

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, NOVEMBER 12, 2013

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, November 12, 2013 at 5:30 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 F. Provenzano

Melissa Arrighi, Town Manager
Michael Galla, Assistant Town Manager

CALL TO ORDER

Chairman Muratore called the meeting to order at 5:35 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 litigation and collective bargaining, 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 open session at 7:00 p.m. and led the Pledge of Allegiance.

LICENSES

ONE DAY WINE & MALT LICENSE*

On a motion by Vice Chairman Brewster, seconded by Selectman Tavares, the Board

voted to grant a One Day Wine & Malt Liquor License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **America's Hometown Thanksgiving Celebration** (10 Cordage Park Circle, Zachary Seremur) requested a One Day Wine & Malt License from 1:00 p.m. to 6:00 p.m. for a Budweiser Brewing and Tasting Exhibit on November 22, 23, and 24, 2013, to be held in the Parking Lot between Cherry's Bait Shop and Lobster Hut. Liquor liability will be in place before the license is released.

ONE DAY ALL ALCOHOL LIQUOR LICENSE*

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

- ❖ **Heather Gifford** (150 Bartlett Road) requested a One Day All Alcohol Liquor License for an anniversary party to be held from 4:00 p.m. to 8:00 p.m. at Memorial Hall on November 16, 2013. 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.

REVOCAION OF VEHICLE FOR HIRE OPERATOR'S LICENSE

On a motion by Selectman Mahoney, seconded by Vice Chairman Brewster, the Board voted to revoke the Vehicle for Hire Operator License issued to the individual listed below. Voted 5-0-0, approved.

- Michelle Cushman, 227 Standish Avenue, operator for Seabreeze Transportation

ADMINISTRATIVE NOTES

Exclusive Vending Rights for Christmas in Historic Plymouth Events – The Board granted exclusive vending rights to the Kiwanis Club of Plymouth, for the “Christmas in Historic Plymouth” events to take place in Town Square and Shirley Square on the evening of December 6, 2013.

PUBLIC COMMENT

Chairman Muratore opened the meeting to public comment. No citizens came forth to address the Board.

PRESENTATION ON STUDENT TRIP TO SHICHIGAHAMA, JAPAN

Selectman Provenzano introduced a presentation on the recent cultural exchange upon which a number of Plymouth students embarked in August of 2013. The students, he explained, along with a delegation of Town and School officials, traveled to Shichigahama, Japan, Plymouth's "sister city." Selectman Provenzano noted that he was privileged to be included amongst the delegation that traveled with the students, which included Kim Savery Hunt from the School Committee and Robert Nassau from the Advisory & Finance Committee (amongst others).

Nearly 25 years ago (in 1990), Selectman Provenzano recounted, the city of Shichigahama approached the Town about establishing a sister city relationship. Alba Thompson, the Chairman of the Board of Selectmen at that time, joined the former Mayor of Shichigahama, Imao Akama, in memorializing the official agreement between the two communities. Since the signing of that agreement, Selectman Provenzano explained, hundreds of students from Plymouth and Shichigahama have participated in the student exchange program.

Kim Savery Hunt of the School Committee introduced the students and Town and School officials who traveled as Plymouth's official delegation:

STUDENTS:

Matt Cappola
Ayala Dayan
Sofia Fosdick
Jacob Jobe
Mackenzie McNeil
Madeline Perry
Matt Ryan
Mikayla Yee

OFFICIALS AND CHAPERONES:

Anthony Provenzano, Board of Selectman
Kim Savery Hunt, School Committee
Robert Nassau, Chairman, Advisory & Finance Committee
Patrick Fraine, Principal, Manomet Elementary School
Deborah Fraine
Christine Bonfilio, Plymouth Schoolteacher

Patrick Fraine, Principal of Manomet Elementary School, provided a PowerPoint presentation of photographs detailing the trip. Dr. Fraine, Christine Bonfilio (a Plymouth teacher who participated in the cultural exchange with Shichigahama when she was a student), and each of the eight students who traveled with the delegation spoke about their experiences during the exchange. Much of the discussion focused on the delegation's observations of Shichigahama's dedicated and remarkable efforts to rebuild the community, following the devastating earthquake and tsunami events of March 2011.

