

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, FEBRUARY 4, 2014

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, February 4, 2014 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 6:15 p.m.

EXECUTIVE SESSION

The Selectmen will hold an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to collective bargaining, as an open meeting on this matter may have a detrimental effect on the negotiating position of the body. By roll call: Tavares – yes, Mahoney – yes, Brewster – yes, Provenzano – 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 7:05 p.m. and led the Pledge of Allegiance.

Prior to the commencement of the open session portion of the meeting, Selectman Tavares called for a moment of silence in honor and memory of Russell Pittsley, an employee of the Department of Public Works who passed away unexpectedly. Mr. Pittsley, Selectman Tavares said, was a dedicated and respected employee who worked for the Town for over 35 years and served as a representative of his labor union. On behalf of the Board, both Chairman Muratore and Selectman Tavares expressed their heartfelt condolences to Mr. Pittsley's family, friends and colleagues.

TOWN MANAGER'S REPORT

314 Ryder Way / Long Beach – Town Manager Melissa Arrighi reported that the cottage at 314 Ryder Way on Plymouth Long Beach was demolished and removed on January 31, 2014. This property, she reminded the Board, was acquired by vote of the 2013 Spring Annual Town Meeting in an effort to further the Town's goal of preserving and increasing public access to the beach. Ms. Arrighi indicated that the remainder of the work required at the site will continue into the spring.

Shallow Pond Homeowners Association / The Village at Sawmill Woods – Ms. Arrighi informed the Board that the Shallow Pond Homeowner's Association ("SPHA") has established a committee to represent the association on issues related to the development project known as The Village at Sawmill Woods. Ms. Arrighi reported that Chairman Muratore, Selectman Provenzano, Lee Hartmann (Director of Planning & Development), and David Gould (Director of Marine & Environmental Affairs) held a meeting with the SPHA's representatives to discuss the association's concerns about the development and its impact on the Shallow Pond neighborhood. Following the meeting, she said, Town staff contacted the developers of the Sawmill Woods project to determine if they would be willing to sell the land to the Town, but the developers responded that they had no interest in doing so. Ms. Arrighi reported that the developers intend to break ground on the project in approximately 90 days.

Collective Bargaining / COBRA – Ms. Arrighi announced that the Town has received official certification from the Massachusetts Department of Labor Relations that the employees of the Department of Public Works, Library, and Police Department Dispatch will now be represented by the Collective Bargaining Relief Association, or "COBRA."

South Street Landfill / Police Station Headquarters – Ms. Arrighi reported that she, David Gould (Plymouth's Director of Marine & Environmental Affairs), and representatives from the consulting firm Tighe & Bond met with staff from the Massachusetts Department of Environmental Protection to discuss the Town's plans for the remediation of methane migration (from the South Street Landfill) under the Plymouth Police Station Headquarters parking lot. The project, she explained, will involve the excavation of the parking lot; the removal of the solid waste from the landfill that has migrated under the lot; the remediation of the methane migration from the waste; the backfilling of the area; and the restoration of the parking lot. Ms. Arrighi indicated that the 2014 Spring Annual Town Meeting will be asked to fund the \$1.6 million project.

Beach Ambassador Program at Plymouth Long Beach – Ms. Arrighi informed the Board that the Goldenrod Foundation has contacted the Town about the development of a summer "beach ambassador program" at Plymouth Long Beach, which would educate interested parties on beach wildlife, scenery, plants, shells, and saltwater. As part of this ambassador program, she explained, the Goldenrod Foundation has proposed to operate three types of nature programs on Plymouth Long Beach: an osprey viewing station on Ryder Way; an activities tent on the main beach; and nature walks from the crossover or

day parking areas. Ms. Arrighi noted that representatives from the Goldenrod Foundation have met with staff from the Town's Department of Marine & Environmental Affairs and the Recreation Division to discuss the proposed program. The program, she said, appears to be an interesting and positive initiative that brings an educational component to the enjoyment of typical recreational activities at the beach.

Vice Chairman Brewster inquired if the Goldenrod Foundation had dropped its lawsuit against the Town. Though the beach ambassador proposal sounds as if it could be a good program for the beach, she said, the Goldenrod Foundation has cost the Town a great deal of money with the lawsuits it has filed against the Town's Beach Management Program.

Selectman Tavares agreed with Vice Chairman Brewster that—though the beach ambassador program may, in essence, be a good idea—the Town should consider whether it would be prudent to partner with an organization that has actively worked to limit public access to the beach.

With regard to Ms. Arrighi's update on the South Street Landfill / Police Station Headquarters project, Selectman Mahoney asked if the County Commissioners could be invited to the presentation on the Town Meeting article that will fund the project.

LEGISLATIVE MEASURES TO ADDRESS THE USE OF SYNTHETIC MARIJUANA

State Representative Thomas Calter spoke to the Board about drug use on the South Shore and, specifically, the use of synthetic marijuana. Representative Calter stated that, because drug use has become the number one issue of importance to his constituency, he has held a number of presentations and panel workshops to educate parents on how to prevent and address this growing, community-wide epidemic.

