

2010 ANNUAL TOWN MEETING WARRANT
Saturday, April 3, 2010

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 vote in elections, to meet in:

Precinct 1	Hedge School
Precinct 2	Cold Spring School
Precinct 3	Town Hall
Precinct 4	Plymouth North High School
Precinct 5	Plymouth Community Intermediate School
Precinct 6	Manomet Elementary School
Precinct 7	Indian Brook School
Precinct 8	Cedarville Fire Station
Precinct 9	South Elementary School
Precinct 10	Federal Furnace School
Precinct 11	Plymouth Airport
Precinct 12	Plymouth South High School
Precinct 13	West Elementary School
Precinct 14	Indian Brook School

in said Plymouth on Saturday, the Eighth Day of May, 2010, between the hours of Eight O'Clock in the forenoon and Eight O'Clock in the afternoon, to cast a vote for the following Town Officers to act on the following articles to wit:

ARTICLE 1: To choose all necessary Town Officers, the following to be voted for all on one ballot, viz.:

Two Selectmen for three years; One Moderator for three years; Two members of the Plymouth School Committee for three years; One member of the Planning Board for five years; One member of the Redevelopment Authority for five years; One member of the Housing Authority for five years and also a total of Forty-seven (47) Town Meeting Members; three members from each precinct for a term of three years, One member from Precinct 2 for a term of two years, One member from Precinct 2 for a term of one year, One member from Precinct 11 for a term of two years, One member from Precinct 11 for a term of one year, and One member from Precinct 13 for a term of one year.

Further, and 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 Annual Business Meeting of the Town of Plymouth to meet at Plymouth North High School on Saturday, the Third Day of April, 2010, at 8:00AM to act on the following articles to wit:

ARTICLE 2: To hear the reports of the several Boards and Officers and Committees of the Town thereon.

BOARD OF SELECTMEN

ARTICLE 3: To see what action the Town will take under the provisions of G.L. c.44, §53E 1/2 regarding the establishment, annual re-authorization or renewal as the case may be of revolving funds, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 4: To see what action the Town will take pursuant to Chapter 173 of the General By-Laws regarding the formation, reformation, organization, continuation or discharge of existing Committees created by vote of Town Meeting, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 5: 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 6: To see what action the Town will take pursuant to G.L. c.41, §108 with regard to fixing the salaries of elected Town Officials, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 7A: To see what action the Town will take to provide a reserve fund and to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town, including water, sewer, solid waste and airport enterprises and debt and interest, for the ensuing twelve month period beginning July 1, 2010, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 7B: To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the water enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2010, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 7C: To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the sewer enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2010, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 7D: To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the solid waste enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2010, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 7E: To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the airport enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2010, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 8: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the repair and/or purchase and/or lease and/or replacement of departmental equipment for the various departments substantially as follows:

A	Police	Satellite Receiver
B	Police	Command Vehicle
C	Police	Marked Cruisers
D	Fire	Upgrades to Stations
E	Fire	Breathing Apparatus
F	Fire	Outboard Motors
G	Fire	Fire Alarm System
H	Fire	Station 2 Air Conditioning
I	Fire	Fire Attack Nozzles
J	Fire	Survival Suits
K	Fire	Computer and AVL
L	Harbormaster	Outboard Engine
M	DPW - Operations	1749 Court House Chimney Repair
N	DPW - Operations	Station Heater
O	DPW - Operations	Information Center Bathroom Repairs
P	DPW - Operations	Security Gate
Q	DPW - Operations	Library Door Repair/Paint
R	DPW - Operations	Hydraulic Oil Cleaning Equipment
S	DPW - Cemetery	Scag Mower
T	DPW - Cemetery	Weed Whackers
U	DPW - Parks	Fertilizer Spreader
V	DPW - Parks	Line Trimmers
W	DPW - Parks	Commercial Bagger Mower
X	DPW - Parks	Commercial Push Mower

or take any other action relative thereto.

BOARD OF SELECTMEN

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:

Project Number	Department or Sponsor	Project Description
1	Fire	Command Vehicle
2	Fire	Fire Fighting Structural Gear
3	Fire	Engine 1 Replacement
4	Harbormaster	Inflatable Boat Replacement
5	School Department	School Building Repair Program
6	DPW – Operations	Mini Excavator
7	DPW – Operations	Street Sweeper
8	DPW – Operations	6 Wheel Dump Truck
9	DPW – Operations	One Ton Dump Truck
10	DPW – Operations	Dump Truck
11	DPW – Grounds/Parks	Morton Park Concession Exterior Repairs
12	DPW – Water	Water System Distribution Improvements
13	DPW - Cemetery	Burial Hill Headstone Preservation
14	DPW – Engineering	Install Traffic Signal at Marc Drive & Route 44
15	DPW – Engineering	South Street Project
16	DPW – Environmental	Nelson Park Renewal Plan

