

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, SEPTEMBER 30, 2014

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, September 30, 2014 at 6:45 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
 Sean P. Page

 Melissa Arrighi, Town Manager
 Michael Galla, Assistant Town Manager

CALL TO ORDER

Chairman Tavares called the meeting to order at 6:45 p.m.

EXECUTIVE SESSION

On a motion by Vice Chairman Provenzano, seconded by Selectman Mahoney, the Board voted to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, 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. By roll call: Muratore – yes, 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 7:10 and led the Pledge of Allegiance.

TOWN MANAGER'S REPORT

1820 Courthouse / Town Hall Project – Town Manager Melissa Arrighi provided the Board with an update on the 1820 Courthouse / Town Hall Project, reporting upon various factors such as historical review processes, project management, parking plans, and the

relocation of the DPW's Maintenance and Highway Division staff that are currently stationed at the former Police Station facility. Ms. Arrighi noted that she has reached out to the residential property owners who live within the Courthouse Corridor, to ensure that they have an open means of communication with the Town and its contractors, during the course of the project.

Burial Hill – Ms. Arrighi informed the Board that she, Selectman Page, and Parks / Cemeteries Superintendent Ted Bubbins recently met with June Gillette and Cheryle Caputo of the Friends of Burial Hill. The core purpose of the meeting, she explained, was to discuss the formation and establishment of more formal protocols and procedures for tour groups and volunteer projects at Burial Hill. Ms. Arrighi indicated that she would provide a follow-up report by the end of the calendar year.

Beach Protocols Related to Shark Activity – Ms. Arrighi announced that she will convene a meeting with staff to discuss beach protocols related to potential shark activity during the 2015 summer season. The Town of Chatham, she said, has been a great resource in helping Plymouth to develop procedures on internal communication and public notifications related to shark sightings. Ms. Arrighi indicated that a report would be prepared by the end of the fall season.

Manomet Youth Center – Ms. Arrighi provided the Board with an update on the Town Manager's Manomet Youth Center Working Group, noting that Selectman Muratore and the Assistant Town Manager, Michael Galla, have been assigned to work with the group. Ms. Arrighi listed the individuals that were appointed to the group, whose mission will be to establish a long term and sustainable plan for the operation, funding, and programming of the Manomet Youth Center. From the group's inaugural meeting, she said, the group has enthusiastically begun to explore ideas to increase membership, establish a non-profit "Friends" group, and expand programs at the center.

LICENSES

ONE DAY ALL ALCOHOL LIQUOR LICENSE

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted to grant several One Day All Alcohol Liquor Licenses to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Karen Paul / Plymouth Philharmonic Orchestra** (32 Court Street), requested a One Day All Alcohol License for each of the events listed, below. Liquor liability insurance will be in place before the licenses are released.
 - October 18, 2014 from 5:30 p.m. to 8:30 p.m. for a pre-concert soiree at Pilgrim Hall
 - October 18, 2014 from 7:00 p.m. to 11:00 p.m. for a concert at Memorial Hall
 - December 9, 2014 from 2:00 p.m. to 11:00 p.m. for a concert at Memorial Hall
 - December 14, 2014 from 2:00 p.m. to 6:00 p.m. for a concert at Memorial Hall
 - March 28, 2015 from 7:00 p.m. to 11:00 p.m. for a concert at Memorial Hall
 - May 2, 2015 from 5:00 p.m. to 11:00 p.m. for soiree and concert at Memorial Hall

ONE DAY WINE & MALT LIQUOR LICENSE

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

- ❖ **J James Auctioneers & Appraisers** (84 Court Street) requested a One Day Wine & Malt Liquor License for an auction to be held from 1:00 p.m. to 5:00 p.m. on November 8, 2014 at Memorial Hall.

