
➤ **Article 1: Personnel Bylaw**

8/24/16

Derek Brindisi, Assistant Town Manager, presented Article 1 which asks Town Meeting to amend the Personnel Bylaw in regards to the Executive Group (Department Heads). This change would allow that group to buy-back 5 days of earned time each fiscal year while reducing the number of earned days each employee is allowed to accrue from 45 days to 40 days. This would allow them to receive payment for a week instead of using a week of vacation and help minimize the number of days a department head will be absent from work each year. The amendment also includes a longevity stipend of \$2,000 for those in the Executive Group with 25 years or more of service to the town. The longevity table currently maxes out at \$1,000 at 15 years or more of service. The cost for these new options is \$25,000 per year. Savings will be realized over time because they will be paid five days at their current salary rather than at a higher rate later when they retire.

Questions:

- How many are in the Executive Group of Department Heads? (S Stephenson) 10. Only three of which have 45 days of earned time accrued right now.
- How is the time accrued? (S Stephenson) It is accrued weekly.
- By reducing the maximum from 45 days to 40, what will make them choose the buy back instead of using those days for vacation? Has the value of wage vs. the value of leisure time been looked at? (K Canty) This is voluntary, they may choose to take the payment or take the days off, it is up to them. Many municipalities offer this and typically the employees choose to take the payment rather than the additional time off. As far as the value of wage versus leisure time, we have not done an analysis of that. Many of our other employees who work evening meetings choose to receive comp time rather than overtime pay.
- 45 days is not accrued in single year but rather a carry over limit, correct? 45 days is 9 weeks, is it common to allow this in municipalities? (J Moody) Correct, 45 days is the maximum limit to carry at any time and we are lowering that limit to 40 days. Some municipalities offer similar maximums. Worcester had a requirement that all time be used by June 30th otherwise it would pay employees out for the unused vacation time. Then on July 1st each employee would receive 6 more weeks to use by the following June 30th.
- Has the town looked into decreasing the maximum to 25 or 30 days instead? Private businesses made that practice go away 10 years ago, when are municipalities going to catch up? (J Moody) No, the town has not looked into decreasing to those amounts mentioned. Other unions do have that more typical limit. The town is trying to limit its long term liabilities and this is start.

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

Discussion/Comments:

- Plymouth residents are going to be shocked by this, most residents typically max their vacation out at 2 weeks, this is too lucrative and I can not support this. (S Stephenson)
- I was unaware of this limit. I work for the state and receive 6 weeks vacation, unlimited sick days and 5 personal days. The math does not make sense. (K Canty)
- You have to remember the 45 days is for everything: vacation, sick and personal combined into one bucket. As a former employee, I lost weeks of time that I was unable to use and unable to buy back. This is not a high paying community so these benefits help with retention and recruiting. (P O'Brien)
- This has been an interesting revelation. The private sector can carry over 2 months and use it or lose it. The executive level of this town is not living in the same world as the taxpayers. (H Helm)

The motion carries (5-4-0). Scott Stephenson, Kevin Canty, Peter Mador, & Harry Helm, opposed.

➤ **Article 2A: Operating Budget Amendments**

9/7/16

Lynne Barrett, Director of Finance, presented Article 2A. This article appears at every Fall Town Meeting and makes adjustments to the General Fund budget voted at the Spring Annual Town Meeting. The

following adjustments are necessary:

Article 2A - General Fund Budget Amendment:	Town Meeting Budget Line	FATM Adjustments Needed
Medicare Part B Penalty	Member Benefits	(7,000)
Medicare Part B Premium	Member Benefits	82,000
Workers Comp	Member Benefits	242,000
Deferred Comp	Member Benefits	15,000
Employer Medicare	Member Benefits	(55,000)
Life Insurance	Member Benefits	(35,000)
Managed Blue	Member Benefits	437,500
	Member Benefits - Line 46	679,500
Veterans Benefits	Veterans Expenses - Line 14	(150,000)
All Town Insurance	All Town Insurance - Line 52	(167,000)
Moderator's Expense	Finance Exps - Line 10	4,500
Fuel & Utilities	Fuel & Utilities - Line 39	(75,000)
Legal Expense	Town Manager Exps - Line 2	150,000
Short-Term Interest	Non-Enterprise Debt - Line 53	(194,800)
	General Fund Total	247,200

Explanations for increases and (decreases) are as follows:

Member Benefits:

- Medicare Part B Penalty – Enrollment numbers are down even though penalty amounts have increased due to increased federal Medicare premium amounts.
- Medicare Part B Premium – Even though the town’s Medicare Reimbursement rate has decreased over the previous year the amount of eligible retirees increased over the amount that we had budgeted for. There were 20 more on the town side and 98 more on the school side.
- Workers Comp – the increase in premium is due to updated audited payrolls being used for the Fiscal 2017 year and an estimated increase that will be due when they complete the audit for Fiscal 2016.
- Deferred Comp – increase is based on current participants estimated out for the year. The new FIRE contract included a match that they did not have before.
- Employer Medicare – anticipating not needing as much as we had budgeted based on estimated payrolls and settled contracts.
- Life Insurance – budget was based on an increased life insurance benefit that has not gone into effect yet because all groups are not settled yet.
- Managed Blue – Increase due to the rise in number of retirees turning age 65; same as the reason above for the Medicare Part B premium.

Veterans Benefits - The number of veteran’s claims has decreased over the last two years; currently they are trending at spending approximately \$630,000 in FY17 based on current claims. This decrease will leave them with \$650,000 which the Veterans Agent is comfortable with.

All Town Insurance – we insure our property / casualty and workers comp with MIIA. Due to the large increase in our Workers Comp premium they “smoothed” out the overall increase in our total insurance products by not increasing the property / casualty by as much as we had anticipated.

Moderators Expense – the cost of the services we require at Plymouth’s town meetings merited an increase with the electronic voting vendor.

Fuel & Utilities – the trend in this line item has decreased over the last two years in addition to our 3rd contract for Solar coming online at the end of fiscal 2016.

Legal Expenses – the cost of pursuing the sewer litigation is reflected in this number.

Short-Term Interest – decrease is due to a combination of interest rates and a decrease in the overall amount that we ended up borrowing.

Also, as part of Article 2A, General Fund Budget amendment, the motion for funding the overall total needs to be modified to include the funding sources for the T-Wharf short term interest from Municipal Waterways, Town Hall short term interest from the Meals Tax Fund, and Plymouth South High School

short term interest from Premium for Debt Exclusion; as shown in the following table:

Article 7A from Annual Town Meeting		April ATM Totals	FATM 10/15/2016 Art 2A	FATM Grand Totals
Total General Fund Operating Budget	(Item #1-54) \$	197,522,205	247,200.00	197,769,405.00
Title V - Betterment Program	\$	173,458		173,458.00
State Boat Ramp Revolving Fund	\$	10,360		10,360.00
Recreation Revolving Fund	\$	45,953		45,953.00
Memorial Hall Revolving Fund	\$	10,083		10,083.00
Plymouth Beach Revolving Fund	\$	9,866		9,866.00
Fire Safety & Prevention Revolving Fund	\$	7,731		7,731.00
Fire Alarm Master Box Services Revolving Fund	\$	9,856		9,856.00
Cemetery Perpetual Care	\$	23,863		23,863.00
Municipal Waterways	\$	130,000	23,464.00	153,464.00
Meals Tax Fund	\$	270,000	105,411.00	375,411.00
Premium for Debt Exclusion	\$	198,648	225,857.38	424,505.38
General Fund Free Cash for OPEB Fund	\$	500,000		500,000.00
Less Total Transfers		\$ 1,389,818	354,732.38	1,744,550.38
To be raised by the 2017 Tax Levy (General Fund revenues & other sources)		\$ 196,132,387	(107,532.38)	196,024,854.62

Funding Sources:

The \$23,464 reflects the debt service specifically for the T Wharf Project so that will be paid from the Municipal Waterways Fund. Money was borrowed sooner than anticipated for the Town Hall Project so the \$105,411 will be paid from the Meals Tax Fund. We borrowed in May for the Plymouth South High School project so \$225,857.38 will be paid from the Premium for Debt Exclusion. That leaves a reduction of \$107,532.38 in the amount being funded by the FY2017 General Fund, bringing it from \$196,132,387 to \$196,024,854.62.

Questions:

- Is the \$150,000 increase to legal expenses just for the sewer lawsuit? (B Cavacco) Yes.
- Is the town still looking to recover those fees as part of the sewer lawsuit? (H Salerno) Yes.
- Regarding the use of the Meals Tax, is the project more expensive or is it just moving at a faster rate than anticipated? (E Kusmin) It is moving at a faster rate so the cash flow statement that we receive from the Owners Project Manager has been update with all of the contractors and sub-contractors. We originally anticipated borrowing \$15 million in FY2017 and we ended up borrowing \$20 million.
- Regarding the Medicare Part B Premium budget increase, do we anticipate the same happening next year? (C Merrill) It is difficult to estimate both the number of retirees each year as well as the number of new employees coming on every year. Employees do not always provide generous notice for their retirements. We run reports showing ages of those nearing retirement age but still have no idea if they actually plan to retire any time soon.
- Regarding the Managed Blue increase, more opted in to the option than planned? (H Helm) Yes, at age 65 retirees sign up for Medicare A & B and then are given two supplemental plans options: Medex (a more expensive PPO type plan) or Managed Blue (a less expensive premium based plan). More are choosing the Managed Blue than we had anticipated. We left the other side of this equation, Member Benefits, alone because the net was only \$37,000 and on a \$32 million dollar budget, we left it there.
- What is the total Managed Blue budget? (J Moody) the FY2017 total is increasing to \$1.5 million.
- Will we see a significant Managed Blue premium increase in the future? (J Moody) No because history has shown that premiums decrease with increased enrollment.
- The Health Insurance Trust Fund is \$32 million, \$1.5 million would be a small portion of that total. (J Moody) With this product, we can not self insure so we would have to look at other products.

Kevin Canty made a motion to recommend Article 2A to Town Meeting. Patrick O'Brien, second. The motion carries unanimously (12-0-0).

➤ **Article 2B: Enterprise Budget Amendments**

9/7/16

Lynne Barrett, Director of Finance, presented Article 2B. This article appears at every Fall Town Meeting and makes adjustments to the Enterprise budgets voted at the Spring Annual Town Meeting. The following adjustments are necessary:

ARTICLE 7B: WATER ENTERPRISE FUND		April ATM Totals	FATM 10/15/2016	FATM Grand Totals
Personal Services	(Item #62)	\$ 1,123,375		1,123,375.00
All Other Expenses	(Item #63)	\$ 1,246,458		1,246,458.00
Debt Service	(Item #64)	\$ 1,139,917	(93,906.00)	1,046,011.00
Appropriated for Direct Costs		\$ 3,509,750	(93,906.00)	3,415,844.00
Indirect Costs - Charged to Enterprise Fund from General Fund	(Item #65)	\$ 1,293,076		1,293,076.00
Total Cost – Water		\$ 4,802,826	(93,906.00)	4,708,920.00
ARTICLE 7C: SEWER ENTERPRISE FUND		April ATM Totals	FATM 10/15/2016	FATM Grand Totals
Personal Services	(Item #58)	\$ 346,165		346,165
All Other Expenses	(Item #59)	\$ 2,024,311		2,024,311
Debt Service	(Item #60)	\$ 2,128,923	(8,982)	2,119,941
Appropriated for Direct Costs		\$ 4,499,399	(8,982)	4,490,417
Indirect Costs - Charged to Enterprise Fund from General Fund	(Item #61)	\$ 293,124		293,124
Total Cost – Sewer		\$ 4,792,523	(8,982)	4,783,541
ARTICLE 7E: AIRPORT ENTERPRISE FUND		April ATM Totals	FATM 10/15/2016	FATM Grand Totals
Personal Services	(Item #55)	\$ 509,431		509,431
All Other Expenses	(Item #56)	\$ 2,099,215	(3,114)	2,096,101
Appropriated for Direct Costs		\$ 2,608,646	(3,114)	2,605,532
Indirect Costs - Charged to Enterprise Fund from General Fund	(Item #57)	\$ 194,979		194,979
Total Cost – Airport		\$ 2,803,625	(3,114)	2,800,511

There is a decrease to Debt Service to the Water, Sewer, and Airport Enterprise Funds because we are borrowing less. That is the only change to these three budgets.

