

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MARCH 30, 2010

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, March 30, 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
Melissa Arrighi, Assistant Town Manager

Absent: Selectman Daniel “Butch” Machado, Jr.

CALL TO ORDER

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

TOWN MANAGER’S REPORT

Heavy Rains – Town Manager Mark Stankiewicz informed the Board that Public Works crews are doing their best to assess and remediate the flooding on public roads caused by recent significant rain events. Local weather experts have declared this past month of March as the wettest on record, he said, but, relatively speaking, Plymouth is in better shape than other communities in the affected region. Mr. Stankiewicz noted that, for those roads that are not publicly accepted, the DPW is ascertaining whether there are any Town-owned catch basins to clear for proper drainage. The DPW has posted barrels in those areas of Town where water has accumulated—on Bourne Road near the Ponds of Plymouth, Water Street, Federal Furnace Road (near the American Legion), Cherry Street, and Nicks Rock Road—to alert motorists until the water recedes, he explained, but the Town cannot reduce pond levels. Mr. Stankiewicz announced that State and Federal emergency management agencies have released applications for assistance for property owners who have experienced flood damage.

Neighborhood Clean Up – Mr. Stankiewicz reported that he and DPW Director Hector Castro met with residents Charlotte Russell, Casey Shetterly, and Paula Marcoux to discuss their proposal to coordinate a community-wide volunteer clean-up of trash during the spring. At the close of the meeting, he said, it was decided that the DPW’s Maintenance Supervisor, Arthur Douylliez, will coordinate the distribution of surplus Pay-As-You-Throw bags to volunteers and arrange for collection of the bags after the clean-up event. Mr. Stankiewicz thanked the volunteer group for their efforts to coordinate this event.

New Hope Chapel / 89 Court Street – Mr. Stankiewicz noted that he and the Assistant Town Manager toured the Town’s property at 89 Court Street (the former CURA Visiting Nurses building) which is currently under a lease-to-purchase agreement with New Hope Chapel. He was happy to report that New Hope Chapel has done an outstanding job at renovating the structure. Once all renovations are complete, Mr. Stankiewicz noted, New Hope Chapel anticipates that it will be ready to purchase the property within the next two years.

JunglePlex / South Shore Expo Center – Mr. Stankiewicz informed the Board that he attended a meeting arranged between Town officials and the owners of the JunglePlex / South Shore Expo Center to discuss a recent event held at the facility off Long Pond Road which drew over 3,000 spectators and caused parking problems and inconvenience to adjacent property owners. Present at the meeting were Selectman William Hallisey, Police Chief Michael Botieri, Fire Chief Ed Bradley, Inspectional Services Director Paul McAuliffe, and the owners of the facility, he noted, and discussion ensued regarding the event, capacity issues, and traffic disruption. The principals of the Expo Center have canceled a similar, upcoming event to work with the Town on resolving the parking, capacity, safety, and traffic issues that were discussed during the meeting, Mr. Stankiewicz said.

Board of Library Trustees – Mr. Stankiewicz was happy to note that he attended a recent meeting of the Plymouth Public Library Board of Trustees, during which a lively discussion ensued regarding the current role of the library, the needs of Plymouth’s residents, and funding / support for those services. He thanked the Library Trustees for the invitation to the meeting and expressed his enthusiasm for working with the group in the future.

Plymouth Business Expo – Mr. Stankiewicz reported that he attended the Plymouth Business Expo at the Radisson Hotel as a guest of Plymouth Industrial Development Corporation Chairman Edward Santos. The event, he said, showcased numerous area businesses and services and included a presentation from Massachusetts Department of Agricultural Resources on ‘agricultural tourism’ and its potential positive effects on the overall tourist economy in Plymouth County.

Citizen’s Legislative Seminar – Mr. Stankiewicz informed the Board that he, Selectman John Mahoney, and Advisory & Finance Committee member Cornelius Bakker attended the 2010 Citizens’ Legislative Seminar at the State House in Boston, an annual workshop presided over by Senate President Therese Murray aimed at educating the public on the functions of the Massachusetts State Legislature.

Motions Meeting – Mr. Stankiewicz announced that Town Moderator Steven Triffletti held a motions meeting to prepare for the April 3rd 2010 Spring Annual Town Meeting, which will begin at 8:00 a.m. at Plymouth North High School.

Assessment Center – Mr. Stankiewicz noted that the Police Department held promotional assessment centers for its open Sergeant and Lieutenant positions. The all-day sessions were held at the Center Hill Preserve (formerly know as the Joslin Center) with representatives

from the State's Human Resources Division and three police chiefs from area police departments, he explained. Mr. Stankiewicz thanked School Superintendent Gary Maestas and the Plymouth School Department for coordinating the building's use and supplying lunch and refreshments during the assessment center proceedings.