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

- ❖ **Erik Christensen / Loretta LaRoche Productions** (50 Court Street) requested a One Day Wine & Malt Liquor License for a music show to be held at 50 Shops at 5 Way from 8:00 p.m. to 10:00 p.m. on October 10, 2014. Liquor liability will be in place before the license is released.
- ❖ **Erik Christensen / Loretta LaRoche Productions** (50 Court Street) requested a One Day Wine & Malt Liquor License for a comedy show to be held at 50 Shops at 5 Way from 8:00 p.m. to 10:00 p.m. on October 18, 2014. Liquor liability will be in place before the license is released.

VEHICLE FOR HIRE OPERATOR (NEW)

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

- ❖ For **Cardinal Transportation, Inc.** (109 Sandwich Street):
 - Robert Ramsay, 10 Washington Street

The issuance of this operator license is subject to a CORI and SORI background check.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Muratore, seconded by Vice Chairman Provenzano, the Board voted to approve the minutes of the July 1, 2014 Selectmen’s meeting. Voted 4-0-1, approved, with an abstention from Selectman Mahoney, who was unable to attend the July 1, 2014 meeting.

Election Warrant – On a motion by Selectman Page, seconded by Vice Chairman Provenzano, the Board voted to approve the Warrant for the State Election of Tuesday, November 4, 2014. Voted 5-0-0, approved.

Aquaculture License – The Board granted an aquaculture license to Eugene O’Shea of 1584 State Road for the cultivation and harvesting of aquaculture in an area situated in Plymouth Harbor described by the following coordinates:

1. N41° 59.28 W70° 40.456
2. N41° 59.197 W70° 40.511
3. N41° 59.162 W70° 40.462
4. N41° 59.256 W70° 40.405

License Agreement for Signage on Town Property – The Board approved and executed a *License Agreement* with Resnik Road Common Development Association c/o Atlantic Properties, 100 Armstrong Road, Plymouth for the installation of one (1) sign on Town property on Industrial Park Road. The proposed sign will denote the location and entrance to three properties at 144, 146 and 148 Industrial Park Road.

Exclusive Vending Rights – The Board granted Exclusive Vending Rights to Plimoth Plantation for its Sampe Fest event, to be held at Jenney Pond Park from 9:00 a.m. to 5:00 p.m. on October 11 and 12, 2014.

Reduction of Seats on the Cultural Council – The Board reduced the number of seats on the Plymouth Cultural Council from 15 to 7 members.

PUBLIC COMMENT

Steve Lydon inquired about a comment that was made at a recent meeting by School Committee member Margie Burgess regarding the Town’s storage of a segment of records belonging to the School Department. Ms. Arrighi responded that these particular records are no longer needed and, thus, the records will be destroyed by a professional company.

Robert Spencer thanked the Selectmen, Town Manager’s Office, and DPW Highway Division for fixing an issue on Cordage Terrace Extension. Mr. Spencer then asked the Town to address the faded lane markings at the intersection of Court and Samoset Streets.

Randy Parker thanked Chairman Tavares and Selectman Muratore for attending the September 29, 2014 meeting of the Simes House Foundation, at which, he indicated, there was contention about the leadership of the foundation. Citing the complexity of the situation that has developed, Mr. Parker advised the Selectmen against sponsoring mediation to resolve the disputes that exist amongst the membership.

OBSERVATIONS ON THE TOWN’S SOLID WASTE PROGRAM

Chairman Tavares explained that Plymouth resident Gerald Ouellette had requested the opportunity to offer his observations on the Town’s solid waste and recycling programs.

After thanking the Board for the opportunity to speak about Plymouth's solid waste and recycling programs, Gerald Ouellette introduced himself as a Manomet resident who has opposed the Town's curbside program since it was first presented to Plymouth's residents.

Mr. Ouellette contended that the residents of Plymouth always had the choice between the use of the Town's three transfer stations and private curbside service. Following the implementation of the Town-sponsored curbside program, he said, residents who prefer to use the transfer station were left with the option to use only the Manomet transfer station. When the Town operated three transfer stations, Mr. Ouellette explained, the hours at each station were staggered so that there was at least one station open each day of the week. The implementation of the curbside program, he stated, has taken away the freedom of Plymouth's residents to dispose of their trash on a day—and at a location—that is personally convenient.

