

# ~ PLYMOUTH BOARD OF SELECTMEN ~

**TUESDAY, JANUARY 14, 2014**

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, January 14, 2014 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. [arrived 6:35 p.m.]  
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 6:00 p.m.

## **EXECUTIVE SESSION**

The Board voted to enter Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to litigation, and Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on this matter may have a detrimental effect on the negotiating position of the body. Following executive session, the Board will reconvene in open session. By roll call: Tavares – yes, Brewster – yes, Provenzano – yes, and Muratore – yes.

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

## **RETURN TO OPEN SESSION**

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

## **TOWN MANAGER'S REPORT**

**Grant and Loan Announcement for Coastal Structures** – Town Manager Melissa Arrighi reported that The Town of Plymouth hosted a press event on Monday, January 13,

2014, at which Senate President Therese Murray and Richard Sullivan, Massachusetts' Secretary of Energy & Environmental Affairs, announced the awarding of grants and loans to Commonwealth communities for coastal infrastructure projects. Ms. Arrighi congratulated David Gould, the Town's Director of Marine & Environmental Affairs, for his success in securing one of these loans for the removal of the PlymCo Dam along Town Brook.

**World Series Trophy to Visit Town Hall** – Ms. Arrighi announced that the Boston Red Sox organization will visit Plymouth with the World Series Trophy on January 16, 2014. Residents, she said, may have their picture taken with the trophy at Memorial Hall between the hours of 1:00 p.m. to 3:00 p.m. on Thursday, January 16<sup>th</sup>.

## **LICENSES**

### **ONE DAY WINE AND MALT LIQUOR LICENSE\***

On a motion by Selectman Mahoney, seconded by Vice Chairman Brewster, the Board voted to grant a One Day Wine & Malt Liquor License to the following applicant, for the event detailed, below. Voted 5-0-0, approved.

- ❖ **Michelle Riley / MAR Promotions** (117 Tall Oaks Drive, Unit J, Weymouth) requested a One Day Wine & Malt Liquor License for a mixed martial arts event to be held from 6:00 p.m. to 2:00 a.m. on January 25, 2014 at Memorial Hall. Liquor liability will be in place before the licenses are 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.

## **ADMINISTRATIVE NOTES**

**Meeting Minutes** – The Board approved the minutes of the November 19, 2013 Selectmen's meeting.

**Letter of Support for Application for Variance at 25½ Court Street** – The Board, as owners of the property at 25 ½ Court Street, voted to issue a letter in support of its tenant, the Greater Plymouth Performing Arts Center, in their application to the state for a variance of handicap accessibility to the second floor of that building.

## **PUBLIC COMMENT**

Patricia McCarthy, Town Meeting Member from Precinct 5, encouraged Plymouth's leaders to consider the adoption of the Local Option Meals Tax, to offset the burden placed on taxpayers. Ms. McCarthy noted that she has followed the discussions pertaining to the financing of the 1820 Courthouse project, the Town's budget, and the Board's interest in

finding ways to offset the tax burden with new revenue sources. Many other Massachusetts communities have adopted this local option, she said, which affects only those who choose to go out to dine. Ms. McCarthy stated her belief that it would be better to impose a tax on an optional service (such as dining) than a mandatory tax on property.

## **JOINT MEETING TO DISCUSS 1820 COURTHOUSE PROJECT**

### PLYMOUTH REDEVELOPMENT AUTHORITY

Robert Wollner, Chairman  
Dean Rizzo, Secretary  
Steve Grattan

### HISTORIC DISTRICT COMMISSION

Michael Tubin, Chairman  
James Baker  
Julie Burrey  
Robert Fournier  
Bernard Sampson

### BUILDING COMMITTEE

David Peck, Chairman  
Paul McAlduff, Vice Chairman  
Robert Bielen  
Margie Burgess  
Tom Fugazzi  
Andrew Golden

### PLANNING BOARD

Paul McAlduff, Chairman  
Tim Grandy, Vice Chair  
Malcolm MacGregor, Clerk  
Marc Garrett  
Ken Buechs, Alternate Member

### ADVISORY & FINANCE COMMITTEE

John Moody, 1<sup>st</sup> Vice Chairman  
Cornelius Bakker  
Michael Duffley  
Michael Hanlon  
Harry Salerno

### COMMUNITY PRESERVATION COMM.

William Keohan, Chairman  
Joan Bartlett  
John T. Mahoney Jr.  
Paul McAlduff

Chairman Muratore opened a joint meeting of the Selectmen, Planning Board, Plymouth Redevelopment Authority (“PRA”), Advisory & Finance Committee, Building Committee, Community Preservation Committee, and Historic District Commission to hear and discuss a presentation on the feasibility of relocating the Town’s municipal offices to the 1820 Courthouse site.

The chairmen of the boards/committees represented called a meeting of their respective group to order. John Moody acknowledged that the Advisory & finance Committee did not have a quorum of members present.

