

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, JULY 15, 2014

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, July 15, 2014 at 6:00 p.m. at Town Hall in the Mayflower Room.

Present: Kenneth A. Tavares, Chairman
Anthony F. Provenzano Jr., Vice Chairman
John T. Mahoney, Jr.
Mathew J. Muratore [*arrived at 6:15 p.m.*]
Sean P. Page

Melissa Arrighi, Town Manager
Michael Galla, Assistant Town Manager

CALL TO ORDER

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

EXECUTIVE SESSION

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to enter an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to litigation (Wastewater Treatment Facility), and Paragraph 2, to conduct strategy sessions in preparation for negotiations with nonunion personnel (Plymouth Regional Economic Development Foundation), as an open meeting on these matters may have a detrimental effect on the negotiating position of the body. By roll call: Mahoney – yes, Provenzano – yes, Page – yes, and Tavares – yes.

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

RETURN TO OPEN SESSION

Chairman Tavares reconvened the meeting in open session at 7:15 p.m. and led the Pledge of Allegiance.

Prior to the commencement of the evening's agenda, Chairman Tavares held a moment of silence in memory of Chester Flattery, who served for several years as the head custodian at Manomet Elementary School. On behalf of the Board, Chairman Tavares extended condolences to Mr. Flattery's family, friends, and colleagues.

Chairman Tavares also extended the Board's condolences to the family, friends, and colleagues of Ripley Crowell, a former employee of the Department of Public Works.

TOWN MANAGER'S REPORT

400th Anniversary / Plymouth 400, Inc. – Town Manager Melissa Arrighi referenced a comprehensive update that she included in her Town Manager's Report from Plymouth 400, Inc., regarding the organization's planning activities for the 400th Anniversary Celebration. Plymouth 400, Inc., she noted, is only 158 orders shy of its goal of gathering 1,500 commemorative license plate orders.

Water Street Promenade – Ms. Arrighi reported that, on July 16th, an internal working group will be interviewing two design firms for the design of the Water Street Promenade project. The working group, she said, will also review the Town's 2013 MassWorks Grant application, as it provides a useful summary of what that Town has done to create opportunities for economic growth and improve recreational/business activity in the downtown/waterfront area.

Samoset Street Reconstruction Project – Ms. Arrighi provided the Board and the public with a brief update on the Samoset Street Reconstruction and Sewer Expansion Project, which is currently in the phase related to the installation of new catch basins and drainage lines along the roadway. The Department of Public Works ("DPW"), she said, will hold an informational meeting for property owners and residents at the Plymouth Public Library on August 6, 2014 to provide information regarding the Town's plans to expand its sewer infrastructure westward along Samoset Street.

Approval of 2014 Spring Annual Town Meeting Actions – Ms. Arrighi announced that the Massachusetts Attorney General's Office has confirmed approval (and disapproval) of the bylaws voted at Plymouth's 2014 Spring Annual Town Meeting. Specifically, she reported, all actions have met the Attorney General's approval, with the exception of the bylaw proposed under Article 29, related to the posting of signage at properties involving zoning appeals.

Chapter 40B Development off Brook Road – Ms. Arrighi informed the Board that the Town has received some complaints about a Chapter 40B development that is being built off Brook Road, near the Manomet Elementary School. The concerns that have been brought forth range from environmental issues and a lack of dust control to the traffic and speed of construction vehicles entering and exiting the construction site. Ms. Arrighi indicated that the Town's building inspectors have visited the site and notified the owner that work must stop until erosion control fencing is properly installed. The Town's inspectors have also spoken with the property owner and construction manager about the removal of loam from the site and the weight and limit of construction traffic in and out of the location.

Beaver Dam Ridge Homeowners Association – Ms. Arrighi reported that the Town received a complaint from the members of the Beaver Dam Ridge Homeowners Association regarding some activity in the neighborhood involving a homeowner who has imported truckloads of soil and rocks to his property. The homeowners association, she explained, is concerned about the runoff that is being caused—and the potential contaminants that could enter the neighborhood’s well water system—as a result of the fill and materials (in this case, a large pile of rubber tires) that have been massed onto the property. Ms. Arrighi stated that the Town’s Director of Inspectional Services plans to meet with the homeowner to determine if this individual is attempting to create a motorcycle track on his property.

