

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, SEPTEMBER 17, 2013

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, September 17, 2013 at 6:00 p.m. at Town Hall in the Mayflower Room.

Present: Mathew J. Muratore, Chairman
Belinda A. Brewster, Vice Chairman
John T. Mahoney, Jr.
Kenneth A. Tavares
Anthony F. Provenzano

Melissa Arrighi, Town Manager
Michael Galla, Assistant Town Manager

CALL TO ORDER

Chairman Muratore called the meeting to order at 6:05 p.m.

EXECUTIVE SESSION

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, Provenzano – yes, and Muratore – yes.

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

RETURN TO OPEN SESSION

Chairman Muratore reconvened the meeting in open session at 7:00 p.m. Joined by 5th grade students from Cold Spring Elementary School, Chairman Muratore led the Pledge of Allegiance.

Constitution Day – Prior to the commencement of the scheduled agenda, Kathy Babini, Social Studies Coordinator for Plymouth Public Schools, formally introduced the 5th grade students from Cold Spring Elementary School. The students, she said, have come before the Board of Selectmen to commemorate the 226th anniversary of the signing of the U.S.

Constitution. Ms. Babini explained that the students have been learning about the importance of the Constitution, and, in honor of September 17th as Constitution Day, the students read a poem for the Selectmen about the nation's governing document.

TOWN MANAGER'S REPORT

Public Safety in Town Buildings – Town Manager Melissa Arrighi reported that she is working closely with the Town's Department Heads to improve safety within the Town's public buildings. One of the changes that will be implemented, she indicated, is the locking of exit/entrance doors at the end of the workday when Town Hall is no longer open to the public for service. As a result of this measure, she said, staff will be reaching out to boards and committees that use our public buildings after hours, for their feedback. Ms. Arrighi explained that, though there may be times when an employee is still in the building after these official hours, she is considering a policy (and accompanying process) whereby the building would be locked after the close of business until 30 minutes prior to a scheduled committee/board meeting.

Chamber of Commerce Legislative Breakfast – Ms. Arrighi informed the Board that she attended the Plymouth Area Chamber of Commerce's 2013 Legislative Breakfast held on September 13, 2013 at Indian Pond County Club in Kingston. The meeting was well attended by local, State, and Federal legislators and officials, she said, including U.S. Congressman William Keating and State Representatives Vinny deMacedo, Tom Calter, Randy Hunt, and Josh Cutler. Ms. Arrighi noted that Congressman Keating provided a keynote address during the meeting pertaining to some current issues that are pending at the Federal-level that could negatively affect the economy.

New Internal Procedures for Reimbursements – Ms. Arrighi indicated that the Finance Department has drafted a new procedure that would improve efficiencies and internal controls related to the distribution of reimbursements to employees for general expenses and travel expenses. The revamped procedure, she explained, ensures that (a) all business-related travel is pre-authorized; (b) only necessary expenditures are paid by the Town; and (c) all payments conform with laws, acceptable practices, and common sense.

Medicare Reimbursements – Ms. Arrighi reported that she and the Town's Human Resources Director met with representatives from the Plymouth Retired Employee Association ("PREA") to discuss the Town's efforts to reduce health insurance costs. One of the proposals under consideration that was discussed with PREA, she said, is a reduction of the Medicare reimbursement benefits afforded to Town retirees. Currently, she explained, the Town provides full (100%) reimbursement of Medicare costs to retirees. Ms. Arrighi listed a number of options that she and the Human Resources Director are exploring that would help to reduce health insurance expenses related to Medicare Part B reimbursements.

Open Meeting Law and Remote Participation – Ms. Arrighi advised the Board that the Town has the ability to implement a Remote Participation Policy that would authorize

remote participation in public meetings via telephone or video conference. In accordance with regulations issued by the Attorney General's Division of Open Government, she explained, the Board must vote to implement such a policy before it can be used by the Town's boards and committees, subject to the Open Meeting Law. Ms. Arrighi indicated that, should the Board consider the creation of such a policy, it has the right to impose its own local restrictions, procedures, and opt-out provisions for individual committees. The Board, she said, also has the ability to revoke the policy, if necessary.

In response to an inquiry from Ms. Arrighi, the Board appeared to be supportive of pursuing a Remote Participation Policy. Ms. Arrighi stated that she would draft a policy for the Board's consideration.

