



**TOWN OF PLAINVILLE**  
**WARRANT**  
for the  
**ANNUAL TOWN MEETING**

**MONDAY, JUNE 1, 2015**  
**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 1, 2015**

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 6, 2015.

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

**ARTICLE 3:** To see if the Town will 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, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

**ARTICLE 4:** To see if the Town will 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 improvements of Town roads, and to authorize the Town Treasurer to borrow in anticipation of such funds, or do or act in any matter relative thereto. (*Sponsor: Board of Selectmen*)

**ARTICLE 5:** To see if the Town will vote to amend the action of the June 2, 2014 Town Meeting, Article 6, and by doing so, amend the appropriation and transfer of \$272,257 authorized thereunder and instead appropriate and transfer \$408,385 from funds received by the Town of Plainville for Fiscal Year 2015 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 6:** To see if the Town will vote to appropriate and transfer \$270,270 or any other sum 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, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

**ARTICLE 7:** To see if the Town will vote to raise and appropriate, or to transfer from available funds, \$4,680 or any other sum 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, or do or act in any manner relative thereto. (*Sponsor: Board of Health*)

**ARTICLE 8:** To see if the Town will vote to raise and appropriate, or to transfer from available funds, \$30,000 or any other sum for the payment of fees associated with the collection of ambulance billings, or do or act in any manner relative thereto. (Sponsor: Fire Department)

**ARTICLE 9:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$21,000 or any other sum for the purpose of conducting an audit of Fiscal Year 2015, or do or act in any manner relative thereto. (Sponsor: Board of Selectmen)

**ARTICLE 10:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$20,000 or any other sum for the Reserve Fund to provide for the extraordinary or unforeseen expenses as authorized by Sect. 6, Chap. 40 of Mass. General Laws, or do or act in any manner relative thereto. (Sponsor: Finance Committee)

**ARTICLE 11:** To see if the Town will vote to raise and appropriate, or to transfer from available funds, \$4,100 or any other sum to fund Plainville's participation in the programs and services of the Southeastern Regional Services Group, or do or act in any manner relative thereto. (Sponsor: Board of Selectmen)

**ARTICLE 12:** 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*”.

<i>Source of Funds</i>	<i>Use of Funds</i>	<i>Expended Under Direction of:</i>	<i>Annual Expenditure</i>
1. Dog Licenses & Fines	Costs associated with the enforcement of the Animal Control By-Law	Board of Selectmen	\$15,000
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. Fire Alarm Fees	Costs associated with the provision of Fire Alarm services	Fire Chief	\$55,000
5. Police Report Copying & Printing Fees	Costs associated with the copying and provision of Police Reports	Police Chief	\$10,000
6. Firearm Licenses	Costs associated with the provision and Production of firearms licenses	Police Chief	\$10,000
7. Use of Police Cruisers On Private Details	Costs associated with the maintenance of Police Cruisers	Police Chief	\$10,000
8. Use of Traffic Citations	Costs associated with the purchase of Police Cruisers	Police Chief	\$45,000
9. Library Fines	Costs associated with the Public Library	Board of Library Trustees	\$8,000
10. Cable Television Franchise Fees	Costs associated with the provision of Local Cable Access Programming	Cable Advisory Committee	\$30,000
11. Council on Aging Advertising	Costs associated with the printing of the Council on Aging Newsletter	Council on Aging	\$10,000

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

**ARTICLE 13:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$170,000 or any other sum to meet the Town's obligations for Medicare Taxes, said funds to be expended under the direction of the Town Treasurer, or do or act in any manner relative thereto. (*Sponsor: Town Treasurer*)

**ARTICLE 14:** 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 2016

Job Classification	Effective July 1, 2015 Range				
A. Executive Level					
Highway Superintendent	Minimum:	50,140.	Maximum:	65,940.	Base
Water/Sewer Superintendent	Minimum:	52,885.	Maximum:	81,575.	Base
Principal Assessor	Minimum:	50,915.	Maximum:	68,455.	Base
Park Director (Full-time)	Minimum:	49,425.	Maximum:	61,185.	Base
Park Director (Part-time)	Minimum:	24,715.	Maximum:	30,590.	Base
Executive Director, Council on Aging	Minimum:	42,750.	Maximum:	51,570.	Base
Planner	Minimum:	51,440.	Maximum:	70,720.	Base
Health Agent	Minimum:	47,065.	Maximum:	72,325.	Base
Outreach/Asst. Dir., Council on Aging	Minimum:	15.00	Maximum:	19.35	Hourly
Emergency Management Director	Minimum:	16.00	Maximum:	21.10	Hourly
B. Library					
Library Director	Minimum:	41,830.	Maximum:	54,335.	Base
H. Public Needs					
Bus Driver	Minimum:	15.45	Maximum:	19.35	Hourly
I. Seasonal					
Lifeguard, Head	Minimum:	10.05	Maximum:	16.65	Hourly
Life Guard	Minimum:	10.05	Maximum:	16.65	Hourly
Water Safety, Instructor	Minimum:	10.75	Maximum:	16.65	Hourly
Maintenance Apprentice	Minimum:	8.85	Maximum:	16.65	Hourly
Arts & Crafts Aide	Minimum:	9.45	Maximum:	16.65	Hourly
Recreation Assistant	Minimum:	9.15	Maximum:	16.65	Hourly
Recreation Aide	Minimum:	8.85	Maximum:	16.65	Hourly
Program Aide	Minimum:	8.85	Maximum:	16.65	Hourly
J. Part-time Hourly					
Land Use Coordinator	Minimum:	25.90	Maximum:	41.35	Hourly
Conservation Agent	Minimum:	12.15	Maximum:	25.75	Hourly
Patrolman, Special	Minimum:	16.65	Maximum:	20.30	Hourly
IT Systems Administrator	Minimum:	29.20	Maximum:	37.15	Hourly
Secretary, Senior	Minimum:	19.10	Maximum:	22.45	Hourly
Clerk	Minimum:	9.00	Maximum:	11.40	Hourly
Clerk, Senior	Minimum:	11.80	Maximum:	16.10	Hourly
Associate Librarian	Minimum:	15.85	Maximum:	20.60	Hourly
Librarian, Children's	Minimum:	13.65	Maximum:	20.10	Hourly
Librarian, Technician	Minimum:	9.00	Maximum:	12.95	Hourly
Library Page	Minimum:	8.10	Maximum:	10.65	Hourly
Custodian	Minimum:	9.40	Maximum:	13.85	Hourly
Laborer, Apprentice	Minimum:	8.25	Maximum:	9.25	Hourly
Laborer	Minimum:	9.45	Maximum:	13.85	Hourly
Laborer, Skilled	Minimum:	15.30	Maximum:	17.90	Hourly
Driver, Highway	Minimum:	12.40	Maximum:	18.15	Hourly
Dispatcher	Minimum:	16.65	Maximum:	21.10	Hourly

K. Inspector-Annual Rates:

Building Inspector	To be paid at an hourly rate of \$25.75 and an additional annual rate of compensation equal to 17% 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.
Assistant Building Inspector	\$36.00 per hour or per inspection whichever rate is higher.
Wiring Inspector	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.
Assistant Wiring Inspector	\$36.00 per hour or per inspection whichever rate is higher.
Plumbing and Gas Inspector	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.
Assistant Plumbing & Gas Inspector	\$36.00 per hour or per inspection whichever rate is higher.

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

**ARTICLE 15:** 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, General Laws, as amended as follows:

	Authorized FY 15	Recommended FY16
Moderator	\$25. per meeting	\$25. per meeting
Town Clerk	\$65,689. Annually	\$ 67,615. Annually
Town Treasurer	\$58,500. Annually	\$ 59,670. Annually
Tax Collector	\$42,653. Annually	\$ 43,506. 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
Water – Sewer Commissioners, Each Member	\$ 1,000. Annually	\$ 1,000. 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
Tree Warden	\$ 7.50/hour	\$ 7.50 /hour
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 16:** To see if the Town will vote to appropriate and raise by borrowing, or otherwise, the following sums of money, or any other such sums as may be required to defray Town charges for the financial year beginning July 1, 2015, and expressly for the following purposes to wit:

GOVERNMENT	DEPARTMENT #	
Selectmen	122	\$ 268,662
Salaries .....		\$ 241,362
Expenses.....		\$ 27,300
Finance Committee	131	\$ 300
Expenses.....		\$ 300
Town Accountant	135	\$ 78,291
Salaries .....		\$ 75,991
Expenses.....		\$ 2,300

