

~ PLYMOUTH BOARD OF SELECTMEN ~

THURSDAY, SEPTEMBER 16, 2014

TOWN HALL, MAYFLOWER ROOM

The Selectmen held a meeting on Thursday, September 16, 2014 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: Kenneth A. Tavares, Chairman
Anthony F. Provenzano, Vice Chairman
John T. Mahoney, Jr.
Matthew J. Muratore
Sean Page

Melissa Arrighi, Town Manager
Michael Galla, Assistant Town Manager

CALL TO ORDER

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

TOWN MANAGER'S REPORT

Ms. Arrighi reported that the South Shore Recycling Cooperative will host a Hazardous Waste day on September 20th.

LICENSES

ONE DAY WINE AND MALT LIQUOR LICENSE

On a motion by Selectman Provenzano, seconded by Selectman Page, the Board voted to approve a One Day Wine and Malt Liquor License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Shockyard Fitness & Social Club** (19R Court Street) Laura Vineyard requested a One Day Wine and Malt Liquor License on October 23, 2014 from 6:00 p.m. to 9:00 p.m. for a networking event. Liquor liability will be in place before the license is released.

*One day liquor licenses shall automatically cover the day before and the day after the event for the purpose of proper delivery, storage and disposal of alcoholic beverages purchased.

COMMON VICTUALLER*

On a motion by Selectman Muratore seconded by Selectman Mahoney the Board voted to grant a Common Victualler License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Amanda Roy/Jolly Bean Care LLC** (88 Camelot Dr. #24)

COMMON VICTUALLER*

On a motion by Selectman Page, seconded by Selectman Provenzano the Board voted to grant a Common Victualler License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Vincent Williams/Rose & Vicki's** (2230 State Road)

JUNK DEALER*

On a motion by Selectman Muratore, seconded by Selectman Mahoney the Board voted to grant a Junk Dealer License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Joseph Vega/Walmart Stores Inc** (300 Colony Place)

ADMINISTRATIVE NOTES

Authorize the Town Manager to execute a settlement agreement with Reliable Fish Company, Inc.

Accept donation from Michael Goodman, to replace town owned chain link fence at Nelson Park

PUBLIC COMMENT

Christopher Fava – National Plug in day will be on September 20th from 1-5 pm at 35 Russell Street.

Robert Spencer – Precinct 1 – asked if branches could be cut back along Cordage Terrace.

PRESENTATION: PRECINCT MAP UPDATE

Larry Pizer, Town clerk presented a new map showing 15 precincts for the town, with every street in town. This project took six months and was completed under budget.

2014 FALL TOWN MEETING ARTICLES

Article 6 – Establish Bylaw: Regulations on Bodywork Spas

Massage Therapists and nail salons are regulated by state but there is a loop hole in regulations that allows for bodywork. The goal of this bylaw is to have a safe and clean environment while eliminating the potential for illegal acts such as human trafficking.

Selectman Tavares asked if the issues at Advisory and Finance been addressed? They have been; reiki was removed and some changes were made to the services at home section.

Rich Rothstein – Will this affect a Chiropractor with a Massage Therapist? The state licenses these businesses and they are exempt.

Selectman Page asked if this would interfere with any religious beliefs? This will be avoided through standard regulation.

On a motion by Selectman Muratore, seconded by Selectman Provenzano, the Board voted to recommend Article 6 to the 2014 Fall Town Meeting. Voted 5-0-0, recommended.

Article 7 – Rescind Article 49 of the 2004 ATM: Responsible Contractor Bylaw

The US Appeals Court has ruled that requirements listed in other municipal responsible contractor bylaws similar to Plymouths are fatally flawed and violate the comprehensive federal regulation under the Employee Retirement Income Security Act.

On a motion by Selectman Muratore, seconded by Selectman Provenzano, the Board voted to recommend Article 7 to the 2014 Fall Town Meeting. Voted 5-0-0, recommended.

Article 8 – Special Act: Establish Fund for Funerals of Employees Who Lose Lives While on Duty

This Special Act would approve the Town to reimburse for funeral and burial costs up to \$15,000 for employees who lose their lives while in performance of their duties.

On a motion by Selectman Page, seconded by Selectman Provenzano, the Board voted to recommend Article 8 to the 2014 Fall Town Meeting. Voted 5-0-0, recommended.

Article 12 – Solar Energy PILOT Agreement

This would be a 4.26 megawatt solar facility and the Town has been working on a PILOT for over a year. Director of Assessing in conjunction with a consultant reviewed the values and the agreement is for \$14,000 per megawatt with a 2.5% escalator.

Selectman Muratore asked how many acres? It is a 40 acre parcel, half will be the solar facility.

Rich Rothstein – Any provision for decommissioning funds? No, it is owned by a private entity.

Selectman Provenzano wanted clarification that the values are based on capacity not transmission of energy? Yes.