Solid Waste Program / Pay-As-You-Throw Bags – Ms. Arrighi announced that, as of Monday, September 16, 2013, participating retailers are now carrying the 15-gallon Pay-As-You-Throw bags.

COMMITTEE LIAISON / DESIGNEE UPDATES

Plymouth County Advisory Board – Selectman Mahoney informed the Board that he attended the September 12th meeting of the Plymouth County Advisory Board, at which County Commissioner Dan Pallotta discussed the County's forthcoming completed financial audits. The County will be issuing a Request for Proposals ("RFP") for office space in Plymouth, he reported, as the Town has asked the County to vacate the Commissioners' building at the former courthouse site. Selectman Mahoney provided the Board with a brief review of some of the County's legislative and regional initiatives, such as a municipal trash cooperative (similar to the Cape Cod Commission); a multi-community dredging service for the County's coastal communities; and legislation that proposes to reinstate County excise tax revenues to the original percentage. The County Commissioners, he said, will visit the Board of Selectmen in October with a presentation on these initiatives.

Nuclear Matters Committee – Selectman Mahoney reported that he attended the September 16, 2013 meeting of the Nuclear Matters Committee ("NMC"). At the meeting, he indicated, the committee discussed the idea of forming a joint working group between the NMC and the Selectmen to plan for the eventual decommissioning of Pilgrim Nuclear Power Station. Selectman Mahoney noted that the NMC wants Entergy to provide the Board with a presentation on the operational lessons learned from the Fukushima disaster.

September 11th Memorial Service – Chairman Muratore thanked the Town's Fire and Police departments for hosting the annual memorial service to honor the victims of the September 11th tragedy.

PUBLIC COMMENT

Chris Fava informed the Board and public about an event being held in downtown

Plymouth to recognize National Plug-In Day. National Plug-In Day, he explained, seeks to promote the environmental benefits of the electric car and showcase electric charging stations. Mr. Fava indicated that the event will be held at the Town's electric charging station in the Russell Street parking lot from 2:00 – 4:00 p.m. on Sunday, September 29, 2013.

2013 DIVERSITY DAY EVENT – NO PLACE FOR HATE COMMITTEE

Judith Manton and Michelle Badger of Plymouth's No Place for Hate Committee ("NPFH") provided the Board with an update on the committee's plans for the 2013 Diversity Day event. Ms. Manton read aloud the proclamation that established the NPFH committee in 2000, reiterating the committee's overall mission to promote diversity and respect for cultural and racial differences.

Ms. Badger invited the Selectmen and public to attend the Diversity Day event, which will be held from 12:00 to 5:00 p.m. on Plymouth's waterfront on October 6, 2013. The theme of this year's event, she indicated, is "community unity." Ms. Badger reported that the event will include local foods, activities led by the Mashpee Wampanoag Tribe, a performance from the Irish School of Dance, and a number of multicultural games in which children can participate.

LICENSES

ONE DAY ALL ALCOHOL LIQUOR LICENSE*

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

- ❖ **Ann Young / Pilgrim Hall Museum** (75 Court Street) requested a One Day All Alcohol Liquor License for a reception to be held from 6:00 p.m. to 8:00 p.m. at Pilgrim Hall Museum on September 26, 2013. Liquor liability insurance will be in place before the license is released.

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

- ❖ **Peter Coffman / Reach Inc.** (20 Middle Street) requested a One Day All Alcohol Liquor License for a music festival to be held from 5:00 p.m. to 12:00 a.m. at Memorial Hall on September 28, 2013. Liquor liability insurance will be in place before the license is released.

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

- ❖ **Jennifer Martin / American Theatre Company** (Carver, Massachusetts) is requesting a One Day All Alcohol Liquor License for a Holiday Ball event to be held from 7:30 p.m. to 12:00 a.m. at Memorial Hall on December 21, 2013. Liquor liability insurance 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.

ADMINISTRATIVE NOTES

Meeting Minutes – The Board approved the minutes of the July 2, 2013 Selectmen’s Meeting.

Vending Rights for Barktoberfest Event – The Board granted Exclusive Vending Rights to the Plymouth Area Chamber of Commerce for the Barktoberfest event to be held on October 5, 2013 from 11:00 a.m. to 3:00 p.m. at Nelson Memorial Park.

Consent to Leasehold Mortgage for Lobster Hut – The Board approved a *Consent to Leasehold Mortgage* for Lobster Hut / First VCH Corporation pertaining to the leased property at 25 Town Wharf.

2013 FALL TOWN MEETING ARTICLES

ARTICLE 1

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

BOARD OF SELECTMEN

Roberta Kety, Director of Human Resources, presented Article 1, which represents proposed changes to the Town’s Classification and Compensation Plans, Collective Bargaining Agreements, and Personnel By-Law. Ms. Kety indicated that the changes outlined in Article 1 for the 2013 Fall Annual Town Meeting relate specifically to the collective bargaining agreements for the SEIU Local 88 and OPEIU Local 6 unions for the contract period of July 1, 2012 through June 2015. Also included, she said, are proposed changes to the Personnel Bylaw, which governs benefits for non-union employees.

Ms. Kety highlighted several of the major changes proposed to the collective bargaining agreements and Personnel Bylaw, noting the agreement reached with all three groups

(SEIU, OPEIU, and non-union employees) to return to a Monday-Friday schedule at Town Hall. Ms. Kety responded to some brief questions from the Board regarding the financial impact of cost-of-living adjustments (“COLA’s”) and the savings that may be achieved through some of the negotiated changes (i.e. the shift to bi-weekly payroll and the requirement that all employees use direct deposit).

Chairman Muratore opened the discussion on Article 1 to public comment. No citizens came forth to speak.

On a motion by Selectman Mahoney, seconded by Selectman Provenzano, the Board voted to recommend Article 1 to the 2013 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 2A

To see if the Town will vote to amend the vote taken under Article 7A of the 2013 Annual Town Meeting warrant, and, as necessary, to raise, appropriate, transfer or borrow funds for the purpose of supplementing departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi noted that the Board had previously voted to table its decision on a request to amend its recommendation on Article 2A of the 2013 Fall Town Meeting (FY2014 Budget Amendments – General Fund). One of the budget amendment requests submitted within Article 2A, she reported, is related to the cost of insuring and winterizing the 1820 Courthouse. Because the Plymouth Redevelopment Authority (“PRA”) holds the lease on the 1820 Courthouse and County Commissioners’ Building, she said, Article 2A would increase the General Fund Budget (Line Item #22, Redevelopment Authority Expenses) by \$17,320. Ms. Arrighi explained that the PRA can insure the facility at a much lower cost than the Town.

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to amend its recommendation in favor of Article 2A to include additional funds for the Plymouth Redevelopment Authority, for the insurance and winterization of the 1820 Courthouse and County Commissioners’ Building. Voted 5-0-0, approved.

Lynne Barrett, Finance Director, presented another proposed amendment to Article 2A, related to a budget shortfall for vehicle fuel and fuel for the Town’s facilities. The \$278,500 shortfall, she said, was identified by the Town’s Procurement Officer and Energy Officer after reviewing the fuel and utility expenses of several departments. Ms. Barrett indicated that Article 2A will correct this budget shortfall and raise the budget for the Town’s fuel expenses from approximately \$1.7 million to \$2 million. The budget change, she noted, will be covered by revenue other than property taxes.

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to amend its recommendation in favor of Article 2A to include \$278,500 in additional funds for the Town’s fuel and utility expenses. Voted 5-0-0, approved.

ARTICLE 2B

To see if the Town will vote to amend the vote taken under Article 7B, 7C, 7D and 7E of the 2013 Annual Town Meeting warrant, and, as necessary, to raise, appropriate, transfer or borrow funds for the purpose of supplementing enterprise departmental expenses, and/or to reduce certain departmental expenses or otherwise amend said vote, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Barrett indicated that, since the Selectmen's previous vote (on September 3, 2013) to recommend changes to the Airport Enterprise and Water Enterprise budgets via Article 2B, there is an additional change that must be made to the Sewer Enterprise Fund. Ms. Barrett explained that this additional proposed amendment pertains to the funds allocated for the Town's contract with ABC Disposal for the curbside pick-up program. Based on the details of the finalized contract and the actual number of subscribers who signed on for curbside pickup, she said, the original projected budget that was approved by the 2013 Spring Town Meeting can be reduced by \$556,957.

In response to inquiries from the Board, Ms. Barrett explained that the bulk of the reduction proposed in Article 2 stems from the elimination of the original plans to take over the Hard-to-Manage Facility, in addition to the reduced contract cost (resulting from the actual number of subscribers—4,715—versus the initially projected number of subscribers—9,600). Though the curbside numbers were lower than initially anticipated, she noted, more households subscribed to the three categories of Town solid waste services (curbside, drop-off, and new curbside subscriber), overall, than initially expected.

On a motion by Vice Chairman Brewster, seconded by Selectman Mahoney, the Board voted to amend its recommendation in favor of Article 2B to include a reduction to the Solid Waste Enterprise Budget of \$556,957. Voted 5-0-0, approved.

ARTICLE 3

To see if the Town will vote to raise and appropriate or transfer a sum of money to pay certain unpaid bills, including bills of a prior fiscal year, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Barrett presented Article 3, which will authorize the payment of unpaid bills of prior fiscal year. Ms. Barrett reported three unpaid bills: two invoices representing services rendered to the Water Department, and an electricity bill for the Plymouth Public Library.

Selectman Tavares asked Ms. Barrett to explain the reason why the unpaid electric bill for the library was so large in amount. Ms. Barrett reported that the Town made payments to NSTAR Electric that were not applied correctly to its account. Until the matter was corrected, she said, the Town withheld payments to NSTAR. The billing and payment discrepancies have since been resolved, Ms. Barrett affirmed.

On a motion by Selectman Tavares, seconded by Selectman Mahoney, the Board voted to recommend Article 3 to the 2013 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 12

To see if the Town will vote to authorize the Board of Selectmen to enter into an agreement for payments-in-lieu-of-taxes ("PILOT") pursuant to G.L. c. 59, §38H(b), and G. L. c. 164, §1, or any other enabling authority, in the amount of \$12,000.00 per megawatt, which amount shall escalate at a rate of 2.5 percent each year, for a term of up to thirty years for real property and/or personal property attributable to a solar photovoltaic facility located (or to be located) on privately owned land in Plymouth (Assessor's Map 62, Lot 1-20), having a proposed capacity of approximately 4.5 megawatts, a form of which PILOT agreement is on file with the Plymouth Town Clerk; or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Barrett provided the Board with an explanation of Article 12, which seeks to authorize the Board of Selectmen to enter into a Payment-In-Lieu-of-Tax ("PILOT") Agreement for a photovoltaic facility (solar field) located on a 37+/- acre parcel of property in South Plymouth. The 2013 Spring Annual Town Meeting, she reported, authorized the Selectmen to enter into such agreements with renewable energy facilities. Since that time, Ms. Barrett indicated, the Town was approached by one entity who has proposed to construct a \$15 million, 4.5 megawatt solar field on the "Quinn property" off Old Sandwich Road. Working with the Town Manager, Town Assessor, and Glenn Walker from GES / George E. Sansoucy Associates (appraisal consultant), Ms. Barrett indicated that she and Town staff negotiated a 25 year, \$12,000 per megawatt PILOT agreement, with escalators, with the owner of the facility. Ms. Barrett explained that this agreement—which will generate approximately \$1.8 million over the 25-year term of agreement—is more lucrative for the Town than conventional property taxation.

Selectman Tavares asked Ms. Barrett to identify the benefits to the Town of entering into a PILOT agreement with a photovoltaic facility, rather than simply taxing the property based on valuation. Ms. Barrett explained that a PILOT agreement, based on energy production, can offer a more lucrative payment to the Town over the long term than a typical, annual valuation that is based on a depreciating asset. With this particular property, she said, the Town will recoup \$1.8 million at the end of the 25 year agreement, whereas it is estimated that conventional methods would likely generate only \$1.6 million over that same time period.

Following some remaining questions from the Board, Chairman Muratore opened the discussion to public comment.

Rich Rothstein asked if the PILOT agreement includes any force majeure clause, to protect the Town in the event there is a natural disaster that destroys the equipment. Ms. Barrett affirmed that such language is included in the agreement.

On a motion by Selectman Tavares, seconded by Selectman Provenzano, the Board voted 5-0-0 to recommend Article 12 to the 2013 Fall Annual Town Meeting.

ARTICLE 4G

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease and/or replacement of

departmental buildings and/or equipment and/or capital facilities and/or for feasibility studies and other types of studies for the various departments of the Town substantially as follows:

G. Security System for Town Buildings

or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi provided the Board with an explanation of Article 4G, which represents a request for \$597,500 for the installation of cameras and security devices in several of the Town's public facilities. In light of recent tragic shooting events, she explained, the Police Department has brought forth this request, which will enhance the department's ability to respond to emergencies at the following public buildings:

- Town Hall
- Memorial Hall
- Department of Public Works Office
- Crematorium
- Airport
- Council on Aging
- Library

Selectman Tavares observed that, while such equipment may be expensive, it appears to be necessary in this day and age.

On a motion by Selectman Mahoney, seconded by Selectman Provenzano, the Board voted 5-0-0 to recommend Article 4G to the 2013 Fall Annual Town Meeting.

ARTICLE 21

To see if the Town will vote to approve the Tax Increment Financing Agreement between the Town and Ophthalmic Consultants of Boston/OCB Plymouth Real Estate, LLC., substantially in the form of (the "TIF Agreement"), pursuant to GL c. 40, §59, as on file with the Town Clerk, or take any other action relative thereto.

ECONOMIC DEVELOPMENT

Denis Hanks, Executive Director of the Plymouth Regional Economic Development Foundation and the Plymouth Area Chamber of Commerce, presented Article 21, which seeks approval for a Tax Increment Financing ("TIF") Agreement between the Town and Ophthalmic Consultants of Boston ("OCB"). Mr. Hanks indicated that OCB plans to invest approximately \$10 million into the construction of a new facility off Commerce Way, at which they will provide a full spectrum of eye services and surgical procedures. The company estimates that it will employ 100 individuals and generate \$5.8 million in payroll each year, once fully established. Mr. Hanks noted that he is also working with the company on a potential second facility in the Industrial Park.

In response to an inquiry from Selectman Mahoney, Mr. Hanks briefly discussed the general success that has been generated towards Plymouth's economy by TIF agreements.

On a motion by Vice Chairman Brewster, seconded by Selectman Provenzano, the Board voted 5-0-0 to recommend Article 21 to the 2013 Fall Annual Town Meeting.

ARTICLE 23

To see if the Town will vote to amend Article 16E of the April 6, 2013 Annual Town Meeting to increase the three appointed at large members of the Stephens Field Planning & Design Committee to five appointed at large members or take any other action relative thereto.

BOARD OF SELECTMEN

Assistant Town Manager Michael Galla explained that Article 23 proposes to add two at-large members to the Stephens Field Planning & Design Committee (“SFPDC”), as requested by the Board of Selectmen during its meeting of July 16, 2013. The Board voted during its September 10, 2013 meeting to table its decision on Article 23, to await further information from Town Counsel on whether the Selectmen had the ability to add seats to the committee, without seeking a vote of Town Meeting.

Chairman Muratore invited Bill Keohan, Chairman of the Community Preservation Committee (“CPC”), to speak to the matter of adding two more citizens at large to the SFPDC. Mr. Keohan stated that, rather than waiting on Town Meeting approval of Article 23—which, he said, would simply delay the SFPDC’s work—the CPC would like to propose a compromise, whereby the Selectmen would add two seats to the committee for neighborhood representatives. The Selectmen, he said, could appoint one of the neighborhood representatives, while the Department of Marine & Environmental Affairs could designate another. Should the Board accept such a proposal, Mr. Keohan suggested, the Board might consider choosing a resident who lives within the neighborhood surrounding Stephens Field, rather than a direct abutter of the park. The CPC, he said, feels that the service of a direct abutter to Stephens Field could pose a potential conflict of interest—or, at the least, the appearance of a conflict of interest.

Selectman Mahoney questioned how the Board would define the neighborhood around Stephens Field when choosing an individual to serve as a neighborhood representative. Ms. Arrighi offered her recommended that the Board define the “neighborhood” as being within a ½ mile radius from the recreation area.

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

Vice Chairman Brewster made a motion to (a) withdraw Article 23 from the 2013 Fall Annual Town Meeting Warrant and (b) accept the compromise solution offered by Mr. Keohan (Chairman of the Community Preservation Committee). Selectman Mahoney seconded the motion.

Selectman Tavares reinitiated the discussion on defining the boundaries from within which a neighborhood resident would be selected. Vice Chairman Brewster found the ½ mile radius definition to be a suitable choice, noting that the area would include those living closest to the park, without being overly-specific about which streets should or should not be defined as eligible. Selectman Mahoney noted that, as a resident of Whiting Street, he feels as though he is part of the surrounding neighborhood of Stephens Field.

At the close of discussion, the Board voted 5-0-0 to approve Vice Chairman Brewster's motion to (a) withdraw Article 23 from the 2013 Fall Annual Town Meeting Warrant and (b) accept the compromise solution offered by Mr. Keohan (Chairman of the Community Preservation Committee).

OLD BUSINESS / LETTERS / NEW BUSINESS

Chapter 61 Lands / Notice of Intent to Convert – Assistant Town Manager Mike Galla provided the Board with a brief update on the status of a 23.5-acre parcel of Chapter 61-designated land off Bourne Road, identified as Lots 10A and 11 on Assessor's Map 129 (owned by The Garland Holding Company, LLC). Mr. Galla reported that, at this time, both parties are in the process of seeking a joint appraisal on the parcel.

Removal of Buffer along High Rock Cranberry Crescent Development – Selectman Tavares asked that the Town be provided with a plan as to how the developer of High Rock Cranberry Crescent will mitigate the over-clearing of the vegetative buffer around the development site at Route 80 and Commerce Way.

Scheduling of Meeting Space for Large Hearings – Selectman Tavares noted that the Zoning Board of Appeals hearing for the Stop & Shop (Samoset Street) wind turbine project had been moved to Nathaniel Morton because of a scheduling conflict with the Mayflower Hearing Room at Town Hall. The meeting space at Nathaniel Morton, he said, does not have a proper microphone system and is not set up to accommodate the large crowd that attended this particular ZBA hearing. Selectman Tavares asked that the staff responsible for scheduling meeting space be more mindful of ensuring that rooms be reserved for the appropriate size crowd. Chairman Muratore added his recommendation that the chairman of each respective board/committee take some responsibility in the process of scheduling and anticipating the size of the audience that may attend certain hearings.

South Street Transfer Station – Selectman Tavares commended the staff at the South Street Transfer Station for returning the facility to a clean and orderly condition.

DISCUSSION ON OFFER OF LAND AT 95 WHITE HORSE ROAD

Jeffrey Metcalfe, architect, addressed the Board on behalf of the owner of property at 95 White Horse Road in Manomet, the former site of St. Catherine's chapel. Mr. Metcalfe reported that the property owner—who wishes to remain anonymous—would like to donate the property to the Town, for use as a public park.

Joined by Attorney Greg Cogan, trustee of the property and representative of the property owner, Mr. Metcalfe provided a PowerPoint presentation with photographs of the former chapel at 95 White Horse Road and the way by which the owner has converted the property to a park, since purchasing the land in 2011. The property owner, he explained,

has strong family ties to Manomet and the neighborhood surrounding St. Catherine's, and, thus, she chose to convert the property to a neighborhood park and walking history of Manomet.

Mr. Metcalfe's presentation included photographs of the former appearance of the property, when the chapel existed at the site. He then displayed photographs of the conversion of the property into a recreational park, done through the assistance of Dreamscape Landscaping. Mr. Metcalfe reviewed the layout of the park, noting that the two curb cuts into the property from White Horse Road will be maintained for vehicular access by park maintenance crews. He showed the lighting fixtures and seating areas installed within the park and talked about the forthcoming signage that will illustrate the historical landmarks of Manomet. Mr. Metcalfe stated that the owner of the property has named the recreation area "St. Catherine's Park," in honor of the former use of the site.

The Board posed questions to Mr. Metcalfe and offered comments on the remarkable way by which the property owner has transformed the site into a beautiful park. In response to questions from the Board, Mr. Metcalfe indicated that the owner wishes to donate the park, with the understanding that the land be restricted as a park in perpetuity. Mr. Metcalfe announced that, along with the donation of the property, the owner has offered to provide the Town with a \$90,000 endowment towards the cost of annual maintenance of the park.

Attorney Cogan, who serves as one of the trustees of Good Properties Realty Trust (the ownership entity of the property), listed the deed restrictions that would be imposed with the donation of the property:

- The use of the parcel would be restricted to open space, parkland, sports, and exercising
- No parking of vehicles on the parcel would be permitted (except, perhaps, for maintenance vehicles)
- No structure with restroom facilities could be erected on the parcel
- The only structure that could be erected on the parcel would be a shed for lawnmowers, tools, etc. for the upkeep and maintenance of the parcel
- Maintenance of the property would be at the expense of the Town
- The Town would provide a letter to the donor stating that no goods or services were provided by the Town in consideration of the donation

Attorney Cogan noted that, in addition to the restrictions set forth by the donor, there are restrictions imposed by the Archdiocese of Boston from the sale of St. Catherine's Chapel that must also be honored in perpetuity.

The Board discussed the offer presented by Mr. Metcalfe and Attorney Cogan. In response to inquiries from the Board, Ms. Arrighi explained her concerns about the Town's ability to maintain the park in the high-quality condition that it has been presented by the owner. Ms. Arrighi indicated that the addition of the park to the Town's roster of recreation areas would require the Department of Public Works ("DPW") to budget for increased staff, equipment, and supplies, in order to maintain the park accordingly.

Selectman Provenzano speculated whether it would behoove the Town (were it to accept the property) to establish a non-profit, through which the endowment investment could be managed to pay for the maintenance of the park. The Board discussed Selectman Provenzano's proposal, with informational assistance from Ms. Arrighi and Finance Director Lynne Barrett. Vice Chairman Brewster acknowledged the generosity and noble intentions of the property owner's offer to the Town but expressed concern about the Town's ability to maintain the park, as well as some of the deed restrictions that will apply to the property for 90 years from the execution of the deed. Selectman Tavares emphasized the importance of public parks to Plymouth's residential areas, noting his belief that restricting the property for long term use as a park is a good idea. Selectman Provenzano voiced his reservations about the Town's financial ability to maintain the park, hence the reason why he suggested the idea of assistance from a non-profit organization.

Chairman Muratore opened the discussion to public comment.

Nancy Jordan of Beach Street in Manomet expressed concern about the liabilities that the Town might incur if it were to accept the park, noting her observations on the safety of entering and exiting the park by vehicle; the lack of playground amenities for children; and the rough surface of the walkways. The gift should not be offered to the Town with so many 'strings' attached in the form of deed restrictions, she said.

John Reardon of Priscilla Beach described the park as beautiful but noted his reservations about the vehicular access points at the park and the lack of parking for visitors. If the park is to serve the public as a whole—and not just the neighborhood—the surrounding streets cannot accommodate the additional cars from those who might wish to visit the recreation area, he said.

Mr. Metcalfe reiterated that the vehicular access driveway to the park is intended only for maintenance vehicles. Otherwise, he said, the property is intended for use as a pedestrian-accessible neighborhood park. Mr. Metcalfe addressed some of the concerns brought forth by Nancy Jordan, noting that the chip seal used for the walkways provides a more natural look than blacktop that will eventually settle into a smoother surface, with use. With regard to the lack of playground equipment for children, he explained, the park is intended for open play, such as Frisbee, soccer, etc.

Karen Buechs, Chairman of Town Meeting Precinct 7 and member of the Manomet Village Steering Committee, shared her concerns that the donation of the park—with its associated restrictions—will impose additional expense, responsibility, and liability upon the community. The park, she said, was designed and constructed without the input of Town officials, committees, or citizens in an open, public format. Ms. Buechs complimented the beauty of the park and noted her support for Selectman Provenzano's idea to involve the assistance of a non-profit.

Steve Lydon echoed the concerns offered by Ms. Buechs, noting his belief that the offer of the park should not be considered as a gift to the entire community, if there is no parking allowed at the site. Manomet already has a new public amenity, in the form of the Simes House and its adjoining "Manomet Commons," he said. Mr. Lydon stated his belief that

the gift comes with too many restrictions, and he urged the Board to refrain from accepting the offer.

Kevin Doyle of Precinct 6 complimented the beauty and quality of the park, and he commended the owner for the investments made into the transformation of the property. He expressed his apprehension, however, for the expense that the Town would assume for the maintenance, repairs, and utilities associated with the preservation of the park. Mr. Doyle offered his observation that the property will not generate tax revenue as a park, but, rather, it will cost the Town money to maintain. The property, he said, could have been used for other purposes that would have been valuable to the White Horse Beach area, such as parking for those who launch their boats.

Christine Bostek of White Horse Beach stated her support for the acceptance of the property as a public park, noting how well-received the recreation area has been by residents, since its completion. Ms. Bostek noted that the vehicular entrance and exit at St. Catherine's Chapel (the same curb cuts that currently remain at the park) were used for many years by its numerous parishioners, without any noticeable safety issues.

Rich Rothstein asked if the Town would be responsible for snow removal at the park, should it accept it as a gift. Chairman Muratore affirmed that the Town would be responsible for such services at a publicly-owned park.

Bill DeMille, a 30-year residential abutter to the park, expressed his support for the acceptance of the park as a public amenity, in perpetuity. Mr. DeMille explained to the Board that he has observed many citizens and families enjoying the park, and he echoed Ms. Bostek's observations about the use of the entrance and exits by St. Catherine's parishioners for many years, with no pattern of adverse incident. When the property was used by beachgoers as a parking area, he said, the neighbors surrounding the property were subject to individuals using their yards as 'bathroom facilities.' Mr. DeMille questioned why the Town would not consider accepting such a gift to the community.

Paul Duseau, president of the White Horse Beach Association, encouraged the Selectmen to accept the property, noting his observation that many citizens are enjoying the park with no problems related to vehicular access or walkway surface (as noted by a previous speaker). The Town, he said, spent a great deal of money on the Simes House, and, yet, he does not see the same number of visitors parked at that location as he has observed at St. Catherine's park. As the president of the 140-household non-profit beach association, Mr. Duseau stated that he would be willing to sit down with the Town to discuss the preservation of the park.

At the close of public comment, Chairman Muratore sought to clarify that the Town is not ungrateful for the offer made by the property owner. The concern raised about the offer, he said, is simply related to the Town's ability to maintain the park in the superior condition in which it has been presented. Chairman Muratore called upon any local groups or businesses who would be interested in helping with this matter to come forth and meet with Town officials.

Selectman Mahoney echoed the concerns offered by some of his colleagues about the Town's ability to maintain the property. The owner of the property has transformed the site into an extraordinary park, he said, but the Town has a history of challenges with regard to maintaining its parks and cemeteries. Selectman Mahoney stated that, in its current form, he is not willing to accept the offer, but he would be willing to consider an arrangement with a non-profit that can provide some assistance.

Selectman Tavares acknowledged that there may have been some steps that could have been taken during the course of developing the park and the offer to the Town—such as having the park proposal reviewed by the Planning Board and/or Manomet Village Steering Committee—but the offer is generous and well-intended, and, thus, the Board should consider working with local citizens and organizations to devise an arrangement.

Selectman Tavares made a motion to table the Board's decision on the offer of property at 95 White Horse Road, to allow the Town Manager the opportunity to work with local citizens and organizations and determine if there are any groups who would be willing to help fund the maintenance of the site. Selectman Mahoney seconded the motion.

Attorney Cogan questioned whether the Town will find any success in finding a non-profit to assist with the maintenance of the property, as the trustees of the property have already approached organizations such as The Nature Conservancy and Wildlands Trust to establish whether they would be willing to steward the property. These groups, he said, deemed the parcel to be too small for their involvement.

Selectman Provenzano stated that he is more concerned about the disposition of the endowment, rather than having another group take title to the property. An ideal scenario, he said, would be the involvement of a "Friends" type of non-profit that could solicit funds from the neighborhood/community to add to the endowment and create a stream of revenue that will fund maintenance in perpetuity.

At the close of discussion, the Board voted unanimously in favor of Selectman Tavares' motion to table the Board's decision on the offer of property at 95 White Horse Road, to allow the Town Manager the opportunity to work with local citizens and organizations and determine if there are any groups who would be willing to help fund the maintenance of the site.

ADJOURNMENT OF MEETING

On a motion by Vice Chairman Brewster, seconded by Selectman Mahoney, the Board voted to adjourn its meeting at approximately 9:50 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the September 17, 2013 meeting packet is on file and available for public review in the Board of Selectmen's Office.