

FALL ANNUAL TOWN MEETING WARRANT
October 17, 2015

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 Seventeenth Day of October, 2015 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 2015 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 vote taken under Article 7B, 7C, 7D and 7E of the 2015 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 buildings, and/or land, 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. North Plymouth land/building for Fire Station
- B. Police Study of Department
- C. Corrosion Repair/Repaint Engines
- D. Study of Personnel Salaries Town-wide
- E. Pressure Washer

- F. Tire Changer
- G. Tire Balancer
- H. Stick Welder
- I. Salt Shed Retrofit and Repairs
- J. Replacement of H33 (10 wheeler with wing)
- K. Emergency Operations Plan

or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 5: To see if the Town will vote to appropriate \$750,000 or any other sum, for the Town Wharf Project contingent upon the Town being awarded a grant for the remaining funds; to determine whether this appropriation shall be raised by borrowing or otherwise, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 6: Withdrawn
BOARD OF SELECTMEN

ARTICLE 7: To see if the Town will vote to amend Article 10 of the April 5, 2014 Annual Town Meeting to increase the appropriation from the sum of \$30,000,000 to \$32,776,000 to pay costs of the design, demolition, preservation, rehabilitation, restoration, reconstruction, equipment and furnishings and new construction of a new Municipal Center (Town Hall), including Town administrative offices, on town owned property located on Assessor's Map 19 as Lots 1,2,6 and 7, said amount to include funding the design and reconstruction of the parking areas surrounding that site, the services of a Project Manager to oversee the project, and all costs incidental and related thereto, and that to meet this appropriation, the Treasurer with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) and Section 7 (3A) of the General Laws, or pursuant to any other enabling authority, and to issue bond or notes of the Town therefor, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 8: To see if the Town will vote to amend Art 4A of the October 2012 Fall Annual Town Meeting to increase the appropriation from the sum of \$325,000 to \$445,416 to pay for the construction of Airport Runway Improvements, or take any other action relative thereto.

AIRPORT COMMISSION

ARTICLE 9: To see if the Town will vote to appropriate the net premium paid to the Town upon the sale of bonds issued to pay costs of the North and South High School Projects, each of which are the subject of a Proposition 2½ debt exclusion, to pay costs of the South High School Project being financed by such bonds and to reduce the amount authorized to be borrowed for the South High School Project, but not yet issued by the Town, by the same amount, or to take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 10: Withdrawn

ARTICLE 11: To see if the Town will vote, pursuant to the provisions of G. L. c.59, §38H, to authorize the Board of Selectmen and Board of Assessors to negotiate and enter into an agreement for payments in lieu-of- taxes (“PILOT”), for an 1 MW –AC solar photovoltaic energy generating facility for Renewable Energy Development Partners, LLC to be located on Plymouth Assessor’s Map 56 Lot 57A , upon such terms and conditions as the Board of Selectmen and Board of Assessors shall deem to be in the best interest of the Town, or take any other action relating thereto.

BOARD OF SELECTMEN

ARTICLE 12: To see if the Town will vote, pursuant to the provisions of G. L. c.59, §38H, to authorize the Board of Selectmen and Board of Assessors to negotiate and enter into an agreement for payments in lieu-of- taxes (“PILOT”), for an 1 MW –AC solar photovoltaic energy generating facility for Renewable Energy Development Partners, LLC to be located on a portion of property located on Plymouth Assessor’s Map 56 Lot 59A, to be known as lot 59-2, as shown on Form A plan number 4526, dated April 15, 2015, upon such terms and conditions as the Board of Selectmen and Board of Assessors shall deem to be in the best interest of the Town, or take any other action relating thereto.

BOARD OF SELECTMEN

ARTICLE 13: Withdrawn
BOARD OF SELECTMEN

ARTICLE 14: Withdrawn
BOARD OF SELECTMEN

ARTICLE 15: To see if the Town will vote to transfer the following Tax Title/Foreclosed properties to the Care and Custody of the Conservation Commission, including easements, utility easements, drainage easements, et al.

<u>Parcel ID</u>	<u>Location</u>	<u>Yr. of Final Judgement</u>
<u>West Plymouth</u>		
106-000-001-310	Off Pimental Way (off S Meadow Rd)	1980
106-000-006A-000	Off Pimental Way (off S Meadow Rd)	1999
<u>Manomet</u>		
045-000-036B-008	Bulrush Lane	2003

Or take any other action relative thereto.