Chairman Muratore asked the students and officials to talk about the most notable thing that they learned during the trip. Many of the responses highlighted the graciousness and resiliency of the citizens of Shichigahama and the ease with which friendship connections were made between both groups.

Chairman Muratore thanked the delegation for their presentation and commended the students for representing Plymouth so well.

JOINT MEETING: OPTIONS FOR PLYMOUTH SOUTH H.S.

SCHOOL COMMITTEE

Dennis Begley, Chairman
Michelle Badger, Vice Chairman
Mary Waltuch, Secretary

BUILDING COMMITTEE

David Peck, Chairman
Paul McAlduff, Vice Chairman
Robert Bielen

SCHOOL COMMITTEE (continued)

Margie Burgess
Kim Savery Hunt
James Sorenson

BUILDING COMMITTEE (continued)

Margie Burgess
Andrew Golden
Tom Fugazzi
Merlin Ladd III
Christy Murphy

EXTENDED BUILDING COMMITTEE

Melissa Arrighi, Town Manager
Lynne Barrett, Finance Director
Barry Haskell
Gary Maestas, School Superintendent
Arthur Montrond, School Maintenance
Mary Mortensen, School Principal
Mathew Muratore, Board of Selectmen

Dennis Begley called the School Committee's meeting to order at 7:26 p.m. David Peck called a meeting of the Building Committee and Extended Building Committee to order at 7:26 p.m.

Ted Gentry of Ted Gentry & Associates, the Owner's Project Manager ("OPM") selected for the Plymouth South High School ("PSHS") project, introduced a presentation on the feasibility/schematic design study for the renovation or reconstruction of the school, as part of the required process for funding through the Massachusetts School Building Authority ("MSBA").

Scott Dunlap, Jim Jordan, and Troy Randall of Ai3 architects provided the results of their analytic study upon the existing conditions at PSHS. Ai3, Mr. Dunlap noted, had the privilege of working upon the MSBA-funded Plymouth North High School project.

Mr. Dunlap explained that there are three major phases to the MSBA funding process; the Town, he said, is currently in the first phase: "feasibility." At this point within the feasibility stage, he said, MSBA requires the approval of the Board of Selectmen and School Committee, to ensure that the public has been given an opportunity to review and provide input upon the project. Prior to commencing the presentation on the results of Ai3's 2,500 hours of analysis, investigation, and reporting by its engineering and design team, Mr. Dunlap talked about the MSBA's stringent review process.

Mr. Dunlap displayed aerial photographs of the PSHS campus, noting that the size of the property and existing infrastructure the site are ample enough to support the expansion or reconstruction of the school. He provided information and corresponding presentation slides upon Ai3's evaluation and analysis of the building's design and existing conditions. By today's standards, Mr. Dunlap said, the layout of PSHS is considered an inefficient design. Though the school was constructed in the late 1980's, he explained, the design was based on layouts used in 1960's.

Jim Jordan of Ai3 continued the presentation with several images of the exterior of PSHS, illustrating the deficiencies in the way by which the facility was constructed and the materials used in the construction. Mr. Jordan detailed the significant deterioration that has occurred to the school's roof and exterior masonry.

Mr. Dunlap resumed the presentation with the results of Ai3's structural evaluation of PSHS, noting the various repairs, improvements, and modifications that must be undertaken in order to bring the building into full code compliance. Mr. Dunlap discussed the mechanical, electrical, and plumbing systems serving PSHS, indicating that many components within these systems are not code compliant and have reached the end of their useful lifespan.

With regard to the educational function of the facility, Mr. Dunlap explained, Ai3 has determined that the physical layout and integration of PSHS and its departments are not efficient and encouraging of a collaborative learning environment. PSHS was designed using the model of a 1960's/1970's-style vocational school, he said, and many of its rooms are undersized and/or have no form of natural light or ventilation. Mr. Dunlap talked about the factors that MSBA will consider in its evaluation of whether the school can continue to operate as a 21st century educational institution.