Prior to speaking about the use of synthetic marijuana, Representative Calter reminded residents to be responsible with the safe storage and proper disposal of prescription medications. The use of heroin as a painkiller is on the rise, he explained, because it is currently less expensive than prescription painkillers such as Oxycontin.

Representative Calter informed the Board that synthetic drugs, commonly known as "spice," "K2," or bath salts, are available in variety stores in Plymouth. The majority of these products are intended to serve as plant food or incense, but, when used as a synthetic drug, they are 500 times more potent than marijuana. Representative Calter indicated that some communities, such as Plympton, Middleboro, and Attleboro, are enacting bylaws to ban the sale of these products to anyone under the age of 18. Unfortunately, he noted, each time the legislature and local communities try to modify the laws with regard to the chemicals within these products, the manufacturers simply change the product; hence, he said, communities are trying to regulate the actual sale of the products.

The use of these synthetic drugs, Representative Calter reported, has changed the demographic of the populations that are being admitted to substance abuse treatment

facilities. In 2012, he said, a national study identified synthetic cannabinoids as being the third-most abused substance amongst 8th graders who reported the use of drugs, behind marijuana and inhalants. Representative Calter informed the Board that, as the use of these powerful and dangerous substances becomes increasingly common in South Shore communities, it is more and more important for communities to discuss and educate its citizens on the problem.

At the close of his presentation, Representative Calter invited the public to attend a forum on substance abuse awareness that he will host at Plymouth North High School from 7:00-9:00 p.m. on Tuesday, April 1, 2014. Representative Calter answered questions from the Board regarding the initiatives that have been undertaken within Plymouth County, specifically through the court system, to treat substance abuse and reduce recidivism. Because these products—which are being misused as synthetic drugs—are not technically intended to be ingested, he explained, the state cannot completely ban the sale of the items. Representative Calter advised the Board to consider what regulations the Plymouth Board of Health might be able to impose to regulate the sale of such products.

In response to a request from Chairman Muratore, Ms. Arrighi stated that she would bring the information presented by Representative Calter to the Board of Health.

At the close of the conversation on the use of synthetic marijuana, Chairman Muratore asked Representative Calter to comment on a proposal that was offered at the Board's January 28, 2014 meeting to modify MBTA Commuter Rail service on the Plymouth/Kingston line.

Representative Calter indicated that he was familiar with the proposal that Duxbury citizen Richard Prone put forth, in an effort to improve service on the Plymouth/Kingston line. Mr. Prone's proposal, he said, essentially seeks to consolidate service to the Kingston terminus—thereby eliminating service to the Plymouth station—to restore ridership and encourage the reinstatement of weekend and holiday service to and from Boston on the Plymouth/Kingston line. Representative Calter noted that he believes Mr. Prone's plan—which will be presented to the Massachusetts Department of Transportation (“MassDOT”) on Thursday, February 6, 2014—makes sense.

Chairman Muratore pointed out that the Plymouth terminus is not only important to the residents of Plymouth but to the forthcoming redevelopment of Cordage Park. He asked Representative Calter whether MassDOT would consider implementing Mr. Prone's plans as a temporary, short-term solution, only.

Assistant Town Manager Michael Galla indicated that he had a conversation with Joe Jannetty, one of the owners of Cordage Commerce Center, regarding Mr. Prone's proposal. Mr. Jannetty, he said, emphasized the importance of service to the Plymouth terminus within the Cordage complex, where students of UMASS-Plymouth and Quincy College—as well as the forthcoming residents who will reside within the redeveloped Cordage site—will depend upon service to Boston and Quincy. Mr. Galla reported that, though Mr. Jannetty was not opposed to Mr. Prone's plan as a short-term solution to service shortages

on the Plymouth/Kingston line, Mr. Jannetty expressed his concern as to whether such changes could lead to the long-term discontinuation of service at the Plymouth station.

Representative Calter advised the Board to communicate its thoughts and concerns to MassDOT regarding MBTA Commuter Rail service on the Plymouth/Kingston line. There may be a solution, he speculated, that incorporates both a short- and long-term plan, without the permanent elimination of rail service to Plymouth.

Chairman Muratore inquired if the Board wished to take a vote on the matter.

Selectman Tavares recommended that the Board keep the interests of the people of North Plymouth—as well as the importance of the Cordage Park redevelopment project—at the forefront of any discussion pertaining the loss of commuter rail service to Plymouth. While a temporary plan might be suitable to improve upon service schedules, he said, the Town must ensure that service to the Plymouth terminus is not permanently eliminated.

Representative Calter stated that he would contact the Secretary of Transportation and ask that his department refrain from making any decisions on service changes to the Plymouth/Kingston line without first appearing before the Board of Selectmen. Chairman Muratore thanked Representative Calter for making the request on the Board's behalf.

LICENSES

LICENSES IN CONJUNCTION WITH A PUBLIC HEARING

On a motion by Selectman Mahoney, seconded by Selectman Provenzano, the Board voted to grant the following licenses to the applicant listed below. Voted 5-0-0, approved.

- ❖ **Flynn's Cedarville Restaurant Group d/b/a Flynn's Irish Pub**, 2240 State Road, Katherine Kerr, Manager. Voted 5-0-0, approved.
 - Comprehensive Entertainment – Radio, TV, live entertainment
 - Common Victualler
 - Extension of Hours – 1:00 a.m.
 - Early Sunday Sales – 10:00 a.m.

