

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, SEPTEMBER 2, 2014

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, September 2, 2014 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: Kenneth A. Tavares, Chairman
Anthony F. Provenzano Jr., Vice Chairman
John T. Mahoney, Jr. *[arrived at 8:40 p.m.]*
Mathew J. Muratore
Sean P. Page

Melissa Arrighi, Town Manager
Michael Galla, Assistant Town Manager

CALL TO ORDER

Chairman Tavares called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

Prior to commencing the evening's agenda, Chairman Tavares called for a moment of silence in memory of journalists Steven Sotloff and James Foley, who, in the course of their work as reporters on the political unrest in the Middle East, were held captive and tragically executed by terrorist groups. Chairman Tavares also sought to recognize all other Americans who are being held against their will, as a result of political conflict.

TOWN MANAGER'S REPORT

The Town Manager did not offer a report for the meeting of September 2, 2014.

LICENSES

ONE DAY WINE AND MALT LIQUOR LICENSE*

On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to grant a One Day Wine & Malt License to the following applicant, for the event detailed, below. Voted 4-0-0, approved.

- ❖ **Laura Vineyard / The Shockyard Fitness & Social Club** (19R Court Street), requested a One Day Wine & Malt License for a networking event, to be held from 6:00 p.m. to 9:00 p.m. at 19R Court Street on November 13, 2014. Liquor liability insurance will be in place before the license is released.

VEHICLE FOR HIRE BUSINESS (NEW)

On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board voted to grant a Vehicle for Hire Business Permit and a Vehicle for Hire Operator License to the following applicant, as listed, below. Voted 4-0-0, approved.

❖ **Connections Livery Services**, 27 Robert J. Way, Unit 4, Mark Westland, Owner:

- One Vehicle for Hire Business Permit
- One Vehicle for Hire Operator License: Mark Westland, 6 Cayuga Ave., Mashpee

Issuance of above licenses is subject to all requisite paperwork and CORI background check.

VEHICLE FOR HIRE AND OPERATOR (NEW)

On a motion by Vice Chairman Provenzano, seconded by Selectman Muratore, the Board voted to grant a Vehicle for Hire (Vehicle) Permit and a Vehicle for Hire Operator License to the following applicant, as listed, below. Voted 4-0-0, approved.

❖ **Cardinal Transportation Inc.**, 109 Sandwich Street, Jeffrey Peterson, Owner:

- Applying for one new Vehicle – Livery (2001 Grand Marquis)
- One Vehicle for Hire Operator: Amy Green, 59 Bow Street, Carver

Issuance of above licenses is subject to all requisite paperwork and CORI background check.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Muratore, seconded by Selectman Page, the Board approved the minutes from the June 24, 2014 Selectmen’s meeting.

Betterment Assessments – The Board, acting as the Town’s Sewer Commissioners, voted to assess betterments upon those properties affected by the Phase 1 Sewer Expansion Project and that this betterment assessment be based on the uniform unit (EDU) method.

Vacate Foreclosure on South Street Property – Chairman Tavares afforded Attorney Edward C. Conroy the opportunity to speak about his client’s request that the Board vacate a foreclosure on a particular parcel of property situated on South Street. Attorney Conroy explained that his client’s property has been rendered landlocked as a result of the Town’s taking of Lot 79A on Assessors Map 21.

On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to vacate the foreclosure judgment on property located on South Street, identified as Lot 79A on Assessors Map 21, contingent upon the Town being made whole of all taxes, interest, and fees, as determined by the Treasurer / Collector. Voted 4-0-0, approved.

Appointment to Community Preservation Committee – On a motion by Selectman Muratore, seconded by Selectman Page, the Board voted to re-appoint Joan Bartlett to the Community Preservation Committee, for a term effective through June 30, 2017. Voted 4-0-0, approved.

Appointment to Energy Committee – On a motion by Selectman Muratore, seconded by Selectman Page, the Board voted to appoint Margaret Burke to the Energy Committee, for a term effective September 3, 2014 through June 30, 2016. Voted 4-0-0, approved.

PUBLIC COMMENT

Pam Meyer addressed the Board on behalf of the Jordan Hospital Club to provide information on HOPEFEST, an event that the club will sponsor to help address the challenges of behavioral health and substance abuse needs of individuals and families on the South Shore. The event, she announced, will be held at Memorial Hall on September 27, 2014.

Robert Spencer of North Plymouth listed a number of streets for which he believes attention must be paid, relative to potholes (South Cherry Street), parking (Cordage Terrace), and pavement markings (crosswalks near schools). Mr. Spencer also expressed his belief that it is a waste of time and money for the Town to construct a parking garage that (he believes) will be utilized only 4 months out of the year.

