

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, SEPTEMBER 6, 2011

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, September 6, 2011 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: William P. Hallisey, Jr., Chairman
John T. Mahoney, Jr., Vice Chairman
Sergio O. Harnais
Mathew J. Muratore
Belinda A. Brewster

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

Chairman Hallisey called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

TOWN MANAGER'S REPORT

Hurricane Irene – Town Manager Mark Stankiewicz reported that the Town's Emergency Operations Center was in full operation on August 28, 2011 as Hurricane Irene stormed through southern New England. Approximately six individuals sought refuge at the Town's temporary emergency shelter at Plymouth South Middle School during the height of the storm, he noted. Mr. Stankiewicz stated that many areas in Plymouth suffered wind and rain damage, causing power loss (from downed trees) to nearly 200,000 customers in Plymouth County, including Plymouth Town Hall. Emergency Operations Director Aaron Wallace and DPW Director Jonathan Beder filed a request to the Massachusetts Emergency Management Agency ("MEMA") for 75% reimbursement for the removal of debris caused by the storm, he said, and a staging area was set up at the DPW facility in Camelot Drive to collect the debris. Mr. Stankiewicz commended the staff of the Emergency Operations, Police, Fire, and Public Works departments for their outstanding efforts during the storm.

September 11th Observances – Mr. Stankiewicz encouraged Plymouth's citizens to attend a number of events at which the 10th anniversary of the September 11th tragedy will be observed, including the following:

- September 11, 2011, 9:45 a.m. – Plymouth 9/11 Memorial, South Spooner Street
- September 11, 2011, 3:00 p.m. – Nathan Hale Veterans Tribute Concert, Nelson Park
- September 11, 2011, 4:30 p.m. – Plymouth Philharmonic Concert, Public Library

LICENSES

VEHICLE FOR HIRE OPERATOR LICENSE (NEW)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to grant a Vehicle for Hire Operator License to the following applicants. Voted 5-0-0, approved.

❖ For **Total Traveler Transportation** (844 Webster St, Marshfield):

- William Higgins (159 Rocky Pond Rd, Plymouth)
- Justin Paige (30 Meadowview Street, Marshfield)

Issuance of the above licenses is subject to review of the requisite CORI background check and driving record.

VEHICLE FOR HIRE (RENEWAL)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to approve renewal of the following Vehicle for Hire (Vehicle) Permit. Voted 5-0-0, approved.

❖ **Habilitation Assistance Corp.** (434 Court Street):

- Applying for 1 vehicle (Livery): 2008 Chevy Impala (vehicle has been inspected)

PEDI-CAB OPERATOR LICENSE (NEW)

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to grant a Pedi-Cab Operator License to the following applicant. Voted 5-0-0, approved.

❖ For **Plymouth Pedicab** (4 Freedom Street):

- Patricia Milloy (145 B Taylor Ave., Plymouth)

Issuance of the above license is subject to review of the requisite CORI background check.

ONE DAY ALL ALCOHOL LIQUOR LICENSE*

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to grant a One Day All Alcohol License to the following applicant, as detailed below. Voted 5-0-0, approved.

- ❖ **Plymouth Philharmonic Orchestra** (Debra Cox, 11 North Street) requested a One Day All Alcohol Liquor License for an Opening Night celebration to be held from 6:00 p.m. to 8:00 p.m. on October 15, 2011. Liquor liability will be in place before the license is released.

*One day liquor licenses shall automatically cover the day before and the day after the event for the purpose of proper delivery, storage and disposal of alcoholic beverages purchased.

CLASS II AUTO DEALER LICENSE (NEW)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to grant a Class II Auto Dealer's License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Pilgrim Auto Ltd.** (54 Manomet Point Road, John Healey, President) – wholesale only.

Issuance of the above license is subject to approval and recommendations from the Inspectional Services Department.

CLASS II AUTO DEALER LICENSE (CHANGE OF ADDRESS)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to grant a Change of Address to the following holder of a Class II Auto Dealer's License, as detailed, below. Voted 5-0-0, approved.

- ❖ **Plymouth Motorcars** (Matthew Meyer, President) requested to change its address from 198 South Meadow Road to 30 Industrial Park Road. This is a wholesale license with a warehouse facility used to store vehicles inside.

Issuance of the above license is subject to approval and recommendations from the Inspectional Services Department.

ADMINISTRATIVE NOTES

Easement on Spooner Alley – The Board approved and executed the final *Deed of Easement* between the Town of Plymouth and Brian T. Whitfield (grantee) for access to Spooner Alley, as authorized by Article 36 of the Spring 2010 Annual Town Meeting.

Plymouth Long Beach Donation Account – The Board (a) established a gift and donation account for costs, projects, and acquisitions associated with Plymouth Long Beach, and (b) authorized the Town Manager, or his designee, to expend funds from this account.

Distinguished Visitors Account – The Board (a) established a gift & donation account for the work associated with the Distinguished Visitors Committee and (b) authorized the Town Manager and Finance Director to expend funds from this account.

Late Fee for License Renewals – The Board discussed a proposal from the Town Manager's Office to issue a \$50 late fee to licensees who do not submit their license renewal paperwork to the Selectmen's Office by the annual deadline. Assistant Town Manager Melissa Arrighi explained that, each year, there are a number of licensees who fail to cooperate with annual licensing deadlines, which creates a good deal of additional work for staff. Following some discussion, Selectman Brewster recommended that the Board approve a late fee amount that is consistent with other departmental late fees. On a motion by Selectman Brewster, seconded by Selectman Muratore, the Board voted to implement a late fee of \$100 to address licenses renewals that are submitted to the Board of Selectmen's Office beyond the annual deadline.

PUBLIC COMMENT

Steve Lydon of Precinct 12 expressed his disapproval of the 1820 Courthouse Consortium's recent submittal of two Town Meeting articles for additional funds for the redevelopment of the historic courthouse. Mr. Lydon alleged that several citizens with whom he has spoken do not support giving the Redevelopment Authority any further funding for this project.

Ron Stroup of the Plymouth Beach for All Coalition expressed his organization's support for the efforts of the Selectmen and David Gould (Environmental Manager) to acquire property on Plymouth Long Beach for public use. The PBAC, Mr. Stroup explained, seeks to promote fair and reasonable public access for residents to Plymouth Long Beach. To that end, Mr. Stroup presented the Selectmen with a contribution of \$500 towards the purchase of the Laughlin Property (Article 11 of the 2011 Fall Town Meeting Warrant), and he pledged the PBAC's commitment to raising additional funds for the acquisition through future events and campaigns.

