



ADVISORY & FINANCE COMMITTEE

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

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

On: Wednesday, February 1, 2017 at 7:00PM

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

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

Call to Order

Announcements

Public Comment

Agenda Items

- | | |
|---|-------------------------------|
| ➤ ATM Article 12: Chapt 90 Roads | Sid Kashi, Town Engineer |
| ➤ ATM Article 14: Gravel Roads | “ |
| ➤ ATM Article 15: Public Way | “ |
| ➤ STM Article 9: Rescind Fire Chief Statute | Melissa Arrighi, Town Manager |
| ➤ STM Article 10: Rescind Police Chief Statute | “ |
| ➤ STM Article 11: Rescind Civil Service – Fire Chief & Deputy Chief | “ |
| ➤ ATM Article 13: Entergy PILOT | “ |
| ➤ ATM Article 23: Title Research | “ |

Old/New/Other Business

- Sub-Committee & Committee Liaison Updates

Public Comment

Adjournment

Next Meeting: Wednesday February 8, 2017 7PM Mayflower II Meeting Room – Town Hall



TOWN OF PLYMOUTH

Department of Public Works
11 Lincoln Street
Plymouth, Massachusetts 02360

TO: ADVISORY AND FINANCE COMMITTEE

FROM: SID KASHI, P. E. S.K.
TOWN ENGINEER

Through: Jonathan Beder, Director of Public Works

DATE: January 25, 2017

**Subject: 2017 SPRING ANNUAL TOWN MEETING – ARTICLE EXPLANATION
ARTICLE 12 – ACCEPTING CHAPTER 90 (STATE) FUNDS**

This Annual Article authorizes the Town to accept the funding provided by the State under G.L., Chapter 90 for the maintenance of public roads. In the last round of yearly appropriations, the Town received **\$1,512,638.00**. The estimated amount for Fiscal Year 2018 is unknown at this time.

The Town can expect a similar amount in Fiscal Year 2018, unless there is a change in policy and/or the State's financial health.

There is not any need for funding this Article.

The D.P.W. recommends that the ADVISORY AND FINANCE COMMITTEE vote to approve and support Article 12 as presented.



TOWN OF PLYMOUTH

Department of Public Works
Engineering Division
11 Lincoln Street
Plymouth, Massachusetts 02360

TO: ADVISORY AND FINANCE COMMITTEE

FROM: SID KASHI, P. E. *SK*
TOWN ENGINEER

Through: Jonathan Beder, Director of Public Works

CC: Melissa Arrighi, Town Manager
Roads Advisory Committee

DATE: January 25, 2017

**SUBJECT: 2017 SPRING ANNUAL TOWN MEETING – ARTICLE EXPLANATION –
ARTICLE 14 - \$1,000,000. FUNDING FOR PUBLIC AND UNACCEPTED
GRAVEL ROADS IMPROVEMENT PROGRAM**

Over half of the roads in Plymouth are unaccepted AS PUBLIC WAY. There are approximately 150 miles of unaccepted roads, and 40% (65 miles) of these roads are unpaved (gravel). A large percentage of requests to the DPW for road repairs involve gravel roads, and many of them being used as Town-Wide connectors, which are located in areas with significant build-out potential.

Many residents living on gravel roads expect that the Town should be doing more to maintain or improve these roads.

There are not any funding sources available to support adequate levels of Town maintenance on gravel roads. The DPW and the Roads Advisory Committee (RAC) have been exploring various options to create a program to help fund desired improvements to gravel roads. To accomplish this goal the RAC recommended placing an article in the Town Meeting Warrant requesting \$1,000,000.00 to make improvements on gravel roads.

Funding to repair /maintain gravel roads has been authorized in the past by Town Meeting.

Representatives of the Engineering Division and the Roads Advisory Committee will be available on February 1st to present the materials and answer any questions that you may have.

The D.P.W. recommends that the ADVISORY AND FINANCE COMMITTEE Members vote to approve and support Article 14 as presented.

Encl: Special Act passed by Legislators and signed by the Governor authorizing spending public funds to improve unaccepted roads
Report prepared by "BETA" (a pavement management firm)

THE COMMONWEALTH OF MASSACHUSETTS

In the Year Two Thousand and Twelve

AN ACT AUTHORIZING THE TOWN OF PLYMOUTH TO MAKE IMPROVEMENTS ON UNACCEPTED ROADS.

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

SECTION 1. Notwithstanding section 5M of chapter 40, any other general or special law or charter provision to the contrary, the town of Plymouth may transfer money from available funds or borrow money to implement a road improvement program to prepare road layout or make improvements to unaccepted roads and to conduct studies associated with such layouts or improvements.

SECTION 2. This act shall take effect upon its passage.

House of Representatives, June 5, 2012.

Passed to be enacted,

Robert J. Ferris, Speaker.

In Senate, June 6, 2012.

Passed to be enacted,

Paul Cellery, President.

13 June 2012.

Approved,

at 1 o'clock and 10 minutes, P. M.

[Signature]
GOVERNOR.

Town of Plymouth, Massachusetts

Pavement Management Program

Roadway Status Summary - Town Classification

	Roadway Type	Length (Miles)
Town Classification:	Accepted	
	BC	200.93
	GR	17.98
	Total:	218.91
Town Classification:	Unaccepted	
	BC	89.40
	GR	62.31
	Total:	151.71
Town Classification:	State	
	BC	74.02
	Total:	74.02
Town Classification:	Exclusion	
	BC	61.90
	GR	63.90
	Total:	126.15
	Total:	570.80

FY 2016 Chapter 90 Accepted Road Miles - 215



Town of Plymouth Department of Public Works

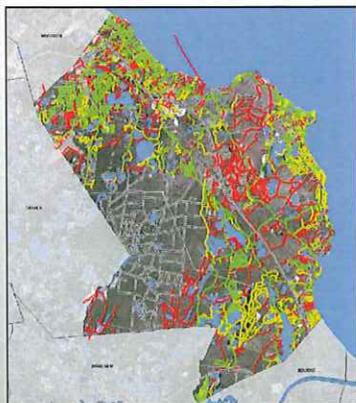
PAVEMENT MANAGEMENT PROGRAM UNACCEPTED ROADWAYS



JANUARY 8th, 2015

Roadway Inventory and GIS

Plymouth Roadway Profile

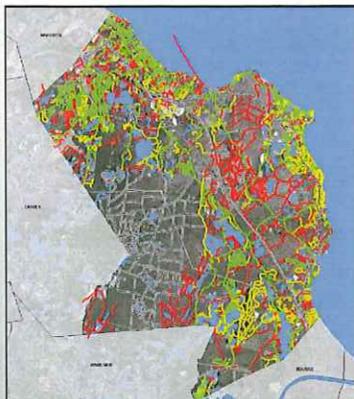


Classification	Miles
Town – Accepted	218.9
Town – Unaccepted	152.5
Town – Private/Exclusion	125.7
Total	497.1