Mr. Ouellette listed what he believed to be three failures on the part of the Town with regard to the solid waste and recycling programs. The Town, he said, failed to (1) implement Pay-As-You-Throw ("PAYT") when it was first proposed, (2) take advantage of the SEMASS offer to extend the Town's disposal contract, and (3) relocate the South Street transfer station to another location more suitable and convenient for the majority of Plymouth's residents.

Mr. Ouellette indicated that, as a result of several editorial letters that he has submitted to the *Old Colony Memorial*, he has spoken with a number of Plymouth residents about the Town's change to the current curbside/transfer station hybrid program. Many of the citizens with whom he has spoken, he said, are elderly citizens who find it distressing to travel from the downtown, western, and northern areas of Plymouth over the Pinehills to reach the Manomet transfer station. Mr. Ouellette reported that the FY2015 price for transfer station services was increased from \$50 (in FY2014) to \$90, and he speculated as to whether this was an attempt by the Town to force residents away from transfer station services and onto the curbside program. It is time, he stated, for the Town to consider the needs of its citizens and provide them with a transfer station that is closer to the most densely populated areas of Plymouth.

Selectman Mahoney responded to some of Mr. Ouellette's observations. With regard to the SEMASS contract, Selectman Mahoney noted his estimation that the Town actually saved money by rejecting SEMASS's initial "buy-in" proposal, to await a better renewal agreement. With regard to the South Street transfer station, Selectman Mahoney offered his perspective on the challenges of working with the County to address the migration of methane gas at the former landfill site.

At the close of discussion, Chairman Tavares thanked Mr. Ouellette for his comments.

2014 FALL TOWN MEETING ARTICLES

Ms. Arrighi explained that there are two Fall Town Meeting articles on which the Board must amend its vote, to address recent changes and developments.

ARTICLE 1

To see if the Town will vote to amend the Classification and Compensation Plans and the Personnel By-Law and Collective Bargaining Agreements contained therein, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi was pleased to announce that a tentative agreement has been reached with the COBRA bargaining unit, which is comprised of Public Works, Library, Police Dispatch, and Crossing Guard employees. Ms. Arrighi listed the key components of the three-year agreement, noting that, while not formally ratified by the union, a memorandum of agreement has been drafted between both parties. As such, she explained, the Board would need to consider re-approving Article 1 (to reflect the inclusion of the collective bargaining agreement), contingent upon COBRA's ratification of the agreement.

On a motion by Selectman Page, seconded by Selectman Muratore, the Board voted to recommend Article 1 to the 2014 Fall Town Meeting, reflecting the inclusion of the Collective Bargaining Agreement with COBRA, contingent upon COBRA's ratification of the agreement. Voted 5-0-0, approved.

ARTICLE 2A

To see if the Town will vote to amend the vote taken under Article 7A of the 2014 Annual Town Meeting warrant, and, as necessary, to raise, appropriate, transfer or borrow funds for the purpose of supplementing departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi reported that the Finance Director has recommended the modification of Article 2A, to increase the Salary Reserve Line Item in the FY2015 Budget by \$526,730. This increase, she said, is necessary to fund the COBRA agreement.

On a motion by Vice Chairman Provenzano, seconded by Selectman Mahoney, the Board voted to recommend Article 2A to the 2014 Fall Town Meeting, with the modification recommended by the Finance Director.

REQUEST FOR LETTER OF SUPPORT: MEDICAL MARIJUANA

WILLIAM NOYES WEBSTER FOUNDATION, INC.

Attorney Valerio Romano appeared before the Board on behalf of the William Noyes Webster Foundation ("WNWF"), an organization which seeks to situate a medical marijuana cultivation facility at 30 Industrial Park Road in Plymouth. Attorney Romano reported that he recently met with the Town Manager to draft a "host agreement" between the Town and WNWF, which he believes will address the Town's needs and concerns. If the Town chooses to approve the host agreement, he said, WNWF can proceed with the

filing of architectural plans for the Plymouth facility with the Department of Public Health (“DPH”). Attorney Romano asked the Board to consider WNWF’s request for a letter of support or non-opposition to the organization’s application to establish a cultivation facility at 30 Industrial Park Road.

