

TOWN OF PLAINVILLE
PROCEEDINGS OF THE ANNUAL TOWN MEETING – June 6, 2011 and the second session June 13, 2011

The first session of the Annual Town Meeting was held on Monday, June 6, 2011. A quorum was present with a total of 159 voters checked in for the evening. Town Moderator, Andrew Martin, called the meeting to order at 7:35 P.M. The Moderator read the opening of the warrant. He asked the Town Clerk if the warrant was posted and returned in the proper fashion. The Town Clerk responded “yes”.

Chris Tebo a student at Beatrice H. Wood School led the Pledge of Allegiance.

The Town Moderator introduced the Town Clerk, Assistant Town Clerk, Board of Selectmen, Finance Committee, Town Counsel and Town Administrator.

The counters to the right of the moderator were Cecilia Rose and Ken McKeown. The counters to the left of the moderator were Mary Gibeault and Wayne Bryant. The Moderator declared the meets and bounds of the hall and gave notice of the emergency exits and procedures. He also gave the following information and instructions:

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- The last day to register to vote for this Annual Town Meeting was May 17, 2011
 - Voters will have a red star hand stamp
 - Non-voters must have a seat to the right of the stage
 - Anyone at home following along with the meeting may get the documents online on the Town’s website
 - All motion, amendments, resolutions, and reports must be submitted in writing and handed to the Moderator. Forms are provided at the front of the hall.
 - If you wish to call the question – which forces to vote to stop discussion – you must be recognized by the Moderator. You may only call the question; you may not speak to the issue and then call the question.
 - There is a new guide to Town Meeting, please refer to page 9 for procedures
 - If you have a question or issue with the process that’s being followed, you may raise a point of order or point of question at any time.
 - Article 17 (budget) will be discussed in sections and there will be a separate vote
 - Articles 11, 15, 29, 30, 31, 45 & 46 will waive the reading of the article
 - Reports will be submitted for the following articles: 29, 30 & 31
 - Visual presentations will be made for the following articles: 17, 29, 30 & 31
 - At 11:00 pm we will determine whether to continue or adjourn until another night

Motion by Robert Rose, seconded by Edward McFarland-The Board of Selectmen recommends, and I so move, that the following individuals who are not registered voters of the Town of Plainville, be authorized to speak at this and subsequent sessions of the Annual Town Meeting:

James Alfred
Michael Berry
Mark Bertonassi

Police Chief
ICF International
Inspector of Buildings

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| | |
|---------------------|-----------------------------------|
| Carol Brown | Assistant Town Accountant |
| Burton Bryon | Conservation Agent |
| Melissa Campbell | Library Director |
| Joseph Fernandes | Town Administrator |
| Timothy Higgins | Edgewood Development |
| David Jenkins | Town Counsel |
| Theodore Joubert | Fire Chief |
| Gregory Kiff | Plainville Police Officer |
| Mary Jo La Freniere | Assessor |
| David Raiche | Plainville School Superintendent |
| Elizabeth Zeilinski | King Philip School Superintendent |
| William McEvoy | Plainville Police Officer |

Unanimous

Article 1: Motion by Andrea Soucy, seconded by Robert Fennessy--The Board of Selectmen recommends, and I so move, that the Town vote to appoint Calvin Hall, Fence Viewer, Cynthia Burlingame, Field Driver and Calvin Hall, Measurer of Wood, Bark and Lumber.

Unanimous

Article 2: Motion by Andrea Soucy, seconded by Bob Wilkinson--The Board of Selectmen recommends, and I so move, that the Town vote to accept the reports of the Selectmen and other Town Officers.

Unanimous

Article 3: Motion by Andrea Soucy, seconded by James Marshall--The Board of Selectmen recommends, and I so move, that the Town vote to have the Surety Bonds of the Collector of Taxes, the Assistant Collector of Taxes, Treasurer, Assistant Treasurer, and Town Clerk placed with a Fidelity or Guarantee Company.

Unanimous

Article 4: Motion by Andrea Soucy, seconded by Robert Rose-The Board of Selectmen recommends, and I so move, that the Town vote to authorize the Board of Selectmen to accept and enter into a contract for the expenditure of any funds allotted or to be allotted by the Commonwealth and/or County for the construction, reconstruction and improvement of Town roads, and to authorize the Town Treasurer to borrow in anticipation of such funds.

Unanimous

Article 5: Motion by Richard Hamilton, seconded by Robert Fennessy--The Finance Committee recommends, and I so move, that the Town vote to appropriate and

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transfer \$273,214 from funds received by the Town of Plainville as so called "Chapter 90" monies for costs associated with road resurfacing, restoration, maintenance and land or easement purchases or takings.

Unanimous

Article 6: Motion by Dennis Tani, seconded by Andrea Soucy--The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$4,680. to pay for services rendered to citizens of Plainville by South Norfolk County Association for Retarded Citizens, Inc., such payment to be made in accordance with a fee for services agreement to be entered into by the Board of Health on behalf of the Town of Plainville.

Unanimous

Article 7: Motion by Joseph Ferney, seconded by Andrea Soucy--The Finance Committee recommends, and I so move, that the Town vote to raise & appropriate \$20,000 for the payment of fees associated with the collection of ambulance billings.

Unanimous

Article 8: Motion by Shannon MacKenzie, seconded by Rob Rose--The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$31,300 for the purpose of conducting an audit for Fiscal Year 2011.

Unanimous

Article 9: Motion by Robert Truitt, seconded by Andrea Soucy--The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$10,000 for the Reserve Fund to provide for extraordinary or unforeseen expenses as authorized by Sect. 6, Chap. 40 of Mass General Laws.

Unanimous

Article 10: Motion by Richard Hamilton, seconded by Andrea Soucy--The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$4,000 to fund Plainville's participation in the programs and services of the Southeastern Regional Services Group.

Unanimous

Article 11: Motion by Joseph Ferney, seconded by Andrea Soucy--The Finance Committee recommends and I so move, that the Town vote to establish revolving accounts pursuant to Section 53E1/2, of Chapter 44 of Massachusetts General Law. Funds credited to said revolving accounts shall be only those identified in Article 11 of the Town Meeting warrant under "Source of Funds", expended for purposes only

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as authorized under Section 53E1/2, of Chapter 44 of Massachusetts General Laws and as identified in Article 11 under "Use of Funds", and shall be expended under the direction of those so indicated. Until later changed through the action of a subsequent Town Meeting, and the annual amount expended from each revolving account shall not exceed the amount indicated under "Annual Expenditure", and I further move that the reading of the Article be waived.

Warrant Article 11

To see if the Town will vote to establish revolving accounts pursuant to Section 53E1/2, of Chapter 44 of Massachusetts General Law. Funds credited to said revolving accounts shall be only those identified below under "**Source of Funds**", expended for purposes only as authorized under Section 53E1/2, of Chapter 44 of Massachusetts General Law and as identified below under "**Use of Funds**", and shall be expended under the direction of those so indicated. Until later changed through the action of a subsequent Town Meeting, the annual amount expended from each revolving account shall not exceed the amount indicated below under "**Annual Expenditure**".

| <u>Source of Annual Funds Expenditure</u> | <u>Use of Funds</u> | <u>Expended Under Direction of:</u> | |
|--|---|--|----------|
| 1. Dog Licenses & Fines | Costs associated with the enforcement of the Animal Control By-Law | Board of Selectmen | \$10,000 |
| 2. Senior Center Rental Fees | Costs associated with the use of the Senior Center by those other than the Council on Aging | Council on Aging | \$10,000 |
| 3. Assessor's Map & Record Copying Fees | Costs associated with the copying and provision of Assessor's maps and records. | Board of Assessors | \$ 5,000 |
| 4. Purchases of Town By-Laws | Costs associated with the copying and provision of Town By-Laws | By-Law Review Com. | \$ 2,000 |
| 5. Fire Alarm Fees | Costs associated with the provision of Fire Alarm services | Fire Chief | \$12,500 |
| 6. Police Report Copying & Printing Fees | Costs associated with the copying and provision of Police Reports | Police Chief | \$10,000 |
| 7. Firearm Licenses | Costs associated with the provision and Production of firearms licenses | Police Chief | \$10,000 |
| 8. Use of Police Cruisers On Private Details | Costs associated with the maintenance of Police Cruisers | Police Chief | \$10,000 |
| 9. Use of Traffic Citations | Costs associated with the purchase of Police Cruisers | Police Chief | \$35,000 |
| 10. Library Fines | Costs associated with the Public Library | Board of Library Trustees | \$ 6,000 |
| 11. Cable Television Franchise Fees | Costs associated with the provision of Local Cable Access Programming | Cable Advisory Committee | \$30,000 |

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| 12. Park and Recreational Fees | Costs associated with the provision of Park and Recreational Programs | Park Commissioners | \$60,838 |
|--------------------------------|---|--------------------|----------|

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

Motion by James Marshall, seconded by Bob Wilkinson—I move that Article 11 be amended to include an additional account, number 13 as follows:

Source of Funds: Review funds from Contractors, land developers and, or other like entities.