Roadway Inventory and GIS

Plymouth Unaccepted Roadway Profile



Road Type	Miles
Unaccepted – Asphalt	87.5
Unaccepted – Gravel	65.0
Total	152.5



Pavement Management



Maintenance

- Crack Seal
- Pothole/Utility Patching

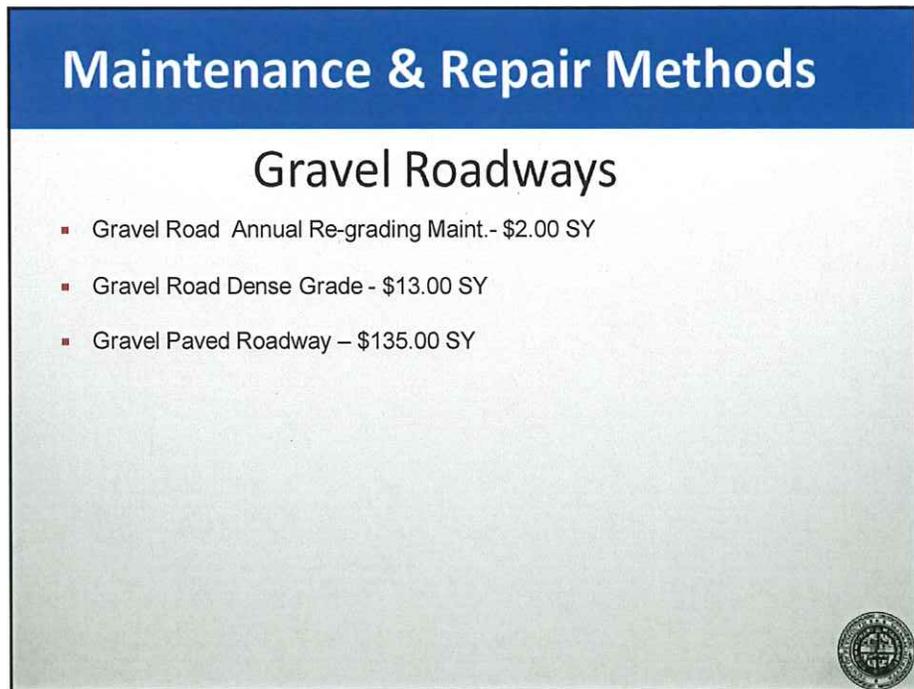
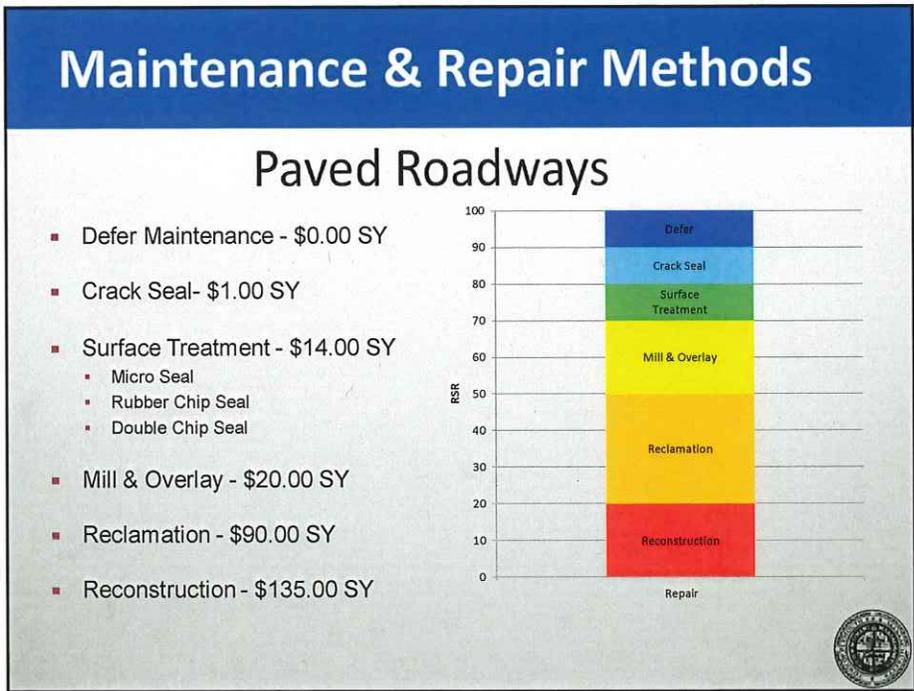
Surface Treatment

- Microsurfacing
- Rubber Chip Seal
- Double Chip Seal

Structural Repair

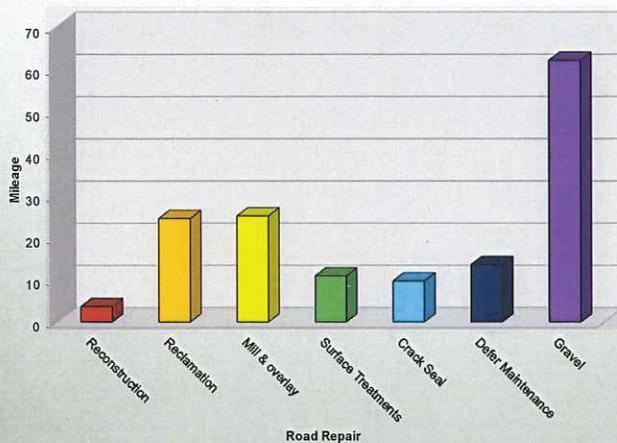
- Mill and Overlay
- Reclamation
- Reconstruction





Existing Conditions Summary

General Rating by Mile – Unaccepted Roads



Approx. 87.5
Road Miles
RSR = 63.61
Paved Roadways



Existing Conditions Summary

Breakdown by Repair Method*

Repair Method	Length (Miles)	Est. Cost	% By Repair
Reconstruction	3.7	\$5,156,726	4.3%
Reclamation	24.5	\$29,353,354	28.0%
Mill and Overlay	25.1	\$7,152,040	28.6%
Surface Treatment	10.9	\$1,960,430	12.5%
Crack Seal	9.7	\$114,501	11.1%
Defer Maintenance	13.6	\$0	15.5%
TOTAL:	87.5	\$43,737,048	100.0%

