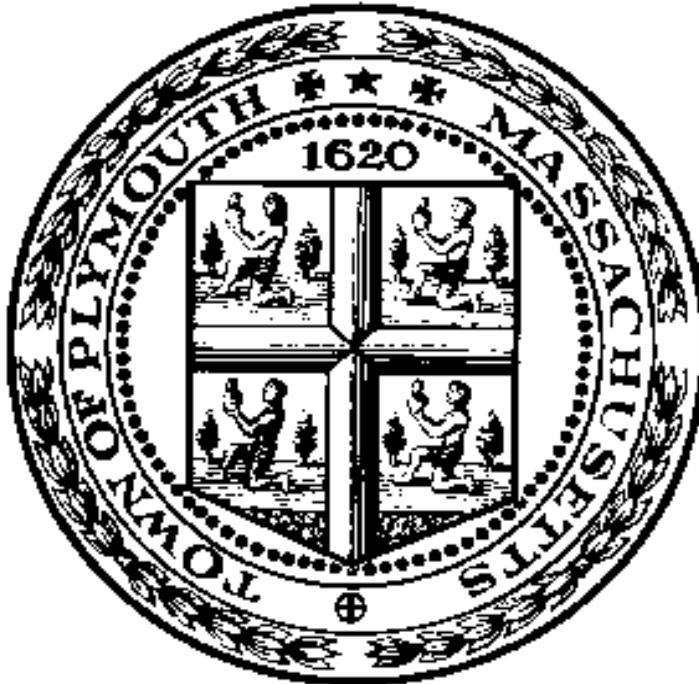


TOWN OF PLYMOUTH

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REPORT  
& RECOMMENDATIONS  
OF THE  
ADVISORY AND FINANCE  
COMMITTEE



Presented at the  
April 7, 2018

SPRING SPECIAL  
TOWN MEETING

**SPECIAL TOWN MEETING**  
**April 7, 2018**  
**Table of Contents**

	<b>PAGE(S)</b>
<b><u>REPORT &amp; RECOMMENDATIONS</u></b>	
Report & Recommendations of the Advisory & Finance Committee .....	5-10
<b><u>VOTING CHARTS</u></b>	
Advisory & Finance Committee Roll Call Voting Chart .....	13
<b><u>SUPPORTING DOCUMENTATION</u></b>	
<b>Article 1</b> Personnel Bylaws .....	17
<b>Article 2</b> FY2018 Budget Amendments .....	19-23
<b>Article 3</b> Unpaid Bills .....	25-27
<b>Article 4</b> White Horse Beach Restrooms .....	29
<b>Article 5</b> Stabilization Fund – Nuclear Mitigation .....	31-33
<b>Article 6</b> Establish Public Health Revolving Fund .....	35-37
<b>Article 7</b> Rescind Unused Borrowing Authority .....	39-41
<b>Article 8</b> Demolition of Structures.....	43-45
<b>Article 9</b> Authorize Sale/Lease of 11 Lincoln St.....	47-49
<b>Article 10</b> Establish Local Marijuana Sales Tax.....	51-53
<b>Article 11</b> Charter Review Committee Recommendations .....	55-86
<b>Article 12</b> Acquire Property off Long Pond Rd (Chapter 61) .....	87
<b>Article 13</b> Transfer & Easements - Water Supply - Forges Field .....	89-92
<b>Article 14</b> Acquire Easement - Long Pond Rd & Clark Rd.....	93-101
<b>Article 15</b> Road Layout Alteration .....	103-111
<b>Article 16</b> Accept Easements - Bartlett Rd .....	113-118
<b>Article 17</b> Library Roof.....	119-123



REPORT &  
RECOMMENDATIONS



**REPORT & RECOMMENDATIONS OF THE ADVISORY & FINANCE COMMITTEE**  
**Spring Special Town Meeting - April 7, 2018**

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**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: No Motion No Action**

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**ARTICLE 2:** To see if the Town will vote to transfer from available funds to sum of money to be added to funds already appropriated under Articles 7A through 7E of the 2017 Spring Annual Town Meeting or any other available fund for the purpose of supplementing departmental expenses, or otherwise amend said vote, or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATIONS: Approval, \$237,500 (Unanimous, votes below).** The Advisory & Finance Committee recommends Town Meeting approve Article 2. Approval of this article will increase the FY2018 budgets in the following lines:

- **Town Manager – Other Expenditures (10-0-0):** An increase of \$190,000 is needed for Legal Services for the sewer related lawsuit(s) between the town and Veolia.
- **Procurement – Other Expenditures (10-0-0):** An increase of \$35,000 is needed for Printing because the tax bill printing company that the town used for years went out of business and expenses have increased with the new vendor.
- **Fuel and Utility (10-0-0):** An increase of \$1,000 is needed for Fire Communications to cover the cost of two alarm lines.
- **Parks & Forestry – Other Expenditures (9-0-0):** An increase of \$11,500 is needed for porto-toilets at White Horse Beach. This amount will cover the contract for this summer while the town and the Community Preservation Committee work towards a more permanent solution.

---

**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, \$1,288 (Unanimous, 10-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 3. Approval of this article will authorize payment of one outstanding invoice from FY2017 in the amount of \$1,288. This invoice is for a veteran's medical expense. 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 FY2018 Veterans Services Budget.

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**ARTICLE 4:** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease of buildings and/or replacement of departmental buildings, and/or equipment and/or capital facilities for various departments of the Town and/or for feasibility and other types of studies or professional consulting services, including any related costs and expenses, as follows:

Seasonal lease of restroom trailers for White Horse Beach

Or take any other action relative thereto.

BOARD OF SELECTMEN

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**RECOMMENDATION: No Motion No Action (Now included in Article 2)**

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**ARTICLE 5:** 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, \$814,281.88 (Unanimous, 9-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 5. Approval of this article will authorize the Town to transfer \$814,281.88 from overlay surplus to the Nuclear Plant Mitigation Stabilization Fund. Funds are being set aside for future use as it relates to the Entergy Nuclear Power Plant and the effect that its closure will have on the town's budget, tax rate and economic development. The current balance of the Nuclear Plant Mitigation Stabilization Fund is \$4.99 million. As with all Stabilization Funds, a 2/3rds vote of Town Meeting would be required for withdrawals from the stabilization fund.

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**ARTICLE 6:** To see if the Town will vote pursuant to G.L. c.44, §53E ½ to establish a new revolving fund, to be known as the Public Health Program Revolving Fund; and further, to amend General Bylaws Chapter 143: Departmental Revolving Funds, particularly §143-5, by inserting a new row at the end of the Table of authorized revolving funds, as follows:

<b>A</b> Revolving Fund	<b>B</b> Department, Board, Committee, Agency or Officer Authorized to spend from Fund	<b>C</b> Fees, Charges or other Receipts Credited to Fund	<b>D</b> Program or Activity Expenses Payable from Fund	<b>E</b> Fiscal Years
Public Health Program	Director of Public Health	Those identified as payments for landlord license registrations, subdivision plan reviews, Title V inspector license registrations, poultry license registrations and license registrations for online marketplace and hospitality services for people to lease or rent short-term lodging, including vacation rentals, apartment rentals, homestays, hostel beds or hotel rooms (e.g., VRBO, HomeAway, Airbnb, etc.).	Public Health Program – including public health enforcement investigations and evaluations, programming, equipment, technology, and staff training.	Fiscal Year 2019 and subsequent years

or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Approval (7-2-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 6. Approval of this Article will establish a new revolving fund, a Public Health Program Revolving Fund, effective July 1, 2018. The following potential new revenue streams have been identified: landlord license registrations, subdivision plan reviews, Title V inspector license registrations, poultry license registrations, license registrations for online marketplace and hospitality services for people to lease or rent short-term lodging, including vacation rentals, apartment rentals, homestays, hostel beds or hotel rooms (eg. VRBO, HomeAway, Airbnb, etc.). Funds will be expended from the fund for public health programs such as public health investigations and evaluations, programming, equipment, technology and staff training. The Board of Health is in full support of this article. They are currently looking at establishing these new fees to be in line with the timing of the establishment of this revolving fund. The estimated revenue projection is \$177,000 with a spending cap of \$150,000.

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

2011STM	Article 4A	Wannos Pond Well & Pump Station	\$100,000
2011ATM	Article 9B7	PSMS Repair Brick Veneer/Flashing	\$ 1
2013ATM	Article 9B5	Plan & Design Extension of Samoset St Sewer Corridor	\$170,000
2014FTM	Article 17	Sewer System Expansion – Samoset St Phase I	\$841,565
2015ATM	Article 9C10	Airport Hanger Purchase	\$ 10,000

or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Approval (Unanimous, 9-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 7. Approval of this article would rescind unused borrowing authority. This is commonly done every few years to clean up our financial books.

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**ARTICLE 8:** To see if the Town will vote to transfer from available funds a sum of money to demolish dilapidated and/or structurally unsound and/or vacant buildings and/or structures, and/or buildings scheduled to be demolished in conjunction with Town projects, including site preparation and grading, engineering and any incidental or related costs, or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Approval, \$115,000 (Unanimous, 11-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 8. Approval of this article will allocate \$115,000 for the demolition and removal of structures. The town needs to have these funds available to act and demolish when needed particularly when it is a public safety issue. Priorities may change depending on situations like storms, etc. The current list includes 291 Court Street (Stein building), 15 Hedge Road (future site of North Plymouth Fire Station), and 354 Ryder Way (on Long Beach).

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**ARTICLE 9:** To see if the Town will vote to authorize the Board of Selectmen to sell or lease or transfer such land and building, located at 11 Lincoln Street, Plymouth, commonly known as Old Town Hall, shown as Lot 55 on Plymouth Assessors' Map 23, parcel number 023-000-055-000 as on file with the Town Clerk, for a sum and upon conditions to be determined by the Board of Selectmen and pursuant to the requirements of G.L. c.30B, and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to effectuate the purposes of this article; or to take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Approval (Unanimous, 11-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 9. Approval of this article will authorize the Selectmen to sell or lease or transfer 11 Lincoln Street (the old town hall). The plan had been for the School Department to move their administration function from South Meadow Road in West Plymouth to downtown but the School Committee elected to remain at their current location. The language has been written in the broadest fashion possible to leave all options open in order to obtain the most successful bid. If the town goes to sell the building and the bids come in to low, they want to be able to reject those bids and perhaps lease the building and attempt to sell it again later.

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**ARTICLE 10:** To see if the Town will vote to accept the provisions of General Laws chapter 64N, section 3, and establish a local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer to anyone other than a marijuana establishment at a rate of three percent, or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Approval (Unanimous, 11-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 10. Approval of this article will accept provisions of Massachusetts General Laws allowing the town to establish a 3% local sales tax on recreational marijuana sales. Since the town is allowing these facilities, approved by both ballot and then zoned at the last town meeting, it is highly recommended that the community benefit from the receipt of sales tax revenue allowed under this law.

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**ARTICLE 11:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee in its report entitled, "Town of Plymouth Proposed Charter Amendments Final Draft," dated March 2, 2018, on file with the Town Clerk; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto.

CHARTER REVIEW COMMITTEE

**RECOMMENDATION: Not Approve (1-8-0).** The Advisory & Finance Committee recommends Town Meeting not approve Article 11. Hearing this article presented less than one month before town meeting and the night before the book of recommendation goes to print, the committee felt strongly that there was simply not enough time left to properly vet this article. There are a lot of changes proposed from simple punctuation changes to changes with much larger consequences. The committee appreciates the efforts of the Charter Review Committee and feels that placing this article on the Fall Town Meeting warrant would be beneficial to all involved, allowing time for insightful discussion and debate with all parties.

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**ARTICLE 12:** To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money, and to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, including exercise of any rights to acquire the property pursuant to the provisions of G.L. c.61 or any other applicable law, and to accept the deed to the property, located off Long Pond Road, Plymouth, on such terms and conditions as the Board of Selectmen deems appropriate, and to accept to the Town of Plymouth of a fee simple interest for said premises comprised of 2.97 acres +/- shown as Lot 42-1 on Plymouth Assessors' Map 88, Parcel number 088-000-042-001, for general municipal purposes, said land or interest to be managed by the Board of Selectmen, and to authorize the Board of Selectmen to enter into any and all agreements and execute any and all instruments as may be necessary on behalf of the Town to effectuate the purposes of this article; or to take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Please refer to Supplement I**

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**ARTICLE 13:** To see if the Town will vote to transfer from the Board of Selectmen for such purposes as it is presently held, to the Board of Selectmen acting as Water Commissioners for such purposes and for water supply and water protection purposes, the care, custody and control of a portion of that property owned by the Town known as Forges Field and more specifically identified as Assessors Lot 079-000-001-401, the approximate location of such portion being shown on a plan placed on file with the Town Clerk, provided that the exact location and size of such portion, and the well and improvements to be located thereon, shall be determined by said Water Commissioners and shall be depicted on a plan to be placed on file with the Town Clerk upon such determination; and further to authorize the Board of Selectmen to acquire for water supply and water supply protection purposes, by gift, purchase, or eminent domain, and upon such terms and for such consideration as it deems appropriate, such interests in land in Forges Field, Jordan Road, Russell Mills Road, and properties adjacent thereto as may be needed to construct and operate such a well and connect it to the Town's municipal water system; and to authorize the Board of Selectmen to enter into all agreements and execute any and all documents or instruments necessary to effectuate the purposes of this article, or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Approval (Unanimous, 10-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 13. Approval of this article will authorize the Board of Selectmen, acting as Water Commissioners, to locate and operate a proposed public water supply well, valve control station, water mains, and other related appurtenances at Forges Field and along Jordan Road and Russell Mills Road. This article also authorizes the Board of Selectmen, acting as Water Commissioners, the authority to acquire any easements in land at Forges Field, Jordan Road and Russell Mills Road as needed for the well project.

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**ARTICLE 14:** To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, and upon such terms and conditions as it deems appropriate, such temporary and permanent easements for highway, utility, and other purposes in lands along Long Pond Road and Clark Road as are needed to carry out and thereafter maintain the proposed reconstruction/improvement of the intersection of said ways in the locations more or less shown on the 100% design plans prepared for such project and dated July 2017, which plans have been placed on file with the Town Clerk; and to authorize the Board of Selectmen to enter into all agreements and execute any and all documents or instruments necessary to effectuate the purposes of this article, or take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

**RECOMMENDATION: Approval (Unanimous, 9-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 14. Approval of this article will authorize the Board of Selectmen to accept an easement from the Pinehills which would allow for roadway widening and reconstruction of the intersection of Long Pond Road at Clark Road. There will also be a traffic light added to this intersection. The work is being done as part of the traffic mitigation related to the AD Makepeace project and will be funded by AD Makepeace.

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**ARTICLE 15:** To see if the Town will vote to accept and allow the alteration of the layout of the Town ways, Long Pond Road and Clark Road, as laid out by the Board of Selectmen and reported to the Town, or take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

**RECOMMENDATION: Approval (Unanimous, 9-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 15. Approval of this article will allow alteration of the road layout, by adding the easement obtained in Article 14, for the road widening and reconstruction of the intersection of Long Pond Road at Clark Road.

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**ARTICLE 16:** To see if the Town will vote to authorize the Board of Selectmen to accept perpetual easements for public way purposes over the properties located on Bartlett Road, Plymouth, MA, and shown as Plymouth Assessors Parcels numbers. 075-000-001-008, and 048-000-037B-000, and further to accept and allow the alteration of the layout of the Town way, Bartlett Road, as laid out by the Board of Selectmen and reported to the Town and further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, and upon such terms and conditions as it deems appropriate, such interests in land within said altered layout sufficient to use said ways for all purposes for which public ways are used in the Town of Plymouth or take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

**RECOMMENDATION: Approval (Unanimous, 10-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 16. Approval of this article will allow the Board of Selectmen to accept an easement from Mass Audobon adjacent to the Bartlett Road bridge. This easement will be used for the future replacement of the bridge once funding is approved.

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**ARTICLE 17:** To see if the Town will vote to amend the vote taken under Article 9-Item C of the April 1, 2017 Annual Town Meeting (Library project) to appropriate the additional amount of \$900,000 to pay costs of the design, preservation, rehabilitation, restoration, or reconstruction of the roof and HVAC system at the Main Library Branch, on Town-owned property shown as Lot 60C on Plymouth Assessors' Map 27, Parcel number 27-000-060C-000, including the costs for a Project Manager to oversee the project, and all costs incidental and related thereto, thereby increasing the total amount appropriated for such purposes from \$1,004,746 to \$1,904,746; and that to meet this additioanl appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow the amount appropriated hereunder pursuant to Chapter 44, Section 7(3) and Section 7(3A) the General Laws, or pursuant to any other enabling authority, and to issue bond or notes of the Town therefor, or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Approval, \$900,000 (Unanimous, 9-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 17. Approval of this article will increase the total appropriated for the library roof project by \$900,000. Through the engineering phase of the library roof repair and chiller installation project, approved by April 2017 Annual Town Meeting, serious damage to the roofing structure beyond the rubber roof has been identified. The roof has at least 45 leaks and must be replaced.

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# 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**

		Committee Members															VOTE TOTAL		
		Kevin Carty	Beth Davis	Brian Dunn	Harry Helm	Roz Jones	Stephen Karam	Ethan Kusmin	John Moody	Patrick O'Brien	Harry Salemo	Ashley Shaw	Sheila Sheridan	Marc Sirrico	Scott Stephenson	Evelyn Strawn	FOR-AGAINST-ABSTAIN		
2	FY2018 Budget Amendments:																		
	Legal Services	Ch	X	Y	Y	Y	Y	Y	Y	X	Y	Y	Y	X	X		10 - 0 - 0		
	Procurement & Fuel and Utility	Ch	X	Y	Y	Y	Y	Y	Y	X	Y	Y	Y	X	X		10 - 0 - 0		
	Parks & Forestry - WHB Restrooms	Y	Y	Y	X	X	Y	X	Y	X	Ch	X	Y	Y	Y		9 - 0 - 0		
3	Unpaid Bills	Y	Y	Y	Y	X		Y	Y	Y	Ch	Y	Y	Y	X		10 - 0 - 0		
5	Nuclear Mitigation Stabilization Fund	Y	X	Y	Y	Y	X	X	Y	X	Ch	Y	Y	Y	X		9 - 0 - 0		
6	Establish Public Health Revolving Fund	N	X	Y	Y	N	X	X	Y	X	Ch	Y	Y	Y	Y	X	7 - 2 - 0		
7	Rescind Unused Borrowing Authority	Y	X	Y	Y	Y	X	X	Y	X	Ch	Y	Y	Y	Y	X	9 - 0 - 0		
8	Demolition of Structures	Y	Y	Y	Y	X	Y	Y	Y	Y	Ch	X	X	Y	Y	Y	11 - 0 - 0		
9	Authorize Sale/Lease 11 Lincoln Street	Y	Y	Y	Y	X	Y	Y	Y	Y	Ch	X	X	Y	Y	Y	11 - 0 - 0		
10	Establish Local Marijuana Sales Tax	Y	Y	Y	Y	X	Y	Y	Y	Y	Ch	X	X	Y	Y	Y	11 - 0 - 0		
11	Charter Review Recommendations	N	N	N	X	X	N	X	N	X	Ch	X	N	N	N	Y	1 - 8 - 0		
13	Transfer & Easements - Forges Field	Ch	X	Y	Y	Y	Y	Y	Y	Y	X	Y	Y	Y	X	X	10 - 0 - 0		
14	Easement - Long Pond Rd & Clark Rd	Y	Y	Y	X	X	Y	X	Y	X	Ch	X	Y	Y	Y	Y	9 - 0 - 0		
15	Alteration of Road Layout	Y	Y	Y	X	X	Y	X	Y	X	Ch	X	Y	Y	Y	Y	9 - 0 - 0		
16	Accept Easements - Bartlett Road	Y	X	X	Y	Y	X	Y	Y	Y	Ch	Y	Y	Y	X	Y	10 - 0 - 0		
17	Library Roof	Y	Y	Y	X	X	Y	X	Y	X	Ch	X	Y	Y	Y	Y	9 - 0 - 0		



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: No Motion No Action**



## ARTICLE 2:

ARTICLE 2: To see if the Town will vote to transfer from available funds ta sum of money to be added to funds already appropriated under Articles 7A through 7E of the 2017 Spring Annual Town Meeting or any other available fund for the purpose of supplementing departmental expenses, or otherwise amend said vote, or take any other action relative thereto.

### BOARD OF SELECTMEN

**RECOMMENDATIONS: Approval, \$237,500 (Unanimous, votes below).** The Advisory & Finance Committee recommends Town Meeting approve Article 2. Approval of this article will increase the FY2018 budgets in the following lines:

- **Town Manager – Other Expenditures (10-0-0):** An increase of \$190,000 is needed for Legal Services for the sewer related lawsuit(s) between the town and Veolia.
- **Procurement – Other Expenditures (10-0-0):** An increase of \$35,000 is needed for Printing because the tax bill printing company that the town used for years went out of business and expenses have increased with the new vendor.
- **Fuel and Utility (10-0-0):** An increase of \$1,000 is needed for Fire Communications to cover the cost of two alarm lines.
- **Parks & Forestry – Other Expenditures (9-0-0):** An increase of \$11,500 is needed for porto-toilets at White Horse Beach. This amount will cover the contract for this summer while the town and the Community Preservation Committee work towards a more permanent solution.



**TOWN OF PLYMOUTH  
26 Court Street  
Plymouth, MA 02360  
(508) 747-1620**

**OFFICE OF TOWN MANAGER  
MEMORANDUM**

To: Board of Selectmen  
Advisory and Finance Committee Members

From: Melissa G. Arrighi, Town Manager

Date: February 20, 2018

Re: Special Town Meeting, Article 2 – FY18 Budget Amendment – Legal Services

***ARTICLE 2: To see if the Town will vote to transfer a sum of money to be added to funds already appropriated under Article 7 of the 2017 Spring Annual Town Meeting or any other available fund for the purpose of supplementing departmental expenses, or otherwise amend said vote, or take any other action relative thereto.***

**BOARD OF SELECTMEN**

The Town Manager's Office budgets \$624,000/annually for legal expenses. Currently, the Town has expended approximately \$493,000 with legal costs through December 2017. That leaves six months exposure on total legal costs.

The increase in the legal expenses is directly related to the lawsuit(s) between the Town and Veolia regarding the sewer related project. Currently, the Town has spent \$195,863 on this issue.

On average the monthly cost for Veolia is \$32,644. For that reason, I am request an additional \$190,000.

Thank you for your consideration.



## TOWN OF PLYMOUTH

26 Court Street  
Plymouth, Massachusetts 02360  
508-747-1620  
FAX 508-830-4133

TO: Board of Selectmen  
Advisory and Finance Committee  
Town Meeting

FROM: Pamela D. Hagler, Procurement Officer

DATE: February 16, 2018

RE: Budget Shortages

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I am requesting transfers in the following amounts at the Special Town Meeting in April 2018:

**00101386-534004      Printing      \$ 35,000.00**  
The tax bill printing company we have used for several years recently filed for bankruptcy, therefore, we quickly had to shift to another printer. This is specialized work that few companies perform. We will be soliciting bids for FY19 and will be increasing the budget appropriately based on the FY18 expenditures.

**10130220-530303      Fire Communications      \$ 1,000.00**  
At one time the Fire Department had several alarms carried over telephone lines. They still have one line being invoiced monthly and one line we are disputing with Verizon. This amount will pay the monthly charges for the single line and amount due if Verizon wins the dispute. An amount will be added to the FY19 budget for the one phone line still in use.

