

# ~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, MARCH 27, 2012

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, March 27, 2012 at 6:30 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 6:35 p.m.

## **EXECUTIVE SESSION**

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 collective bargaining, as an open meeting on this matter may have a detrimental effect on the Town's negotiating position. By roll call: Harnais – yes, Muratore – yes, Mahoney – yes, Brewster – yes, and Hallisey – yes.

Chairman Hallisey indicated that, following executive session, the Board would reconvene in open session.

## **RETURN TO OPEN SESSION**

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

## **INFORMATION ON WALK TO END ALZHEIMER'S DISEASE**

Nancy Schiavone, Development Officer for the Massachusetts Alzheimer's Association, provided information on her organization's upcoming event, the Walk to End Alzheimer's.

Joined by State representative Tom Calter and Selectman Muratore, Ms. Schiavone reported that the walk will be held on Saturday, September 29, 2012 along the Plymouth Waterfront. Plymouth, she said, is one of the organization's fastest growing events, through which \$245,000 was raised in 2011. Ms. Schiavone presented Representative Calter and Selectman Muratore with gifts of appreciation for their support, and she encouraged the public to visit the website [www.alz.org](http://www.alz.org) for information on event registration.

## **DISCUSSION ON FY2013 BUDGET**

In response to a request made by the Board during its meeting of March 13, 2012, Town Manager Mark Stankiewicz provided the Board with a list of proposed reductions to the FY2013 budget (see chart, below).

<b>ANNUAL TOWN MEETING</b>		
	<b>FY 2013 Proposed</b>	<b>FY 2013 Amended</b>
<b>ART 7 (A-E) OPERATING BUDGETS</b>		
914 - Member Insurance	25,154,224	-200,000
710 - Long Term Debt	6,383,288	-180,000
<b>ART 8 DEPARTMENTAL EQUIPMENT</b>		
Police - Upgrade GPS Data Modems in Fleet	37,786	-37,786
Police - Marked Cruiser	213,000	-35,000
Fire - Set of Rescue Equipment	42,000	-42,000
Schools - Replace Floor Tile	23,200	-23,200
Schools - Replace Carpenter's Truck 930	39,900	-39,900
Schools - Replace Food Service Truck	34,000	-34,000
Schools - Replace Plumber's Van 931	37,500	-37,500
Schools - Replace Electrician's Vehicle 903	37,500	-37,500
Schools - Replace Rotating Deck Oven	29,400	-29,400
DPW - Fleet Maint. Hook Lift System for Cab & Chassis	22,000	-22,000
DPW - Highway - Air Compressor H320	18,000	-18,000
Library - Staff Task Chairs	4,000	-2,000
Library - Public Chairs	22,800	-11,400
<b>ART 9 CAPITAL OUTLAY EXPENDITURES</b>		
DPW - Highway - New Excavator & Trailer	235,000	-75,000
<b>ART 14A STABILIZATION GENERAL FUND</b>		
	562,327	-100,000
<b>SPECIAL TOWN MEETING</b>		
<b>ART 8 OPEB TRUST FUNDING</b>		
	562,327	-100,000
<b>TOTAL</b>		<b>-\$1,024,686</b>

Mr. Stankiewicz noted that the Board asked for a \$1 million reduction in the budget without the elimination of any positions or hours. In order to follow this directive, he explained, the focus had to be shifted towards departmental equipment (Article 8) and capital items (Article 9). If the Board approves the list of proposed reductions—amounting to \$1,024,686—the revised budget will be forwarded to the Advisory & Finance Committee (“FinCom”) for review at the committee’s meeting of April 4, 2012. If the FinCom does not approve the revised budget, Mr. Stankiewicz explained, the Selectmen will need to make a motion, reflecting their amendments, during Town Meeting.

Following Mr. Stankiewicz brief presentation, Vice Chairman Mahoney asked that the Town’s Department Heads be allowed to speak to the proposed budget revisions.