Ms. Arrighi began her presentation with a brief review of the 1820 Courthouse Feasibility Study, noting that many of the board/committee members present at the meeting had already seen the full presentation on the study, several times. Within her presentation, Ms. Arrighi covered a history of the studies and actions taken on the courthouse, to-date, from the Town’s purchase of the property at the April 2009 Town Meeting to the formal presentation on the results of the feasibility study on November 13, 2013.

Ms. Arrighi outlined the highlights of the feasibility study that was conducted by the architectural firm of Durkee, Brown, Viveiros, and Werenfels (“DBVW”), noting the key findings and important design strategies identified within the consulting report. The next segment of Ms. Arrighi’s presentation focused upon the conceptual renderings and design features (provided by DBVW) of how a new town hall could feasibly be annexed to the historic (front) section of the 1820 Courthouse. Ms. Arrighi displayed images of the proposed exterior and interior renderings and discussed the way by which the Town’s various departments could be arranged and integrated with the 1820 Courthouse, in a manner that would best suit the public.

Ms. Arrighi shifted her focus from the hypothetical design of the proposed municipal center to the availability of parking in and around the courthouse property. The consultants at DBVW, she reported, devised two potential options as to how parking could be configured and/or improved around the site, following the demolition of the old Police Station facility on Russell Street. Ms. Arrighi provided an overview of each layout, noting that the second configuration could leave the Town’s options open with regard to structured parking. Both scenarios, she said, would provide a significant amount more spaces for visitor parking at the entrance to the new facility.

Ms. Arrighi pointed out that a majority of the 1820 Courthouse Advisory Group agreed that the private residences located between the courthouse property and the old Police Station facility should be maintained, to compliment and respect the history of the neighborhood. Should the Town opt to move forward with this project, she said, staff would want the residents of these properties to be involved in any decisions on the parking configurations, because they will be directly affected by the eventual design.

Ms. Arrighi presented the financials associated with the proposed project. The consultants, she reported, have estimated the restoration of the 1820 Courthouse and the construction of an adjacent Town Hall facility at a total of \$35 million. The Community Preservation Committee, she indicated, has expressed an interest in funding the restoration of the 1820 Courthouse, which is estimated at \$5 million of the total \$35 million cost.

David Peck, chairman of the Building Committee, continued the presentation with his analysis of the construction estimates provided within DBVW’s report. Mr. Peck noted that, as an architect, he brought the consultants’ estimates to other industry professionals to ascertain the accuracy of the projected expenses and the assumptions used by the consultant in formulating the cost of the project. One important factor into which he researched, he said, was whether the project would cost more or less if the Town were to consider constructing the same size facility at a location outside of the downtown area. Based on his research, Mr. Peck concluded that the cost to build the same size facility and provide the same amount of parking at a location outside of Town would also be approximately \$34-35 million, but, in this new-site scenario, he noted, Community Preservation Funds could not be used towards the project. Mr. Peck stated that the estimates presented by DBVW are reasonable and on-target for constructing such a project in Plymouth’s downtown area.

Ms. Arrighi resumed the presentation with a review of the Finance Director's analysis of the effect that the 1820 Courthouse/Government Center project would have on the Town's budget and debt service. Following an outline of the statutes pertaining to municipal finance and the fiscal assumptions used by the Finance Director in her analysis, Ms. Arrighi reported that the impact of borrowing \$30 million for the 1820 Courthouse project would 'peak' in 2018. Even with the inclusion of the Plymouth South High School project and the plans anticipated for 2020, she said, the Town can keep its debt service within the acceptable range, with the exception of these one or two years.

John Moody, chairman of the Advisory & Finance Committee, offered his own financial perspective on the cost and impact of the project. The Finance Director's analysis, he said, confirms that the financing of this project is technically feasible, but the question that will be most important to residents is whether it is viable. Mr. Moody reported that, while talking to residents about the project, he encountered several seniors on fixed incomes who had concerns about the cost of the project but who also supported the project's merits. All of the various major capital projects in the pipeline—Plymouth South High School, 400<sup>th</sup> Anniversary/2020 projects, the 1820 Courthouse/Municipal Center project, etc.—would yield an annualized 5% increase to the Town's budget. Though higher than the five-year rolling average of 3.7%, he explained, the overall, long-term increase associated with these projects would remain in-line with the Town's 25-year trend of 4.3%. Mr. Moody noted that, if one looks at the Town's financial history, there have been years when the annual increases have run as high as 6-7%. The spike in the debt from the 1820 Courthouse project that is anticipated for 2018-2020 is both concerning and contrary to the Town's policy to keep debt service under 7% of the overall budget, he said, but aside from those two years, the debt would remain within the acceptable range.

Marc Garrett of the Planning Board provided his observations on the 1820 Courthouse/Government Center project, from a planning perspective. The 1820 Courthouse Advisory Group (of which he is a member), he explained, was authorized to examine and evaluate the municipal complex concept and the feasibility study. Mr. Garrett indicated that one of the key considerations on which the group deliberated was whether the current Town Hall facility on Lincoln Street is adequate to serve Plymouth's growing population. Formerly serving as the Town's high school, the facility at 11 Lincoln Street was converted to Plymouth's municipal offices in 1952, then serving a population of 13,000 people. In 1998, when the Town's population had reached over 48,000, Mr. Garrett reported, the School Department relocated to its own facility and 11 Lincoln Street was renovated to add an additional 12,000 square feet.

