

**ADVISORY AND FINANCE COMMITTEE
MEETING MINUTES
September 17, 2014**

A meeting of the Advisory & Finance Committee was held on Wednesday, September 17, 2014. The meeting was called to order by Chairman John Moody at 7:00PM and was conducted in the Mayflower II Meeting Room at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts.

PRESENT **Fourteen members of the committee were present:**
Cornelius Bakker, Kevin Canty, Richard Gladdys, Michael Hanlon, Harry Helm, Kevin Hennessey, Michael Hourahan, Ethan Kusmin, Kevin Lynch, John Moody, Harry Salerno, Marc Sirrico, Charles Stevens

ABSENT **Two member of the committee were absent:**
Christopher Merrill, Shelagh Joyce

AGENDA ITEMS

Town Meeting Article Presentations

ARTICLE 16A CPC - Painting Restoration

Bill Keohan asked the Advisory & Finance to reconsider Article 16A based on new information. He met with Christ Church and they agreed to donate the paintings to the Town. The paintings will be appraised in their current condition and their restored condition.

Cornelius Bakker made a motion to reconsider the decision on Article 16A. Ethan Kusmin, second.

Comment:

- Concerned about public funds being used on private property but since paintings are going to be donated to the town, will support this Article.

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

ARTICLE 40: Beach Rake

Article 40 had been postponed at a previous meeting until certain issues were addressed and answers to various questions were received. Ken Buechs reviewed the following answers to the issues and questions that had been asked:

1. Until permits are received from Commonwealth to operate: Permits have been submitted for review and issue for Spring 2015 by David Gould.
2. Until staffing agreements are in place for operation: There will not be any agreements for such operations. One new employee will operate equipment.
3. Until neighbors abutting the disposal site at Camelot Drive approve of siting materials: Per Mass DEP, no special siting is required as seaweed is classified as grass clippings.
4. Until Capital Outlay approves of purchase: Capital Outlay ranks the beach rake as #2 on its list of recommendations.
5. Until confirmation of the ability to utilize during peak summer season is received: Permit requests have been submitted by David Gould.
6. Until cost analysis has been completed comparing current cost of maintaining the beaches with future cost of maintaining if rake is purchased: Only figure to compare to is cleaning

White Horse Beach on July 3rd with 3 pieces of machinery, 1 dump truck and 3 employees for a cost of \$14,480.

7. Could seaweed be used to feed anaerobic facility? Both Scotland and Japan feed anaerobic digesters with seaweed.
8. How will the sorting/composting process work? Sorting will be done at Camelot Park.
9. How many hypodermic needles are found on the beach and how will this medical waste be sorted and handled? This summer there were 4 needles found on Plymouth beach and 3 needles found on White Horse Beach. Lifeguards do a visual sweep of the beach at the start of their shift and are trained in how to handle and dispose of needles in a Sharps Box.
10. Plan for indoor storage? DPW has no indoor storage available at this time.
11. Is quote a fair price compared to what other towns paid for same model? The Barber Beach Rake is listed on the Municipal Bid List.
12. Is there potential to share the rake with another town? DPW does not recommend sharing this equipment with another town.
13. Is there potential to create revenue by renting the rake to private beaches in town? DPW does not recommend renting this equipment if purchased.

Questions & Comments:

- Like #2 ranking given by Capital Outlay Committee.
- Still concerned about smell at Camelot Park.
- What happens to seaweed now? Lingers on beach until it decays or is swept out to sea.
- Any other projected costs? One new employee would be split between two departments.
- Disappointed DPW staff is not here to answer questions. There are still a lot of unknowns.
- This Article will support the purchase, then Spring Town Meeting will have to vote to support the hiring of an additional staff person and budget to store and operate equipment, it should be a package deal.
- Seaweed is a mess and is a health hazard so in support of this Article.
- Will benefit residents and tourists and clean beaches more efficiently and more consistently.
- Since DPW Director and Capital Outlay are in favor, will vote in favor.