ADMINISTRATIVE NOTES

Meeting Minutes – The Board approved the minutes of the December 17, 2013 Selectmen's meeting.

Gift Account for Town Brook Dam Removal & Restoration Project – The Board (a) established a gift & donation account for the Town Brook Dam Removal & Restoration Project, and (b) authorized the Director of Marine & Environmental Affairs to expend funds from this account.

Acceptance of Gift for Off-Billington Street Dam Project – The Board accepted a donation of \$5,437.50 from NSTAR Electric & Gas for use towards construction oversight in the removal of the Off Billington Street dam.

Extension of Performance for Purchase & Sale Agreements – The Board extended the time of performance to execute two (2) *Purchase & Sale Agreements*, one pertaining to the acquisition of 20 acres (+/-) of property located at 991 Old Sandwich Road, identified as Lot 9 on Assessor’s Map 65, and the other pertaining to the acquisition of 15 acres (+/-) of property located off Long Pond Road, identified as Lot 15 on Map 60, both authorized by Article 16C of the 2011 Fall Annual Town Meeting.

PUBLIC COMMENT

Chairman Muratore opened the meeting to public comment. No citizens came forth to address the Board.

PUBLIC HEARING: ALL ALCOHOL RESTAURANT LIQUOR LICENSE

FLYNN’S CEDARVILLE RESTAURANT GROUP D/B/A FLYNN’S IRISH PUB, 2240 STATE RD.

Chairman Muratore opened a public hearing to consider the application for a new Annual All Alcohol Restaurant Liquor License from Flynn’s Cedarville Restaurant Group d/b/a Flynn’s Irish Pub, 2240 State Road, Katherine Kerr as Manager. Prior to commencing the hearing, Chairman Muratore read a description of the premises and affirmed that notice of the hearing was given to the public in accordance with Chapter 138 of the Massachusetts General Laws.

John Downes, one of the owners of Flynn’s Cedarville Restaurant Group, and Katherine Kerr, the proposed manager for Flynn’s Irish Pub, appeared before the Board to answer any questions pertaining to the license application. Mr. Downes indicated that his company owns the family-friendly Flynn’s Irish Pub in Sagamore, just over the Sagamore Bridge. At his existing establishment, he said, staff does not serve alcoholic beverages beyond midnight, nor are they allowed to serve shots of liquor. Mr. Downes reported that, based on the popularity of his establishment in Sagamore, he and his business partner have decided to establish another Flynn’s Irish Pub in Cedarville.

Seeing no questions or comments from the Board, Chairman Muratore opened the hearing to public comment.

Glenn Justice of Florence Street, an abutter to the rear portion of 2240 State Road, expressed concern that the requirements of the zoning/building permit that was granted to the developer had not yet been fulfilled. The Zoning Board of Appeals, Mr. Justice indicated, requires the developer of 2240 State Road to repair the drainage systems on Old County Road and Florence Street prior to the issuance of an occupancy permit. Nearly a

year later, he said, the property at 2240 State Road has been leveled and the building is complete, but no work has been done on the necessary drainage repairs.

Ms. Arrighi indicated that she would have to research Mr. Justice's inquiry regarding permit requirements for 2240 State Road with the Inspectional Services and Planning departments.

Mr. Downes indicated that he is not the owner of 2240 State Road—he is lease tenant.

Jack Girard of Janet Street commended Mr. Downes for the positive reviews that the Flynn's Irish Pub locations in Sagamore and Mansfield have garnered. Mr. Girard posed questions to Mr. Downes regarding the hours of operation and staffing levels proposed for the 2240 State Road location.

Mr. Downes reported that the restaurant/pub will be open for dinner starting at 4:00 p.m. from Monday through Thursday, with lunch hours added on Fridays, Saturdays, and Sundays. The 'last call' for alcoholic beverages is typically set at 11:50 p.m., he said, and entertainment is only scheduled during dinner hours. Mr. Downes estimated that he will hire 25-28 staff members to cover the shifts at the 78-seat restaurant, and a manager will be on duty at all times.

Mr. Girard expressed concern about the number of parking spaces provided for employees and patrons at 2240 State Road and the width of the natural, vegetative buffer between the building and the abutting neighborhood behind the property. The developers, he stated, appear to have added nine spaces to the original 45 spaces planned for the location (bringing the total to 53), while the required, 35-foot natural buffer has been reduced to 15 feet in some places. While the lack of parking and loss of vegetative buffer is not the fault of the pub owners, Mr. Girard explained, the neighborhood is worried about the likelihood that patrons will seek available parking along the residential streets behind the establishment—which could subject nearby homeowners to noise and potential problems from the pub's patrons.

