PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MAY 18, 2010

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, May 18, 2010 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present:	William P. Hallisey, Jr., Chairman
	John T. Mahoney, Jr., Vice Chairman
	Richard J. Quintal, Jr.
	Sergio O. Harnais
	Mathew J. Muratore

Mark Stankiewicz, Town Manager

CALL TO ORDER

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

TOWN MANAGER'S REPORT

Plymouth Retired Employees Association (PREA) – Town Manager Mark Stankiewicz informed the Board that he met with the Plymouth Retired Employees Association ("PREA") to discuss the role of PREA and retiree health insurance. PREA, he reported, noted that it has approximately 1,000 members who have cooperated in the past to implement cost saving measures on health insurance, including the sacrifice of better wages in order to obtain high quality medical benefits. Mr. Stankiewicz explained that, amongst PREA members, there is a concern with recent increases in the cost of the Master Medical plan due to the un-blending of rates. During the meeting, he said, there was a general discussion as to the increasing costs of medical insurance and the equity of members subsidizing higher cost plans, but there was no general consensus to these issues other than the recognition of the cost of Master Medical and the possibility that, at some point, it may no longer be an option. Lastly, Mr. Stankiewicz noted, PREA requested that the Town acknowledge the past efforts that have been made to control costs and keep the lines of communication open for any proposals.

Electric Rates – Mr. Stankiewicz noted that he and the Special Assistant to the Town Manager, Patrick O'Brien, met again with Power Management Vice-President Kevin Kelly and Sales Agent Michael Babini regarding the Town's electrical usage and rates. The representatives from Power Management, he said, presented a memorandum of the current rate structures as compared to NSTAR's default rates for 2009 and through March 2010, demonstrating a monthly savings which ranged from \$1,056.00 to \$8,523.00 with annual savings of approximately \$69,931.00. Mr. Stankiewicz explained that, given the potential for reduction of the Town's energy costs, it was agreed that Power Management would prepare an agreement with the Town, for subsequent review by Town Counsel.

Interstate Waste Technologies, Inc. – Mr. Stankiewicz made note that he, DPW Director Hector Castro, and several members of the Solid Waste Advisory Committee ("SWAC"), met with representatives from Interstate Waste Technology ("IWT") to discuss IWT's proposal for a gasification (waste disposal) plant on a 36-acre site in Taunton. As proposed by IWT, he explained, the plant would utilize gasification technology to process 1,770 tons of municipal solid waste ("MSW") per day, thereby producing an estimated 140,000 tons of recycled material and 34 million gallons of ethanol per year, along with the following environmental benefits: 100% of all waste is recycled; minimal air emissions; no process water discharge; and a significant reduction of greenhouse gases. During his meeting with IWT, Mr. Stankiewicz reported, IWT cited the forthcoming demand for new and alternative MSW disposal facilities due to the impending closure of several landfills in the next few years, including those in Fall River, Carver, and Taunton. IWT, he said, estimates that its gasification plant could be operational as early as July 2013, and has, thus, extended an opportunity for Plymouth to commit to the disposal of its MSW at approximately \$50.00/ton with a 30-year contract.

Public Safety Grant – Mr. Stankiewicz was pleased to pass on news from Fire Chief G. Edward Bradley that the Fire Department was awarded a 630,000 grant to hire five firefighters for up to 2 years. The grant does not require any matching funds or cost-sharing on Plymouth's part, he noted, and eligible costs include both salary and fringe benefits.

Senior Center Bids – Mr. Stankiewicz listed the bids submitted for construction of the Plymouth Senior Center at the bid opening held at Town Hall on May 15^{th} :

1. Build Rite Construction	Boston, MA	\$10,025,000
2. Carr Enterprises	Peabody, MA	8,693,700
3. Groom Construction	Salem, MA	8,465,000
4. J&J Construction	Lowell, MA	7,887,000

Mr. Stankiewicz pointed out that J&J Construction of Lowell was also the low bidder on the Plymouth North High School project. After the bid opening, he said, the Building Committee met to discuss the Senior Center bid and, during that discussion, it was noted that the School and Senior Center projects were to be bid as one project to insure the best possible The Massachusetts School Building Authority ("MSBA"), however, required the price. School to be bid separately in order to ensure separate reimbursement, Mr. Stankiewicz explained, resulting in increased estimates for the Senior Center project, due to the smaller project size, associated smaller materials purchase, and issues related to coordinating the Senior Center project with the school project. The Committee, he said, discussed the vote surrounding the override and came to the consensus that the School and Senior Center projects were wrapped into one funding authorization. Mr. Stankiewicz reported that the Committee was adamant that the Senior Center project should proceed with the same quality of work and materials as the School project and, on that basis, the Committee voted to (a) proceed with the low bidder (J&J Construction of Lowell) and (b) recommend that the Board of Selectmen authorize the necessary borrowing.

PNHS Groundbreaking Ceremony – Mr. Stankiewicz announced that the Groundbreaking Ceremony for the new Plymouth North High School will be held at 6:00 pm on June 9, 2010.

