

**Fall Annual Town Meeting
October 17, 2015**

The Moderator opened the meeting at 8:00 AM in the auditorium of Plymouth North High School. The salute to the flag led by Veterans of Foreign Wars Honor Guard under the direction of Owen Hyams followed by our National Anthem performed by Liliana Alvarez, Plymouth High Schools' Chorus. The invocation was offered by Lieutenant Benjamin Lyle of the Salvation Army in Plymouth. The Moderator named Brian Alosi, Assistant Town Moderator. Town Clerk, Laurence Pizer, swore in the Assistant Moderator and Town Meeting Representatives.

Upon notification by Town Clerk, Laurence Pizer, of a quorum, the Moderator called the meeting to order at 8:14 A.M

The Moderator noted that the return of the warrant of Annual Town Meeting shows that it has been properly served. With no objection, Town Meeting waived the reading of the Constable's Return of Service and waived the reading of the warrant

Mr. Moody moved that adjourned sessions of this Town Meeting be held on October 19 and 20, 2015 at 7:00 PM at Plymouth North High School.

The motion PASSED unanimously.

Patricia McCarthy, moved to change the order of articles to hear Article 18 before Article 17.

Mr. Serkey moved to amend Ms. McCarthy's article by adding "provided that both articles are debated separately."

The motion PASSED.

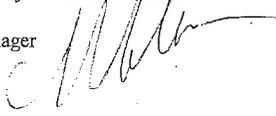
On Ms. McCarthy's motion, on a roll call, the motion FAILED to reach two-thirds, with 64 in favor and 46 in opposition.

ARTICLE 1: Mr. Moody moved that the Town vote to amend the Personnel By-Law and Collective Bargaining Agreements, in accordance with the memorandum dated August 25, 2015 from the Director of Human Resources located on page 39, and Proposed Miscellaneous D Rates located on pages 41-42 of the Report and Recommendations of the Advisory & Finance Committee and the memorandum dated October 14, 2015 from the Town Manager located on page 8, the Collective Bargaining Agreements and Non Union Agreement located on pages 9-18 of Supplement 2 to the Report and Recommendations of the Advisory & Finance Committee.

TOWN OF PLYMOUTH
11 Lincoln Street
Plymouth, MA 02360
(508) 830-4000
Fax (508) 830-4140

OFFICE OF TOWN MANAGER

MEMORANDUM

To: Board of Selectmen and Advisory & Finance Committee
From: Melissa G. Arrighi, Town Manager 
Date: October 14, 2015
Re: Article 1 and 2A regarding employee salary/benefit issues

I am pleased to let you know that two union groups, Firefighters and OPEIU, have ratified tentative agreements for changes to their respective 2015-2018 collective bargaining contracts. These changes and agreements were reached during the collective bargaining process. In addition, I am recommending changes to the Personnel Bylaws for non-union employees. All these changes are attached in the tentative agreement documents and have been voted by the Selectmen in Executive Session and the union agreements have also been ratified in open session.

FATM Article 1 - To see if the Town will vote to amend the Classification & Compensation Plans and the Personnel By-Law and Collective Bargaining Agreements....

The changes for the Firefighter Contract, OPEIU, and non-union are attached. I would ask your support in recommending their inclusion in Article 1 of the Fall Annual Town Meeting.

FATM Article 2A - To see if the Town will vote to amend the vote taken under Article 7A of the 2015 Annual Town Meeting warrant...for the purpose of supplementing departmental expenses....

The money to fund the COLA's for year 1 are included in Article 2A, including the costs for the teacher's contract that was negotiated by the School Committee.

As you may be aware, all other union groups are still in the negotiating process.

Thank you.

TENTATIVE AGREEMENT

9/30/2015

Town of Plymouth and Plymouth Firefighters

1. Add Evergreen language to the CBA on page 4, 2nd Paragraph
2. Move to a Friday pay date (not included in CBA)
3. Require direct deposit, no paper pay stubs and advice of pay via email (not included in CBA)

4. No longer print separate checks unless necessary according to Finance Dept. (change language references in CBA to separate checks) - Article XII, section D (and any other locations, if any)
5. Adopt policy on drug testing (not included in CBA), copy attached
6. \$15,000 in life insurance with employee paying 20% of the premiums and the Town paying 80% of the premiums (not included in CBA)*
7. Add language to CBA under article VIII, section E All swaps will be repaid within 90 calendar days from the date of the initial swap.
8. Add language to CBA under Article III, Section B # 8. – The system for mandated overtime will run from the Jr. to Sr. order.
9. Change language in CBA to reflect that no documents added to the personnel file will be removed. Under Article XIV section F.
10. Add language to CBA under Article IX, 2nd Paragraph as follows: “an employee must notify, in writing, his/her Department Head if the employee’s driver’s license is suspended, revoked, or restricted in any way. Failure to provide this notification immediately may be grounds for immediate termination”
11. The dispatch, 911 services, shall be removed from the Fire Department once the service is up and running at its new location. Any language in the CBA referencing dispatch or 911 shall be removed if it pertains to this issue once the services is fully operable at police station. Delete any references to dispatch throughout the contract. Our agreement includes the understanding that the dispatch positions will be absorbed and there is no intent to eliminate those positions through attrition.
12. Add language to CBA under Article XV regarding Union Business Time Off and define those individuals as the President, Vice President, and Treasurer and secretary.
13. Change language in CBA under Article III, section 3 regarding a mandatory 8 hour break after 50 hours worked.
14. **Add language in CBA under –Article IV that provides that the following compensatory time may be accumulated for new hires during the first X years of employment and then the ability to earn compensatory time ceases:**
 - a. **Comp time may be accrued at a maximum of 48 hours over six month consecutive period.**
 - b. **Comp time must be used within six months of earning it or it will be paid as overtime**
 - c. **At no time can comp time ‘on the books’ for the employee exceed 48 hours**
 - d. **Once an employee obtains 1 week or Personal & 1 Week of vacation they are no longer eligible to earn Comp time.**
 - e. **For the purposes of notice to request comp time it will fall under the same provision as personal time.**
15. Delete language in the CBA as it relates to the Circuit Breaker clause
16. **Add language in the CBA under VII, section L as follows: “An employee who uses no sick time (including family sick time, FMLA or other state or federal regulated leaves) for six consecutive months shall earn 10 hours of personal time to be used within six months of being awarded it. If the employee does not use this personal time within the six months, it is considered forfeited. This ability to earn 10 hours of personal time does not apply to employees on 111F or injured on duty.” The six month period will be from January 1 through June 30th and July 1st through December 31st of each year.**

17. Change the entire vacation section/schedule. Converting 48 hours of vacation time to personal time. Add 48 hours of vacation time to those with 15 years or more of completed service.*
18. Add language in the CBA under XIX regarding the employee shall receive \$1,000 per certification (with a \$3,000 annual maximum). The certifications that qualify are:
 - Lifeguard Systems Public Safety Diver
 - Lifeguard Systems Public Safety Diver Tender
 - Lifeguard Systems Moving Water Rescue (search & recovery)
 - Fire Instructor I
 - Fire Instructor II
 - Public Fire Educator
 - Fire Officer I
 - Fire Officer II
 - Fire Officer III
 - Fire Investigator
 - Incident Safety Officer-Suppression
 - Incident Safety Officer-Hazmat
 - Technical Rescuer Rope Rescue I
 - Technical Rescuer Rope Rescue II
 - Technical Rescuer Confined Space Rescue I
 - Technical Rescuer Confined Space Rescue II
 - Technical Rescuer Trench Rescue I
 - Technical Rescuer Trench Rescue II

And others that are overseen by the Massachusetts Fire Training Council based upon qualifications of the NFPA and approval of the Fire Chief. His decision is not grievable or arbitrable. Excluded are any that are required to become a fire fighter (Those the Academy require all to achieve to graduate from the academy). The Town of Plymouth will offer to host a minimum of 2+ times per year.
19. Add language in the CBA under Article XII "Employees are eligible for a 15% deferred compensation match". *
20. Increase clothing allowance stipend in article IV by \$151. *
21. COLA FY16 = 2%, FY17 = 2%, FY18 = 3%.