Public Comment:

Pat McCarty, Precinct 5, supports the idea but would like to see the rake used more often to take care of the beaches and maybe at Nelson Park too and on athletic fields. She wondered if the schools could utilize it as well. She supports the Article.

Kevin Hennessey made a motion to recommend approval of Article 40 to Town Meeting. Harry Helm, second.

Kevin Hennessey made a motion to amend Article 40, adding that the money not be spent until the Town has the approved licenses/permits in hand from the State to operate the rake. Charles Stevens, second.

Comments:

- Adding this as a layer complicates the process.
- This amendment protects the Town.
- Trust the Town to buy the equipment after permitting.

Motion to amend fails (6-7-0) with Marc Sirrico, Charles Stevens, Kevin Lynch, Kevin Canty, Michael Hanlon and Michael Hourahan in favor.

The motion to recommend Article 40 to Town Meeting passes (7-6-0) with Marc Sirrico, Charles Stevens, Kevin Lynch, Kevin Canty, Michael Hanlon and Michael Hourahan opposed.

ARTICLE 36: Petitioned - Flood Zones & Privately Restricted Open Space

Randy Parker reported that he will be working with the Planning Board to fine tune his idea regarding flood zones so he is pulling that portion of the Article. What remains is a request to alter zoning regarding allowing the transfer of development rights. He explained that he would like to sell/transfer development rights of six units at St. Catherines Park and use the money generated to complete the Simes House project. He requested no motion and no action at this time while he reworked the language to have it ready for Town Meeting.

Lee Hartmann, Director of Planning, urged the Committee to take and vote on a position because Mr. Parker may make a motion on Town Meeting floor. He does not support this Article, the language is dangerous. He also does not support using zoning bylaw as a fundraising tool.

Public Comment

Richard Serkey, Precinct 2, does not think this Article is ready and recommends that Advisory & Finance vote no.

Questions and Comments:

- How much revenue do you hope to generate? \$200,000-300,000
- OSMUD includes only the Pinehills, so they can only be sold to the Pinehills.
- Why take the flood portion out of this article? Thought it was complicating the issue for Fall Town Meeting, hope to bring it to Spring Town Meeting with the support of the Planning Board.

Cornelius Bakker made a motion to recommend approval of Article 36 to Town Meeting. Kevin Canty, second. The motion fails unanimously (0-12-0), Article 36 will not be recommended to Town Meeting.

ARTICLE 7: Rescind Responsible Contractor Bylaw

Michael Galla, Assistant Town Manager, spoke about the need to rescind our Responsible Contractor Bylaw. The US Appeals Court ruled that a similar bylaw in Quincy was fatally flawed and violate the comprehensive federal regulation under the Employee Retirement Income Security Act.

Cornelius Bakker made a motion to recommend approval of Article 7 to Town Meeting. Ethan Kusmin, second. The motion passes unanimously (12-0-0).

ARTICLE 8: Funeral Expenses for Employees who lose life while on duty

Michael Galla presented Article 8. Plymouth suffered two very difficult losses this year of employees who died while on duty, a police officer in a motorcycle accident and a custodian cleaning floors at Manomet Elementary School. Once the Special Act is approved by the state it would provide reimbursements retroactive to January 1, 2014 to cover these two families.

Public Comment:

Richard Serkey, Precinct 2, urges Advisory & Finance to vote to accept the State statute that covers only Police and Fire under specific circumstances but not open it up to other employees because it is too broad.

Questions & Comments:

- Any other towns doing this? Not sure, thinks Plymouth is the first.
- Does the town provide life insurance for its employees? Yes, a \$2,000 policy per employee.
- Do employees have the option to buy more? Yes. With the basic life \$2,000 policy, the town contributes 90% and the employee contributes 10%. Employees have the option of paying out of pocket to increase it to \$5,000 or \$10,000 and have the option to purchase Met Life.

