

FALL ANNUAL TOWN MEETING WARRANT

Saturday, October 15, 2022

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 Fifteenth Day of October, 2022, at 8:00 AM, to act on the following articles to wit:

ARTICLE 1: WITHDRAWN

ARTICLE 2A:

To see if the Town will vote to amend the vote taken under Article 7A of the 2022 Spring Annual Town Meeting warrant, and, as necessary, to raise, appropriate, transfer from available funds, 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.

SELECT BOARD

ARTICLE 2B:

To see if the Town will vote to amend the votes taken under Article 7B, 7C, 7D and 7E of the 2021 Spring Annual Town Meeting warrant, and, as necessary, to raise and appropriate, transfer from available funds, 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.

SELECT BOARD

ARTICLE 3:

To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to pay certain unpaid bills, including bills of a prior fiscal year, or take any other action relative thereto.

SELECT BOARD

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 for various departments of the Town and/or for feasibility and other types of studies, and to authorize contracts or lease/purchase agreements for such purposes for terms of three or more years, as follows:

ITEM	DEPARTMENT	PROJECT DESCRIPTION
A1	DMEA	Store Pond Dam Inspection
A2	DMEA	Jenney/Alms House Pond Dam Inspection
A3	Agricultural Commission	Community Garden Project
A4	Center for Active Living	Age & Dementia Assessment
A5	DMEA	Jenney Pond Bypass Project
A6	Fire	Replace and Equip 2008 Pumping Engine
A7	Police	Casecracker Recording Replacement
A8	Town Manager	Website Upgrade & 311 System
B1	DMEA	Town Boat Ramp Reconstruction
B2	Fire	Replace and Equip 1996 75' Ladder (Quint)
B3	DPW - Water	Manomet Pipe Zone Upgrade

or take any other action relative thereto.

SELECT BOARD

ARTICLE 5: Pavement Management Stabilization Fund.

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

SELECT BOARD

ARTICLE 6: Elderly and Disabled Taxation Fund

To see if the Town will vote to accept the provisions of G.L. c.60, §3D, creating an Elderly and Disabled Taxation Fund, to which shall be credited voluntary contributions from tax payers, using either a check off box on the bill, or a bill insert for the purpose of defraying the costs of real estate taxes of elderly and disabled persons of low income; and, as required by law, to create a Taxation Aid Committee to consist of the Chair of the Board of Assessors, the Town Treasurer and three residents of the Town to be appointed by the Select Board; said fund to become effective as of Fiscal Year 2024; or any other action relative thereto.

SELECT BOARD

ARTICLE 7: WITHDRAWN

ARTICLE 8:

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain or otherwise for fire station and public safety purposes and/or general municipal purposes, upon such terms and conditions as the Select Board deems to be in the best interest of the Town, the fee or lesser interest in a portion of property shown on Plymouth Assessor's Map as Parcel 048-000-006F-000 and described in Book 2122, Page 188 in the Plymouth County Registry of Deeds, located off State Road, Plymouth, Massachusetts, the approximate area of which portion is shown on the plan entitled Plan of Land #811 & #827 State Road as on file with Plymouth Department of Public Works, Engineering Division, and the Town Clerk, said interest in land to be held under the care, custody, management, and control of the Select Board; and to authorize the Select Board, on behalf of the Town, to enter into all agreements and execute any and all instruments as may be necessary to effectuate said acquisition; and further, to fund such

acquisition, to transfer a sum of money from the appropriation made by the vote taken under Article 5 of the April 2, 2022 Special Town Meeting; or to take any other action relative thereto.
SELECT BOARD

ARTICLE 9A: CPC- Purchase Open Space- off Carver Road

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain, or otherwise, for open space and recreational purposes pursuant to G.L. c. 44B on such terms and conditions as the Select Board deems appropriate and to accept the deed to the Town of Plymouth, of a fee simple interest or less in the land comprising 99.5 acres, more or less, located off Carver Road in Plymouth, described more particularly in the deed recorded with the Plymouth County Registry of Deeds in Book 56776, Page 338, as further shown on Assessor's Map 107 as Lots 9A, 20F-1, 20F-2, 20F-3, 22, 23-4, 24A, and 63-10, such land to be held under the care, custody, management and control of the Conservation Commission; and to appropriate \$900,000.00 for the acquisition of said land and other costs associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum pursuant to G.L. c. 44B, §11 or G.L. c.44, §7 or any other enabling authority; and further to authorize the Select Board 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; and to authorize appropriate Town officials to file on behalf of the Town any and all applications deemed necessary for grants and reimbursements from the Commonwealth of Massachusetts deemed necessary under G.L. c. 132A, §11 and to authorize them to enter into all agreements and execute 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 9B: CPC- Historical Preservation- Spire Center