I will be happy to answer any questions you may have.

**TOWN OF PLYMOUTH  
26 Court Street  
Plymouth, MA 02360  
(508) 747-1620**

**OFFICE OF TOWN MANAGER  
MEMORANDUM**

To: Advisory and Finance Committee Members

From: Melissa Arrighi, Town Manager

Date: March 2, 2018

Re: White Horse Beach Restrooms

The Board of Selectmen had asked directed staff to come up with options to provide White Horse Beach with public restrooms for the summer season. They also wanted this information shared with the White Horse Beach committee that is Chaired by Selectman Cavacco. Both the Selectmen and the Committee considered the following:

- a. Permanent concrete Denali Building for approximately \$120,000, and additional funding for water services, cleaning, trash pickup, maintenance, pumping, and setup, as well as approx. \$11,000 in electrical costs.
- b. Install a 3 stall ADA compliant mobile restroom from New England Restrooms for \$31,775 for four months. This includes a 2ce/week pumping of the tanks. Funding would still be needed for water services, cleaning, trash pickup, maintenance, as well as approximately \$11,000 in electrical costs.
- c. William Scotsman restroom system for \$17, 291 for four months including delivery, installation and return. It does not include pumping services, cleaning services, water services, or maintenance. In addition, we would need funds (or in lieu of) for trash pickup and \$11,000 in electrical costs.
- d. Oasis ADA Trailer from United Site Services for \$20,995 and this includes 2 cleanings/week and is only for 3 months. Again, we would need the costs indicated above.

Selectman Cavacco reported back to the Selectmen on February 6<sup>th</sup> that the preferred option at this point is to encourage the Community Preservation Committee to return to Town Meeting with the funding needed to place the previously voted Bathhouse structure there. In the meanwhile, the Article for the Special Town Meeting could be narrowed to cover the costs of port-o-johns, thus both saving money and actively seeking a permanent solution.



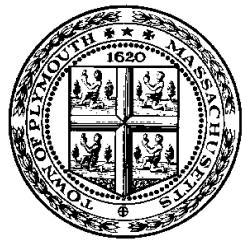
## ARTICLE 3:

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, \$1,288 (Unanimous, 10-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 3. Approval of this article will authorize payment of one outstanding invoice from FY2017 in the amount of \$1,288. This invoice is for a veteran's medical expense. 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 FY2018 Veterans Services Budget.





# Town of Plymouth

Veterans' Services

26 Court Street

Plymouth, MA 02360

508-747-1620 x 10172 or 10173

Fax: 508-830-4062

January 23, 2018

To: Board of Selectmen

Advisory Finance Committee & Town Meeting

Veteran Services needs to request additional funds to cover an invoice from FY2017 from Beth Deaconess Hospital in the amount of \$1,288.00. The issue stems from invoices being sent to Medicare and being held up. The invoice is for this veteran that has Medicare B and the VA as his health care provider. When there is a medical emergency, the veteran is brought to the closest facility to be stabilized and transferred to a VA Hospital. Medicare paid their part of the bill but there is a remaining balance. The VA will pick up this balance under a program called Fee Basis. As of right now, there is a bill tied up in Congress that will not allow VA to pay these "Fee Basis" bill.

This budget line item is very hard to predict. In the past 4 fiscal years, we have turned back almost ½ of what we encumbered. This year, I was not as fortunate in my forecasting ability.

Thank you for your consideration.

*Roxanne Whitbeck*

Roxanne Whitbeck  
Veteran Service Officer  
Veterans Services  
26 Court Street  
Plymouth, MA 02360  
(508) 747 1620 ext 10172 or 10173



## **ARTICLE 4:**

ARTICLE 4: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease of buildings and/or replacement of departmental buildings, and/or equipment and/or capital facilities for various departments of the Town and/or for feasibility and other types of studies or professional consulting services, including any related costs and expenses, as follows:

Seasonal lease of restroom trailers for White Horse Beach

Or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: No Motion No Action (Now included in Article 2)**



## ARTICLE 5:

ARTICLE 5: 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, \$814,281.88 (Unanimous, 9-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 5. Approval of this article will authorize the Town to transfer \$814,281.88 from overlay surplus to the Nuclear Plant Mitigation Stabilization Fund. Funds are being set aside for future use as it relates to the Entergy Nuclear Power Plant and the effect that its closure will have on the town's budget, tax rate and economic development. The current balance of the Nuclear Plant Mitigation Stabilization Fund is \$4.99 million. As with all Stabilization Funds, a 2/3rds vote of Town Meeting would be required for 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:                   STM Article 5 – Nuclear Plant Mitigation Stabilization Fund

DATE:               January 25, 2018

The Town has made a commitment to continually set aside available funds for the Nuclear Plan Mitigation fund; this is very important in light of Entergy's closure in May of 2019. 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, tax rate and economic development.

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.
4.   Possible future use of the Entergy site and/or economic development of the site and property surrounding it.

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

The recommendation is to transfer \$814,281.88 from Overlay Surplus to the Nuclear Plant Mitigation Stabilization Fund. The current balance in this account is \$4.99 million.

Thank you for your consideration in this matter.



## ARTICLE 6:

ARTICLE 6: To see if the Town will vote pursuant to G.L. c.44, §53E ½ to establish a new revolving fund, to be known as the Public Health Program Revolving Fund; and further, to amend General Bylaws Chapter 143: Departmental Revolving Funds, particularly §143-5, by inserting a new row at the end of the Table of authorized revolving funds, as follows:

<u>A</u>  Revolving Fund	<u>B</u>  Department, Board, Committee, Agency or Officer  Authorized to spend from Fund	<u>C</u>  Fees, Charges or other Receipts Credited to Fund	<u>D</u>  Program or Activity Expenses Payable from Fund	<u>E</u>  Fiscal Years
Public Health Program	Director of Public Health	Those identified as payments for landlord license registrations, subdivision plan reviews, Title V inspector license registrations, poultry license registrations and license registrations for online marketplace and hospitality services for people to lease or rent short-term lodging, including vacation rentals, apartment rentals, homestays, hostel beds or hotel rooms (e.g., VRBO, HomeAway, Airbnb, etc.).	Public Health Program – including public health enforcement investigations and evaluations, programming, equipment, technology, and staff training.	Fiscal Year 2019 and subsequent years

or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Approval (7-2-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 6. Approval of this Article will establish a new revolving fund, a Public Health Program Revolving Fund, effective July 1, 2018. The following potential new revenue streams have been identified: landlord license registrations, subdivision plan reviews, Title V inspector license registrations, poultry license registrations, license registrations for online marketplace and hospitality services for people to lease or rent short-term lodging, including vacation rentals, apartment rentals, homestays, hostel beds or hotel rooms (eg. VRBO, HomeAway, Airbnb, etc.). Funds will be expended from the fund for public health programs such as public health investigations and evaluations, programming, equipment, technology and staff training. The Board of Health is in full support of this article. They are currently looking at establishing these new fees to be in line with the timing of the establishment of this revolving fund. The estimated revenue projection is \$177,000 with a spending cap of \$150,000.



## Memorandum: Establishment of Revolving Account for Public Health Department

Currently, the Plymouth Public Health Department and its Board of Health are exploring ways to make the Town of Plymouth the healthiest, if not one of the healthiest, municipalities in the Commonwealth of Massachusetts. The Town's population growth has increased 5% since 2012 and the trend is projected to increase by at least 1% each year based on the Department's calculation's.

The Town's Public Health Department is faced with addressing and resolving many population health concerns that prove challenging to address due to the ability to access resources. The Department is requesting the creation of a revolving fund in accordance with *DEPARTMENTAL REVOLVING FUND General Laws Chapter 44, § 53E<sup>1/2</sup>*.

The intent of the revolving fund for the Public Health Department is to have monies available that address the need for public health investigations and evaluations that further prevent the spread and transmission of disease with additional personnel as needed, offer programming that addresses chronic disease across the life course, and provide efficient business practices by providing the best public health practice training to the staff. The new identified sources of revenue for the revolving account are for: Online marketplace and hospitality services for people to lease or rent short-term lodging including vacation rentals, apartment rentals, homestays, hostel beds, or hotel rooms (e.g. VRBO, Home Away, Air B-n-B) license registrations, landlord license registrations, Title V inspector license registrations, and poultry license registrations.

The Department currently receives complaints for many of these areas identified and has not been able to address them in recent years past. The establishment of the revolving fund will help with the creation of a sustainable Academic Public Health program that utilizes academically trained public health students, garner the necessary equipment to maintain an efficient and effective department that leverages technology, and the funds will help create programming to improve the health of all communities in Plymouth.



Dr. Nate Horwitz-Willis, DrPH MPH, MPA  
Public Health Director  
26 Court Street  
Plymouth, MA 02360



## ARTICLE 7:

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

2011STM	Article 4A	Wannos Pond Well & Pump Station	\$100,000
2011ATM	Article 9B7	PSMS Repair Brick Veneer/Flashing	\$ 1
2013ATM	Article 9B5	Plan & Design Extension of Samoset St Sewer Corridor	\$170,000
2014FTM	Article 17	Sewer System Expansion – Samoset St Phase I	\$841,565
2015ATM	Article 9C10	Airport Hanger Purchase	\$ 10,000

or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Approval (Unanimous, 9-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 7. Approval of this article would rescind unused borrowing authority. This is commonly done every few years to clean up our financial books.



**Town of Plymouth  
Finance Department**

**TO:** Board of Selectmen, Advisory & Finance Committee  
**FROM:** Lynne A. Barrett, Director of Finance  
**RE:** STM Article 7 – Rescind Borrowing Authority  
**DATE:** February 13, 2018

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

2011STM	Article 4A	Wannos Pond Well & Pump Station	\$100,000
2011ATM	Article 9B7	PSMS Repair Brick Veneer/Flashing	\$ 1
2013ATM	Article 9B5	Plan & Design Extension of Samoset St Sewer Corridor	\$170,000
2014FTM	Article 17	Sewer System Expansion – Samoset St Phase I	\$841,565
2015 ATM	Article 9C10	Airport Hanger Purchase	\$ 10,000

Thank you for your consideration of this article.



## ARTICLE 8:

ARTICLE 8: To see if the Town will vote to transfer from available funds a sum of money to demolish dilapidated and/or structurally unsound and/or vacant buildings and/or structures, and/or buildings scheduled to be demolished in conjunction with Town projects, including site preparation and grading, engineering and any incidental or related costs, or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Approval, \$115,000 (Unanimous, 11-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 8. Approval of this article will allocate \$115,000 for the demolition and removal of structures. The town needs to have these funds available to act and demolish when needed particularly when it is a public safety issue. Priorities may change depending on situations like storms, etc. The current list includes 291 Court Street (Stein building), 15 Hedge Road (future site of North Plymouth Fire Station), and 354 Ryder Way (on Long Beach).



**TOWN OF PLYMOUTH  
26 Court Street  
Plymouth, MA 02360  
(508) 747-1620**

**OFFICE OF TOWN MANAGER  
MEMORANDUM**

To: Board of Selectmen  
Advisory and Finance Committee Members

From: Marlene McCollem, Assistant Town Manager

Date: February 22, 2018

Re: Special Town Meeting, Article 8 – Demolition funds

***ARTICLE 8: To see if the Town will vote to transfer from available funds a sum of money to demolish dilapidated and/or structurally unsound buildings, and/or sites to be cleared for new public buildings, and/or vacant structures, or take any other action relative thereto.***

**BOARD OF SELECTMEN**

The Town Manager's Office is requesting that \$115,000 be allocated for the removal of structures at: 291 Court Street, 15 Hedge Road, and 354 Ryder Way.

291 is a dilapidated mixed-use building (known as the Stein's building) in the North Plymouth commercial district. The Building Commissioner and Fire Chief have deemed the building unsafe and ordered the owner to remove it. Funds for the demolition of this property will only be used if the private order fails to remove the building. A lien will be placed on the property for the full cost of the demolition, which the owner will be required to repay.

15 Hedge Road is a single-family house on the property that was previously purchased as the site of a new Fire Station in North Plymouth. With the anticipated construction of the new station, this structure must be removed.

354 Ryder Way is a single-family house on Long Beach that is owned by the Town and previously rented to a private individual. The structure is now vacant and removal is necessary to restore the area to a natural barrier beach.

Thank you for your consideration.



## ARTICLE 9:

ARTICLE 9: To see if the Town will vote to authorize the Board of Selectmen to sell or lease or transfer such land and building, located at 11 Lincoln Street, Plymouth, commonly known as Old Town Hall, shown as Lot 55 on Plymouth Assessors' Map 23, parcel number 023-000-055-000 as on file with the Town Clerk, for a sum and upon conditions to be determined by the Board of Selectmen and pursuant to the requirements of G.L. c.30B, and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to effectuate the purposes of this article; or to take any other action relative thereto.

### BOARD OF SELECTMEN

**RECOMMENDATION: Approval (Unanimous, 11-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 9. Approval of this article will authorize the Selectmen to sell or lease or transfer 11 Lincoln Street (the old town hall). The plan had been for the School Department to move their administration function from South Meadow Road in West Plymouth to downtown but the School Committee elected to remain at their current location. The language has been written in the broadest fashion possible to leave all options open in order to obtain the most successful bid. If the town goes to sell the building and the bids come in to low, they want to be able to reject those bids and perhaps lease the building and attempt to sell it again later.



TOWN OF PLYMOUTH  
26 Court Street  
Plymouth, MA 02360  
(508) 747-1620

**OFFICE OF TOWN MANAGER**  
**MEMORANDUM**

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To: Board of Selectmen  
Advisory and Finance Committee Members

From: Melissa G. Arrighi, Town Manager

Date: February 20, 2018

Re: Special Town Meeting Article 9

***ARTICLE 9: To see if the Town will vote to authorize the Board of Selectmen to sell or lease or transfer such land and building, located at 11 Lincoln Street, Plymouth, commonly known as Old Town Hall, shown as Lot 000 on Plymouth Assessors' Map 23, parcel number 023-000-055-000 as on file with the Town Clerk, for a sum and upon conditions to be determined by the Board of Selectmen and pursuant to the requirements of G.L. c. 30B, and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to effectuate the purposes of this article; or to take any other action relative thereto.***

**BOARD OF SELECTMEN**

Originally, the Town anticipated turning this building over to the School Department in order for them to move their administration function from South Meadow Road in West Plymouth to Downtown. We felt this location would better serve the community overall and provide for flexibility with shared government functions, such as meeting space, storage and I/T equipment. We also recognized that the building size would provide room for growth as the current school administration building is quite compact.

However, the School Committee has elected to remain at their current location.

For that reason, we are seeking authorization at Town Meeting to dispose of this property. As you will note, we have written the language in the broadest fashion possible to leave all our options open in order to obtain the most successful bid. For example, if the bid to sell the building resulted in low bids, there is also the potential for leasing it.

Thank you for your consideration



## **ARTICLE 10:**

ARTICLE 10: To see if the Town will vote to accept the provisions of General Laws chapter 64N, section 3, and establish a local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer to anyone other than a marijuana establishment at a rate of three percent, or take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Approval (Unanimous, 11-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 10. Approval of this article will accept provisions of Massachusetts General Laws allowing the town to establish a 3% local sales tax on recreational marijuana sales. Since the town is allowing these facilities, approved by both ballot and then zoned at the last town meeting, it is highly recommended that the community benefit from the receipt of sales tax revenue allowed under this law.



TOWN OF PLYMOUTH  
26 Court Street  
Plymouth, MA 02360  
(508) 747-1620

OFFICE OF TOWN MANAGER  
MEMORANDUM

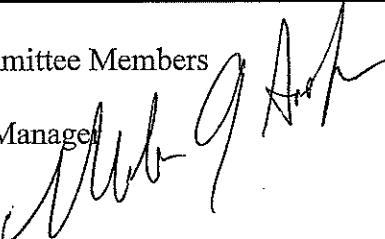
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To: Board of Selectmen  
Advisory and Finance Committee Members

From: Melissa G. Arrighi, Town Manager

Date: February 20, 2018

Re: Special Town Meeting Article 10 – Local Option Marijuana Tax



**ARTICLE 10:** *To see if the Town will vote to accept the provisions of General Laws chapter 64N, section 3, and establish a local sales tax upon sale or transfer of marijuana or marijuana products by a marijuana retailer to anyone other than a marijuana establishment at a rate of three percent, or take any other action relative thereto.*

**BOARD OF SELECTMEN**

The acceptance of this provision simply imposes a three percent local tax option on marijuana sales. Since the Town of Plymouth is allowing these facilities, it is highly recommended that these establishments also provide the community with these payments. That is only available to us if we adopt this provision of the law.

Thank you for your consideration



## ARTICLE 11:

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee in its report entitled, "Town of Plymouth Proposed Charter Amendments Final Draft," dated March 2, 2018, on file with the Town Clerk; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto.

### CHARTER REVIEW COMMITTEE

**RECOMMENDATION: Not Approve (1-8-0).** The Advisory & Finance Committee recommends Town Meeting not approve Article 11. Hearing this article presented less than one month before town meeting and the night before the book of recommendation goes to print, the committee felt strongly that there was simply not enough time left to properly vet this article. There are a lot of changes proposed from simple punctuation changes to changes with much larger consequences. The committee appreciates the efforts of the Charter Review Committee and feels that placing this article on the Fall Town Meeting warrant would be beneficial to all involved, allowing time for insightful discussion and debate with all parties.



**ARTICLE 11:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee in its report entitled, “Town of Plymouth Proposed Charter Amendments 2018 Spring STM,” dated March 2, 2018, on file with the Town Clerk; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto.

**CHARTER REVIEW COMMITTEE**

**(a) Improve the overall readability and maintainability of the Charter by making the following general changes to the document’s physical structure and updates to Chapter 1: Powers of the Town:**

- 1) Change the Charter’s physical structure by: recreating the Charter’s cover page; creating a table of contents; standardizing font type and style usage; standardizing the use of capitalization; removing redacted text.
- 2) Preamble - acknowledge Plymouth’s long history by incorporating language from the Mayflower Compact;
- 3) 1-6-1 – add common definitions used throughout the Charter.

**(b) Improve government transparency by making the following changes to Chapter 2: The Legislative Branch: Representative Town Meeting:**

- 1) 2-2-3 - add “social media channels” to the list of official locations for the Town Clerk to post notice of all meetings;
- 2) 2-2-6 – add “...designated by appropriate signage...” to ensure that all Town Meeting members deliberate and vote in the area reserved for them while in session;
- 3) 2-2-7 – add a requirement for Town Meeting members to provide the Town Clerk with written notice when they are going to be absent from any Town Meeting session;
- 4) 2-2-8 – add this section to task the Town Clerk with posting the complete attendance record thereby making town bylaw 173-6 unnecessary;
- 5) 2-2-9 – add a new requirement for the Town Clerk to collect and publish contact information for Town Meeting members;
- 6) 2-3-4 – add “...the status of past town meeting actions...” to the list of things that the Committee of Precinct Chairs may review;
- 7) 2-4-6 – default method of roll call votes to electronic for all final motions;
- 8) 2-4-7 – default method of roll call votes to electronic for all motions to end debate.

- 9) 2-5-2 - remove: "...and the Moderator shall take roll on at least one occasion after commencement of the session and a quorum has been reached" because electronic voting is, by definition, a roll call vote.
- 10) 3-2-8 – increase the minimum number of Select Board joint meetings in a year from one (1) to two (2);

**(c) Improve government responsiveness by making the following changes to Chapter 2: The Legislative Branch: Representative Town Meeting:**

- 1) 2-4-1 – Increase the number of scheduled yearly Town Meetings from two (2) to three (3). The new session would be scheduled during the months of May through August;
- 2) 2-4-1 – remove "...or may be reopened by an affirmative vote of a majority of the members of the Select Board." Leaving the remaining wording as, "The budget, as adopted at the spring annual representative town meeting, may be reopened by a citizen-petitioned article pursuant to G.L. c.39, § 10, or by any other applicable law.";
- 3) 2-4-1 – restructure wording as follows: "A smaller number than the required quorum may adjourn any meeting forthwith to a stated date, time, and place." to "A majority of those present may adjourn any meeting forthwith to a stated date, time, and place but no town meeting shall adjourn over the date of an election of town meeting members.";
- 4) 2-6-4 – add new item stating: "Following the raising of a point of order at any town meeting, a motion to appeal the ruling on such point of order shall be allowed by the Moderator and shall be decided by a majority vote of the town meeting.";
- 5) 2-6-6 - add new item to ensure that the Moderator has the support resources necessary to carry out his duties.

**(d) Improve the availability and quality of information provided to Town Meeting members by:**

- 1) 2-10-3 – add new item for conflict of interest online training;
- 2) 2-10-4 – add new item directing Moderator to provide a brief review of the Charter's Conflict of Interest section.;
- 3) 2-11-2 – add the following wording "Article proponents, or their representatives, shall attend every Caucus meeting.";
- 4) 2-12-2 - change the means of delivery for the Advisory and Finance report to electronic posting instead of US mail;
- 5) 2-12-3 - add a requirement for the publishing of both majority and minority reports;
- 6) 2-12-6 – add new item from 9-9 of Town by-law concerning creation of subcommittees;

- 7) 2-12-7 – add new item from 9-10 of Town bylaw concerning the Advisory and Finance Committee's investigatory authority;

**(e) Improve citizen participation in government by:**

- 1) 2-12-1 – replacing the existing wording with the wording from the Town bylaw 9-2: “No town officer, Town Meeting member or anyone who is not a registered voter of the Town shall be eligible for appointment to, or service on, the Advisory and Finance Committee.”

**(f) Make the following changes to Chapter 3 The Executive Branch:**

- 1) 3-2-5 – add “...and may participate in the negotiating of collective bargaining agreements.” to the end of the item;
- 2) 3-12-1 - add language to qualify the makeup of the Zoning Board of Appeals by adding: “...When possible the committee shall have among its members one (1) attorney, one (1) registered professional engineer or architect, one (1) person employed in the construction industry or a related trade or occupation, one (1) environmentalist, and one (1) other resident”.
- 3) 3-5-1 – add “...subject to the approval of the select board or act of town meeting ...”.