Finance Director Lynne Barrett cautioned the Board against delaying payment of the Town’s long-term debt. With regard to the capital and equipment-related items that the Town Manager has eliminated from the budget, she said, the Town would simply be deferring these essential items for another year. Ms. Barrett stated her disagreement with the proposal to reduce the amounts of money allocated for the Stabilization Fund and the Other Post-Employment Benefits (“OPEB”) Fund, as the strengthening of these funds is considered a fiscally prudent practice to which the Town should adhere.

School Superintendent Gary Maestas spoke about the six school-related items that Mr. Stankiewicz had proposed to eliminate from the departmental equipment budget. Some of these items, such as the 20-year-old rotating deck oven used by Plymouth South High School’s culinary program, have been deferred for so many years that they are on the brink of failure, he said.

Dinah O’Brien, Director of Community Resources and the Plymouth Public Library, echoed Superintendent Maestas’s comments about deferment, noting that the Library and its furnishings are now 25 years old. The upholstered chairs that the public uses within the Library cannot simply be purchased inexpensively at a furniture store, she explained; rather, the chairs must be certified under fire safety standards and made with special coatings and fabric, which drives up the cost. Ms. O’Brien stated that her request has been cut in half, so that Library staff can at least begin to replace the most dilapidated chairs.

Police Chief Michael Botieri stated his observation that, when the Board cuts equipment and capital expenses at such a late time within the budget process, it creates the appearance that the items are unnecessary. The Police Department items that have been eliminated as part of the Selectmen’s request for additional reductions in the FY2013 budget are, in fact, necessary, and thus, they will be requested again, he stated.

Chief Botieri responded to a number of questions from the Board regarding the police cruiser and GPS systems that were eliminated within the Town Manager’s list of budget reductions. It is important, he said, to keep the replacement of vehicles on a rotating schedule, or the Town will ultimately spend a good deal of money on maintenance and repair. Chief Botieri talked about how the Town will soon be purchasing fuel-efficient, 6-

cylinder eco-boost cruisers as part of the effort to reduce fuel costs, and he briefly discussed his recommendation that the Town run an ongoing online auction of surplus/disposed vehicles and equipment to generate revenue.

Fire Chief Ed Bradley stated that the Fire Department's request for "jaws of life" hydraulic rescue equipment has been deferred for a number of years, leaving him with current equipment that ranges from 20-25 years old. Newer cars are more difficult to break apart with older equipment, he said, which means that it takes longer to remove accident victims from their vehicles. Chief Bradley stated his opposition to (what he described as) the dangerous practice of deferring important departmental equipment for the sake of budget reductions.

DPW Director Jonathan Beder noted that, of the two items that have been eliminated from his department's equipment requests, one item is already out of service, and the other has been deferred for six years. Mr. Beder responded to some brief questions from the Board about his vehicle and equipment fleet, noting that the leasing of equipment—while sometimes necessary—is not always the most cost-efficient option.

Chairman Hallisey opened the discussion to public comment.

Patricia McCarthy questioned the rationale of deferring the purchase of necessary departmental equipment, when the items will most likely be more expensive to purchase the following year. Ms. McCarthy cautioned the Board against putting Plymouth's citizens in jeopardy by cutting important items for the Police, Fire, and School departments.

Seeing no further public comment, the Board posed questions and offered comments on the Town Manager's budget reduction proposal.

Selectman Muratore explained the reasons why he asked the Board to defer its decision on the FY2013 budget until further reductions could be made. In light of the uncertainty surrounding the PILOT agreement with Entergy and the fact that the new school and senior center will be coming online in the fall, he said, a majority of the Board felt that it was imperative to keep the tax rate as stable as possible. Selectman Muratore noted his hope that the budget formulation process will be conducted differently for FY2014.

Selectman Harnais expressed disappointment that the Town Manager and Department Heads could not meet the Selectmen's initial request to present a budget that would maintain a tax rate below \$14 (per thousand in value). There is a perception that the Selectmen waited until the last minute to ask the Town Manager for an additional million dollars in budget cuts, he said, but members of the Board have held a number of meetings with the Town Manager and Department Heads to reiterate the budget goals that were set forth in September of 2011.