Any reference to a reopener or reopener language be null and void for this three year period (July 1, 2015 through June 30, 2018).

*effective date must be determined by finance director

** tbd

- The only financial items that is retroactive is COLA. All other changes with a financial implication take place progressively once funded.

Signed by the Board of Selectmen:

Signed By Plymouth Fire

October 13, 2015

TOWN OF PLYMOUTH DRUG AND ALCOHOL TESTING

POLICY AND PROGRAM

Section I -- Purpose

The purpose of this policy is to provide Fire Department employees with notice of the provisions of the Town's drug and alcohol and related testing policy and program as it affects them. It is the policy of the Town that a drug and alcohol free work place must be maintained by Fire Department employees at all times and this requirement justifies the use of random and reasonable employee drug and alcohol testing program. The use of controlled substances and other forms of drug and alcohol abuse seriously impair an employee's physical and mental health, and thus, job performance. To ensure high standards of performance for performing Town business and to preserve public trust and confidence in a fit and drug and alcohol-free Fire Department workforce, there shall be a testing program to detect drug and alcohol use in the workplace, or that effects work in the workplace. In accordance with the provisions of this Policy, the Town will offer assistance with rehabilitation, when necessary and warranted.

Section II -- Prohibited Conduct

The following conduct by any employee is prohibited:

- A) Unauthorized use, possession, manufacture, distribution, or sale of a controlled substance, illegally used drug, drug paraphernalia, on Town business, in Town supplied vehicles, in vehicles being used for Town purposes, during working hours, affecting work in the workplace, or on Town property.
- B) Unauthorized storage in a desk, locker, Town vehicle or vehicle used for Town business or other repository on Town property of any illegally used drug, controlled substance, drug paraphernalia.
- C) Being under the influence of an unauthorized controlled substance, illegally used drug or alcohol on Town business, in Town supplied vehicles, in vehicles used to Town business, while on duty.
- D) Switching or adulterating any blood or urine sample;
- E) Refusing to consent to testing or refusing to submit breath, urine, blood sample for testing, provided that such testing is ordered and such sample is required in accordance with the provisions of the Policy
- F) Failing to adhere to the terms of any rehabilitation agreement which the employee has signed;
- G) Failure to immediately notify the appropriate Department Head of any felony arrest or conviction for drug or alcohol offense that violates this Policy;



H) Refusing to sign a reasonable rehabilitation agreement that is developed in accordance with the provision of this Policy.

Section III- Reasons for Testing

Testing of employees for drug and/or alcohol use will be done for the following reasons:

A) Testing will be done for probable cause where an incident has occurred that appears to indicate that the employee has violated this Policy. The probable cause must be supported by stated facts to show that there appears to be a violation of this Policy.

a. Probable cause may be based upon the following, or other, comparable fact patterns:

- i. observable phenomena, such as direct observation of illegal use or possession of drugs and/or physical symptoms of being under the influence of a controlled substance;
- ii. a documentable pattern of abnormal conduct or erratic behavior while on duty (i.e., slurred speech, uncoordinated movement and gait, stupor, excessive giddiness, unexplained periods of exhilaration and excitement, impaired judgment, deteriorating work performance or frequent accidents not attributable to other factors;
- iii. ~~arrest~~ indictment or conviction for a drug-related offense or the identification of an employee, through an affidavit, as the focus of a criminal investigation into illegal drug use or trafficking;
- iv. evidence that an employee has tampered with a previously administered drug test and/or has made material, false or misleading statements to Fire Department personnel regarding past or present illegal use of drugs while a Town employee;
- v. a documented written report of drug use, in affidavit form, provided by reliable and credible sources, such as law enforcement agencies;

B) Pre-employment physicals will include drug and alcohol testing.

C) Subsequent to any significant on duty vehicular accident or serious, unsafe practice (raising question of improper drug or alcohol use), or on duty incident in which the employee was a driver (vehicular accident) or major participant (other incident), testing will be done.

D) Each member of the bargaining unit may be selected at random and shall submit to an alcohol and drug test during each fiscal year.

a. The Town agrees that a maximum of 25% of Town of Plymouth Employees that are covered with random drug testing language will be selected for random testing.

Section IV-Consequences of a Violation of the Drug and Alcohol Policy

(M)

A positive test in violation of this Policy will result in discipline in accordance with departmental disciplinary procedures as outlined in this policy, and only for just cause as detailed below.

Any violation of this Policy will result in disciplinary action for just cause.

"Discipline" for any violation means any permitted disciplinary action up to and including termination of employment.

The appointing authority or their designee may reduce the discipline outlined in this policy on a case by case basis after considering all the evidence.

Dependent of the seriousness of the violation, the appointing authority or their designee may proceed directly to a more advanced step of these disciplinary procedures.

Any disciplinary action shall be subject to Chapter 31 and the grievance/arbitration procedure of the collective bargaining agreement.

Section V- Disciplinary Action for Violation of the Drug and Alcohol Policy

In general, the following disciplinary actions apply to all of the Fire Department employees.

Alcohol & Illegally-Used Drugs.

Illegally-used drugs means any prescribed drug which is legally obtainable but has not been legally obtained or is not being used for prescribed purposes, all designer drugs not listed in the Controlled Substances Act (for example, but not limited to: MDA), and any other over-the-counter or non-drug substances (for example, but not limited to: airplane glue) being used for other than their intended purpose

First Offense: Written warning placed in the employee's personnel folder and after the one year anniversary of the date, if no further violations occur, it will not be used against the employee for promotional purposes. Employees may seek assistance through the Employee Assistance Program (EAP) or other program mutually agreed upon by the parties represented in this policy.

Second Offense: Suspension. Employees will be mandated to attend a program through the Employee Assistance Program (EAP) or other program mutually agreed upon by the parties represented in this policy.

Third Offense: Termination.

Illicit Drugs and Related Items

The intentional use of one of the seven classes of controlled substances identified by this policy may result in discipline:

First Offense: Written warning that remains in file for two-and-one-half years, if no further violations occur, it will not be used against the employee for promotional purposes. Employee will be placed on sick leave pending a mandatory substance abuse evaluation to be facilitated by the Employee Assistance Program (EAP). If the employee does not have sick time, the employee will be placed on unpaid leave. If

10

deemed necessary by the examiner, the employee must sign a reasonable rehabilitation agreement negotiated by the Town and the Union resulting from the substance abuse evaluation. If an agreement cannot be reached, the employee will be referred to EAP within 3 business days of a positive test.

