



## ADVISORY & FINANCE COMMITTEE

The following meeting of the Advisory & Finance Committee has been posted and will be held

**At:** Plymouth Town Hall  
Mayflower II Meeting Room  
11 Lincoln Street  
Plymouth, MA 02360

**On:** Wednesday, March 18, 2015 at 7:00PM

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*Items on the agenda will include but are not limited to the following.*

*Other discussion may include items that were not reasonably anticipated by the Chairman 48-hours in advance of the meeting posting.*

### **AGENDA ITEMS:**

- Majority Rule for Reconsideration - Rules Committee
- Town Meeting Article Updates:
  - STM Article 3: Unpaid Bills
  - STM Article 5: Sewer Special Purpose Debt Payment Fund
  - ATM Article 22: Fingerprint Based Criminal History Checks
  - ATM Article 30: Solar PILOT - Herring Pond Road

### Public Comment

### Old/New/Other Business

- Committee Liaison Updates

### Meeting Minutes

- February 25, 2015
- March 4, 2015

*Next Meeting: Saturday, April 11, 2015, 7:30AM - Plymouth North High School  
Followed at 8:00AM by the Spring Annual Town Meeting and Special Town Meeting*

The Advisory & Finance Committee Rules Committee met on Tuesday, March 10, 2015 as scheduled. Four of the five designated members were in attendance.

The Rules Committee has drafted the following rule regarding a super-majority requirement for reconsideration of Town Meeting article recommendations as Town Meeting approaches. The Committee discussed a variety of special quorum and vote requirements (i.e., combinations of quorum and voting requirements of two-thirds and three-fourths) as well as the timing for invoking the requirement (e.g., morning of Town Meeting, after the Recommendations Report is sent to the printer, and after Precinct Caucuses have begun).

Drivers of the Committee's recommended rule were chiefly three: (1) establishing a higher threshold for reconsideration if the result will come as a new development (or surprise) to some or all Town Meeting members on the day of Town Meeting, (2) making reconsideration that would result in a surprise difficult, but not impossible, to minimize risk of process manipulation, yet enable the AFC to act when necessary, and (3) to ensure, as much as practicable, that reconsideration is undertaken only when a majority of the full Advisory & Finance Committee agree to do so.

# in Quorum (incl Non-Voting Chair)	Voting Members	Original Vote		Reconsider w/ 2/3 Quorum (10) & 2/3 Vote	
		Favor	Oppose	Favor	Oppose
8	7	4	3	N/A	N/A
9	8	5	3	N/A	N/A
10	9	5	4	6	3
11	10	6	4	7	3
12	11	6	5	8	3
13	12	7	5	8	4
14	13	7	6	9	4
15	14	8	6	10	4

Below is the proposed rule (and changes to the existing rule) denoted by underlined italics.

## 8.5 Reconsideration

*In general practice*, a motion for reconsideration can be made on any previous action taken by the Committee by any member voting on the prevailing side in the original vote. An affirmative vote of a majority of the members present and voting shall be required for passage of a motion to reconsider.

*In the event reconsideration of a Town Meeting recommendation is proposed after the first Precinct Caucus or Presentation Forum for that Town Meeting has commenced, the motion to reconsider may only be taken up if a minimum quorum of two-thirds (2/3) of members are present. An affirmative vote of two-thirds (2/3) of the members present and voting shall be required for passage of the motion to reconsider. As with all motions to reconsider, the motion must be made by a member voting on the prevailing side in the original vote.*

### **STM Article 3: Unpaid Bills - School Transportation**

After discussion with, and suggestions from, the Massachusetts Department of Education, the School has decided to pursue other avenues to resolve the outstanding transportation invoice. It has been withdrawn from Town Meeting.

## **STM Article 5: Sewer Special Purpose Debt Payment Fund**

Legal counsel has recommended that the Town seek special legislation.  
STM Article 5 has been withdrawn from Town Meeting.

## Chapter 72

### Civil Fingerprinting – Town License or Permit

#### § 72-1. Purpose and Scope.

To enhance public safety, this By-law authorizes the Police Department to conduct state and national fingerprint-based criminal history checks for individuals applying for specific Town-issued licenses or permits, as authorized by G.L. c.6, §172B½, provided, however, that such records shall not be disseminated to unauthorized entities and shall be maintained and disclosed in accordance with all applicable law.

#### §72-2. Regulations.

The Board of Selectmen, in consultation with the Chief of Police, is authorized to promulgate regulations to implement this By-law, which regulations may include, but shall not be limited to: establishment of submission deadlines, procedures for making recommendations to the licensing authority or making a licensing determination as a result of the criminal history check, procedures for assessing, correcting or amending any such record and establishing criteria for fitness determinations, confidentiality of information obtained and penalties for failure to comply with this By-law.

