

**BOARD OF SELECTMEN  
PLYMOUTH, MASSACHUSETTS**

**February 10, 2004**

The Selectmen held their weekly meeting on Tuesday, February 10, 2004, 7:00 p.m. at Town Hall, 11 Lincoln Street.

Present: Kenneth A. Tavares, Chairman  
David F. Malaguti, Vice Chairman  
Christopher R. Lombard  
David J. Rushforth, M.D.  
Richard J. Quintal, Jr.

Pamela T. Nolan, Town Manager  
Mark D. Sylvia, Assistant Town Manager

**LICENSES**

Selectman Malaguti moved to approve the following New Hire Business Permits. Selectman Rushforth seconded the motion. Voted 5-0.

**Vehicle for Hire Business Permits (New):**

One Vehicle for Hire Business Permit:

*Sea Breeze Transportation, Inc.*

13 Eagle Hill Drive

Daniel Rowan

Applying for four (4) Vehicle for Hire Permits (Taxi)

Applying for six (6) Vehicle for Hire Operator Licenses:

Joel Fest

11 Swamp Road

Donald Balboni

19 David Road

Carver, MA

Joshua Cripps

1 Stafford Street

**LICENSES (continued)**

Joseph Tobin  
24 King Pond Road

Gary Moran  
71 Samoset Street

Daniel Rowan  
13 Eagle Hill Drive

Issuance of above licenses is subject to CORI. Driving records show no basis for denial. Vehicles have been inspected by our Inspectional Services Dept.2

Selectman Malaguti moved to approve the following Common Victualler License Renewals. Selectman Rushforth seconded the motion. Voted 5-0.

**Common Victualler (Renewal)**

Gunther Tooties  
184 Water Street  
Maryanne Sears

Issuance is subject to approval from the Building and Health Departments.

Selectman Malaguti moved to approve the following Common Victualler License. Selectman Rushforth seconded the motion. Voted 5-0.

**Common Victualler (New Owner)**

Tri-a-Pizza  
2 Manomet Point Road  
New Owner:  
Steve Houlihan

Issuance of the above license is subject to approval from the Building and Health Departments.

Selectman Malaguti moved to approve the following Vehicle for Hire Business Permits. Selectman Rushforth seconded the motion. Voted 5-0.

## **LICENSES (continued)**

### **Vehicle for Hire Business Permits (Existing Businesses)**

*One Vehicle for Hire Business Permit:*

Patriot Transportation

227 Standish Avenue

Timothy Cushman

Applying for three (3) Vehicle for Hire Permits (1Taxi/2 Livery)

Vehicles have been inspected by our Inspectional Services Dept.

One Vehicle for Hire Business Permit

Mayflower Citiservices, Inc.

260 Ship Pond Road

Susan Adams

Selectman Malaguti moved to approve the following extension for Vehicle for Hire. Selectman Rushforth seconded the motion. Voted 5-0.

### **Extension for Vehicle for Hire**

Mayflower Transportation is requesting an extension for obtaining their vehicle for hire license. They are asking for an extension until the end of this month to have the lettering put on their Taxi Vehicle.

### **ADMINISTRATIVE NOTES**

**Permit** – The Board granted a wild animal permit to Ms. D. Murray for her pitbull. The Animal Control Officer recommends approval of this permit.

**Minutes** - Vice Chairman Malaguti moved to approve the minutes of January 29, 2004 with one exception. Selectman Lombard questioned his absence of attendance at the adjournment of the meeting. It will be stricken from the minutes. Selectman Rushforth seconded. Voted 5-0 approved. Vice Chairman Malaguti moved to approve the minutes of February 3, 2004 with one exception. Selectman Lombard asked to strike out "arrived late" from the minutes. It will be stricken from the minutes. Selectman Rushforth seconded. Voted 5-0 approved.