CONSERVATION COMMISSION

ARTICLE 16A: To see if the Town will vote to appropriate \$3,420,477 or any other sum, for historic preservation, restoration, and rehabilitation of the Simes House, located at 29 Manomet Point Road, Plymouth, MA, the creation of two affordable housing units at the Simes House which until shall be eligible for inclusion on the Town’s subsidized housing inventory, creation or preservation of open space for passive recreational use as a village green, public park, or common at the Simes House, including all costs related to the planning

and design of such projects and all other costs incidental and related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; to authorize the Board of Selectmen to petition the state for special legislation that will exempt the Simes House, 29 Manomet Point Road, from MGL, Chapter 149; and to authorize the Town Manager and Board of Selectmen, in consultation with the Community Preservation Committee, to enter into a ground lease agreement to a qualified organization to maintain, manage and cover all costs for the Simes House, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 16B: 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 Little Herring Pond Road in the Town of Plymouth comprised of 43.6 acres, more or less, shown on Assessors' Map 122, Lot 10P-1022B and Lot 1022A, said land to be held under the care, custody and control of the Conservation Commission, to appropriate \$400,000 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 adopt a new General Bylaw, Section 173-13 Town Meeting Charter Conflict of Interest Procedure, as follows:

Section 173-13. Town Meeting Charter Conflict of Interest Procedure

- A. Notice of Conflict of Interest. Pursuant to Chapter 2, Section 2-10-1 of the Town Charter, the written notice to the Town Clerk of articles or budget line items on which a Town Meeting Member ("Member") is prohibited from voting by Charter Section 2-10-1 or by Section 2-10-2, due to an interest identified therein, shall be made no later than 21 days prior to the first session of the town meeting the warrant for which contains the relevant article or line item, or, forthwith in advance of said meeting upon the Member's first discovery of the interest giving rise to the prohibition, if the date of discovery of such a prohibited interest is later than 21 days in advance of the meeting.
- B. Publication of Notice of Conflict of Interest. The Town Clerk shall maintain a list of every Notice of Conflict of Interest received pursuant to Section A above. Said List will be made available at every session of town meeting. Said List to be published in the official minutes of town meeting.

C. Challenge. In a case where no Notice of Conflict of Interest has been filed in advance of a meeting and where it appears to a Member that Charter Section 2-10-1 and/or 2-10-2 prohibits voting by another Member on a particular article or line item, the following procedure shall apply:

1. No later than 5 days in advance of the meeting, a member may file a challenge in writing with the Town Clerk prior to the session where the article or line item is scheduled to be voted, stating that a particular Member is prohibited by Charter Section 2-10-1 and/or Section 2-10-2 from voting on a particular article or line item. The Town Clerk shall forward forthwith a copy of the challenge to the subject of the challenge.
2. The Town Clerk shall keep every Challenge received pursuant to Section C1 above. Said List shall be made available at every session of town meeting.
3. There shall be no debate upon said challenge or the response of the Member to whom it is directed and deliberation and voting on the article or the line item shall thereafter proceed in the normal fashion.

COMMITTEE OF PRECINCT CHAIRS

ARTICLE 18: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee as follows; 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 authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition,

Delete in its entirety, Chapter 2, Section 10, 10-1, 10-2, and 10-3, of the Town Charter as follows:

~~Chapter 2: — Section 10 Conflict of Interest~~

~~2-10-1 Notwithstanding any general or special law to the contrary, any representative town meeting member who also holds a position of employment by the town shall be prohibited from voting on any town meeting article in which such employee, or such employee's department, has a financial interest. Such representative town meeting member shall notify the Town Clerk, in writing, prior to the representative town meeting session or during such session at such time as such member becomes so aware, as to any articles giving rise to such financial interest. This section shall apply to the annual budget article, or any later amendment thereto, as follows: The representative town meeting member is prohibited from voting on the budget line item for his or her department or agency, but shall not be prohibited from voting on any other line item, or from voting on~~

