

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, APRIL 27, 2010

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, April 27, 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 7:00 p.m. and led the Pledge of Allegiance.

TOWN MANAGER'S REPORT

Federal Furnace Road – Mr. Stankiewicz provided the Board with an update on the condition of Federal Furnace Road, noting that the flooding level has not yet receded—rather, it rose nearly two inches—along the section of the roadway nearest to West Pond. After meeting with the Town's Police Chief, Fire Chief, Director of Public Works, and Highway Superintendent, he said, it was decided that police details would remain at the site to assist motorists safely through the flooded area until the DPW can install a vinyl aqua-barrier and pump the water away from the roadway. Mr. Stankiewicz reported that the DPW Director has ordered the aqua-barrier and expects it to be installed within the next two days. Federal assistance may be available for up to 75% of the costs associated with this matter, he added.

Downtown Hanging Plants – Mr. Stankiewicz informed the Board that he met with DPW Director Hector Castro and Parks Superintendent Ted Bubbins to discuss the purchase of 90 hanging plants with funding through the Visitor Services Board ("VSB"). It was agreed, he explained, that the VSB would purchase the plants with the stipulation that the DPW would provide maintenance/watering, approximated at \$8,000 for two men to water the plants three times a week. Mr. Stankiewicz noted that a fund transfer request may be necessary if the maintenance costs cannot be covered within the DPW's existing budget.

Council on Aging - Mr. Stankiewicz was pleased to announce his appointment of Conni DiLego to the position of Elder Affairs Director. Ms. DiLego, he said, has done an excellent job as the Acting Director of the Council on Aging for the past several months and comes highly recommended by her supervisor, Dinah O'Brien, the Director of Community Services.

Center Hill Preserve – Mr. Stankiewicz noted that Finance Director Lynne Barrett has confirmed the receipt of \$2,150,000 from the National Oceanic and Atmospheric Administration (“NOAA”) for the purchase of the Center Hill Preserve Property.

NSTAR Payment – Mr. Stankiewicz informed the Board that Dennis Galvam, NSTAR’s Community Relations & Economic Development Manager, presented the Town with a check in the amount of \$96,117.60, representing NSTAR’s payment for the communication arrays on its towers that fall within easements on Town property.

Chapter 90 Transportation Funding – Mr. Stankiewicz reported that Governor Deval Patrick recently announced the allocation of Chapter 90 road improvement funds for FY2011. Plymouth’s share, he said, will be \$1,112,007, nearly \$40,000 more than the previous year.

Nature Conservancy Grant – Mr. Stankiewicz made note that the Town was awarded a \$25,000 grant from The Nature Conservancy to help fund the acquisition of a 36-acre parcel at the convergence of Long Pond Road and Boot Pond Road.

Memorial Hall Repairs - Mr. Stankiewicz announced that a contract will be awarded to Fox Painting Company, Inc. to paint the wooden trim on Memorial Hall. The work should begin as soon as the weather improves, he added.

Plymouth North High School – Mr. Stankiewicz informed the Board that the Building Committee has voted to award a \$64,887,000 contract to J&J Contractors Inc. of Lowell, Massachusetts for the construction of the new Plymouth North High School. A contract is being prepared, he said, and it is anticipated that a groundbreaking ceremony will be scheduled for May 2010.

National Teachers Hall of Fame - Mr. Stankiewicz was pleased to announce that Plymouth Community Intermediate School (PCIS) science teacher Warren Phillips has been inducted into the National Teachers Hall of Fame. On behalf of the Town, he offered congratulations to Mr. Phillips and the Plymouth School Department for this notable achievement.

Law Day - Mr. Stankiewicz noted that the Plymouth District Court will be holding its first annual Law Day on Friday April 30th, to include a mock trial performed by Plymouth Public School students and the announcement of the “Therese Murray Public Service Award” for an individual or organization in the greater Plymouth area who has demonstrated a commitment to public service.

Memorial Day Parade – Mr. Stankiewicz reminded the Board that Veteran Services Director Roxanne Whitbeck has announced the details of the annual Memorial Day Parade event for 2010. The parade, he explained, will begin on Monday, May 31st at 9:30 a.m. in Shirley Square. In the event of inclement weather, Mr. Stankiewicz added, the ceremonies will be held at Memorial Hall.

LICENSES

On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board voted to approve the following list of licenses, as noted/detailed. Voted 5-0-0, approved.

VEHICLE FOR HIRE OPERATOR (NEW)

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

- Matthew Sullivan 191 Bolas Road, Duxbury MA 02332

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

AUTO DEALER CLASS I (CHANGE OF OWNERSHIP)

❖ **Grimes Venture's d/b/a Pilgrim Power Sports**, 74-2 Camelot Drive,
Paul Grimes, President

Issuance of the above license is subject to the restrictions and recommendations of the Inspectional Services / Zoning Department.

FORTUNE TELLING (RENEWAL AND CHANGE OF ADDRESS)

❖ **Crystal Chambers**, 120 Water Street, Tammy Miller

Photos and fingerprints have been done at the Police Department. Issuance of the above license is subject to a CORI Background check.