DROP-IN HOURS AT MANOMET RECREATION YOUTH CENTER

Town Manager Melissa Arrighi introduced a discussion on the Recreation Division’s drop-in program at the Manomet Youth Center (“MYC”). Many residents, she said, have raised objections to the Recreation Division’s recent decision to cut the hours of the drop-in program at the MYC. The decision was made, she explained, because the program has been financially unsustainable for quite some time.

Barry DeBlasio, Plymouth’s Recreation Director, provided a PowerPoint presentation on the drop-in program at the MYC.

Mr. DeBlasio began his presentation with a brief history of the MYC, noting that the center opened in the 1970’s as the original home of the Town’s Recreation Division. The MYC, he said, thrived for many years as an afterschool drop-in youth center and remained free to all residents until 2004. Following some significant budget changes in 2004—during which time two full-time MYC staff positions were eliminated—the Recreation Division had no choice but to adjust the operational hours at the MYC and charge a \$20 membership fee to sustain the drop-in program. Despite these changes, Mr. DeBlasio noted, the number of children enrolled in the drop-in program at the MYC was at a strong 200 in 2004. In 2009, when membership was at 150 children, fees for the drop-in program were raised to \$30, due to further budget cuts to all of the Town’s operational budgets.

Mr. DeBlasio indicated that, in Fiscal Year 2014, membership in MYC's drop-in program was at 70 children. Most recently, he said, attendance at the center for the after-school drop in program has averaged between 8 to 16 children, daily, Monday through Thursday, while Friday evenings remain well-attended. Mr. DeBlasio discussed the costs associated with the provision of drop-in hours at the MYC, and he explained why the program is no longer self-sustaining. For this reason, he informed the Board, the Recreation Division made the difficult decision to limit the drop-in hours at the MYC to only Friday evenings during the school year, with additional hours to be provided during school vacation weeks.

Understandably, Mr. DeBlasio acknowledged, many parents who enroll their children in the MYC's drop-in program are upset about this recent change. An online petition has circulated amongst parents to call upon the Town to reinstate the program, he indicated, and the cause has inspired many local residents (who spent time at the MYC as children) to share their stories about what the center meant to them. Mr. DeBlasio stated that he and his staff recognize the importance and value of this program to those who utilize it. While it is wonderful to see the outpouring of support from the community, he said, the Town can no longer sustain the drop-in program without definitive assistance from the community, either through fundraising or a membership drive.

Mr. DeBlasio explained that, if the Town is to reinstate and maintain drop-in hours at the MYC on weekday evenings (Monday through Thursday) for the remainder of Fiscal Year 2015, the following actions must be considered:

- Raise the annual membership fee to \$50
- Start fee for service programs at 5:00 p.m., with the exception of Fridays.
- Set a goal of 150 paid MYC members
- Raise the daily drop-in fee from \$2 to \$3.
- Reassess the usage and revenue for the drop-in program by February of 2015 and make a decision for its sustainability
- Make all of the MYC members aware of any potential changes by spring of 2015, so that they can plan accordingly for any changes made for Fiscal Year 2016

Following Mr. DeBlasio's presentation, Chairman Tavares opened the discussion to public comment.

Elizabeth Costa-Cavacco indicated that she was the resident who initiated the online petition (via Facebook) to reinstate the Monday-through-Friday drop-in hours at the MYC. Ms. Costa-Cavacco, whose children are enrolled as members at the center, stated her belief that the taxpayers of Plymouth should subsidize the drop-in, but she encouraged residents to help to offset the subsidy through fundraising and membership drives. Ms. Costa-Cavacco also urged the Town to consider the possibility of accepting sponsorships from large companies, to help fund the program.

Jim Nihan of Manomet expressed support for the idea of utilizing corporate sponsorships to sustain the drop-in program at the MYC. As a local businessman, he stated, he and his family would be willing to donate \$1,000.00 to sponsor memberships for 20 children. Mr. Nihan encouraged other local businesses to consider making similar contributions.

Robert Spencer offered his observation that the Recreation Division must identify new programs and activities for the MYC that will interest children and attract new memberships.

Everett Malaguti III, Town Meeting Member from Precinct 1, expressed support for the reinstatement of Monday-through-Thursday drop-in hours at the MYC. It is a small expense, he said, for a wonderful, neighborhood-based program.

At the close of public comment, the Selectmen posed a number of questions to Mr. DeBlasio and Ms. Costa-Cavacco regarding the ways by which the Town—with the help of residents—might reinstate and sustain the drop-in program at the MYC. Mr. DeBlasio encouraged the Board to consider his recommendations for helping to sustain the program for the remainder of FY2015. Ms. Cavacco indicated her belief that parents may be willing to pay more for drop-in enrollment, but not without some much-needed improvements to the youth center.

