

# PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MARCH 2, 2010

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, March 2, 2010 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: Richard J. Quintal, Jr., Chairman  
David F. Malaguti, Vice Chairman  
John T. Mahoney, Jr.  
William P. Hallisey, Jr.

Mark Stankiewicz, Town Manager

Absent: Selectman Daniel “Butch” Machado, Jr.  
Melissa Arrighi, Assistant Town Manager

## CALL TO ORDER

Chairman Quintal called the meeting to order at 7:03 p.m. and led the Pledge of Allegiance. He then called for a moment of silence in honor and memory of former Fire Captain Frederick “Sonny” Remick, who served with the Plymouth Fire Department for over 36 years.

Chairman Quintal noted his regret that some unfortunate things happened during the previous week’s meeting, when the Board discussed proposed changes to the Personnel Bylaw in open session and later had to cut discussion short on the warrant articles pertaining to the Community Preservation Act (“CPA”). There were several advertised hearings and articles scheduled on the lengthy agenda, he said, and the Board was simply making an effort to adhere to its own rule of adjourning meetings by 10:00 p.m. Chairman Quintal invited members of the Community Preservation Committee to return to a future meeting of the Board to share any further commentary on the articles pertaining to the CPA.

## TOWN MANAGER’S REPORT

**Proposed Composting Facility at Plymouth County** – Town Manager Mark Stankiewicz reported that he spoke with Plymouth County Commissioner Tim McMullen, who expressed concerns regarding a recent proposal for the construction of a composting facility on 15 acres of County property off Camelot Drive. Mr. Stankiewicz noted that Mr. McMullen did not view the proposed facility—which would process approximately 80,000 tons of raw garbage—to be in the best interest of the Town

**Plymouth 400<sup>th</sup> Anniversary Committee** – Mr. Stankiewicz noted that he attended a recent meeting of the Plymouth 400<sup>th</sup> Anniversary but refrained from providing a report, to allow the committee to make its own presentation (scheduled later in the meeting).

**Labor Relations Commission** - Mr. Stankiewicz provided a brief report on the hearing held by the Massachusetts Labor Relations Commission on the Police Patrolmen and Firefighter unions' appeal of the Town's decision to 'un-blend' insurance rates. The Town and the unions have reached a settlement, he said, which will allow the Town to keep the rates un-blended while providing some remuneration to those employees affected by the un-blending.

**Division Head Management Training** – Mr. Stankiewicz was pleased to announce that Roberta Kety, Human Resource Director, organized the first of three management training sessions in collaboration with the Town's insurers at the Massachusetts Inter-local Insurance Association (MIIA). The three programs, he said, will address basic elements of management and provide our managers with the theoretical background on management styles, strategies, and the opportunity to practice new skills.

**Un-Accepted Roads** – Mr. Stankiewicz noted that he met with residents Helen Hapgood and Timothy Grandy to review the upcoming Town Meeting warrant article on unaccepted roads and discuss the history of Plymouth's repair and plowing of un-accepted roads. From the meeting, he explained, came a general consensus that if the Town Meeting article was passed, the Town Manager would seek the approval of the Board of Selectmen to continue grading and plowing the affected streets until the special legislation is passed by the State Legislature. Mr. Stankiewicz made note that Ms. Hapgood will prepare an informational flyer to encourage residents on un-accepted roads to show their support for the Town Meeting article.

**Hedges Pond** – Mr. Stankiewicz reported that a meeting was held with DPW staff and the chairman of the Community Preservation Committee to review the status of the proposed recreational facility at the Town's recently acquired 90-acre site at Hedges Pond (formerly Camp Dennen). He reviewed the action steps discussed at the meeting and outlined the work completed thus far to prepare the site for the various phases of construction that will transform it into a comprehensive public recreational facility. Mr. Stankiewicz noted that the Town hopes to open the site—if only in a limited capacity—by the summer of 2010, if the pond is deemed fit for swimming.

