

ADVISORY AND FINANCE COMMITTEE

MEETING MINUTES

February 10, 2016

A meeting of the Advisory & Finance Committee was held on Wednesday, February 10, 2016. The meeting was called to order by Chairman John Moody at 7:00PM and was conducted in the Mayflower II Meeting Room at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts.

PRESENT **14 members of the committee were present:**

Kevin Canty, Betty Cavacco, Robert Cole, Shelagh Joyce, Ethan Kusmin, Mike Lincoln, Marcus McGraw, Patricia McPherson, Christopher Merrill, John Moody, Patrick O'Brien, Harry Salerno, Marc SIRRICO, Scott Stephenson

ABSENT **1 member of the committee were absent**

Harry Helm

Agenda Items

➤ Notice of Public Hearing – FY2017 Budget

Chairman, John Moody, read the Notice of Public Hearing into record:

ADVISORY & FINANCE COMMITTEE - NOTICE OF PUBLIC HEARING

The Advisory & Finance Committee will hold a Public Hearing in the Mayflower Hearing Room, Town Hall, 11 Lincoln Street, Plymouth, Massachusetts on **Wednesday, February 24, 2016 at 7:30PM** to solicit comments from the general public on the proposed FY2017 operating and capital budgets in accordance with the Town Charter, Chapter 2, Section 12-2. Budgets may be inspected at the Office of the Town Clerk or the Advisory & Finance Committee Office, Town Hall, 11 Lincoln Street, Plymouth, Massachusetts or online at www.plymouth-ma.gov. Any person interested and desiring to be heard on this issue should appear at the time and place designated.

➤ Snow & Ice Deficit Spending

Dennis Westgate, Asst. DPW Director, presented the Snow & Ice Deficit Spending request. Because of recent snow over the weekend, the request is being increased to \$1 million. Per Chapter 44 of the Massachusetts General Laws Section 31D, any city or town may incur liability and make expenditures in any fiscal year in excess of available appropriations for snow and ice removal, provided that such expenditures are approved by the Town Manager and Finance or Advisory Committee, provided, however that the appropriation for such purposes in said fiscal year equaled or exceeded the appropriation for said purposes in the prior fiscal year. Last year we deficit spent \$2.6 million. Once this \$1 million is approved and after paying the bills associated with the storms this past week and weekend, there should be \$400,000 authorization remaining.

Patrick O'Brien made a motion to approve this Snow & Ice Deficit Spending Request in the amount of \$1 million. Kevin Canty, second. The motion carries unanimously (13-0-0).

➤ Special Town Meeting Articles

STM 1 – Classification & Compensation/Personnel Bylaw

Melissa Arrighi, Town Manager, presented STM Article 1. The first component to this article is the following proposed amendments to the Personnel Bylaw:

1. Per the approved change to the Library Director position, the position should be removed from Section 7, Schedule A: Classification of Positions, Group: Executive Management – Non-Union, of the Personnel Bylaw as it is now properly listed in Article I Recognition of the OPEIU Collective Bargaining Agreement.
2. Update/Correct the names of the Collective Bargaining Units in Section 29 List of Bargaining Agreements of the Personnel Bylaw to more accurately reflect those Bargaining Units in the Town of Plymouth. Also, in the same section, remove the terms of the agreements in order to maintain the accuracy of the document.

This lists the Library Director in OPEIU like all the other Division Heads. Also it will change AFSME to CBRA and remove the dates since they change frequently.

The second component of this article is accepting the Collective Bargaining Agreement with SEIU, the clerical union. The Town Manager reviewed each portion of the Memorandum of Agreement dated December 23, 2015.