On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to raise the annual fee for membership to the Manomet Youth Center to \$50. Voted 4-0-0, approved.

Selectman Muratore made a motion that the Board establish a committee of seven people, consisting of five parents and two members of the Manomet community, with three non-voting liaisons—the Town’s Recreation Director, one member of the Board of Selectmen (Selectman Muratore volunteered to serve in this capacity), and one to be named by the Town Manager—to work on solutions that will sustain the drop-in program at the Manomet Youth Center, with a report to be issued to the Selectmen by December 1, 2014. Vice Chairman Provenzano seconded the motion, and the Board voted 4-0-0 in favor.

On a motion by Selectman Muratore, seconded by Selectman Page, the Board voted to increase the daily drop-in fee from \$2 (current fee) to a new amount of \$3. Voted 4-0-0, approved.

2014 FALL TOWN MEETING ARTICLES

ARTICLE 27

To see if the Town will vote to amend the Zoning Bylaw and Official Zoning Map to create a Light Industrial Building Height Overlay District that allows building heights in excess of thirty-five (35) feet and to establish definitions, procedures and provisions for said district as well as amend associated definitions, procedures, and schedules, a copy of which is on file in the Town Clerk’s office, or take any other action relative thereto.

PLANNING BOARD

Lee Hartmann, Director of Planning & Development, presented Article 27, which proposes to create a zoning “overlay district” that would allow for building heights beyond the Town’s restriction of thirty-five (35) feet. The initiative behind this article, Mr. Hartmann

explained, began with the report issued by the Industrial/Commercial/Office Land Study Committee. The committee, he said, was tasked with identifying ways by which the Town could offset the tax burden on its residential property owners. The committee found that, based on the manner in which residential and commercial areas have evolved and grown throughout the town, there were few areas remaining in Plymouth where new industrial/commercial zones could be established without disrupting residential areas or causing need for major roadway connectivity to Route 3.

One of the solutions identified—and prioritized—by the Industrial/Commercial/Office Land Study Committee, Mr. Hartmann indicated, was the easing of the Town’s 35-foot height restriction in existing industrially/commercially-zoned areas, such as the Plymouth Industrial Park and Camelot Industrial Park. Mr. Hartmann discussed some of the reasons why certain businesses prefer higher building heights for their facilities. Though the Town’s zoning bylaw currently affords property owners and businesses the opportunity to apply for a Special Permit for relief from the 35-foot height restriction, he explained, it can be a costly process with no guarantee of approval. Such factors, Mr. Hartmann said, may deter larger-scale businesses from situating their facilities within Plymouth.

Mr. Hartmann referenced a previous zoning article that was brought forth to the 2013 Spring Annual Town Meeting, which proposed the creation of a “Light Industrial Building Height Overlay District” in two areas within Plymouth—one within the Plymouth Industrial Park, and the other in Camelot Industrial Park—that would allow structures with heights in excess of 35 feet. Though the article did not obtain the 2/3 majority vote necessary to pass, he noted, the West Plymouth and North Plymouth Steering Committees have encouraged the Planning Board to bring back the current proposal (Article 27) to create a Light Industrial Building Height Overlay District within the Plymouth Industrial Park. Mr. Hartmann indicated that, while very similar to the 2013 article, this new proposal reflects the feedback that the Planning Department received following the 2013 vote, resulting in the elimination of the proposal for an overlay district in Camelot Park and the scaling-back of the proposed overlay district for the Plymouth Industrial Park.

At the close of his presentation, Mr. Hartmann informed the Board that Article 27 is supported by the Town Manager, the Planning Board, the Office of Planning & Development, and Industrial/Commercial/Office Land Study Committee. Mr. Hartmann noted that the West Plymouth and North Plymouth Steering Committees have made no objection to Article 27.

On a motion by Selectman Muratore, seconded by Selectman Page, the Board voted to recommend Article 27 to the 2014 Fall Annual Town Meeting. Voted 4-0-0, approved.

ARTICLE 28

To see if the Town will vote to amend the Zoning Bylaw Sections 205-46. Waterfront, 205-18. Transitional Commercial, 205-50. Arterial Commercial, 205-51. Light Industrial, 205-52. Airport, 205-53. Industrial Waterfront, 205-54. Downtown Harbor, and 205-55. Mixed Commerce to convert certain special permit uses and special permit uses subject to environmental design conditions to

allowed uses and to add hotels, motels and lodging facilities as allowed uses as well as amend associated definitions, procedures, and schedules, or take any other action relative thereto.

