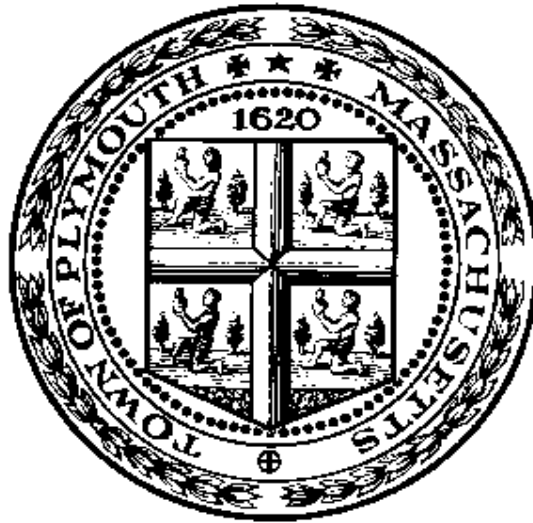


TOWN OF PLYMOUTH

SUPPLEMENT I
TO THE
REPORT
& RECOMMENDATIONS
OF THE
ADVISORY AND FINANCE
COMMITTEE



Presented at the
October 21, 2017

FALL
TOWN MEETING

**FALL TOWN MEETING
October 21, 2017
Supplement 1 - Table of Contents**

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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

UPDATE: This recommendation is in addition to the one in the original Report & Recommendations book regarding the Personnel Bylaw.

Collective Bargaining Agreement - Library

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

The Advisory & Finance Committee recommends Town Meeting approve Article 1, changes to the Collective Bargaining Agreement with the Library group. Approval of this article will accept a successor contract for the Library union for fiscal years 2017 and 2018. The total cost of the contract is approximately \$33,000. Highlights of the agreement include cost of living increases of 2.5% effective July 1, 2016 and 3% effective July 1, 2017, addition of a senior step to the salary table, and increases to longevity payments, nightshift differential, and sick leave buyback. These changes are in line with the existing contracts of the other bargaining groups.

**Memorandum of Agreement
COBRA - Library
And
The Town of Plymouth**

**For successor Collective Bargaining Agreement
dated July 1, 2016 through June 30, 2018**

The following constitutes an Agreement between the parties, subject to ratification by the Union and Board of Selectmen, and appropriation by Town Meeting. The information below in this Memorandum of Agreement shall be incorporated into the respective section of the collective bargaining agreement between the parties after Town Meeting approval.

1. Wage Increases: July 1, 2016 -2.5% and July 1, 2017-3%. Retroactive as soon as practicable
2. Pay Scale -Add a new step at 2% above the existing top step for employees upon completion of seven (7) years of service to be applied on January 1st or July 1st, whichever date comes first after seven (7) year completion.
3. Longevity (new)
Retroactive to November, 2016

Length of Service	Amount
5 years	\$100
10 years	\$150
15 years	\$200
20 years	\$300
25 years	\$500
30 years	\$700
4. Night Shift Differential -Increase from 2.5% to 3.5%
Effective July 1, 2017
5. Sick Leave Buyback -Increase from \$2500 to \$3000
Retroactive to July 1, 2016
6. Classification Plan/Pay Rate -Increase from \$100 to \$300
Effective July 1, 2016
7. Direct Deposit -Mandatory for all bargaining unit employees
Effective as soon as practicable

8. Discipline -Remove the following "Discipline will be removed from the personnel file after 3 years".
9. Pay Day -Change from Thursday to Friday
Effective as soon as practicable
10. Vacations -Add the following provision: "An employee requesting extended vacations no longer than two (2) weeks must have the approval of their Department Head, whose approval would not be reasonably denied".
11. Management Rights -Add the following provision: "Employees will advise their supervisor in writing of any prescription medications they are taking that may reasonably be expected to have an impact on their performance." Also add: "Employees will notify Human Resources immediately upon any arraignment or conviction of a misdemeanor or felony."
12. Grievance and Arbitration Procedure- Change the initial time frame in Step 1 of the grievance procedure from "seven (7) working days" to "twelve (12) working days."
13. Overtime -Add to first paragraph: "For purposes of overtime pay eligibility, all paid vacation time off shall constitute time worked."
14. Holidays -Add: "Part-time employees who alternate on the Friday/Saturday A/B schedule shall receive a floating holiday on the same terms as full-time employees."
15. Continuing Education - Increase from \$250 to \$500 per library science course that an employee takes. Increase from \$1,000 to \$2,000 for the entire bargaining unit.

