

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, DECEMBER 18, 2012

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, December 18, 2012 at 7:00 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 7:00 p.m. and led the Pledge of Allegiance.

[Note: An executive session that was originally scheduled to take place at 6:30 p.m. was subsequently cancelled. Hence, the Selectmen's meeting of December 18, 2012 began in open session at 7:00 p.m.]

Prior to proceeding with the evening's list of agenda items, Chairman Muratore held a moment of silence to acknowledge the recent passing of James Ward, a student at Plymouth North High School, and to recognize those children who lost their lives in the tragic shooting that took place in Newtown, Connecticut.

Town Manager Melissa Arrighi noted that, in light of the events that took place at the elementary school in Newtown, Connecticut, Plymouth's Police and Fire chiefs held an emergency meeting with key School personnel to review and discuss the Town's preventative measures and safety procedures that have been instituted to protect Plymouth's students. As such, she reported, the Town will hold a public forum on school safety procedures at 7:00 p.m. on January 17, 2013 in the auditorium of Plymouth North High School. Ms. Arrighi indicated that she and the Town's Department Heads will also investigate the establishment and/or enhancement of safety and security procedures in the Town's other public buildings (e.g. the Public Library, the Town Hall, etc.).

TOWN MANAGER'S REPORT

Energy Initiative – Town Manager Arrighi was pleased to report that Plymouth's Energy Officer, Patrick Farah, has conducted quite a bit of research into various alternative energy

providers to find the most competitive pricing on energy supplies for the Town. She announced that, based on Mr. Farah's research, she has signed an agreement with Energy New England at 6.78 cents for eight months, beginning in March of 2013.

Mr. Farah, who was in attendance at the meeting, explained that the current competitive energy rate of 6.45 cents is expected to rise to 7.06 cents in January of 2013. There are a number of industry reports which indicate that the rate could climb to as high as 8 or 9 cents in 2013, he explained, which is why he and the Town Manager felt that it would be prudent to lock-in at the 6.78-cent rate prior to the anticipated increase.

NECBL Agreement – Ms. Arrighi announced that a license agreement between the Town of Plymouth and the New England Collegiate Baseball League (“NECBL”) has been fully negotiated and will be signed within the coming weeks. The Baseball Corporation will be doing business as the Plymouth Pilgrims, she reported, with an address of 134 Court Street, Suite 3-A. The Town will make available a minimum of 30 field days for home games for the league on the senior lighted Babe Ruth Field at Forges Field between June 1 and August 10, 2013. In return, Ms. Arrighi explained, NECBL will make improvements to the dugout areas, install a permanent game scoreboard, and install temporary bleachers, as well as other enhancements.

Selectman Tavares inquired about the means by which the agreement with NECBL was proposed, negotiated, and subsequently executed.

Ms. Arrighi explained that NECBL approached Denis Hanks (Director of the Plymouth Area Chamber of Commerce) with the idea, and, based on the initial feedback provided by the Selectmen, a meeting was arranged between Town and NECBL officials to discuss a potential agreement. The Town Manager, Ms. Arrighi explained, is authorized to negotiate and execute such agreements on behalf of the Town.

Budget Hearings – Ms. Arrighi informed the Board that she and the Town's Finance Director continue to hold budget hearings with Department and Division Heads to develop the FY2014 budget. The development process, she said, should conclude by December 22, 2012, and will be followed by the appeal process during the first week of January.

AFSCME Decision – Selectman Brewster read a portion of the Town Manager's Report regarding a recent arbitration matter pertaining to collective bargaining between the Town and AFSCME Council 93. The American Arbitration Association, Selectman Brewster noted, found that the Town did not violate any provision in the collective bargaining agreement regarding the issuance of 1099 forms, as originally alleged by the union.

Selectman Brewster asked the Town Manager to discuss the amount of time that she spends on the union grievance and arbitration process. Ms. Arrighi explained that it would be difficult to provide the Board with an impromptu estimate on the amount of time that she and the Town's Department Heads spend on union grievance matters—in addition to the money spent on legal assistance from Labor Counsel—given the varying complexity of each matter. In response to a request from Selectman Brewster, Ms. Arrighi indicated

that she could provide the Board with a more detailed assessment on the hours and taxpayer dollars spent on collective bargaining matters, if they wished her to do so.

COMMITTEE LIAISON / DESIGNEE UPDATES

Airport Gate Naming Ceremony – Selectman Brewster noted that she, Chairman Muratore, and Selectman Tavares attended a recent ceremonial event at the Plymouth Municipal Airport to honor four Plymouth citizens who were instrumental in the establishment and success of the airport.