Matt Romboldi, owner of Lombard's Waste Services since 2005, expressed concern about (what he described as) the direction Town may be going with disposal of its municipal solid waste. If the Town were to consider a curbside program, he said, it would significantly affect his disposal business by drawing away residential customers. As a small business with one employee, Mr. Romboldi said that he cannot compete with the larger hauling companies that have the means to bid on a curbside program of such magnitude and, thus, he could be effectively put out of business.

Richard Quintal of Precinct 1 invited the Selectmen, Town Staff, and public to attend the September 11th anniversary service that will be held at the Town's 9/11 memorial, located on Spooner Street. Mr. Quintal reported that he is working with an engineer to design the installation of the steel beam he procured from the World Trade Center site, and though it may not be completely installed by the 11th, it will be available for viewing during the memorial ceremony.

PUBLIC HEARING: UNDERGROUND STORAGE OF FLAMMABLES

CHRISTY'S REALTY LIMITED PARTNERSHIP, 507 STATE ROAD

Chairman Hallisey opened a public hearing to consider the application from Christy's Realty Limited Partnership for license of storage of 25,000 gallons of flammable and combustible liquid at 507 State Road. Chairman Hallisey stated that notice of the hearing was given in accordance with Chapter 148 of the Massachusetts General Laws, and those wishing to be heard on the matter were encouraged to attend the meeting.

Fred Davenport, representing Christy's Realty Limited Partnership (owners of the 7-11 convenience store and gas station at 507 State Road), explained that the company is currently in the process of remodeling the site and replacing its fuel equipment. While replacing the equipment, he said, the company seeks to increase its storage by 5,000 gallons, from the current approved storage of 20,000 to a new total of 25,000.

Mr. Davenport responded to questions from the Selectmen regarding the ownership of the license and the company's plans to remodel the site without disrupting traffic at the intersection of State Road and Beaver Dam Road. Mr. Davenport explained that, though the 7-11 company acquired the Christy's Market chain, Christy's retained ownership of the property. During the remodeling process, Mr. Davenport said, the convenience store will remain open while the gas pumps will be closed. The company, he noted, waited to begin construction on the pumps until after the busy summers months were over, to minimize impact to traffic at the nearby intersection.

Seeing no further inquiries from the Selectmen, Chairman Hallisey opened the hearing to public comment.

Ralph Goscinak of 48 Old Field Road asked Mr. Davenport if the owners of the station plan to increase the number of gas pumps. Mr. Davenport responded that the company will maintain two pump stations but install new pumping apparatus.

Barry Wood of Beaver Dam Road stated his belief that the gas station had already reached the maximum storage approved for the site with its current 20,000 gallon capacity. Mr. Davenport explained that the capacity for the site is not capped at 20,000 gallons – hence the request to increase the storage to 25,000.

At the close of public comment, Chairman Hallisey closed the hearing to await a motion of the Board.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to grant an Underground Storage License of Flammables/Combustibles to Christy's Realty Limited Partnership for storage of 25,000 gallons at 507 State Road. Voted 5-0-0, approved.

PUBLIC HEARING: ALL ALCOHOL RESTAURANT LIQUOR LICENSE

HIBACHI GRILL SUPREME BUFFET, INC. D/B/A SKY SEAFOOD BUFFET, 20 SHOPS AT 5 WAY

Chairman Hallisey opened a public hearing to consider an application for a new, annual All Alcohol Restaurant Liquor License from Hibachi Grill Supreme Buffet, Inc. d/b/a Sky Seafood Buffet, 20 Shops at 5 Way, Xue Chai Lu as Manager. Chairman Hallisey read the description of the premises and affirmed that notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws.

Attorney Chris Coleman addressed the Board on behalf of Xue Chai Lu, owner of Hibachi Grill Supreme Buffet, Inc. The applicant, Attorney Coleman explained, seeks to establish a 180-seat restaurant at the location that formerly housed the Bugaboo Creek Steak House. An 11-seat lounge will compliment two dining areas, he reported, but there are no plans for live entertainment. Attorney Coleman noted that Xue Chai Lu is already TIPS certified as the current manager of New Tokyo Restaurant.

Following some brief questions from the Selectmen, Chairman Hallisey opened the hearing to

public comment. No citizens came forth to address the Board. Chairman Hallisey then closed the hearing to await a motion on the license request.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant an annual All Alcohol Restaurant Liquor License to Hibachi Grill Supreme Buffet, Inc. d/b/a Sky Seafood Buffet, 20 Shops at 5 Way. Voted 5-0-0, approved.

LICENSES IN CONJUNCTION WITH A PUBLIC HEARING

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to grant the following licenses to Hibachi Grill Supreme Buffet, Inc d/b/a Sky Seafood Buffet (20 Shops at 5 Way, Xue Chai Lu, Manager), in conjunction with the request for a new Annual All Alcohol Restaurant Liquor License, as detailed. Voted 5-0-0, approved.

- Common Victualler
- Comprehensive Entertainment – Radio, TV

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

PUBLIC HEARING: TRANSFER OF ALL ALCOHOL LIQUOR LICENSE FROM RUN OF THE MILL, INC. D/B/A RUN OF THE MILL TAVERN, 6 SPRING LANE TO LUCIOSO'S PUB LLC D/B/A LUCIOSO'S PUB, 6 SPRING LANE

Chairman Hallisey opened a public hearing to consider an application for the Transfer of an All Alcohol Restaurant Liquor License FROM Run of the Mill, Inc. d/b/a Run of the Mill Tavern, 6 Spring Lane, Mary Ann Howarth as Manager TO Lucioso's Pub LLC d/b/a Lucioso's Pub, 6 Spring Lane, Gabriel S. Daher III as Manager. Chairman Hallisey read the description of the premises and affirmed that notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws.

Gabriel Daher III and John Luce addressed the Board to present the license application. Mr. Daher explained that he and Mr. Luce plan to establish Lucioso's Pub at the Run of the Mill Tavern, which just recently closed after several years in operation. Lucioso's will be a sports tavern with fare that focuses on pizza, wings, and sandwiches, Mr. Daher reported. Careful updates will be made to the interior of the restaurant to modernize the atmosphere while retaining the main aesthetic of the mill's character, he added.

