

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, JANUARY 15, 2013

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, January 15, 2013 at 5:30 p.m. at Town Hall in the Mayflower Room.

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

Melissa Arrighi, Town Manager

CALL TO ORDER

Chairman Muratore called the meeting to order at 5:30 p.m.

EXECUTIVE SESSION

The Board voted to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to collective bargaining, and Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on these matters may have a detrimental effect on the negotiating position of the body. By roll call: Tavares – yes, Mahoney – yes, Brewster – yes, Harnais – yes, and Muratore – yes.

Chairman Muratore noted that, following executive session, the Board would reconvene in open session.

RETURN TO OPEN SESSION

Chairman Muratore reconvened the meeting in open session at 5:30 p.m. and led the Pledge of Allegiance.

Prior to proceeding with the evening's agenda, Chairman Muratore asked the Board if it would be willing to move the discussion on the FY2014 Budget to the meeting of January 22, 2013, based on the number of items already scheduled on the agenda.

On a motion by Vice Chairman Mahoney, seconded by Selectman Tavares, the Board voted to table its discussion on the FY2014 Budget to the meeting of January 22, 2013. Voted 5-0-0, approved.

TOWN MANAGER'S REPORT

FY2014 Budget Discussion – Town Manager Melissa Arrighi indicated that her report for January 15, 2013 centered upon the FY2014 budget discussion. As the Board chose to delay its discussion on the budget, Ms. Arrighi noted that she would simply hold her report for the week of January 22, 2013, to allow the Board to proceed with the evening's other agenda items.

COMMITTEE LIAISON / DESIGNEE UPDATES

Council on Aging – Chairman Muratore was pleased to report that the Council on Aging has all of its accreditation subcommittees in place. The Council, he said, anticipates that the accreditation process is expected to take approximately 18 months. Chairman Muratore noted that the new senior center has been well received, remarking that the Council has given out at least ten new member identification cards, each day, since the center opened in December.

Visit to ABC Disposal Processing Facility – Selectman Brewster reported that she, Ms. Arrighi, DPW Director Jonathan Beder, Assistant DPW Director Dennis Westgate, Finance Director Lynne Barrett, and two members of the Town Manager's Solid Waste Advisory Group, Patricia Adelman and Rich Rothstein, recently took a tour of ABC Disposal's waste processing facility in New Bedford. ABC Disposal, she said, is looking into new technology that would provide the company with the ability to offer a "one-pass" pickup system, whereby the company would do the sorting of recyclables from trash for its customers. Selectman Brewster stated that, if Plymouth moves forth with a curbside pickup program, ABC Disposal may be able to pursue this new technology and offer curbside service at a lower price than originally predicted. Additionally, she noted, the addition of ABC's new waste processing facility would provide a competitive alternative to SEMASS in Rochester, with which the Town's disposal contract will expire in 2015.

Meeting with Plymouth County Commissioners – Vice Chairman Mahoney announced that the Board was included on the agenda of the Plymouth County Commissioners' meeting of January 17, 2013. Chairman Muratore clarified that the Board would meet at 5:45 p.m. to conduct one quick item of business, prior to meeting with the Commissioners' at 6:00 p.m.

PUBLIC COMMENT

Robert Betters announced that the Plymouth Education Foundation will hold its annual fundraising gala on February 9, 2013. The event, he explained, will include dinner, dancing, and a silent auction to benefit educational opportunities for Plymouth residents. Mr. Betters was pleased to note that the Estate of Henry Hornblower recently made a \$25,000 donation to the foundation. He encouraged Plymouth's residents and officials to

support the event and visit the foundation's website, plymoutheducationfoundation.org, for more information.

Chairman Muratore noted that the Plymouth Education Foundation asked the Selectmen to provide a package of gift certificates for Town Hall service items—e.g. a beach sticker, transfer station pass, dog license, and Recreation Department activity—for auction during the event. Though the Town cannot make such a donation, he explained, the members of the Board will collectively contribute their own money towards the purchase of the package.

Mary LeSueur of Precinct 5 sought to respond to Selectman Brewster's comments regarding the way by which the FY2014 Budget may place a burden on Plymouth's seniors (made during the Selectmen's January 8, 2013 meeting). Ms. LeSueur stated that, as a senior citizen, it can be challenging to live on a fixed income, but this does not preclude her civic duty to support the education system in her community. The Town's budget, she said, should be based on need, not circumstance, and she is confident that the Town Manager, Finance Director, and School Superintendent have worked diligently to produce a responsible budget for Plymouth.

LICENSES

VEHICLE FOR HIRE OPERATOR LICENSE (NEW)

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to grant a Vehicle for Hire Operator License to each of the following applicants, as listed, below. Voted 5-0-0, approved.

For **Seabreeze Taxi**:

- Jason Sheets (20 Davis Street, Plymouth)

For **TLC Transportation**:

- John Walsh, Jr. (27 Cary Road, Plymouth)

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

SURRENDERING OF LIQUOR LICENSE

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to accept the voluntary surrender of an Annual All Alcohol Restaurant Liquor License from the following establishment. Voted 5-0-0, approved.

- **Hibachi Grill Supreme Buffet, Inc. d/b/a Sky Seafood Buffet**, 20 Shops at 5 Way. The establishment closed on December 16, 2012.

ADMINISTRATIVE NOTES

Meeting Minutes – The Board approved the minutes of the October 30, 2012 Selectmen’s meeting.