LICENSES

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

ONE DAY WINE & MALT LICENSE

Our House Services (40 Russell Street, Linda Ducrot) requested four (4) One Day Wine & Malt licenses for wine dinners to be held from 6:00 to 11:00 p.m. on the following dates: May 21, 22, 28, and 29, 2010. Liquor liability is in place and trained staff will serve the alcohol.

ONE DAY ALL ALCOHOL LIQUOR LICENSE

- Plymouth Guild Inc. for the Arts (11 North Street, Nancy Sealey) requested a One Day All Alcohol License for an annual fundraiser to be held on June 25th, 2010 from 7:00 p.m. to 12:00 a.m. Liquor liability is in place and trained staff will serve the alcohol. This is a non-profit organization.
- Eel River Beach Club (110 Warren Avenue, Thomas Jaegar) requested a One Day All Alcohol License for cocktail parties to be held from 7:00 p.m. to 11:00 p.m. on June 18th, 2010 and July 17, 2010. Liquor liability is in place and trained staff will serve the alcohol. This is a non-profit organization.

CLASS II AUTO DEALER LICENSE (NEW)

Brian Hoban d/b/a B&L Auto Sales, Brian Hoban, Owner, 15 Spencer Avenue Office use/internet sales only

Issuance of the above license is subject to approval by Inspectional Services and submission of a surety bond.

 Combined Charities of Cape Cod, Inc., Michael Saccitetti, Owner, 86 South Street Office use only

Issuance of the above license is subject to approval by Inspectional Services and submission of a surety bond.

SUNDAY ENTERTAINMENT (NEW)

* TGI Friday's, 200 Colony Place, Denise Meyer, Manager

Applying for Radio and Live Entertainment fro 4:00 p.m. to 1:00 a.m.

VEHICLE FOR HIRE OPERATOR (NEW)

- Mayflower Taxi, P.O. Box 931, Plymouth
 - Patrick Johns 48 Spooner Street, Plymouth, MA

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

ONE DAY WINE AND MALT LICENSE

Café Olio (3 Village Green North, Stephen Conti) requested a One Day Wine & Malt License for a wine dinner to be held from 5:00 to 9:00 p.m. on May 21, 2010. Liquor Liability Insurance is in place and trained staff will serve the alcohol.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Vice Chairman Mahoney, seconded by Selectman Quintal, the Board voted to approve the minutes of the April 20, 2010 Selectmen's meeting. Voted 2-0-3, approved, with abstentions from Chairman Hallisey, who did not attend the April 20, 2010 meeting, and from Selectmen Harnais and Muratore, who did not serve on the Board at the time of the meeting.

PUBLIC COMMENT

Edmund Kessler of 21 Florence Street addressed the Board regarding the condition of the pavement on Florence Street, which he described as a danger to motorists and their vehicles. Mr. Kessler referenced a letter regarding his concerns that he submitted to the Board of Selectmen and Highway Division, on which he gathered signatures from several of his neighbors. Florence Street and nearby Helen Street are in such deplorable condition, he said, that he has spent hundreds of dollars to realign and repair dented rims and tires on his car. Mr. Kessler noted that spoke with the Highway Superintendent, who indicated that Florence Street was a private road. He asked the Board to define "private road" and questioned why the roadway cannot be repaired with the tax dollars that he and his neighbors pay.

Mr. Stankiewicz noted that Florence Street is just one of the 200 miles of unaccepted roads in Plymouth on which public dollars cannot be spent for moderate to major repairs. With two major construction projects underway—Nelson Park and Hedges Pond Recreation Area—and the problems precipitated by the heavy rains in March, he explained, the DPW's crews are very busy and there is no guarantee as to when minor repairs can be made to the Town's smaller, private roads. Given the Town Meeting vote (to petition for Special Legislation that will allow some public funds to be spent on unaccepted roadways), the Town will begin to provide some level of service on unaccepted roadways, though it may not meet the standards of the residents, Mr. Stankiewicz said.

Ken Tavares and Jeff Metcalfe of July 4 Plymouth, Inc. provided an update on the 4th of July parade and fireworks events. Mr. Tavares reported that he and his committee are \$3,000 shy of fully funding the parade event, which, he said, leaves him confident that the parade will take place. The next goal for July 4 Plymouth, Inc. is to work upon fundraising for the \$67,000 required to produce the fireworks display, Mr. Tavares noted, and, to that end, he encouraged Plymouth's citizens and businesses to help in any way possible.

Mr. Metcalfe discussed the efforts of a North Plymouth family to raise funds for the parade and fireworks through the creation and sale of t-shirts emblazoned with the phrase "The Parade is Back." The t-shirts, he said, will be distributed with donations of a specific amount at local establishments like Plane Jane's Café, Pilgrim's Corner, The Cranberry House, Rose & Vicki's, The Blueberry Muffin, and Perry's Market. Though, historically, the bulk of parade and fireworks donations have come from Plymouth's businesses, he noted, July 4 Plymouth, Inc. has always been appreciative and encouraging of smaller donations from individuals and families. Mr. Metcalfe made an appeal for volunteers to assist with carrying banners, donning costumes, guiding parade balloons, and parade set-up.

