

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, JUNE 11, 2013

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, June 11, 2013 at 6:00 p.m. at Town Hall in the Mayflower Room.

Present: Mathew J. Muratore, Chairman
Belinda A. Brewster, Vice Chairman
John T. Mahoney Jr.
Kenneth A. Tavares
Anthony Provenzano Jr.

Melissa Arrighi, Town Manager
Michael Galla, Assistant Town Manager

CALL TO ORDER

Chairman Muratore called the meeting to order at 6:00 p.m. in the Brewster Gardens Room (third floor) at Town Hall.

The Selectmen voted to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to litigation, and Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on these matters may have a detrimental effect on the negotiating position of the body. By roll call: Tavares – yes, Mahoney – yes, Brewster – yes, Provenzano – 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 the Mayflower Room at 7:00 p.m. and led the Pledge of Allegiance.

Prior to commencing the evening's agenda, Chairman Muratore welcomed Plymouth's new Assistant Town Manager, Michael Galla.

Town Manager Melissa Arrighi noted the newly-installed video equipment in the Mayflower Room. She thanked Nancy Richard and the staff of PACTV for facilitating the much-needed upgrade to the Town's broadcast equipment.

TOWN MANAGER'S REPORT

Before providing the Board with her Town Manager's Report, Ms. Arrighi introduced Casey Shetterly from The Nature Conservancy and asked her to speak about the organization's recent decision to vacate its office location at 204 Long Pond Road.

Ms. Shetterly indicated that The Nature Conservancy ("TNC"), a national conservation agency, will no longer lease Town-owned property at 204 Long Pond Road. The organization, Ms. Shetterly said, will continue to work with communities like Plymouth on a range of conservation projects, but she will represent TNC's southeastern region from a home office. Ms. Shetterly noted that TNC will officially vacate the Long Pond Road location on August 31, 2013.

Parking Garage / Visitor's Center – Ms. Arrighi reported that, on May 15, 2013, a group of architects, Town officials, and representatives from the Plymouth Growth & Development Corporation ("PGDC") met to discuss plans for the proposed Parking Garage and Visitor's Center on Water Street. The group, she said, discussed the goals, challenges, limitations, timetables, and public outreach components associated with the project. Ms. Arrighi noted that the Town's Planning Director, Lee Hartmann, is researching the deed on the Water Street / Memorial Drive property and the purpose for which the Town holds that land. Ms. Arrighi indicated that she is researching the special legislative acts adopted by the Town and how they relate to the development of the garage and the potential for a long-term lease with the developer. The goal, she explained, is to have renderings, costs, and funding sources sorted out in time for the 2013 Spring Town Meeting.

Update on 1820 Courthouse – Ms. Arrighi informed the Board that the 1820 Courthouse Advisory Team continues to meet regularly and is currently planning a Public Service Announcement to be broadcast on PACTV. The firms that submitted proposals for the 1820 Courthouse Feasibility Study, she announced, were:

- CBT / Childs Bertman Tseckares, Inc., of Boston, Massachusetts
- Durkee, Brown, Viveiros & Werenfels Architects of Providence, Rhode Island
- HKT Architects, Inc., of Somerville, Massachusetts
- Johnson Roberts Associates, Inc., of Somerville, Massachusetts
- TBA Architects, Inc., of Concord, Massachusetts

Once the Designer Selection Board ("DSB") has completed its review of the bids and offered its recommendation, Ms. Arrighi indicated that she and the 1820 Courthouse Advisory Team will act quickly to initiate work with the selected firm and produce a preliminary report for the Selectmen in August.

Greater Plymouth Performing Arts Center – Ms. Arrighi reported that she and a number of Town officials recently held a meeting with Bob Hollis, president of the Greater Plymouth Performing Arts Center ("GPPAC") and Bill Keohan, chairman of the Community Preservation Committee, to discuss how the Town might be help facilitate the opening of the performing arts center at its new location at 25½ Court Street. The Town's

Inspectional Services Department and Fire Department, she said, are committed to assisting GPPAC in bringing this Community Preservation Act-acquired property to proper safety code compliance, so that performances may begin within the facility as soon as possible.

Memorial Day Parade – Ms. Arrighi thanked Plymouth’s Veterans Agent, Roxanne Whitbeck, for the work that she and her staff and volunteers undertook to make the annual Memorial Day Parade on Monday, May 27th a wonderful success. The dedication of fallen heroes’ uniforms that was initially scheduled to take place at Memorial Hall following the parade has been rescheduled to July 3rd, she explained, as the uniforms were not quite ready for display.

