

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MARCH 9, 2010

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, March 9, 2010 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: Richard J. Quintal, Jr., Chairman
David F. Malaguti, Vice Chairman
Daniel “Butch” Machado, Jr.
John T. Mahoney, Jr.
William P. Hallisey, Jr.

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

Chairman Quintal called the meeting to order at 7:05 p.m. and led the Pledge of Allegiance. He then noted that he and members of the Board chose to make a donation to charity, in exchange for the opportunity to dress casually for the meeting. The Board decided to donate to the Town’s animal shelter in Cedarville.

Chairman Quintal referenced the Board’s February 23rd discussion on Article 5 related to the Personnel Bylaw and benefits for the Town’s non-union employees. In the event anyone took offense to comments shared during the discussion, he explained, the Board’s intent—in his estimation—was to be as fair as possible to all the Town’s employees, whether those in management or those in the unions.

TOWN MANAGER’S REPORT

Massachusetts Interlocal Insurance Association – Town Manager Mark Stankiewicz reported that he met with representatives from Massachusetts Interlocal Insurance Association (“MIIA”) to receive an overview presentation of MIIA’s property, casualty, and liability coverage for Plymouth. He noted that, most recently, the Town’s Human Resources Director, Roberta Kety, and Special Assistant to the Town Manager, Patrick O’Brien, have been attending educational seminars sponsored by MIIA, which improve the administration of the Town’s programs and reward the Town with reduced premiums.

Mr. Stankiewicz responded to some brief questions from Chairman Quintal regarding MIIA’s history with coverage and payment of claims, noting that municipalities are protected by State statutes from various types of claims and lawsuits, like auto damage caused by potholes. Discussion then turned to the ability of the Highway Division to attend to all of the Town’s necessary roadway repairs without additional funding for overtime. Chairman Quintal

inquired if the Town's snow and ice budget could be used to repair roads damaged by snowplowing. Mr. Stankiewicz explained that expenditures from the snow and ice budget must be associated directly with snow removal. Any funds added to the Highway Division's budget for overtime costs must be taken from another line item within the budget, Mr. Stankiewicz added. Chairman Quintal made the suggestion that the Town staff the DPW beyond typical hours (like Police and Fire coverage) to keep up with maintenance and be more available for emergencies.

Plymouth County Insurance – Mr. Stankiewicz noted that he met with representatives from Plymouth County Insurance, an organization created under Massachusetts General Law to provide health insurance for public entities. While the group's title is 'Plymouth County,' he said, it insures approximately 28 entities in the South Shore area, and the representatives with whom he met believe that their group may be able to provide medical coverage at a more cost-effective rate than the Town's self-insurance fund. Mr. Stankiewicz reported that Plymouth County Insurance will provide the Town with a quote within the next few weeks, and, if deemed favorable, he will forward the information to the Insurance Advisory Committee for their review and recommendation.

Building Condemned – Mr. Stankiewicz informed the Board that Inspectional Services Director Paul McAuliffe declared the house at 8 Nameloc Road unsafe on Thursday, March 4, 2010, as the foundation of the structure had been significantly undermined due to continuing erosion and the onslaught of recent coastal storms. Mr. McAuliffe was in direct contact with the property owners, he said, and an excavation company was hired to remove the building before it was in danger of sliding down the embankment.

State Revolving Fund (SRF) – Mr. Stankiewicz made note of a report from Environmental Manager David Gould that the State's Department of Environmental Protection (MassDEP) has announced the 2010 Draft Intended Use Plan for the Clean Water State Revolving Fund. Plymouth's planned sewer and water extension to service the proposed Plymouth Rock Studio project and Plymouth South High School is included and ranked as #4 on the list, he said, and it is currently earmarked at a total cost of \$21.2 million. Mr. Stankiewicz announced that a public hearing on the project rankings has been scheduled for April 6th at the MassDEP conference room in Boston, and, should the Town wish to proceed with the project and secure funding, he said, it may be necessary to schedule a Special Town Meeting to authorize the borrowing in conformance with the funding guidelines.

Plimoth Plantation – Mr. Stankiewicz reported that he and Assistant Town Manager Melissa Arrighi attended the Chairman's Dinner at Plimoth Plantation, at which Trustee Chairman Stephen Brodeur and Executive Director Ellie Donovan outlined the Plantation's new projects and major events for the 2010 season. He noted that, after the event, he spoke with Mr. Brodeur and several Foundation members who expressed a renewed interest in working collaboratively with the Town on tourism, extension of the Town's sewer lines, and the upcoming 2020 celebration.

Polar Plunge – Mr. Stankiewicz informed the Board that he attended Jordan Hospital's 2010 Polar Plunge at Plymouth Beach and noted the large crowd in attendance at the event, which

included representatives from the Plymouth Police Department, Harbormaster's Office, Massachusetts Department of Environmental Management, and AMR Ambulance Services.

Annual Rotary Club Auction – Mr. Stankiewicz reminded the Board and the public of the annual Rotary Club Auction, to be held on March 12, 13, and 14, 2010.

