



TOWN OF PLAINVILLE
WARRANT
for the
ANNUAL TOWN MEETING
MONDAY, JUNE 3, 2019
AT 7:00 P.M.

THE COMMONWEALTH OF MASSACHUSETTS

Norfolk, ss

To Either of the Constables of Plainville:

In the name of the Commonwealth of Massachusetts, you are hereby required to notify and warn the inhabitants of the Town of Plainville qualified to vote in town affairs, to meet in the Beatrice H. Wood Elementary School Auditorium, 72 Messenger Street, in said Plainville, on

MONDAY, JUNE 3, 2019

at seven o'clock in the evening, then and there to act on the following articles, viz:

ARTICLE 1: To choose all other necessary Town Officers not chosen at the Annual Election of April 1, 2019
(Sponsor: Board of Selectmen)

ARTICLE 2: To consider and act on the reports of the Selectmen, and other Town Officers. (Sponsor: Board of Selectmen)

ARTICLE 3A: To see if the Town will vote to amend the General Bylaws, Chapter 12, §12-3 of the Code of the Town of Plainville, by inserting the following new bylaw, and further, to authorize the Town Clerk to assign such numbering as is appropriate to bring said bylaw into conformance with the existing codification as follows:

12-3.1 There shall be established in the Town of Plainville, pursuant to the provisions of G.L. c.44 , §53E ½, the following Revolving Funds, from which funds the specified department head, board, committee, or officer may make expenditure, without further appropriation, for the purposes listed:

Revolving Fund	Department, Board, Committee, Agency Authorized to Expend	Fees, Charges, Other Receipts Credited to Fund	Program or Activity Expenses Payable from Fund	Fiscal Years
Dog Licenses & Fines	Board of Selectmen	Licenses and Fees Associated with the enforcement of the Animal Control By-Law	Expenses related to animal control	All
Senior Center Rental Fees	Council on Aging	Rental Fees for use of the Senior Center	Expenses related to operation of the Senior Center	All
Assessor's Map & Record Copying Fees	Board of Assessors	Fees for copies of Assessors maps and records.	Expenses related to the operation of the Assessing Department	All
Fire Alarm Fees	Fire Chief	Fees associated with the provision of Fire Alarm services	Expenses related to the Fire Alarm system	All
Police Report Copy & Printing Fees	Police Chief	Fees for copies of police records and reports	Expenses related to the Police Department Records Division	All
Firearm Licenses	Police Chief	Fees for Firearms Licenses	Expenses related to the Police Department	All
Use of Police Cruisers on Private Details	Police Chief	Fees charged for use of police vehicles or equipment on private details	Expenses related to the maintenance of Police Cruisers	All
Use of Traffic Citations	Police Chief	Fines and fees associated with traffic citations	Expenses related to the purchase of Police Cruisers	All
Library Fines	Board of Library Trustees	Fines issued by the Public Library	Expenses related to the Public Library	All
Passport Fees	Board of Library Trustees	Fees paid for passport related services	Expenses related to the Public Library	All
Council on Aging Advertising	Council on Aging	Fees or payments received from advertising	Costs associated with the printing of the Council on Aging Newsletter	All
Parks and Recreation Fees & Funds	Parks and Recreation Commissioners	Funds received by the Parks and Recreation Department	Costs associated with Parks and Recreation Projects	All
Planning & Development Fees & Funds	Director of Planning & Development	Funds received by the Planning & Development Department	Costs associated with Planning and Development Projects	All

12-3.2 Expenditure limits. The total amount to be expended during a fiscal year shall not exceed the amount authorized by Town Meeting or any increase therein as may later be authorized by the Board of Selectmen and Finance Committee in accordance with G.L. c.44, §53E½.

12-3.3 Procedures and Reports. Except as provided in G.L. c.44, §53E½ and this by-law, all applicable state and local laws and regulations that govern the receipt, custody, expenditure and payment of town funds shall apply to the use of revolving funds established hereunder.

Or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 3B: To see if the Town will vote to establish fiscal year spending limits for such revolving funds established pursuant to Article 3A of this warrant and as included in Section 12-3.1 of the Town Bylaws, in the amounts set forth below, with such limits to be applicable from fiscal year to fiscal year unless revised by Town Meeting prior to July 1 for the ensuing fiscal year; provided, further, however, that in accordance with law, the Board of Selectmen, with the approval of the Finance Committee, may, upon request, increase the expenditure limits set forth herein for that fiscal year only.