Aircraft Owner and Pilots Association (“AOPA”) Fly-In Event at Airport – Ms. Arrighi was pleased to report that the Plymouth Municipal Airport recently hosted the New England / Northeast Regional Chapter of the Aircraft Owner and Pilots Association’s regional fly-in event on Saturday, July 12, 2014. The event, she said, was very successful, drawing thousands of visitors from across the country. Ms. Arrighi complimented Airport Manager Tom Maher, the Plymouth Airport Commission, and airport staff for managing the event so well.

LICENSES

ONE DAY WINE & MALT LIQUOR LICENSE*

On a motion by Selectman Muratore, seconded by Selectman Page, the Board voted to grant two (2) One Day Wine & Malt Liquor Licenses to the following applicant, for the events described, below. Voted 5-0-0, approved.

- ❖ **Terri Martini / Front Street Gourmet** (121 Front Street, Scituate) requested a One Day Wine & Malt Liquor License for two separate events: (1) a comedy show to be held at the Grove at Plymouth, Studio G (Shops at 5 Way) from 6:00 p.m. to 11:00 p.m. on July 26, 2014; and (2) a barbecue to be held at the Grove of Plymouth, Studio G (Shops at 5 Way) from 3:00 p.m. to 9:00 pm. on August 10, 2014. 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.

PEDI-CAB OPERATOR (NEW)

On a motion by Selectman Page, seconded by Selectman Mahoney, the Board voted to grant a Pedi-Cab Operator License to the following applicant. Voted 5-0-0, approved.

- ❖ For Plymouth Pedi-Cab:
 - Matthew Quinlan (73 Jordan Road)

Issuance of above license is subject to the CORI Background Check.

VEHICLE FOR HIRE OPERATOR (NEW)

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

❖ For **Plimoth Transportation d/b/a Mayflower Taxi:**

- Carl Ulmer (81 Welton Drive)

Issuance of above license is subject to the CORI Background Check.

CHANGE OF MANAGER (LIQUOR LICENSE)

On a motion by Selectman Muratore, seconded by Selectman Mahoney, the Board voted to approve a Change of Manager for the following holder of a Liquor License, as detailed below. Voted 5-0-0, approved.

- ❖ **Rye Tavern Corporation**, 517 Old Sandwich Rd., requested a Change of Manager from Sean P. Nelson to Jessica Mulholland. Background check shows no basis for denial.

CHANGE OF OFFICERS/DIRECTORS (LIQUOR)

On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board voted to approve a Change of Officers/Directors for the following holder of a Liquor License, as detailed below. Voted 5-0-0, approved.

- ❖ **99 Restaurants of Boston, LLC d/b/a 99 Restaurant and Pub**, 21 Home Depot Drive, requested a Change of Officer (Change in Beneficial Interest). Removal of George Scanlon and John Grady. There are no replacements.

POLE PETITION

On a motion by Selectman Muratore, seconded by Selectman Page, the Board approved the following Pole Petition, as detailed below. Voted 5-0-0, approved.

- ❖ **NSTAR Petition 1999907** – One petition covering the installation of one (1) manhole and underground cable and conduit on Cape Cod Ave. in Plymouth. The construction is necessary to bring service to 26 Cape Cod Avenue in Plymouth. Approval with the conditions set forth by the Engineering Department and the Town Manager.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Muratore, seconded by Selectman Page, the Board voted to approve the minutes of the June 3, 2014 Selectmen's meeting. Voted 5-0-0, approved.

Open/Close Fall Town Meeting Warrant – On a motion by Vice Chairman Provenzano The Board will vote to open the 2014 Fall Town Meeting Warrant on Tuesday, July 29, 2014 and close the warrant at 4:00 p.m. on Friday, August 8, 2014.