In response to questions from the Board, Mr. Daher affirmed that staff will be TIPS certified. Mr. Daher stated that he and his business partner would like to re-establish live, amplified entertainment at least two nights per week inside the location, but he noted that the use of drums will not be allowed, to minimize noise to the surrounding area. Mr. Luce commented that he and Mr. Daher intend to schedule acoustic-based entertainment only on weekend nights and Sunday afternoons.

Selectman Brewster reminded the applicants that the restaurant location is situated in a residential area. Mr. Daher stated that he and Mr. Luce wish to maintain good relationships with the neighbors of the establishment. There are no current plans to have entertainment on

the outdoor deck, Mr. Daher said, but he and Mr. Luce would like to keep that option open. Selectman Muratore informed the applicants that they would need to file a request for an Outdoor Amplified Permit at a later date, should they seek to add entertainment to the outdoor patio area.

Seeing no further questions from the Board, Chairman Hallisey opened the hearing to public comment.

Former Selectman Richard Quintal referenced previous issues that the neighbors surrounding the Run of the Mill location had experienced with amplified music at the establishment, which led to the decision by the Board of Selectmen (some years ago) to require that the windows remain closed during evenings when live entertainment was scheduled. If noise becomes a problem at the new pub, he said, the neighbors will likely report it to the Board.

No further citizens came forth to speak on the matter. Subsequently, Chairman Hallisey closed the hearing to await a motion of the Board.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to grant the Transfer of an All Alcohol Restaurant Liquor License FROM Run of the Mill, Inc. d/b/a Run of the Mill Tavern, 6 Spring Lane TO Lucioso's Pub LLC d/b/a Lucioso's Pub, 6 Spring Lane. Voted 5-0-0, approved.

LICENSES IN CONJUNCTION WITH A PUBLIC HEARING

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to grant the following licenses to Lucioso's Pub LLC d/b/a Lucioso's Pub (6 Spring Lane, Gabriel S. Daher III as Manager) in conjunction with the Transfer of an Annual All Alcohol Restaurant Liquor License, as detailed below. Voted 5-0-0, approved.

- Common Victualler
- Comprehensive Entertainment – Jukebox, radio, TV, live entertainment, dancing
- Sunday Entertainment – Live entertainment, dancing
- Extension of Hours – 1:00 a.m.

Issuance of the above licenses is subject to approval from the Health and Building Depts.

FALL TOWN MEETING ARTICLES

ARTICLE 17

To see if the Town will vote to amend its Zoning Bylaw, Section 205-57 – “Aquifer Protection District” as it relates to the delineation of the district, uses allowed, special permit uses and prohibited uses or activities and Revise the Town’s Official Zoning Map to revise the boundaries of the Aquifer Protection District, or take any other action relative thereto.

PLANNING AND DEVELOPMENT/PUBLIC WORKS

Senior Planner Valerie Massard explained that Article 17 proposes to modify the Town’s aquifer bylaw. Ms. Massard displayed a map detailing the Town’s aquifer zones and the

direction in which each zone flows. Plymouth, she explained, has over 365 ponds sourced by groundwater as it flows down and out to sea. The Town's current map, she noted, was last updated in 1981; in order to remain consistent with current supply conditions and the 2006 Water Master Plan, staff deemed the update of Plymouth's aquifer map and bylaws to be necessary. Ms. Massard reported that the Planning Department worked with the Horsley-Witten Group (consultants) to develop the aquifer study and map. Staff worked on the language of the bylaw to clarify language and improve its overall comprehensibility.

Following her presentation, Ms. Massard responded to a handful of questions from the Selectmen regarding the new aquifer map. Ms. Massard pointed out that the regions marked as "Contributing Areas to Significant Recreational Water Bodies" are mainly residential in character. The acknowledgement and delineation of the aquifer zones will not shut off commercial development altogether, she noted, but the Town will need to require more scrutiny for such development in well zones via the Special Permit process.

Chairman Hallisey opened the discussion to public comment. No citizens came forth.

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to recommend Article 17 to the 2011 Fall Town Meeting. Voted 5-0-0, approved.

ARTICLE 30

To see if the Town will vote to amend Chapter 173-3 of the Town General Bylaws by changing the convening date of the Fall Annual Town meeting to the third Saturday in October, or take any other action relative thereto.

BY PETITION: Kenneth E. Howe, et al.

Ken Howe, Town Meeting Member from Precinct 11, presented his petition to change the date of the annual Fall Town Meeting from the last Monday in October to the first Saturday of November.

Selectman Brewster noted that the petitioned article requests the "third Saturday in October," not the "first Saturday of November," as Mr. Howe stated during his brief presentation. Mr. Howe explained that, following his recent presentation to the Advisory & Finance Committee ("FinCom"), he was advised to choose another date than that which was identified on his petition, because the third Saturday on October would not allow enough time (for staff and FinCom, alike) to fully vet warrant articles and prepare the requisite paperwork for Town Meeting.

Mr. Howe stated that his reasons for proposing the change stem from the difficulty that many Town Meeting members have with arriving to the Monday night Fall Town Meeting session on-time, at the end of a workday. Consequently, if the meeting runs late, he said, Town Meeting often must adjourn by 10:30 p.m. (to reconvene on the following night), out of respect for those who have to rise early for work the next morning. Mr. Howe claimed that many of the Town Meeting Members with whom he has spoken believe that holding the Fall Town Meeting on a Saturday would alleviate such challenges and be more convenient for a majority of the membership.

In response to an inquiry from Selectman Muratore, Ms. Arrighi noted that an amendment must be made on the floor of Town Meeting to alter the proposed date on which the membership will vote, because the language of Mr. Howe's original petition cannot be altered.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 17 to the 2011 Fall Town Meeting, to change the date of the Fall Town Meeting to the first Saturday of November, as presented by the petitioner. Voted 5-0-0, approved.

ARTICLE 18

To see if the Town will vote to (i) amend its Zoning Bylaw, Section 205-55 "Mixed Commerce (MC)", by modifying certain requirements, conditions and/or definitions therein, including but not limited to those pertaining to vehicular related uses, and/or (ii) amend its Zoning Bylaw Section 205-22 "Street Classification and Related Standards" and the official Zoning Map of the Town of Plymouth by designating Commerce Way as a Major Street, as well as to amend associated sections, provisions, definitions, tables, charts and procedures pertaining thereto, or take any other action relative thereto.