PLANNING BOARD

Mr. Hartmann discussed Article 28, which proposes to expand the number of uses allowed, by right, within the Town's existing commercial and industrial zones. Article 28, he indicated, represents another recommendation that stemmed from the report issued by the Industrial/Commercial/Office Land Study Committee, whose mission was to seek ways to maximize commercial development and, therefore, increase the commercial/industrial tax base. Mr. Hartmann explained that Article 28 will eliminate the requirement to obtain a Special Permit for certain uses that the Town either wants to encourage or has rarely denied.

Mr. Hartmann displayed zoning maps for, and outlined the changes proposed to, each of the following zones:

- Transitional Commercial
- Arterial Commercial
- Light Industrial
- Airport Zone
- Mixed Commercial

Mr. Hartmann offered his professional recommendation that such changes will encourage economic development, support the Town's tourism industry, minimize the tax burden on residential properties, and improve the efficiency of the permitting process.

On a motion by Selectman Page, seconded by Selectman Muratore, the Board voted to recommend Article 28 to the 2014 Fall Annual Town Meeting. Voted 4-0-0, approved.

ARTICLE 29

To see if the Town will vote to accept a document entitled "Manomet Village Center Master Plan Update" dated June 2014, or take any other action relative thereto.

PLANNING BOARD

Mr. Hartmann provided a brief presentation on Article 29, which represents an update to the Manomet Village Center Master Plan. He acknowledged the two individuals in the audience from the Manomet Village Steering Committee ("MVSC"), Linda Evans and Randy Parker, who, at different times, led the committee's work on the updated plan.

Considering that the last update to the Manomet Village Center Master Plan occurred in 1990, Mr. Hartmann indicated, the Office of Planning & Development, along with the MVSC, embarked upon this latest update, which reflects the current conditions and future goals of the village. Mr. Hartmann pointed to a number of projects that, when viewed collectively, reflect the guidance and objectives that are provided by the Manomet Village Center Master Plan, such as the acquisition of the Briggs property, the preservation of the Simes House, upgrades to the Fresh Pond Recreation Area, signalization and

improvements at Manomet Point and State roads, and design plans for the reconstruction of Taylor Avenue.

Mr. Hartmann listed and discussed the core goals outlined within the updated Manomet Village Master Plan, such as civic pride and identity, the maintenance and enhancement of public infrastructure, business and economic development, and historic and cultural preservation.

Chairman Tavares invited Linda Evans, the chairman of the MVSC, to speak on the Manomet Village Center Master Plan. Ms. Evans thanked former MVSC chairman, Randy Parker, along with Mr. Hartmann and the staff of the Planning Department, for the amount of work they invested into the update of the plan. The Manomet community, she said, actively attended the MVSC's meetings to participate in the development of the goals and objectives within the document.

On a motion by Selectman Muratore, seconded by Selectman Page, the Board voted to recommend Article 29 to the 2014 Fall Annual Town Meeting. Voted 4-0-0, approved.

ARTICLE 31

To see if the Town will vote to amend the General Bylaws by adding a new section, Chapter 90, §4, Subsection E, entitled Demolition Delay to preserve and protect significant buildings and other structures within the Town of Plymouth which constitute or reflect distinctive features of the architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town; a copy of which is on file in the Town Clerk's office; or take any other action relative thereto.

HISTORIC COMMISSION

Michael Tubin, chairman of the Historic District Commission ("HDC"), led the presentation on Article 31. Joined by HDC members Jim Nihan and Robert Fournier, Mr. Tubin explained that Article 31 seeks to establish a "Demolition Delay Bylaw," for the protection of structures within the community that have historic significance.

A Demolition Delay Bylaw, Mr. Tubin explained, is not intended to be a prohibition but, rather, a means of finding an alternative solution to demolition. Mr. Tubin discussed the way by which historic preservation has evolved in the United States over the past 50 years, noting that historic preservation is a relatively new endeavor in this country. The purpose of establishing this bylaw in Plymouth, he said, is to protect the town's historic and aesthetic characteristics by encouraging owners to preserve, rehabilitate, and restore structures that have significance to the community. Mr. Tubin displayed a map of the Commonwealth to illustrate the 139 communities that have enacted a Demolition Delay Bylaw. It is ironic, he noted, that Plymouth and Sandwich—two of the state's oldest communities—have not yet enacted such protections for historic structures.

Mr. Tubin displayed photographs of properties for which the Demolition Delay Bylaw resulted in the successful preservation and rehabilitation of a historically or architecturally significant structure. Plymouth's Bylaw, he indicated, is modeled upon the Massachusetts Historical Commission's bylaw, and it will be administered by the Plymouth Historic

District Commission (“HDC”). Plymouth’s bylaw, he pointed out, will address exterior demolition, only, for historically significant properties that are 75 years or older (whole or in part). The maximum delay period, he noted, would be twelve months. Mr. Tubin speculated that, in most cases, the applications submitted for demolition projects in Plymouth will not be impeded by the bylaw, because the majority of those projects will not meet the criteria outlined within the Demolition Delay Bylaw.