To see if the Town will vote to appropriate from Community Preservation Fund receipts, transfer from Community Preservation available funds and/or borrow \$3,600,000 or any other sum, for the restoration, rehabilitation, and preservation of the 1884 historic façade of the Spire Building located in Court House Square or to grant such sum to the Spire Center for the Performing Arts, Inc., for purposes of the restoration, rehabilitation, and preservation of such property's historic facade, and further, that the Select Board, on behalf of the Town, is authorized to acquire an Historic Preservation Restriction on the historic façade of said property pursuant to M.G.L. c.44B §12 and G.L. c.184 §§31-33, or to take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 9C: CPC- Purchase of Open Space- off Stephens Lane

To see if the Town will vote to authorize the Select Board to acquire by purchase, gift, eminent domain, or otherwise, for open space and recreational purposes pursuant to G.L. c. 44B on such terms and conditions as the Select Board deems appropriate and to accept the deed to the Town of Plymouth, of a fee simple interest or less in the land being a portion of lots 38C and 38A comprising 0.64 acres more or less, shown on Assessors' Map 23, located off Stephens Lane in Plymouth, described more particularly in a deed recorded with the Plymouth County Registry of Deeds in Book 37999, Page 150, such land to be held under the care, custody, management and control of the Conservation Commission; and to appropriate \$30,000.00 for the acquisition of said land and other costs associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum pursuant to G.L. c. 44B,

§11 or G.L. c. 44, §7 or any other enabling authority; and further to authorize the Select Board 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; and to authorize appropriate Town officials to file on behalf of the Town any and all applications deemed necessary for grants and reimbursements from the Commonwealth of Massachusetts deemed necessary under G.L. c. 132A, §11 and to authorize them to enter into all agreements and execute 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 9D: CPC- Historical Preservation- 1857 Plymouth Foundry/Marina

To see if the Town will vote to appropriate from Community Preservation Fund receipts, transfer from Community Preservation available funds and/or borrow \$733,201 or any other sum, to grant to Safe Harbor Marinas, LLC for the restoration, rehabilitation, and preservation of the historic façade, roof and interior of the 1857 Plymouth Foundry, known as the Marina, and further, that the Select Board, on behalf of the Town, is authorized to acquire an Historic Preservation Restriction on the historic façade, roof and interior of said property pursuant to M.G.L. c.44B §12 and G.L. c.184 §§31-33, or to take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

ARTICLE 10: Zoning Bylaw

To see if the Town will vote to amend the Zoning Bylaw, Section 203-1, Lot Regulations, to expand to the Airport (AP), Mixed Commerce (MC), Highway Commercial (HC) and Cedarville Village Enterprise (CVED) Districts where more than one principal Building may be erected on a Lot following a determination by the Planning Board that the entire Lot and all Structures thereon are planned and designed as a unified complex as well as amend any other definitions, procedures, and provisions for said installations, the full text of this amendment being on file at the Office of Planning and Development at Town Hall during normal business hours and is posted on the Town's website, or take any other action relative thereto..

PLANNING BOARD

ARTICLE 11: Zoning Bylaw

To see if the Town will vote to amend the Zoning Bylaw "Use Table" by changing the designation in such table of certain prohibited and special permit uses to allowed uses and, further, by changing certain prohibited uses to uses requiring a special permit, as well as amend any other definitions, procedures, and provisions for said installations, the full text of this amendment being on file at the Office of Planning and Development at Town Hall during normal business hours and is posted on the Town's website; or take any other action relative thereto.

PLANNING BOARD

ARTICLE 12: Amend Center for Active Living Revolving Fund.

To see if the Town will vote to amend the "Council on Aging Meals on Wheels" Revolving Fund approved at the 2022 Spring Town Meeting by revising the row by the same name in the chart set forth in Chapter 143, Section 5 of the Town Bylaws by adding the underlined and italicized text as follows:

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Committee, Agency or Officer Authorized to spend from the Fund	<u>C</u> Fees, Charges or other Receipts Credited to Fund	<u>D</u> Program or Activity Expenses Payable from Fund	<u>E</u> Fiscal Years
<u>CAL Café</u> <u>Nutrition and</u> Council On Aging Meals on Wheels <u>Donation</u> <u>Fund</u>	Director of Elder Affairs-COA	Those identified as relating to <u>the</u> <u>CAL Café</u> <u>Nutritional</u> <u>Program and</u> donations for the Council on Aging Meals on Wheels Program.	This fund shall be for <u>CAL Café</u> <u>revenue sources,</u> <u>expenses,</u> <u>supplies, salaries</u> <u>and staffing, as</u> <u>well as donation</u> payments to Old Colony Elder Services for meals.	Fiscal Year 2023 and subsequent years

Or take any action relative thereto:
CENTER FOR ACTIVE LIVING

ARTICLE 13: Retirement Board COLA

To see if the Town will vote in accordance with G.L. c.32, §103(h), as amended by section 19 of Chapter 188 of the Acts of 2010, to approve the Plymouth Retirement Board's increase in the maximum base amount on which the Cost-of-Living Adjustment (COLA) is calculated from \$14,000.00 to \$16,000.00, or take any other action relative thereto.

PLYMOUTH RETIREMENT BOARD

ARTICLE 14: Nor'easter Storm Funding

To see if the Town will vote to raise and appropriate or transfer from available funds an amount of money to pay for the outstanding costs of the October 2021 Nor'easter storm, or take any other action relative thereto.