Also, based on updated estimated enrollments and the costs associated with providing those services, the following updates to the Solid Waste Enterprise Fund are needed:

ARTICLE 7D: SOLID WASTE ENTERPRISE FUND		April ATM Totals	FATM 10/15/2016	FATM Grand Totals
Personal Services	(Item #66)	\$ 314,354	(20,000)	294,354
All Other Expenses	(Item #67)	\$ 1,890,770	38,500	1,929,270
Appropriated for Direct Costs		\$ 2,205,124	18,500	2,223,624
Indirect Costs - Charged to Enterprise Fund from General Fund	(Item #68)	\$ 294,914		294,914
Total Cost – Solid Waste		\$ 2,500,038	18,500	2,518,538

The Solid Waste Enterprise Fund Budget will also require amendment to the funding sources due to the rates set back in May by the Board of Selectmen. An \$111,000 transfer is required from the Special Purpose Stabilization Fund for Solid Waste and the Solid Waste Retained Earnings.

To review the timeline for the FY2017 Solid Waste budget, in October 2015 enrollments are estimated for curbside and transfer station, then rates are set in May, sign ups are mid May through June, July and into August, fines go out in August for those using the transfer station that have not signed up, also ABC calls curbside non-renewals to ask them to pay or the barrels will be picked up and service discontinued.

Transfer station enrollment was estimated to be 3,600 and we are currently at 3,300. A rate of \$196 was recommended by staff to the Selectmen and they voted \$168.

Curbside enrollment was estimated at 5,600. There is an adjustment to the ABC contract, an increase of

\$53,805, plus an increase in tipping fees of \$12,300 plus an increase to bags of \$2,369, which total \$58,500. Then there are decreases to overtime by \$20,000 and vehicle fuel of \$20,000, which total \$40,000. The net of increases and decreases total \$18,500.

Questions:

- What is the balance in the Special Purpose Stabilization Fund for Solid Waste? (J Moody) The current balance is \$102,147.94.
- This transfer will drain the entire reserve and the remaining approximately \$9,000 will come from Solid Waste Retained Earnings? (J Moody) Correct.
- The \$111,000 shortfall is due to the recommend rates not being approved by the Board of Selectmen? (J Moody) Correct.
- Why are we completely draining this stabilization fund? (H Helm) In 2013 this stabilization fund was created as the town converted to the Pay As You Throw program. At that time \$300,000 was transferred from Transfer Station operations for this conversion process. If this stabilization fund is not used to fund the shortfall, the options are to place the shortfall on the tax rate or cut the budget.
- What about next year, will the shortfall end up on our tax rate? (H Helm) Possibly, if the number of enrollees and the rate they pay do not cover the costs, there has to be changes made to the operations or to the services we provide there. We have been looking at options for the hard to manage program. The priority is that users fund the transfer station and that it not hit the tax rate.
- Staff gave the recommended rate to the Selectmen and then they reduced that rate. How can we change that? (L Barrett) That is a good question. The Selectmen are aware of the issue.
- How many municipalities have the same system as Plymouth? (C Merrill) Can't answer that because Solid Waste is handled differently in every town. Many towns offer curbside and then a transfer station only for items not accepted curbside. Not many towns offer both a curbside and a transfer station option for trash.
- It sounds like we are going to have to cut the cord on the transfer station at some point. (C Merrill)

Patrick O'Brien made a motion to recommend Article 2B to Town Meeting. Harry Helm, second.

Comments/Discussion:

We are going down a slippery slope where we are throwing money at a problem and this happens all the time. This is eventually going to end up on the tax rate if we do not solve the problem, which is unacceptable. (S Stephenson)

The motion carries (11-1-0). Scott Stephenson, opposed.

➤ **Article 4A: Capital – Fiber Loop** 9/15/16

Joe Young, IT Manager, presented Article 4A. \$100,000 is needed to run fiber to the new Plymouth South High School and to relocate the fiber from the current town hall to the new town hall. It will need to run simultaneously at both the new and old Town Hall to test everything before the move. The fiber has a 2 to 6 month back log which is why this request is being made now.

Questions:

- Would this be an acceptable use for the Cable Revolving Fund? (H Salerno) Those funds are primarily used to purchase equipment to make meeting rooms cable ready so meetings can be watched on tv.
- Why wasn't this included in the Town Hall project costs? (J Moody) Fiber has always been funded separately. Plymouth North High School, the Senior Center, and the Emergency Operation Center all had separate funding for fiber. We can talk to the Selectmen about incorporating fiber into the budget for future projects.

Harry Salerno made a motion to recommend Article 4A to Town Meeting. Patrick O'Brien, second. The motion carries unanimously (12-0-0).

➤ **Article 4B: Capital – Wastewater Facilities Assessment** 9/14/16

Jonathan Beder, DPW Director, presented Article 4B. \$200,000 will fund a study to evaluate the current conditions at the Wastewater Treatment Plant and the 5 municipal lift stations which include Holmes Point, Water Street, Hedge Road, Industrial Park, and Long Pond. These facilities are covered under the current operation and maintenance agreement with Veolia North America which expires on June 30, 2021. The condition assessment is critical as it will delineate any item needing to be addressed. Veolia is required to transition the plant and all the stations back over to the town in good working order and in compliance with all legal requirements, consistent with good industry practice. The proposed assessment will assist the town in determining the current condition and value of the infrastructure. The cost to perform this work is \$174,470 and is expected to take approximately 5 months to complete. The capital request is for \$200,000 should any more in-depth investigations be required.

Questions:

- This is for the study only? What is the scope? Did you receive bids already? (C Merrill) Yes, an assessment study of everything within the plant and stations. We looked at 2 companies and the bid we chose is in the meeting packet which outlines the entire scope involved.
- The bid mentions Gary & Chad, their titles should be included so we know who they are. It says report will be provided to the town. Who will it be provided to and will it be available electronically? (S Sheridan) I agree titles should be included. The report will go to me directly. It may need to go down the legal avenue so may not be shared publicly right away. We will have to wait and see.
- What if the equipment is not in the condition it should be? (H Helm) We will receive the assessment and can then have a discussion on Veolia about replacing or upgrading equipment, we will know the exact values and we can document a specific plan.
- We are essentially auditing the entity we are having a legal suite with? (M Lincoln) We will receive the assessment, provide them with the information and hold them to that line in our agreement.
- How often will this have to be done moving forward towards 2021? (C Merrill) I think this assessment will get us through the remainder of the contract.
- If Veolia is responsible for returning the plant to us and certifying that it is in a certain condition then why wouldn't they pay for this assessment? (J Moody) They have their own engineer and their own interpretation. Given the current situation, I urge the committee to support this article, it is sensitive in nature and this assessment is something we need to do.
- Has this company attested in court to similar issues in the past? (C Merrill) Yes, they are very reputable and have experience doing that.
- Has Veolia accepted this company to come into their space? (S Sheridan) Not yet but this happens at all of their plants. We will have that conversation once Town Meeting approves the funding.

Patrick O'Brien made a motion to recommend Article 4B to Town Meeting. Harry Helm, second.

Comment: We are essentially hiring our own expert witness. (M Lincoln)

The motion carries unanimously (14-0-0).

➤ **Article 4C: Capital – Parking Deck**

9/15/16

Melissa Arrighi, Town Manager, presented Article 4C. She introduced Martha Werenfels of DBWV Architects, John Burke of the Plymouth Growth & Development Corporation (PGDC), Desmond Egan from Park Plymouth, and Chris Pratt PGDC Treasurer. All will be helping with the presentation and answering questions. The town has been discussing the need for additional parking downtown for over 40 years. The Burial Hill lot on South Russell Street, which runs adjacent to the new town hall, was identified as a potential location for a parking deck. A feasibility study was conducted and option A is the preferred option which adds another level of parking to the Burial Hill lot.

The new town hall has 4 parking lots and 116-117 total spaces, 62-63 of those spaces are in the Burial Hill lot. Leveling that parking lot on to a deck and adding a full lot under it would increase the total spaces of that lot to 152 spaces, bringing the total number in all the lots from 117 up to 206 spaces. For comparison purposes the current town hall has 49 parking spaces.

The next step is the schematic design and construction documents which take about 6-8 months to

produce. It is hoped a change order can be added to the town hall construction to add the parking deck. That way there is no procurement process and construction can begin more quickly. The anticipated duration of the parking deck project is 12-18 months.

Costs were kept down by keeping the structures simple. The top deck is open and has two small pavilions, one on either end. A similar parking deck was recently built in Providence at The Foundry, it was built into a hill. The parking deck will be operated by Park Plymouth. There will not be any staff at the location but they will provide regular monitoring. The top level will be for town hall employee parking during town hall hours. The bottom will have gated access and will be pay to park, monthly passes will be available as well. There will be quite a few spaces on the street available for short term parking.

The total cost is just under \$4 million. PGDC is proposing to fund the entire project. They are covering the soft costs and placing 10% down up front. Then the town will take out a \$3 million bond and PGDC will make the payments. The reason the town is taking the bond is because the town can realize a better rate on the bond. PGDC estimates the net operating cost to be \$146,000 annually. They anticipate debt service in excess of that by \$50,000 annually for the first few years, which they can cover with the net positive from the rest of their parking system.

The Plymouth Development Corporation (PDC) was created by state legislation in 2002 as an economic development quasi-public agency. That corporation had issues with the Town and in 2007 the whole board resigned. Leighton Price (President), Alan Zanotti (Secretary), and Chris Pratt (Treasurer) stepped in and have been employees ever since. The Corporation was renamed the Plymouth Growth and Development Corporation (PGDC). They work in close partnership with the Town of Plymouth. They are community contributors and they have a Community Reinvestment Policy which the Selectmen endorsed. They take pride in their transparency and their community involvement. They donate to the two annual parades each year. Any other donations they make are endorsed by the Selectmen. PGDC sponsors the graffiti program through the town's Community Development Office. Park Plymouth is the enforcement and operations part of PGDC. PGDC's annual operating cost is \$750,000. They reimburse the town for R&B services, the salary and benefit costs of one parking enforcement officer still employed by the town, and reimburse the town for a large number of tickets issue by the police for tickets issued outside the development zone. They pay monies toward the Commission on Disabilities twice a year. They are transparent and have the books done on monthly basis by an independent accountant, and annually by an independent auditor. They presently have \$2.5 million in the bank.

Plymouth's "Development Zone" is short 650 parking spaces. This parking deck is only phase I with more parking projects to follow. They hope to receive support from the Advisory & Finance Committee and from Town Meeting.

Questions:

- How will the 30 year bond with a 20 year contract work? (B Cavacco) If for some reason the town makes PGDC go away, the town would incur the balance.
- Who will own the parking garage? (H Salerno) The town would own it but have a long term lease with PGDC to manage.
- How confident are you in the accuracy of the estimates? (H Salerno) There was a very conservative approach to the estimates and we gathered a lot of historical utilization data for that particular parking lot and the area. We used average utilization of 30 to 40% which again is conservative and the number will surely increase with time.
- Employees will be able to park for free? (H Salerno) Yes during office hours.
- How will the gates lift? (K Canty) There will be ticket spitters which raise the gates. Parkers will pay at an automated kiosk.
- Will volunteers have to pay to attend evening meetings? (S Sheridan) No, those coming to conduct business at Town Hall will not have to pay.
- Were solar panels considered? (S Sheridan) No, out of respect for Burial Hill and the historical area,

solar panels were not considered.

- Who will maintain the parking garage as far as snow removal? (B Cavacco) We have not worked out all that detail yet.
- Is there concern with monthly pass holders filling all the spaces? (H Salerno) That is a concern and that will be an evolving process to manage.

Patrick O'Brien made a motion to recommend Article 4C to Town Meeting. Harry Salerno, second.