## **STREET LIGHT ACQUISITION**

George Crombie, DPW Director, gave his recommendation to the Board regarding the acquisition of the Town's streetlights. Mr. Crombie explained that his recommendation was that the Town continue on a course to purchase its street lighting system, but with caution and further review in the areas of equipment condition, maintenance costs, and legal due diligence. Mr. Crombie's best estimate to acquire the street lighting system will be 8-12 months based on the facts at hand and the further due diligence and negotiations required to finalize an agreement. Selectman Quintal explained to Mr. Crombie that he knows an individual who used to work for Commonwealth Electric who may be able to help in this process. Mr. Crombie responded that he would welcome any assistance.

The Selectmen agreed that Mr. Crombie would come back to the Board after further research in the above mentioned areas have been completed.

## **MUNICIPAL ELECTRIC DISTRIBUTION**

Selectman Rushforth discussed with the Board the formation of an adhoc committee to explore municipal electric distribution companies. Dr. Rushforth explained that presently 41 communities have a municipally owned utility, or "muni" which owns the electric distribution system and performs all the functions of any other utility. He explained that over a 10 year period a study of 15 of them have shown a savings of 14% to 35% over that of NSTAR's customers.

Dr. Rushforth explained that in a time where taxes are increasing, we need to see if we can offset some of that cost by the formation of a "muni". Dr. Rushforth feels there would be a lot of people interested in being a part of this type of committee. He feels that 5 people would be sufficient to research the benefits. Mr. Lombard responded that he would support this but he has an issue with government saying that they can do a better job than the private companies.

Mr. Sylvia asked that the Ad Hoc Committee also consider municipal aggregation as a potential power supply. Mr. Sylvia referred to a memorandum that he provided to the Board of Selectmen that contained information about municipal aggregation. There was no objection from the Board to include municipal aggregation in the committee's review.

Dr. Rushforth made a motion to form an adhoc committee to study the possibility of a muni. Vice Chairman Malaguti seconded. Approved 5-0.

## **MUNICIPAL ELECTRIC DISTRIUBTION (continued)**

Dr. Rushforth made another motion to send a letter to the state delegation and Representative Boseley, House Chair of Government Regulations Committee, supporting House Bill H1468. Vice Chairman Malaguti seconded. Selectman Lombard felt that we shouldn't send the letter of support before the committee has been formed. Voted 4-1 in favor of sending the letter of support. Selectman Lombard voted in opposition.

Chairman Tavares asked Dr. Rushforth to consider working with adhoc committee on this. Dr. Rushforth agreed.

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW**

**ARTICLE 17:** To see if the Town will vote to approve:

- A. The Tax Increment Financing Agreement between the Town and Plymouth Animal Hospital LLC,  
substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Plymouth Industrial Park Economic Opportunity Area #5"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council all relating to the project as described in the TIF Agreement to be located in the Plymouth Industrial Park Economic Opportunity Area #5, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.
  
- B. The Tax Increment Financing Agreement between the Town, Suncor Stainless, Inc. and Dingley Dell Estates, Inc.,  
substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Plymouth Industrial Park Economic Opportunity Area #4"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the Plymouth Industrial Park Economic Opportunity Area #4, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.

- C. The Tax Increment Financing Agreement between the Town, 2-10 Court Street, LLC, Craffey & Co, Inc. and K&J Interiors, Inc., substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("2-10 Court Street Economic Opportunity Area"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the 2-10 Court Street Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.
- D. The Tax Increment Financing Agreement between the Town, VERC Enterprises Inc., and EGV, LLC substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("VERC Economic Opportunity Area"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the VERC Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.
- E. The Tax Increment Financing Agreement between the Town, Oreck Commercial Sales, a Division of Edmar Corp., and Lagor Corporation substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Industrial Park Economic Opportunity Area #6"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

Council, all relating to the project as described in the TIF Agreement to be located in the Plymouth Industrial Park Economic Opportunity Area #6, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.