Assessors	141		\$ 122,340
Salaries .....		\$ 112,465	
Expenses.....		\$ 9,875	
Treasurer	145		\$ 115,982
Salaries .....		\$ 89,882	
Expenses.....		\$ 26,100	
Tax Collector	146		\$ 101,380
Salaries .....		\$ 87,080	
Expenses.....		\$ 14,300	
Legal	151		\$ 56,400
Expenses.....		\$ 56,400	
Data Processing	155		\$ 30,480
Expenses.....		\$ 30,480	
Town Clerk	161		\$ 122,061
Salaries .....		\$ 116,566	
Expenses.....		\$ 4,595	
Out of State Travel.....		\$ 900	
Election	162		\$ 15,200
Expenses.....		\$ 15,200	
Board of Registrars	163		\$ 17,456
Salaries .....		\$ 12,456	
Expenses.....		\$ 5,000	
Land Use Coordination	170		\$ 58,204
Salaries .....		\$ 52,004	
Expenses.....		\$ 6,200	
Conservation Commission	171		\$ 13,000
Salaries .....		\$ 12,000	
Expenses.....		\$ 1,000	
Planning Board	175		\$ 2,700
Salaries .....		\$ 2,500	
Expenses.....		\$ 200	
Zoning Board	176		\$ 3,200
Salaries .....		\$ 3,000	
Expenses.....		\$ 200	
Building Maintenance	192		\$ 21,100
Expenses.....		\$ 21,100	
Town Insurance	193		\$ 164,750
Expenses.....		\$ 164,750	
Police Department	210		\$ 2,415,429
Salaries .....		\$2,136,329	
Expenses.....		\$ 184,100	
Capital.....		\$ 95,000	
Communications	215		\$ 435,234
Salaries .....		\$ 322,334	
Expenses.....		\$ 112,900	

Fire & Ambulance	220		\$ 2,350,383
Salaries .....		\$2,101,438	
Expenses.....		\$ 246,945	
Out of State Travel .....		\$ 2,000	
Call Fire Department	225		\$ 18,500
Salaries .....		\$ 14,000	
Expenses.....		\$ 4,500	
Building Inspection	241		\$ 88,138
Salaries .....		\$ 51,898	
Inspection Fees.....		\$ 27,500	
Expenses.....		\$ 8,740	
Plumbing & Gas Inspection	242		\$ 62,700
Inspection Fees.....		\$ 60,000	
Expenses.....		\$ 2,700	
Sealer of Weights & Measurers	244		\$ 5,000
Expenses.....		\$ 5,000	
Wiring Inspection	245		\$ 80,020
Inspection Fees.....		\$ 75,000	
Expenses.....		\$ 5,020	
Animal Control Officer	292		\$ 12,000
Salaries.....		\$ 9,380	
Expenses.....		\$ 2,620	
Tree Warden	294		\$ 3,000
Expenses.....		\$ 3,000	
Local Schools	300		\$ 8,446,096
Salaries & Expenses. ....		\$8,446,096	
King Philip Regional School	350		\$ 5,530,923
Salaries & Expenses. ....		\$4,914,105	
Debt Excluded from Prop 2 ½ .....		\$ 616,818	
Tri-County Vocational School	350		\$ 1,192,311
Salaries & Expenses. ....		\$1,192,311	
Highway Department	422		\$ 494,656
Salaries .....		\$ 377,516	
Expenses.....		\$ 117,140	
Snow Removal	423		\$ 52,000
Salaries .....		\$ 22,000	
Expenses.....		\$ 30,000	
Street Lights	424		\$ 98,500
Expenses.....		\$ 98,500	
Sewer Department	440		\$ 693,322
Salaries .....		\$ 176,767	
Expenses.....		\$ 506,555	
Equipment.....		\$ 10,000	
Water Department	450		\$ 962,074
Salaries .....		\$ 312,374	
Expenses.....		\$ 637,700	
Equipment.....		\$ 10,000	
Out of State Travel .....		\$ 2,000	

Board of Health	510		\$ 128,390
Salaries .....		\$ 100,151	
Expenses.....		\$ 28,239	
Council on Aging	541		\$ 155,594
Salaries .....		\$ 119,354	
Expenses.....		\$ 36,240	
Veteran's Benefits	543		\$ 166,340
Salaries .....		\$ 5,440	
Expenses.....		\$ 900	
Benefits.....		\$ 160,000	
Library	610		\$ 205,610
Salaries .....		\$ 128,651	
Expenses.....		\$ 76,959	
Park Department	650		\$ 84,751
Salaries .....		\$ 80,966	
Expenses.....		\$ 3,785	
Historical Commission	691		\$ 5,750
Expenses.....		\$ 5,750	
Memorial Day	692		\$ 1,000
Expenses.....		\$ 1,000	
Maturing General Debt	710		\$ 111,000
Principal Expense.....		\$ 111,000	
Maturing Water Dept. Debt	710		\$ 268,214
Principal Expense.....		\$ 268,214	
Sewer Dept. Debt Due to N. Attleboro	710		\$ 176,372
Principal Expense.....		\$ 176,372	
Sewer Dept. Debt Due to N. Attleboro			
Excldd from Prop 2 ½	710		\$ 176,372
Principal Expense.....		\$ 176,372	
West Side Sewer Excldd from Prop 2 ½	710		\$ 173,460
Principal Expense.....		\$ 173,460	
Maturing Debt Excldd from Prop 2 ½	710		\$ 630,000
Principal Expense.....		\$ 630,000	
Interest on General Debt	751		\$ 33,675
Expenses.....		\$ 33,675	
Interest on Water Dept. Debt	751		\$ 59,922
Expenses.....		\$ 59,922	
West Side Sewer Excldd from Prop 2 ½	751		\$ 53,561
Interest Expense.....		\$ 53,561	
Interest on Debt Excldd from Prop 2 ½	751		\$ 131,694
Expenses.....		\$ 131,694	
Norfolk County & State Retirement	911		\$ 1,234,888
Expenses.....		\$1, 234,888	
Group Insurance	914		\$ 2,173,606
Expenses.....		\$2,173,606	

Or, to see if the Town will vote to do or act in any manner relative thereto.

**ARTICLE 17:** To see if the Town will vote to transfer from available funds, \$11,992 or any other sum for the purpose of proportionally funding a portion of the fifty third week of payroll for all municipal departments, or do or act in any manner relative thereto. *(Sponsor: Board of Selectmen)*

**ARTICLE 18:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$11,208 or any other sum for the purpose of funding the tuition of Plainville students attending the Norfolk County Agricultural High School during the 2015 – 2016 school year, or do or act in any manner relative thereto. *(Sponsor: Board of Selectmen)*

**ARTICLE 19:** To see if the Town will vote in accordance with the provisions of Chapter 44, Section 53F½ of the Massachusetts General Laws to appropriate \$439,825 or any other sums for the purpose of operating a household waste collection, recycling, and disposal program; \$389,395 of such appropriation to be funded from Fiscal Year 2016 Trash Enterprise Revenue, \$47,445 to be funded from Trash Enterprise Retained Earnings, and \$2,985 to be raised as part of general revenue to cover the costs of refuse collection for school and municipal buildings, such sums to be expended as follows by and under the direction of the Board of Health:

Salaries.....\$ 42,896  
Expenses.....\$396,929

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

**ARTICLE 20:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$5,350 or any other sum for the purpose of funding the Assessor’s Appraisal Software License Agreement for Fiscal Year 2016, 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 21:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$2,600 or any other sum for the purpose of funding the second year cost of a GIS database and software, 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 22:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$10,000 or any other sum to be used in conjunction with funds previously appropriated under Article 20 of the June 2, 2014 Annual Town Meeting for the purpose of updating Fiscal 2016 valuations, 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 23:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$5,000 or any other sum for the payment of fees associated with the collection of Medicaid Reimbursement for services provided by the Plainville School Department to eligible students, or do or act in any manner relative thereto. *(Sponsor: Board of Selectmen)*

**ARTICLE 24:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$6,000 or any other sum for the purpose of administering employee physicals and/or psychological screenings for new hires or for such other employment purposes as may be deemed necessary by the Board of Selectmen, or do or act in any manner relative thereto. *(Sponsor: Board of Selectmen)*

**ARTICLE 25:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, \$1,345,000 or any other sum, for the purchase and equipping of a new ladder truck, such funds to be expended under the direction of the Fire Chief, or do or act in any manner relative thereto. *(Sponsor: Fire Chief)*

**ARTICLE 26:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$151,000 or any other sum, for the repairing and equipping of the existing Plainville Fire Department ladder truck, such funds to be expended under the direction of the Fire Chief, or do or act in any manner relative thereto. *(Sponsor: Fire Chief)*

**ARTICLE 27:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$10,400 or any other sum, for the purchase of a new computer server and associated peripherals for the Plainville Fire Department, such funds to be expended under the direction of the Fire Chief, or do or act in any manner relative thereto. *(Sponsor: Fire Chief)*