Request for Determination of Applicability – The Board granted the Natural Heritage & Endangered Species Program (a division of the Massachusetts Division of Fisheries & Wildlife) permission to file a Request for Determination of Applicability (“RDA”) with the Plymouth Conservation Commission, to perform habitat management and treatment of invasive species on Town of Plymouth land.

[Note: The plan submitted proposes activity on Town-owned property, and the Conservation Commission will not review the Request for Determination of Applicability (“RDA”) until all property owners within the project’s parameters have given their permission to file. The application will be subject to further review and subsequent permission/denial from both the Conservation Commission and the Board of Selectmen and/or Town Manager to conduct the proposed work – this is not an approval of the project. Approval of this administrative note simply gives the applicant permission to file the Request for Determination of Applicability (“RDA”) with the Conservation Commission.]

Notice of Intent – The Board granted David Mastroianni / White Cliffs Community Association permission to file a Notice of Intent (“NOI”) with the Plymouth Conservation Commission, which proposes the construction of erosion control measures that span onto a portion of Town-owned land located off East Cliff Drive, identified as Lot 6-20 on Assessors Map 54.

[Note: The plan submitted proposes activity on Town-owned property, and the Conservation Commission will not review the Notice of Intent (“NOI”) until all property owners within the project’s parameters have given their permission to file. The application will be subject to further review and subsequent permission/denial from both the Conservation Commission and the Board of Selectmen and/or Town Manager to conduct the proposed work – this is not an approval of the project. Approval of this administrative note simply gives the applicant permission to file the Notice of Intent (“NOI”) with the Conservation Commission.]

Tolling Agreement / Wastewater Treatment Facility – The Board authorized the Town Manager and/or Town Counsel to execute a Tolling Agreement with the Attorney General’s Office for compliance issues related to the NPDES Permit and the Plymouth Wastewater Treatment Facility.

Letter of Support for Project Gurnet / Bug Light, Inc. – The Board agreed to issue a letter of support for the application submitted by Project Gurnet and Bug Light, Inc. to the General Services Administration to take ownership of the Duxbury Pier Lighthouse Station (“Bug Light”).

Year-End Transfers – The Board approved the following Year-End-Transfers, as recommended by the Finance Director:

- \$20,000.00 to the Member Benefits Account
- \$340,000.00 to the Member Insurance Account

PUBLIC COMMENT

Michael Jones of the POLARIS Foundation spoke to the Board about his organization's progress, noting that POLARIS plans to officially open its office on Court Street on September 1, 2014. POLARIS, Mr. Jones explained, is an acronym for "Plymouth Occupational Learning Advancement Resources & Inspirational Services." The foundation, he said, was founded to help young people with high school diplomas or GED's find career options that match their skills. Mr. Jones announced that POLARIS will hold a golf tournament at the Plymouth Country Club on July 21, 2014 to raise funds for the organization. Information on the event, he said, can be found at www.polaris-foundation.com.

COMMITTEE APPOINTMENTS

1749 COURTHOUSE COMMITTEE: 3 SEATS AVAILABLE, 2 APPLICANTS

On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to appoint the following citizens to serve on the 1749 Courthouse Committee, for the terms identified, below. Voted 5-0-0, approved.

Donna Curtin	148 Summer Street	Incumbent	Term exp. 6/30/2017
Beverly Ness	26 Huntington Road	Incumbent	Term exp. 6/30/2017

AGRICULTURAL COMMITTEE: 2 SEATS AVAILABLE, 1 APPLICANT

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to appoint the following citizen to serve on the Agricultural Committee, for the term identified, below. Voted 5-0-0, approved.

Patti Striar	25 Steeple Chase	New Applicant Farming Experience	Term exp. 6/30/2017
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CONSERVATION COMMISSION: 1 SEAT AVAILABLE, 1 APPLICANT

On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board voted to appoint the following citizen to serve on the Conservation Commission, for the term identified, below. Voted 5-0-0, approved.