Memorandum of Understanding with High Rock Cranberry Crescent – The Board approved and executed a Memorandum of Understanding between the Town of Plymouth and High Rock Cranberry Crescent, LLC pertaining to the development of a certain parcel of land situated on Plympton Road (Route 80) and Carver Road in Plymouth containing 53.60 acres, more or less, and being shown as Lot 1-27 on a plan entitled “Plan of Land in Plymouth, Plymouth County, MA, Prepared for West Plymouth Village Associates,” recorded in Plymouth County Registry of Deeds as Plan No. 172 of 1986 in Plan Book 26, Page 920 (the “Property”).

Approval of 2013 Spring Town Meeting Article 2 – The Board recommended approval of Article 2 (Reports of Boards and Committees) to the 2013 Spring Annual Town Meeting.

Approval of 2013 Spring Town Meeting Article 6 – The Board recommended approval of Article 6 (Salaries of Elected Town Officials) to the 2013 Spring Annual Town Meeting.

LIBRARY WEBSITE AND APPLICATIONS

Dinah O’Brien announced that, in conjunction with the recent redesign of its website, the Plymouth Public Library has launched a brand-new smartphone application, “Plymouth Public Library To-Go.” Ms. O’Brien indicated that the Library is a certified Apple web developer and is connected to online media applications such as Facebook, Twitter, and Tumbler. The new mobile application, she explained, allows library cardholders to search the Library’s catalog, place a book on hold, scan codes to see if a book is available at the Library, and check out an electronic book. Ms. O’Brien informed the Board that Plymouth’s library is only the second in the State to offer this type of service, which was made possible through a generous donation from the Plymouth Industrial Development Corporation.

Members of the Board expressed their appreciation for the efforts that Ms. O’Brien and her staff have made to provide residents with more convenient and technologically advanced access to the Plymouth Public Library’s services.

MEMORIAL HALL BUSINESS PLAN

Patrick O’Brien, Facilities & Special Events Manager for Memorial Hall, provided the Board with an update on the Town’s efforts to reassume management of the Hall and plans

to repair and enhance the facility. Mr. O'Brien was joined by Barry DeBlasio, DPW Recreation Director, whose division is responsible for the oversight of Memorial Hall.

Mr. O'Brien began his presentation with a brief history of Memorial Hall, noting that the facility was built in 1924 as a memorial to Plymouth's veterans. In the early 2000's, he explained, a number of renovations were made to the seating, sound system, and accessibility of the Hall, in an effort to enhance the qualities of the facility as a performance venue.

On two separate occasions following the renovations in the 2000's, Mr. O'Brien recounted, the Town ceded the management of the Hall to private companies—first, the Radisson Hotel, and then Digital Media Services / Goldberg Entertainment—in an effort to maximize the use of Memorial Hall as a performance center and function facility. Unfortunately, he said, these private companies were not able to operate the Hall at a profit, and management of the Hall was subsequently returned to the Town.

Mr. O'Brien reported that the Town reclaimed management of Memorial Hall in January of 2012, with the goal of increasing event revenue and reducing financial risk, all while making the Hall available as the community resource it was intended to be. Mr. O'Brien explained that he was given the assignment to supervise the events that had already been booked at the Hall while he was still serving as the Special Assistant to the Town Manager, and, in July of 2012, he was officially appointed as the full-time Facilities & Special Events Manager for the Hall.

Mr. O'Brien brought the Board's attention to a list of recurring and special events that have been held at Memorial Hall since January 2012, indicating that the Town has seen some financial success via the implementation of rental agreements that include profits from liquor sales. A blend of regular tenants and events at the Hall, such as the Plymouth Philharmonic Orchestra, New Hope Chapel, and the annual Thanksgiving Parade Celebration, have been combined with a range of mixed martial arts matches, concerts, comedy shows, dance studio performances, and other special events to produce a fairly busy schedule of activity at the Hall, in addition to the Town's regular rotation of Recreation programs. Mr. O'Brien was pleased to report that, based on the success of 2012, the Memorial Hall Revolving Account has a balance of \$165,000 that will allow the Town to plan for a number of much-needed capital improvements to the building.

Mr. O'Brien discussed some of the challenges that have made it difficult for the Town and previous private management companies to operate Memorial Hall at a profit. The 1,100-seat facility, he said, is approximately 500-1,000 seats shy of attracting the types of bigger-name acts that typically perform at the region's successful, smaller venues (e.g. Cape Cod Melody Tent, South Shore Music Circus, and Lowell Auditorium). The Town, he noted, is not in the financial position to guarantee payment to the performer/act, as is customarily promised by the venue or event promoter for such events. In addition to the facility's capacity-based limitations, Mr. O'Brien reported, the Hall requires a good deal of improvement in order to attract quality events, e.g. the replacement of deteriorating seats, the resurfacing of the main floor, and general painting and plastering throughout the interior of the building.

Mr. O'Brien talked about a number of measures that he is pursuing to market Memorial Hall and generate additional revenue to the Town. The Hall, he said, has a good marketing presence via social media sites and e-mail distribution lists, while the website is updated and improved periodically. Mr. O'Brien noted that the Town is systematically improving upon its contracts with event promoters by including fees for ticketing, equipment rental, and liquor sales.

Memorial Hall, Mr. O'Brien continued, is a major economic driver for the downtown area, attracting patrons to local hotels, restaurants and bars, retailers, and other service providers. If the proposal to situate a parking garage behind Memorial Hall goes forth, he said, this will have a remarkably positive effect on the Town's ability to attract larger-scale events to the Hall, which, in turn, will bring more patrons to the businesses in Plymouth's downtown/waterfront district.

Moving forward, Mr. O'Brien indicated, he will continue to focus upon attracting music, comedy, wedding, and business events to Memorial Hall, while maintaining the facility as a community resource for the Town of Plymouth and an economic driver for the downtown.