Since the Town's purchase of the 1820 Courthouse in 2009, Mr. Garrett said, the Plymouth Redevelopment Authority ("PRA") has tried to market the property but, for whatever reason, it has not been attractive to developers. The PRA hosted a Technical Assistance Panel of experts from the Urban Land Institute ("ULI"), he recounted, from which the panel concluded that the two most feasible uses for the 1820 Courthouse site were high-density residential development or municipal use. Mr. Garrett explained that, from his perspective as a member of the Planning Board, a high-density residential development at the 1820 Courthouse site would result in the construction of a multi-level, high-rise structure in the heart of Plymouth's downtown. A municipal center, on the other hand,

would be a destination use that would revitalize a former high-traffic public facility and preserve the integrity of the historic courthouse and the surrounding neighborhood.

Mr. Garrett provided his observation that the current facility at 11 Lincoln Street is running out of space, to the point where archival boxes and voting machines stored in hallways. In addition, he said, the building fails to meet several contemporary building codes. Mr. Garrett stated his belief that—based on these factors and the Town’s growing population—Plymouth needs a new Town Hall. The question for residents, he explained, is whether they feel that it is reasonable for the community to invest \$30 million in a project that meets the objectives of the original purchase of the 1820 Courthouse; satisfies the longstanding and continued need for a new Town Hall facility; and brings renewed foot traffic and vitality to the historic downtown center of America’s Hometown. Mr. Garrett issued his opinion that there are numerous reasons why the 1820 Courthouse/Government Center project has merit, and he offered his hope that the presentations and discussion on this project will open a reasonable discussion and debate amongst residents.

Donna Curtin, executive director of the Plymouth Antiquarian Society, talked about the historical value of the 1820 Courthouse/Government Center project. From her perspective, she said, there are two clear, compelling needs that must be met for the community: the need for a new Town Hall and the need to return a public presence to the once-bustling but long-vacant 1820 Courthouse site. Ms. Curtin stated that the proposed 1820 Courthouse/Government Center project would satisfy both of these objectives, by relocating the Town’s core government services to a hybrid new/restored facility in the downtown, where residents can also access shops, services, and restaurants. The conceptual design presented within DBVW’s feasibility study, she said, is both complimentary to the historic courthouse and suitable to the scale and character of the surrounding neighborhood. Ms. Curtin noted her observation that the Town has not always made the best decisions with regard to its history—i.e. the removal of the finger piers along the waterfront in 1920 and the demolition of the Town’s oldest neighborhood during the urban renewal project of the 1960’s—but the 1820 Courthouse/Government Center project, she said, is the Town’s once-in-a-generation opportunity to preserve and revitalize a civic structure at the heart of the community’s historic downtown.

Chairman Muratore opened the presentation to comment from the public.

Walter Powell of North Plymouth spoke in favor of the proposed 1820 Courthouse/Government Center project. Mr. Powell, who recently moved to Plymouth from the Gettysburg, Pennsylvania area, noted his surprise in how many historic buildings have been lost in Plymouth. As the former director of Planning & Historic Preservation in Gettysburg, he spoke of a similar situation that Gettysburg’s community of 7,500 faced when its town hall was no longer suitable to meet the needs of its residents and visitors. When an idea was presented to relocate Gettysburg’s new town hall to its former jail facility—a centrally-located civil war era structure with historical character and on-site parking—the community realized that, in order to attract investment into its downtown, it must also be willing to make such an investment. Mr. Powell offered his belief that, though it may be a significant investment for taxpayers, the 1820 Courthouse/Government Center project will pay dividends to the community for years to come.

Larry Rosenblum, a Plymouth resident and former member of the Planning Board, offered his belief that the proposal for the 1820 Courthouse/Government Center project must be significantly expanded-upon, if it is to truly capture the opportunity to strengthen Plymouth as a destination. As a trained architect and urban designer, Mr. Rosenblum noted that he has worked on the 1820 Courthouse matter during his service with the Planning Board and the PRA's 1820 Courthouse Consortium. There are a number of issues that must be addressed within the 1820 Courthouse "corridor," he said, such as public parking, the private residential properties that exist between the Town's lots, and the need for a contingency plan, should residents reject the proposal. Mr. Rosenblum offered his opinion that the best use for the front section of the 1820 Courthouse is as a visitors' center, complete with exhibits and amenities such as a café and/or public bathrooms, while the historic courtroom could still be used for ceremonial meetings. Though he supports the direction in which the project is heading, he said, the Town must explore the potential reuses of the site, further.

Robert Bielen, a member of the Building Committee, expressed his belief that the merits of the 1820 Courthouse/Government Center proposal are secondary to the ability of Plymouth's taxpayers to afford the project. The taxpayers will not have an opportunity to vote on this matter, he said, unless they bring forth a referendum ballot question to overturn an affirmative vote of Town Meeting. Mr. Bielen noted his concern that the cost of the 1820 Courthouse/Government Center project could cripple the financial ability of the Town to address any unforeseen but important capital improvement issues that may arise.