Backlog* = Approx. \$43.7 Million

*Excludes Gravel Roads



Construction History - Unaccepted



2013 Construction

- Bruce Road – Overlay/Crack Seal
- Ashbury Street - Overlay/Crack Seal
- Cox Lane – Overlay/Crack Seal
- Donna Drive – Crack Seal
- Little Sandy Pond Road – 1,000ft
 - Full Depth Reconstruction



Anticipated Construction

2015 Unaccepted Roads

- George Street
 - \$510K (Money Allocated)
- Queen Drive
 - \$165K (Money Allocated)
- Birch Street
 - \$225K (Money Not Allocated)

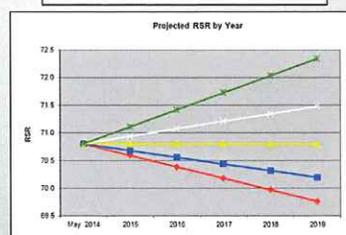


*Asking for \$500K at Town Meeting FY2016



Next Steps

- Determine target funding levels
- Identify funding sources
- Prioritize Roadway Construction
- Installation and Train of Town Staff



Town of Plymouth
Department of Public Works

PAVEMENT MANAGEMENT PROGRAM
UNACCEPTED ROADWAYS

Thank You

January 08, 2015





TOWN OF PLYMOUTH

Department of Public Works
Engineering Division
11 Lincoln Street
Plymouth, Massachusetts 02360

TO: ADVISORY AND FINANCE COMMITTEE

FROM: SID KASHI, P. E., TOWN ENGINEER *JS.K.*

Through: Jonathan Beder, Director of Public Works

CC: Roads Advisory Committee

DATE: January 25, 2017

**SUBJECT: STREET LAYOUT (ACCEPTANCE) PROGRAM
2017 SPRING ANNUAL TOWN MEETING – ARTICLE 15**

The following six (6) streets have been proposed for this year's acceptance.

- Pisces Lane,
- Alewife Road
- Fairview Lane
- Edgewood Circle
- Douglas Lane
- George Street

These streets are presently unaccepted and they have been approved by the Roads Advisory Committee for acceptance.

There is not any need for funding this article.

This package contains a brief synopsis of the locations being considered and locus maps.

Representative of the Engineering Division will be available on February 1st to present the materials and answer any questions that you may have.

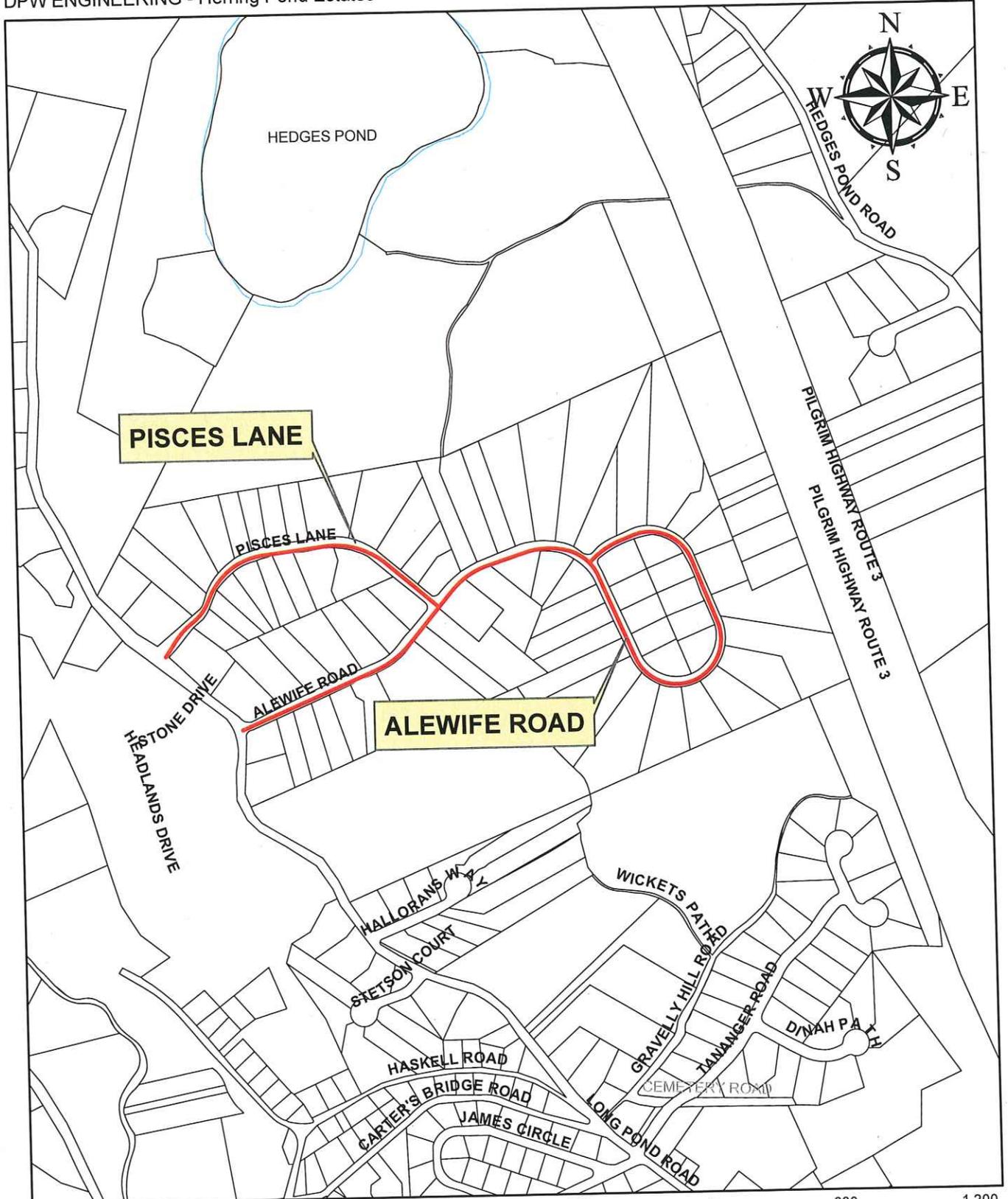
The D.P.W. recommends that the Advisory & Finance Committee members vote to support Article 15 as presented.

