

2019 SPECIAL TOWN MEETING WARRANT

Saturday, April 6, 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 Special Town Meeting, to meet at Plymouth North High School at 41 Obery Street in Plymouth, MA on Saturday, the Sixth day of April 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 2: To see if the Town will vote to transfer from available funds a sum of money to be added to funds already appropriated under Articles 7A through 7E of the 2018 Spring Annual Town Meeting for the purpose of supplementing departmental expenses, or otherwise amend said votes, 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 from available funds a sum of money to pay certain unpaid 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 of buildings 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 or professional consulting services, including any related and incidental costs and expenses, as follows:

- A1 – Russell Pond Dam Repairs/Emergency Action Plan
- A2 - Beach Vehicle

Or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 5: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation as set forth below; provided, however, that the General Court may make clerical and editorial changes of form only to the bill unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and to authorize the Board of Selectmen to approve such amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto.

An Act Authorizing the Town of Plymouth to Continue Employment of G. Edward Bradley

Section 1. Notwithstanding any general or special law to the contrary, G. Edward Bradley, a member of the fire department of the town of Plymouth, may continue to serve in such position until the age of 67, or until the date of his retirement, non-reappointment, or the date he is relieved of his duties by the town, whichever occurs first; provided, however, that he is mentally and physically capable of performing the duties of his office. Provided further, that the town may, at its own expense, require that G. Edward Bradley be examined by an impartial physician designated by the town to determine such capability; and

provided further, that no deductions shall be made from the regular compensation of G. Edward Bradley pursuant to chapter 32 of the General Laws for any service subsequent to his reaching the age of 65 in connection with his service to the town for retirement or pension purposes, and, upon retirement, G. Edward Bradley shall receive a superannuation retirement allowance equal to that which he would have been entitled had he retired at age 65.

SECTION 2. This act shall take effect upon its passage.

BOARD OF SELECTMEN

ARTICLE 6: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$20,000 for the purposes of buying-out the lease at 23 Town Wharf with Plymouth Water Sports, Inc., including any related and incidental costs and expenses, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 7: To see if the Town will vote to adopt a community impact fee, effective July 1, 2019, on the transfer of occupancy of certain short term rentals, as follows:

- (A) Accept the provisions of G.L. c.64G, §3D(a), authorizing the imposition of a community impact fee on the transfer of occupancy of a short term rental in a “professionally-managed unit”, defined as a unit owned by an operator who owns two or more short-term rental units in the same municipality not located within an owner-occupied single-family, two-family or three-family dwelling, at the rate of 3% of the total value of such occupancy; and,
- (B) Accept the provisions of G.L. c.64G, §3D(b), authorizing the imposition of a community impact fee on the transfer of occupancy of a room in a short-term rental located within an owner-occupied two- or three-family dwelling, at the rate of 3% of the total value of such occupancy;

or take any other relative action thereto.

BOARD OF SELECTMEN

ARTICLE 8: To see if the Town will adopt a new General Bylaw, Chapter 160, entitled, “Regulation of Short Term Rentals”, as on file with the Town Clerk, or take any other relative action thereto.

BOARD OF SELECTMEN

ARTICLE 9: To see if the Town will vote to appropriate the sum of \$564,861 for the creation and/or restoration and rehabilitation of land for open space and recreational use, including improvements to comply with, Americans with Disabilities Act and Massachusetts Architectural Access Board access standards at various public playgrounds, including Nelson Park shown on Assessors Map 12, Lot 57 and Elmer Raymond, Jr. Playground located in Plymouth, MA and shown on Assessors Map 55, Lot 12A pursuant to the Community Preservation Program, and specifically for the design, acquisition and installation of recreational play equipment for such land, including but not limited to site preparation and permitting costs; and as funding therefor to appropriate said sum from the Community Preservation Fund estimated annual reserves, fund balance, or reserves, and/or borrow pursuant to G.L. c.44B or any other enabling authority, or take any other action relative thereto.