Second Offense: Termination.

Section VI – Drug and Alcohol Testing Procedures

Drug and alcohol Testing will be conducted by approved National Institute of Drug Abuse (NIDA) and Department of Health and Human Services (DHHS) laboratories and pursuant to USHHS Mandatory Guidelines or USDOT guidelines, 49 CFR Part 40 Subpart F except as outlined in this policy. Collection of samples will follow accepted "chain of custody" procedures and include bifurcated samples to assure that the donor will be provided with a sample at his/her request. For positive screen results pertaining to controlled substances, the Medical Review Officer, a licensed physician, will contact the donor, conduct a medical history, and coordinate with the employee's personal physician, as necessary, to make a final determination of the presence of illegal drugs in a test.

Drug and alcohol testing for Fire Department employees under this Policy, will be done as follows:

- A) Where there is a probable cause, or significant vehicular accident or safety incident while on duty, as described previously in Section III, the Chief or his/her designee will contact Human Resources who will arrange for the drug and/or alcohol testing.
 - a. The Chief or his/her designee must provide basis of probable cause in writing to the fire fighter and a Union representative at the time of contact with Human Resources.
- B) Human Resources will set up an appointment for the appropriate tests. Prior to analysis of any sample, Human Resources, will provide an opportunity to the fire fighter and/or Union to contest the finding of probable cause, however, the test may proceed, but the results will be withheld until Human Resource confirms probable cause existed.
- C) The employee will go to the appropriate testing facility, will present photo identification, and provide the necessary test samples. If the employee so requests, he/she may be accompanied by a Local union representative or, when a union representative is unavailable, by a fellow employee to the site of the testing (Only the employee being testing may go into the room where the sample is to be provided).
- D) Urine samples will be used for drug tests. Split testing samples will be maintained under accepted chain of custody procedures. Breath tests will be used for alcohol testing. In extreme cases, where urine or breath tests cannot be obtained because of an accident, blood testing may be allowed. Blood testing must be conducted pursuant to a scientifically reliable and objective process to determine intentional ingestion of controlled substances (if one is not recognized under federal guidelines), which includes "chain of custody", oversight by a Medical Review Officer and opportunity for a split sample-like challenge.
- E) Breathalyzer results in between 0.02% and 0.05% of blood alcohol content, the employee may be relieved of duty.



- F) Breathalyzer results in excess of 0.05% blood alcohol content will be considered in violation of this policy and subject to discipline as outlined in this policy.
- G) Urine samples will be used to test for the following substances:
- Cocaine
 - Methamphetamines
 - Phencyclidines
 - Opiates
 - Marijuana
 - Benzodiazepines
 - Amphetamines
- H) Positive test results confirmed by the Medical Review Officer as outlined in the first paragraph in Section VI will be provided to Human Resources or to the Chief or his designee in the absence of Human Resources.
- I) All documents pertaining to this section shall be regarded as and maintained as confidential.
- J) In the case of positive test results as outlined in Section VI, employees will be placed on sick leave, followed by any other accrued paid leave, until cleared to come back to work by the Chief of the department or his/her designee. If the employee does not have accrued paid leave, the employee will be placed on unpaid leave. The Chief or his/her designee may seek medical clearance prior to the accused returning to work.
- K) Human Resources will work with the Fire Department to take appropriate steps, as necessary. See Disciplinary Action for Violations of the Drug and Alcohol Policy for further information.
- L) If an employee tests positive, he/she at his/her own expense may have the second sample, held under chain of custody, tested at another NIDA and DHHS-approved laboratory. If the second test is not positive, no further action will be taken.

(12)

Academy require all recruits to achieve to graduate from the academy). The Town of Plymouth will offer to host a minimum of 2+ times a year.*

19. Add language in the CBA under Article XII "Employees are eligible for a 15% deferred compensation match". *
20. Increase clothing allowance stipend in article IV by \$151. *
21. COLA FY15 = 2%, FY16 = 2%, FY17 = 3% .

Any reference to a reopener or reopener language be removed from the CBA

*effective date to take place in year 2 of the CBA

- The only financial items that is retroactive is COLA. All other changes with a financial implication take place progressively once funded.

Signed by the Board of Selectmen:

Walter A. T...
[Signature]
[Signature]
David R. Malagut

Date 10/13/2015

(2)

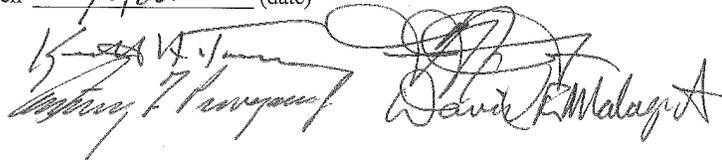
TENTATIVE AGREEMENT **(FOR approx. 78 EMPLOYEES)**
OPEIU and Town of Plymouth dated Sept. 25, 2015 updated October 5, 2015
(All proposals take place 10 days after passage at Town Meeting
except (*retro to July 1, 2015) and (** benefit starts in year 2 of CBA))

1. Life Insurance increased to \$15,000 for active employees
2. Pay Date moves to Friday
3. Eliminate practice of separate checks
4. Ability to extend probation up to 6 months
5. Delete 4 day work week language
6. Delete section 27.04 on removing letters from personnel file
7. Eliminate practice of 502 eliminates ability to work ½ day and then take the rest of the day off without using earned time. If you are out of the office, you need to use your earned time.
8. Add language that states, "A Division Head may be required to work hours that are not part of the regular work day or regular expectation of the job hours. In those rare cases, the Division Head will get preapproval from the Dept. Head to work those hours and to have the ability to apply those hours to time off at a later scheduled time (within 30 days of the event). This is called 'flex time'. The decision by the Department Head, on file with Human Resources Department, to grant or deny this flex time is not grievable or arbitrable. The intent of flex time is not to cover an occasional emergency or for a regularly scheduled night meeting with the Division Head's associated Board/Committee, but it is for the purposes of the employee working above and beyond the regular hour expectation.
9. **2/2.5/3 percent cola* on July 1 of each year**
10. **Longevity: 5 year \$100; 10 years \$150; 15 years \$250; 20 years \$500**
(total impact in year 2 = \$15,150)**
11. **Increase earned time chart for new employees as agreed upon and increase the LTIA dump to 9 days for the first 5 years and then it goes to the 10 day deposit****
12. **Replace \$2500 with \$4,000 on the LTIA buyback upon leaving (total impact is based on the number of employees who leave in a year)**
13. **Adjust the following language to increase buyback to 8 days: (total impact in year 2 is \$16,750)**

On December 1st of each year, if an employee has 180 days of accumulated LTIA, s/he can sell back up to 5 days at his/her current rate of pay.
(Change this to 8 days of buyback)**

By vote of Board of Selectmen 10/6/2015 (date)

Signatures:



TENTATIVE AGREEMENT (FOR approx. 20 EMPLOYEES)
NON UNION and Town of Plymouth
September 29, 2015, updated October 5, 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 to reflect that any promotion must result in a minimum of \$1000 increase (not \$300)**
5. **Add 1 week LTIA buyback option for employees with 90 days of LTIA on books. Keep the 2 week buyback for 180 days on the books. Add language that indicates that under no circumstances can an employee buyback more than 2 weeks year.**
6. **COLA: 2, 2.5, 3%**
7. **Increase Longevity from the 1st column to the 2nd column.**

5 yrs	\$100	\$500
10	\$200	\$750
15	\$300	\$1000
20	\$550	
25	\$750	
30	\$1000	

8. **For Executive and Executive Management classifications only - Change the threshold below from 7 years to 5 years. This is not retroactive.**

Effective June 30, 2012, a senior step will be added to the existing wage schedule three (3%) percent above the current maximum step. To be eligible for the senior step the employee must have completed seven (7) years of service with the Town and they must be at the maximum step of the current wage schedule.