Use of Funds: Costs associated with the provision of field engineering and inspection of water and sewer related installations

Expended Under the Direction of: Water and Sewer Commissioners

Annual Expenditure: \$50,000

Vote on Amendment:
Unanimous

Motion by Jarrod Gorman, seconded by Stuart Kozola—Move to amend the Park and Recreation Fees Annual Expenditure to \$63,000.

Vote on Amendment:
Unanimous

Vote on Article 11 as amended:
Unanimous

Article 12: Motion by Joseph Ferney, seconded by Robert Fennessy--The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$135,000 to meet the Town's obligations for Medicare Taxes, said funds to be expended under the direction of the Town Treasurer.

Unanimous

Article 13: Motion by Shannon MacKenzie, seconded by James Marshall--The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$15,000 to fund foreclosure costs of Tax Title properties, said funds to be expended under the direction of the Town Treasurer.

Unanimous

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Article 14: Motion by Robert Truitt, seconded by Robert Rose—The Finance Committee recommends, and I so move, that the Town vote to transfer \$72,414 from Free Cash, \$7,492 from Water Surplus for a total appropriation of \$79,906 for the purpose of proportionally funding a fifty third week of payroll for all municipal departments for Fiscal Years 2011 and 2012.

Unanimous

Article 15: Motion by Richard Hamilton, seconded by Robert Fennessy—The Finance Committee recommends, and I so move, that the Town vote to amend the Personnel Bylaw Wage and Compensation Plan for Fiscal Year 2012 as printed in the Town Meeting Warrant under Article 15 with two modifications, those being the inclusion of the position of Senior Secretary with a range of \$17.18 to \$19.06 per hour and the correction from weekly to hourly under the proposed pay range for Water Safety Instructor, and I further move that the reading of the article be waived.

WARRANT ARTICLE 15

To see if the Town will vote to approve the following amendments to the Personnel Bylaws:

Appendix A
Wage and Compensation Plan - Fiscal Year 2012

| Job Classification | Effective July 1, 2011 Range | | |
|---------------------------------------|---------------------------------|------------------|--------|
| A. Executive Level | | | |
| Deputy Fire Chief | Minimum: 62,080. | Maximum: 70,600. | Base |
| Highway Superintendent | Minimum: 45,200. | Maximum: 59,450. | Base |
| Water/Sewer Superintendent | Minimum: 47,680. | Maximum: 73,545. | Base |
| Principal Assessor | Minimum: 45,900. | Maximum: 61,715. | Base |
| Park Director (Full-time) | Minimum: 44,560. | Maximum: 55,165. | Base |
| Park Director (Part-time) | Minimum: 22,280. | Maximum: 27,580. | Base |
| Executive Director, Council on Aging | Minimum: 38,540. | Maximum: 46,040. | Base |
| Planner | Minimum: 45,020 | Maximum: 61,900 | Base |
| Health Agent | Minimum: 42,435 | Maximum: 64,890 | Base |
| Outreach/Asst. Dir., Council on Aging | Minimum: 13.50 | Maximum: 17.45 | Hourly |
| Emergency Management Director | Minimum: 14.45 | Maximum: 19.00 | Hourly |
| B. Library | | | |
| Library Director | Minimum: 37,705. | Maximum: 48,980. | Base |
| H. Public Needs | | | |
| Bus Driver | Minimum: 16.25 | Maximum: 17.35 | Hourly |
| I. Seasonal | | | |
| Lifeguard, Head | Minimum: 9.00 | Maximum: 15.00 | Hourly |
| Life Guard | Minimum: 9.00 | Maximum: 15.00 | Hourly |
| Water Safety, Instructor | Minimum: 10.00 | Maximum: 15.00 | Weekly |
| Maintenance Apprentice | Minimum: 8.00 | Maximum: 15.00 | Hourly |

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|----------------------|----------|------|----------|-------|--------|
| Arts & Crafts Aide | Minimum: | 8.00 | Maximum: | 15.00 | Hourly |
| Recreation Assistant | Minimum: | 8.50 | Maximum: | 15.00 | Hourly |
| Recreation Aide | Minimum: | 8.00 | Maximum: | 15.00 | Hourly |
| Program Aide | Minimum: | 8.00 | Maximum: | 15.00 | Hourly |

J. Part-time Hourly

| | | | | | |
|--------------------------|----------|-------|----------|-------|--------|
| Conservation Agent | Minimum: | 10.95 | Maximum: | 23.20 | Hourly |
| Patrolman, Special Clerk | Minimum: | 14.95 | Maximum: | 18.30 | Hourly |
| Clerk | Minimum: | 8.15 | Maximum: | 10.25 | Hourly |
| Clerk, Senior | Minimum: | 10.60 | Maximum: | 14.55 | Hourly |
| Associate Librarian | Minimum: | 15.20 | Maximum: | 18.55 | Hourly |
| Librarian, Children's | Minimum: | 12.30 | Maximum: | 17.75 | Hourly |
| Librarian, Technician | Minimum: | 8.15 | Maximum: | 11.65 | Hourly |
| Library Page | Minimum: | 7.25 | Maximum: | 9.60 | Hourly |
| Custodian | Minimum: | 8.50 | Maximum: | 12.50 | Hourly |
| Laborer, Apprentice | Minimum: | 7.25 | Maximum: | 8.35 | Hourly |
| Laborer | Minimum: | 8.50 | Maximum: | 12.50 | Hourly |
| Laborer, Skilled | Minimum: | 13.75 | Maximum: | 16.15 | Hourly |
| Driver, Highway | Minimum: | 11.15 | Maximum: | 15.00 | Hourly |
| Dispatcher | Minimum: | 15.00 | Maximum: | 19.00 | Hourly |

K. Inspector-Annual Rates:

| | | |
|--------------------------------|-----|---|
| Building Inspector | I-1 | To be paid at an hourly rate of \$20.60 and an additional annual rate of compensation equal to 10% of those amounts collected in fees and remitted to the Town Treasurer, or such lesser dollar amount as may be mutually agreed upon between the Inspector and the Board of Selectmen. |
| Wiring Inspector | I-2 | To be paid at an annual rate equal to 80% of those amounts collected in fees and remitted to the Town Treasurer, or such lesser dollar amount as may be mutually agreed upon between the Inspector and the Board of Selectmen. |
| Plumbing Inspector * | I-3 | * To be paid at an annual rate equal to 100% of those amounts collected |
| Gas Piping Inspector * | I-4 | in fees and remitted to the Town Treasurer, or such lesser dollar amount as may |
| Sealer of Weights & Measures * | I-5 | be mutually agreed upon between the Inspector and the Board of Selectmen. |

**2/3 Vote:
Unanimous**

Article 16: Motion by Dennis Tani, seconded by Robert Rose—The Finance Committee recommends, and I so move, that the Town vote to fix the salary and compensation of all elected officers of the Town for Fiscal Year 2012 as provided by Section 108 of Chapter 41, General Laws, as amended as follows:

| | |
|------------------------------|---------------------|
| Moderator | \$ 25. per meeting |
| Town Clerk | \$ 61,910. Annually |
| Town Treasurer | \$ 53,533. Annually |
| Tax Collector | \$ 39,026. Annually |
| Selectmen, each member | \$ 1,200. Annually |
| Board of Health, each member | \$ 500. Annually |

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| Assessor, each member | \$ 1,500. Annually |
| Water/Sewer Commissioners, ea member | \$ 1,000, Annually |
| Planning Board, each member | \$ 500. Annually |
| Library Trustees, each member | \$ 500. Annually |
| School Committee, each member | \$ 500. Annually |
| Tree Warden | \$ 7.25/hour |
| Constable | \$ 7.25/hour or \$3./posting |