Source of Funds	Annual Expenditure
Dog Licenses & Fines	\$20,000
Senior Center Rental Fees	\$10,000
Assessor's Map & Record Copying Fees	\$5,000
Fire Alarm Fees	\$55,000
Police Report Copy & Printing Fees	\$10,000
Firearm Licenses	\$10,000
Use of Police Cruisers	\$20,000
Use of Traffic Citations	\$55,000
Library Fines	\$3,000
Passport Fees	\$11,000
Council on Aging Advertising	\$10,000
Parks and Recreation Fees & Funds	\$10,000
Planning & Development Fees and Funds	\$10,000

Or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 4: To see if the Town will vote to appropriate and transfer 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, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 5: To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$230,000 or any other sum to meet the Town's obligations for Medicare Taxes, said funds to be expended under the direction of the Treasurer/Collector, or do or act in any manner relative thereto. (*Sponsor: Treasurer/Collector*)

ARTICLE 6: To see if the Town will vote to approve the following amendments to the Personnel Bylaws within the Code of the Town of Plainville:

Appendix A
Wage and Compensation Plan - Fiscal Year 2020

Job Classification	Effective July 1, 2019			
	Range			
A. Executive Level				
Principal Assessor	Minimum:	57,304.	Maximum:	88,700. Base
Park Director	Minimum:	55,628.	Maximum:	68,865. Base
Executive Director, Council on Aging	Minimum:	48,116.	Maximum:	58,043. Base
Health Agent	Minimum:	52,972.	Maximum:	81,403. Base
Treasurer/Collector	Minimum:	98,880.	Maximum:	115,360. Base
Director of Planning/Development	Minimum:	85,779.	Maximum:	106,048. Base
DPW Operations Mgr.	Minimum:	65,543.	Maximum:	92,602. Base
Director of Public Works	Minimum:	106,934.	Maximum:	129,434. Base
Outreach Coordinator Council on Aging	Minimum:	16.88	Maximum:	21.78 Hourly
B. Library				
Library Director	Minimum:	47,995.	Maximum:	63,402. Base
H. Public Needs				
Bus Driver	Minimum:	16.48	Maximum:	21.78 Hourly
I. Seasonal				
Lifeguard	Minimum:	12.00	Maximum:	21.00 Hourly
Water Safety Instructor	Minimum:	12.00	Maximum:	21.00 Hourly
Recreation Aide	Minimum:	12.00	Maximum:	21.00 Hourly
Program Aide	Minimum:	12.00	Maximum:	21.00 Hourly

Laborer	Minimum:	12.00	Maximum:	21.00	Hourly
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J. Part-time Hourly

Patrolman, Special	Minimum:	18.74	Maximum:	22.86	Hourly
IT Systems Administrator	Minimum:	27.51	Maximum:	41.81	Hourly
Secretary, Senior	Minimum:	22.64	Maximum:	28.80	Hourly
Clerk	Minimum:	15.91	Maximum:	25.61	Hourly
Clerk, Senior	Minimum:	20.85	Maximum:	26.86	Hourly
Accounting Clerk	Minimum:	22.64	Maximum:	28.80	Hourly
Departmental Assistant	Minimum:	25.78	Maximum:	32.33	Hourly
Associate Librarian	Minimum:	17.84	Maximum:	23.20	Hourly
Librarian, Children's	Minimum:	15.36	Maximum:	22.62	Hourly
Librarian, Technician	Minimum:	12.75	Maximum:	14.57	Hourly
Library Page	Minimum:	12.75	Maximum:	12.23	Hourly
Custodian	Minimum:	13.11	Maximum:	18.00	Hourly
Laborer, Apprentice	Minimum:	12.75	Maximum:	13.11	Hourly
Laborer	Minimum:	13.01	Maximum:	15.59	Hourly
Laborer, Skilled	Minimum:	16.72	Maximum:	20.15	Hourly
Dispatcher	Minimum:	18.74	Maximum:	23.74	Hourly
Recreation Assistant	Minimum:	12.75	Maximum:	21.12	Hourly

K. Inspector-Annual Rates:

Assistant Building Inspector	\$40.00 per hour or per inspection whichever rate is higher.
Assistant Wiring Inspector	\$40.00 per hour or per inspection whichever rate is higher.
Assistant Plumbing & Gas Inspector	\$40.00 per hour or per inspection whichever rate is higher.