BOARD OF SELECTMEN

Lee Hartmann, Director of Planning & Development, explained that Article 18 is identical to Article 41 of the 2011 Spring Annual Town Meeting (which was defeated by a majority vote). The article, he explained, is being brought back before Town Meeting to seek the allowance of franchised, new auto dealerships within a Mixed Commerce ("MC") zone by effectively removing the prohibition of such use from the language of the zoning bylaw. Mr. Hartmann noted that, though the new language would allow new car dealerships to be sited within an MC district that overlays an aquifer zone, any such use would still require a special permit and be subject to compliance with aquifer protection bylaws.

Mr. Hartmann and the Town's Environmental Manager, David Gould, fielded questions from the Selectmen with regard to the current allowed uses within MC zone and the North Plymouth well zone that falls within the Commerce Way MC-zoned district. Mr. Hartmann explained that fast food restaurants, retail establishments, service garages, and car washes are all allowed uses within an MC-zoned district. Mr. Gould reported that long-standing commercial growth in the Commerce Way area has permanently inhibited the future viability of the well zone abutting that district. Car dealerships, Mr. Gould said, are no worse than the current allowed uses near the well zone, but with new protections in place (as proposed in Article 17), there is assurance that Plymouth's remaining wells and aquifer zones will be protected. As development continues to grow in this area, Mr. Gould cautioned the Board, the North Plymouth well zone will require close monitoring until the Town finds another viable well. It will be neither inexpensive nor easy to pump water from other areas, Mr. Gould said, and, thus, the Town must be diligent and swift in its search to identify a long-term site that can serve the northern section of Town.

Seeing no further questions from the Selectmen, Chairman Hallisey opened the discussion to public comment.

Kevin Doyle of Precinct 6 offered his support for Article 18, noting that new automobiles are less likely to leak onto existing paved parking areas that (by current allowed uses like retail establishments and restaurants) already serve older vehicles.

Pat Adelman of Precinct 12 questioned whether Article 18 pertains only to the Colony Place Mixed-Commerce zone. Mr. Hartmann explained that car dealerships are currently allowed in MC districts that are not affected by the proximity of a nearby well zone.

Marc Garrett, chairman of the Planning Board, reported that the Planning Board voted unanimously to support Article 18. Mr. Garrett sought to explain that the proximity of the North Plymouth well zone to an area that has experienced significant development is typical in many towns, because, historically, well sites were chosen for their accessibility. In the best of both worlds, such development would not be allowed near a well zone, he said, but the Colony Place development is only part of the growth that has taken place in the areas surrounding the North Plymouth well zone over the span of many years.

Attorney Robert Betters echoed Mr. Garrett's comments, adding that the uses generated by the Colony Place development are much less detrimental to the nearby well zone than manufacturing or industrial use. Attorney Betters offered his belief that the new aquifer protections proposed in Article 17 will allay many of the concerns that led to the defeat of this zoning article (Article 41) during the 2011 Spring Annual Town Meeting.

Jim McNeely noted his opposition to Article 18 (and the previous Article 41 of the Spring Town Meeting) but commended the Town for strengthening its aquifer protections (Article 17). Mr. McNeely expressed concern about the number of potential dealerships slated to be established at Colony Place if Article 18 is approved, and he questioned who would be responsible if resulting contaminants are detected at the North Plymouth well site. Noting his disappointment that the Selectmen appeared to be 'selling' an article on behalf of a commercial developer, Mr. McNeely urged Town Meeting to reject Article 18.

Paul McAlduff of the Planning Board noted that there are many uses already allowed within the Commerce Way MC district that attract a good deal of traffic near the well zone. Mr. McAlduff commented that commercial uses as seemingly benign as movie theaters are known to attract a significant amount of traffic—and, thus, the potential for accidents and fuel spills.

David Gilvar, managing partner of Viking Acquisitions (owners of the Home Depot Plaza), argued that the allowance of new auto dealerships at Colony Place will ultimately drive down offers from auto franchises for property in areas that are already zoned for such use (like that owned by Viking Acquisitions). Mr. Gilvar talked about the types of dealerships that could be accommodated on certain sections of the Colony Place development, noting that the former Sam's Club location at Colony Place is not suitable for a Class A dealership. Approval of Article 18 is not worth the undermining of the Town's well zone and the devaluation of other, more suitable locations for dealerships.

Chairman Hallisey noted that the Selectmen previously supported a zoning change that allowed for a Honda auto dealership on Mr. Gilvar's property, and he offered his estimation that Plymouth is a large town that can benefit from multiple auto dealership ventures.

Richard Serkey cautioned the Board about Mr. Gilvar’s comments, which, he said, seem to be made in “bad form,” as Mr. Gilvar, himself, was the recipient of a recent zoning change that allowed a new auto dealership on his property.

Seeing no further public comment or questions from the Board, Chairman Hallisey closed discussion to await a motion. On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 18 to the 2011 Fall Town Meeting. Voted 5-0-0, approved.

ARTICLE 21

To see if the Town will vote to change the purpose for which the following parcels located off Long Pond Road, are held, as follows:

Parcel 113-000-023B-000 from being held by the Board of Selectmen for General Municipal purposes, and parcels

112-000-009-000	112A-000A-034-000
112A-000A-029-000	112A-000A-019-000
112A-000A-042-000	112A-000A-027-000
112A-000A-035-000	112A-000A-036-000
112A-000A-028-000	113-000-022-000
112A-000A-040-000	112A-000A-037-000
112A-000A-039-000	112A-000A-032-000
112A-000A-026-000	112A-000A-030-000
112A-000A-025-000	112A-000A-038-000
112A-000A-031-000	112A-000A-041-000
112A-000A-033-000	

from being held by the Town Treasurer for sale at auction to the Board of Selectmen for conservation and for conveyance for affordable housing, and further,

that the Board of Selectmen be authorized to convey a portion of the above-described property, being ten acres, more or less, to: (1) the Plymouth Affordable Housing Trust for the purpose of constructing affordable single-family housings, and/or (2) a non-profit organization dedicated to providing housing for Veterans as defined by G.L. c. 4, § 7, in either case, said conveyance being subject to a right of reversion to the Town in the event that the construction on the property is not substantially complete or the property is not being used for the purposes for which it is granted within five (5) years of the delivery of the deed to the grantee, and subject to such additional terms and conditions as the Board of Selectmen deem appropriate; and further,

to designate the Conservation Commission as custodian for conservation purposes pursuant to G.L. c. 40, § 8C of the remainder of the property not so conveyed by the Board of Selectmen, being 25 acres, more or less, and further, to authorize the Board of Selectmen to execute any and all instruments as may be necessary to effectuate the vote taken hereunder or take any other actions relative thereto.