COMMUNITY PRESEVERATION COMMITTEE

ARTICLE 10: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Nuclear Plant Mitigation 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 11: To see if the Town will vote to approve a payment in lieu of taxes agreement between the Town and Entergy Nuclear Generation Company for the property known as the Pilgrim Nuclear Generation Station, as on file with the Town Clerk, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 12: To see if the Town will vote pursuant to G.L. c.44, §53E ½ to establish a new revolving fund, to be known as the Plymouth County Outreach Initiative; and further, to amend General Bylaws Chapter 143: Departmental Revolving Funds, particularly §143-5, by inserting a new row at the end of the Table of authorized revolving funds, as follows, and, further, to establish a fiscal year expenditure limit of \$100,000 for such fund, to be applicable from fiscal year to fiscal year unless amended by Town Meeting prior to July 1 in any fiscal year:

<u>A</u> Revolving Fund	<u>B</u> Department, Board, Committee, Agency or Officer Authorized to spend from 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
Plymouth County Outreach (PCO)	Chief of Police	Annual dues collected from PCO member departments.	PCO Initiative to assist those struggling with substance abuse disorders, mental health disorders, and/or behavioral health disorders.	FY2020 and subsequent years.

or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 13: To see if the Town will vote to amend the vote taken under Article 9-Item B2 of the April 7th Annual Town Meeting (Maritime Facility) and appropriate the additional amount of \$1,000,000 to pay costs of the design, construction, and equipping of the Maritime Facility, located on Town-owned property shown as Lot 21A on Plymouth Assessors' Map 14A, and for all incidental and related costs and expenses, thereby increasing the total amount appropriated for such purposes from \$3,500,000 to \$4,500,000; and that to meet this additional appropriation, to authorize the Treasurer, with the approval of the Board of Selectmen, to borrow the additional amount appropriated hereunder pursuant to G.L. c.44, §7(1), or pursuant to any other enabling authority, and issue bond or notes of the Town therefor, or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 14: Withdrawn.

ARTICLE 15 : To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow the sum of \$185,000 for the management and oversight of the wastewater treatment plant and related facilities and infrastructure, including preparation of a Sewer Operations Request For Proposals for such services and all other incidental and related costs and expenses, and to authorize the Board of Selectmen to enter into a contract for such services for a period up to or in excess of three years on such terms as the Board determines to be in the best interest of the Town, or take any other relative action thereto.

BOARD OF SELECTMEN

ARTICLE 16: To see if the Town will vote to amend the General Bylaws by adding a new Ch. 159, Stormwater Pollution Abatement, as set forth below:

§ 159-1 Purpose.

Increased and contaminated Stormwater runoff is a major cause of impairment of water quality and flows in lakes, ponds, streams, rivers, wetlands and groundwater; contamination of drinking water supplies; alteration or destruction of aquatic and wildlife habitat; and flooding.

Regulation of illicit connections and discharges to the municipal storm drain system and watercourses is necessary for the protection of the Town of Plymouth's water bodies and groundwater, and to safeguard the public health, safety, welfare, and the environment.

The objectives of this by-law are:

1. to prevent pollutants from entering the Town of Plymouth municipal separate storm sewer system(MS4) or watercourses;
2. to prohibit illicit connections and unauthorized discharges to the MS4 and watercourses;
3. to comply with state and federal statutes and regulations relating to Stormwater discharges; and
4. to establish the legal authority to ensure compliance with the provisions of this by-law through inspection, monitoring, and enforcement through the Department of Public Works Engineering Division.

§ 159-2 Definitions.

For the purposes of this by-law, the following shall mean:

AUTHORIZED ENFORCEMENT AGENCY: The Plymouth Department of Public Works, its employees or any agents designated by the Plymouth Department of Public Works to enforce this by-law.

CLEAN WATER ACT: The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) as hereafter amended.

DISCHARGE OF POLLUTANTS: The addition from any source of any pollutant or combination of pollutants into the municipal storm drain system or into the waters of the United States or Commonwealth from any source.

GROUNDWATER: Water beneath the surface of the ground.

ILLICIT CONNECTION: A surface or subsurface drain or conveyance, which allows an illicit discharge into the municipal storm drain system or a watercourse, including without limitation sewage, process wastewater, or wash water and any connections from indoor drains, sinks, or toilets, regardless of whether said connection was previously allowed, permitted, or approved before the effective date of this by-law

ILLICIT DISCHARGE: Direct or indirect discharge to the municipal storm drain system or a watercourse that is not composed entirely of Stormwater, except as exempted in Section 3 of this by-law.

IMPERVIOUS SURFACE: Any material or structure on or above the ground that prevents water from infiltrating the underlying soil. The term impervious surface includes without limitation roads, paved parking lots, sidewalks, and rooftops.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) or MUNICIPAL STORM DRAIN SYSTEM: The system of conveyances designed or used for collecting or conveying Stormwater, including any road with a drainage system, street, gutter, curb, inlet, piped storm drain, pumping facility, retention or detention basin, natural or man-made or altered drainage channel, reservoir, and other drainage structure that together comprise the storm drainage system owned or operated by the Town of Plymouth.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) STORM WATER DISCHARGE PERMIT: A permit issued by the United States Environmental Protection Agency or jointly with the State that authorizes the discharge of pollutants to waters of the United States.