**(g) Update the Charter to reflect a name change from Board of Selectmen to Select Board.**

# Town of Plymouth

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*Proposed Charter Amendments for 2018 Spring Special Town Meeting*

Friday, March 2, 2018

Prepared by the Charter Review Committee

<b>PREAMBLE .....</b>	<b>4</b>
<b>CHAPTER 1 POWERS OF THE TOWN .....</b>	<b>4</b>
SECTION 1 INCORPORATION.....	4
SECTION 2 SCOPE OF TOWN POWERS.....	4
SECTION 3 FORM OF GOVERNMENT <sup>[1]</sup> .....	4
SECTION 4 CONSTRUCTION OF CHARTER.....	4
SECTION 5 INTERGOVERNMENTAL RELATIONS <sup>[1]</sup> .....	4
SECTION 6 DEFINITIONS.....	4
<b>CHAPTER 2 THE LEGISLATIVE BRANCH: REPRESENTATIVE TOWN MEETING .....</b>	<b>6</b>
SECTION 1 DIVISION OF THE TOWN INTO PRECINCTS.....	6
SECTION 2 COMPOSITION, MEMBERSHIP, AND ELIGIBILITY.....	6
SECTION 3 POWERS <sup>[1]</sup> .....	7
SECTION 4 PROCEDURES.....	7
SECTION 5 ATTENDANCE OF REPRESENTATIVE TOWN MEETING MEMBERS.....	8
SECTION 6 MODERATOR <sup>[1]</sup> .....	8
SECTION 7 RIGHTS OF NON-MEMBERS <sup>[1]</sup> .....	9
SECTION 8 COMPULSORY ATTENDANCE .....	9
SECTION 9 FILLING VACANCIES <sup>[1]</sup> .....	9
SECTION 10 CONFLICT OF INTEREST .....	10
SECTION 11 CAUCUSES.....	10
SECTION 12 ADVISORY AND FINANCE COMMITTEE.....	11
<b>CHAPTER 3 THE EXECUTIVE BRANCH: THE SELECT BOARD, THE TOWN MANAGER AND PLANNING BOARD .....</b>	<b>12</b>
SECTION 1 THE SELECT BOARD: COMPOSITION AND TERMS.....	12
SECTION 2 SELECT BOARD: GENERAL POWERS AND DUTIES.....	12
SECTION 3 APPOINTMENTS.....	13
SECTION 4 TOWN MANAGER: APPOINTMENT AND REMOVAL <sup>[1]</sup> .....	13
SECTION 5 TOWN MANAGER: POWERS AND DUTIES .....	14
SECTION 6 DEPARTMENT OF PUBLIC WORKS .....	16
SECTION 7 BOARD OF HEALTH <sup>[1]</sup> .....	16
SECTION 8 ESTABLISHMENT AND SCOPE OF THE DEPARTMENT OF FINANCE .....	16
SECTION 9 DIRECTOR OF FINANCE .....	17
SECTION 10 CONSERVATION COMMISSION.....	18
SECTION 11 DEVELOPMENT AND INDUSTRIAL COMMISSION <sup>[1]</sup> .....	18
SECTION 12 ZONING BOARD OF APPEALS <sup>[1]</sup> .....	18
SECTION 13 ESTABLISHMENT AND SCOPE OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT .....	18
SECTION 14 PLANNING BOARD.....	19
SECTION 15 DIRECTOR OF PLANNING AND DEVELOPMENT .....	20
SECTION 16 BUILDING COMMITTEE .....	21
<b>CHAPTER 4 ELECTED TOWN BOARDS AND OFFICERS .....</b>	<b>21</b>
SECTION 1 GENERAL PROVISIONS .....	21
SECTION 2 SIMULTANEOUS ELECTED OFFICES.....	22
<b>CHAPTER 5 ELECTIONS.....</b>	<b>22</b>
SECTION 1 TOWN ELECTIONS.....	22
SECTION 2 ELECTIONS TO BE NONPARTISAN <sup>[1]</sup> .....	23
SECTION 3 TIME OF TAKING OFFICE .....	23

SECTION 4 NOMINATION OF CANDIDATES FOR ELECTION TO REPRESENTATIVE TOWN MEETING.....	23
SECTION 5 INITIATIVE.....	23
SECTION 6 REFERENDUM .....	23
SECTION 7 RECALL OF ELECTIVE OFFICEHOLDERS <sup>[13]</sup> .....	24
SECTION 8 RECALL OF REPRESENTATIVE TOWN MEETING MEMBERS <sup>[13]</sup> .....	25
<b>CHAPTER 6 TOWN BOARDS, COMMISSIONS, COMMITTEES, AND DEPARTMENT AND DIVISION HEADS .....</b>	<b>26</b>
SECTION 1 GENERAL PROVISIONS .....	26
SECTION 2 DELEGATION OF APPOINTMENT, DISCIPLINE, AND REMOVAL POWER .....	26
<b>CHAPTER 7 GENERAL PROVISIONS .....</b>	<b>26</b>
SECTION 1 CHARTER AMENDMENT <sup>[14]</sup> .....	26
SECTION 2 SPECIFIC PROVISIONS TO PREVAIL.....	26
SECTION 3 SEVERABILITY OF CHARTER .....	26
SECTION 4 CONTINUATION, REVISION, AND REPUBLICATION OF BY-LAWS .....	27
SECTION 5 ENFORCEABILITY OF THIS CHARTER <sup>[15]</sup> .....	27
SECTION 6 PERIODIC CHARTER REVIEW <sup>[16]</sup> .....	27

## PREAMBLE

We, the people of the Town of Plymouth, Massachusetts, in order to reaffirm the customary and traditional liberties of the people with respect to the conduct of our local government, do hereby combine ourselves together into a civil body politic, for our better ordering and preservation and by virtue hereof do enact, constitute, and frame, this home rule charter for the general good of the Town.

**Commented [O1]:** Preamble: Wordings changed during CRC meeting of 12/07/17. The Committee wished to acknowledge Plymouth's long history by incorporating some language from the Mayflower Compact into the Charter's Preamble.

## CHAPTER 1 POWERS OF THE TOWN

### Section 1 Incorporation

1-1-1 The present Town of Plymouth, Massachusetts, within its territorial limits as now or may hereafter be established by law, is hereby continued as a body politic and corporate under the name Town of Plymouth.

**Commented [O2]:** 1-1-1: CRC agreed no changes were needed on 12/07/17.

### Section 2 Scope of Town Powers

1-2-1 The town shall possess, exercise and enjoy all powers possible under the constitution and laws of the Commonwealth of Massachusetts as fully and completely as though they were expressly enumerated in this Charter.

**Commented [O3]:** 1-2-1: CRC agreed no changes were needed on 12/07/17.

### Section 3 Form of Government<sup>[SEP]</sup>

1-3-1 This Charter provides for the representative town meeting-selectmen-town manager form of government.<sup>[SEP]</sup>

**Commented [O4]:** 1-3-1: CRC agreed no changes were needed on 12/07/17.

### Section 4 Construction of Charter

1-4-1 The powers of the town under this Charter shall be construed liberally in favor of the town and the specific mention of particular powers in this Charter shall not be construed as limiting in any measure the general powers of the town as stated in this chapter.

**Commented [O5]:** 1-4-1: CRC agreed no changes were needed on 12/07/17.

### Section 5 Intergovernmental Relations<sup>[SEP]</sup>

1-5-1 Consistent with any constitutional or statutory provision, the Town of Plymouth may exercise any of its powers or perform any of its functions, and may participate in the financing thereof, jointly or in cooperation, by contract or otherwise, with any one or more municipalities, civil divisions, subdivisions or agencies of the Commonwealth, other states or the United States government.

**Commented [O6]:** 1-5-1: CRC agreed no changes were needed on 12/07/17.

### Section 6 Definitions

1-6-1 Unless another meaning is clearly apparent from the manner in which the word is used, the following words as used in this Charter shall have the following meanings:

**Commented [O7]:** 1-6-1: After discussion the CRC agreed to add a section 6 for "definitions" of terms used throughout the Charter, on 12/07/17.

(a) **By-law** – The word "by-law" shall mean any by-law of the Town duly adopted by the representative town meeting or continued in effect as provided hereby.

(b) **Charter** - The word "charter" shall mean this charter and any amendments to it made through any of the methods provided under article LXXXIX of the amendments to the state constitution.

(c) **Commonwealth** – The word “Commonwealth” means the Commonwealth of Massachusetts.

(d) **Days** – The word “days”, unless otherwise provided by law, shall refer to business days, not including Saturdays, Sundays and legal holidays when the time set is less than seven days; when the time set is seven days or more, every day shall be counted. When the last day falls on a Saturday, Sunday or legal holiday the period shall be extended to the end of the next day which is not a Saturday, Sunday or legal holiday.

(e) **Emergency** – The word “emergency” shall mean a sudden, unexpected, unforeseen happening, occurrence, event or condition which necessitates immediate action.

(f) **Financial Interest** – The words "financial interest" shall be determined pursuant to the interpretation of the term "financial interest" by the state ethics commission and applicable reported appellate court decisions. The "financial interest" of a Town Agency shall be defined as any particular measure and related motions or votes, which specifically refer to said Town **Agency**. [1]

(g) **Majority Vote** - The words “majority vote” shall mean a majority of those present and voting in any body; provided that a quorum of the body is present.

(h) **Multiple-Member Body** - The words “multiple-member body” shall mean any board, commission or committee consisting of two or more persons, whether elected or appointed but shall not include town meeting. [1]

(i) **Precinct**-The word “precinct” shall mean the areas into which the town is divided.

(j) **Quorum** – The word “Quorum”, unless otherwise required by law or this Charter, shall mean a majority of the members of a multiple member body notwithstanding any vacancies, which might then exist.

(k) **Select Board** – The words “select board” shall mean the board of selectmen as used in the constitution, in general law, in special laws and in the town by-laws and rules and regulations. [1]

(l) **Select Person** – the words “select person” shall mean a person elected to the select board. [1]

(m) **Town** - The word "Town" shall mean the Town of Plymouth.

(n) **Town Agency** - The words “town agency” shall mean any board, commission, committee, department or office of the town government, whether elected, appointed or otherwise constituted.

(o) **Town Bulletin Board** - The words “town bulletin board” shall mean the bulletin board on which official town notices are posted and those at other locations within the town as the select board may from time to time designate, and also includes the official town web site and social media channels.

(p) **Town Officer** - The words “town officer” shall mean an elected or appointed official of the town who in the performance of his duties of office exercises some portion of the sovereign power of the town, whether great or small. A person may be a town officer whether or not the town compensates that person.

**Commented [O8]:** 1-6-1: On 12/14/17 the CRC agreed to move the definition of “financial interest” to 1-6-1 and removed 2-10-3.

- (q) **Voters** - The word "Voters" shall mean registered voters of the Town.
- (r) **Web Site** – The words “Web Site” shall mean the electronic site officially owned [§1] and maintained by the Town of Plymouth and containing information concerning town business.

## CHAPTER 2 THE LEGISLATIVE BRANCH: REPRESENTATIVE TOWN MEETING

### Section 1 Division of the Town into Precincts

2-1-1 The town shall be divided into voting precincts which shall contain, as nearly as possible, an equal number of inhabitants. Each voting precinct shall be composed of compact and contiguous territory, as prescribed by general law.

**Commented [O9]:** 2-1-1: CRC agreed no changes were needed on 12/07/17.

### Section 2 Composition, Membership, and Eligibility

2-2-1 The town shall have a representative town meeting which shall consist of representative town meeting members who are elected for three-year (3) overlapping terms. The number of representative town meeting members shall be determined as follows: Each precinct shall elect (9) members; this provision shall be implemented by each precinct electing three (3) members in each annual town election occurring after the effective date of this Charter. Should the number of precincts in the town change, the total number of regular town meeting members shall increase or decrease ~~accordingly~~.

2-2-2 Any registered voter of the town shall be eligible for election to town meeting membership.

**Commented [O10]:** 2-2-1: CRC agreed no changes were needed on 12/07/17.

2-2-3 The town clerk shall serve as clerk of the representative town meeting. The town clerk shall cause notice of all meetings to be posted in the town hall, in the town's libraries and posted on the town's website and social media channels. The town clerk shall mail copies of the notice to the place of residence of all representative town meeting members, citing the place, date and time of the meeting.

**Commented [O11]:** 2-2-2: CRC agreed no changes were needed on 12/07/17.

2-2-4 The Town Clerk shall keep a detailed journal of all representative town meeting proceedings and perform such other duties as may be assigned by this Charter, by-law, or vote of the representative town meeting.

**Commented [O12]:** 2-2-3: "...and social media channels" added by CRC during meeting of 12/07/17.

2-2-5 Representative town meeting members shall serve without compensation or monetary allowance for any expenses incurred in the performance of their ~~duties~~.

**Commented [O13]:** 2-2-4: CRC agreed no changes were needed on 12/07/17.

2-2-6 Representative town meeting members shall occupy sections assigned to them by the Town Clerk in a section of the hall, designated by appropriate signage, which has been reserved exclusively for ~~them~~.

**Commented [O14]:** 2-2-5: CRC agreed no changes were needed on 12/07/17.

2-2-7 Any representative town meeting member who is unable to attend a representative town meeting session shall provide written notice of his or her anticipated absence, and the expected duration of the absence, to the Town Clerk prior to such session.

**Commented [O15]:** 2-2-6: "...designated by appropriate signage..." wording was added by the CRC on 12/07/17.

The CRC hopes that this action will discourage Town Meeting Members sitting in, and voting from, general public areas.

**Commented [O16]:** 2-2-7: On 12/07/17 the CRC agreed to change "...provide notice..." to "...provide written notice..." in order to better document when TM members will be absent.

2-2-8 After the final adjournment of every Town Meeting, the Town Clerk shall post a complete attendance record on the bulletin board at town hall, in the Town's libraries, on the Town's website, and on the Town's social media channels.

**Commented [O17]:** 2-2-8: On 12/07/17 the CRC agreed to add 2-2-8 and to recommend removing similar wording from the Town by-law 173-6.

2-2-9 The Town Clerk shall publish the contact information for all Town Meeting Members, including: address, phone number, occupation and Town provided eMail address.

**Commented [O18]:** 2-2-9: On 12/14/17 the CRC agreed to add "occupation" to the list of captured data elements.

### Section 3 Powers<sup>[SEP]</sup>

2-3-1 The representative town meeting shall exercise all legislative powers of the town.

**Commented [O19]:** 2-2-9: On 12/07/17 the CRC agreed to add 2-2-9 to enable better communication between town meeting members and their constituents. It was agreed that the email addresses used would be provided by the Town during the TM members term of office.

2-3-2 The representative town meeting shall consider and act upon all proposed by-laws.

**Commented [O20]:** 2-3-1: CRC agreed no changes were needed on 12/07/17.

2-3-3 The representative town meeting shall have the power to consider and act upon, pursuant to its legislative authority, with or without amendments, all proposed operating and capital improvement budgets, bond issues, and all other financial proposals of the town and such other matters as prescribed by law and all matters that appear on the town warrant, except as otherwise provided by general law.

**Commented [O21]:** 2-3-2: CRC agreed no changes were needed on 12/07/17.

2-3-4 The Committee of Precinct Chairs described in Section 2-11-4 may from time to time appoint subcommittees of itself or committees of Town Meeting members to review town by-laws, town meeting rules, the status of past town meeting actions, and for such other purposes as they shall deem appropriate and shall make recommendations to the representative town meeting and/or the moderator at least annually. The committee also may perform other duties designated to facilitate the business of town meeting. In addition to any other powers conferred upon it by the representative town meeting, the Committee of Precinct Chairs shall periodically review the rules of procedure that govern the conduct of the representative town meeting and report its finding to the representative town meeting at least annually.

**Commented [O22]:** 2-3-3: CRC agreed no changes were needed on 12/07/17.

2-3-5 The precinct chairpersons shall meet together within thirty (30) days following each town election, and shall organize as a Committee of Precinct Chairs, electing a Chairperson and a Clerk.

**Commented [O23]:** 2-3-4: On 12/07/17 the CRC agreed to alter 2-3-4 by adding the wording, "...the status of past town meeting actions..." in response to feedback and discussion around whether or not past town meeting actions were implemented.

### Section 4 Procedures

2-4-1 The representative town meeting shall meet at least three (3) times in each calendar year. The first such meeting, the spring annual representative town meeting, shall be convened during the period of March through April, at a time fixed by by-law. The spring annual representative town meeting shall be concerned primarily with the determination of all matters that concern raising, appropriating, or transferring funds, including, but not limited to the adoption of an annual operating budget covering all town agencies. The second such meeting shall be held during the period of May through August, at a time fixed by by-law. The third such meeting shall be held during the last four calendar months, at a time fixed by by-law.

**Commented [O24]:** 2-3-4: On 12/07/17 the CRC agreed to change 2-3-4 by removing the capitalization of "Representative Town Meeting".

The budget, as adopted at the spring annual representative town meeting, may be reopened by a citizen-petitioned article pursuant to G.L. c.39, § 10, or by any other applicable law.

**Commented [O25]:** 2-3-5: On 12/14/17 the CRC agreed to change the wording from 45 to 30 days. (formally 2-11-4)

2-4-2 The quorum necessary for the conduct of representative town meeting business shall be two-thirds (2/3) of the total number of elected representative town meeting members. A

**Commented [O26]:** 2-3-5: On 3/1/18 the CRC agreed to move this item from section 11 to section 3 in order to group together the Committee of Precinct Chairs items and improve readability.

**Commented [O27]:** 2-4-1: On 12/07/17 the CRC agreed to alter 2-4-1 by increasing the number of town meetings from two to three a year. This paragraph has been reworked accordingly. The new session would be during the summer months and would enable better workload balancing of articles throughout the year while also empowering representative town meeting to be more responsive.

**Commented [O28]:** 2-4-1: On 12/07/17 the CRC agreed to remove: "...or may be reopened by an affirmative vote of a majority of the members of the Select Board."

majority of those present may adjourn any meeting forthwith to a stated date, time, and place but no town meeting shall adjourn over the date of an election of town meeting members.

2-4-3 The representative town meeting shall always operate in open session, and secret ballots shall not be allowed.

2-4-4 The order of consideration of the articles on the warrant may be changed only by a two-thirds (2/3) vote of those present and voting.

2-4-5 The representative town meeting may adopt rules and regulations relating to its procedures and its methods of operation.

2-4-6 An electronic roll call vote shall be required for all final main motions on every warrant article and on any matters with respect to the following subjects: adoption or amendment of zoning by-laws; adoption or amendment of general by-laws; and fiscal matters which are defined as any appropriation, borrowing, fund transfer or the creation of or re-authorization of such enterprise or revolving funds as may be authorized by state law; provided, however, that in the event of a vote which the moderator determines to be near unanimous, the moderator may elect to take a roll call of only those voting in the minority.

2-4-7 An electronic roll call vote shall be required for all motions to close debate.

## Section 5 Attendance of Representative Town Meeting Members

2-5-1 Representative town meeting members shall attend all representative town meeting sessions. Each calendar day during which any portion or portions of a representative town meeting or meetings is/are conducted shall be deemed to be a single "representative town meeting session".

2-5-2 During each representative town meeting session, the Town Clerk shall cause the attendance to be taken prior to the commencement of the session. A record of those in attendance shall be kept open until the end of each representative town meeting session to enable latecomers to be recorded as present. The attendance record shall be public and be made part of the representative town meeting proceedings.

2-5-3 A representative town meeting member who moves from the town shall cease to be a town meeting member and a representative town meeting member who moves from the precinct from which the representative was elected to another precinct may serve only until the next spring town meeting. The town clerk may also declare the seat vacant if the registrars of voters, under sections 47B, 48 and 49 of chapter 51 of the General Laws or any other applicable law, determine that the representative town meeting member is illegally or incorrectly registered to vote in that precinct.

## Section 6 Moderator<sup>SEP</sup>

2-6-1 A Moderator shall be elected at the regular town elections for a term of three (3) years.

2-6-2 The Moderator shall have no vote unless the representative town meeting members present and voting are equally divided.

**Commented [O29]:** 2-4-2: On 12/07/17 the CRC agreed to rework the last sentence of 2-4-2 from: "A smaller number than the required quorum may adjourn any meeting forthwith to a stated date, time, and place." to "A majority of those present may adjourn any meeting forthwith to a stated date, time, and place but no town meeting shall adjourn over the date of an election of town meeting members."

**Commented [O30]:** 2-4-3: On 3/1/18 the CRC agreed to place a comma after "session" in order to delineate between the two separate thoughts within the sentence.

**Commented [O31]:** 2-4-3: On 12/07/17 the CRC agreed no change needed to 2-4-3 however they will recommend to the Committee of Precinct Chairs that in order to remove any confusion chapter 173-1a should be removed.

**Commented [O32]:** 2-4-4: CRC agreed no changes were needed on 12/07/17.

**Commented [O33]:** 2-4-6: CRC agreed no changes were needed on 12/07/17.

**Commented [O34]:** 2-4-6: On 12/07/17 the CRC agreed to modify 2-4-6 by making the roll call vote an electronic one.

**Commented [O35]:** 2-4-7: On 12/07/17 the CRC agreed to make a new 2-4-7 to cover the setting of electronic roll call vote for motions to close debate. The old 2-4-7 is now 2-12-5.

**Commented [O36]:** 2-5-1: CRC agreed no changes were needed on 12/07/17.

**Commented [O37]:** 2-5-2: On 12/14/17 the CRC agreed to strike out: "...and the Moderator shall take roll on at least one occasion after commencement of the session and a quorum has been reached." No longer needed since electronic voting is now the default method of voting and is, by definition, a roll call vote.

**Commented [O38]:** 2-5-3: On 12/14/17 the CRC agreed to strike out the word "annual" and replace it with "spring".

**Commented [O39]:** 2-6-1: CRC agreed no changes were needed on 12/14/17.

**Commented [O40]:** 2-6-2: CRC agreed no changes were needed on 12/14/17.

2-6-3 The Moderator shall preside at all representative town meeting sessions and shall perform such other duties as may from time to time be assigned to the office by by-law or vote of the representative town meeting.

**Commented [O41]:** 2-6-3: On 12/14/17 the CRC agreed to change 2-6-3 by replacing the word "through" with the word "by".

2-6-4 Following the raising of a point of order at any town meeting, a motion to appeal the ruling on such point of order shall be allowed by the Moderator and shall be decided by a majority vote of the town meeting.

**Commented [O42]:** 2-6-4: On 12/14/17 the CRC agreed to insert a new item to address appealing the Moderator's ruling on a point of order motion.

2-6-5 Promptly following the annual town election, the Moderator shall appoint an Assistant Moderator for a term commencing at the first annual or special representative town meeting following such annual election, and ending on the date of the annual town election in the following year. Such appointment shall be subject to the approval of the annual or special representative town meeting. The Assistant Moderator shall substitute for the Moderator in the event that the Moderator is absent from a representative town meeting session or at the discretion and request of the Moderator, and shall carry out the duties of the Moderator excluding any exercise of appointing authority at such representative town meeting session. In the event that the Moderator cannot carry out the duties of his office by reason of death or disability, then the Assistant Moderator shall carry out all of the duties of the office of Moderator. The Assistant Moderator position shall be uncompensated.

**Commented [O43]:** 2-6-5: On 12/14/17 the CRC agreed to change 2-6-5 by removing the word "next". (formally 2-6-4)

2-6-6 Upon request of the Moderator the Town Manager may provide support personnel to assist the Moderator in carrying out his assigned duties.

**Commented [O44]:** 2-6-6: On 12/14/17 the CRC agreed to add 2-6-5 to ensure that the Moderator has the support resources necessary to carry out his duties.

## Section 7 Rights of Non-Members<sup>[15]</sup>

2-7-1 Residents and taxpayers of the town may speak on any article in a warrant.

**Commented [O45]:** 2-7-1: CRC agreed no changes were needed on 12/14/17.

## Section 8 Compulsory Attendance

2-8-1 All town officers, the Town Manager, the town engineer, chairpersons of boards, commissions, and the Advisory and Finance Committee, and all department heads or those officials' designated representatives, shall attend all representative town meeting sessions. They shall have all the privileges of representative town meeting members, except the power to vote, unless they have been elected to the office of representative town meeting member. The absence of any such person shall not invalidate the actions of the representative town meeting.

**Commented [O46]:** 2-8-1: CRC agreed no changes were needed on 12/14/17.

## Section 9 Filling Vacancies<sup>[16]</sup>

2-9-1 The Town Clerk shall notify forthwith the precinct of any vacancy which occurs in a precinct delegation.