Donna Curtin, executive director of the Plymouth Antiquarian Society, spoke in favor of Article 31. Ms. Curtin cited the Hedge House (owned and maintained by the Antiquarian Society) as a successful example of how a group of local residents joined forces to preserve an aging property that was slated for demolition, but for each success story in Plymouth, she noted, there are several other historic structures that were not given the same chance. Ms. Curtin advised the Board against leaving the fate of Plymouth’s dwindling number of historic structures to chance, and, thus, she urged the Board to support the passage of the Demolition Delay Bylaw.

[Note: Selectman Mahoney arrived at this point during the meeting and joined the Board at 8:40 p.m.]

Mr. Tubin displayed photographs and talked about the urban renewal project, undertaken by the Plymouth Redevelopment Authority in the 1960’s, which resulted in the demolition of a substantial number of Plymouth’s most historic structures. Had a Demolition Delay Bylaw (such as the one proposed by Article 31) been in place, he speculated, one of Plymouth’s most significantly historic neighborhoods may still exist, today.

At the close of his presentation, Mr. Tubin discussed the way by which the Demolition Delay application process would work and the timeline associated with each phase of the review period. The Historic District Commission and Community Preservation Committee have each voted, unanimously, to support the passage of Article 31, he noted, and the Town’s Director of Inspectional Services has also issued his support.

Mr. Tubin responded to questions and comments from the Board regarding the mechanics of the proposed bylaw. In response to an inquiry from Selectman Muratore, who expressed concern about the length of the proposed delay (twelve months), Mr. Tubin explained that those communities that have tried a shorter delay timeline (e.g. six months) have ultimately found that there is not enough time to find viable alternatives to projects that qualify for the delay.

Chairman Tavares, like Selectman Muratore, expressed reticence about the length of the proposed twelve month delay, but he acknowledged the importance of the one thing that truly makes Plymouth unique: its history. Selectman Mahoney recommended that the HDC work upon identifying the properties within Plymouth that would qualify for the Demolition Delay Bylaw, so that property owners and potential home buyers could make themselves aware of the qualification, in advance. Vice Chairman Provenzano expressed support for the passage of the bylaw, but he asked Mr. Tubin to explain how the bylaw addresses those instances in which a historic structure has a significant structural deficiency.

Chairman Tavares opened the discussion on Article 31 to public comment.

Randy Parker, Town Meeting Member from Precinct 7, expressed appreciation for the concept of, and reasoning behind, the Demolition Delay Bylaw, but he expressed concern for the 12-month timeline associated with it. Mr. Parker advocated for the identification of some innovative mechanism that could expedite the waiting period.

James Nihan of the HDC noted that, when he served on Duxbury's Historic District Commission, he participated in five Demolition Delay hearings. The work involved in the Demolition Delay process is significant but thoughtful and deliberative, he said, so it would be rare that a property which does not meet the specific criteria would be delayed.

On a motion by Selectman Muratore, seconded by Selectman Page, the Board voted to recommend Article 31 to the 2014 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 32

To see if the Town will vote to amend Chapter 90 of the Town's General Bylaws, Section 90-3 by inserting the following language at the end of Paragraph A "The Board of Selectmen shall appoint two alternate members to the Commission. In the case of the absence, inability to act or unwillingness to act because of a conflict of interest on the part of a member of the commission, his/her place shall be taken by an alternate member designated by the chairman of the Historic District Commission. Said alternate members shall be appointed initially for 2 year and 3 year terms, with subsequent terms to be for 3 years" or take any other action relative thereto.

HISTORIC COMMISSION

Mr. Tubin explained that Article 32 would add two alternate seats to the membership of the Town's Historic District Commission. Because of the nature of the HDC's work, he said, it is imperative that the commission be able to reach quorum and have a full complement of members to vote upon the various projects that come before it.

Chairman Tavares opened the discussion on Article 32 to public comment. No citizens came forth to speak.

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to recommend Article 32 to the 2014 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 33

To see if the Town will vote to transfer the care, custody and control of the following parcel from the Town Treasurer to the Conservation Commission for the purpose of maintaining protected open space:

| Parcel ID | Road | Legal Reference | Tax Title |
|------------------|------------------|---------------------------------------|------------------|
| 087-000-057G-000 | Fuller Farm Road | Book 38584, Page 199 (Final Judgment) | #10424 |

or take any other action relative thereto.

CONSERVATION COMMISSION

Patrick Farah, Planning Technician from the Office of Planning & Development, presented Article 33, which proposes to convey a parcel of land held by the Town under Tax Title to the care and custody of the Conservation Commission. Mr. Farah informed the Board that the property, which is located off of Fuller Farm Road, was formerly part of a residential subdivision for which a Rural Density Development (“RDD”) Special Permit was granted by the Planning Board in 2005. In 2010, however, the Town foreclosed upon the property due to the non-payment of taxes.