Approved – Selectmen vote on October 6, 2015



The motion PASSED.

ARTICLE 2A: Mr. Moody moved to amend the votes taken under Article 7A of the April 2015 Spring Annual Town Meeting, in accordance with the attached spreadsheet, as follows:

Increase by \$677,830 the amount appropriated for
Salary Reserve – Personal Services, Item #34;

Increase by \$1,032,170 the amount appropriated for
School Services – School Budget Request, Item #51;

Increase by \$1,062,972 the amount appropriated for
Non-Enterprise Debt, Item #50;

For a total net increase to the general fund operating budget of \$2,772,972 and to meet this appropriation, transfer \$74,375 from the Meals Tax Fund, \$15,000 from the Title V Betterment Fund and raise \$2,683,597 from the 2016 Tax Rate for a total General Fund Operating Budget of \$189,102,986.

FY2016 Original Budget	FY2016 Proposed Changes Fall Town Meeting	FY2016 Proposed Revised Budget
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ARTICLE 2A (2015ATM-ARTICLE 7A)

Total General Fund Operating Budget (Item #1-51)	\$ 186,330,014	2,772,972	189,102,986
Title V - Betterment Program	\$ 162,831	15,000	177,831
State Boat Ramp Revolving Fund	\$ 10,293		10,293
Recreation Revolving Fund	\$ 44,121		44,121
Memorial Hall Revolving Fund	\$ 8,203		8,203
Plymouth Beach Revolving Fund	\$ 9,446		9,446
Fire Safety & Prevention Revolving Fund	\$ 7,761		7,761
Fire Alarm Master Box Services Revolving Fund	\$ 9,391		9,391
Cemetery Perpetual Care	\$ 35,314		35,314
Municipal Waterways	\$ 133,644		133,644
Premium for Debt Exclusion	\$ 208,681		208,681
General Fund Free Cash	\$ 530,000		530,000
Meals Tax Fund	\$ -	74,375	74,375
Less Total Transfers	1,159,685	89,375	1,249,060
To be raised by the 2016 Tax Levy (General Fund revenues & other sources)	\$ 185,170,329	2,683,597	187,853,926

The motion PASSED unanimously.

ARTICLE 2B: Mr. Moody moved to amend the votes taken under Article 7B, & 7C, of the April 2015 Spring Annual Town Meeting, in accordance with the spreadsheet below, as follows:

Article 7B: Decrease by \$10,371 the amount appropriated from Water Receipts to Water Enterprise Fund – Debt Services, Item #61;

Article 7C: Decrease by \$77,329 the amount appropriated from Sewer Receipts to Sewer Enterprise Fund – Debt Services, Item #57;

FY2016 Original Budget	FY2016 Proposed Changes Fall Town Meeting	FY2016 Proposed Revised Budget
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WATER ENTERPRISE FUND (2015ATM-ARTICLE 7B)

Personal Services (Item #59)	\$ 1,068,529		1,068,529
All Other Expenses (Item #60)	\$ 1,231,610		1,231,610
Debt Service (Item #61)	\$ 1,186,892	(10,371)	1,176,521
Appropriated for Direct Costs	\$ 3,487,031	(10,371)	3,476,660
Indirect Costs - Charged to Enterprise Fund from General Fund (Item #62)	\$ 1,240,540		1,240,540
Total Cost – Water – funded from Water Receipts	\$ 4,727,571	(10,371)	4,717,200

SEWER ENTERPRISE FUND (2015ATM-ARTICLE 7C)

Personal Services (Item #55)	\$ 282,147		282,147
All Other Expenses (Item #56)	\$ 2,025,633		2,025,633
Debt Service (Item #57)	\$ 2,191,444	(77,329)	2,114,115

Appropriated for Direct Costs	\$	4,499,224	(77,329)	4,421,895
Indirect Costs - Charged to Enterprise (Item #58)	\$	288,161		288,161
Fund from General Fund				
Total Cost – Sewer – funded from Sewer Receipts	\$	4,787,385	(77,329)	4,710,056

The motion PASSED unanimously.

Mr. Moody moved to amend the votes taken under Article 7D, of the April 2015 Spring Annual Town Meeting, in accordance with the spreadsheet below, as follows:

Article 7D: Decrease by \$133,140 the amount appropriated from Solid Waste Receipts to Solid Waste Enterprise Fund – Other Expenses, Item #64; and further transfer \$200,000 from the Solid Waste Special Purpose Stabilization Fund to Solid Waste Receipts to offset the revenue shortfall.

		FY2016 Original Budget	FY2016 Proposed Changes Fall Town Meeting	FY2016 Proposed Revised Budget
SOLID WASTE ENTERPRISE FUND (2015ATM-ARTICLE 7D)				
Personal Services (Item #63)	\$	315,689		315,689
All Other Expenses (Item #64)	\$	1,961,554	(133,140)	1,828,414
Appropriated for Direct Costs	\$	2,277,243		2,144,103
Indirect Costs - Charged to Enterprise (Item #67)	\$	268,198		268,198
Fund from General Fund				
Total Cost – Solid Waste	\$	2,545,441		2,412,301
<i>Funding sources:</i>				
Solid Waste Receipts	\$	2,545,441	(333,140)	2,212,301
Solid Waste Special Purpose Stabilization Fund	\$	0	200,000	200,000
Total funding:	\$	2,545,441	(133,140)	2,412,301

The motion PASSED by more than two-thirds on a roll call vote with 110 in favor, 5 in opposition and 1 abstaining.

ARTICLE 3: There was no motion. Town Meeting took no action.

ARTICLE 4A: Mr. Moody moved that the town vote to appropriate \$25,000 to be used to fund an option to purchase property in North Plymouth for a replacement fire station, and that to meet this appropriation transfer from General Fund Free Cash the sum of \$25,000, said funds to be expended under the supervision of the Town Manager.

The motion PASSED on a roll call with 105 in favor, 10 in opposition, and 1 abstaining.

ARTICLE 4B: Mr. Moody moved that the town vote to appropriate \$40,000 for a study of the Police Department focusing on the key aspects that can influence a Police Officer's health and well-being, and correspondingly their attitudes toward their job, their colleagues, and the public at large, and that to meet this appropriation transfer from General Fund Free Cash the sum of \$40,000, said funds to be expended under the supervision of the Town Manager.