Harry Salerno of the Advisory & Finance Committee posed a number of questions to Building Committee chairman David Peck and Community Preservation chairman Bill Keohan regarding the analysis of the project estimates and the existing real estate value of the 1820 Courthouse. In addition, he inquired with Ms. Arrighi what the Town's plans would be to utilize the unused space at 11 Lincoln Street, should the School Department relocate its offices to the current Town Hall facility.

Marjorie "Midge" Cronin, who identified herself as Plymouth native and a former teacher within the Plymouth School System, voiced her wholehearted support for the concept of reinventing the 1820 Courthouse as Plymouth's Town Hall. Ms. Cronin noted that she and her longtime friend, the late Reverend Peter J. Gomes, talked many times about the merits of restoring and preserving the 1820 Courthouse as the Town's municipal center, based on its location, history, and architectural quality. Though the expense is significant, she said, there is no better use for the property, and the longer the Town waits, the more expensive the project will become. As the town approaches its 400<sup>th</sup> Anniversary, Ms. Cronin said, it would be wonderful for Plymouth to show the world its new Town Hall.

Ben Brewster, a longtime resident of Plymouth, advocated for the use of the 1820 Courthouse site as Plymouth's Town Hall. From his viewpoint as a private citizen and entrepreneur, Mr. Brewster questioned how the courthouse properties could be fittingly reused in a manner other than the civic purpose for which they were constructed. The current Town Hall at 11 Lincoln Street does not serve the public well, he said, as it does

not have ample space inside or outside (i.e. parking). Mr. Brewster stated that the 1820 Courthouse/Government Center proposal meets the need to preserve the old courthouse and the need for a new municipal office, simultaneously.

Karen Mortero stated that, as a resident of the downtown area, the 1820 Courthouse/Government Center project is important to her, for a number of reasons. If the property were to be left vacant or converted into high-density housing, she said, properties in the surrounding area could be negatively affected. Ms. Mortero voiced her support for the 1820 Courthouse/Government Center project, noting that she is willing to pay the increase in taxes if it will bring what she has always thought to be a good idea to fruition.

Cornelius Bakker of the Advisory & Finance Committee made an observation that the concept of affordability with regard to this and other municipal projects is contextual. It is important for the community, he said, to analyze the proposal and decide whether the project is the right thing for Plymouth, as a whole.

Paul Hapgood, Town Meeting Member from Precinct 12, said that he would like to hear how the individual members of the Board of Selectmen feel about the project.

Dean Rizzo of the Plymouth Redevelopment Authority (“PRA”) noted that he was happy to hear Plymouth’s citizens and officials place the 1820 Courthouse at the forefront of discussion and debate. When the PRA took lease of the courthouse (following Town Meeting’s vote to purchase the property in 2009), he said, it was always envisioned that the Town and PRA would seek some sort of public/private partnership for the redevelopment of the courthouse properties. Yet, when the Urban Land Institute’s Technical Assistance Panel identified a large-scale, high-density development as the most profitable venture that could be achieved at the site, Mr. Rizzo explained, residents reacted strongly. The importance of the 1820 Courthouse to the community has become even more clear, he said, and the Town cannot afford to pass up the opportunity to restore the historic facility and return it to public service. Mr. Rizzo offered his belief that, though the Town should still consider some sort of private involvement in the redevelopment of the 1820 Courthouse site, the 1820 Courthouse/ Government Center proposal is a step in the right direction.

Chairman Muratore closed public comment and brought the discussion back to the Board of Selectmen.

Selectman Tavares spoke in favor of transforming the 1820 Courthouse into the Town’s municipal center. Plymouth, he explained, has suffered great losses to its history—e.g. the redevelopment project of the 1960’s, which virtually eliminated many of the Town’s most historic houses. It should be noted, Selectman Tavares stated, that Plymouth has been a frugal community, first using the former 1749 Courthouse as its Town Hall for over a century, then occupying the former high school at 11 Lincoln Street from the 1950’s to the present day. The Town has gotten more than its penny’s worth out of 11 Lincoln Street, he said, but the exponential growth that Plymouth has experienced in recent decades has simply rendered the current Town Hall inadequate.



As a member of the Board of Selectmen, Selectman Tavares explained that he has heard from many residents who cannot understand why the Town would allow another liquor license in the downtown area. This project, he said, is an opportunity to ground the downtown, provide it with a central focus, and restore the business-related foot traffic that was lost when court operations were relocated to Obery Street. Selectman Tavares referenced the editorial written by the late Reverend Peter J. Gomes in the July 17, 2004 edition of the Old Colony Memorial, in which the long time resident, historian, and famed orator drew a connection between the Town Hall, the vacant courthouse, and the need to preserve and revitalize the downtown. Selectman Tavares described the 1820 Courthouse as the “front door” to Plymouth’s downtown; if the Town loses this opportunity, he said, it will never get it back again.