Unanimous

Article 17: Motion by Richard Hamilton, seconded by Robert Rose --The Finance Committee recommends, and I so move that the Town vote to appropriate and unless otherwise indicated, raise by taxation, the following sums of money to defray Town charges for the financial year beginning July 1, 2011, and expressly for the following purposes to wit:

| GOVERNMENT | DEPARTMENT # | | |
|--------------------------|---------------------|------------|------------|
| Selectmen | 122 | | \$ 207,327 |
| Salaries | | \$ 189,982 | |
| Expenses..... | | \$ 17,345 | |
| Finance Committee | 131 | | \$ 300 |
| Expenses..... | | \$ 300 | |
| Town Accountant | 135 | | \$ 68,961 |
| Salaries | | \$ 67,461 | |
| Expenses..... | | \$ 1,500 | |
| Assessors | 141 | | \$ 92,367 |
| Salaries | | \$ 84,627 | |
| Expenses..... | | \$ 7,740 | |
| Treasurer | 145 | | \$ 102,629 |
| Salaries | | \$ 79,884 | |
| Expenses..... | | \$ 22,745 | |
| Tax Collector | 146 | | \$ 86,688 |
| Salaries | | \$ 74,693 | |
| Expenses..... | | \$ 11,995 | |
| Legal | 151 | | \$ 46,200 |
| Expenses..... | | \$ 46,200 | |
| Data Processing | 155 | | \$ 23,800 |
| Expenses..... | | \$ 23,800 | |
| Town Clerk | 161 | | \$ 89,805 |
| Salaries | | \$ 85,905 | |
| Expenses..... | | \$ 3,000 | |
| Out of State Travel..... | | \$ 900 | |
| Election | 162 | | \$ 14,630 |
| Expenses..... | | \$ 14,630 | |

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| Board of Registrars | 163 | | \$ 12,530 |
| Salaries | | \$ 7,530 | |
| Expenses..... | | \$ 5,000 | |
| Conservation Commission | 171 | | \$ 6,580 |
| Salaries | | \$ 6,000 | |
| Expenses..... | | \$ 580 | |
| Planning Board | 175 | | \$ 6,500 |
| Salaries | | \$ 5,500 | |
| Expenses..... | | \$ 1,000 | |
| Zoning Board | 176 | | \$ 4,000 |
| Salaries | | \$ 3,000 | |
| Expenses..... | | \$ 1,000 | |
| Building Maintenance | 192 | | \$ 21,000 |
| Expenses..... | | \$ 21,000 | |
| Town Insurance | 193 | | \$ 164,750 |
| Expenses..... | | \$ 164,750 | |
| Police Department | 210 | | \$ 1,416,531 |
| Salaries | | \$1,240,956 | |
| Expenses..... | | \$ 138,575 | |
| Capital..... | | \$ 37,000 | |
| Communications | 215 | | \$ 363,980 |
| Salaries | | \$ 254,095 | |
| Expenses..... | | \$ 109,885 | |
| Fire & Ambulance | 220 | | \$ 1,557,572 |
| Salaries | | \$1,413,677 | |
| Expenses..... | | \$ 141,895 | |
| Out of State Travel | | \$ 2,000 | |
| Call Fire Department | 225 | | \$ 13,000 |
| Salaries | | \$ 9,000 | |
| Expenses..... | | \$ 4,000 | |
| Building Inspection | 241 | | \$ 50,646 |
| Salaries..... | | \$ 32,136 | |
| Inspection Fees..... | | \$ 15,450 | |
| Expenses..... | | \$ 3,060 | |
| Gas Inspection | 242 | | \$ 10,350 |
| Inspection Fees..... | | \$ 10,000 | |
| Expenses..... | | \$ 350 | |
| Plumbing Inspection | 243 | | \$ 10,350 |
| Inspection Fees..... | | \$ 10,000 | |
| Expenses..... | | \$ 350 | |
| Sealer of Weights & Measurers | 244 | | \$ 5,000 |
| Expenses..... | | \$ 5,000 | |
| Wiring Inspection | 245 | | \$ 30,520 |

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|-----------------------------------|-------------|--------|--------------|
| Inspection Fees..... | \$ | 30,000 | |
| Expenses..... | \$ | 520 | |
| Animal Control Officer | | 292 | \$ 12,000 |
| Salaries..... | \$ | 9,380 | |
| Expenses..... | \$ | 2,620 | |
| Tree Warden | | 294 | \$ 1 |
| Expenses..... | \$ | 1 | |
| Local Schools | | 300 | \$ 6,916,877 |
| Salaries & Expenses..... | \$6,916,877 | | |
| King Philip Regional School | | 350 | \$ 4,368,282 |
| Salaries & Expenses..... | \$3,704,699 | | |
| Debt Excluded from Prop 2 ½ | \$ 663,583 | | |
| Tri-County Vocational School | | 350 | \$ 763,333 |
| Salaries & Expenses..... | \$ 763,333 | | |
| Highway Department | | 422 | \$ 360,618 |
| Salaries | \$ 265,203 | | |
| Expenses..... | \$ 95,415 | | |
| Snow Removal | | 423 | \$ 52,000 |
| Salaries | \$ 22,000 | | |
| Expenses..... | \$ 30,000 | | |
| Street Lights | | 424 | \$ 50,000 |
| Expenses..... | \$ 50,000 | | |
| Sewer Department | | 440 | \$ 873,690 |
| Salaries | \$ 72,150 | | |
| Expenses..... | \$ 791,540 | | |
| Equipment..... | \$ 10,000 | | |
| Water Department | | 450 | \$ 1,035,230 |
| Salaries | \$ 339,130 | | |
| Expenses..... | \$ 684,100 | | |
| Equipment..... | \$ 10,000 | | |
| Out of State Travel | \$ 2,000 | | |

\$1,035,230 of which is to be funded from Fiscal Year 2012 Water Receipts

| | | | |
|--------------------|-----------|-----|------------|
| Board of Health | | 510 | \$ 116,553 |
| Salaries | \$ 92,625 | | |
| Expenses..... | \$ 23,928 | | |
| Council on Aging | | 541 | \$ 129,665 |
| Salaries | \$ 97,543 | | |
| Expenses..... | \$ 32,122 | | |
| Veteran's Benefits | | 543 | \$ 60,250 |
| Salaries | \$ 5,000 | | |
| Expenses..... | \$ 750 | | |
| Benefits..... | \$ 54,500 | | |

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|-------------------------------|---------|------------|----------------|
| Library | 610 | | \$ 183,108 |
| Salaries | | \$ 118,947 | |
| Expenses..... | | \$ 64,161 | |
| Park Department | 650 | | \$ 3,501 |
| Salaries | | \$ 1 | |
| Expenses..... | | \$ 3,500 | |
| Historical Commission | 691 | | \$ 5,750 |
| Expenses..... | | \$ 5,750 | |
| Memorial Day | 692 | | \$ 1,000 |
| Expenses..... | | \$ 1,000 | |
| Maturing General Debt | 710 | | \$ 126,000 |
| Principal Expense..... | | \$ 126,000 | |
| Maturing Water Dept. Debt | 710 | | \$ 234,651 |
| Principal Expense..... | | \$ 234,651 | |

\$234,651 of which is to be funded from Fiscal Year 2012 Water Receipts

| | | | |
|------------------------------------|---------|-------------|----------------|
| Maturing Debt Excldd from Prop 2 ½ | 710 | | \$ 1,085,000 |
| Principal Expense..... | | \$1,085,000 | |
| Interest on General Debt | 751 | | \$ 43,313 |
| Expenses..... | | \$ 43,313 | |
| Interest on Water Dept. Debt | 751 | | \$ 101,287 |
| Expenses..... | | \$ 101,287 | |

\$101,287 of which is to be funded from Fiscal Year 2012 Water Receipts

| | | | |
|---------------------------------------|---------|-------------|------------------|
| Interest on Debt Excldd from Prop 2 ½ | 751 | | \$ 543,118 |
| Expenses..... | | \$ 543,118 | |
| Norfolk County & State Retirement | 911 | | \$ 881,951 |
| Expenses..... | | \$ 881,951 | |
| Group Insurance | 914 | | \$ 1,902,869 |
| Expenses..... | | \$1,902,869 | |

\$648,260 of which is to be funded from Free Cash

And I further move, that the Town vote a total appropriation for Article 17 of \$24,256,063, \$648,260 of which is to be funded from Free Cash, \$1,371,168 to be funded from Fiscal Year 2012 Water Receipts, and the balance of \$22,236,635 to be raised by taxation.