Or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 7: To see if the Town will vote to fix the salary and compensation of all elected officers of the Town as provided by Section 108 of Chapter 41 of the General Laws, as follows:

	Authorized FY 19	Recommended FY20
Moderator	\$25. per meeting	\$25. per meeting
Town Clerk	\$74,039. Annually	\$ 77,001. Annually
Selectmen, Each member	\$ 1,200. Annually	\$ 1,200. Annually
Board of Health, Each member	\$ 500. Annually	\$ 500. Annually
Assessors, Each member	\$ 1,500. Annually	\$ 1,500. Annually
Planning Board, Each Member	\$ 500. Annually	\$ 500. Annually
Library Trustees, Each Member	\$ 500. Annually	\$ 500. Annually
School Committee, Each Member	\$ 500. Annually	\$ 500. Annually
Constable	\$ 7.50/hour or \$3.00/posting	\$7.50 /hour or \$3.00 per posting

Or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 8: To see if the Town will vote to transfer from the Gaming Stabilization Fund an amount for Debt Service and Principal for previously approved capital projects, such funds to be expended under the direction of the Treasurer/Collector, or do or act in any manner relative thereto. (*Sponsor: Treasurer/Collector*)

ARTICLE 9: To see if the Town will vote to raise and appropriate or transfer from available funds, or otherwise, such sums of money as may be required to defray the regular expenses (Operating Budget) of the Town for the financial year beginning July 1, 2019, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 10: To see if the Town will vote in accordance with the provisions of Chapter 44, Section 53F ½ of the General Laws to appropriate from the Trash Enterprise Fund the sum of \$617,376 or any other sums for the purpose of operating a household waste collection, recycling and disposal program for Fiscal Year 2020; \$510,375.00 of such appropriation to be funded from FY-20 Trash Enterprise Revenue, \$84,719.77 to be funded from Trash Enterprise Retained Earnings, and \$22,280.73 to be raised as part of general revenue to cover the cost of refuse collection of the municipal buildings, such sums to be expended as follows by and under the direction of the Board of Health:

Expenses	\$566,032.00
Salaries	\$ 51,344.00

Or, do or act in any manner relative thereto. (*Sponsor: Board of Health*)

ARTICLE 11: To see if the Town will vote to raise and appropriate or transfer from any available source of funds, a sum of money to pay unpaid bills of a prior year pursuant to Massachusetts General Laws Chapter 44, Section 64; or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow a sum of money to fund the purchase and equipping of capital items or the carrying out of capital projects, including all incidental and related expenses, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 13: To see if the Town will vote in accordance with the provisions of Massachusetts General Laws Chapter 44, Section 53F ½ to appropriate a sum of money from the Cable Enterprise Fund for FY2020 cable and PEG access services, such sums to be expended under the direction of the Board of Selectmen, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 14: To see if the Town will vote to raise and appropriate, or transfer from available funds, the sum of \$39,000 or any other sum for updating Fiscal 2020 valuations, FY2021 - FY2022 Interim Adjustments and Cyclical inspections, such funds to be expended under the direction of the Board of Assessors, or do or act in any manner relative thereto. (*Sponsor: Board of Assessors*)

ARTICLE 15: To see if the Town will vote to raise and appropriate, or transfer from available funds the sum of \$2,400, or any other sum for the purpose of funding the cost of GIS database and software maintenance, such funds to be expended under the direction of the Board of Assessors, or do or act in any manner relative thereto. (*Sponsor: Board of Assessors*)

ARTICLE 16: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation providing that the positions of Police Officers of all ranks appointed after passage of the Act not be subject to the Civil Service statute, all as set forth below; provided, however, 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 that are within the scope of the general public objectives of the petition, and to authorize the Board of Selectmen to approve such amendments:

AN ACT EXEMPTING CERTAIN POSITIONS IN THE POLICE DEPARTMENT OF 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. Notwithstanding any general or special law to the contrary, all police officer positions within the police department of the Town of Plainville shall be exempt from chapter 31 of the General Laws.

Section 2. Section 1 shall not impair the civil service status of any police officer employed in the Town of Plainville on the effective date of this act.