**ARTICLE 28:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$10,400 or any other sum, for the purchase of a new computer server and associated peripherals for the Plainville Police Department, such funds to be expended under the direction of the Police Chief, or do or act in any manner relative thereto. *(Sponsor: Police Chief)*



**ARTICLE 29:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$7,500 or any other sum, to fund the third year payment of a four (4) year lease for the Police Chief's vehicle, such funds to be expended under the direction of the Police Chief, or do or act in any manner relative thereto. (*Sponsor: Police Chief*)

**ARTICLE 30:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$10,000 or any other sum, for the purchase of upgraded Police Tasers and related equipment for the Plainville Police Department, such funds to be expended under the direction of the Police Chief, or do or act in any manner relative thereto. (*Sponsor: Police Chief*)

**ARTICLE 31:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$11,680 or any other sum, for the replacement of winter jackets and safety vests within the Plainville Police Department, such funds to be expended under the direction of the Police Chief, or do or act in any manner relative thereto. (*Sponsor: Police Chief*)

**ARTICLE 32:** To see if the Town will vote accept the provisions of G.L. c.60, s.15B and to establish a Tax Title Revolving Fund for the Treasurer and or Tax Collector or any successor position(s), to which fund shall be credited any fees, charges and costs incurred by such officer under sections G.L. c.60, §§15, 55, 62, 65, 68 or 79 and collected upon the redemption of tax titles and sales of real property acquired through foreclosures of tax titles, and which amounts may be expended for expenses incurred under G.L. c.60 in connection with a tax taking or tax title foreclosure, including, but not limited to, fees and costs of recording or filing documents and instruments, searching and examining titles, mailing, publishing or advertising notices or documents, petitioning the land court, serving court filings and documents and paying legal fees, with said fund to be effective July 1, 2015, or do or act in any manner relative thereto. (*Sponsor: Board of Selectmen*)

**ARTICLE 33:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$25,000 or any other sum to fund foreclosure costs of Tax Title properties, such funds to be expended under the direction of the Town Treasurer, or do or act in any manner relative thereto. (*Sponsor: Town Treasurer*)

**ARTICLE 34:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$100,000 or any other sum to further fund the Town of Plainville's OPEB Trust Fund (Other Post-Employment Benefits), such funds to be expended under the direction of the Town Treasurer, or do or act in any manner relative thereto. (*Sponsor: Town Treasurer*)

**ARTICLE 35** To see if the Town will vote to transfer \$149,050, or any other sum, from the Fiscal Year 2015 Maturing Debt due to North Attleboro Account to the Fiscal Year 2015 Maturing Debt West Side Sewer Debt Account, such funds to be expended under the direction of the Town Treasurer, or do or act in any manner relative thereto. (*Sponsor: Town Treasurer*)

**ARTICLE 36:** To see if the Town will vote to accept the provisions of Massachusetts General Laws, Chapter 40, Sections 42A to 42F, inclusive, (water rates) and the provisions of Massachusetts General Laws, Chapter 83, Sections 16A to 16F, inclusive, (sewer rates), which statutes provide for a method of collection of water and sewer rates; or do or act in any manner relative thereto. (*Sponsor: Tax Collector*)

**ARTICLE 37:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, \$75,000 or any other sum, for the purchase or construction of an additional salt storage shed and for repairs as may be needed to the existing salt storage shed, or do or act in any manner relative thereto. (*Sponsor: Highway Superintendent*)

**ARTICLE 38:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, \$120,000 or any other sum, for the purchase of a truck chassis and cab onto which will be mounted a sander, or do or act in any manner relative thereto. (*Sponsor: Highway Superintendent*)

**ARTICLE 39:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, \$165,000 or any other sum, for the purchase of a front end loader to replace the sixteen (16) year old loader currently be used in the Plainville Highway Department, or do or act in any manner relative thereto. (*Sponsor: Highway Superintendent*)

**ARTICLE 40:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, \$23,000 or any other sum, for the purchase of a snow blower attachment to be attached to existing equipment currently in use in the Plainville Highway Department, or do or act in any manner relative thereto. (*Sponsor: Highway Superintendent*)

**ARTICLE 41:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, \$65,000 or any other sum, for the purchase and equipping of a small dump truck and plow for in use in the Plainville Highway Department, or do or act in any manner relative thereto. (*Sponsor: Highway Superintendent*)

**ARTICLE 42:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, \$50,000 or any other sum, for the purchase and equipping of a pickup truck and plow for use in the Plainville Highway Department, or do or act in any manner relative thereto. (*Sponsor: Highway Superintendent*)

**ARTICLE 43:** To see if the Town will vote to appropriate \$1,007,000 or any other sum, for the rehabilitation of the East Bacon Street/Highland Street 1.5 million gallon water storage tank; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, or do or act in any manner relative thereto. *(Sponsor: Board of Water-Sewer Commissioners)*

**ARTICLE 44:** To see if the Town will vote to transfer \$50,000 or any other sum from Water Surplus to fund the necessary engineering and administrative costs associated with the East Bacon Street/Highland Street 1.5 million gallon water storage tank rehabilitation project, or do or act in any manner relative thereto. *(Sponsor: Board of Water-Sewer Commissioners)*

**ARTICLE 45:** To see if the Town will vote to raise and appropriate, transfer from available funds, or borrow, \$80,000 or any other sum to be used in conjunction with funds previously appropriated under Article 30 of the June 3, 2013 Annual Town Meeting for the replacement of water mains, services, valves, and hydrants on Maple Street and that the combination of those funds be used also for the replacement of water mains, services, valves, and hydrants on Cottage Street as well, or do or act in any manner relative thereto. *(Sponsor: Board of Water-Sewer Commissioners)*

**ARTICLE 46:** To see if the Town will vote to transfer \$100,000 or any other sum from Water Surplus to fund the necessary engineering and administrative costs associated with the Massachusetts Department of Conservation and Recreation and the Massachusetts Department of Environmental Protection review of the existing and future permits granted to the Town of Plainville under the Massachusetts Water Management Act as such may pertain to the Taunton River Basin and the Ten Mile River Basin; the existing permits to expire during Fiscal Year 2016, or do or act in any manner relative thereto. *(Sponsor: Board of Water-Sewer Commissioners)*

**ARTICLE 47:** To see if the Town will vote to raise and appropriate, or transfer from available funds, \$26,852 or any other sum to fund Plainville's participation in the Metacomet Regional Communications District, or do or act in any manner relative thereto. *(Sponsor: Board of Selectmen)*

**ARTICLE 48:** To see if the Town will vote to authorize the Board of Selectmen to accept by gift, purchase, or take by eminent domain, and to raise and appropriate a sum of money to fund said purchase or taking, along with all legal costs associated therewith, four (4) parcels of land situated on Madison Street, Plainville, County of Norfolk, Commonwealth of Massachusetts, said parcels shown as "Proposed Taking For Roadway Purposes #1, AREA = 4,674 ± S.F."; "Proposed Taking For Roadway Purposes #2, AREA = 211± S.F."; "Proposed Taking For Roadway Purposes #3, AREA = 3,419± S.F."; and "Proposed Taking For Roadway Purposes #4, AREA = 2,897± S.F.", all as shown on sheets 1 of 2 and 2 of 2 on a plan entitled "Proposed Roadway Takings Madison Street, Plainville, MA" dated 05/20/14 by Allen & Major Associates, Inc., as revised or amended, a copy of which is on file in the office of the Town Clerk, or do or act in any manner relative thereto. *(Sponsor: Board of Selectmen)*

**ARTICLE 49:** To see if the Town will vote to amend the Code of the Town of Plainville ARTICLE II, **Town Meetings §115-2. Number of voters for quorum** by changing the quorum count stated therein from sixty (60) to zero (0) such that the amended section would read as follows:

- A. Any number of voters greater than zero (0) shall constitute a quorum for purposes of conducting Town business at any session of Town Meeting.

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 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 50:** To see if the Town will vote to approve the indebtedness authorized by the Regional District School Committee of the King Philip Regional School District for the purpose of paying the costs of designing and constructing of an artificial turf athletic field, including the payment of all other costs incidental and related thereto, or do or act in any manner relative thereto. *(Sponsor: King Philip School Committee)*

**ARTICLE 51:** To see if the Town will vote to authorize the expenditure of an additional sum of \$13,005 by the King Philip Regional School District from the District's own funds, being whatever source, including its excess and deficiency fund, which represents the Town of Plainville's share (constituting 25.66 percentage) of the additional \$50,000 cost of a sewer improvement repair project at the King Philip Regional Middle School within the King Philip Regional School District, said total cost having been previously estimated to be \$150,000 and approved under Article 61 of the June 2, 2014 Annual Town Meeting, but now having been determined to be a total cost of \$200,000, said amount to be expended at the direction of the

King Philip Regional School District School Committee, or do or act in any manner relative thereto. (*Sponsor: King Philip School Committee*)

**ARTICLE 52:** To see if the Town will vote that pursuant to the provisions of Chapter 1025 of the Acts of 1973, the agreement entered into between the towns of Norfolk, Plainville, and Wrentham Massachusetts, under which the King Philip Regional School District was established and now operates, be hereby further amended as follows:

To amend Section IV (F), and Amendment #6(1) so as to change from the first regular school committee meeting in February, the date on or before which the District Committee shall prepare a tentative budget and submitting copies thereof to the Finance Committee of the member Towns to March 15, the date on or before which the District Committee shall prepare a tentative budget and submitting copies thereof to the Finance Committee of the member Towns. This provision is to take effect with fiscal year 2017 (tentative budget for that fiscal year to be submitted on or before March 15, 2016).

