

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, MAY 15, 2012

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, May 15, 2012 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: John T. Mahoney, Jr.
 Sergio O. Harnais
 Mathew J. Muratore
 Belinda A. Brewster
 Kenneth A. Tavares

Melissa Arrighi, Town Manager

CALL TO ORDER

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

SWEARING-IN CEREMONY

Town Clerk Laurence Pizer presided over the swearing-in ceremony for the newly-elected Selectman, Kenneth A. Tavares.

Selectman Tavares took a moment to share a few words regarding the campaign and his ideas for the future. He thanked his family and supporters, as well as those candidates who participated in the race for Selectman. Humbled and honored to be returning to Board, Selectman Tavares expressed his hope that his institutional knowledge and years of experience would serve the community well.

POST-ELECTION REORGANIZATION OF THE BOARD

Selectman Tavares nominated Selectman Mahoney to serve as chairman. Selectman Harnais seconded the motion.

Selectman Brewster nominated Selectman Muratore to serve as chairman. Selectman Harnais seconded the motion.

The Board discussed the nominations. Selectman Harnais expressed his respect for both Selectman Mahoney and Selectman Muratore and noted the difficulty in choosing between two qualified candidates. The amount of time required of the chairman of the Board of

Selectmen is significant, Selectman Harnais said, and, in his opinion, the person serving in that role should work locally and have a flexible schedule. Both Selectman Harnais and Selectman Brewster indicated their support for Selectmen Muratore to serve as chairman.

Selectman Mahoney noted his belief that the chairmanship should be rotated amongst members of the Board, to prevent the potential for ‘burnout’ from the demanding role of chairman. He expressed his willingness to serve in the role as chairman, should the Board elect him to do so.

By vote of 3-2 (Selectmen Brewster, Harnais, and Muratore voting in the majority), the Board elected Selectman Muratore to serve as chairman.

Chairman Muratore acknowledged the split vote and pledged to promote a spirit of cooperation amongst the members of the Board.

On a nomination by Selectman Tavares, seconded by Selectman Brewster, the Board elected Selectman Mahoney to serve as vice chairman. Voted 5-0-0, approved.

TOWN MANAGER’S REPORT

Public Auction – Town Manager Melissa Arrighi announced that the Town will hold a public auction at 10:00 a.m. on Saturday, May 19, 2012, at the DPW Facility (159 Camelot Drive), for the sale of surplus property owned by the Town of Plymouth. A complete list of the items to be sold, she said, will be available on May 14, 2012 on the Town’s website, and all items will be available for inspection at 9:00 a.m. on the day of the auction.

Airport Grant – Ms. Arrighi reported that Congressman Keating’s office has informed the Town that the Plymouth Airport will be receiving a \$300,000 Environmental Mitigation Grant related to the runway expansion project. The Federal Aviation Administration, she said, has issued the grant to the Plymouth Airport Commission for the final environmental impact report, final design, and environmental mitigation for the initiative. Ms. Arrighi credited the Airport’s Manager, Tom Maher, and the Plymouth Airport Commission for securing the grant.

DPW Day – Ms. Arrighi invited citizens to attend the 7th Annual Department of Public Works Day at the Plymouth Public Library (132 South Street) from 10:00 a.m. to 2:00 p.m. on Thursday, May 24, 2012. This free event, she said, allows the public—adults and children, alike—to learn about the department and the equipment that is used to perform public works functions.

Town-Wide Clean-Up – Ms. Arrighi was pleased to report that the Plymouth Network of Open Space Friends will hold another town-wide litter clean-up on Saturday, May 19, 2012. Any citizens who wish to volunteer for a particular area of town may contact Patrick Farah at Town Hall at (508) 747-1620, ext. 204, who is assisting with the coordination of this event. Ms. Arrighi noted that over 40 groups have volunteered to participate.

LICENSES

PEDI CAB OPERATOR LICENSE (NEW)

On a motion by Selectman Tavares, seconded by Vice Chairman Mahoney, the Board voted to grant a Pedi-Cab Operator License to each of the following applicants, as listed below. Voted 5-0-0, approved.