Joshua Bows	44 E. Russell Mills Rd.	New Applicant	Term exp. 6/30/2017
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DISTINGUISHED VISITORS COMMITTEE: 1 SEAT AVAILABLE, 1 APPLICANT

On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to appoint the following citizen to serve on the Distinguished Visitor Committee, for the term identified, below. Voted 5-0-0, approved.

Keelas Small	38 Jamie's Path	Incumbent	Term exp. 6/30/2017
		Chamber of Commerce Designee	

ENERGY COMMITTEE: 4 SEATS AVAILABLE, 2 APPLICANTS

On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board voted to appoint the following citizens to serve on the Energy Committee, for the terms identified, below. Voted 5-0-0, approved.

Margie Burgess	93 Mohawk Drive	Incumbent	Term exp. 6/30/2017
Kerry Kearney	63 Treetop Way	Incumbent	Term exp. 6/30/2017

HARBOR COMMITTEE: 1 SEAT AVAILABLE, 1 APPLICANT

On a motion by Vice Chairman Provenzano, seconded by Selectman Muratore, the Board voted to appoint the following citizen to serve on the Harbor Committee, for the term identified, below. Voted 5-0-0, approved.

James F. Carpenter	17 Coles Lane	Incumbent	Term exp. 6/30/2017
		Chamber of Commerce Designee	

MEMORIALS ADVISORY COMMITTEE: 1 SEAT AVAILABLE, 1 APPLICANT

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to appoint the following citizen to serve on the Memorials Advisory Committee, for the term identified, below. Voted 5-0-0, approved.

Terri Johnson	7 Lady Slipper Drive	Incumbent	Term exp. 6/30/2017
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ROADS ADVISORY COMMITTEE: 1 SEAT AVAILABLE, 1 APPLICANT

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to appoint the following citizen to serve on the Roads Advisory Committee, for the term identified, below. Voted 5-0-0, approved.

Patti Striar	25 Steeple Chase	New Applicant	Term exp. 6/30/2017
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STEPHENS FIELD PLANNING & DESIGN: 3 SEATS AVAILABLE, 1 APPLICANT

On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board voted to appoint the following citizen to serve on the Stephens Field Planning & Design Committee, for the term identified, below. Voted 5-0-0, approved.

Joan Bartlett 226 Warren Avenue Incumbent Term exp. 6/30/2017

VISITOR SERVICES BOARD: 2 SEATS, 1 QUALIFYING APPLICANT

On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to appoint the following citizen to serve on the Visitor Services Board, for the term identified, below. Voted 5-0-0, approved.

Gary Wass 8 Cross St., Kingston New Applicant Term exp. 6/30/2017
Retail Representative

PUBLIC HEARING: COMPREHENSIVE ENTERTAINMENT LICENSE
SEA DOG PLYMOUTH, LLC D/B/A NIX’S, 6 TOWN WHARF

Chairman Tavares opened a public hearing to discuss the Comprehensive Entertainment License held by Sea Dog Plymouth, LLC d/b/a Nix’s, 6 Town Wharf. To assist with any questions relative to the hearing, Police Chief Michael Botieri, Fire Chief G. Edward Bradley, and Lisa Johnson, Administrative Assistant to the Town Manager, were in attendance at the meeting.

At the outset of the hearing, Chairman Tavares opened the hearing to public comment. No citizens came forth.

Town Manager Melissa Arrighi provided a brief recap of the events that led to the scheduling of another hearing to discuss the Outdoor Amplified Music Permit issued to Nix’s. Following the hearing held to discuss Nix’s permit during the Selectmen’s meeting of Tuesday, July 1, 2014, she explained, the Fire Department and Inspectional Services Department conducted a follow-up inspection of the premises at 6 Town Wharf to determine if a number of safety and building code violations had been remedied.

The Fire and Building departments’ inspection determined that a number of issues remained outstanding, Ms. Arrighi indicated, to the point where the Town could not issue Nix’s a valid Certificate of Inspection. Upon notification to the Massachusetts Alcoholic Beverage Control Commission (“ABCC”), she reported, the ABCC revoked the liquor license held by Sea Dog Plymouth, LLC d/b/a Nix’s. Ms. Arrighi informed the Board that Nix’s has since satisfied the issues identified by the Fire and Building departments, and a valid Certificate of Inspection has been issued.