Encl: Locus Maps
Brief Synopsis of the Locations

2017 ANNUAL TOWN MEETING LOCUS MAP

ARTICLE 15:
DPW ENGINEERING - Herring Pond Estates

PLAT 55



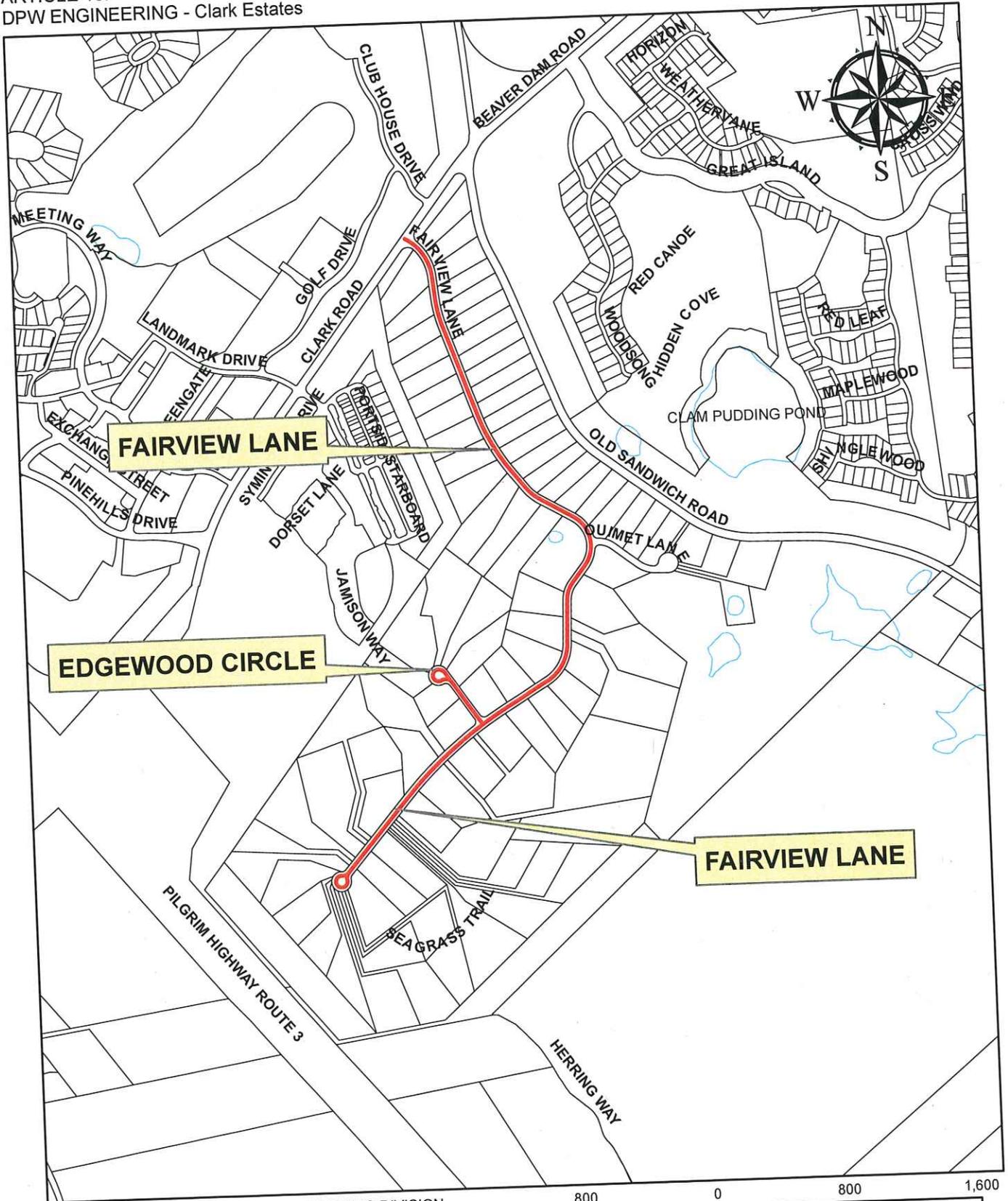
PISCES LANE

ALEWIFE ROAD

2017 ANNUAL TOWN MEETING LOCUS MAP

ARTICLE 15:
DPW ENGINEERING - Clark Estates

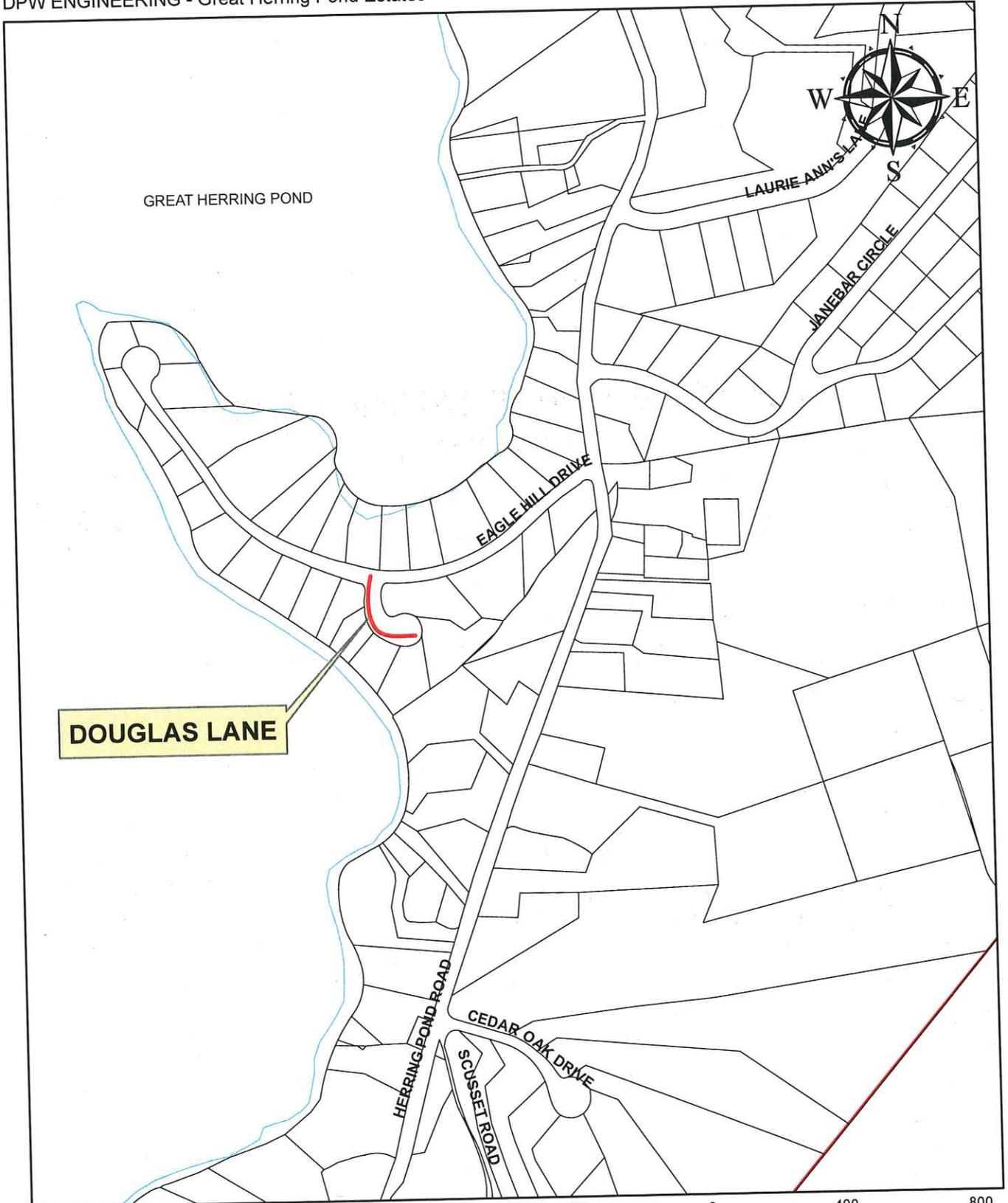
PLAT 77E



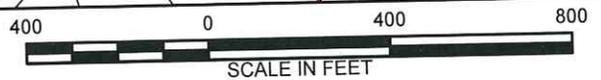
2017 ANNUAL TOWN MEETING LOCUS MAP

ARTICLE 15:
DPW ENGINEERING - Great Herring Pond Estates

PLAT 56



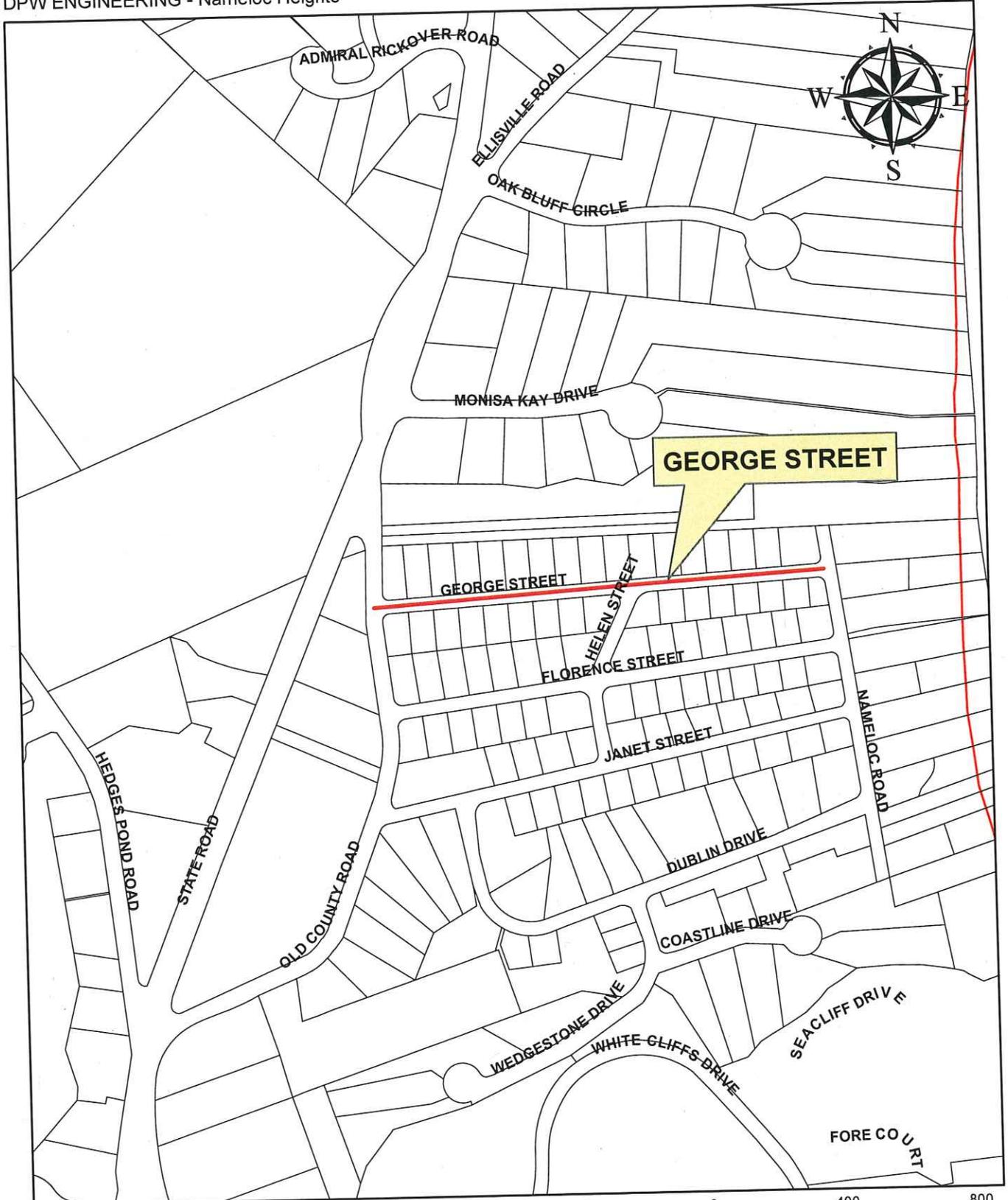
DOUGLAS LANE



2017 ANNUAL TOWN MEETING LOCUS MAP

ARTICLE 15:
DPW ENGINEERING - Nameloc Heights

PLAT 54



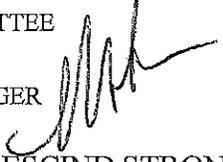
PREPARED BY THE PLYMOUTH ENGINEERING DIVISION



TOWN OF PLYMOUTH
TOWN MANAGER'S OFFICE

MEMORANDUM

TO: BOARD OF SELECTMEN
FINANCE AND ADVISORY COMMITTEE

FROM: MELISSA ARRIGHI, TOWN MANAGER 

SUBJECT: ARTICLE 9 AND ARTICLE 10 – RESCIND STRONG CHIEFS STATUTE

DATE: JANUARY 19, 2017

ARTICLE 9: Rescission of Chapter 48, Section 42 – commonly known as Strong Fire Chief
Towns accepting the provisions of this section and sections forty-three and forty-four, or which have accepted corresponding provisions of earlier laws may establish a fire department to be under the control of an officer to be known as the chief of the fire department. The chief shall be appointed by the selectmen, and shall receive such salary as the selectmen may from time to time determine, not exceeding in the aggregate the amount annually appropriated therefor. He may be removed for cause by the selectmen at any time after a hearing. He shall have charge of extinguishing fires in the town and the protection of life and property in case of fire. He shall purchase subject to the approval of the selectmen and keep in repair all property and apparatus used for and by the fire department. He shall have and exercise all the powers and discharge all the duties conferred or imposed by statute upon engineers in towns except as herein provided, and shall appoint a deputy chief and such officers and firemen as he may think necessary, and may remove the same at any time for cause and after a hearing. He shall have full and absolute authority in the administration of the department, shall make all rules and regulations for its operation, shall report to the selectmen from time to time as they may require, and shall annually report to the town the condition of the department with his recommendations thereon; he shall fix the compensation of the permanent and call members of the fire department subject to the approval of the selectmen. In the expenditure of money the chief shall be subject to such further limitations as the town may from time to time prescribe. The appointment of the chief of the fire department in any town or district having a population of five thousand or less may be for a period of three years.

ARTICLE 10: Rescission of Chapter 41, Section 97A – commonly known as Strong Police Chief