Selectman Mahoney asked the School Committee’s chairman, Dennis Begley, to speak to whether the School Department would relocate its administrative offices to 11 Lincoln Street, if Town Hall were to be moved to the 1820 Courthouse site. Mr. Begley explained that, if the 1820 Courthouse/Government Center project is approved, there will be plenty of time to determine whether the School Committee will relocate to Lincoln Street. For the record, Mr. Begley said, the School Department has determined that 11 Lincoln Street would suit its needs and provide for shared meeting and archival space with the Town.

In response to an inquiry from Selectman Mahoney, Building Committee chairman David Peck indicated that it is very realistic to expect that the Town could replicate the success that it had with the Plymouth North High School project with the 1820 Courthouse/Government Center project. Mr. Peck explained that the design of a new Town Hall would include similar modern enhancements and efficiencies. It is possible, Mr. Peck said, that the project could be completed for less than \$35 million, but the Town must ensure that it does not sacrifice quality by leaving no room for contingencies.

Selectman Mahoney referenced Patricia McCarthy’s earlier comments regarding the Local Option Meals Tax. He stated that he would support the implementation of the Meals Tax, if the proceeds were dedicated to a specific project like the 1820 Courthouse/Government Center proposal. It is the responsibility of the Board of Selectmen, he said, to improve the values of the businesses in Plymouth’s downtown, and this project would serve as a visionary and proactive measure toward that goal.

Vice Chairman Brewster acknowledged the merits of the 1820 Courthouse/Government Center proposal, and she expressed appreciation for the arguments made on both sides of the issue. While it is wonderful to contemplate the project, she said, the burden that the expense could place on Plymouth’s taxpayers is a real concern.

Ms. Arrighi responded to a number of questions posed by Vice Chairman Brewster regarding the way by which the 1820 Courthouse project could/would be financed. With regard to the effect that the 1820 Courthouse project would have on the Town’s debt service, Ms. Arrighi reiterated that the Town’s debt would remain within the target range of 6-8% of the overall budget, with the exception of the years 2018-2020—even with the inclusion of the Plymouth South High School Construction/Renovation project. Though

the Massachusetts Department of Revenue (“DOR”) will allow municipalities the ability to spread debt across a 30-year period, she said, it is typically not recommended. Ms. Arrighi explained that she and the Finance Director ran the estimated cost of the 1820 Courthouse project through a number of budget exercises—all while considering the other major Town projects that are on the horizon—and determined that the project is feasible.

Vice Chairman Brewster expressed her concern that taxes on the average single-family home are predicted to increase \$150-200 annually, without the addition of the expense for the 1820 Courthouse/Government Center project. She advised staff to identify potential revenue sources and community partners (such as the Plymouth Growth & Development Corporation) to help offset the expense of the project. Vice Chairman Brewster stated that, though she believes the proposal has merit and will be good for the downtown, she is unsure whether the Town can afford it. She encouraged citizens to reach out to their respective Town Meeting Representatives and participate in the democratic process of determining whether the 1820 Courthouse/Government Center project is right for the community.

Chairman Muratore inquired whether there was leeway in the article language for the 1820 Courthouse/Government Center project, to allow for design improvements that would enhance the project’s value to the downtown and better position the project for grant funding. Ms. Arrighi explained that the article will authorize Town Meeting to raise and appropriate funds for the project, but this does not prevent the Town from utilizing other sources of revenue. The design and scope of the project would not be restricted by the warrant article language, Ms. Arrighi noted.

Selectman Provenzano voiced his support for the 1820 Courthouse/Government Center proposal, noting that he could not think of a higher or better use for the property. This project is not exclusively important to the downtown, he said, because to leave such a historic and prominently-situated structure vacant and deteriorating would be a reflection on the community as a whole. Selectman Provenzano agreed with Mr. Rosenblum’s earlier comments that the Town must consider broadening the scope of the project. Funding a project of such magnitude is a concern, he acknowledged, and, thus, the Town must employ strategies to ameliorate the expense to taxpayers.

In response to a question from Chairman Muratore, Mr. Garrett of the Planning Board indicated that the Town’s population—which was over 59,000 following the Census of 2010—is projected to grow to 73,000 by 2020 and over 80,000 by 2030. Chairman Muratore then posed a question to developers and/or business owners in the audience as to whether the Town’s investment of \$30 million in this downtown project would make a statement about investing in the community, at large. Larry Rosenblum responded that, while not scientifically proven, public infrastructure investments are typically known to have positive effects upon commercial development, as such commitments demonstrate that the community understands its assets and respects its character.

Chairman Muratore thanked the members of the various boards and committees for their participation in the discussion. He encouraged citizens and Town Meeting Members to

communicate with each other and consider the question of whether the 1820 Courthouse/ Government Center project satisfies the Town’s long-term goal of improving economic development within the downtown and waterfront district.

## **2014 SPRING TOWN MEETING ARTICLES**

### **ARTICLE 12**

**To see if the Town will vote to appropriate from the Town Promotion Fund created pursuant to Chapter 4 of the Acts of 1993, a sum or sums of money for programs and projects that enhance the beautification, recreational resources, public safety, promotional and marketing activities, events, services and public improvements, or take any other action relative thereto.**

#### **BOARD OF SELECTMEN**

Lee Hartmann, Director of Planning & Development, presented the annual article pertaining to the Town Promotion Fund. The Town Promotion Fund, he said, was established by Special Act back in the 1990’s to support projects and events that will generate and sustain tourism activity within the Town. The Visitor Services Board (“VSB”), he noted, oversees the allocation of expenditures from the Fund. Mr. Hartmann explained that the Town Promotion Fund is a vital resource used to leverage other private funds that will help promote Plymouth and generate business for the local economy.

