

FALL ANNUAL TOWN MEETING WARRANT
October 24, 2011

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 a Fall Annual Town Meeting, to meet at Plymouth North High School at 41 Obery Street in Plymouth, MA on Monday, the Twenty-Fourth Day of October, 2011 at 7:30 PM, 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 2011 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 2011 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. Stephen's Field
- b. Capping Landfill
- c. Fuel Tanks Purchase, Installation, and Relocation
- d. Police Cruisers
- e. Town Green Monument

f. Runway Improvement Project
 Or take any other action relative thereto.
 BOARD OF SELECTMEN

ARTICLE 5: To see if the Town will vote to amend the vote taken under Article 2B of the May 20, 2006 Special Town Meeting to increase the amount appropriated for appraisal services and/or legal fees related to the relicensing of and negotiations with Entergy Nuclear Generation Company, and as funding therefore, to raise and appropriate or transfer a sum of money for such purposes, or take any other action relative thereto.
 BOARD OF SELECTMEN

ARTICLE 6: Withdrawn

ARTICLE 7: To see if the Town will vote to appropriate funds received by the United States Department of Health and Human Services, Affordable Care Act, Early Retiree Reinsurance Program (ERRP) to be placed in the Town's Health Insurance Trust Fund in order to reduce, on a proportional basis, the health premium costs and/or future premium increases of health insurance for the Town as the plan sponsor and for employees and retirees as plan participants, in accordance with the grant agreement, or take any other action relative thereto.
 BOARD OF SELECTMEN

ARTICLE 8: To see if the Town will vote to establish revolving funds for certain Town Departments under the provisions of G.L. c.44, §53E ½ for the fiscal year beginning July 1, 2011, with specific receipts credited to each fund, the purposes for which each fund may be spent, and the maximum amount that may be spent from each fund for FY2012 as follows:

| TOWN OF PLYMOUTH, MASSACHUSETTS | | | | |
|---|----------------|--|--|----------------------------------|
| Revolving Funds Chapter 44, Section 53E1/2 | | | | |
| Spending Authority | Revolving Fund | Revenue Source | Use of Fund | FY2012 Authorized Spending Limit |
| Recreation Director and Park Superintendent | Hedges Pond | The departmental receipts credited to this fund shall be those identified as program fees from Recreation Dept. Day Program, daily parking fees, special event, and rental fees. | The funds will be used to cover Recreation Dept. seasonal salaries and operational expenses for the facility. Excess funds will be used for future capital improvements. | \$40,000 |

Or take any other action relative thereto.
 BOARD OF SELECTMEN

ARTICLE 9: Withdrawn

ARTICLE 10: Withdrawn

ARTICLE 11: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise 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 deem appropriate and to accept the deed to the Town of Plymouth of a fee simple interest in the land containing .629 acres more or less and the buildings thereon located at 463 Ryder Way, in the Town of Plymouth located on Plymouth Long Beach shown on Assessors' Map 37A , as Lot 350 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 to authorize the Treasurer with the approval of the Board of Selectmen to borrow \$850,000.00 and to issue notes and bonds therefor under Chapter 44 of the General Laws or any other enabling authority, or to take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 12: To see if the Town will vote to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or other exchange a certain parcel of land shown as Lot J-1 on Assessors Map 37A and convey by sale and/or exchange all or a portion of land with the building thereon shown as Lot 350 on Assessors Map 37A containing 14,034 square feet, more or less, and portions of Lot H shown on Assessors Map 37A containing 5,900 square feet, more or less, and Lot I shown on Assessors Map 37A containing 7,466 square feet, more or less, all parcels being located in an area generally known as "Plymouth Long Beach;" and further to transfer the care, custody and control of the property located at Lots H and I as shown on Map 37A from the Board of Selectmen for general municipal purposes to the Board of Selectmen for general municipal purposes and for the purpose of conveyance; and further that the Town authorize the Board of Selectmen to convey said property for a sum and/or by other exchange and upon conditions to be determined by the Board of Selectmen pursuant to the requirements of G.L. c. 30B, and to enter into all agreements and execute any and all instruments necessary on behalf of the Town to effect said acquisition and conveyance of said parcels, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 13: Withdrawn

ARTICLE 14: Withdrawn

ARTICLE 15: Withdrawn

ARTICLE 16A: To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain for open space 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 to 4 acres of land, more or less, in the Town of Plymouth located at 82 - 84 Billington Street shown on Assessors Map 27as