❖ For **Plymouth Pedicab:**

- Joshua Bissaro (43 Court Street, Plymouth)
- Andrew Stadnik (103 Pleasant Street, Whitman)

Issuance of above licenses is subject to the CORI background check.

ONE DAY ALL ALCOHOL LIQUOR LICENSE*

On a motion by Vice Chairman Mahoney, seconded by Selectman Brewster, the Board voted to grant a One Day All Alcohol License to the following applicant, as detailed below. Voted 5-0-0, approved.

- ❖ **Plymouth Lodge A.F. & A.M. / Douglas O’Roak** requested a One Day All Alcohol Liquor License for a July 4th Dinner Fundraiser to be held from 6:00 p.m. to 11:00 p.m. in the dining hall of the Masonic Lodge at 116 South Meadow Road. Liquor liability insurance is in place.

*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 Vice Chairman Mahoney, seconded by Selectman Brewster, the Board voted to approve the minutes of the January 17, 2012 Selectmen’s meeting. Voted 4-0-1, approved, with an abstention from Selectman Tavares, who was not a member of the Board when this meeting took place.

Establishment of Airport Gift & Donation Account – On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to (a) establish an Airport Gift & Donation Account for the acceptance of funds to be used towards the purchase of Airport-related equipment, expenditures associated with Airport maintenance-related operations and repairs, land or easement acquisitions that will enhance Airport operations, and any other airport related matters, and (b) authorize the Airport Manager, with official consent from the Airport Commission, to expend funds from this account.

Notice of Intent to File with Conservation Commission – On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to grant permission to Michael Fraser / Travers Landscape Construction o/b/o Victor & Christine Fernandes of 21 Coastline Drive to file a Notice of Intent with the Conservation Commission regarding a proposal to construct an erosion-control revetment wall and staircase that will span onto Town-owned property identified as Lot 6-20 on Assessors Map 54. *[Note: The plan submitted proposes activity on a portion of Town-owned property, and the Conservation Commission will not review the Notice of Intent until all property owners within the project’s parameters have given their permission to file. The application will be subject to further review and subsequent permission/denial from both the Conservation Commission and the Board of Selectmen and/or Town Manager to conduct the proposed work – this is not an approval of the project. Approval of this administrative note simply gives the applicant permission to file the Notice of Intent with the Conservation Commission.]*

Affordable Housing Restriction for 54 Russell Street – On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to authorize the Chairman to sign an *Affordable Housing Restriction and Rent Regulatory Agreement* between Ryder House, LLC and the Town of Plymouth, acting by and through its Office of Community Development, pertaining to the acquisition of property located at 54 Russell Street.

List of Surplus Town Property – On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to approve a list of surplus Town-owned properties for disposal through public auction, in accordance with M.G.L. Chapter 30B, with the noted addition of a diesel generator, which was not included in the original list. Voted 5-0-0, approved. *[Note: Under M.G.L. Chapter 30B, the legal threshold of value is \$5,000 to dispose of surplus items by public auction or sealed bid. In Plymouth, the Town has always disposed of every item publicly, regardless of value.]*

Executive Session Minutes – On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to approve and release the executive session minutes of the March 6, 2012 Selectmen’s meeting. Voted 4-0-1, approved, with an abstention from Selectman Tavares, who was not a member of the Board when this executive session took place.

PUBLIC COMMENT

Doug O’Roak invited the Board and the public to attend a fundraiser for the July 4th parade & fireworks events, to be held at the Plymouth Masonic Lodge on May 26, 2012. The Lodge, he said, will host a dinner and silent auction event at which numerous local businesses and restaurants will donate their goods and services towards the cause of producing Plymouth’s annual July 4th celebration. Mr. O’Roak directed citizens interested in purchasing tickets for the event to call him at (508) 614-0209.

Linda Benezra reported that the Plymouth County Advisory Board (“PCAB”) was unable to conduct its annual budget meeting on May 10, 2012 because it failed to meet quorum, due in

part to the absence of Plymouth's designated representative. She asked that the Board appoint an alternate representative who can attend PCAB meetings when the primary representative cannot. Ms. Benezra indicated that she has a number of concerns relative to some of the line items within the County budget—including one that shows a revenue source from the South Street landfill capping.