**Emergency Operations Center** – Mr. Stankiewicz provided an update on a recent meeting he held with the Town's Procurement Officer to discuss plans to construct a new Emergency Operations Center ("EOC") at the Cedarville Fire Station, noting that Pomroy Associates has been chosen as the project manager.

Chairman Quintal requested an update on the latest design drawings for the new EOC facility.

A brief discussion ensued regarding the aforementioned proposal to site a composting facility on County property off Camelot Drive. Vice Chairman Malaguti expressed concern about the odor that would emanate from a facility of such a proposed size. Mr. Stankiewicz reported that the State's Department of Environmental Protection referred the composting vendor to the County as owners of a potential site that could accommodate such a facility. Chairman Quintal asked the Town Manager to look further into the matter.

## LICENSES

### **VEHICLE FOR HIRE (CHANGE OF ADDRESS)**

- ❖ **Ace Taxi**, 38 Liberty Street (formerly 20 Davis Street), Jason Sheets, owner

Issuance of the above license is subject to approval from Inspectional Services.

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board voted to approve a Change of Address to the Vehicle for Hire License assigned to Ace Taxi from 20 Davis Street (former address) to 38 Liberty Street (new address). Voted 4-0-0, approved.

### **ONE DAY WINE AND MALT LICENSE**

- ❖ **Our House Services** (Linda Ducrot, 40 Russell Street) requested four (4) One Day Wine & Malt licenses for wine dinners to be held from 6:00 p.m. to 11:00 p.m. on the following dates: March 5, 6, 12, and 13, 2010.

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board voted to approve four (4) One Day Wine & Malt licenses (as outlined above) for Our House Services / Linda Ducrot,. Voted 4-0-0, approved.

- ❖ **Pilgrim Hall Museum** (Ann Young, 75 Court Street) requested a One Day Wine & Malt License for an exhibit opening to be held at the museum from 5:00 p.m. to 7:00 p.m. on May 29, 2010. Liquor liability insurance is in place and trained staff will serve the alcohol.

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board voted to approve a One Day Wine & Malt License (as outlined above) for Pilgrim Hall Museum / Ann Young. Voted 4-0-0, approved.

## ADMINISTRATIVE NOTES

**Meeting Minutes** – On a motion by Selectman Mahoney, seconded by Selectman Hallisey, the Board approved the minutes of the January 26, 2010 Selectmen’s meeting. Voted 3-0-1, approved, with an abstention from Vice Chairman Malaguti, as he did not attend the January 26<sup>th</sup> meeting.

**Annual and Special Town Meeting Warrants** – The Board signed the warrants for the 2010 Spring Annual and Special Town Meetings.

**Plymouth Airport Advisory Group** – The Board appointed the following individuals to the Plymouth Airport Advisory Group for terms effective through March 2, 2011 or the conclusion of the PAAG’s assignment, whichever date arrives first: (continued on Page 5)

Tim Cohane	17 Vitos Run	(member of N.O.P.E.)
Allen Cotti	18 Greenview Drive	(West Plymouth Steering Committee)
Patricia McCarty	11 Vitos Run	(member of N.O.P.E.)
Jim Nicholson	15 Charlotte Drive	(West Plymouth Steering Committee)
Thomas Somerville	14 Marscot Way	

**Designee to Plymouth Airport Advisory Group** – On a nomination by Selectman Mahoney, seconded by Vice Chairman Malaguti, the Board unanimously chose Selectman Hallisey to serve as its designee on the Plymouth Airport Advisory Group.

**Retirement Board** – On a motion by Chairman Quintal, seconded by Selectman Mahoney, the Board voted to appoint David F. Malaguti to the Retirement Board, for a term effective March 3, 2010 through June 30, 2011. Voted 3-0-1, approved, with an abstention from Vice Chairman Malaguti.

