

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, JANUARY 17, 2012

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, January 17, 2012 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: William P. Hallisey, Jr., Chairman
John T. Mahoney, Jr., Vice Chairman
Sergio O. Harnais
Mathew J. Muratore
Belinda A. Brewster

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

Chairman Hallisey called the meeting to order at 7:00 p.m. and invited the scouts of Plymouth Webelo Den 13, Pack 47 to lead the Pledge of Allegiance. The scouts attended the Selectmen's meeting as part of earning their citizenship badge.

PRESENTATION OF DONATION TO VETERANS DEPARTMENT

Craig Frost and Dave Balutis of the John Alden Sportsman's Club presented Plymouth's Veterans' Agent with a donation of \$1,584, which was raised from the club's Fall Dinner Banquet.

Veterans' Agent Roxanne Whitbeck thanked the members of the club for their contribution to the Veterans' Services Gift Account, which is used to help Plymouth's veterans with their utility and grocery expenses.

On a motion by Selectman Muratore, seconded by Selectman Brewster, the Board voted to accept, with gratitude, the \$1,584 donation from the John Alden Sportsman's Club towards the Plymouth Veterans' Services Gift Account. Voted 5-0-0, approved.

TOWN MANAGER'S REPORT

Chamber of Commerce Annual Meeting – Town Manager Mark Stankiewicz noted that he attended the Plymouth Area Chamber of Commerce's Annual Meeting, held on January 13, 2012, at which U.S. Senator Scott Brown provided a keynote address to the full-capacity crowd of national, state, and local officials, dignitaries, and business owners.

Advisory & Finance Committee Hearings – Mr. Stankiewicz reported that the Advisory & Finance Committee will commence its schedule of hearings to prepare for the 2012 Spring Annual Town Meeting, starting on Wednesday evening, January 18, 2012.

LICENSES

ONE DAY ALL ALCOHOL LIQUOR LICENSE*

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following request for a One Day All Alcohol Liquor License, as detailed, below. Voted 5-0-0, approved.

- ❖ **Plymouth Philharmonic Orchestra** (Debra Cox, 11 North Street) requested a One Day All Alcohol Liquor License for a Gala to be held from 6:00 p.m. to 11:00 p.m. on February 11, 2012. Liquor liability will be in place before the license is released. Plymouth Philharmonic Orchestra is a registered non-profit organization.

*One day liquor licenses shall automatically cover the day before and the day after the event for the purpose of proper delivery, storage and disposal of alcoholic beverages purchased.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Brewster, seconded by Selectman Muratore, the Board voted to approve the minutes of the September 13, 2011 Selectmen’s meeting. Voted 5-0-0, approved

Purchase & Sale for Properties on Old Sandwich and Long Pond Roads – The Board approved and executed a *Purchase & Sale Agreement* for properties at 991 Old Sandwich Road, shown on Assessors Map 65 as Lot 9, and off Long Pond Road, shown as Assessors Map 60 as Lot 15, as authorized by Article 16C of the 2011 Fall Town Meeting.

Acceptance of Deed for Properties on Old Sandwich and Long Pond Roads – The Board approved and executed an *Acceptance of Deed* for properties at 991 Old Sandwich Road, shown on Assessors Map 65 as Lot 9, and off Long Pond Road, shown as Assessors Map 60 as Lot 15, as authorized by Article 16C of the 2011 Fall Town Meeting.

Draft Lease Extension for Cherry’s Bait – The Board directed staff to draft new lease documents for Cherry’s Bait for the purpose of (a) extending the lease term for an additional 10 years, until 2022, and (b) changing the lessee named in the lease from Mary Carafoli to her daughters Maureen Daly and Anne Carafoli.

Primary Election Warrant – The Board approved and executed the March 6, 2012 Primary Election Warrant.

Acknowledging that there is little the DPW can do until the spring, Mr. Malaguti asked the Selectmen to ensure that deteriorating areas along the trail are addressed as soon as possible.

PUBLIC HEARING: ANNUAL WINE & MALT RESTAURANT LICENSE
RIO'S STEAKHOUSE LLC D/B/A RIO'S STEAKHOUSE, 318 COURT STREET

Chairman Hallisey opened a public hearing to consider the application for an Annual Wine & Malt Restaurant Liquor License from Rio's Steakhouse LLC d/b/a Rio's Steakhouse, 318 Court Street, Michael James Ryan as Manager. Chairman Hallisey read a description of the premises and affirmed that notice of the hearing was given to the public in accordance with Chapter 138 of the Massachusetts General Laws.