The motion PASSED with 100 in favor, 15 in opposition, and 1 abstaining.

ARTICLE 4C: Mr. Moody moved that the town vote to appropriate \$30,532 for repairing fire engines showing advanced stages of corrosion, and that to meet this appropriation

transfer from General Fund Free Cash the sum of \$30,532, said funds to be expended under the supervision of the Town Manager.

The motion PASSED unanimously.

ARTICLE 4D: Mr. Moody moved that the town vote to appropriate \$42,000 for a study of salaries and benefits of town and school employees for both internal equity as well as comparison externally to similar communities, and that to meet this appropriation transfer from General Fund Free Cash the sum of \$42,000, said funds to be expended under the supervision of the Town Manager.

The motion PASSED with 76 in favor, 40 in opposition, and 1 abstaining.

ARTICLE 4E: Mr. Moody moved that the town vote to appropriate \$5,300 for the purchase of a hot water pressure washer, and that to meet this appropriation transfer from General Fund Free Cash the sum of \$5,300, said funds to be expended under the supervision of the Town Manager.

The motion PASSED unanimously.

ARTICLE 4F: Mr. Moody moved that the town vote to appropriate \$14,000 for the purchase of a tire changer, and that to meet this appropriation transfer from General Fund Free Cash the sum of \$14,000, said funds to be expended under the supervision of the Town Manager.

The motion PASSED unanimously.

ARTICLE 4G:

Mr. Moody moved that the town vote to appropriate \$11,000 for the purchase of a tire balancer, and that to meet this appropriation transfer from General Fund Free Cash the sum of \$11,000, said funds to be expended under the supervision of the Town Manager.

The motion PASSED unanimously.

ARTICLE 4H: Mr. Moody moved that the town vote to appropriate \$6,000 for the purchase of a stick welder, and that to meet this appropriation transfer from General Fund Free Cash the sum of \$6,000, said funds to be expended under the supervision of the Town Manager.

The motion PASSED on a roll call with 113 in favor and 3 in opposition.

ARTICLE 4I:

Mr. Moody moved that \$256,000 is appropriated for Salt Shed Retrofit and Repairs, including the payment of all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$256,000 under G.L. c.44, §7 or any other enabling authority; and that the Board of Selectmen and any other town official are each authorized to take any other action necessary or convenient to carry out this vote.

The motion PASSED by more than two-thirds with 80 in favor, 34 in opposition, and 2 abstaining.

ARTICLE 4J: Mr. Moody moved that \$203,000 is appropriated for replacement of H33 (10 wheeler with wing), including the payment of all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$203,000 under G.L. c.44, §7 or any other enabling authority; and that the Board of Selectmen and any other town official are each authorized to take any other action necessary or convenient to carry out this vote.

The motion PASSED on a roll call with 111 in favor and 5 in opposition.

ARTICLE 4K: Mr. Moody moved that the town vote to appropriate \$100,000 for the purchase of a Comprehensive Emergency Operations Plan for the Town of Plymouth, and that to meet this appropriation transfer from General Fund Free Cash the sum of \$100,000, said funds to be expended under the supervision of the Town Manager.

The motion PASSED on a roll call with 99 in favor and 18 opposed.

ARTICLE 5: Mr. Moody moved that \$750,000 is appropriated for the Town Wharf Project, including the payment of all costs incidental or related thereto; that to meet this appropriation the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$750,000 under Chapter 44 of the General Laws or any other enabling authority; and that the Board of Selectmen and any other town official are each authorized to take any other action necessary or convenient to carry out this vote.

The motion PASSED on a roll call with 113 in favor and 1 in opposition.

ARTICLE 6: Withdrawn

The Moderator called a recess at 9:58 AM.

The Moderator returned the session to order at 10:13 AM.

ARTICLE 7: Mr. Moody moved that the vote adopted under Article 10 of the April 5, 2014 Annual Town Meeting be hereby amended by increasing the appropriation from the sum of \$30,000,000 to \$32,776,000 to pay costs of the design, demolition, preservation, rehabilitation, restoration, reconstruction, equipment and furnishings and new construction of a new Municipal Center (Town Hall), including Town administrative offices, on town owned property located on Assessor's Map 19 as Lots 1,2,6 and 7, said amount to include funding the design and reconstruction of the parking areas surrounding that site, the services of a Project Manager to oversee the project, and all costs incidental or related thereto, and that to meet this appropriation, the Treasurer with the approval of the Selectmen, is authorized to borrow said amount under and pursuant to Chapter 44, Section 7(3) and Section 7(3A) of the General Laws, or pursuant to any other enabling authority, and to issue bond or notes of the Town therefor; and that the Board of Selectmen and any other town official are each authorized to take any other action necessary or convenient to carry out this vote.

Without dissent, Town Meeting allowed the presentation to exceed fifteen minutes.

Mr. Michael Leary moved to amend by lowering the increase by \$255,000.

Mr. Howe moved the previous question concerning Mr. Leary's motion to amend. On Mr. Howe's motion, the motion PASSED.

On Mr. Leary's motion to amend, the motion FAILED.

Mr. Howe moved the previous question on the main motion. The motion PASSED.

On the main motion, the motion PASSED by more than two thirds with 96 in favor and 20 in opposition.

ARTICLE 8:

Mr. Moody moved that the vote adopted under Article 4A of the October 2012 Fall Annual Town Meeting be hereby amended by increasing the appropriation from the sum of \$325,000 to \$445,416 to pay for the construction of airport runway improvements, and that to meet this appropriation transfer \$208.11 from Phase IV Permitting, \$8,945.92 from Phase II Environmental Assessment, and \$111,261.97 from Airport Retained Earnings, said funds to be expended under the supervision of the Town Manager.

The motion PASSED unanimously.

ARTICLE 9: Mr. Moody moved that the Town vote to appropriate the premium of \$1,448,510.66 paid to the Town upon the sale of bonds issued for Plymouth North High School and Plymouth South High School, which are the subject of a Proposition 2 ½ debt exclusion, to pay costs of the Plymouth South High School project being financed by such bonds and to reduce the amount authorized to be borrowed for such project, but not yet issued by the Town, by the same amount.

The motion PASSED unanimously.

ARTICLE 10: Withdrawn

ARTICLE 11: Mr. Moody moved that the Town vote to authorize the Board of Selectmen to enter into an agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to G.L. c. 59, §38H(b), and G. L. c. 164, §1, or any other enabling authority, in the amount of \$13,000 per megawatt, which amount shall escalate at a rate of 2.5 percent each year, for a term of up to twenty years for both real property and/or personal property attributable to a solar photovoltaic facility located on privately owned land in Plymouth (Assessor's Map 56, Lot 57A), having a proposed capacity of approximately 1 megawatt, a copy of which will be file with the Plymouth Town Clerk once it is executed.

The motion PASSED.

ARTICLE 12: Mr. Moody moved that the Town vote to authorize the Board of Selectmen to enter into an agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to G.L. c. 59, §38H(b), and G. L. c. 164, §1, or any other enabling authority, in the amount of \$13,000 per megawatt, which amount shall escalate at a rate of 2.5 percent each year, for a term of up to twenty years for both real property and/or personal property attributable to a solar photovoltaic facility located on privately owned land in Plymouth (Assessor's Map 56, Lot 59A – to be known as Lot 59-2), having a proposed capacity of approximately 1 megawatt, a copy of which will be on file with the Plymouth Town Clerk once it is executed.