At the close of his presentation, Mr. O'Brien responded to comments and questions from the Board. Selectman Tavares asked Mr. O'Brien to provide the Board with a detailed budget and a list of the items that need to be repaired at the Hall, so that the Town can act quickly to maintain the Hall at the level necessary to ensure the facility's success as a venue. Mr. O'Brien indicated that the floor and seating repairs have already been submitted as a capital project for ranking by the Capital Outlay Expenditure Committee.

Selectman Brewster requested more information on the marketing plan for Memorial Hall and the relationship that the Hall has with Plymouth's Veterans' groups. Mr. O'Brien explained that he is evaluating the Town's first full year of operating the Hall to determine which marketing and business strategies were the most successful. In addition, Mr. O'Brien said, he has established a connection with the promoter of the Lowell Auditorium, to learn about the best practices for smaller venues and establish potential opportunities for attracting events that are the right size for Memorial Hall. With regard to Plymouth's Veterans' groups, Mr. O'Brien reported, the Town continues to honor the agreements with those groups for the use of the Hall, as well as provide them with the use of additional rooms/space at the Hall, as needed.

Selectman Brewster inquired about the establishment of a Friends of Memorial Hall non-profit group. Mr. O'Brien noted that a Friends group existed years ago, and though it has since disbanded, it might be worthwhile to resurrect the idea. Chairman Muratore inquired about the fees charged with the rental of the Hall, to which Mr. O'Brien responded that the Town will receive 20% of liquor sales at each event. In addition, Mr. O'Brien reported, it may be worthwhile to apply ticketing fees for all events.

Following some brief remaining discussion, Chairman Muratore thanked Mr. O'Brien for the presentation on Memorial Hall.

PROPOSAL TO MODIFY STRUCTURE ON LEASED PROPERTY RELIABLE FISH CO. / SHANTY ROSE, 16 TOWN WHARF

Elizabeth Sullivan, Special Assistant to the Town Manager, introduced a discussion on the proposal to modify a structure on Town-owned leased property, otherwise known as Lot 12B on Assessor's Map 14A. Ms. Sullivan explained that the joint venture of Reliable Fish Company and Shanty Rose, Inc. seeks permission—as required by its lease with the Town—to expand and enclose the deck on the rear of the building.

Architect Jeffrey Metcalfe addressed the Board on behalf of Reliable Fish Inc. / Shanty Rose, Inc., explaining that the deck expansion would not increase the building's footprint. Mr. Metcalfe displayed renderings of the proposed deck expansion and noted that the deck would retain the handicapped-access ramp and rear door egress. The expanded deck, he said, will provide for additional seating in an enclosed, three-season room.

Seeing no questions from the Board, Chairman Muratore opened the presentation to public comment. No citizens came forth, and, thus, he brought the discussion back to the Board.

On a motion by Selectman Harnais, seconded by Selectman Tavares, the Board (as lessor) gave its permission to Reliable Fish Inc. / Shanty Rose, Inc. (as lessee) to modify its structure on the leased premises at Town Wharf. Voted 5-0-0, approved. *[Note: Final approval of this expansion project is subject to approval by the Inspectional Services Department.]*

2013 SPRING ANNUAL TOWN MEETING ARTICLES

ARTICLE 13

To see if the Town will vote to appropriate from the Town Promotion Fund created pursuant to Chapter 4 of the Acts of 1993, a sum or sums of money for programs and projects that enhance the beautification, recreational resources, public safety, promotional and marketing activities, events, services and public improvements, or take any other action relative thereto.

BOARD OF SELECTMEN

Lee Hartmann, Director of Planning & Development, provided a review of Article 13, which is the annual article through which the Town allocates its hotel/motel tax revenue to the Town Promotion Fund. Mr. Hartmann noted that Plymouth is one of the few communities that reinvests its hotel/motel tax receipts into tourism promotion.

Mr. Hartmann explained that the Town, by Special Act, receives 45% of its local hotel/motel tax receipts. Though down by 2.25% from the previous year, he said, Plymouth's hotel/motel tax receipts are still strong, producing \$472,626 to be reinvested into the Promotion Fund. Mr. Hartmann provided the Board with a number of examples of how the Promotion Fund is utilized to promote tourism, from marketing initiatives to cultural events and infrastructure improvements. The Visitor Services Board, he noted, oversees the expenditures from the Fund, including a handful of annual fixed costs, such as

the contract with Destination Plymouth and the operation of the Visitors Information Center on Water Street.

Seeing no questions or comments from the Board or the public, Selectman Harnais made a motion to recommend Article 13 to the 2013 Spring Annual Town Meeting. Selectman Brewster seconded the motion, and the Board voted 4-0-1 in favor. Selectman Tavares abstained from the vote.

ARTICLE 26

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

PLANNING BOARD

Marc Garrett, Chairman of the Planning Board, provided an introduction on Article 26, which proposes to extend building height within designated industrial areas to a maximum of 75 feet. This zoning amendment, he explained, is supported by the Planning Board as the first of many action items that came forth from the report of the Industrial Commercial Land Study Committee. Mr. Garrett reported that Article 26 would establish “Light Industrial Building Height Overlay Districts” in two commercially-zoned areas of town—one in the North Plymouth Industrial Park and the other in Camelot Park off Long Pond Road. Each overlay, he explained, has been designed to utilize only a portion of the zoned area where such heights would be appropriate, so as to provide a buffer along the abutting residential areas. Mr. Garrett indicated that the purpose of relaxing height restrictions within the Town’s industrial zones is to entice higher-end retail and light industrial use while reducing sprawl.