or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 10: To see if the Town will vote to raise and appropriate or transfer a sum of money to the Unemployment Compensation Fund, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer a sum of money to fund a household hazardous waste collection day or other activity, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 12: To see if the Town will vote to raise and appropriate or transfer a sum of money to fund the Town Promotion Fund pursuant to Chapter 4 of the Acts of 1993, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 13: To see if the Town will vote to appropriate a sum of money from 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, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 14: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Stabilization Fund, as authorized by the provisions of G.L. c.40, §5B as amended, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 15: Withdrawn

ARTICLE 16A: To see if the Town will vote to transfer from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, or otherwise fund, a sum of money for the payment of debt service for the Center Hill Preserve acquisition, as was authorized under Article 9F of the October 2005 Fall Town Meeting and Article 10 of the May 2006 Special Town Meeting, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 16B: To see if the Town will vote to amend the vote taken by the Town under Article 10 of the October 2005 Fall Town Meeting by rescinding the borrowing authorization for the purchase of 89 acres of land, more or less, in the Town of Plymouth located off Center Hill Road shown on Assessors Map 64 as Lot 23-1, Lot 24-1 and Lot 27-0, also known as the Center Hill and acquisition, and further, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, or otherwise fund a sum of money the remaining balance of said acquisition, or to take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 16C: Withdrawn

ARTICLE 16D: To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2011 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2011, and further to reserve for future appropriation amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition, preservation, restoration and rehabilitation of historic resources, a sum of money for the acquisition, creation, preservation and support of community housing, and a sum of money for a Budgeted Reserve, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 17A: To see if the Town will vote to raise and appropriate or transfer a sum of money from available funds to fund a contract to assist the School Department in recovering Medicaid reimbursements, or taken any other actions relative thereto.

SCHOOL COMMITTEE/BOARD OF SELECTMEN

ARTICLE 17B: To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the transportation costs of out of district Agricultural Vocational students, or any action relative thereto.
SCHOOL COMMITTEE/BOARD OF SELECTMEN

ARTICLE 18: To see if the Town will vote to increase the gross receipts that seniors may have in the prior calendar year to be eligible to defer property taxes under G.L. c. 59 Sect 5, Clause 41A from \$40,000 to \$51,000 as the income limit to qualify for the “circuit breaker” state income tax credit for the preceding state tax year with such increase to be effective for deferral granted for taxes assessed for the fiscal year beginning on July 1, 2010, or to take any other action relative thereto.
BOARD OF SELECTMEN

ARTICLE 19: To see if the Town will vote to amend its Zoning Bylaw:
Section 205-56 Highway Commercial, Section C - Allowed uses by deleting the existing language following the heading “Allowed uses” and prior to Subsection (1) and inserting the following:

All uses authorized in this Subsection C which:

1. Do not require a vehicular curb cut on a Major Street, and
2. Have either:
 - a. Less than 10,000 square feet of ground floor area, or
 - b. A lot that:
 - i. existed prior to October 26, 2009, and
 - ii. is five acres or less in area.

Section 205-56 Highway Commercial, Section D – Special permit uses by deleting the existing language in Subsection (1) and inserting the following:
All allowed uses authorized in Subsection C above which require a vehicular curb cut on a Major Street, or have both:

- a. 10,000 square feet or more of ground floor area, and
- b. A lot that is greater than five acres area.

And to amend other associated definitions, procedures, and schedules, or take any other action relative thereto.

PLANNING AND DEVELOPMENT

ARTICLE 20: To see if the Town will vote to amend its Zoning Bylaw Section 205-56. Highway Commercial Sections A – Intent and Section F – Prohibited Uses by adding “New and used automobile sales” as a prohibited use, as well as Table 5 and other associated definitions, procedures, and schedules, or take any other action relative thereto.

PLANNING AND DEVELOPMENT

ARTICLE 21: Withdrawn

ARTICLE 22: To see if the Town will vote to amend its Zoning Bylaw, Section 205-3 Definitions by adding language defining high voltage utility poles and by amending Section 205-17 Lot Regulations. (I) Height, to include language to increase the height of an existing high voltage utility pole by a maximum of 15 feet without a special permit for wireless communication equipment, as well as, any other associated definitions, procedures, and schedules, or take any other action relative thereto.