PLANNING AND DEVELOPMENT

Mr. Hartmann presented Article 21, which seeks to transfer a number of parcels taken by tax title from the Town Treasurer to the Board of Selectmen for the purpose of affordable housing. Plymouth’s Affordable Housing Trust, he explained, intends to work in conjunction with interested citizens (Michael Main and Tom Wallace) and a non-profit housing organization to construct five affordable single-family housing units and three units

specifically for veterans. Mr. Hartmann described the location of the parcels, which are situated on Long Pond Road, north of Lunn's Way and south of Halfway Pond Road. The eight proposed affordable housing units, he pointed out, are priced to be affordable for working families that earn the median household income (currently calculated at an annual income of \$64,000 for a family of four). As part of the affordable housing project, Mr. Hartmann noted, 25 acres of the parcels proposed for transfer via Article 21 will be designated as open space and placed under the care of the Conservation Commission.

Following a handful of brief questions from the Selectmen, Chairman Hallisey opened the discussion to public comment.

Walter Morrison of 9 Bloody Pond Road acknowledged the importance of affordable housing but expressed concern about the proximity of the proposed housing units to Grassy Pond and nearby conservation parcels. Mr. Morrison noted that his neighbors, Parker Pond and Ethan Warren, gave segments of their respective properties to The Nature Conservancy to protect Grassy Pond, which, he said, is a unique watering hole that is entirely fed by groundwater. He questioned how the elevation of the site proposed for this project might potentially affect the flow of water to the area and (subsequently) contribute to the degradation of fish and wildlife in the nearby conservation areas. Mr. Morrison referenced the earlier discussion on the Town's well zones and noted that, if the Town wishes to establish water service to the Long Pond Road neighborhoods, it may need to consider how development could affect the long term plan for a well zone in the area.

Mr. Hartmann pointed to the open space component in the proposal, which would set aside approximately 25 acres for preservation under the Conservation Commission. Eight units on 35 acres, he said, is reasonable, considering how the land might be developed if the Town were to dispose of the tax title parcels at auction. Mr. Hartmann noted that Article 21 simply sets aside the parcels for an affordable housing project; there will be time, thereafter, to work out the details of the project and address any issues that neighbors might have.

Mr. Morrison commented that there are continuing problems at the nearby intersection of Long Pond, Halfway Pond, and Bloody Pond roads. For example, he noted, there is a 25mph speed limit sign posted for motorists heading south, while the nearest sign for those traveling north is posted for 35mph.

Chairman Hallisey asked the Town Manager to look into the speed limit signage issue on Long Pond Road that was raised by Mr. Morrison.

Seeing no further discussion, Selectman Muratore made a motion to recommend Article 21 to the 2011 Fall Town Meeting. Selectman Harnais seconded the motion, and the Board voted 5-0-0 in favor.

ARTICLE 16A

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain for open space purposes pursuant to G.L. c. 44B on such terms and conditions as the Board of Selectmen deem appropriate and to accept the deed to the Town of Plymouth of a fee simple interest or less to 4 acres of land, more or less, in the Town of Plymouth located at 82 - 84 Billington Street shown on

Assessors Map 27as Lot 127 and further that said land shall be held under the care, custody, and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves the sum of \$350,000; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§31-33; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

William Keohan, chairman of the Community Preservation Committee (“CPC”), addressed the Selectmen to present a number of articles that propose the use of Community Preservation Funds.

Article 16A, Mr. Keohan explained, proposes to acquire the site of an abandoned commercial building on Billington Street for connection with the Town’s trail system running along Town Brook from Brewster Gardens to Morton Park. Once acquired, he said, the abandoned structure and accompanying dam will be removed, the site will be returned to its natural state, and the Town’s public walking trails will be extended.

Environmental Manager David Gould spoke in further detail about the proposal to remove the dam and restore fish passage at the site. Because the site housed a former industrial mill complex for decades, he explained, a 21E environmental study was conducted, and it was determined that it will be necessary to remove contaminated sediment from the dam area prior to full restoration of the property. Mr. Gould noted that the Environmental Management Division has already secured—and will continue to seek—funding for the remediation of environmental issues at the property. The proposed project, he affirmed, is supported by the Massachusetts Department of Environmental Protection (“DEP”) and the National Oceanographic and Atmospheric Administration (“NOAA”).

Following the offering of some brief questions and comments from the Selectmen, Chairman Hallisey opened the discussion to public comment.

Ellen Tong of 54 Off Billington Street addressed the Selectmen on behalf of her fellow neighbors who abut the proposed project. Ms. Tong identified herself as a direct abutter to the property and explained that, during her 25 years in the neighborhood, she has seen the location transform from an active mill operation to an abandoned, deteriorating, and dangerous site. Though neighboring residents are disappointed that some of the historic dam impediments must be removed as part of the project, Ms. Tong reported that she and her neighbors are pleased with the Town’s overall plans to acquire and remediate the property.

Selectman Muratore made a motion to recommend Article 16A to the 2011 Fall Town Meeting. Selectman Harnais seconded the motion.

Selectman Brewster inquired as to how the Town and the seller arrived at the purchase price of \$350,000. Mr. Keohan explained that he and Mr. Gould have been working with the property owner to reach an agreement on acquiring the Billington Street location since 2006. Following a series of appraisals and a number of years during which the property was on the market, Mr. Keohan said that he and Mr. Gould were able to negotiate a recent appraisal of \$525,000 down to an offer of \$350,000.

Seeing no further discussion, the Selectmen voted 5-0-0 to recommend Article 16A to the 2011 Fall Town Meeting.