NON-STORMWATER DISCHARGE: Discharge to the municipal storm drain system not composed entirely of Stormwater.

PERSON: An individual, partnership, association, firm, company, trust, corporation, agency, authority, department or political subdivision of the Commonwealth or the federal government, to the extent permitted by law, and any officer, employee, or agent of such person.

POLLUTANT: Any element or property of sewage, agricultural, industrial or commercial waste, runoff, leachate, heated effluent, or other matter whether originating at a point or nonpoint source, that is or may be introduced into any sewage treatment works or waters of the Commonwealth. Pollutants shall include without limitation:

- (1) paints, varnishes, and solvents;
- (2) oil and other automotive fluids;
- (3) non-hazardous liquid and solid wastes and yard wastes;
- (4) refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordnances, accumulations, and floatables;
- (5) pesticides, herbicides, and fertilizers;
- (6) hazardous materials and wastes; sewage, fecal coliform, and pathogens;
- (7) dissolved and particulate metals;
- (8) animal wastes;
- (9) rock, sand, salt, soils;
- (10) construction wastes and residues; and
- (11) noxious or offensive matter of any kind.

PROCESS WASTEWATER: Water which, during manufacturing or processing, comes into direct contact with or results from the production or use of any material, intermediate product, finished product, or waste product.

STORMWATER: Runoff from precipitation or snow melt, and surface water runoff and drainage which does not contain pollutants or wastewater.

SURFACE WATER DISCHARGE PERMIT. A permit issued by the Department of Environmental Protection (DEP) pursuant to 314 CMR 3.00 that authorizes the discharge of pollutants to waters of the Commonwealth of Massachusetts.

TOXIC OR HAZARDOUS MATERIAL or WASTE: Any material, which because of its quantity, concentration, chemical, corrosive, flammable, reactive, toxic, infectious or radioactive characteristics, either separately or in combination with any substance or substances, constitutes a present or potential threat to human health, safety, welfare, or to the environment. Toxic or hazardous materials include any synthetic organic chemical, petroleum product, heavy metal, radioactive or infectious waste, acid and alkali, and any substance defined as Toxic or Hazardous under G.L. Ch.21C and Ch.21E, and the regulations at 310 CMR 30.000 and 310 CMR 40.0000.

WATERCOURSE: A natural or man-made channel through which water flows or a stream of water, including a river, brook or underground stream.

WATERS OF THE COMMONWEALTH: All waters within the jurisdiction of the Commonwealth, including, without limitation, rivers, streams, lakes, ponds, springs, impoundments, estuaries, wetlands, coastal waters, and groundwater.

WASTEWATER: Any sanitary waste, sludge, or septic tank or cesspool overflow, and water that during manufacturing, cleaning or processing, comes into direct contact with or results from the production or use of any raw material, intermediate product, finished product, byproduct or waste product.

§ 159-3 Applicability.

This by-law shall apply to all liquid and other matters entering the municipal storm drain system or going, directly or indirectly, into a watercourse or waters of the Commonwealth, that will be generated on any developed or undeveloped lands except as explicitly exempted in this by-law.

§159-4 Prohibited Activities and Exemptions.

- A. **Illicit Discharges.** No person shall dump, discharge, spill, cause or allow to be discharged any pollutant or non-Stormwater discharge into the municipal separate storm sewer system (MS4), onto an impervious surface directly connected to the MS4, or directly or indirectly, into a watercourse or waters of the Commonwealth.
- B. **Illicit connections.** No person shall construct, use, allow, maintain or continue any illicit connection to the municipal storm drain system, regardless of whether the connection was permissible under applicable law, regulation or custom at the time of connection.

