

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, APRIL 20, 2010

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, April 20, 2010 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: Richard J. Quintal, Jr., Chairman
Daniel "Butch" Machado, Jr.
John T. Mahoney, Jr.

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

Absent: Vice Chairman David F. Malaguti
Selectman William P. Hallisey, Jr.

CALL TO ORDER

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

K-9 GIFT TO THE POLICE DEPARTMENT

Police Chief Michael Botieri introduced Shirley, the Plymouth Police Department's new K-9 dog that will work with Officer Marc Higgins on patrol and in the department's Narcotics Unit. Shirley, he explained, is a two-year old yellow Labrador trained in the detection of narcotic odors that was donated to the department by the Barnstable County Sheriff's Department.

On a motion by Selectman Hallisey, seconded by Selectman Mahoney, the Board voted 3-0-0 to accept, with gratitude, the donation of a K-9 trained dog ("Shirley"), valued at \$4,000, from the Barnstable County Sheriff's Department.

DISCUSSION ON RECENT FLOODING EVENTS & ASSISTANCE PROGRAMS

Chairman Quintal announced that, on Thursday, April 15, 2010 he facilitated an emergency declaration for the Town of Plymouth relative to the flooding that resulted from recent significant rain events. The declaration, he said, will provide the Town and its residents, non-profits, and businesses with expanded eligibility for disaster assistance with flood-related issues. Chairman Quintal noted that Federal Furnace Road (onto which West Pond has overflowed) is designated as one of the Town's primary emergency evacuation routes; the declaration, he said, will help the Town to acquire sandbags and pumps to clear the route.

Chairman Quintal invited Gary Colton of the Small Business Administration's ("SBA") Disaster Assistance Division to discuss the federal programs available to local businesses. Mr. Colton noted that the Governor declared a disaster after the March 12th storm that left many areas within the State flooded. SBA's Disaster Assistance Division, he explained, works with the Federal Emergency Management Agency ("FEMA") to provide loan programs for small businesses that have incurred flood damage to structures, inventory, and equipment. Mr. Colton outlined the process by which local businesses may apply for assistance, and he provided information on SBA's economic injury loan programs.

Fire Chief G. Edward Bradley spoke on behalf of the Town's public safety and emergency management departments, noting their collective efforts with Chairman Quintal to declare the emergency for the Town of Plymouth. The Town has secured 1,500 sandbags—of which 500 have been distributed to residents—and will continue to work with FEMA, MEMA, and SBA to connect residents with assistance.

Selectman Machado expressed concern about the effect that flooded septic systems will have on the water quality of neighborhood ponds. He suggested that the Health Department take samples from ponds where children are known to swim.

Mr. Stankiewicz explained that the Town submitted the emergency declaration to the Massachusetts Emergency Management Agency ("MEMA") after West Pond overflowed onto Federal Furnace Road, one of the Town's emergency evacuation routes. After viewing the flooded area of Federal Furnace Road with the Police Chief and Fire Chief, he reported, it was decided that police officers would be stationed to slow and direct traffic, one-way, along the least flooded line of the roadway. Mr. Stankiewicz noted that, prior to the declaration, Plymouth had already received a limited number of sandbags but was ranked as a lower priority on the assistance list as compared to other areas of the State. The declaration enables the Town to receive material assistance including additional sandbags, technical assistance, and access to other equipment that may be available, he informed the Board. Mr. Stankiewicz stated that he and the Town's Director of Public Works continue to discuss the various short and long-term solutions to the problem and the benefits and challenges of each.

DPW Director Hector Castro provided the Board with a detailed update of his department's efforts to assess and remedy the breach of water over Federal Furnace Road. The acquisition and placement of a 250-foot polyethylene aqua-barrier has been identified as the most logical and most quickly achievable short term solution to dam the flow of water over the roadway, at a cost of approximately \$14,000, he reported. Mr. Castro noted that the re-usable aqua-barrier could be purchased and installed within days.

Discussion ensued amongst members of the Board, Mr. Castro, and Mr. Stankiewicz regarding the condition of the flooded section of the roadway and the proposal to acquire the aqua-barrier. Based on the unprecedented amount of rainfall and the amount of time it will take for the water to recede and make its way out to sea, Mr. Castro offered his recommendation that the Town approve an emergency expense to purchase a 250-foot re-usable aqua-barrier that will help to clear the flooding on Federal Furnace Road at West Pond.

Chairman Quintal opened the discussion to public comment.

David Salgado of Diane Avenue noted that his entire property is flooded. He talked about a waterway that used to allow flow back and forth from nearby Saby's and Little Saby's ponds and noted that rubbish and debris have clogged the waterway to the point that water is backing up onto properties within his neighborhood. He questioned whether the DPW would be able to hold water from West Pond off Federal Furnace Road and offered his recommendation that the Town ask the Army Corps of Engineers to loan a temporary bridge to carry automobiles over the roadway.

