

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, AUGUST 28, 2012

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, August 28, 2012 at 6:00 p.m. at Town Hall in the Mayflower Room.

Present: Mathew J. Muratore, Chairman
John T. Mahoney, Jr., Vice Chairman
Sergio O. Harnais
Belinda A. Brewster
Kenneth A. Tavares

Melissa Arrighi, Town Manager

CALL TO ORDER

Chairman Muratore called the meeting to order at 6:00 p.m.

EXECUTIVE SESSION

The Board voted to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to collective bargaining or litigation, and Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on these matters may have had a detrimental effect on the negotiating position of the body. By roll call: Tavares – yes, Mahoney – yes, Brewster – yes, Harnais – yes, and Muratore – yes.

Chairman Muratore noted that, following executive session, the Board would reconvene in open session.

RETURN TO OPEN SESSION

Chairman Muratore reconvened the meeting in open session and led the Pledge of Allegiance at approximately 7:05 p.m.

TOWN MANAGER'S REPORT

PACTV Community News – Town Manager Melissa Arrighi announced that PACTV will launch a local Community News program on Thursday, September 6th at 8:00 p.m. on the Public Access Channel (Comcast 13/Verizon 43). The news program, she said, will

provide viewers with a closer look on topics from their local communities—the stories that traditional news programs often miss. Segments from the half hour newscast will include local stories from Duxbury, Kingston, Pembroke and Plymouth, and the program will be anchored by PACTV’s Community News Director, Kim Miot. Ms. Arrighi noted that she will work with PACTV on regular segments pertaining to Plymouth.

EEE – Ms. Arrighi reported that, on Tuesday, August 21, 2012, the Massachusetts Department of Public Health (DPH) announced the detection of mammal-biting mosquitoes infected with Eastern Equine Encephalitis (“EEE”) in Carver and Kingston. Based on the sum total of EEE-positive mosquito activity to date in these towns, she said, health officials have raised the EEE threat level to “High” in Carver and “Moderate” in Kingston. As a neighboring community to both towns, Plymouth has been raised to “Moderate.” Health officials strongly recommend that communities designated at High Risk should curtail outdoor evening events for the remainder of the mosquito season. Ms. Arrighi indicated that the Plymouth County Mosquito Control Project will enhance ground-based spraying in all three communities, and she advised residents to contact the Town’s Health Department for more information.

Recognition of Milestone in Statewide Conservation Acquisition – Ms. Arrighi was pleased to announce that, on Thursday, August 23, 2012, Governor Deval Patrick, U.S. Congressman William Keating, Senate President Therese Murray, the Secretary of Massachusetts’ Executive Office of Energy and Environmental Affairs, and a number of State and local officials and environmental groups gathered at the field outside Halfway Pond in Plymouth to commemorate the State’s purchase of open space from the A.D. Makepeace Company. The significance of this event, she explained, was Governor Deval Patrick’s announcement that the acquisition of the A.D. Makepeace property puts the State over its goal of 100,000 acres conserved since 2007. Ms. Arrighi noted that she was proud that Governor Patrick chose Plymouth as the location at which he marked this significant conservation milestone.

Curbside Pickup – Ms. Arrighi informed the Board and the public that ABC Disposal was recommended as the potential bidder on the Town’s Request for Proposals (“RFP”) to provide curbside service to Plymouth. The cost to residents for this service, she said, is estimated at \$170 per 18,000 (projected) customers. Ms. Arrighi noted that she, the DPW Director, and representatives from ABC Disposal will conduct a great deal of outreach to educate residents on curbside service and determine how the program will impact the community. In addition to the possibility of issuing a survey, Ms. Arrighi indicated that she will assemble an advisory group of residents who will be asked to evaluate the curbside proposal and offer a final recommendation to staff.

BOARD LIAISON / DESIGNEE UPDATES

Council on Aging Golf Tournament – Chairman Muratore reminded the public that the Friends of the Council on Aging will host its annual golf tournament to benefit the Council on Aging at Souther’s Marsh on September 10, 2012 (rescheduled from June 25, 2012).

Natural Resources & Coastal Beaches Committee / Morton Park – Vice Chairman Mahoney noted that, during a recent meeting of the Natural Resources & Coastal Beaches Committee, the subject of Morton Park was raised. Vice Chairman Mahoney requested a follow-up report on the results of the new signage, gating, and management policies that were implemented for the 2012 season at the park. In response to Vice Chairman Mahoney’s request, Ms. Arrighi noted that she would ask the Town’s Recreation Director to provide an update on Morton Park at an upcoming Selectmen’s meeting.

PUBLIC COMMENT

Peter Gyssels from Up With People addressed the Board to announce that his organization will perform at Memorial Hall on September 21 and 21, 2012. Up With People, he explained, is a multi-national organization dedicated to bringing the world together through service and music. Mr. Gyssels indicated that the proceeds from the two shows will be distributed to local non-profit organizations such as Plimoth Plantation and the Plymouth Area Coalition for the Homeless. The high-energy, family-oriented show, he said, is performed by a cast of individuals from 120 different countries. Mr. Gyssels encouraged citizens to attend and provided the organization’s web address, www.upwithpeople.org, for those seeking information on how to purchase tickets.

LICENSES

FORTUNE TELLING (NEW)

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to grant a Fortune Telling License to the following applicant. Voted 5-0-0, approved.

- ❖ **Anne Fitzgerald** (8 Ellisville Road)

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

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 applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ For **Special Occasion Limousine, Inc.:**

- Patrick Mooney (96 Federal Furnace Road, Plymouth)

Issuance of above license is subject to 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 approve a One Day All Alcohol Liquor License for the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Terry Kole / Plymouth Guild for the Arts** requested a One Day All Alcohol Liquor License for the Annual Juried Art Show Opening Reception to be held from 7:00 p.m. to 11:00 p.m. at the Plymouth Center for the Arts (11 North Street) on September 21, 2012. 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.

ONE DAY WINE AND MALT LIQUOR LICENSE*

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to approve two (2) One Day Wine & Malt Liquor Licenses for the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Richard Anderson / Plymouth Lions** (301 Court Street) requested two (2) One Day Wine & Malt Liquor licenses for the annual Lions Club Octoberfest event to be held on the Hedge House lawn, 126 Water Street, from 1:00 p.m. to 7:00 p.m. on September 8 and 9, 2012. Liquor liability is in place.

*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.

CHANGE OF OFFICERS/DIRECTORS (LIQUOR)

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to approve a Change of Officers/Directors for the following holder of an annual All Alcohol Restaurant Liquor License. Voted 5-0-0, approved.

- ❖ **Red Robin International, Inc d/b/a Red Robin** (269 Colony Place) requested a Change of Officer/Directors, as indicated in the application documents on file with the Town Manager's Office.

ADMINISTRATIVE NOTES

Meeting Minutes – The Board approved the meeting minutes of the April 24, 2012 and May 1, 2012 Selectmen's meetings.

Appoint Treasurer/Collector as Custodian of Tax Title Properties – The Board appointed the Town Treasurer/Collector as the Custodian of a number of tax-title

properties, as detailed in a document provided to the Board by the Treasurer/Collector dated August 21, 2012, for the purpose of conducting an auction and selling the properties.

Authorization of Town Manager's Staff to Resubmit Liquor License Applications – The Board authorized the Administrative Assistant to the Town Manager to resubmit Form 43 (Liquor License) documents for reconsideration to the Alcoholic Beverage Control Commission on behalf of the Board of Selectmen, when necessary.

Support for MassWorks Grant Application – The Board authorized the Chairman to sign a letter of support for the Town of Plymouth's MassWorks Infrastructure Grant Application.

Dissolve and Disband Plymouth Airport Advisory Group – The Board dissolved and disbanded the Plymouth Airport Advisory Group, at the request of the Airport Commission, as the temporary advisory group had fulfilled its intended mission.

Recommendation of Fall Town Meeting Article 6 (Parking Garage) – The Board voted to recommend Fall Town Meeting Article 6 (Authorize Parking Fee Revolving Fund Spending Limit at \$30,000), as endorsed by the Selectmen during the August 14, 2012 meeting (Parking Garage Presentation).

2012 FALL TOWN MEETING ARTICLES

ARTICLE 4A

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities and/or for feasibility studies and other types of studies for the various departments of the Town substantially as follows:

A. Improve Runway

or take any other action relative thereto.

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Tom Maher, Plymouth Airport Manager, explained that the runway expansion project at the Airport requires Town Meeting action via three separate articles: Article 4A, Article 4B, and Article 13. The actions required for each article, he explained, are consistent with the current Airport Master Plan. Mr. Maher indicated that Article 4A pertains to the construction portion of the project, allowing the Airport to extend the two existing runways to equal length, with additional safety overruns.

[Note: the Board voted to recommend Articles 4A, 4B, and 13 within the same motion – see pages 6-7.]

ARTICLE 4B

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities and/or for feasibility studies and other types of studies for the various departments of the Town substantially as follows:

B. Land Acquisition

or take any other action relative thereto.

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Mr. Maher indicated that Article 4B pertains to the acquisition of 48 acres of land abutting the Airport for the purpose of meeting environmental buffer requirements and mitigating any wetland disturbance as a result of the runway expansion.

[Note: the Board voted to recommend Articles 4A, 4B, and 13 within the same motion – see pages 6-7.]

ARTICLE 13

To see if the Town will vote to:

(1) transfer care, custody and control from the Plymouth Airport Commission for airport purposes to the Plymouth Airport Commission for airport purposes and for the purpose of conveyance of a portion of property containing between 5-15 acres located at 246 South Meadow Road, Plymouth, known as Parcel 17, and described in a deed recorded with the Plymouth County Registry of Deeds in Book 5707, Page 22; and

(2) authorize the Plymouth Airport Commission to (a) convey a portion of the above-described property for a sum or for such other consideration, including acquisition of a parcel of land, containing approximately 5-15 acres; and (b) authorize the Plymouth Airport Commission to acquire by gift, purchase or eminent domain for buffer and conservation purposes the remaining portion of said property containing a total of 48 acres, more or less, in connection with the airport runway project; (c) and as funding therefor to raise and appropriate, transfer from available funds, or borrow a sum of money, for such purposes; and, further,

(3) to authorize the Plymouth Airport Commission or other appropriate Town officials to apply for and expend any grants for such purposes, and to enter into all agreements and execute any and all instruments necessary on behalf of the Airport Commission on such terms and conditions as may be deemed to be in the best interests of said Commission and Town of Plymouth; and that any grants received for the purposes of this Article shall be used to reduce the amount expended hereunder; ,

or take any other action relative thereto.

AIRPORT COMMISSION

Mr. Maher explained that Article 13 gives the Airport Commission the option of swapping surplus airport land as partial payment for the proposed purchase of 48 acres for the requisite environmental buffer (Article 4B). This proposed swap, he noted, must also meet the approval of the Federal Aviation Administration (“FAA”), because the FAA funded the initial expense of the Airport.

Mr. Maher responded to some brief questions from the Board regarding the proposed land swap and the costs associated with the runway expansion. The Town’s share of the

runway expansion (Article 4A), he said, will be \$375,000, which is 5% of the total project expense (Federal government share – 90%, State share – 5%).

On a motion by Selectman Harnais, seconded by Selectman Tavares, the Board voted to recommend Article 4A, Article 4B, and Article 13 to the 2012 Fall Town Meeting. Voted 5-0-0, approved.

ARTICLE 18

To see if the Town will vote to transfer the care, custody, management and control of a certain parcel of land shown as Lot 23 on Assessors Map 19 from the School Department for school purposes to the Board of Selectmen for general municipal purposes or for the purpose of conveyance, including sale, transfer or lease, and further, to authorize the Board of Selectmen to convey said land pursuant to the requirements of G. L. c. 30B, the Uniform Procurement Act, and on such terms and conditions as may be deemed to be in the best interests of the Town, or take any other action relative thereto.

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Ms. Arrighi presented Article 18, which proposes to transfer the custody of property located on South Russell Street currently under the care of the School Department to the Board of Selectmen. This article, she noted, was rejected at the 2012 Spring Town Meeting, presumably because there was concern amongst Town Meeting members about future plans for this property in relationship to the “Courthouse Corridor.”

Ms. Arrighi explained that, in 1997, Town Meeting voted to transfer a number of properties on South Russell Street from the care and custody of the School Department to the Selectmen. These properties, she explained, were once part of a public school that existed at the site in the late 1800’s and early 1900’s. Records do not indicate, however, why an additional School-owned parcel abutting Burial Hill (Lot 23 on Assessors Map 19) was not transferred with the other properties (Lots 6 and 7, which now house the former Police Station facility and the parking lot across South Russell Street from the former Police Station).

Ms. Arrighi noted that the Selectmen are now actively working in conjunction with the Plymouth Redevelopment Authority and the 1820 Courthouse Consortium to design a bid that will seek a developer who is capable and willing to redevelop the historic courthouse and, potentially, the abutting municipally-owned properties. Though the particular lot identified in Article 18 may not ultimately be included in the Courthouse bid, she said, it only makes sense to transfer custody of Lot 23 to the Selectmen, as was done in 1997 with the adjoining former School-owned lots.

The Board discussed the merits of Article 18. Selectman Tavares expressed concern about the possible inclusion of Lot 23 within any potential “Courthouse Corridor” bid, based on the fact that this lot is the primary parking area for visitors to Burial Hill. With the 400th Anniversary Celebration approaching in 2020, he said, the Town should not consider relinquishing any control over this lot until it finalizes plans for the rehabilitation and stabilization of its most historic burial ground.

Ms. Arrighi affirmed that, if the Town were to include Lot 23 in a Courthouse Corridor bid, there would be no plans to fully relinquish the property. The Town, she explained, could simply include the option to lease the property to the developer within the bid. Ms. Arrighi reminded the Selectmen that any proposal to lease or sell a piece of property that falls under their jurisdiction must first meet their approval. Ms. Arrighi acknowledged that Lot 23 can remain under care and custody of the School Department, but, if the Schools no longer have use for the property, the lot should be conveyed to the Selectmen.

Selectman Tavares again reiterated his position that Lot 23 should not be included in any bids or plans other than those related to visitor access to Burial Hill, and he asked to see a draft of the bid prior to making any decision on Article 18. Selectman Harnais acknowledged Selectman Tavares' concerns, but noted that the Selectmen must first have care of Lot 23 if they wish to include it in any plans to enhance Burial Hill.

Chairman Muratore noted that he, too, has reservations about including Lot 23 in any Courthouse-related bid, but he offered his observation that the lot should still be transferred to the Selectmen's custody as a simple matter of housekeeping. Any concerns that Town Meeting members may have had about the relationship between the Selectmen and the Plymouth Redevelopment Authority (with regard to the 1820 Courthouse) should now be assuaged, he said, based on the recent efforts of both groups to reach consensus and work cooperatively.

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to recommend Article 18 to the 2012 Fall Town Meeting. Voted 4-1-0, approved, with Selectman Tavares voting in opposition.

MASSWORKS INFRASTRUCTURE GRANT APPLICATION

Jonathan Beder, Director of Public Works, provided a presentation on the application that he and his staff have submitted to the MassWorks Infrastructure Grant Program.

Mr. Beder informed the Board that the MassWorks Grant, a program administered by the Massachusetts Executive Office of Housing and Economic Development ("EOHED"), provides municipalities with funding for public infrastructure projects that support the following:

- Housing development at a density of four (4) units to the acre (market and affordable)
- Transportation improvements to enhance safety in small, rural communities
- Economic development and job creation / retention

With the approach of the Town's 400th Anniversary in 2020, Mr. Beder explained that he has been working with the 400th Anniversary Committee to identify and develop a multi-phase improvement project that focuses on (1) rehabilitating aging infrastructure, (2) supporting aesthetic and cultural renovations, and (3) building the local economy for long-

lasting sustainable growth. Highlighted within the MassWorks Grant Application were the following goals identified by the 400th Anniversary Committee:

- Improve existing infrastructure to support expanded mixed-use development
- Increase the economic vitality and business climate of the downtown/harbor district
- Increase the attractiveness of major public spaces, i.e. existing parks, burial grounds, harbor edges, and the downtown area
- Enhance amenities, streetscapes, and signage between sites and attractions

Mr. Beder discussed the differences between the current MassWorks application and the proposal he submitted to the program in 2011. Essentially, he said, he and staff have reduced the proposed project phases (from five to four) and the overall funding request (from \$14,666,000 to \$9,815,000). Mr. Beder displayed a map and chart that illustrated the four proposed project phases and accompanying timelines outlined within the grant application:

- Phase 1 – Water Street, Leyden Street, and School Street
Pavement mill & overlay; ADA complaint sidewalks; street lighting conduit; streetscaping
- Phase 2 – Water Street
Pavement mill & overlay; ADA complaint sidewalks; street lighting conduit; streetscaping
- Phase 3 – Water Street, Leyden Street, and School Street
Sidewalk upgrade, ADA complaint sidewalks; street lighting
- Phase 4 – Jenney Park, 1749 Courthouse, and State Pier
Wayfinding (study, design, and implementation); ADA complaint ramps; restrooms

At the close of his presentation, Mr. Beder talked about a number of Town-sponsored improvement projects that will be undertaken at the following locations, in anticipation of the 400th Anniversary and in conjunction with the proposed infrastructure initiatives.

- Town Wharf
- Samoset Street
- Parking Garage
- Burial Hill
- Stephens Field
- Town Brook daffodil plantings
- Interpretive displays at points of interest

Mr. Beder responded to some brief questions and comments from the Board, prior to asking for the Board's endorsement of the grant application.

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to support the Plymouth Department of Public Works' application to the MassWorks Infrastructure Grant Program, as presented by the DPW Director. Voted 5-0-0, approved.

On a request from Selectman Brewster, Mr. Beder briefly spoke about the Town's aging water and sewer infrastructure in the downtown area. There are approximately 3 miles of

century-old jacketed water mains in the downtown area, he said, that are (essentially) tin stovepipes wrapped in cement. These lines must be replaced before the Town can do any major infrastructural overhauls. In addition, Mr. Beder noted, there is a 1,200-foot section of sewer main on Water Street (across from Isaac's Restaurant) that must be repaired or re-routed.

OLD BUSINESS / LETTERS / NEW BUSINESS

Speeding on Alden Street – Selectman Tavares reported that he received a complaint regarding speeding on Alden Street, from Standish Avenue to Westerly Road. He asked if the Police Department could look into the matter, further.

Letter of Thanks to Advocates of Veterans' Clinic – Selectman Tavares recommended that the Board of Selectmen issue letters of thanks to Alba Thompson and Antonio Gomes for their tireless efforts to advocate for the establishment of a Veterans' clinic in Plymouth. The Board, he said, should take a moment to congratulate them on the success of their hard work, following the recent grand opening of the clinic. There were no objections to Selectman Tavares' recommendation, and, thus, Ms. Arrighi acknowledged that staff would prepare the letters.

Letter of Congratulations for VFW Post 1822 – Selectman Tavares recommended that the Board of Selectmen send a letter of congratulations to Plymouth's VFW Post 1822 for earning the prestigious National Community Service Award for the second time in a span of three years. Seeing no objections to Selectman Tavares' request, Chairman Muratore asked that staff prepare a letter.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to adjourn its meeting at approximately 8:05 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the August 28, 2012 meeting packet is on file and available for public review in the Board of Selectmen's office.