

ADVISORY AND FINANCE COMMITTEE

MEETING MINUTES

August 31, 2016

A meeting of the Advisory & Finance Committee was held on Wednesday, August 31, 2016. The meeting was called to order by Chairman John Moody at 7:00PM and was conducted in the Mayflower II Meeting Room at the Plymouth Town Hall, 11 Lincoln Street, Plymouth, Massachusetts.

PRESENT **14 members of the committee were present:**

Kevin Canty, Betty Cavacco, Judith Fitzgerald, Harry Helm, Ethan Kusmin, Mike Lincoln, Peter Mador, Christopher Merrill, John Moody, Patrick O'Brien, Harry Salerno, Sheila Sheridan, Marc Sirrico, Scott Stephenson

ABSENT **1 member of the committee was absent:**

Robert Cote

Announcements

- Town Meeting materials must be submitted on time, at least one week before meeting. When the committee receives emails the day of or the day before a meeting, members most likely will not have time to review the material before the meeting.
- New Advisory & Finance Committee member, Judith Fitzgerald, was welcomed to the committee.

Fall Town Meeting Articles

- Article 32: Treat Weed – Billington Sea
Michael Leary, Petitioner, presented Article 32. Mr. Leary is representing the Billington Sea Association, a 501(c)3 non-profit founded for the Betterment of Billington Sea and Town Brook. Residents own 55% of the property around Billington Sea and the Town owns 45%. In 2011, Town Meeting appropriated 45% of the cost to treat weeds at Billington Sea and the Billington Sea Association raised 55% of the cost. The weeds were treated successfully in 2012 using a product called Sonar. Sonar is a benign product that is used to treat weeds in lakes, ponds and even reservoirs. The Association would like to do the same treatment this fall as the weeds and algae are again spreading out of control. This article asks Town Meeting to appropriate 45% of the cost of treatment which totals \$13,500.

Questions:

- Is this going to be a recurring cost every 5 years? (S Sheridan) Yes. The Association is going to be researching alternate funding methods in the future like grants through Makepeace and other sources.
- You mentioned Billington Sea is in the last stages of its life? (K Canty) Yes, but it won't be gone in our lifetime.
- Have you discussed this article with any Town employees? (H Salerno) Yes, David Gould, Director of Marine & Environmental, is in favor of this article.
- Were the weeds a surprise? Why wasn't this brought into the budget? (H Helm) This was a bad weed year. We want to get this funding in place now for next year, to be ready to go when the permits are received.
- It sounds as though you have not raised all of the funds for the 55% that the property owners will cover. What happens if you do not raise those funds? (H Salerno) We have plenty of time and are certain we can raise the funds. If for some reason we do not, we will not take the \$13,500 town share.

Kevin Leary, property owner on Billington Sea, shared that Billington Sea has economic impact beyond the pond and stream. There have been several studies on this subject. It supports birds and fish and feeds the harbor. Fishing is a large industry in town for residents and tourists. Weeds can harm this industry and have huge economic consequences.

Dale Simpson also lives on the pond. The weeds are traveling to other areas of the pond. Ducks are coming in and staying to feed on the weeds and their fecal matter is everywhere. This is a safety concern

and therefore the weeds need to be treated.

Harry Helm made a motion to recommend Article 32 to Town Meeting. Betty Cavacco, second. The motion carries unanimously (13-0-0).

➤ Article 33: Poultry Bylaw

Amanda Crouch-Smith presented Article 33. This article pertains to residential neighborhoods not covered by the Right to Farm Law (which pertains to lots which are at least 5 acres in size). This article would amend Chapter 23 of the Bylaws of the Town of Plymouth by adding Article 5: Poultry. The bylaw provides restrictions that no rooster be permitted on a property less than 2 acres and that properties have no more than 6 poultry per ¼ acre, and no more than 4 poultry for property less than ¼ acre. The bylaw also calls for manure to be stored in a ventilated, watertight storage facility. There are also procedures for applying for variances which encourage community cooperation.