Mr. Farah noted that, as part of the RDD Special Permit that was issued to the developer in 2005, this particular parcel (now identified in Article 33) was to be set aside as open space for conservation. Now that the property has fallen into Tax Title, he explained, the Conservation Commission recommends the placement of the property under its care as designated conservation land.

On a motion by Selectman Muratore, seconded by Selectman Mahoney, the Board voted to recommend Article 33 to the 2014 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 40

To see if the Town will vote to RAISE AND APPROPRIATE FUNDS FOR THE PURCHASE AND MAINTENANCE OF A BARBER BEACH RAKE TO CLEAN AND MAINTAIN THE PUBLIC BEACHES AND RECREATION AREAS IN THE TOWN OF PLYMOUTH. or take any other action relative thereto.

BY PETITION: Kenneth Buechs, et al

Ken Buechs provided a presentation on Article 40, which he submitted, by petition, for Town Meeting consideration. The article, he informed the Board, proposes to purchase a Barber Beach Rake for the maintenance of the Town’s beaches and recreation areas. Mr. Buechs indicated that the inspiration to obtain this equipment stemmed from the situation in the summer of 2012, when a large amount of seaweed that had washed ashore in Manomet caused a significant odor.

Mr. Buechs discussed the research that he invested into beach-cleaning equipment and the particular product that he has proposed for the Town to purchase. There are 18 coastal communities that utilize this equipment, he said, including Bourne and Provincetown. Mr. Buechs noted that a demonstration of the beach rake was conducted for the Town Manager, the Director of Public Works, the Director of Marine & Environmental Affairs, and the Parks Superintendent, all of whom, he said, appeared to be impressed with the equipment. The Director of Marine & Environmental Affairs, he reported, has provided a letter of support for Article 40.

Mr. Buechs informed the Board that the Barber Beach Rake is capable of cleaning-up seaweed, driftwood, stones, and litter. It can be used on athletic fields, beaches, and streets (following parade events), he said. The company that produces the beach rake, Mr. Buechs stated, will hold and guarantee the prior year’s price for the Town, and it will provide training on the use of the equipment.

Mr. Buechs responded to some questions from the Selectmen regarding the use of the beach rake and the way by which the debris collected by the rake will be disposed. Mr. Buechs indicated that the seaweed could be composted by the Department of Public Works, but the question of the disposal of hypodermic needles has not yet been finalized.

Chairman Tavares opened the discussion on Article 40 to public comment.

Steve Lydon, Town Meeting Member from Precinct 12, indicated that he attended a demonstration of the Barber Beach Rake. The rake was impressive, he said, and the versatility of items that it can collect makes it appear worthwhile for the Town's use. Mr. Lydon stated his support for the approval of Article 40.

On a motion by Selectman Page, seconded by Selectman Muratore, the Board voted to recommend Article 40 to the 2014 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 16A

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance or reserves the total sum of \$20,000 with \$15,000 as a grant to the Christ Church of Plymouth to immediately preserve, restore, and rehabilitate the two oil on linen painted portraits of Robert and Abby Hall, each measuring approximately 56 inches high x 44 inches wide, and, consistent with G.L. c.44B, to reserve the sum of \$5,000 for future preservation and restoration work on said paintings; and further to authorize the Board of Selectmen to enter into a grant agreement with Christ Church of Plymouth, which shall include a requirement that the Church grant the Town a Historic Preservation Restriction on the portraits meeting the requirements of G.L. c.184 and for the portraits to be donated to the Town for the purpose of display at the Town Hall, if the Town is unable to display the portraits they would revert back to Christ Church Parish (Episcopal), Plymouth, MA, and on such other terms and conditions as the Board deems appropriate; and further to authorize the Board of Selectmen to accept said restriction and the appropriate Town officials to enter into all agreements and take such other action as may be necessary to carry out the purposes of this article, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

William Keohan, chairman of the Community Preservation Committee, presented the four articles that his committee has recommended for Town Meeting (articles 16A, 16B, 16C, and 16D).

Article 16A, Mr. Keohan reported, proposes to fund the restoration and preservation of two painted (oil on linen) portraits dating back to the mid-1800's of Robert Bernard Hall and Abby Hall, which were found in a home owned by Christ Episcopal Church in Plymouth. Robert Bernard Hall, he informed the Board, was a Massachusetts State Senator, United States Congressman, and Episcopal Minister who, along with his wife, Abby, was a Plymouth resident and leader in the Abolitionist movement. Mr. Keohan discussed the significance of the portraits and the prominent role that the Halls had within both the Plymouth community and the larger, figurative political community. Once restored, he explained, the portraits will carry a historic preservation restriction, whereby they remain on permanent loan to the town of Plymouth, for display within the 1820 Courthouse.