Vice Chairman Brewster inquired if the Town could do anything to improve the sound amplification system used during the Memorial Day ceremonies on the Training Green, as she observed that many of those gathered for the event could not hear the featured speakers. Ms. Arrighi responded that she would work with the Town’s Veterans Agent to make improvements for the 2014 parade.

COMMITTEE LIAISON / DESIGNEE UPDATES

Insurance Advisory Committee – Selectman Tavares reported that he attended a meeting of the Insurance Advisory Committee on June 7, 2013, at which representatives from Blue Cross Blue Shield and Delta Dental were on-hand to answer questions from the committee related to insurance coverage. One of the topics that the IAC is pursuing is the process associated with the denial of coverage, he explained, and how an insurance subscriber might determine if the medical professional who denied the coverage is actually qualified to do so.

Plymouth County Advisory Board – Chairman Muratore informed the Board that he attended the May 23rd meeting of the Plymouth County Advisory Board (“PCAB”), during which an increase to the stipend given to County Commissioners was approved. As Plymouth’s delegate on the PCAB, he voted against the raise, but a majority of the member towns passed the budgetary measure. Chairman Muratore stated that he asked the County Treasurer and one member of the County Commissioners to consider providing the Selectmen with a presentation on some of the County’s regionalization initiatives that may be helpful to Plymouth.

Plymouth Cultural Council – Chairman Muratore noted that he had the pleasure of attending the June 6th reception that was hosted by the Plymouth Cultural Council for the 2013 roster of cultural grant recipients.

Nuclear Regulatory Commission – Chairman Muratore informed the Board that he had a follow-up phone conversation with representatives from the Nuclear Regulatory Commission (“NRC”) to discuss the April 2, 2013 Selectmen’s meeting, at which members of the Board and citizens were given the opportunity to pose questions to NRC spokesmen. During the follow-up phone conversation, he noted, NRC representatives

described the April 2nd meeting as a “public flogging” of their spokesmen by the Selectmen. Chairman Muratore noted his surprise at the NRC’s reaction to the meeting, offering his observation that the overall tone of the meeting was respectful, considering the strong emotions and frustration that many citizens feel towards the Pilgrim Nuclear Power Station and the NRC’s relationship to the nuclear industry. NRC representatives are now saying that they will no longer appear for such open forums, he reported, with the exception of the annually-required NRC-facilitated meeting. Chairman Muratore stated his belief that Plymouth must involve its federal congressional delegation in the conversation about safety for nuclear host communities.

The Board discussed Chairman Muratore’s phone conversation with NRC officials and the way by which the NRC appeared to be basing its perception of the meeting on reports from local new media outlets.

Alcoholic Beverage Control Commission / Municipal Licensing Meeting – Chairman Muratore noted that he provided the welcome address at a recent event for municipal licensing contacts from communities across the state. The event, he explained, was held at the Plimoth Plantation and featured presentations from representatives of the Alcoholic Beverage Control Commission on various aspects of municipal liquor licensing. Chairman Muratore remarked that it was interesting to hear how some communities have the ability to give out unlimited licenses, while other communities are limited in the number they can issue.

PUBLIC COMMENT

Jerry Benezra spoke to the Board regarding the Chapter 61 “right-of-first-refusal” process and the opportunity that he feels the Town recently missed with the Keese property on Little Herring Pond Road. Mr. Benezra, citing his experience as an attorney, expressed his opinion that the Town was not given proper legal notice by the property owner, therefore nullifying the process and right-of-first-refusal timeline associated with the sale of properties falling under the Chapter 61 designation. As such, he urged the Board to reconsider its previous decision to decline its right of first refusal on the property. Mr. Benezra stated that the Herring Pond Watershed Association and Community Preservation Committee have a strong interest in the property and its relationship to the watershed.

Jerry Sirrico addressed the Board on behalf of Precinct 3’s Town Meeting Representatives regarding the pavement markings on South Street. The center-line markings that run from Mount Pleasant Street to Performance Auto Center (near Stafford Street) are so faded and worn down, he said, that motorists are drifting into the opposite lane on a dangerous curve.

Betty Shippee thanked the Board for its efforts to preserve affordable housing in Plymouth, particularly the Pontus Meadow / Mayflower Village housing complex. Ms. Shippee reminded the Board that the residents of Pontus Meadow / Mayflower Village have struggled with the decision by the owners of the housing complex (The Simon Companies) to remove the affordable housing restrictions on the units and raise the rents to market rate. Partly because of the Board’s support, she said, the Department of Housing & Urban

Development has placed a restriction on the rent increases, but this restriction is only temporary, and rents will transition to market rate in April of 2014. Ms. Shippee indicated that the tenants of Pontus Meadow / Mayflower Village have presented The Simon Companies with a petition, encouraging the company to opt for project-based affordable housing vouchers that will remain with the rental units beyond April 2014.