F. The Tax Increment Financing Agreement between the Town, and J & J Materials

Corporation, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Plymouth Industrial Park Economic Opportunity Area #7"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the Plymouth Industrial Park Economic Opportunity Area #7, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.

G. The Tax Increment Financing Agreement between the Town and PLYMOUTH EXIT

5 LLC, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Long Pond Road Economic Opportunity Area #1"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the Long Pond Road Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Long Pond Road Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.

H. The Tax Increment Financing Agreement between the Town and BJ's WHOLESALE

CLUB, INC., substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Long

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

Pond Road Economic Opportunity Area #1"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the Long Pond Road Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Long Pond Road Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto

I. The Tax Increment Financing Agreement between the Town and KOHL'S DEPARTMENT STORES, INC., substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59, and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Long Pond Road Economic Opportunity Area #1"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan, and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the Long Pond Road Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Long Pond Road Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.

J. The Tax Increment Financing Agreement between the Town, J D Cordage LLC, and Cordage Commerce Center, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59. The location of the project is within the existing Cordage Park EOA #1 Economic Opportunity Area, and to authorize the Board of Selectmen to submit a Tax Increment Financing Plan and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the Cordage Park EOA #1 Economic Opportunity Area, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto.

K. The Tax Increment Financing Agreement between the Town and Cape Agricultural Supply Co. Inc., d/b/a Morrison's Home & Garden, WBMS Realty Trust and WMS Realty Trust, substantially in the form as is on file with the Town Clerk (the "TIF Agreement"), pursuant to GL c. 40, §59,

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

and to confirm the Board of Selectmen's selection of the location of the project as an Economic Opportunity Area ("Long Pond Road Economic Area #2"), and to authorize the Board of Selectmen to submit an Economic Opportunity Area Application, Tax Increment Financing Plan,

and Certified Project Application to the Massachusetts Economic Assistance Coordinating Council, all relating to the project as described in the TIF Agreement to be located in the Long Pond Road Economic Opportunity Area #2, and to take such other actions as may be necessary to obtain approval of the Certified Project Application, the Economic Opportunity Area, the Tax Increment Financing Plan and TIF Zone and to implement the TIF Agreement, or take any other action relative thereto,

Edward Santos, President of the Economic Development Foundation, explained that the Foundation has reviewed all 11 TIFs and were in favor. They found that the TIFs will create 700 full time jobs for the Town and tax revenue of over 1 million dollars. Mr. Santos is looking for support from the Board on these tax increment financing agreements.

Denis Hanks, Director of Economic Development, explained that each TIF represented is given back to the Town dollar for dollar in the Economic Development Fund. Mr. Hanks reiterated that the town would see 700 new full time jobs, 155 part time jobs, and 1,000,000.00 in tax revenue.

Selectman Quintal asked if the companies have been complying and have been contributing to the Fund faithfully. Mr. Hanks responded that they have been contributing faithfully. Selectman Lombard asked if this 5% tax incentive could be split into a variety of uses instead of it all going into the Economic Development Fund. Mr. Hanks responded that if there is no preference for the money then it goes into the Economic Development Fund. Selectman Quintal thanked Mr. Hanks for a great job.

Vice Chairman Malaguti made a blanket motion to recommend all 11 TIFs. Selectman Rushforth seconded the motion. Voted 5-0 approved.

**ARTICLE 20:** To see if the Town will vote to authorize the Board of Selectmen to enter into a contract or lease with the Plymouth Development Corporation (the "PDC") for a period of not less than five years for management of the 1,965 on and off street parking spaces within the Downtown/Waterfront District, as inventoried by the Plymouth Engineering Department in January, 2003. The terms of the contract or lease may include, but are not limited to, authorization for the PDC to engage in the following actions, provided that such actions are

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

consistent with c. 182 of the Acts of 2002: (1) acquire and install parking meters and parking signs at locations set forth in a parking management plan to be submitted at Town Meeting; (2) enforce and amend the Plymouth Traffic Rules and Orders as they relate to parking and collection; and (3), use of all revenues and fees generated from the operation of parking meter and collections related to violations.