Chairman Tavares recommended that the article include language that allows the flexibility of displaying the portraits in the new Town Hall facility, in the event that a proper space cannot be located in the 1820 Courthouse, itself. Mr. Keohan responded that the recommendation for flexibility could be accommodated, but it was the committee's intent to have the historic portraits displayed within a structure that the Halls may have actually visited, in their day.

Chairman Tavares opened the discussion on Article 16A to public comment.

Everett Malaguti III inquired whether the Episcopal Church has offered a financial match for the expense of restoring the portraits. Mr. Keohan responded that the match provided by the church is the permanent loan of the portraits, themselves.

On a motion by Vice Chairman Provenzano, seconded by Selectman Muratore, the Board voted to recommend Article 16A, with the stipulation that the forthcoming new Town Hall be considered as a possible location for the display of the portraits, to the 2014 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 16B

To see if the Town will vote to amend the vote taken under Article 16A of the 2014 Spring Annual Town Meeting by reducing the \$5,000,000 borrowing authorization approved thereunder for the restoration for 1820 Court House by the sum of \$500,000 and further to transfer \$500,000 from fiscal 2015 Community Preservation Act revenues for purposes of future restoration of said 1820 Court House, including construction, demolition, renovation, operation, and related costs, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan reported that Article 16B proposes to reduce the original borrowing appropriation under Article 16A of the 2014 Spring Annual Town Meeting for the 1820 Courthouse Restoration Project. Through this article, he explained, \$500,000 will be set aside into a dedicated account which will be used for the restoration. The reduction of the \$5 million appropriation made by Town Meeting in the Spring of 2014, Mr. Keohan said, will afford the Community Preservation Committee ("CPC") the ability to have available funds to accommodate any forthcoming housing and historic preservation projects without having to borrow any further money. At each town meeting, he added, the CPC will return with further requests to reduce the initial \$5 million appropriation from Article 16A of the 2014 Spring Annual Town Meeting. Mr. Keohan noted that Article 16B was proposed on the recommendation of the Finance Department.

Chairman Tavares opened the discussion on Article 16B to public comment. No citizens came forth to speak.

On a motion by Selectman Muratore, seconded by Selectman Page, the Board voted to recommend Article 16B to the 2014 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 16C

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G.L. c.44B on such terms and conditions as the Board of Selectmen deem appropriate and to accept the deed to the Town of Plymouth, of a fee simple interest or less in the land comprised of 27 acres, more or less, located at 30 Lake Road off Old Sandwich Road in Plymouth, described more particularly in a deed recorded with the Plymouth County Registry of Deeds in Book 29254, Page 346, as further known as Map 62 Lots 4-7 Thru 4-61, 4-66, 4-83 Thru 4-132, and 4-138 Thru 4-200, such land to be held under the care, custody and control of the Conservation Commission, and to appropriate \$450,000, including the sum of money received as a LAND Grant from the Commonwealth of Massachusetts, Division of Conservation Services, for the acquisition of said land and other costs associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum pursuant to G.L.c.44B, section 11 or G.L. c.44, section 7 or any other enabling authority; and further to authorize the Board of Selectmen to grant a conservation restriction in said property in accordance with G.L.c.44B, section 12 meeting the requirements of G.L. c.184, sections 31-33; and to authorize appropriate Town officials to file on behalf of the Town any and all applications deemed necessary for grants and reimbursements from the Commonwealth of Massachusetts deemed necessary under G.L. c.132A, section 11 and to authorize them to enter into all agreements as may be necessary on behalf of the Town to effect said purchase; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan displayed a map showing the location of 27 (+/-) acres of land on Lake Road that the Community Preservation Committee (“CPC”) proposes to acquire for Open Space, via Article 16C. The property, which is owned by the Simmons family and is adjacent to Savery Pond, was subdivided many years ago into “paper” lots and streets, but it was never developed. Mr. Keohan explained that the proximity of these lots to the 380 acres that the Town acquired off Old Sandwich Road (formerly known as the Quinn property) makes the property ideal for acquisition of further open space. The property, if acquired, will serve as further connection to the trail networks through the Town’s open space and conservation lands, he said.

Following some brief questions from the Board, Chairman Tavares opened the discussion on Article 16C to public comment.

Steve Lydon of Precinct 12 asked the Town to consider the inclusion of handicap-accessible trails on further purchases of open space. Mr. Keohan responded that the CPC seeks to include ADA complaint features in as many of its projects as possible, e.g. the Hedges Pond Recreation Area.