JULY 4 PLYMOUTH, INC. – UPDATE ON PARADE & FIREWORKS EVENTS

Ken Tavares introduced an update on July 4 Plymouth, Incorporated's efforts to produce the 2013 July 4th parade and fireworks events.

Ed Perry from WATD discussed the advertising promotions that his radio station is providing to help raise funds for the July 4th celebrations. Mr. Perry presented July 4 Plymouth, Inc. with a check for \$1,000.00, of which he said \$500 was from Rockland Trust and \$500 was from Sullivan Brothers Auto in Kingston. It is his hope, he said, that WATD can raise \$10,000 for next year's celebrations.

Plymouth Police Captain John Rogers talked about the challenges that the Town faces when welcoming the tens of thousands of visitors who flock to Plymouth's July 4th celebrations each year. In an effort to address safety concerns with pedestrian and vehicular traffic, he reported, the Police Department has made some changes to parking restrictions and the way by which traffic will be routed out of the downtown area (following the fireworks display). Captain Rogers indicated that, this year, the Police Department will impose additional restrictions on downtown parking and in North Plymouth along Samoset and Court streets, during the parade and fireworks events. Water Street closures will remain as they traditionally have, he noted.

Jim Veneto and Anne Marie Winchester provided the Board with information on the Independence Day 5k road race event that they will produce, in conjunction with the July 4th celebration events. Mr. Veneto explained that the race will depart from North Plymouth at 8:15 a.m. (prior to the parade) and proceed along a good portion of the actual parade route, until the finish line at Plymouth Rock.

Mr. Tavares noted that proceeds from the Independence Day 5k will be applied towards the expense of providing police details during the parade and fireworks events.

Zelda MacGregor reminded the Board and the public about the July 4th fundraiser that will be held on the evening of Monday, June 24, 2013 at the New World Tavern (56 Main Street). She encouraged the public to attend the event and provided a web site address where citizens could seek further information about the event and purchase tickets: www.july4plymouth.com.

Jeffrey Metcalfe updated the Board about the parade route, noting that the parade will be assembled in a different location this year, at the parking lot on the border of Plymouth and Kingston where the Stop & Shop grocery store was formerly situated. Mr. Metcalfe issued

a request for volunteers to assist with the various facets of the parade and provided his phone number for those interested in offering their service: (508) 746-9244.

Mark Wells, treasurer for July 4 Plymouth, Inc., indicated that the organization's fundraising goal for 2013 is \$105,000. July 4 Plymouth is currently \$27,000 short of this goal, he said, and if the full \$105,000 cannot be raised by Monday, June 17th, the fireworks display must be cancelled. Mr. Wells commented that, of the 91 donations the organization has received, 71 were from individuals and 20 were from corporate sponsors. Only five restaurants have pledged to donate, thus far—with The Cabby Shack and East Bay Grille being the leading donors at \$3,000 and \$2,000, respectively—despite the amount of business that the July 4th celebration brings to Plymouth's dining and retail establishments. Mr. Wells encouraged Plymouth's residents and businesses to contribute to the cause, via check (P.O. Box 1776, Plymouth, MA 02362) or online (www.july4plymouth.com).

Mr. Tavares acknowledged that there are many non-profit causes competing for donors' attention, but he noted that the July 4th events cannot be produced without financial support from residents and businesses. He reminded the Board and the public that the parade was cancelled some years back because a major donor could not follow through on its initial pledge. As America's Hometown, Mr. Tavares commented, it would be such a disappointment if Plymouth could not provide its annual parade and fireworks display.

PUBLIC HEARING: ALTERATION OF PREMISES (LIQUOR LICENSE)

THE OFFICE BISTRO, INC. 114 WATER STREET

Chairman Muratore opened a public hearing to consider the application for an Alteration of Premises from The Office Bistro, Inc. 114 Water Street, holder of an Annual All Alcohol Restaurant Liquor License. Prior to commencing the hearing, 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.

Loring Tripp, owner of The Office Bistro, stated his intention to expand seating at the restaurant onto an outdoor patio. Mr. Tripp explained that he would like to relocate the handicapped ramp from the front of his location (on Water Street) to the side entrance (on Chilton Street), in order to create new space for outdoor seating and expand his indoor seating (up to 87 seats).