There was some debate on this article mainly concerning property owners that have sewer use and those that do not have the sewer use but have to pay for expenses.

After considerable discussion, Robert Griswold moved the question, seconded by Bob Wilkinson.

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**2/3 vote to move the question:
Unanimous**

**Vote on Article 17:
Motion Carried**

A motion to reconsider Article 17 was received by the Town Clerk and was taken up at the second session of the Annual Town Meeting on June 13.

Article 18: Motion by Joseph Ferney, seconded by Robert Rose—The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$24,000 for the purpose of funding the tuition of Plainville students attending the Norfolk County Agricultural High School during the 2011-2012 school year.

Unanimous

Article 19: Motion by Shannon MacKenzie, seconded by Mary Gibeault—The Finance Committee recommends, and I so move, that the Town vote in accordance with the provisions of Chapter 44, Section 53F¹/₂ of the Massachusetts General Laws to appropriate \$428,045 for the purpose of operating a household waste collection, recycling, and disposal program; \$384,325 of such appropriation to be funded from Fiscal Year 2012 Trash Enterprise Revenue, \$33,377 to be transferred from Trash Enterprise Retained Earnings, and \$10,343 to be raised as part of general revenue, such funds to be expended as follows:

| | |
|---------------|-----------|
| Salaries..... | \$ 40,348 |
| Expenses..... | \$387,697 |

Unanimous

Article 20: Motion by Richard Hamilton, seconded by Andrea Soucy—The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$4,750 for the purpose of funding the Assessor’s Appraisal Software License Agreement for Fiscal Year 2012, such funds to be expended under the direction of the Board of Assessors.

Unanimous

Article 21: Motion by Dennis Tani, seconded by Robert Fennessy--The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$30,000 for the purpose of funding the Fiscal 2013 Maintenance and Re-inspection Program of all Real and Personal Property valuations within the Town of Plainville as required by the Commonwealth of Massachusetts, such funds to be expended under the direction of the Board of Assessors.

Unanimous

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Article 22: Motion by Joseph Ferney, seconded by Patricia Stewart—The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$6,300 for the purpose of funding the cost of development of electronic Assessor’s maps and an accompanying GIS database and software, such funds to be expended under the direction of the Board of Assessors.

Unanimous

Article 23: Motion by Shannon Mackenzie, seconded by Robert Fennessy—The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$2,000 for the payment of fees associated with the collection of Medicaid Reimbursement for services provided by the Plainville School Department to eligible students.

Unanimous

Article 24: Motion by Robert Truitt, seconded by Robert Rose—The Finance Committee recommends, and I so move, that the Town vote to appropriate \$250,000 for the acquisition of an ambulance along with necessary related equipment and other costs related to its procurement, and further, that the Town vote that such acquisition be funded by borrowing.

2/3 Vote:

Unanimous

Article 25: Motion by Richard Hamilton, seconded by Robert Fennessy—The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$7,305 to fund the execution of a lease/purchase agreement, such sum being the first year’s payment of a four (4) year lease for a departmental vehicle for the use of the Fire Chief along with necessary related equipment and other costs related to its procurement, such funds to be expended under the direction of the Fire Chief.

Unanimous

Article 26: Motion by Robert Fennessy, seconded by Andrea Soucy—The Board of Selectmen recommends, and I so move, that the Town vote to accept the renumbering and revision of the various general by-laws of the Town to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the General By-laws as set forth in the Draft of the Code of the Town of Plainville, dated April 2011, said codification having been done under the direction of the Board of Selectmen and Town Attorney, and said Code being compilation and comprehensive revision of the present by-laws of the Town. All by-laws of a general and permanent nature, as

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amended, heretofore in force and not included in the Code shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, and such repeal shall not apply to or affect any personnel by-law or any by-law, order or article heretofore adopted accepting or adopting the provisions of any statute of the commonwealth. These by-laws shall be referred to as the “Code of the Town of Plainville, Massachusetts.”

2/3 Vote:

Unanimous

Article 27: Motion by Robert Fennessy, seconded by Andrea Soucy—The Board of Selectmen recommends, and I so move, that the Town vote to accept the renumbering and revision of the Personnel By-law of the Town from its original numbering to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the Personnel By-law as set forth in the Draft of the Code of the Town of Plainville, dated April 2011, said codification having been done under the direction of the Board of Selectmen and Town Attorney, and being a compilation and comprehensive revision of the present Personnel By-law of the Town, including amendments thereto. All Personnel By-laws, as amended, heretofore in force and not included in Chapter 515 shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law, and such repeal shall not apply to or affect any personnel by-law or any by-law, order or article heretofore adopted accepting or adopting the provisions of any statute of the Commonwealth.. The Personnel By-law shall be codified as Chapter 515 of the “Code of the Town of Plainville, Massachusetts.”

2/3 Vote:

Unanimous

Article 28: Motion by Kenneth McKeown, seconded by Andrea Soucy—The Planning Board recommends, and I so move, that the Town vote to accept the renumbering and revision of the Zoning Bylaw of the Town from its original numbering to the numbering or codification, arrangement, sequence and captions and the comprehensive revisions to the text of the Zoning Bylaw as set forth in the Draft of the Code of the Town of Plainville, dated April 2011, said codification of the Zoning Bylaw having been done under the direction of the Planning Board, and being a compilation and comprehensive revision of the present Zoning Bylaw, including amendments thereto. All Zoning Bylaws, as amended, heretofore in force and not included in Chapter 500 shall be repealed, except that such repeal shall not affect any suit or proceeding pending as the result of an existing law. The Zoning Bylaw shall be suit or proceeding pending as the result of an existing law. The Zoning Bylaw shall be codified as Chapter 500 of the “Code of the Town of Plainville, Massachusetts.”

2/3 Vote:

Unanimous

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Article 29: Motion by Stanley Widak, seconded by Andrea Soucy—The Planning Board recommends, and I so move, that the Town vote to amend the Town of Plainville’s Zoning By-Law Chapter III by amending Section 2.8 **Use Regulations** as is proposed in the Warrant of the Annual Town Meeting under ARTICLE 29 in order that Restaurants with outdoor service be allowed by Special Permit in the **CA** and **CB** zoning districts, and I further move that the reading of the Article be waived.

The Moderator read the report of the Planning Board.

Warrant Article 29

To see if the Town will vote to amend the Town of Plainville’s Zoning By-Law Chapter III by amending Section 2.8 **Use Regulations** as follows:

| | Currently | | Proposed | |
|------------------------|------------------|------------------|------------------|------------------|
| <u>Commercial uses</u> | <u>CA</u> | <u>CB</u> | <u>CA</u> | <u>CB</u> |
| Restaurant, Indoor | P | P | P | P |
| With outdoor service | O | O | A | A |

And further, that nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Town of Plainville’s Zoning By-Law Chapter III or the numbering format of the Code of Plainville should the Code of Plainville be adopted, or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Planning Board*)

2/3 Vote:
Unanimous

Article 30: Motion by Joseph McKee, seconded by Robert Rose—The Energy Committee recommends, and I so move, that the Town vote to amend the Town of Plainville’s Zoning By-Law Chapter III by adding Section 2.18 **Solar Photovoltaic Facilities** as is proposed in the Warrant of the Annual Town Meeting under Article 30 in order that Large Scale Solar Photovoltaic Facilities as defined in the Article be allowed as of right in the IB-Limited Industrial District, and by Special Permit issued by the Planning Board in the RA and RB – Single Family Residential districts, and I further move that the reading of the article be waived.

The Moderator read the report of the Planning Board and then Energy Committee member, Richard Guillette gave a presentation on this article. Also, there was a handout available at the entrance to the town meeting room.

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Warrant Article 30

To see if the Town will vote to amend the Town of Plainville’s Zoning By-Law Chapter III , Section 3 by adding Section 2.18 **Solar Photovoltaic Facilities** to read as follows:

2.18.1 Purpose:

The purpose of this bylaw is to allow for the creation of new large-scale ground-mounted solar photovoltaic facilities (SPFs) by providing standards for the placement, design, construction, operation, monitoring, modification, and removal of such installations that address public safety, minimize impacts on scenic, natural and historic resources, and to provide adequate financial assurance for the eventual decommissioning of such installations.

The provisions set forth in this section shall apply to the construction, operation, and/or repair of large-scale ground-mounted SPFs.