Selectman Mahoney asked Mr. Girard about the 35-foot, natural vegetative buffer between the establishment and the neighborhood. Mr. Girard stated that the neighborhood was promised, in writing, that a 35-foot buffer would be maintained along the rear portion of the building. There has been a good deal of contention as to whether the subsequent reduction of the buffer was the fault of the developer or the fault of the builder, Mr. Girard noted, while there has been some discussion on the potential installation of a fence and natural landscape screening to remedy the (apparent) deviation from the permit requirements. In response to an additional inquiry from Selectman Mahoney, Mr. Girard indicated that he views the improvement of drainage on Old County Road to be the biggest priority to the residents who live behind 2240 State Road, but such an undertaking, he said, will further reduce the vegetative buffer that will provide visual screening and reduce noise and light pollution from the establishment.

Selectman Tavares emphasized the importance of clarifying whether or not the developer has upheld the requirements stipulated within the permit granted by the Zoning Board of

Appeals. Though it may seem unfair to delay a decision on Mr. Downes' license application because of a matter involving the developer/owner of the location, he said, the Town cannot allow developers to disregard the conditions imposed on building permits and/or the promises made to surrounding neighbors. Selectman Tavares asked that the Planning and Inspectional Services departments be asked to provide comments and clarification on this matter.

Chairman Muratore recommended that the Board table its decision on the license application for one week, to allow time to gather accurate information from all of the parties involved with the development and permitting of the project at 2240 State Road.

Selectman Tavares made a motion to table the hearing on the application for a new Annual All Alcohol Restaurant Liquor License from Flynn's Cedarville Restaurant Group d/b/a Flynn's Irish Pub (2240 State Road) until the Board's meeting of February 11, 2014. Selectman Mahoney seconded the motion.

Upon request, Chairman Muratore allowed additional comment from the audience.

Keven Joyce, the chairman of the Cedarville Village Steering Committee, informed the Board that he and his committee met with the developer of 2240 State Road, several times, to discuss the project. Mr. Joyce indicated that the committee asked the developer to meet a number of requirements to mitigate the project's impact upon the surrounding neighborhood, including the maintenance of the existing earthen berm and vegetative buffer at the rear portion of the property. If there are issues with the developer and/or the owner of the property, Mr. Joyce stated, it is not fair to hold up the license application of the tenant.

Seeing no further comment from the public, Chairman Muratore called for a vote on Selectman Tavares' motion to table the hearing on the application for a new Annual All Alcohol Restaurant Liquor License from Flynn's Cedarville Restaurant Group d/b/a Flynn's Irish Pub (2240 State Road) until the Board's meeting of February 11, 2014. Voted 5-0-0, approved. Chairman Muratore asked staff to schedule the tabled hearing at 7:10 p.m. on the February 11, 2014 agenda.

DISCUSSION ON STAFF IDEAS FOR BUDGETARY EFFICIENCIES

Chairman Muratore noted that he invited the Town's employees to attend a meeting of the Board to discuss potential budgetary efficiencies. Considering the population growth that Plymouth has experienced—and the corresponding growth of the Town's budget—Chairman Muratore explained his interest in gaining insight and ideas from those who have the best and most direct understanding of the way by which the Town delivers services to its residents. The discussion, he clarified, will not involve contract negotiations; rather, the Board is seeking feedback and creative ideas on potential revenue enhancements and procedural/service delivery efficiencies. As such, Chairman Muratore opened the discussion to comments and ideas from the Town's employees.

Mary Tousignant, an employee of South Elementary School, stated her belief that the Town must enhance its focus on early childhood development, i.e. kindergarten and first grade, to provide students with advance preparation for the increasing educational requirements that will be imposed upon them.

Seeing no further comment, Chairman Muratore encouraged Town employees to continue to come forth with any recommendations, as the Board would like to maintain an open dialogue on the way by which the Town can enhance revenues and reduce costs.

2014 SPRING ANNUAL TOWN MEETING ARTICLES

ARTICLE 34

To see if the Town will vote to approve the formation of a Plymouth Water System Committee consisting of seven members, reporting to The Director of The Marine and Environmental Affairs Department. The purpose of the Committee is to insure the sustainability of the supply of water for the citizens of Plymouth. The membership will consist of the following: Plymouth Water Superintendent, Plymouth Water and Sewer Engineer, a member of the planning board, conservation committee, finance committee, Plymouth Area League of Women Voters, and a local registered professional engineer. The Plymouth Water Superintendent and Water Engineer would be permanent members of the committee. Other members would serve either a one, two, or three year term in order to allow a rotating form of membership. This would give the other committee members a continuous base of information on the Plymouth water system, or to take any other action thereto.

BY PETITION: Harvey LeSueur, et al

Harvey LeSueur presented the petitioned article that he submitted to establish a “Plymouth Water System Committee.” Mr. LeSueur indicated that, after consulting with the Town’s legal counsel, as well as with the Town Moderator, Steven Triffletti, he must ask that no motion be taken on the article, due to a conflict that the proposed action would create between the executive and legislative powers established within the Town’s Charter.

Though his petitioned article must be withdrawn for technical reasons, Mr. LeSueur sought to explain the reasons why he submitted the action for consideration. Two years ago, he said, the Plymouth League of Women Voters held a forum on the Town’s aquifer, at which the panelists agreed that the Town should establish a committee to act as “watch dogs” over the management of Plymouth’s present and future water resources. Mr. LeSueur noted his concern that citizens are becoming indifferent to the importance of the public water supply, and, thus, he urged the Board to consider establishing a Water Resource Committee.