1. Life insurance increased to \$15,000 for active employees.
2. Pay date moves to Friday.
3. Eliminate practice of separate checks.
4. Change language in Article II – Vacancies and New Positions regarding seniority, allowing the Town Manager to make the final decision without regard to seniority when two or more of the qualified personnel are Town employees and have the same qualifications.
5. Change language in Article II – Vacancies and New Positions regarding probationary employees, extending the probationary period from 3 months to 4 months.
6. Change Article VII – Work Week by removing 4 day work week language.
7. Add language to Article VII – Work Week to incorporate the Memorandum of Agreement dated November 25, 2015 regarding pay of those required to work when the Town Hall, Senior Center, or Library is closed or has reduced hours due to weather events or town-wide public emergencies.
8. Change language in Article XIII – Salaries to reflect COLA increases:
FY16 (effective July 1, 2015): increase of 2%
FY17 (effective July 1, 2016): increase of 2.5%
FY18 (effective July 1, 2017): increase of 3%
9. Change language in Article XVII – Vacation Leave regarding vacation eligibility, new employees may begin taking vacation at 4 month anniversary of employment as accrued.
10. Change language in Article XVII – Vacation Leave regarding increasing vacation accruals for employees hired on or after July 1, 2011.
11. Change language in Article XVIII – Sick Leave allowing utilization of sick time in increments of one hour at the discretion of their department head.
12. Change language in Article XVIII – Sick Leave increasing the maximum amount of unused sick leave to 2,100 hours (1,890 for those who have long term disability benefit).
13. Change language in Article XVIII – Sick Leave by increasing maximum buyback to \$3,500 from \$2,500.
14. Add language to Article XXIV – Management Rights requiring employees to notify their supervisor if they are a medication that might impair their ability to safely operate a motor vehicle if they are asked to or need to operate a motor vehicle while on town business.
15. Add language to Article XXIV – Management Rights requiring employees to notify Human Resources immediately upon any arraignment or conviction of a misdemeanor or felony.
16. Remove “and/or stipends” from Article XXXVII – Re-Openers.
17. Add anew article – Article XXXVIII – Longevity offering \$100-\$500 longevity payments depending on years of service from 5 to 25+ years.
18. Change Language in Article VII – Work Week altering the normal hours of duty to Monday through Friday 7:30AM-4PM.

Questions:

- Does the probationary period involve written feedback? (S Joyce) There is a check list that the division head completes three times during the probationary period to make sure the employee has the skills and competencies required.
- What does the sick leave accumulate to? (S Joyce) approximately 15 days per year.
- Regarding #15, what if anything happens to employee if they notify human resources that they have been arraigned? (K Canty) It all depends on the charges against them, this is handled on a case by case basis.

Patrick O’Brien made a motion to recommend STM Article 1 to Town Meeting. Harry Salerno,

second.

- Kevin Canty said that an arraignment can be based on probable cause on the town should be careful not to take adverse action on probable cause. This is a red flag but not reason to vote against it especially since the union already agreed to it.

The motion carries (12-0-1). Betty Cavacco, abstained.

STM 3 – Unpaid Bills of a Prior Fiscal Year

Melissa Arrighi, Town Manager, presented STM Article 3. Town Meeting approval is required to pay bills of a prior fiscal year. It is common for the town to receive 100B bills of a prior fiscal year, which is for police officers and firefighters that have retired with injury. There are approximately 17 on 100B status at this time. This particular invoice is from FY2015 and is \$2,341.27. Due to privacy considerations, the name of the vendor is being kept confidential.

Betty Cavacco made a motion to recommend STM Article 3 to Town Meeting. Kevin Canty, second. The motion carries unanimously (13-0-0).

➤ Annual Town Meeting Articles

ATM 12 – Chapter 90

Sid Kashi, Town Engineer, presented ATM Article 12. This annual article authorizes the town to accept the funding provided by the State under Massachusetts General Laws Chapter 90 for the maintenance of public roads. In the last round of yearly appropriations, the town received \$1,512,961. The estimated amount for Fiscal Year 2017 is unknown at this time but the town can expect a similar amount unless there is a change in policy and/or the state's financial health.

Patrick O'Brien made a motion to recommend ATM Article 12 to Town Meeting. Christopher Merrill, second. The motion carries unanimously (13-0-0).