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

Or, do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 17: To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation providing that after the effective date of such legislation the position of Police Chief shall not be subject to the Civil Service statute, all as set forth below; provided, however, 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 that are within the scope of the general public objectives of the petition, and to authorize the Board of Selectmen to approve such amendments:

AN ACT EXEMPTING CERTAIN POSITIONS IN THE POLICE DEPARTMENT OF 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. Notwithstanding any general or special law to the contrary, the position of police chief within the police department of the town of Plainville shall be exempt from chapter 31 of the General Laws.

Section 2. Section 1 shall not impair the civil service status of any person employed on a permanent basis as police chief in the town of Plainville on the effective date of this act.

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

Or, do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 18: To see if the Town will vote to authorize the Board of Selectmen to convey a parcel of land and the improvements thereon, being 157 South Street, Plainville, described in a deed recorded with the Norfolk County Registry of Deeds in Book 4240, Page 293, and being Tax Map 12, Lot 145 on such terms and conditions as determined by the Board of Selectmen to be in the best interests of the Town, and further to authorize the Board of Selectmen to execute any and all documents necessary or convenient to carry out the purposes of this Article, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 19: To see if the Town will vote to amend the Code of the Town of Plainville **§500-325-1. List of delinquent taxpayers** with the text to be deleted shown in strike-through and the text to be inserted shown in bold, as follows:

The Tax Collector or other municipal official responsible for records of all municipal taxes, assessments, betterments and other municipal charges, hereinafter referred to as the "Tax Collector," shall annually, **and may periodically**, furnish to each department, board, commission or division, hereinafter referred to as "the licensing authority," that issues licenses or permits, including renewals and transfers, a list of any person, corporation or business enterprise, hereinafter referred to as "the party," that has neglected or refused to pay any local taxes, fees, assessments, betterments or other municipal charges ~~for not less than a twelve-month period~~, and that such party has not filed in good faith a pending application for an abatement of such tax or pending petition before the appellate tax board.

Or, do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

ARTICLE 20: To see if the Town will vote to amend the General Bylaws by inserting in the Code of the Town of Plainville a new section, **§500-326. Marijuana Licensing**, as follows:

326.1. Marijuana License Required

- A. No person shall carry on the business, cultivate, process, package, deliver, obtain, manufacture, process, package, brand, sell or otherwise transfer, or test marijuana or marijuana products, or otherwise operate a Marijuana Establishment as defined by Massachusetts General Laws Chapter 94G within the Town unless first duly licensed thereof by the Board of Selectmen, which license shall be renewed by said Marijuana Establishment annually.

326.2. Host Community Agreement

- A. The marijuana establishment shall not operate and the license shall not be valid until the Applicant has entered into a Host Community Agreement with the Town.

326.3. Regulations

- A. The Board may adopt reasonable rules and regulations related to the issuance of such licenses, including the fees to be paid therefore and the conditions to be satisfied by any applicant for such a license.

326.4. Applications

- A. Applicants for a license shall file an application on a form provided by the Board of Selectmen, signed under the penalties of perjury by the applicant, containing such information as the Board of Selectmen may reasonably require from time to time. Each applicant shall pay an application fee as may be reasonably determined from time to time by the Board of Selectmen.

326.5. Hearing

- A. The Board of Selectmen must act upon the application within forty five (45) days of a public hearing with due written notice provided to the applicant of the time, date and location where such application will be heard.

326.6. Decision

- A. The Board of Selectmen may approve, deny or approve the application with conditions. Such decision shall be based on the evidence taken at the public hearing, consistent with the protection of the health, safety and welfare of the public, and consistent with any regulations promulgated by such board.

326.7. Enforcement

- A. The Board of Selectmen may issue orders as appropriate to aid in the enforcement of this regulation and may enforce these provisions in equity, including the request for injunctive relief, in a court of competent jurisdiction. Any failure to comply with any Order issued hereunder shall result in the issuance of a formal warning. Any failure to comply with such a warning shall result in a fine of \$300.00, which may be enforced pursuant to G.L. c.40, §21D. Any failure to comply after the issuance of said fine may be punishable by a subsequent fine of \$300.00. Each day of a continued non-compliance shall constitute a separate violation. Further, the Board of Selectmen may hold a hearing, with notice to the licensee, to determine if such license should be modified, suspended or revoked.

