

FALL ANNUAL TOWN MEETING WARRANT

Saturday, October 19, 2019

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 Nineteenth Day of October, 2019, 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 2019 Annual Town Meeting warrant, and, as necessary, to raise, appropriate, transfer or borrow funds for the purpose of supplementing departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 2B: To see if the Town will vote to amend the votes taken under Article 7B, 7C, 7D and 7E of the 2019 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ARTICLE 3: Withdrawn

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, including authorizing lease/purchase agreements for terms of up to or in excess of three years, substantially as follows:

ITEM	DEPARTMENT	PROJECT DESCRIPTION
A	Airport	Relocate Taxiway Sierra
B	DPW – Cemetery & Crematory	Retort Repairs
C	DPW – Parks & Forestry	Manomet Recreation Irrigation
D	DPW - Sewer	WWTP Groundwater Discharge Permit Modification

E	Fire	Engine 3 Rehab
F	Fire	Purchase & Equip Pumping Engine
G	Fire	Replace Tow Vehicle
H	Marine & Environmental Affairs	Jenny Pond Dam Engineering & Permitting
I	Marine & Environmental Affairs	Jenny Pond Dredging Engineering & Permitting
J	Marine & Environmental Affairs	Replace Patrol Boat
K	Marine & Environmental Affairs	Holmes Dam Sediment
L	Marine & Environmental Affairs	Savery Pond Watershed Study
M	Marine & Environmental Affairs	Floating Dock and Gangway

or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 5: 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 a 998 Kilowatt (more or less) solar photovoltaic energy generating facility for Manomet Solar, LLC (or its affiliates, successors or assigns) to be located on a seven-acre parcel (more or less) at 701 State Road, currently shown on Plymouth Assessor’s Map 48 Lot 2D, 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 6: Withdrawn

ARTICLE 7: To see if the Town will vote to transfer from available funds a sum of money to the following Stabilization Fund, as authorized by the provisions of G.L. c. 40, §5B,

a. Pavement Management Plan Debt Stabilization Fund

or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 8: To see if the Town will vote to authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation, as set forth below, to allow police officers retiring from the Town of Plymouth to work police details; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and provided further that the Board of Selectmen is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition:

AN ACT RELATIVE TO THE APPOINTMENT OF RETIRED POLICE OFFICERS AS SPECIAL POLICE OFFICERS IN THE TOWN OF PLYMOUTH.

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

SECTION 1. Notwithstanding any general or special law to the contrary, the Town Manager, after consultation with the Chief of Police, retired Town police officers as special police officers for the purpose of performing police details or any police duties arising therefrom or during the course of police detail work, whether or not related to the detail work. Such retired police officers shall have been regular full time Town police officers who voluntarily retired from the town and not elsewhere based upon superannuation. The special police officers shall be subject to the same maximum age restriction as applied to regular police officers under chapter 32 of General Laws. Such special police officers shall prior to appointment pass a medical examination by a physician chosen by the Town, to determine that they are capable of performing the essential duties of a special police officer, the cost of which shall be borne by the special police officers and shall provide certification to the town that they are covered by personal health insurance.

SECTION 2. Special police officers appointed under this act shall not be subject to chapters 31 or 150E of the General Laws or section 99A of chapter 41 of the General Laws, but shall be subject to chapter 151A of the General Laws.

SECTION 3. Special police officers appointed under this act shall, when performing the duties under section 1, have the same power to make arrests and to perform other police functions as do regular police officers of the Town.

SECTION 4. Special police officers shall be appointed for an indefinite term to serve at the pleasure of the Town Manager, subject to removal by the Town Manager at any time with a 14 day written notice except in cases where the Town Manager determines that immediate action is necessary to protect the public safety.

SECTION 5. Special police officers appointed under this act shall be subject to the rules and regulations, policies and procedures of the Police Department and the Chief of Police, including firearms qualifications, licensing, uniforms and equipment, and medical examinations to determine continuing capability to perform the duties of a special police office, as well as restrictions on the type of detail assignments. Compliance with all requirements shall be at no cost to the Town. Special police officers appointed under this act shall not be subject to section 96B of chapter 41 of the General Laws.

SECTION 6. Special police officers appointed under this act shall be sworn before the town clerk who shall keep a record of all such appointments.

SECTION 7. Special police officers appointed under this act shall be subject to sections 100 and 111F of chapter 41 of the General Laws. The amount payable under said section 111F of said chapter 41 shall be calculated by averaging the amount earned over the prior 52 weeks as a special police officer working police details, or averaged over such lesser period of time for any officer designated as a special police officer less than 52 weeks prior to the incapacity. In no event shall payment under said section 111F of said chapter 41 exceed, in any calendar year, the limitation on earning contained in paragraph (b) of section 91 of chapter 32 of the General Laws. Payment under said section 111F of said chapter 41 shall terminate either when a physician designated by the Town determines that the disability no longer exists or when a special police officer reaches the age of 65. In the event the age limitation applicable to regular police officers serving a town is increased from 65 years of age, the termination of benefits under said section 111F of said chapter 41, as provided here in to special police officers, shall terminate at such a higher age limit, but in no event shall the benefits extend beyond the age of 70 for any special police officer. Special police officers appointed under this act shall not be subject to section 85H or 85H1/2 of said chapter 32, nor eligible for any benefits pursuant thereto. Notwithstanding the