Selectman Brewster stated her belief that the taxpayers of Plymouth want the Town to provide services at a tax rate that they believe is affordable. The economy has presented

challenges for everyone, she said, and the Town is no exception. Selectman Brewster offered her hope that the Town can continue to work towards making Plymouth an attractive place in which to live and do business.

Mr. Stankiewicz noted the challenging nature of the FY2013 budget development process and expressed his belief that the budget he presented to the Selectmen and School Committee in January was fiscally responsible. Despite the introduction of the new high school, the senior center, and some DPW positions into the budget, he said, the overall increase from FY2012 to FY2013 was only 1.24%—which, he said, should clearly demonstrate the efforts made by staff to maintain level service budgets. Mr. Stankiewicz pointed out that, without the concessions made by Town employees on health insurance costs, it would have been very difficult to produce such a conservative budget.

Vice Chairman Mahoney expressed a concern that Department Heads were being portrayed as ‘conspiring to raise the tax rate with unnecessary requests.’ He reminded his fellow Board members that the Selectmen set policies and directives, while the Town Manager is responsible for execution. The Town, he said, has undertaken a number of fiscally prudent measures—setting aside funds for OPEB, reducing health insurance expenses by \$1.5 million, pursuing energy efficiency projects—while facing the myriad of challenges, contractual obligations, and inflationary variables that would naturally accompany a municipality the geographic size and character of Plymouth. Vice Chairman Mahoney stated that he could not support a majority of the budget reductions presented to the Board.

Chairman Hallisey acknowledged the difficulty of preparing a budget during a challenging economic downturn. While he would prefer to fund all of the Town’s needs, he said, it is his responsibility to respond to the taxpayers, who appear to be struggling with the taxes levied upon them. Chairman Hallisey thanked the School Department and School Committee for working so cooperatively with the Town on the FY2013 budget.

Ms. Barrett responded to questions from Selectman Muratore and Selectman Brewster regarding State Aid figures and the anticipated tax rate change between FY2011 and FY2012. Ms. Barrett reported that the tax rate for FY2012 will be \$13.84 (per thousand in value), which represents a \$0.80 increase from 2011 (\$13.04). The estimated tax bills issued for the first three quarters of FY2012 were based on the previous year’s figures, she explained, and, thus, when the fourth quarter bill is issued—based on the newly-certified tax rate—the Town will recapture the 80-cent difference for the first three quarters.

Selectman Brewster commented that the significant tax increase between FY2011 and FY2012 is the reason why several members of the Board have insisted that the tax rate for FY2013 be held below \$14.

Selectman Muratore made a motion to approve the \$1,024,686 budget reduction presented by the Town Manager. Selectman Harnais seconded the motion.

Mr. Stankiewicz explained that the Board must vote separately upon the articles to which the specific cuts refer. Selectman Muratore withdrew his first motion and made a new motion to approve the proposed changes to Articles 7A-7E (Operating Budget), as presented by the Town Manager. Selectman Harnais seconded the motion, and the Board voted 5-0-0 in favor.

Selectman Muratore made a motion to approve the proposed changes to Article 8 (Departmental Equipment), as presented by the Town Manager. Selectman Harnais seconded the motion, and the Board voted 4-1-0 in favor. Vice Chairman Mahoney cast the opposing vote.

Selectman Muratore made a motion to approve the proposed changes to Article 9 (Capital Outlay Expenditures), as presented by the Town Manager. Selectman Harnais seconded the motion, and the Board voted 4-1-0 in favor. Vice Chairman Mahoney cast the opposing vote.

Selectman Muratore made a motion to approve the proposed changes to Article 14A (Stabilization Fund), as presented by the Town Manager. Selectman Harnais seconded the motion, and the Board voted 4-1-0 in favor. Vice Chairman Mahoney cast the opposing vote.