326.8. Nonpayment of Taxes

- A. The licensing authority may deny, revoke or suspend any license or permit, including renewals and transfers, of any party or agent thereof whose name appears on said list furnished to the licensing authority from the Tax Collector of individuals delinquent on their taxes and/or other municipal charges. Written notice must be given to the party by the Tax Collector, as required by the applicable provision of law, and the party must be given the opportunity for a hearing not earlier than 14 days after said notice. See Section 325-2.

326.9. Authority

- A. Home Rule Amendment (Art. 89 of the Amendments to the Massachusetts Constitution); Massachusetts General Laws, Chapter 94G, Sec. 3, 935 CMR 500.000.

And further, that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Code of Plainville or, to see if the Town will vote to do or act in any manner relative thereto.

(Sponsor: Board of Selectmen)

ARTICLE 21: To see if the Town will vote to amend the General Bylaws by inserting in the Code of the Town of Plainville a new section, **§500-185. Community Preservation Committee**, as follows:

185.1: Establishment

There is hereby established a Community Preservation Committee ("Committee"), consisting of nine (9) voting members pursuant to MGL Chapter 44B. The composition of the Committee, the appointment authority and the term of office for the Committee members shall be as follows:

- a. One member of the Planning Board (created by Section 81a of Chapter 41) as designated by the Board for an initial term of one year and subsequent terms of three years.
- b. One member of the Conservation Commission (created by Section 8C of Chapter 40) as designated by the Commission for an initial term of two years and subsequent terms of three years.
- c. One member of the Historical Commission (created by Section 8D of Chapter 40) as designated by the Commission for a term of three years.
- d. One member of the Park Commissioners (created by Section 2 of Chapter 45) as designated by the Board for an initial term of one year and subsequent terms of three years.
- e. One member of the Housing Authority Board (created by Section 3 of Chapter 121B) as designated by its Board of Directors for an initial term of two years and subsequent terms of three years.
- f. One member of the Open Space and Recreation Committee (created by the Board of Selectmen) for a term of three years.
- g. One member of the Board of Health (created by Section 26 of Chapter 111) as designated by the Board for an initial term of one year and subsequent terms of three years.
- h. One member of the general public who does not concurrently hold elected or appointed office, nor concurrently serve as a municipal employee, to be appointed by the Board of Selectmen for an initial term of two years and subsequent terms of three years.
- i. One member of the general public who does not concurrently hold elected or appointed office, nor concurrently serve as a municipal employee, to be appointed by the Board of Selectmen for a term of three years.

Any vacancy on the Committee, whether arising by resignation or expiration of term or otherwise, shall be filled for the remainder of the unexpired term by the commission, authority or board that designated or appointed the member.

Should any of the entities who have appointment authority under this bylaw be no longer in existence for whatever reason, the appointment authority for that entity shall become the responsibility of the Board of Selectmen.

185.2: Duties

1. The community preservation committee shall study the needs, possibilities and resources of the town regarding community preservation. The committee shall consult with existing municipal boards, including the Board of Selectmen, the conservation commission, the historical commission, the planning board, the parks commissioners and the housing authority, or persons acting in those capacities or performing like duties, in conducting such studies. As part of its study, the committee shall hold one or more public informational hearings on the needs, possibilities and resources of the town regarding community preservation possibilities and resources, notice of which shall be posted publicly and published for each of two weeks preceding a hearing in a newspaper of general circulation in the town. The committee may, after proper appropriation, incur expenses as permitted by state law using funds from the community preservation fund to pay such expenses.
2. The community preservation committee shall make recommendations to Town Meeting for the acquisition, creation and preservation of open space; for the acquisition, preservation, rehabilitation and restoration of historic resources; for the acquisition, creation, preservation, rehabilitation and restoration of land for recreational use; for the acquisition, creation, preservation and support of community housing; and for the rehabilitation or restoration of open space and community housing that is acquired or created with Community Preservation Funds. With respect to community housing, the community preservation committee shall recommend, wherever possible, the reuse of existing buildings or construction of new buildings on previously developed sites.
3. The community preservation committee may include in its recommendation to the Town Meeting a recommendation to set aside for later spending funds for specific purposes that are consistent with community preservation but for which sufficient revenues are not then available in the Community Preservation Fund to accomplish that specific purpose or recommended action to set aside for later spending funds for general purposes that are consistent with community preservation.