Selectman Mahoney inquired if the newly proposed outdoor patio area would encroach on the Town's sidewalk. Mr. Tripp stated that the patio will fall within the footprint of the building, underneath the overhang.

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

On a motion by Vice Chairman Brewster, seconded by Selectman Tavares, the Board approved an Alteration of Premises as requested by The Office Bistro, Inc. 114 Water Street. Voted 5-0-0, approved.

PUBLIC HEARING: AQUACULTURE LICENSE (TABLED FROM MAY 21, 2013)

WILLIAM BENNETT, 11 WHITE STREET, DUXBURY (FOR AREA ON PRIVATELY OWNED TIDELANDS)

Chairman Muratore re-opened a hearing (from May 21, 2013) to consider the application from William Bennett, 11 White Street, Duxbury to conduct aquaculture operations on privately owned tidelands in Plymouth Harbor (off Saquish), as detailed by the coordinates listed, below. Prior to commencing the hearing, Chairman Muratore affirmed that notice of the hearing was given to the public in accordance with both Chapter 130 of the Massachusetts General Laws and the *Town of Plymouth Aquaculture Regulations*.

1. N42° 00.126, W070° 37.844
2. N42° 00.164, W070° 37.935
3. N42° 00.213, W070° 37.923
4. N42° 00.261, W070° 37.902
5. N42° 00.288, W070° 37.875
6. N42° 00.233, W070° 37.767

David Gould, Director of Plymouth’s Department of Marine & Environmental Affairs, provided clarification on some of the questions raised during the Selectmen’s May 21st hearing on this matter with respect to aquaculture licensing procedures. Mr. Gould refuted the claim made by a member of the audience during the May 21st meeting that there is a moratorium currently imposed on aquaculture license applications, noting that the research he conducted into the Selectmen’s meeting minutes revealed no indication of any such action of the Board.

There was also a question raised, Mr. Gould said, regarding the Town’s decision to allow Mr. Bennett (the applicant) to submit an application in advance of those residents on the Aquaculture License Waiting List. Mr. Gould pointed out that the waiting list is for those residents wishing to be granted the use of limited public tidelands, whereas Mr. Bennett has requested permission to conduct aquaculture operations on privately-owned tidelands.

With regard to the licensing process, Mr. Gould explained, the Board is currently being asked to offer its preliminary approval of the license application. Such preliminary approval allows the applicant to file with the Massachusetts Division of Marine Fisheries and the Army Corps of Engineers. Final approval is not given by the Selectmen, Mr. Gould noted, until the applicant has received approval from both of these entities.

William “Skip” Bennett addressed the Board on behalf of his license application to farm 10 acres of privately-owned tidelands on the northeast side of his property on Saquish. Mr. Bennett reiterated that the area he has requested in his license application is privately-owned; it cannot be farmed by anyone else. He pledged to work cooperatively with the Harbormaster and the Department of Marine & Environmental Affairs, noting that, if the Town is not happy with his operations, it can revoke his permit at any time. Mr. Bennett

stated that is not his intention to ‘block-off’ the tidal flats that many Saquish residents may have always assumed were public, but he noted that it is his property, and as the owner, he has exclusive rights to the shellfish grown on his acreage.

Mr. Bennett informed the Board that, as part of his application for an aquaculture license, he has filed paperwork relevant to the Wetlands Protection Act with the Conservation Commission. With the Selectmen’s preliminary approval, he said, he must also either notify and/or seek approval from the Massachusetts Division of Marine Fisheries, the Army Corps of Engineers, the U.S. Coast Guard, the Massachusetts Department of Environmental Protection, the Department of Coastal Zone Management, the Massachusetts Historical Commission, and local Native American tribes. Mr. Bennett stated that, if he is fortunate to get approval from all of these respective organizations, he must then come back to the Selectmen for final approval of his license.

Mr. Bennett discussed the ways by which he believes the Town will benefit from his proposed aquaculture operations. The farming of shellfish, he explained, is scientifically known to clean the water, as clams and oysters are highly-efficient processors of the excess nutrients associated with human activity in and around the harbor. Island Creek Oysters (Mr. Bennett’s aquaculture venture in nearby Duxbury) employs over 100 people and has brought interest and positive press for the community of Duxbury, he said. Mr. Bennett stated that he hopes to bring such benefits to the Town of Plymouth.

In response to a question from Selectman Provenzano, Mr. Bennett estimated that the process of obtaining approval from all of the necessary organizations will likely take three to six months.

Chairman Muratore opened the hearing to public comment from citizens who did not have the opportunity to speak during the May 21st session.