Selectman Tavares explained that the Airport officially named its gates after four individuals—Chester Motyka, Walter Morrison, the late John Petrell, and the late Elio Barufaldi—who represent years of dedication and service to the Airport, some going back as far as 50 years. Many residents, he said, do not fully understand the economic benefit that the Airport provides for the Town of Plymouth, at no cost to the taxpayer. It was an honor, he said, to part of the celebration that recognized these four deserving individuals.

Winter Farmers Markets – Chairman Muratore, Selectman Brewster, and Selectman Tavares reminded citizens about the indoor farmers’ markets that are held throughout the winter season in Plymouth: Plymouth Harbor Market Days, held every Friday afternoon at Cordage Park, and Plymouth Farmers’ Market, held on the second Thursday of each month at Plimoth Plantation.

OLD BUSINESS / LETTERS / NEW BUSINESS

Request from Redevelopment Authority / Snow Removal at 1820 Courthouse – Selectman Tavares referenced a request from the Plymouth Redevelopment Authority (“PRA”) for exemption from the Town’s bylaw requiring the clearing of snow from sidewalks in the downtown area (as the PRA is responsible for the 1820 Courthouse). Selectman Tavares expressed his belief that such an exemption would set a poor precedent on an important, safety-related requirement that already lacks adequate enforcement. Selectman Harnais agreed, noting that the sidewalks surrounding the 1820 Courthouse are frequently used by pedestrians visiting the downtown area.

Delay of Implementation of Medical Marijuana Legislation – Selectman Harnais brought the Board’s attention to the recent initiative of the Massachusetts Municipal Association (“MMA”) to call for a delay in the implementation of the medical marijuana legislation passed by Massachusetts voters during the November elections. The six-month delay requested by the MMA, he said, would allow cities and towns the opportunity to prepare for the potential situation of dispensaries within their borders.

Selectman Harnais made a motion that the Selectmen issue a letter to Governor Patrick in support of the MMA’s proposal for a six-month delay in the implementation of the

legislation authorizing the sale of medical marijuana. Vice Chairman Mahoney seconded the motion.

In response to an inquiry from Vice Chairman Mahoney, Ms. Arrighi noted that the Town typically supports the initiatives brought forth by the MMA (as the purpose of the MMA is to advocate for the best interests of cities and towns). This particular request, she said, appears to be reasonable.

Selectman Tavares sought to make it clear that the Board's call for a delay in the implementation of the law should not be construed as opposition to it. He stated that he would support the request for a delay in the context of allowing the Commonwealth to have ample time to develop and establish a clear set of rules and regulations around the sale of medical marijuana.

At the close of discussion on the motion offered by Selectman Harnais, the Board voted unanimously (5-0-0) in favor.

Recognition of Donations of Substantial Gifts of Land and Money – Selectman Tavares inquired about the Town's process of recognizing substantial gifts of land and money. The Town, Selectman Tavares said, must do a better job of honoring the donors, perhaps through some sort of "honor roll" on display at Town Hall

LICENSES

VEHICLE FOR HIRE (RENEWAL)

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to approve the renewal of Vehicle for Hire licenses for the following applicant, as detailed, below. Voted 5-0-0, approved.

- **Habilitation Assistance Corporation** (434 Court Street) requested approval of 24 Vehicle for Hire Licenses – 3 Taxi, 24 Livery. All vehicles have been inspected by the Inspectional Services Department.

ADMINISTRATIVE NOTES

Meeting Minutes – The Board approved the minutes of the September 18, 2012 and September 25, 2012 Selectmen's meetings.

Special Town Meeting Warrant – The Board voted to open the Saturday, April 6, 2013 Special Town Meeting Warrant on Tuesday, January 1, 2013 and close it on Friday, February 1, 2013 at 4:00 p.m.

Correction to Aquaculture License – The Board amended the *Aquaculture License* between the Town of Plymouth (as licensor) and James O’Shea of 28 Warren Avenue, Plymouth, Massachusetts (as licensee) to reflect a correction to the plotted coordinates associated with the license. The license has been corrected to include the following accurate coordinates:

- | | |
|------------------------------|------------------------------|
| 1. N41° 59.324, W070° 40.515 | 3. N41° 59.205, W070° 40.524 |
| 2. N41° 59.287, W070° 40.470 | 4. N41° 59.246, W070° 40.567 |

[Note: The Board approved this license agreement during its December 11, 2012 meeting with the coordinates originally provided by the applicant. Staff was informed that the Division of Marine Fisheries had since adjusted the applicant’s coordinates to provide a buffer along abutting eel grass areas within the harbor.]