ARTICLE 16B

To see if the Town will vote pursuant to G.L. c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, or otherwise fund, the sum of \$15,000 as a grant to the owner Plymouth Art Guild for the restoration, rehabilitation and preservation of an historic timber-framed structure, located at 11 North Street, which structure was originally a dwelling place of enslaved individuals, pursuant to a grant agreement between the Board of Selectmen and the owner of said structure, on such terms and conditions as the Board of Selectmen shall deem appropriate, provided, however, that such grant agreement shall require that a historic preservation restriction on the structure be granted to the Town of Plymouth; and further, to authorize the Board of Selectmen to accept said historic preservation restriction meeting the requirements of G.L. c. 184, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan stated that, if approved, Article 16B will grant \$15,000 to the Plymouth Art Guild to restore a historic structure on the rear portion of the Guild's property on North Street (otherwise known as the Plymouth Center for the Arts). It is believed that the structure was once utilized as a slave dwelling, he explained, and, thus, the Plymouth Antiquarian Society has chosen to partner with the Art Guild to preserve the structure.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 16B to the 2011 Fall Town Meeting. Voted 5-0-0, approved.

ARTICLE 16C

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift or eminent domain for open space purposes pursuant to G.L. c. 44B on such terms and conditions as the Board of Selectmen deem appropriate and to accept the deeds to the Town of Plymouth of a fee simple interest to (1) a parcel of land containing 20 acres, more or less located at 991 Old Sandwich Road shown on Assessors Map 65 as Lot 9 and (2) a parcel of land containing 15 acres, more or less, off Long Pond Road shown on Assessors Map 60 as Lot 15, further that said parcels of land shall be held under the care, custody, and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves the sum of \$190,000; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§31-33; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan explained that the intent of Article 16C is to acquire two parcels of land: one at 991 Old Sandwich Road and the other off Long Pond Road. Both parcels, he noted, are owned by the same family. Mr. Keohan reported that the 19-acre (+/-) parcel on Old Sandwich Road will establish a contiguous connection between existing conservation lands owned by the Town and the Wildlands Trust. The 15-acre (+/-) parcel off Long Pond Road, he said, is also situated next to conservation land that the Town owns near Bloody Pond.

In response to an inquiry from Selectman Brewster, Mr. Keohan explained that the CPC had previously voted (some years back) to table its decision on the acquisition of the Old Sandwich Road parcel until it could reach an agreeable sale price with the owner of the property. The CPC, Mr. Keohan said, has reached an agreed-upon offer of \$190,000 for both properties (+/- 35 acres).

Selectman Harnais made a motion to recommend Article 16C to the 2011 Fall Town Meeting. Selectman Muratore seconded the motion. Chairman Hallisey asked that public comment be allowed on the proposed article prior to the Board's vote.

Pat Adelman questioned if the proposed improvement of access to Bloody Pond (created by the acquisition of the 15-acre Long Pond Road parcel) would be by footpath or by road.

Mr. Keohan sought to explain that, because the 15-acre parcel outlined in Article 16C falls between existing Town and State-owned conservation land, people have already used the privately-owned property to access Bloody Pond. Public ownership of the property (as proposed) would create the opportunity for enhanced, lawful access.

Seeing no further comment from the public, Chairman Hallisey called for a vote on the motion previously made by Selectman Harnais. Subsequently, the Board voted 5-0-0 in favor of recommending Article 16C to the 2011 Fall Town Meeting.

ARTICLE 16D

To see if the Town will authorize the Board of Selectmen to acquire by purchase, gift or eminent domain for open space purposes pursuant to G.L. c. 44B on such terms and conditions as the Board of Selectmen deem appropriate and to accept the deed to the Town of Plymouth of fee simple interest or less to a parcel of land containing 8 acres, more or less, located between Fuller Farm Road and Drew Road shown on Assessors Map 88 as Lot 15B, and further that said land shall be held under the care, custody and control of the Conservation Commission, and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefore to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves the sum of \$57,000.00; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c. 44B, §12 and G.L. c. 184, §§31-33; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan informed the Board that Article 16D represents the CPC's recommendation to purchase a nine-acre (+/-) parcel situated between Fuller Farm Road and Drew Road, for the purposes of establishing a connection between the Town Forest and the Eel River Preserve. Acquisition of the property, he added, will also allow the Town to control intermittent water flow issues from Greater South Pond that affect the Tall Pines neighborhood. Mr. Keohan noted that the CPC came to an agreement with the current property owner to carve out a segment of the property in a manner by which the owner can retain a buildable lot.

In response to a question from Selectman Brewster, Mr. Keohan affirmed that the Town will retain the first right of refusal on the buildable lot, should the owners ever choose to sell it.

Chairman Hallisey opened the discussion to public comment. No citizens came forth.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 16D to the 2011 Fall Town Meeting. Voted 5-0-0, approved.

ARTICLE 29

To see if the Town will vote to accept the provisions of M.G.L., Chapter 64L, Section 2 (a) authorizing the imposition of a local excise tax in the statutory amount of 0.75 percent on the sale of restaurant meals originating within the Town, and authorize the Board of Selectmen to petition the Massachusetts General Court for special legislation to establish a “Plymouth 400th Anniversary Celebration Fund”. The revenues from said tax shall be placed in the Fund, which shall be dedicated in its entirety to (1) the Plymouth 400th anniversary celebration, (2) the restoration, renovation, operation, and maintenance of the 1820 Courthouse for purposes of a visitor center, museum, historic site, or other suitable public use, and (3) public infrastructure improvements in Town Square, Burial Hill, and Court Square as recommended in the Plymouth Public Space Action Plan dated June 2007. Said local excise tax shall terminate on June 30, 2021 unless otherwise extended by a vote of Town Meeting, or to take any other action relative thereto.

BY PETITION: Michael Hanlon, et al.

Michael Hanlon provided a presentation on his petition to adopt a local Meals Tax option to fund the Town’s 400th Anniversary Celebration, the 1820 Courthouse redevelopment project, and infrastructure improvements to Burial Hill, Town Square, and Court Square. Within his presentation, Mr. Hanlon provided the following information about his petition:

Two years prior, Town Meeting took a vote to accept the Meals Tax local option granted by the State whereby cities and towns were given the ability to raise the meals tax from 6.25% to 7.00%. Had that vote not been subsequently overturned by a citizens’ referendum, the tax revenue generated from the added 0.75% would have been allocated to the Town’s General Fund. The current proposal to raise the Meals Tax, as outlined in Article 29, would specifically earmark the revenue generated by the additional 0.75% surcharge for the 400th Anniversary Celebration, 1820 Courthouse, and Burial Hill. The petition also seeks to establish a five-member board responsible for administering grants from the revenue generated by the Meals Tax to the three specified projects, with a required minimum funding allocation of 25% to each, annually. Following the Anniversary Celebration in 2020, the Meals Tax option will have a sunset clause, reverting back to the State’s tax rate as of June 30, 2021.