PLANNING AND DEVELOPMENT

ARTICLE 23: To see if the Town will vote to transfer the care, custody and control of a certain parcel of land being shown as Plat 94, Lot 1B ("Lot 1B") on a plan entitled "Proposed Exchange of Land Rights at the Pine Hills, Plymouth, Massachusetts," Scale: 100 feet to an inch, December 4, 2009, Prepared by Plymouth Department of Public Works Engineering Division, Russell A. Firth, Town Surveyor (the "Plan") on file with the Town Clerk, from the Board of Selectmen for water purposes to the Board of Selectmen for the purpose of conveyance; and further to authorize the Board of Selectmen to convey Lot 1B upon such terms and conditions as the Board of Selectmen shall determine to be appropriate in consideration of the conveyance to the Town of a perpetual, non-exclusive easement for highway and utility purposes over all or a portion a certain parcel of land shown on Assessors' Plat 78C, as Lot A-174 ("Lot A-174") and shown on the Plan as "Proposed Municipal Easement" (the "Easement"); and further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise the Easement over all or a portion of Lot A-174 for highway and utility purposes upon such terms and conditions as the Board of Selectmen shall determine to be appropriate, and to enter in all agreements and execute any and all instruments necessary to effectuate said exchange of property; and further to authorize the Board of Selectmen to petition the Massachusetts General Court for approval of such change in use and conveyance of Lot 1B pursuant to the provisions of Article 97 of the Amendments to the Constitution of Massachusetts, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 24: To see if the Town will accept the provisions of chapter 43D of the MA General Laws as amended pursuant to Section 11 of chapter 205 of the acts of 2006, and to approve the filing of an application with the Interagency Permitting Board for the designation of land at Russell and South Russell Streets designated on the Town of Plymouth Assessor's Map 19 as Parcels 1, 2, 3, 4, 5, 6, 7, 22, 23, and 24A as a Priority Development Site, or take any other action in relation thereto.

REDEVELOPMENT AUTHORITY

ARTICLE 25: Withdrawn

ARTICLE 26: Withdrawn

ARTICLE 27: To see if the Town will vote to adopt General Town Bylaw, Chapter 77, "Graffiti and Litter", as on file with the Town Clerk's Office, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 28: Withdrawn

ARTICLE 29: To see if the Town will vote to amend General Town Bylaw, Chapter 14, Alarm Systems, as on file with the Town Clerk's Office, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 30: To see if the Town will vote to authorize the Town Manager, pursuant to General Laws Chapter 30B, Section 12(f), to enter into an extension of the Waste Acquisition Agreement with SEMASS Partnership for the disposal of the Town's solid waste at the SEMASS Facility located in Rochester, Ma., for a term not to exceed twenty years; or to take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 31: Withdrawn

ARTICLE 32: To see if the Town will vote to revoke its acceptance of the Community Preservation Act, Massachusetts General Laws Chapter 44B, Section 3 through 7 inclusive, which was authorized by Town Meeting on October 25, 2001, and by ballot question of May 11, 2002, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 33: To see if the Town will vote to amend its participation in the Community Preservation Act, Massachusetts General Laws Chapter 44B, Section 3 through 7 inclusive, authorized by Town Meeting on October 25, 2001, and ballot question of May 11, 2002, by reducing the surcharge to the minimum of .25%, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 34: To see if the Town will vote to accept and allow as Town Ways the following streets or portions thereof as laid out by the Board of Selectmen and reported to the Town, make an appropriation for the payment of expenses acquiring title, and for the payments of damages, where necessary, and for such other incidental legal expenses:

Ryan's Way
Sweet Amanda's Way
Fathom Road
Halyard Road
Leeward Way
Mizzen Lane
Mooring Circle
Spinnaker Drive
Lombard Street
Sansome Street
Worrall Road
Archer Street
Chandler Street
Downey Street

Jackson Street
Kelley Street
Milford Street

Or take any other action relative thereto.
BOARD OF SELECTMEN

ARTICLE 35: To see if the Town will vote to authorize:

1. The Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, and to accept on behalf of the Town, a non-exclusive perpetual easement for drainage purposes on a certain parcel of land known as Lot 25 on Plymouth's Assessors' Plat 55 shown as "Drainage Easement A" on a plan on file with the Town Clerk entitled "Proposed Easement Plan of Land, Plymouth Assessor's Parcel No's. 055-000-024-000, 055-000-025-000, 055-000-026-000, 055-000-027-000, Hedges Pond Road, 91 Hedges Pond Road and Mountain Hill Road, Plymouth, Plymouth County, Massachusetts", prepared by Associated Engineers of Plymouth, Inc, dated December 16, 2009, on such terms and conditions as the Board of Selectmen may determine, or take any other action relative thereto; and
2. The Board of Selectmen to transfer the care, custody and control of the property shown on Assessor's Plat 55, Lots 24, 26 and 27 from the Board of Selectmen for general purposes, to the Board of Selectmen for general purposes and for the purposes of granting a non-exclusive perpetual easement for drainage purposes on certain parcels of Town owned land known as Lots 24, 26 and 27 on Plymouth's Assessors' Plat 55 shown on the above-referenced plan as Drainage Easement B, Drainage Easement C and Drainage Easement D, on such terms and conditions as the Board of Selectmen may determine, or take any other action relative thereto.