~~the overall budget appropriation.~~

~~7~~

~~2-10-2 Notwithstanding any general or special law to the contrary, no representative town meeting member shall vote on any town meeting article in which an immediate family member, or any business or organization in which the representative town meeting member serves as an officer, director, partner, or employee, or has a financial interest. For purposes of this section, "immediate family member" shall be defined as the representative town meeting member, his or her spouse and each of their parents, children, brothers, and sisters. Any such representative town meeting member shall notify the Town Clerk, in writing prior to the representative town meeting session, as to any articles giving rise to such financial interest.~~

~~2-10-3 For the purposes of Section 10 of Chapter 2 of this Charter, the "financial interest" of a representative town meeting member shall be determined pursuant to the interpretation of the term "financial interest" by the State Ethics Commission and applicable reported appellate court decisions, which are hereby incorporated by reference. The "financial interest" of a department shall be defined as any particular warrant article and related motions or votes which specifically refer to said department.~~

~~Or take any other action relative thereto.~~

~~CHARTER REVIEW COMMITTEE~~

ARTICLE 19: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee as follows; 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 authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition,

Amend Chapter 3, Section 6, of the Town Charter as follows:

~~3-6-1 The Director of the Department of Public Works shall be appointed by the Town Manager and shall be a civil engineer or any other combination of experience and education including a Masters Degree in a related field. The Director of the Department of Public Works shall be qualified by education and experience *including a Master's Degree in a related field* for the duties of the office,~~

~~Or take any other action relative thereto.~~

~~CHARTER REVIEW COMMITTEE~~

ARTICLE 20: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee as follows; 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 authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition,

Amend Chapter 2, Section 4-6, of the Town Charter as follows:

Chapter 2-4-6

~~Except in the case of a unanimous voice vote as declared by the Moderator, a.~~ A roll call vote shall be required for all final main motions *on every warrant article and on any matters* with respect to the following subject matters: adoption or amendment of zoning by-laws; adoption or amendment of general by-laws; and fiscal matters which are defined as any appropriation, borrowing, fund transfer, or the creation of or re-authorization of such enterprise or revolving funds as may be authorized by state law, provided, however, that in the event of a vote which the Moderator determines to be near unanimous, the Moderator may elect to take a roll call of only those voting in the minority,

Or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

ARTICLE 21: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee as follows; 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 authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition,

Delete Chapter 3, Section 11, in its entirety, of the Town Charter as follows:

~~Section 11 Development and Industrial Commission 3-11-1 The Town Manager shall appoint a Development and Industrial Commission of nine (9) members for five-year (5) overlapping terms. 3-11-2 The Commission shall exercise such powers and duties as prescribed by general law, this Charter, and town by laws. Section 12 Zoning Board of Appeals~~

Or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

ARTICLE 22: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee as follows; 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 authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition,

Amend Chapter 5-1-1 of the Town Charter as follows: The regular election for all town offices shall be by official ballot held on the ~~second~~ **third** Saturday of May of each year.

Or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

ARTICLE 23: Withdrawn

CHARTER REVIEW COMMITTEE

ARTICLE 24: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the

Charter Review Committee as follows; 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 authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition,

Amend Chapter 3-12-1 by deleting the existing section and adding a new Chapter 3-12-1 as follows:

Section 3-12-1 Zoning Board of Appeals

(a) Composition, Term of Office. There shall be a zoning board of appeals composed of five members elected for terms of 5 years each with their terms consisting of 5 overlapping terms. There may be 3 associate members of the zoning board of appeals appointed jointly by the Board of Selectmen and Zoning Board of Appeals. The terms for the three associate members shall be for 3 overlapping terms.

(b) Powers and Duties.

The Board of Appeals shall have and exercise all the powers granted to it by G.L. c. 40A, 40B, 41, and by this chapter. The Boards powers are as follows:

(1) To hear and decide applications for special permits. Unless otherwise specified in the Zoning Bylaw, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of G.L. c. 40A, Section 9 and the Zoning Bylaw.

(2) To hear and decide appeals or petitions for variances from the terms of the Zoning Bylaw, with respect to particular land and structures, to act in all matters in accordance with the provisions of G.L. c. 40A, Section 10 and the Zoning Bylaw. The Board of Appeals shall not grant use variances.

(3) To hear and decide appeals taken by any person aggrieved by reason of his or her inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, Section 8 and 15.

(4) To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, Sections 20 to 23.