Lot 127 and further that said land shall be held under the care, custody, and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves the sum of \$350,000; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§31-33; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 16B: 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, or otherwise fund, the sum of \$15,000 as a grant to the owner Plymouth Art Guild for the restoration, rehabilitation and preservation of an historic timber-framed structure, located at 11 North Street, which structure was originally a dwelling place of enslaved individuals, pursuant to a grant agreement between the Board of Selectmen and the owner of said structure, on such terms and conditions as the Board of Selectmen shall deem appropriate, provided, however, that such grant agreement shall require that a historic preservation restriction on the structure be granted to the Town of Plymouth; and further, to authorize the Board of Selectmen to accept said historic preservation restriction meeting the requirements of G.L. c. 184, 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 or eminent domain for open space purposes pursuant to G.L. c. 44B on such terms and conditions as the Board of Selectmen deem appropriate and to accept the deeds to the Town of Plymouth of a fee simple interest to (1) a parcel of land containing 20 acres, more or less located at 991 Old Sandwich Road shown on Assessors Map 65 as Lot 9 and (2) a parcel of land containing 15 acres, more or less, off Long Pond Road shown on Assessors Map 60 as Lot 15, further that said parcels of land shall be held under the care, custody, and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves the sum of \$190,000; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§31-33; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 16D: To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain for open space 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 fee simple interest or less to a parcel of land containing 8 acres, more or less, located between Fuller Farm Road and Drew Road shown on Assessors Map 88 as Lot 15B, and further that said land shall be held under the care, custody and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as

funding therefore to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves the sum of \$57,000.00; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c. 44B, §12 and G.L. c. 184, §§31-33; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 17: To see if the Town will vote to amend its Zoning Bylaw, Section 205-57– ‘Aquifer Protection District’ as it relates to the delineation of the district, uses allowed, special permit uses and prohibited uses or activities and Revise the Town’s Official Zoning Map to revise the boundaries of the Aquifer Protection District, or take any other action relative thereto.

PLANNING AND DEVELOPMENT/PUBLIC WORKS

ARTICLE 18: To see if the Town will vote to (i) amend its Zoning Bylaw, Section 205-55 ‘Mixed Commerce (MC)’ by modifying certain requirements, conditions and/or definitions therein, including but not limited to those pertaining to vehicular related uses, and/or (ii) amend its Zoning Bylaw Section 205-22 ‘Street Classification and Related Standards’ and the official Zoning Map of the Town of Plymouth by designating Commerce Way as a Major Street, as well as to amend associated sections, provisions, definitions, tables, charts and procedures pertaining thereto, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 19: To see if the Town will vote to amend Chapter 173-3 of the Town General Bylaws by changing the convening date of the Fall Annual Town meeting to the first Saturday in November, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 20: To see if the Town will vote to accept a document entitled ‘North Plymouth Master Plan Update’ dated August 2011, or take any other action relative thereto.

PLANNING AND DEVELOPMENT

ARTICLE 21: To see if the Town will vote to change the purpose for which the following parcels located off Long Pond Road, are held, as follows:

Parcel 113-000-023B-000 from being held by the Board of Selectmen for General Municipal purposes, and

| | |
|-------------------------|-------------------|
| Parcels 112-000-009-000 | 112A-000A-034-000 |
| 112A-000A-029-000 | 112A-000A-019-000 |
| 112A-000A-042-000 | 112A-000A-027-000 |
| 112A-000A-035-000 | 112A-000A-036-000 |
| 112A-000A-028- | 113-000-022-000 |

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112A-000A-040- 112A-000A-037-000
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112A-000A-039- 112A-000A-032-000
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112A-000A-026- 112A-000A-030-000
000
112A-000A-025- 112A-000A-038-000
000
112A-000A-031- 112A-000A-041-000
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112A-000A-033-
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from being held by the Town Treasurer for sale at auction to the Board of Selectmen for conservation and for conveyance for affordable housing, and further,

that the Board of Selectmen be authorized to convey a portion of the above-described property, being ten acres, more or less, to: (1) the Plymouth Affordable Housing Trust for the purpose of constructing affordable single-family housings, and/or (2) a non-profit organization dedicated to providing housing for Veterans as defined by G.L. c. 4, § 7, in either case, said conveyance being subject to a right of reversion to the Town in the event that the construction on the property is not substantially complete or the property is not being used for the purposes for which it is granted within five (5) years of the delivery of the deed to the grantee, and subject to such additional terms and conditions as the Board of Selectmen deem appropriate; and further,

to designate the Conservation Commission as custodian for conservation purposes pursuant to G.L. c. 40, § 8C of the remainder of the property not so conveyed by the Board of Selectmen, being 25 acres, more or less, and further, to authorize the Board of Selectmen to execute any and all instruments as may be necessary to effectuate the vote taken hereunder or take any other actions relative thereto.