The motion PASSED.

ARTICLE 13: Withdrawn

ARTICLE 14: Withdrawn

ARTICLE 15: Mr. Moody moved that the Town vote to transfer the care, custody and control of Lot 106-000-001-310 and Lot 106-000-006A-000, off Pimental Way, and Lot 045-000-036B-008, off Bulrush Lane, from the Town Treasurer to the Conservation Commission for the purpose of conservation and maintaining protected open space.

The motion PASSED unanimously.

ARTICLE 16A: Mr. Moody moved that \$3,420,477 is appropriated for historic preservation, restoration, and rehabilitation of the Simes House, located at 29 Manomet Point Road, Plymouth, MA, the creation of two affordable housing units at the Simes House which until shall be eligible for inclusion on the Town's subsidized housing inventory, creation or preservation of open space for passive recreational use as a village green, public park, or common at the Simes House, including all costs related to the planning and design of such projects and all other costs incidental and related thereto; that to meet this appropriation \$508,247 be transferred from the CPA Historic Reserve Fund, \$349,230 be transferred from the Fiscal 2016 CPA Budgeted reserve, and further the Treasurer with the approval of the Board of Selectmen is authorized to borrow \$2,563,000 under Chapters 44 and/or 44B of the General Laws or any other enabling authority; that the Board of Selectmen to petition the state for special legislation that will exempt the Simes House, 29 Manomet Point Road, from MGL, Chapter 149, as follows:

AN ACT RELATIVE TO THE LEASE OF THE SIMES HOUSE IN THE TOWN OF PLYMOUTH FOR ITS HISTORIC PRESERVATION, RESTORATION AND REHABILITATION

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

SECTION 1. Notwithstanding the provisions of any general or special law to the contrary, the Town of Plymouth, acting by and through its Board of Selectmen, is hereby authorized to enter into a long-term ground lease of a property owned by the town known as the Simes House, located at 29 Manomet Point Road, Plymouth, provided however, that said lease shall be subject to the provisions of section sixteen of chapter 30B of the general laws. Said lease may provide that the lessee shall be responsible for the design, development, construction and maintenance of improvements to the site as outlined in the lease agreement.

SECTION 2. The design and historic preservation, restoration and rehabilitation of the Simes House on this site shall be exempt from the provisions of chapter 149 of the general laws.

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

and further to authorize the Board of Selectmen to enter into a lease agreement of said property, and that the Board of Selectmen and any other town official are each authorized to take any other action necessary or convenient to carry out this vote.

Town Meeting did not object to an extension of the presentation beyond fifteen minutes.

Mr. Howe moved the previous question. The motion FAILED.

The Moderator called a recess at 12:10 PM.

The Moderator returned the meeting to order at 1:10 PM.

Mr. Joseph Curley moved to amend by reducing the appropriation for historic preservation from \$3,420,477 to \$1,500,000 and by reducing the amount to borrow from \$2,563,000 to \$642,523.

Mr. Howe the previous question on Mr. Curley's motion to amend. Mr. Howe's motion PASSED.

On Mr. Curley's motion to amend, the motion FAILED.

Mr. Howe moved the previous question on the main motion. The motion PASSED.

On the main motion, on a roll call, the motion FAILED to reach two-thirds with 70 in favor, 44 in opposition, and 3 abstaining. [See reconsideration below.]

ARTICLE 16B: Mr. Moody moved that the Town vote to authorize the Board of Selectmen to acquire by purchase for open space and recreational use purposes pursuant to the Community Preservation Program and to accept the deed to the Town of Plymouth of 43.6 acres of land, more or less, located off Little Herring Pond Road, Plymouth, shown as Lot 10P-1022B and Lot 1022A on the Assessors Map 122, and further that said land shall be held under the care, custody and control of the Conservation Commission, and authorize Board of Selectmen to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to transfer the sum of \$283,598 from CPA Open Space Reserve and \$116,402 from Fiscal 2016 CPA Budgeted Reserves, contingent upon the receipt of a gift or gifts totaling \$125,000 for the acquisition of the property; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c. 44B, §12 and G.L. c. 184, §31-33.

The motion PASSED on a roll call with 110 in favor, 3 in opposition, and 1 abstaining.

ARTICLE 17: Mr. Serkey moved that the Town vote to adopt a General Bylaw, Section 173-3 "Town Meeting Charter Conflict of Interest Procedure", establishing a means for a Town Meeting Member to challenge another Town Meeting Member on the basis of a Conflict of Interest violation,

Section 173-13. Town Meeting Charter Conflict of Interest Procedure

- A. Notice of Conflict of Interest. Pursuant to Chapter 2, Section 2-10-1 of the Town Charter, the written notice to the Town Clerk of articles or budget line items on which a Town Meeting Member ("Member") is prohibited from voting by Charter Section 2-10-1 or by Section 2-10-2, due to an interest identified therein, shall be made no later than 21 days prior to the first session of the town meeting the warrant for which contains the relevant article or line item, or, forthwith in advance of said meeting upon the Member's first discovery of the interest giving rise to the prohibition, if the date of discovery of such a prohibited interest is later than 21 days in advance of the meeting.
- B. Publication of Notice of Conflict of Interest. The Town Clerk shall maintain a list of every Notice of Conflict of Interest received pursuant to Section A above. Said List will be made available at every session of town meeting. Said List to be published in the official minutes of town meeting.

C. Challenge. In a case where no Notice of Conflict of Interest has been filed in advance of a meeting and where it appears to a Member that Charter Section 2-10-1 and/or 2-10-2 prohibits voting by another Member on a particular article or line item, the following procedure shall apply:

1. No later than 5 days in advance of the meeting, a member may file a challenge in writing with the Town Clerk prior to the session where the article or line item is scheduled to be voted, stating that a particular Member is prohibited by Charter Section 2-10-1 and/or Section 2-10-2 from voting on a particular article or line item. The Town Clerk shall forward forthwith a copy of the challenge to the subject of the challenge.
2. The Town Clerk shall keep every Challenge received pursuant to Section C1 above. Said List shall be made available at every session of town meeting.
3. There shall be no debate upon said challenge or the response of the Member to whom it is directed and deliberation and voting on the article or the line item shall thereafter proceed in the normal fashion.

Mr. Howe moved the previous question. The motion PASSED.

On the main motion, the motion FAILED.

ARTICLE 16A-RECONSIDERATION: Janet Young moved to reconsider Article 16A. The motion on a roll call PASSED with 68 in favor and 46 in opposition.

Mr. Parker moved to amend by lower the total appropriation from \$3,420,477 to \$2,500,000 and borrowing from \$2,563,000 to \$1,642,523.

Mr. Howe moved the previous question on Mr. Parker's motion to amend. Mr. Howe's motion PASSED.

On Mr. Parker's motion to amend, the motion on a roll call PASSED with 82 in favor and 33 in opposition.

Mr. Howe moved the previous question on the main motion. The motion PASSED.