Selectman Muratore made a motion to approve the proposed changes to Special Article 8 (OPEB Funding), as presented by the Town Manager. Selectman Harnais seconded the motion, and the Board voted 4-1-0 in favor. Vice Chairman Mahoney cast the opposing vote.

Mr. Stankiewicz explained to the Board that he and the Department Heads were required to leave the meeting at this time, to present articles at a Caucus for precincts 6, 8, and 12. As such, he said, the Assistant Town Manager would assist the Board with the remainder of the meeting.

## **LICENSES**

Chairman Hallisey reconvened the meeting at 8:45 p.m., following a brief recess.

## **CHANGE OF MANAGER**

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

- ❖ **99 Restaurants of Boston, LLC** (19 Home Depot Drive) requested a Change of Manager from Lynn Marcel to Russell McKeown.

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

- ❖ **South Shore Restaurant Group d/b/a East Bay Grille at Pinehills Golf Club** (54 Clubhouse Drive) requested a Change of Manager from Dennis Barbato to James March.

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

- ❖ **British Beer Company LLC** (2294 State Road) requested a Change of Manager from Tim White to Leo Finn.

### **ONE DAY ALL ALCOHOL LICENSE\***

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

- ❖ **Lisa Hufnagel** (634 E. 14<sup>th</sup> Street, New York, NY) requested a One Day All Alcohol Liquor License for a wedding to be held at Memorial Hall from 7:00 p.m. to 11:00 p.m. on July 21, 2012. Liquor liability will be in place before the license is 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.

### **VEHICLE FOR HIRE OPERATOR (NEW)**

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant a Vehicle for Hire Operator Licenses to each of the following applicants. Background checks showed no basis for denial. Voted 5-0-0, approved.

- ❖ For **Special Occasion Limousine, Inc.:**
  - David Becker, 13 Peck Avenue
  - Sean Kelly, 4 Andrews Way

### **SEASONAL LIQUOR LICENSE RENEWALS**

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to renew a Seasonal Liquor License and miscellaneous licenses for the following applicant, as detailed below (see page 8). Voted 5-0-0, approved.

❖ **Pinewood Lodge, Inc. d/b/a Pinewood Lodge** (190 Pinewood Road, Albert Saunders, Manager) requested renewal of the following licenses, in conjunction with the renewal of its Seasonal Liquor License:

- Common Victualler's License
- Comprehensive Entertainment Licenses, Groups I, II, III, IV

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to renew a Seasonal Liquor License and miscellaneous licenses for the following applicant, as detailed below. Voted 5-0-0, approved.

❖ **Sandy Pond Golf, Inc. d/b/a Atlantic Country Club** (450 Little Sandy Pond Road, Paul Whiting, Manager) requested renewal of the following licenses, in conjunction with the renewal of its Seasonal Liquor License:

- Common Victualler's License
- Comprehensive Entertainment, Group I
- Early Sunday Opening

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to renew a Seasonal Liquor License and miscellaneous licenses for the following applicant, as detailed below. Voted 5-0-0, approved.

❖ **Double C, Inc., d/b/a Campy's** (531 Federal Furnace Road, Craig Carreau, Manager) requested renewal of the following licenses, in conjunction with the renewal of its Seasonal Liquor License:

- Comprehensive Entertainment, Groups I, II, III
- Sunday Entertainment (TV, dancing, live entertainment)
- Early Sunday Opening

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to renew a Seasonal Liquor License and miscellaneous licenses for the following applicant, as detailed below. Voted 5-0-0, approved.

❖ **Camp Bournedale Inc.** (110 Valley Road, Darrin Fabrizio, Manager) requested renewal of the following licenses, in conjunction with the renewal of its Seasonal Liquor License:

- Common Victualler
- Comprehensive Entertainment, Groups II and III

Issuance of the above licenses is subject to the submission of all required paperwork.



## **MISCELLANEOUS NON-ALCOHOL LICENSE RENEWALS\***

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to renew the following licenses, as detailed. Voted 5-0-0, approved.