- Too broad, not sure about covering an employee who has a heart attack at their desk.
- Maybe add language about when death is caused by performance of duties.
- DPW handles dangerous equipment so they should be included, not just police and fire.
- If offered to some unions and not all, unions may decide to fight for same coverage.
- Other than the two employees this year, have there been any others in past five years? No.
- Are employees covered by Worker's Comp? Yes.

Michael Hanlon made a motion to amend to adopt Chapter 41 Section 100G ¼ as it stands. Cornelius Bakker, second.

Comments:

- Is Town covered by this State statute already? No, it has to be adopted.
- Not sure about eliminating option for custodian's family.
- Not an overwhelming cost to the Town, it seems reasonable.
- Employees are represented by unions who negotiate all benefits.
- Not appropriate for Town to pay for funerals.
- Gamesmanship regarding "while on duty" may come into play.
- Amendment sends a poor message to employees regarding the views of Advisory & Finance.
- If employee gives their life in performance of a job, it's reasonable for Town to pay for funeral.
- Employees should take responsibility and buy the additional life insurance available.

Motion to amend fails (5-7-0) with Michael Hourahan, Michael Hanlon, Cornelius Bakker, Kevin Canty and Harry Helm in favor.

Ethan Kusmin made a motion to recommend Article 8 to Town Meeting. Harry Helm, second. The motion fails (1-11-0) with Charles Stevens in favor.

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| ARTICLE 24: Electronic Voting Bylaw |
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Michael Galla presented Article 24. He worked with the Electronic Voting Committee including Karen Buechs, Chris Pratt and IT Director, Joe Young. They contacted other towns that utilize electronic voting to see hear their views. They researched purchasing the equipment versus leasing the equipment and looked at other factors as well. From their research they decided Electronic Voting was a good option for Plymouth and that leasing made more sense. The lease is less than \$10,000 which includes two years and four Town Meetings. It includes the necessary equipment and staff at all four Town Meetings.

Questions and comments:

- Will there be reports that show exactly who voted for which articles? Yes
- What is the current system? Voice vote and roll call voice vote.
- Any cost savings going to electronic vote? There is added cost but perhaps a savings of time.
- This eliminates the long voice roll call votes and is 100% accurate.
- Present system is antiquated so \$4000 investment makes sense.
- Town Meeting Members votes will be published so it will improve accountability.
- How will citizens be informed of how their Town Meeting Representative voted? Have not worked out those details yet but all reports will be public record.
- Committee of Precinct Chairs will be making a presentation on 9/25/14 regarding Conflict of Interest.

Michael Hanlon made a motion to recommend Article 24 to Town Meeting. Kevin Lynch, second. The motion passes unanimously (12-0-0).

ARTICLE 6: Bodywork Bylaws

Paul McAuliffe, Director of Inspectional Services, reported that since last week's meeting, they received input from Dawn Dillon and made changes to the Bodywork regulations by removing Reiki, removing language that prohibited home services, added written permission required for under 18.

Questions & Comments:

- Why was language regarding 1 individual with basic CPR struck? The State does not require it so decided to strike it from language.
- Why automatic denial if anything on CORI? Even a misdemeanor? Why not a chance to discuss it first? He will strike that sentence regarding automatic denial so there is leeway and a determination can be made.
- No sign off from Counsel so why vote on it now? If Town Counsel finds language questionable with will work with the Town to edit.

Michael Hanlon made a motion to recommend Article 6 as amended to Town Meeting. Ethan Kusmin, second. The motion passes (8-4-0) with Harry Helm, Kevin Canty, Cornelius Bakker and Kevin Hennessey opposed.

ARTICLE 34: Petitioned – Print Warrant in Newspaper

Steven Striar presented Article 34. This is a method to disseminate important information and make sure it is available to all, even those without technology. A full page legal ad costs \$3,000.