Or, to see if the Town will vote to do or act in any manner relative thereto. (*Sponsor: King Philip School Committee*)

**ARTICLE 53:** To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court for special legislation creating a Town Administrator in the Town of Plainville, and outlining the powers and duties of such office, all as set forth below; provided, however, that the General Court may make clerical and editorial changes of form only to such bill unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen shall be authorized to approve such amendments as are within the public purposes of the petition, such petition to read as follows:

#### **An Act Creating a Town Administrator in the Town of Plainville**

##### **SECTION 1. Appointment; Qualifications; Term of Office.**

There shall be in the town of Plainville a town administrator with the powers and duties set forth herein. Said town administrator shall be a person of proven administrative ability, especially qualified by education and training with at least 3 years previous experience in public administration as a city or town administrator, a city or town administrator, an assistant city or town administrator or a position with substantially similar functions.

The board of selectmen shall, at least annually, evaluate the performance of the town administrator. and said board shall designate a single member thereof to prepare a fair and concise summary of the evaluation process and results, which summary shall be a public record.

The town administrator shall devote full time to the duties of the office and shall not hold any other elective or appointive office, nor shall the town administrator engage in any other business unless such action is approved in advance, in writing, by the board of selectmen.

##### **SECTION 2. Vacancy in Office; Temporary Town Administrator; Acting Town Administrator.**

###### **(a) Permanent Appointment**

Upon a vacancy in the office of the Town Administrator, whether by reason of resignation, removal or otherwise, the Board of Selectmen shall forthwith appoint a screening committee for the purpose of soliciting, receiving and evaluating applications for the position of town administrator. In seeking candidates for the office, said screening committee shall require that all candidates meet the minimum qualifications required by by-law or as set forth in the job description for town administrator as it may exist from time to time.

Following the screening process the Board of Selectmen shall appoint, for a term of up to 3 years, a town administrator from among the candidates recommended by Screening Committee. The screening committee shall recommend to the Board of Selectmen a minimum of 3 qualified candidates and a maximum of 6. Notwithstanding anything to the contrary in this section, however, the Board of Selectmen shall not be required to appoint any of the candidates recommended, and may ask the Screening Committee to undertake a further screening process, or appoint a new Screening Committee for such purposes.

###### **(b) Interim Town Administrator.**

Pending appointment of the town administrator in the event of a vacancy in accordance with the provision of section 2(A), the board of selectmen shall, within a reasonable period of time, appoint or assign some other qualified person to perform the duties of the town administrator on an interim basis. The interim town administrator may serve for 90 days or in the event a permanent town administrator has not assumed the duties the Board of Selectmen may extend such appointment for no more than two additional 90 day periods as necessary, or, provided that the process for searching for a qualified town administrator is actively ongoing, for such additional 90 day period or periods as may be needed after discussion and vote at an open meeting for which the matter appears on the meeting notice posted therefor under section 20 of chapter 30A of the General Laws.

**(c) Temporary Absence/Acting Town Administrator.**

The town administrator may designate by letter filed with the board of selectmen and town clerk a qualified officer of the town to serve as the acting town administrator who shall perform the duties of the town administrator during a temporary absence or disability. If such temporary absence or disability shall exceed 14 days, any designation of an acting town administrator made by the town administrator shall be subject to the approval of the board of selectmen. If the town administrator fails to make such designation or if the person so designated is for any reason unable to serve or is deemed not qualified by the board of selectmen, the board of selectmen may designate some other qualified person to perform the duties of the town administrator until the town administrator shall return.

**SECTION 3. Compensation.**

The town administrator shall receive such compensation for services as the board of selectmen shall determine, but such compensation shall be within the limits of available appropriations. The board of selectmen shall have the authority to enter into a contract with the town administrator in accordance with section 108N of chapter 41 of the General Laws for a period of time to provide for the salary, fringe benefits, and other conditions of employment, including but not limited to, severance pay, relocation expenses, reimbursement for expenses incurred in the performances of duties or office, liability insurance, and leave.

**SECTION 4. Powers of Appointment.**

(a.) Notwithstanding the provisions of any general or special law to the contrary, the town administrator shall appoint, based upon merit and qualifications, all town employees, except employees of the school department. Such appointments shall become effective no later than fifteen (15) days following appointment unless the Board of Selectmen votes to reject such appointment. Consideration of appointment of departmental employees shall be made after seeking the input and/or recommendation of the respective department head or multiple-member board, where appropriate.

(b) The Town Administrator or his/her designee shall, notwithstanding the provisions of section 108A of chapter 41 of the General Laws and subject to the provisions of any applicable collective bargaining agreements, individual employment contracts or town personnel by-laws, be responsible for the classification, assignment, promotion and discipline, discharge or layoff, of all town employees other than school employees...

(c) Subject to any applicable collective bargaining agreements, individual employment contracts or town personnel by-laws, policies established by each multiple-member body derived directly from and adopted to carry out their respective statutory authority shall be applicable to employees appointed by the town administrator, provided, however, that such employees shall be subject to administrative policies and procedures applicable to all employees. .

**SECTION 5. Administrative Powers and Duties.**

The town administrator shall be the chief administrative officer of the town and shall be responsible to the board of selectmen for the proper operation of town affairs for which the town administrator is given responsibility under this act. The powers, duties and responsibilities of the town administrator shall include, but not be limited to, the following:

- a. to supervise, direct and be responsible for the efficient administration of all employees appointed by the town administrator and their respective departments and of all functions for which the town administrator is given responsibility, authority or control.
- b. to administer, either directly or through persons supervised by the town administrator, general and special laws applicable to the town, all by-laws and all regulations established by the board of selectmen;
- c. to coordinate all activities of town departments under the direction of the board of selectmen and the town administrator with the activities of departments under the control of officers, boards or commissions elected directly by the voters of the town;
- d. to keep the board of selectmen fully informed as to the needs of the town and to recommend to the selectmen for adoption, such measures requiring action by them or by the town as the town administrator deems necessary or expedient;
- e. to ensure that complete and full records of the financial and administrative activity of the town are maintained and to render reports to the board of selectmen as may be required;
- f. to administer personnel policies, practices or rules and regulations, any compensation plan and any related matters for all municipal employees and to administer all collective bargaining agreements entered into by the town, except for school department agreements;
- g. to fix the compensation of all town employees appointed by the town administrator within the limits established by appropriation and any applicable compensation plan;

- h. to negotiate all contracts with town employees over wages and other terms and conditions of employment, except employees of the school department, consistent with direction from the board of selectmen; provided, however, that the town administrator may employ, subject to the approval of the board of selectmen, special counsel to assist in the performance of these duties; and provided further, that all collective bargaining agreements negotiated under this section shall be subject to the ratification of the board of selectmen;
- i. to prepare and submit an annual operating budget and capital improvement program.
- j. to keep the board of selectmen and the finance committee fully informed as to the financial condition of the town and to make recommendations to the board of selectmen and to other elected and appointed officials as the town administrator deems necessary or expedient;
- k. to investigate or inquire into the affairs of any town department or office under the supervision of the town administrator or the job-related conduct of any officer or employee thereof, or to delegate such authority to another; and
- l. to perform such other duties as necessary or as may be assigned by the charter, by by-law, by town meeting vote or by the board of selectmen.
- m. to develop, implement and oversee an annual performance review procedure for department heads; performance evaluations for all other employees shall be developed and implemented with assistance from the respective department head or multi-member board or committee, where appropriate.
- n. to appoint, in the event a particular town office is changed from elected to appointed, whether under sections 1B or 21 of chapter 41 of the General Laws or any other general law, any newly created appointed position shall be appointed by the town administrator under section 4(a) of this act; and further, notwithstanding any other provision of this act or general or special law to the contrary, the elected incumbent holding office on the effective date of a change in the manner of selection from elected to appointed shall be considered the first appointee to the position, and shall hold office for an indefinite term, or such incumbent's sooner resignation, retirement, or removal, or, if so authorized by town meeting, until a permanent appointment is made under this section 5(m) and section 4(a) of this act.

