

# PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MAY 4, 2010

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, May 4, 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.

Vice Chairman Malaguti noted that members of the Board each made a donation to the American Legion, in exchange for attending the meeting in casual attire.

## TOWN MANAGER'S REPORT

**Flooding Issues** – Town Manager Mark Stankiewicz reported that Vice Chairman Malaguti provided him and the Assistant Town Manager with an on-site tour and review of the recently flooded areas within the Town, including the Tall Pines neighborhood. Mr. Malaguti, he said, pointed out the installed drainage works in these areas and made several suggestions on long-term solutions that will be forwarded to the Department of Public Works.

**Municipal Electric Rates** – Mr. Stankiewicz noted that he and the Town's Special Assistant to the Town Manager met with Power Management Company Vice President Kevin Kelly and Sales Agent Mike Babini to discuss the reduction of kilowatt charges for the Town. There is a current opportunity, he explained, to purchase electricity through ConEd for a potential net savings of up to \$55,000/year over NSTAR. Mr. Stankiewicz noted that he and his staff will review the information presented by Power Management Company and consider issuing a Request for Proposals ("RFP") to various suppliers, if there is an opportunity for significant savings.

**Solaya Energy, LLC / Wind Turbines** – Mr. Stankiewicz informed the Board that a meeting was held between Town staff, the chairman of the Energy Committee, and representatives of Solaya Energy, LLC to review the Town's recent letter stating that a new bid for wind turbines would be advertised. The meeting, he explained, was requested by Solaya, in

response to their assertions that they could agree to a contract with the Town within the bounds of the published bid. Mr. Stankiewicz reported that, after discussing several issues regarding the contract, Solaya agreed to re-calculate the potential kWh costs and charges for a better estimate of the costs/payments to the Town. Following that, he said, a revised contract will be prepared.

**Law Day** – Mr. Stankiewicz noted that he attended the recent Law Day event at the Plymouth District Court, a program sponsored by the Court including a mock trial staged by local students and award ceremony during which Senate President Therese Murray presented a posthumous award to former Old Colony Memorial Editor Phyllis Hughes. He thanked Chief District Court Justice Lydia Connolly, Director of Court Operations Philip McCue, District Attorney Timothy Cruz, and Sherriff Joe McDonald for coordinating the event.

**Federal Furnace Road** – Mr. Stankiewicz reported that he visited the flooded section of Federal Furnace Road to view the Department of Public Works' efforts to clear the water from the roadway. The DPW, he explained, installed jersey barriers along an area they filled with stone and sand, affixed a sump pump at the low point, and lined the barriers with sandbags. Mr. Stankiewicz reported that the roadway was clear of water within the day, and he acknowledged the speed and professionalism with which the DPW completed the work. He also thanked both NSTAR Community Relations Manager Dennis Galvam, for expediting the electrical line for the sump pump, and the Town's Code Enforcement Department, for their quick response to inspect the installation.

**Household Hazardous Waste Collection** – Mr. Stankiewicz reminded residents that the Town's spring Household Hazardous Waste Collection will be held on Saturday, May 8, 2010 from 9:00 am until 3:00 p.m. at the DPW Annex on Camelot Drive. Proof of residency is required, he noted.

**Beach, State Boat Ramp and Transfer Station Stickers** – Mr. Stankiewicz announced that annual and seasonal stickers/passess, including Transfer Station and Recycle Only, will be sold beginning May 17<sup>th</sup> via online purchase, mail, or in-person at Town Hall. In addition, he noted, Transfer Station Stickers will be sold at the Town's three transfer stations on Friday, Saturday and Sunday beginning on June 18<sup>th</sup> for 4 consecutive weeks (excluding July 3<sup>rd</sup> & July 4<sup>th</sup>).

## **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 **Total Traveler Transportation** (844 Webster Street, Marshfield):
  - Stephen Sikorsky, 34 Mattakeesett St., #41, Pembroke, MA 02359  
Issuance of the above licenses is subject to the CORI background check and driving record.