Mr. Dunlap talked more specifically about the base repair work that would be required in order for PSHS to continue functioning efficiently and accordingly. Such repairs address only basic capital repairs—heating, electrical, plumbing, HVAC, handicap accessibility, fire protection, and asbestos removal—not programmatic or space/layout deficiencies. Mr. Dunlap estimated the cost of base-level repairs at \$31 million. He displayed a table comparing the costs to renovate/expand PSHS, versus new construction:

- Renovation/Expansion – estimated at \$115-116 million
- New Construction – estimated at \$106-107 million

Mr. Dunlap closed his presentation with information on the next steps associated with the MSBA funding review process.

Mr. Dunlap, Superintendent Gary Maestas, and Ted Gentry (Owner's Project Manager) responded to questions from the Selectmen, School Committee, and Building/Extended Building Committee pertaining to the current conditions at PSHS; the cost and proposed size of a newly-constructed PSHS; how trends in school enrollment would factor into determining the appropriate square footage of the facility; and how Plymouth's taxpayers

could be assured that a newly-constructed PSHS would not suffer the same problems as the significantly-deficient but only 28-year-old current facility.

Following the question and answer portion of the discussion, Chairman Muratore opened the meeting to public comment. No citizens came forth to speak.

Selectman Provenzano made a motion that, having met in open session in accordance with Open Meeting Laws and having received a report from the architects relative to the Feasibility Study Preliminary Design Program, the Board of Selectmen will approve and authorize the Owner's Project Manager to submit the Feasibility Study materials for the Plymouth South High School Building Project to the Massachusetts School Building Authority for review and evaluation. Selectman Mahoney seconded the motion, and the Board voted 5-0-0 in favor.

Paul McAlduff made a motion that, having met in open session in accordance with Open Meeting Laws and having received a report from the architects relative to the Feasibility Study Preliminary Design Program, the Building / Extended Building Committee will approve and authorize the Owner's Project Manager to submit the Feasibility Study materials for the Plymouth South High School Building Project to the Massachusetts School Building Authority for review and evaluation. Andrew Golden seconded the motion, and the Building / Extended Building Committee voted 15-0-0 in favor.

James Sorenson made a motion that, having met in open session in accordance with Open Meeting Laws and having received a report from the architects relative to the Feasibility Study Preliminary Design Program, the School Committee will approve and authorize the Owner's Project Manager to submit the Feasibility Study materials for the Plymouth South High School Building Project to the Massachusetts School Building Authority for review and evaluation. Michelle Badger seconded the motion, and the School Committee voted 6-0-0 in favor.

On a motion by Paul McAlduff, seconded by Andrew Golden, the Building / Extended Building Committee voted unanimously to adjourn its meeting at 8:45 p.m.

On a motion by Mary Waltuch, seconded by James Sorenson, the School Committee voted unanimously to adjourn its meeting at 8:45 p.m.

Chairman Muratore called for a brief recess to allow the members of the School Committee and Building / Extended Building Committee to exit the meeting room.

PRESENTATION FROM PLYMOUTH RETIREMENT BOARD

Thomas Kelley, chairman of the Plymouth Retirement Board, led a presentation on Plymouth's Contributory Retirement System. Mr. Kelley was joined by fellow Retirement Board members Lynne Barrett (Town Finance Director), Shawn Duhamel, and Gerald Coughlin, as well as Debra Sullivan, the director of the Plymouth Contributory Retirement System ("PCRS").

Mr. Kelley provided a review of the history of the Town's retirement system, noting that, from its inception in 1935 until the year 1991, the system was based on a pay-as-you-go model. In 1987, he explained, the PCRS transitioned to an actuarial-based funding schedule. Mr. Kelley discussed the changes that have been enacted, over time, to improve and proactively reevaluate the Town's retirement system. Referencing a large binder of information on the Town's retirement system that was provided to each of the Selectmen, Mr. Kelley pointed to the PCRS's diversified portfolio and noted that the system's investments are producing solid returns.

Shawn Duhamel, a Legislative Liaison for the Retired State, County and Municipal Employees Association who also serves on the Plymouth Retirement Board, discussed Plymouth's retirement system, in comparison to the 105 other systems that exist across the Commonwealth. Plymouth has made great efforts to improve its system and maintain a conservative approach to investments and projections—actions, he said, that will benefit the Town in the long haul. Mr. Duhamel talked about some of the pension reforms enacted by both the Town and the State and how they affect the overall mechanism and sustainability of the PCRS. Massachusetts has led the nation on policies and regulations related to pensions, he noted, but concerns remain as to whether the Commonwealth's State, county, and municipal pension systems can address the rising cost of healthcare.