Questions & Comments:

- Why in the Charter and not Bylaws? Seemed to fit best in Charter.
- How is Warrant shared now? It is posted on the Town's website and posted in public buildings.
- Which buildings? Library and Town Hall.
- Will the draft of the Warrant be printed or just the final Warrant? Just the final Warrant.
- Timing might be a serious issue because it is not finalized until late into the process.
- How did the Selectmen vote on this Article? They voted not to recommend.
- Did you explore other publishing alternatives? Thought about direct mail but involved too much at this time. The Warrant used to be published in the paper but stopped in 2004.

Kevin Canty made a motion to recommend Article 34 to Town Meeting. Kevin Lynch, second.

Comments:

- Goal during Charter Review was to keep the Charter simple. Items like this should go in Bylaws.
- Concept is great and the money is not an issue but the timing is. By the time the Warrant is finalized it is too late to have impact.
- Trend today is towards electronic not paper.
- Information is already out there for those that are interested in seeing it.
- It is a representative town meeting not individual.
- This gives the public a greater chance to become better informed.
- To spend \$3000 on this seems wasteful because information is already available to public.
- If it is in the Charter and then the newspaper fails to print or there is an error in the printing, then it may jeopardize being able to hold Town Meeting.
- Newspaper is printed twice per week and Warrant must be printed 14 days before Town Meeting then there will still be 2-3 newspapers to print a correction.

The motion to recommend Article 34 to Town Meeting fails (5-7-0) with Harry Helm, Kevin Lynch, Kevin Canty, Charles Stevens and Cornelius Bakker in favor.

ARTICLE 12: Solar PILOT

This is a solar facility that went live in Plymouth last January. The Town received a request, the Assessor and consultant finalized the PILOT agreement last Friday.

Michael Hanlon made a motion to recommend Article 12 to Town Meeting. Ethan Kusmin, second. The motion passes (11-1-0) with Cornelius Bakker opposed.

Richard Gladdys made a motion to conduct business past 10:00PM. Harry Salerno, second. The motion passes (9-3-0) with Cornelius Bakker, Michael Hourahan and Kevin Hennessey opposed.

ARTICLE 31 Demolition Delay

There were modifications made to the Bylaw since Advisory & Finance heard and voted on it. No need to vote but have the option to revote based on new information if there is anything objectionable. Nothing was determined to be objectionable so no action taken.

ARTICLE 1 Classification & Compensation, Personnel By-Law, Collective Bargaining Agreements

Last week Advisory & Finance decided to wait on voting on the school portion of Article 1 until it was approved by the School Committee. Chairman John Moody reported that the School Committee was meeting this evening and sent him a text saying that Article 1 had been approved.

Ethan Kusmin made a motion to recommend the school portion of Article 1 to Town Meeting. Kevin Canty, second.

Comment:

- Disappointed that no one from the school is in attendance tonight and they were not in attendance last winter when we heard the budget sub-committee report about the schools either.

The motion passes (9-2-1) with Michael Hanlon and Kevin Hennessey opposed. Harry Salerno , abstained. Michael Hanlon made a motion to recommend Article 1 in its entirety to Town Meeting. Ethan Kusmin, second. The motion passes (10-1-1) with Michael Hanlon opposed. Harry Salerno, abstained.

ARTICLE 2A:

Cornelius Bakker made a motion to approve the school portion of Article 2A to Town Meeting. Kevin Canty, second. The motion passes (10-1-1) with Michael Hanlon opposed. Harry Salerno abstained. Ethan Kusmin made a motion to recommend Article 2A in its entirety to Town Meeting. Kevin Canty, second. The motion passes (10-1-1) with Michael Hanlon opposed. Harry Salerno, abstained.

MEETING MINUTES

September 3, 2014:

Richard Gladdys made a motion to approve the minutes of the September 3, 2014 meeting. Kevin Lynch, second. The motion passes (10-0-2). Harry Helm and Kevin Canty, abstained.

ADJOURNMENT

Michael Hanlon moved for adjournment. Richard Gladdys, second. The motion for adjournment carries unanimously (12-0-0). The meeting adjourned at 10:17PM.

Respectfully submitted,

Kere Gillette