Ms. Arrighi then discussed the reasons why the Board would reconsider the issuance of a Comprehensive Entertainment License to Sea Dog Plymouth, LLC d/b/a Nix’s.

Following the Board's decision to suspend all outdoor amplified music on Nix's back patio area, Ms. Arrighi reported, the Town received additional complaints that music generated from within the establishment was excessively loud. Considering the seriousness of the advisements that were given to Nix's owners/managers regarding the level of music at its establishment during the July 1, 2014 hearing, she explained, these new complaints have prompted the Board to consider the revocation of Nix's Comprehensive Entertainment License.

Attorney Steve Triffletti addressed the Board on behalf of Sea Dog Plymouth, LLC d/b/a Nix's. Attorney Triffletti acknowledged the hearing held on July 1, 2014, at which the Fire Chief and Director of Inspectional Services outlined their respective department's concerns about the establishment. According to his client, he indicated, all of the concerns issued by the Fire Chief and Director of Inspectional Services were remediated within a short time frame, but the Town had already notified the ABCC that Nix's was without a valid Certificate of Inspection. This action, he said, has resulted in the revocation of Nix's liquor license, despite the establishment's demonstrated efforts to satisfy the Town's requests.

Chairman Tavares advised Attorney Triffletti to confine his comments to the issues regarding Nix's Comprehensive Entertainment License, as the ABCC is the entity responsible for revoking the establishment's liquor license.

Attorney Triffletti explained that, following the Selectmen's July 1st hearing, his client took action to remove all outdoor entertainment from its schedule. When his client became aware of the recent issue involving a high level of music emanating from within the establishment, he said, the staff member who was overseeing entertainment on that evening was discharged from employment. It should be noted, Attorney Triffletti said, that significant levels of amplified music have been observed from other surrounding businesses on the wharf. Nix's owners/managers recently had a good meeting with the Police Chief, he informed the Board, and staff is working closely with an independent crowd management service to address the Town's concerns.

Cabby Brini, owner of Cabby Shack, indicated that he has received no contact from the owners/managers of Nix's to discuss or work through any of the concerns brought forth by the neighboring businesses on the wharf. He offered to show the Board video footage from the evening on which the music at Nix's was amplified from within the establishment, to demonstrate how loudly the music was being played. Mr. Brini stated that he has simply asked the owners/managers of Nix's to show their neighboring businesses some common courtesy, but this courtesy has not been extended.

Attorney Triffletti informed the Board that his client has made attempts to reach out to neighboring businesses. John McKeon, Nix's new general manager, reiterated this information, noting that, though he has been unsuccessful, thus far, in making direct contact with Mr. Brini or the owners of Anna's Harborside Grille, he has spoken with one of the managers at Cabby Shack. Mr. McKeon explained that Nix's simply wishes to schedule the same type of entertainment as Cabby Shack and Anna's Harborside Grille. With regard to the recent incident where loud music could be heard emanating from within

the establishment, Mr. McKeon reinforced Attorney Triffletti's earlier statement that the person in charge of managing the establishment during this incident has since been dismissed. He indicated that all building code issues have been addressed at the establishment, and he assured the Board that he will continue to work with a crowd management service to ensure that there are no further problems.

Chairman Tavares questioned how Nix's could allow another incident involving amplified music to occur, the very weekend after the Board's July 1st hearing regarding Nix's Outdoor Amplified Music Permit. Mr. McKeon speculated that the speakers may have been positioned incorrectly, again reiterating that the supervisor in charge of the establishment during the incident has since been dismissed.

Chairman Tavares asked the Board if it wished to take action with regard to the Comprehensive Entertainment Permit issued to Sea Dog Plymouth, LLC d/b/a Nix's. No motions were put forth.