PLANNING AND DEVELOPMENT

ARTICLE 36: To see if the Town will vote to authorize the Board of Selectmen to convey to BRIAN WHITFIELD, of 26 North Street, Plymouth, Plymouth County, Massachusetts, a non-exclusive, perpetual easement for purpose of pedestrian access in, along, and upon those portions of the Town owned property at 28 Middle Street, Plymouth, shown as "Granite Steps and Stoop" on a Plan entitled: "Plan of Land and Condominium, in Plymouth, Massachusetts, February 27, 2009, Owned By: Brian T. Whitfield, 26 North Street, Plymouth, MA 02360" and recorded at the Plymouth County Registry of Deeds in Plan Book 55, Page 427 as Plan number 387 of 2009, on such terms and conditions as the Board of Selectmen may determine, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 37: To see if the Town will vote to authorize the Board of Selectmen to convey to NEW HOPE CHAPEL OF PLYMOUTH, INC., having an address of 89 Court Street, Plymouth, Plymouth County, Massachusetts, its successors and assigns, a non-exclusive, perpetual easement for the purpose of using pedestrian walkways and for the construction, maintenance, repair, and replacement of extensions of the existing walkways within any portion of the easement area not containing walkways in, along, and upon those portions of the Town owned property at 83 Court Street, Plymouth, shown as "Proposed Walk/Access Easement" on a sketch

on file with the Town Clerk entitled: “Exhibit A, Sketch Plan, Memorial Hall, Plymouth, Massachusetts, Prepared for: the Town of Plymouth, Scale: 50’ feet to an inch, January 5, 2010, Plymouth Department of Public Works –Engineering Division, Russell A. Firth, Town Surveyor”, on such terms and conditions which the Board of Selectmen may determine, or take any other action relative thereto

BOARD OF SELECTMEN

ARTICLE 38: Shall the Town vote to instruct and authorize the Board of Selectmen to enter into an agreement waiving any prior deadlines and reversion rights and extending the times for a reversion back to the Town of the real property containing approximately 27.9 acres of land, more or less being partly in Plymouth and partly in Kingston, as contained in the prior vote of Town Meeting on _____, 2004, which meeting authorized the transfer of the property from the Board of Selectmen for general municipal purposes to the Board of Selectmen for sale to a not for profit corporation or entity for purposes of an African-American and Cape Verdean museum of history and research center, said property being shown as Parcel 27A-1 on Town of Plymouth Assessor’s Map 104 and as Lot 3 on the Town of Kingston Assessor’s Map 104, (formally shown as Lot 9, Block 16 on the Town of Kingston Assessor’s Maps); which transfer was to aid in the historical preservation of the New Guinea Settlement and Historic Parting Ways Cemetery; the property was transferred from the Town to the Parting Ways Museum Corporation on _____; said agreement to extend the times for a right of reverter to the Town of Plymouth to the occurrence of any of the following events:

1. the grantee shall sell or offer the property for sale;
2. the grantee shall be dissolved or fail to perform its corporate purposes or cease to function for any reason whatsoever;
3. the grantee shall fail to obtain all permits and approvals necessary for the construction of a museum and research center within five (5) years from the recording of the extension agreement called for herein;
4. the grantee shall not have substantially completed construction of the approved improvements within ten (10) years from the recording of the extension agreement called for herein.

Said title to said property shall vest in the Town upon the recording at Plymouth County Registry of Deeds of an affidavit by the Board of Selectmen stating the occurrence of any of the events recited herein.

Or take any other action thereon.

BY PETITION: Frank J. Andrews, 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”, by modifying certain requirements, conditions and/or definitions therein, including but not limited to buffers, setbacks, building height, building size, adjacent parcels and the limitation on the permitted number of drive-through establishments, as well as associated sections, provisions definitions, tables, charts and procedures pertaining thereto, or take any other action relative thereto.

BY PETITION: Robert 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 ____ day of March 2010.

Approved as to Legal
Form

BOARD OF SELECTMEN

Town Counsel

Richard J. Quintal, Jr.
Chairman

David F. Malaguti
Vice Chairman

Daniel “Butch” Machado

John T. Mahoney

William Hallisey

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 in Memorial Hall on Saturday, the Third Day of April, 2010, at 8:00AM 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