Mr. Castro and Aaron Wallace, the Town's Emergency Management Director, responded to Mr. Salgado's comments about the waterway/canal allowing flow in and out of Saby's and Little Saby's ponds. Mr. Castro noted that the water level at Saby's Pond has since lowered but speculated that the drop in level is connected with nearby private cranberry bog owners who may have allowed more water onto their properties. Mr. Wallace pointed out that the canal and areas in question are all privately owned; if the Town were to facilitate any corrective actions, he explained, it would need explicit permission from the owners.

Mr. Salgado insisted that the waterway/canal for Saby's and Little Saby's is no longer used, and he stated his belief that the pipes in the waterway simply need to be lowered. The cranberry bog owners will likely be cooperative, he said, as it is his understanding that they wish to remove trees to re-open the canal. He recommended that the Town enlist engineers to assess the flow of water and redirect it accordingly.

Nancy Lee Stowasser of Village West Trail spoke on behalf several property owners affected by flooding in her West Plymouth neighborhood. Ms. Stowasser claimed that, when the old Route 44 was widened by the State years ago, the drainage in her neighborhood changed notably. Despite the measures that she and her husband took some years back to install pumps and a drainage system to alleviate flooding on her property, she explained, water is backing up in her home and on her property. Ms. Stowasser noted that Mr. Castro recently met with her husband to view the damage, but the Town has indicated that it cannot be responsible to pump water out of private properties / roads.

Mr. Castro discussed the drainage retention area (to which Ms. Stowasser had referred) that the State installed as part of the widening of the old Route 44, noting that the neighborhood of Village West Trail is likely being affected by this drainage system, where water from Carver Road collects. Unfortunately, Mr. Castro said, the volume of rain that fell during the month of March has overcome the capacity of the drainage system, and there are few measures that would prove any substantial short-term solutions to the flooding problem in Ms. Stowasser's neighborhood.

Mr. Stankiewicz explained that the Town cannot expend funds that have not been appropriated by Town Meeting, unless the expenditure can be classified as an emergency (related to a threat to public health, safety, or Town property). Seeing that Federal Furnace Road is a main thoroughfare and an emergency evacuation route—with no alternate route available for motorists to bypass the flooded area—the Board may vote to authorize the Department of Public Works to expend funds in excess of its budgetary appropriation for the

aqua-barrier, he said. It is possible, he added, that the Town could be reimbursed by the State for this flood-related expense.

Selectman Machado made a motion to authorize the expenditure of funds for emergency measures (related to the purchase of an aqua-barrier), as permitted by M.G.L. Chapter 44 Section 31. Selectman Mahoney seconded the motion, and, after a brief discussion, the Board voted 3-0-0 in favor.

TOWN MANAGER'S REPORT

Financial Audit – Mr. Stankiewicz reported that he met with Finance Director Lynne Barrett regarding the Town's draft financial audit, in which they reviewed the Management Letter and the efforts of the Finance Department (and other departments) to address the auditor's concerns. He noted that the various financial rating agencies (Moody's, Standard & Poor's) will soon review the Town's bond rating in anticipation of some long-term borrowing.

Windmill Request for Proposal (RFP) – Mr. Stankiewicz noted that he and the Town's Procurement Officer recently held a conference call with Town Counsel regarding a Request for Proposals ("RFP") for wind energy. The RFP, he explained, was advertised approximately one year ago to which only one bidder, Solaya Energy, submitted a response. Town Counsel reviewed the contract presented by Solaya and identified several issues on critical items within the proposed contract that were not consistent with the RFP. Mr. Stankiewicz reported that staff and Town Counsel have decided to re-bid the RFP on the basis that Solaya's proposed contract cannot be considered "responsive" to the original RFP.

29 Manomet Point Road – Mr. Stankiewicz informed the Board that he and his staff met with members of the Manomet Village Steering Committee ("MVSC") at the property located at 29 Manomet Road. Members of the press, contractors, and historic preservationists were also in attendance while the group toured the building and noted its architectural features and structural deficiencies, he said. Mr. Stankiewicz noted that the MVSC plans to hold public hearings for further discussion on the rehabilitation of the structure and/or other possible uses for the property.