Vice Chairman Provenzano acknowledged Nix's apparent efforts to make improvements, but he advised the owners/managers of Nix's against further defying or mocking an order of the Board of Selectmen.

Chairman Tavares stated his hope that there will be no further complaints or issues that will require the Board to call Sea Dog Plymouth, LLC d/b/a Nix's back for another hearing. He reminded Nix's owners/managers of the Board's decision to temporarily suspend outdoor amplified music permit on the establishment's back patio. Chairman Tavares advised Nix's to be respectful of its patrons and those of its neighboring businesses, and he made it clear that the Board will not tolerate defiance of the Town's rules and regulations.

REQUEST FOR LETTER OF SUPPORT: MEDICAL MARIJUANA

WILLIAM NOYES WEBSTER FOUNDATION, INC.

Attorney Valerio Romano spoke to the Board on behalf of William Noyes Webster Foundation, Inc. ("WNWF"), which seeks to situate a medical marijuana grow facility at 30 Industrial Park Road in Plymouth. WNWF, he said, has received a provisional certificate of registration to operate a Registered Marijuana Dispensary ("RMD") from the Massachusetts Department of Public Health ("DPH") in the Town of Dennis. The organization, he explained, has identified Plymouth for the location of an additional cultivation facility, to support its dispensary operation in Dennis.

Attorney Romano provided information on DPH's application process, which, he said, has taken longer than initially anticipated. He discussed the reasons why WNWF has chosen to pursue an additional cultivation facility, noting that the estimated patient population that will be served by its Dennis facility is much higher than originally projected. WNWF's application is currently in the inspection phase of the DPH process, Attorney Romano explained, which will focus on the physical site location and operational plans for the proposed facility. Though initially identified as a location within another organization's

application (which has since been denied by DPH), he said, the facility at 30 Industrial Park Road was rated highly by DPH within the application process, based on its zoning and distance from schools, daycares, and other publicly-sensitive facilities. Attorney Romano expressed WNWF's belief that the location is suitable for the Town of Plymouth, but if the community does not wish to host the facility, he said, WNWF will not force the issue.

Attorney Romano informed the Board of the reasons why he believes WNWF is the right organization to bring a cultivation facility of this kind to Plymouth. The organization has made it through two extensive rounds of vetting by DPH, he reported, and the community of Dennis has given its approval to host WNWF's combined dispensary/cultivation facility. Attorney Romano provided some brief background information and credentials on WNWF's CEO, Paul Covell, and primary stakeholder, Jane Heatley. He described the WNWF as a patient-focused organization that is willing to work collaboratively with its host communities to ensure that the enterprise is cooperative and beneficial to all parties involved. WNWF, Attorney Romano stated, is willing to enter into a host agreement with the Town of Plymouth.

At the close of Attorney Romano's presentation, Selectman Muratore and Selectman Page asked for information relative to WNWF's security plan for the proposed facility at 30 Industrial Park Road. Attorney Romano referred the inquiry to Richard Nagle, who will lead security operations for WNWF.

Richard Nagle, a retired detective with Massachusetts State Police and a resident of Plymouth, discussed his credentials and his role as WNWF's head of security. Mr. Nagle stated that it is his goal to make WNWF's facility the most secure of its kind in the state. The proposed location within the Industrial Park is strategically advantageous, he said, as transport vehicles can travel directly to the highway without having to drive through residential areas. Mr. Nagle indicated that WNWF will use cameras, motion detectors, and a 24-hour physical security presence to ensure that the facility remains secure at all times.

Chairman Tavares opened the presentation to public comment.

Everett Malaguti III, Town Meeting Representative for Precinct 1, questioned why none of the proposals to site medical marijuana facilities in the Industrial Park have been brought before the North Plymouth and West Plymouth Steering Committees, considering the fact that the Industrial Park falls within their respective areas. Mr. Malaguti acknowledged his belief that a cultivation facility would be less adverse than a dispensary, but he stated his opposition to the presence of either in Plymouth.