Mr. Hartmann outlined the way by which receipts collected through Plymouth’s 6% Hotel/Motel surcharge tax are allocated into the Town Promotion Fund. Plymouth, he indicated, is one of the few municipalities that sets aside 45% of the funding from its Hotel/Motel receipts into a Town Promotion Fund for tourism promotion. Mr. Hartmann reported that the total FY2015 Town Promotion budget to be approved by the 2014 Spring Annual Town Meeting is \$515,134, representing an increase of \$42,508 over FY2014’s appropriation. The receipts collected through the Hotel/Motel tax increased by 9% over the previous year, he noted.

Mr. Hartmann provided the Board with an explanation of how the Town Promotion Fund is spent, noting that a majority of the fund is dedicated to the operation of the Town’s Visitors Center and its contract with Destination Plymouth for tourism promotion. The remainder, he explained, is distributed amongst various events and projects (through the Visitor Services Board), the Distinguished Visitors Account, and the 400<sup>th</sup> Anniversary Celebration. Mr. Hartmann referenced a list that he provided to the Board of the various projects and events that were sponsored last year through the Town Promotion Fund.

Mr. Hartmann responded to some brief questions from the Board regarding Article 12. He was pleased to note that the revenue generated through the Hotel/Motel Tax has been trending upward each year—an indicator that the reinvestment of the Town Promotion Fund into tourism promotion has been successful for Plymouth.

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to recommend Article 12 to the 2014 Spring Annual Town Meeting. Voted 5-0-0, approved.

## **ARTICLE 18**

To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the purposes of financing the following water pollution abatement facility projects: repair, replacement and/or upgrade of septic systems, pursuant to agreements with the Board of Health and residential property owners; including without limitation all costs thereof as defined in Section 1 of Chapter 29C of the General Laws; to determine whether this appropriation shall be raised by borrowing from the Massachusetts Water Pollution Abatement Trust or otherwise, or take any other action relative thereto.

### **DEPARTMENT OF PLANNING AND DEVELOPMENT**

Mr. Hartmann explained that Article 18 is a question that is brought forth annually to Town Meeting to appropriate funding for the Town's Title V Betterment Loan Program. Town Meeting, he indicated, will be asked to allocate \$300,000 for the FY2015 program. Mr. Hartmann reported that this is the 11<sup>th</sup> year that the Town's Office of Community Development has administered the program, through which residents can obtain low-interest loans for the upgrade of their septic systems. The Title V Betterment Loan program, he said, has proven to be a successful, low-risk, and effective initiative that ultimately benefits public health, water quality, and property values.

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to recommend Article 18 to the 2014 Spring Annual Town Meeting. Voted 5-0-0, approved.

## **PUBLIC HEARING: CHANGE OF LOCATION FOR LIQUOR LICENSE**

**ON THE TEE, LLC D/B/A ON THE TEE, FROM 8 NATALIE WAY TO 278 COURT STREET  
\*CONTINUED FROM NOVEMBER 19, 2013**

Chairman Muratore reopened a public hearing to consider the application for a Change of Location of the Annual Wine & Malt Restaurant Liquor License issued to On the Tee, LLC d/b/a On the Tee, Russell Quigg as Manager. The hearing on this matter had been continued from the Selectmen's meeting of November 19, 2013.

Chairman Muratore indicated that the licensee has applied to change his business location from 8 Natalie Way to 278 Court Street. Prior to reopening 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.

Russell Quigg, owner and manager of On the Tee, LLC, informed the Board that he has held an Annual Wine & Malt liquor License at his two previous locations for a total of eight years, without incident. When he applied—and received approval—to relocate his business to 278 Court Street, Mr. Quigg said that he assumed the approval included his liquor license. Mr. Quigg informed the Board that he completed the relocation of his business to 278 Court Street, only to find out that the service of alcohol was not considered an allowed use at that location. The Zoning Board of Appeals ("ZBA"), he said, will hear his application for a variance of zoning on the evening of January 15, 2014.

Mr. Quigg explained to the Board that his business is an indoor simulated golf training facility that is open seasonally from October through April until 10:00 p.m. at night. Since he reopened the business at the rear portion of the Ellis Curtain Factory building at 278 Court Street—without alcohol service, he noted—there have been no issues with the surrounding neighbors. Mr. Quigg asked the Selectmen to consider approving his request to transfer the location of his liquor license, pending approval from the ZBA.

In response to an inquiry from Vice Chairman Brewster, Mr. Quigg indicated that his business was formerly located at Cordage Park and, subsequently, the JunglePlex (8 Natalie Way). Mr. Quigg reiterated that, at those two locations, there were no incidents related to the service of liquor.