#### **SECTION 6. Transitional Provisions**

Any person holding the position of town administrator as provided in section 23A of chapter 41 of the General Laws as of the effective date of this act shall, in the absence of a contract that provides otherwise, be considered an interim town administrator in accordance with section 2(b) of this act.

#### **SECTION 7. Effective Date**

This act shall take effect upon passage.

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

**ARTICLE 54:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation creating the combined, appointed position of Treasurer-Collector and providing for a sensible transition to the newly created position, all as set forth below; provided, however, that the General Court may make clerical and editorial changes of form only to such bill unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen shall be authorized to approve such amendments as are within the public purposes of the petition, such petition to read as follows:

An Act Relative to the Creation of a Treasurer-Collector in the Town of Plainville

**SECTION 1.** Notwithstanding the provisions of any general or special law to the contrary, there shall be in the town of Plainville the position of treasurer-collector, to be appointed by the town administrator.

**SECTION 2.** The treasurer-collector shall have all the powers and duties of treasurers and collectors under applicable provisions of the general laws and such other powers and duties as are specified herein or as may be assigned by the town administrator, including daily reporting to the town accountant and supervising and directing the operations and employees of the treasurer-collector's office in accordance with the general laws or any special law applicable to the town, the town's personnel by-law and any applicable collective bargaining agreements.

**SECTION 3.** Upon the effective date of this act, the elected positions of town treasurer and tax collector shall be abolished, and the terms of the elected incumbent or incumbents of such offices terminated; provided, however, that should the elected incumbent in one or both offices be the person holding office on the date on which this act was authorized by the town of Plainville, such person shall hold the appointed treasurer-collector position until the end of the then-current elected term or

her sooner resignation or retirement; thereafter, the town administrator shall appoint a treasurer-collector in accordance with Section 1 of this act, provided however, that nothing herein shall be deemed to prohibit the town administrator from appointing said individual to the position.

**SECTION 4.** All records, property and equipment of any office, department or agency, or part thereof, the powers and duties of which are assigned hereunder in whole or in part to the another office or agency, shall be transferred forthwith to such office or agency. All official bonds, obligations, contracts and other instruments entered into or executed by or on behalf of the town before adoption of this act and all taxes, assessments, fines, penalties and forfeitures incurred or imposed, due or owing to the town shall be enforced and collected, shall continue without abatement and remain unaffected by this act. No contracts or liabilities in force on the effective date of this act shall be affected by the adoption of this act or the abolition of any offices hereunder. Further, the appointed treasurer-collector position created hereunder shall, in all respects, be the lawful successor of the offices abolished, consolidated or otherwise modified. No person in the regular, permanent full-time or part-time service or employment of the town in relation to the functions addressed herein shall forfeit the rate of compensation, grade, step or time of service on account of the establishment of appointed treasurer-collector position. Each such person shall be retained in a capacity as similar to the person's former capacity as practical. No collective bargaining agreement, contract or liability in force on the effective date of this act shall be affected by this act.

**SECTION 5.** This act shall take effect upon its passage.

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

**ARTICLE 55:** To see if the Town will vote to authorize the Board of Selectmen to file a petition with the General Court for special legislation creating a Department of Public Works in the Town of Plainville, and in connection therewith abolishing the Water and Sewer Board, transferring its duties to the Board of Selectmen, and providing for a sensible transition to the newly created combined department, all as set forth below; provided, however, that the General Court may make clerical and editorial changes of form only to such bill unless the Board of Selectmen approves amendments to the bill prior to enactment by the General Court, and provided further that the Board of Selectmen shall be authorized to approve such amendments as are within the public purposes of the petition, such petition to read as follows:

#### An Act Establishing A Department Of Public Works In The Town Of Plainville

**SECTION 1.** Department of Public Works. There shall be in the town of Plainville a department of public works under the jurisdiction of the board of selectmen. The department shall have charge of and responsibility for the management of public works operations of the town not assigned to other departments of the town including, but not limited to, the following: highway department; water department; sewer department and all other related construction and operations as may be assigned from time to time by the Town Administrator when deemed necessary and desirable. The board of selectmen shall make all policy decisions relating to the department of public works.

**SECTION 2.** Director of Department of Public Works. The town administrator shall appoint a qualified director of public works, who shall recommend to the town administrator all employees of the department of public works. The director shall provide the town a bond, with a surety company authorized to transact business in the commonwealth, as surety for the faithful performance of the director's duties, in such sum and upon such conditions as the town administrator shall require.

**SECTION 3.** Duties and Responsibilities of Director of Public Works. The director of public works shall supervise and direct the operations and employees of the department of public works in accordance with the general laws, any special laws applicable to the town, the town's personnel by-law and any applicable collective bargaining agreements. The director of public works shall be especially qualified by education, training and experience to perform the duties of the office and shall have such other qualifications as the town may require from time to time. While employed by the town, the director of public works shall devote full time to the duties of the office and shall not hold an elective office nor shall the director engage in a business or occupation relating to public works unless approved in advance by the board of selectmen. Nothing in this section shall prevent the director of public works from serving on special ad hoc committees in order to represent the town and its department of public works.

#### **SECTION 4** Transitional Provisions.

(a) Abolition of Water and Sewer Board. On the effective date of this act, the water and sewer Board shall be abolished, the terms of any incumbent members thereof terminated, and their powers, duties, and responsibilities shall be transferred to the board of selectmen.

(b) Contracts, Records and Property. All records, property and equipment of said board and any office, department or agency, or part thereof, the powers and duties of which are assigned hereunder in whole or in part to the another office or agency, shall be transferred forthwith to such office or agency. All official bonds, obligations, contracts and other

instruments entered into or executed by or on behalf of the town before adoption of this act and all taxes, assessments, fines, penalties and forfeitures incurred or imposed, due or owing to the town shall be enforced and collected, shall continue without abatement and remain unaffected by this act. No contracts or liabilities in force on the effective date of this act shall be affected by the adoption of this act or the abolition of any offices hereunder.

(c) Personnel. Any new positions and the department of public works shall, in all respects, be the lawful successor of offices and department abolished, consolidated or otherwise modified. No person in the regular, permanent full-time or part-time service or employment of the town in relation to the functions addressed herein shall forfeit the rate of compensation, grade, step or time of service on account of the establishment of the department of public works. Each such person shall be retained in a capacity as similar to the person's former capacity as practical. No collective bargaining agreement, contract or liability in force on the effective date of this act shall be affected by this act.

SECTION 5. This act shall take effect upon its passage.

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

**ARTICLE 56:** To see if the Town will vote to amend the Code of the Town of Plainville by amending **§216. ANIMAL CONTROL** as follows: (*strikeouts indicate deletions, underlines indicate additions*)

### Chapter 216 ANIMAL CONTROL

**§216-1. ~~Dog Officer~~ Animal Control Officer.**

**§216-2. Definitions.**

**§216-3. Licenses and tags.**

**§216-4. Vaccinations of dogs and cats against rabies.**

**§216-5. Public nuisance.**

**§216-6. Enforcement/impoundment.**

**§216-7. Violations and penalties.**

**§216-8. Boarding fees.**

**§216-9. Redemption of dogs.**

**§216-10. Commercial kennel license.**

**§216-11. ~~Multiple Pet Permit~~ Personal Kennel**

**§216-12. Vicious or Barking Dogs.**

**§216-13. Accounts/monies collected relating to dogs.**

**§216-14. Emergency fees for dogs and cats injured on public ways.**

**§216-15. Property damage, appraisal and reimbursement.**

**§216-16. Compensation and expenses for enforcement personnel.**

**§216-17. Treble damages for damage notice.**

**§216-18. Repealer.**

**§216-19. Severability.**

[HISTORY: Adopted by the Town Meeting of the Town of Plainville 6-6-2011 ATM by Art. 26. Amendments noted where applicable.]

### GENERAL REFERENCES

Enforcement — See Ch. 277.

**§ 216-1 ~~Dog Officer~~ Animal Control Officer.**

~~A Dog Officer~~ The Animal Control Officer shall be appointed annually and shall attend to all complaints or other matters pertaining to dogs in the Town of Plainville in accordance with MGL c. 140.

### **§ 216-2 Definitions.**

In this bylaw the following terms, unless a contrary meaning is required by the context or is specifically prescribed, shall have the following meanings:

#### ADOPTION

The delivery of a cat, dog or other animal to any person 18 years of age or older for the purpose of harboring the animal as a pet.

#### ANIMAL

Every nonhuman species of animal, both domestic and wild, living or deceased.

#### ANIMAL SHELTER

Any facility or kennel operated by a humane society, the Town or its authorized agents for the purpose of impounding animals under the authority of this bylaw or state law for care, confinement, return to owner, adoption or euthanasia.