- C. Obstruction of the municipal storm drain system. No person shall obstruct or interfere with the normal flow of Stormwater into or out of the municipal storm drain system without prior consent from the Authorized Enforcement Agency.
- D. Exemptions.
- (1) Discharge or flow resulting from fire-fighting activities;
 - (2) The following non-Stormwater discharges or flows are exempt from the prohibitions of non-Stormwater provided that the source is not a significant contributor of a pollutant to the municipal storm drain system or, directly or indirectly, to a watercourse or waters of the Commonwealth:
 - a. Waterline flushing;
 - b. Flow from potable water sources;
 - c. Springs;
 - d. Natural flow from riparian habitats and wetlands;
 - e. Diverted stream flow;
 - f. Rising groundwater;
 - g. Uncontaminated groundwater infiltration as defined in 40 CFR 35.2005(20), or uncontaminated pumped groundwater (e.g. sump pump), provided that where a pump intake exists inside a structure, the operator seeks a permit from the Authorized Enforcement Agency prior to discharge and thereafter discharges in accordance with the requirements of the permit and applicable laws and regulations to be issued by the Authorized Enforcement Agency;
 - h. Water from exterior foundation drains, footing drains (not including active groundwater dewatering systems-separate discharge permit required), crawl space pumps, or air-conditioning condensation;
 - i. Discharge from dechlorinated swimming pool water (less than one ppm chlorine) provided the water is allowed to stand for one week prior to draining and the pool is drained in such a way as not to cause a nuisance;
 - j. Discharge from street sweeping;
 - k. Dye testing provided verbal notification is given to the Authorized Enforcement Agency prior to the time of the test;
 - l. Non-Stormwater discharge permitted under an NPDES permit (including the latest The Dewatering General Permit and Construction General Permit for the Commonwealth of Massachusetts), waiver, or waste discharge order administered under the authority of the United States Environmental Protection Agency, provided that the discharge is in full compliance with the requirements of the permit, waiver, or order and applicable laws and regulations, and that a copy of such permit is provided to the Town at least seven (7) working days prior to the discharge; and
 - m. Discharge for which advanced written approval is received from the Authorized Enforcement Agency as necessary to protect public health, safety, welfare or the environment.

§ 159-5 Emergency Suspension of Storm Drainage System Access.

The Authorized Enforcement Agency may suspend municipal storm drain system access to any person or property without prior written notice when such suspension is necessary to stop an actual or threatened discharge of pollutants that presents an imminent risk of harm to the public health, safety, welfare or the environment. In the event any person fails to comply with an emergency suspension order, the Authorized Enforcement Agency may take all reasonable steps to prevent or minimize harm to the public health, safety, welfare or the environment.

§ 159-6 Notification of Spills.

Notwithstanding other requirements of local, state or federal law, as soon as a person responsible for a facility or operation, or responsible for emergency response for a facility or operation, has information of or suspects a release of materials at that facility or operation resulting in or which may result in discharge of pollutants to the municipal drainage system or waters of the Commonwealth, the person shall take all necessary steps to ensure

containment and cleanup of the release. In the event of a release of oil or hazardous materials, the person shall immediately notify the Municipal Fire and Police Departments. In the event of a release of nonhazardous material, the reporting person shall notify the Authorized Enforcement Agency no later than the next business day. The reporting person shall provide written confirmation of all telephone, facsimile or in-person notifications within three business days thereafter. If the discharge of prohibited materials is from a commercial or industrial facility, the facility owner or operator of the facility shall retain on-site a written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§159-7 Enforcement.

The Authorized Enforcement Agency shall enforce this by-law, and any associated regulations, orders, violation notices, and enforcement orders and may pursue all civil and criminal remedies for such violations.

A. Civil relief. If a person violates the provisions of this by-law, or any associated regulations, permit, notice, or order issued thereunder, the Authorized Enforcement Agency may seek injunctive relief in a court of competent jurisdiction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation.

B. Orders.

(1) The Authorized Enforcement Agency may issue a written order to enforce the provisions of this by-law or any regulations thereunder, which may include:

- a. Elimination of illicit connections or discharges to the MS4;
- b. Elimination of discharges to the MS4 or, directly or indirectly, into a watercourse or into the waters of the Commonwealth.
- c. Performance of monitoring, analyses, and reporting;
- d. That unlawful discharges, practices, or operations shall cease and desist;
- e. That measures shall be taken to minimize the discharge of pollutants until the illicit connection shall be eliminated; and
- f. Remediation of contamination in connection therewith.

(2) If the Authorized Enforcement Agency determines that abatement or remediation of contamination is required, the order shall set forth a deadline by which such abatement or remediation must be completed. Said order shall further advise that, should the violator or property owner fail to abate or perform remediation within the specified deadline, the Town may, at its option, undertake such work, and expenses thereof shall be charged to the violator.

(3) Within 30 days after completing all measures necessary to abate the violation or to perform remediation, the violator and the property owner will be notified of the costs incurred by the Town, including administrative costs. The violator or property owner may file a written protest objecting to the amount or basis of costs with the Authorized Enforcement Agency within 30 days of receipt of the notification of the costs incurred. If the amount due is not received by the expiration of the time in which to file a protest or within 30 days following a decision of the Authorized Enforcement Agency affirming or reducing the costs, or from a final decision of a court of competent jurisdiction, the costs shall become a special assessment against the property owner and shall constitute a lien on the owner's property for the amount of said costs. Interest shall begin to accrue on any unpaid costs at the statutory rate provided in MGL c. 59, § 57 after the 31st day at which the costs first become due.