A. Applicability

This section applies to large-scale ground-mounted SPFs proposed to be constructed after the effective date of this section. This section also pertains to physical modifications that materially alter the type, configuration, or size of these installations or related equipment.

2.18.2 Location

Solar Photovoltaic Facilities shall be allowed as-of-right in the IB- Limited Industrial District, and by Special Permit issued by the Planning Board in the RA and RB – Single Family Residential Districts.

2.18.3 Definitions

Large-Scale Ground-Mounted Solar Photovoltaic Facility (SPF): A solar photovoltaic system that is structurally mounted on the ground and is not roof-mounted, and has a minimum nameplate capacity of 250 kW DC.

Rated Nameplate Capacity: The maximum rated output of electric power production of the Photovoltaic system in Direct Current (DC).

2.18.4 General Requirements for SPFs

The following requirements are common to all SPFs to be sited in designated locations.

A. Compliance with Laws, Ordinances, and Regulations

The construction and operation of all large-scale ground-mounted SPFs shall be consistent with all applicable local, state and federal requirements, including but not limited to all applicable safety, construction, electrical, and communications requirements. All buildings and fixtures forming part of a SPF shall be constructed in accordance with the State Building Code.

B. Building Permit and Building Inspection

No large-scale ground-mounted SPF shall be constructed, installed or modified as provided in this section without first obtaining a building permit.

C. Fees

The application for a building permit for a large-scale ground-mounted SPF must be accompanied by the fee required for a building permit.

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D. SPF Site Plan Review

SPFs with 250 kW or larger of rated nameplate capacity whether permitted as-of-right in IB- Limited Industrial District, or by Special Permit issued by the Planning Board in the RA and RB – Single Family Residential Districts shall be subject to site plan review in accordance with Section 3.13 of the Town of Plainville Zoning By-Laws.

1. Submission Requirements:

In addition to the Site Plan Review Information Requirements of Section 3.13.4, the materials listed in this section must also be included in a Site Plan Review Application for large-scale ground-mounted SPF..

- a) Blueprints or drawings of the solar photovoltaic installation showing the proposed layout of the system and any potential shading from nearby structures;
- b) One or three line electrical diagram detailing the solar photovoltaic installation, associated components, and electrical interconnection methods, with all National Electrical Code compliant disconnects and overcurrent devices;
- c) Documentation of the major system components to be used, including the PV panels, mounting system, and inverter;
- d) Name, address, and contact information for proposed system installer;
- e) An operation and maintenance plan (See also Section 2.18.4.F);
- f) Proof of liability insurance; and
- g) Description of financial surety that satisfies Section 2.18.4.L.3.

E. Site Control

The project proponent shall submit documentation of actual or prospective access and control of the project site sufficient to allow for construction and operation of the proposed SPF.

F. Operation & Maintenance Plan

The project proponent shall submit a plan for the operation and maintenance of the large- scale ground-mounted SPF, which shall include measures for maintaining safe access to the installation, storm water controls, as well as general procedures for operational maintenance of the installation.

G. Utility Notification

No large-scale ground-mounted SPF shall be constructed until evidence has been given to the Planning Board that the utility company that operates the electrical grid where the installation is to be located has been informed of the solar photovoltaic installation owner or operator’s intent to install an interconnected customer-owned generator. Off-grid systems shall be exempt from this requirement.

H. Dimension and Density Requirements

1. Setbacks

For large-scale ground-mounted SPFs, front, side and rear setbacks shall be as follows:

- a) Front yard: The front yard depth shall be at least 10 feet; provided, however, that where the lot abuts a Residential district, the front yard shall not be less than 50 feet.

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- b) Side yard: Each side yard shall have a depth at least 15 feet; provided, however, that where the lot abuts a Residential district, the side yard shall not be less than 50 feet.
- c) Rear yard: The rear yard depth shall be at least 25 feet; provided, however, that where the lot abuts a Residential district, the rear yard shall not be less than 50 feet.

2. Appurtenant Structures

All appurtenant structures to large-scale ground-mounted SPFs shall be subject to reasonable regulations concerning the bulk and height of structures, lot area, setbacks, open space, parking and building coverage requirements. All such appurtenant structures, including but not limited to, equipment shelters, storage facilities, transformers, and substations, shall be architecturally compatible with each other. Whenever reasonable, structures should be shaded from view by vegetation and/or joined or clustered to avoid adverse visual impacts.

I. Design Standards

1. Lighting

Lighting of SPFs shall be consistent with local, state and federal law. Lighting of other parts of the installation, such as appurtenant structures, shall be limited to that required for safety and operational purposes, and shall be reasonably shielded from abutting properties. Where feasible, lighting of the solar photovoltaic installation shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution

2. Signage

Signs on large-scale ground-mounted SPFs shall comply with Plainville’s sign regulations, Section 3.3 of these Zoning By-Laws. A sign consistent with Section 3.3 shall be required to identify the owner and provide a 24-hour emergency contact phone number.

SPFs shall not be used for displaying any advertising except for reasonable identification of the manufacturer or operator of the solar photovoltaic installation. Where feasible, lighting of signage shall be directed downward and shall incorporate full cut-off fixtures to reduce light pollution.

3. Utility Connections

Reasonable efforts, as determined by the Planning Board, shall be made to place all utility connections from the SPF underground, depending on appropriate soil conditions, shape, and topography of the site and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider.

J. Safety and Environmental Standards

1. Emergency Services

The large-scale ground-mounted solar photovoltaic installation owner or operator shall provide a copy of the project summary, electrical schematic, and site plan to the local Fire Chief. Upon request the owner or operator shall cooperate with local emergency services in developing an emergency response plan. All means of shutting down the solar photovoltaic installation shall be clearly marked. The owner or operator shall identify a responsible person for public inquiries throughout the life of the installation.

2. Land Clearing, Soil Erosion, and Habitat Impacts

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Clearing of natural vegetation shall be limited to what is necessary for the construction, operation and maintenance of the large-scale ground-mounted SPF or otherwise prescribed by applicable laws, regulations, and bylaws.

K. Monitoring and Maintenance

1. Solar Photovoltaic Installation Conditions

The large-scale ground-mounted SPF owner or operator shall maintain the facility in good condition. Maintenance shall include, but not be limited to, painting, structural repairs, and integrity of security measures. Site access shall be maintained to a level acceptable to the local Fire Chief and Emergency Medical Services. The owner or operator shall be responsible for the cost of maintaining the solar photovoltaic installation and any access road(s), unless accepted as a public way.

2. Modifications

All material modifications to a solar photovoltaic installation made after issuance of the required building permit shall require approval by the Planning Board.

L. Abandonment or Decommissioning

1. Removal Requirements

Any large-scale ground-mounted solar photovoltaic installation which has reached the end of its useful life or has been abandoned consistent with Section 2.18.4.L.2 of this bylaw shall be removed. The owner or operator shall physically remove the installation no more than 150 days after the date of discontinued operations. The owner or operator shall notify the Planning Board by certified mail of the proposed date of discontinued operations and plans for removal. Decommissioning shall consist of:

- a) Physical removal of all large-scale ground-mounted solar photovoltaic installations, structures, equipment, security barriers and transmission lines from the site.
- b) Disposal of all solid and hazardous waste in accordance with local, state, and federal waste disposal regulations.
- c) Stabilization or re-vegetation of the site as necessary to minimize erosion. The Planning Board may allow the owner or operator to leave landscaping or designated below-grade foundations in order to minimize erosion and disruption to vegetation.

2. Abandonment

Absent notice of a proposed date of decommissioning or written notice of extenuating circumstances, the solar photovoltaic installation shall be considered abandoned when it fails to operate for more than one year without the written consent of the Planning Board. If the owner or operator of the large-scale ground-mounted solar photovoltaic installation fails to remove the installation in accordance with the requirements of this section within 150 days of abandonment or the proposed date of decommissioning, the town may enter the property and physically remove the installation.

3. Financial Surety

Proponents of large-scale ground-mounted solar photovoltaic projects shall provide a form of surety, either through escrow account, bond or otherwise, to cover the cost of removal in the event the town must remove the installation and remediate the landscape, in an amount and form determined to be reasonable by the Planning Board, but in no event to exceed more than 125 percent of the cost of removal and compliance with the additional requirements set forth herein, as determined by the project proponent. Such surety will not be required for municipally- or state-owned facilities. The project

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proponent shall submit a fully inclusive estimate of the costs associated with removal, prepared by a qualified engineer. The amount shall include a mechanism for calculating increased removal costs due to inflation.