Bob Gosselin read a section of the deed for his property on Saquish and claimed that such language provides him with ownership of a portion of the property that Mr. Bennett purports to own. The owners of approximately 100 other lots on Saquish, he said, could claim the same rights to adjacent tidal flats as Mr. Bennett. In addition, he noted, the Assessor’s Maps for the Town of Plymouth were recently updated. Mr. Gosselin stated that, when he approached the Town with a proposal to do the same as Mr. Bennett (establish aquaculture operations off his property on Saquish), the Town advised him to file for a permit to farm public tidelands (for which Mr. Gosselin was eventually granted an aquaculture license). Mr. Gosselin offered his opinion that Mr. Bennett is requesting permission to establish operations on property that does not belong to him.

In response to Mr. Gosselin’s statements, Mr. Bennett asserted that he has spent two years working with title attorneys to research and verify ownership of the property.

Ms. Arrighi informed the Board that she advised Mr. Bennett to provide the Town with his title research (proving ownership of the property), prior to filing his application for an aquaculture license. Once received, she indicated, the research was forwarded to Town Counsel for review, and Counsel determined that Mr. Bennett has as good a claim to the

property as anyone else. Ms. Arrighi noted that, if another individual or group wishes to dispute Mr. Bennett's claim of ownership, it is the responsibility of the individual/group—not the Town—to disprove the claim.

Chairman Muratore asked Ms. Arrighi to speak to the changes made to the Town's Assessing Maps that Mr. Gosselin referenced. Ms. Arrighi stated her belief that the changes referenced by Mr. Gosselin are related to the recent integration of updated Geographic Information System ("GIS") data.

Leslie McAllister stated that the property she owns on the back side of Saquish, near Mr. Bennett and Mr. Gosselin, is deeded to the low water mark.

John Corcoran informed the Board that he, too, owns property near Mr. Bennett. Mr. Corcoran questioned the legality of Mr. Bennett's claim of ownership, describing Saquish as a "shifting piece of sand." The establishment of a 10-acre, private aquaculture operation on the tidal flats off Saquish, he said, will hamper the recreational boating, fishing, and swimming activities that many have historically enjoyed in this area. Mr. Corcoran advised the Board to refrain from granting Mr. Bennett an aquaculture license without first verifying his claim of ownership over the tidal flats.

Ms. Arrighi reiterated that Mr. Bennett has provided the Town with title research which indicates that he has the best claim to ownership of the property. If another claimant can demonstrate ownership—or disprove Mr. Bennett's claim of ownership—the Town can revoke the permit at any time, she stated.

Selectman Provenzano echoed Ms. Arrighi's comments, noting that the Town is not the arbiter of property ownership. Should someone dispute Mr. Bennett's ownership of the specified tidal flats, he said, the dispute must be settled in Land Court. Selectman Provenzano noted that the Town's granting of an aquaculture license should not be misconstrued as a conferral of ownership of the property.

Casey Shetterly noted that, as an employee of The Nature Conservancy, she has worked upon a number of aquaculture-related issues, during which she has encountered the complexity of Massachusetts' laws pertaining to coastal land ownership—which date back to the King's Grant. Oysters provide a major environmental benefit, Ms. Shetterly explained, so long as the appropriate measures are taken by responsible aquaculture farmers. The process of obtaining an aquaculture license is arduous, involving many regulatory organizations that will scrutinize licensees and ensure that regulations are being followed. Ms. Shetterly encouraged the Board to support the establishment of aquaculture operations, for the benefit the industry provides to the harbor and the local shellfish population.

Shore Gregory, Vice President of Island Creek Oysters, talked about the jobs and business that Mr. Bennett's aquaculture operation has generated for Duxbury and its surrounding communities.

Chris Sherman, Marketing Director for Island Creek Oysters, explained how oysters are marketed like wine, being that they are specific to the region from which they are produced. If the Town of Plymouth grants Mr. Bennett a license to farm aquaculture on his tidal flats off Saquish, he stated, the Plymouth oyster would be marketed alongside Island Creek's successful Duxbury oyster. Mr. Sherman noted that Duxbury has enjoyed a great deal of national limelight from the Island Creek product, but Duxbury is not nearly as well-poised as Plymouth to take advantage of such publicity.

An owner of property on Saquish (name unknown) explained that she has spent her summers boating and shellfishing along the tidal flats of Saquish her entire life. Based on the claims of ownership that Mr. Bennett is asserting—and that to which others could subsequently lay claim—she questioned whether an innocent walk along the bay could turn into a trespassing charge.