Mr. Hartmann resumed the presentation on Article 26, reiterating Mr. Garrett’s comments that the proposal to relax height restrictions in the Town’s largest two industrial zones was designed to encourage economic development, create jobs, and maximize the use of space in these limited areas. Taller building heights, he said, will encourage high-tech, high-end office and light industrial uses that will benefit the Town much more than sprawling retail developments and car dealerships. Mr. Hartmann displayed maps of the zoning overlays and highlighted the 500’ buffer zones delineated along any abutting residential neighborhoods. Article 26, he reported, is supported by Planning staff, the Planning Board, and the Town Manager, and the North Plymouth Steering Committee has made no objections to the proposal.

After Mr. Hartmann responded to some brief questions from the Board, Chairman Muratore opened the discussion to public comment.

Everett Malaguti, Town Meeting Representative from Precinct 1, offered no objections to the proposal to increase building height but expressed concern about the proximity of the North Plymouth zoning overlay to the residential neighborhoods on the opposite (east) side of Route 3.

Mr. Hartmann responded that Planning staff and the Planning Board view the highway as a major separator between the overlay district and residential areas. There may be a handful of homes on the opposite side of the expressway that are closer to the overlay than 500 feet, he acknowledged, but the existing highway interchange is situated in-between. Mr. Hartmann asserted that the types of companies who will view this initiative as an incentive to relocate to Plymouth will desire such visibility from the highway.

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to recommend Article 26 to the 2013 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 29

To see if the Town will vote to amend the Zoning Bylaw, Section 205-19 Signs, to allow Community Information Display Boards for kindergarten through twelfth grade schools (a Community Information Display Board is illuminated by internal Light Emitting Diodes (LED) and used as a community communication tool), as well as amend associated definitions, procedures, and schedules, or take any other action relative thereto.

PLANNING BOARD

Mr. Hartmann reported that, when the new Plymouth North High School was constructed, an internally illuminated display board was installed at the entrance to the school. The designers and contractors, he said, did not realize that these types of signs are prohibited within the Town's zoning bylaws.

Mr. Hartmann indicated that Article 29 will amend the Town's zoning bylaws to allow display boards illuminated by Light Emitting Diodes ("LED") at schools. Display boards illuminated by LEDs, he noted, are different from the types of internally-illuminated signs that are targeted by the current bylaw. Mr. Hartmann explained that the use of information display boards has become a very common tool by which school districts communicate information with students and parents. The proposed bylaw, he said, would allow such use at all school facilities within the Town's borders—both public and private.

Selectman Brewster inquired if there will be any restriction placed on the hours during which the signs may remain illuminated. Mr. Hartmann responded that a restriction is not included in the proposed bylaw, but he noted that Superintendent Maestas has indicated that he is willing to comply with any guidance from the Town on this matter.

Seeing no further questions or comments from the Board, Chairman Muratore opened the discussion on Article 29 to the public. No citizens came forth to address the Board.

Selectman Brewster expressed her concern that these display boards could become a potential nuisance (during the late evening) to homeowners who reside near the schools that are situated in dense residential areas. While she had no objections to the proposed zoning amendment, Selectman Brewster stated her hope that the schools will establish guidelines for the use of these signs, in an effort to respect neighbors and prevent nuisance complaints.

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to recommend Article 29 to the 2013 Spring Annual Town Meeting. Voted 5-0-0, approved.

Mr. Hartmann acknowledged that he would speak with Superintendent Maestas to explain that the Selectmen appear to share Selectman Brewster's concerns about the effect that the illuminated signs may have on neighbors during the late evening hours.

Chairman Muratore then called for a five minute recess, prior to reconvening the meeting at 8:45 p.m.

SPECIAL ARTICLE 16A

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, or otherwise fund, a sum of money as a grant to the Plymouth Taskforce for the acquisition of the multi family residence located at 366 Court Street, Plymouth MA, shown as Assessors Map 1 Lot 3-7, for community housing purposes, and to authorize the Town Manager, in consultation with the Community Preservation Committee, to enter into a grant agreement with said Taskforce setting forth the terms and conditions upon which the funds may be expended, which agreement shall include a requirement that the affordable housing units created shall be eligible for inclusion on the Subsidized Housing Inventory maintained by the Department of Housing and Community Development for the Town of Plymouth, and a requirement that the Taskforce for the Homeless grant to the Town an affordable housing restriction(s) in the property, all rental income from 366 Court Street will be for the care and maintenance of 366 Court Street and further, to authorize the Board of Selectmen to accept an affordable housing restriction(s) on said property for 5 affordable units, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

[Note: The number assigned to this article was subsequently changed to Article 6 of the 2013 Special Town Meeting.]

Bill Keohan, chairman of the Community Preservation Committee ("CPC"), explained that Special Article 16A proposes to grant \$420,000 to the Taskforce for the Homeless for the purchase and establishment of affordable housing at 366 Court Street. The Taskforce, he said, seeks to expand its current services with the establishment of an additional facility to serve homeless women. Mr. Keohan noted that this proposal is similar to the acquisition that it brought to the 2010 Fall Town Meeting (Article 13), where the Taskforce was given a grant to purchase a multi-family residence (located at 368-370 Court Street) for transitional housing for homeless men.

Mr. Keohan described the property at 366 Court Street, noting that it is situated on the corner of Court and Spooner streets, near the Town's September 11th memorial. The Taskforce, he said, would operate the residence as five affordable Single Room Occupancy ("SRO") rental units, which would count towards the Town's affordable housing inventory. Mr. Keohan indicated that the property at 366 Court Street, currently owned by former Selectman Dick Quintal, includes a small, leasable commercial facility (a grocery store, at present) that can provide the Taskforce with additional rental income. Following the execution of an appraisal, he said, the CPC voted to recommend approval of \$420,000 for the purchase of the property (\$400,000) and the renovation of kitchen and bathroom facilities (\$20,000).