**Commented [O47]:** 2-9-1: CRC agreed no changes were needed on 12/14/17.

2-9-2 The person who received the highest number of votes among the unsuccessful representative town meeting member candidates at the most recent election in the precinct shall fill the vacancy until the next regular election. If such person declines, or is unable to fill the vacancy, the person who received the next highest number of votes among the unsuccessful representative town meeting member candidates at the most recent election shall fill the vacancy. If the vacancy cannot be filled in this manner, the precinct caucus delegation shall vote to fill the vacancy. If necessary, the Town Clerk shall call members of the precinct caucus delegation together by written notice and shall conduct the election.

**Commented [O48]:** 2-9-2: CRC agreed no changes were needed on 12/14/17.

## Section 10 Conflict of Interest

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

**Commented [O49]:** 2-10: On 12/14/17 the CRC agreed to move the definition of "financial interest" to the definition section of this Charter, 1-6-1.

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

**Commented [O50]:** 2-10-2: CRC agreed no changes were needed on 12/14/17.

2-10-3 Town Meeting members must complete a conflict of interest law online training program provided by the MA State Ethics Commission. Newly elected members must complete this training within thirty (30) days of the beginning of their term of office. Town Meeting Members shall not be required to receive such training more than once, unless they are otherwise required to do so as special municipal employees under the provisions of G.L. c. 268A.

**Commented [O51]:** 2-10-3: On 12/14/17 the CRC agreed to make conflict of interest training mandatory for Town Meeting members.

2-10-4 At the beginning of every Town Meeting the Moderator will provide a brief review of the Charter's Conflict of Interest section.

**Commented [O52]:** 2-10-4: On 12/14/17 the CRC agreed to add this item to the Moderator's opening comments to Town Meeting.

## Section 11 Caucuses

2-11-1 The representative town meeting members from each precinct shall, within twenty (20) days following each town election, meet and elect from among their own precinct's representative town meeting members, a chairperson, vice-chairperson, and clerk, to serve for a term of one (1) year, and shall file a notice of such organization with the Town Clerk. If the Town Clerk fails to receive a notice of organization within twenty-one (21) days following a town election, the Town Clerk shall immediately call a meeting of the representative town meeting members from such precincts that have failed to organize, for the purposes of organizing.

**Commented [O53]:** 2-11-1: CRC agreed no changes were needed on 12/14/17.

2-11-2 Each precinct delegation shall hold a caucus meeting for the purpose of reviewing the subject matter of the upcoming representative town meeting. Article proponents, or their representatives, shall attend every Caucus meeting. Caucus meetings may be held in conjunction with other precinct delegations.

**Commented [O54]:** 2-11-2: On 12/14/17 the CRC agreed to add wording to 2-11-2 to have article proponents attend the caucus meetings.

2-11-3 Each precinct chairperson shall arrange for the posting of notices of caucus meetings in town hall and on the town's website. Each such caucus meeting shall be conducted under the open meeting law established by section 20 of chapter 30A of the General Laws.

## Section 12 Advisory and Finance Committee

2-12-1 An advisory and finance committee of fifteen (15) members shall be appointed by the moderator for 3-year overlapping terms. There shall be no more than three (3) members from each precinct of the town; provided, however, that in the event that the number of incumbent members from a particular precinct increases due to redistricting or the change in residency of that member or another, no incumbent member need be removed, and may serve out their respective terms. The advisory and finance committee shall choose from its members a chairperson and fill the other offices as it may create. The moderator may fill any vacancy by appointment and the term of that appointment shall be for the remainder of the unexpired term of the person causing the vacancy.

No town officer, Town Meeting member or anyone who is not a registered voter of the Town shall be eligible for appointment to, or service on, the Advisory and Finance Committee.

2-12-2 The advisory and finance committee shall conduct 1 or more public hearings on the proposed operating and capital budget and shall issue its recommendations in a detailed written report that shall be electronically posted to the Town's website no later than fourteen (14) days prior to the scheduled date of the representative town meeting. In preparing its report, the committee may require any town department, board or office to furnish it with appropriate financial reports and budgetary information. If the advisory and finance committee has failed to consider a warrant article, the representative town meeting may consider that article, provided that two-thirds of the representative town meeting members in attendance vote to do so. The vote shall not be taken unless the article has been presented to the advisory and finance committee.

2-12-3 The Advisory and Finance Committee shall present the warrant to the representative town meeting including both majority and minority reports.

2-12-4 In the final month of the fiscal year, no department, commission, office or agency may expend, except for amounts previously encumbered, more than one-twelfth (1/12) of its annual appropriation, unless expenditures have been approved by the Advisory and Finance Committee.

2-12-5 In the event that the advisory and finance committee fails to comply with section 2-12-2 of this charter, the scheduled representative town meeting shall convene and then adjourn to a date that would allow the advisory and finance committee to make copies of its detailed written report available to representative town meeting members and voters 14 days prior to that date, except that two-thirds of the representative town meeting members in attendance may vote to waive the 14 day requirement of section 2-12-2.

2-12-6 The advisory and Finance Committee may appoint such subcommittees as it may deem advisable.

2-12-7 The Advisory and Finance Committee shall have authority at any time to investigate the town's accounts and management, and the books, records and accounts of all departments of

**Commented [O55]:** 2-12-1: On 1/18/18 the CRC agreed to use the wording from the town by-law 9-2 to replace the current eligibility wording in the charter. New wording allows town employees.

**Commented [O56]:** 2-12-2: On 1/18/18 the CRC agreed to change the means of delivery for the report to electronic posting instead of US mail.

**Commented [O57]:** 2-12-3: On 1/18/18 the CRC agreed to replace the wording "proposed budget" to "warrant".

**Commented [O58]:** 2-12-3: On 1/18/18 the CRC agreed to add the requirement for both majority and minority reports.

**Commented [O59]:** 2-12-4: On 1/18/18 the CRC agreed no change is needed for 2-12-1.

**Commented [O60]:** 2-12-5: 12/07/17 - the CRC agreed to move this item from 2-4-7 and renumber 2-12-5. This was done for improved readability since it pertains to the Advisory & Finance Committee and fits better in that section.

**Commented [O61]:** 2-12-6: On 1/18/18 the CRC agreed to move this new item from 9-9 of the Town by-law.

the town shall be open to the inspection of the Advisory and Finance Committee or any of its authorized subcommittees and any person employed by it.

**Commented [O62]:** 2-12-7: On 1/18/18 the CRC agreed to move this new item from 9-10 of the Town by-law.

## CHAPTER 3 THE EXECUTIVE BRANCH: THE SELECT BOARD, THE TOWN MANAGER AND PLANNING BOARD

### Section 1 The Select Board: Composition and Terms

3-1-1 A Select Board of five (5) members shall be elected for three-year (3) overlapping terms. The regular election for the office of selectman shall be held in accordance with Chapter Five of this Charter.

3-1-2 Vacancies in the office of selectman shall be filled by special election in accordance with G.L. c. 41, § 10, and any other applicable law.

**Commented [O63]:** Chapter 3: On 2/15/18 the CRC agreed to change Board of Selectmen to Select Board. This change is reflected throughout the charter.

### Section 2 Select Board: General Powers and Duties

3-2-1 The Select Board shall be the chief executive body of the town. It shall serve as the goal setting, long-range planning and policy-making body of the town. It shall make recommendations on major courses of action to the representative town meeting. It shall adopt policy directives and guidelines, which the officers, boards, committees, commissions and employees of the town shall implement. The Select Board shall maintain a policy handbook containing such policy directives and guidelines.

3-2-2 The Select Board shall have the power to enact rules and regulations to implement its policies.

3-2-3 The Select Board shall review the annual proposed operating and capital budgets submitted by the Town Manager and make recommendations with respect thereto as it deems advisable. The Town Manager shall present the budget, incorporating the recommendations of the Select Board, to the Advisory and Finance Committee.

3-2-4 The Select Board shall act as the licensing authority of the town and shall have the power and responsibility to issue licenses, to make all necessary rules and regulations regarding the issuance of licenses, to attach conditions and impose restrictions in the public interest, and to enforce, or cause to be enforced, laws, rules and regulations relating to all businesses for which it issues licenses.

3-2-5 The Select Board shall have the power to approve all collective bargaining agreements to which the town is the contracting agency and may participate in the negotiating of collective bargaining agreements.

3-2-6 The Select Board shall be responsible, through the Town Manager, for the efficient and orderly operation of all agencies of the town except those under the direction of another elected town agency.

3-2-7 The Select Board may investigate or authorize the Town Manager, or another town officer or any agency, to investigate the conduct of any town department, office or agency. A detailed written report of any such investigation shall be filed in the Town Manager's office,

**Commented [O64]:** 3-1-1: CRC agreed no changes were needed on 2/15/18.

**Commented [O65]:** 3-1-2: CRC confirmed G.L. reference is correct on 2/15/18.

**Commented [O66]:** 3-2-1: CRC agreed no changes were needed on 2/15/18.

**Commented [O67]:** 3-2-2: CRC agreed no changes were needed on 2/15/18.

**Commented [O68]:** 3-2-3: CRC agreed no changes were needed on 2/15/18.

**Commented [O69]:** 3-2-4: CRC agreed no changes were needed on 2/15/18.

**Commented [O70]:** 3-2-5: CRC agreed to expand wording to give Select Board a choice to attend negotiation meetings if they choose to.

**Commented [O71]:** 3-2-6: CRC agreed no changes were needed on 2/15/18.

and a report summarizing such investigation shall be printed in the next published annual town report.

3-2-8 The Select Board shall meet jointly with the School Committee, and all other elected boards of the town for the purpose of sharing information. The Select Board shall schedule the joint meeting(s), which shall be held no less than twice (2) a year.

### Section 3 Appointments

3-3-1 The Select Board shall appoint a Town Manager, town counsel, registrars of voters, election officers, constables, and members of all multiple-member boards, committees, and commissions except as otherwise provided in this Charter and/or the town by-laws.

### Section 4 Town Manager: Appointment and Removal

3-4-1 The Select Board shall appoint a Town Manager by an affirmative vote of four (4) members of the Board.

3-4-2 The Town Manager shall be appointed solely on the basis of executive and administrative qualifications. The Town Manager shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education, training, and previous experience in municipal administration. The Town Manager shall have had at least five (5) years of full-time paid experience as a City or Town Manager, Assistant City or Town Manager, Town Administrator or Assistant Town Administrator, or the equivalent level of experience.

The town may, from time to time, establish such additional qualifications as deemed necessary and appropriate. The Town Manager shall not be subject to a personnel by-law, if any.

In addition to other terms as set forth in this Charter generally and in this Section 4 of Chapter 3 specifically, the Town Manager shall devote full time to the office and shall not hold any other public office, elective or appointive, nor engage in any other business or occupation during the term of office, unless such action is approved in advance, in writing, by the Select Board. With the approval of the Select Board, the Town Manager may serve as the town's representative to regional boards, commissions, and the like, but the Town Manager may not receive additional compensation from the town for such services.

To the extent permitted by law, the terms of the Town Manager's employment shall be the subject of a written agreement between the parties setting forth the length of service, compensation, vacation, sick leave, benefits, and such other matters (excluding tenure) as are customarily included in an employment contract.

3-4-3 The Select Board may discipline or discharge the Town Manager at any time by an affirmative vote of four (4) members of the Select Board. Within seven (7) days thereafter, the Town Manager may appeal the decision of the Select Board by filing a written request for a public hearing with the Select Board. If such a request is filed, the Select Board shall conduct a public hearing within fourteen (14) days of the written request, and act upon the appeal within seven (7) days after the public hearing.

3-4-4 The Select Board shall designate a qualified person to serve as Acting Town Manager and to perform the duties of the office during any vacancy of the Town Manager exceeding thirty (30) days caused by the Town Manager's absence, illness, suspension, removal, or

**Commented [O72]:** 3-2-7: CRC agreed no changes were needed on 2/15/18.

**Commented [O73]:** 3-2-8: CRC agreed to increase the number of joint meeting to "twice" a year on 2/15/18.

**Commented [O74]:** 3-3-1: CRC agreed no changes were needed on 2/15/18.

**Commented [O75]:** 3-4-1: CRC agreed no changes were needed on 2/15/18.

**Commented [O76]:** 3-4-2: CRC agreed no changes were needed on 2/15/18.

**Commented [O77]:** 3-4-3: CRC agreed no changes were needed on 2/15/18.

resignation. The term of appointment of an Acting Town Manager shall not exceed one hundred eighty (180) days.

**Commented [O78]:** 3-4-4: CRC agreed no changes were needed on 2/15/18.

## Section 5 Town Manager: Powers and Duties

3-5-1 The Town Manager shall be the chief administrative officer of the town. The Town Manager shall be responsible to the Select Board for the effective management of all town affairs placed in the Town Manager's charge by this Charter, the Select Board, by-law, or vote of the representative town meeting. The Town Manager shall be responsible for the implementation of town policies established by the Select Board.

The Town Manager shall:

- (a) unless otherwise provided herein and in Section 2 of Chapter 6 of this Charter, and except as may be otherwise provided in Civil Service Law, appoint, suspend, or remove all department heads, a Board of Assessors, and all officers, subordinates, and employees of the town, including those under grant funding, except employees of the school department. The Town Manager shall appoint a town clerk, whose duties shall be as specified in general or special legislation. In the case of an employee who works with a multiple-member board or the Plymouth Public Library Corporation, the Town Manager shall act in accordance with this Section only after consultation with that multiple- member board, or the Plymouth Public Library Corporation, as the case may be. Except as may be otherwise provided in Civil Service Law, appointments, suspension, or removals of Department and Division Heads, or equivalents regardless of title, shall take effect on the fifteenth (15) day after the Town Manager files notice of the action with the Select Board unless the Board shall within that period, by a vote of four members veto the action. The Select Board may, by a majority vote, waive this fifteen (15) day period, whereupon the action shall become effective forthwith. This same authority to veto the actions of the Town Manager provided herein to the Select Board shall accrue to the Planning Board in the case of the appointment, suspension or removal of the Director of Planning and Development;
- (b) fix the compensation of all town officers and employees appointed by the Town Manager within the limits of existing appropriations and personnel by-laws;
- (c) supervise all town departments under the jurisdiction of the Select Board and direct the operations of the town;
- (d) if deemed as necessary and with the approval of the Select Board, establish, reorganize, consolidate or abolish any department or position under the Town Manager's direction and supervision;
- (e) administer, either directly or through designated persons, all provisions of general and special laws applicable to the town, and all by-laws and regulations established by the Select Board;
- (f) coordinate the operational and strategic planning for the town;
- (g) administer all grants received by the town;

**Commented [O79]:** 3-5-1a: CRC agreed no changes were needed on 2/15/18.

**Commented [O80]:** 3-5-1b: CRC agreed no changes were needed on 2/15/18.

**Commented [O81]:** 3-5-1c: CRC agreed no changes were needed on 2/15/18.

**Commented [O82]:** 3-5-1d: CRC agreed to remove the word "may" because it conflicted with the "Shall" already in effect. 2/22/18.

**Commented [O83]:** 3-5-1e: CRC agreed no changes were needed on 2/15/18.

**Commented [O84]:** 3-5-1f: CRC agreed no changes were needed on 2/15/18.

**Commented [O85]:** 3-5-1g: CRC agreed no changes were needed on 2/15/18.

- (h) submit to the Select Board a written proposed operating budget for the ensuing fiscal year, providing in detail the estimated revenue from all sources and all expenditures, including debt services, for the previous, current and ensuing year;
- (i) submit annually to the Select Board a five-year (5) capital improvements program, including a list of all capital improvements proposed for the next five (5) fiscal years with supporting data, cost estimates, methods of financing, recommended time schedules, and the effect on the operating budget or revenues for each proposed capital improvement;
- (j) keep full and complete records of the financial and administrative activities of the town and render a detailed written report on all operations as often and for such periods as may be required by the Select Board;
- (k) administer and enforce collective bargaining contracts, and personnel rules, regulations, and by-laws adopted by the town;
- (l) develop and maintain a complete inventory of real and personal property of the town, except school property, at least annually;
- (m) procure from the school department, a detailed written report of the complete inventory of real and personal school property for annual submission to the Select Board. The school department shall be obligated to prepare the detailed written report;
- (n) have full jurisdiction over the lease, rental, and use of all town property, except schools, subject to the approval of the select board or act of town meeting, and shall be responsible for the maintenance and repair of all town property;
- (o) be the Chief Procurement Officer under the provisions of G.L. c. 30B, responsible for the purchasing of all supplies, materials, and equipment for the town, including the bidding and awarding of all contracts, except for the school department;
- (p) approve all warrants or vouchers for payment of town funds submitted by the Town Accountant;
- (q) negotiate collective bargaining contracts on behalf of the Select Board, unless the Town Manager specifically designates another negotiator or negotiating team;
- (r) represent the town at local, state, and regional meetings, and undertake public relations activities for the Select Board;
- (s) have authority to examine, without notice, the activities of any agency under the Town Manager's control, or the conduct of any officer or employee thereof;
- (t) have access to all town books and records necessary for the performance of the duties of Town Manager;
- (u) conduct periodic operational and staffing evaluations of selected town departments, and provide a written report of the assessments performed to the Select Board and to the representative town meeting; and
- (v) perform any other duties required by town by-laws, the Select Board, or vote of the representative town meeting.

**Commented [O86]:** 3-5-1h: CRC agreed no changes were needed on 2/15/18.

**Commented [O87]:** 3-5-1i: CRC agreed no changes were needed on 2/15/18.

**Commented [O88]:** 3-5-1j: CRC agreed no changes were needed on 2/15/18.

**Commented [O89]:** 3-5-1k: CRC agreed no changes were needed on 2/15/18.

**Commented [O90]:** 3-5-1l: CRC agreed no changes were needed on 2/15/18.

**Commented [O91]:** 3-5-1m: CRC agreed no changes were needed on 2/15/18.

**Commented [O92]:** 3-5-1n: CRC agreed to add the condition of approval by the Select Board or act of town meeting to item. 2/15/18.

**Commented [O93]:** 3-5-1o: CRC agreed no changes were needed on 2/22/18.

**Commented [O94]:** 3-5-1p: CRC agreed no changes were needed on 2/22/18.

**Commented [O95]:** 3-5-1q: CRC agreed no changes were needed on 2/22/18.

**Commented [O96]:** 3-5-1r: CRC agreed no changes were needed on 2/22/18.

**Commented [O97]:** 3-5-1s: CRC agreed no changes were needed on 2/22/18.

**Commented [O98]:** 3-5-1t: CRC agreed no changes were needed on 2/22/18.

**Commented [O99]:** 3-5-1u: CRC agreed no changes were needed on 2/22/18.

**Commented [O100]:** 3-5-1v: CRC agreed no changes were needed on 2/22/18.

## Section 6 Department of Public Works

3-6-1 The Director of the Department of Public Works shall be appointed by the Town Manager. The Director of the Department of Public Works shall be qualified by education and experience including a master's degree in a related field for the duties of the ~~office~~.

**Commented [O101]:** 3-6-1: CRC agreed no changes were needed on 2/22/18.

3-6-2 The department of public works shall be responsible for:

- (a) the design, construction, maintenance, repair and cleaning of roads, sidewalks, storm drains, bridges and other public way related ~~structures~~;
- (b) the maintenance, repair and cleaning and custodial services of all buildings and grounds owned or leased by the town and not under the care of the school ~~department~~;<sup>[SEP]</sup>
- (c) the development and maintenance of all cemeteries, parks and recreation ~~facilities~~;
- (d) snow and ice ~~removal~~;
- (e) providing for and supervising the collection and disposal of garbage and other refuse and the maintenance and operation of all facilities for the disposal of the same;<sup>[T1]</sup><sup>[SEP]</sup>
- (f) the supervision, care and replacement of ~~trees~~;
- (g) the design, construction, operation and maintenance of all water and sewer ~~facilities~~;
- (h) other functions as the town manager assigns; ~~and~~
- (i) the master planning of all infrastructure elements under their jurisdiction including, but not limited to, public roadways, sidewalks, storm-drains, bridges, cemeteries, parks and recreation facilities, solid waste and waste water facilities all of which shall be coordinated and consistent with the comprehensive master plan provided for in section 14-4 of chapter 3.

**Commented [O102]:** 3-6-2a: CRC agreed no changes were needed on 2/22/18.

**Commented [O103]:** 3-6-2b: CRC added "...and not under the care of the school department." on 2/22/18.

**Commented [O104]:** 3-6-2c: CRC agreed no changes were needed on 2/22/18.

**Commented [O105]:** 3-6-2d: CRC agreed no changes were needed on 2/22/18.

**Commented [O106]:** 3-6-2e: CRC agreed no changes were needed on 2/22/18.

**Commented [O107]:** 3-6-2f: CRC agreed no changes were needed on 2/22/18.

**Commented [O108]:** 3-6-2g: CRC agreed no changes were needed on 2/22/18.

**Commented [O109]:** 3-6-2h: CRC agreed no changes were needed on 2/22/18.

**Commented [O110]:** 3-6-2i: CRC agreed no changes were needed on 2/22/18.

## Section 7 Board of Health<sup>[T2]</sup><sup>[SEP]</sup>

3-7-1 A Board of Health of five (5) members shall be appointed by the Select Board for three-year (3) overlapping terms.

**Commented [O111]:** 3-7-1: CRC agreed no changes were needed on 2/22/18.

3-7-2 The Board of Health shall exercise such powers and duties as prescribed by the General Laws, this Charter and town by ~~laws~~.

**Commented [O112]:** 3-7-2: CRC agreed no changes were needed on 2/22/18.

## Section 8 Establishment and Scope of the Department of Finance

3-8-1 There shall be a Department of Finance responsible for the fiscal and financial affairs of the town and for the coordination and overall supervision of all fiscal and financial activities of all town government agencies except the School Department. The Department of Finance shall include the functions of Accountant, Treasurer, Collector, Assessors and Director of Data Processing.

**Commented [O113]:** 3-8-1: CRC agreed no changes were needed on 2/22/18.

3-8-2 The Department of Finance shall be responsible for, and shall include, the following functions:

- (a) coordination of all financial services and activities of town government;
- (b) maintenance of all accounting records and other financial statements for all town government offices and ~~agencies~~;

**Commented [O114]:** 3-8-2a: CRC agreed no changes were needed on 2/22/18.

**Commented [O115]:** 3-8-2b: CRC agreed no changes were needed on 2/22/18.

- (c) payment of all financial obligations on behalf of the ~~town~~;
- (d) investment of town funds and management of ~~debt~~;
- (e) receipt of all funds due to the town from any ~~source~~;
- (f) maintenance of the system of property ~~valuation~~;
- (g) rendering of advice, assistance, guidance and recommendations to all other town offices and agencies in any financial or fiscal ~~affairs~~;
- (h) monitoring throughout the fiscal year of the expenditure of funds by town offices and ~~agencies~~;
- (i) general supervision of the purchase of all goods, services, materials and supplies by the town; and
- (j) general supervision of all data processing functions, activities and equipment of town government offices and ~~agencies~~.

**Commented [O116]:** 3-8-2c: CRC agreed no changes were needed on 2/22/18.

**Commented [O117]:** 3-8-2d: CRC agreed no changes were needed on 2/22/18.

**Commented [O118]:** 3-8-2e: CRC agreed no changes were needed on 2/22/18.

**Commented [O119]:** 3-8-2f: CRC agreed no changes were needed on 2/22/18.

**Commented [O120]:** 3-8-2g: CRC agreed no changes were needed on 2/22/18.

**Commented [O121]:** 3-8-2h: CRC agreed no changes were needed on 2/22/18.

**Commented [O122]:** 3-8-2i: CRC agreed no changes were needed on 2/22/18.

**Commented [O123]:** 3-8-2j: CRC agreed no changes were needed on 2/22/18.

## Section 9 Director of Finance

3-9-1 The Town Manager shall appoint a Director of Finance. The Director of Finance shall be especially fitted by education, training, and experience to perform the duties of the ~~office~~.