PLANNING AND DEVELOPMENT

ARTICLE 22: To see if the Town will vote to exchange Lot 1B of Town of Plymouth Assessor's Map Plat 94, for a portion of Lot A204, on Plat 78C consisting of 3.75 acres more or less owned by Pine Hills LLC, to provide access to Old Sandwich Road, and as shown on a plan entitled, "Proposed Municipal Property/Easement at the Pine Hills" dated December 4, 2009, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 23: To see if the Town will vote to authorize the Board of Selectmen to release all of the Town's right, title and interest in the easement area containing approximately 0.51 acres and shown as Parcel "B" (Plymouth Assessor's Parcel No. 101-000-053H000) on the plan entitled "Plan of Land in Plymouth Massachusetts prepared for Plymouth Industrial Development Corporation," dated September 22, 1981 and recorded with the Plymouth

County Registry of Deeds in Plan Book 22, Page 994; and accept perpetual easements for public way purposes over the properties located on Armstrong Road, Plymouth, MA and shown as Plymouth Assessor's Parcels No. 102-000-012A-007, 102-000-012D-000, 102-000-053G-000, 102-000-053F-000, 101-000-053H-000, 101, 000-053C-000, 101-000-055-000, 101-000-056A-000; and further to accept and allow as a public way the following street or portion thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to raise and appropriate, transfer from available funds, accept gifts 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 this acquisition or take any other action relative thereto:

Armstrong Road, A Portion of;

BOARD OF SELECTMEN

ARTICLE 24: To see if the Town will vote to transfer the care, custody, management, and control of A Portion of Assessor's Plats 101-000-056A000, and 102-000-012D000 from the Board of Selectmen for General Municipal purposes to the Board of Selectmen for Highway purposes in conjunction with the acceptance of Armstrong Road Extension as a Public Way, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 25: To see if the Town will vote to accept and allow as a Town Way 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 raise and appropriate, transfer from available funds, or borrow a sum of money for the payment of expenses of the acquisition of title, and for the payments of damages, where necessary, and for such other incidental legal expenses related thereto; and to authorize the Board of Selectmen to execute all instruments and take all related actions necessary or appropriate to carry out this acceptance or take any other action relative thereto:

Cherry Street, Re-Establish, and alter A Portion Thereof

BOARD OF SELECTMEN

ARTICLE 26: To see if the Town will vote to accept the provisions of MGL Chapter 71, Section 37M, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 27: To see if the Town will vote to amend General Bylaw, Section 38-2, by replacing the figure \$15,000 with \$50,000, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 28: To see if the Town will vote to amend Chapter 100 of the General Bylaws entitled "Junk Dealers and Collectors" by adding the words "or removed from premises" immediately following the words, "sold or altered" in section 100-2 B and to move the Letter B to fall prior to the start of that paragraph, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 29: To see if the Town will vote to accept the provisions of M.G.L., Chapter 64L, Section 2 (a) authorizing the imposition of a local excise tax in the statutory amount of 0.75 percent on the sale of restaurant meals originating within the Town, and authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation to establish a 'Plymouth 400th Anniversary Celebration Fund'. The revenues from said tax shall be placed in the Fund, which shall be dedicated in its entirety to (1) the Plymouth 400th anniversary celebration, (2) the restoration, renovation, operation, and maintenance of the 1820 Courthouse for purposes of a visitor center, museum, historic site, or other suitable public use, and (3) public infrastructure improvements in Town Square, Burial Hill, and Court Square as recommended in the Plymouth Public Space Action Plan dated June 2007. Said local excise tax shall terminate on June 30, 2021 unless otherwise extended by a vote of Town Meeting, or to take any other action relative thereto.

BY PETITION: Michael Hanlon, et al.

ARTICLE 30: To see if the Town will vote to amend Chapter 173-3 of the Town General Bylaws by changing the convening date of the Fall Annual Town meeting to the third Saturday in October, or take any other action relative thereto.

BY PETITION: Kenneth E. Howe, et al.

ARTICLE 31: To see if the Town will vote to provide funding for the re-construction of Standish Avenue from Alden, including sidewalks, or to take any other action relative thereto.

BY PETITION: Jean Callahan-Baker, et al.

ARTICLE 32: To see if the Town will vote to authorize the Board of Selectmen to grant a utility easement over a portion of Lot 1 on Map 72 of the January 1, 2011 Plymouth Assessors Maps to serve a proposed solar facility on Lot 4-6 on said Map 72, or take any other action relative thereto.

BY PETITION: Richard Serkey, et al.

ARTICLE 33: To see if the Town will vote to authorize the Board of Selectmen to sell and convey all of the Town's right, title and interest, if any, in all or a portion of Lot 58A on Map 56 of the January 1, 2011 Plymouth Assessors Maps, or take any other action relative thereto.

BY PETITION: Richard Serkey, 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 September 2011.

Approved as to Legal
Form

BOARD OF SELECTMEN

Town Counsel

William P. Hallisey, Jr.
Chairman

John T. Mahoney, Jr.
Vice Chairman

Belinda A. Brewster

Sergio O. Harnais

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 Monday, the Twenty-Fourth day of October, 2011, at 7:30PM 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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