Lynne Barrett, the Town's Finance Director and ex-officio member (by statute) of the Retirement Board, discussed Plymouth's liability to fund Other Post Employment Benefits ("OPEB"). The current fund balance in the Town's OPEB Reserve Fund is \$788,655, she reported, showing a gain of more than \$29,000 since the fund's inception. Ms. Barrett noted her recommendation that the Town allocate funds to the OPEB account every year, accompanied by a recurring two-year review and calculation of OPEB liability. Only 12 out of 361 communities in Massachusetts have established an OPEB fund, she noted, a fiscal aspect that is looked upon favorably by financial institutions and the Department of Revenue ("DOR"). Once the Town funds its share of OPEB liabilities, she explained, the Retirement Board will make contributions to the fund.

Mr. Kelley closed the Retirement Board's presentation with information and ideas on the way by which the PCRS could structure future allocations and earnings to address the balance between what previous employees funded and what new employees will be required to fund.

Mr. Kelley, Ms. Barrett, Mr. Duhamel, and PCRS director Debra Sullivan responded to a number of detailed questions from the Selectmen about the differences between municipal retirement systems and social security; the way by which the system is funded, managed, invested, and distributed; the losses sustained by PCRS as a result of the 2008 financial crisis; and the dividends and returns that PCRS's investments typically generate.

Chairman Muratore opened the presentation to public comment.

Butch Machado reminded the Board that the Town is obligated by law to fulfill its contractual agreements with employees regarding pensions and healthcare. Mr. Machado offered his observation that many municipal employees made the choice—as he did—to

work a municipal job that pays lower wages than the public sector, in return for better benefits.

Dale Webber, chairman of the Town's employee-comprised Insurance Advisory Committee, disputed the oft-held belief that municipal jobs consistently provide better benefits than comparable jobs within the private sector.

Following the close of public comment, members of the Board offered some remaining comments and observations.

Vice Chairman Brewster expressed her belief that the benefits offered to Plymouth's public employees are generous. It is important for Plymouth's taxpayers to understand the impact that such benefit packages have upon the tax rate, she said. Vice Chairman Brewster advocated that the Board make a concerted effort to find ways to fulfill its contractual obligations to the Town's employees without overburdening Plymouth's homeowners, such as reducing the benefits offered to future employees.

Selectman Mahoney noted that the Town is currently grappling with a number of issues that should have been handled differently in the past, from the capping of the South Street landfill to the impending loss of revenue from the future closure of the Pilgrim Nuclear Power Station. It is good, he said, that the Retirement Board appears to be aggressively pursuing ways to improve the retirement system and plan for the future.

Selectman Tavares noted that it has always been easy for current elected officials to point out the mistakes of their predecessors, but leaders can only make decisions based on the information available at the time, not on the events and discoveries that unfurl decades into the future. He offered his belief that that Retirement Board is doing a good job of addressing its liabilities but acknowledged that there are future funding challenges that everyone must address, collectively.

Selectman Provenzano stated that one of the Town's most important financial challenges is to meet its benefit liabilities. He asked Mr. Kelley to provide the Board with the PCRS's most up-to-date actuarial report, once complete.

SOUTH SHORE WORKFORCE INVESTMENT BOARD: YOUTHWORKS

Christine Shannon of the South Shore Work Investment Board ("SSWIB"), accompanied by Garreth Lynch, director of the Plymouth Boys & Girls Club, requested the Board's approval to authorize the Town of Plymouth to participate in the State's YouthWorks employment program for teens. The YouthWorks program, Ms. Shannon explained, utilizes State funding to provide employability training and paid summer employment to low-income, at-risk youth.

Ms. Arrighi offered her recommendation that the Town participate in the program.

On a motion by Selectman Provenzano, seconded by Selectman Tavares, the Board voted

to authorize the Town Manager to sign Plymouth on as a participating community in the YouthWorks Employment Program. Voted 5-0-0, approved.