Attorney Cesar Pungirum addressed the Board on behalf of Rio's Steakhouse LLC. The steakhouse, he said, is a family-oriented, Brazilian-style restaurant that features barbecued meats. The establishment does not have a bar, Attorney Pungirum noted; the owners simply wish to have the ability to serve beer and wine with meals.

Chairman Hallisey opened the hearing to public comment. No citizens came forth to speak, and, thus, he closed the hearing to await a motion of the Board.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve an Annual Wine & Malt Restaurant Liquor License for Rio's Steakhouse LLC d/b/a Rio's Steakhouse, 318 Court Street, as requested in the license application. Voted 5-0-0, approved.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant the following licenses to Rio's Steakhouse LLC d/b/a Rio's Steakhouse, 318 Court Street, as listed below. Voted 5-0-0, approved.

- Early Sunday Sales – 10:00 a.m.
- Extension of Hours – 1:00 a.m.

JOINT MEETING: INDUSTRIAL/COMMERCIAL LAND STUDY

PLANNING BOARD

Marc Garrett, Chairman
Paul McAlduff, Vice Chairman
Timothy Grandy
Larry Rosenblum
Kenneth Buechs (Planning Alternate)

Marc Garrett, chairman of the Planning Board, called a meeting of his board to order, prior to commencing a presentation on the Industrial/Commercial Land Study Committee's 2010-2011 report.

Mr. Garrett began the presentation with a summary of the Industrial/Commercial Land Study Committee's ("ICLSC") purpose and history of activities over the course of the past fifteen months. The primary task of the committee, he explained, was to identify and evaluate those parcels and areas within town that would be suitable for commercial development. Mr. Garrett listed the citizens and officials who served on the ICLSC and noted the support provided to the committee by the professional staff of the Department of Planning & Development.

Mr. Garrett reported that the committee met with ten local and state professionals from the fields of land use, engineering, development, and environmental protection. Over the course of fifteen months and fifteen meetings, he said, the committee pursued the following goals and tasks:

- Identify preferred development locations
- Evaluate constraints to development
- Collect and review existing land use information
- Prepare a series of "industrial / commercial / office land use" goals
- Analyze and summarize collected information
- Prepare a prioritized list of potential industrial / commercial / office sites
- Document findings, accompanied by a series of summary maps
- Evaluate future infrastructure needs and determine which tasks may require outside help
- Suggest land use, zoning, and policy modifications consistent with goals

Lee Hartmann, Director of Planning & Development, resumed the presentation with specifics on the results of the committee's study. The goals given to the committee, Mr. Hartmann explained, originate from the Town's Master Plan and the RKG Economic Development Plan. The focus of the land review study, he noted, was to compile an inventory of non-residentially-zoned land in marketable locations that would be suitable for non-retail commercial development.

Mr. Hartmann discussed the characteristics of Plymouth's population growth, commercial profile, and workforce, noting that there are approximately 1,590 companies in Plymouth that employ nearly 23,000 workers. Because Plymouth is a desirable place to live, he explained, it is expected that the Town's population will continue to grow, which, in turn, will create a demand for commercial growth and job creation.

Mr. Hartmann displayed a number of tables and charts illustrating the composition and diversity of Plymouth's commercial sectors. The health care/social services field, he said, is the third largest employer in Plymouth, second only to transportation/utilities and professional/business services, respectively. Mr. Hartmann talked about the ways in which Massachusetts' employment sectors have shifted, and he offered projections on how the profile of local jobs is anticipated to change in the coming years.

Mr. Hartmann continued his presentation with maps of Plymouth's commercially-zoned districts and a pie chart illustrating the comparison of residential and State Forest acreage (78.5% and 15.8% of the Town's land area, respectively) to the acreage that falls under commercial zoning (5.6%, broken into eleven categories). Much of the Town's developable industrial acreage is at the Pilgrim Nuclear Power Station, he noted. Mr. Hartmann explained how the geographic location of a developable area factors into the utilization of the Town's available commercial acreage, e.g. there are many developable acres near the Plymouth Municipal Airport, but only certain types of businesses are interested in operating in that area.

Mr. Hartmann listed a number of issues and constraints to commercial development, e.g. access, topography, environmental sensitivity, availability of infrastructure, and legal/regulatory issues. The committee, he said, considered these constraints while rating each specific development site. Mr. Hartmann then displayed a map of the Town with overlay details of highway access and water/sewer infrastructure. Much of the committee's focus, he noted, was on those parcels falling within a one-mile radius of the exits along Route 3. Mr. Hartmann asserted that the committee has only recommended further study of the sites on the ranked list – it is not recommending that the sites be immediately re-zoned.