Following a question from Chairman Muratore, the Town Manager's Administrative Assistant, Lisa Johnson, affirmed that there are no incidents on file related to Mr. Quigg's liquor license.

Chairman Muratore opened the hearing to public comment.

Enzo Monti, member of the North Plymouth Steering Committee and nearby neighbor of the new location of On the Tee, expressed concern about the effect that the allowance of a liquor license at 278 Court Street could have upon the surrounding residential neighborhood. The previous uses of the building at 278 Court Street, he said, have varied slightly over the building's 100-year history—an elementary school, a curtain factory, and, most recently, a retail shop—but all have typically closed for business by the hour of 5:00 p.m. Mr. Monti noted that the front section of the building falls at the southernmost tail-end of North Plymouth's General Commercial ("GC") zone. With one exception, he indicated, 278 Court Street is entirely surrounded by single-family residential homes.

Mr. Monti expressed his belief that Mr. Quigg seems to be a responsible person, and the neighborhood, he said, does not appear to object to the golf business, itself. The problem arises, Mr. Monti explained, in the fact that Mr. Quigg's business will attract vehicles and patrons—which will translate to headlights, slamming doors, and voices speaking—in the evening hours when the property has historically been quiet. When the service of liquor is added to this scenario, he noted, the situation could become worse. Mr. Monti reiterated his belief that Mr. Quigg could prove to be a responsible neighbor, but he expressed his concern that a liquor license granted at this location could forever be available to potential, subsequent owners who may not be so responsible.

Katherine Vandini, who identified herself as a 30-year resident of 9 Centennial Street, indicated that the rear portion of 278 Court Street abuts her back yard. Similar to the comments made by Mr. Monti, Ms. Vandini stated her concern that the allowance of a liquor license within the predominantly residential neighborhood could cause repeated disturbances to those who abut the property.

Everett Malaguti III, Town Meeting Member for Precinct 1, reported that the general concern he has received from his constituents is directly related to the service of alcohol at

278 Court Street. The neighborhood, he said, does not appear to object to Mr. Quigg's golf business, but residents are concerned about the service of alcohol at that location. Mr. Malaguti expressed his hope that Mr. Quigg's business can thrive at the 278 Court Street location, but he stated his opposition to the issuance of a liquor license for that address.

Seeing no further requests to speak, Chairman Muratore closed public comment and brought the discussion back to the Board.

Mr. Quigg explained that the alcohol served at his establishment is only for the patrons that are utilizing the virtual golf training equipment; it is not an establishment, he said, where a person can simply linger at the bar for hours. Mr. Quigg noted that the Planning Board has heard and approved his zoning request.

The Board discussed the license request and posed questions to the Town Manager's Administrative Assistant, Lisa Johnson, who serves as the point-person for licensing in the Town Manager/Board of Selectmen's Office. Ms. Johnson explained that it is the service of food and alcohol at 278 Court Street—not the operation of the golf business—that requires a zoning variance. In response to an inquiry from Selectman Provenzano, Ms. Johnson confirmed that, though Mr. Quigg may choose to restrict the service of alcohol to only those patrons who are using the golf simulation equipment, the Board cannot impose this practice as a condition of Mr. Quigg's license.

Paul McAuliffe, Director of Inspectional Services, explained to the Board that the curtain factory establishment at 278 Court Street falls within North Plymouth's General Commercial ("GC") zone. The garage at the rear portion of the building in which Mr. Quigg's building has been established, however, physically falls within the residential zone. If the business was located in the front portion of 278 Court Street, Mr. McAuliffe indicated, the service of food and alcoholic beverages would be an allowed use.

The Board discussed the benefits and/or drawbacks of granting a liquor license at the 278 Court Street location. Chairman Muratore questioned whether the Massachusetts Alcoholic Beverage Control Commission ("ABCC") would overturn the Board's decision, if the Board voted to deny Mr. Quigg's license request. In response to an inquiry from Chairman Muratore, Ms. Johnson explained that the Board can deny a liquor license for specific reasons, e.g. a lack of public need in the area. Selectman Provenzano noted that he did not want the ZBA's decision (during their consideration of the zoning variance on January 15, 2014) to be affected by the vote of the Selectmen.

Selectman Tavares expressed concern that the allowance of a liquor license at 278 Court Street would set a precedent for future licenses at that location. Though the current applicant may be a responsible business owner, he said, subsequent tenants at the location may not. The location is primarily surrounded by residential neighbors who are not acclimated to an establishment that operates beyond typical business hours, Selectman Tavares noted, and several of these residents have written to and appeared before the Board to express their concern about the way by which their neighborhood could be

affected by the introduction of alcohol service at the site. Once the Board allows a license at 278 Court Street, he said, it will never be able to deny a future applicant.

Ms. Johnson explained her understanding that there was a miscommunication between the business applicant and the Department of Inspectional Services, whereby Mr. Quigg believed that he was given full approval to relocate his business—including the ability to serve food and alcoholic beverages—to 278 Court Street. Only after Mr. Quigg had moved the entire business, she said, did he find out that the service of food and alcoholic beverages was not an allowed use.