This article is supported throughout town. The number of households with poultry is increasing. There is frustration from abutters of a couple of properties in town where the sounds and smells from poultry is unbearable. Sleep at night is being disrupted, as is peace throughout the day. Property owners should be able to enjoy their property. The Board of Health, Animal Control and Police have been called about the noise from roosters as well as for the stench from poor manure management and all say that little can be done because there is no bylaw in existence to enforce. Neighbors have tried to reason with their neighbors, to no avail. The Board of Health did hold a meeting on August 11th and as a result recommended a taskforce be developed to address poultry concerns. No action has been taken since.

No one is suggesting a bird ban, just reasonable rules for poultry like we already have for dogs. This is the starting point to create a peaceful coexistence between poultry owners and neighbors. Maybe later the town will add fees or fines, setback requirements, or require licenses or inspections like many area towns have. This article is a lot less restrictive by design.

Questions:

- Who will monitor the bylaw? (C Merrill) The Board of Health members and staff. Preliminary discussions have already taken place and they are agreeable.
- What is the scope of the problem? How many disputes are there? (S Stephenson) There are several neighborhoods with issues. More and more precincts are voicing their support of this article.
- Does the manure storage requirement apply to all regardless of the number of poultry? (H Helm) Yes. That section was copied from another town's bylaws. It can be further defined by the working group if that would be helpful.
- Who is in the working group? Any poultry owners included? (K Canty) Do not believe any poultry owners are in the working group.
- Has Town Counsel reviewed this bylaw yet? (H Helm) Not to my knowledge.

Public Comment:

- Emerson Carpenter, owns chickens, turkey and ducks, limiting chickens to 4 does not allow for sustaining a healthy flock, they could go a year with no eggs. At one point he had 18 poultry on site and Board of Health and Animal Control visited and agreed there was no issue, no manure smell and no noise issue. Carver has a pig manure bylaw but no chicken manure bylaw because there is no health risk with chicken manure. Neighbors' dogs bark and make a lot more noise than his poultry ever do. This bylaw is too restrictive.
- Ron Riley, Town Meeting Member, says that this bylaw is not a new idea. The Town has received calls for two years regarding one neighbor in West Plymouth with over 100 poultry on his property. The rooster crows from 4:30AM to 10:00PM almost non-stop. The smell is horrible and occasionally the owner will dig a hole with his bobcat and bury the manure. Many neighbors have wells are concerned about the health risk. This issue will not go away, the problem is escalating, police have

better things to do with their time, we need to get this bylaw in place now. He understands the need to increase the maximum of 4 to a higher number so that poultry owners can raise a healthy flock and enjoy egg production at all times. Maybe the number can be changed to 6. Also, owners can request a variance if needed, that is a great option.

- Steve Striar, chicken owner and Board of Health Member, understands and supports the goals of this article but the bylaw lacks a provision for penalty, there should be setbacks so manure storage or coop is not placed on or near the property lines, something needs to be done but this is not a good bylaw. Maybe start with no roosters.
- Susan Wentworth also lives near the lot in West Plymouth with the poultry issues. A lot of research has been conducted on poultry bylaws of area towns, maybe this one lacks teeth, but it provides a great start, a guideline for poultry owners to follow.
- John Murphy lives near Emerson Carpenter and agrees that Mr. Carpenter takes great care of his poultry and property, there is no issue with odors or noise, it is admirable that he feeds his children natural foods, he does this on ¼ acre, why punish him when he is not causing any issues and is just taking care of his family? He agrees barking dogs are a larger problem.

Harry Helm made a motion to recommend Article 33 to Town Meeting. Mike Lincoln, second.

Discussion:

- Understands the concepts, restriction is the penalty, manure storage section of bylaw is concerning, bylaw covers entire town when it seems like there is only a problem with one property in town. (H Helm)
- Not in support of this article, there are legitimate concerns from both sides, this is a step in the right direction but would have benefitted from receiving input from the poultry owners as well allowing for a collaboration of both sides, tough to balance private land with regulation. (K Canty)

The motion fails unanimously (0-12-1). Betty Cavacco, abstained.

➤ Article 35: Easement – off Wareham Road

Sam Viscariello presented Article 35. Mr. Viscariello is working with a family that owns lot 114-000-004A off of Wareham Road. The lot is land locked and abuts lot 114-000-002B which has street frontage on Wareham Road and is a town owned lot, obtained through tax title. This article proposes the town offer an easement to allow a service road through the upper north east corner of its parcel, granting access to Parcel 114-000-004A. Granting this access road will increase the value of the parcel and proportional tax revenue to the town, and open up existing zoning approved uses. The owner is interested in building a solar field, similar to the ADM Red Brook Solar Project currently under construction. Any new use activity will bring further increase in value and tax revenue to the Town of Plymouth. Nothing can be done with this property without access.