Robert Spencer, Town Meeting Representative for Precinct 1, referenced the legalization of medical marijuana in the state of Colorado and the way by which it appears that the substance is not being utilized for medical purposes. He expressed concern that the use of marijuana as a recreational drug will increase in Massachusetts, once medical marijuana becomes available.

Selectman Muratore noted that the Town has no control over the dispensary/cultivation applications selected by DPH. Though he does not personally support the legalization of medical marijuana, he said, it has been approved by the voters, and, thus, the Selectmen must do their best to identify the best options for the Town of Plymouth.

John Green, whose organization has been chosen by DPH as one of the provisional medical marijuana licensees, sought to assuage concerns about the alleged impact that the legalization of medical marijuana will have on recreational drug use in the community. If done correctly, he explained, marijuana can be processed in a way that the euphoric components are removed, leaving behind only the medicinally-effective components. Mr. Green cited some statistics to support his belief that the presence of a medical marijuana facility within the community will actually decrease recreational use and availability.

Attorney Romano affirmed that his organization would be happy to meet with the North Plymouth and West Plymouth Steering Committees, to address any concerns that each respective group may have.

Chairman Tavares asked Chief Botieri to indicate whether he has met with WNWF's security team. Chief Botieri confirmed that he has met with WNWF's security team, and he offered his assessment that Mr. Nagle is very qualified to head security operations at the proposed facility. Though he acknowledged that he has some concerns with regard to deliveries of the product within the community, Chief Botieri affirmed that he is confident that all concerns can be worked out.

In response to an inquiry from Selectman Mahoney, Chief Botieri indicated that he and his staff have met with all of the groups that have proposed to site a medical marijuana dispensary or cultivation facility within the Town of Plymouth. The security plan put forth by WNWF, Chief Botieri said, compares well with the other groups.

Attorney Romano responded to questions from the Board regarding WNWF's corporate structure, business plan, tax payments, and its proposed facility in Dennis. With regard to non-profit status, he explained, WNWF cannot apply for tax exempt status for the property on which its facilities are situated, because it does not qualify as a charitable, 501(c)(3) tax exempt organization. Attorney Romano assured the Board that WNWF's financial structure is geared towards helping patients, not in paying out excessive corporate salaries.

Chairman Tavares noted that he recently received a request from another organization that is interested in bringing a medical marijuana facility to Plymouth. He stated that he would allow this additional group to provide a presentation to the Board during an upcoming meeting. Chairman Tavares indicated that he would prefer to have more information with regard to potential medical marijuana host agreements, prior to issuing a letter of support or non-opposition for either organization.

The Board discussed the request from WNWF for a letter of support or non-opposition. It was the general consensus of the Board that more information is needed with regard to each organization's business plan and proposal for a host agreement. Chairman Tavares indicated that he would set aside time on the August 5, 2014 Selectmen's meeting for

presentations from WNWF and the other organization that has expressed interest in establishing a medical marijuana facility in Plymouth. This, he said, will allow time for both groups to prepare their respective presentations and meet with Town officials to discuss host agreements.

PRESENTATION ON TOWN LEASES AND LICENSE AGREEMENTS

Ms. Arrighi introduced a presentation on the license and lease agreements granted by the Town for the private use of publicly-owned property. For some time, she explained, Town leaders and officials have talked about the need for Plymouth to do better with managing its public properties. As such, Ms. Arrighi indicated, the Town Manager's Special Assistant, Elizabeth Sullivan, has been tasked with auditing and managing the Town's license and lease agreements.