And further, that nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Town of Plainville's Zoning By-Law Chapter III or the numbering format of the Code of Plainville should the Code of Plainville be adopted, or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Energy Committee*)

2/3 Vote:

Unanimous

After the vote on the next Article 31, a motion was made to reconsider Article 30. The motion to reconsider Art 30 failed with a 2/3 voice vote. The actual motion is recorded in sequence after Article 31.

Article 31: Motion by Joseph McKee, seconded by Robert Rose—The Energy Committee recommends, and I so move, that the Town vote to adopt the “Stretch Energy Code” set forth in the State Building Code at 780 CMR 115.AA (i.e., Appendix 115.AA), as may be amended from time to time, and to amend the Town of Plainville's General By-laws by inserting a new Section 29 under Chapter I, entitled “Stretch Energy Code” as set forth below:

Section 29. Stretch Energy Code

A. Adoption. The Town of Plainville has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

B. Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

And further, that nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Town of Plainville's General By-Law Chapter I or the numbering format of the Code of Plainville should the Code of Plainville be adopted.

Plainville Energy Committee member, Richard Guillette gave a presentation on this article and also, there was a handout available at the entrance of the town meeting room.

After considerable discussion on the article, Miguel Benes motioned to move the question, seconded by Robert Rose.

2/3 voice vote:

Question moved

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The Moderator called for a 2/3 vote on the main motion.

Yes: 64 No: 36
Motion failed

After the motion on Article 31 failed, a motion was made by Andrea Soucy moved to reconsider Art 30, seconded by Rob Truitt.

After more discussion on reconsideration of Article 30, the Moderator called for a 2/3 voice vote.

2/3 voice vote:
Reconsideration failed

A motion to reconsider Article 31 was received by the Town Clerk and was taken up at the second session of the Annual Town Meeting on June 13.

At this time, Wayne Cohen asked the Moderator for permission to make a motion (out of order) on Article 41 because someone wanted to speak on this article would have difficulty waiting. The Moderator granted permission to address the floor.

Article 41: Motion by Wayne Cohen, seconded by Jim Howard—to move to advance to Article 41.

Unanimous

Motion by Robert Rose, seconded by Andrea Soucy-The Board of Selectmen recommends, and I so move, that the Town vote to authorize the Board of Selectmen to petition the General Court for special legislation in the form set forth in the Warrant for the Annual Town Meeting under Article 41; and provided further that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and the Board of Selectmen is authorized to approve amendments which shall be within the scope of the general public objective of the petition said petition to read as follows:

AN ACT EXEMPTING THE POSITION OF POLICE CHIEF IN THE TOWN OF PLAINVILLE FROM THE CIVIL SERVICE LAW.

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 position of Police Chief in the Town of Plainville shall be exempt from Chapter 31 of the General Laws.

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SECTION 2. Section 1 shall not impair the civil service status of the person holding the position of Police Chief in the Town of Plainville on the effective date of this act.

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

After considerable discussion, Richard Guillette motioned to call the question, seconded by Mary Gibeault.

2/3 Voice Vote:
Motion carried-question moved

The Moderator called for a 2/3 voice vote on Article 41. The Moderator could not determine the result of the voice vote, therefore, he called for a standing vote.

2/3 Vote:
Yes: 33 No: 52 Motion failed

At 11:15 P.M., the Moderator asked if the voters wanted to make a motion to continue or adjourn to another date.

Motion by Andrea Soucy, seconded by Mary Gibeault—I move to adjourn this session of the Annual Town Meeting to the Beatrice Wood School on Wednesday, June 8 at 7:30.

Unanimous

After the first session closed, it came to the attention of the Moderator and the Selectmen that the school had scheduled a concert in the gymnasium for Wednesday, June 8.

The Moderator, Assistant Town Clerk and Selectmen Robert Rose met at the School on June 8th to open the second session of the Annual Town Meeting. At 7:30, the Moderator noted that a quorum was not present. A motion was made by Robert Rose, seconded by Andrew Martin to adjourn the second session of the Annual Town Meeting to June 13 at 7:30 P.M.

Unanimous

**SECOND SESSION OF THE JUNE 6, 2011 ANNUAL TOWN MEETING
ON JUNE 13, 2011**

The Annual Town Meeting reopened on June 13, 2011 at 7:32 P.M. by the Moderator with at total of 141 voters checked in for the evening. The Pledge of Allegiance was led by Town Moderator, Andrew Martin.

The Moderator introduced the Town Clerk, Board of Selectmen, Finance Committee, Town Counsel and Town Administrator.

The Counters for the evening to the left of the Moderator were Kevin Clancy and Wayne Bryant, to the right of the Moderator were Cecilia Rose and Melissa Dynan.

The Moderator announced the meets and bounds of the hall and pointed out the exit locations. He stated that the same rules remain in effect as were declared at the June 6 session of this Annual Town Meeting.

Motion by Robert Rose, seconded by Richard Hamilton – Move that following individuals be added to the list of authorized speakers; Vera MacDonald Town Accountant, Mark Reich Town Counsel.

Unanimous

The Town Clerk received motions to reconsider Articles 17, 31 and 41 within the 48 hour time frame according to the Town of Plainville Bylaws.

At the beginning of the June 13 Annual Town Meeting the Town Clerk was handed a motion to rescind the motion to reconsider Article 41.

The Moderator announced that there were requests to reconsider Article 17 and 31. He stated that he would take them in order.

Article 17: The Moderator stated that there were two motions received to reconsider Article 17.

He then read the motions.

Motion by Eileen Dinan, seconded by Randall Wilhite—I move to reconsider Article 17.

2/3 Vote:

Yes: 30 No: 84

Reconsideration Failed

Article 31: The Moderator stated that he received a motion from Dan Campbell to reconsider Article 31 and that the Motion read as follows. Move to reconsider Article 31 he then asked for a second. Seconded by Nancy Boucher.

Mr. Campbell stated that he made the motion for reconsideration because he was one of the people who was unable to speak before the question was called at the last session.

2/3/vote:

Yes: 78 No: 38

Reconsideration Passed

The Moderator read the following motion:

Section 29. Stretch Energy Code

A. Adoption. The Town of Plainville has adopted the provisions of 780 CMR 115.AA (i.e., Appendix 115.AA of the State Building Code or the “Stretch Energy Code”), as may be amended from time to time, in place of the provisions set forth under 780 CMR 13.00, 34.00, 61.00 and 93.00.

B. Purpose. The purpose of the Stretch Energy Code shall be to provide the Town with a more energy efficient alternative to the base energy code otherwise set forth under the State Building Code.

And further, that nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Town of Plainville’s General By-Law Chapter I or the numbering format of the Code of Plainville should the Code of Plainville be adopted.

After much discussion, a motion by Christopher Sottile to move the question. The Moderator asked if there was any more discussion. After hearing none, he went right to a vote on the question.

Vote on Article 31 2/3 Vote:

Yes: 64 No: 36 Motion Failed

Article 32: Motion by Robert Rose, seconded by Andrea Soucy – The Board of Selectmen recommends, and I so move that the Town vote to amend the Town of Plainville By-laws by amending Section 24.9, Redemption of Dogs to read:

“If the dog is unlicensed, the owner must license the dog with either the Town Clerk or the Animal Control Officer prior to redemption.”

And further, that nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Town

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of Plainville’s By-Laws or the numbering format of the Code of Plainville should the Code of Plainville be adopted.

2/3 Vote:

Unanimous

Article 33: Motion by Robert Rose, seconded by Andrea Soucy – The Board of Selectmen recommends, and I so move, that the Town vote to amend the Town of Plainville By-laws by amending Section 1.6 to read:

“All business, except the election of such officers, and the determination of such matters, as by law are required, to be elected or determined by ballot, shall be considered at the Annual Town Meeting which shall be called by the Board of Selectmen by means of a separate warrant dedicated to such purposes. The Annual Town Meeting shall be held on the first Monday in June, at 7:00 P.M. and any business still remaining to be addressed at the conclusion of said Monday’s session of Town Meeting shall be adjourned to succeeding Wednesday and Monday evenings at 7:00 P.M. until all business has been concluded.”

And further, that nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Town of Plainville’s By-Laws or the numbering format of the Code of Plainville should the Code of Plainville be adopted.