(c) Existing appointed members of the Zoning Board of Appeals as of the date of enactment of this section may serve out their term. Following the expiration of the terms of the existing appointed members, members of the Zoning Board of Appeals shall be elected.

Or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

ARTICLE 25: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee as follows; 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 authorizing the Board of

Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition,

Amend Chapter 4, Section 2, Simultaneous Elected Offices 4-2-1 [Amended by Chapter 336 of the Acts of 2012, Massachusetts General Court] No representative town meeting member, or elected town official representing the entire town, shall hold simultaneously any other elected town office other than member of a Charter Commission. Any person who holds multiple offices in violation of this section shall promptly inform the Town Clerk as to which office that person will vacate. *After Election and once sworn in* to any county, state or federal office ~~shall be the act of swearing in the person is~~ deemed to be an event disqualifying an elected town official (including but not limited to representative town meeting member) from continuing in his or her elected town office. No representative town meeting member or elected town official representing the entire town shall hold simultaneously any other elected town office other than member of a charter commission. Any person who holds multiple offices in violation of this section shall promptly inform the town clerk as to which office that person will vacate. ~~Election Swearing in the person to any county, state or federal office other than county charter commission shall be an~~ *is the* event disqualifying an elected town official, including, but not limited to, representative town meeting member, from continuing in an elected town office,
Or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

ARTICLE 26: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee as follows; 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 authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition,

Amend Chapter 5-3-1 by adding language as follows:

Section 3 Time of Taking Office

5-3-1 Any person duly elected to any office or board shall take up the duties of the office immediately upon certification, provided that such person shall first have been sworn to the faithful performance of the duties of that office by the Town Clerk *within 30 days from Date of Election,*

Or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

ARTICLE 27: Withdrawn

CHARTER REVIEW COMMITTEE

ARTICLE 28: Withdrawn

BOARD OF SELECTMEN

ARTICLE 29: To see if the town will vote to accept the provisions of MGL Chapter 31, section 58A Municipal police officers and firefighters; maximum age restrictions “...Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited for more than four years of active military duty,” or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 30: To see if the Town will vote to petition for special legislation to rescind, as of 2026, Chapter 94: An Act Authorizing the Town of Plymouth To Lease Certain Land, under the Acts of 2001, approved September 27, 2001, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 31: To see if the Town will vote to accept and allow the layout as a public way of 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; and further to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain, upon such terms and conditions as it deems appropriate, such interests in land within said layout and abutting lands sufficient to use said way for all purposes for which public ways are used in the Town of Plymouth; and to raise and appropriate, transfer from available funds, or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out such acquisition:

Ship Pond Road

or take any other action relative thereto

PUBLIC WORKS – ENGINEERING DEPARTMENT

ARTICLE 32: Withdrawn
PLANNING BOARD

ARTICLE 33: Withdrawn
ENERGY COMMITTEE

ARTICLE 34: Withdrawn

ARTICLE 35: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase or otherwise, a perpetual non-exclusive easement from the Commonwealth of Massachusetts, Department of Conservation and Recreation for purposes of reconstructing and redesigning the sidewalk and layout area on Water Street, and for the purpose of maintaining and repairing and making certain improvements, including but not limited to widening sidewalks and improving pedestrian access and park aesthetics on Water Street, on such terms and conditions which the Board of Selectmen may determine; and further to authorize the Board of Selectmen to petition the Massachusetts General Court for approval of such change in use and conveyance of the easement area pursuant to the provisions of Article

97 of the Amendments to the Constitution of Massachusetts, or take any other action relative thereto.

PUBLIC WORKS

ARTICLE 36: To see if the Town will vote to amend its Zoning Bylaw, Section 205-55, Mixed Commerce (MC), by modifying and/or adding certain uses, requirements, conditions and/or definitions therein, including but not limited to those pertaining to multi-family use, as well as to amend associated sections, provisions, definitions, tables, charts and procedures pertaining thereto, or to take any other action relative thereto.

BY PETITION: Robert C. Betters, 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 22nd day of September 2015.

Approved as to Legal Form

BOARD OF SELECTMEN

Town Counsel

Kenneth A. Tavares
Chairman

Anthony Provenzano
Vice Chairman

John T. Mahoney, Jr.

David Malaguti

Sean Page

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 Seventeenth day of October, 2015, 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.

Signature
Town Clerk

Date & Time
Posted

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