

SPECIAL TOWN MEETING
April 2, 2016
Table of Contents

	PAGE(S)
<u>REPORT & RECOMMENDATIONS</u>	
Report & Recommendations of the Advisory & Finance Committee	5-9
<u>VOTING CHARTS</u>	
Advisory & Finance Committee Roll Call Voting Chart	13
<u>SUPPORTING DOCUMENTATION</u>	
Article 1 Classification & Compensation Plans, Personnel Bylaws	17-24
Article 3 Unpaid Bills	25-27
Article 4 Amend ATM2015 Article 8.....	29-31
Article 5 Solar Pilot – Route 3 Exit 5	33-35
Article 6 Stabilization Fund – Nuclear Mitigation	37-39
Article 7 Debt Rescindment.....	41-43
Article 8 Sewer	45
Article 9 Dog License Fee & Fine Increases	47-50
Article 12 Easement – Sandwich Road / River Street.....	51-54
Article 14 Electricity Aggregation.....	55-63

REPORT & RECOMMENDATIONS

REPORT & RECOMMENDATIONS OF THE ADVISORY & FINANCE COMMITTEE

Spring Special Town Meeting - April 2, 2016

ARTICLE 1: To see if the Town will vote to amend the Classification and Compensation Plans and the Personnel By-Law and Collective Bargaining Agreements contained therein, or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 12-0-1). The Advisory & Finance Committee recommends Town Meeting approve Article 1. Town Meeting approval of this article will authorize minor administrative changes to the Personnel Bylaw and accept a new Collective Bargaining Agreement with SEIU. Details of the SEIU agreement are summarized in the Memorandum of Agreement dated December 23, 2015 included in the article back-up.

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer a sum of money to pay certain unpaid bills of a prior fiscal year, or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval \$2,341.27 (Unanimous, 13-0-0). The Advisory & Finance Committee recommends Town Meeting approve Article 3. Town Meeting approval of this article will authorize payment of one outstanding invoice from FY2015 in the amount of \$2,341.27. This invoice is for a 100B expense (Police and Fire Retired on Disability). Often these types of bills, which cannot be anticipated, are received well after the close of the fiscal year. Funding for this invoice will come from the FY2016 Human Resources Budget.

ARTICLE 4: To see if the Town will vote to amend the amount appropriated under Article 8 of the 2015 Spring Annual Town Meeting for the purpose of repair/purchase/lease/replacement of departmental equipment, or otherwise amend said vote, or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 13-0-0). The Advisory & Finance Committee recommends Town Meeting approve Article 4, which will correct an administrative error on the funding source and amount for an Article 8 item approved at the Spring 2015 Annual Town Meeting. Item KK, relating to Acoustic Buoys, identified grants as the funding source and appropriated \$4,000; the actual funding source was general fund free cash and totaled \$2,138.66, representing the Town's matching fund contribution for a grant. Town Meeting approval of this article will amend the appropriation from \$4,000 to \$2,138.66 and the source from grants to general fund free cash.

ARTICLE 5: To see if the Town will vote, pursuant to the provisions of G.L. c.59, §38H, to authorize the Board of Selectmen and Board of Assessors to negotiate and enter into an agreement for payment-in-lieu-of-taxes (“PILOT”) for a 0.5MW-AC (more or less) solarphotovoltaic energy generating facility for MA Highway Solar, LLC or its affiliates, successors, or assignees for a period of up to 20 years to be located on property described as Plymouth Route 3 Interchange Exit 5, upon such terms and conditions as the Board of Selectmen and Board of Assessors shall deem to be in the best interest of the Town, or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 11-0-2). The Advisory & Finance Committee recommends Town Meeting approve Article 5. Town Meeting approval of this article will authorize the town to accept a PILOT (payment in lieu of taxes) agreement between the town and MA Highway Solar for its 0.5 MWAC solar photovoltaic facility located at Exit 5. A rate of \$12,500 per MWAC is the negotiated amount. The term of the agreement will be for 20 years and will include an annual escalator of 2.5%. By entering into a PILOT, the town will receive a set stream of payments and have a remedy to seek damages should there be a default.

ARTICLE 6: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the following Stabilization Fund, as authorized by the provisions of G.L. c. 40, §5B as amended,

a. Nuclear Plant Mitigation Stabilization Fund
or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval \$750,000 (Unanimous, 13-0-0). The Advisory & Finance Committee recommends Town Meeting approve Article 6. Approval of this article would authorize the Town to set aside \$750,000 in the Nuclear Plant Stabilization Fund, which will provide for future mitigation of the tax impact to residents as the PILOT payments from Entergy decline. The current balance of the Nuclear Plant Mitigation Stabilization Fund is \$2,886,924. As with all Stabilization Funds, a 2/3rds vote of Town Meeting would be required for additions to or withdrawals from the stabilization fund.

ARTICLE 7: To see if the Town will vote to rescind the following unused borrowing authority,

Article 9B3 April 2012 ATM Water Street Bridge	\$ 700,000
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Article 9B3 April 2013 ATM Federal Furnace HVAC	\$1,380,000
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or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 13-0-0). The Advisory & Finance Committee recommends Town Meeting approve Article 7. Approval of this article would rescind borrowing authorizations for Article 9B3 of the 2012 Annual Town Meeting for the Water Street Bridge in the amount of \$700,000 and Article 9B3 of the 2013 Annual Town Meeting for the Federal Furnace HVAC project in the amount of \$1,380,000. Both projects are complete and these amounts represent unused borrowing authorization.

ARTICLE 8: To see if the Town will vote to appropriate a sum of money for costs of temporary and permanent repairs related to sewer line breaks and the Town's sewer system in general, including the payment of costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Please see the Special Town Meeting Supplement I.

ARTICLE 9: To see if the Town will vote to amend the General Bylaws, Chapter 23, Animals, for certain licenses and fines by deleting the strikethrough text and inserting the bold text as follows:

§23-11 Dog license.

Notwithstanding the provisions of MGL c.140, §§139 and 173, the fees for dog licenses shall be ~~\$10~~ **\$15** for altered males and spayed females and ~~\$20~~ **\$25** for unaltered males and unspayed females.

And,

§ 23-7. Unlicensed dogs; penalties.

The penalty for owning an unlicensed dog in the Town of Plymouth shall be ~~\$50~~ **\$75**, with each month of continued violation constituting a separate offense.

or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 13-0-0). The Advisory & Finance Committee recommends Town Meeting approve Article 9. Approval of this article would increase dog license fees for neutered dogs from \$10 to \$15 and for non-neutered dogs from \$20 to \$25 and increase the fine for owning an unlicensed dog from \$50 to \$75 per month.

ARTICLE 12: To see if the Town will vote to authorize the Board of Selectmen to accept a perpetual easement for public way purposes over the property located on Sandwich Road and River Street, Plymouth, MA and shown as Plymouth Assessor's Parcels No. 047-000-001-000, as on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain any other necessary easements, including drainage, utility, or access; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 13-0-0). The Advisory & Finance Committee recommends Town Meeting approve Article 12. Approval of this article would allow the Town to obtain an easement for an existing portion of roadway currently located outside of the layout at Bramhall's Corner. Granting of this easement was a condition of approval for the Bramhall Village development.

ARTICLE 14: To see if the Town will vote to grant the Town Manager authority to initiate the municipal aggregation process pursuant to Chapter 164, Section 134 of the Massachusetts General Laws, or any other enabling authority, to include, but not be limited to, researching, developing and entering into a contract, or contracts, to aggregate the electricity load of the residents and businesses within the Town of Plymouth and for other related services, including consulting services, independently, or in joint action with other municipalities for terms of more than two years, and for such consideration (if any), and on such other terms and conditions that the Board of Selectmen deems in the best interest of the Town, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 13-0-1). The Advisory & Finance Committee recommends Town Meeting approve Article 14. Approval of this article would allow the Town to enter into a municipal electricity aggregation effort spearheaded by the Old Colony Planning Council enabling residents who wish to participate to receive lower electricity supply rates that would be made available based on the volume of residents participating from Plymouth and six other southeastern Massachusetts communities.

ROLL CALL VOTING CHARTS

ADVISORY & FINANCE COMMITTEE - ROLL CALL VOTING CHART - SPECIAL TM ARTICLES

Y - For

N - Against

A - Abstain

X - Absent

Ch - Chair did not vote

ARTICLES

	Kevin Carty	Betty Cavacco	Harry Helm	Sheragh Joyce	Ethan Kusmin	Mike Lincoln	Marcus McGraw	Patricia McPherson	Christopher Merrill	John Moody	Patrick O'Brien	Harry Salerno	Marc Sirrico	Scott Stephenson	Robert Cote	VOTE TOTAL FOR-AGAINST-ABSTAIN
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1	Personnel Bylaw / Collective Bargaining	Y	A	X	Y	Y	Y	Y	Y	Ch	Y	Y	Y	Y	Y	12 - 0 - 1
3	Unpaid Bills of Prior Fiscal Year	Y	Y	X	Y	Y	Y	Y	Y	Ch	Y	Y	Y	Y	Y	13 - 0 - 0
4	Amend ATM2015 Article 8	Y	Y	Y	Y	Y	Y	Y	X	Y	Ch	Y	Y	Y	Y	13 - 0 - 0
5	Solar Pilot - Route 3 Exit 5	Y	A	Y	Y	Y	Y	Y	X	Y	Ch	Y	Y	Y	A	11 - 0 - 2
6	Stabilization Fund - Nuclear Plant Mitigation	Y	Y	Y	Y	Y	Y	Y	X	Y	Ch	Y	Y	Y	Y	13 - 0 - 0
7	Debt Rescindment	Y	Y	Y	Y	Y	Y	Y	X	Y	Ch	Y	Y	Y	Y	13 - 0 - 0
8	Sewer	Please see Special Town Meeting Supplement I.														
9	Dog License Fee & Fine Increases	Y	Y	Y	Y	Y	Y	Y	Y	Ch	Y	Y	Y	Y	X	13 - 0 - 0
12	Easement - Sandwich Road / River Street	Y	Y	Y	Y	Y	Y	Y	Y	Ch	Y	Y	Y	Y	X	13 - 0 - 0
14	Electricity Aggregation	Y	Y	Y	Y	Y	Y	Y	Y	Ch	Y	Y	A	Y	Y	13 - 0 - 1

ARTICLE
SUPPORTING
DOCUMENTATION

ARTICLE 1:

ARTICLE 1: To see if the Town will vote to amend the Classification and Compensation Plans and the Personnel By-Law and Collective Bargaining Agreements contained therein, or take any other action relative thereto.
BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 12-0-1).

The Advisory & Finance Committee recommends Town Meeting approve Article 1. Town Meeting approval of this article will authorize minor administrative changes to the Personnel Bylaw and accept a new Collective Bargaining Agreement with SEIU. Details of the SEIU agreement are summarized in the Memorandum of Agreement dated December 23, 2015 included in the article back-up.



TOWN OF PLYMOUTH

11 Lincoln Street
Plymouth, Massachusetts 02360
FAX: (508) 830-4140.

Board of Selectmen
Town Manager
(508) 747-1620 ext. 100
Human Resources
(508) 747-1620 ext. 101

DATE: February 4, 2016

TO: Board of Selectmen and Advisory and Finance Committee

FROM: Marie Brinkmann, Director of Human Resources

RE: Article 1 Special Town Meeting
Classification and Compensation Plans/Personnel Bylaws

Article 1 – To see if the Town will vote to amend the Classification and Compensation Plans and the Personnel Bylaw and Collective Bargaining Agreements contained therein, or take any other action relative thereto.