## **VEHICLE FOR HIRE (NEW)**

### ❖ **Plimoth Transportation d/b/a Mayflower Taxi** (166 Gunners Exchange Road):

- Applying for one new vehicle permit – Taxi  
This brings their total to six vehicles

### ❖ **Jason Sheets d/b/a Ace Taxi** (38 Liberty Street):

- Applying for one new vehicle permit – Livery  
Switching from Taxi leaving his total vehicle count at one  
Issuance of the above license is subject to approval from the Building Department.

## **ADMINISTRATIVE NOTES**

**Meeting Minutes / March 23** – On a motion by Vice Chairman Malaguti, seconded by Selectman Hallisey, the Board approved the minutes of the March 23, 2010 Selectmen’s meeting. Voted 4-0-1, approved, with an abstention from Selectman Machado, as he did not attend the March 23<sup>rd</sup> meeting.

**Meeting Minutes / March 30** – On a motion by Vice Chairman Malaguti, seconded by Selectman Hallisey, the Board approved the minutes of the March 30, 2010 Selectmen’s meeting. Voted 4-0-1, approved, with an abstention from Selectman Machado, as he did not attend the March 30<sup>th</sup> meeting.

**Purchase & Sale Agreement and Deed for Johnson Property** – The Board approved and executed the *Purchase and Sale Agreement* and *Acceptance of Deed* for a 14-acre property abutting the southeast corner of the Hedges Pond Preserve (otherwise known as the Johnson property) listed as Lot 35 on Assessors Map 55, as authorized by Article 13C of the 2010 Special Town Meeting.

**Purchase & Sale Agreement for Herries Property** – The Board approved and executed a *Purchase and Sale Agreement* for a 36-acre parcel of land located at the convergence of Old Long Pond Road and Boot Pond Road (otherwise known as the Herries property) listed as Lot 26H on Assessors Map 88, as authorized by Article 7 of the 2010 Special Town Meeting.

**Clarification of Restriction** – The Board endorsed a *Clarification of Restriction* pertaining to property listed as Lots 37-1, 37-8, and 37-1Z on assessors Map 128, as recommended by the Office of Planning & Development.

**Acceptance of Landscaping Donation** – The Board accepted, with gratitude, a donation of labor and materials from Michael Hayes / Hayes Landscaping towards the landscaping of the area around the Burgess Memorial Clock at the Cedarville Fire Station.

**Wild Animal Permit** – The Board granted a Wild Animal Permit pursuant to Chapter 23, Article IV of the Town of Plymouth Bylaws to Francine Diamond and Daniel Almeida for their Pit Bull Terrier (male, 1½ years old).

**Bond Issuance for PNHS Project** – The Board voted to determine, in accordance with G.L. c. 70B, that the amount of the cost of the Plymouth North High School project authorized by a vote of the Town passed on June 26, 2006 (Article 1) not being paid by the school facilities grant is \$45,994,312 and approve of the issuance of notes and bonds in such amount under said G.L. c. 70B.

Further Voted: to approve the sale of a \$11,750,000 1.50 percent General Obligation Bond Anticipation Note (the "BAN") of the Town dated May 13, 2010, and payable May 12, 2010, to Eastern Bank at par and accrued interest plus a premium of \$117,525.13.

Further Voted: to approve the sale of a \$500,000 1.80 percent General Obligation Grant Anticipation Note (the "GAN", and together with the BAN, the "Notes") of the town dated May 13, 2010, and payable November 10, 2010, to Eastern Bank at par and accrued interest plus a premium of \$1,106.25.

Further Voted: that in connection with the marketing and sale of the BAN, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 26, 2010, and a final Official Statement dated April 29, 2010, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that in connection with the marketing and sale of the GAN, the preparation and distribution of a Notice of Sale and Preliminary Official Statement dated April 26, 2010, and a final Official Statement dated April 29, 2010, each in such form as may be approved by the Town Treasurer, be and hereby are ratified, confirmed, approved and adopted.

Further Voted: that the consent to the financial advisor bidding for the Notes, as executed prior to the bidding for the Notes, is hereby confirmed.

Further Voted: that the Town Treasurer and the Board of Selectmen be, and hereby are, authorized to execute and deliver material events disclosure undertakings in compliance with SEC Rule 15c2-12 in such forms as may be approved by bond counsel to the Town, which undertakings shall be incorporated by reference in the Notes for the benefit of the holders of the Notes from time to time.