### **Pawn Broker**

PEGGY'S PAWN SHOP (JOHN MCCARTHY) 37 COURT STREET

### **Junk Dealer**

ANTIQUES POTPOURRI 1464 STATE ROAD  
ATWOOD WELLNESS, LLC 88 SANDWICH STREET  
BEST BUY STORES LP, #385 228 COLONY PLACE  
CHAPEL ANTIQUES 631 STATE ROAD  
DILLON & COMPANY, LTD. D/B/A DILLON & COMPANY 12 NORTH STREET  
GAMESTOP 54 SHOPS AT 5 WAY  
GAMESTOP, INC. 165 COLONY PLACE  
JEREMY EDWARDS 57 MICAJAH AVENUE  
NASR JEWELERS, INC. 61 COMMERCE WAY  
RJ STONE & ASSOCIATES INC. D/B/A MILLER'S COUNTRY STORE 114 WATER STREET  
SONA GRIGORYAN D/B/A QUICK CASH 52 MAIN STREET  
VILLAGE BRAIDER ANTIQUE, INC. 48 SANDWICH STREET

### **Junk Collector**

JEREMY EDWARDS 57 MICAJAH AVENUE  
PAUL ALMEIDA 24 HOUR TOWING, INC. 10 COLUMBUS ROAD  
PEGGY'S COLLECTIBLES 37 COURT STREET  
PLYMOUTH COIN AND JEWELRY 64 COURT STREET  
ROBERT SILVA 27 WEST CHERRY STREET

### **Fortune Telling**

ACE OF CUPS (DIANE KUMOR) 60 KINGS POND PLAIN RD  
CELESTIAL INSIGHTS (REGINA HAMILTON) 146 COURT STREET  
CRYSTAL CHAMBERS (TAMMY MILLER) 12 SAMOSET STREET  
HEART OF DESTINY'S WINGS (IRENE J. MOODY) 629 STATE ROAD  
HEART OF DESTINY'S WINGS (JENNIFER FULTZ-MAHON) 629 STATE ROAD

### **Billiards**

ELLIS HAVEN CAMPGROUND, 2 TABLES 531 FEDER'L FURNACE RD  
PLYMOUTH MEMORIAL POST VFW DUGOUT, INC., 1 TABLE 22 SEVEN HILLS ROAD  
SAM DIEGO'S EAST, INC., 2 TABLES 51 MAIN STREET

\*Issuance of the above licenses is subject to submittal of all necessary paperwork.

## **2012 SEASONAL RENEWAL CERTIFICATION FOR ABCC**

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to acknowledge the following report to the Alcoholic Beverage Control Commission (“ABCC”). Voted 5-0-0, approved.

- ❖ Each year, the ABCC requests a list of those seasonal licenses that have been disapproved or not submitted for renewal (2012). There are no licenses that fall under this category, as all seasonal licensees have applied for renewal.

## **ADMINISTRATIVE NOTES**

**Meeting Minutes** – On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board approved the minutes of the November 29, 2011 Selectmen’s meeting. Voted 4-0-1, approved, with an abstention from Chairman Hallisey, who was unable to attend the November 29<sup>th</sup> meeting.

**Grant Agreement with Simes House Foundation** – The Board authorized the Town Manager to execute a Community Preservation Grant Agreement between the Town and the Simes House Foundation, Inc. for property at 29 Manomet Point Road.

**Purchase & Sale Agreement for Simes House** – The Board executed a *Purchase & Sale Agreement* for property at 29 Manomet Point Road, identified as Lots H181-16A and H181-15 on Assessor’s Map 46 (Simes House).

**Release Deed for Simes House** – The Board executed a *Release Deed* for property at 29 Manomet Point Road, identified as Lot 16A on Map 46 (Simes House).

**Release of Restriction for 18 Howland Street** – The Board endorsed the *Release and Termination of Declaration of Restriction* pertaining to a property restriction at 18 Howland Street, known as Lot 128 on Assessors Map 17.