#### §72-3. Definitions.

Criminal History Check – A state and national fingerprint based criminal history background check, as authorized by G.L. c. 6, §172B½.

DCJIS – The Massachusetts Department of Criminal Justice Information Services.

FBI – The Federal Bureau of Investigation, United State Department of Justice.

License – A license or permit issued by the Town of Plymouth, or any board, officer or department thereof, which is identified in Subsection 4.A of this Bylaw.

Licensing Authority –A board, officer or department of the Town of Plymouth authorized by the General Laws of Massachusetts or Town by-law to issue a license or permit listed in §72-4 of this By-law.

Town – The town of Plymouth, Massachusetts.

**§ 72-4. Criminal History Check Authorization.**

- A. Occupational Licenses. The Police Department shall, as authorized by G.L. c.6, §172B½, conduct state and federal fingerprint based Criminal History Checks for individuals and entities for the following occupational licenses:
- (1) Hawking and Peddling or other Door-to-Door Salespeople
  - (2) Manager of Alcoholic Beverage Licensed Establishment
  - (3) Dealer of Second-hand Articles (including Junk Dealers and Collectors)
  - (4) Pawn Dealers
  - (5) Hackney and Livery Drivers and Owners or Operators of other conveyors of passengers, and
  - (6) Ice Cream Truck Vendors
- B. At the time of fingerprinting, the Police Department shall notify the individual being fingerprinted that the fingerprints will be used to check the individual's Criminal History Records and shall obtain the individual's consent in writing prior to conducting such Criminal History Checks.
- C. Following receipt of an applicant's executed consent form and payment of the applicable fee, the Police Department shall transmit the fingerprints it has obtained pursuant to this By-law to the Identification Section of the Massachusetts State Police, DCJIS, and/or the FBI or the successors of such agencies to conduct a Criminal History Check.
- D. The Town authorizes the Massachusetts State Police, DCJIS and the FBI, or the legal successor of each, to conduct fingerprint-based state and national Criminal History Checks consistent with this By-law.
- E. The Town authorizes the Police Department to receive and utilize state and FBI records in connection with such Criminal History Checks, consistent with this By-law and the Town's implementing Regulations.
- F. In accordance with applicable implementing regulations, the Police Department shall communicate the results of fingerprint-based Criminal History Checks to the appropriate Licensing Authority.

**§ 72-3. Standards for Licensing Authority Use of Criminal Record.**

- A. A Licensing Authority is authorized hereunder to utilize the results of fingerprint-based Criminal History Checks exclusively for the limited purpose of determining the suitability of a License applicant in connection with an application for a License identified in Subsection 4.A of this By-law or for its renewal or transfer.
- B. A Licensing Authority may, at its sole discretion, deny a license application on the basis of the results of a fingerprint-based Criminal History Check if it determines that

the results of the check render the subject unsuitable for the proposed licensed activity. The Licensing Authority shall consider all applicable laws, regulations and Town policies bearing on an applicant's suitability in making this determination.

- C. A Licensing Authority is hereby authorized to deny an application for any license specified herein, including renewals and transfers of said licenses, from any person who is determined to be unsuitable for the license due to information obtained pursuant to this By-law.
- D. Factors that shall be considered in making a determination of suitability shall include conviction of, or under pending indictment for, a felony or a misdemeanor that involved force or threat of force, possession of a controlled substance, a sex-related offense, or other crime that bears upon the subject's ability or fitness to exercise such license.

**§ 72-4. Fee.**

The fee for conducting a fingerprint-based Criminal History Check shall be one hundred dollars (\$100) for each check. That portion of the fee specified in G. L. c.6, §172B½, shall be deposited into the Commonwealth of Massachusetts Firearms Fingerprint Identity Verification Trust Fund. The remainder of the Fee is to be applied by the Town for costs associated with the administration of the fingerprinting program.

**§ 72-5. Effective Date**

This By-law shall take effect in accordance with G. L. c.40, §32.

## **ATM Article 30: Solar PILOT – Herring Pond Road**

An agreement has been reached.

Developer: Renewable Energy Development Partners LLC

Site: Assessors Map Lot 56, Lot 47B 136R Herring Pond Road, Cedarville

Size: .5 MWAC

The terms are as follows:

- \$13,000 per MWAC
- 2.5% annual escalator
- 20 years

PILOT language currently being worked on with Counsels.