Chairman Muratore asked the Town Manager to discuss her thoughts on Mr. LeSueur’s proposal.

Ms. Arrighi acknowledged that some of the objectives behind Mr. LeSueur’s recommendations have validity. The Selectmen, however, serve as the Town’s Water Commissioners, she said, and therefore, if a committee of this kind should be created, it should be established by—and advisory to—the Board of Selectmen. Ms. Arrighi

explained that a committee created by the Town’s legislative branch—Town Meeting—cannot have executive jurisdiction over the operation of the Town’s departments and staff. While committees can often be helpful, she added, there is a certain amount of already-limited staff time that must be invested in training each committee member on regulatory matters.

Selectman Mahoney acknowledged the intent of Mr. LeSueur’s article and underscored the importance of the public water supply. The Board, he said, should consider the establishment of such a committee, following any necessary fine-tuning of the committee’s charge and responsibilities.

Chairman Muratore opened the discussion on Article 34 to public comment.

Robert Alford informed the Board that, in the 1970’s, Plymouth had a Water Commission that was chaired by Ben Brewster. Mr. Alford noted that, years ago, when the private water company that serviced his neighborhood could no longer maintain a quality water supply (due to growing development of the area), the Massachusetts Department of Environmental Protection intervened. Mr. Alford stated his position that the Town must protect and tightly regulate its water supply, and, thus, it should refrain from making the supply available for resale by private companies.

The Board made no motion, and, thus, took no action on Article 34.

ARTICLE 29

To see if the Town will vote to amend the Zoning Bylaw, Section 205-6 [B] Public Hearing; Notices, to insert the following language “In addition, the Board shall require signage to notify the public, to be posted at the subject site. The specific requirements of said signage shall be as described in the Board’s Procedural Rules and Regulations current at the time of the filing of the appeal,” or take any other action relative thereto.

ZONING BOARD OF APPEALS

Ms. Arrighi provided a brief explanation of Article 29, on behalf of Zoning Board of Appeals (“ZBA”) member David Peck, who was unable to attend the Selectmen’s meeting. The article, she explained, will require the posting of signage at any property for which an application has been made to the Zoning Board of Appeals. Ms. Arrighi noted that the Town already requires public notification—by mail to abutting property owners and in the local newspaper—of all zoning applications that go before the ZBA. The additional requirement for visible signage at the subject property, she said, would further enhance communication and public participation in such zoning matters.

On a motion by Selectman Tavares, seconded by Vice Chairman Brewster, the Board voted unanimously to recommend Article 29 to the 2014 Spring Annual Town Meeting.

ARTICLE 10

To see if the Town will vote, to transfer the care, custody, management and control, and purpose for which the land with the buildings thereon, which includes the 1820/57 Courthouse and the County

Commissioner's Building shown on Assessor's Map 19 as Lots 1 and 2, is held, from the Board of Selectmen for historic preservation purposes to the Board of Selectmen for general municipal purposes and historic preservation purposes; and further to raise and appropriate, transfer from available funds and/or borrow a sum of money for the design, demolition, preservation, rehabilitation, restoration, reconstruction, equipment and furnishings and/or new construction of a new Municipal Center, including Town administrative offices on the above-described property and additional Town owned property including the former Police Station and parking areas, as shown on Assessor's Map 19, Lots 6 and 7, said amount to include funding the design and reconstruction of the parking areas surrounding that site, the services of a Project Manager to oversee the project, and all costs incidental and related thereto, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi provided a condensed presentation on the proposal to relocate the Town's municipal offices to the 1820 Courthouse site, noting the number of times that the Selectmen had already seen the full presentation on the feasibility study/report. Within her presentation, Ms. Arrighi covered a history of the studies and actions taken on the courthouse, to-date, from the Town's purchase of the property at the April 2009 Town Meeting to the formal presentation on the results of the 1820 Courthouse Feasibility Study on November 13, 2013.

Article 10, Ms. Arrighi explained, requests funding from Town Meeting to pursue the 1820 Courthouse/Government Center project. The project, she said, solves two critical issues that have been a topic of conversation amongst the community's leaders for years prior to the Town's purchase of the 1820 Courthouse: the revitalization of the downtown, and the need for a Town Hall that can accommodate the needs of Plymouth's growing community.

Ms. Arrighi reviewed a cost estimate summary for the proposed project. The consultants, she reported, have estimated that the restoration of the 1820 Courthouse and the construction of an adjacent Town Hall facility will cost approximately \$35 million. Ms. Arrighi reminded the Board that—based on research conducted by David Peck (the Chairman of the Town's Building Committee)—the estimates provided within the consultants' report appear to be accurate and realistic. Should Town Meeting approve Article 10, she indicated, the Town will apply as many sources of funding towards the project as possible (e.g. \$5 million from the Community Preservation Act towards the cost of restoring the historic portion of the Courthouse; the sale of 253 South Meadow Road, if the School Department relocates its administrative offices to 11 Lincoln Street; and funds from organizations such as the Plymouth Growth & Development Corporation, Visitor Services Board, and Office of Community Development), to offset the impact to taxpayers.