LICENSES

COMMON VICTUALLER (NEW)

❖ **Double C, Inc.** d/b/a Campy's Sports Bar, 531 Federal Furnace Road

Issuance of the above licenses is subject to approval from the Building and Health Departments.

On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board approved a Common Victualler License for Double C, Inc. d/b/a Campy's Sports Bar. Voted 5-0-0, approved.

❖ **MY Y Inc.** d/b/a New Choi King, 317 Court Street (New Owner)

Issuance of the above licenses is subject to approval from the Building and Health Departments.

On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board approved a Common Victualler License for MY Y Inc. d/b/a New Choi King. Voted 5-0-0, approved.

COMPREHENSIVE ENTERTAINMENT (NEW)

❖ **TJI Fridays**, 273 Colony Place

Applying for Group 1 – Jukebox

On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board approved a Comprehensive Entertainment License for TGI Fridays. Voted 5-0-0, approved.

AUTOMATIC AMUSEMENT (NEW)

❖ **TJI Fridays**, 273 Colony Place

Applying for two game machines

Inspectional Services has determined that there is enough square footage to accommodate this.

On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board approved an Automatic Amusement License (for 2 game machines) for TGI Fridays. Voted 5-0-0, approved.

VEHICLE FOR HIRE OPERATOR (NEW)

❖ **For Mayflower Taxi** (166 Gunners Exchange Road)

- Joshua Cripps 64 Prospect Hill Drive, Weymouth

Issuance of the above licenses is subject to a CORI background check and driving record review.

On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board approved a Vehicle for Hire Operator License for Joshua Cripps to operate for Mayflower Taxi. Voted 5-0-0, approved.

POLE PETITION

❖ **NSTAR Petition 1730600** – One petition covering the installation of vaults, cable and conduit locations on Summer Street, Spring Street, Spring Lane and Willard Place.

On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board approved NSTAR Pole Petition 1730600. Voted 5-0-0, approved.

ONE DAY WINE AND MALT LICENSE

❖ **Café Olio** (Stephen Conti, 3 Village Green North) requested five (5) One Day Wine & Malt licenses for dinners to be held from 5:00 to 9:00 p.m. on March 5, 12, 17, 19, and 26, 2010.

On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board approved five (5) One Day Wine & Malt licenses (as outlined above) for Café Olio / Stephen Conti. Voted 5-0-0, approved.

❖ **Our House Services** (Linda Ducrot, 40 Russell Street), requested three (3) One Day Wine & Malt licenses for dinners to be held from 6:00 to 11:00 p.m. on March 19, 20, and 21, 2010.

On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board approved three (3) One Day Wine & Malt licenses (as outlined above) for Our House Services / Linda Ducrot. Voted 5-0-0, approved.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board voted to approve the minutes of the February 2, 2010 Selectmen’s meeting. Voted 5-0-0, approved.

GATRA Advisory Board – The Board appointed Patrick O’Brien, Special Assistant to the Town Manager, as the Town’s representative on the GATRA Advisory Board, for a term effective through June 30, 2012.

Affordable Housing Trust – The Board appointed Paul T. Curtis as the Plymouth Redevelopment Authority’s designee on the Affordable Housing Trust, for a term effective through May 14, 2011.

PUBLIC COMMENT

Chairman Quintal opened the meeting to public comment. No citizens came forth to speak.

NATHAN HALE FOUNDATION

Christopher Hart, executive director of The Nathan Hale Foundation, addressed the Board to provide a report on the services his organization provides to local veterans. The Nathan Hale Foundation, he explained, has grown from its initial service of transporting local veterans to medical appointments to a more comprehensive support center where veterans can receive counseling or take an art or yoga class. Mr. Hart informed the Board that, most recently, the Town’s former Veterans Services Director, David Stone, is providing his time at the foundation’s offices to work with veterans and their families.

Mr. Hart noted that his organization has moved to a new space (still in downtown Plymouth), and he encouraged the Board and the community to stop by and visit. The organization is a not-for-profit, he explained, and, thus, publicity and outreach are vital to the fundraising that supports the provision of services and programs.

Mr. Hart responded to questions from the Board regarding the history of the organization and the funding sources on which the organization depends. He explained that he started the Nathan Hale Foundation by himself with only a pickup truck to help transport veterans to important medical appointments. The organization, he said, now assists veterans in nine towns and is supported by State funding and private donations. Mr. Hart listed several upcoming Nathan Hale fundraising events, including a spaghetti dinner scheduled at the Plymouth VFW Post on March 19, 2010.

On behalf of the Board, Chairman Quintal thanked Mr. Hart for the presentation and the work he and his staff do on behalf of Plymouth’s veterans.

OLD BUSINESS / LETTERS / NEW BUSINESS

OLD BUSINESS

Parking Issues on Royal Street – Vice Chairman Malaguti noted the recent complaint regarding parking on Royal Street and offered his estimation that the vehicles parked along Royal Street are likely from customers of the nearby salon. The Board has referred the complaint to the Town’s Parking & Traffic Task Force, who will provide a recommendation to the Board, he explained.