#### AT LARGE

Any dog shall be deemed to be "at large" when it is off the premises of its owner or keeper and not under the direct care and control of a person demonstrating the ability to properly care and control the dog.

#### CARE AND CONTROL

A dog shall be considered in "care and control" while it is on the premises of its owner or keeper; or if the dog is on the premises of another person, with knowledge and permission of such other person; or if the dog is on any way, public or private, to which the public has access, secured by a leash or under direct control of a responsible person and obedient to that person's command. Such leash shall be suitable to prevent the dog from being at large or to prevent the dog from becoming a public nuisance.

#### COMMERCIAL KENNEL

A kennel maintained as a business established for, or to include, the boarding or grooming of dogs.

#### ~~DOG OFFICER~~ or ANIMAL CONTROL OFFICER

Any officer appointed by the Board of Selectmen to enforce this bylaw.

#### KEEPER

Any person, corporation or society, other than the owner, harboring or having in his possession any dog.

#### LICENSE PERIOD

The time between January 1 of any year to December 31 of the same year, both dates inclusive.

#### LIVESTOCK or FOWL

Animals or fowl kept or propagated by the owner for food or as means of livelihood; also, deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other birds, and quadrupeds determined by the Department of Fisheries, Wildlife and Environmental Law Enforcement to be wild and kept by or under a permit from said Department(s) in proper housing and/or suitably enclosed yards. Such definition shall not include dogs or cats.

#### ~~MULTIPLE DOG HOUSEHOLD~~ PERSONAL KENNEL

More than ~~three~~ four dogs over the age of six months of age on a single private premises.

#### OWNER

Any person, partnership or corporation in whom is vested the ownership, dominion or title of one or more animals.

#### PUBLIC NUISANCE/DANGEROUS DOG

Any dog that unreasonably annoys humans, endangers the life or health of other animals or person(s), or substantially interferes with the rights of citizens, other than its owner(s), to enjoyment of life or property. The term "public nuisance/dangerous dog" shall mean and include, but is not limited to, any dog that:

- A. Is found at large;
- B. Damages the property of anyone other than its owner or keeper;
- C. Molests or intimidates pedestrians or passersby;
- D. Excessively makes disturbing noises, including but not limited to continued and repeated howling, barking, whining or other utterances causing unreasonable annoyance, disturbances or discomfort to neighbors or others in close proximity to the premises where the dog is kept or harbored;
- E. Has bitten or attacked any person;
- F. Has bitten or attacked other domestic animals;
- G. Is found at large in a schoolyard, public or private recreation area, store or shopping area; except for those dogs certified to assist the visually or hearing impaired, which shall be deemed to be exempt from this provision;
- H. Has been found by the Board of Selectmen, after notice to its owner or keeper and a public hearing, to be a public nuisance/dangerous dog by virtue of being a menace to public health, safety or welfare.

#### VICIOUS DOG

Any dog that attacks, bites or injures humans or domesticated animals without provocation; or which, because of temperament, conditioning or training, has a known propensity to attack, bite or injure humans or domestic animals.

#### § 216-3 Licenses and tags.

A. A person residing in the Town of Plainville who at the beginning of the license period is, or who during a license period becomes, the owner or keeper of a dog six months old or over shall cause the dog to be licensed within 30 days. The Town Clerk shall issue dog licenses and tags on a form prescribed and furnished by the Town. Subject to the authorization of the Board of Selectmen, the Town may permit the licensing to be conducted through the mail.



B. On the license form, the Clerk shall record the name, address and phone number ~~and date of birth~~ of the owner or keeper of the dog, and the name, breed, color and description of the dog. Each tag issued will be valid for the specific animal described on the form and is not transferable. The tag will include the license number, the phrase "Town of Plainville" and the year of issue.

C. The owner or keeper of a dog shall cause each dog, when off the premises of such owner or keeper, to wear around its neck or body a collar or harness to which he shall securely attach the license tag. In the event of loss of tag, a substitute tag will be issued by the Clerk for a fee of \$3.

D. The Town Clerk shall not issue a license for any dog unless the owner or keeper provides the Clerk with a veterinarian's certificate verifying that the dog is currently vaccinated against rabies.

E. The fee for each dog license may be periodically adjusted upon a majority vote of the Board of Selectmen prior to October 1 of any year. In exchange for the duties performed by the Town Clerk in the course of issuing such dog licenses, he/she will be allowed to retain in addition to his/her appropriated salary, \$1.50 from the license fee received for each license so issued. The fee for each dog license shall be initially set as follows:

<u>Type</u>	<u>Fee</u>
Unneutered male dog	\$30
Unspayed female dog	\$30
Neutered male dog	\$10*
Spayed female dog	\$10*

NOTES:

\*A certificate from a veterinarian stating that the dog has been rendered incapable of procreation must be presented to the Clerk for each dog so licensed.

No fee shall be charged for a license for a dog owned by a person aged 70 years or over, as allowed by MGL Chapter 140 Section 139(c). No license fee or portion thereof shall be refunded because of the subsequent death, loss, spaying or removal from the Town, or other disposal of the dog, nor shall a license fee or portion thereof paid by mistake be paid or recovered after it has been paid to the Town.

F. Upon presentation to the Clerk of a certificate of training, no fee shall be charged for a dog specially trained to lead or serve an ~~visually or hearing impaired person~~ individual with a disability as defined by the Americans with Disabilities Act.

G. Any owner or keeper of a dog who moves into the Town of Plainville and has a valid current dog license from another municipality in the Commonwealth of Massachusetts may obtain a dog license upon the forfeiture of the old license and a fee of \$1.

H. The provisions of this section shall not apply to any pet shop licensed by the commonwealth under the authority of MGL c. 129, § 39A.

I. Whoever violates the provisions of this bylaw section (§ 216-3), or fails to license their dog on or before the first Saturday in April, shall be subject to a fine of ~~\$25~~ \$50, which may be enforced via the noncriminal disposition provisions set forth in Chapter 277, Article II, of the Code of the Town of Plainville. The enforcing person(s) shall be the Animal Control Officer.

**§ 216-4 Vaccinations of dogs and cats against rabies.**

A. The owner or keeper of a dog or cat six months of age or older shall cause the dog or cat to be properly vaccinated against rabies by a licensed veterinarian. Upon vaccination, the veterinarian shall issue a tag, which the owner shall secure to a collar as is required under MGL c. 140, § 145B. The tag shall show the year the vaccination was given, a rabies tag number, and the name of the veterinary clinic or hospital.

B. ~~Owners of u~~Unvaccinated dogs or cats brought into the Town of Plainville shall be punished by a fine of \$50, to be enforced via the noncriminal disposition provisions set forth in Chapter 277, Article II, of the Code of the Town of Plainville, which fine shall be paid to the Town of Plainville. The enforcing person(s) shall be the Animal Control Officer.

**§ 216-5 Public nuisance.**

Any owner or keeper of a dog shall not allow or permit said dog to run at large or become a public nuisance in the Town of Plainville.

#### **§ 216-6 Enforcement/impoundment.**

It shall be the duty of the ~~Dog Officer~~, the Animal Control Officer or any other person appointed by the Board of Selectmen to apprehend any dog that is found running at large or any dog that is a public nuisance, and impound such animal at an authorized animal shelter; such animal to be held, adopted or euthanized as described in MGL c. 140, § 151A. The Officer that so impounds any animal shall keep a record of each animal so impounded, which shall contain the following information: breed, color and sex of animal, distinctive markings or characteristics of the animal, the name and address of the owner, if known, along with the license number, the final disposition of the animal, the name, address, phone number of any person adopting such dog, and if destroyed, method and name of technician who administered euthanasia. Such records shall be kept by the ~~Dog Officer~~ or Animal Control Officer for a period of 12 months from date of impoundment. A copy shall be forwarded to the Town Clerk upon disposition of the animal, and such Clerk shall retain copies as provided by law.

#### **§ 216-7 Violations and penalties.**

A. The Animal Control Officer, any police officer of the Town of Plainville or any other person so appointed by the Board of Selectmen may enforce this bylaw via the noncriminal disposition provisions set forth in Chapter 277, Article II, of the Code of the Town of Plainville and impose a fine upon the owner or keeper of a dog so found to be at large or any dog so found to be a public nuisance; such fines to be \$25 for the first ~~or second~~ offense, ~~and \$50 for the third~~ second offense, \$60 for the third offense and \$100 for subsequent offenses. Fines shall be paid to the Town of Plainville before redemption of the dog, if impounded, or within ~~14~~ 21 days of issuance of the imposed fine when impoundment has not occurred.

B. After the issuance of three fines on any one or more dogs of the same owner or keeper, the person or persons offended by such dog may make a complaint in writing to the Board of Selectmen. The Board of Selectmen shall investigate or cause to be investigated such complaint, and may, after a public hearing, make any order as it deems necessary, including the removal, restraint or euthanasia (destruction) of such animal, as described in MGL c. 140, § 151A.