Mr. Keohan responded to questions from the Board regarding the appraisal of the property and the Taskforce's plans to operate the facility. The Taskforce, he said, is looking to rent the commercial space at the rear of the property to an organization that is involved with the provision of housing or affordable housing strategies, e.g. Father Bill's Place.

Chairman Muratore opened the discussion to public comment. No citizens came forth to speak.

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to recommend Article 16A [*subsequently reassigned to Article 6*] to the 2013 Spring Special Town Meeting. Voted 5-0-0, approved.

ARTICLE 16A

To see if the Town will vote to rescind the recommendation of the Community Preservation Committee under Article 16D from the Fall 2010 Town Meeting for the acquisition of 23.4 acres more or less off Quail Run Road, Map 61, Lot 1 for \$100,000, to be returned to the Community Preservation Act undesignated fund balance, to take any other action relative thereto. [*Final warrant language TBD*]

Community Preservation Committee

Mr. Keohan reported that Article 16A proposes to rescind the previous action of Town Meeting (Article 16D of the 2010 Fall Town Meeting) to purchase 23.4 acres off Quail Run for the purpose of open space. The owners of the property, he explained, approached the CPC as far back as 2007 to determine if the Town would be interested in acquiring the land, but, due to unresolved title issues, the CPC declined the offer in 2009. Mr. Keohan indicated that the property owners returned to the CPC with a second offer to sell the land and the assurance that the title issues had been resolved. After two and a half years, however, the Town's legal counsel has determined that title is not clear and does not meet the Town's standards for acquisition. As such, Mr. Keohan continued, the CPC has voted to rescind the vote of the Fall 2010 Town Meeting and reinvest the funds back into the Community Preservation account.

Seeing no comments or questions from the Board, Chairman Muratore opened the discussion to public comment. No citizens came forth to speak.

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to recommend Article 16A to the 2013 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 16B

To see if the Town will vote to establish a revolving fund for the Department of Marine and Environmental Management under the provisions of G.L. c.44, 53E1/2 for the fiscal year beginning July 1, 2014, as specified below:

[Continued on next page]

TOWN OF PLYMOUTH, MASSACHUSETTS				
Spring Town Meeting 2013				
Revolving Funds Chapter 44, Section 53E1/2- CPA Conservation Land Revolving Fund				
Fiscal Year 2014 Revolving Fund Request				
Spending Authority Director of Department of Marine and Environmental Management in consultation with the Community Preservation Committee	Revolving Fund: CPA Conservation Land Revolving	Revenue Source: Fees and other revenues, including lease proceeds, collected with respect to use of lands acquired with CPA funds	Use of Fund: For improving access, maintenance, acquiring and installing signage on, and capital improvements to conservation land acquired with CPA funds.	FY2014 Authorized Spending Limit: \$40,000.

or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan reported that the CPC proposes the establishment of a Revolving Fund for improvements related to Community Preservation Act-acquired conservation lands. In 2012, he explained, Town Meeting approved a proposal from the CPC to acquire 19 acres of open space and a cranberry bog adjacent to the Center Hill Preserve. The Town, he continued, is currently seeking an organic cranberry farmer to maintain and harvest the bog. The revenues from this operation, Mr. Keohan said, can be directed to the proposed CPA Conservation Land Revolving Account and utilized for much-needed maintenance, access, and signage improvements on 1,400 acres of CPA-acquired conservation land.

In response to a question from Selectman Tavares, Ms. Arrighi noted that, though the funds generated by the cranberry bog will not likely be significant, it makes sense that revenue generated by CPA-acquired properties is reinvested directly back to care and maintenance of such lands (as opposed to being deposited into the General Fund)..

Chairman Muratore opened the discussion on Article 16B to public comment. No citizens came forth to address the Board.

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to recommend Article 16B to the 2013 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 16C

To see if the Town will vote to appropriate the sum of \$205,000 for the acquisition, and to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain, or otherwise, for the acquisition of open space and to create, restore and/or rehabilitate land for recreational purposes pursuant to the Community Preservation Program, and to accept the deed to the Town of Plymouth, of a fee simple interest or less to 0.14 acres of land, more or less, located at 54 Taylor Avenue, Plymouth, shown on Assessor’s Map 46 as Lot 7A-3, and further that said land shall be held under the care, custody, and control of the Conservation Commission, and to authorize appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; further to appropriate the sum of \$150,000 for the restoration and rehabilitation of land for recreational use by construction of a sanitation facility, first aid and life guard station building at White Horse Beach, shown as Assessors Map 46 Lot 7A-2, including all costs incidental and related

thereto; and as funding therefor to appropriate the total sum of \$355,000 from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum for such purposes pursuant to G.L. c.44B or any other enabling authority, and to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum and issue notes and bonds therefor; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§31-33; provided, however, that prior to the Town's expenditure of funds for the construction of such sanitation facility, first aid and life guard station the following steps shall be taken:

- (1) The Public Works Department shall consult with the Manomet Steering Committee and the Steering Committee shall hold at least one public meeting prior to recommending a designer;
- (2) The Manomet Steering Committee shall hold two public meetings for purposes of soliciting community input concerning the design; and
- (3) The Manomet Steering Committee shall approve the final design by majority vote;

or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan presented Article 16C, which proposes the acquisition of a residential lot at 54 Taylor Avenue for open space recreational purposes. The owner of the property, he reported, approached the Town to determine if there would be interest in purchasing the lot, which is centrally located to a public access point on White Horse Beach. Following an appraisal which valued the property at \$260,000, the CPC negotiated a purchase price with the owner of \$205,000. Mr. Keohan stated that the CPC proposes to fund \$335,000 in CPA funds to purchase the property (\$205,000) and construct a public sanitation / first aid / life guard equipment storage station at the site (\$150,000).