ATM 22 – Accept as Public Way – Raymond/Camelot

Sid Kashi, Town Engineer, presented ATM Article 22. This is also an annual article where unaccepted roads are proposed for acceptance as public roads. This year there are two streets being proposed for acceptance: Raymond Road, in the Ponds of Plymouth, and Camelot Drive, where our DPW facilities are located. Raymond Road is approximately 3 miles long and Camelot Drive is approximately ½ mile.

Questions:

- What is the condition or grade of these two roads? (C Merrill) The roadway condition survey shows these two roads in the middle and overlay category.
- What is the estimate of cost per mile? (E Kusmin) The estimate is \$5,000 per mile.
- What is the rate that roads are proposed for acceptance? (E Kusmin) The Roads Advisory Committee recommends at least one or two per year, they look at the list and try to choose major, heavily-trafficked roads.
- For clarification, where does that middle overlay status rank? (J Moody) It is average and falls in the middle of the rankings.
- Raymond Road is long, is this the entire road or only a portion? (R Cote) It is the entire road.

Christopher Merrill made a motion to recommend ATM Article 22 to Town Meeting. Patrick O'Brien, second.

There was some discussion from those that live on or near that road about whether they should vote or not. Everyone was advised to make their own decision based on whether they felt they had a personal conflict of interest or not. It was suggested that maybe Kevin Canty give a quick presentation regarding conflict of interest at an upcoming meeting since there are quite a few new members that are not familiar with the law.

The motion carries (12-0-1). Robert Cote, abstained.

ATM 23 – Private Road Improvements

Sid Kashi, Town Engineer, presented ATM Article 23. Over half of the roads in Plymouth are unaccepted as public way. There are approximately 200 miles of unaccepted roads and 33% of these roads are unpaved. A large percentage of requests to the DPW for road repairs involve unaccepted roads. Many residents living on unaccepted roads expect that the town should be doing more to maintain or improve unaccepted roads. A Special Act was passed by State Legislators and signed by the Governor on June 13, 2012 which allows the Town of Plymouth to make improvements on unaccepted roads with public funds. In the past three years Town Meeting appropriated \$500,000 each year for improving and maintaining unaccepted roads. This year the request is again for \$500,000. According to the roads assessment survey, there is \$44 million dollars worth of work backlogged for unaccepted roads.

Questions:

- This money can potentially be spent on roads that we would later accept as public? (K Canty) Yes, that is our plan.
- Is there a list of upcoming projects that have been approved already? (C Merrill) Yes, Purchase Street in the Buttermilk Bay area is next, the design is almost done.
- Are we expecting any damage to roads with the sewer project? (S Joyce) The roads are built to withstand heavy truck traffic, don't expect any damage so far.

Patrick O'Brien made a motion to recommend ATM Article 23 to Town Meeting. Kevin Canty, second. The motion carries unanimously (13-0-0).

ATM 33 – ZBA – Amend Charter

Steve Striar, Petitioner, presented ATM Article 33. This article seeks to amend section 3-12-1 of the Town Charter to read as follows: "The Board of Selectmen shall appoint a Zoning Board of Appeals of five members and two associate members for three year overlapping terms. Persons not registered to vote in the town of Plymouth and Representative Town Meeting Members shall not eligible for appointment to or service on the Zoning Board of appeals."

He pointed out that Chapter 2 Section 12-1 of the Town Charter prohibits town meeting member from serving on the Advisory & Finance Committee and said it part of our Charter for good reason. Among other things, it is meant to place a barrier between those we have elected to make decisions on our behalf and those who serve as their advisors. By this simple act we are able to reduce the likelihood of both real conflicts of interest and the mere appearance of one. Also having ZBA members who are in essence our local judges actively participating as our legislators runs counter o the separation of powers doctrine. Each branch of government has its own certain and separate responsibilities which should not be co-mingled. He also indicated he would request a revision which would delay the implementation of this prohibition, if enacted, for up to one year to allow for a more orderly transition period.