**Commented [O124]:** 3-9-1: CRC agreed no changes were needed on 2/22/18.

3-9-2 At the discretion of the Town Manager, the Director of Finance may serve as the head of any division within the department. The Town Manager also may designate a person to serve as head of more than one (1) division within the ~~department~~.

**Commented [O125]:** 3-9-2: CRC agreed no changes were needed on 2/22/18.

3-9-3 The Director of Finance shall be responsible to the Town Manager for the effective operation of the Department of Finance and all fiscal and financial activities of town government. The Director shall coordinate and provide overall supervision for all activities of the department and, in consultation with the division head and the Town Manager, shall have the authority to direct and assign all personnel serving in that ~~department~~.

**Commented [O126]:** 3-9-3: CRC agreed no changes were needed on 2/22/18.

3-9-4 The Director of Finance shall be responsible to the Town Manager and shall have the following specific powers and duties, subject to the direction of the Town Manager:

- (a) coordination of the financial functions of all departments and agencies and supervision of the following functions: accounting, treasury, tax collections, assessing, data processing, budgeting and procurement; ensure that each function is operating efficiently and in accordance with the applicable statute, by-law, code and/or accepted ~~practice~~;
- (b) accountability for planning, organizing and providing administrative direction for all financial ~~functions~~;
- (c) working with the Town Manager and the Select Board in developing strategic financial plans and ~~policies~~;
- (d) compilation and submission of an annual operating budget and an annual capital improvement plan to the Town Manager. The Director shall receive all requests made for the expenditure of town funds from every town office and agency and shall assemble all such requests into a form deemed to be best suited to show a complete financial plan for all town funds and activities for the ensuing fiscal year. The proposed budget shall

**Commented [O127]:** 3-9-4a: CRC agreed no changes were needed on 2/22/18.

**Commented [O128]:** 3-9-4b: CRC agreed no changes were needed on 2/22/18.

**Commented [O129]:** 3-9-4c: CRC agreed no changes were needed on 2/22/18.

show in detail all estimated income from the proposed property tax levy and from every other source by category; and

(e) general oversight, throughout the year, of the expenditure of all town funds pursuant to such budgets and expenditures as authorized by the representative town meeting.

**Commented [O130]:** 3-9-4d: CRC agreed no changes were needed on 2/22/18.

**Commented [O131]:** 3-9-4e: CRC agreed no changes were needed on 2/22/18.

## Section 10 Conservation Commission

3-10-1 The Select Board shall appoint a Conservation Commission of seven (7) members for three-year (3) overlapping terms.

3-10-2 The commission shall exercise such powers and duties as prescribed by general law, this Charter, and town by-laws.

**Commented [O132]:** 3-10-1: CRC agreed no changes were needed on 2/22/18.

**Commented [O133]:** 3-10-2: CRC agreed no changes were needed on 2/22/18.

## Section 11 Development and Industrial Commission<sup>[SEP]</sup>

### Section 12 Zoning Board of Appeals<sup>[SEP]</sup>

3-12-1 The Select Board shall appoint a Zoning Board of Appeals of five (5) members and two (2) associate members for three-year (3) overlapping terms. When possible the committee shall have among its members one (1) attorney, one (1) registered professional engineer or architect, one (1) person employed in the construction industry or a related trade or occupation, one (1) environmentalist, and one (1) other resident.

3-12-2 The board shall exercise such powers and duties as prescribed by general law, this Charter, and town by-laws.

**Commented [O134]:** 3-12-1: CRC agreed to add language to qualify the makeup of the committee by adding: "...When possible the committee shall have among its members one (1) attorney, one (1) registered professional engineer or architect, one (1) person employed in the construction industry or a related trade or occupation, one (1) environmentalist, and one (1) other resident", on 2/22/18.

**Commented [O135]:** 3-12-2: CRC agreed no changes were needed on 2/22/18.

## Section 13 Establishment and Scope of the Department of Planning and Development

3-13-1 There shall be a Department of Planning and Development responsible for the planning of the land use, environmental, community planning, and economic planning and development functions of the town. The Department of Planning and Development shall supervise and coordinate all planning and development activities of all town government offices and agencies. The Department of Planning and Development shall include the functions of comprehensive planning, subdivision control, zoning appeals, preservation of natural open space, community development, economic development, design review, redevelopment, and planning of new buildings and facilities.

3-13-2 The Department of Planning and Development shall be responsible for, and shall have, the following specific duties:

(a) development and maintenance of a Comprehensive Master Plan<sup>[SEP]</sup>

(b) coordination of all land use planning and development activities of Town Government;

(c) administration of subdivision control rules and regulations;

(d) preservation of natural open space, and land acquisition and management;

(e) conservation administration and enforcement;

(f) redevelopment, revitalization and rehabilitation activities;

**Commented [O136]:** 3-13-1: CRC agreed to remove the phrase "...design review..." because design review committee no longer exists. on 2/22/18.

**Commented [O137]:** 3-13-2a: CRC agreed no changes were needed on 2/22/18.

**Commented [O138]:** 3-13-2b: CRC agreed no changes were needed on 2/22/18.

**Commented [O139]:** 3-13-2c: CRC agreed no changes were needed on 2/22/18.

**Commented [O140]:** 3-13-2d: CRC agreed no changes were needed on 2/22/18.

**Commented [O141]:** 3-13-2e: CRC agreed no changes were needed on 2/22/18.

**Commented [O142]:** 3-13-2f: CRC agreed no changes were needed on 2/22/18.

- (g) administration of design review, historic district review, and zoning board of appeals, review and planning of affordable housing;
- (h) administration of economic development;
- (i) maintenance of all land use planning, development, and related records and reports for all town government offices and agencies;
- (j) rendering of advice, assistance, guidance, and recommendations to all other town offices and agencies on land use, environmental, community and economic planning, and development matters; and
- (k) cooperation with, and participation in, regional area planning.

**Commented [O143]:** 3-13-2g: CRC agreed no changes were needed on 2/22/18.

**Commented [O144]:** 3-13-2h: CRC agreed no changes were needed on 2/22/18.

**Commented [O145]:** 3-13-2i: CRC agreed no changes were needed on 2/22/18.

**Commented [O146]:** 3-13-2j: CRC agreed no changes were needed on 2/22/18.

**Commented [O147]:** 3-13-2k: CRC agreed no changes were needed on 2/22/18.

## Section 14 Planning Board

3-14-1 The town shall elect a Planning Board of five (5) members for five-year (5) overlapping terms.

3-14-2 The Planning Board shall exercise such powers and duties as prescribed by general law, this Charter, and applicable town by-laws.

3-14-3 The Planning Board shall serve as the long-range planning body of the town with respect to the planning of the physical, environmental, community, and economic development of the town. The Planning Board shall be responsible, through the Director of Planning and Development, for the efficient and orderly operation of all Planning Board functions and all related activities.

3-14-4 The Planning Board shall develop and maintain a Comprehensive Master Plan (CMP) which shall be the guidance document for departmental duties under Section 3-13-2, above, and for the Board's recommendations to the representative town meeting. The CMP shall be updated periodically to address current issues concerning the physical, environmental, community and economic development of the town, including planning strategies for Open Space Preservation, Land Acquisition, Village Centers Development, Economic Development, Housing, and Historic Preservation. The Board shall report annually to the representative town meeting to inform the town of all updates to the CMP and any implementation measures that may require town meeting approval. The Planning Board's recommendations on zoning by-law amendments to the representative town meeting shall be consistent with the CMP. The Planning Board shall solicit public comment and participation throughout the Comprehensive Master Planning Process and shall adopt the CMP and/or annual CMP updates only after a duly noticed public hearing.

3-14-5 The Planning Board shall make recommendations to the representative town meeting and to the Select Board on all matters concerning the planning of the physical, environmental, community, and economic development of the town as prescribed by general law, this Charter, and applicable town by-laws, and specifically with reference to the consistency of such matters with the current CMP.

3-14-6 At the request of the Planning Board any town board or agency dealing with significant public improvements relating to the physical, environmental, community or economic development of the town, shall report the status of such plans or development to the Planning

Board so as to be evaluated and included in the CMP and in the Planning Board's recommendations to the representative town meeting and the Select Board.

3-14-7 The Planning Board may appoint committees to assist and advise the Board in carrying out its duties under this charter such as a Master Plan committee, a Land Use and Acquisition Committee and such other committees as the Board deems necessary to assist the Board in performing its duties. Failure of the Board to appoint such committees shall not relieve the Board of its responsibilities to fulfill all the duties enumerated under this charter.

3-14-8 The planning board shall appoint an open space committee comprised of 9 persons to act in an advisory capacity to the planning board and the representative town meeting with respect to the preservation of natural open space and to assist the community preservation committee in fulfilling its duties under the Community Preservation Act. Five members shall be appointed by the planning board, 2 by the selectmen and 2 by the conservation commission.

### **Section 15 Director of Planning and Development**

3-15-1 There shall be a Director of Planning and Development appointed by the Town Manager with veto authority by the Planning Board as delineated in Chapter 3. The Director shall be a professionally qualified person of proven ability, especially fitted to perform the duties of the office by education and training. The Director of Planning and Development shall have had at least five (5) years of full-time paid experience in community planning and development.

3-15-2 At the discretion of the Town Manager, the Director of Planning and Development may serve as the head of any division within the Department of Planning and Development. The Town Manager may also designate one person to serve as the head of more than one division within the Department.

3-15-3 The Director of Planning and Development shall be responsible to the Planning Board for the effective operation of all Planning Board functions and all related activities. The Director shall coordinate and provide overall supervision of all activities of the Department of Planning and Development, and shall have, in consultation with the division head and the Town Manager, the authority to direct and assign all personnel serving in the Department of Planning and Development.

3-15-4 The Director of Planning and Development shall be responsible for, and shall have, the following specific duties:

- (a) coordination of the land use, environmental, community, and economic planning and development functions of all town departments and agencies;
- (b) supervision of the following functions: planning, preservation of natural open space, land acquisition, community development, economic development, design review, subdivision control, affordable housing, and zoning appeals;
- (c) assuring that each function is operating efficiently and in accordance with the applicable statute, by-law, code, and/or accepted practice;
- (d) accountability for long-range planning and organizing;
- (e) provision of administrative direction for all functions of the Department of Planning and Development; and

(f) working with the Planning Board, Town Manager, and Select Board in developing strategic plans and policies.

### **Section 16 Building Committee**

3-16-1 The Select Board shall appoint a building committee which shall consist of 9 members. The committee shall have among its members 1 member of the planning board, a registered professional engineer or architect, an attorney, a person employed in the construction industry or a related trade or occupation, 2 members of the school committee and 3 other residents. Members of the committee shall be appointed for 3-year overlapping terms.

3-16-2 Upon the request of the town manager or a department head, the building committee shall meet with various town departments from time to time to determine the need for additions or renovations to any existing buildings or facilities, for the construction of new buildings or facilities or for the demolition or disposal of existing buildings. The committee shall report its recommendations to the Select Board and the representative town meeting and the school committee when applicable. Whenever this work is authorized by the representative town meeting, the building committee shall be responsible for the oversight of all work relating thereto, including site planning, preliminary architectural drawings, final plans and the oversight of all construction.

3-16-3 Upon request of the Building Committee the town manager may provide support personnel to assist the Building Committee in carrying out its duties.

## **CHAPTER 4 ELECTED TOWN BOARDS AND OFFICERS**

### **Section 1 General Provisions**

4-1-1 Beginning with the first town election held after the effective date of this Charter, the town shall elect the following boards and offices:

- (a) a Select Board of five (5) members;
- (b) a school committee of seven (7) members who shall be elected for three-year (3) overlapping terms;
- (c) a housing authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms;
- (d) a planning board of five (5) members; and<sup>[1]</sup>
- (e) a redevelopment authority of five (5) members, four (4) to be elected, and one (1) to be appointed in accordance with applicable law, for five-year (5) overlapping terms.

4-1-2 The terms of office of multiple-member boards shall overlap, except as general or special law may provide otherwise. Representative town meeting members shall be elected in accordance with Section 2-2-1 of this Charter.

4-1-3 During the term for which a member is elected, and for one (1) year following expiration of such term, no member of any elected board under this Charter shall be eligible to accept any paid position under such board or in the same department.

4-1-4 Vacancies in boards established under this chapter, except the Select Board, shall be filled by the Select Board, together with the remaining members of the appropriate board in accordance with the provisions of general law.

## **Section 2 Simultaneous Elected Offices**

4-2-1 A representative town meeting member or elected town official representing the entire town shall not simultaneously hold another elected town office other than member of a charter commission. A person who holds multiple offices in violation of this section shall promptly inform the town clerk of which office that person will vacate. Election to a county, state or federal office other than a county charter commission shall be an event disqualifying an elected town official, including, but not limited to, representative town meeting member, from continuing in an elected town office beginning the day the individual is sworn in to the county, state or federal office.

# **CHAPTER 5 ELECTIONS**

## **Section 1 Town Elections**

5-1-1 The regular election for all town offices shall be by official ballot held on the third Saturday of May of each year.

5-1-2 The order in which names of candidates appear on election ballots for any office, including that of representative town meeting member, shall be determined by a drawing by lot conducted by the town clerk which shall be open to the public. Notification to the candidates and to the public shall be by publication in a local newspaper during the week preceding the week in which the day of the drawing is to take place. The ballot shall identify candidates seeking re-election with the phrase "Candidate for Re-election" placed next to the candidate's name.

### **5-1-3 Information for Voters**

Notwithstanding section 22A of chapter 55 of the General Laws, section 21C of chapter 59 of the General Laws or any other general or special law to the contrary, the official election ballot in the town of Plymouth shall include a fair and concise summary of any binding or non-binding question to be submitted solely to the voters of the town, along with a 1-sentence statement describing the effect of a yes or no vote, both prepared by town counsel and approved by the Select Board. Submission to the town clerk of the summary and 1-sentence statement shall be governed by section 42C of chapter 54 of the General Laws. The Select Board shall, not less than 7 nor more than 14 days before an election at which a question is to be voted upon, publish the following in a newspaper of general circulation in the town: (1) the full text of the question; (2) a fair and concise summary of the question; and (3) the 1-sentence statement describing the effect of a yes or no vote on the question; provided, however, that failure to timely publish such information shall not affect the validity of the election. The Select Board shall also post the full text of each ballot question, the summary and the 1-sentence statement in at least 1 location in the town or on the town's official website and shall make the same available at each polling place on the day of the election. The town may, by by-law, require additional posting or publishing of such information, subject to available funds and any other conditions that may be imposed by by-law.

## Section 2 Elections to be Nonpartisan<sup>[SEP]</sup>

5-2-1 All town elections shall be nonpartisan, and election ballots for town offices shall be printed without any party mark, emblem, vignette, or designation whatsoever.

## Section 3 Time of Taking Office

5-3-1 Any person duly elected to any office or board shall take up the duties of the office immediately upon certification, provided that such person shall first have been sworn to the faithful performance of the duties of that office by the Town Clerk.

5-3-2 The Town Clerk shall administer the oath of office to any person duly elected to any office or board within thirty (30) days of certification.

**Commented [O148]:** 5-3-2: On 3/1/18 the CRC agreed to add this item in order to end the practice of taking the oath of office months after an election.

## Section 4 Nomination of Candidates for Election to Representative Town Meeting

5-4-1 The nomination of a candidate for election or reelection as representative town meeting member shall be made by separate nomination papers signed by not less than ten (10) registered voters of the precinct in which the candidate resides. Nomination papers shall be filed with the Town Clerk no later than the last day on which the nomination papers of candidates for other offices must be filed.

5-4-2 Nomination papers shall identify representative town meeting members seeking re-election with the phrase "Candidate for Re-election" placed next to each candidate's name.

5-4-3 The nomination procedure for all other elected positions shall be as set forth in general or special law.

## Section 5 Initiative

5-5-1 Any ten (10) registered voters of the town may secure the inclusion of an article in the warrant for either of the annual representative town meetings by written petition to the Select Board. At least one hundred (100) registered voters may secure the same for any special town meeting.

## Section 6 Referendum

5-6-1 A vote of the town meeting under any article in the warrant shall not be operative until ten (10) days after its final passage other than the following:

- (a) to adjourn;
- (b) to appropriate money for the payment of principal and interest of bonds and notes of the town;
- (c) to authorize the temporary borrowing of money in anticipation of revenues; and
- (d) to amend zoning by-laws or as otherwise provided by statute.

5-6-2 If within ten (10) days of an affirmative vote of final passage by the representative town meeting, a petition signed by not less than three (3) percent of the registered voters in the town is filed with the Town Clerk asking that any question involved in such a vote be submitted to the voters of the town, then the town shall hold a referendum for the sole purpose of presenting the question to the voters of the town.

5-6-3 Within 5 days after receipt of the petition the town clerk shall determine whether the petition contains a sufficient number of signatures. If there are a sufficient number of signatures, the town clerk shall inform the Select Board, who, with the town clerk, shall provide for a referendum to be held between 35 and 90 days after that determination.

5-6-4 Each question to be voted on in the referendum shall be submitted to the voters in the following form: "Shall the town vote to approve the action of the representative town meeting whereby it was voted that (here insert a brief summary of the substance of the vote)?"

5-6-5 The vote on a referendum question shall be in accordance with the provisions of general law relating to special town elections.

## **Section 7 Recall of Elective Officeholders**<sup>[11]</sup>

5-7-1 Voters may recall any elected officeholder as herein provided.

5-7-2 Five hundred (500) registered voters of the town may file an initial petition containing the name of the officeholder sought to be recalled and a statement of the grounds for recall with the Town Clerk. No more than fifty (50) names shall be counted from any one (1) precinct of the town.

5-7-3 The Town Clerk shall thereupon deliver to the first ten (10) registered voters named on such initial petition, a sufficient number of copies of recall petition blanks demanding such recall. The Town Clerk shall keep these printed forms available. The Town Clerk shall sign and affix the official seal to the recall petition blanks that are issued. Photocopies of recall petitions which do not bear the official seal shall not be accepted by the Town Clerk. The recall petition blanks shall be dated and addressed to the Select Board, demanding the election of a successor to such office. The recall petition blanks shall contain the names of the ten (10) persons to whom the recall petition blanks are issued, the number of recall petitions issued, the name of the officeholder whose recall is sought, and the grounds for recall as stated in the initial petition.

5-7-4 The Town Clerk shall enter a copy of the recall petition in the town records. The recall petition shall bear the signatures and residential addresses of at least fifteen (15) percent of the registered voters and shall be returned to the Town Clerk within twenty (20) business days after the filing of the initial petition. All completed recall petitions containing the signatures requesting a recall election need not be submitted simultaneously.

5-7-5 The Town Clerk shall submit the recall petition to the registrars of voters within one (1) business day of receipt. The registrars of voters shall certify thereon the number of signatures which represent registered voters within seven (7) business days.

5-7-6 If the recall petition is certified by the registrars of voters as sufficient, the Town Clerk shall submit the same with a certificate so stating to the Select Board. Within three (3) business days of receipt of the certificate of certification, the Select Board shall give written notice by registered mail, of the receipt of the certificate to the officeholder sought to be recalled.

5-7-7 If the officeholder does not resign within five (5) business days thereafter, the Select Board shall order a special election to be held on a date fixed by them, which shall be not less than sixty (60) nor more than ninety (90) days after the date of the Town Clerk's certificate that a sufficient recall petition has been filed; provided, however, that if any other town election is

to occur within one hundred (100) days after the date of the certificate, the Select Board shall postpone the holding of the special election to the date of such other election.

5-7-8 The nomination of candidates, the publication of the warrant for the recall election, and the conduct of the same, shall all be in accordance with the provisions of general law relating to elections. The election to replace the officeholder sought to be removed shall be held on the same day as the recall election.

5-7-9 The incumbent shall continue to perform the duties of office until the recall election. If not recalled, the incumbent shall continue in office for the remainder of the unexpired term. An incumbent having successfully survived a recall election shall not again be subject to recall during the same term of office. If recalled, the incumbent shall be deemed removed upon the qualification of the successor who shall hold office for the remainder of the unexpired term. If the successor fails to qualify within five (5) business days after receiving notification of election, the incumbent shall thereupon be deemed removed and the office vacant.

5-7-10 The form of the question to be voted upon shall be substantially as follows: "Shall (here insert the name and title of the elective officeholder whose recall is sought) be recalled?" The action of the voters to recall shall require a majority vote, but shall not be effective unless the total of those voting for and against recall exceeds twenty (20) percent of the registered voters of the town.

5-7-11 No person, having been removed from office by recall or having resigned from office while recall proceedings were pending, shall be appointed to any town office within two (2) years following said removal or resignation.

5-7-12 Recall proceedings shall not be initiated during the first or last one hundred eighty (180) days of any officeholder's term of office.

## **Section 8 Recall of Representative Town Meeting Members<sup>[11]</sup>**

5-8-1 Representative town meeting members shall be subject to recall as generally provided in Section 7 of Chapter 5 of this Charter, provided:

- (a) that the words "representative town meeting member" shall be substituted for the word "officeholder" throughout Section 7 of Chapter 5 of this Charter;
- (b) that in Section 5-7-2 the number "one hundred twenty-five (125)" shall be substituted for the number "five hundred (500)," and that names submitted shall be those of registered voters residing in the precinct of the intended recall election;
- (c) that in Section 5-7-4, the recall petition shall include the signatures and residential addresses of at least fifteen (15) percent of the registered voters residing in the precinct, and the words "ten (10) business days" shall be substituted for the words "twenty (20) business days";
- (d) that in Section 5-7-7 the words "special precinct election" shall be substituted for the words "special election";
- (e) that in Section 5-7-10 the words "of the precinct" shall be substituted for the words "of the town"; and

(f) that any vacancy created by a recall election shall be filled in accordance with the provisions of Section 9 of Chapter 2 of this Charter.

## **CHAPTER 6 TOWN BOARDS, COMMISSIONS, COMMITTEES, AND DEPARTMENT AND DIVISION HEADS**

### **Section 1 General Provisions**

6-1-1 All boards, commissions, and committees of the town shall organize annually as soon after the annual election as practicable, to elect necessary officers, establish quorum requirements, adopt rules of procedure, and maintain minutes. All boards, commissions, and committees of the town regularly shall file approved meeting minutes with the Town Clerk. Such minutes shall be made available for inspection to all persons requesting them.

### **Section 2 Delegation of Appointment, Discipline, and Removal Power**

6-2-1 The powers conferred upon the Town Manager in Section 3-5-1(a) of this Charter, for all employees subject to the provisions of G.L. c.31, the Civil Service Law, (except Department and Division Heads, or their equivalents regardless of title, and school employees), may be delegated to the appropriate Department Heads. To the extent permitted by law, such powers, which shall include the ability to appoint, discipline, or discharge an employee, shall be subject to final approval by the Town Manager, without appeal or recourse to the Select Board.

6-2-2 All multi-member board and committee appointments made under this charter shall be for a specific term. Any person whose cumulative attendance falls below 50 per cent in a 12 month period, shall be deemed to have resigned from the appointed position. Thereafter, the position shall be considered vacant for all purposes.