Mr. Hanlon outlined the reasons why he brought forth the petition, noting his belief in the importance of the 400th Anniversary Celebration to the Town of Plymouth. Referencing the 2007 Public Space Action Plan, Mr. Hanlon pointed to a number of much-needed improvement projects that could be undertaken as part of the Town’s preparation for the 400th Celebration. The Meals Tax, he estimated, could generate \$250,000 per year towards the celebration and a number of important historical landmarks like the 1820 Courthouse, which, he said, should be utilized as a state-of-the-art visitors’ center. While the Meals Tax increase will not generate enough revenue to accomplish all of these interrelated projects, he said, it will provide the Town with a means by which to get such beneficial endeavors underway.

Mr. Hanlon indicated that the Advisory & Finance Committee voted unanimously to support his petitioned article. Those citizens who have expressed opposition to the Meals Tax petition

cite a handful of reasons, including general opposition to taxation and the inclusion of the 1820 Courthouse as one of the projects that would be funded. Though some who oppose the petition have claimed that the Meals Tax will hurt residents and local businesses, Mr. Hanlon questioned whether a 38-cent surcharge on a \$50 meal would truly drive restaurant business—from visitors and residents, alike—to surrounding communities. Town Meeting voted overwhelmingly to acquire the 1820 Courthouse, he said, but issues involving conflicting personalities continue to mire the project's progress. Hopefully, Mr. Hanlon stated, people can set their personal feelings aside for the benefit of these important community-based endeavors.

Mr. Hanlon responded to some comments and questions from the Selectmen. The Chamber of Commerce will likely oppose the petition on behalf of its membership, Mr. Hanlon said, while the Plymouth Redevelopment Authority and 400th Anniversary Committee have not voted to take a position on the matter. Mr. Hanlon indicated that he crafted the language of his petition around the Town's Promotion Fund and included a sunset clause to make clear that the Meals Tax surcharge will be used only for those specific purposes outlined within the petition. In order to host a world-class anniversary celebration, he said, the Town will have to provide some funding, and the Meals Tax appears to be the best way to raise such funds, without allocating tax revenue from the General Fund. If residents are aware that this new proposal for the Meals Tax will direct money to specific projects like Burial Hill and the Anniversary Celebration, Mr. Hanlon speculated, they may be more likely to support it.

Ms. Arrighi noted that staff has some initial concerns about the legal language of the article, namely the question of what will happen if the State Legislature does not approve the petition to create the 400th Anniversary Fund. In addition, she noted, the Massachusetts Department of Revenue has some apprehension with regard to the proposed sunset clause.

Selectman Harnais credited Mr. Hanlon for taking the initiative to find a way by which the Town can fund the 400th Anniversary Celebration and various projects related to the historic downtown, but he noted his concerns about the implementation of a Meals Tax with no guarantee that the tax will be discontinued after 2020 has passed.

Seeing no further questions, Chairman Hallisey opened the discussion to public comment.

Chris Fava spoke against approval of Article 29, noting the challenges already faced by restaurants and businesses during the current economic downturn. Mr. Fava informed the Board that he was the individual who spearheaded the effort to overturn Town Meeting's previous vote to accept the Meals Tax. While some may argue that a Meals Tax is borne by the consumer, he said, the surcharge will simply cut into local restaurants' profit margins. Mr. Fava urged the Selectmen to consider the plight of Plymouth's businesses before approving such a proposal.

Richard Serkey offered support for the petition, which he described as a creative idea to raise the funds necessary to hold a proper 400th Anniversary Celebration, as a matter of civic pride in the Town's historical landmarks and heritage. While he can certainly appreciate the concerns of restaurant owners, Mr. Serkey said, the 0.75% surcharge is a modest imposition on consumers that will produce a significant benefit to the community.

Everett Malaguti indicated that he is against the idea of a Meals Tax, based on his belief that the added surcharge will cut into the profits of restaurants. Mr. Malaguti noted that, as an employee of a local restaurant, he is aware of the way in which restaurant profits have been affected by the current economy. He dismissed the suggestion that the Meals Tax is a creative solution to funding the 400th Celebration and, instead, he suggested the approach of holding multiple, small fundraising events that will add up to ‘big picture’ revenue. Mr. Malaguti stated his belief that residents—not seasonal tourists—will shoulder the burden of the Meals Tax, and, thus, he advised the Selectmen to refrain from supporting Article 29.

Paul Hapgood noted that the inclusion of the 1820 Courthouse as the recipient of revenue from the proposed Meals Tax may dissuade those who do support funding for the 400th Anniversary Celebration and Burial Hill from voting in support of Article 29. If Town meeting approves Article 29, he said, the vote will likely be appealed, and the taxpayers will pay for the cost to hold a special election. Based on the controversy surrounding the 1820 Courthouse, Mr. Hapgood suggested that the proposal outlined in Article 29 be placed on the annual May election ballot to let the voters decide on the Meals Tax.

Pat McCarthy of Precinct 5 noted that she worked upon the Plymouth Center Master Plan as a member of the Plymouth Center Steering Committee (“PCSC”). The members of the PCSC, she said, are acutely aware of the importance of the Town’s historic landmarks to the grand vision of the 400th Anniversary Celebration. Ms. McCarthy indicated that the PCSC would like to see the 1820 Courthouse redeveloped as a visitors’ center and a boutique hotel, but she acknowledged that progress on the project has been slow and, at times, frustrating. Ms. McCarthy noted that the Meals Tax will not discourage her from patronizing local restaurants, and she offered her estimation that it will not discourage patrons, as a whole, if the increase results in only 38 cents on a \$50 meal. Lastly, Ms. McCarthy stated her support for the Meals Tax but offered her recommendation that the revenue go directly into the Town’s General Fund, rather than be split amongst various projects.

Kevin Doyle stated that he was still undecided as to whether the Meals Tax is a good or bad idea. Mr. Doyle stated that, if passed, all revenue from the Meals Tax should be directed to the 400th Anniversary Celebration, even though he is not completely impressed by the 400th Anniversary Committee’s progress, to date. Mr. Doyle echoed the concerns offered by Mr. Hapgood that the inclusion of the 1820 Courthouse in the Meals Tax article will discourage some voters who would otherwise support the endeavor.

