TOWN OF PLYMOUTH

11 Lincoln Street
Plymouth, Massachusetts 02360

FAX: (508) 830-4140

Board of Selectmen
Town Manager
(508) 747-1620 ext. 100

Human Resources
(508) 747-1620 ext. 101

To: Board of Selectmen
Advisory and Finance Committee
Lynne Barrett, Director of Finance
Annikka Bernabe, Selectmen's Office

From: Melissa G. Arrighi, Town Manager

Date: August 21, 2015

Re: Fall Town Meeting, Article 30

ARTICLE 30: To see if the Town will vote to petition for special legislation to rescind, as of 2026, Chapter 94: An Act Authorizing the Town of Plymouth To Lease Certain Land, under the Acts of 2001, approved September 27, 2001, or take any other action relative thereto.

BOARD OF SELECTMEN

In February of 1999, the Board of Selectmen heard a warrant article which asked Town Meeting to petition the Massachusetts Legislature for a Special Act that would exempt the leasing of property on Plymouth Long Beach from Chapter 30B. The petition was presented by John Scagliarini, a residential lease tenant of Town-owned property on Long Beach. The article, as presented, would afford the proposed no-bid clause to those who were occupying Town-owned beach properties and their future successors. In addition, the proposed language would permit the Town to issue leases up to 20 years in length and allow further consecutive extensions of no less than 10 years in length.

At that time, the Board voted 4-1 to support Mr. Scagliarini's request, but they specifically did not take a vote to address or include the property leased to Sandra Cotti for the operation of a concession stand at Plymouth.

At a meeting some weeks later, Sandra Cotti and her husband, Robert Cotti, asked the Board to support the inclusion of their leased commercial property within the petitioned article, citing the 1993 Special Act that exempts the leasing of publicly-owned property on Town Wharf from Chapter 30B. The Board voted to 4-0 to include the property leased to the Cotti's within the article proposed by Mr. Scagliarini.

Town Meeting passed a modified version of the petitioned article at the 1999 Spring Annual Town Meeting. The Special Act was further modified by and approved by the Massachusetts Legislature in 2001 in the following form:

Printed on Recycled Paper

SECTION 1. The town of Plymouth, acting by and through its board of selectmen, may lease and extend existing leases for a certain parcel or parcels of land located on Plymouth Beach, also known as Long Beach, in the town of Plymouth to Sandra Cotti, President of Sandy's at the Beach, Inc., John Scagliarini, John J. Scagliarini, Jr., Sandra Sparks and Herta V. Sawyer Life Estate, the current tenants or occupants thereof, their successors and assigns who have made, or will make, improvements to the parcel or parcels, for periods not to exceed 20 years, with extensions for such consecutive 10 year terms as may be approved by the board of selectmen. The parcel or parcels may not be assigned to others, or sublet by any lessee or lessees, without the prior written approval of the board of selectmen. Any further disposition of the parcel or parcels, other than that authorized by this act, shall be subject to the provisions of chapter 30B of the General Laws and any other applicable law.

SECTION 2. As consideration for a lease authorized by this act, the lessee of the parcel shall pay to the town of Plymouth as annual rent a sum equal to the amount of taxes which would be due to the town if such parcel was held privately and assessed as land is currently assessed in the town of Plymouth in the area in which the parcel is located. The annual rent due to the town by the lessee shall be adjusted annually as the tax rate or assessment changes.

SECTION 3. This act shall take effect upon its passage. [Approved September 27, 2001.]

Section 1 of the Special Act outlines the no-bid and lease extension provisions. Section 2 restricts the annual rent for the properties to the amount of taxes that would be assessed on the property.

Over time, it has become apparent that the Special Act has significantly hampered the Town's ability obtain a fair market value for the leasing of publicly-owned property on Plymouth Long Beach. Leases in such long-term durations as ten and twenty year increments prevent the Town from reacting to changes—or challenges—that arise from changing markets and changing lease successors. Staff has been working in recent years to improve the Town's control over its leased properties and ensure that the taxpayers are receiving the best value for the use of these desirably-located properties. As such, staff has been working on an overall leasing policy that will govern the way by which we address the issuance, renewal, and transfer of Town leases and licenses.

A recent request to transfer a long term lease on Plymouth Long Beach to a new successor has brought these long-standing concerns about the Special Act to the forefront. Upon staff's recommendation and after much discussion, the Board has determined that the removal of the Special Act will support the aforementioned efforts to maximize both the financial and service-oriented values of Long Beach properties for the community. It should be noted that our recommendation to make the termination of the Act effective in 2026 is intended to honor the latest-expiring existing lease on Plymouth Long Beach.

Thank you for your consideration of Article 30. Please contact me with any questions you may have.