**Records of Layout** – The Board will execute a *Board of Selectmen’s Record of Layout* for each of the following 21 streets scheduled to be accepted as public ways:

Bournehurst Drive	Dorothy Road	Lee Drive
Cabot Circle	Great Wind Drive	Nixon Avenue
Carolyn Drive	Hallick Road	October Lane
Christopher Road	High Pine Drive	River Run Way
Columbia Road	Howard Drive	Sheridan Drive
Cottontail Trail	Lauren Road	Sherman Avenue
Davenport Road	Lawrence Road	Woodvale Avenue

## **PUBLIC HEARING: ALL ALCOHOL RESTAURANT LIQUOR LICENSE**

STAV FAMILY ENTERPRISES INC. D/B/A ANNA'S HARBORSIDE GRILLE, 145 WATER STREET

Chairman Hallisey opened a public hearing to consider the application for a new Annual All Alcohol Restaurant Liquor License from Stav Family Enterprises, Inc. d/b/a Anna's Harborside Grille, 145 Water Street, Demetrios Stavropoulos 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.

Demetrios "Jim" Stavropoulos spoke to the Board on behalf of the license application from Stav Family Enterprises, Inc. Mr. Stavropoulos, a resident of Plymouth who has owned and operated the Kingston House of Pizza for 12 years, indicated that he and his family would like to open a family-oriented restaurant at 145 Water Street at the location that formerly housed the Cranberry Souvenir shop. The menu will be mainly American and Greek fare, he said, and, eventually, the restaurant will extend onto an outdoor patio in the rear of the building.

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

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant the following miscellaneous licenses to Stav Family Enterprises, Inc. d/b/a Anna's Harborside Grille, 145 Water Street, in conjunction with the approval of a new annual All Alcohol Restaurant License. Voted 5-0-0, approved.

- Comprehensive Entertainment – Radio, TV, live entertainment, dancing
- Common Victualler
- Extension of Hours – 1:00 a.m.

## **PUBLIC COMMENT**

Dean Rizzo of Fremont Street was pleased to report that the Plymouth Farmers' Market has found a new home at Plimoth Plantation on the open field near the River Street entrance. Mr. Rizzo then criticized the Town for "selling the community's market to the highest bidder." The "hastily drafted and flawed" Request for Proposals ("RFP") and "lack of open process" regarding this matter, he said, has breached the level of trust between the Town and the community. Mr. Rizzo offered his recommendation that the Town (a) assign future RFP's related to farmers markets to the Plymouth Agricultural Committee and (b) define the process by which the policy on use of public spaces is created.

Chairman Hallisey questioned why the Plymouth Farmers' Market did not submit a credible bid upon the RFP. Town Counsel, he reported, encouraged staff to issue a bid for the use of Stephens Field for a farmers market, and the Plymouth Farmers Market was clearly and openly advised to submit a bid.

Everett Malaguti III of Precinct 1 asked that the Town review the intersection between Cherry Street and the entrance to the Plymouth Industrial Park, as some of his constituents have concerns about an increase of accidents at that location, since the relocation of Exit 7 (off Route 3). Mr. Malaguti recommended that the Town consider the installation of a traffic signal.

## **COMMITTEE APPOINTMENTS**

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to appoint the following citizens to Town committees, as specified below. Voted 5-0-0, approved.

**Historic District Commission (Historian Seat)** – Julie Burrey of 199 Jordan Road (new applicant), for a term effective March 28, 2012 through June 30, 2012.

**Save Money & Recycle Trash (“SMART”)** – Jennifer “Sunny” Beane of 44 Speedwell Lane (new applicant), for a term effective March 28, 2012 through June 30, 2014.

**Voting Registrar** – Gean Richards of 987 Long Pond Road (incumbent, nominated for another term by the Republican Town Committee), for a term effective through March 31, 2015.