2/3 Vote:

Unanimous

Article 34: Motion by Richard Hamilton, seconded by Andrea Soucy—The Finance Committee recommends, and I so move, that the Town vote to transfer \$325,000. From Water Surplus for the purchase and installation of new water meters and associated software, such funds to be expended under the direction of the Water and Sewer Commissioners.

Unanimous

Article 35: **No Motion – Article Fails**

Warrant Article 35

ARTICLE 35: To see if the Town will vote to transfer \$125,000 or any other sum from Water Surplus for the installation of a new 12” water main and necessary appurtenances in Maple Street from South Street to Pleasant Street, such funds to be expended under the direction of the Water and Sewer Commissioners, or do or act in any manner relative thereto. (*Sponsor: Board of Water and Sewer Commissioners*)

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Article 36: Motion by Shannon Mackenzie, seconded by James Marshall – The Finance Committee recommends, and I so move, that the Town vote to transfer \$300,000. From Water Surplus for the replacement of filter media in the filter system at the Turnpike Lake Well Water Treatment Plant, such funds to be expended under the direction of the Water and Sewer Commissioners.

Unanimous

Article 37: Motion by Joseph Ferney, seconded by Andrea Soucy – The Finance Committee Recommends, and I so move, that the Town vote to transfer \$8,021 from Water Surplus for the payment of bills of a previous fiscal year payable to the Town of North Attleboro which were incurred by the Water Department.

4/5 Vote:

Unanimous

Article 38: Motion by Robert Truitt, seconded by Andrea Soucy – The Finance Committee recommends, and I so move, that the Town vote to raise and appropriate \$617.84 for the payment of a bill of a previous fiscal year payable to the Town of North Attleboro which was incurred by the Highway Department.

4/5 Vote:

Unanimous

Article 39: Motion by Richard Hamilton, seconded by Andrea Soucy – The Finance Committee recommends, and I so move, that the Town vote to transfer \$103.00 from the Animal Control Revolving Account to the Town Clerk Fiscal Year 2011 Salary Account.

Unanimous

Article 40: Motion by Shannon Mackenzie, seconded by James Marshall – The Finance committee recommends, and I so move, that the Town vote to transfer \$420.00 from the Animal Control Revolving Account for the payment of a bill of a previous fiscal year payable to the Plainville Animal Inspector.

4/5 Vote:

Unanimous

Article 42: Motion by Richard Hamilton, seconded by Andrea Soucy—The Finance Committee recommends, and I so move, that the Town vote to appropriate \$120,000 for the replacement of the roof of the Public Safety Building as well as to perform necessary repairs to interior systems and finishes which may have been damaged or impacted by roof leaks, such funds to be expended under the direction

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of the Board of Selectmen, and further, that the Town vote that such appropriation be funded by borrowing.

2/3 Vote:
Unanimous

Article 43: No Motion Article Fails

Warrant Article 43

ARTICLE 43: To see if the Town will vote to transfer a certain sum from available funds to the Fiscal Year 2011 Snow Removal Expense Account, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

Article 44: Motion by Robert Rose, seconded by Andrea Soucy – The Board of Selectmen recommends, and I so move, that the Town vote to amend the Town of Plainville By-Laws by deleting from Section XII – CAPITAL EXPENDITURE PLANNING COMMITTEE the following sentence from Section 12.2:

“No appropriation shall be voted for a capital improvement requested by a department, board or commission unless the proposed capital improvement is considered in the Committee’s report, or the Committee shall first have submitted a report to the Finance Committee explaining the omission.”

And further, that nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Town of Plainville’s By-laws or the numbering format of the Code of Plainville should the Code of Plainville be adopted.

2/3 Vote:
Motion Carried Voice Vote

Article 45: Motion by Robert Rose, seconded by Andrea Soucy – The Board of Selectmen recommends, and I so move that the Town vote to amend the Town of Plainville’s General By-Laws by inserting a new Section 30 under Chapter I, entitled “Registration and Maintenance of Vacant Buildings” as is proposed in the Warrant of the Annual Town Meeting under ARTICLE 45 and entitled:

SECTION XXX – REGISTRATION AND MAINTENANCE OF VACANT BUILDINGS

With the following modifications:

Under proposed 30.2 Definitions

- d. Vacant Building: to instead read: Any building which is not legally occupied, is abandoned, or is not used for a period of at least forty-five

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(45) consecutive days, and *also* shows visible signs of substantial physical distress, including, but not limited to, boarded-up or broken windows or doors, fire damage, exposure to the elements, susceptibility to unauthorized entry, disconnected utilities, accumulation of trash, junk and/or debris, or that appears to pose a risk to public safety, as determined by the Building Commissioner.

Under proposed 30.3 Registration, to instead read:

- a. Prior to or not more than seven (7) days after a building becomes **a vacant building, as defined herein**, the owner(s) must register the **vacant** building with the Building Commissioner on forms provided by the Building Commissioner. All registrations must state the owner's name, phone number, and mailing address as well as an emergency contact, if not the same. This registration must state if the property is vacant at the time of filing, and if so for how long the building shall remain vacant. None of the required addresses shall be a Post Office Box. Once the building is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Building commissioner. The Building Commissioner will notify Police, Fire, Water and Sewer, and Health Departments of the submitted registration of vacant building as well as the re-occupancy of the building.
- b. **The Building Commissioner may exempt a property owner from the provisions of this by-law upon the presentation of evidence, in such form as may be convincing to the Building commissioner, that the failure to use or occupy a building for a period in excess of forty five (45) days does not violate the purpose or intent of this by-law. Examples of such exemptible circumstances may include, but not be limited to, temporary residence in a medical or rehabilitation facility, temporary residence in an alternate seasonal home or resort, or other such circumstances provided they do not exceed one hundred-eighty (180) days. However, mere storage of goods in the vacant building shall not, in and of itself, qualify as an exemption.**

And I further move that the reading of the remainder of the Article be waived.

Warrant Article 45

ARTICLE 45: To see if the Town will vote to amend the Town of Plainville's General By-laws by inserting a new Section 30 under Chapter I, entitled "Registration and Maintenance of Vacant Buildings" as set forth below:

SECTION XXX - REGISTRATION AND MAINTENANCE OF VACANT BUILDINGS

30.1 Intent

The purpose of this by-law is to help protect the health, safety and welfare of the residents of Plainville by preventing blight, protecting property values and neighborhood integrity, protecting Town resources and ensuring the safe and sanitary maintenance of vacant buildings. Vacant buildings create an increased risk for fire damage, encourage vandalism and unlawful entry, and give rise to other public health and safety

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hazards. This by-law is intended to promote the Town's public welfare by requiring all property owners to register and properly maintain vacant buildings.

30.2 Definitions

- a. Building: A structure enclosed within exterior walls or firewalls, built, erected, or framed of any materials, and fixed to the ground, having a roof, to form a structure for the shelter of persons, animals or property, or the storage of commercial or industrial personal property.
- b. Building Commissioner: The Building Inspector of the Town of Plainville or his designee
- c. Owner: A person or entity who, alone or severally with others:
 - i. has legal or equitable title to any building or has care, charge or control of any building in any capacity including but not limited to agent, executor, executrix, administrator, administratrix, trustee, or guardian of the estate of the holder of legal title; or
 - ii. is a tenant a legal right to possess an entire building; or
 - iii. is a mortgagee in possession of any building; or
 - iv. is an agent, trustee, receiver or other person appointed by the courts and vested with possession or control of a building; or
 - v. is an officer or trustee of an association of unit owners of a condominium or cooperative which contains a vacant building.
- d. Vacant Building: Any building which is not legally occupied, is abandoned, or is not used for a period of at least forty-five (45) consecutive days, and shows visible signs of substantial physical distress, including, but not limited to, boarded-up or broken windows or doors, fire damage, exposure to the elements, susceptibility to unauthorized entry, disconnected utilities, accumulation of trash, junk and/or debris, or that appears to pose a risk to public safety, as determined by the Building Commissioner.
- e. Board of Survey: A board consisting of the head of the Fire Department, a surveyor, and one disinterested person to be appointed by the Building Commissioner, in accordance with the provisions of G.L. c.143, §8.
- f. Legally Occupied: Occupied in accordance with the provisions of the Massachusetts Building Code.