Joseph Messina, attorney for Island Creek Oysters, sought to explain the complexity of the history and laws associated with coastal land ownership. The lands along Plymouth Harbor are the oldest in the Commonwealth, he stated, with ownership claims dating back to the King's Grant. Attorney Messina indicated that Mr. Bennett sought the assistance of Edmund Englander, a title research expert who specializes in the analysis of lands that date back to the King's Grant and the interpretation of the dialect in which the documents were recorded. The research that Mr. Englander performed, Attorney Messina said, resulted in the opinion that Mr. Bennett has better title to these tidelands than anyone.

In response to a question from Chairman Muratore, Attorney Messina acknowledged that any individual or group could attempt to lay claim to the property in question, but the individual or group would have to prove such claim through Land Court. On the other hand, he said, Mr. Bennett could opt to sue all other claimants to the property via Land Court to "quiet the title." Attorney Messina informed the Board that, under Massachusetts law, citizens are allowed to fish, fowl, and navigate along the coastline of private property, but citizens may not trespass on a licensed aquaculture site.

Jay Kimball, owner of Woods Seafood, acknowledged the effort that the Town has invested into opening the harbor to the aquaculture industry, through the leadership of Harbormaster Chad Hunter and DMEA Director David Gould. The economic and environmental benefits of the aquaculture are commonly known, he said. Mr. Kimball encouraged the Board to give Mr. Bennett the opportunity to move forth with his license application. If the Town were deny Mr. Bennett's application on the mere question of title—which should be worked out as a separate issue through Land Court—it would simply deny itself the opportunity to expand its aquaculture industry, he added. Mr. Kimball stated that, as a licensed buyer and seller of oysters from his retail fish market, he would be very happy to market an oyster from Plymouth and provide his customers with a more reliable local supply.

Steve Damon of Damon Realty Trust of Saquish inquired how Mr. Bennett will access his aquaculture equipment during or after winter storms, considering the difficulty that Saquish residents typically have in accessing their properties following significant winter

events. Mr. Bennett responded that he would access his equipment either by land (through his property on Saquish) or by boat from Duxbury or Plymouth Harbor.

Everett Malaguti, Town Meeting Member from Precinct 1, asked Mr. Bennett to talk about the ways by which his aquaculture operations will benefit the Town of Plymouth. Mr. Bennett responded that he hires employees from all over the local area, and he noted that he plans to eventually do business with shore-side services in Plymouth to support his operations.

Jim Cavanaugh, a Saquish property owner, expressed concern as to how Mr. Bennett's equipment might pose a safety hazard to boaters and pedestrians. Harbormaster Chad Hunter responded that licensed aquaculture farmers must obtain permits from the Division of Marine Fisheries and the Army Corps of Engineers to ensure that the site is adequate for aquaculture operations.

Ken Burkhead acknowledged his understanding of the way by which the aquaculture industry provides an environmental benefit to the community, but he questioned how Mr. Bennett's operations will specifically benefit the Saquish community. Mr. Bennett expressed his hope that his aquaculture business might help improve home values and generate interest in the Saquish area.

Chairman Muratore closed the hearing to public comment and awaited any questions, comments, or motions from the Board.

Selectman Provenzano reiterated his observation that the granting of an aquaculture license does not confer property rights to the licensee. The Town, he indicated, is not the authority responsible for arbitrating the ownership of the tidal flats identified in Mr. Bennett's application. Based on the information provided and the opinion given by Plymouth's Town Counsel, Selectman Provenzano explained, Mr. Bennett appears to have the best claim to the property. If there are those who assert a superior claim to the property, he said, they must do so in court.

Selectman Mahoney made a motion to approve the application from William Bennett, 11 White Street, Duxbury to conduct aquaculture operations on privately owned tidelands in Plymouth Harbor (off Saquish), as detailed by the coordinates listed below. Selectman Provenzano seconded the motion.

1. N42° 00.126, W070° 37.844
2. N42° 00.164, W070° 37.935
3. N42° 00.213, W070° 37.923
4. N42° 00.261, W070° 37.902
5. N42° 00.288, W070° 37.875
6. N42° 00.233, W070° 37.767

Following some brief remaining discussion, the Board voted 5-0-0 in favor of the motion. Chairman Muratore encouraged Mr. Bennett to work with his neighbors to alleviate the concerns that were raised during the meeting.

FRIENDS OF THE TRAINING GREEN – UPDATE ON CIVIL WAR MONUMENT

Jerry Sirrico was pleased to announce that he and the Friends of the Training Green have raised \$10,000 towards the cost of repairing the Civil War Monument on the Town's Training Green.