## **MASSDOT STATEWIDE ECONOMIC IMPACT STUDY: AIRPORT**

Chairman Hallisey noted that the Airport Commission’s presentation on the Mass. Department of Transportation’s Economic Impact Study on municipal airports had been postponed to a later date.

## **LEGISLATION ON IMPROVEMENTS TO PRIVATE WAYS**

Assistant Town Manager Melissa Arrighi explained that Article 9 of the 2010 Special Town Meeting requested special legislation from the State that would allow the Town to expend funds on unaccepted roads. At some point between Town Meetings’ approval of Special Article 9 and the bill that was submitted to the legislature (S1049), she explained, language had been added that would require the measure to be brought before the voters of Plymouth for final ratification. Ms. Arrighi informed the Board that the Town must decide whether it wishes to approve or remove the section requiring voter ratification.

Selectman Harnais stated that Town Meeting’s motion did not include language that required a referendum vote. The article has been delayed at State House for the past two years, he said, and if the Town must place the matter on its local election ballot, the earliest election would be May of 2013. Selectman Harnais indicated that State law prohibits any

community from using taxpayer money on unaccepted roads, but, in a community where at least half of the roads are unaccepted, the Town is faced with a number of challenges. The Town can sometimes make emergency repairs on unaccepted roads, for safety reasons, but this legislation, he noted, would allow the Town to conduct work beyond emergency repairs.

Ms. Arrighi further explained the process that is followed when Town Meeting votes to send Special Legislation to the State Legislature. Counsel for both the Town and the State recommended the requirement for a voter referendum on the matter, she noted, similar to what was done in 2006 regarding snowplow services on private roads.

Chairman Hallisey allowed public comment.

Paul Hapgood questioned how Town Meeting's vote could legally be altered, but he suggested that the Town may want to consider placing the matter on the ballot, to ascertain whether the voters want an official determination between public and private roads.

Following some brief remaining discussion, Selectman Harnais made a motion to amend the legislation (S1049) currently being reviewed by the State Legislature to remove the requirement that the measure go before the voters, in keeping with the original vote of the 2010 Special Town Meeting. Selectman Muratore seconded the motion, and the Board voted 5-0-0 in favor.

## **DISCUSSION ON TAX UNDERRIDE**

Assistant Town Manager Melissa Arrighi and Finance Director Lynne Barrett provided a PowerPoint presentation on the ability of municipalities to enact a tax "underride."

The property tax levy, Ms. Arrighi explained, is the revenue that municipalities raise through real and personal property taxes. This is typically the largest source of revenue that Towns have to support schools, public safety, and other public services. Proposition 2½, she said, places constraints on the amount of the levy that Plymouth can raise and how much it can be increased from year to year. A "levy limit" is a restriction on the amount of property taxes a community can levy. Proposition 2½ established two types of levy limits: (1) a municipality cannot levy more than 2.5% of the total full & fair cash value of all taxable real & personal property, and (2) a town's levy can only increase by a certain amount from year to year. Ms. Arrighi reported that Proposition 2½ does provide municipalities with some flexibility. With voter approval, Plymouth can alter its levy limit on a permanent or temporary basis, through an override or an underride.

Ms. Arrighi displayed a chart illustrating the way by which a town's levy limit is calculated. Plymouth rarely surpasses its levy limit, she noted, which provides the Town with a number of benefits, including better bond ratings and the ability to respond to unanticipated demands from the community.

Ms. Barrett resumed the presentation with data showing Plymouth's standing among other communities with regard to levy capacity. While the State average of excess levy capacity is 2%, she said, Plymouth runs at an average of 5.7%. Ms. Barrett indicated that approximately 14 communities have enacted an override since Proposition 2½'s introduction in 1980, demonstrating that it is not a common practice. If Plymouth were to enact an override, it would be the largest community (financially speaking) to ever do so.

Ms. Arrighi illustrated the effects that an override might have on Plymouth, if taxpayers voted to take such a measure. Reducing the excess levy capacity, she said, does not necessarily lower the tax rate; rather, it limits the flexibility by which a town can levy taxes. Ms. Arrighi stated her belief that the decision to initiate an override is a philosophical one that is outside of professional management's recommendation.