Questions:

- What is the zoning of these lots? (S Sheridan) Residential.
- Why didn't the owner buy the abutting lot? (S Sheridan) The owner purchased his lot well after the town obtained its parcel through tax title.
- Did you meet with the Open Space Committee? (S Sheridan) I met with Patrick Farah in the Planning Department. There is no designation, no conservation restrictions, no wetlands on either property.
- With access, can this lot then become buildable? (E Kusmin) Yes, it could be.
- What was the cost to purchase this land locked lot? This may be a back door to making it buildable? (E Kusmin) \$20,000 for the 5 acre lot. Yes it could be.
- Do the residents in the area have anything to say about the solar field idea? (K Canty) We wanted to see if this was a viable option before bringing it to the neighbors.
- Have you considered compensation to the town for the easement? (K Canty) Yes, it would be

considered.

- Typically town administration would agree to an easement and then it would go to Town Meeting for affirmation. Why are you going this route? (J Moody) I spoke with several town administrators that indicated that I needed to get this on a petition and get it on the Town Meeting warrant and that this was the way to go.
- Is abutter approval needed? (J Fitzgerald) Not at this point. It may be required later for the planning/zoning for the solar field.

Sheila Sheridan made a motion to recommend Article 35 to Town Meeting. Kevin Canty, second.

Discussion/Comments:

- I do not support this article. Usually with easements there is a town representative in support, I do not see that here. (C Merrill)
- Usually there is payment for an easement. This is not appropriate and I am not in support (H Salerno)

The motion fails unanimously (0-13-0).

➤ Article 36: Noise Bylaw

Richard Mulcahy presented Article 36. This article asks Town Meeting to amend the bylaw on noise by adding Part D Section 120-1 to read "That all public establishments performing live entertainment must keep shut all exterior windows and doors of any kind closed as not to disturb residents or business". The existing noise bylaw is subjective.

Finn O'Donovan owns a store on Main Street and lives above the store with his family. He says that T-Bones is several doors down the street. Last Sunday T-Bones had a 5 piece rock band set up just inside the windows with all of the windows wide open. The noise was way too loud and disruptive to residents, tourists, and local businesses. It is a common occurrence. Main Street Sports Bar has been cooperative keeping the noise level down but T-Bones is not willing to cooperate. There are 35 residences close by on Main Street and no one objects to music but the noise level is unbearable and something has to change. The Assistant Town Manager indicated that this article would be the way to go.

Questions:

- There are a lot of outdoor concerts downtown. Any issues with those? (E Kusmin) Outdoor concerts require a special permit. Bands just inside wide open windows are essentially outdoors but that does not require a special event permit.
- The Board of Selectmen grant live music permits to those establishments. The Board of Selectmen have the power to revoke those permits. (J Moody) There is no objection to the music, just to the volume which can be solved by closing the windows. The existing noise bylaw is lacking. If the police are called about noise at an establishment, they visit the establishment, the volume gets turned down, then when they leave the establishment, the volume gets turned back up. It is not a solution to the problem.
- Is the noise an issue in the Winter? (S Sheridan) The music can be heard but the noise is at an acceptable volume. 2 weeks ago when we had the heat wave, T-Bones had their air conditioning on and their windows closed, the noise was at an acceptable volume then.
- What about setting bands up further back in the establishment and not right in front of the windows? (S Sheridan) That is actually the requirement now with the license, it is not followed.
- The music is a part of the downtown feel. Would a time cut off help? (E Kusmin) Actually the worst time is Saturday and Sunday from 1 to 5. It is difficult to conduct business with the level of noise. The noise does not attract people to downtown, it actually keeps people away.

Public Comment:

- Lee Delbous lives a little further to the north but has the same problems. There are a lot of bars in

the area and the noise is too loud and does not stop until 1AM. He can not sleep with the windows open. He has lived there for 30 years but the noise problem has recently gotten out of control. He very much supports this article.