Currently, Mr. Keohan explained, Plymouth's lifeguards have no area to park their vehicles and no sanitation or storage facilities. In addition, he noted, there are persistent problems with beachgoers trespassing on conservation dunes and private property to relieve themselves, in the absence of restrooms at White Horse Beach. Mr. Keohan stated that the removal of the residential structure on the lot for the construction of a public restroom facility will do much to address the aforementioned deficiencies at this popular public recreation area. In addition, this property could be utilized as a staging area for public safety staff during the July 3rd celebrations. Mr. Keohan noted that the Manomet Steering Committee will be involved in the process of collecting community input on the design of the facility, to ensure that it will be compatible with the neighborhood.

Mr. Keohan responded to some brief questions about the public facility proposed for the site, noting that the CPC hopes to engage the student vocational program at the high schools to construct (or assist with the construction of) the facility.

Chairman Muratore opened the discussion to public comment.

Christine Bostek of the Sands of White Horse Beach Association stated that she would address the Board on behalf of her association members as well as Paul Duseau of the White Horse Beach Association. Ms. Bostek read a number of e-mails from her fellow association members regarding the proposal to acquire 54 Taylor Avenue. Based on the comments, Ms. Bostek said, it appears that the proposal lacks support from the White Horse Beach community. Many, she said, appear to feel that residents and homeowners

are not being given ample time and opportunity to respond to the proposal. If the Town has budget limitations and cannot address and enforce the current issues plaguing White Horse Beach, she asked, how does it intend to operate a bathroom facility? At the close of her comments, Ms. Bostek offered her belief that White Horse Beach residents are not being adequately represented by their respective members of Town Meeting, nor by the Manomet Village Steering Committee.

Peg O'Hearn of Hilltop Avenue speculated that her neighborhood, Manomet Heights, is likely more affected by visitors to White Horse Beach than the associations represented by Ms. Bostek and Mr. Duseau, because there is more public parking in her area. Identifying herself as a 30-year resident of White Horse Beach, Ms. O'Hearn expressed concern about the way that the character of the beachside community has changed and the issues—such as public urination and the shortage of parking—that have beleaguered the area for years. Ms. O'Hearn expressed support for Article 16C, noting that the residents with whom she has spoken about Article 16C are happy to hear of this proposal.

Cheryl Damiano, owner of a cottage near 54 Taylor Avenue and member of the East White Horse Beach Association, informed the Board that she, too, has received positive feedback from her neighbors about the proposal outlined in Article 16C.

Ken Buechs of Precinct 7 noted his belief that a public restroom facility may alleviate the problem of beachgoers utilizing the dunes as an outdoor bathroom.

Randy Parker, Town Meeting Member for precinct 7 and chairman of the Manomet Village Steering Committee (“MVSC”), recalled that the MVSC identified public restrooms as one of the highest priorities for White Horse Beach as far back as 1991. Twenty-one years later, he said, the members of the MVSC will be happy to assist the Town with determining the best design for the facility. Mr. Parker touted the benefits of the proposal and expressed his support for situating the facility at such a strategic location.

Mr. Keohan sought to address Ms. Bostek's comment that White Horse Beach residents have not been given ample time to respond to the proposal. There are times, he said, when unique opportunities are presented to the Town on which the CPC must act as quickly as possible—or otherwise miss. There is no intention to circumvent the public process, he said; when real estate becomes available, the window of opportunity in which to act is sometimes small.

Ms. Bostek questioned why the proposal had been brought forth during the winter, when many White Horse Beach property owners are at their year-round residences.

Chairman Muratore explained that Town Meeting takes place twice per year: once in the Fall and once in the Spring. The proposal, he said, would otherwise have to be delayed until the Fall Town Meeting in October—which does not appear to be feasible.

Ms. O' Hearn indicated that most of the homeowners in her neighborhood are year-round residents. These year-round residents, she said, are the citizens who have expressed the most support for the idea.

Mr. Parker announced that the MVSC will review the proposal at its next meeting at the Manomet Branch Library at 8:00 p.m. on January 24, 2013. By virtue of their charge, he said, steering committees are advocates for their respective village and advisory to the Planning Board and Selectmen. This proposal, Mr. Parker noted, will be vetted through the MVSC, the Planning Board, and the Design Review Board, etc., and, as such, a lengthy public process will ensue. Mr. Parker asked the Board to refrain from delaying the project any further.

Mr. Keohan reiterated that he would make a concerted effort to reach out to the residential associations of White Horse Beach.

Seeing no further public comment, Chairman Muratore brought the discussion back to the Board. Vice Chairman Mahoney and Selectman Brewster expressed their support for the project, each noting the importance of providing restroom facilities for both beachgoers and the Town's lifeguard staff, alike. Vice Chairman Mahoney made note of the money that has—and will be—spent on rehabilitating Plymouth's in-town coastal parks (Nelson Park, Stephens Field), and, thus, he stated his belief that it is time to invest in Long Beach and White Horse Beach. Selectman Brewster acknowledged the concerns issued during public comment regarding the graffiti, crime, and disorderly behavior that appear to be troubling the White Horse Beach area, and, as such, she asked that the Police Chief and Director of Marine & Coastal Affairs be directed to address these problems.