Downtown Parking - Mr. Stankiewicz reported that he and the Director of Planning & Development met with representatives from the Greater Attleboro Area Transit Authority (GATRA) and the Plymouth Growth & Development Corporation / ParkPlymouth to review the Town's past efforts to construct new parking in the downtown area and discuss potential future parking options. GATRA may be able to secure \$25,000 in funds for planning, he noted, as long as the proposed parking facility included a public bus transportation component. Considering the anticipated magnitude of the 400th Anniversary Celebration, Mr. Stankiewicz said, parking infrastructure will be extremely important in the near future.

FY2009 Financial Statements – Mr. Stankiewicz announced that Finance Director Lynne Barrett has received a draft of the Town's Financial Statements for the year ending June 30, 2009. Copies of the draft have been forwarded to the Audit Committee and Finance Department staff for review, he noted, and a meeting has been tentatively scheduled with the Town's independent auditors at Powers & Sullivan to meet internally with the Finance Director and Town Manager's Office.

Open Space & Recreation Plan – Mr. Stankiewicz noted that Director of Planning and Development Lee Hartmann received notice that the State approved the Town's Open Space & Recreation Plan. The approval and plan, he explained, will be valid through 2017 and will make the Town eligible for a number of grants. Mr. Stankiewicz offered his congratulations and appreciation to the Planning Department and Open Space Committee for the achievement and the many hours of report writing, research, mapping, and effort invested towards that end.

Nelson Memorial Park – Mr. Stankiewicz reminded the public that the DPW will begin the reconstruction of Nelson Park as soon as the weather permits. The new plans, he explained, call for the relocation of the existing parking area away from the shoreline and the construction of improved recreational space. Mr. Stankiewicz noted that the DPW anticipates a 3-month construction period with the hope of re-opening the park by August 1st.

MOMENT OF SILENCE

Before continuing with the evening's agenda, Chairman Quintal held a moment of silence in honor and memory of Phyllis Hughes, former Plymouth resident and publisher of the *Old Colony Memorial*. Ms. Hughes was an active and involved member of the community, he said, who devoted much of her time to charitable causes. On behalf of the Board, Chairman Quintal expressed sincere condolences to Ms. Hughes' family, friends, and colleagues for their loss.

LICENSES

SEASONAL LIQUOR RENEWALS

Note: Issuance of the seasonal licenses listed below is subject to the applicant's provision of all required paperwork.

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board approved the following list of Seasonal Liquor License Renewals and accompanying miscellaneous licenses. Voted 4-0-0, approved.

❖ **Pinewood Lodge, Inc. d/b/a Pinewood Lodge** (190 Pinewood Road, Albert Saunders, Manager), requested renewal of the following licenses in conjunction with renewal of its seasonal All Alcohol Restaurant Liquor License:

- Common Victualler's License
- Comprehensive Entertainment Licenses, Groups I, II, III, IV

❖ **Sandy Pond Golf, Inc. d/b/a Atlantic Country Club** (450 Little Sandy Pond Road, Paul Whiting, Manager), requested renewal of the following licenses in conjunction with renewal of its seasonal All Alcohol Restaurant Liquor License:

- Common Victualler's License
- Comprehensive Entertainment, Group I
- Early Sunday Opening

❖ **Double C, Inc., d/b/a Campy's** (531 Federal Furnace Road, Craig Carreau, Manager), requested renewal of the following licenses in conjunction with renewal of its seasonal All Alcohol Commercial Club Liquor License:

- Comprehensive Entertainment, Groups I, II, III
- Sunday Entertainment (TV, dancing, live entertainment)
- Early Sunday Opening

❖ **Camp Bournedale Inc.** (110 Valley Road, Darrin Fabrizio, Manager) requested renewal of the following licenses in conjunction with renewal of its seasonal General On-Premise Liquor License:

- Common Victualler
- Comprehensive Entertainment, Groups II and III

2010 SEASONAL RENEWAL CERTIFICATION FOR ABCC

As is required by the State's Alcoholic Beverage Control Commission ("ABCC"), the Board acknowledged that there are no disapproved/un-submitted seasonal license renewals for 2010.

VEHICLE FOR HIRE

❖ For **TLC Quality Transportation, Inc.** (42 Dublin Drive):

- Applying for one new vehicle permit – Livery

The vehicle has been inspected by our Inspectional Services Department. This brings their fleet total to five (5) vehicles.