Retroactive to July 1, 2016

16. Union shall withdraw ULP (Regressive Bargaining) upon ratification

BOARD OF SELECTMEN

UNION

[Handwritten signatures]

Linda Fitzgerald
Elizabeth Duley
Nate M. Welber

[Handwritten signature] 10/5/17

ARTICLE 6:

ARTICLE 6: *To see if the Town will vote to appropriate a sum of money from Sewer available funds and a sum of money from insurance proceeds in accordance with G.L. Chapter 44 Section 53 for the purposes of replacing the emergency generator at the wastewater treatment plant, including all incidental and related costs or expenses, or take any other action relative thereto.*

BOARD OF SELECTMEN

UPDATE: An additional check was received from the insurance company. This revised recommendation reflects the new amounts.

RECOMMENDATION: Approval \$635,791.41 (Unanimous, 10-0-0)

The Advisory & Finance Committee recommends Town Meeting approve Article 6. Approval of this article will appropriate \$614,659.15 from Insurance Proceeds and \$21,132.26 from Sewer Retained Earnings to reimburse Veolia for expenses incurred in replacing a failed emergency generator. The town received two checks from its insurance company MIIA totaling \$614,659.15.

ARTICLE 10:

ARTICLE 10: *To see if the Town will vote to amend General Bylaws, Chapter 143: Departmental Revolving Funds, §143-5, by revising the Table set forth therein, in the row for the State Boat Ramp Revolving Fund, under the column for Revenue Source description by deleting said text and inserting in place thereof the following:*

Those identified as relating to State Boat Ramp daily parking receipts, annual parking passes, parking fines, seasonal lease storage space, and special event receipts.

or take any other action relative thereto.

BOARD OF SELECTMEN

UPDATE: No Motion No Action

ARTICLE 14:

ARTICLE 14: *To see if the Town will vote to transfer the care, custody, management and control of the parcels listed below, and as on file with the Town Clerk, from the Town Treasurer for tax title purposes to the Conservation Commission for conservation purposes pursuant to G.L. c. 40, section 8C, including any/all easements, utility easements, drainage easements, etc.:*

<u>Parcel ID</u>	<u>Location</u>	<u>Yr. of Final Judgment</u>
114-000-023-000	Off Long Pond Road (15.99 acres)	2017
044-006-030B-000	Off Priscilla Beach Road. (0.21 acres)	2010
<hr/>		
TOTAL ACRES = ~16.20		

Or take any other action relative thereto.
CONSERVATION COMMISSION

Update: There is no action being taken on the Priscilla Beach lot



TOWN OF PLYMOUTH

11 Lincoln Street
Plymouth, Massachusetts 02360
FAX (508) 830-4062
(508) 747-1620

Conservation Commission

Memorandum

To: Advisory and Finance Committee

From: Gerre Hooker, Chairperson
Conservation Commission

GH/mat

Date: October 4, 2017

Re: Article 14, Fall Town Meeting

On Tuesday, October 3, 2017, the Conservation Commission voted unanimously to remove the Priscilla Beach lot (parcel ID 044-006-030B-000), from Article 14; thereby allowing this parcel to remain under the Treasurer's "Tax Title" status.

ARTICLE 14 : To see if the Town will vote to transfer the care, custody, management and control of the parcels listed below, and as on file with the Town Clerk, from the Town Treasurer for tax title purposes to the Conservation Commission for conservation purposes pursuant to G.L. c. 40, section 8C, including any/all easements, utility easements, drainage easements, etc.:

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114-000-023-000	Off Long Pond Road (15.99 acres)	2017
044-006-030B-000	Off Priscilla Beach Road (0.21 acres)	2010

TOTAL ACRES = ~16

Or take any other action relative thereto.
CONSERVATION COMMISSION

c: Melissa Arrighi, Town Manager
Board of Selectmen
Open Space Committee



ARTICLE 20:

ARTICLE 20: To see if the Town will vote to amend the General Bylaws, Chapter 30, "Beaches and Parks", in particular, §30-12, "Use of grills and hibachis", by inserting the text in italics and deleting the strikethrough text, as follows:

Cooking fires contained in gas grills, hibachis, and similar devices is permitted, but only in designated park and beach areas, based on policies approved by Board of Selectmen. *Coal hibachis and/or grills are prohibited from public beaches, parks, public spaces.* ~~All coals must be properly extinguished and may not be left on any public beach or park.~~

Or take any other action relative thereto.

BOARD OF SELECTMEN

UPDATE: There is an additional strikethrough in the first line:

Cooking fires contained in gas grills, ~~hibachis, and similar devices~~ is permitted, but only in designated park and beach areas, based on policies approved by Board of Selectmen. *Coal hibachis and/or grills are prohibited from public beaches, parks, public spaces.* ~~All coals must be properly extinguished and may not be left on any public beach or park.~~

ARTICLE 39:

ARTICLE 39: Petitioned – Zoning – Marijuana

UPDATE:

The Advisory & Finance Committee’s recommendation was pending legal counsel review of the Zoning Bylaw language. Legal review has been received and the Committee confirmed its vote.