Fresh Pond & Manomet Youth Center – Mr. Stankiewicz reported that he met with DPW Recreation Director Barry DeBlasio to tour the Fresh Pond Recreation Area and view the impressive work the Town's DPW recently performed at the site, including the excavation and enlargement of the parking area, entranceway, and picnic areas. Following the meeting at Fresh Pond, he said, Mr. DeBlasio brought him for a tour of the Manomet Youth Center, where State Representative Vinny deMacedo is coordinating volunteers to paint the facility's exterior and make improvements to the indoor basketball court. Mr. Stankiewicz thanked Representative deMacedo and the Town's DPW for their efforts to improve these important community resources.

Federal Furnace Road – Mr. Stankiewicz noted that the Board had already covered much of the information he provided on Federal Furnace Road in the paper copy of his weekly report.

LICENSES

VEHICLE FOR HIRE OPERATOR (NEW)

❖ For **Habilitation Assistance** (434 Court Street):

- David Ryan, 41 Sterling Blvd., Plymouth, MA 02360

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

On a motion by Selectman Machado, seconded by Selectman Mahoney, the Board voted to approve a Vehicle for Hire Operator License for David Ryan to operate as a driver for Habilitation Assistance. Voted 3-0-0, approved.

NEW OFFICER/DIRECTOR

❖ **GMRI, Inc. d/b/a The Olive Garden Italian Restaurant** (102 Colony Place) requested a Change of Officers/Directors (as outlined in the application submitted to the Selectmen).

On a motion by Selectman Machado, seconded by Selectman Mahoney, the Board voted to approve a Change of Officers/Directors (as outlined in the application submitted to the Selectmen) for GMRI, Inc. d/b/a The Olive Garden Italian Restaurant. Voted 3-0-0, approved.

FORTUNE TELLING (NEW)

❖ **Diane Kumor d/b/a Ace of Cups**, 6 Kings Pond Plain Road

Issuance of the above license is subject to the requisite CORI background check.

On a motion by Selectman Machado, seconded by Selectman Mahoney, the Board voted to approve a Fortune Telling License for Diane Kumor d/b/a Ace of Cups. Voted 3-0-0, approved.

MISCELLANEOUS LICENSE RENEWALS

On a motion by Selectman Machado, seconded by Selectman Mahoney, the Board voted unanimously to approve renewal of the miscellaneous licenses listed below:

Pawn Broker

- Peggy's Pawn Shop (Edward McCarthy) 37 Court Street

Junk Dealer

- Aaron's, Inc. 91 Carver Road
- Antiques Potpourri 1464 State Road
- Aramayis Melikyan d/b/a Quick Cash 58 Center Street

- Chapel Antiques 631 State Road
- Dillon & Company, Ltd. d/b/a Dillon & Company 12 North Street
- Jeremy Edwards 57 Micajah Avenue
- RJ Stone & Associates Inc. d/b/a Miller's Country Store 114 Water Street
- Village Braider Antique Inc 48 Sandwich Street

Junk Collector

- Jeremy Edwards 57 Micajah Avenue
- Paul Almeida 24 Hour Towing, Inc. 10 Columbus Road
- Peggy's Collectibles 37 Court Street
- Plymouth Coin And Jewelry 64 Court Street
- Robert Silva 27 West Cherry Street

Fortune Telling

- Celestial Insights (Regina Hamilton) 146 Court Street

Billiards

- Ellis Haven Campground 531 Federal Furnace Road
2 Pool Tables

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Mahoney, seconded by Chairman Quintal, the Board approved the minutes of the March 2, 2010 Selectmen’s meeting. Voted 2-0-1, approved, with an abstention from Selectman Machado, who did not attend the March 2nd meeting.

Temporary Note / State Revolving Fund – The Board voted to approve the following actions pertaining to the issuance of a temporary note through the State Revolving Fund, as recommended by the Town’s Treasurer/Collector:

- (1) That the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$200,000 (the "Bonds") pursuant to Chapters 29C and 111 of the General Laws and a vote of the Town passed April 6, 2009 (Article 20), which authorized a total borrowing of \$200,000, for a community septic management loan program (the "Project");
- (2) That in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from *time* to time in an aggregate principal amount not to exceed \$200,000;
- (3) That each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan Agreement;

- (4) That the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement or Agreements with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes;
- (5) That all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan agreement by the Treasurer, are hereby ratified, approved and confirmed; and
- (6) That the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreement or Agreements and the Project Approval Certificate and Regulatory Agreement or Agreements relating to the Project.

Conservation Restrictions – The Board approved and executed Conservation Restrictions for the Eel River Preserve, Hoyts Pond, and Pickett properties, as recommended by the Town’s Conservation Agent.

Surplus Property – The Board (a) declared the 1973 “Showmobile” trailer to be surplus property no longer useful to the Town and having a value of less than \$5,000, and (b) authorized the Town Manager to dispose of it in a manner consistent with the Town’s procedures for disposal of such surplus property.