Jim Benedict, chairman of the Downtown Plymouth Neighborhood Watch, announced that his group would hold a meeting at 7:00 p.m. in the Harbor Room at Town Hall on Wednesday, May 16, 2012. Mr. Benedict reported that several citizens have brought forth complaints to him related to litter, noise, and drugs in the downtown, prompting the Neighborhood Watch to hold this expanded meeting. He invited the public to attend the meeting and expressed his hope that the Selectmen and Town Manager will work further with his group on a number of these issues.

MASS DOT STATEWIDE ECONOMIC IMPACT STUDY - AIRPORT

Ken Fosdick and Doug Crociati, chairman and vice chairman of the Plymouth Airport Commission, respectively, introduced a presentation on an economic impact study conducted by the Massachusetts Department of Transportation ("MassDOT") relative to airports.

The study, Mr. Fosdick explained, was undertaken in 2010 to illustrate and quantify the economic impacts of Massachusetts' 39 public-use airports, which generate thousands of jobs and approximately \$11.9 billion in total annual economic activity. Plymouth's "little airport," he said, is very important to a number of businesses, employees, and aviation enthusiasts, and, thus, the Airport Commission strives to ensure that the Airport works for the entire community.

Airport Manager Tom Maher led a PowerPoint presentation on the scope and results of the study, which, he said, was specifically conducted by MassDOT's Aeronautics Division and funded by the Federal Aviation Administration. The goal of the study, he explained, was to demonstrate the financial and service-based benefits that aviation produces for host communities and the State's economy, as a whole. Mr. Maher explained that, through a system of complex study and calculation, the results of the study embody the simple principle that those who work, utilize, and/or do business at the airport typically live locally—and, thus, spend locally.

Mr. Maher displayed a map illustrating the location of Massachusetts' 39 public-use airports. The Plymouth Municipal Airport, he noted, is the 9th largest in terms of employment, and the 3rd busiest within the category of general aviation airports. There are 260 jobs and 59 privately constructed, taxed structures associated with the Plymouth airport, he noted. Mr. Maher also made mention of 100 additional acres at the airport that can be developed for commercial purposes, regardless of whether or not the use is aviation-related.

Mr. Maher listed the major employers at the Plymouth Municipal Airport: Professional Airways, Alpha One Flight School, Boston Medflight, the Massachusetts State Police Air

Wing, Yankee Air Services, and Ryan Rotors. These businesses, he said, provide a collection of good jobs and serve a number of customers who travel to and from Plymouth for business or recreational purposes. The airport, Mr. Maher said, is very much a “gateway” to the Town of Plymouth.

Following Mr. Maher’s presentation on the MassDOT Economic Impact Study, Mr. Crociati closed the discussion with a status update on the Airport Master Plan. Following the work done by the Plymouth Airport Advisory Group, he explained, the Airport Commission will move forward with plans to extend the north-south runway to the same length as the east-west runway, with added safety overrun areas on both runways. Mr. Crociati explained how these measures will greatly balance runway traffic, enhance the safety of take-offs and landings, and distribute airplane noise over the less-inhabited areas abutting the airport. As noted in the Town Manager’s report, he said, the Airport has received a grant to complete the final environmental mitigation phase of the runway expansion project.

DISCUSSION ON BALLOT REFERENDUM RE: PILGRIM STATION

The Board held a brief discussion on the ballot question that was approved by a majority of Plymouth voters during the official election of May 12, 2012:

“Shall the Town of Plymouth request the Board of Selectmen to call upon the Nuclear Regulatory Commission (“NRC”) to immediately suspend all further action on the application of the Entergy Corporation for renewal of its license to operate the Pilgrim Nuclear Power Station pending the full implementation of all safety improvements recommended by the NRC as a result of lessons learned from the failures of similarly designed reactors in Fukushima, Japan?”

Wedge Bramhall, chairman of the Freeze Pilgrim Committee, thanked the Selectmen for allowing the ballot question (which he and a number of Plymouth citizens submitted) to go forth to the voters.

Ted Bosen, secretary of the Freeze Pilgrim Committee, commended the Selectmen for hosting a balanced educational forum on the petition, prior to the election, at which two experts offered differing perspectives on the safety of nuclear power. The intent of the ballot referendum, he said, was to educate the community and keep Pilgrim-related matters at the forefront of public awareness. Mr. Bosen requested that the Board follow the will of the majority and issue a formal statement to the Nuclear Regulatory Commission.