- Charles Taft lives on Main Street across from Kiskadee. He experiences the same thing, the volume after 10PM is way too loud. Even with his windows shut and air conditioning on, the music is still too loud. He is in support of this article.
- Frank Fushetti lives on Carver Street and could repeat all that has been said. He is pro-business and supports those responsibly managed businesses. Closing windows will not hurt those establishments. Keeping the windows open hurts businesses and residents in the area. The town has been encouraging residential development downtown, it has the opportunity with this article to make downtown a peaceful and enjoyable place to live.

Christopher Merrill made a motion to recommend Article 36 to Town Meeting. Harry Helm, second.

Discussion/Comments:

- Recently Plymouth was voted the #1 drunkest city, this article is related to that, this topic is of increasing concern, do not want to put undo burden on establishments. (H Helm)
- Not in support of this article, limiting the time to ending at 10PM is something he would support, buyer beware in downtown. (E Kusmin)
- Agree with Mr. Kusmin, 9 or 10PM seems like a reasonable compromise, agrees buyers should do their homework before buying a residence in downtown Plymouth. (K Canty)
- Don't like ad hoc bylaws, understand problems and principle, Board of Selectmen is supposed to enforce provisions of their licenses. (H Salerno)
- I wonder the number of times these establishments have been fined and do they consider the fine of \$50 the cost of doing business. There needs to be a compromise, this article was not vetted with the businesses. (S Sheridan)

The motion fails (1-12-0). Harry Helm, in favor.

Chairman John Moody added that the real issue is bigger than noise, Plymouth needs to decide what type of community it wants to be, his family stays away from downtown on weekends, it is an issue that the community has to wrestle with.

- Article 37: Senior Property Tax Rate Cap
Petitioner Keven Joyce presented Article 37 which asks Town Meeting to vote a Senior Resident Property Tax Rate Cap. Mr. Joyce said that seniors of Plymouth are being taxed out of their homes. The property tax rate has increased nearly 70 percent in the last 10 years while Social Security benefits have only increased 24% in the same time frame.

Requirements to qualify for the cap include:

- Must be a homeowner, at least 70 years old as of July 1 to apply
- Must reside in same home continuously for at least 20 years
- All real estate taxes must be paid and current
- Must reside in home full time; no renters, snowbirds or seasonal residents
- Must be a registered voter in the Town of Plymouth
- Must apply for exemption yearly
- Must be retired or not working full time

Demographics:

- Households in Plymouth: 18,000

- Seniors, age 65+: 7,890 or 14% (as of 2010)
- Seniors owning their own home: unknown
- Seniors who have owned same home for 20+ years: unknown
- Seniors eligible for tax cap: unknown

Chair John Moody said that he received an email from Town Counsel that said that “Property tax exemptions are established by statute, or special act. The Town may not grant exemptions except in accordance with and pursuant to an applicable statutory exemption.”

Questions:

- Why age 70? What if one spouse is older than 70 and one is younger? (K Canty) As long as one spouse is eligible, they are eligible for this cap. Several towns have some form of senior tax credit, all falling within state regulations, and all have the age requirement at 70.
- What if a secondary residence is in Plymouth but they pay their full share of taxes? What if the house is in a Trust? What if there is a widow who has not lived in the home 20 years but the spouse did? What is considered full time work? (K Canty) Resident must be registered to vote in Plymouth to qualify. Restrictions regarding Trusts can be added. Tough to answer whether widow would qualify. Full time is 40 hours per week. I am trying to help the seniors that I hear from constantly that are retired but going back to work part time at Home Depot or Dunkin Donuts just to pay their taxes.
- Who will enforce and monitor and make sure requirements are met? What about verifying that they do not work full time? (K Canty) The Assessors Office will have the form that needs to be completed each year and they will require that proof of age be shown. They applicant will have to sign verification that they do not work full time.
- Could there be an assessment cap rather than a tax rate cap? (C Merrill) Possibly, but that would require much more work for the Assessor. There is a Homestead Deduction Act for seniors and disabled. There are several benefits for tax credits on the books but they are really limited and difficult to qualify for. There is a disabilities credit for property taxes already. This Property Tax Cap that I am proposing applies to all retired seniors who have seen their taxes double in last 8 years.
- What about an income limit? (C Merrill) I did not want to restrict based on that but it is something to think about.
- Without an income limit, a retired senior making over \$100,000 a year off their investment portfolio qualifies for this cap? (J Moody) Yes, they would qualify but I am not sure they would invest the time and effort to apply to save a couple hundred dollars.
- Did you look at the Senior Circuit Breaker? (P O’Brien) Yes, I believe the income limit is \$71,000, tied to the gross median income, I am flexible and would consider doing this.
- Plymouth has adopted Tax Deferral Clause 41A, which is related to what you are doing, it is for ages 65 and up. It is in place already and defers the taxes so they do not have to pay anything which is better than a cap. (B Cavacco) I was not aware of that option.
- I would like to know the dollars, I like this idea but am not sure this proposal is ready? (E Kusmin) There would be a loss in revenue but the PILOT agreements coming online can offset this loss in tax revenue.
- I can not vote for this, answers are too wishy-washy ad I need to see the numbers. (S Sheridan)
- If we wait for the words to be perfect, we will never get anything done. The seniors in this town need help, I would like to recommend this article and let Town Meeting decide. (S Stephenson)