Discussion: This project is crying out to be done. The town desperately needs more parking. This parking deck looks like it fits right in to the area. Management plans and issues will be resolved. I recommend support of this article. (H Salerno)

The motion carries unanimously (12-0-0).

➤ **Article 4D: Capital – Pumping Engine** 9/15/16

Ed Bradley, Fire Chief, presented Article 4D. The Fire Department needs \$598,600 to purchase a new pumper engine. In 2006 the Fire Department had to purchase two pumper trucks. Because of the need for two, they had to purchase less expensive commercial trucks rather than the preferred heavy duty trucks. Engine 6 is one of these trucks. Last year it was out of service 33 times and this year it has been taken out of service 19 times already. The apparatus needs to move from “front line” to ready reserve. The new pumper truck is needed now. If it is ordered by the end of October, we will save just under \$20,000 by placing the order before their prices increase on November 1st.

Questions: Where is the funding coming from? (J Fitzgerald) Free cash.

Scott Stephenson made a motion to recommend Article 4D to Town Meeting. Harry Salerno, second. The motion carries unanimously (12-0-0).

➤ **Article 4E: Capital - Plymouth Beach Revetment** 9/15/16

David Gould, Director of Marine & Environmental Affairs, presented Article 4E. 4E and 4F are projects that are very close together and similar in scale. 4E is for repair to the Plymouth Beach revetment which is the town-owned revetment in front of Bert's and Pilgrim Sands. Several years ago the Town appropriated \$250,000 towards this work and each land owner contributed \$25,000. The project was designed and permitted and put out to bid. From that original appropriation and the private landowner funding, \$270,307 remains. The construction bids came in way over the anticipated budget and no work was ever done. Since the project was already designed and permitted we applied for construction funds via the MA Dam and Seawall Program in the amount of \$815,000. This is the amount being requested at Town Meeting. The funds would allow us to do the construction and then the Town would be reimbursed by the Commonwealth should we be successful in receiving the funding. If we do not receive the funding from the MA Dam and Seawall Program, no work or expenses would be undertaken.

Questions:

- How much did the private donors contribute? (H Helm) \$25,000 each, so \$50,000 total.
- How many times has this revetment been repaired? (B Cavacco) I can not accurately answer that. These do require maintenance. About 4 or 5 feet has eroded from the beach so that has exposed more of the revetment and the wall.
- If we did not repair this, what would happen? (B Cavacco) Repairing the revetment is relatively inexpensive. If we do not repair the revetment which protects the seawall then the seawall may receive damage. It is a lot more expensive to repair the seawall than the revetment.
- If this area was all wiped out by Mother Nature would we look to rebuild? (J Moody) Yes, we would. We would look for help from the federal and state governments as well if that happened.
- How much money and effort are we willing to invest at this location? (J Moody) I can't answer that. Streams naturally migrate up and down the coast, by locking them into one place with a bridge and surrounding infrastructure, we have a commitment to maintain that infrastructure.
- Would it be possible to retreat the road further inland? (S Sheridan) I do not know of any communities making those plans. The state would have to be involved because Route 3A is a state

highway.

- We often go a little cheap on the infrastructure even though more expensive and thorough options are available. Is there an option to spend more here? (S Stephenson) Revetments should receive maintenance every couple of years so that is where the additional expense would come into play.
- Is there a maintenance budget for this recommended maintenance? (S Stephenson) No.
- What about the Environmental Affairs Fund which receives 50% of the solar PILOT revenue? (H Helm) This would be one of the uses of that fund but we are still awaiting approval from the Attorney General.

Patrick O'Brien made a motion to recommend Article 4E to Town Meeting. Scott Stephenson, second.

Discussion:

- This is a great deal for the owners of Bert's and Pilgrim Sands. (H Helm)
- This wall is important as it runs to and protects our beach. (S Sheridan)
- This is unfortunate but necessary expense for a coastal town. We need to repair it or lose it. (K Canty)
- We do not have a choice but to maintain it because we have infrastructure there. I hope the Environmental Affairs Fund is approved so it can help with these types of expenses. (B Cavacco)

The motion carries unanimously (12-0-0).

➤ **Article 4F: Capital – Plymouth Beach Sea Wall** 9/15/16

David Gould, Director of Marine & Environmental Affairs, presented Article 4F. This project is to engineer and then undertake construction to replace several hundred feet of seawall and revetment. Costs are \$124,750 for engineering and permitting and \$972,000 for construction for a total of \$1,096,750 or \$1,100,000. We applied for grant funds via the MA Dam and Seawall Program for the engineering and permitting but are ineligible for construction funds as the project needs to be designed and permitted prior to requesting those funds. If we received the grant funds the Town would receive \$93,563 in reimbursement for the design and permitting and the town appropriated construction funds would allow the Town to complete the work. It is important to note that this seawall has failed and may not last the upcoming winter.

There was discussion about the budget. A page of the budget information was missing from the packet. Some members of the committee thought that this article was only for the engineering and permitting portion and not the construction. They felt that they could not an informed decision when there was important information missing.

Kevin Canty made a motion to postpone Article 4F until the September 28th meeting. Mike Lincoln, second.

Discussion:

- Why delay when we now have all of the information we need to make a decision? (R Cote)
- Why can't the two projects (4E & 4F) be combined to save money? What is the cost to maintain? The projects can not be combined because one is permitted and one is not.

The motion to postpone carries (9-3-0). Patrick O'Brien, Robert Cote, and Scott Stephenson, opposed.

➤ **Article 4G: Capital – GPS Survey Equipment** 9/14/16

Sid Kashi, Town Engineer, presented Article 4G. We have used our GPS survey equipment for the past 16 years. It has stopped working and the manufacturer no longer provides service or parts for this unit. We are asking for \$25,000 to replace the equipment.

Questions:

- How often is it used? (C Merrill) Whenever we are in the field, basically daily, except when it is snowing.

- Have you looked into renting or leasing? (C Merrill) No. These are tools we use everyday and use them for a great number of years so we purchase our equipment. The last one lasted 16 years.
- You have never investigating leasing equipment where every 5 years or so you can turn the equipment in for the latest model? (J Moody) I have been in this industry for 35 years and we have never leased survey equipment. We purchase our equipment through capital or article 8. There is no line in the Engineering operating budget to pay for leasing. If we did turn it over more frequently, there would be inefficiency in having to retrain on the new equipment.
- Can this work be outsourced to a survey company? (C Merrill) Yes, but there is no money in our operating budget to fund that.

Scott Stephenson made a motion to recommend Article 4G to Town Meeting. Patrick O'Brien, second.

Discussion:

- This town needs to do a better job at cost analysis of purchasing versus leasing, particularly when equipment may become obsolete in 5 years. (C Merrill)
- This article is a no-brainer and I support it fully. I work in the industry and it costs \$2,000 for an engineer to come to a job site and look at a foundation for no longer than an hour. Even if this equipment only lasts 5 years, that is only \$5,000 per year total for all of the projects they handle. (E Kusmin)
- This topic of leasing has come up time and time again. I just googled the equipment and it leases for \$1200 to \$2000 per month. Not sure if I will vote to approve purchase or vote no to send a message. (H Helm)
- It is a no-brainer. 2 employees use this equipment almost daily. Do not hold off on principle. They need this equipment to do their jobs, why make it more difficult for them? (P O'Brien)
- I have used survey equipment at work and leased equipment is never as good a quality. It is never cheaper to outsource than to do the work in house. (B Cavacco)
- We have heard from many at the DPW that they do not lease equipment. This is a conversation to have with department and division heads during sub-committee meetings. It is ludicrous to ask for this leasing cost analysis the night of the article presentation. I believe Mr. Kashi when he says this equipment is vital and needed. (M Sirrico)

The motion carries (12-2-0). Christopher Merrill and Harry Helm, opposed.

➤ **Article 4H: Capital – Airport Delta Taxiway** 9/14/16

Tom Maher, Airport Manager, presented Article 4H. The Plymouth Airport Commission is asking for support of this article which regards the completion of the "Delta" taxiway at the Plymouth Municipal Airport. This has been on the Capital Improvement Plan for a number of years but was just moved up and onto the Fall Town Meeting Warrant because the FAA has funds coming available for this project in October. The total project cost is \$1.7 million. \$1,615,000 will be covered by FAA and MassDOT grants. The remaining \$85,000 will be covered by Airport Enterprise Retained Earnings provided free cash is certified before town meeting. If not, the airport may have to borrow until the free cash is certified. This project would connect the existing "Delta" taxiway to the Runway 24 end and would correct an existing safety concern where aircraft based on the south side of the airport have to cross the active runway to taxi and takeoff on Runway 24. This extension would allow aircraft to taxi directly to the Runway 24 end without having to cross the active runway first. We will finish the design and go to bid in the winter and construct in the spring.

Questions:

- Is the FAA grant earmarked for us? (C Merrill) Yes.
- The bold line on the map indicates the Delta taxiway? (J Moody) Yes.

Patrick O'Brien made a motion to recommend Article 4H to Town Meeting. Betty Cavacco, second. The motion carries unanimously (14-0-0).

➤ **Article 5: 15 Hedge Road**

9/15/16

Melissa Arrighi, Town Manager, presented Article 5. A year ago Town Meeting supported \$25,000 for the town to put a down payment on a suitable property to relocate the North Plymouth Fire Station. At that time, we learned about how inadequate the current station is and we have been searching all year for a suitable property. We found one, 15 Hedge Road. The property is well located and large enough to provide for a suitably sized future fire station. The lot is 2.249 acres which is larger than the parcels of many of our other fire stations. There is a ranch home on the lot that we would look to maybe auction off to be moved, or possibly move it to a tax title property. We had it appraised and the value came back at \$335,000. The sellers also provided an appraisal at \$365,000. So we negotiated a price in the middle at \$350,000. Because we have the \$25,000 set aside already. We are asking Town Meeting to approve this article at \$325,000. We will be back in the future for money for design and build of the fire station, but we are not looking to do that now.

Questions:

- What would the time frame be for the new fire station? (S Stephenson) Maybe five years down the road although the Fire Chief would like to see it done sooner rather than later. We are not going to find a suitable lot with more land in North Plymouth so it is important to move forward with that purchase now to secure it while we can.
- Will the road need modifying for turn radiuses and such and will traffic lights be added? (H Salerno) No, it is much better than the turn radius at the location we are at now that we have been using for 106 years. There is no light where we are now and we would not need one at this property.
- What would be the estimated cost for a new fire station? (H Salerno) Maybe 6 to 10 million. We may look into modular options to see if we can save money.
- Have you considered renting out the home to bring in revenue until we are ready to move forward with the fire station? (B Cavacco) No, but that is not a bad idea, we will look into it.

Public Comment:

Patricia McCarthy, Precinct 5 Town Meeting Member, said the property is assessed at \$263,000 and asked how they got to the \$350,000 purchase price. Town Manager Arrighi said she would be happy to provide her with a copy of the appraisal to see the specifics.

Betty Cavacco made a motion to recommend Article 5 to Town Meeting. Patrick O'Brien, second. The motion carries unanimously (12-0-0).

➤ **Article 7: Conservation Land**

8/24/16

Betsy Hall, Chair of the Open Space Committee, presented Article 7 which asks Town Meeting to approve transferring the care and custody of 10 tax title lots from the Town Treasurer to the Conservation Commission for conservation purposes. The mission of the Open Space Committee is to acquire open space land. Conveyance of these properties will preserve 116 acres of undeveloped open space, portions lying within the aquifer district, that abut open space lands owned by the Wildlands Trust, the Plymouth Conservation Commission, as well as other town owned land. Transfer of these parcels will aid in protecting the Zone II of the Ponds of Plymouth Well Site and create an area for passive recreational use while securing rare and endangered species habitat through the enhancement of a wildlife corridor along Bourne Road. This will also limit the number of additional septic systems in the area. Based on current Assessors data, there are approximately 3,800 either built or planned single family homes within the surrounding area including the AD Makepeace Redbrook Development. The only expense for this transfer will involve some legal fees to change the deeds. Economic Development requires Smart Growth which includes protecting open space. Land in conservation increases our ability to attract visitors through eco-tourism. It preserves the character and beauty of our town while helping to attract new business. It safeguards our aquifer and limits traffic congestion. It protects the many plants, birds, and animals which delight both residents and tourists. Both the Conservation Commission and Open Space Committee voted unanimously in favor of this article. They recommend conserving these 116 acres for

our benefit as well as the benefit of future generations.