ONE DAY WINE AND MALT LICENSE

❖ **Our House Services** (Linda Ducrot, 40 Russell Street) requested five (5) 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: April 30, May 1, May 7, May 8, and May 14, 2010. Liquor liability Insurance is in place and trained staff will serve the alcohol.

❖ **Café Olio** (Stephen Conti, 3 Village Green North) is requesting two (2) One Day Wine & Malt licenses for the events listed below. Liquor Liability is in place.

- May 1, 2010 from 12– 4:00 p.m. for a private party at the Stonebridge Club/Pinehills
- May 5, 2010 from 7 – 9:00 p.m. for a private party at Café Olio.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board voted to approve the minutes of the March 9, 2010 Selectmen's meeting. Voted 5-0-0, approved.

Waterway Regulations – The Board amended the Town’s Waterway Regulations to reflect the following change, as recommended by the Harbormaster:

FROM: *II.B.2 (current regulation language)*

Waiting list applications must be renewed annually in person within two weeks of the original date of application. The applicant’s position on the waiting list is determined by the initial filing date of the application. Failure to renew a mooring application will result in removal from the list.

TO: *II.B.2 (revised regulation language)*

Waiting list applications must be renewed in person between January 1st and February 28th each calendar year. The applicant’s position on the waiting list is determined by the initial filing date of the application. Failure to renew a mooring application will result in removal from the list.

PUBLIC COMMENT

Ken Tavares and Jeff Metcalfe of July 4 Plymouth, Inc. provided the Board with an update on their committee’s fundraising efforts for the July 4th parade and fireworks events. The goal for both events, Mr. Tavares said, is \$150,000, with Town expenses totaling nearly \$46,000 of that amount. Mr. Tavares listed the Town-related expenses for both events and expressed his hope that the Board might consider waiving an administrative fee within one of the invoices.

Mr. Tavares discussed the funds that the committee has raised thus far, including the various allocations from the Visitor Services Board, Plymouth Growth & Development Corporation, and Town Meeting. The theme of the parade, this year, is “Celebrating Children through Education, Arts, and Sports,” he said, and the committee will honor Ed Perry of WATD for his repeated efforts to assist with fundraising for the events.

Mr. Tavares responded to some brief questions from the Board regarding fundraising and event details. The Town, he said, is placing an additional hardship on event organizers by requiring them to raise funds to cover the required police, fire, and DPW details for their events.

Chairman Quintal noted that he will pledge \$500 for the July 4th events, and Selectman Hallisey noted that he would match Chairman Quintal’s contribution. Mr. Tavares noted that he received a donation from Selectman Mahoney, as well.

Mr. Metcalfe provided additional details on the fireworks portion of the event and discussed the committee’s need for parade volunteers. Prior to the close of their remarks, both Mr. Metcalfe and Mr. Tavares took a moment to acknowledge and commend Vice Chairman Malaguti for his years of service as a Selectman.

Seeing no further public comment, members of the Board took the opportunity to thank and honor Vice Chairman Malaguti, who, after 21 years of service on the Board, has chose not to seek reelection. Vice Chairman Malaguti's last meeting will be May 4, 2010.

Chairman Quintal thanked Vice Chairman Malaguti for the service he provided to the community and the respect with which he has always treated his fellow members of the Board. Chairman Quintal acknowledged Vice Chairman Malaguti's wife, Suzanne, and daughter, Heidi Cooley, who were in the audience during the meeting. Selectman Hallisey read an official citation, honoring Vice Chairman Malaguti, from the State Senate. Selectman Machado read an official citation from the State House of Representatives. Selectman Mahoney read a certificate of appreciation from Plymouth's American Legion post. On behalf of the Town's employees, Mr. Stankiewicz presented Vice Chairman Malaguti with an honorary clock, engraved with the Town Seal, for his years of service. Chairman Quintal then presented Vice Chairman Malaguti with a rocking chair emblazoned with the Town Seal.

Vice Chairman Malaguti took a moment to offer thanks for the kind words and gifts. He stated that it was his pleasure to serve on the Board, and he noted that he never sought election as a Selectman for the recognition, but, rather, to do good for his community.

UPDATE ON SEASONAL DOG BAN AT PLYMOUTH LONG BEACH

David Gould, Environmental Manager, provided the Board with a presentation on the seasonal partial dog ban that the Massachusetts Division of Fisheries & Wildlife has imposed for a section of Plymouth Long Beach. Mr. Gould discussed the Town's efforts to implement and maintain a stringent Beach Management Plan ("BMP") in accordance with State and Federal guidelines. Despite those efforts, he explained, the Town's BMP has been appealed twice by a local environmental group in the name of protection of endangered shorebirds.