Kevin Canty made a motion to recommend Article 37 to Town Meeting. Scott Stephenson, second.

Discussion/Comments:

- We need to be careful about approving articles with the promise that the language will be fixed later. Like the 41A deferment where the town still gets the tax dollars in the end. (M Sirrico)
- Not in support of this article, there are too many holes most importantly, we do not know what the financial impact to the town will be, agrees we need to keep the tax rate in mind for not only seniors but all of our residents. (K Canty)
- Commend Mr. Joyce for his work on this and agrees this is a problem that seniors are facing, and that a lot of other residents are facing as well, that this is a problem the town needs to address (H Helm)
- Not in support of this article because it is not good tax law, it is flawed, unenforceable, unworkable, and is being presented without associated costs. (H Salerno)
- Also commends Mr. Joyce and supports in spirit but can not support the way it is written, missing the projection for lost revenue, and that seniors will have to pay higher state tax. (C Merrill)
- Also commends Mr. Joyce but the town has the 41A Tax Deferral Clause which has been adopted by the Town, to move this article forward would be futile. (B Cavacco)
- We seem to fight over \$60,000 and ignore the \$150 million elephant in the room. We should support this article and let Town Meeting discuss it.

The motion fails (1-12-0). Scott Stephenson, in favor.

Old/New/Other Business

- Town Meeting article presenters are ill prepared. We need to find a way to help residents come to us with better information. (S Sheridan)
- Committee members received an email regarding Article 26 – Solar Bylaw. Changes were made to the bylaw in response to concerns voiced by Advisory & Finance Committee members. The Energy Committee requested a chance to present the changes to Advisory & Finance.

Harry Helm made a motion to reconsider Article 26 at the September 7 meeting. Christopher Merrill, second.

Discussion:

- Information should be red-lined so we can see changes made. (S Sheridan)
- We have not received sufficient information. (H Salerno)
- The solar bylaw is important to this town. We should hear from them and give them a chance. (H Helm)
- We can look at what they sent. Our job is to hear articles. (M Sirrico)
- We should request to receive a red-lined copy by Friday. (C Merrill)
- We should expect work to be done prior to getting to us. (K Canty)
- Not sure I can support this because of the format. (S Sheridan)
- There is a time sensitive nature to this, we can not put it off until Spring, solar fields are being built at a rapid pace. (M Lincoln)
- We do need articles better prepared, formatted and presented but this is too important not to hear. (H Helm)
- There was a lengthy article in the *Old Colony Memorial* today on solar issues. (S Stephenson)

The Motion to Reconsider passes (8-3-2). Harry Salerno, Kevin Canty, and Patrick O'Brien, opposed. Ethan Kusmin and Judith Fitzgerald, abstained.

Public Comment

- Paul Haggood, Town Meeting Member, thanked the committee for an interesting meeting and said it was a learning experience for all.

ADJOURNMENT

**Christopher Merrill made a motion to adjourn. Patrick O'Brien, second.
The motion for adjournment carries unanimously (13-0-0).
The meeting adjourned at 10:01PM.**

Respectfully submitted,
Kere Gillette