Selectman Tavares expressed his belief that any miscommunication between the applicant and the Department of Inspectional Services was irrelevant to whether or not a liquor license should be allowed at the location.

Selectman Provenzano made a motion to table the Board's decision on the request for an Annual Wine & Malt Restaurant Liquor License for On the Tee, LLC d/b/a On the Tee, 278 Court Street, pending action of the Zoning Board of Appeals. Selectman Mahoney seconded the motion and the Board voted 2-3-0. With Chairman Muratore, Vice Chairman Brewster, and Selectman Tavares voting in opposition, the motion did not carry.

Vice Chairman Brewster made a motion to deny the issuance of an Annual Wine & Malt Restaurant Liquor License to On the Tee, LLC d/b/a On the Tee, 278 Court Street. Selectman Tavares seconded the motion, and the Board voted 4-1-0 in favor of denying the license. Selectman Mahoney cast the opposing vote.

## **LEGISLATIVE RESOLUTIONS FOR MUNICIPAL CONFERENCE**

Selectman Tavares indicated that he planned to attend the Massachusetts Municipal Association's ("MMA") annual conference and trade show on January 24 and 25, 2014 as the Board's representative. During the annual MMA business meeting (held during the trade show), he explained, representatives of Massachusetts communities will be asked to vote upon three legislative resolutions pertaining to local aid, zoning and land use, and other post-employment benefits ("OPEB"). Selectman Tavares referenced the information that was provided to the Board on the three resolutions (listed, below), and he noted his recommendation that Plymouth vote to support all three.

- Resolution: Ensuring a Strong Partnership Between Cities and Towns and the Commonwealth in Fiscal 2015 and Beyond, proposed by the MMA's Fiscal Policy Committee
- Resolution: Ensuring a Strong and Productive Role for Cities, Towns and Community Residents To Promote and Ensure Effective Land Use and Housing Policies, proposed by the MMA's Policy Committee on Municipal and Regional Administration

- Resolution: Ensuring Sustainable OPEB Costs for Cities and Towns and Local Taxpayers, proposed by the MMA's Policy Committee on Personnel and Labor Relations

Selectman Mahoney expressed his support for the resolution related to land use and housing policies, noting how this resolution seeks to reform the state's current Chapter 40B laws pertaining to affordable housing. Selectman Tavares noted his plans to voice the Board's concerns about Chapter 40B during the annual meeting. Vice Chairman Brewster acknowledged her support for the reforms proposed within the third resolution related to municipal OPEB liability.

Seeing no further discussion, Chairman Muratore stated that the Board appeared to reach consensus on the support of all three resolutions to be voted upon by Massachusetts communities during the Massachusetts Municipal Association's ("MMA") annual conference and trade show.

## **COMMITTEE LIAISON / DESIGNEE UPDATES**

**Capital Improvements Committee** – Selectman Provenzano reported that he and the Capital Improvements Committee ("CIC") spent the day on January 9, 2014 reviewing the capital projects that have been submitted for the FY2015 Budget. The CIC's project rankings have been tabulated, he said, but the results will not be circulated until the Town Manager has had the opportunity to review the committee's report.

**Roads Advisory Committee** – Selectman Provenzano indicated that he attended a meeting with Town Counsel on behalf of Roads Advisory Committee to discuss the Town's procedures relative to the acceptance of public ways and eminent domain takings. The attorneys with Kopelman & Paige (Town Counsel), he said, have encouraged the Town to utilize the eminent domain procedure when accepting roads as public ways, because of the rights that are conferred upon the Town through that process. Selectman Provenzano informed the Board that, as a result of the discussion with Town Counsel, there will be an article included on the Town Meeting warrant to improve the Town's eminent domain process.

## **OLD BUSINESS / LETTERS / NEW BUSINESS**

**400<sup>th</sup> Anniversary Flag** – Selectman Tavares noted that the 400<sup>th</sup> Anniversary flag that was once thought to be misplaced has now been located. The flag, he said, will be returned to Town Hall and will be properly displayed, soon.

**Update on Burial Hill Project** – Selectman Mahoney asked for a status update on the Burial Hill restoration project that was funded by the Community Preservation Act. Vice Chairman Brewster noted that she serves on the Town's internal working group for this project, which will be meeting in early February.



**Meeting with Town Employees to Discuss Budgetary Efficiencies** – Chairman Muratore noted that he invited the Town’s labor unions to attend the Selectmen’s meeting of January 21, 2014 to discuss potential budgetary efficiencies. Chairman Muratore sought to explain that, from the discussion, the Board hopes to gain insight and ideas from those who have the best and most direct understanding of the way by which the Town delivers services to its residents. The discussion, he clarified, will not involve contract negotiations.

## **ADJOURNMENT OF MEETING**

On a motion by Selectman Tavares, seconded by Vice Chairman Brewster, the Board voted to adjourn its meeting at approximately 10:40 p.m. Voted 5-0-0, approved.

*Recorded by Tiffany Park, Clerk to the Board of Selectmen*

*A copy of the January 14, 2014 meeting packet is on file and available for public review in the Board of Selectmen’s Office.*