185.3: Requirement for a quorum and cost estimates

The community preservation committee shall not meet or conduct business without the presence of a quorum and shall keep a written record of its proceedings. A majority of the members of the community preservation committee shall constitute a quorum. The community preservation committee shall approve its actions by majority vote of the quorum. Recommendations to the Town Meeting shall include their anticipated costs.

185.4: Amendments

The Community Preservation Committee shall, from time to time, review the administration of this By-law, making recommendations, as needed, for changes in the By-law and in administrative practice to improve the operations of the Community Preservation Committee. This Bylaw may be amended from time to time by a majority vote of the Town Meeting, provided that the amendments would not be in conflict with Chapter 44B of the Massachusetts General Laws.

185.5: Severability

In case any section, paragraph or part of this chapter be for any reason declared invalid or unconstitutional by any court of last resort, every other section, paragraph or part shall continue in full force and effect.

185.6: Effective Date

Following Town Meeting approval of this bylaw, this Chapter shall take effect immediately upon approval by the Attorney General of the Commonwealth. Each appointing authority shall have thirty days after approval by the Attorney General to make their initial appointments.

And further, that non-substantive changes to the numbering of this by-law be permitted in order that it be in compliance with the numbering format of the Code of Plainville or, to see if the Town will vote to do or act in any manner relative thereto.

(Sponsor: Board of Selectmen)

ARTICLE 22: To see if the Town will vote to accept as a Public Way, within the Town of Plainville, the street to be known as Hodgman Way, and to authorize the Board for Selectmen to acquire by gift, purchase or otherwise the necessary fee or other interest in land for public way purposes in a certain parcel of land situated off the easterly side of High Street, in the Town of Plainville, in the County of Norfolk, Commonwealth of Massachusetts, shown as Parcel A, containing 34,109 square feet, on a plan entitled "Definitive Subdivision Plan, Lot Layout Plan 1, High Plain Acres II, Plainville, Massachusetts", dated 09/01/2015, prepared by Advanced Concepts Engineering Corp., 40 Walnut Street, Plainville, MA 02762 and recorded in the Norfolk County Registry of Deeds in Plan Book 650 Page 33, a copy of which is on file with the Town Clerk or, any other interests in land necessary to provide for the use and maintenance of said way for all purposes for which public ways are used in the Town of Plainville, or do or act in any manner relative thereto.

(Sponsor: Planning Board)

ARTICLE 23: To see if the Town will vote to amend the Town of Plainville Town Code by adding a new section to General Legislation Chapter 220, to be titled "Plastic Waste Reduction", which by-law should regulate the use of thin-film single-use plastic check-out bags in the Town of Plainville, as set forth below, or do or act in any manner relative thereto.

Section I Findings and Intent

The production and use of thin-film single-use plastic check out bags have significant impacts on the environment, including, but not limited to: contributing to the death of marine animals through ingestion and entanglement, contributing to the pollution of land environment, creating a burden to recycling facilities, clogging storm drains, and requiring millions of barrels of crude oil nationally for their manufacture. Plastic bags do not biodegrade; instead they turn into micro-plastics displacing lower food sources ingested by a wide range of marine animals. By displacing lower food sources micro-plastics are entering into the food chain, including our own.

The purpose of this by-law is to reduce the number of thin-film single- use plastic check out bags and paper bags and to promote the use of reusable bags in Plainville.

Section II Definitions

The following words shall, unless the context clearly requires otherwise, have the following meanings:

- a. "Check-out bag" shall mean a bag provided by a store to a customer at the point of sale. Check-out bags shall not include bags, whether plastic or not, in which loose produce or products are placed by the consumer to deliver such items to the point of sale or check out area of the store.
- b. "Department" shall mean the Plainville Health Department.
- c. "Health Agent" shall mean the Health Agent for the Plainville Board of Health or his/her designee.
- d. "Recyclable paper bag" shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content, and displays in a visible manner on the outside of the bag (1) the word "recyclable" or a symbol identifying the bag as recyclable and (2) a label identifying the bag as being made from post-consumer recycled content and the percentage of post-consumer recycled content in the bag.
- e. "Reusable Check-out bag" shall mean a sewn bag with stitched handles that is specifically designed for multiple reuse and that
 - (1) can carry 25 pounds over a distance of 300 feet;
 - (2) is machine washable; and,
 - (3) is either
 - (a) made of natural fibers (such as cotton or linen); or
 - (b) made of durable, non-toxic plastic other than polyethylene or polyvinyl chloride that is generally considered a food-grade material that is more than 4 mils thick.
- f. "Retail Establishment" shall mean any business facility that sells goods directly to the consumer whether for or not for profit, including, but not limited to, retail stores, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses.
- g. "Thin-Film, Single-Use Plastic Check-Out Bags" shall mean those bags typically with handles, constructed of high-density polyethylene (HDPE), low density polyethylene (LDPE), linear low density polyethylene (LLDPE), polyvinyl chloride (PVC), polyethylene terephthalate (PET), or polypropylene (other than woven and non-woven polypropylene fabric), if said film is less than 4.0 mils in thickness.