Questions:

- Would this affect any current ZBA members? (E Kusmin) Yes, several members of ZBA are also Town Meeting members.
- Has this been discussed with ZBA? (H Salerno) It has been discussed only briefly with one ZBA member, other than that no.
- Do any other municipalities have the same bylaw? (C Merrill) Could not find any, Plymouth could lead the way.
- If they have to choose between ZBA and Town Meeting they might pick Town Meeting and there isn't a line of qualified people waiting to get on ZBA. (E Kusmin) This should not be about individuals and should not be about lack of volunteers.

Peter Connor, Chair of ZBA, said he is not sure what the problem is. This has never come up before, never been a concern and there has never been a suggestion of any kind of conflict. There is no great reason to do this. He joined Town Meeting 23 years ago and ZBA 15 years ago. He has been reappointed 4-5 times for ZBA and has offered to step down if anyone else is interested in taking his spot, no one wants to. Also why is the ZBA being singled out? If you do it for one board, do it for all including Conservation and the Board of Health, etc.

- Is there a time crunch serving on both? Do meeting schedules conflict? (S Joyce) Mr. Connor answered that being Chair does take a lot of time but that is self employed so has an advantage to setting his own schedule. That Town Meeting only happens twice each year so he can prepare for that and not feel any crunch.
- Will the committee have a mass exodus if this is implemented? (E Kusmin) That should not be the basis for your decision but last time no one new applied and the time before that only 1 applied who had a personal agenda.

Ethan Kusmin made a motion to recommend ATM Article 33 to Town Meeting. Patricia McPherson, second.

Discussion:

- Decisions should be made on what is the right thing to do, not what is the easiest. (P McPherson)
- Advisory & Finance members can't be Town Meeting members. Why is it one board can't and another board like ZBA can? Hard to wrap head around the reason. (S Joyce)
- Would like to see consistency, it is needed in our town government. (B Cavacco)
- You are comparing apples to oranges. Advisory and Finance is part of the Town Meeting branch, we are the eyes and ears of Town Meeting. Can't make blanket statements because not every board is the same. Can not support this article. If a conflict does arise at Town Meeting, ZBA members can recuse themselves from the vote. Can't legislate morality. ZBA is a dedicated, involved and knowledgeable group, if that is disrupted we could end up with trouble. Think it is great that someone so knowledgeable and dedicated serve as a Town Meeting member as well. (M Sirroco)
- I agree with Mr. Sirroco. Advisory & Finance is an agent of Town Meeting. ZBA is different. With the risk of losing 4 ZBA members, practical implications could be significant. Trying to fix a problem that does not exist may create larger problems. (K Canty)
- ZBA is judiciary. Not aware of any other judge that also sits on boards. I support this article, it makes sense. (M Lincoln)
- It is common to see the same faces serving on 2, 3 or 4 boards. The town should expand its volunteer base and this is a good start. I support this article. (P O'Brien)
- On paper this looks good. I served on the Charter Review Committee and did not hear about any problems with ZBA members also being Town Meeting members. I don't see why we would change it. (S Stephenson)
- If we end up with a ZBA that is incomplete, unqualified, or without institutional knowledge it would be dangerous. I do not support this article. (E Kusmin)
- I can not support this article. I do support separation of powers but it is not practical here given the circumstances. (H Salerno)
- I support it if nothing else but to spur the debate, at some point there is going to be turnover, the town has to get more people involved. This is an opportunity. (P O'Brien)
- What would happen if here was a problem? We should be proactive here. (P McPherson)
- I understand the principle and what Patrick O'Brien and Patricia McPherson are getting at, but there should be a better fix to encourage recruitment of new volunteers. (H Salerno)
- I do not support this. Town Meeting members can be voted out if a problem does arise.