provisions of any general or special law to the contrary, if a special police officer appointed pursuant to this act is killed or sustains injuries that result in his death while working an assigned detail, the Town shall be required to compensate the surviving spouse, if any, in an amount equal to the benefit provided pursuant to section 100 of chapter 32, less any benefit payable to the surviving spouse pursuant to section 12(2)(c) of chapter 32. Whoever intentionally or negligently injures a special police officer for which his spouse is entitled to compensation pursuant to the act shall be liable in tort to the Town for such compensation incurred by Town as a result of said injury.

SECTION 8. Special police officers shall be paid the detail rate applicable to regular full time officers but shall not be entitled to any other town benefits.

SECTION 9. Retired Town police officers, serving as special police officers under this act, shall be subject to the limitations on hours worked and on payments to retired town employees under paragraph (b) of section 91 of chapter 32 of the General Laws, and said police officers who accept such employment in the Town of Plymouth or any other municipality or public entity in the Commonwealth shall, on or before January 31st of each calendar year, file a sworn statement with the Plymouth Retirement Board on a proscribed form identifying the compensated number of hours and earning therefrom for each municipality for which the police officer worked in the preceding calendar year.

SECTION 10. This act shall take effect upon its passage.
or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 9A: To see if the Town will vote to revise the funding sources and thereby amend the vote taken under Article 16A of the 2014 Spring Annual Town Meeting for the restoration of the 1820 Court House, as previously amended, by reducing the amount to be borrowed by a sum of money and transferring a sum of money from Fiscal Year 2020 Community Preservation Act estimated annual revenues, Community Preservation Reserves or other available funds for such purposes, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 9B: To see if the Town will vote to amend the vote taken under Article 16E of the April 2019 Annual Town Meeting warrant for the Fiscal Year 2020 Community Preservation budget and set aside sums for the future, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 9C: To see if the Town will vote to revise the funding sources and thereby amend the vote taken under Article 9d of the 2018 Fall Annual Town Meeting for the restoration of the historic 1898 National Memorial Meeting House in Town Square by reducing the amount to be borrowed by a sum of money and transferring a sum of money from Fiscal Year 2020 Community Preservation Act estimated annual revenues, Community Preservation Reserves or other available funds for such purposes, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 9D: To see if the Town will vote to transfer from Community Preservation Act estimated annual revenues, undesignated fund balance or Community Housing Reserve account the sum of \$475,000.00 as a grant to the Plymouth Housing Authority for the acquisition of an

affordable housing restriction pursuant to G.L. c. 44B, §12 and G.L. c. 184, §§ 31-33 for three units of rental housing on property located in the former Oak Street School on Oak Street Plymouth, MA 02360, including any incidental and related expenses, with any balance of funds left over after the acquisition to revert back to the Community Preservation Fund, and further to authorize the Board of Selectmen to enter into a grant agreement with the Housing Authority for such purposes, and to accept the affordable housing restriction, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 9E: 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 passive recreational purposes, on such terms and conditions as the Board of Selectmen deems appropriate, the fee simple or lesser interest in the parcels of land containing a total of 53.54 acres, more or less, located at Roxy Cahoon Road in Plymouth, described more particularly in a deed recorded with the Plymouth County Registry of Deeds in Book 45012, Page 69, and shown on Assessors' Map 58 as Lots 23 and 22-4, such land to be held under the care, custody and control of the Conservation Commission under the provisions of G.L. c. 40, §8C; and to raise and appropriate, transfer from available funds, and/or borrow a sum of money for the acquisition of said land and costs incidental or related thereto, and to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow said sum pursuant to G.L.c.44B, §11, G.L. c.44, §7, or any other enabling authority and to issue bonds or notes of the Town therefor, and any premium received by the Town upon the sale of any bonds or notes approved by this vote, less any such premium applied to the payment of the costs of issuance of such bonds or notes, may be applied to the payment of costs approved by this vote in accordance with G.L. c. 44, §20, thereby reducing the amount authorized to be borrowed to pay such costs by a like amount; and to authorize the Board of Selectmen to grant a conservation restriction in said property in accordance with G.L. c. 44B, §12, meeting the requirements of G.L. c.184, §§31-33, protecting the property for the purposes for which it is acquired; and, further, to authorize the Board of Selectmen, the Conservation Commission and other appropriate Town officials to apply for, accept and expend any funds that may be provided by the Commonwealth of Massachusetts or other public or private sources to defray all or a portion of the costs of said acquisition, including, but not limited to, grants and/or reimbursement from the Commonwealth under G.L. c. 132A, §11 (the LAND Grant Program), which grants and/or funds so received shall be used to repay all or a portion of the sum appropriated from the Community Preservation Fund hereunder, and to authorize the Board of Selectmen to enter into any and all agreements and to execute any and all instruments on behalf of the Town as may be necessary or convenient to effectuate the foregoing purposes; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 9F: To see if the Town will vote to appropriate from the Community Preservation Fund Historical Reserve Fund, estimated annual revenues, undesignated fund balance, or reserves, borrow, or otherwise fund, the sum of \$35,000 for the preservation, rehabilitation and restoration The Town of Plymouth Bell located at 19 Town Square in the belfry of the National Pilgrim Memorial Meeting House; and further, in connection therewith, that the Board of Selectmen be authorized to grant to a non-profit or charitable corporation an historic preservation