**Plymouth Growth & Development Corporation / Memorandum of Agreement** – On a motion by Selectman Hallisey, seconded by Vice Chairman Malaguti, the Board will approve the three year extension of the Memorandum of Agreement entered into as of the 1st day of July 2009 between the Town of Plymouth and the Plymouth Growth & Development Corporation, Inc. that extends the agreement that expired on June 30, 2009, with the stipulation that the Lot and Plat number of the Courthouse Corridor parking lots in question be included in the language of the agreement. Voted 4-0-0, approved.

**Settlement Agreement with Boston Edison Company** – On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board voted to approve and execute the *Settlement Agreement* and *Mutual General Release* pertaining to the matter of *Town of Plymouth v. Boston Edison Company*. Voted 4-0-0, approved.

## **PUBLIC COMMENT**

Fire Chief G. Edward Bradley addressed the Board on behalf of the Town’s non-union employees regarding the Board’s February 23<sup>rd</sup> discussion on the Personnel Bylaw governing non-union employee benefits. During the Board’s deliberations on the proposals within the bylaw, he said, comments were made that were not only false and misleading but, in one case, accusatory. Chief Bradley expressed the non-union employees’ disappointment and concern with the content of the discussion and the resulting votes that may have been based on misinformation. He thanked the Chairman and Vice Chairman of the Board for agreeing to meet with a group of representatives from the non-union personnel to discuss those concerns.

Marc Garrett, chairman of the Planning Board, discussed the matter pertaining to the Planning Board's opposition to the Zoning Board of Appeals' ("ZBA") decision to permit automobile sales as an allowed use within a Highway Commercial ("HC") zone. Mr. Garrett explained that the 2000 Annual Town Meeting voted to establish and extend the HC zone and, in that same year, Town Meeting voted to list auto dealerships as a "prohibited use" within the HC zone. Somehow, the codified language reflecting this restriction was omitted from the Town Meeting report, which caused much confusion when a recent proposal to site an auto dealership in the HC zone off Exit 5 resulted in a conflict of opinion between the Planning Board and Zoning Board of Appeals.

Recently, Mr. Garrett reported, the proponent of the auto dealership reached out to the Planning Board to see if an amicable solution could be reached, and the Planning Board has since agreed to the request. Should the Planning Board arrive at an amenable solution—e.g. the proponent will agree to not exercise its rights under the ZBA's decision, and the Planning Board will withdraw its appeal of the ZBA's decision—the Planning Board will (a) request that no action be taken on Town Meeting Article 20 and (b) introduce a new article to allow auto dealerships in the Highway Commercial Zone outside of the aquifer zone by special permit. To that end, he said, the Planning Board has voted 3-2 in favor of advertising a public hearing on the matter at the Planning Board's meeting of March 22, 2010.

Chairman Quintal expressed his satisfaction with the proposed compromise agreement offered by the Planning Board. He noted that he would like to see the Town work further to expedite the permitting process and fill Plymouth's vacant commercial space, as the process—which, he said, requires proponents to pay numerous fees and attend multiple hearings with lawyers and engineers—may be preventing Plymouth from attracting new businesses and jobs.

Mr. Garrett stated that he would be willing to take part in a multidisciplinary dialogue on any ways to streamline the Town's permitting processes, but noted that regulations and charter laws currently limit the Town's ability to do so.

## **400<sup>TH</sup> ANNIVERSARY COMMITTEE**

Reverend Professor Peter Gomes provided a presentation on the activities of the Town's 400<sup>th</sup> Anniversary Committee. The dedicated and enthusiastic committee, he said, has met regularly for the past nine months to work upon what they hope will be an internationally-recognized celebration worthy of the Town and its historical significance. Rev. Gomes announced that the committee has chosen Saturday, August 1, 2020 to be "Plymouth Day," the central celebration commemorating the Town's 400<sup>th</sup> Anniversary.

Rev. Gomes acknowledged 400<sup>th</sup> Committee members Ben Brewster and Ed Santos, who accompanied him for the presentation. The committee, Rev. Gomes said, plans to form several subcommittees comprised of a membership that is reflective of the community's diverse population, character, and history. He asked the Board to direct any requests to serve upon the committee to him, as the committee's chairman, so that he may ensure that each volunteer's skills are assigned appropriately.