On a motion by Selectman Muratore, seconded by Selectman Provenzano, the Board voted to recommend Article 12 to the 2014 Fall Town Meeting. Voted 5-0-0, recommended.

Article 13 – Special Act: Establish a Local Sales Tax on the Sale of Medical Marijuana

Christine Pratt stated that the recommendation from Revenue Idea Task Force is to establish an excise tax for 5% on cannabis related products. Twenty-three states have legalized medical marijuana and 5% is a very conservative number.

Selectman Muratore asked if the tax is legal? The Task Force is looking for special legislation and the expectation that it will pass.

The tax will be based on volume and cost. It is based on the price of the product at whole sale value.

Selectman Provenzano asked if this tax will affect any host agreement? Ms. Arrighi explained that any state or local tax is outside of the host agreement.

Selectman Provenzano asked why not adopt a retail sales tax rate? Task Force felt that excise tax at whole sale is better.

Selectman Tavares feels this is a great place to begin but unsure is unsure it will pass the legislature since it is medical. Selectman Tavares is uneasy because there is a lot that we do not know about medical marijuana yet and is uncomfortable taxing something legitimately being used for medical purposes.

Selectman Mahoney asked when would the Town see new revenue? Ms. Arrighi stated fiscal year 2017.

On a motion by Selectman Page, seconded by Selectman Muratore, the Board voted to recommend Article 13 to the 2014 Fall Town Meeting. Voted 5-0-0, recommended.

Article 24 – Electronic Voting at Town Meeting

Karen Buechs – Committee tasked with looking at the feasibility of using electronic voting at Town Meeting. Many other Towns within Massachusetts do utilize electronic voting. The Committee feels that electronic voting would be a viable option. Leasing of equipment is the best economic option.

On a motion by Selectman Muratore, seconded by Selectman Mahoney, the Board voted to recommend Article 24 to the 2014 Fall Town Meeting. Voted 5-0-0, recommended.

Article 36 – Petition: Amend Bylaw – Add Section on Flood Zones & Restricted Open Space

Ms. Arrighi stated that Town Counsel feels this proposed bylaw is impermissibly vague and legally deficient.

Randy Parker stated that he worked with the Manomet Village Steering Committee. This bylaw would allow for Transfer of Development Rights which could be sold to help bridge the funding gap for the Simes House without going back to Town Meeting..

Selectman Mahoney is worried about long term ramifications.

Selectman Muratore would rather see the Town get it right then push it through now.

NO MOTION by Board...not taking any action.

Ms. Arrighi recommended taking a position on this article.

On a motion by Selectman Muratore, seconded by Selectman Provenzano, the Board voted not to recommend Article 36 to the 2014 Fall Town Meeting. Voted 0-0-5, not recommended.

Article 37 – Petition: Rescind Article 35 of 2014, Display of Non-Domesticated Animals

No Motion No Action

Article 38 – Petition: Rescind Article 35 of 2014 ATM, Display of Non-Domesticated Animals (Rev.)

No motion No action

Article 39 – Petition: Amend Zoning for Open Space Mixed Use & Transfer of Development Rights

No Motion No Action

RE-OPENING OF SHELLFISH BEDS AND MEMORANDUM OF UNDERSTANDING WITH VEOLIA

On a motion by Selectman Page, seconded by Selectman Mahoney, the Board voted to sign the Memorandum of Understanding with Veolia. Voted 5-0-0, approved.

COMMITTEE LIAISON / DESIGNEE UPDATES

Selectman Mahoney reported on the Nuclear Matters Committee. The Committee is reviewing its mission statement.

OLD BUSINESS / LETTERS / NEW BUSINESS

On a motion by Selectman Mahoney, seconded by Selectman Provenzano, the Board voted not to waive its right of first refusal for the Chapter 61 property owned by Keith Mann off of Head of the Bay Road. Voted 5-0-0, approved.

Selectman Mahoney reported on the development between Triangle Pond and Little Herring Pond. History of land clouded and people thought this parcel was set aside for open space in perpetuity. The Town Manager will look into this and provide an update to the Selectmen.

Selectman Tavares would like to recognize Rodgers and Gray insurance for the Up With People concert and the community service. There will be a reading on Friday of Governor Bradford's diary at the first church at 7pm.

ADJOURNMENT OF MEETING

On a motion by Selectman Provenzano, seconded by Selectman Muratore, the Board voted not to hold an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to collective bargaining and litigation, 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. Voted 5-0-0, approved 8:25pm.

On a motion by Selectman Mahoney, seconded by Selectman Provenanzo, the Board voted to adjourn its meeting at approximately 9:37 p.m. Voted 5-0-0, approved.

Recorded by Michael Galla, Assistant Town Manager

A copy of the September 16, 2014 meeting packet is on file and available for public review in the Board of Selectmen's Office.