Mr. Jeff Chute, Chairman of the Plymouth Development Corporation, explained that the Corporation wishes to improve and resolve the traffic situation and parking related issues that have plagued Plymouth for a long time. The PDC would pursue short and long term goals including, but not limited to a shuttle service transporting long term parkers to remote free parking lots, additional meters installed, improved signage and the enforcement of these new parking regulations and subsequent fees.

Business Owner, Neal Bottomley, spoke in opposition. Although he felt the PDC did a great job researching he doesn't agree with all of their conclusions, specifically the installation of business-unfriendly parking meters and the shuttling of employees from remote areas to work. Mr. Bottomley felt we needed to have the new proposed garage in place, before we put the meters in.

Business Owner, Mr. Steve Silverman, also spoke in opposition. Mr. Silverman feels that this is a work in progress. He agrees with Mr. Bottomley that meters are a detriment to the downtown business owners.

Selectman Lombard stated that although the proposal may not be perfect for everyone, they can structure it so that it may be revisited if necessary. Selectman Rushforth explained that he has reservations with contracting with anyone for 5-year period, as there may not be a way out if things go amiss. Mr. Rushforth also asked where the money made goes.

Mr. Chute explained that the company makes a percentage and the balance goes to the Foundation and they turn it around for services. Mr. Chute also explained that 5 years is the industry standard. Mr. Hanks explained that 5 years is the standard because the company is making a substantial investment in the equipment, which is forgiven over the 5-year contract.

Chairman Tavares asked Mr. Hanks if something were to go wrong, what is our recourse. Mr. Hanks responded that we could include recourse language and/or a review period in the contract.

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

Vice Chairman Malaguti made a motion to recommend Article 20. Selectman Lombard seconded. Voted 5-0 approved.

**ARTICLE 21:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation as set out below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition, that is, to permit the Town to enter into a long-term ground lease not to exceed 75 years for the design, construction/reconstruction, and management of a privately held multi-level commercial parking facility with retail shop space on Town owned land noted as parcel (Plot 17 Lot 100) aka Memorial Hall Parking Lot, and to exempt any such development project from certain provisions of G.L. c. 7, 30 and 149 and the public bidding laws, or take any other action relative thereto.

Mr. Hanks explained that this article is for the construction of a multi-level parking facility on the Memorial Hall Property. Mr. Hanks said the facility would have 270 spaces and the total cost incurred by the developer would be 6 million dollars. Mr. Hanks explained that this site would have retail space as well.

Business Owner, Steve Silverman, spoke in opposition. Mr. Silverman would not be in opposition if the meters on Main Street would be removed after garage is built.

Chairman Tavares wanted the Town Manager to look into whether or not some of the spaces at Memorial Hall parking area have been leased to any juxtaposed businesses. Selectman Lombard questioned the height of the facility and Mr. Hanks answered that it exceeds to requirement by 5 feet because of the elevator.

Vice Chairman Malaguti moved to recommend Article 21. Selectman Quintal seconded. Voted 5-0 approved.

**ARTICLE 22:** To see if the Town will vote to authorize the Board of Selectmen to petition the General Court to enact legislation as set out below; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court. The Board of Selectmen is hereby authorized to approve amendments that shall be within the scope of the general public objectives of this petition, that is, to permit the Town to enter into a long-

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

term ground lease not to exceed 75 years for the design, construction/reconstruction, and management of a privately held multi-level commercial parking facility on Town owned land noted as parcel (Plot 19 Lot C-9 & C-4) Market St./Main Street Ext. Parking Lot , and to exempt any such development project from certain provisions of G.L. c. 7, 30 & 149 and the public bidding laws, or take any other action relative thereto.

Mr. Hanks explained that Article 22 is for the construction of a parking facility at the downtown Tedeschi parking lot area. Mr. Hanks explained that this garage would hold approximately 150 vehicles on 3 levels. Mr. Steve Silverman spoke in support of this article.