Elizabeth Sullivan, Special Assistant to the Town Manager, provided a PowerPoint presentation on the comprehensive review she conducted of Plymouth's 50+ license and lease agreements. The Town, she said, has a number of properties of varying size, type, and location for which use has been granted—via lease or license—to private citizens, businesses, and/or organizations, for a number of different uses. Ms. Sullivan gave examples of—and provided information upon the payments related to—the various uses of publicly-owned property for which licenses and leases have been granted by the Town:

- Aquaculture sites in Plymouth Harbor
- Concession agreements at Stephens Field, Nelson Memorial Park, and Plymouth Beach
- Building leases, such as 89 Court Street (New Hope Chapel), 25½ Court Street (GPPAC/The Spire Performing Arts Center), and 51 Main Street (Sam Diego's Restaurant)
- Footbridge licenses over Eel River from private properties on Warren Avenue
- Cell tower sites at various locations throughout the town
- Site leases on Town Wharf, used for commercial fishing, recreational boating, retail, and restaurant operations
- Miscellaneous licenses and leases, e.g. a golf course on Long Pond Road (Crosswinds), the use the Town's athletic fields (NECBL/Plymouth Pilgrims Baseball), erosion-control walls/structures along public coastline, and signage on public easements

Ms. Sullivan discussed some of the findings of her audit, highlighting some of the leases/licenses that have expired and/or have not been kept current (in terms of payment owed to the Town). She confirmed that she and the Town Manager have begun to contact and meet with those licensees/lessees whose agreements have expired or are in arrears, to discuss renewal and/or payment. Ms. Sullivan then provided the Board with information on the varying ways by which the numerous lease/license agreements are structured, noting that there are differences between each license/lease type.

At the close of the presentation, Ms. Sullivan talked about the way by which she and the Town Manager will improve the management of the Town's leases and licenses, going forth. For example, she said, the Town Manager is considering the integration of the lease/license payment schedule into the Town's MUNIS accounting software, to ensure that tenant payments remain current.

In response to an inquiry from Chairman Tavares, Finance Director Lynne Barrett indicated that she has spoken with the Town Manager about the inclusion of funding in the FY2016 budget for the integration of lease and license agreements into the MUNIS system. Based on the varying character and terms of each agreement, Ms. Barrett said, there is a great deal of work involved in structuring and entering the lease/license information into the system.

The Selectmen appeared to express eagerness that the Town Manager's Office begin utilizing the MUNIS system to ensure that lease/license payments remain current. Ms. Arrighi agreed, stating that the accounting software could help staff put provisions in place to charge interest for late payments. Chairman Tavares advised Ms. Arrighi to ensure that funds are set aside to integrate lease/license payments into the MUNIS billing system.

At the close of the discussion, Chairman Tavares noted that he would like to schedule an update on the Town's leases and licenses during a Selectmen's meeting in the fall.

COMMITTEE LIAISON / DESIGNEE UPDATES

Veterans Event at Memorial Hall - Selectmen Muratore thanked Roxanne Whitbeck and the Veterans Department for hosting a wonderful event in honor of Plymouth's veterans at Memorial Hall on July 3, 2014.

July 4th Parade & Fireworks Events – Selectman Muratore commended Chairman Tavares and the members of July 4 Plymouth, Inc. on producing yet another successful Independence Day event.

Chairman Tavares thanked all those who helped with organizing, fundraising for, and facilitating the parade, and he expressed gratitude for the willingness of various officials and organizations to accommodate the rescheduling of this year's events, due to the weather.

Official Visits from Shichigahama, Japan and Cento, Italy – Vice Chairman Provenzano reminded the Board and the public that an official delegation from Shichigahama, Japan will be visiting Plymouth at the end of July. In addition, he announced, an official delegation from the Cento region of Italy will visit Plymouth, during the weekend of July 19-21, 2014, to establish connections with local residents who descend from several families who immigrated to Plymouth from Cento.

OLD BUSINESS / LETTERS / NEW BUSINESS

Earth Removal Work Near Hedges Pond – Selectman Mahoney asked the Town Manager if she had any information pertaining to an earth removal project that is underway in the Hedges Pond area, visible just off Route 3. He questioned whether there are—or will be—any erosion measures in place to contain the significant removal of earth.

Ms. Arrighi advised the Board that she would follow-up with information on this particular matter during the Selectmen’s next meeting.

ADJOURNMENT OF MEETING

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to adjourn its meeting at approximately 9:30 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the July 15, 2015 meeting packet is on file and available for public review in the Board of Selectmen’s Office.