Chairman Muratore asked the Town Manager to draft a statement in response to the vote on the ballot referendum.

Several members of the Board thanked Mr. Bramhall and Mr. Bosen for their efforts to bring the ballot referendum to the voters. Chairman Muratore also thanked the members of the Nuclear Matters Committee, who assisted with sponsoring and moderating the educational forum held at Town Hall on March 29, 2012.

DISCUSSION ON PARKING FUND FEE

Ms. Arrighi brought forth a proposal to the Board for an interim Parking Fund Fee Policy. The Director of Planning & Development, she said, has drafted the proposal in response to the Board's request that Plymouth become more business-friendly.

Ms. Arrighi explained the purpose of the Parking Fund Fee and the manner by which it is applied. The Parking Fund Fee, she said, is a voluntary alternative for village-center property owners who cannot provide their own on-site parking. Revenue from the fund may be utilized for parking-related land acquisition, facility construction, and related design expenses. The fee is calculated on the use of the property (residential, commercial, retail, restaurant, etc.), and properties are grandfathered-in until there is a proposed change of use or expansion.

Lee Hartmann, Director of Planning & Development, provided the Board with some history on the Parking Fund Fee. In the 1970's, he reported, the Town recognized the shortage of parking in the Town's village center areas. A decision was made to assess the parking requirements/demands created by each property and then grandfather the number of spaces for each. Prior to 1991, any subsequent changes to use, expansion, or new construction at properties within the Town's village centers would require that (a) the property owner provide on-site parking or (b) the property owner request a waiver of parking from the Zoning Board of Appeals ("ZBA").

In 1991, Mr. Hartmann continued to explain, the Town sought to encourage development through allowed uses by creating the Downtown/Harbor District, but business owners found the requirement to provide on-site parking and the ZBA process to be too challenging. At the urging of business owners, the Town created the Parking Fund Fee as a means by which property owners could offset the parking requirements and establish seed money for structured parking.

Mr. Hartmann indicated that there have been few payments made to the Parking Fund since its establishment. In most cases, he said, the Town has been able to accommodate new businesses without having to impose prohibitive fees, but there are certain projects—such as new residential construction or conversion from office/retail to restaurant use—that truly place a demand on parking. The proposed interim/temporary policy would provide relief to those wishing to convert existing office/retail space to restaurant use. The expansion of existing space or new construction, however, would continue to trigger the Parking Fund Fee, Mr. Hartmann noted.

Vice Chairman Mahoney expressed reluctance to make any changes to the Parking Fund Fee Policy without providing the Plymouth Growth & Development Corporation ("PGDC") the opportunity to present an official position on the matter.

Following some brief discussion between the Board and Mr. Hartmann, Chairman Muratore opened the discussion to public comment.

Steve Lydon noted that the mechanism to request a waiver of parking through the ZBA is not as exhaustive as some may often report, but he offered his support for the interim policy, in the interest of bringing more businesses to the downtown.

Alan Zanotti, secretary for the PGDC, asked the Board to delay its decision until he and his colleagues can develop an official recommendation on the matter. Mr. Zanotti acknowledged that, despite some vacant storefronts in the Downtown/Waterfront District, the parking shortage remains the same. If the Town encouraged the establishment of more restaurants—which are known to place the most demand on parking—the parking shortage will only become exacerbated further, he said.

Vice Chairman Mahoney reiterated his reluctance to waive fees and alter the Parking Fund Fee Policy without considering the consequences, further. As such, he made a motion that the Board table its decision on the proposed interim policy until the PGDC has had an opportunity to offer an official recommendation. Selectman Harnais seconded the motion, but noted that he does not want to delay the Board’s decision much longer.

The Board voted 5-0-0 to table its decision on the proposed interim Parking Fund Fee Policy until its meeting of May 29, 2012.

SELECTMEN’S COMMITTEE ASSIGNMENTS

The Board held a discussion on committee assignments.