Steve Lydon of Precinct 12 reported that he opposes Article 29 because he cannot support the allocation of any funds toward the 1820 Courthouse. If Town Meeting passes the proposed Meals tax, he said, all revenue should be directed to the 400th Celebration, with the Town Manager designated as the individual responsible for managing the funds.

Selectman Muratore made a motion to recommend Article 29 to the 2011 Fall Town Meeting, for discussion. Vice Chairman Mahoney seconded the motion.

Selectman Muratore noted that less than 40% of Massachusetts communities have adopted the Meals Tax option, and he expressed concern about the trickle-down effect that the added

surcharge may have upon local restaurants. He acknowledged that Mr. Hanlon's petition is forcing the Town to look more closely at the 1820 Courthouse and 400th Anniversary Celebration (and corresponding 400th Committee), which is much-needed, considering the dwindling amount of time remaining to adequately address these issues. Selectman Muratore cited the current economic challenges as a reason to refrain from supporting an increased Meals Tax, but he echoed Paul Hapgood's previous suggestion that the issue be presented to the voters during the annual May election, to allow them the opportunity to decide on the matter—at no additional special election cost to the taxpayers.

Vice Chairman Mahoney expressed support for the 400th Anniversary Celebration and the 1820 Courthouse projects, but he noted his apprehension that the Meals Tax will again be defeated by referendum. The 400th Committee has much to accomplish, he said, and funding from the Town will be necessary to leverage other grant money, but if the voters reject the Meals Tax proposal (as he anticipates), the Town cannot shoulder the expense of another special election.

Chairman Hallisey noted that he would not support Article 29 because the proposed Meals Tax will place the burden solely on Plymouth's restaurants. While he appreciates Mr. Hanlon's initiative, he said, the Town must look at other creative ideas to raise funds for the 400th Anniversary Celebration that will not adversely affect the local business community.

Selectman Brewster identified the Meals Tax proposal as simply another tax, which, she said, is not a creative means of fundraising. The previous attempt to implement a Meals Tax was soundly defeated by voters, she noted. If Town Meeting does not heed the will of the voters, then the taxpayers will be forced to fund another Special Election.

At the close of discussion, Chairman Hallisey called for a vote on the motion to recommend Article 29 to the 2011 Fall Town Meeting. The Board voted 0-5-0. The motion did not carry, and, thus, the Board unanimously voted against recommendation of Article 29.

ARTICLE 33

To see if the Town will vote to authorize the Board of Selectmen to sell and convey all of the Town's right, title and interest, if any, in all or a portion of Lot 58A on Map 56 of the January 1, 2011 Plymouth Assessors Maps, or take any other action relative thereto.

BY PETITION: Richard Serkey, et al.

Attorney Richard Serkey presented Article 33, which requests that the Town authorize the Selectmen to convey its right, title, and/or interest in Lot 58A on Assessors Map 56. Attorney Serkey reported that his client wishes to lease 4 acres of land-locked property in South Plymouth for the establishment of a solar field. The client's property on which the solar field is proposed, he explained, is bisected by Lot 58A, a parcel to which (he claimed) the Town has questionable title. Attorney Serkey indicated that the narrow stretch of land that is Lot 58A was likely set aside as part of an old proposal to extend the Plymouth & Sandwich Railway, but the company never took title to it. The Town may not have title to the property, but, nonetheless, Attorney Serkey is petitioning Town Meeting to convey any interest in the property, so that his client may proceed forth with the solar field project.

Attorney Serkey responded to questions from the Selectmen with regard to the location and characteristics of the property in question. Attorney Serkey again identified the property as a narrow stretch of land that cuts through a landlocked area near the Bourne town line. Town Counsel, Attorney Serkey stated, could determine if the Town has any right to the parcel, and his client could reimburse the Town for such expense.

Vice Chairman Mahoney questioned whether Attorney Serkey's client could develop the property for residential units, if the Town conveys its right to Lot 58A and the solar field enterprise fails. Attorney Serkey speculated as to whether residential development of the parcel would be feasible or economically worthwhile. Mr. Stankiewicz suggested that staff could research Vice Chairman Mahoney's inquiry further, if the Board wished.

Following some remaining questions and brief discussion, Selectman Harnais made a motion to table the decision on Article 33 to the Board's meeting of September 13, 2011, to allow the Town's Director of Planning & Development to comment on the article. Selectman Muratore seconded the motion, and the Board voted 5-0-0 in favor.

ARTICLE 5

To see if the Town will vote to amend the vote taken under Article 2B of the May 20, 2006 Special Town Meeting to increase the amount appropriated for appraisal services and/or legal fees related to the relicensing of and negotiations with Entergy Nuclear Generation Company, and as funding therefore, to raise and appropriate or transfer a sum of money for such purposes, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi explained that Article 5 represents a request for \$500,000 in additional funds for legal counsel (with the Washington, DC based firm, Duane Morris) to address anticipated negotiations pertaining to the Pilgrim Nuclear Power Station. The \$500,000 requested via Article 5 will be added to the Town's current balance of \$350,000 dedicated to Pilgrim / Entergy negotiations, she noted.

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to recommend Article 5 to the 2011 Fall Town Meeting. Voted 5-0-0, approved.

ARTICLE 28

To see if the Town will vote to amend Chapter 100 of the General Bylaws entitled "Junk Dealers and Collectors" by adding the words "or removed from premises" immediately following the words, "sold or altered" in section 100-2 B and to move the Letter B to fall prior to the start of that paragraph, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi explained that the Police Chief has recommended a minor amendment to the Town's recently-updated Junk Dealer bylaw (2011 Spring Town meeting), as outlined in the language for Article 28.

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to recommend Article 28 to the 2011 Fall Town Meeting. Voted 5-0-0, approved.

BOARD LIAISON UPDATES & OLD BUSINESS/LETTERS/NEW BUSINESS

Due to the extent of the meeting beyond 10:40 p.m., the Board decided to forgo the “Board Liaison Updates” and “Old Business / Letters / New Business” portion of the meeting to move forth with the scheduled executive session.

EXECUTIVE SESSION / ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to adjourn the open session portion of the meeting at 10:42 p.m. to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on this matter may have a detrimental effect on the Town’s negotiating position. By roll call: Harnais – yes, Muratore – yes, Mahoney – yes, Brewster – yes, and Hallisey – yes.

Chairman Hallisey noted that the Board would not return to open session following executive session.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the September 6, 2011 meeting packet is on file and available for public review in the Board of Selectmen’s office.