Further Voted: that each member of the Board of Selectmen, the Town Clerk and the Town Treasurer be and hereby are, authorized to take any and all such actions, and execute and deliver such certificates, receipts or other documents as may be determined by them, or any of them, to be necessary or convenient to carry into effect the provisions of the foregoing votes.

## **PUBLIC COMMENT**

Richard Serkey addressed the Board to acknowledge Vice Chairman Malaguti's last meeting as a member of the Board of Selectmen. Mr. Serkey offered praise for the dedication with which Vice Chairman Malaguti served during his 21-year tenure as a Selectman, and he pointed to a number of citizens in the audience who attended the meeting as a show of respect for Mr. Malaguti.

## **PLYMOUTH EDUCATION FOUNDATION**

Robert Betters provided a PowerPoint presentation on the Plymouth Education Foundation ("PEF"), a standalone, 501(c)(3) non-profit corporation recently formed to enhance and augment educational opportunities for students and citizens in the Town of Plymouth. Joining Mr. Betters (PEF's President) were fellow PEF board members Lauren Bakken (Treasurer), Adele Manfredi (Clerk), and Barry Haskell.

Mr. Betters discussed the reasons behind the formation of the PEF and outlined its mission, vision, and goals. Several of the members of the PEF board were involved in advocating for the 2006 vote which approved a debt exclusion override for the construction of a new high school, he noted, which then generated interest in forming a non-profit foundation to create educational opportunities that are not typically available through traditional funding. Mr. Betters talked about the various grants and scholarships that PEF would like to offer with funds raised through donations and noted that, though PEF's primary purpose is school-based, its philanthropic reach could expand to other organizations (e.g. the Plymouth Public Library) with common goals.

Mr. Betters noted that the PEF is established and certified with the Internal revenue Service, rendering it ready to accept donations. He provided the following contact information and encouraged citizens and businesses to contact him for further information:

Plymouth Education Foundation  
15 Caswell Lane, Plymouth, MA 02360  
(508) 747-8212  
contactus@plymoutheducationfoundation.org

Seeing no questions from the Board, Chairman Quintal thanked Mr. Betters and the members of the PEF for their work on behalf of Plymouth's students.

## **ASSIGNMENT & EXTENSION OF TOWN WHARF LEASE**

Attorney Robert Betters addressed the Board on behalf of his client's request for reassignment and extension of two leases on Town Wharf. Brad Cushing, he explained, has purchased Town Wharf Enterprises and Captain John Boats, and he would like to assume the leases held by these entities. Attorney Betters affirmed that Mr. Cushing will pay the outstanding taxes

and fees owed by the previous owners, totaling approximately \$63,000, upon approval of the lease assignments and extensions.

Attorney Betters noted that the Selectmen had previously approved extensions of the two leases for the previous owner, but the extensions were never ratified. He asked that the Board consider re-confirmation of these previously-approved 10-year extensions for Mr. Cushing's enterprises, Plymouth Harbor Fuel, LLC and Plymouth Sea Tours, LLC, with options for an additional ten years on each. If reassignment and extension of the leases is approved, he said, the lease documents would be drawn up between both parties and vetted by Town Counsel, for later authorization by the Board.

Chairman Quintal asked the Harbormaster (who was in the audience at the meeting) if he had any objection to the reassignment of the leases to Mr. Cushing. Harbormaster Chad Hunter acknowledged from the audience that he had no objections or concerns about the transfer.

Vice Chairman Malaguti made a motion to approve the reassignment and extension of the two Town Wharf leases to Brad Cushing (Plymouth Harbor Fuel, LLC and Plymouth Sea Tours, LLC, respectively), as requested. Selectman Hallisey seconded the motion, and the Board voted 5-0-0 in favor.

Chairman Quintal asked that the Town Manager provide the Board with a list of lessees with any outstanding payments or obligations to the Town.