In 2011, Mr. Sirrico reported, the Town appropriated \$10,000 to cover half the cost of repairing the monument, with the understanding that the other half would be funded through private donations. Shortly thereafter, he said, Vice Chairman Brewster and Town Manager Arrighi coordinated a Civil War reenactment event to initiate the fundraising drive, while local historian Karen Goldstein assembled a history of the Training Green and the monument to raise awareness about the cause.

Mr. Sirrico indicated that initial donations for the monument were submitted directly to the Town, but, in order to streamline the donation process, Denis Hanks and the Plymouth Area Chamber of Commerce kindly agreed to collect a significant portion of the donations through the Chamber's charitable gift account. On behalf of the Friends of the Training Green, Mr. Sirrico acknowledged and thanked the donors who helped the Friends meet their goal of \$10,000.

Vice Chairman Brewster praised the public-private partnership that secured the funds necessary to honor the thirty-eight citizens of Plymouth who are memorialized upon the monument. She thanked Mr. Sirrico and the Friends of the Training Green for their tireless efforts to restore and preserve this important community landmark.

Mr. Sirrico asked if the Town could provide informational signage at the Training Green, as the Friends group would like to continue fundraising for other repair and maintenance-related needs at the site.

Selectman Mahoney asked if the repair will be complete by Veterans Day 2013. Ms. Arrighi responded that she cannot yet provide a definitive date of completion for the project.

On a motion by Selectman Provenzano, seconded by Vice Chairman Brewster, the Board voted to accept, with gratitude, a contribution in the amount of \$7,880.00 from the Friends of the Training Green—made via a charitable account managed by the Plymouth Area Chamber of Commerce—for costs associated with the repair of the Town's Civil War Monument and Training Green. Voted 5-0-0, approved.

DISCUSSION ON FY2015 BUDGET DEVELOPMENT PROCESS & GOALS

Selectman Tavares made a motion to table the Board's discussion on the FY2015 budget until the meeting of June 18, 2013. Selectman Mahoney seconded the motion.

Chairman Muratore explained that, in an effort to provide ample opportunity for comment during the budget development process, the Town Manager and Finance Director will be providing the Board with regular reports and updates. He encouraged his colleagues on the Board to review their budget books and formulate questions and comments in advance of the June 18th meeting.

The Board then voted 5-0-0 in favor of Selectman Tavares' motion to table the Board's discussion on the FY2015 budget until the meeting of June 18, 2013.

LICENSES

PEDI-CAB OPERATOR

On a motion by Vice Chairman Brewster, seconded by Selectman Mahoney, the Board voted to grant a Pedi-Cab Operator License to each of the applicants listed below. Voted 5-0-0, approved.

❖ For **Plymouth Pedicab:**

- Andrué Coombes, 435 Raymond Road, Plymouth
- Alex Russo, 14 Florence Street, Plymouth
- Ryan Taverna, 21 Walnut Road, Norwell

Issuance of the above licenses is subject to the completion of all necessary paperwork and review of the requisite CORI background check.

VEHICLE FOR HIRE OPERATOR

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

❖ For **South Shore Taxi:**

- Mohamed Alfetlawi, 186 Washington St., Weymouth

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

COMMON VICTUALLER

On a motion by Selectman Provenzano, seconded by Vice Chairman Brewster, the Board voted 5-0-0 to grant a Common Victualler License to the following applicant.

- ❖ **HKS Buffalo Grille, Inc. d/b/a Buffalo Grille**, 179 Court Street, Unit 5
New Owner: Helen Kim

On a motion by Selectman Mahoney, seconded by Vice Chairman Brewster, the Board voted 5-0-0 to grant a Common Victualler License to the following applicant.

❖ **Mama Joy's**, 531 Federal Furnace Road

Issuance of the above licenses is subject to the completion of all necessary paperwork.

COMPREHENSIVE ENTERTAINMENT

On a motion by Selectman Provenzano, seconded by Selectman Tavares, the Board voted to grant a Comprehensive Entertainment License to each of the following applicants. Voted 5-0-0, approved.