LETTER OF SUPPORT / NON-OPPOSITION: MEDICAL MARIJUANA

The Board resumed its conversation (from November 5, 2013) on whether the Board would consider the issuance of a letter of support or non-opposition for those companies seeking to establish a medical marijuana dispensary in Plymouth. Three companies seeking licenses for dispensaries in Plymouth appeared before the Board on November 5, 2013 to request a letter of support or non-opposition from the Town, as part of the license application process with the Massachusetts Department of Public Health (“DPH”).

Chairman Muratore invited representatives from each of the three groups to introduce their respective teams and provide basic information on their proposals. Attorney Tracey Stockton appeared on behalf of Herbal Wellness Center / MedBox, along with Jeff Rice, the prospective owner and operator of the proposed facility. Patrik Jonsson appeared on behalf of Mass Organic Therapy, and former Congressman William Delahunt appeared on behalf of Medical Marijuana of Massachusetts.

The Board posed questions to each applicant about their business plans and product. Mr. Rice and Mr. Jonsson each noted that their respective companies were applying to site their proposed dispensaries at 30 Industrial Park Road. Mr. Rice indicated that Herbal Wellness Center will utilize the MedBox machine, a biometric device that dispenses medical marijuana prescriptions to patients. Mr. Jonsson of Mass Organic Therapy, who has experience in the medical marijuana field through Maine Organic Therapy, explained that recreational users will not be seeking his product, as he produces a plant that is lower in THC and higher in cannabinoids. Mr. Delahunt reported that Medical Marijuana of Massachusetts seeks a license to open a growing facility and dispensary for 9 Collins Avenue in the Industrial Park, noting that a number of members of the Medical Marijuana of Massachusetts team have local roots in Plymouth.

Ms. Arrighi confirmed that the proposals from all three of the groups appearing before the Board have met the Town’s basic zoning criteria.

On the recommendation of Selectman Tavares, the Board chose to vote separately on each request for a letter of support or non-opposition.

There was no motion made for Herbal Wellness Center.

On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted to issue a letter of non-opposition to Mass Organic Therapy’s application to site a medical marijuana dispensary at 30 Industrial Park Road. Voted 3-2-0, approved. Vice Chairman Brewster and Selectman Tavares voted in opposition.

On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted to issue a letter of non-opposition to Medical Marijuana of Massachusetts’s application to

site a medical marijuana dispensary at 9 Collins Avenue. Voted 3-1-1, approved. Vice Chairman Brewster voted in opposition and Selectman Tavares abstained from voting.

Selectman Tavares explained that he would prefer to provide a letter of support—not simply a letter of non-opposition—to Medical Marijuana of Massachusetts, because, in his opinion, they have assembled a professional team that has members who are identifiable—and accountable—to the Plymouth community.

Selectman Provenzano made a motion to withdraw the Board’s vote to issue a letter of non-opposition to Medical Marijuana of Massachusetts’s application to site a medical marijuana dispensary at 9 Collins Avenue. Selectman Mahoney seconded the motion, and the Board voted 4-1-0 in favor. Vice Chairman Brewster cast the opposing vote.

Selectman Tavares made a motion to issue a letter of support for Medical Marijuana of Massachusetts’s application to site a medical marijuana dispensary at 9 Collins Avenue. Selectman Mahoney seconded the motion, and the Board voted 3-2-0 in favor. Vice Chairman Brewster and Selectman Provenzano voted in opposition.

COMMITTEE LIAISON / DESIGNEE UPDATES

Considering the duration of the meeting, the members of the Board chose to hold their committee liaison / designee updates until the November 19, 2013 meeting.

OLD BUSINESS / LETTERS / NEW BUSINESS

Veterans Day Parade – Chairman Muratore thanked the Town’s Veterans Officer, Roxanne Whitbeck, for organizing yet another successful Veterans Day Parade. U.S. Senator Ed Markey attended the parade and marched alongside the Board, he noted.

Presentation on 1820 Courthouse Feasibility Study – Chairman Muratore reminded citizens and Town officials of the November 13, 2013 presentation on the feasibility of relocating Town Hall to the 1820 Courthouse site. The presentation, he reported, will begin at 6:00 p.m. and will be held in the cafetorium of Plymouth South High School.

ADJOURNMENT OF MEETING

On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted to adjourn its meeting at approximately 11:15 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the November 12, 2013 meeting packet is on file and available for public review in the Board of Selectmen’s Office.