This is opening a can of worms. (C Merrill)

- Remember not everyone may resign from ZBA, some might resign from Town Meeting, it could go either way. (S Joyce)

The motion fails (5-8-0). Patricia McPherson, Shelagh Joyce, Betty Cavacco, Mike Lincoln, Patrick O'Brien, in favor.

ATM 34 – Charter Review – Amend Charter

Steve Striar, Petitioner, presented ATM Article 34. This article seeks to amend section 7-6-1 of the Town Charter to read as follows: “At least once every five years, a special committee shall be appointed by the Moderator to review the Charter and submit a report, with recommendations, to the Citizens of Plymouth and Representative Town Meeting concerning an proposed amendments which the committee may determine to be necessary and desirable. Said report shall be published in the local paper of record and on the Town’s website within 14 days of completion.”

Mr. Striar said that he would remove the requirement to print it in the local paper. His reason for proposing this amendment is that the Charter is the Peoples Charter and it should be treated as such. The publication component will provide the public with improved and timely access to the same important information that is provided to their representatives at Town Meeting.

Questions/Comments:

- Why remove the requirement to publish it in the newspaper? (H Salerno) The cost of publishing it in the newspaper may be a barrier. It may be just as effective to post it publicly on the town website.
- Is the primary objective to shed light on the recommendations? (S Stephenson) Yes, 2 primary concerns: Providing valuable information to citizens and involving people in government so they feel a part of it and that they have responsibilities.
- How will an uninformed citizen know this is on the website to see? (M McGraw) That is a growing problem, hope to get it out there so it is easy to view.
- Could you use social media too? (C Merrill) It would be helpful if social media would direct the public to the website, any outlet would be helpful.
- How many signed your petition? Did the signers know that you were proposing to change the language of the article? (J Moody) 15. They signed it based on the actual article language.
- As far as modifying the language of the petitioned article at Town Meeting, you should reach out to Moderator Triffleti or legal counsel in advance. (J Moody)

Betty Cavacco made a motion to recommend ATM Article 34 to Town Meeting. Mike Lincoln, second.

Discussion:

- We must vote on the totality of the article including the portion of printing it in the newspaper because a motion to modify may not be allowed. Also, this is a subject that belongs in the Bylaws not the Charter. I can’t support it as a Charter amendment but would support it as a Bylaw amendment (H Salerno)
- The language needs to be revisited. I like reporting to the people and making it public. I like the idea but not the logistics. I like that it is in the Charter and not a Bylaw. (M Lincoln)
- I agree with Harry Salerno, it is bad policy to vote thinking something might change later. This article is not in a solid state yet. A Bylaw amendment may be more appropriate regarding how the report should be published. (K Canty)
- It is a good idea to shine light on this. I support this article 100%. We have \$1,000 to pay to

put it in the newspaper. (S Stephenson)

- I support this article. Maybe since it is a newsworthy topic, the newspaper would print it without charging advertising fees. (P McPherson)
- The newspaper would probably print an article with highlights from the report but not a multi-page document verbatim. (J Moody)
- There is 4 years to get the working right as the next Charter Review Committee will be forming
- 4 years from now. (E Kusmin)
- Maybe try again in the fall with updated language. (M Lincoln)
- We offered the courtesy and extended the option of refining language and coming back to one of our meetings in March to the petitioners of the plastic bag petitioned article, maybe we could do the same here. (S Joyce)

The motion fails (4-8-1). Scott Stephenson, Patricia McPherson, Betty Cavacco, Patrick O'Brien, in favor. Shelagh Joyce, abstained.

Old/New/Other Business

- Shelagh Joyce shared that Indian Brook is raising funds for updating their playground if any one is able to support it.
- John Moody reported that sub-committee chairs are doing well and reminded them that their sub-committee reports are due by this Friday (February 12th).

ADJOURNMENT

Patrick O'Brien made a motion to adjourn. Betty Cavacco, second.

The motion for adjournment carries unanimously (13-0-0).

The meeting adjourned at 8:45PM.

Respectfully submitted,
Kere Gillette