Vice Chairman Malaguti moved to recommend Article 22. Selectman Rushforth seconded. Voted 5-0 approved.

**Article 31:** To see if the Town will vote to amend its Zoning Bylaw Section 207 (Section 205-11 of the reformatted Zoning Bylaw), as it relates to building permit limitations and the associated definitions, procedures, and schedules, or take any other action relative thereto.

Last week, Lee Hartmann, Director of Planning and Development, explained that Article 31 would reduce the number of building permits issues for new dwelling units located within the RR, R-40, R-25, R-20SL, R-20MD and R-20MF Zoning Districts from 185 to 155. Mr. Hartmann mentioned that building permits for the following new dwelling units located within the foregoing districts shall not count toward the foregoing limitations: Elderly Housing, OSMUD, units on lots on a plan endorsed prior to April 6, 1999 by the Planning Board, Rural Density Developments and Village Open Space Development. Mr. Hartmann explained that this amendment seeks to direct growth to more positive and beneficial forms of development. Mr. Loring Tripp, Chairman of the Planning Board, also spoke with favor of the amendment. Mr. Quintal asked the board if they could table the vote for now and bring it up next week. The Board agreed to bring back this article for this week.

This week, Selectman Rushforth made a motion to recommend article 31. Vice Chairman Malaguti seconded. Voted 5-0 approved.

**ARTICLE 5:** To see if the Town will vote to petition the General Court for a special act authorizing the Town to enact an "Economic Development Fund", in substantially the following form:

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

To see if the Town will vote to authorize the Board of Selectmen to file a home rule petition with the Massachusetts General Court for the purpose of establishing an "Economic Development Fund", in substantially the following form:

Section 1: Notwithstanding the provisions of M.G.L. c.44, Section 53, or any other provision of the law to the contrary, the Town of Plymouth, a municipal corporation duly organized under the laws of the Commonwealth of Massachusetts, having a principal place of business at Town Hall, 11 Lincoln Street, Plymouth, Massachusetts 02360 (hereinafter referred to as the "TOWN") is hereby authorized to establish in the Town Treasury a special account to be known as the "Economic Development Fund", into which account shall be deposited certain receipts which comprise the total amounts requested through written agreements between The Town of Plymouth,, and the owners, developers or parties (hereinafter referred to as the "DONOR"), relative to tax incentive agreements as negotiated and approved with the Town of Plymouth, approved by Town meeting, and approved by the Massachusetts Economic Assistance Coordinating Council, as outlined in specific Tax Increment Finance agreements under the Massachusetts Economic Development Incentive program, notwithstanding the provisions in accordance with Chapter 23A, Section 3A-H; Chapter 40, Section 59; and Chapter 59, Section 5 of the Massachusetts General Laws, and also the, Acts of 1993 and in 751 CMR 11.00 and 402 CMR 2.00 and regulated by the Department of Revenue.

Section 2: DESIGNATED TOWN "ECONOMIC DEVELOPMENT FUND", the "Economic Development Fund" hereafter called, (the FUND), shall be established to reinvest contributions by the "Donor" companies receiving tax incentives through the Town of Plymouth and the Commonwealth's Economic Development Incentive Program as negotiated within Tax Increment Finance agreements. The annual contributions by the "Donor" shall be deposited in the "FUND", for future reinvestment into the community for economic development purposes. The guidelines for future use of all contributions and disbursement of the "Fund" proceeds will be as follows:

- a. The Plymouth Regional Economic Development Foundation Inc., acting as the exclusive arm of the Town for Economic Development purposes will be the designated body to make specific recommendations for expenditure of said "Fund" proceeds for Town of Plymouth Economic Development purposes. A majority vote of the Foundation Board of Trustees shall be needed to pass approval of said expenditures. The Foundation was incorporated in March of 2001 as a Massachusetts non-profit corporation. In 2002, the Internal Revenue Service