#### **§ 216-8 Boarding fees.**

An owner or keeper of any dog so impounded for violation of this bylaw shall, in addition to any applicable fees and penalties, pay to the Town of Plainville a boarding charge of not less than \$10 per day while such dog is impounded, nor more than the actual cost to the Town of Plainville for the boarding and care of such animal in any commercial kennel or animal hospital.

#### **§ 216-9 Redemption of dogs.**

The owner or keeper of a dog so impounded may claim the dog as provided by law, upon the occurrence of the following:

- A. The owner or keeper presents a valid dog license and certificate of rabies vaccination;
- B. The owner or keeper pays all fines, boarding and other fees;
- C. The owner or keeper gives his/her name, address and date of birth;
- D. If the dog does not have a current rabies vaccination, the owner or keeper must present a receipt from a licensed veterinarian showing prepayment of a rabies vaccination.
- E. If the dog is unlicensed, the owner must license the dog with either the Town Clerk or the Animal Control Officer prior to redemption.

[Amended 6-6-2011 ATM by Art. 32]

#### **§ 216-10 Commercial kennel license.**

A. A kennel maintained as a business for the boarding or grooming of dogs shall obtain a commercial kennel license upon written application to the Town Clerk.

##### **Commercial Kennel License Fee Schedule**

	<b>Fee</b>
Up to <del>4</del> <u>5</u> dogs	\$25
<del>Up to</del> <u>5</u> to 10 dogs	\$50
More than 10 dogs	\$100

B. Each kennel shall be available for inspection by the ~~Dog Officer~~ Animal Control Officer, a police officer or the Plainville Board of Health at any time, to ascertain compliance with all state and local laws and bylaws.

C. The Town Clerk shall issue a kennel license without charge to any charitable corporation incorporated exclusively for the purpose of protecting animals from cruelty, neglect or abuse and for the relief of suffering animals.

D. A veterinary clinic within the Town of Plainville shall not be considered a commercial kennel, unless it contains an area for grooming or selling of dogs or for boarding of dogs for other than medical purpose.

E. Any person or corporation maintaining a kennel for 30 days without the proper license shall be in violation of this provision.

F. Whoever violates any provision of this section (§ 216-10) shall be punished by a fine of \$50, payable to the Town of Plainville, which may be enforced via the noncriminal disposition provisions set forth in Chapter 277, Article II, of the Code of the Town of Plainville. The enforcing person(s) shall be the Animal Control Officer, a police officer or the Plainville Board of Health.

G. Receipt of a Commercial Kennel license does not void any applicable provisions of the Plainville Zoning Bylaws.

#### **§ 216-11 ~~Multiple pet permit~~ Personal Kennel.**

A. Any owner or keeper of ~~four~~ five or more dogs six months of age or older who does not qualify as a commercial kennel shall acquire from the Town Clerk a ~~multiple pet permit~~ personal kennel license. The owner or keeper must present to the Clerk that all such dogs have been currently immunized against rabies and are currently licensed. The cost of the ~~multiple pet permit~~ personal kennel license, which is in addition to the licensing fees, shall be \$25.

B. The fine for violation of the provisions of this section (§ 216-11) shall be \$50, payable to the Town of Plainville, which may be enforced via the noncriminal disposition provisions set forth in Chapter 277, Article II, of the Code of the Town of Plainville. The enforcing person(s) shall be the Animal Control Officer. Receipt of a Personal Kennel license does not void any applicable provisions of the Plainville Zoning Bylaws.

#### **§ 216-12 Vicious or barking dogs.**

The provisions of MGL c. 140, §§ 157 and 158, shall be applicable to vicious or barking dogs, as if said sections were fully set forth herein, with the exception that references to a "chief of police of a City" and "County commissioners" are deleted therefrom.

#### **§ 216-13 Accounts/monies collected relating to dogs.**

The Town Treasurer shall keep a separate account of all monies received and expended by him/her relating to the provisions of this bylaw. All monies received relating to this bylaw, including monies for the licensing of dogs (less that portion to be retained by the Town Clerk) and fees relating to fines and/or impoundment, shall be deposited into a revolving account established pursuant to the provisions of MGL c. 44, § 53E1/2; providing, however, that these monies may be used for the purchase of forms, tags, materials, boarding fees, veterinary fees and other eligible costs relating to the implementation of this bylaw and for certain reimbursements provided for within this bylaw.

#### **§ 216-14 Emergency fees for dogs and cats injured on public ways.**

A. Any veterinarian who renders emergency care or treatment to or disposes of any dog or cat injured on any public way in the Town of Plainville shall receive payment of reasonable costs from the owner of such dog or cat, if known, or if not known shall receive the sum of \$20 from the Town of Plainville for such care, treatment and/or disposal.

B. Care, treatment and/or disposal shall be for the purpose of maintaining life, stabilizing the animal or alleviating pain or suffering until the owner of such dog or cat is identified or for a period of 24 hours, whichever is sooner.

C. Any veterinarian who renders such emergency care or treatment to or euthanizes or disposes of such dog or cat shall notify the ~~Dog Officer~~ Animal Control Officer in Plainville, and upon notification, the ~~Dog Officer~~ Animal Control Officer shall assume control of such dog or cat.

#### **§ 216-15 Property damage, appraisal and reimbursement.**

A. Whoever suffers a loss by the worrying, maiming or killing of livestock or fowl by dogs that are in violation of the provisions of this bylaw shall inform the ~~Dog Officer~~ Animal Control Officer (or in his/her absence, a police officer), forthwith, who shall as soon as reasonably possible proceed to the scene to view the damage and to determine if the damage was done in fact by dogs, and if so, authorize the Town Treasurer to make reimbursement to the owner of such livestock or fowl when the total amount of damage does not exceed \$200. If in the opinion of the ~~Dog Officer~~ Animal Control Officer the total damage exceeds \$200, the damage shall be appraised on oath by three persons, one of whom shall be the ~~Dog Officer~~ Animal Control Officer, one shall be appointed by the person alleged to be damaged and the third appointed by the other two.

B. The said appraisers shall consider and include in such damages the number and kind of animals damaged, the extent of the damage and the approximate weight of the killed animals. The appraisers will also note in their report whether or not any animals were sent for veterinarian treatment in an effort to save them, the number and kind of such animals. Such report will be filed in the office of the Town Clerk within 10 days of said appraisal, who shall submit said appraisal report to the Board of Selectmen for payment. The Board of Selectmen may require the appraisers to provide additional information that it deems appropriate in accordance with the report of the appraisers.

C. No owner of livestock or fowl shall be reimbursed for damages inflicted by his own dog or dogs, nor shall he be reimbursed if he was the owner or keeper of an unlicensed dog six months of age or older, nor shall he be reimbursed for damages if the owner or keeper of the dog inflicting the damage is known to him or to the ~~Dog Officer~~ Animal Control Officer. No reimbursement shall be made in the case of damage to deer, elk, cottontail rabbits, northern hares, pheasants, quail, partridge and other livestock or fowl determined by the Department of Fisheries, Wildlife and Environmental Law Enforcement to be wild. No reimbursement will be made for damage done by a dog to dogs, cats and other pets. Awards for damages in no case shall exceed the fair cash market value of such livestock or fowl, to an aggregate maximum reimbursement of \$1,000.

D. The owner or keeper of a dog which has done damage to livestock or fowl shall be liable for such damage, including medical costs, and the Selectmen may order the owner or keeper to pay such damages after an investigation by the ~~Dog Officer~~ Animal Control Officer of the facts of the matter and an appraisal of the damages as provided above. The appraiser(s) will submit a report to the Selectmen stating the type of damage, the number and kind of animals damaged and whether any animals required medical treatment by a veterinarian to save them.

E. In the event that the owner or keeper of such dog known to have done damage to livestock or fowl refuses to pay upon the order of the Selectmen, the Selectmen shall enter or cause to be entered a complaint in the District Court for the enforcement of the order.

~~F. If a dog which has previously been ordered restrained by the Selectmen or, upon review, by the District Court wounds any person, or shall maim or kill any livestock or fowl, the owner or keeper of such dog will be liable to the person injured thereby in treble the amount of damages sustained by him.~~

#### **§ 216-16 Compensation and expenses for enforcement personnel.**

The Town of Plainville shall follow MGL c. 140, § 153. The Board of Selectmen, subject to Town Meeting approval, shall set the compensation and expense of such ~~Dog Officers~~ Animal Control Officer appointed to enforce the state and local laws and bylaws pertaining to animals.

#### **§ 216-17 Treble damages for damage notice.**

If a dog which the Selectmen or, upon review, the District Court shall have ordered to be restrained shall wound any person or shall worry, wound or kill any livestock or fowl, the owner or keeper of such dog shall be liable in tort to the person injured therein in treble the amount of damages sustained by him as required under MGL c. 140, § 159.