Rev. Gomes offered a general description of the committee's current financial needs to set the event planning in motion and form a non-profit fundraising organization. He asked the Board to release the funds appropriated for the committee at the 2009 Fall Town Meeting, and he offered the suggestion that the Town consider approving an annual allocation for expenses related to planning the celebration. In order to host an event of such magnitude, Rev. Gomes explained, the Town will need to determine and carry out those infrastructure projects necessary to manage parking and transportation during the event.

Ed Santos noted his service as a member of the 400<sup>th</sup> Anniversary Committee and as the treasurer for 2020 Starts Now (the committee's non-profit fundraising arm). He presented the Board with the committee's formal request for \$5995.69 from the money appropriated at the 2009 Fall Town Meeting to pay Alden Charles Associates for the work they have done for the committee related to grant seeking and a feasibility study. Mr. Santos said that, though the anniversary celebration will require a significant amount of funding, the dividends from the event will benefit the community for years.

Mr. Santos responded to questions posed by the Board regarding the Town Meeting allocation and the process by which the committee will request those funds. Mr. Santos explained that invoices will be forwarded from the committee to the Town for the Board's approval through Special Assistant to the Town Manager Patrick O'Brien.

Discussion ensued between members of the Board and Mr. Santos regarding the committee's fundraising needs and the role of the subcommittees. Mr. Santos noted that the Jamestown, Virginia anniversary celebration generated \$1.2 billion in sales, \$22 million in tax revenue, and 20,621 jobs. Through comprehensive marketing, Mr. Santos said, the Jamestown event increased the exposure of Virginia as a tourist destination, and officials have been able to track repeat tourism and business as a result of the event's success.

Vice Chairman Malaguti made a motion to approve the 400<sup>th</sup> Anniversary Committee's request for \$5995.69 from the appropriation made to the committee by the 2009 Fall Town Meeting. Selectman Mahoney seconded the motion, and the Board voted 4-0-0 in favor.

Chairman Quintal thanked the committee for their presentation and encouraged the members to let the Board know if it can assist them in any way.

Chairman Quintal called for a brief recess before the next agenda item.

## **PROPOSED CHANGES TO FEE SCHEDULES (CONTINUED FROM FEB. 23, 2010)**

### **DEPARTMENT OF PUBLIC WORKS – SOLID WASTE / TRANSFER STATION FEE**

Hector Castro, Director of Public Works, addressed the Board to discuss proposed increases to the Town's Solid Waste fee (a.k.a. Transfer Station Pass). Mr. Castro explained that he and the Town's Finance Director took some additional time to review the Solid Waste budget

and assess the issues that might affect the budget over the next several months, including the uncertainty regarding the fate of the SEMASS contract and fluctuations in the recyclables market. In anticipation of the capping of the South Street landfill, he said, the DPW recommends that the Board approve a small increase to the Transfer Station Pass, as follows:

Standard / General Rate – increase by \$4, from \$178 to \$182

Senior / Handicapped Rate – increase by \$3, from \$134 to \$137

Recycle Only – maintain at \$12

Chairman Quintal asked Mr. Castro if the DPW felt it could go forth with no increase to the senior rate for the Transfer Station Pass. Mr. Castro acknowledged that the increase could be shifted on to the general rate payers, but the Town would eventually be forced to increase the senior rate by a much higher amount. If recycling revenues remain high, Mr. Castro said, the Town may be able to maintain the same Transfer Station Pass rates for FY2012.

Discussion ensued regarding the SEMASS contract scheduled for consideration by the Spring Annual Town Meeting in April. Chairman Quintal noted that the Advisory & Finance Committee voted against the recommendation of the contract, and Selectman Mahoney discussed the Solid Waste Advisory Committee's ("SWAC") recommendation to approve it.

Upon a request from Chairman Quintal, Jim Sweeney, member of the Advisory & Finance Committee, addressed the Board and explained that he and his colleagues felt that the proposal to renew the Town's contract for another 20 years was premature, based on the potential for new, better, and cleaner waste disposal technologies in the near future.

Selectman Mahoney contended that neither the SWAC nor the Cape Cod Commission (who conducted an extensive feasibility study on new waste disposal technologies) could identify any viable waste disposal alternatives that could be tested, proven, and permitted by the close of Plymouth's current contract with SEMASS at the end of 2014. Mr. Stankiewicz echoed Selectman Mahoney's comments, noting that SEMASS has offered the Town a guaranteed rate, now, that will be significantly lower than what the Town might expect to pay per ton of trash, later, when its current contract expires.

Mr. Stankiewicz recommended that the Board consider raising the general and senior fee rates concurrently. Lynne Barrett, the Town's Finance Director, explained that the Board agreed last year with the Finance Department's recommendation to maintain the senior rate at 75% the cost of the general rate (i.e. at a 25% discount).

Chairman Quintal stated that he would not support an increase to the Transfer Station Pass. He then allowed public comment.

Downtown resident Ric Cone echoed Chairman Quintal's question as to whether the Town can hold off on increasing the Transfer Station Pass fee for one year. Mr. Stankiewicz explained that if the Board chooses to avoid rate increases and the Solid Waste Enterprise Fund results in a deficit, the Town must recoup the revenue from tax dollars.

Members of the Board discussed their positions on the proposed fee increase. Vice Chairman Malaguti reiterated his belief that it would be more prudent for the Town to raise rates incrementally, as necessary, to prevent drastic increases precipitated by operational deficits. Vice Chairman Malaguti then made a motion to approve the FY2011 Solid Waste Transfer Station Pass Fee as proposed by the Director of Public Works. Selectman Mahoney seconded the motion.

Further discussion ensued regarding the proposed rate increase. Selectman Hallisey advocated for keeping the senior rate at the FY2010 amount. Chairman Quintal agreed, adding that any surplus revenue from recycling should be applied to lowering rates. Mr. Stankiewicz cautioned the Board against using surpluses to lower rates, as the surplus will eventually be depleted, forcing the Board to implement significant rate increases in the future. Mr. Castro and Ms. Barrett responded to some minor questions regarding the Solid Waste Enterprise Fund and the Solid Waste budget.

Vice Chairman Malaguti recommended that the Board maintain the 25% discount differential between the general and senior rates, noting that whatever is taken from one rate must be added on to another. He noted his continued belief in the fairness and social responsibility of a Pay-As-You-Throw solid waste program but noted that he would be willing to amend his motion to keep the senior rate at \$134 and raise the general rate to \$184, if it would move the Board beyond its apparent deadlock.

Discussion turned to the use of \$90,000 from the Solid Waste Enterprise Fund for the capital expense of capping of the South Street Landfill. Chairman Quintal stated his belief that capital projects, like that at South Street, should be borne by all the taxpayers, not simply the ratepayers. Ms. Barrett explained that the \$90,000—appropriated from existing funds leftover from completed projects—had no effect upon the formulation of the current proposed rates. Ms. Barrett responded to questions from Chairman Quintal regarding the Solid Waste projects that have leftover debt, noting that the Town has approximately \$300,000 to pay down for new trucks, the plate scan camera system, the Manomet Landfill closure, the South Street site assessment, and other miscellaneous expenses.

Selectman Hallisey noted that, after hearing further explanation from Mr. Castro and Ms. Barrett, he would be willing to support the rate increase as originally presented, reflecting a 25% discount differential for seniors. Vice Chairman Malaguti reiterated his original motion to approve the FY2011 Solid Waste Transfer Station Pass fees as proposed by the Director of Public Works (see table of rates, below). Selectman Mahoney reiterated his second, and the Board voted 3-1-0 in favor. Chairman Quintal cast the opposing vote.

<b>SOLID WASTE / TRANSFER STATION PASS</b>	<b>Current</b>	<b>Proposed</b>	<b>Approved FY2011</b>
Standard / General Fee	\$178.00	\$182.00	\$182.00
Senior / Handicapped Fee	134.00	137.00	137.00
Recycle Only	12.00	12.00	12.00



## **SPECIAL TOWN MEETING ARTICLES**

### **SPECIAL ARTICLE 15**

To see if the Town will vote to authorize the Board of Selectmen to amend the Easement dated December 27, 1968, recorded with Plymouth County Registry of Deeds in Book 3492, Page 419 granted to Boston Edison Company, succeeded by NSTAR Electric Company, on a 300' wide portion of the property between Jordan Road and Long Pond Road (the "Easement Area") by granting to NSTAR and its successor and assigns, the perpetual easement to install, operate, maintain, repair, replace, change, upgrade and access telecommunication facilities including wireless telecommunication facilities on the transmissions towers and around the base of the towers within the Easement Area, including electric and telephone utilities necessary for the operation of such facilities within the Easement Area, on such terms and conditions and for such consideration as the Selectmen may determine, or take any action relative thereto.

#### **BOARD OF SELECTMEN**

Mr. Stankiewicz noted that the Board discussed the settlement associated with Article 15 during a previous executive session.

On a motion by Selectman Hallisey, seconded by Vice Chairman Malaguti, the Board voted to recommend Article 15 of the 2010 Special Town Meeting. Voted 3-1-0, approved, with Chairman Quintal casting the opposing vote.

## **OLD BUSINESS / LETTERS / NEW BUSINESS**

### **OLD BUSINESS**

**Wind Turbine Project Proposed for Camelot Park** – Selectman Mahoney requested information on the status of a wind turbine project proposed for Camelot Park. Mr. Stankiewicz noted that he will provide an update to the Board, once he has an opportunity to speak with Town Counsel about the project.

**Gravel Removal Bylaw** – Chairman Quintal asked if the Board could tackle the Town's bylaw pertaining to gravel removal before Vice Chairman Malaguti leaves office. The Board held a brief discussion on gravel removal during which Vice Chairman Malaguti talked about former DPW Director Lee Peck's proposal to assess costs to haulers per yard of gravel removed, to cover the wear and tear of the gravel weight on the Town's roads. Vice Chairman Malaguti recommended that the Town's new DPW Director, Hector Castro, oversee the review of the gravel removal bylaw.

### **LETTERS**

**Distinguished Visitors / Visitor Services Board** – Vice Chairman Malaguti read aloud a letter from Plymouth resident Candy Kuba regarding recent remarks made by the chairman of the Visitor Services Board ("VSB") about the Board's request for funds for the Distinguished Visitors Account. In the letter, Ms. Kuba discussed her previous involvement with

Plymouth's student exchange program with its sister cities, and she characterized the VSB Chairman's underestimation of the value of sister city relationships—and the tourism generated by such relationships—as “short-sighted.” After reading the letter, Vice Chairman Malaguti emphasized his belief that the Town's should treat its official international visitors as well as they treat Plymouth's official delegations. He urged Chairman Quintal to remain on the Visitor Services Board to ensure that the voice of the Board is heard.

## **NEW BUSINESS**

**Parking Spaces on Court Street** – Chairman Quintal noted that two parking spaces were removed when the new entrance to Pilgrim Hall was constructed. He asked if the DPW could investigate whether these spaces could be restored.

At the close of Old Business / Letters / New Business, Chairman Quintal noted that the Board would not hold the originally scheduled executive session regarding collective bargaining contracts, to wait for the Assistant Town Manager to be present during that discussion.

## **ADJOURNMENT OF MEETING**

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board voted to adjourn its meeting at approximately 9:10 p.m. Voted 4-0-0, approved.

*Tiffany Park, Clerk to the Board of Selectmen*