Mr. Hartmann reviewed a list of twenty-six actions for implementation that the committee formulated, grouped within the following four categories: zoning strategies; infrastructure strategies; permitting strategies; and other strategies. Some of the top-tier recommendations, he noted, were:

- Increase building height in currently-zoned areas
- Convert routinely-approved Special Permit uses to Allowed Uses in Light Industrial Zone
- Revise or reduce the Sewer Tie-In fee
- Create permit ready sites
- Reduce the number of project review meetings and presentations
- Streamline the Town Meeting zoning amendment process

Following the close of his presentation, Mr. Hartmann fielded some questions and comments from the Selectmen and the members of the Planning Board.

Chairman Hallisey shared his experiences while working with the committee and thanked all those who participated. He praised the land study endeavor as a proactive approach towards making Plymouth more business-friendly.

Mr. Garrett provided some remaining summary points from the report, offering his belief that the results from land study are practical, useful, and grounded in fact. The committee, he said, seeks the endorsement of the Selectmen so that it can continue with its plans to bring the report to the village steering committees and other community groups. Mr. Garrett indicated that, once the committee has had an opportunity to conduct public outreach on the study, it will return before the Board with a fully finalized report.

Mr. McAlduff, Mr. Rosenblum, Mr. Grandy, and Mr. Buechs of the Planning Board each took an opportunity to comment on the report. Mr. Rosenblum shared his belief that the Town must focus as much of its attention on the historic downtown as possible, for the sake of district-compatible economic development and revitalization.

Following some brief remaining discussion and supportive comments from the Selectmen, Selectman Harnais made a motion to endorse the report and recommendations issued by the Industrial/Commercial Land Study Committee, as presented. Selectman Muratore seconded the motion, and the Board of Selectmen voted 5-0-0 in favor.

On a motion by Mr. Grandy, seconded by Mr. McAlduff, the Planning Board voted to endorse the report and recommendations issued by the Industrial/Commercial Land Study Committee, as presented. Voted 4-0-0, approved.

On a motion by Mr. Grandy, seconded by Mr. McAlduff, the Planning Board voted to adjourn its meeting at approximately 8:00 p.m. Voted 4-0-0, approved.

2012 SPRING TOWN MEETING ARTICLES

ARTICLE 2

To hear the reports of the several Boards and Officers and Committees of the Town thereon.

BOARD OF SELECTMEN

Mr. Stankiewicz explained that Article 2 is a standard, annual article that allows boards and committees to provide their annual reports at Town Meeting.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to recommend Article 2 to the 2012 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 6

To see what action the Town will take pursuant to G.L. c.41, §108 with regard to fixing the salaries of elected Town Officials, or take any other action relative thereto.

BOARD OF SELECTMEN

Mr. Stankiewicz explained that, following the recent passage of legislation that has eliminated the Town's contribution to elected officials' health insurance, new stipends have been proposed for Plymouth's Selectmen and Moderator.

- \$4,500 – Chairman of the Board of Selectmen
- \$4,000 – Selectmen
- \$2,000 – Moderator

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to recommend Article 6 to the 2012 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 15

To see if the Town will vote to approve an amendment to the payment in lieu of taxes agreement between the Town and Entergy Nuclear Generation Company for the property known as the Pilgrim Nuclear Generation Station, as on file with the Town Clerk and entitled ‘First Amendment to the Amended and Restated Payment in Lieu of Tax Agreement’, dated November 29, 2011, or take any other action relative thereto.

BOARD OF SELECTMEN

Mr. Stankiewicz indicated that the Payment In Lieu Of Taxes (“PILOT”) agreement between the Town and Entergy (Pilgrim Nuclear Power Station) will soon expire. While Entergy awaits a decision from the Nuclear Regulatory Commission on its application for license renewal, he explained, both parties felt that it was imperative to extend the PILOT agreement for an additional year. Mr. Stankiewicz noted that the PILOT amendment negotiated between both parties maintains the previous year’s assessment/value.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 15 to the 2012 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 17A

To see if the Town will vote to raise and appropriate or transfer a sum of money from available funds to fund a contract to assist the School Department in recovering Medicaid reimbursements, or taken any other actions relative thereto.

SCHOOL COMMITTEE/BOARD OF SELECTMEN

Mr. Stankiewicz reported that Articles 17A and 17B are School-related items that must go before Town Meeting each year. Article 17A, he said, refers to Medicaid reimbursements.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 17A to the 2012 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 17B

To see if the Town will vote to raise and appropriate or transfer from available funds, a sum of money to fund the transportation costs of out of district Agricultural Vocational students, or take any other action relative thereto.