Ms. Arrighi reported upon the estimated tax impact of the 1820 Courthouse/Government Center project to the owner of an average, single-family home in Plymouth. Over the course of the 25 years of debt service on the project, she indicated, the owner of an average home would pay approximately \$1,800 towards the project. If the citizen-petitioned article to enact a Local Option Meals Tax to fund the greater part of the project is passed during the Special Town Meeting, she said, the impact to the average taxpayer over the 25-year debt service will be \$200-370. Ms. Arrighi noted that the Town's Finance Director, Lynne Barrett, estimated the receipts from the Meals Tax conservatively, based on reports from the Department of Revenue of what the Town of Plymouth would have collected, had the

local option tax been enacted in previous years. Therefore, if receipts are higher than anticipated, the impact to the taxpayer will be less.

Lynne Barrett, Finance Director, resumed the presentation with an explanation of the way by which the 1820 Courthouse/Government Center project would be financed, if Town Meeting approves Article 10. The citizen-petitioned article for the Meals Tax, she explained, is worded so that all funds collected through the local option tax will be used solely for the project. Ms. Barrett reviewed a graph comparing the difference in the financial impact of the project to the average homeowner if the Meals Tax is enacted, noting that the initial disbursements of Meals Tax revenue—which would begin as early as July—would completely offset the first two years of the short-term financing for the project. By the end of the debt service on the project (2031), she reported, the funds collected through the Meals Tax would completely cover the debt payments for the proposed Courthouse initiative.

Ms. Arrighi and Ms. Barrett responded to questions from the board regarding the impact of the Meals Tax upon the financing of the 1820 Courthouse/Government Center project. Vice Chairman Brewster questioned what might happen if Town Meeting approves the Special Town Meeting article for the Meals Tax but does not approve the Courthouse project (Article 10). Ms. Arrighi explained that the intent of the citizen-petitioned article is to enact the Meals Tax for the funding of the 1820 Courthouse/Government Center project. If the Meals Tax passes but the Courthouse article fails, Ms. Arrighi said, then the Town would need to address the contradiction between the original intent of the article and the resultant action taken by Town Meeting.

Ms. Barrett affirmed that she took into consideration a number of future and forthcoming capital outlay projects—including Plymouth South High School—when calculating the projections and estimates related to the 1820 Courthouse/Government Center project.

Seeing no further questions from the Board, Chairman Muratore opened the discussion on Article 10 to the public.

Robert Alford of Precinct 7 expressed concerns about the Town's ability to fund the Courthouse project, in addition to the expense of the new Plymouth North High School and the plans to renovate or reconstruct Plymouth South High School. Massachusetts' population is trending downward, he said, and, thus, the Town must consider whether it truly needs these building construction/expansion projects.

Robert Spencer of Precinct 1 echoed Mr. Alford's concerns regarding the expense of funding three major construction projects (Plymouth North High School, Plymouth South High School, and the 1820 Courthouse/Government Center project). In addition, Mr. Spencer stated his belief that restaurant owners do not always accurately report their earnings; if the Meals Tax article passes, he questioned, some owners may not report the additional tax revenue. Mr. Spencer informed the Board that he has spoken with a number of people who do not support the Courthouse project, because they are worried about the effect that all of the aforementioned projects will have upon their taxes.

To Mr. Spencer's comments, Ms. Barrett noted that she based her Meals Tax estimates on the actual figures that were reported by restaurant establishments to the Department of Revenue.

Keven Joyce, Town Meeting Member for Precinct 15, offered a recommendation that the Town place a cap on the amount that can be collected through the Meals Tax to fund the proposed Courthouse project. During the years 2019 and 2020, he said, there will likely be a large influx of visitors to Plymouth for the 400th Anniversary Celebration, and, therefore, there will likely be a notable increase in the revenue collected through the Meals Tax. Considering the possibility that the Town could collect more through the Local Option Meals Tax than anticipated, Mr. Joyce stated, it may be more prudent to set a dollar limit, rather than a sunset clause, so that taxpayers can have some assurance that the Town will not take more than is necessary for the 1820 Courthouse/Government Center project.

Selectman Provenzano inquired if the Town can retire its debt on the 1820 Courthouse / Government Center project early, if the revenues from the Meals Tax are better than projected. Ms. Barrett responded that there are a number of ways by which the debt on the proposed Courthouse project can be structured, so that the Town can pay down the debt on the project and only borrow what is necessary from year to year.

Everett Malaguti III, Town Meeting Member from Precinct 1, inquired whether the Town can determine what percentage of the Meals Tax would be borne by out-of-town residents. Ms. Barrett responded that there is no way to determine the demographics of the population that purchases meals in the Town of Plymouth.

Steven Striar of Steeple Chase in Precinct 5 questioned whether the 1820 Courthouse / Government Center project was the most economical solution to the need for a new or expanded Town Hall. He cast speculation upon the notion that the relocation of Town Hall to the Courthouse site would bring economic benefits to downtown businesses, noting that, while the former Courthouse and Registry of Deeds operations may have once brought a great deal of beneficial out-of-town foot traffic to the downtown, Town Hall will primarily attract local residents, who will have less of a reason to frequent the nearby restaurants. If the Town is in need of additional archival storage space and rooms for community meetings, Mr. Striar said, it would be more economical to utilize satellite space in existing facilities. He encouraged the Town to purchase the adjoining property at 7 Lincoln Street (currently available for sale) for additional customer parking. Despite his reservations about the 1820 Courthouse/Government Center proposal, Mr. Striar expressed his support for the preservation and restoration of the historic section of the 1820 Courthouse.