PUBLIC HEARING: NEW ANNUAL ALL ALCOHOL RESTAURANT LICENSE

Chairman Quintal opened a public hearing to consider the application for an Annual All Alcohol Restaurant Liquor License from The Cuisine of Mark Connolly, Inc. d/b/a The Cuisine of Mark Connolly, 87 Sandwich Street, Mark Connolly 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.

Julie Riley, restaurant manager for The Cuisine of Mark Connolly, addressed the Board on behalf of the license application. Ms. Riley explained that the owner of the establishment, who has held a Wine & Malt license for the past eight years, has decided to expand the license to all-alcohol. No changes have been made to the operations of the restaurant, she noted.

Seeing no questions from Board, Chairman Quintal opened the hearing to public comment in favor of, or against, the license application. No citizens came forward to address the Board. He then closed the hearing and awaited a motion of the Board.

On a motion by Selectman Machado, seconded by Selectman Mahoney, the Board voted to approve an Annual All Alcohol Restaurant Liquor License for The Cuisine of Mark Connolly, Inc. d/b/a The Cuisine of Mark Connolly. Voted 3-0-0, approved.

PUBLIC COMMENT

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

PROPOSAL TO MODIFY TOWN WHARF LEASE

Attorney Edward Angley asked the Board to postpone its hearing of the Reliable Fish Company's request to modify its lease on Town Wharf, to allow more time to prepare a proposal with his client.

Chairman Quintal consented to the postponement.

DISCUSSION ON VISITOR SERVICES BOARD LEGISLATION

Assistant Town Manager Melissa Arrighi provided the Board with a brief outline of the legislation that established the Town's Visitor Services Board. The Town Promotions Fund and the Visitor Services Board were created in 1994 by a Home Rule Petition submitted to the State Legislature, she informed the Board. Forty-five percent of Plymouth's local room occupancy tax receipts are deposited into the Promotions Fund, Ms. Arrighi explained, which is then distributed for projects and events by the seven-member Visitor Services Board ("VSB").

Ms. Arrighi discussed the composition of the VSB and noted that one of the seats on the Board is assigned to a designee of the Plymouth Development & Industrial Commission, a group that is no longer active. Thus, she said, the Board may want to reassign or remove the designation of this seat.

Ms. Arrighi noted that the Town has received feedback from some officials and members of the community on what they believe the VSB's focus should be with regards to fund allocation. She listed the following recommendations that the Board could consider:

1. Change the outdated composition of the VSB's membership
2. Review the requirement to apply no less than 10% but no more than 40% of funding from the Town Promotion Fund toward infrastructure
3. Consider using the entire 45% from the Town Promotion Fund for promotional programs and events

The Board discussed Ms. Arrighi's recommendations and shared their thoughts on the rules governing the VSB. Chairman Quintal affirmed that he would like the Board to consider changing the VSB's membership composition and rules governing fund allocation, to allow more funding for events. Chairman Quintal also made the suggestion that a seat be designated on the VSB for a representative from the 400th Anniversary Committee. Selectman Machado expressed support for allocating more Town Promotion funds toward

events, so that concerts and other promotional activities are not cancelled due to the expense of DPW and public safety details. Selectman Mahoney inquired if the current VSB has discussed these ideas. Chairman Quintal noted that the VSB recently discussed the proposal to update its establishing legislation.

Ms. Arrighi noted that, with the apparent consensus of the Board, she would work further on the three aforementioned recommendations for change to the VSB's establishing legislation.

OLD BUSINESS / LETTERS / NEW BUSINESS

OLD BUSINESS

Job Fair – Selectman Machado reminded the public about the Job Fair that the Chamber of Commerce will hold at Plymouth South High School on April 27, 2010. He made note that, thus far, 31 businesses will be at the fair to take applications for full and part-time employment.

Dumpster of Town Wharf – Chairman Quintal noted that local fisherman have requested that the Town return the dumpster that used to be available for them on Town Wharf. He asked that Town consent to their request, with the assurance from the fisherman that they will police the use of the dumpster to prevent any of the issues that precipitated its removal, last year.

Ms. Arrighi explained that the dumpster was removed in response to a series of issues and disposal violations that the Town could not longer permit, including the dumping of motor oil (for which the Town was fined by the State) and animal carcasses.

On a motion by Selectman Machado, seconded by Chairman Quintal, the Board voted to direct staff to place a dumpster on Town Wharf (as had been previously provided) for sue by local fisherman. Voted 3-0-0, approved.

The members of the Board offered no comment on letters or new business.

ADJOURNMENT OF MEETING

On a motion by Selectman Machado, seconded by Selectman Mahoney, the Board voted to adjourn its meeting at approximately 8:25 p.m. Voted 3-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen