

FALL ANNUAL TOWN MEETING WARRANT

October 20, 2012

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 Twentieth Day of October, 2012 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 2012 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 2012 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. Improve Runway
- B. Land Acquisition
- C. Fire Vehicles
- D. Fire Department Containment Unit

- E. Stormwater system improvements
 - F. Engineering and permitting services
 - G. Drainage
- Or take any other action relative thereto.
 BOARD OF SELECTMEN

ARTICLE 5: Withdrawn

ARTICLE 6: 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, 2012, 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 FY2013 as follows:

TOWN OF PLYMOUTH, MASSACHUSETTS				
Revolving Funds Chapter 44, Section 53E1/2				
Spending Authority	Revolving Fund	Revenue Source	Use of Fund	FY2013 Authorized Spending Limit
Planning Board	Manomet Village Parking Plymouth Center Village Parking Cedarville Village Parking West Plymouth Village Parking No. Plymouth Village Parking	The departmental receipts credited to this fund shall be those identified as payments made in lieu of on-site parking.	As provided by Section 305.12 of the Zoning Bylaw, these five funds may be used within their respective village centers for parking related uses including land acquisition, facility construction, and the preparation of plans and specifications.	\$30,001

Or take any other action relative thereto.
 BOARD OF SELECTMEN

ARTICLE 7: To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the purposes of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements between the Board of Health and residential property owners; including without limitation, the payment of all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Water Pollution Abatement Trust or otherwise, or take any other action relative thereto.

COMMUNITY DEVELOPMENT

ARTICLE 8: To see if the Town will vote to authorize the Board of Selectmen to convey, by sale, lease, or otherwise, to a for-profit organization, not for profit organization, development company, or other entity and upon such terms and conditions as the Board of Selectmen deems appropriate, all or portions of the property known as the 1820 Plymouth County Courthouse, the Commissioner's Building and the Old Police Station and the surrounding parcels shown on Town Assessor's Map 19 Lots 2, 6, 7, 23 24A, 24B and 25 and to convey said parcels and/or the buildings thereon to said entity for such consideration as the Board deems appropriate, which consideration may be nominal, and further, to authorize the Board of Selectmen to execute any and all instruments as may be necessary on behalf of the Town to effect said conveyance of the property and to grant and/or accept, as may be appropriate, a historical preservation restriction or restrictions in said properties meeting the requirements of G.L. c. 184; or to take any other action in relation thereto.
BOARD OF SELECTMEN

ARTICLE 9: To see if the Town will vote to approve the Tax Increment Financing Agreement between the Town and High Rock Cranberry Crescent LLC, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to G.L. c.40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Cranberry Crescent Economic Opportunity Area"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council for approval, all relating to the project as described in the TIF Agreement to be located in the Cranberry Crescent Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.
BOARD OF SELECTMEN

ARTICLE 10: To see if the Town will vote to approve the Tax Increment Financing Agreement between the Town and Mirbeau Boston-South, LLC, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to G.L. c.40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Pinehills Economic Opportunity Area #1"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council for approval, all relating to the project as described in the TIF Agreement to be located in the Pinehills Economic Opportunity Area #1, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.
BOARD OF SELECTMEN

ARTICLE 11: Withdrawn

ARTICLE 12: Withdrawn

ARTICLE 13: To see if the Town will vote to:

(1) transfer care, custody and control from the Plymouth Airport Commission for airport purposes to the Plymouth Airport Commission for airport purposes and for the purpose of conveyance of a portion of property containing between 5-15 acres located at 246 South Meadow Road, Plymouth, known as Parcel 17, and described in a deed recorded with the Plymouth County Registry of Deeds in Book 5707, Page 22; and

(2) authorize the Plymouth Airport Commission to (a) convey a portion of the above-described property for a sum or for such other consideration, including acquisition of a parcel of land, containing approximately 5-15 acres; and (b) authorize the Plymouth Airport Commission to acquire by gift, purchase or eminent domain for buffer and conservation purposes the remaining portion of said property containing a total of 48 acres, more or less, in connection with the airport runway project; (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 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 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, eminent domain or otherwise, for historic preservation purposes pursuant to G.L.c. 44B and also for the purpose of leasing, on such terms and conditions as the Board of Selectmen deem appropriate, and to accept a deed to the Town of Plymouth of a fee simple interest to a parcel of land and the buildings thereon, commonly known as Congregation Beth Jacob Community Center which is also formally known as Plymouth's Methodist Episcopal Church located at 25 ½ Court Street, Plymouth shown on Assessor's Map 17 as Parcel 145-2, and further that the land shall be in the care, custody, management and control of the Board of Selectmen, and as funding therefor to transfer from the Community Preservation Historical Account, estimated annual revenues, fund balance, or reserves, the sum of \$365,000 for the acquisition and the additional sum of \$285,000 for the installation of two ADA compliant bathrooms, fire emergency exit and fire sprinkler system

on said premises; and further to authorize the Board of Selectmen to enter into a lease agreement with the Greater Plymouth Performing Arts Center, Inc. ("GPPAC") for the use of the building located on the premises, for such consideration, which may be nominal, and under such terms and conditions as the Board of Selectmen deems appropriate, which conditions shall include, but not limited to, the following: (1) a provision authorizing the Board of Selectmen to appoint a member of the GPPAC board of directors, for two-year terms, for the length of the lease; (2) a provision providing that the Town and its committees may use the building, based on availability, for meeting space; (3) a provision providing that Plymouth students shall be permitted to attend select GPPAC-sponsored play productions free of charge based upon availability; (4) and a provision negotiated by GPPAC and Congregation Beth Jacob allowing said congregation to use the premises for the Rosh Hashanah and Yom Kippur holidays; and further to authorize the Board of Selectmen to grant to a governmental entity, a non-profit or charitable organization, a historical preservation restriction on said property meeting the requirements of G.L. c.184, 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, including agricultural, purposes, pursuant to G.L. c 44B and to accept the deed to the Town of Plymouth of a fee simple interest or less to a parcel of land containing 19 acres, more or less, located off Center Hill Road, Plymouth shown on Assessor's Map 52 as Lots 26-U, 27A, 9C and 9F and further that said land shall be held under the care, custody, and control of the Conservation Commission, and as funding therefor to appropriate \$350,000, with \$16,000 to be appropriated from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow a sum of money pursuant to G.L. c.44B or any other enabling authority, \$169,000 transferred from the amount appropriated under Article 16B of the October 25, 2010 Fall Annual Town Meeting and \$165,000 transferred from the amount appropriated under Article 16C of the October 25, 2010 Fall Annual Town Meeting; and further to authorize the Board of Selectmen to grant a conservation restriction including but not limited to an agriculture use of said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§ 31-33 and to authorize appropriate Town officials to enter into all agreements and to 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 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 purposes pursuant to G.L. c. 44B and to accept the deed to the Town of Plymouth of a fee simple interest or less to a parcel of land containing 348 acres of land, more or less, located off Old Sandwich Road, Plymouth, shown on Assessor's Map 61 as Lots 2, 4 and Map 62, Lots 1B, 1 C and further that said land shall be held under the care, custody, and control of the Conservation Commission; and as funding therefor to transfer and appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves a sum of money for such purposes; 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, and to

authorize 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 as may be necessary on behalf of the Town to effect said purchase; and further that any grants received for the purposes of this Article shall be used to reduce the amount expended hereunder or, if received after the purchase is made, be credited to the Community Preservation Fund; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 17: Withdrawn

ARTICLE 18: To see if the Town will vote to transfer the care, custody, management and control of a certain parcel of land shown as Lot 23 on Assessors Map 19 from the School Department for school purposes to the Board of Selectmen for general municipal purposes or for the purpose of conveyance, including sale, transfer or lease, and further, to authorize the Board of Selectmen to convey said land pursuant to the requirements of G. L. c. 30B, the Uniform Procurement Act, and on such terms and conditions as may be deemed to be in the best interests of the Town, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 19: To see if the Town will vote to amend the vote taken under Article 9, Item A-16, B-3 of the 2009 April Town Meeting, pursuant to which funds were appropriated for the reconstruction and making of roadway improvements on Standish Avenue from Samoset Street to Alden Street, to now authorize such funds to be expended for the reconstruction and making of roadway improvements to Standish Avenue in its entirety, or take any action relative thereto.