Following some brief remaining comments and questions about the 1820 Courthouse / Government Center project from Mr. Alford and Mr. Spencer, Chairman Muratore closed public comment and brought the discussion back to the Board.

Selectman Mahoney advocated for the passage of the Meals Tax to support the cost of the 1820 Courthouse/Government Center project. Similar to the comments made by Keven Joyce during public comment, Selectman Mahoney recommended that the Town use any

unanticipated excess revenue collected through the proposed Meals Tax to pay down the debt on the project, as early as possible.

Vice Chairman Brewster spoke at length about the reasons why she has chosen to withhold her support for Article 10 (the 1820 Courthouse/Government Center project). Though she believes in the importance of restoring the historic 1820 Courthouse, Vice Chairman Brewster questioned whether the \$35 million expense to create a new Town Hall facility at the Courthouse site will be the best use of the taxpayers' money. The number of major capital projects undertaken by the Town in recent years—namely the new Plymouth North High School, the forthcoming renovation or reconstruction of Plymouth South High School, and the Council on Aging—have already caused a dramatic increase to the Town's tax rates, she said. When Plymouth no longer receives millions of dollars in annual revenue from the Pilgrim Nuclear Power Station and the Town's excess levy capacity is exhausted, Vice Chairman Brewster speculated, the Town will not be able to fund its budget without a voter-approved override. Though the Meals Tax may make the expense of the 1820 Courthouse/Government Center project more palatable, she stated, it is entirely possible that the Meals Tax article could be repealed by the voters.

Vice Chairman Brewster asked whether Plymouth's younger generation of citizens would be willing to shoulder the expense of a new Town Hall, when they may actually prefer to allocate funds towards the improvement of the Town's digitized municipal services. Though there has not been much interest from developers in the 1820 Courthouse site, she acknowledged, the Town has never issued a formal Request for Proposals ("RFP") to determine, with any finality, if the site would be attractive to commercial development. The proponents of the 1820 Courthouse/Government Center project, she said, make a very good case that the location of Town Hall in the center of the downtown will be good for surrounding businesses, but if the 1820 Courthouse is to be used strictly as a Town Hall, it seems unlikely that tourists will venture to the site unless there is some sort of attraction component incorporated into the project. Despite her reservations about the expense of the 1820 Courthouse/Government Center project, Vice Chairman Brewster reiterated her support for the use of Community Preservation funds to restore and preserve the historic front section of the 1820 Courthouse and the adjacent interior marble staircase.

Selectman Mahoney made a motion for the Board to table its decision on Article 10, to provide for the opportunity to hear from the petitioners of the Meals Tax article. There was no second made to Selectman Mahoney's motion.

Selectman Tavares made a motion to recommend Article 10 to the 2014 Spring Annual Town Meeting. Selectman Provenzano seconded the motion.

Selectman Provenzano acknowledged the concerns expressed by Vice Chairman Brewster about the 1820 Courthouse/Government Center project, noting that he shares some of those concerns. Though there may be other viable options for the 1820 Courthouse site, he said, the one option that is not suitable is to leave the courthouse vacant any longer. Selectman Provenzano expressed his belief that, though the Town Hall at 11 Lincoln Street has served the community well, it has outlived its usefulness, as exemplified by the inefficient use and overcrowding of the building's space. Though no specific analysis has been conducted, he

speculated, an investment of such magnitude (the 1820 Courthouse / Government Center project) into the downtown is bound to stabilize and enhance property values and increase much-needed foot traffic in the area. Should Town Meeting approve the project, he indicated, the School Department will likely make the logical relocation to 11 Lincoln Street, thereby freeing up the School Administration facility at 253 South Meadow Road to be sold and returned to the tax rolls. Selectman Provenzano explained that, when setting tax policy, communities must consider how such taxation will affect economic activity. Though he is not generally supportive of increasing taxes, Selectman Provenzano offered his estimation that the Meals Tax will not have a detrimental effect upon Plymouth's restaurant/bar industry. He stated his support for Article 10 and the use of the Meals Tax as a means of funding the project.

At the close of the discussion on Article 10, Chairman Muratore encouraged dialogue between Town Meeting Representatives and their constituents on the 1820 Courthouse/Government Center proposal.

The Board voted 4-1 in favor of Selectman Tavares' motion to recommend Article 10 to the 2014 Spring Annual Town Meeting. Vice Chairman Brewster cast the opposing vote.

REPORT FROM MASS. MUNICIPAL ASSOCIATION CONFERENCE

Ms. Arrighi informed the Board that she, Selectman Tavares, and Human Resources Director Roberta Kety attended the Massachusetts Municipal Association's ("MMA") annual conference and trade show in Boston on the weekend of January 24 and 25, 2014. Ms. Arrighi noted that she provided the Board with a summary of the various forums that she attended during the conference/trade show in her weekly Town Manager's Report. Two of the sessions that she attended—one regarding fiscal stewardship and another on Civil Service—were particularly informative, she said.