Mr. Keohan indicated that he would invite the Police Chief and Director of Marine & Coastal Affairs to attend the MVSC's January 24th discussion on Article 16C.

Chairman Muratore requested that the Town Manager ask the Police Chief to meet with the MVSC, perhaps in April or May, to address the concerns issued by residents about White Horse Beach.

On a motion by Selectman Tavares, seconded by Vice Chairman Mahoney, the Board voted to recommend Article 16C to the 2013 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 16D

To see if the Town will vote to appropriate the sum of \$150,000 for the acquisition and authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational use purposes pursuant to the Community Preservation Program and to accept the deed to the Town of Plymouth, of a fee simple interest or less to 0.23 acres of land, more or less, located at 308 Court Street, Plymouth, shown on Assessor's Map 5 as Lot 101A, and further that said land shall be held under the care, custody, and control of the Conservation Commission, and authorize appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and further in connection with such acquisition, to appropriate the sum of \$200,000 for the creation of a recreational pedestrian entrance to the property known as Veterans Park, from the abutting property at 308 Court Street, including all costs incidental and related thereto; and, as funding therefor to appropriate the total sum of \$350,000 from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum for such purposes pursuant to G.L. c.44B or any other enabling authority, and to

authorize the Treasurer, with the approval of the Board of Selectmen to issue notes and bonds therefor; and further to authorize the Board of Selectmen to grant a conservation restriction in said property pursuant to G.L. c.44B, §12 and G.L. c.184, §§31-33; provided, however, that prior to the Town's expenditure of funds for the creation of the recreational pedestrian entrance, the following steps shall be taken:

- (1) The Department of Public Works shall consult with the North Plymouth Steering Committee concerning the selection of a designer, and the Steering Committee shall hold at least one public meeting prior to recommending a designer;
- (2) The Steering Committee shall hold two public meetings for purposes of soliciting community input concerning the design; and
- (3) The Steering Committee shall approve the final design by majority vote;

or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan presented Article 16D, representing a request to acquire property at 308 Court Street for the establishment of an entrance to North Plymouth's Veterans Park from Court Street. The park, he reported, is most accessible from Standish Avenue, and, over the years, neighbors have expressed concern about undesirable activity in remote areas within the park. By opening another entrance to the park from a more visible and well-traveled location on Court Street, Mr. Keohan said, some of the neighborhood's concerns may be alleviated.

Mr. Keohan indicated that the CPC voted to allocate \$350,000 for the acquisition of the property (\$150,000) and the creation of the new entrance from Court Street (\$200,000). The Parks and Recreation divisions of the Department of Public Works ("DPW"), along with the Department of Marine & Environmental Affairs, will oversee the construction of the new entrance, he reported, once the structure on the property is removed in an environmentally sound way. The North Plymouth Steering Committee, Mr. Keohan added, will provide guidance on the final design of the new entrance.

The project, Mr. Keohan continued, is intended to bring more visitors to North Plymouth and enhance access to, and use of, the park. Dick Quintal, he noted, has offered to move the September 11th memorial to the new entrance, if the Town is amenable to such an idea.

Chairman Muratore opened the discussion to public comment

Everett Malaguti, Town Meeting Member for Precinct 1, offered support for Article 16D and posed some brief questions to Mr. Keohan regarding specific elements of the proposal.

Mr. Keohan responded to questions from Selectman Brewster regarding the budget for the proposed project, noting that, after speaking with David Gould (Director of Marine & Environmental Affairs), it was determined that environmental issues related to the removal of the structure on the property will round-out the total budget to approximately \$200,000.

On a motion by Selectman Tavares, seconded by Selectman Harnais, the Board voted to recommend Article 16D to the 2013 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 16E

To see if the Town will vote to appropriate \$190,000 for the creation and/or restoration and rehabilitation of land for recreational use pursuant to the Community Preservation Program, which land is commonly known as Stephens Field, and is shown on Assessors Map 23, as Lots 16b, 16c, 17c, 23, 24 and 26, and specifically for the creation of a recreational development plan for such land, including but not limited to design and permitting costs; and as funding therefor to appropriate said sum from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow pursuant to G.L. c.44B or any other enabling authority and to authorize the Treasurer, with the approval of the Board of Selectmen to borrow said sum and issue notes and bonds therefor; and, in connection therewith, to authorize the Board of Selectmen to grant to a nonprofit or charitable corporation a restriction in said land meeting the requirements of G.L. c.184, §§31-33; provided however, that prior to expenditure of the funds appropriated hereunder, the following steps shall be taken:

- (1) The Board of Selectmen shall appoint a seven-member temporary committee to be known as the Stephens Field Planning & Design Committee consisting of three members appointed at large, one member from Precinct 3 and one member from Precinct 4, two members from the Friends of Stephens Field as set forth in detail in a December 5, 2012 memorandum to Town Manager and Director of the Department of Marine and Environmental Affairs concerning the Stephens Field CPA Application;
- (2) The Department of Marine and Environmental Affairs shall consult with the Stephens Field Design & Planning Committee and the Committee shall hold at least one public meeting prior to recommending a designer;
- (3) The Stephens Field Planning & Design Committee shall hold three public meetings for purposes of soliciting community input concerning the design; and
- (4) The Stephens Field Planning & Design Committee shall approve the final design by majority vote; or take any other action related thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan provided the Board with an overview of Article 16E, which seeks the allocation of \$190,000 to fund a recreational design plan for the renovation and rehabilitation of Stephens Field. This is the first time, he said, that the CPC has voted to utilize CPA funds to improve an asset that is already owned by the Town. Mr. Keohan provided some brief history on Stephens Field and discussed the importance of its use as a recreational area for Plymouth residents and visitors, alike.