6-2-3 All bodies who have the ability to appoint may remove the appointee for cause, by a vote of the appointing authority, as defined in the establish process developed by the appointing authority.

## **CHAPTER 7 GENERAL PROVISIONS**

### **Section 1 Charter Amendment<sup>[1]</sup>**

7-1-1 This Charter may be replaced, revised, or amended in accordance with the provisions of general law. <sup>[1]</sup>

### **Section 2 Specific Provisions to Prevail.**

7-2-1 To the extent that any specific provision of this Charter conflicts with any general provision, the specific provision shall prevail.

### **Section 3 Severability of Charter**

7-3-1 If any provision of this Charter is held invalid, the other provisions of this Charter shall not be affected thereby. If the application of this Charter or any of its provisions to any person

or circumstances is held invalid, the application of this Charter and its provisions to other persons and circumstances shall not be affected thereby.

#### **Section 4 Continuation, Revision, and Republication of By-Laws**

7-4-1 All special acts, by-laws, resolutions, rules, regulations, and votes of the town meeting in force on the effective date of this Charter, not inconsistent with its provisions, shall continue in force until amended or repealed.

#### **Section 5 Enforceability of this Charter**

7-5-1 The provisions of this Charter may be enforced by any applicable general or special law, including, but not limited to G.L. c.43B, § 14 and G.L. C. 231A.

#### **Section 6 Periodic Charter Review**

7-6-1 At least once every 5 years, a special committee shall be appointed by the town moderator to review this charter and to make a report, with recommendations, to the representative town meeting concerning any proposed amendments which the committee may determine to be necessary or desirable.

## **ARTICLE 12:**

ARTICLE 12: To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money, and to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, including exercise of any rights to acquire the property pursuant to the provisions of G.L. c.61 or any other applicable law, and to accept the deed to the property, located off Long Pond Road, Plymouth, on such terms and conditions as the Board of Selectmen deems appropriate, and to accept to the Town of Plymouth of a fee simple interest for said premises comprised of 2.97 acres +/- shown as Lot 42-1 on Plymouth Assessors' Map 88, Parcel number 088-000-042-001, for general municipal purposes, said land or interest to be managed by the Board of Selectmen, and to authorize the Board of Selectmen to enter into any and all agreements and execute any and all instruments as may be necessary on behalf of the Town to effectuate the purposes of this article; or to take any other action relative thereto.

BOARD OF SELECTMEN

**RECOMMENDATION: Please refer to Supplement I**



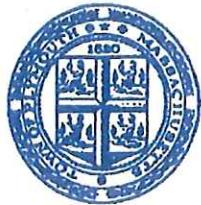
## ARTICLE 13:

ARTICLE 13: To see if the Town will vote to transfer from the Board of Selectmen for such purposes as it is presently held, to the Board of Selectmen acting as Water Commissioners for such purposes and for water supply and water protection purposes, the care, custody and control of a portion of that property owned by the Town known as Forges Field and more specifically identified as Assessors Lot 079-000-001-401, the approximate location of such portion being shown on a plan placed on file with the Town Clerk, provided that the exact location and size of such portion, and the well and improvements to be located thereon, shall be determined by said Water Commissioners and shall be depicted on a plan to be placed on file with the Town Clerk upon such determination; and further to authorize the Board of Selectmen to acquire for water supply and water supply protection purposes, by gift, purchase, or eminent domain, and upon such terms and for such consideration as it deems appropriate, such interests in land in Forges Field, Jordan Road, Russell Mills Road, and properties adjacent thereto as may be needed to construct and operate such a well and connect it to the Town's municipal water system; and to authorize the Board of Selectmen to enter into all agreements and execute any and all documents or instruments necessary to effectuate the purposes of this article, or take any other action relative thereto.

### BOARD OF SELECTMEN

**RECOMMENDATION: Approval (Unanimous, 10-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 13. Approval of this article will authorize the Board of Selectmen, acting as Water Commissioners, to locate and operate a proposed public water supply well, valve control station, water mains, and other related appurtenances at Forges Field and along Jordan Road and Russell Mills Road. This article also authorizes the Board of Selectmen, acting as Water Commissioners, the authority to acquire any easements in land at Forges Field, Jordan Road and Russell Mills Road as needed for the well project.





## TOWN OF PLYMOUTH

Department of Public Works  
159 Camelot Drive  
Plymouth, Massachusetts 02360  
FAX: (508)-830-4165

## MEMO

---

Date: February 23, 2018

To: Advisory & Finance Committee

cc: Melissa Arrighi, Town Manager  
Marlene McCollem, Assistant Town Manager  
Lynne Barrett, Finance Director  
Kere Gillette, Budget Analyst

From: Jonathan Beder, Director of Public Works

RE: 2018 Spring Special Annual Town Meeting  
Article 13 – Forges Field Well Development & Water Supply Protection

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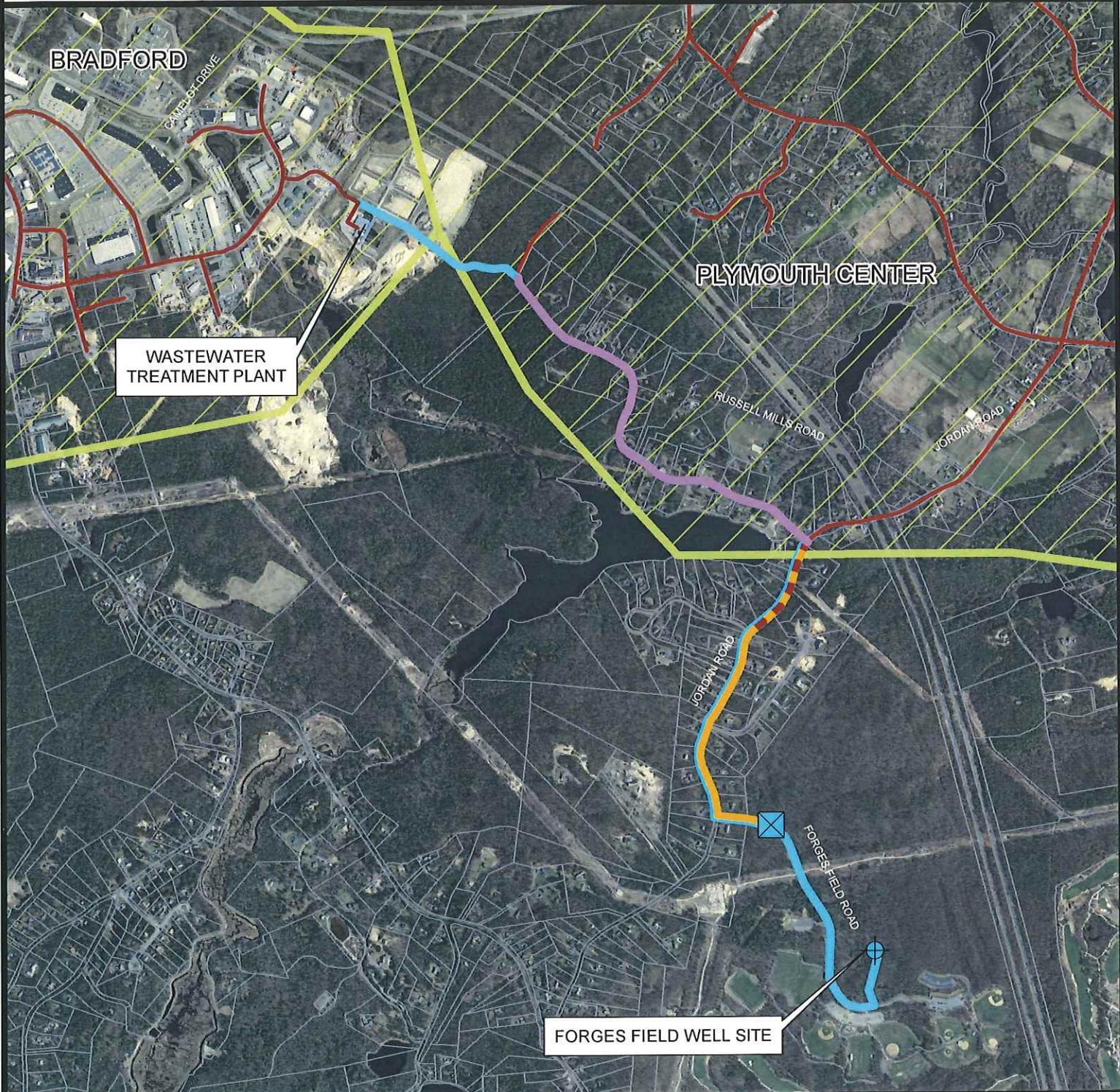
Article 13 authorizes the Board of Selectmen, acting as Water Commissioners, to locate and operate a proposed public water supply well, valve control station, water mains and other related appurtenances at Forges Field, parcel 079-000-001-401, and along Jordan Road and Russell Mills Road (see attached plan). The article is specifically intended to comply with the required 400-foot Zone I protection area around a public water supply well as required by the Massachusetts Department of Environmental Protection's Drinking Water Regulations. Section 310 CMR 22.21 of the Regulations stipulates that the Zone I area of a proposed well is "*owned or controlled by the supplier of water*".

In addition, Article 13 authorizes the Board of Selectmen, acting as Water Commissioners, the authority to acquire any easements and/or interests in land at Forges Field, Jordan Road and Russell Mills Road, as may be needed for the intent of constructing and operating the proposed Forges Field public water supply well, valve control station, water mains and other appurtenances.

The DPW recommends that the Advisory & Finance Committee vote to approve and support Article 13 as presented.



**Special Town Meeting Article 13  
Forges Field Well Development  
Forges Field Well Site and  
Bradford Pressure Zone Expansion Plan**



**Legend**

- Wetlands
- Well Station
- Proposed Valve Control Station
- Replace Existing Main w/ New 12" DI
- Potential 8" Water Main to be Reused
- New 8" DI Main
- New 12" DI Main
- Existing Water Mains
- Existing Pressure Zone Boundary

0 500 1,000 2,000 Feet

1 inch = 1,500 feet

## **ARTICLE 14:**

ARTICLE 14: To see if the Town will vote to authorize the Board of Selectmen to acquire, by gift, purchase, or eminent domain, and upon such terms and conditions as it deems appropriate, such temporary and permanent easements for highway, utility, and other purposes in lands along Long Pond Road and Clark Road as are needed to carry out and thereafter maintain the proposed reconstruction/improvement of the intersection of said ways in the locations more or less shown on the 100% design plans prepared for such project and dated July 2017, which plans have been placed on file with the Town Clerk; and to authorize the Board of Selectmen to enter into all agreements and execute any and all documents or instruments necessary to effectuate the purposes of this article, or take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

**RECOMMENDATION: Approval (Unanimous, 9-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 14. Approval of this article will authorize the Board of Selectmen to accept an easement from the Pinehills which would allow for roadway widening and reconstruction of the intersection of Long Pond Road at Clark Road. There will also be a traffic light added to this intersection. The work is being done as part of the traffic mitigation related to the AD Makepeace project and will be funded by AD Makepeace.



**TOWN OF PLYMOUTH**  
Department of Public Works -Engineering Division  
26 Court Street  
Plymouth, Massachusetts 02360

# MEMO

**To: ADVISORY AND FINANCE COMMITTEE**

**From: SID KASHI, P.E., TOWN ENGINEER** *(S.K.)*

**Through: JONATHAN BEDER, DPW DIRECTOR**

**Cc: MELISSA ARRIGHI, TOWN MANAGER  
MARLENE MCCOLLEM, ASST. TOWN MANAGER**

**Ref: 2018 SPRING SPECIAL TOWN MEETING – ARTICLE 14  
LONG POND ROAD AT CLARK ROAD-ACCEPTACE OF TEMPORARY AND  
PERMANENT EASEMENTS FOR HIGHWAY, UTILITY, AND OTHER PURPOSES**

**Date: February 26, 2018**

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The proposed traffic signal and roadway widening of this portion of Long Pond Road will relocate the travelled way onto land owned by the Pinehills. A.D. Makepeace (ADM) is proposing to re-construct the intersection. To support the project, ADM has agreed to provide the design, construction plans and drawings, as well as coordinate with the Town on the construction and oversight of the project. In addition, recognizing that there will be a need to fund the roadway re-construction to complete the project, ADM has agreed to fund the construction project as part of their traffic mitigation measures.

The design and engineering has been started, and it is anticipated that the construction will start in the Spring of 2018.

The granting of this easement requires town meeting action for authorizing the Board of Selectmen to accept the easement.

Representatives of the Engineering Division will present the materials and answer any questions that you may have.

The D.P.W. recommends that Advisory and Finance Committee vote to support this article as presented.

Enclosures: Locus Map  
Roadway Layout Plans  
Plans showing Temporary, and Permanent Easements

# 2018 ANNUAL TOWN MEETING LOCUS MAP

DPW ENGINEERING - Long Pond Road

PLAT 77E



**LONG POND ROAD  
"Easement Area"**

LONG POND ROAD

THATCHER ROAD

OAR & LINE ROAD

CLARK ROAD

MORGAN ROAD

LONG POND

SCALE IN FEET

96

400

0

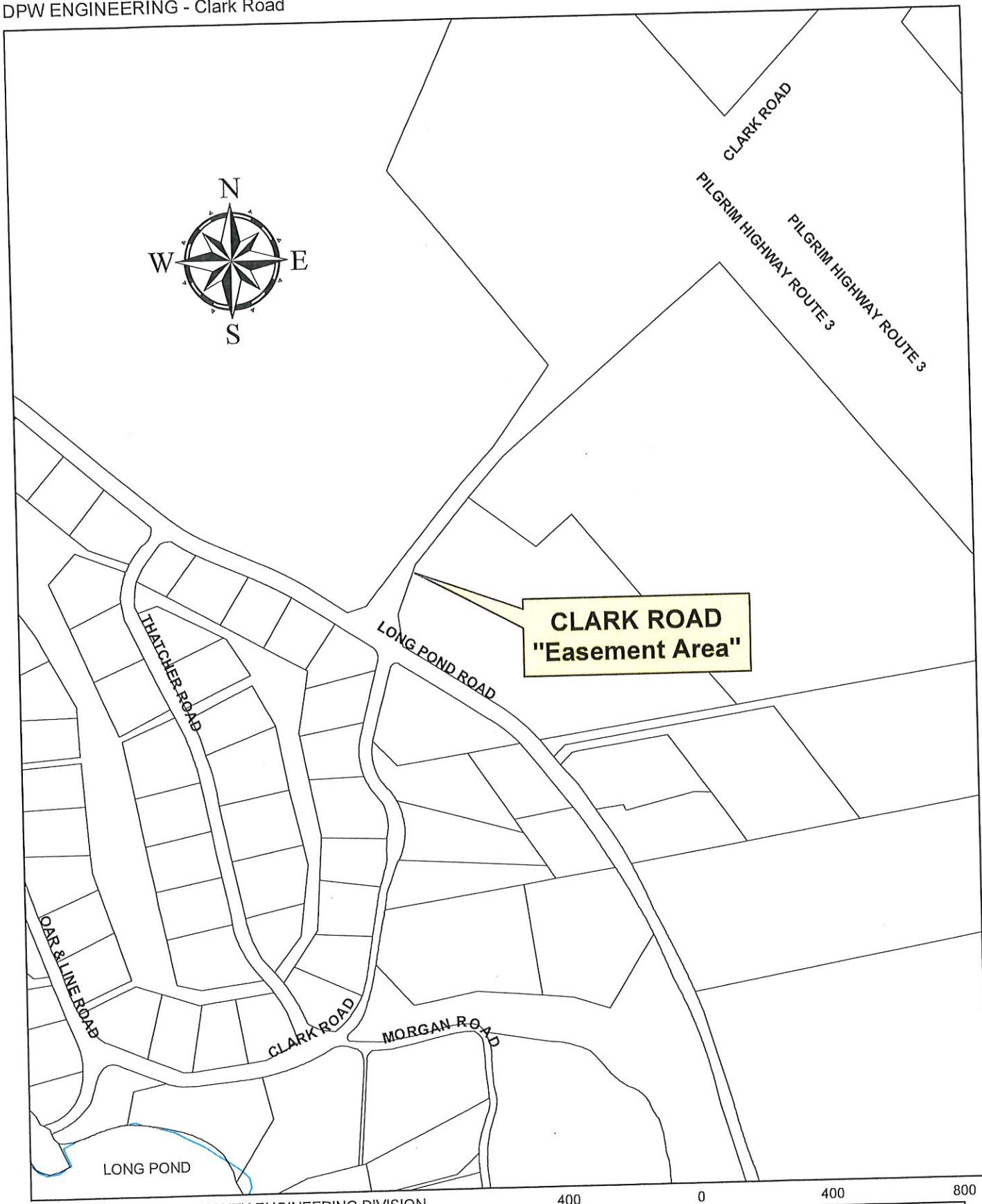
400

800

# 2018 ANNUAL TOWN MEETING LOCUS MAP

DPW ENGINEERING - Clark Road

PLAT 77E





FILED IN THE OFFICE OF THE TOWN CLERK

ACCEPTED BY THE TOWN

TOWN CLERK

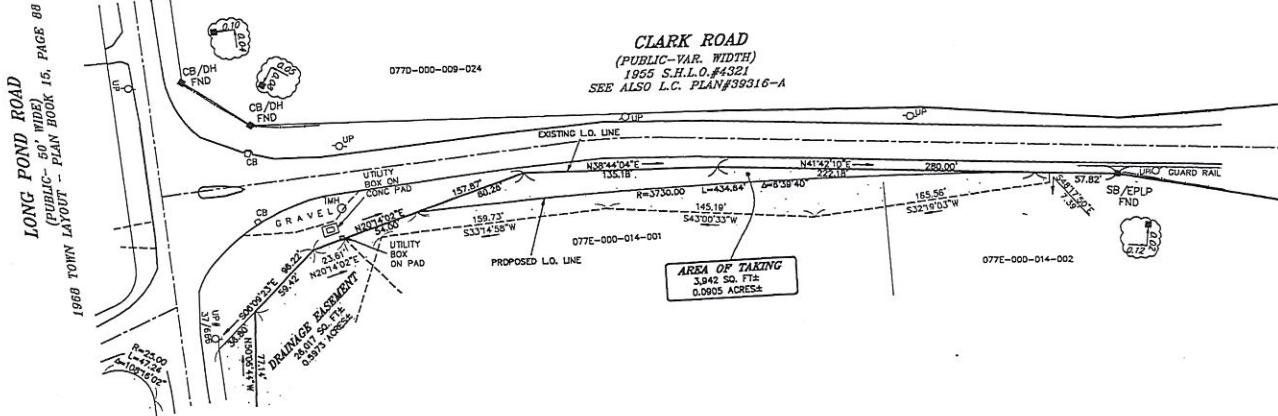
APPROVED UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED  
PLYMOUTH PLANNING BOARDPREPARED BY:  
**BEALS + THOMAS**  
Civil Engineers • Land Surveyors • Architects •  
Urban Planners • Environmental Specialists  
BEALS AND THOMAS, INC.  
32 Court Street  
Plymouth, Massachusetts 02360-3866  
T 508.746.3288 | www.bealandthomas.com  
B+T PLAN NO. 219814P0288-001

TOWN CLERK

APPROVED BY  
PLYMOUTH BOARD OF SELECTMEN

MASSACHUSETTS STATE PLANE (NAD83)

66



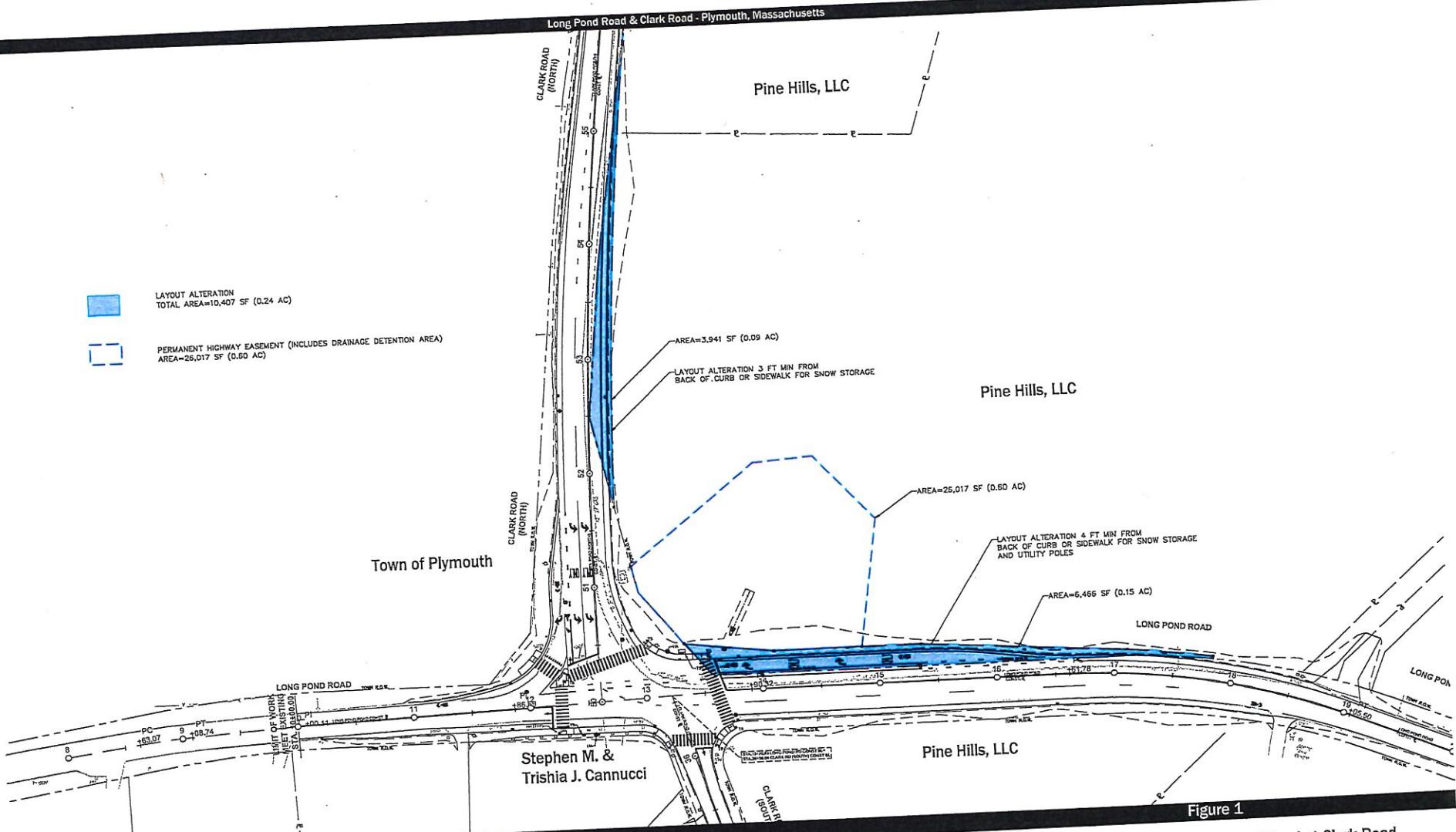
I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED  
IN CONFORMITY WITH THE RULES AND REGULATIONS OF  
THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF  
MASSACHUSETTS.