SCHOOL COMMITTEE/BOARD OF SELECTMEN

Mr. Stankiewicz informed the Board that the Town is obligated to provide transportation and funding for Plymouth students who attend out-of-district agricultural and vocational programs that are not offered within the originating school system.

Selectman Harnais questioned why this expense does not simply come from the School Department’s budget. Ms. Arrighi explained that this expenditure has always been a ‘raise and appropriate’ function of Town Meeting.

In an effort to gather further information, Selectman Muratore made a motion to table a decision on Article 17B until the Selectmen's meeting of January 31, 2012. Selectman Harnais seconded the motion, and the Board voted 5-0-0 in favor.

ARTICLE 22

To see if the Town will vote to amend Chapter 173-3 of the Town General Bylaws, Meeting and Election Dates, by changing the date for convening the Fall Annual Town meeting from the "fourth Monday in October" to "a Saturday in October or November", or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi noted that Article 22 represents a proposal to change the date of the annual Fall Town Meeting from a Monday to a Saturday. Town Meeting member Ken Howe initially gathered signatures for a warrant article that would change the date from the fourth Monday in October to the third Saturday in October, she reported, but Mr. Howe has since determined that most Town Meeting members would prefer the first Saturday in November. Due to conflicts with election dates, however, the first Saturday in November will not work, and, thus, staff has included this latest proposal (Article 22), which would allow Town Meeting the flexibility to choose a date in either October or November. Ms. Arrighi stated that, should Town meeting wish to change the Fall Town Meeting from a Wednesday to a Saturday, staff recommends the third Saturday in October as the most ideal date.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 22 to the 2012 Spring Annual Town Meeting. Voted 5-0-0, approved.

BOARD LIAISON / DESIGNEE UPDATES

The Board did not offer any committee liaison / designee updates this week.

OLD BUSINESS / LETTERS / NEW BUSINESS

FY2013 Budget and Tax Rate – Selectman Muratore asked if the Board could take another look at the proposed FY2013 budget and work with the Town Manager and School Committee on creative revenue enhancements that will bring the tax rate under \$14 (per thousand valued).

Discussion ensued on Selectman Muratore's request. Vice Chairman Mahoney questioned how the Town could reduce the tax rate below \$14 without having to make significant cuts to the proposed budget. Selectman Muratore speculated that the tax-rate reduction might be achievable through a combination of revenue enhancements, restructuring, retirements, and potentially unavoidable cuts in personnel. Selectman Brewster stated that the \$5.6

million identified as “free cash” from departmental surpluses and unanticipated revenues should be applied to reduce the tax rate.

Mr. Stankiewicz explained that the Town’s certified “free cash” can be directed back into the budget to reduce the tax rate, but, in doing so, the Town could jeopardize its bond rating. With regard to departmental surpluses, he said, the leftover funds are a result of Department Heads who have made concerted efforts to keep their expenses under budget. Mr. Stankiewicz informed the Board that, should it wish to make changes to the budget, it should do so prior to the Advisory & Finance Committee’s budget hearing of February 21, 2012.

Selectman Muratore offered to meet with Mr. Stankiewicz, Ms. Arrighi, and School Superintendent Gary Maestas to discuss ideas for reducing the budget for both FY2013 and FY2014. Vice Chairman Mahoney again expressed his concern about reductions to the Town’s Police, Fire, and DPW workforce and the need to plan for the Town’s future, i.e. the 400th Anniversary Celebration and the acceptance of private roads. Selectman Muratore contended that there are many line items in the Town’s budget that do not pertain to staffing. Selectman Harnais defended Selectman Muratore’s ideas, noting that his proposal to further reduce the budget should not be automatically perceived as an intent to layoff Police, Fire, and/or DPW employees. Chairman Hallisey offered support for Selectman Muratore’s proposal, stating his belief that Plymouth’s residents have made it clear (by rejecting two recent Meals Tax proposals) that they do not wish to be burdened with additional taxes. Vice Chairman Mahoney volunteered to join Selectman Muratore in his discussions with the Town Manager on further reduction of the FY2013 budget.

The Board appeared to reach a consensus that Vice Chairman Mahoney and Selectman Muratore would work with Mr. Stankiewicz, Ms. Arrighi, and Superintendent Maestas on potential budget reductions and revenue enhancements.

Letter of Thanks from Shichigahama – Selectman Muratore read a letter from Yoshio Watanabe, Mayor of Shichigahama, Japan. In the letter, Mayor Watanabe offered his sincere thanks to the Plymouth Rotary Club and the citizens of Plymouth for their generosity and support following the March 2011 earthquake and tsunami events that devastated the coastal towns of northeastern Japan.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 8:55 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the January 17, 2012 meeting packet is on file and available for public review in the Board of Selectmen’s office.