On a motion by Selectman Muratore, seconded by Selectman Mahoney, the Board voted to recommend Article 16C to the 2014 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 16D

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G.L. c.44B and to accept the deed to the Town of Plymouth, of a fee simple interest or less of land located off Bourne Road in Plymouth comprised of 98 acres, more or less, shown on Assessors’ Map 129 as Lot 10a, said land to be held under the care, custody and control of the Conservation Commission, to appropriate \$750,000 for the acquisition and other costs associated therewith from the Community Preservation Fund estimated

annual revenues, fund balance, or reserves, and/or borrow said total sum which shall be reduced by the amount of any grants received by the Town pursuant to G.L.c.44B, section 11 or G.L. c.44, section 7 or any other enabling authority; and further to authorize the Board of Selectmen to grant a conservation restriction in said property in accordance with G.L.c.44B, section 12 meeting the requirements of G.L. c. 184, sections 31-33; and to authorize appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan presented Article 16D, which proposes to acquire 98 (+/-) acres off Bourne Road. Displaying a map to illustrate the location of the parcel in relationship to existing conservation land, Mr. Keohan explained that the Community Preservation Committee (“CPC”) seeks to preserve this property as a means of both habitat protection and connection with passive recreation trails from Myles Standish State Forest and other conservation parcels. The CPC, he noted, is currently working with the Wildlands Trust and the Massachusetts Division of Fisheries & Wildlife, which may be able to provide funding towards the acquisition of the property.

Selectman Muratore asked Mr. Keohan if the CPC can set funds aside for the maintenance of the Town’s open space parcels. Mr. Keohan indicated that the CPC strives to be strategic in its use of administrative funds, so that there is money available to assist with making improvements to fencing and signage, etc., on the Town’s open space lands and trails.

Chairman Tavares opened the discussion on Article 16D to public comment.

Everett Malaguti III questioned why the Town would not retain this particular parcel for potential roadway access to the 1,000 Acres site. In addition, Mr. Malaguti echoed the comments made earlier by Mr. Lydon regarding the inclusion of handicap-accessible trails within the Town’s open space and conservation lands.

Mr. Keohan responded that, based on the character, location, and proximity of the property identified in Article 16D, the parcel is not a suitable candidate for commercial development or roadway infrastructure. With regard to handicapped accessibility, Mr. Keohan pointed to the projects funded by the CPC where handicap-accessible infrastructure has been incorporated, such as the Plymouth Center for the Arts and The Spire (greater Plymouth Performing Arts Center).

Steven Striar asked questions regarding the physical and environmental characteristics of the site, e.g. the ratio of wetlands to uplands and the number of homes that could be built on the property, if it were to be sold for development. Mr. Keohan reported that there are two bogs consisting of about 4.5 acres within the site that have returned to a natural state of wooded swamp. With regard to the development potential of the property, Mr. Keohan reported that approximately 30 residential units could be permitted at the site.

On a motion by Selectman Mahoney, seconded by Selectman Muratore, the Board voted to recommend Article 16D to the 2014 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 7

To see if the town will vote to rescind Chapter 140 of the General Bylaws, Responsible Contractor, as adopted at the April 2004 Annual Town Meeting, or take any other action relative thereto.

BOARD OF SELECTMEN

Chairman Tavares explained that the Board would postpone its consideration of Article 7 to a forthcoming meeting.

COMMITTEE LIAISON / DESIGNEE UPDATES

There were no items raised for discussion under Committee Liaison / Designee Updates.

OLD BUSINESS / LETTERS / NEW BUSINESS

Letter from Wareham Board of Selectmen – Selectman Muratore inquired about a letter that the Board recently received from the Wareham Board of Selectmen. Tiffany Park, the Selectmen's Assistant, explained that the Wareham Board of Selectmen is reaching out to other area communities to discuss the budgetary challenges precipitated by unfunded or partially-funded state mandates. Ms. Park indicated that, if the Board is interested, she could arrange a meeting with the Wareham Board of Selectmen to discuss this topic.

Local Meals Tax Revenue – Vice Chairman Provenzano requested a report on what the Town has collected, to date, through the Local Option Meals Tax.

EXECUTIVE SESSION AND ADJOURNMENT OF MEETING

On a motion by Vice Chairman Provenzano, seconded by Selectman Muratore, the Board voted at approximately 10:30 p.m. to adjourn the open session portion of the meeting and enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to collective bargaining, and Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on these matters may have a detrimental effect on the negotiating position of the body. By roll call: Muratore – yes, Mahoney – yes, Provenzano – yes, Page – yes, and Tavares – yes.

Chairman Tavares noted that, following executive session, the Board would not reconvene in open session.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the September 2, 2014 meeting packet is on file and available for public review in the Board of Selectmen's Office.