Section 97A. In any town which accepts this section there shall be a police department established by the selectmen, and such department shall be under the supervision of an officer to be known as the chief of police. The selectmen of any such town shall appoint a chief of police and such other officers as they deem necessary, and fix their compensation, not exceeding, in the aggregate, the annual appropriation therefor. In any such town in which such appointments are not subject to chapter thirty-one, they shall be made annually or for a term of years not exceeding three years, as the selectmen shall determine, and the

selectmen may remove such chief or other officers for cause at any time after a hearing. The chief of police in any such town shall from time to time make suitable regulations governing the police department, and the officers thereof, subject to the approval of the selectmen; provided, that such regulations shall become effective without such approval upon the failure of the selectmen to take action thereon within thirty days after they have been submitted to them by the chief of police. The chief of police in any such town shall be in immediate control of all town property used by the department, and of the police officers, whom he shall assign to their respective duties and who shall obey his orders. Section ninety-seven shall not apply in any town which accepts the provisions of this section. Acceptance of the provisions of this section shall be by a vote at an annual town meeting.

As you will note when reading these sections of the law, a substantial portion of the language is obsolete, inconsistent with our Town Charter, and currently not observed. However, there is some language in these laws that is still relevant and should be added to the personnel bylaws. Therefore, I am proposing that the Town vote to rescind both laws above and then vote to support Article 1 that will add the relevant language from those laws to the Personnel Bylaws that govern these employees.

It seems apparent that continuing to keep laws on the books that are substantially obsolete, is not good practice. We would ask you to approve Articles 10 and 11 that rescind these two laws. Thank you for your consideration.

Related Note : Proposed Additions to Personnel Bylaws included in Article 1:

“Non Union employees, including Department Heads and Fire Chief and Police Chief may be removed for just cause after a hearing in front of the appointing authority”.

“The Fire Chief and Police Chief shall be in immediate control of all town property used by the department, and shall purchase, subject to approval, and keep in repair, all equipment and apparatus used by the Department”.

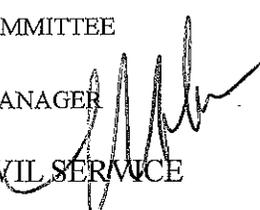
“The Fire Chief and Police Chief shall have full authority in the administration of the Department and shall make all rules and regulations for its operation.”

“The Fire Chief and Police Chief shall have and exercise all the power and discharge all the duties conferred or imposed by statute.”

TOWN OF PLYMOUTH
TOWN MANAGER'S OFFICE

MEMORANDUM

TO: BOARD OF SELECTMEN
FINANCE AND ADVISORY COMMITTEE

FROM: MELISSA ARRIGHI, TOWN MANAGER 

SUBJECT: ARTICLE 11 – RESCIND CIVIL SERVICE

DATE: JANUARY 19, 2017

At the last Town Meeting, we had reserved two separate articles to remove the Civil Service requirement for the positions of Fire Chief, Deputy Fire Chief, Police Chief and Police Captain. The passage of those articles and the elimination of civil service for those executive level positions had merit, would have improved efficiency, and helped with succession planning in both Departments. All those points remain as true today as they were then.

We openly presented these articles at public forums, including Selectmen's meeting, Advisory and Finance Committee, and Committee of Precinct Chairman. We followed the process exactly as we follow it for all articles, never deviating, so that we were as transparent as possible, thus providing an opportunity for everyone interested to educate themselves on the issue, participate in the debate, and form reasonable and informed opinions on the issue.

As you may recall, in the last couple of weeks before Town Meeting, we heard that some rank and file members of the Plymouth Fire and Police Departments strongly opposed those non-union positions being removed from civil service. Some even suggested that the elimination of civil service was a political grab to take control of the public safety departments. This took management by surprise as we had followed exact public process as mentioned earlier. However, since this unrest occurred in close proximity to Town Meeting, we believed that it would be supportive to staff and labor relations in general to withdraw the articles to provide any of these employees more time to digest the information and understand our reasons for promoting these articles.

Here we are, four months later, and all the reasons for eliminating civil service still remain. In particular, it is an immediate issue in the Fire Department. Therefore, we feel compelled to bring the issue back to Town Meeting, however, to do so in stages, addressing the immediate concern first. We are starting with the elimination of civil service for the Fire Department executive positions at this Town Meeting and plan to bring the Police Department executive positions

forward at a future Town Meeting (most likely Fall 2017). In response to some of the Unions comments from the Fall regarding the need to have plenty of time to compose a thoughtful response with opposing arguments, we notified them of our intentions in January 2017.

The elimination of civil service is long overdue. As you heard in the Fall, it has become increasingly more difficult for the Town to recruit and encourage those officers within the rank and file to seek career enhancing promotional opportunities. Additionally, the Fire Chief and I believe that rescinding Civil Service will provide the Town with greater flexibility in recruiting, hiring and maintaining the best and the brightest to serve this community. I have listed our challenges and opportunities below.