We are recommending the following changes to the Personnel Bylaw:

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

MEMORANDUM OF AGREEMENT

December 23, 2015

(NOTICE – Numbers 3, 4, 5, 6, 11, 14, 15, and 16 to take place after Town Meeting.
Numbers 9, 10, 12, 13, and 17 to take place in Year 2 of new CBA)

Acting subject to ratification by the membership of Local 888 SEIU (“the Union”) and by the Plymouth Board of Selectmen, representatives of the Union and the Town agree as follows:

1. Life Insurance increased to \$15,000 for active employees (this is not to be incorporated into the new CBA and will take effect as soon as practicable)
2. Pay Date moves to Friday (this is not to be incorporated into the new CBA and will take effect as soon as practicable)
3. Eliminate practice of separate checks (this language will not be incorporated into the new CBA)
4. Change language in Article II – Vacancies and New Positions regarding seniority as follows:
“Within a reasonable period of time to allow for reviewing applications and conducting interviews, the Department Head will notify the Town Manager which applicant is being recommended for appointment. When two (2) or more of the qualified personnel are Town employees and all have the same qualifications, the senior employee shall be selected the Town Manager will make the final decision without regard to seniority.”
5. Change language in Article II – Vacancies and New Positions regarding probationary employees as follows:
“All employees who are new to this bargaining unit shall be considered as probationary employees. They shall remain as probationary employees for three (3) four (4) calendar months. During probation, employees may be discharged without cause and shall not be able to grieve any discharge.”
6. Change to Article VII – Work Week regarding removal of 4 day work week language:
Beginning September 3, 2013, (after Labor Day) Town Hall hours shall be changed to Monday through Friday, 7:30 a.m. to 4:00 p.m. with one (1) hour for lunch for all SEIU members. Members can also select to work a 4 day work week subject to the needs of their department and with the approval of their immediate manager. Schedules must be on file with the Town and will be reviewed annually.
7. Add language to Article VII – Work Week to incorporate the Memorandum of Agreement dated November 25, 2015:

When the Plymouth Town Hall, Senior Center or Library is closed or has reduced hours due to weather events or Town-wide public emergency, all Union members, both within and outside those buildings, shall be paid their regular work day salary. Any Union member who is asked to and agrees to work, shall receive compensatory time (equal to the hours worked, i.e., at straight time) and be paid at time-and-a-half (1 1/2) for hours worked. Employees who are asked to and agree to work during a weather event or public emergency that occurs on a holiday shall receive compensatory time (equal to hours worked, i.e., straight time) and be paid at time-and-a-half (1 1/2) for hours worked. All compensatory time earned pursuant to this agreement must be used within 30 days or will be lost.

8. Change language in Article XIII – Salaries to reflect COLA increases:
FY16 (effective July 1, 2015) increase of 2%
FY17 (effective July 1, 2016) increase of 2.5%
FY18 (effective July 1, 2017) increase of 3%
9. Change language in Article XVII – Vacation Leave regarding vacation eligibility as follows:
2A. "An employee will begin accruing vacation on a weekly basis immediately upon employment according to the chart below. Weekly accrual rate will increase on anniversary dates. A new employee may begin taking accrued vacation at 6 4 month anniversary of employment."
10. Change language in Article XVII – Vacation Leave regarding vacation accrual as follows:
2B. "Employees hired on or after July 1, 2011, will begin accruing vacation on a ~~July 1, 2011~~ weekly basis according to the chart below as of ~~July 1, 2012~~. Weekly accrual rate will increase on anniversary dates. A new employee may begin taking accrued vacation at six (6) four (4) month anniversary of employment." (P)

Years of Service	Vacation Days	Hourly Accrual Rate (7.5 hrs per day)	Hourly Accrual Rate (8 hrs per day)
0-2	10	1.44	1.54
2	10.11	1.44 1.59	1.54 1.69
3	10.12	1.44 1.73	1.54 1.85
4	10.13	1.44 1.88	1.54 2.00
5	10.15	1.44 2.16	1.54 2.31
6	10.5 15	1.54 2.16	1.64 2.31
7	11.15	1.63 2.16	1.75 2.31
8	12.15	1.73 2.16	1.85 2.31
9	12.5 15	1.83 2.16	1.95 2.31
10 & 11	13.16	1.92 2.31	2.05 2.46
12 & 13	14.17	2.02 2.45	2.15 2.62
14 & 15	14.5 18	2.11 2.60	2.25 2.77
16 & 17	15.19	2.21 2.74	2.36 2.92

18 & 19	16.20	2.31 2.88	2.46 3.08
20	16.520	2.41 2.88	2.57 3.08

11. Change language in Article XVIII – Sick Leave as follows:

A. “An employee (hired before July 1, 2011) in continuous employment shall be allowed the equivalent number of hours to equal one and one-quarter (1 ¼) days leave with pay for each month thereof provided such sick leave is caused by sickness, injury or disability which prevents the employee from performing his/her normal duties. A new employee hired on or after July 1, 2011 in continuous employment shall be allowed the equivalent number of hours equal to .834 days leave with pay for each month thereof provided such sick leave is caused by sickness, injury or disability which prevents the employee from performing his/her normal duties. At the discretion of their department head, employees may utilize sick time in increments of one hour. The one-hour utilization may not be unreasonably denied for an urgent medical need.”

12. Change language in Article XVIII – Sick Leave as follows:

C. “An employee in continuous employment shall be credited with the unused portion of leave granted under sub-section A up to a maximum of 1,500 2,100 hours (1350 1,890 for those employees who receive the long term disability benefit).”

13. Change language in Article XVIII – Sick Leave regarding buyback as follows:

K. “The Town agrees that it shall pay to the employee upon his voluntary retirement or upon the death of said employee to his named beneficiary Twenty-five dollars (\$25.00) for each 7 ½ (or 8) hours of accumulated unused sick leave remaining in the account of said employee for fifty (50%) percent of the total hours of said accumulated sick leave, up to a maximum payment of twenty-five hundred (\$2,500) thirty-five hundred (\$3,500) dollars. In order to be eligible for this benefit said employee must have been employed as a member of this bargaining unit for ten (10) years or more. Employees who accept the Town’s long term disability insurance option will not be eligible for this buyback plan.”