Mr. Gould explained that, as part of the BMP, the Town has required dog owners to leash their pets while on the beach, but lack of compliance has fed the legal appeals filed by the environmental group. After reviewing photographs of unleashed dogs on the beach that were presented by the appellants, he noted, the State decided to issue the seasonal partial ban from April 1 through September 30, 2010 for all Town property on Long Beach north of the "Day Parking Area," the last main parking area for 4x4 vehicles before the crossover. Mr. Gould displayed maps of the restricted zones and made note that leashed dogs will continue to be allowed on the stretch of beach near the main parking area (near the bathhouse and concession facility). The Environmental Management Division is making every effort, he said, to post signage and disseminate this information to the public.

Mr. Gould informed the Board that the Town will continue to enforce the BMP and the newly implemented regulations on dogs to demonstrate the Town's willingness to comply with regulations and protect the endangered species on the beach. The State, he said, will reconsider the ban for the 2011 season, based on the outcome of compliance and enforcement during the 2010 partial ban season. He reiterated that the ban was implemented by the State; not by the Town.

Mr. Gould responded to questions from the Board regarding enforcement of the ban and the issuance of violations. He noted that Environmental Management Staff do their best to ensure that beachgoers comply with regulations, but, without assistance from local police or the State's Environmental Police, there are limitations to those efforts. Mr. Gould urged residents to comply with the new regulations, to prevent any further expansion of the ban during the 2011 season.

Discussion turned to the monitoring of shorebirds and the regulations that accompany the habitats of endangered species. Mr. Gould provided details on the monitoring conducted by Environmental Management staff, and he reported on the trending of the Piping Plover population on the beach, noting that staff has seen an increase during recent years. Almost all coastal communities with shorebird populations are subject to these kinds of regulations, he explained, and most have their own prohibitions with regards to dogs on beaches.

Vice Chairman Malaguti urged his fellow Board members and Town officials to continue fighting back against the appeals of the BMP lodged by the Goldenrod Foundation (the lead appellant), who, in his opinion, are trying to ban public use of the beach. Mr. Gould noted that the Town, with assistance from Town Counsel, has fought every appeal of the BMP and has maintained vehicular access to the beach, despite the intent of the appellant to restrict—and outright ban—such access. The amount of time and diligence invested in monitoring, enforcement, and protection of the beach is inordinate, he said, due to the scrutiny that the appeals have brought upon the BMP.

Stephanie Fugazzi, chairperson of the Tidal beaches Advisory Committee (“TBAC”), commended Mr. Gould for the work that he and his staff have done to maintain public access to the beach. The Town, she said, has a great management plan (BMP”), but the public must support and adhere to the plan in order to demonstrate compliance to the State. Ms. Fugazzi explained that the TBAC has worked alongside the Town to educate the public on beach management regulations and the balance between public use of the beach and the endangered species that nest there each season, but there are those members of the public who continue to be defiant and provide fodder for another appeal. There are few property owners on the beach who are part of the repeated appeals of the BMP, she noted; they do not represent the majority of Long beach property owners.

Chairman Quintal thanked Mr. Gould and Ms. Fugazzi for their efforts on behalf of the Town. He noted that he would like staff to compile a tally of legal expenses associated with the repeated appeals filed against the Beach Management Plan, to show the public how much the Town has invested into maintaining public access. Chairman Quintal urged the public to comply with all beach regulations to prevent the State from issuing any further restrictions.

UPDATES FROM BOARD DESIGNEES / LIAISONS

Solid Waste Advisory Committee – Selectman Mahoney noted that two members who have resigned from the Solid Waste Advisory Committee (“SWAC”) have stated that they will not

return to service on the committee, despite Chairman Quintal's reluctance to accept their resignations. The vacant seats must be filled with new candidates, Selectman Mahoney explained, so that the committee can continue its work with a full roster of participants. Chairman Quintal asked for an additional week to reach out to those members who resigned from the SWAC.

OLD BUSINESS / LETTERS / NEW BUSINESS

OLD BUSINESS

Sewer Connection Fee – Vice Chairman Malaguti referenced previous conversations of the Board regarding the Town's sewer connection fee. He urged the Board not to waive the fee in an attempt to attract more users of the system, out of fairness to those who have previously paid the fee. Instead, Vice Chairman Malaguti suggested, the Board could consider discounting the fee or allowing potential sewer customers the ability to spread costs out over time through a temporary lien program.

Chairman Quintal noted his openness to waiving the sewer connection fee on a case-by-case basis. Selectman Hallisey acknowledged Vice Chairman Malaguti's point about the unfairness of waiving fees for some, while others have paid in full, but he noted he would be willing to consider other options in order to attract business to Plymouth.

Water Samples for Ponds in West Plymouth – Selectman Machado asked that the Town's Health Department conduct water sampling in West Plymouth ponds, to protect children who often swim in these ponds during the summer season. Recent flooding in the neighborhoods surrounding the ponds may have caused septic systems to leach into the ponds, he speculated.

Ms. Arrighi explained that the Town's Health Department generally samples those Town ponds that are considered public and fit for swimming.

ADJOURNMENT OF MEETING

On a motion by Selectman Machado, seconded by Selectman Mahoney, the Board voted to adjourn its meeting at approximately 8:40 p.m. Voted 5-0-0, approved.

Tiffany Park, Clerk to the Board of Selectmen