Questions:

- Every Town Meeting, we put more and more land in open space. Is there a master plan? How does this fit into that plan? (H Salerno) Plymouth does have a Master Plan and there is a 2009 Open Space Plan, both are available online. The plan addresses what this article involves: wildlife corridors, trails and protecting the aquifer. Transferring these parcels to conservation fits within the goals of the plan.
- Does the plan include specifics as far as number of acres or target areas? (H Salerno) Patrick Farah, Planning Technician, answered that the Open Space and Recreation Plan outlines criteria for many categories like flood control and passive recreation but does not have specifics such as the number of acres. The Open Space Committee was created by the Board of Selectmen and Open Space with the charge of identifying properties for the town to place in conservation.
- We are asked a lot of questions at caucuses about parcels being taken out of the tax rolls. There should be specific justification about how the lots relate back to the Master Plan. It would help everyone understand the process. (H Salerno) We are looking at rewriting the Open Space Plan now and will take your recommendation to heart in that process. Less than 7% of land in Plymouth is protected and owned by Plymouth.
- How do we know how we are doing with regards to the plan? When will we know we have achieved the goals of the plan? (K Canty) It is an ongoing process and there is no end in sight.
- Is there any interest in developing this land? (K Canty) Each department looks at each parcel in tax title to see if they are interested in the parcel for any purpose, and each signs off. These lots are land locked with no roads nearby. It would cost millions to develop any infrastructure to even create development potential.
- In the future, how can the lots be un-conserved? (K Canty) It would have to go through Chapter 97 legislation.
- These properties are in a Natural Habitat Priority Area so it is very difficult to receive permission to develop anyway, correct? (P O'Brien) Correct.
- Compliments to your committee on Map A which clearly identifies the Zone II Aquifer location and direction of flow. (J Moody) Thank you, our volunteers and staff have spent hundreds of hours on this project.
- The 7% (land protected and owned by Plymouth) you mentioned leaves out all of the land owned and protected by the State, Federal Government, and private organizations, correct? (J Moody) Yes, 38.5% of land is protected in Plymouth, but only 7% is owned and controlled by Plymouth. We have no control over land that the state, federal government and private organizations own, there is a risk that the land they own may not always stay protected conservation land.

Patrick O'Brien made a motion to recommend Article 7 to Town Meeting. Scott Stephenson, second.

Discussion/Comments:

- If we don't actively preserve it, it will be de facto preserved. It'll be easier down the road to change its function if it's not put into conservation protection. I do not support this article. (K Canty)
- I am in favor of this article, it's land worth protecting and ties back to the master plan (H Salerno)

The motion carries (8-1-0). Kevin Canty, opposed.

➤ **Article 9A: CPC – 1820 Paydown**

9/7/16

Bill Keohan, Chair of the Community Preservation Committee, presented Article 9A. Article 9 asks Town Meeting to reduce the borrowing authorization for the 1820 Court House by up to \$750,000. The Community Preservation Committee reduced the original \$5 million borrowing authority at the Fall 2014 Town Meeting, Spring 2015 Annual Town Meeting, and Spring 2016 Annual Town Meeting by \$500,000 each time. Reducing borrowing is a strategy of CPC to build up a reserve fund to avoid borrowing. This strategy will allow the CPC to avoid interest by paying for construction activities on the 1820 Court House with cash on hand. We are not sure of the exact amount right now which is why we are saying up to

\$750,000. The Finance Director would like a buffer in case the revenues do not come in as expected.

Christopher Merrill made a motion to recommend Article 9A to Town Meeting. Scott Stephenson, second. The motion carries unanimously (12-0-0).

➤ **Article 9B: CPC – Steinway Library**

Bill Keohan, Chair of the Community Preservation Committee, and Donna Curtin, Executive Director of Pilgrim Hall Museum, presented Article 9B. Article 9B asks Town Meeting to appropriate \$125,000 for the preservation rehabilitation and restoration of the Steinway Library at the Pilgrim Hall Museum. This would be contingent upon an agreement to allow free access to Town residents for 5 years and use of the Library by the Town for community meetings from time to time subject to availability. Pilgrim Hall Museum is the oldest museum in North American and is Plymouth's greatest repository of historical collections and archives. The restoration will help expand the potential and vitality of a nationally visible anchor institution, and will create new economic and educational benefits for the upcoming 2020 celebrations. The Library is a unique gathering space for public programs, presentations, meetings and events. The total project cost is \$210,000 for repair to the tile ceiling, flooring, UV, plaster, windows, equipment and technology. Under that space is a vault and archives and they are also in need of updates which will be considered later as a Phase II, estimated at another \$200,000. We would like to leverage the success of Phase I to raise additional funds for Phase II.

Questions:

- Will this project have to go through the same procurement process as town projects? (C Merrill) Procurement law does not apply but we did receive 3 quotes so we're comfortable with the estimate.
- Have you looked at cultural facility grant funding through the state? (C Merrill) We have not looked at that option. We are looking into federal grants now. Will look at state of MA Historical Commission which does require a public bidding process.

Christopher Merrill made a motion to recommend Article 9B to Town Meeting. Sheila Sheridan, second. The motion carries unanimously (12-0-0).

➤ **Article 9C: CPC – Mount Pleasant**

9/7/16

Bill Keohan, Chair of the CPC, presented Article 9C. Article 9C asks Town Meeting to appropriate \$1,028,000 to fund a grant to the Plymouth Housing Authority for the construction and/or renovation of Mount Pleasant School for senior affordable housing. This would be contingent on 4 things: a) the transfer of the property to the Plymouth Housing Authority for no consideration, b) any alterations to the façade must be approved by the Plymouth Historical Commission, and c) preservation of access to the park known as the "Hollow" containing 2 acres and to the children's play area, both areas to be permanently accessible to the public through an easement and d) Plymouth Housing Authority to grant the town a permanent affordable housing restriction dedicating the property to senior affordable housing. The school just vacated the building in August. The town should look at all options including selling or affordable housing. The Town had a similar Senior Affordable housing agreement with the Plymouth Housing Authority with the successful Cherry Hill II project. This money is being set aside so the Housing Authority can leverage it and raise more funding to see if this is a viable project. The project will be handled completely by the Housing Authority and not by the Building Committee or Procurement.

Questions:

- How does this project compare with the Slmes House? (H Helm) It doesn't. The Housing Authority would have complete responsibility for the project, not the town. The Housing Authority has proven success in raising funds and completing building projects within the budget.
- What is the rush? (P O'Brien) There is another article on the Town Meeting warrant to transfer the property from the School to the Board of Selectmen. The CPC wants people to know that affordable housing is an option for that building, before the Board of Selectmen sell the building.
- How many affordable housing units would fit into the 14,724 square feet? (J Moody) Senior units must meet state requirements. Housing Authority architects saw the space and think that 8 units

would work best, six 1-bedroom units and two 2-bedroom units.

- Any idea of the total cost it would take to complete the project making 8 affordable senior housing units? (J Moody) The architects estimated \$1.4 million plus a \$200,000 contingency bringing the total to \$1.6 million including an elevator, so on average \$200,000 per unit.
- When was the building built? (J Moody) 1904 but it has been kept up to date as far as heating, windows, ventilation and some asbestos abatement.
- Would the units be rentals or purchased? (J Moody) Rentals.
- The Housing Authority wouldn't have direct access to these funds, correct? (J Moody) Correct, CPA funds are completely controlled by the Town, expenses are signed off by CPC and Finance Dept.
- Project cost is \$1.6 million, that leaves only \$572,000 for the Housing Authority to raise? (J Moody) Yes and the Housing Authority may or may not move forward after further studies.
- Have you received quotes on the cost to rehab the park? (P O'Brien) No, we are not proposing to do anything with that now. That would be a discussion later for the town to decide what to do with it.

Public Comment:

- Steve Striar believes it is too early for this article to move forward. The other article is not to sell the property but to shift the care and custody from the school to the Board of Selectmen. The \$1,028,000 has been accumulating for 4 years. It should remain in the Affordable Housing reserve fund and add 10% of approximately \$700,000 each year. We are being asked to pre-fund a project with very little detail. This is an attempt to move the process in the direction of affordable housing instead of letting the Board of Selectmen consider all of the options. They may decide to sell the building to a developer and add significant dollars to the tax base. He urged the committee to not recommend this article to Town Meeting.
- Everett Malaguti, Precinct 1 Town Meeting Member, said that this article is far from complete and he knows that Advisory & Finance likes complete packages. The article is based on opinion and not numerical figures. We should keep Mount Pleasant in the hands of the Selectmen. Senior housing is needed but this is not the best bang for the buck. He urged the committee to not support this article.
- Donna Curtin, Precinct 3 Town Meeting Member, said that this topic has had lively discussion in her precinct. The neighborhood is densely populated and she would like neighbors to be consulted for their feel on the topic. This article is offering an option, an opportunity for discussion, it is not unreasonable to put this on the table, the building could maybe continue to be a part of town history.
- Bill Keohan reiterated that the money was going to be placed in an account to allow the community to have a discussion.

Question:

If this opportunity does not work out will the money return to the CPC Affordable Housing reserve fund? (S Sheridan) Yes.

Sheila Sheridan made a motion to recommend Article 9C to Town Meeting. Robert Cote, second.

Discussion/Comments:

- I do not like the idea of giving clearance to over \$1 million to get the ball rolling. Why not \$200,000? Why 65% of the total project cost at this point? (E Kusmin)
- I feel the project is going to cost a lot more than \$1.6 million. The park being overgrown is an extreme understatement. I can't support this as this article asks us to go down a road we have gone down before. (H Helm)
- Once invested, if a new expense comes up, we will have incentive to throw more money at the project to protect the investment already made. There are too many unanswered questions so I do not support this article. (K Canty)
- They are asking to use funds to leverage discussion. This will help the elderly in town. There is a huge need for affordable housing in this town. The Housing Authority has a successful track record. I support this article to let Town Meeting have the discussion. (M Sirrico)

- They are asking for this article to be on the table simultaneously with the other Mount Pleasant article transferring care to the Board of Selectmen. (S Sheridan)

The motion fails (4-7-1). Sheila Sheridan, Robert Cote, Betty Cavacco, and Marc Sirrico, in favor. Judith Fitzgerald, abstained.

- **Article 9D: CPC – Savery Pond II** 9/7/16
 Bill Keohan, Chair of the Community Preservation Committee, presented Article 9D. Article 9D asks Town Meeting to appropriate \$250,000 to purchase approximately 11.5 acres off Old Sandwich Road and State Road for open space and recreational purposes. The property was appraised at \$285,000. The land will be held under the care, custody and control of the Conservation Commission. Purchase of this property will help restore the water quality in Savery Pond, which is a major freshwater contributor to Ellisville Harbor. The property contains a 6.5 acre active cranberry bog that is within the Pool A Ocean Spray Cooperative. The bog would be taken out of production and the Pool A rights sold off for approximately \$45,000. Also, the bog equipment can be utilized at our Center Hill bog location. Closure of this bog would improve the water quality in the area. This property is located within an area of approximately 375 acres of CPA land just across Savery Pond. It is almost entirely within a Commonwealth of MA designated “Interim Wellhead Protection Area,” and is directly adjacent to a “Zone I Wellhead Protection Area”. It directly abuts an area identified as “Sand Plain Natural Community Systems Grassland”, an uncommon habitat type in the state.
- Paula Marcou, Director of the Friends of Ellisville Marsh, said that the Friends group supports this article. They will formulate an official statement at their upcoming meeting. Savery Pond has seen persistent closings over the past six years because of poor water quality. Compared with 38 ponds in Plymouth, it rated “impaired” with the highest levels of pollution of all ponds studied (data is available at ellisvillemarsh.org). Purchasing this land is an essential first step to repairing the pond.
- Public Comment:
 Steven Striar said that while he does not like the CPC, he commends them on this project. The town should acquire this property.