Pay-As-You-Throw Bags – Selectman Mahoney inquired about the status of the specially-ordered Pay-As-You-Throw (“PAYT”) trash bags (which have been in climate controlled storage, out-of-state, since the Board decided against switching to a PAYT solid waste program). Mr. Stankiewicz stated that staff is in the process of having the bags transported to Plymouth for storage at a Town facility. The surplus bags, Mr. Stankiewicz said, will be used within the schools or for public trash pickups.

Recent Event at JunglePlex – Chairman Quintal noted complaints he received from residents and businesses near the JunglePlex (off Long Pond Road) regarding a recent Ultimate Fighting event that drew a large crowd and caused parking to overflow illegally onto abutting property. Chairman Quintal asked that the Fire Chief look into the matter to ensure that the JunglePlex’s owners are complying with safety regulations and capacity limits.

Selectman Hallisey reported that he, too, had received calls about the issue with overcrowding at the JunglePlex event. As an owner of property neighboring the JunglePlex, Selectman Hallisey noted that cars were parked on his property and that of other businesses, without permission. This is not the first time that something like this has occurred, he said, and, along with the illegal parking came litter on abutting properties. Selectman Hallisey stated that the owners of the JunglePlex must find a way to provide parking for the number of cars that their events will generate.

LETTERS

Committee Interest – Vice Chairman Malaguti asked that staff forward the letter from Dexter Olsson—in which he expressed interest in serving on the 400th Anniversary Committee—to Rev. Peter Gomes (the committee’s chairman).

Committee Resignation – Vice Chairman Malaguti noted a letter of resignation from Recycling Committee member Donna Petrangelo, and he asked staff to send a letter of thanks for her years of dedicated service.

NEW BUSINESS

Pension Reform – Selectman Machado thanked Lt. Governor Tim Murray and Senate President Therese Murray for their work on pension reform.

Lights on Utility Tower in West Plymouth – Selectman Hallisey expressed concern about a new light that was recently installed on a utility tower on Sparrow Hill, off Seven Hills Road. The new, flashing strobe light is significantly brighter than what previously existed on the tower, Selectman Hallisey explained, and neighbors have called him to complain that the light is a nuisance. Chairman Quintal remarked that he noticed the brightness of the new light from his office in the Industrial Park.

Police Station / South Street Transfer Station – Selectman Mahoney asked staff to provide the Board with a copy of the engineering report / site assessment for the Police Station, relative to the capping of the South Street Transfer Station. This prompted a discussion

amongst members of the Board on the decision to site the Police Station adjacent to the former landfill site. Vice Chairman Malaguti noted that the site was chosen for its central location and proximity to the highway. Chairman Quintal expressed concern about the capping of the landfill and the expense that may be required to stabilize or move the Police Station. Ms. Arrighi noted that a \$90,000 assessment study on the landfill capping will determine the best course of action.

Discussion ensued about the structural integrity of the station facility and the migration of gases from the landfill underneath the station parking lot. David Gould, the Town's Environmental Manager, was present at the meeting to provide information pertaining to the discussion. Mr. Gould informed the Board that the South Street landfill was capped in 1973 in a manner different from current environmental standards. At the time, he explained, there was little consideration as to how the materials in the landfill might affect groundwater or generate natural gas from decomposition. In 2001, Mr. Gould reported, the cracks in the Police Station's foundation were sealed and equipment was installed to monitor any gases penetrating the foundation. Readings have indicated that gas is not entering the station, he noted, but monitoring will continue.

Mr. Gould explained that the landfill site involves both State and County property and, thus, both parties will be deemed responsible for the capping. The \$90,000 study, he said, will be applied to the assessment and design of the corrective action plan (a.k.a. "capping"). The cost of regular, annual monitoring of methane activity at the site has ranged from as high as \$65,000 but has been reduced to approximately \$55,000 in recent years.

Chairman Quintal questioned what might happen if County government is abolished and the State assumes control of County property. Mr. Gould noted that the time is fast approaching for the Town and the County to address the issues at the site, and there have already been some changes, he noted, with regards to boundary lines near the site after the State took control of the Sheriff's Department. Vice Chairman Malaguti shared some historical information on the use of the landfill site, noting that the Town will likely shoulder most of the burden of the South Street capping. Chairman Quintal questioned the decision to build the Police Station so close to the landfill.

EXECUTIVE SESSION

On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board voted at approximately 8:10 p.m. to adjourn the public portion of the meeting and enter executive session pursuant to Massachusetts General Laws, Chapter 39, Section 23B, Paragraph 3 (Contract Negotiations) and Paragraph 6 (Litigation). By roll call: Hallisey – yes, Mahoney – yes, Malaguti – yes, Machado – yes, and Quintal – yes.

Chairman Quintal noted that the Board would not return to open session following the conclusion of executive session.

Tiffany Park, Clerk to the Board of Selectmen