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board approved a new Vehicle Permit for TLC Quality Transportation, Inc. Voted 4-0-0, approved.

SUNDAY ENTERTAINMENT (NEW)

❖ **Friends of the Plymouth Pound, Inc.** (12 Colony Beach Boulevard) requested a Sunday Entertainment License for Sunday, May 30, 2010 from 1:00 p.m. to 6:00 p.m. for a fundraising carnival to be held at the Armstrong Skating Area.

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board approved a Sunday Entertainment License (as outlined above) for Friends of the Plymouth Pound, Inc. Voted 4-0-0, approved.

CHANGE OF MANAGER (LIQUOR)

❖ **Joseph Perry's Market Inc. d/b/a Perry's Market** (200 Standish Avenue) requested a Change of Manager from Joseph H. Perry to Rick L. Giuliotti. Background check showed no basis for denial.

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board approved a Change of Manager (as outlined above) for Joseph Perry's Market Inc. d/b/a Perry's Market. Voted 4-0-0, approved.

COMMON VICTUALLER (NEW)

❖ **DiNatale Seafood Co II Inc.**, 315 Court Street, Christopher DiNatale
(Formerly Wayne's Seafood)

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

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board approved a Common Victualler License for DiNatale Seafood Co. II, Inc. Voted 4-0-0, approved.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board approved the minutes of the February 16, 2010 Selectmen's meeting.

Voted 3-0-1, approved, with an abstention from Selectman Hallisey, who did not attend the February 16th meeting.

Personnel Bylaw – The Board reconsidered their February 23, 2010 vote that approved the amendment of Personnel Bylaws Section 15, Section 3, Retirement or Voluntary Separation. Further, the Board voted to take no action on the proposed change to Personnel Bylaws Section 14, Section 3, Retirement or Voluntary Separation.

[Note: Recently, the Selectmen voted to change the personnel bylaws to (1) reduce the number of days an employee must have in LTIA in order to benefit from the buyout provision, (2) increase the compensation per day from \$30 to \$50 with the same \$5,000 cap, and (3) remove language that referred to ‘voluntary separation’ so that this benefit would apply to retirees only. The Non Union group would prefer to withdraw this proposal at this time so that the existing bylaw language is preserved. The existing bylaw language provides the employee, upon voluntary separation or retirement, the ability to receive compensation at \$30/day up to a maximum of \$5,000 if s/he has at least 100 days in the LTIA account.]

Wild Animal Permit – The Board granted a Wild Animal Permit pursuant to Chapter 23, Article IV of the Town of Plymouth Bylaws to Pamela Gascoyne of 109 Forest Avenue Extension for her female Staffordshire Terrier (2 years old).

Drainage Easement – The Board accepted a *Deed of Easement* from Uwe B. Baeir to the Town for a portion of property at 63 Newfield Street, pertaining to the construction and maintenance of drainage infrastructure.

28 Middle Street – The Board changed the purpose for which town property at 28 Middle Street is held from being held for general municipal purposes to being held for general municipal purposes AND the maintenance of granite steps shown as “Granite Steps and Stoop” on a Plan entitled: “Plan of Land and Condominium, in Plymouth, Massachusetts, February 27, 2009, owned By: Brian T. Whitfield, 26 North Street, Plymouth, MA 02360” and recorded at the Plymouth County Registry of Deeds in Plan Book 55, Page 427 as Plan number 387 of 2009, on such terms and conditions as the Board of Selectmen may determine, or take any other action relative thereto.

Letter of Support for Wellingsley Brook Grant Application – The Board endorsed a letter in support of the Town’s application for grant funds from the NOAA Habitat Restoration Grants Program for the restoration of Wellingsley Brook.

Voting Registrars – The Board re-appointed Nancy Cordeiro as Voting Registrar (Republican) for a term effective through March 31, 2013. Ms. Cordeiro is the nominee of the Plymouth Republican Town Committee.

Plymouth Airport Advisory Group – The Board appointed Douglas G. Hawthorne, Jr. of 19 Carol Boulevard to the Plymouth Airport Advisory Group for a term effective through March 2, 2011 or the conclusion of the PAAG’s assignment, whichever date arrives first.

PUBLIC COMMENT

On behalf of the Plymouth Musicians' Union, Leonard Vaz addressed the Board regarding the Town's inability to absorb the overtime costs associated with the set-up and break-down of the ShowMobile (portable stage) for public events. Mr. Vaz noted that he and the members of his union have produced free outdoor concerts on Thursday nights throughout the summer in Plymouth for decades, on a budget of approximately \$10,000 per season. Sponsors assist the union with the expense of producing the events, he said, but the union follows strict not-for-profit rules that no money be collected from concert attendees. If the Town can no longer absorb the cost to pay the DPW details for the event, he explained, the Musicians' Union can no longer afford to produce the concerts.