In response to an inquiry from Selectman Muratore, Ms. Arrighi indicated that WNWF’s security team has met with Police Chief Michael Botieri, twice, to discuss the security plans for the proposed facility at 30 Industrial Park Road. The Police Chief has found the security plans to be satisfactory, Ms. Arrighi stated.

Chairman Tavares opened the discussion to public comment.

Attorney Lawrence Winokur, representing the owners of 42 Industrial Park Road, spoke in opposition to the proposal to site a medical marijuana cultivation facility at 30 Industrial Park Road. The facility at 30 Industrial Park Road, he stated, is located just next door to his client’s property at 42 Industrial Park Road. Attorney Winokur listed the number of tenants that operate their organizations and businesses from his client’s facility, including Pilgrim Academy, an educational program for children. It should be noted, he said, that there is a childcare program, a mental health clinic, and a dance studio also located within close proximity to 30 Industrial Park Road. The regulations put forth by DPH, he explained, stipulate that cultivation and dispensary facilities must not exist within 500 feet of any place where children are known to congregate. Based on this regulation, Attorney Winokur argued that 30 Industrial Park Road is not eligible as a site for a medical marijuana facility, based on its proximity to the educational programs at 42 Industrial Park Road and a number of other programs within the park.

Attorney Winokur read two letters into the record from abutting property owners in the Industrial Park—Robert Burpee and Phyllis Godwin—in which the abutters expressed concerns about WNWF’s proposal to site its cultivation facility at 30 Industrial Park Road. He provided maps to illustrate the relative position and proximity of the abutting parcels. Attorney Winokur stated his belief that the allowance of one or more medical marijuana cultivation facilities in the Industrial Park may foster a negative environment for the schools and other businesses and organizations in the park.

Discussion and questions ensued between the Board, Ms. Arrighi, and Attorney Winokur regarding DPH’s regulations and the way by which the Town’s Director of Inspectional Services, Paul McAuliffe, interpreted those regulations.

Kevin Fachetti, the Chief Operating Officer for Fox Rock Properties (owners of 40-42 Industrial Park Road), talked about the addition that he and his business partners wish to make to their facility. Mr. Fachetti stated his belief that a medical marijuana facility does not fit with the character of the Industrial Park, and he questioned how his tenants may react to the existence of this type of facility in such close proximity.

Steve Lydon, Town Meeting Representative for Precinct 12, offered his support for WNWF’s proposal. The voters have legalized medical marijuana, he said, and there is

little difference between having medical marijuana cultivation facility in Plymouth and hosting a brewery or distillery.

Joan Killian, identifying herself as a local resident who has worked in the healthcare field at Jordan Hospital for 40 years, stated her support for making medical marijuana available to people who are ill, but she expressed concern for those who may abuse illegal substances, recreationally. Ms. Killian advocated for the provision of more information to residents and the opportunity for community feedback about the proposal to bring a medical marijuana facility to Plymouth.

Attorney Romano sought to dispel what he described as misconceptions or misinterpretations of DPH's regulation pertaining to the proximity of a medical marijuana dispensary or cultivation facilities within 500 feet of places where children are known to congregate. Town officials, he said, have already determined that 30 Industrial Park Road meets the standards set by DPH. Attorney Romano noted that WNWF's facility in Plymouth will be used for cultivation, only; people will not be able to purchase product at the site. He offered his observation that dispensary and cultivation facilities in Massachusetts will be the most highly regulated in the country. There will be no signage on the building to indicate what is being cultivated inside, he said, which should alleviate concerns that the existence of the facility within the Industrial Park will create a negative image for the area. Attorney Romano dismissed Attorney Winoker's claim that there are a number of other programs and facilities in the Industrial Park that will meet DPH's definition of a "place where children are known to congregate."

Richard Nagle of WNWF's security team responded to questions from the Selectmen regarding the security plan proposed for 30 Industrial Park Road. Mr. Nagle indicated that the facility will remain under 24-hour camera surveillance, to supplement the presence of its security staff and alarm system.

Attorney Winokur reiterated his position that the Town's Director of Inspectional Services should reconsider his interpretation of DPH's regulations.

Chairman Tavares closed the discussion to any further public comment.

Selectman Muratore asked the Town Manager whether the Town's Director of Inspectional Services, Paul McAuliffe, was aware of the educational programs within the Industrial Park that Attorney Winokur cited. Ms. Arrighi stated her belief that Mr. McAuliffe was aware of the academy at 42 Industrial Park Road, but she was unsure if he considered the childcare program, mental health clinic, and dance studio mentioned by Attorney Winokur—or if these programs even qualify as places where children are known to congregate.

Selectman Muratore sought to explain that, beyond zoning regulations and the DPH's regulations related to the minimum distance that must exist between cultivation facilities and places where children are known to congregate, the Town has a very limited jurisdiction over the allowance—or denial—of such facilities.

Selectman Muratore made a motion that the Board postpone its decision on the request from William Noyes Webster Foundation to the October 7, 2014 meeting, to allow time for the Town's Director of Inspectional Services to respond to the questions raised during the discussion. Selectman Page seconded the motion, and the Board voted 5-0-0 in favor.

COMMITTEE LIAISON / DESIGNEE UPDATES

Manomet Youth Center Working Group – Selectman Muratore reported on the Manomet Youth Center (“MYC”) Working Group’s inaugural meeting, which was held on September 25, 2014. The group, he said, conducted a very productive meeting, at which they discussed the potential for forming a non-profit “Friends” group, to process the donations that have already been pledged. Selectman Muratore noted that, in the weeks since the group formed, enrollment in the MYC’s after-school drop-in program has doubled. It is truly a good thing to see the community come together around the programs provided at the MYC, he added.

Plymouth County Advisory Board – Chairman Tavares provided a brief recap of the September 25, 2014 meeting of the Plymouth County Advisory Board (“PCAB”). The purpose of the PCAB meeting, he reported, was to vote upon a handful of year-end budget transfers for FY2014 and FY2015. Chairman Tavares noted that the County is making good progress on completing its audited financial reports.

Event to Honor Senate President Murray – Chairman Tavares informed the Board that he attended an event held by the Plymouth Guild for the Arts to honor Senate President Therese Murray. At the event, he said, a bench was dedicated to the Senate President on the grounds of the Plymouth Center for the Arts (11 North Street), in appreciation of her long-standing support.

Chiltonville Congregational Church’s 200th Anniversary – Chairman Tavares was pleased to report that, on September 28, 2014, he presented an honorary resolution from the Selectmen to the Chiltonville Congregational Church, in commemoration of the congregation’s 200th Anniversary.

OLD BUSINESS / LETTERS / NEW BUSINESS

Simes House Foundation – Selectman Muratore reported that he and Chairman Tavares attended the September 29, 2014 meeting of the Simes House Foundation’s board of directors. Considering the dissension that appears to exist amongst the directors, he said, both he and Chairman Tavares offered to assist with some sort of mediation between the disputing parties. It is unclear as to how things will unfold, Selectman Muratore stated, but the Board must remain proactive about this situation.

Chapter 61 Lands / Notice of Intent to Sell – Chairman Tavares confirmed with Mr. Galla that there was no new information to report on the Chapter 61 Notice of Intent to Sell related to 429 Sandwich Street.

EXECUTIVE SESSION (RECONVENED) / ADJOURNMENT OF MEETING

On a motion by Vice Chairman Provenzano, seconded by Selectman Page, the Board voted at 9:00 p.m. to adjourn the open portion of the meeting and reconvene executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, 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. 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 30, 2014 meeting packet is on file and available for public review in the Board of Selectmen's Office.