Section III Regulated Conduct

- a. No Retail Establishment in the Town of Plainville shall provide Thin-Film Single-Use Plastic Check-Out Bags to customers.
- b. If a Retail Establishment provides or sells Check-Out Bags to customers, the bags must be one of the following:
 1. Recyclable paper bag; or
 2. Reusable Check-Out bag.
- c. Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two (2) locations under the same name within the Town of Plainville that total 3,500 square feet or more, that make available Thin-Film, Single-Use Plastic Check-Out Bags, with or without handles, that are exempted under this bylaw, are required to provide for in-store collection and proper recycling of returned Thin-Film, Single-Use Plastic Check-Out Bags. Retail Establishments with a floor area less than 3,500 square feet that make available Thin-Film, Single-Use Plastic Check-Out Bags, with or without handles, exempted under this bylaw, are required to provide for in-store collection and are required to properly recycle collected Thin-Film, Single-Use Plastic Check-Out Bags if an in-town drop off location or other no-fee option is available. In-store collection locations must be prominently displayed and easily accessible.

Section IV Exemption: Thin-film plastic bags typically without handles which are used to contain newspapers, produce, meat, bulk foods, wet items, dry cleaning, and other similar merchandise are not prohibited under this bylaw.

Section V Enforcement

- a. The Board of Health and its Health Agent shall have the authority to administer and enforce this bylaw.
- b. For the first violation, the enforcing authority, upon a determination that a violation has occurred, shall issue a written warning notice to the establishment specifying the violation.
- c. The following penalties shall apply:
 1. A fine of \$50 shall apply for the first violation following the issuance of a written warning notice.
 2. A fine of \$100 shall apply for the second violation and each additional violation of this by-law after the issuance of a written warning notice.
- d. Fines shall be cumulative and each day on which a violation occurs shall constitute a separate offense.

Section VI Effective Date

- a. This bylaw shall take effect six (6) months following the effective date of approval by the Attorney General for Retail Establishments with a floor area equal to or exceeding 3,500 square feet or with at least two (2) locations under the same name within the Town of Plainville that total 3,500 square feet or more. This bylaw shall take effect one (1) year following the effective date of approval of the Attorney General for Retail Establishments less than 3,500 square feet. The Health Agent may exempt a Retail Establishment from the requirements of this section for a period of up to six (6) months upon a finding by the Health Agent that (1) the requirements of this section would cause undue hardship; or (2) a Retail Establishment requires additional time in order to draw down an existing inventory of thin-film, single-use check-out plastic bags.

Section VII Regulations

- a. The Board of Health may adopt and amend rules and regulations to effectuate the purposes of this bylaw.

Section VIII Severability

- a. If any provision of this bylaw is declared invalid or unenforceable the other provisions shall not be affected thereby.
(Sponsor: Citizen's Petition)

And you are directed to serve this Warrant by posting copies thereof in six (6) public places, in said Town, fourteen (14) days at least before the time of holding said meeting.

Hereof, fail not, and make due return of the Warrant with your doing thereon, to the Town Clerk at or before the time and place of said meeting as foresaid.

Given under our hands this 6th day of May, in the year of our Lord two thousand and nineteen.

Jeffrey Johnson, Chairman

Brian Kelly

Stanley Widak, Jr.

A true copy Attest:

_____ May_____, 2019
Ellen M. Robertson, Town Clerk

I have this day posted six (6) copies in six (6) public places in the Town of Plainville and have returned one signed copy to the Town Clerk.

_____ May_____, 2019
Constable