On the main motion, the motion PASSED with 82 in favor and 33 in opposition.

ARTICLE 18:

Mr. Tavares moved that the town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation, pursuant to G.L. c.43B, §10, to amend the Town Charter, Chapter 2 – Conflict of Interest, by deleting in its entirety Section 10-1, 10-2, and 10-3,

Chapter 2: ~~Section 10 Conflict of Interest~~

~~2-10-1 Notwithstanding any general or special law to the contrary, any representative town meeting member who also holds a position of employment by the town shall be prohibited from voting on any town meeting article in which such employee, or such employee's department, has a financial interest. Such representative town meeting member shall notify the Town Clerk, in writing, prior to the representative town meeting session or during such session at such time as such member becomes so aware, as to any articles giving rise to such financial interest. This section shall apply to the annual budget article, or any later amendment thereto, as follows: The representative town meeting member is prohibited from voting on the budget line item for his or her department or agency, but shall not be prohibited from voting on any other line item, or from voting on the overall budget appropriation.~~

~~2-10-2 Notwithstanding any general or special law to the contrary, no representative town meeting member shall vote on any town meeting article in which an immediate family member, or any business or organization in which the representative town meeting member serves as an officer, director, partner, or employee, or has a financial interest. For purposes of this section, "immediate family member" shall be defined as the representative town meeting member, his or her spouse and each of their parents, children, brothers, and sisters. Any such representative town meeting member shall notify the Town Clerk, in writing prior to the representative town meeting session, as to any articles giving rise to such financial interest.~~

~~2-10-3 For the purposes of Section 10 of Chapter 2 of this Charter, the "financial interest" of a representative town meeting member shall be determined pursuant to the interpretation of the term "financial interest" by the State Ethics Commission and applicable reported appellate court decisions, which are hereby incorporated by reference. The "financial interest" of a department shall be defined as any particular warrant article and related motions or votes which specifically refer to said department.~~

Mr. Abbott was granted one additional minute to speak.
Mr. Hanlon was granted one additional minute to speak.

The Moderator called a 30 second recess at 3:13 PM. The meeting returned to order 30 seconds later.

Mr. Main moved the previous question. On a roll call, the motion PASSED by more than two-thirds with 72 in favor and 25 in opposition.

On the main motion on a roll call the motion FAILED with 37 in favor, 73 in opposition, and 1 abstaining.

ARTICLE 19: Mr. Moody moved that the town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation, pursuant to G.L. c.43B, §10, to amend the Town Charter, Chapter 3, Section 6 regarding the Director of the Department of Public Works, 3-6-1 The Director of the Department of Public Works shall be appointed by the Town Manager. ~~and shall be a civil engineer or any other combination of experience and education including a Masters Degree in a related field.~~ The Director of the Department of Public Works shall be qualified by education and experience *including a Master's Degree in a related field* for the duties of the office.

The motion PASSED.

ARTICLE 20:

Mr. Moody moved that the town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation, pursuant to G.L. c.43B, §10, to amend the Town Charter, Chapter 2, Section 4-6 regarding roll call voting, Chapter 2-4-6 ~~Except in the case of a unanimous voice vote as declared by the Moderator, a~~. A roll call vote shall be required for all final main motions *on every warrant article and on any matters* with respect to the following subject matters: adoption or amendment of zoning by-laws; adoption or amendment of general by-laws; and fiscal matters which are defined as any appropriation, borrowing, fund transfer, or the creation of or re-authorization of such enterprise or revolving funds as may be authorized by state law, provided, however, that in the event of a vote which the Moderator determines to be near unanimous, the Moderator may elect to take a roll call of only those voting in the minority.

The motion PASSED.

[See Failed Reconsideration.]

ARTICLE 21: Mr. Moody moved that the town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation, pursuant to G.L. c.43B, §10, to amend the Town Charter, Chapter 3, by deleting in its entirety Section 11 regarding the Development and Industrial Commission, ~~Section 11 Development and Industrial Commission 3-11-1 The Town Manager shall appoint a Development and Industrial Commission of nine (9) members for five year (5) overlapping terms. 3-11-2 The Commission shall exercise such powers and duties as prescribed by general law, this Charter, and town by-laws. Section 12 Zoning Board of Appeals~~

The motion PASSED.

ARTICLE 22: Mr. Moody moved that the town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation, pursuant to G.L. c.43B, §10, to amend the Town Charter, Chapter 5-1-1, by changing the regular election from the second to the third Saturday of May each year, The regular election for all town offices shall be by official ballot held on the ~~second~~ **third** Saturday of May of each year.

The motion PASSED.

ARTICLE 23: Withdrawn

ARTICLE 24: Douglas O’Roak, moved that the town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation, pursuant to G.L. c.43B, §10, to amend the Town Charter, Chapter 3-12-1 regarding the Zoning Board of Appeals, by deleting the existing section and adding a new Chapter, as provided on pages 3-4 of Supplement 1 to the Report and Recommendations of the Advisory & Finance Committee, as follows:

Section 3-12-1 Zoning Board of Appeals

(a) Composition, Term of Office. There shall be a zoning board of appeals composed of five members elected for terms of 5 years each with their terms consisting of 5 overlapping terms, such that two terms expire in 2 calendar years and one term expires in one calendar year. There may be 3 associate members of the zoning board of appeals appointed jointly by the

Board of Selectmen and Zoning Board of Appeals. The terms for the three associate members shall be for 3 year overlapping terms, such that one term expires each year.

(b) Powers and Duties.

The Board of Appeals shall have and exercise all the powers granted to it by G.L. c. 40A, 40B, 41, and by this chapter. The Boards powers are as follows:

(1) To hear and decide applications for special permits. Unless otherwise specified in the Zoning Bylaw, the Board of Appeals shall serve as the special permit granting authority, to act in all matters in accordance with the provisions of G.L. c. 40A, Section 9 and the Zoning Bylaw.

(2) To hear and decide appeals or petitions for variances from the terms of the Zoning Bylaw, with respect to particular land and structures, to act in all matters in accordance with the provisions of G.L. c. 40A, Section 10 and the Zoning Bylaw. The Board of Appeals shall not grant use variances.

(3) To hear and decide appeals taken by any person aggrieved by reason of his or her inability to obtain a permit or enforcement action from any administrative officer under the provisions of G.L. c. 40A, Section 8 and 15.

(4) To hear and decide comprehensive permits for construction of low or moderate income housing by a public agency or limited dividend or nonprofit corporation, as set forth in G.L. c. 40B, Sections 20 to 23.

(c) Existing appointed members of the Zoning Board of Appeals as of the date of enactment of this section may serve out their term. Following the expiration of the terms of the existing appointed members, members of the Zoning Board of Appeals shall be elected.

In order to implement section (a) above, the Town Clerk shall be authorized to place on subsequent annual election ballots such full and partial terms as required to result in overlapping terms, with all subsequent terms for each position to be for 5 years. In the event that an appointed member shall vacate his or her office prior to the end of the appointed term, such vacancy shall be filled by the Board of Selectmen and Zoning Board of Appeals in accordance with G.L. c.41, Section 11.