30.3 Registration

Prior to or not more than seven (7) days after a building becomes vacant, the owner(s) must register the building with the Building Commissioner on forms provided by the Building Commissioner. All registrations must state the owner's name, phone number, and mailing address as well as an emergency contact, if not the same. This registration must state if the property is vacant at the time of filing, and if so for how long the building shall remain vacant. None of the required addresses shall be a Post Office Box. Once the building is no longer vacant or is sold, the owner must provide proof of sale or written notice and proof of lawful occupancy to the Building Commissioner. The Building Commissioner will notify Police, Fire, Water and Sewer, and Health Departments of the submitted registration of vacant building as well as the re-occupancy of the building.

30.4 Annual Registration Fee, Failure to Pay

On or before October 15th of each calendar year, the Town shall send a billing statement, setting forth the annual registration fee, to the owner of the Vacant Building. The annual registration fee shall be set by the Board of Selectmen pursuant to G.L. c.40, §22F.

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On or before November 15th of each calendar year the Owner of any Vacant Building shall pay to the Town an annual registration fee to cover the administrative cost of monitoring and ensuring the security and proper maintenance of such building, as identified in said billing statement. Failure to pay the annual registration fee shall be a violation of this by-law, and the full fee shall be deemed an assessment resulting from a violation of this by-law. Such fee, and any fines issued for violations of this by-law, shall constitute a “municipal charges lien” on the property on which the Vacant Building is located, to be collected in accordance with G.L. c.40, §58.

30.5 Maintenance Requirements

- a. The owner of a vacant building must maintain the vacant building in accordance with all applicable local and state Sanitary Codes, Building Codes and Fire Codes, pertaining to the external/visible maintenance of the building and major system maintenance of the property.
- b. The owner of a vacant building must promptly repair all broken windows, doors, other openings and any unsafe conditions at a vacant building. Boarding up of open or broken windows and doors is prohibited except as a temporary measure for no longer than forty-five (45) consecutive days, unless the Commissioner determines that, due to vandalism or security reasons and due to circumstances out of the owner's control, the proper boarding of windows and doors is necessary for a period of time longer than forty-five (45) consecutive days. Boards or coverings must be fitted to the opening size and colored to blend with the existing building color scheme.
- c. The owner must maintain the building and property for the duration of the vacancy or abandonment. The owner shall maintain the condition of the building and property so as to appear not to be vacant. Upon notice by the Building Commissioner, any accumulated trash and/or graffiti shall be removed from the property by the owner within (7) days. The Building Commissioner and/or his designee will document violations. The owner of any building vacant for a period exceeding six (6) months, whose utilities have been shut off, shall have those utilities removed or cut and capped to prevent accidents.
- d. If deemed necessary by the Building Commissioner and the Board of Survey, the owner must erect and maintain, at his/her own expense, a six (6)-foot privacy fence within thirty (30) feet of the entire building. The Building Commissioner shall notify the owner in writing of the basis for requiring any such fencing.
- e. Compliance with this by-law shall not relieve the owner of any obligations set forth in any other applicable by-law, regulation, codes, covenant conditions or restrictions and/or association rules and regulations. In case of a conflict with these rules and regulations, the stricter of the rules and regulations shall apply.

30.6 Inspections

The Building Commissioner, Police Chief, Fire Chief and the Health Agent, or their designees shall have the authority to periodically inspect the exterior and interior of any building subject to this by-law for compliance, as authorized under the terms of registration form filed with the Building Commissioner. The Building Commissioner shall have the discretionary authority to disconnect utilities immediately if a potential hazard that may be dangerous to life and limb is present.

30.7 Penalties and Enforcement

Violations of any portions of this by-law shall be punishable by a fine of \$100.00 a day in total. However, the Building Commissioner may waive the fine in total or in part upon the abatement of the violation(s).

The Building Commissioner or his designee shall enforce all provisions of this by-law and shall institute all necessary administrative or legal action to assure compliance. Any owner found to be in violation of this by-law shall receive a written warning and a minimum of seven (7) days to remedy all violations prior to

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the institution of any enforcement action by the Commissioner. The Building Commissioner, acting on behalf of the Town of Plainville, may also bring a civil action in a court of competent jurisdiction seeking equitable relief to enforce this by-law. This by-law may also be enforced through noncriminal disposition in accordance with the provisions of Section XXII of the Town's By-laws.

30.8 Unsafe Buildings

If the Building Commissioner determines the building to be unsafe, the Commissioner may act immediately in accordance with the Massachusetts State Building Code to protect public safety. Furthermore, nothing in this by-law shall abrogate the powers and/or duties of municipal officials to act pursuant to any general statutory authority including, without limitation, M.G.L. c. 139, § 1 *et seq.* and M.G.L. c. 143, § 6 *et seq.*

30.9 Severability

If any provision of this by-law is held to be invalid by a court of competent jurisdiction, such provision shall be considered separate and apart from the remaining provisions, which shall remain in full force and effect.

And further, that nonsubstantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Town of Plainville's By-Laws or the numbering format of the Code of Plainville should the Code of Plainville be adopted, or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

Motion by Nancy Boucher, seconded by Joseph Greer to move the question.

**2/3 Vote Move Question:
Unanimous**

**2/3 Vote:
Motion Carried Voice Vote**

Article 46: Motion by James Throckmorton, seconded by James Marshall –The Planning Board recommends, and I so move, that the Town vote to accept as a Public Way within the Town of Plainville, the street to be known as Harness Path described as a certain parcel of land situated on the westerly side of Mirimichi Street in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, Bounded and described as printed in the Warrant for the Annual Town Meeting under ARTICLE 46, and I further move that the reading of the Article be waived.

Warrant Article 46

ARTICLE 46: To see if the Town will vote to accept as a Public Way within the Town of Plainville, the following street to be known as Harness Path described as a certain parcel of land situated on the westerly side of Mirimichi Street in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, bounded and described as follows:

Beginning at a point on the westerly side of Mirimichi Street at the southerly corner of the described premises; thence

Northwesterly and curving to the left along the arc of a curve having a radius of twenty-five and no hundredths feet (25.00'), a length of forty-three and sixty-seven hundredths feet (43.67') to a point of tangency; thence

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- N69°36'19"W a distance of one hundred thirty-two and eighty hundredths feet (132.80') to a point of curvature; thence
- Northerly and curving to the right along the arc of a curve having a radius of two hundred seventy-five and no hundredths feet (275.00'), a length of four hundred twenty-four and forty-three hundredths feet (424.43') to a point of tangency; thence
- N18°49'26"E a distance of one hundred thirty and forty-six hundredths feet (130.46') to a point of curvature; thence
- Easterly and curving to the right along the arc of curve having a radius of seventy and no hundredths feet (70.00'), a length of three hundred twenty-two and eighty-six hundredths feet (322.86') to a point of reverse curvature; thence
- Southerly and curving to the left along the arc of a curve having a radius of thirty and no hundredths feet (30.00'), a length of forty-four and twelve hundredths feet (44.12') to a point of tangency; thence
- S18°49'26"W a distance of thirty and ninety-six hundredths feet (30.96') to a point of curvature; thence
- Southerly and curving to the left along the arc of a curve having a radius of two hundred twenty-five and no hundredths feet (225.00'), a length of three hundred forty-seven and twenty-six hundredths feet (347.26') to a point of tangency; thence
- S69°36'19"E a distance of one hundred fifty-three and fifty hundredths feet (153.50') to a point of curvature; thence
- Easterly and curving to the left along the arc of a curve having a radius of twenty-five and no hundredths feet (25.00'), a length of thirty-four and sixty-four hundredths feet (34.64') to a point of tangency on the westerly side of Mirimichi Street; thence
- S31°00'30"W a distance of thirty-four and eighty-seven hundredths feet (34.87') to a point; thence
- S32°43'47"W a distance of sixty-four and ninety-eight hundredths feet (64.98') to the point of beginning, the previous two courses bounded by the westerly side of Mirimichi Street.

Meaning and intending to describe that parcel of land shown as Harness Path on a plan entitled, "As-Built Plan of Harness Path, 'Shepardville Woods' Plainville, MA"; dated: May 2010; scale: As Noted, prepared by: Bay Colony Group, Inc., 4 School Street, Foxborough, MA.

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: Planning Board*)

Motion Failed

At 10:08 P.M. the Moderator accepted a motion from Andrea Soucy, seconded Wayne Bryant to dissolve the Annual Town Meeting.

Respectfully submitted,

Ellen M. Robertson
Town Clerk