Selectman Tavares discussed the workshops that he attended during the conference/trade show, including a session on the economic outlook for state and local budgets. At the state and local budget session, he said, municipal leaders were informed that the state's 'rainy day fund' is healthy, and that its tax collections—both sales tax and capital gains—are anticipated to increase in 2014 and 2015.

Selectman Tavares reported that he attended a workshop on the topic of fiscal stewardship and sustainability. Based on the information provided by the expert speakers, he said, it is clear that Plymouth's Town Manager, Finance Director and past and present Boards of Selectmen have been wise in planning for the future. Another highlight of the conference/trade show, he noted, was an address from each of Massachusetts' U.S. senators, Elizabeth Warren and Ed Markey, who spoke about legislation regarding the taxation of municipal bonds and the relationship of floodplain maps to coastal homeowners' flood insurance premiums.

Selectman Tavares informed the Board that the MMA's membership unanimously approved three legislative resolutions (discussed during the Board's meeting of January 14,

2014) during the MMA annual meeting, which is held within the course of the conference/trade show. MMA, he said, is developing a handbook for selectmen that will be as useful for seasoned members as it will be for those who are new to the job. Selectman Tavares mentioned that the Local Option Meals Tax was discussed a number of times during the conference, as an option that several communities have adopted to apply to various municipal projects or expenses. None of these communities that implemented the tax felt that they lost any business or experienced any negative impact to their community, he noted.

COMMITTEE LIAISON / DESIGNEE UPDATES

Regional Advocacy on Beach Access & Management Issues – Vice Chairman Brewster informed the Board that she received an invitation from the Selectmen of the Town of Orleans to participate in a regional group that will advocate for ‘common sense’ approaches to the management of coastal beaches. The intent behind the formation of the group, she explained, is for local coastal communities to fight for a greater role in determining the regulations imposed upon their respective beaches. Vice Chairman Brewster indicated that she planned to attend the first meeting of this regional group, which will be held in Dennis on February 12, 2014.

Burial Hill Restoration – Vice Chairman Brewster provided the Board with an update on the restoration of Burial Hill. The committee assigned to oversee the restoration project, she reported, recently held its first meeting with the professional consulting team that will analyze the site and provide recommendations upon the ways by which lighting, pathways, and overall enhancements can improve the site as both a landmark and tourist destination. This work, she pointed out, is separate from the Community Preservation Act-funded project that will restore a number of headstones within the burial ground. Vice Chairman Brewster thanked DPW Director Jonathan Beder, Parks & Cemeteries Superintendent Ted Bubbins, June Gillette and Cheryl Caputo of the Friends of Burial Hill, and historians Jim and Peggy Baker for their work on this important legacy project. Burial Hill, she stated, is not a re-creation of a historic site—it is one of Plymouth’s few original historic sites that still exists.

Tribute to Senior Center Employee – Chairman Muratore thanked Dinah O’Brien and Conni DiLegio for the tribute they organized in honor and memory of Ric Cone, an employee of the Council on Aging and former Town Meeting Representative.

Opening of Credit Union at Plymouth North High School – Chairman Muratore noted that he attended the January 30th grand opening of the Southern Mass. Credit Union (“SMCU”) at its new location within Plymouth North High School. As part of the grand opening, he said, SMCU gave each student \$5 to deposit into an account.

Plymouth Education Foundation Gala – Chairman Muratore reminded the Board and the public that the Plymouth Education Foundation will hold its annual fundraising gala on Saturday, February 8, 2014.

OLD BUSINESS / LETTERS / NEW BUSINESS

Snow & Ice Removal from Sidewalks – Selectman Mahoney inquired about the Town’s regulations with regard to snow and ice removal from sidewalks, noting that he had received some calls from citizens regarding the condition of the sidewalks in the downtown area. Ms. Arrighi offered her observation that downtown business owners have done a reasonably good job of clearing the sidewalks during the number snow events that have occurred during the season. Residents and business owners are responsible for clearing the sidewalks along their property, Ms. Arrighi indicated, but the Department of Public Works typically assigns staff to the removal of snow from the sidewalks leading to the Town’s public schools.

Selectman Tavares reminded the public of the Town’s bylaws relative to the removal of snow from public sidewalks. The Town, he said, must also issue a strong reminder to residents about the snow event parking ban, which is crucial to the DPW’s ability to properly clear snow from the streets.

Budgetary Impact of Charter Schools – Selectman Mahoney asked that a request be issued to the chairman of the School Committee and the Superintendent of Schools for information on the impact that the Rising Tide Charter School has upon the Town’s budget. Chairman Muratore noted that this information will be part of the report that he has requested from the Superintendent on the financial impact of unfunded mandates.

ADJOURNMENT OF MEETING

On a motion by Selectman Provenzano, seconded by Selectman Mahoney, the Board voted to adjourn its meeting at approximately 10:25 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the February 4, 2014 meeting packet is on file and available for public review in the Board of Selectmen’s Office.