Fire Department Challenges

Plymouth Fire requested a Deputy Chiefs Exam and a Fire Chiefs Exam Fall of 2011; the exam was scheduled (with other communities statewide) in March 2012.

- March 2012 Deputy Chief and Fire Chief Exams, the exam is open to Battalion Chiefs and Deputy Fire Chiefs, not enough applicants signed up (need 4) Exam closed to Plymouth and automatically rescheduled for the following year open to the next lower rank.
- March 2013 Deputy Chief and Fire Chief Exams, automatically posted for Plymouth due to not enough applicants in 2012, the exam is open to Deputy Fire Chiefs, Battalion Chiefs, and Captains. Not enough applicants signed up (need 4) Exam closed to Plymouth and automatically rescheduled for the following year open to the next lower rank.
- March 2014 Deputy Chief and Fire Chief Exams, automatically posted for Plymouth due to not enough applicants in 2013, the exam is open to Deputy Fire Chiefs, Battalion Chiefs, Captains and Lieutenants. No one signed up for either Exam (need 4) Exam closed to Plymouth and automatically rescheduled for the following year open to the next lower rank.
- March 2015 Deputy Chief and Fire Chief Exams, automatically posted for Plymouth due to not enough applicants in 2014, the exam is open to Deputy Fire Chiefs, Battalion Chiefs, Captains and firefighters (anyone alive). No one signed up for either Exam (need 4) Exam closed to Plymouth for 2015 and in accordance with Civil Service Regulations (PAR) both the Deputy Fire Chief and Fire Chiefs exams are closed out and will not automatically be rescheduled.

Currently, both the Chief and Deputy Chief have enough time in service to retire (Deputy Young retired July 5, 2016), and there is no available list to fill the current vacancy. If there are further retirements and openings there are no lists to appoint a permanent Deputy Chief or Fire Chief. At our last Town Meeting, the Fire Department had tried for over four years to establish a Civil Service Promotional list for Fire Chief and Deputy Fire Chief, without any personnel signing up. Since that time, we have been able to schedule a Deputy Fire Chief's exam for May 2017, however, we do not believe it will result in an acceptable list (acceptable is at least three names on a list from the exam). In addition, Civil Service has indicated that they will not have a Fire Chief exam in 2017 or 2018 "since it creates a deficit for Civil Service so we are not able to offer it".

Benefits to the Town by removing Civil Service:

The benefits to the Town are numerous. The below benefits have been realized by the other 85% Fire Departments throughout the Commonwealth who have eliminated the Civil Service requirement for the Fire Chief.

- Removing the Chief from Civil Service allows for greater flexibility within the hiring and promotional process.
- The department can determine the expiration date of the hiring and promotional lists.
- The fire department can set minimum eligibility guidelines not allowed under Civil Service such as higher education levels.
- The town and the department can determine what hiring preferences they want to acknowledge (residency, military experience, Paramedic/EMT certifications, language proficiency, prior academy training)
- Instead of the candidate ratio of (2N+1) departments would have a much larger candidate pool to select from.
- Ability to incorporate community and department specific criteria into promotional exams.
- Ability to offer promotional exams that more accurately gauge a candidate's suitability to become a supervisor.
- Attributes beyond test score, such as work product, contribution to the community and performance evaluations would factor into promotions.
- Ability to mandate a probationary period for promotions.
- There are many companies that provide promotional exams for police/fire departments.
- The exam score or rank does not have to be the determining factor for who the department interviews and promotes.
- Current employees retain their civil service status.
- Possible Promotion Criteria
 - Job related experience.
 - Performance evaluation.
 - Supervisory evaluation of the employee's potential.
 - Score on promotional exam.
 - Sick leave record.
 - Formal education.
 - Training and education through career development.
 - Disciplinary record.
 - Attitude toward the department and police work.
 - Work ethic and initiative.
- You broaden your promotional pool exponentially (100 applicants as compared to 2N+1)
- The appointing authority can decide what's important for their community, rather than being dictated
- You raise the level and competitiveness of the entire promotional process; as a result, your personnel raise the level of "their game"

In closing, we are strongly recommending the passage of Article 11 that will rescind civil service at the Executive Level of the Fire Department. Thank you for your consideration.

Related Note: As part of the elimination of civil service for these executive Fire positions, I also want to honor my commitment from the September 6, 2016 Town Manager's Report to the Board of Selectmen. In that report, and at the meeting that evening, I indicated that these non-union positions did not have protections/recourse in the personnel bylaws that govern their jobs. I stated at the time that because there is no specific reference to discipline procedures in the personnel bylaws, the non-union employees are essentially employees at will. If they feel wrongfully aggrieved, their only option would be to file suit against the Town or appeal to the Selectmen for a veto (in some cases). I made a commitment to come up with "good cause" language to propose to the 2017 Spring Special Town Meeting as an addition to the personnel bylaws. This proposed language is reflected in Article 1 on this warrant and will help protect any new Chiefs and Deputy Chiefs, as well as other non-union employees, with a process for discipline. I also stated that if the elimination of civil service passed Town Meeting, I would propose that the Town rescind MGL Chapter 48, Section 42 and MGL Chapter 41, Section 97A. These two statutes (attached) provide for the "Strong Chiefs" language, however, the language of the law conflicts with our Town Charter in terms of the appointing authority and is outdated overall. The redeeming language from those statutes has also been proposed for addition to the personnel bylaws in Article 1.

TOWN OF PLYMOUTH
11 Lincoln Street
Plymouth, MA 02360
(508) 747-4620
Fax (508) 830-4140

OFFICE OF TOWN MANAGER

TO: Board of Selectmen
FR: Melissa Arrighi, Town Manager
RE: Annual Town Meeting Article 13 - Entergy PILOT
DT: January 18, 2017

ARTICLE To see if the Town will vote to approve a payment in lieu of taxes agreement between the Town and Entergy Nuclear Generation Company for the property known as the Pilgrim Nuclear Generation Station, as on file with the Town Clerk, or take any other action relative thereto.

BOARD OF SELECTMEN

The Town has been negotiating with Entergy on a successor Payment in Lieu of Tax Agreement that has been approved by the Board of Selectmen. This agreement will extend through June 30, 2019 and will provide for payments of \$9M in Fiscal Year 2018, and \$8.5M in Fiscal Year 2019. Although issues outside of the tax payment are typically outside of the scope of a PILOT agreement, the Town had always retained 'restrictive covenant' language on the approximately 1500 acres owned by Entergy. This land is commonly known as "the burdened parcel". In this round of negotiations, Entergy was quite insistent on the elimination of that language and the Town ultimately agreed to that request. However, we did negotiate a Right of First Refusal option on that "burdened parcel" so that we could retain some ability for the Town to weigh in on the future of that property.