Russel Appleyard moved to amend Article 24 by changing the terms from 5 year terms to 3 year terms, such that two terms expire in 2 calendar years and one term expires in one calendar year.

Mr. Howe moved the previous question on the motion to amend. The motion PASSED by more than two-thirds.

On Mr. Appleyard's motion to amend, the motion FAILED.

Mr. Howe moved the question on the main motion. The motion PASSED by more than two-thirds.

On the main motion, the motion FAILED.

ARTICLE 20: Mr. Babini moved to reconsider Article 20. The motion FAILED.

ARTICLE 25: Mr. Moody moved that the town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation, pursuant to G.L. c.43B, §10, to amend the Town Charter, Chapter 4-2-1 - Simultaneous Elected Offices, No representative town meeting member or elected town official representing the entire town shall hold simultaneously any other elected town office other than member of a charter commission. Any person who holds multiple offices in violation of this section shall

promptly inform the town clerk as to which office that person will vacate. Election to any county, state or federal office other than county charter commission shall be an event disqualifying an elected town official, including, but not limited to, representative town meeting member, from continuing in an elected town *office beginning the day s/he is sworn in to the county, state, or federal office.*

The motion PASSED.

ARTICLE 26:

Mr. Moody moved that the town vote to authorize the Board of Selectmen to petition the General Court of the Commonwealth to enact legislation, pursuant to G.L. c.43B, §10, to amend the Town Charter, Chapter 5-3-1 - Time of Taking Office, Section 3 **Time of Taking Office**

5-3-1 Any person duly elected to any office or board shall take up the duties of the office Immediately upon certification, provided that such person shall first have been sworn to the faithful performance of the duties of that office by the Town Clerk *within 30 days from Date of Election.*

The motion FAILED.

ARTICLE 27: Withdrawn

ARTICLE 28: Withdrawn

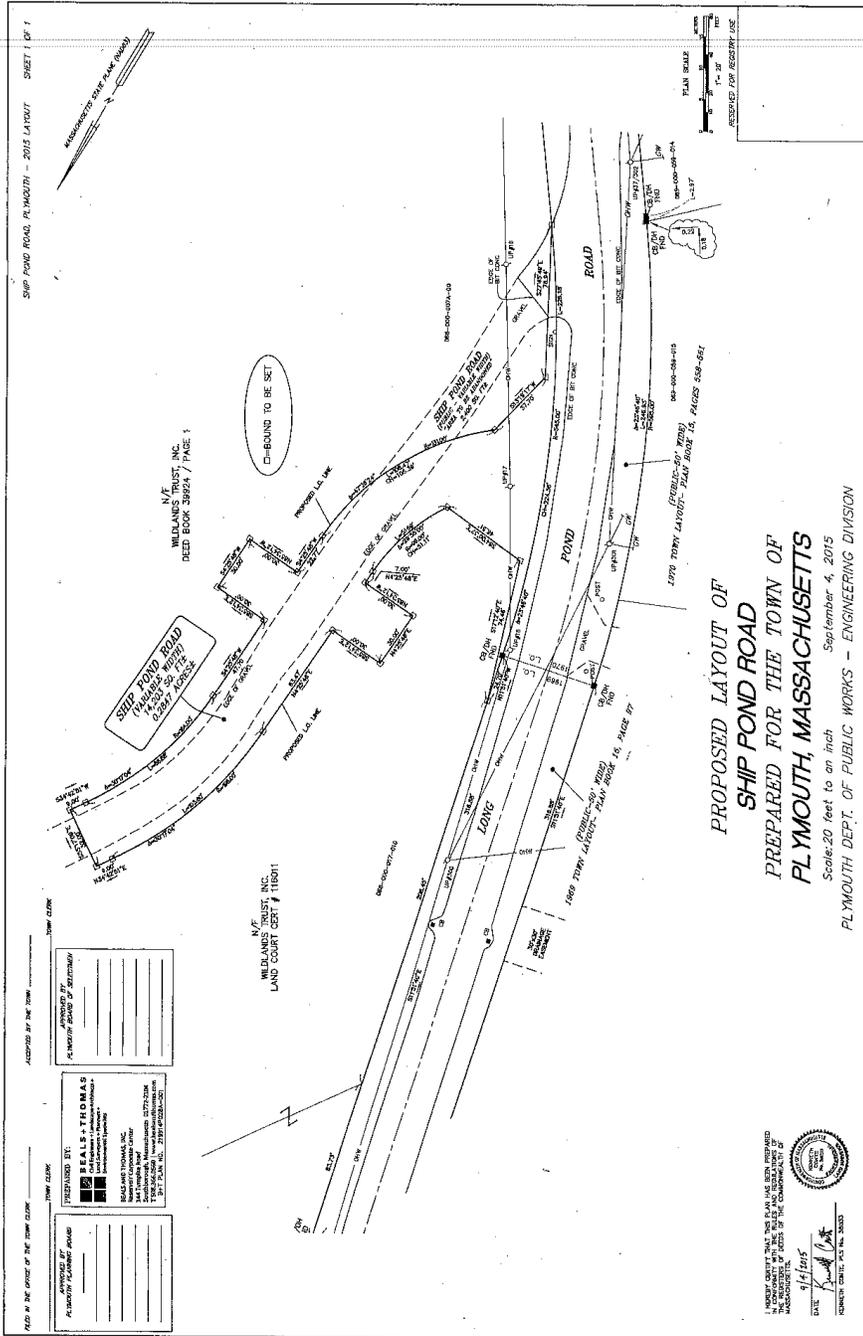
ARTICLE 29: Mr. Moody moved that the Town vote to accept the provisions of G.L. c.31, § 58A regarding Civil Service Notwithstanding the provisions of any general or special law to the contrary, in any city, town or district that accepts this section, no person shall be eligible to have his name certified for original appointment to the position of firefighter or police officer if such person has reached his thirty-second birthday on the date of the entrance examination. Any veteran shall be allowed to exceed the maximum age provision of this section by the number of years served on active military duty, but in no case shall said candidate for appointment be credited more than four years of active military duty.

On a roll call vote, the motion PASSED with 74 in favor, 32 in opposition, and 2 abstaining.

ARTICLE 30: Mr. Moody moved that the Town vote to petition for special legislation to rescind, as of 2026, Chapter 94 of the Acts of 2001 of the Mass General Laws, “An Act Authorizing the Town of Plymouth To Lease Certain Land.”

The motion PASSED.

ARTICLE 31: Mr. Moody moved that the Town vote to accept the layout as a public way a portion of Ship Pond Road,



The motion PASSED by more than two-thirds.

ARTICLE 32: Withdrawn

ARTICLE 33: Withdrawn

ARTICLE 34: Withdrawn

ARTICLE 35: Mr. Moody moved that the Town vote to authorize the Board of Selectmen to acquire a perpetual non-exclusive easement from the Commonwealth of Massachusetts, Department of Conservation and Recreation for an area of land along Water Street, as shown in plans provided on pages 201-205 of the Report and Recommendations of the Advisory & Finance Committee.

The motion PASSED.

ARTICLE 36: There was no motion. Town Meeting took no action.

Mr. Moody moved to dissolve this Fall Annual Town Meeting. The motion PASSED at 3:57 PM.