymouth of Lot 1-2D on Map 99 of the Plymouth Assessors' Maps, the adjoining parcel on the southwesterly end thereof extending into Carver (Lot 1-2D and the adjoining parcel extending into Carver being shown as Lot 1-2D on a plan recorded in Plan Book 24, Page 444 with the Plymouth County Registry of Deeds), and a portion of Lot 10 on Map 97, collectively totaling approximately 28 acres, located on and off Federal Furnace Road in Plymouth, with appurtenant easements over, on and across Lot 10 on Map 97 and Lot 1-2B on Map 99, all acquired by the Town of Plymouth by instruments recorded with the Plymouth County Registry of Deeds in Book 4907, Page 283, Book 4991, Page 148 and Book 5607, Page 395; and
- (2) authorize the Plymouth Airport Commission to (a) convey in the name of the Town of Plymouth the above described property and pay \$1,060,000 (\$1,007,000 in DOT grants and \$53,000 in Airport Enterprise funding) in consideration of the acquisition of a parcel of land in the name of the Town of Plymouth, containing approximately 45.5 acres, and shown as Lot 1-2A on Map 99 and Lot 7 on Map 97, on and off Federal Furnace Road in Plymouth; and (b) authorize the Plymouth Airport Commission to submit the acquired land to a conservation restriction to be held by a municipal, state or charitable conservation organization or to transfer the care, custody and control of the acquired land to the Plymouth Conservation Commission for conservation purposes; and (c) and as funding therefor to raise and appropriate, transfer from available funds, or borrow a sum of money, for such purposes; and, further,
- (3) to authorize the Plymouth Airport Commission or other appropriate Town officials to apply for and expend any grants for such purposes, and to enter into all agreements and execute any and all instruments necessary on behalf of the Airport Commission on such terms and conditions as may be deemed to be in the best interests of said Commission and the Town of Plymouth; and that any grants received for the purposes of this Article shall be used to reduce the amount expended hereunder, or take any other action relative thereto.

AIRPORT COMMISSION

ARTICLE 26: Withdrawn

ARTICLE 27: To see if the Town will vote to amend the Zoning Bylaw and Official Zoning Map to create a Light Industrial Building Height Overlay District that allows building heights in excess of thirty-five (35) feet and to establish definitions, procedures and provisions for said district as well as amend associated definitions, procedures, and schedules, a copy of which is on file in the Town Clerk's office, or take any other action relative thereto.

PLANNING BOARD

ARTICLE 28: To see if the Town will vote to amend the Zoning Bylaw Sections 205-46. Waterfront, 205-18. Transitional Commercial, 205-50. Arterial Commercial, 205-51. Light Industrial, 205-52. Airport, 205-53. Industrial Waterfront, 205-54. Downtown Harbor, and 205-55. Mixed Commerce to convert certain special permit uses and special permit uses subject to environmental design conditions to allowed uses and to add hotels, motels and lodging facilities as allowed uses as well as amend associated definitions, procedures, and schedules, or take any other action relative thereto.

PLANNING BOARD

ARTICLE 29: To see if the Town will vote to accept a document entitled "Manomet Village Center Master Plan Update" dated June 2014, or take any other action relative thereto.

PLANNING BOARD

ARTICLE 30: To see if the Town will vote to accept the provision of Chapter 32, Section 20(4)(h) to allow the Plymouth Retirement Board to expend a portion of its funds to increase the Treasurer's stipend from \$1,500 to \$3,000 annually, as the custodian of the funds for the retirement system, or take any other action relative thereto.

PLYMOUTH RETIREMENT BOARD

ARTICLE 31: To see if the Town will vote to amend the General Bylaws by adding a new section, Chapter 90, §4, Subsection E, entitled Demolition Delay to preserve and protect significant buildings and other structures within the Town of Plymouth which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town; a copy of which is on file in the Town Clerk's office; or take any other action relative thereto.

HISTORIC COMMISSION

ARTICLE 32: To see if the Town will vote to amend Chapter 90 of the Town's General Bylaws, Section 90-3 by inserting the following language at the end of Paragraph A "The Board of Selectmen shall appoint two alternate members to the Commission. In the case of the absence, inability to act or unwillingness to act because of a conflict of interest on the part of a member of the commission, his/her place shall be taken by an alternate member designated by the chairman of the Historic District Commission. Said alternate members shall be appointed initially for 2 year and 3 year terms, with subsequent terms to be for 3 years" or take any other action relative thereto.

HISTORIC COMMISSION

ARTICLE 33: To see if the Town will vote to transfer the care, custody and control of the following parcel from the Town Treasurer to the Conservation Commission for the purpose of maintaining protected open space:

Parcel ID	Road	Legal Reference	Tax Title
087-000-057G-000	Fuller Farm Road	Book 38584, Page 199 (Final Judgment)	#10424

or take any other action relative thereto.

CONSERVATION COMMISSION

ARTICLE 34: To see if the Town will vote to: Amend Chapter 2 Section 4 of the Town Charter by adding the following section 2-4-8. Information for Citizens: The board of Selectmen must, not less than 7 nor more than 14 days before Town Meeting, publish the Warrant in a newspaper of general circulation in the Town of Plymouth. or to take any other action relative thereto.