## **BOARD DESIGNEES / LIAISONS**

**Plymouth Airport Advisory Group** – Selectman Hallisey noted that it has been difficult for him to attend the meetings of the Plymouth Airport Advisory Group, due to the scheduling of those meetings at the same time as the Selectmen's meetings. He noted, however, that he has remained in contact with the Airport Commissioners and neighbors of the airport, to continue to be informed on airport-related matters.

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

### **OLD BUSINESS**

**Manhole Cover on Nicks Rock Road** – Vice Chairman Malaguti reiterated a previous concern he had shared about two manhole covers on Nicks Rock Road that are protruding significantly from the roadway. He asked that the DPW address the problem.

**Flooding / Tall Pines Neighborhood** – Chairman Quintal noted that he visited with residents of the Tall Pines neighborhood (off Long Pond Road) to view the flooding issues that the homeowners have experienced since the heavy rains in March. He asked if the re-routing of the flow of water through a nearby cranberry bog might solve the problem.

Vice Chairman Malaguti offered his observation that, if the water pipe flowing from the nearby cranberry bog owned by John Crane is blocked, the water table will continue to rise in the Tall Pines neighborhood, simply because it is an area that falls at a lower elevation than the nearby pond. The amount of rain that fell during March was uncharacteristic and astronomical, he said, and it will take time before the water table returns to its normal level.

Chairman Quintal asked if the Town could hire a hydrologist to assess the issue in the Tall Pines neighborhood. Mr. Stankiewicz noted that staff could investigate the cost of such services.

Discussion ensued regarding flooding in varying areas throughout town, including West Pond (at Federal Furnace Road and the American Legion Post) and the Tall Pines neighborhood. With regards to Tall Pines, Mr. Stankiewicz explained that he has spoken with the DPW Director and state officials regarding the flooding, but all of the data appears to point to elevation and groundwater. If the Town were to try to pump out the area, Mr. Stankiewicz explained, the groundwater level will simply continue to accumulate in that neighborhood.

Chairman Quintal stated that the residents showed him the outfall pipe in question on Mr. Crane's cranberry bog, and they believe that the pipe is the problem. Selectman Hallisey reiterated Chairman Quintal's earlier suggestion that the Town hire an expert to review the matter. Vice Chairman Malaguti did not object to the hiring of a hydrologist, but he noted that there may be few feasible solutions to the flooding; the natural flow of water, he said, cannot be easily shifted.

## **NEW BUSINESS**

**Sidewalk/Guard Rail on Sandwich Street** – Vice Chairman Malaguti pointed out that the sidewalk and guardrail on the east side of Sandwich Street, near Wellingsley Avenue and the former Boyer's Paint Store, is listing to one side and appears to be sinking down the abutting slope. He asked that the DPW look into the matter and contact the state for repair.

**Wind Turbine Project** – Selectman Mahoney asked if the proponents of a large-scale wind turbine project in South Plymouth could provide a presentation to the Selectmen. Chairman Quintal affirmed that it could be scheduled for an upcoming meeting after the election.

**1820 Courthouse** – Chairman Quintal expressed concern with the appearance of the 1820 Courthouse grounds. He asked staff to determine who is in charge of maintaining the property.

Assistant Town Manager Melissa Arrighi expressed her belief that the Redevelopment Authority—as the holder of the lease for the 1820 Courthouse—is responsible for maintenance of the facility and grounds. She noted that the Redevelopment Authority is slated to provide the Board with an update on their activities relative to the courthouse at an upcoming meeting.

**Farewell to Vice Chairman Malaguti** – Chairman Quintal presented Vice Chairman Malaguti with a jacket emblazoned with the Town Seal and the number 21, for 21 years of service. Chairman Quintal commended and thanked Vice Chairman Malaguti for the service he has provided to his community, and he noted that it was a pleasure to serve alongside him on the Board. He encouraged his colleagues to adjourn the meeting, to allow Vice Chairman Malaguti the opportunity to greet the many citizens in the audience who attended the meeting to thank and bid a fond farewell to him.

### **ADJOURNMENT OF MEETING**

On a motion by Vice Chairman Malaguti, seconded by Selectman Machado, the Board voted to adjourn its meeting at approximately 8:00 p.m. Voted 5-0-0, approved.

*Recorded by Tiffany Park, Clerk to the Board of Selectmen*