C. Noncriminal disposition. As an alternative to criminal prosecution or civil action, the Town may elect to utilize the noncriminal disposition procedure set forth in MGL c. 40, §21D and Code of the Town of Plymouth Chapter I, General I, Article II, § 1-1 of the Town of Plymouth General Bylaws, in which case the Authorized Enforcement Agency shall be the enforcing person. The penalty for the first violation shall be a warning. The penalty for the second violation shall be \$100. The penalty for the third and subsequent violations shall be \$300. Each day or part thereof that such violation occurs or continues shall constitute a separate offense.

D. Entry to perform duties under this by-law. To the extent permitted by state law, or if authorized by the owner or other party in control of the property, the Authorized Enforcement Agency, its agents, officers,

and employees may enter upon privately owned property for the purpose of performing their duties under this by-law and regulations and may make or cause to be made such examinations, surveys or sampling as the Authorized Enforcement Agency deems reasonably necessary.

- E. Appeals. The decisions or orders of the Authorized Enforcement Agency shall be final. Further relief shall be to a court of competent jurisdiction.
- F. Remedies not exclusive. The remedies listed in this section are not exclusive of any other remedies available under any applicable federal, state or local law.

§ 159-8 Regulations and Guidance.

Authorized Enforcement Agency may promulgate rules and regulations to effectuate the purposes of this By-Law after conducting a public hearing to receive comments. Such hearing shall be advertised in a newspaper of general local circulation, at least fourteen (14) days prior to the hearing date. Failure by the Authorized Enforcement Agency to promulgate such rules and regulations shall not have the effect of suspending or invalidating this By-law.

§ 159-9 Transitional Provisions.

Residential property owners shall have ninety 90 days from the effective date of this bylaw to comply with its provisions provided good cause is shown for the failure to comply with the bylaw during that period.

§ 159-10 Severability.

The provisions of this bylaw are hereby declared to be severable. If any provision, paragraph, sentence, or clause of this bylaw or the application thereof to any person, establishment, or circumstances shall be held invalid, such invalidity shall not affect the other provisions or application of this bylaw.

or take any other relative action thereto.

BOARD OF SELECTMEN

ARTICLE 17: Withdrawn.

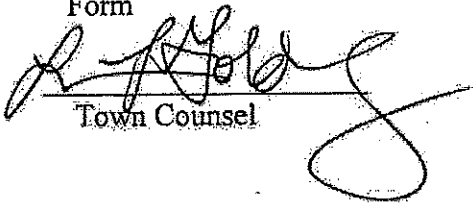
ARTICLE18: To see if the Town will vote to transfer the care, custody, management, and control of a piece of land shown on Assessor's Map 014-000-027B-000 off Plympton Street commonly known as "Parting Ways" from the Board of Selectmen for future cemetary purposes to the Boad of Selectmen acting as Water Commissioners for public water supply purposes, or take any other relative action thereto.

BOARD OF SELECTMEN

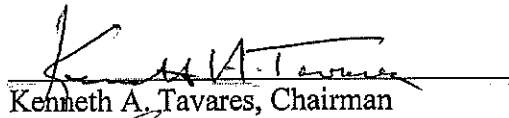
And you are hereby required to serve this warrant in the manner prescribed by vote of the Town by posting notice thereof fourteen (14) days at least before such meeting in the Town Hall, in the Town's Libraries and posted on the Town's website, and make return thereof with your doings thereon at the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

Given under our hands this ____ day of March 2019.

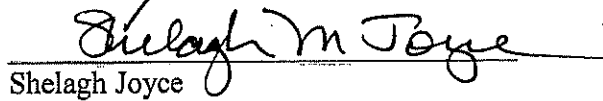
Approved as to Legal
Form


Town Counsel

BOARD OF SELECTMEN


Kenneth A. Tavares, Chairman


Anthony Provenzano Jr., Vice Chairman

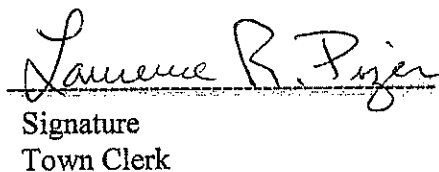

Shelagh Joyce

John T. Mahoney Jr.

Betty Cavacco

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 Plymouth North High School on Saturday, the Sixth Day of April, 2019, at 8:00 AM to conduct the Special Business Meeting of the Town of Plymouth, by posting copies of this Warrant in the Town Hall in the town's libraries and posted on the town's website seven days at least before such meeting.


Signature
Town Clerk

March 7, 2019
Date & Time
Posted