#### **§ 216-18 Repealer.**

All other bylaws of the Town of Plainville that are in conflict with the provisions of this bylaw are hereby repealed to the extent of such conflict.

#### **§ 216-19 Severability.**

If any part of this bylaw shall be held invalid, such part shall be deemed severable, and the invalidity thereof shall not affect the remaining part

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 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 57:** To see if the Town will vote to amend the Code of the Town of Plainville by deleting **§500-18 (C).**  
**Temporary moratorium on medical marijuana treatment centers in its entirety.**

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

**ARTICLE 58:** To see if the Town will vote to amend the Code of the Town of Plainville by deleting **§500-13. Zoning Map** in its entirety and replacing it as follows:

#### **§500-13. Zoning map.**

Said districts are located and bounded as shown on a map entitled "Zoning Map", dated March 1964, revised July 11, 1967, September 18, 1969, April 1978, September 1979, April 1981, June 1984, May 1985, April 1987, June 1989, June 1996, June 1999, October, 2000, May 18, 2009 (corrected August 20, 2009), October 25, 2012, January 2013 and March 20, 2014, on file in the office of the Town Clerk. The Zoning Map, with all explanatory matter thereon, is hereby made part of this bylaw.

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

**ARTICLE 59:** To see if the Town will vote to amend the Code of the Town of Plainville **§500-2. Enforcement**, which reads as follows:

*This bylaw shall be enforced by the Building Inspector.*

by replacing it with:

This bylaw shall be enforced by a qualified appointee or appointees of the Board of Selectmen. The Board may appoint both principal and assistant enforcement agent(s) as needed.

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

**ARTICLE 60:** To see if the Town will vote to amend the Code of the Town of Plainville **§500-40. Floodplain review** of the Town of Plainville Zoning Bylaw, by amending Section B to read as follows:

B. Applicability. The Floodplain District is herein established as an overlay district. The District includes all special flood hazard areas within the Town of Plainville designated as Zone A or AE on the Norfolk County Flood Insurance Rate Map (FIRM) issued by the Federal Emergency Management Agency (FEMA) for the administration of the National Flood Insurance Program. The map panels of the Norfolk County FIRM that are wholly or partially within the Town of Plainville are panel numbers 25021C0319E, 25021C0337E, 25021C0341E, and 25021C0407E-dated July 17, 2012; and panel numbers 25021C0338F, 25021C0339F, 25021C0343F, 25021C0426F and 25021C0427F dated July 16, 2015. The exact boundaries of the District may be defined by the one-hundred-year base flood elevations shown on the FIRM and further defined by the Norfolk County Flood Insurance Study (FIS) report dated July 16, 2015. The FIRM and FIS report are incorporated herein by reference and are on file with the Town Clerk and Planning Board.

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

**ARTICLE 61:** To see if the Town will vote to amend the Code of the Town of Plainville **§500-16. Lot requirements** of the Town of Plainville Zoning Bylaw, which reads as follows:

*§500-16 (A) (1) Lot width. The lot width requirement shall be maintained to the rear building line of each lot.*

by replacing it with:

§500-16 (A) (1) Lot width. The diameter of the largest circle that can be inscribed within the side lot lines at every point on a continuous line from the frontage of the lot to the front line of the principal building of the lot.

and to add the following section to **§500-16. Lot requirements**:

§500-16 (A) (3) Lot Shape Factor. A principal building shall not be constructed on any lot unless the lot contains a "lot shape factor" having a numerical value of 22.0 or less. The "lot shape factor" is the numerical value resulting from the division of the perimeter (P) squared, measured in feet, by the area (A), measured in square feet, of a closed parcel of land containing the minimum required lot area for the zoning district in which the principal building will be located.  $[P^2/A \leq 22]$ . The closed area used for calculation shall be entirely contained within the lot, and, for residential uses, shall contain at least 80% "upland area" as defined in §500-16 (A) (2). Residential buildings having four units or less must be located within the area used to calculate the lot shape factor. Residential buildings having five or more units, or non-residential buildings, may be located outside the shape factor area if said building has received a special permit granted by the Planning Board under §500-19, §500-24, §500-26 or §500-37 of the zoning bylaws. Lots approved under §500-22 (Residential Cluster Development), and lots where the principal building is located within the IA, IB, IC or CI zoning districts, are exempt from

the requirements of this section. The requirements of the Lot Shape Factor are considered to be area and width requirements within the meaning of MGL Chapter 40A Section 6. Lots created prior to the adoption of this section are subject to either the lot configuration regulations that were in effect prior to adoption of this section, or these regulations, whichever are more lenient.

and to amend section **§500-16 (E) (1) (a) [1]**, which reads as follows:

*Lot frontage, providing at least 80% of the applicable requirement is met and the full required lot width is available at the building line.*

by replacing it with:

Lot frontage, providing at least 80% of the applicable requirement is met and the lot conforms to the requirements of §500-16 (A) (1), (2) and (3).

and to amend the following section of **§500-43. Word usage; definitions**, which reads as follows:

*LOT, WIDTH OF - The mean width at the building line measured at right angle of its depth.*

by replacing it with:

LOT, WIDTH OF - The diameter of the largest circle that can be inscribed within the side lot lines at every point on a continuous line from the frontage of the lot to the front line of the principal building of the lot.

and to amend the entire row labeled Width (feet) from the chart entitled “**Intensity of Use Schedule (§500-17 of the Zoning Bylaw)**”, shown as **500 Attachment 1** in the bylaws, which reads as follows:

	RA	RB	RC	RD	CA	CB	CC	CD	IA	IB	IC	TCD
Width (feet)	225	140	100	140	225	125	140	200	200	200	150	60

by replacing it with:

	RA	RB	RC	RD	CA	CB	CC	CD	IA	IB	IC	TCD
Width (feet)	180	112	80	112	180	100	112	160	160	160	120	50

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

**ARTICLE 62:** To see if the Town will vote to amend the Code of the Town of Plainville as follows:

- 1) to amend the Plainville Zoning Bylaw by revising §500-41(C)(2) to add a new subsection (p) as follows:

**ADD: (p) Public utility.**

- 2) to amend Plainville Zoning Bylaw by revising §500-41(C)(4)(a) to add a new subsection [3] as follows:

**ADD: [3] Notwithstanding the provisions of this subsection (a), there shall be no minimum lot area and no minimum frontage requirement for a lot used for public utility purposes as a primary use provided, however, that such lot has a right of access to a public way.**

- 3) to amend Plainville Zoning Bylaw by revising §500-41(C)(4)(b) to add a new subsection [4] as follows:

**ADD: [4] Notwithstanding the provisions of this subsection (b), there shall be no minimum yard requirements for a lot used for public utility purposes as a primary use provided, however, that all exterior property lines of such lot are not less than 350 feet from the closest exterior property line of any lot with a dwelling on it, or any lot that is zoned residential.**

- 4) to amend Plainville Zoning Bylaw by revising §500-43 to delete the existing definition for “Public Utility” and replace it with the following definition:

**Utility licensed by the Department of Public Utilities.**

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

**ARTICLE 63:** To see if the Town will vote to support the following non-binding resolution:

WHEREAS: The Commonwealth of Massachusetts has had the highest educational standards in the country for decades because of effective policy handled by local school boards with input from parents; and

WHEREAS: Education is most effectively handled at the local and state level, where parents can have direct control over school curriculum and policy; and

WHEREAS: The federal government's takeover of education in collusion with non-government agencies, known as "Common Core State Standards", threatens parental control over their children's education; and

WHEREAS: The Common Core State Standards Initiative (CCSSI) is a set of national K-12 standards developed primarily by a nonprofit called Achieve, Inc., in Washington, D.C. under the auspices of the National Governors Association (NGA) and the Council of Chief State School Officers (CCSSO) meaning that the Common Core was developed without state legislative authority.

Now, THEREFORE, the citizens of Plainville urge the Plainville School Committee and the Plainville Public School District Leadership to discontinue the use of the Common Core State Standards (CCSS) and the associated testing known as PARCC within the Plainville Public School District, and return to using the Pre-2009 Massachusetts standards in ELA, Math, science/technology, and history/social science and associated testing known as MCAS.

Or, to see if the Town will vote to do or act in any manner relative thereto. (Sponsor: By 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 11<sup>th</sup> day of May, in the year of our Lord two thousand and fifteen.

\_\_\_\_\_  
Robert Rose, Chairman

\_\_\_\_\_  
Andrea Soucy

\_\_\_\_\_  
George F. Sutherland, Jr.

A true copy Attest:

\_\_\_\_\_ May\_\_\_\_\_, 2015  
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\_\_\_\_\_, 2015  
Constable