BY PETITION: Steven Striar, et al

ARTICLE 35: To see if the Town will vote to: Amend Chapter 5 Section 1 of the Town Charter by adding the following to section 5-1-2. 'The ballot shall also indicate the length of time a candidate for re-election has held their current office'. or to take any other action relative thereto.

BY PETITION: Steven Striar, et al

ARTICLE 36: To see if the Town will vote to amend Section 205-70 of the Zoning Bylaw by adding Section G: Flood Zones & Privately Restricted Open Space: Notwithstanding anything to the contrary herein, any lot or group of lots held in common ownership with an existing or destructed dwelling documented thereon and within a special flood hazard zone as shown on FEMA FIRM maps adopted by the town, or lot or group of lots subject to private open space restriction not compliant with Section 205-70 C) may qualify by determination of the Planning Board as Sending Parcels for Transfer of Development Rights. or take any other action relative thereto.

BY PETITION: J. Randolph Parker, Jr, et al

ARTICLE 37: To see if the Town will vote to: Will the Town vote to rescind the action of the Town Meeting under Article 35 of the Annual Town Meeting of April 2014 whereby the Town Meeting amended Section 6-702 of the Ordinances of the Town of Plymouth to prohibit the display of non-domesticated animals for public entertainment or amusement in circuses, carnivals or other similar entities on property owned by the Town of Plymouth, on Town-owned property under lease, or on private property. As used in this paragraph, "displayed" shall include, but is not limited to, animal acts or performances, animal rides and competitive animal races. A copy of the Town Ordinances as amended by Town Meeting certified April, 2014 is attached hereto. or take any other action relative thereto.

BY PETITION: Thomas Jaeger, et al

ARTICLE 38: To see if the Town will vote to RESCIND THE ACTION OF TOWN MEETING UNDER ARTICLE 35 OF THE 2014 ANNUAL TOWN MEETING. or to take any other action relative thereto.

BY PETITION: Thomas Jaeger, et al

ARTICLE 39: To see if the Town will vote to amend its Zoning Bylaw, Section 205-63 "(OSMUD) Open Space Mixed Use Development", and/or Section 205-70 "Transfer of Development Rights" to enable transfer of development rights to an OSMUD by adding and/or modifying certain requirements, conditions and/or definitions therein, as well as

associated sections, provisions, definitions, tables, charts and procedures pertaining thereto, or take any other action relative thereto.

BY PETITIONS: Robert C. Betters, et al

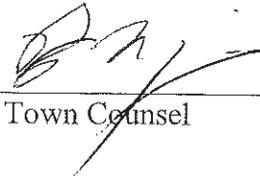
ARTICLE 40: To see if the Town will vote to RAISE AND APPROPRIATE FUNDS FOR THE PURCHASE AND MAINTENANCE OF A BARBER BEACH RAKE TO CLEAN AND MAINTAIN THE PUBLIC BEACHES AND RECREATION AREAS IN THE TOWN OF PLYMOUTH. or take any other action relative thereto.

BY PETITION: Kenneth Buechs, et al

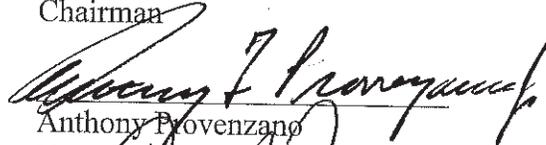
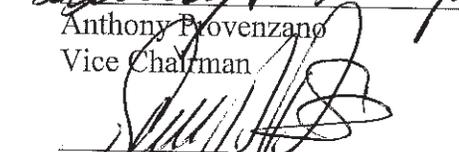
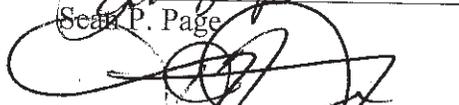
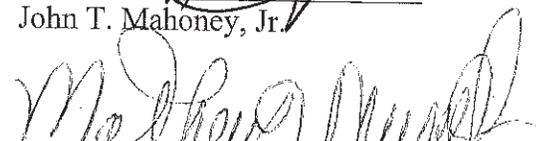
And you are hereby required to serve this warrant in the manner prescribed by vote of the Town by posting notice thereof seven days at least before such meeting in the Town Office Building and make return thereof with your doings thereon at the time and place above mentioned.

Given under our hands this 23 day of September 2014.

Approved as to Legal
Form


Town Counsel

BOARD OF SELECTMEN


Kenneth A. Tavares
Chairman
Anthony Provenzano
Vice Chairman
Sean P. Page

John T. Mahoney, Jr.
Mathew J. Muratore

Plymouth, ss.

Pursuant to the foregoing Warrant, I have this day notified and warned the Inhabitants of Plymouth qualified to vote in elections and Town affairs to meet at Plymouth North High School on Saturday, the Eighteenth day of October, 2014, at 8:00 a.m. to conduct the Annual Business Meeting of the Town of Plymouth, by posting copies of this Warrant in the Town Office Building seven days at least before such meeting.

Laurence R. Pizer

Signature
Town Clerk

September 30, 2014

Date & Time
Posted