Patrick O’Brien made a motion to recommend Article 9D to Town Meeting. Betty Cavacco, second. The motion carries unanimously (11-0-0).

- **Article 9E: CPC – Beaver Dam** 9/7/16
 Bill Keohan, Chair of the Community Preservation Committee, presented Article 9E. Article 9E asks Town Meeting to appropriate \$599,000 to acquire 127.8 acres off Beaver Dam Road, known as Tidmarsh Farms West, for open space and recreational purposes. The intention of this purchase is to preserve the waters of Beaver Brook and surrounding areas. It is an area of critical environmental concern. The water from this property runs along Beaver Brook to Bartlett Pond and to White Horse Beach. The Department of Marine and Environmental Affairs is working diligently on this project and has provided a letter of support for this article. The land is comprised of cranberry bog upland woodlands, extensive frontage on Beaver Dam Road, and the “Church Lot” which sits at over 300 feet in elevation and is part of the highest elevated landscape on the eastern seaboard south of Acadia National Park. The land will be held in the care, custody and control of the Conservation Commission. The Massachusetts Audubon Society is purchasing approximately 190 acres of land to the east and is planning to build a Nature Visitor Center.
- Questions:
- The application was dated December 2014, why has it taken so long? (S Sheridan) It takes time to negotiate acquisitions and get the appraisals done, once terms are agreed upon and funding is identified, it can move forward to Town Meeting.
 - It was assessed in 2014? (S Sheridan) It was and it has since been reassessed.
- Patrick O’Brien made a motion to recommend Article 9E to Town Meeting. Scott Stephenson, second. The motion carries unanimously (12-0-0).**

- **Article 10: Mount Pleasant School** 9/15/16

Melissa Arrighi, Town Manager, presented Article 10. This article will transfer the care, custody, management and control of Mount Pleasant Street School and property from the School Committee to the Board of Selectmen. We are not sure what we are going to do with property and we are trying to keep all of our options open which is why the article says sell, lease or transfer. The decision will involve a public process. The first step regardless, is to transfer custody, care and management to the Board of Selectmen.

Betty Cavacco made a motion to recommend Article 10 to Town Meeting. Scott Stephenson, second. The motion carries unanimously (10-0-0).

➤ **Article 11 & 12: Civil Service – Police Chief**

8/24/16

Derek Brindisi, Assistant Town Manager, began presenting Articles 11 and 12. These articles ask Town Meeting to authorize the Board of Selectmen to petition the General Court for special legislation providing that the positions of Police Chief and Police Captain (Article 11) and the positions of Fire Chief and Deputy Fire Chief (Article 12) appointed after passage of the Act not be subject to the Civil Service statute.

These articles come at a time when it has been increasingly more difficult for the Town to recruit and encourage officers within the rank and file to seek career enhancing promotional opportunities. Rescinding Civil Service in these situations will provide the Town greater flexibility in recruiting, hiring and maintaining the best and brightest to service this community. 81% of Police Departments and 85% of Fire Departments have removed these positions from Civil Service already.

Michael Botieri, Police Chief, explained that these articles are necessary because the Civil Service process has faltered, it is underfunded and will be going away in time. Civil Service does not participate in promotions, all they do is send the 1st postcard out and mandate the rest of the paperwork. The Chief said he currently spends at least 20 hours a week on the Civil Service process as he is trying to hire 7 new officers.

Ed Bradley, Fire Chief, echoed what Chief Botieri said. The Civil Service system is archaic. He shared the process in trying to find enough candidates to take the tests for promotions to these positions. If enough do not sign up, the test is automatically postponed a year and opens to the next lower rank. This goes on for years. Civil Service hinders the process. When there are interested candidates, they spend hundreds of dollars on books, hundreds more on courses, countless hours studying, this adds to their stress levels, and then 80% of them fail the test. Those results have nothing to do with the quality of the candidates either. The entire process is flawed. By removing these positions from Civil Service it would allow us to come up with our own fair process, a process that is much better and much quicker. This is not a move to go outside to hire, our employees are qualified and ready.

Questions:

- Why do these articles involve only the top two in charge, why not include the next level or two as well? (H Helm) Doing so would have to involve discussions with unions. We can always look at that in the next round of negotiations.
- If Civil Service is removed, are the jobs still adequately protected? (H Salerno) Yes, there are still adequate protections through the Personnel Bylaw.
- Has this been discussed with the unions? (H Salerno) Yes, with the President of the Superior Officers group.
- Do the Selectmen support this article? (H Salerno) Yes, they voted 3-2 in support.
- Why did 2 Selectmen vote against this? (E Kusmin) One did not speak at all so we are not sure. The other is in one of the unions covered by Civil Service so he had a number of concerns.
- Do you see the 81% and 85% of other towns becoming 100%? Yes, we will see Civil Service go away completely in the coming years.

Patrick O'Brien made a motion to recommend Article 11 to Town Meeting. Harry Salerno, second. The motion carries unanimously (9-0-0).

Patrick O'Brien made a motion to recommend Article 12 to Town Meeting. Scott Stephenson, second. The motion carries unanimously (9-0-0).

➤ **Article 13: PILOT Agreements** 9/15/16

Lynne Barrett, Director of Finance, presented Article 13. This article asks Town Meeting to approve 7 solar PILOT agreements:

	LLC (or its affiliates, successors, or assignees)	Type & Size (more or less)	Location	Fee
A	Renewable Energy Development Partners	Ground 1.0	Map 97 Lot 10-2 Adjacent to airport	\$13,500 per MWAC
B	Renewable Energy Development Partners	Ground 0.5	Map 99 Lot 1-C Off Federal Furnace Road	\$13,500 per MWAC
C	<i>Withdrawn</i>			
D	46 Shops Plymouth Solar	Roof 1.11	Map 83 Lot 3C-3 46 Shops at 5 Way	\$12,500 per MWDC
E	978 Solar Development	Ground 1.338	Map 114 Lot 5 9 River Run Way	\$12,500 per MWDC
F	978 Solar Development	Ground 1.338	Map 114 Lots 7-2 & 7-8 5 River Run Way	\$12,500 per MWDC
G	978 Solar Development	Ground 2.77	Map 115 Lot A-1 3 River Run Way	\$12,500 per MWDC
H	978 Solar Development	Ground 1.32	Map 90 Lot 17-5 57 Black Cat Road	\$12,500 per MWDC

We did have some discussion at our last meeting regarding PILOTS and additional information has been provided.

Questions:

- Why are the terms for 20 years? (S Sheridan) Developers look for 20 to 25 year terms because their solar fields do not last longer than that. There is no regulation requiring that term.

Betty Cavacco made a motion to recommend Article 13 to Town Meeting. Kevin Canty, second.

Discussion: I am concerned with 20 year agreements because projects may be retrofitted with new technology, increase their output, and be paid in full in 2 to 5 years but the town only receives the original negotiate rate. Lynne Barrett responded that the town reviews the financials every 5 years and will know if the MW changes. Also there is language incorporated into the PILOT agreements that retrofitting will require immediate re-negotiation. If the value increases or decreases, we re-evaluate immediately.

The motion carries unanimously (11-0-0).

➤ **Article 13: PILOT Agreements** 9/7/16

Lynne Barrett, Director of Finance, asked the Advisory & Finance Committee to consider postponing Article 13 because not all Agreements have been settled at this time.

Chair John Moody expressed his frustration that the article had to be postponed and asked that materials be received no later than the Monday before the meeting.

Patrick O'Brien made a motion to postpone Article 13 to Thursday, September 15. Judith Fitzgerald, second.

Discussion/Comments:

The committee requested that they receive more detail on the PILOT agreements not only regarding the rates negotiated but also the totals to be paid over 20 years, what monies are going

into the Environmental Fund voted at Spring Town Meeting, projected profits, the payback as a percentage of the projected profit, etc. Lynne Barrett said that she will provide as much detail as she is able but that 38D requests are confidential under state law. The Assessor, Anne Dunn, does a great job looking at all information, including the income to expense ratios, and calculating what the taxes would be through typical personal property tax then looks at what the rate of the PILOT should be knowing that it will be 20 years of steady payments with a 2 ½% escalation each year.

Motion to Postpone hearing Article 13 to September 15 carries (11-1-0). Kevin Canty, opposed.

➤ **Article 21: Floodplain District** 8/17/16

Lee Hartmann, Director of Planning & Development presented this article. This articles asks Town Meeting to vote to amend its Zoning Bylaw, Section 205-58. Floodplain District by amending the text related to Flood Insurance Rate Maps and State Building Code references and by adopting revised Flood Insurance Rate Maps (FIRM). The Planning Board voted 4-0 in support of this article. FEMA flood maps, which dictate where flood zones are, were last set in 2006. They have come up with a new set which we have to adopt, otherwise flood insurance of all Plymouth residents will be cancelled. The town overall saw .2 square miles removed from the flood zone and another .6 square miles added, bringing us to 14.8 square miles in the velocity zone now. The largest changes to the maps were in the White Horse Beach area.

Questions:

- How does this effect people purchasing homes? I just bought a home and some insurance companies would not offer a policy because my house is about a mile from the ocean. (K Canty) Insurance companies typically go by where the house sits and if the property is subject to flooding. Some also take wind into account and have a 1 mile set back from the ocean for this reason.
- How many town owned buildings are in the new flood zone areas? (S Sheridan) Plymouth had quite a few buildings in the flood zone already. The expansion of the flood zone in the White Horse Beach area may affect the White Horse Beach Bathhouse project. The Water Street area is in the flood zone but the DPW design flood proofed that area as well as possible.
- For homes recently added to the flood zone, will homeowners receive a notice from their mortgage companies? (H Helm) Yes, those with mortgages will be told they have to get flood insurance. If there is no mortgage on the property, it is up to the property owners whether or not to get flood insurance.
- The State of Massachusetts was going to change the way insurance is calculated for homes right? (H Helm) Yes, it is going to be based on the value of the property, that has passed already.
- These types of insurance products are expensive. (M Lincoln) Yes they are.

Betty Cavacco made a motion to recommend Article 21: Floodplain District to Town Meeting. Christopher Merrill, second. The motion carries unanimously (10-0-0).

➤ **Article 22: Easements – Water St & Resnik Rd** 9/14/16

Sid Kashi, Town Engineer, presented Article 22. This article involves two articles with the same intent. On Water Street, the Water Street Café has agreed to give us an easement for highway purposes to widen the roadway and sidewalk. On Resnik Road the property owner of the medical building at the corner of Industrial Park Road, has made roadway improvements. Part of the infrastructure is located outside of the roadway layout. The property owner has agreed to grant the town easement for highway purposes. Town Meeting action is required to authorize the easements and to accept alteration of the road layout allowing the easements to become parts of the layout.

Patrick O'Brien made a motion to recommend Article 22 to Town Meeting. Harry Salerno, second. The motion carries unanimously (13-0-1). Harry Salerno, abstained.

➤ **Article 24: Road Layouts** 9/14/16

Sid Kashi, Town Engineer, presented Article 24. There are 3 roads or portions of roads proposed for layout as public way. This is just procedural as Town Meeting action is required to accept the layouts as

public way. The first is Loring Boulevard (approx. 1,040 feet). This will allow the town to accept the entrance way of Cordage Park from Court Street to the MBTA right of way. Acceptance of this layout will allow the state to grant the town funding for construction of the roadway. Cordage has agreed to provide the design drawings, construction plans, and coordinate with the town on construction and oversight of the project. The second is a portion of Commerce Way (approx. 2,325 feet) where the Cranberry Crescent project extended Commerce Way from Plympton Road (Route 80) to Carver Road. Acceptance of this roadway will improve fire and police responses in the area and will benefit the overall transportation network system in town. The third road layout is a portion of Carver Road (approx.. 1,500 feet) where the Cranberry Crescent project has improved the section of the road in front of that project and granted the town an easement for highway purposes.