DATE

KENNETH CONTE, PLS No. 38033

PROPOSED ALTERATION OF  
CLARK ROAD (NORTH)  
PREPARED FOR THE TOWN OF  
PLYMOUTH, MASSACHUSETTS

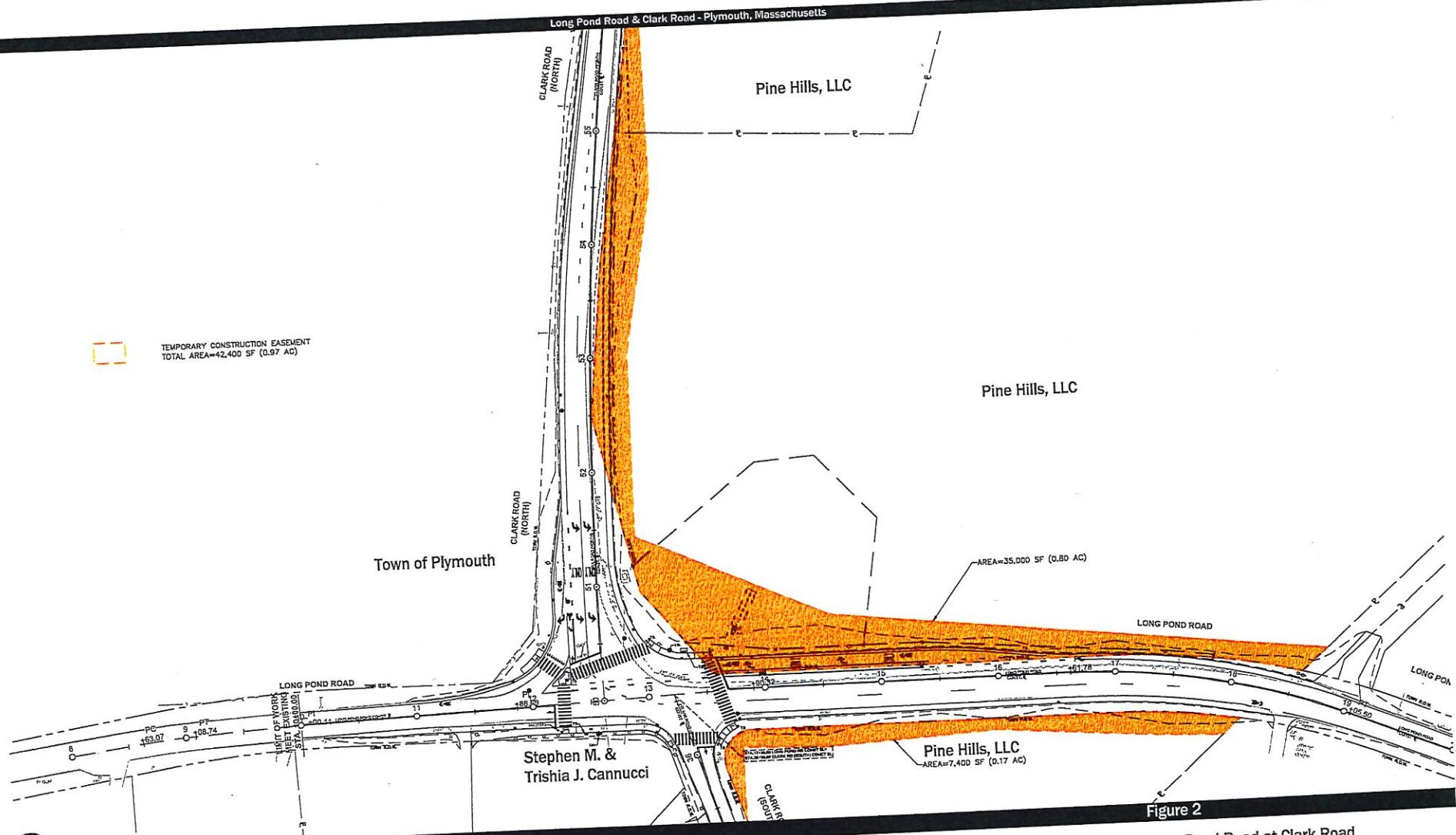
Scale: 40 feet to an inch FEBRUARY 2, 2018  
PLYMOUTH DEPT. OF PUBLIC WORKS - ENGINEERING DIVISION



**Figure 1**  
Long Pond Road at Clark Road  
Permanent Property Impacts  
Pine Hills, LLC



1" = 80'  
 **Vanasse & Associates, Inc.**  
Transportation Engineers & Planners



## Long Pond Road at Clark Road Temporary Property Impacts for Construction Pine Hills, LLC

Page 10 of 10  
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## ARTICLE 15:

ARTICLE 15: To see if the Town will vote to accept and allow the alteration of the layout of the Town ways, Long Pond Road and Clark Road, as laid out by the Board of Selectmen and reported to the Town, or take any other action relative thereto.  
DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

**RECOMMENDATION: Approval (Unanimous, 9-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 15. Approval of this article will allow alteration of the road layout, by adding the easement obtained in Article 14, for the road widening and reconstruction of the intersection of Long Pond Road at Clark Road.



**TOWN OF PLYMOUTH**  
Department of Public Works -Engineering Division  
26 Court Street  
Plymouth, Massachusetts 02360

# MEMO

**To:** ADVISORY AND FINANCE COMMITTEE  
**From:** SID KASHI, P.E., TOWN ENGINEER *V8.K.*  
**Through:** JONATHAN BEDER, DPW DIRECTOR  
**Cc:** MELISSA ARRIGHI, TOWN MANAGER  
MARLENE McCOLLEM, ASST. TOWN MANAGER  
**Ref:** 2018 SPRING SPECIAL TOWN MEETING – ARTICLE 15  
CLARK ROAD AND LONG POND ROAD – LAYOUT ALTERATION  
**Date:** February 26, 2018

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The proposed traffic signal and roadway widening of this portion of Clark Road will relocate the travelled way onto land owned by the Pinehills. A.D. Makepeace (ADM) is proposing to re-construct the intersection. To support the project, ADM has agreed to provide the design, construction plans and drawings, as well as coordinate with the Town on the construction and oversight of the project. In addition, recognizing that there will be a need to fund the roadway re-construction to complete the project, ADM has agreed to fund the construction project as part of their traffic mitigation measures.

The design and engineering has been started, and it is anticipated that the construction will start in the Spring of 2018.

The granting of this easement requires town meeting action for authorizing the Board of Selectmen to accept the easement.

The town intends to include the acquired easement in the layout. Acquiring the easement will necessitate the alteration for the layout and town meeting action.

Representatives of the Engineering Division will present the materials and answer any questions that you may have.

The D.P.W. recommends that Advisory and Finance Committee vote to support this article as presented.

Enclosures: Locus Maps  
Roadway Layout Plans  
Plans showing Temporary, and Permanent Easements

# 2018 ANNUAL TOWN MEETING LOCUS MAP

DPW ENGINEERING - Long Pond Road

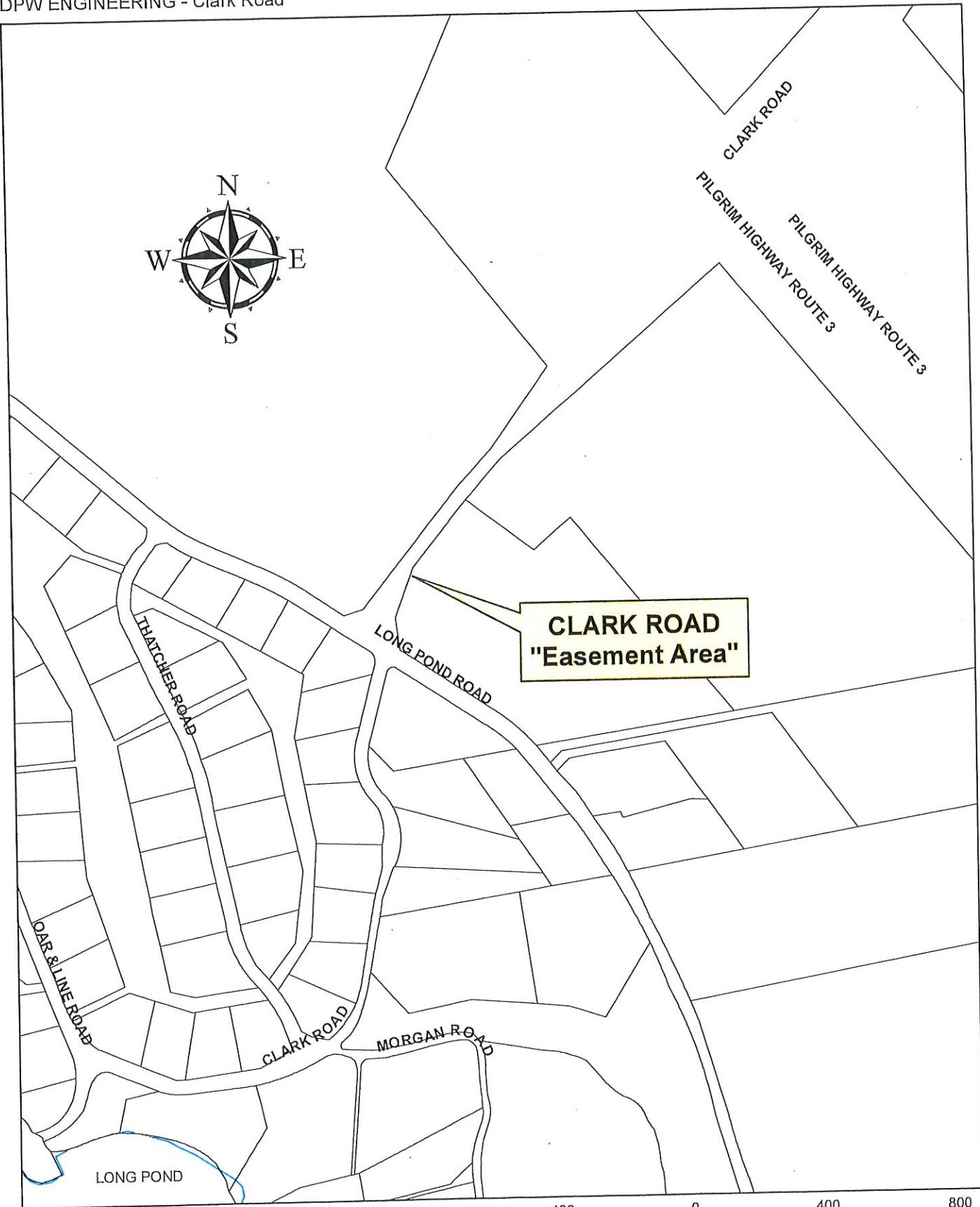
PLAT 77E



# 2018 ANNUAL TOWN MEETING LOCUS MAP

DPW ENGINEERING - Clark Road

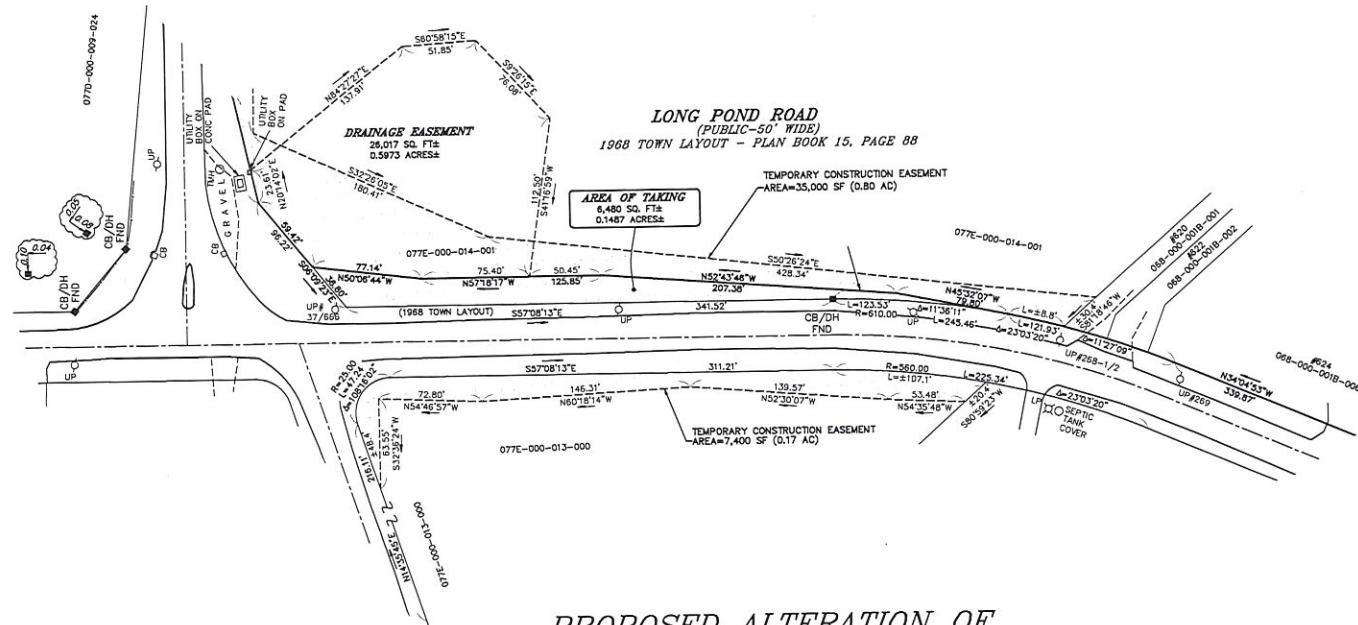
PLAT 77E



FILED IN THE OFFICE OF THE TOWN CLERK

ACCEPTED BY THE TOWN

TOWN CLERK

APPROVED UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED  
PLYMOUTH PLANNING BOARDPREPARED BY:  
**BEALS + THOMAS**  
Civil Engineers • Landscape Architects •  
Land Surveyors • Planners •  
Environmental Specialists  
BEALS AND THOMAS, INC.  
32 Court Street  
Plymouth, Massachusetts 02360-3866  
T 508.746.3288 | www.bealsandthomas.com  
B+T PLAN NO. 219914PD28B-001APPROVED BY  
PLYMOUTH BOARD OF SELECTMEN  
TOWN CLERK

**PROPOSED ALTERATION OF  
LONG POND ROAD  
PREPARED FOR THE TOWN OF  
PLYMOUTH, MASSACHUSETTS**

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED  
IN CONFORMITY WITH THE RULES AND REGULATIONS OF  
THE REGISTER OF DEEDS OF THE COMMONWEALTH OF  
MASSACHUSETTS.

DATE

KENNETH CONTE, PLS No. 38033

Scale: 40 feet to an inch FEBRUARY 2, 2018  
PLYMOUTH DEPT. OF PUBLIC WORKS - ENGINEERING DIVISION

RESERVED FOR REGISTRY USE

PLAN SCALE  
0 10 20 30 40 50 60 70 80 90 100  
1" = 40' FEET  
METERS

FILED IN THE OFFICE OF THE TOWN CLERK \_\_\_\_\_

ACCEPTED BY THE TOWN \_\_\_\_\_

APPROVED UNDER THE SUBDIVISION  
CONTROL LAW NOT REQUIRED  
PLYMOUTH PLANNING BOARD

PREPARED BY:

PREPARED BY:  
 BEALS + THOMAS  
Civil Engineers • Landscape Architects •  
Land Surveyors • Planners •  
Environmental Specialists

BEALS AND THOMAS, INC.  
32 Court Street  
Plymouth, Massachusetts 02360-3866  
T 508.746.3288 | [www.bealsandthomas.com](http://www.bealsandthomas.com)

B+T PLAN NO. 219914PD288-001

APPROVED BY  
PLYMOUTH BOARD OF SELECTMEN

APPROVED BY  
PLYMOUTH BOARD OF SELECTMEN

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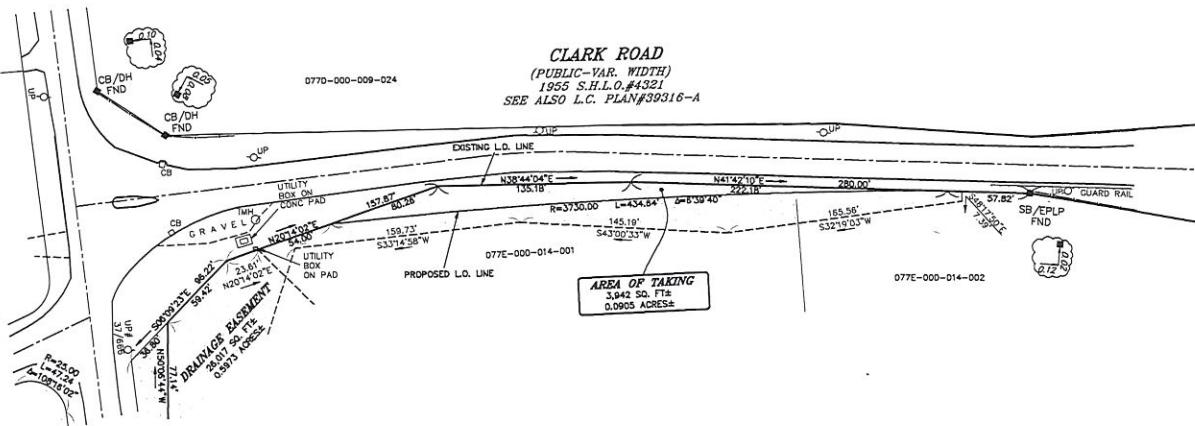
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A 3D perspective diagram of a coordinate system. Two parallel lines represent the horizontal axis, and a third line representing the vertical axis is perpendicular to the others. The text "MASSACHUSETTS STATE PLANE (NAD83)" is written along the vertical axis.

109

**LONG POND ROAD**  
(PUBLIC - 50' WIDE)  
1968 TOWN LAYOUT - PLAN BOOK 15, PAGE 08



PROPOSED ALTERATION OF  
CLARK ROAD (NORTH)  
PREPARED FOR THE TOWN OF  
PLYMOUTH, MASSACHUSETTS

I HEREBY CERTIFY THAT THIS PLAN HAS BEEN PREPARED  
IN CONFORMITY WITH THE RULES AND REGULATIONS OF  
THE REGISTERS OF DEEDS OF THE COMMONWEALTH OF  
MASSACHUSETTS.

---

DATE

KENNETH CONTE, PLS No. 38033

Scale: 40 feet to an inch FEBRUARY 2, 2018  
PLYMOUTH DEPT. OF PUBLIC WORKS - ENGINEERING DIVISION

FEBRUARY 2, 2018

PLAN SCALE

0 20 40 60 80 100 120 METERS

1" = 40' FEET

RESERVED FOR REGISTRY USE

RESERVED FOR REGISTRY USE

Long Pond Road & Clark Road - Plymouth, Massachusetts

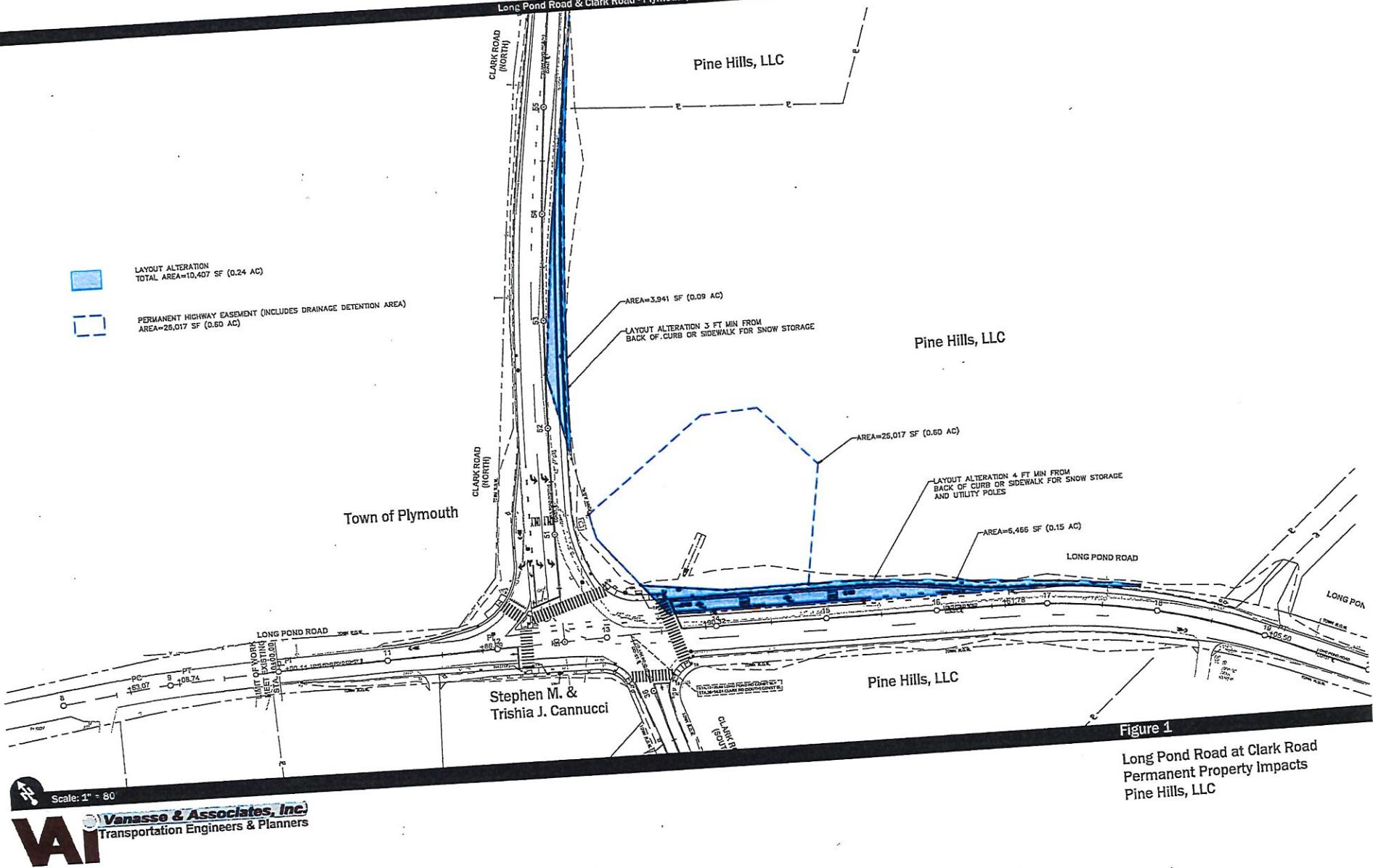
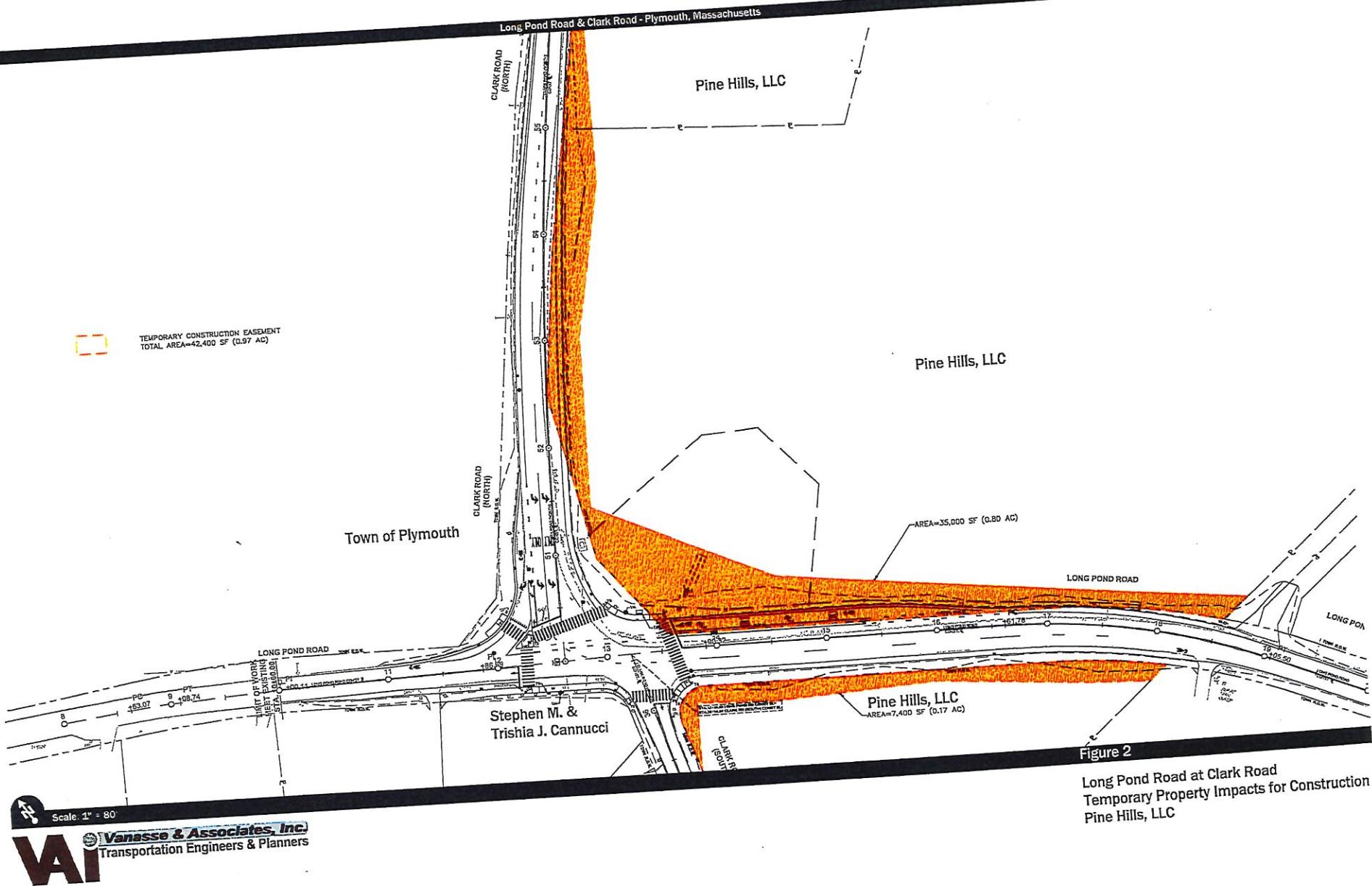