Selectman Brewster noted her interest in serving as the Board’s representative on the Community Preservation Committee (“CPC”), and she proposed that the Board’s current CPC designee, Vice Chairman Mahoney, become the liaison to the Natural Resources & Coastal Beaches Committee. Selectman Brewster indicated that she wanted to connect the work she is doing with the 400th Anniversary Committee to the work being done by the CPC. Vice Chairman Mahoney responded that he wished to continue serving on the CPC.

The Board discussed the dilemma of choosing between two members who want the same committee assignment. Following some discussion, Selectman Tavares made a motion to designate Vice Chairman Mahoney as the Board’s representative on the Community Preservation Committee. Vice Chairman Mahoney seconded the motion.

Selectman Tavares stated that Vice Chairman Mahoney had clearly expressed his wish to continue serving on the CPC, and, since he has given the Board no reason to remove him, he should be allowed to remain in that post. Selectman Harnais noted his agreement with Selectman Brewster that the CPC must focus on 400th Anniversary-related projects but noted his reluctance to reassign the seat if Vice Chairman Mahoney wished to retain it.

Selectman Tavares and Vice Chairman Mahoney voted in favor of the motion. Selectman Brewster voted in opposition. Selectman Harnais and Chairman Muratore abstained from the

vote. With only two votes in favor, Chairman Muratore stated that the motion did not carry. The Board, however, did not vote to reassign the seat to another member.

Chairman Muratore noted that the Consolidation Committee would soon complete its mission, and, therefore, the assignment of Board representatives to that committee would be unnecessary.

Selectman Brewster nominated Vice Chairman Mahoney to serve as the liaison to the Natural Resources & Coastal Beaches Committee. Vice Chairman Mahoney accepted the assignment.

Chairman Muratore offered his post as the liaison to the Nuclear Matters Committee. Selectman Brewster recommended Vice Chairman Mahoney, and he accepted the designation.

Chairman Muratore indicated that he would like to serve as the Board's representative on the Plymouth County Advisory Board and the Plymouth Regional Economic Development Foundation. There were no objections to Chairman Muratore's request.

Selectman Brewster stated that she wished to retain her seat on the Industrial / Commercial / Office Land Study Committee.

Selectman Brewster nominated Selectman Tavares to serve as the liaison to the Insurance Advisory Committee. Selectman Tavares accepted the designation.

OLD BUSINESS / LETTERS / NEW BUSINESS

Chamber of Commerce Trip to Plymouth and London, England – Selectman Harnais noted that the Plymouth Area Chamber of Commerce is sponsoring an official 'Plymouth-to-Plymouth' trip to Plymouth and London, England, to promote business and tourism between the sister communities. It is important, he said, that Town officials be represented on this trip, to reestablish and enhance connections with these communities, considering their relationship to the Town's forthcoming 400th Anniversary Celebration in 2020. To that end, Selectman Harnais reported that the Distinguished Visitors Committee unanimously voted to recommend the use of funds from the Distinguished Visitors account to send the Chairman of the Board of Selectmen and the Town Manager on the Chamber's trip.

Visit from Shichigahama Officials – Selectman Harnais was pleased to report that an official delegation from Shichigahama, Japan will visit Plymouth in August to offer thanks for Plymouth's support following the earthquake and tsunami events of March 2011. The Distinguished Visitors Committee, he said, has already begun work upon the itinerary for the visit.

Plymouth 400, Inc. / 400th Anniversary Celebration – Selectman Brewster reported that Plymouth 400, Inc. welcomed four new members at its meeting of May 14, 2012: Thomas Small, Rev. Dr. Paul Jehle, Susan Wentworth, and Brian McGuire. Plymouth 400, Inc., she said, will unveil the new 400th Anniversary website at a public reception in the Blue Room of

Memorial Hall on the evening of June 14, 2012. Selectman Brewster indicated that the Board of Selectmen was scheduled to appoint the newly-configured Town committee (“400th Anniversary Committee”) at its June 5, 2012 meeting.

EXECUTIVE SESSION AND ADJOURNMENT OF MEETING

At approximately 8:45 a.m., the Selectmen 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: Tavares – yes, Mahoney – yes, Brewster – yes, Harnais – yes, and Muratore – yes.

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

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the May 15, 2012 meeting packet is on file and available for public review in the Board of Selectmen’s office.