Questions:

- Have these new sections of roads been constructed to town standards? (J Moody) Yes, they went through a two year process and hired the appropriate engineers and inspectors.
- Is anything going to be done to make the public aware that the extension of Commerce Road is a public road and not a driveway into their stores? (H Helm) That is a good point, we have not thought of that. Many people are already using the road.

Ethan Kusmin made a motion to recommend Article 24 to Town Meeting. Scott Stephenson, second. The motion carries unanimously (14-0-1).

➤ **Article 25: Easements – Taylor Ave**

9/14/16

Sid Kashi, Town Engineer, presented Article 25. The Taylor Avenue Project has taken 12 years to get to where it is now. The project consists of a bridge replacement and significant roadway and pedestrian improvements. The project, which totals close to a \$10 million, will be funded and overseen by the Massachusetts Department of Transportation (MassDOT). The town is required to obtain permanent and temporary easements in order to receive state and federal funding. The easements will allow the contractor to perform the work and allow the town to use and maintain the improvements once the project is complete. These easements include the backs of sidewalks, grading, driveway aprons, setting utility poles back, widening sidewalks to meet ADA requirements, etc. The Town will be contacting each affected property owner individually to discuss these easement acquisitions. Town Meeting action is required to accept the easements. The town is in the process of completing a final design of the project and Mass DOT will advertise it in the spring of 2017.

Questions:

- So this article is just to approve acceptance of a lot of little easements? (P O'Brien) Yes.
- How do the residents of Taylor Ave feel about this? (H Helm) Mass Highway held a public meeting on June 2nd and answered all questions and concerns. The town also had a public meeting to discuss the land takings. We have some in opposition where properties have walls and fences built on the town right of way. There are 3 different widths of town right of way on the street, 35 feet, 40 feet and 50 feet. The town is trying to occupy the town right of way to allow ADA compliant sidewalks and a shoulder for bicycles, with the goal being accommodation of pedestrians, bicyclists, and drivers.
- Will there be added parking along Taylor Ave? (H Helm) We will add formalized parking where we can where there is a 50 foot right of way, not where there is only 35 feet.
- Do you know what the cost may be for the eminent domain takings? (J Moody) April Town Meeting approved \$250,000. When we did the Samoset Street project. 20% of the easements were donated. We have seen some interest in easement donations for the Taylor Ave project. We do not know the exact cost because we do not have an appraisal done yet and we do not know how many will donate. We think the total cost will come in the \$200,000 to \$250,000 range.

Patrick O'Brien made a motion to recommend Article 25 to Town Meeting. Harry Helm, second. The motion carries unanimously (14-0-0).

➤ **Reconsideration of Article 26: Solar Bylaw**

9/7/16

Lee Hartmann thanked the Advisory & Finance for reconsidering Article 26. The Energy Committee listened to the recommendations that were made when they presented the article to Advisory & Finance and made changes to the Bylaw as a result. Parking lots and power line utility easements were added as locations not requiring site plan review but require a 200 foot buffer along each lot line that abuts a residential district. The maximum size allowed decreased from 30 acres to 15 acres. Residential zones were further defined. Screening was added to the standards. Notification of abutters within 300 feet was added as a requirement. The Planning Board approved the changes. Lee Hartmann reminded the committee that there are 2 appeals currently in court and that both litigation fees and staff time will continue to add up to tens of thousands of dollars or more each year if we do not get a solar bylaw on the books. If we had this bylaw on the books 1/3 of the solar fields approved to date would not have met this bylaw.

Questions:

- Were solar bylaws of other towns looked at? Carver currently has a large conflict over solar fields. (J Fitzgerald) Yes, we looked at solar bylaws of all local towns. This bylaw adds protections where we currently have none. New required buffers will go a long way.
- Sand and gravel operations are considered previously disturbed land, correct? (S Sheridan) Property owners can turn a wooded area into a field provided it is not a natural heritage area or wetlands. If they want to create a field first and then apply for a solar permit, they have to wait 5 years. To run a gravel operation it is a completely different permit process.
- Why were parking lots added? (S Sheridan) The Planning Board encourages developers to put solar in developments and parking lots are a great spot, like REI has done in their parking lot.
- What about use of power utilities for solar fields? We heard an article last week that pertained to this. (S Sheridan) That particular lot has rare and endangered species so they would have a hard time getting permits to build a solar field. In that case usually 70% is set aside and the state may allow up to 30% be developed. If a solar field is built in a power easement and the lot abuts residential lots, screening and setback requirements would have to be met. Planning would perform a site plan review. This is better than what we have today, which is nothing.
- Why has the abutter notification been batted back to us? (H Helm) Lee Burns, Energy Committee Chair, said the Energy Committee is welcoming suggestions from Advisory & Finance as far as the specifics of the abutter notification in hopes that they will look at the bylaw more favorably.

Scott Stephenson made a motion to recommend Article 26 to Town Meeting contingent upon an abutter clause being added to the bylaw language. Harry Helm, second.

Discussion:

- 30 days notice prior to construction is short notice to coordinate with neighbors, boards, legal counsel, etc. Longer notification would be preferable. (K Canty)
- What are the other timing options in the cycle? (J Moody) 30 days prior to site plan review (possibly 45 – 60 days) but that does not include all projects. Some projects go only to the Building Commissioner. 60 days would work for all projects.
- I have concerns about the solar on power utility easements. When is enough enough for solar farms on residential land. I can not support this. (S Sheridan)

Kevin Canty made a Motion to Amend to require abutter notification a minimum of 60 days before construction begins. Chris Merrill, second if 60 “business” days. Motion to Amend to require abutter notification a minimum of 60 business days prior to the start of construction passes (9-3-0). Sheila Sheridan, Betty Cavacco, and Judith Fitzgerald, opposed.

Discussion/Comments - returning to main motion as amended:

- There is lots of opposition to solar. Currently the town has no protection. While I prefer bylaws

to be tight, right now a 70% solution is better than no solution. We need to help Plymouth residents by recommending this to Town Meeting, I urge you to vote yes. (M Lincoln)

- I would like to see solar fields eliminated from residential properties completely. (S Sheridan)
- If we allowed solar fields on only commercial property then the 5% of land in Plymouth that is commercial may be covered by solar farms preventing buildings from being built. (J Moody)
- That state has more power and they say we can not unreasonably regulate solar fields. Concerns should be addressed at Beacon Hill. For now this bylaw addresses many concerns and gives some regulation where there is virtually none now. (K Canty)

The main motion to recommend Article 26 as amended to Town Meeting carries (10-2-0). Sheila Sheridan and Judith Fitzgerald, opposed.

Lee Hartmann said he will let the Planning Board know about the motion to add abutter notification.

➤ **Article 26: Solar Bylaw**

8/17/16

Lee Burns and Kerry Kearney, of the Energy Committee, presented this article. This article asks town meeting to amend the Zoning Bylaw to create a Solar Bylaw that allows the installation of ground-mounted solar systems while establishing definitions, procedures and provisions for installations. The intent of this bylaw is to promote the generation of solar energy while preserving the natural environment and supporting reduction of Plymouth's carbon footprint. The Planning Board voted 3-1 in support of this article.

Massachusetts General Laws (Chapter 40A Sec 3) state that "No zoning by-law shall prohibit or unreasonably regulate the installation of solar energy systems or the building of structures that facilitate the collection of solar energy, except where necessary to protect the public health, safety or welfare." Therefore, the Town cannot prohibit the construction of solar energy systems but can establish reasonable regulations. Recently the town has permitted a growing number of commercial-scale, ground-mounted solar facilities but currently we have no standards covering the proper installation of such facilities. In total absence of any guidance, the Planning Board is forced to deal with each case on an ad hoc basis. There are currently two lawsuits against the town regarding solar fields which were permitted. This amendment establishes reasonable standards and protections for neighboring residential areas and the Town as a whole which may reduce exposure to costly litigation. The Energy Committee and Planning Board have heard from many residents on both sides of the issue, those that want to help the environment by supporting solar energy and those that want to prevent the replacement of trees with solar.

Provisions of the bylaw include:

- Only apply to ground mounted facilities
- Require site plan review by the Planning Board on projects within residential zones Prohibit large scale commercial solar facilities over 30 acres
- Establishes natural vegetated buffers and screening measures
- Establishes removal and decommissioning provisions
- Includes stormwater standards

Exempt from this amendment are rooftop systems, systems under 1,500 square feet in size, systems on agricultural land used for energy generation for agricultural use, and systems located on commercial and industrial districts.

78.5% of Plymouth is zoned residential and 15.9% is state forest, so over 94% is protected or residential. Lee Hartmann, Director of Planning & Development, added that it is important to get this bylaw on the books this fall. Solar does not show up in our bylaws at all today. The town is exposed to extensive and expensive litigation without this bylaw in place. We can always amend the bylaw in the future if needed but it is important to get it on the books now.

Questions:

- Why doesn't the bylaw apply to solar systems less than 1,500 square feet? (K Canty) The standards

apply to all sizes it is just that those less than 1,500 square feet do not have to go through the site review process.

- How does this prevent or regulate clearcutting? (K Canty) Today, it is legal to clear trees to make fields. If a solar permit is not received before clear cutting, then owners will have to wait 5 years to receive a solar permit.
- There are no state or federal requirements regarding clearcutting? (H Helm) Massachusetts has agricultural exemptions where anyone can clear and make a field on their property as long as there are no rare and endangered species. There are other uses where clear cutting is allowed as well.
- How many municipalities have similar solar bylaws? (C Merrill) Not sure how many but we looked at a dozen or so and they were all different regarding range of sizes allowed, etc. We are following within the spectrum of those bylaws in existence in the other towns.
- Is there an environmental assessment required after the solar system is removed to restore the site? (C Merrill) There is nothing in the bylaw that requires that.
- Why a 5 year wait after clearcutting? What do the other towns have for a timeframe? (H Helm) There was debate over the time period, we wanted it to be prohibitive but reasonable. 2 towns banned clearcutting. Fairhaven had no time limit. Marion had a 5 year time limit. All of these provisions were passed by the State Attorney General.
- Does the 5 year penalty apply to the land or the owner? (M Sirrico) It is with the land, so if the property is sold they would still have to wait until the 5 years are up.
- Is the landscape plan available for review by neighbors? (H Helm) Site plan review goes through the Planning Staff, Planning Board and Building Commissioner. It is an allowed use so there is no abutter notification but all Planning Board meetings are posted and open to the public.
- What if the LLC goes bankrupt and the solar project is not removed? (C Merrill) The town holds their deposit as protection. The Building Commissioner has the authority to issue fines and court action can be taken.
- Is there potential for issues with those projects exempted from this bylaw? (S Sheridan) Many are already built. If bylaw had been in place we would have protection from appeals and minimize the town's exposure. Those in existence will be grandfathered.

Public Comment:

Anatol Zuckerman, member of the Energy Committee, is in opposition to this bylaw. He feels the bylaw filed to minimize the impact of solar fields to residential and historical areas. He does not like that vegetative screens are only required in residential zones. He is also concerned with clearcutting and the impact of the loss of those trees on our environment. He does not like that a clearcut property can be used as a sand and gravel operation while they wait out the 5 year penalty. He supports solar systems on roofs. A home with a solar system on the roof may be valued at \$7,000 more than a home without one but ground mounted solar fields reduce the value of not only that home but also properties in the entire neighborhood.

Harry Helm made a motion to recommend Article 26: Solar Bylaw to Town Meeting. Mike Lincoln, second.

Discussion/Comments:

- This bylaw is not ready, it needs more work. (C Merrill)
- Uncomfortable that fields less than 1,500 square feet are exempt where they can have huge impact on the value of neighbors' property. (K Canty)
- In opposition, don't like that neighbors are not alerted and have a problem with the 5 year penalty. (H Helm)
- I feel it is critical to notify abutters also concerned that a property can be used as a sand and gravel operation during the 5 year penalty. (S Sheridan)
- There is currently nothing on the books, we have analysis paralysis, we need to approve this article and let Town Meeting decide. (S Stephenson)

- This can be tweaked over time. (R Cote)
- We should recommend this article to Town Meeting. (H Salerno)
- Bylaws, and all articles, should be ready when they are presented to us, we vote on the state that they are in now as presented, this is not to the standard to approve now. (K Canty)

The motion fails (4-6-0). Mike Lincoln, Peter Mador, Scott Stephenson, and Rob Cote, in support.