❖ **HKS Buffalo Grille, Inc. d/b/a Buffalo Grille**

179 Court Street, Unit 5

New Owner: Helen Kim

Applying for Group 1 (Radio, TV)

❖ **Mama Joy's**

531 Federal Furnace Road

Applying for Group 1 (Radio, TV)

Issuance of the above licenses is subject to the completion of all necessary paperwork

ADMINISTRATIVE NOTES

Meeting Minutes – The Board approved the minutes of the April 2, 2013 Selectmen's meeting. *[Note: Selectman Provenzano abstained from voting upon the minutes, as he was not a member of the Board at the time of this meeting.]*

Exclusive Vending Rights – The Board granted Exclusive Vending Rights to July 4 Plymouth, Inc., for the July 4th Parade and Fireworks events to take place along the permitted parade route and waterfront

Acceptance of Gift for Wellingsley Brook – The Board accepted, with gratitude, a gift of \$10,000 from E.J. Pontiff, Inc. for the restoration of Wellingsley Brook.

Temporary Bond Anticipation Note – The Board approved a Temporary Bond Anticipation Note to fund the acquisition of property on Plymouth Long Beach, identified as 314 Ryder Way, as authorized by Article 7 of the 2013 Special Town Meeting.

Purchase & Sale for Property on Off-Billington Street – The Board approved and executed a *Purchase & Sale Agreement* for the acquisition of a portion of property identified as Lot 129E on Assessors Map 27 (Off Billington Street), as authorized by Article 11 of the 2008 Fall Annual Town Meeting.

Changes to the Transient Mooring Fee – The Board changed the Transient Mooring Fee from a rate of \$1 per foot, per night to a new flat fee of \$35 per night.

License Agreement with NSTAR / Samoset Street Reconstruction – The Board approved a *License Agreement* between the Town and NSTAR Gas Company for work associated with the reconstruction of Samoset Street on property identified as Lot 49 on Assessor’s Map 101.

Aquaculture License / Frank Costa – The Board approved and executed an *Aquaculture License* between the Town of Plymouth (as licensor) and Frank Costa of 9000 Second Avenue, Saquish Beach, Plymouth, Massachusetts (as licensee) for an area situated in Plymouth Harbor described by the coordinates listed below, for a three-year term effective June 12, 2013 through June 12, 2016. The Board gave its preliminary approval for this license at its meeting of May 1, 2012.

N41° 59’ 18.67”, W070° 40’ 44.35”
N41° 59’ 21.10”, W070° 40’ 40.17”
N41° 59’ 18.24”, W070° 40’ 35.88”
N41° 59’ 17.04”, W070° 40’ 40.74”

OLD BUSINESS / LETTERS / NEW BUSINESS

Plymouth North and South Graduating Classes of 2013 – Selectman Tavares informed the Board that he attended the convocation and graduation ceremonies for both the Plymouth North and Plymouth South High School graduating classes of 2013. As an invited representative of the Plymouth High School Class of 1963, Selectman Tavares said he was very impressed with the students from both schools. Selectman Provenzano noted that he attended the ceremonies, as well.

Transfer Station / Curbside Pick-up Sales – Selectman Mahoney requested a report on the sale of transfer station passes and a comparison of the services chosen by residents (i.e. transfer station versus curbside service).

Ms. Arrighi reminded the Board and the public that Town Hall will be open on Fridays during the month of June from 8:00 a.m. to 4:00 p.m. for the sale of transfer station passes and curbside service. In addition, she said, residents may purchase their passes online via www.plymouth-ma.gov.

Chapter 61A Property on Little Herring Pond Road – Selectman Mahoney made a motion to schedule an agenda item to discuss the reconsideration of the Board’s right of first refusal on the 5-acre, Chapter 61A-designated property on Little Herring Pond Road (a.k.a. the Keese property). Vice Chairman Brewster seconded the motion.

Selectman Mahoney explained that he would like to be provided with formal clarification from Town Counsel on the timelines associated with the Chapter 61 right-of-first-refusal

process and the procedures that were followed for the property on Little Herring Pond Road. It would have been best, he said, if the Board was presented with such information, prior to making a decision on May 28th to decline its right of first refusal.

Ms. Arrighi indicated that she would have to research the legalities associated with the Chapter 61 process. She inquired if the Board wished to rescind its vote on the matter.

Chairman Muratore recommended that the Board refrain from considering a vote to rescind the matter until Ms. Arrighi and Town Counsel can provide the requested information. Selectman Mahoney withdrew his motion, with a request that the matter be scheduled for discussion during an upcoming meeting. Vice Chairman Brewster withdrew her second.

Flooding on Hedge Road – Selectman Provenzano requested an update for the next Selectmen’s meeting on the measures being taken to address the flooding that recently occurred on Hedge Road.

ADJOURNMENT OF MEETING

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to adjourn its meeting at approximately 9:45 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the June 11, 2013 meeting packet is on file and available for public review in the Board of Selectmen’s Office.