SELECT BOARD

ARTICLE 15: Establish Speed Limit.

To see if the Town will vote to accept the provisions of G.L. c. 90, §17C, to, in the interests of public safety, establish a speed limit of 25 miles per hour on any roadway inside a thickly settled or business district in the city or town on any way that is not a state highway; or take any other action relative thereto.

SELECT BOARD

ARTICLE 16: Bylaw Amendment.

To see if the Town will vote to amend the Town's General Bylaws, Chapter 132, Plastic Bag Ban, §132-1, Definitions, by deleting the definition of a "Reusable Carryout Bag" in its entirety and inserting in place thereof the following revised definition:

The term "Reusable Carryout Bag" shall mean:

A bag that: (1) is sewn with handles that are stitched and not heat fused; (2) is manufactured for multiple reuse; (3) can be washed or disinfected by hand or machine; and, (4) is made of either (a) natural fibers (such as cotton, hemp, linen or other woven or non-woven fibers); or (b) durable, non-toxic plastic other than polyvinyl chloride that is generally considered a food-grade material and is no less than 4 mils thick.

Or take any other action relative thereto.

PLYMOUTH OPEN SPACE COMMITTEE

ARTICLE 17: WITHDRAWN

ARTICLE 18: WITHDRAWN

ARTICLE 19: Increased Parking Fines

To see if the Town will vote to authorize the Select Board to petition the Massachusetts General Court for special legislation, substantially as set forth below, in regards to the increase of certain maximum fines for motor vehicle parking violations; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Select Board approves amendments to the bill before enactment by the General Court, and provided further that the Select Board is hereby authorized to approve amendments which shall be within the scope of the general public objectives of this petition; or take any other action relative thereto.

AN ACT RELATIVE TO THE INCREASE OF CERTAIN MAXIMUM FINES FOR MOTOR VEHICLE PARKING VIOLATIONS 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. The select board of the town of Plymouth may establish fines in amounts up to those in section 2 to help address and regulate the significant number of resident and visitor cars parking in the town of Plymouth for the purpose of properly maintaining the unique historical characteristics of the town while also protecting use of its ocean beaches, ponds, and passive recreation areas.

SECTION 2. Notwithstanding the provisions of section 20A 1/2 of chapter 90 of the General Laws, section 21 of chapter 40, or of any other general or special law to the contrary, the select board of the town of Plymouth, or the town manager as its designee, may, establish, by rule or regulation, a schedule of fines for time restriction and other parking violations within parking districts in town that require a beach sticker, which fines shall not exceed \$150, if paid within 21 days, not more than \$200 if paid after 21 days but before the parking clerk reports to the registrar as provided in said section 20A 1/2 of said chapter 90 and not more than \$250 if paid after the violation has been reported to the registrar. Such schedule may be adopted only after a public

hearing for which notice is provided on a prominent place on the town website for at least two weeks.

SECTION 3. This act shall take effect upon its passage.

SELECT BOARD

ARTICLE 20: WITHDRAWN

ARTICLE 21: WITHDRAWN

ARTICLE 22: Citizens Petition

To see if the Town will vote to present the Home Rule petition set forth below to the General Court, that the Town's representatives in the General Court be requested to immediately introduce legislation as set forth below and ask that the General Court enact such legislation; further that the General Court may make constructive changes in the text hereof as may be necessary or advisable to accomplish the intent of this proposed legislation in order to secure its passage

"AN ACT concerning horse racing within the town of Plymouth

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

SECTION 1. The purpose of this legislation is to ensure that the citizens of Plymouth have the opportunity to decide whether horse racing shall be licensed in their town.

SECTION 2. For purposes of this act, "horse racing" shall mean every meeting where horses are raced and where any form of betting or wagering on the speed or ability of horses shall be permitted.

SECTION 3. Notwithstanding the provisions of M.G.L. c. 128A, section 13A, M.G.L. c. 271, section 33, nor any other general or special law to the contrary, there shall be no license granted by the Massachusetts Gaming Commission nor any other state or local Commission or agency, for horse racing within the Town of Plymouth, unless or until the Select Board shall approve such location, after published notice and public hearing, and a majority of the registered voters of the Town of Plymouth, voting on the described location relative to granting such license have voted in the affirmative within the same calendar year as such approval by the Plymouth Select Board and further that the location for such horse racing be approved at a town meeting.

SECTION 4. This act shall take effect upon its passage. "

or otherwise act thereon.

BY PETITION: Kathryn Holmes, 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 13 th day of September 2022.

Approved as to Legal Form

Paul R. Reish
Town Counsel

SELECT BOARD

Betty Cavacco
Betty Cavacco, Chairman

Richard Quintal
Richard Quintal, Vice Chairman

John Mahoney
John Mahoney

Harry Helm
Harry Helm

Charlie Bletzer
Charlie Bletzer

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 at 41 Obery Street in Plymouth, MA on Saturday, the Fifteenth day of October 2022, 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.

Kelly A. McElwath
Signature
Town Clerk

September 26, 2022
Date & Time
Posted