**Pages 17-18 show the zoning bylaw with Legal Counsel revisions and comments.
Pages 19-20 show the new version as a result of those revisions.**

To see if the Town will vote to: Amend the Zoning Bylaw by adopting the following bylaw entitled “Commercial Marijuana Establishments”

Intent:

The intent of this bylaw is,

1. To allow for the establishment, in designated areas, of commercial, manufacturing and retail uses associated with commercial marijuana as defined in this section.
2. To increase and broaden the tax base.
3. To provide a range of new employment opportunities for Plymouth residents.
4. To provide services and products in a safe and controlled manner to Plymouth residents.

Definitions:

“Adult Use Marijuana Retailer/Marijuana Retailer”, An entity licensed to purchase and deliver marijuana and marijuana products from marijuana establishments and to deliver, sell, or otherwise transfer marijuana and marijuana products to marijuana establishments and consumers.

“Marijuana Cultivator”, An entity licensed to cultivate, process and package marijuana, to deliver and/or transfer marijuana to other commercial marijuana establishments, but not to consumers.

“Marijuana Product Manufacturer”, An entity licensed to obtain, manufacture, process and package marijuana and marijuana products, to deliver and transfer marijuana and marijuana products to commercial marijuana establishments, but not to consumers.

“Marijuana Product”, Products that have been manufactured and contain marijuana or an extract from marijuana, including concentrated forms of marijuana and products composed of marijuana and other ingredients that are intended for use or consumption, including edible products, beverages, topical products, oils, ointments and tincture.

“Commercial Marijuana Establishment”, A marijuana cultivator, a marijuana testing facility, a marijuana product manufacturer, an adult use marijuana retailer.

“Manufacture”, To compound, blend extract, infuse or otherwise make or prepare a marijuana product.

“Medical Marijuana Treatment Center”, The premises approved under a medical use marijuana license.

Zoning Districts and General Requirements:

General Commercial (GC):Marijuana Retailer, as defined in this section, may be allowed by special permit in the GC zone

Arterial Commercial (AC):

Marijuana Retailer, as defined in this section, may be allowed by special permit in the AC District.

Light Industrial (LI):

Commercial Marijuana Establishments, as defined in this section, shall be allowed by-right in the LI District.

Airport (AP) District:

Commercial Marijuana Establishments, as defined in this section, may be allowed by special permit in the AP District.

Highway Commercial (HC):Marijuana Retailers, as defined in this section, shall be allowed by-right in the HC District.

Commercial Marijuana Establishments shall be PROHIBITED in all other zoning districts.

Commercial Marijuana Establishments must comply with the dimensional, intensity and setback requirements of the underlying zoning district.

There shall be a minimum separation of 2600 feet, measured in a straight line, at the closest points of the property boundaries,

between Adult Use Marijuana Retailers.

There shall be a minimum separation of 4000 feet, measured in a straight line, at the closest points of the property boundaries between an Adult Use Marijuana Retailer and an existing Medical Marijuana Treatment Center. Notwithstanding the foregoing, this provision shall not be construed to prevent a business that has both a Medical Marijuana Treatment Center License and a Commercial Marijuana Establishment license from operating out of the same facility or building.

There shall be a minimum separation of 500 feet, measured in a straight line, from the nearest point of the proposed Commercial Marijuana Establishment to the nearest point of a pre-existing, public or private school providing education in pre-K through grade 12, or a licensed daycare center or any facility in which children commonly congregate. This includes facilities in which children are gathered for particular purposes in a structured and scheduled manner or which are dedicated to the use of children, such as playgrounds, youth services programs, daycare centers, youth sports facilities, dance schools and gymnas-
tic schools. It does not include other facilities where children may happen to congregate, but not in a structured, scheduled manner or in a private home where children happen to live.

All signage must comply with section 205-19 of the Town of Plymouth Zoning Bylaws.

Special Permit Granting Authority (SPGA): The Zoning Board of Appeals shall be the SPGA.

As well as to amend associated sections, provisions, definitions, tables, charts, and procedures pertaining on file with the Town Clerk. ~~Or take any other action relative thereto.~~

Comment [LFG1]: This language continues to be particularly problematic. It is possible that the Attorney General will not approve the same as it is exceptionally vague. Moreover, even if this language were to be approved, implementation thereof would, in our opinion, expose the Town to litigation as enforcement thereof would be exceptionally difficult. I recommend that the highlighted language be deleted and that the inserted language be used.

Comment [LFG2]: This language is also vague, confusing and problematic, in my opinion. Are there additional provisions of the Zoning Bylaw required? Moreover, "procedures" are not amended by Town Meeting.

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