Joe McCourt of Long Pond Road advocated for allowing Plymouth voters the right to decide whether they wish to maintain the Community Preservation Act surcharge, based on the current condition of the economy and the forthcoming expense to construct the new Plymouth North High School facility.

Chairman Quintal initiated discussion on Mr. Vaz's comments regarding the effect that the Town's new policy may have on seasonal events. The Town, he said, will not likely be able to afford the flower baskets that decorate the downtown area each summer, even though the Visitor Services Board has allocated funds towards the cost of materials. He stressed the importance of the Town's seasonal events and urged the Board to seek help from Town Meeting and the Visitor Services Board to prevent groups like the Plymouth Musicians' Union from canceling the performances that so many residents and visitors attend. Citing the approved increase in the hotel/motel tax—which will direct more money into the Town Promotions Fund—Chairman Quintal inquired if Town Meeting could also help out with events like Mr. Vaz's Thursday night concerts (as it did at the 2009 Fall Town Meeting for the July 4th and Thanksgiving Day events).

Assistant Town Manager Melissa Arrighi explained why the Town was forced to make such a difficult decision to require event promoters to fund the ancillary expenses of their events. When developing the budget, she said, the choice was made to protect the Town's core services and avoid layoffs, which left no additional funds to cover the overtime costs required to provide details for seasonal events. Ms. Arrighi noted that the additional funds from the increased hotel/motel tax may help in following years, but the increase for the current budget year only translates to \$50,000, which is not enough to distribute amongst all of the scheduled public events in Town.

The Board discussed ideas to prevent the loss of any seasonal events. Chairman Quintal again advocated for a Town Meeting allocation. Ms. Arrighi discussed the union regulations that require the Town to pay DPW employees a three-hour minimum of overtime for each of the two employees required to set-up and break-down the ShowMobile. Chairman Quintal requested a list of seasonal events that will not go forth due to the Town's new policy.

PUBLIC HEARING – TRANSFER OF ALL ALCOHOL PACKAGE STORE

Chairman Quintal opened a public hearing to consider the application for a Transfer of an Annual All Alcohol Package Store (with Sunday opening) License from STS Ventures Corporation d/b/a Long Ridge Wine & Spirits, 8 Purchase Street, Brian Sullivan as Manager to Lighthouse Enterprises LLC, d/b/a Long Ridge Wine & Spirits, 8 Purchase Street, Nancy Tibbetts as Manager. Chairman Quintal affirmed that notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws and those wishing to be heard on the matter were encouraged to attend.

Taylor Tibbetts addressed the Board on behalf of the license application, noting that the transfer of license represents a transfer of ownership, as he and his wife, Nancy Tibbetts, plan to own and operate the package store.

Chairman Quintal noted that the information and floor plan included in the application documents indicate no major changes to the operation of the store. Seeing no questions from the Board, Chairman Quintal opened the hearing to public comment, whether for or against the license application. No citizens came forth to address the Board. Chairman Quintal then closed the hearing to await a motion of the Board.

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board voted to approve the Transfer of an Annual All Alcohol Package Store (with Sunday opening) License from STS Ventures Corporation d/b/a Long Ridge Wine & Spirits, 8 Purchase Street, Brian Sullivan as Manager to Lighthouse Enterprises LLC, d/b/a Long Ridge Wine & Spirits, 8 Purchase Street, Nancy Tibbetts as Manager. Voted 4-0-0, approved.

LICENSES IN CONJUNCTION WITH A PUBLIC HEARING

❖ **Lighthouse Enterprises LLC d/b/a Long Ridge Wine and Spirits** (8 Purchase Street, Nancy Tibbetts, Manager) requested the following licenses in conjunction with its request for Transfer of an annual All-Alcohol Package Store Liquor License:

- Comprehensive Entertainment –Radio, TV
- Pledge of License to STS Ventures, Inc.

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, the Board voted to approve a Comprehensive Entertainment License (Radio, TV) and Pledge of License (as indicated in the application documents) for Lighthouse Enterprises LLC d/b/a Long Ridge Wine and Spirits. Voted 4-0-0, approved.

OLD BUSINESS / LETTERS / NEW BUSINESS

LETTERS

Proposal for Concession Stand at Stephens Field – Vice Chairman Malaguti referenced a proposal the Board received from the owner of a local restaurant to operate the concession

stand at Stephens Field. He stated his opposition to the idea submitted in the proposal that the Town pay the vendor to operate the concession stand. This, Vice Chairman Malaguti said, would set a bad precedent and would represent a complete departure from the way the Town bids the use of its concession stands.

Request for Clean-Up at Stephens Field – Vice Chairman Malaguti noted a letter from a member of the Friends of Stephens Field in which the author requested clean-up of the area around the former DPW building (adjacent to the recreation area). He reported that he spoke with the Town Manager and Assistant Town Manager, who indicated that, weather and time permitting, some of the requested work will be done.

Pay-As-You-Throw – Vice Chairman Malaguti referenced a letter the Board received from the organization WasteZero which touted the benefits of Pay-As-You-Throw (“PAYT”) municipal disposal programs. In the letter, he explained, a recent Boston Globe article was cited in which it was reported that PAYT is an effective and proven means to increase recycling. Plymouth must do better at recycling, Vice Chairman Malaguti said. Chairman Quintal stated his agreement with Vice Chairman Malaguti’s comments.

Manomet Memorial – Chairman Quintal noted a letter he received from former Plymouth resident Scott Anderson regarding a neglected memorial on Manomet Point. He asked if the DPW’s Parks Superintendent could visit the site with him.

ShowMobile / Event Costs – Chairman Quintal turned the discussion back to Mr. Vaz’s comments earlier in the meeting and inquired whether permanent equipment could be installed along the waterfront that could remain out for the season, thereby eliminating the need for setup and breakdown for each event. Members of the Board posed some brief questions to Mr. Vaz regarding the number of shows he produces each year and the expense associated with providing the events for the entire season.

Mr. Vaz responded with hesitation to Chairman Quintal’s suggestion about installing permanent outdoor equipment for the season, noting that vandals have previously broken into the ShowMobile and stolen the Town’s equipment. The Musicians’ Union presents 12 concerts each season, Mr. Vaz explained, and the DPW costs (estimated at \$6,000 for the season), if placed on his organization, would consume over half of his annual budget.

NEW BUSINESS

Petition from Residents of Old Sandwich Road – Vice Chairman Malaguti made note of a petition from residents of Old Sandwich Road, in which citizens requested more frequent grading or a more permanent repair to the unpaved roadway. Mr. Stankiewicz noted that the Highway Department recently graded the road, only to see its work washed away with the heavy rains. Vice Chairman Malaguti suggested that the DPW investigate a means to compact the roadway after grading. Mr. Stankiewicz noted that the Town would need more staff and more equipment to keep pace with the work created by all the rainfall that occurred in March.

Plymouth North High School Project – Selectman Mahoney noted that the bids that were received for the construction of the new Plymouth North High School came in within the \$65,000,000 range, a good deal lower than the \$76,700,000 budgeted for the project. The slowed economy has likely increased competition for projects, Selectman Mahoney speculated, ultimately resulting in a savings for the Town. Vice Chairman Malaguti acknowledged Selectman Mahoney’s sentiments but expressed concern for the way a low bid can affect the quality of work done on the facility.

Community Preservation Act – Chairman Quintal made note that the two articles (32 and 33, respectively) put forth for the 2010 Annual Town Meeting by the Board to revoke or reduce the Community Preservation Act (CPA) will not go forth unless a Town Meeting member makes a motion. These two articles were submitted by the Board as an acknowledgement of the hardships that the taxpayers are facing, he said, but because the Selectmen and the Advisory & Finance Committee sent the articles forth with no recommendation, no motion was submitted to the Moderator.

The Board discussed the two articles, shared their thoughts on the CPA, and debated whether it would be wise to make a motion to change the proposed surcharge reduction to a more agreeable amount. All agreed that the CPA has helped the Town to accomplish important projects and protect valuable open space. Chairman Quintal, Vice Chairman Malaguti, and Selectman Hallisey expressed support for allowing the voters to decide the future of the CPA. Selectman Mahoney disagreed, stating his belief that leaders are elected to make a number of decisions on a daily basis that could not otherwise be feasibly sent to the citizens for a vote.

Vice Chairman Malaguti made a motion to recommend Article 33 to the 2010 Annual Town Meeting with an amended reduction reflecting half the current CPA surcharge rate. Selectman Hallisey seconded the motion. Further discussion ensued regarding the merits of putting the CPA to a vote of the citizens. The final vote was 3-1-0 in favor of Vice Chairman Malaguti’s motion, with Selectman Mahoney casting the opposing vote.

EXECUTIVE SESSION

On a motion by Vice Chairman Malaguti, seconded by Selectman Mahoney, 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 6 (Value of Real Property). All yes by roll call: Malaguti – yes, Mahoney – yes, Hallisey – 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