In addition, approval of this article will eliminate the possibility of Entergy filing for an abatement on a Town assessed value of the property. The abatement process is lengthy and may take upwards 12 – 18 months. During that time, the Town would not be able to include this revenue amount in the budget and would have to set aside a portion of the revenue into overlay reserve for the abatement process. Without question, this would leave a glaring hole in the budget that would have to be made up with cuts or raising more taxes.

We are respectfully requesting that you recommend this article to Town Meeting.

Thank you.

**SECOND AMENDMENT TO PAYMENT
IN LIEU OF TAX AGREEMENT**

This Second Amendment (this "Second Amendment"), dated as of October 14, 2016, is by and between the Town of Plymouth, a municipal corporation and political subdivision of the Commonwealth of Massachusetts, with offices at 11 Lincoln Street, Plymouth, Massachusetts 02360 ("Town") and Entergy Nuclear Generation Company, a Massachusetts corporation, with its principal place of business at the Pilgrim Nuclear Generation Station, Rocky Hill Road, Plymouth, Massachusetts 02360 ("Entergy"), each individually, a "Party" and collectively, the "Parties."

WHEREAS, the Town and Entergy are Parties to the Payment In Lieu of Tax Agreement, dated as of August 13, 2013 (the "PILOT Agreement"), and capitalized terms used but not otherwise defined in this Second Amendment shall have the meaning given them in the PILOT Agreement; and

WHEREAS, the Town and Entergy are Parties to a First Amendment to PILOT Agreement dated December 17, 2014 that extends the PILOT Agreement through Fiscal Year 2017; and

WHEREAS, the Town and Entergy now wish to extend the term of the PILOT Agreement through Fiscal Year 2019, amending certain sections of the PILOT Agreement accordingly.

NOW THEREFORE, the Town and Entergy, in accordance with Section 22 of the PILOT Agreement, in consideration of mutual covenants and conditions contained herein, and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties hereto agree as follows:

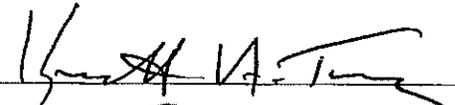
1. The term of the PILOT Agreement shall be extended to and inclusive of June 30, 2019.
2. The Annual Payment for Fiscal Year 2018 shall be \$9,000,000 subject to the limitations set forth in Paragraph 10 of the PILOT Agreement and the Annual Payment for Fiscal Year 2019 shall be \$8,500,000 also subject to the limitations set forth in Paragraph 10 of the PILOT Agreement. The sixth "Whereas" clause, Paragraph 6, Paragraph 8, and Paragraph 10 shall each be amended accordingly by striking the phrase "through 2016" and inserting in its place the phrase "through 2019"; and Paragraph 1 shall be amended by adding "2018" and "\$9,000,000" and "2019" and "\$8,500,000" to the bottom of the existing columns for "Fiscal Year" and "Payment," respectively.
3. Section 14 of the PILOT Agreement is amended by inserting the following as the second paragraph thereof:

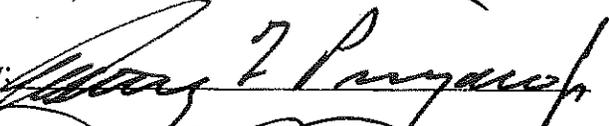
The obligations of the Parties under this Second Amendment are conditioned upon (i) the Town promptly submitting this Second Amendment to the Massachusetts Department of Revenue ("DOR"), and DOR having no objection within the thirty (30) day review period, and (ii) approval of the Second Amendment by the Town acting by vote of its Town Meeting no later than April 30, 2017. In the event that DOR objects to the Second Amendment or the Second Amendment is not approved by Town Meeting, the Second Amendment shall become null and void and of no further effect unless otherwise agreed by the Parties in writing.
4. Section 20 of the PILOT Agreement is amended by striking the existing text in full and inserting in its place the following:

6. The Parties shall commence the process of negotiating another Payment in Lieu of Tax Agreement for the Plant for Fiscal Year 2020, and possibly future years, not later than March 31, 2018.

IN WITNESS WHEREOF, THE Town and Entergy have executed this Second Amendment as of the date first above written.

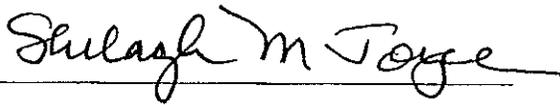
BOARD OF SELECTMEN OF THE
TOWN OF PLYMOUTH

By: 

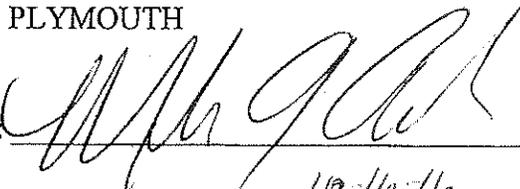
By: 

By: 

By: _____

By: 

TOWN MANAGER OF THE TOWN
OF PLYMOUTH

By: 
10-16-16

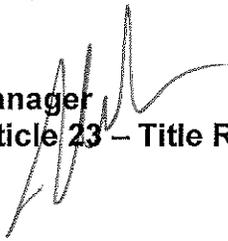
ENTERGY NUCLEAR GENERATION
COMPANY

By: 

TOWN OF PLYMOUTH
11 Lincoln Street
Plymouth, MA 02360
(508) 747-1620
Fax (508) 830-4140

OFFICE OF TOWN MANAGER

TO: Board of Selectmen
FR: Melissa Arrighi, Town Manager
RE: Annual Town Meeting Article 23 – Title Research
DT: January 18, 2017



Throughout the years, issues have arisen about the title history of various parcels. The most common of these has been the push by the community to perform the title research on the 1000 acres in South Plymouth. We know that in order to do anything with that land in our future, we must understand the title issues tied to each individual parcel. In addition, many of us have heard questions about property rights, ownership, and titles related to beachfront property, including specifics about recreational and coastal overall access. Finally, we have some properties in the Town that we believe are public property (ie Long Beach), however, there is a private home on that site. The titles to these properties date back so far, that extensive research is required to validate ownership. This can get expensive.

These questions have remained unanswered for decades. I believe that we should put many of these to rest and receive final, legal determinations. The Board of Selectmen has supported that goal. Therefore, I am asking for an article that will provide for funds to do this title research as it arises.

Thank you.