Donation of Land Near Bloody Pond – The Board accepted, with gratitude, a donation of 36+/- acres of land located between the northeast portion of Bloody Pond and Highway Route 3 from Dorothy H. Davis and Seth Harvey, as presented by the Department of Planning & Development.

Patrick Farah, Planning Technician and Energy Officer, explained that Ethan Warren approached the Town approximately one year ago on behalf of the Davis and Harvey families to discuss the possibility of making this gift of land. Planning staff, he explained, worked on the land surveys and plans associated with the proposal, while Mr. Warren facilitated much of the legal work. Mr. Farah reported that, within a year’s time, the property was subdivided into three lots and prepared for donation, with two small lots retained by the family and the remainder (36+/- acres) set aside for the Town.

Mr. Farah recognized and thanked Dorothy Davis, Mr. Warren, and several members of the Harvey family who were in attendance at the meeting.

Mr. Warren, son of Dorothy Davis and nephew of the late Seth Harvey (the donors), was pleased to report that his family’s donated parcel will connect (and thereby establish) a contiguous block of approximately 200+ acres of conservation land around Bloody Pond and Grassy Pond. He thanked Mr. Farah and the numerous members of Town staff who invested their time into making the land donation a reality.

On behalf of the Board, Chairman Muratore thanked the Davis and Harvey families for their generous donation.

PUBLIC COMMENT

Barry Meltzer, chairman of the No Place for Hate Committee, invited the Board and the citizens of Plymouth to attend the annual Martin Luther King, Jr. Day breakfast, which will be held on January 21, 2013 at Plymouth South High School. This year’s event, he informed the Board, will feature Plymouth-Carver Schools’ alumnus and renowned speaker Cary Barnes, who will perform Dr. King’s famous “I Have a Dream” speech of

1963. Mr. Meltzer indicated that the \$8 admission fee for the event is applied to the cost of the breakfast and student scholarships.

Ana Baker expressed concern about the construction work that is underway at the Pilgrim Nuclear Power Station. Entergy (owner of the facility) appears to be preparing for the construction of an on-site, spent nuclear waste storage facility, she alleged, yet they have not filed for the appropriate permits to do so. Ms. Baker urged the Board to ensure that Entergy is filing all proper permits on this project, so that the public will be given its rightful opportunity to ask questions, issue its concerns, and provide input on the storage of nuclear waste in Plymouth.

Ms. Arrighi acknowledged that Entergy has filed for—and has been granted—a permit to construct a retaining wall at the Pilgrim facility. The Town, she said, will continue to monitor the situation and ensure that Entergy is following all necessary planning and zoning procedures. Ms. Arrighi encouraged residents to contact her or the Town's Director of Inspectional Services with any questions about the permits filed for Pilgrim Nuclear Power Station.

PUBLIC HEARING: CHANGE FROM SEASONAL TO ANNUAL LICENSE
CAMP BOURNEDEALE, INC., 110 VALLEY ROAD

Chairman Muratore opened a public hearing to consider the application from Camp Bournedale, Inc., 100 Valley Road, Darin Fabrizio as Manager, to convert its Seasonal All Alcohol General On-Premise Liquor License to an Annual All Alcohol General On-Premise Liquor License. Chairman Muratore read a description of the premises and affirmed that notice of the hearing was given to the public in accordance with Chapter 138 of the Massachusetts General Laws.

Darren Fabrizio, function manager for Camp Bournedale, explained that the Camp has held a Seasonal Liquor License that allows the sale of alcoholic beverages in its function hall from April through January. The Camp has held this license for several years without incident, he said, as he and his staff take the service of alcohol very seriously. Mr. Fabrizio stated that the Camp simply wishes to extend the term of its license from seasonal to annual (full year), to accommodate the demand for additional functions during the winter months.

Seeing no comments or questions from the Board, Chairman Muratore opened the hearing to public comment. No citizens came forth to speak, and, thus, Chairman Muratore closed the hearing to await a motion of the Board.

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to grant a Change of License to Camp Bournedale, Inc., 110 Valley Road, to convert its Seasonal All Alcohol General On-Premise Liquor License to an Annual All Alcohol General On-Premise Liquor License. Voted 5-0-0, approved.

**PUBLIC HEARING: ALL ALCOHOL RESTAURANT LIQUOR LICENSE
SALTYBONZ MANAGEMENT CO., LLC D/B/A SALTY BONZ TAVERN, 213 STANDISH AVE.**

Chairman Muratore opened a public hearing to consider the application for a new Annual All Alcohol Restaurant Liquor License from Saltybonz Management Co., LLC d/b/a Salty Bonz Tavern, 213 Standish Avenue, Timothy White as Manager. Chairman Muratore read a description of the premises and affirmed that notice of the hearing was given to the public in accordance with Chapter 138 of the Massachusetts General Laws.

Timothy White spoke to the Board on behalf of Saltybonz Management Co., LLC. Mr. White explained that he and his business partner, Paul Poirier, intend to transform the vacant restaurant establishment at 213 Standish Avenue into an authentic tavern with an emphasis on creative cuisine. Mr. White noted that the interior of the building has been completely cleaned and renovated to compliment the high quality of food they will serve.

Chairman Muratore inquired about the availability of parking for the establishment. Mr. White indicated that the restaurant is located not far from the North Plymouth municipal parking lot, which, he said, is accessible through the public park behind the restaurant.

Seeing no further questions or comments from the Board, Chairman Muratore opened the hearing to public comment. One citizen asked for more clarification on the history and whereabouts of the 213 Standish Avenue location that was not relevant to the license hearing. Chairman Muratore then closed the hearing to await a motion of the Board.

On a motion by Selectman Tavares, seconded by Selectman Brewster, the Board voted to grant an Annual All Alcohol Restaurant Liquor License to Saltybonz Management Co., LLC d/b/a Salty Bonz Tavern, 213 Standish Avenue, as requested in the license application. Voted 5-0-0, approved.

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to grant the following licenses to Saltybonz Management Co., LLC d/b/a Salty Bonz Tavern, 213 Standish Avenue, in conjunction with its approval of an Annual All Alcohol Restaurant Liquor License for the establishment. Voted 5-0-0, approved.

- Comprehensive Entertainment – Radio, TV, dancing, live entertainment
- Common Victualler
- Early Sunday Sales – 10:00 a.m.
- Extension of Hours – 1:00 a.m.

PUBLIC HEARING: PROPERTY TAX CLASSIFICATION

Finance Director Lynne Barrett introduced a public hearing on allocating the local property tax levy among the property classes for Fiscal Year 2013. Ms. Barrett noted the complications that the Assessor's Office faced, last year, which forced the Town to issue

an estimated 2012 3rd quarter tax bill, rather than an actual 3rd quarter bill. Staff, she said, has worked diligently to prevent this delay from occurring again, this year.

Ms. Barrett reminded taxpayers that the Town now issues only two tax mailings per year, with two quarterly payment coupons included in each mailing. Payments are still due on a quarterly basis, she noted. Because the Town Manager and Department Heads are currently in the midst of working on the FY2014 budget, Ms. Barrett informed the Board, she and her staff must make a number of assumptions in evaluating the tax rate.

Prior to commencing the presentation for the property tax classification hearing, Anne Dunn, Director of Assessing, introduced four members of the Board of Assessors—Jim Sullivan, Dick Finnegan, Donna Randles, and George Moody—who were in attendance at the meeting.

Ms. Dunn explained that the purpose of the annual classification hearing is to adopt the Town's tax policy by allocating or classifying the tax levy among property types. In order for the Town to discuss and set the FY2013 tax rate, she said, the Board of Selectmen must first decide whether the Town will continue to maintain a single/unified tax rate or change to a multiple/split tax rate. A split tax rate, she explained, would set different rates between the property classes—essentially between residential and commercial properties—while the Town's current unified tax rate implements the same rate for all of the property classes.

Ms. Dunn covered the following topics within her presentation:

- An overview of key changes to the Town's tax rate and valuations between FY2012 and FY2013
- A comparison of tax rates and average assessed values between Plymouth and nine other nearby, similar communities
- Photographic examples of varying property valuations and the associated change in value for each example from FY2012 to FY2013
- Data on property valuation based on the different property classes in Plymouth, covering fiscal years 2009 through 2013
- The percentages by which each class makes up the Town's total property valuations
- Residential and commercial data spanning back to FY2009, including average tax bills, average valuations, and the number of property parcels
- Graphs and charts illustrating the trends in average tax bills and a comparison of Plymouth's residential home values and commercial property values
- Classification considerations, including the Entergy agreement; the diversity of the tax base; the ability of the commercial base to absorb a shift to a split tax rate; and the long-term perspective on whether to maintain a split rate or fluctuate between single and split rates

Ms. Dunn discussed the changes in overall tax valuations from FY2012 to FY2013 and displayed visual examples of homes that fall at various intervals of assessed value (including the “average” single family home). She displayed a table illustrating the impact of shifting the tax burden from the average residential tax bill to the average commercial tax bill, noting that, in order to maintain the same average single family tax bill (i.e. no increase from 2012 to 2013), the Town would need to shift 5% of the tax burden to the commercial sector. As an example, Ms. Dunn explained that the Town would have to increase the average commercial bill by \$674.39, in order to prevent a \$60.06 increase to the average single family home tax bill.

At the close of the presentation, Ms. Dunn offered the Finance Department’s recommendation that the Board maintain a single/unified tax rate, based on the following factors:

- It is unlikely that the Town’s commercial tax base could—in the midst of the current economic downturn—absorb a tax shift/increase of such magnitude required to provide any substantial relief to residential taxpayers.
- A shift to a split tax rate could trigger a clause contingency within the Entergy Payment-In-Lieu-of-Taxes (“PILOT”) agreement, potentially allowing Entergy to seek release from the agreement

In response to an inquiry from Chairman Muratore, Ms. Barrett reported that, though she and staff were extremely conservative with their initial predictions for the growth of home values for FY2013, Plymouth’s total residential value ultimately decreased by nearly \$230 million.

Chairman Muratore opened the presentation to questions and comments from the Board.

Vice Chairman Mahoney made a motion to approve the unified tax rate, as recommended by the Finance Department. Selectman Harnais seconded the motion.

Selectman Brewster acknowledged that the Town has remained within the 2½ percent levy increase limit but noted her concern that the tax rate continues to increase, despite a decrease in property values. The Town, she said, must do more to minimize budgetary spending while encouraging commercial growth, if it truly intends to provide some relief to residential taxpayers. Selectman Brewster emphasized the importance of striking the right balance between providing taxpayers with the services that they need without spending more of their money than absolutely necessary.

Selectman Tavares described the difficulty of developing a municipal budget that satisfies the needs of the taxpayer when the Town is faced with a number of unfunded mandates imposed by State and Federal governments. Despite this difficulty and the challenge of a current economic downturn, he said, Plymouth retains a solid reputation for managing itself and maintaining fiscal stability. While the Board must continue to take second and third looks at each year’s budget to find any and all possible savings, Selectman Tavares

explained, there are times when the final figures are simply indisputable, and there is nothing anyone can do to change the facts.

Vice Chairman Mahoney reiterated his long-standing concern about the way the Town will cope with the inevitable loss of revenue from the Pilgrim Nuclear Power Station when the facility ceases to operate. Plymouth has done much to establish a considerable tax base—e.g. the Plymouth Industrial Park, Camelot Industrial Park, Shops at 5, Colony Place, Home Depot Plaza, etc.—but, all combined, these sizeable commercial areas will never come close to replacing or offsetting the loss of revenue from the aging nuclear facility.

Selectman Harnais agreed with Vice Chairman Mahoney that the Town, along with the Chamber of Commerce and Plymouth Regional Economic Development Foundation, has made great strides to make Plymouth more business friendly. He expressed support for a unified tax rate, as, in his opinion, a split tax rate would shift a disproportionate burden to Plymouth's businesses while only providing a negligible amount of relief to residential taxpayers.

Ms. Arrighi explained that she has endeavored to honor the direction given to her by the Board to (a) establish a long-term plan for the loss of revenue from Pilgrim Nuclear Power Station and (b) encourage economic development and business-friendly practices.

Chairman Muratore echoed Vice Chairman Mahoney's comments that the Town will never be able to add enough businesses to its tax rolls to offset the loss in revenue from Pilgrim, but he offered his optimism that the Town will continue to seek creative ways to provide municipal services in more fiscally efficient ways.

At the close of discussion, the Board voted unanimously (5-0-0) in favor of the motion to approve the unified tax rate for FY2013, as recommended by the Finance Department.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to adjourn its meeting at approximately 8:30 p.m. Voted 5-0-0, approved.

Chairman Muratore noted that the Board would not meet again until January 8, 2013, at which time the FY2014 budget presentation will take place.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the December 18, 2012 meeting packet is on file and available for public review in the Board of Selectmen's office.