DEPARTMENT OF PUBLIC WORKS

ARTICLE 20: To see if the Town will vote to transfer the care, custody, management and control of the following parcels from the Town Treasurer for the purpose of sale at auction to the Conservation Commission for conservation purposes pursuant to G.L. c. 40, §8C:

Map	Lots	Road	Book/Page	Tax Title
82	55B	Off State Hwy Rte 3	39746/98	9539
87	34	Old Bog Road	40225/192	10826

Or take any other action relative thereto.

ENVIRONMENTAL MANAGEMENT

ARTICLE 21: Withdrawn

ARTICLE 22: Withdrawn

ARTICLE 23: Withdrawn

ARTICLE 24: Withdrawn

ARTICLE 25: To see if the Town will vote to amend its Zoning Bylaw by substituting the existing Official Zoning Maps with a new Official Zoning Map Revised consisting of two sheets (General Zoning and Aquifer Protection Overlay) or to take any other action relative thereto.

DEPARTMENT OF PLANNING AND DEVELOPMENT

ARTICLE 26: 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 or to take any other action relative thereto.

DEPARTMENT OF PLANNING AND DEVELOPMENT

ARTICLE 27: To see if the Town will vote to authorize the transfer of care, custody, management and control of the following parcel from the Town Treasurer for the purpose of sale at auction to the Board of Selectmen for general municipal purposes and for the purpose of conveyance of easements, and further to authorize the Board of Selectmen to grant to NSTAR Electric Company and Verizon New England, Inc., a perpetual non-exclusive utility easement in that portion of Town owned property located at 262 Billington Street, more particularly described in deeds recorded with Plymouth County Registry of Deeds in Book 1703, Page 534 and shown on Town Assessors’ Map 89 as Parcel 12A, or take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS

ARTICLE 28: To see if the Town will vote to authorize the Board of Selectmen to grant to NSTAR Electric Company, a perpetual non-exclusive utility easement in that portion of Town owned property located on Obery Street, more particularly described in deeds recorded with Plymouth County Registry of Deeds in Book 11972, Page 160 or take any other action relative thereto.

SCHOOL DEPARTMENT

ARTICLE 29: Withdrawn

ARTICLE 30: Withdrawn

ARTICLE 31: Withdrawn

ARTICLE 32: To see if the Town will vote to amend its Zoning Bylaw, Section 205-47 “Neighborhood Commercial (NC)” by modifying certain requirements, conditions and/or definitions therein, including but not limited to deletion or modification of the limitation on restaurants to “on-premises consumption” in order to allow for off-premises consumption, as well as to amend associated sections, provisions, definitions, tables, charts and procedures pertaining thereto, or take any other action relative thereto.

BY PETITION: Robert C. Betters, et al

ARTICLE 33: We the registered voters of the town of Plymouth, petition the town meeting to vote to immediately place a moratorium, to continue for two years following the date of this vote, to direct all elected Board members within the town of Plymouth, and all appointed officials or employees of the Town of Plymouth, to take all actions necessary, to cease, suspend and otherwise prohibit the permitting, construction, installation, and contract negotiation for the siting of any commercial or municipal wind turbines anywhere within the borders of the town of Plymouth, on public or private land, under the present wind turbine by-laws or zoning by-laws by special permit, building permit or otherwise; and to direct the Plymouth Planning Board during this one year period to comprehensively review the existing wind turbine by laws, and other zoning by-laws which permit wind turbines within the town of Plymouth, in light of the reported health impacts and widespread litigation in neighboring communities.

BY PETITION: Kieran Kearney, et al

ARTICLE 34: To see if the Town will vote to amend the Zoning Map of the Town of Plymouth to rezone the land shown as Lot 14F-2 on Assessors' Map 104 from R-20-MD to Light Industrial (LI) or to take any other action relative thereto.

BY PETITION: Edward A. Angley, et al

ARTICLE 35: To see if the Town will vote to amend the Zoning Map of the Town of Plymouth to rezone the land shown as Lot 14F-2 on Assessors' Map 104 from R-20-MD to Transitional Commercial (TC) or to take any other action relative thereto.

BY PETITION: Edward A. Angley, 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 2012.

Approved as to Legal
Form

BOARD OF SELECTMEN

Town Counsel

Mathew J. Muratore
Chairman

John T. Mahoney, Jr.
Vice Chairman

Belinda A. Brewster

Sergio O. Harnais

Kenneth A. Tavares

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 Twentieth day of October, 2012, 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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