➤ **Article 27: West Plymouth Village Master Plan** 9/7/16

Robin Carver, Town Planner, and Russ Appleyard, Chair of the West Plymouth Steering Committee, presented Article 27. Article 27 asks Town Meeting to approve the “West Plymouth Village Center Master Plan Update,” dated October 2016. There are 5 villages in Plymouth and each has its own master plan which is updated periodically. The village master plans support the overall Plymouth Strategic Plan. All of these plans can be found on the Planning & Development Department webpage. The West Plymouth Village Master Plan was last updated in 1993. Staff has worked with the West Plymouth Steering Committee to come up with this new plan. West Plymouth is Plymouth’s largest and most expansive village with just over 10,000 people and 5,300 acres. The West Plymouth Master Plan Priority Checklist includes 11 items established within the 5 core goals that include policies and actions.

Priority Checklist:

- Community Identity: Brand & Trails
- Environmental: Expand open space network for passive recreation & protect aquifer & ground water resources
- Recreation & Public Spaces: Improve and expand existing parks, establish a community center
- Safety-Infrastructure Improvements: Improve Plympton Rd / Carver Rd intersection, improve Federal Furnace / South Meadow Rd intersection, improve Samoset St / Marc Dr intersection, provide a sidewalk along South Meadow Rd, continue the sidewalk along Plympton Rd

Five Core Goals:

- I. Community Identity – Sense of Place
- II. Economic Development
- III. Environmental Protection & Open Space
- IV. Infrastructure Maintenance, Improvements & Safety
- V. Recreation & Public Spaces

Christopher Merrill made a motion to recommend Article 27 to Town Meeting. Kevin Canty, second. The motion carries unanimously (12-0-0).

➤ **Article 28: Bylaw – Plastic Bag Ban** 8/17/16

Dr. Ken Stone, Petitioner, presented this article. The Town of Plymouth alone uses 18 million plastic bags annually and each plastic bag is utilized on average for 12 minutes. Less than 14% end up being recycled and it is cheaper to manufacture a new bag than to recycle an existing bag. By instituting a ban, the town will reduce waste by hundreds of thousands of pounds. Bags can currently be found all over the ground, in lakes and ponds, in the ocean, and up in trees all over Plymouth. These bags break down into micro pieces that leach toxins. The bags are causing destruction of ocean and sea life and killing animals on land and in the sea, annually over 2 million birds are killed and over 100,000 sea animals including whales and dolphins are killed by plastic bags.

In the Spring, there were 19 Massachusetts towns with plastic bag bans and today there are 36. 13 of those towns are on the cape and are similar to Plymouth in that they rely on tourism and retail. Sandwich and Bourne are working on passing plastic bag bans now. Nantucket was the first to ban plastic bags 26 years ago. States like California and Hawaii have state wide bans. Cities like Chicago, New York, and Los Angeles have city wide bans. Boston is currently working on passing a ban. 4.5 billion people worldwide, including in China, live comfortably with plastic bag bans.

This bylaw would eliminate the use of thin lightweight (< 3 mils thick) shopping bags in Plymouth. There will still be produce bags, meat/fish barrier bags, dry cleaning bags. This bylaw will not impact small

businesses as the ban is only required for businesses of more than 3,000 square feet or with more than 1 location in Plymouth, so most independent retailers will be exempt. The large stores are ready to be on board with the ban as they already comply with this at other locations. They are familiar with this and the transition will not be a problem for them, in fact they will save money by not having to purchase the plastic bags. The Massachusetts Food Association also supports this plastic bag ban. The Board of Health here in Plymouth voted to act as the enforcement agency for the ban. There are many local organizations in support of the ban and many have provided official letters of support. It is hoped that the Advisory & Finance Committee will also support his article and recommend it to Town Meeting.

Public Comment:

Karen Edwards, a North Plymouth resident, is worried about the effects of these plastic bags on the environment as her great grandchildren grow up in town. She would like Plymouth to join neighboring towns in banning the plastic bags.

Questions:

- Understand the benefit to the environment and to big box stores but how does this benefit the taxpayer? It sounds as if it will cost the taxpayer more money to have to go out and buy small plastic bags to line their small trash cans with. Stores will likely not pass their plastic bag savings on to the consumer. (K Canty) A homeowner may have to spend \$10 or \$20 on small plastic bags or they could use a trash receptacle with a washable liner and not use plastic bags as a liner. Even if they buy plastic bags for this specific use it will still result in fewer plastic bags and help lessen the impact on the environment.
- Have stores been approached to voluntarily participate in eliminating use of the plastic bags? (S Stephenson) Voluntary does not work in this situation. No one wants to be the first for fear that they may lose a market share. Only a tax or ban works and we can't tax it so we must ban it.
- Would trade shows be included? (H Salerno) The focus is on large brick and mortar retail establishments.
- There are fines involved. Are there also potential criminal charges involved? (H Salerno) No, it would not be a criminal offense.
- Is there an appeal process? (H Salerno) that would be up to the Board of Health to establish those regulations. There have never been violations in the other communities, instituted bans work.
- The Board of Health is in support of imposing fines? (K Canty) Yes, it is simple for them.

Public Comment:

- Valerie Peck pointed out that garbage can go into anything, a plastic bag does not always have to be used.
- Everett Malaguti, Town Meeting Member, asked if restaurants will still be allowed to use take out bags and if everyone going to grocery stores will be required to purchase the \$1 reusable bags each time. Ken Stone replied that stores will still have free paper bags available. Some large thicker plastic bags may be available to purchase, Market Basket sells them for 10 cents. Many restaurants use paper and not plastic for carry out already.

Betty Cavacco made a motion to recommend Article 28: Bylaw - Plastic Bag Ban to Town Meeting. Harry Helm, second.

Discussion/Comments:

- It is good for the environment but environmental concerns could be addressed by promoting recycling. Why should the taxpayer absorb the cost? These plastic bags fill a gap that exists in our society. It is not in our best interest to pass this ban. (K Canty)
- I am in support. It sounds like town management and the Board of Health are in support. 18 million is a huge number and these bags are littered everywhere, a ban helps public welfare, many reusable bags are given out as promotional items so it may not cost the taxpayers anything, if this ban is passed there will most likely be a lot more given out as promotional items. (H Helm)

- This ban should be implemented at the state level, I do not want to put Plymouth businesses at a disadvantage to other towns. (M Lincoln)
- As a boater, I see these bags all over the waters, we need to support this ban now. (B Cavacco)

The motion carries (7-3-0). Robert Cote, Scott Stephenson, and Kevin Canty, opposed.

➤ **Article 29: Resnik Road**

8/17/16

Mike Scott, attorney representing owner Mr. Stout and petitioner Mr. Santos, presented this article. This article asks Town Meeting to change the zoning designation for a particular lot on Resnik road (Map 103, Lot 14K-123) from Light Industrial to Mixed Commerce. Where light industrial allows manufacturing, mixed commerce does not. Mixed commerce would also allow for retail and restaurant space. This lot is currently vacant and is being sold by Rising Tide Charter School. Mr. Stout has an agreement to purchase this property but is seeking to have it rezoned. There is little demand for additional office space in Plymouth but significant interest in additional retail and restaurant space. Allowing these uses would increase the value and therefore increase tax revenue to the town. The Town will still have a chance to review whatever is planned for the property in the future, this article just addresses rezoning. The Planning Board voted in unanimous support of this article.

Questions:

- Where exactly is this lot located? (C Merrill) Right on Commerce way, it is a vacant sandy corner lot near Wendy's.

Christopher Merrill made a motion to recommend Article 29: Zoning – Resnik Road to Town Meeting. Scott Stephenson, second. The motion carries unanimously (9-0-1). Harry Salerno, abstained. Acting Chair Kevin Canty did not vote.

➤ **Article 32: Treat Weed – Billington Sea**

8/31/16

Michael Leary, Petitioner, presented Article 32. Mr. Leary is representing the Billington Sea Association, a 501(c)3 non-profit founded for the Betterment of Billington Sea and Town Brook. Residents own 55% of the property around Billington Sea and the Town owns 45%. In 2011, Town Meeting appropriated 45% of the cost to treat weeds at Billington Sea and the Billington Sea Association raised 55% of the cost. The weeds were treated successfully in 2012 using a product called Sonar. Sonar is a benign product that is used to treat weeds in lakes, ponds and even reservoirs. The Association would like to do the same treatment this fall as the weeds and algae are again spreading out of control. This article asks Town Meeting to appropriate 45% of the cost of treatment which totals \$13,500.

Questions:

- Is this going to be a recurring cost every 5 years? (S Sheridan) Yes. The Association is going to be researching alternate funding methods in the future like grants through Makepeace and other sources.
- You mentioned Billington Sea is in the last stages of its life? (K Canty) Yes, but it won't be gone in our lifetime.
- Have you discussed this article with any Town employees? (H Salerno) Yes, David Gould, Director of Marine & Environmental, is in favor of this article.
- Were the weeds a surprise? Why wasn't this brought into the budget? (H Helm) This was a bad weed year. We want to get this funding in place now for next year, to be ready to go when the permits are received.
- It sounds as though you have not raised all of the funds for the 55% that the property owners will cover. What happens if you do not raise those funds? (H Salerno) We have plenty of time and are certain we can raise the funds. If for some reason we do not, we will not take the \$13,500 town share.

Kevin Leary, property owner on Billington Sea, shared that Billington Sea has economic impact beyond the pond and stream. There have been several studies on this subject. It supports birds and fish and

feeds the harbor. Fishing is a large industry in town for residents and tourists. Weeds can harm this industry and have huge economic consequences.

Dale Simpson also lives on the pond. The weeds are traveling to other areas of the pond. Ducks are coming in and staying to feed on the weeds and their fecal matter is everywhere. This is a safety concern and therefore the weeds need to be treated.

Harry Helm made a motion to recommend Article 32 to Town Meeting. Betty Cavacco, second. The motion carries unanimously (13-0-0).

➤ **Article 34: Road Improvements**

9/14/16

Christopher Fava, Petitioner, presented Article 34. He hears a lot of discussion around town about how bad the roads are. The money spent on road improvements is insufficient. We receive approximately \$1.55 million in Chapter 90 funds and Town Meeting approves another \$500,000 each year for private/unaccepted road maintenance. That \$2 million per year only funds 5.3 miles of road repairs. Currently the amount of roads deteriorating is larger than the amount of roads we are repairing so we are digging deeper hole. The town currently has 241.7 miles of roads that need immediate repairs, rehabilitation, or maintenance with an estimated cost of \$134,456,390 not including repairs to sidewalks, bike paths or ramps. We need to think about a long term plan. This article looks at a phased approach to road maintenance. If we take out a bond where borrowing is phased over time, \$25 million in total, that will allow us to add \$5 million to our existing \$2 million per year for 5 straight years. The DPW is comfortable that they could handle this additional road work. If this total is all placed on the tax levy it will increase our tax rate by approximately 26 cents. That is a conservative number run at 5% interest rate, we can most likely receive a lower interest rate. Auto excise receipts are \$8 million per year in Plymouth. We should look at earmarking some of those revenues for road repair. The Selectmen indicated that it would require special legislation but they do have the power to set fiscal policy. Maybe they could say any dollar over \$8 million in excise tax receipts be placed in a fund to support road maintenance. That option can be explored later. Right now it is important to get the budget process in place and start on road improvements early in FY2018. With 2020 coming up, we have a unique marketing opportunity. Our roads are the first impression visitors receive. We want to be seen as a town on the go, investing in our infrastructure and businesses will catch on to that. Residents will also be happy to see infrastructure improvements which also improve public safety. They may see a reduction in car maintenance costs which may more than cover the increase in their property tax. This is a very workable plan.