Mr. Keohan indicated that grants will be sought to supplement the design and planning phase. The CPC, he informed the Board, recommends the creation of a seven-member committee to begin the public process of planning for the eventual redesign of the park.

Selectman Tavares made a motion to modify the CPC's proposal for a seven-member committee to include one resident from Precinct 3 and one resident from Precinct 4, as opposed to two members from Precinct 3 (as outlined in the CPC's original proposal). Vice Chairman Mahoney seconded the motion, and the Board voted 5-0-0 in favor.

In response to inquiries from the Board, Mr. Keohan explained that the CPC has allocated \$190,000 for design and planning costs. The CPC does not wish to fund the demolition of the former DPW garage facilities, he said, as the committee views this as a responsibility of the Town. Mr. Keohan discussed the Town's general design intentions for the park,

noting that vehicular parking will be moved away from the coastline towards the area where the former DPW garages are currently situated.

David Gould, Director of Marine & Environmental Affairs, briefly discussed the history of the park and talked about the general layout of the site.

Selectman Tavares asked that the Town be sensitive to residential abutters when redesigning Stephens Field.

Chairman Muratore opened the discussion to public comment. No citizens came forth.

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to recommend Article 16E to the 2013 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 16F

To see if the Town will vote to appropriate from the Community Preservation Fund Historical Reserve Fund, estimated annual revenues, undesignated fund balance, or reserves, borrow, or otherwise fund, the sum of \$550,000.00 for the preservation, rehabilitation and restoration of 1000 head stones at the Burial Hill Cemetery, which stones are identified in the Burial Hill Gravestone/Monument Conditions Assessment Report, prepared by Fanin & Lehner Preservation Consultants, dated December 2011, submitted in connection with the application for funding submitted to the Community Preservation Committee by the Department of Public Works on July 5, 2012; and further, in connection therewith, that the Board of Selectmen be authorized to grant to a non-profit or charitable corporation an historic preservation restriction meeting the requirements of G.L. c.184, §§31-33 on the Cemetery, shown on Assessors Map 19, as Lot 22 or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan informed the Board that the CPC has recommended the allocation of \$550,000 for the preservation, rehabilitation, and restoration of 1,000 headstones on Burial Hill. The CPC, he said, has based this figure on the *Burial Hill Gravestone/Monument Conditions Assessment Report* prepared by Fanin & Lehner Preservation Consultants of Concord, Massachusetts. The Department of Public Works, the applicant for these funds, will be seeking other grant sources—as a “match”—to conduct other activities within the historic graveyard, such as fencing and signage. In exchange for the funding for the repair of the headstones, Mr. Keohan indicated, the Town will place a Historic Preservation Restriction on Burial Hill.

Following some brief questions from the Board, Chairman Muratore opened the discussion to public comment. No citizens came forth.

On a motion by Selectman Tavares, seconded by Vice Chairman Mahoney, the Board voted to recommend Article 16F to the 2013 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 16G

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2014 Community Preservation Budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2014, future appropriation amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation, and preservation of land for open space, and including restoration and rehabilitation of land for recreational use, a sum of money for acquisition, preservation, restoration and rehabilitation of historic resources, and a sum of money for the acquisition, creation, preservation and support of community housing, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan informed the Board that Article 16G represents the annual allocation of the CPC's administrative budget, as prepared by the Town's Finance Director, Lynne Barrett. The CPC, he said, is allowed by law to utilize up to 5% of CPA revenues on administrative costs, but the committee has remained steadfast in keeping its administrative costs under 4%. Most of the expenses, Mr. Keohan noted, are related to the legal work associated with the CPC's acquisitions.

Chairman Muratore opened the discussion to public comment. Not citizens came forth.

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to recommend Article 16G to the 2013 Spring Annual Town Meeting. Voted 5-0-0, approved.

FY2014 BUDGET DISCUSSION

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board took a formal vote to table its discussion on the FY2014 Budget to the meeting of January 22, 2013. Voted 5-0-0, approved.

OLD BUSINESS / LETTERS / NEW BUSINESS

400th Anniversary Committee / Plymouth 400, Inc. – Selectman Brewster was pleased to report that, to date, Plymouth 400, Inc. has raised \$170,000 in funds and \$30,000 in in-kind contributions towards the 400th Anniversary Celebration.

Burial Hills Tours – Selectman Brewster reminded the public of a service provided by the Plymouth Antiquarian Society to raise awareness for, and interest in, the preservation of Burial Hill. The Society offers free educational tours on a variety of topics pertaining to the Hill—as well as those buried on the Hill—at 1:00 p.m. on the first Saturday of each month.

Cemetery and Crematory Fees – Selectman Tavares and Selectman Brewster requested information on the fees and budgets associated with the Town’s crematory and cemeteries. Ms. Arrighi indicated that she would provide the Board with this information during an upcoming meeting. Selectman Tavares expressed his concern for the current state of the Town’s cemeteries.

FY2014 Budget Discussion – Chairman Muratore informed the public that the Board would begin its January 22, 2013 meeting at 6:00 p.m. to discuss the FY2014 Budget.

School Safety Forum – Selectman Brewster reminded the public that the School Department will host a forum on safety measures in Plymouth schools at 7:00 p.m. on January 17, 2013 at Plymouth North High School.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to adjourn its meeting at approximately 10:20 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the January 15, 2013 meeting packet is on file and available for public review in the Board of Selectmen’s office.