14. Add language to Article XXIV - Management Rights:

M. Employees who are asked to, or may have a need to, operate a motor vehicle while on Town business shall notify their supervisor if they are on a medication that might impair their ability to safely operate a motor vehicle.

15. Add language to Article XXIV - Management Rights:

N. Employees will notify Human Resources immediately upon any arraignment or conviction of a misdemeanor or felony.

16. Remove “and/or stipends” from Article XXXVII - Re-Openers:

“It is understood that if any other town side managed collective bargaining group reaches an agreement for a salary-related increase during the lifetime of this contract

only (2012-2015) (2015-2018), the contract will be reopened on the issue of salary increases. A "salary-related increase" shall be defined as COLA and/or stipends. This article shall not apply when a greater wage increase is awarded as the result of an arbitrator's decision or a reclassification."

17. Add a new article – Article XXXVIII - Longevity:

Employees in continuous service, who have completed the number of years of continuous service set forth below, shall receive longevity payments in accordance with the calendar year in which said employee attains that particular level of years of service. The longevity payment shall be paid in a lump sum during the month of November, except if an employee retires after July 1, he/she shall receive his full longevity pay for that year in a lump sum with his/her final week's pay. Eligibility begins with the date of continuous employment. Part-time employees in the group shall receive the longevity benefits listed below on a pro-rata basis. An employee's share of a benefit shall bear the same relationship to the total benefits as the employee's average work-week bears to a full-time work week.

<u>Years of Service</u>	<u>Longevity Payment</u>
5	\$100
10	\$150
15	\$200
20	\$300
25	\$500

18. Add Language to Article VII – Work Week:

The normal hours of duty shall be from Monday through Friday, 8:00 a.m. to 4:30 p.m., with one hour lunch except in cases where a 40-hour week is the required work week due to unusual circumstances is required by the Town Manager, Department Head and Human Resources Director.

7:30 4:00

10

Signed on _____

On behalf of the Town:

On behalf of the Union:

James J. Raymond

David P. Malagut

Stanley
Paul M. Davis

John M. Lightbody

Mark A. C. C. C.

Marilyn A. Festone

Sandra J. Hassel

en 10

28

(For Muni's purposes)

Years of Service	Vacation Days	Hourly Accrual Rate (7.5 hrs per day)	Hourly Accrual Rate (8 hrs per day)
0-2	10	1.4423	1.5385
2	11	1.5865	1.6923
3	12	1.7308	1.8462
4	13	1.8750	2.0000
5	15	2.1635	2.3077
6	15	2.1635	2.3077
7	15	2.1635	2.3077
8	15	2.1635	2.3077
9	15	2.1635	2.3077
10&11	16	2.3077	2.4615
12&13	17	2.4519	2.6154
14&15	18	2.5962	2.7692
16&17	19	2.7404	2.9231
18&19	20	2.8846	3.0769
20	20	2.8846	3.0769

2/4/2016

ARTICLE 3:

ARTICLE 3: To see if the Town will vote to raise and appropriate or transfer a sum of money to pay certain unpaid bills of a prior fiscal year, or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval \$2,341.27 (Unanimous, 13-0-0).

The Advisory & Finance Committee recommends Town Meeting approve Article 3. Town Meeting approval of this article will authorize payment of one outstanding invoice from FY2015 in the amount of \$2,341.27. This invoice is for a 100B expense (Police and Fire Retired on Disability). Often these types of bills, which cannot be anticipated, are received well after the close of the fiscal year. Funding for this invoice will come from the FY2016 Human Resources Budget.



TOWN OF PLYMOUTH

11 Lincoln Street
Plymouth, Massachusetts 02360
FAX: (508) 830-4140

Board of Selectmen
Town Manager
(508) 747-1620 ext. 100
Human Resources
(508) 747-1620 ext. 101

DATE: February 2, 2016

TO: Derek Brindisi, Assistant Town Manager

FROM: Marie Brinkmann, Director of Human Resources

RE: FY15 Invoice – 100B

Marie Brinkmann

Please be advised the Town of Plymouth has received an outstanding 100B (Police and Fire Retired on Disability) invoice from FY15. In order to pay this bill, an additional \$2,341.27 will be required. Due to privacy considerations, the name of the retiree as well as the name of the vendor are being kept confidential.

The Town of Plymouth accepted MA General Law Chapter 41 Section 100B on April 15, 1974 (Article 46), as a result, any retired Police Officers and Fire Fighters who were injured in the line of duty are indemnified.

ARTICLE 4:

ARTICLE 4: To see if the Town will vote to amend the amount appropriated under Article 8 of the 2015 Spring Annual Town Meeting for the purpose of repair/purchase/lease/replacement of departmental equipment, or otherwise amend said vote, or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 13-0-0).

The Advisory & Finance Committee recommends Town Meeting approve Article 4, which will correct an administrative error on the funding source and amount for an Article 8 item approved at the Spring 2015 Annual Town Meeting. Item KK, relating to Acoustic Buoys, identified grants as the funding source and appropriated \$4,000; the actual funding source was general fund free cash and totaled \$2,138.66, representing the Town's matching fund contribution for a grant. Town Meeting approval of this article will amend the appropriation from \$4,000 to \$2,138.66 and the source from grants to general fund free cash.

**Town of Plymouth
Finance Department**

To: Advisory & Finance Committee
Board of Selectmen

From: Lynne A. Barrett *Lynne*
Department of Finance

Subject: Special Town Meeting Article 4 – Amend 2015 ATM Article 8

Date: January 29, 2016

At the 2015 Annual Town Meeting, \$4,000 was approved for Article 8 Item KK: Acoustic Buoys and the funding source was grants.

I would like to amend the appropriation for this item from \$4,000 to \$2,138.66 and the source from grants to general fund free cash.

Thank you for your support of this article.

ARTICLE 5:

ARTICLE 5: To see if the Town will vote, pursuant to the provisions of G.L. c.59, §38H, to authorize the Board of Selectmen and Board of Assessors to negotiate and enter into an agreement for payment-in-lieu-of-taxes (“PILOT”) for a 0.5MW-AC (more or less) solarphotovoltaic energy generating facility for MA Highway Solar, LLC or its affiliates, successors, or assignees for a period of up to 20 years to be located on property described as Plymouth Route 3 Interchange Exit 5, upon such terms and conditions as the Board of Selectmen and Board of Assessors shall deem to be in the best interest of the Town, or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 11-0-2).

The Advisory & Finance Committee recommends Town Meeting approve Article 5. Town Meeting approval of this article will authorize the town to accept a PILOT (payment in lieu of taxes) agreement between the town and MA Highway Solar for its 0.5 MWAC solar photovoltaic facility located at Exit 5. A rate of \$12,500 per MWAC is the negotiated amount. The term of the agreement will be for 20 years and will include an annual escalator of 2.5%. By entering into a PILOT, the town will receive a set stream of payments and have a remedy to seek damages should there be a default.

**Town of Plymouth
Finance Department**

TO: Board of Selectmen and Advisory & Finance Committee
FROM: Lynne A. Barrett, Director of Finance
RE: **2016 Special Town Meeting - Article 5 – Solar PILOT**
Plymouth Route 3 Interchange Exit 5
DATE: January 29, 2016



Article 13 of the Spring 2013 Special Town Meeting authorized the Board of Selectmen to negotiate one or more agreements for payments-in-lieu-of-taxes (PILOT) pursuant to the provisions of M.G.L. Chapter 59, Section 38H(b), and Chapter 164, Section 1 for property relating to renewable energy generation facilities. The town has since entered into several PILOT agreements. Because of the state statute, communities are allowed to tax these facilities through a negotiated PILOT agreement.

This fall, MA Highway Solar LLC submitted their required documentation to the Director of Assessing for review for a 0.5 MWAC Solar Photovoltaic facility located at Plymouth Route 3 Interchange Exit 5.

A PILOT agreement can be beneficial to both the developer and the Town; some of the advantages are but not limited to:

Developer	Town
1. Set stream of payments known at the beginning of the project for cost evaluation or financing.	1. Set stream of payments for tax billing purposes based on an initial evaluation of cost for appraisal versus on an annual basis. Lowers our transaction cost by avoiding a 3 year certification / valuation appraisal.
	2. Because the facility is considered personal property the town could not perfect a lien like we can with real estate if it went unpaid. We would seek remedy under a violation of the contract terms.
	3. Removes the risk of disagreement of the value and potential for requests for abatement.
	4. Negotiated PILOTS with solar developers prompt development of renewable energy in the Town of Plymouth.

By using the income approach to value a rate of \$12,500 per MWAC was the negotiated amount for the PILOT. The term of the agreement will be for 20 years and will include an annual escalator of 2.5%.

A vote of Town Meeting is required to adopt the PILOT agreement. Your consideration and endorsement of this PILOT is appreciated. Thank you for your attention.

ARTICLE 6:

ARTICLE 6: To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the following Stabilization Fund, as authorized by the provisions of G.L. c. 40, §5B as amended,

a. Nuclear Plant Mitigation Stabilization Fund
or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval \$750,000 (Unanimous, 13-0-0).

The Advisory & Finance Committee recommends Town Meeting approve Article 6. Approval of this article would authorize the Town to set aside \$750,000 in the Nuclear Plant Stabilization Fund, which will provide for future mitigation of the tax impact to residents as the PILOT payments from Entergy decline. The current balance of the Nuclear Plant Mitigation Stabilization Fund is \$2,886,924. As with all Stabilization Funds, a 2/3rds vote of Town Meeting would be required for additions to or withdrawals from the stabilization fund.

Town of Plymouth Finance Department

TO: Board of Selectmen
Advisory & Finance Committee

FROM: Lynne A. Barrett
Director of Finance

RE: Article 6 STM – Nuclear Plant Mitigation Stabilization Fund

DATE: January 29, 2016



The Town has made a commitment to continually set aside available funds for the Nuclear Plant Mitigation fund; now more than ever this is very important in light of Entergy's recent announcement of closure sometime in the near future. These funds are being set aside for future use as it relates to the Entergy Nuclear Power Plant and the effect that plant would have on the Town's budget.

Possible future effects could include the following but are not limited to:

1. Decreases in the tax payment from Entergy because of closure or discontinued operations or changes in their tax payment that were not planned or budgeted for.
2. Loss of funding from Entergy for the annual operations of the town's Emergency Management Operation or any other funding that they provide to the Town that we don't provide for ourselves.
3. Other costs associated with the Town's efforts to protect itself during the closing and decommissioning process.

Keep note that any future spending from this account would require a 2/3rds vote of town meeting.

The recommendation is to transfer \$750,000 from Overlay Surplus certified by the board of Assessors to the Nuclear Plant Mitigation Stabilization Fund. The current balance in this account is \$2,886,924.

Thank you for your consideration in this matter.

ARTICLE 7:

ARTICLE 7: To see if the Town will vote to rescind the following unused borrowing authority,

Article 9B3 April 2012 ATM Water Street Bridge \$ 700,000

Article 9B3 April 2013 ATM Federal Furnace HVAC \$1,380,000

or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 13-0-0).

The Advisory & Finance Committee recommends Town Meeting approve Article 7. Approval of this article would rescind borrowing authorizations for Article 9B3 of the 2012 Annual Town Meeting for the Water Street Bridge in the amount of \$700,000 and Article 9B3 of the 2013 Annual Town Meeting for the Federal Furnace HVAC project in the amount of \$1,380,000. Both projects are complete and these amounts represent unused borrowing authorization.

Town of Plymouth Finance Department

TO: Board of Selectmen
Advisory & Finance Committee

FROM: Lynne A. Barrett 
Director of Finance

RE: Article 7 STM – Rescind Unused Borrowing Authority

DATE: January 29, 2016

Based on the following completion and of the following projects, I recommend the following amounts of borrowing authorizations be rescinded:

Art 9B3 2012 ATM	Water Street Bridge	\$ 700,000
Art 9B3 2013 ATM	Federal Furnace HVAC	\$1,380,000

Thank you for your consideration in this matter.

ARTICLE 8:

ARTICLE 8: To see if the Town will vote to appropriate a sum of money for costs of temporary and permanent repairs related to sewer line breaks and the Town's sewer system in general, including the payment of costs incidental or related thereto; to determine whether this appropriation shall be raised by borrowing or otherwise; or to take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Please see the Special Town Meeting Supplement I.

ARTICLE 9:

ARTICLE 9: To see if the Town will vote to amend the General Bylaws, Chapter 23, Animals, for certain licenses and fines by deleting the strikethrough text and inserting the bold text as follows:

§23-11 Dog license.

Notwithstanding the provisions of MGL c.140, §§139 and 173, the fees for dog licenses shall be ~~\$10~~ **\$15** for altered males and spayed females and ~~\$20~~ **\$25** for unaltered males and unspayed females.

And,

§ 23-7. Unlicensed dogs; penalties.

The penalty for owning an unlicensed dog in the Town of Plymouth shall be ~~\$50~~ **\$75**, with each month of continued violation constituting a separate offense.

or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 13-0-0).

The Advisory & Finance Committee recommends Town Meeting approve Article 9. Approval of this article would increase dog license fees for neutered dogs from \$10 to \$15 and for non-neutered dogs from \$20 to \$25 and increase the fine for owning an unlicensed dog from \$50 to \$75 per month.

2016 SPECIAL TOWN MEETING – ARTICLE 9

The following is a proposal for increased fees in the Town Clerk's Office:

<u>Dog Licenses – Not Neutered</u>	<u>Fee</u>	<u>Number</u>	<u>Revenue</u>
Current (FY2016)	\$20	832	\$16,640
Proposed (FY2017)	\$25	832	\$20,800
Projected Revenue Increase			\$4,160

- Not Neutered Dog Licenses were raised from \$15 to \$20 in 2001.
- Increases in the cost of postage, dog tags, and staff pay have increased in the last decade and a half.

<u>Dog Licenses – Neutered</u>	<u>Fee</u>	<u>Number</u>	<u>Revenue</u>
Current (FY2016)	\$10	8,232	\$82,320
Proposed (FY2017)	\$15	8,232	\$123,480
Projected Revenue Increase			\$41,160

- Neutered Dog Licenses were raised from \$7 to \$10 in 2006.
- Increases in the cost of postage, dog tags, and staff pay have increased in the last decade.

Total Combined Projected Revenue Increase: \$45,320

Memorandum

To: Advisory and Finance Committee
From: Laurence R. Pizer, Town Clerk
Date: 2/17/2016
Re: Special Town Meeting, Article 9, Violations

The Town Clerk's Office proposes to increase the fine for Failure to License Dogs from \$50 to \$75.

This noncriminal violation is one tool to convince dog owners to protect public health by licensing their animals in a timely fashion. Before the fine is assessed, dog owners receive two letters inviting them to purchase a license, having provided their dogs with a rabies shot. In addition, persons receiving fines are entitled to a hearing before the Clerk Magistrate at District Court to judge whether excuses for late or incomplete licensing are compelling.

The experience of the Town Clerk's Office shows that almost half of the fines are issued to individuals who have received fines previously. I believe that the increase to \$75 will convince many of them that timely licensing is a better option than payment of fines.

It is the goal of the licensing process to protect public health by convincing dog owners to maintain up to date rabies inoculation protection and to show that that has occurred by licensing their dogs. We prefer to see fines as a potential tool to make licensing the preferred process.

ARTICLE 12:

ARTICLE 12: To see if the Town will vote to authorize the Board of Selectmen to accept a perpetual easement for public way purposes over the property located on Sandwich Road and River Street, Plymouth, MA and shown as Plymouth Assessor's Parcels No. 047-000-001-000, as on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain any other necessary easements, including drainage, utility, or access; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition, or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 13-0-0).

The Advisory & Finance Committee recommends Town Meeting approve Article 12. Approval of this article would allow the Town to obtain an easement for an existing portion of roadway currently located outside of the layout at Bramhall's Corner. Granting of this easement was a condition of approval for the Bramhall Village development.



TOWN OF PLYMOUTH

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

TO: FINANCE AND ADVISORY COMMITTEE

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

Through: Jonathan Beder, Director of Public Works

CC: Melissa Arrighi, Town Manager

DATE: February 18, 2016

SUBJECT: 2016 SPECIAL TOWN MEETING – ARTICLE EXPLANATION
ARTICLE 12 – ACCEPTANCE OF EASEMENT FOR HIGHWAY
PURPOSES ON SANDWICH ROAD (BRAMHALL’S CORNER)

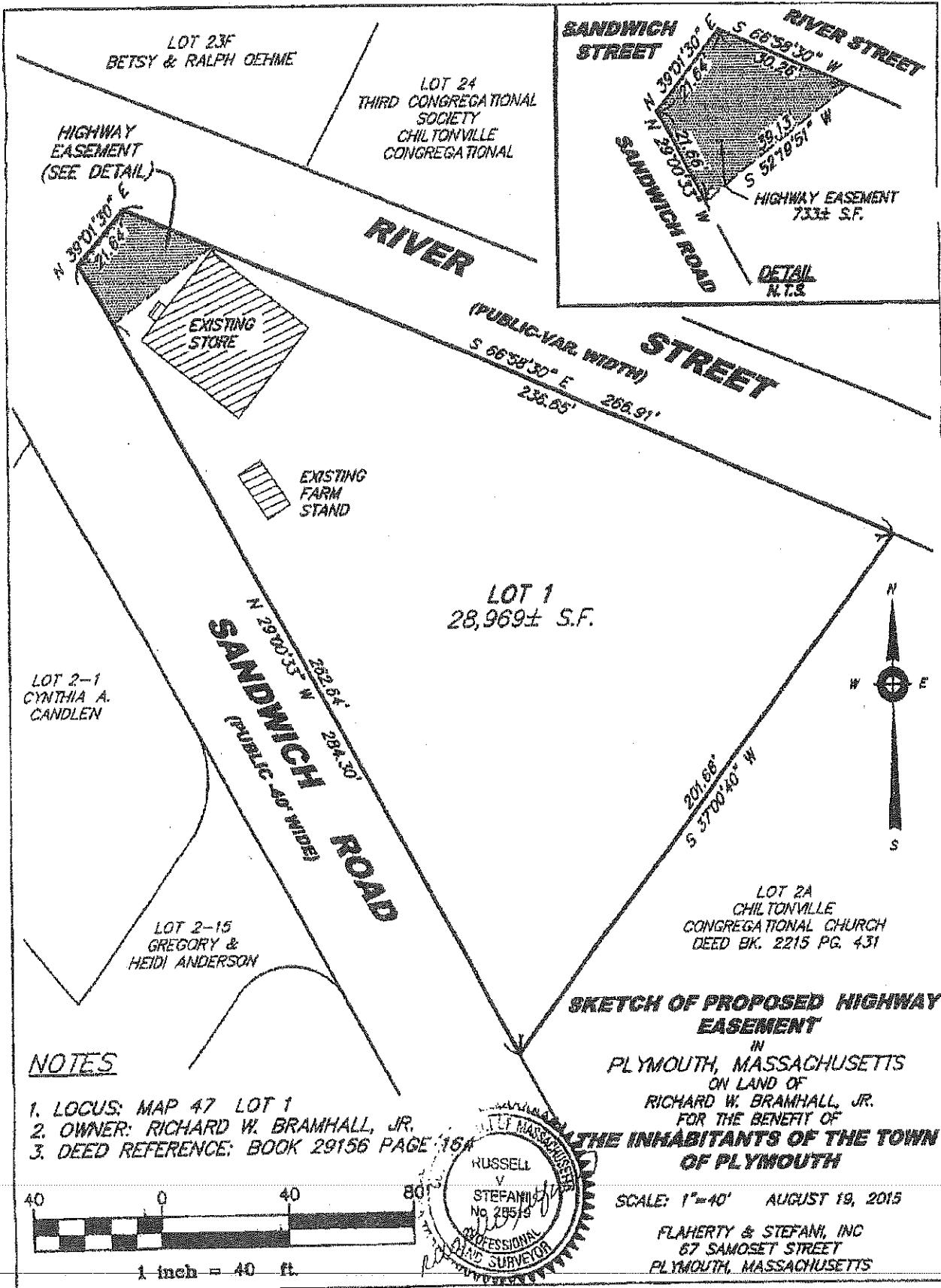
The property owner of Bramhall Village has gone before the Planning Board and received approval for the subdivision plan. There is an existing portion of roadway currently located outside of the layout at the Bramhall's Corner. The Town requested an easement for this area of roadway. The Planning Board required the developer to grant an easement as a condition of approval. The owner of the property is willing to grant an easement to the Town for highway purposes.

The granting easement requires Town Meeting action in order to authorize the Board of Selectmen to accept the easement.

There is not any need for funding this Article.

The DPW-Engineering Division recommends your approval and support of Article 12.

Encl. 1. Easement Plan



ARTICLE 14:

ARTICLE 14: To see if the Town will vote to grant the Town Manager authority to initiate the municipal aggregation process pursuant to Chapter 164, Section 134 of the Massachusetts General Laws, or any other enabling authority, to include, but not be limited to, researching, developing and entering into a contract, or contracts, to aggregate the electricity load of the residents and businesses within the Town of Plymouth and for other related services, including consulting services, independently, or in joint action with other municipalities for terms of more than two years, and for such consideration (if any), and on such other terms and conditions that the Board of Selectmen deems in the best interest of the Town, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto.

BOARD OF SELECTMEN

RECOMMENDATION: Approval (Unanimous, 13-0-1).

The Advisory & Finance Committee recommends Town Meeting approve Article 14. Approval of this article would allow the Town to enter into a municipal electricity aggregation effort spearheaded by the Old Colony Planning Council enabling residents who wish to participate to receive lower electricity supply rates that would be made available based on the volume of residents participating from Plymouth and six other southeastern Massachusetts communities.

Memo

To: Advisory and Finance Committee
From: Patrick Farah, Planning Technician/Energy Officer
Date: February 16, 2016
Re: Municipal Electricity Aggregation - 2016 Spring Annual Town Meeting

Municipal Aggregation is the process by which a municipality or a group of municipalities may purchase electricity in bulk from competitive electricity suppliers instead of an investor-owned utility. The electricity is purchased on behalf of the residences and small businesses within their communities. The Old Colony Planning Council (OCPC) is spearheading this initiative with seven municipalities (thus far) actively participating in this initiative.

The Commonwealth of Massachusetts, by enacting Chapter 164 of the Acts of 1997, has established a competitive marketplace through deregulation and restructuring of the electric utility industry. The residents and businesses of our Town have substantial economic, environmental, and social interests at stake and are interested in reducing their electricity rates. If an aggregation of electricity load is implemented in our Town, individual residents and businesses would retain the right to opt-out of the aggregation with no penalty and to choose any other competitive supplier or stay with the default utility.

Municipal Aggregation provides municipalities with many benefits:

- Lower electricity supply rates via group purchasing power
- Pricing stability - long term budget certainty
- Broader choices for “green products”
- Local control over contract terms
- Plymouth customers will continue to receive a single bill from their Utility (Eversource)
- Customers will continue to contact their utility for services issues (outages, etc.)
- Customers can opt out without termination penalties anytime during the contracted period.
- Shelters residents from dubious offers



Town of Plymouth Municipal Aggregation Article 14

March 1, 2016

Article #14

To see if the Town will vote to grant the Board of Selectmen authority to initiate the municipal aggregation process entering into a contract, or contracts, to aggregate the electricity load of the residents and businesses within the Town of Plymouth for terms of two or more years.