Questions/Discussion:

There were a lot of questions about funding and the use of excise taxes. If we utilize existing excise tax revenue to fund roads than that will leave a hole in the budget elsewhere. If we earmark only the new revenue above the \$8 million, that would solve that problem. We can also look at grants that may be available for green gate type projects like bike lanes, etc. The phased approach provides flexibility. Braintree has instituted a similar approach and it is working well for them.

Jonathan Beder, DPW Director, said that Chris Fava is spot on with this article and numbers and need. The town invests in water and sewer needs but not roads. We need to invest more in roads and \$7 million per year is very doable for his staff. It is cheaper to maintain roads than it is to rebuild them. We would like to use the bond to fund road repair and the Chapter 90 funds for road maintenance. We started this discussion with the Board of Selectmen last year and then the sewer broke. We were told to follow through with the road discussion.

Public Comment:

- Paul Hapgood shared a large map which illustrated the road plan. He said the town has worked hard at coming up with the plan and scheduling the specifics and priorities and now all they need is the funding to move forward. Jonathan Beder added that the maps are available on the town's website on the Engineering Department page.

- Dave Bustere said that everyone uses the roads and everyone uses the infrastructure. Yes, 2020 is coming but the residents are the ones using the roads everyday. The road conditions are a safety issue, an aesthetic issue, and a quality of life issue.

Christopher Merrill made a motion to recommend Article 34 to Town Meeting. Mike Lincoln, second.

Discussion:

- This is a significant amount of money and it would be nice to see new excise tax revenue above the \$8 million earmarked for road repair and maintenance. (B Cavacco)
- Roads are important to public safety and to commerce. I am grateful this has been brought forward our roads are in desperate need for repair. Excise tax should fund road repair. This article should go to Town Meeting for discussion. (M Lincoln)
- The complete lack of funding is negligence and once again taxpayers are being asked to bail out negligence, I can not support a \$25 million bond with the tax burden we have going on now. (H Helm)
- Why can't the selectmen make a decision regarding how the excise tax is used? I believe what has been presented but believe the eggs are in the Selectmen's basket. Now we are asking Town Meeting to make a decision because the Selectmen haven't. (S Sheridan)
- I do not usually embrace petitioned articles but this one is well thought out, it places the Selectmen in a position to fund roads, and sometimes we have to spend money to save money. Preventative maintenance saves taxpayers money in the long run. We can not ear mark dollars like the Selectmen can. It does not matter which pot the funding comes out of. Roads have a weaker voice in town and this article gives roads a voice. (H Salerno)
- I agree with Mr. Salerno, it forces the hand of the Board of Selectmen. We can grapple with the problem now or face a much larger issue later. Infrastructure has been neglected throughout the country not just Plymouth. Roads are our red carpet, greeting potential house buyers or those considering opening a business in town. The plan is a good start to solving the problem. (K Canty)
- I am not supporting this article because this is not the right time. A year ago this topic was pulled because of the sewer issue, we are still working on that issue. I understand the concepts of sending the message and putting excise tax towards the roads, but not yet. (E Kusmin)
- I support this article. We have to stop kicking the can down the road. We have to stop acting reactively because that always costs more money. We should send Selectmen the message that we would like to see every \$1 over \$8 million in excise tax revenue earmarked for road maintenance and repair. (B Cavacco)

The motion carries (10-4-0). Ethan Kusmin, Harry Helm, Marc Sirrico, Judith Fitzgerald, opposed.

➤ **Article 36: Noise Bylaw**

8/31/16

Richard Mulcahy presented Article 36. This article asks Town Meeting to amend the bylaw on noise by adding Part D Section 120-1 to read "That all public establishments performing live entertainment must keep shut all exterior windows and doors of any kind closed as not to disturb residents or business". The existing noise bylaw is subjective.

Finn O'Donovan owns a store on Main Street and lives above the store with his family. He says that T-Bones is several doors down the street. Last Sunday T-Bones had a 5 piece rock band set up just inside the windows with all of the windows wide open. The noise was way too loud and disruptive to residents, tourists, and local businesses. It is a common occurrence. Main Street Sports Bar has been cooperative keeping the noise level down but T-Bones is not willing to cooperate. There are 35 residences close by on Main Street and no one objects to music but the noise level is unbearable and something has to change. The Assistant Town Manager indicated that this article would be the way to go.

Questions:

- There are a lot of outdoor concerts downtown. Any issues with those? (E Kusmin) Outdoor concerts require a special permit. Bands just inside wide open windows are essentially outdoors but that does

not require a special event permit.

- The Board of Selectmen grant live music permits to those establishments. The Board of Selectmen have the power to revoke those permits. (J Moody) There is no objection to the music, just to the volume which can be solved by closing the windows. The existing noise bylaw is lacking. If the police are called about noise at an establishment, they visit the establishment, the volume gets turned down, then when they leave the establishment, the volume gets turned back up. It is not a solution to the problem.
- Is the noise an issue in the Winter? (S Sheridan) The music can be heard but the noise is at an acceptable volume. 2 weeks ago when we had the heat wave, T-Bones had their air conditioning on and their windows closed, the noise was at an acceptable volume then.
- What about setting bands up further back in the establishment and not right in front of the windows? (S Sheridan) That is actually the requirement now with the license, it is not followed.
- The music is a part of the downtown feel. Would a time cut off help? (E Kusmin) Actually the worst time is Saturday and Sunday from 1 to 5. It is difficult to conduct business with the level of noise. The noise does not attract people to downtown, it actually keeps people away.

Public Comment:

- Lee Delbous lives a little further to the north but has the same problems. There are a lot of bars in the area and the noise is too loud and does not stop until 1AM. He can not sleep with the windows open. He has lived there for 30 years but the noise problem has recently gotten out of control. He very much supports this article.
- Charles Taft lives on Main Street across from Kiskadee. He experiences the same thing, the volume after 10PM is way too loud. Even with his windows shut and air conditioning on, the music is still too loud. He is in support of this article.
- Frank Fushetti lives on Carver Street and could repeat all that has been said. He is pro-business and supports those responsibly managed businesses. Closing windows will not hurt those establishments. Keeping the windows open hurts businesses and residents in the area. The town has been encouraging residential development downtown, it has the opportunity with this article to make downtown a peaceful and enjoyable place to live.

Christopher Merrill made a motion to recommend Article 36 to Town Meeting. Harry Helm, second.

Discussion/Comments:

- Recently Plymouth was voted the #1 drunkest city, this article is related to that, this topic is of increasing concern, do not want to put undo burden on establishments. (H Helm)
- Not in support of this article, limiting the time to ending at 10PM is something he would support, buyer beware in downtown. (E Kusmin)
- Agree with Mr. Kusmin, 9 or 10PM seems like a reasonable compromise, agrees buyers should do their homework before buying a residence in downtown Plymouth. (K Cauty)
- Don't like ad hoc bylaws, understand problems and principle, Board of Selectmen is supposed to enforce provisions of their licenses. (H Salerno)
- I wonder the number of times these establishments have been fined and do they consider the fine of \$50 the cost of doing business. There needs to be a compromise, this article was not vetted with the businesses. (S Sheridan)

The motion fails (1-12-0). Harry Helm, in favor.

Chairman John Moody added that the real issue is bigger than noise, Plymouth needs to decide what type of community it wants to be, his family stays away from downtown on weekends, it is an issue that the community has to wrestle with.

➤ **Article 37: Senior Property Tax Rate Cap**

8/31/16

Petitioner Keven Joyce presented Article 37 which asks Town Meeting to vote a Senior Resident Property

Tax Rate Cap. Mr. Joyce said that seniors of Plymouth are being taxed out of their homes. The property tax rate has increased nearly 70 percent in the last 10 years while Social Security benefits have only increased 24% in the same time frame.

Requirements to qualify for the cap include:

- Must be a homeowner, at least 70 years old as of July 1 to apply
- Must reside in same home continuously for at least 20 years
- All real estate taxes must be paid and current
- Must reside in home full time; no renters, snowbirds or seasonal residents
- Must be a registered voter in the Town of Plymouth
- Must apply for exemption yearly
- Must be retired or not working full time

Demographics:

- Households in Plymouth: 18,000
- Seniors, age 65+: 7,890 or 14% (as of 2010)
- Seniors owning their own home: unknown
- Seniors who have owned same home for 20+ years: unknown
- Seniors eligible for tax cap: unknown

Chair John Moody said that he received an email from Town Counsel that said that "Property tax exemptions are established by statute, or special act. The Town may not grant exemptions except in accordance with and pursuant to an applicable statutory exemption."

Questions:

- Why age 70? What if one spouse is older than 70 and one is younger? (K Canty) As long as one spouse is eligible, they are eligible for this cap. Several towns have some form of senior tax credit, all falling within state regulations, and all have the age requirement at 70.
- What if a secondary residence is in Plymouth but they pay their full share of taxes? What if the house is in a Trust? What if there is a widow who has not lived in the home 20 years but the spouse did? What is considered full time work? (K Canty) Resident must be registered to vote in Plymouth to qualify. Restrictions regarding Trusts can be added. Tough to answer whether widow would qualify. Full time is 40 hours per week. I am trying to help the seniors that I hear from constantly that are retired but going back to work part time at Home Depot or Dunkin Donuts just to pay their taxes.
- Who will enforce and monitor and make sure requirements are met? What about verifying that they do not work full time? (K Canty) The Assessors Office will have the form that needs to be completed each year and they will require that proof of age be shown. They applicant will have to sign verification that they do not work full time.
- Could there be an assessment cap rather than a tax rate cap? (C Merrill) Possibly, but that would require much more work for the Assessor. There is a Homestead Deduction Act for seniors and disabled. There are several benefits for tax credits on the books but they are really limited and difficult to qualify for. There is a disabilities credit for property taxes already. This Property Tax Cap that I am proposing applies to all retired seniors who have seen their taxes double in last 8 years.
- What about an income limit? (C Merrill) I did not want to restrict based on that but it is something to think about.
- Without an income limit, a retired senior making over \$100,000 a year off their investment portfolio qualifies for this cap? (J Moody) Yes, they would qualify but I am not sure they would invest the time and effort to apply to save a couple hundred dollars.
- Did you look at the Senior Circuit Breaker? (P O'Brien) Yes, I believe the income limit is \$71,000, tied to the gross median income, I am flexible and would consider doing this.
- Plymouth has adopted Tax Deferral Clause 41A, which is related to what you are doing, it is for ages

65 and up. It is in place already and defers the taxes so they do not have to pay anything which is better than a cap. (B Cavacco) I was not aware of that option.

- I would like to know the dollars, I like this idea but am not sure this proposal is ready? (E Kusmin) There would be a loss in revenue but the PILOT agreements coming online can offset this loss in tax revenue.
- I can not vote for this, answers are too wishy-washy and I need to see the numbers. (S Sheridan)
- If we wait for the words to be perfect, we will never get anything done. The seniors in this town need help, I would like to recommend this article and let Town Meeting decide. (S Stephenson)

Kevin Canty made a motion to recommend Article 37 to Town Meeting. Scott Stephenson, second.

Discussion/Comments:

- We need to be careful about approving articles with the promise that the language will be fixed later. Like the 41A deferral where the town still gets the tax dollars in the end. (M Sirrico)
- Not in support of this article, there are too many holes most importantly, we do not know what the financial impact to the town will be, agrees we need to keep the tax rate in mind for not only seniors but all of our residents. (K Canty)
- Commend Mr. Joyce for his work on this and agrees this is a problem that seniors are facing, and that a lot of other residents are facing as well, that this is a problem the town needs to address (H Helm)
- Not in support of this article because it is not good tax law, it is flawed, unenforceable, unworkable, and is being presented without associated costs. (H Salerno)
- Also commends Mr. Joyce and supports in spirit but can not support the way it is written, missing the projection for lost revenue, and that seniors will have to pay higher state tax. (C Merrill)
- Also commends Mr. Joyce but the town has the 41A Tax Deferral Clause which has been adopted by the Town, to move this article forward would be futile. (B Cavacco)
- We seem to fight over \$60,000 and ignore the \$150 million elephant in the room. We should support this article and let Town Meeting discuss it.

The motion fails (1-12-0). Scott Stephenson, in favor.