The Board posed questions to Ms. Arrighi and Ms. Barrett and discussed the merits or drawbacks of initiating an override. Ms. Barrett explained how an override might affect Town's favorable bond rating.

Selectman Brewster was pleased that the Town Manager and Finance Director provided the information on overrides to the Board and the public, so that everyone is aware of the options available to taxpayers. Though an override may not reduce the tax rate, she said, it can also prevent the tax rate from climbing too high.

Following some brief remaining discussion, Chairman Hallisey thanked Ms. Arrighi and Ms. Barrett for their presentation.

## **BOARD LIAISON / DESIGNEE UPDATES**

**Council on Aging** – Selectman Muratore was pleased to announce that the Friends of the Council on Aging donated \$15,000 to the Council on Aging for expenses related to a survey that will be issued to Plymouth's seniors, as part of the COA's efforts to be formally accredited.

**Nuclear Matters Committee / Educational Forum on Nuclear Power** – Selectman Muratore reminded the Board and the public that the Nuclear Matters Committee will host an educational forum on nuclear power and the Pilgrim Nuclear Power Station at 7:00 p.m. in the Mayflower Room at Town Hall on March 29, 2012. Prior to the start of the forum, he reported, representatives from the United States Nuclear Regulatory Commission ("NRC") will host an informational open house in the Mayflower Room from 5:00 to 6:30 p.m. Selectman Muratore noted that PACTV will tape the forum and broadcast it several times during the month of April, prior to the May referendum regarding the relicensing of Pilgrim Station and the lessons learned from the Fukushima Dai-Ichi disaster.

**Town Meeting Preview** – Chairman Hallisey noted that Town Meeting Preview will take place on the evening of Thursday, March 29, 2012 at PACTV studios. The preview,

which will be broadcast live on the Government Channel, was moved to PACTV studios to accommodate the March 29<sup>th</sup> Nuclear Forum, he said.

**Insurance Advisory Committee** – Following a recent meeting of the Insurance Advisory Committee (“IAC”), Selectman Brewster advised employees that the open enrollment period for employee benefits will begin in May. There will be no health insurance premium increases for the third year in a row, she said, thanks to the efforts made by Town employees and the IAC to reduce expenses.

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

**Health Department Position** – Chairman Hallisey expressed concern about a position within the Health Department that has been proposed for elimination within the FY2013 budget. Selectman Brewster echoed those concerns, noting that the Health Department is responsible for processing hundreds of inspections—and, therefore thousands in fees—for the Town.

Selectman Brewster made a motion to direct the Town Manager to increase the FY2013 budget by \$14,136 to maintain the position in the Health Department. Selectman Harnais seconded the motion. Following some brief discussion, the Board voted 5-0-0 in favor.

**Conflict of Town Meeting Date with Religious Holidays** – Selectman Brewster referenced a concern brought to the Board by Town Meeting member Michael Tubin regarding the date of Town Meeting. Because Town Meeting will fall on Passover (April 7<sup>th</sup>) and the day before Easter, this year, she said, Mr. Tubin is concerned that a number of Town Meeting members will be forced to choose between their civic duty and their religious practices.

The Board discussed the concerns raised by Mr. Tubin and came to the conclusion that, at such a late hour, it is up to Town Meeting to decide whether it will choose to hold its scheduled meeting on April 7<sup>th</sup>, or vote to postpone it to a later date. Selectman Brewster made a motion to sponsor an article for the 2012 Fall Town Meeting that will provide for flexibility with the date of Town Meeting when such conflicts arise. Selectman Harnais seconded the motion, and the Board voted 5-0-0 in favor.

## **ADJOURNMENT OF MEETING**

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to adjourn its meeting at approximately 10:30 p.m. Voted 5-0-0, approved.

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

*A copy of the March 27, 2012 meeting packet is on file and available for public review in the Board of Selectmen’s office.*