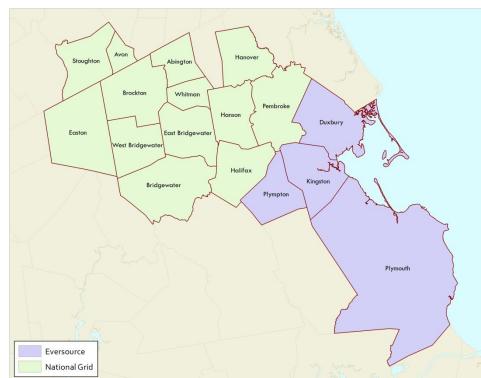
Overview of Municipal Aggregation

The process by which a municipality or a group of municipalities purchases electricity in bulk, on behalf of the residences and small businesses from competitive suppliers instead of the utility (Eversource).

Municipal Aggregation in Massachusetts: The 1997 passage of "An Act Relative to Restructuring The Electric Utility Industry in the Commonwealth+", specifically MGL Chapter 164, Section 134

Electricity Providers in the Old Colony Planning Council (OCPC) Region

There are 17 municipalities in the OCPC Region currently serviced by either National Grid (13 communities) or Eversource (f/k/a NStar) (4 communities).



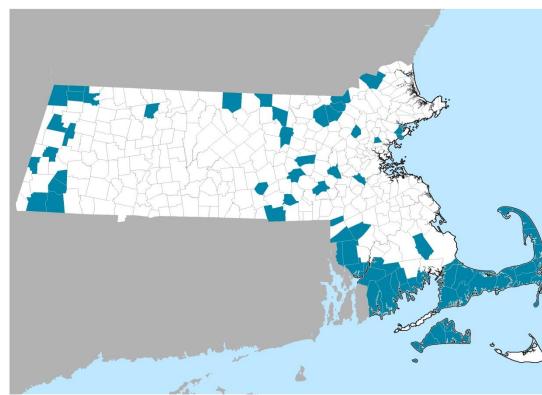
Benefits of Municipal Aggregation

Municipal Aggregation Benefits:

1. Lower electricity rates via group purchasing power
2. Pricing stability - long term certainty
3. Broader choices for green products+
4. Plymouth customers will continue to receive a single bill Eversource
5. Plymouth customers will continue to contact Eversource for service issues (outages, etc.)
6. **Customers can opt out without termination penalties anytime.**

Municipal Aggregation in Massachusetts

According to the Department of Public Utilities (DPU) there are currently 72 municipalities in Massachusetts with approved municipal aggregation programs.



Overview of the Town's Municipal Aggregation Process

1. A multi-community aggregation committee is formed once it has been determined that a municipality is interested in electric aggregation. **Done!**
2. The OCPC will work with the committee to develop a Request For Proposal (RFP) to solicit proposals from qualified companies to serve as an aggregator. All responses were due by Feb 23, 2016. **Done!**
3. Select qualifying consultant. **Soon**

Overview of the Town's Municipal Aggregation Process

4. After a consultant is chosen to facilitate the aggregation process:
 - a. Authorization of Municipal Aggregation by Town Meeting or City/Town Council Vote **Town Meeting Process**
 - b. Develop Aggregation Plan with the Mass. Department of Energy Resources (DOER) **Consultant**
 - c. Hold a public hearing or review of the Aggregation Plan that was developed with DOER **Consultant**
 - d. Submit the Aggregation Plan to the Mass. Department of Public Utilities (DPU) **Consultant**

Estimate of Potential Savings

To determine the savings among the households in a community, the total number of households were compiled and assumed that 20% of them would either opt out of the program or be excluded due to already having a contract with an energy supplier.

The remaining number of households was then multiplied by the expected savings (OCPC formula).

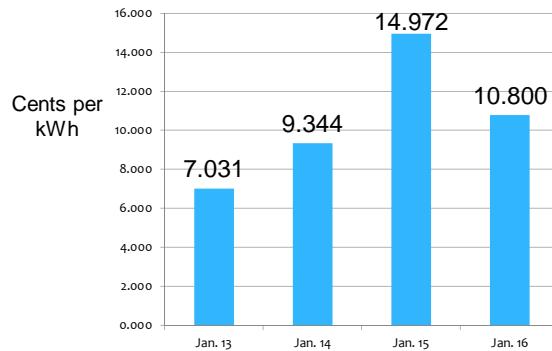
Estimate of Potential Savings

Potential savings on a community-wide basis are as follows for the following communities in the OCPC Region:

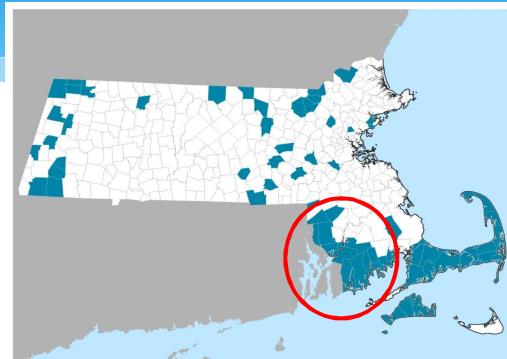
Abington	\$525,000 (4,864 H.H. @ \$108/household)
Duxbury	\$290,000 (4,275 H.H. @ \$68/household)
Easton	\$679,000 (6,292 H.H. @ \$108/household)
Halifax	\$247,000 (2,290 H.H. @ \$108/household)
Kingston	\$253,000 (3,732 H.H. @ \$68/household)
Plymouth	\$1,153,000 (17,015 H.H. @ \$68/household)
Whitman	\$458,000 (4,240 H.H. @ \$108/household)

Eversource Rate Fluctuations (Winter Rates 2013-2016)

Eversource rates have also fluctuated wildly over the past four winters, as shown below.



Case Study



In 2014, the Southeastern Regional Planning & Economic Development District (SRPEDD) embarked on this same initiative, and in November 2015, 23 municipalities executed a contract with ConEdison Solutions for electricity at **.0949 (9.49 ¢) kWh** for a period of 24 months.