## **TOWN MEETING - APRIL 3, 2004 - ARTICLE REVIEW (continued)**

recognized the Foundation as a 501 (C), (3) tax-exempt organization. Its affairs are managed by an eleven member Board of Trustees, comprised of 3 members of Town government, 4 members appointed by the Plymouth Area Chamber of Commerce, and 4 appointed by the

- b. Plymouth Industrial Development Corporation ("PIDC"). This corporation is a true public/private partnership.
- c. The proceeds of the "FUND", will be approved for no other purpose other than the parameters set forth in the following guidelines:
  - Feasibility studies, economic data gathering, and payment of consultants to compile reports relative to economic development activities that will foster increased tax revenues to the Town of Plymouth and create quality employment opportunities for its residents.
  - General operations of the Foundation, purchasing of literature, software or other products that would assist the economic development efforts of the Town and the Plymouth Regional Economic Development Foundation Inc.
  - Marketing and promotion of economic development activities that will enhance the Town of Plymouth's workforce, the ability to attract commerce, or new businesses to the Town.
  - For matching grants or funding of, the construction, installation of, or improvements needed, of infrastructure related to projects of development that will leverage future developments resulting in quality employment opportunities and increased tax revenues.

Section 3: The provisions of this Act shall take effect immediately following approval. Each year the Foundation will provide an annual report to the Town on expenditures from the FUND.

or take any other action relative thereto.

Mr. Hanks explained to the Board that this article would allow for the creation of an Economic Development Fund in order to reinvest contributions by companies receiving tax incentive through the Town of Plymouth and the Commonwealth's Economic Development Incentive Program.

Vice Chairman Malaguti made a motion to support Article 5. Selectman Rushforth seconded the motion. Voted 5-0 approved.

## **OLD BUSINESS/LETTERS/NEW BUSINESS**

**Wood Lot on Long Pond Road** - Mr. Loring Tripp, Chairman of the Planning Board, explained to the Board that it was the desire of the Plymouth County Commissioners to explore the Wood Lot on Long Pond Road for a possible location for a school. Mr. Tripp explained that it would cost between \$5,000 and \$10,000 for an appraisal. Vice Chairman Malaguti made a motion to support the expenditure of \$10,000 for an appraisal of the Wood Lot. Selectman Rushforth seconded. Voted 5-0 approved.

**Vendor Tables** – Selectman Lombard spoke in favor of a letter from a resident regarding permission to sell used goods on the waterfront. Selectman Rushforth was in opposition because he felt that many others will want to do the same thing and this is not easily managed. Mr. Lombard made a motion to have the Town Manager explore this possibility and speak with the Parks Department. Vice Chairman Malaguti seconded the motion. Voted 3-2 approved. Chairman Tavares and Selectman Quintal in opposition.

**Emergency Management** – Selectman Lombard inquired about the \$8,400.00 salary grant deduction from Entergy. Mr. Lombard wanted to know if an agreement existed that allowed for Entergy to reduce their contribution to Emergency preparedness when additional grants were given elsewhere to the Town. If there were such an agreement, Mr. Lombard would like to keep a tally of this. Chairman Tavares would like another letter sent to them and an answer by next week's meeting.

**Radisson Lease** – Vice Chairman Malaguti asked how we were going to pursue a new lease at Memorial Hall now that the Radisson will be vacating as of November 2004. Chairman Tavares explained that staff has been working on this since the letter arrived. Mr. Tavares mentioned there was a six-figure loss this year.

**Executive Session** – Vice Chairman Malaguti moved to go into executive session following Massachusetts General Laws, Chapter 39, Section 23B, paragraph 3, to discuss litigation. Selectman Rushforth seconded the motion. Voted 5-0 by roll call - Selectmen Rushforth, Malaguti, Lombard, Quintal, and Tavares.

The Selectmen did not return to public session.

Lisa Conroy, Clerk