Figure 1

Long Pond Road at Clark Road  
Permanent Property Impacts  
Pine Hills, LLC





## ARTICLE 16:

ARTICLE 16: To see if the Town will vote to authorize the Board of Selectmen to accept perpetual easements for public way purposes over the properties located on Bartlett Road, Plymouth, MA, and shown as Plymouth Assessors Parcels numbers. 075-000-001-008, and 048-000-037B-000, and further to accept and allow the alteration of the layout of the Town way, Bartlett Road, as laid out by the Board of Selectmen and reported to the Town and further to authorize the Board of Selectmen to acquire by gift, purchase, eminent domain or otherwise, and upon such terms and conditions as it deems appropriate, such interests in land within said altered layout sufficient to use said ways for all purposes for which public ways are used in the Town of Plymouth or take any other action relative thereto.

DEPARTMENT OF PUBLIC WORKS – ENGINEERING DIVISION

**RECOMMENDATION: Approval (Unanimous, 10-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 16. Approval of this article will allow the Board of Selectmen to accept an easement from Mass Audobon adjacent to the Bartlett Road bridge. This easement will be used for the future replacement of the bridge once funding is approved.





**TOWN OF PLYMOUTH**  
Department of Public Works – Engineering Division  
26 Court Street  
Plymouth, Massachusetts 02360

**TO: ADVISORY AND FINANCE COMMITTEE  
PLANNING BOARD**

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

**Through: Jonathan Beder, Director of Public Works**

**CC: Melissa Arrighi, Town Manager  
Marlene McCollem, Asst. Town Manager**

**DATE: January 30, 2018**

**SUBJECT: 2018 SPRING SPECIAL TOWN MEETING – ARTICLE EXPLANATION  
BARTLETT ROAD AT THE BRIDGE LAYOUT ALTERATION, AND  
ACCEPTANCE OF EASEMENT FOR HIGHWAY PURPOSES**

Mass Audubon acquired the property adjacent to the bridge from Tidmarsh. The Town asked Mass Audubon for an easement adjacent to the bridge for future replacement of the bridge.

Mass Audubon is willing to grant the Town a permanent easement for Highway purposes.

The granting of this easement requires town meeting action for authorizing the Board of Selectmen to accept the easement.

The Town intends to include the acquired easement in the layout. Acquiring the easement will necessitate the alteration of the layout and Town Meeting action.

Representative of the Engineering Division will be available at the meeting to present the materials and answer any questions that you may have.

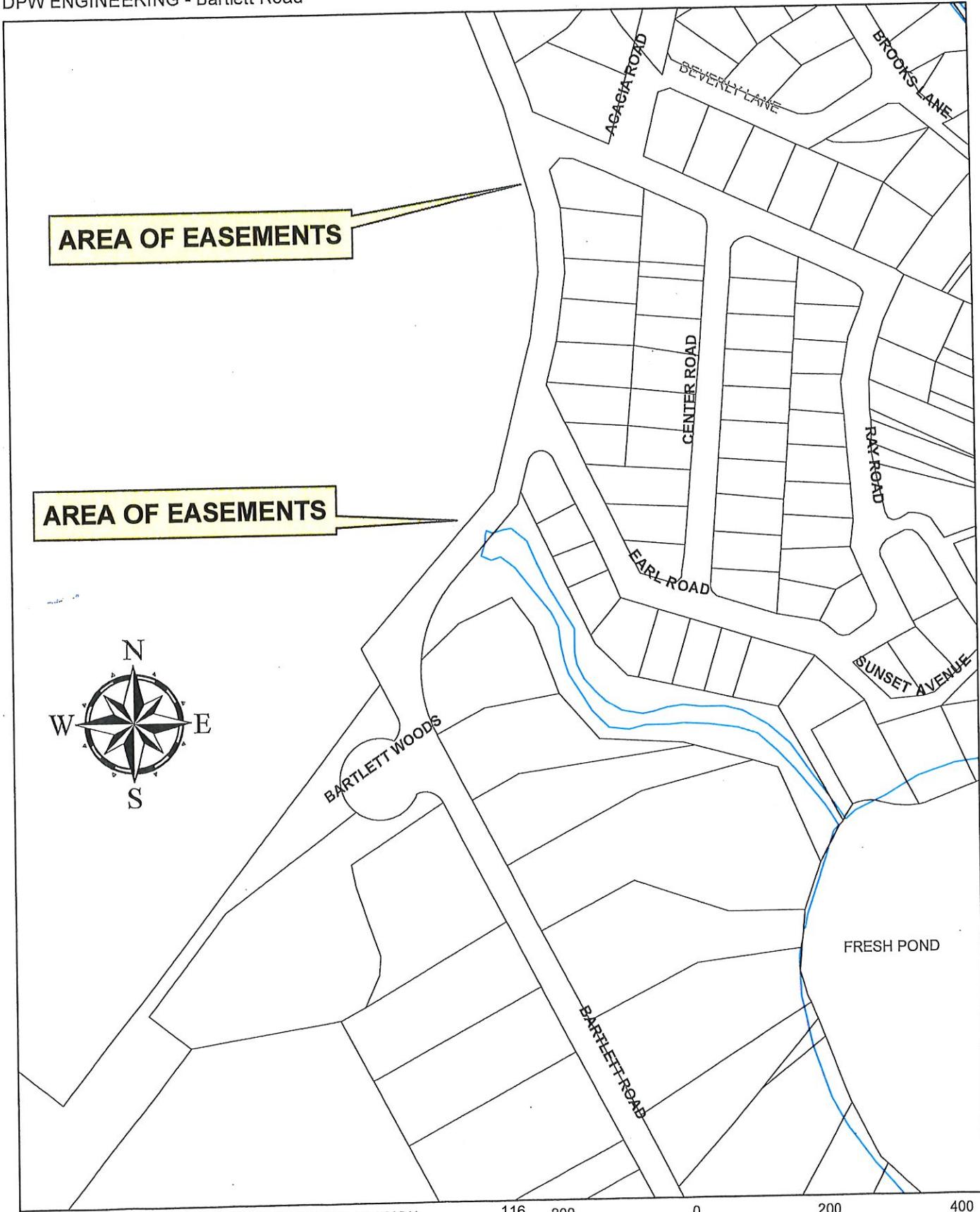
The D.P.W. recommends a favorable vote to support Article as presented.

**Enclosures:** 1. Locus Map  
2. Easement Sketch Plan

# 2018 ANNUAL TOWN MEETING LOCUS MAP

DPW ENGINEERING - Bartlett Road

PLAT 75 / 48



N



LOT 1C

PROP.  
DRAINAGE  
EASEMENT  
 $10' \pm$  WIDE X  $520' \pm$  LONG  
 $5,200$  S.F. $\pm$   
WITH RIGHT TO  
DRAIN TO LOT 1C

BARTLETT  
ROAD

RAY ROAD

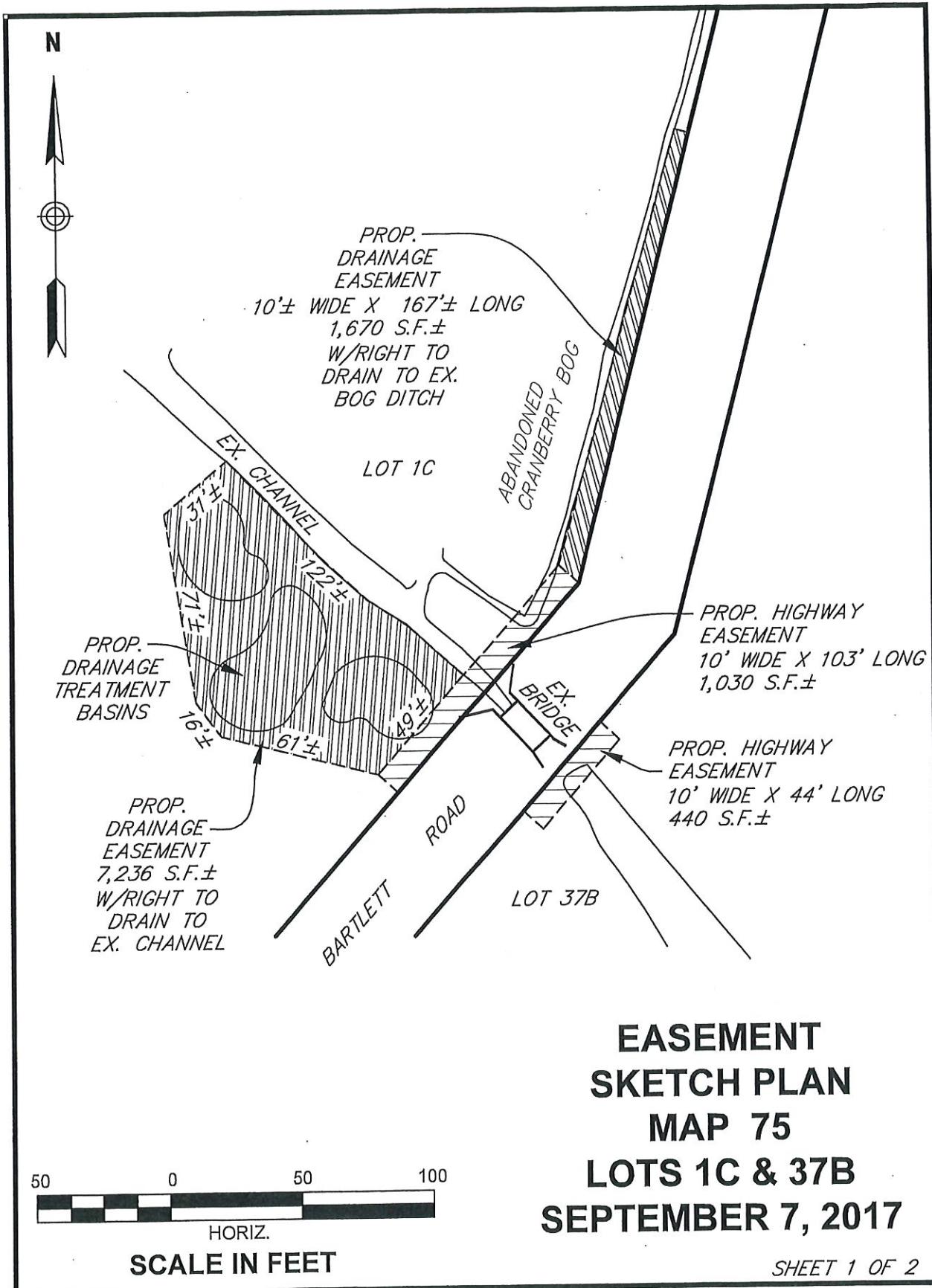
$160' \pm$

**EASEMENT  
SKETCH PLAN  
MAP 75  
LOT 1C  
SEPTEMBER 7, 2017**



**SCALE IN FEET**

**SHEET 2 OF 2**



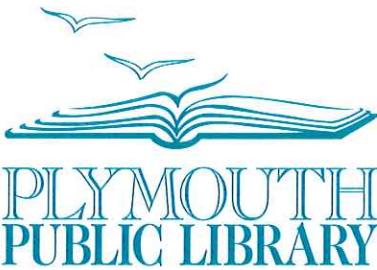
## ARTICLE 17:

ARTICLE 17: To see if the Town will vote to amend the vote taken under Article 9-Item C of the April 1, 2017 Annual Town Meeting (Library project) to appropriate the additional amount of \$900,000 to pay costs of the design, preservation, rehabilitation, restoration, or reconstruction of the roof and HVAC system at the Main Library Branch, on Town-owned property shown as Lot 60C on Plymouth Assessors' Map 27, Parcel number 27-000-060C-000, including the costs for a Project Manager to oversee the project, and all costs incidental and related thereto, thereby increasing the total amount appropriated for such purposes from \$1,004,746 to \$1,904,746; and that to meet this additioanl appropriation, the Treasurer with the approval of the Board of Selectmen, is authorized to borrow the amount appropriated hereunder pursuant to Chapter 44, Section 7(3) and Section 7(3A) the General Laws, or pursuant to any other enabling authority, and to issue bond or notes of the Town therefor, or take any other action relative thereto.

### BOARD OF SELECTMEN

**RECOMMENDATION: Approval, \$900,000 (Unanimous, 9-0-0).** The Advisory & Finance Committee recommends Town Meeting approve Article 17. Approval of this article will increase the total appropriated for the library roof project by \$900,000. Through the engineering phase of the library roof repair and chiller installation project, approved by April 2017 Annual Town Meeting, serious damage to the roofing structure beyond the rubber roof has been identified. The roof has at least 45 leaks and must be replaced.





Date: February 28, 2018

To: Marlene McCollem, Assistant Town Manager

From: Jennifer C. Harris, Plymouth Public Library Director

CC: Melissa Arrighi, Barry DeBlasio, Jonathan Beder, Lynne Barrett, Kere Gillette

**Re: Additional funding request for the FY18 Library Roof Project**

Please be advised that through the engineering phase of the Library Roof Repair and Chiller installation project approved by Annual Town Meeting, April 1, 2017; serious damage to the roofing structure beyond the rubber roof has been identified. The nature of the damage explains the severity of leaks that the Main Branch library has experienced over the past several years. Initially it was believed that replacing the rubber roof would address the leaks, however Gale Associates has performed extensive testing at the point of water entry and has discovered at least 45 leaks that will not be fixed by simply replacing the 26 years old rubber roof. We have had waste baskets under a column upstairs in Fiction, in the Reference Dept. office, and wall damage in the Ladies Room. We have a regular leak in our Plymouth Collection Room, the Non-Fiction area has several spots where we keep waste baskets and black plastic trash bags during rain events. Most recently, the water began to drip over the Reference Desk onto the staff who assist the public as well as potentially damaging computer equipment. The amount of water penetration has caused exposure to mold which will require emergency measures if not attended to immediately.

To be precise, until this extensive engineering proposal was submitted, the DPW, whose project this is managed by, was not fully aware of the extent of the damage that the leaks have presented. While the Library has been vigilant in reporting leaks, different local roofing companies have come in to patch repair over the past several years. We knew that this was just bandaging the problem until a new roof would be approved by Town Meeting and installed. The proper steps were taken by DPW to initiate this last engineering plan and it is through the excellent work of Gale Associates that the full force of the problem has been identified.

Specifically – using the Evaluation and Schematic Design Report submitted by Gale Associates on January 9, 2018, the problem areas were identified as the rising stucco walls as contributing to the moisture infiltration that is pervasive. Gale's destructive test cuts and leak audit confirmed that moisture is present within the current roofing system. They are recommending that while bringing the current energy code requirements up to standard, the metal cladding for the rising walls must be installed. Additionally, the recommendation includes flashing the translucent fiberglass skylights which will address several of the leakage access points.

Clearly, the 28 page report gives an extensive breakdown of the project recommendations, with drawings and pictures to illustrate the need for this request of an additional \$900,000 to complete the necessary work to achieve a successful project. The additional funds will cover the cost of material, an OPM, (as the project will be over \$1.5 million an OPM is required) and any contingency for cost changes during the procurement process. The DPW Dept. will be responsible for all procurement, OPM selection, working with engineers and install of new roof, etc. The Library will be responsible for making sure all safety measures related to the staff and public will be observed.



**GARCIA • GALUSKA • DESOUZA**  
Consulting Engineers Inc.

370 Faunce Corner Road, Dartmouth, MA 02747-1217

<b>PROJECT:</b> Plymouth Public Library Rooftop Unit Replacement					
<b>JOB NO:</b> 74301400					
<b>CLIENT:</b> Gale Associates					
<b>DATE:</b>	2/5/2018				
<b>BY:</b>	MVD				
ITEM OF WORK	NO.	UNIT PRICE	AREA	PRICE/S.F.	TOTAL
AHU-1, 2, & 3 Purchase and Install	3	\$170,000			\$ 510,000.00
New 2' Thick Rigid Duct Insulation w/ Vapor Barrier			1,000	\$5.0	\$ 5,000.00
Duct-mounted Sound Attenuators	6	\$3,500			\$ 21,000.00
Various Duct Modifications to Existing Ductwork		\$10,000			\$ 10,000.00
Internal Cleaning of Existing Duct		\$20,000			\$ 20,000.00
New Vibration Isolation	3	\$1,500			\$ 4,500.00
Electrical Power Feed Disconnect/ Re-connect & New Electrical Provisions	3	\$5,000			\$ 15,000.00
New ATC Wiring & Sensors (Duct Smoke Detector Wiring & Static Pressure Sensors	3	\$2,000			\$ 6,000.00
Tie RTU DDC Controls into Existing BMS	3	\$5,000			\$ 15,000.00
<b>SUBTOTAL</b>		\$ 606,500.00			
HVAC General Conditions (as-builts, coordination, shop drawings, testing & balancing, Cx support, Project management)	5%				\$ 30,325.00
Construction Contingency	10%				\$ 60,650.00
<b>TOTAL</b>		\$ 697,475.00			

Cost Estimate is subject to adjustment upon closer investigation of existing conditions

Date: January 9, 2018		PRELIMINARY BUDGET ESTIMATE			SUMMARY SHEET				
Project Title: Plymouth Public Library		Gale JN: 833310 Estimated by: Gale Associates, Inc.							
Owner: Town of Plymouth		Status: Schematic Design Submission							
Engineering Estimate									
		Subtotal 1	General Conditions	Mobilization	Bonds and Insurance	Overhead and Profit	Subtotal 2	Total	
<b>Description</b>		(Subtotal x 7.5%)	(Subtotal x 5%)	(Subtotal x 3%)	(Subtotal X 15%)	(Including General Conditions, and Overhead and Profit)	(Subtotal 2 with 15% Contingency)		MAIN SCOPE OF WORK
<b>Division 4 - Masonry</b>									
Associated Masonry and Stucco Wall Repairs Work		\$38,110	\$2,858	\$1,906	\$1,143	\$5,717	\$49,734	<b>\$57,500</b>	
<b>Division 5 - Metals</b>									
New Ladder Access		\$6,700	\$503	\$335	\$201	\$1,005	\$8,744	<b>\$10,500</b>	
<b>Division 7 - Roof Replacement</b>									
Roof Replacement, Wall Cladding, and Associated Work		\$570,000	\$42,750	\$28,500	\$17,100	\$85,500	\$743,850	<b>\$855,500</b>	
<b>Division 8 - Skylights &amp; Windows</b>									
Skylight Replacement, Limited Window Replacement		\$127,825	\$9,587	\$6,391	\$3,835	\$19,174	\$166,812	<b>\$192,000</b>	
<b>Division 22 - Plumbing</b>									
Associated Plumbing Work		\$46,000	\$3,450	\$2,300	\$1,380	\$6,900	\$60,030	<b>\$69,500</b>	
<b>Division 26 - Electrical/Mechanical Disconnects</b>									
Lightning Protection, Roof Top Equipment Disconnections		\$18,800	\$1,410	\$940	\$564	\$2,820	\$24,534	<b>\$28,500</b>	
	Subtotal	\$807,435	\$49,561	\$33,041	\$19,824	\$99,122			
	<b>Subtotal for Roof Replacement and Associated Work</b>							<b>\$1,008,982</b>	<b>\$1,160,500</b>
	<b>*Anticipated Construction Budget:</b>								<b>\$1,160,500.00</b>
<b>Alternate Scope of Work:</b>									ALTERNATE SCOPE OF WORK
Replace Nine (9) Acrylic Skylight - Roof Area D		\$44,713	\$3,353	\$2,236	\$1,341	\$6,707	\$58,350	<b>\$67,500</b>	
Clad Remaining Stucco Walls Above Roofs, Limited Window Replacement - Roof Area D		\$61,900	\$4,643	\$3,095	\$1,857	\$9,285	\$80,780	<b>\$93,000</b>	
Snow Guards (Pipe Rail Style) on Standing-Seam Metal Roof at Overhangs above Roof Area D		\$41,000	\$3,075	\$2,050	\$1,230	\$6,150	\$53,505	<b>\$62,000</b>	
<p>Note: The construction cost estimates have been compiled from various sources and may be greater or less than actual construction costs. The estimated costs are considered preliminary budget figures only. The actual costs of construction could vary significantly based on the final selection of the scope of work and duration of the project. These estimates are intended to give the Town of Plymouth an indication as to what construction costs may be, given the existing conditions and Gale's recommendations. Gale does not recommend utilizing these estimates for sensitive budgeting.</p> <p>Note: The Snow Guard alternate scope of work referenced above is a budgetary figure. Should the Town of Plymouth consider this additional scope item, Gale can provide a proposal for additional services to perform a review of the roof's structure, which would be required during the next phase of this project. This budgetary figure may increase or decrease based upon Gale's review of the roof structure.</p> <p>Note: The above budget does not include costs associated with the removal and replacement of the existing 60-ton roof top units.</p>									