restriction meeting the requirements of G.L. c.184, §§31-33, shown as Assessors Map 19, Lot 21 or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 10: Withdrawn
BOARD OF SELECTMEN

ARTICLE 11 : To see if the Town will vote to raise and appropriate, transfer or borrow the sum of \$300,000, for the purposes of financing water pollution abatement facility projects, including 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 G.L. c.29C, §1; and to meet this appropriation to authorize the Treasurer with the approval of the Board of Selectmen to borrow said sum under G.L. c.44, §§7 or 8 or any other enabling authority, which amount may be borrowed through the Massachusetts Clean Water Trust or otherwise; and that the Board of Selectmen is authorized to take any other action necessary to carry out this project, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 12: Withdrawn

ARTICLE 13: To see if the Town will vote to amend the Zoning Bylaw Section 201.3 Definitions and to create a new section entitled Accessory Dwelling Units to allow studio and one-bedroom accessory apartments by right or by special permit, under certain conditions and subject to criteria, in all Residential and Mixed Use Zoning Districts as well as amend any other definitions, procedures, and provisions for said installations, with the full text of such amendment as on file with the Town Clerk, or take any other action relative thereto.

PLANNING AND COMMUNITY DEVELOPMENT

ARTICLE 14: To see if the Town will vote to transfer the care, custody, management and control of the parcel listed below as on file with the Town Clerk, from the Town Treasurer for tax title purposes to the Conservation Commission for conservation purposes pursuant to G.L. c.40, §8C; and further to authorize the Conservation Commission to execute any and all instruments as may be necessary to effectuate the vote taken hereunder, or take any other action relative thereto.

Parcel ID	Location	Legal Reference	Recording Date
092-000-006-000	Off Rocky Pond Rd	Bk 30966, Page 228	July 21, 2005

PLANNING AND COMMUNITY DEVELOPMENT

ARTICLE 15: To see if the Town will vote to accept a document entitled “Plymouth Center/ Waterfront Master Plan Update” dated October 2019, or take any other action relative thereto.

PLANNING AND COMMUNITY DEVELOPMENT

ARTICLE 16: To see if the Town will vote to amend the Town General Bylaw, *Wetlands Protection, Chapter 196, §196-6. Exceptions*, by including paragraph **D: Excepted and exempt from this bylaw are single and two-family residential lots in existence prior to the date of adoption of this exception by town meeting.** Or take any other action relative thereto.

By Petition: J. Randolph Parker, et al

ARTICLE 17: To see if the Town will vote to Amend Section 203-16 Marijuana Establishments, of the Town of Plymouth Zoning By-Laws so that Section 203-16 shall read in its entirety as follows (changed language is shown as underlined).

Marijuana Establishments. Marijuana Establishments as defined in Section 201-3 of the Zoning Bylaw, and Medical Marijuana Treatment Centers, as defined in Chapter 369 of the Acts of 2012, are allowed by Special Permit in the Light Industrial (LI) and Highway Commercial (HC) Districts. Marijuana Establishments and Medical Marijuana Treatment Centers are prohibited in all other zoning districts. Marijuana Establishments and Medical Marijuana Treatment Centers must comply with the dimensional, intensity, and setback requirements of the underlying district and the following requirements:

1. A minimum separation of 2,000 feet is required between Marijuana Retailers, not including Marijuana Treatment Centers.
2. A minimum setback of 500 feet is required from any public or private school (with Kindergarten through Grade 12 students).
3. Adequate provisions for security must be provided.
4. Advertisements, displays of merchandise, signs or any other exhibit depicting the activities of the dispensary placed within the interior of buildings or premises shall be arranged or screened to prevent public viewing from outside such building or premises.
5. Only one historic identification sign as defined by Section 203-3 of the Zoning Bylaw is allowed. All other identification signs are prohibited.

By Petition: Lauren Murphy, et al

And you are hereby required to serve this warrant in the manner prescribed by vote of the Town by posting notice thereof fourteen (14) days at least before such meeting in the Town Hall, in the Town's Libraries and posted on the Town's website, and make return thereof with your doings thereon at the time and places above mentioned.

Given under our hands this _____th day of September 2019.

Approved as to Legal Form

BOARD OF SELECTMEN

Town Counsel

Kenneth A. Tavares, Chairman

John T. Mahoney, Jr., Vice Chairman

Shelagh Joyce

Betty Cavacco

Patrick Flaherty

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 Nineteenth day of October, 2019, 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