Mr. Tavares thanked the Old Colony Memorial for their efforts in spreading the word about fundraising, and he noted that donations may be sent to July 4 Plymouth, Inc., P.O. Box 1776, Plymouth, MA 02362.

Selectman Muratore presented July 4 Plymouth, Inc. with a \$500.00 donation from Crayon College and challenged other local businesses to do the same.

PROPOSAL TO MODIFY TOWN WHARF LEASE

Attorney Edward Angley addressed the Board on behalf of Reliable Fish Company (owned by Michael Secundo), holder of a lease on Town Wharf, regarding his client's request to extend and modify the lease to allow for subletting. Attorney Angley, along with landscape architect John Henson, provided a presentation on Mr. Secundo's plans to sublet portions of his leased premises to three separate businesses: a full service restaurant, a small eatery/takeout establishment, and a retail shop. Attorney Edward Conroy, representing two of the three prospective sublease clients, was also present to answer any questions from the Board.

Attorney Angley displayed a design schematic of the proposed changes to the structures on the leased premises, and he discussed Mr. Secundo's reasons for transitioning from the wholesale seafood business. Mr. Secundo's family has owned and operated the Reliable Fish Company from the Town Wharf location for decades, he explained, but changing markets and fish supplies have made it difficult for Mr. Secundo's business to survive. Attorney Angley noted that Mr. Secundo has invested \$214,000 into the renovation of the aging structures at the leased location from which he operated his former business.

Mr. Henson reviewed the design schematic and highlighted the proposed changes that will accommodate three tenants within two building components at the site. There is no significant change to the square footage / footprint of the structures, he said, and many of the

architectural improvements at the site have already been completed. Mr. Henson pointed to the layout of two parking spaces along the front of the building, noting that Mr. Secundo has a number of parking spaces that are grandfathered into his lease.

Selectman Harnais sought to clarify whether the spaces, as proposed, would interfere with the designated fire lane. Both Selectman Harnais and Selectman Quintal noted their understanding that the Fire Chief has emphasized the importance of enforcing "no parking" within the fire lane that runs along the Town Wharf roadway loop. Attorney Angley stated his belief that Mr. Secundo's lease delineates the footprint of his premises directly up against the roadway but deferred to the regulations set by the Town and its Fire Chief.

Attorney Angley responded to further questions from the Board regarding zoning requirements; the means by which the ground lease is calculated; and the details pertaining to the proposed renovations and design changes. Discussion then turned to the potential consequences of—or precedent set by—allowing a lessee to sublet its premises.

Attorney Conroy stated his understanding that the Town has allowed tenants to sublet in the past. As the representative of the proprietors of The Shanty Rose (the business that will occupy the proposed full-service restaurant) and Plymouth Bay Café (the business that will operate the small eatery), Attorney Conroy responded to some brief questions from the Board pertaining to his clients' proposed establishments.

Patrick O'Brien, Special Assistant to the Town Manager (who serves as the Town's point-ofcontact for lease agreements), questioned the information provided by Attorney Conroy with regard to the Zoning Board of Appeals' 2002 decision to allow Mr. Secundo the ability to operate a 45-seat restaurant at the leased site. Attorneys Angley and Conroy insisted that, in 2002, the ZBA permitted Mr. Secundo's original proposal for a restaurant establishment, but Mr. Secundo was unable to move forth and complete the project.

Selectman Harnais expressed frustration with Mr. Secundo's decision to enter into sublease agreements with two tenants without first obtaining the necessary permission from the Board to sublet his leased premises. Attorney Angley acknowledged the unintended consequences of Mr. Secundo's efforts to secure tenant agreements without following proper procedure, but noted that Mr. Secundo can no longer financially sustain his business without changing the use of the leased premises.

Discussion returned to the benefits or challenges of allowing Reliable Fish Company to sublet its leased premises. Selectman Muratore concurred with Selectman Harnais' opinion that the order in which Mr. Secundo went forth with his business plans has put the Board in a difficult position. Chairman Hallisey expressed concern with the precedent that the Board might set by allowing a lessee to sublet. Attorney Conroy contended that the Board has the ability to allow subletting on a case-by-case basis. The Town, he said, already allows subleases at the Airport and, thus, would not be setting a new precedent.

Chairman Hallisey opened the discussion to public comment.

Mr. Secundo addressed the Board to explain that the subleases, as proposed, will not be a financial windfall for him. The wholesale fishing industry has declined, he said, forcing him to transform the means by which he earns a living. Mr. Secundo noted that he must recoup the money he has invested into the renovation of the existing structures at the site.

Richard Milmore, proprietor of The Shanty Rose, stated that he was assured that all necessary approvals were in place when he signed the sublease agreement with Mr. Secundo. Mr. Milmore explained to the Board that, though he is the current owner of a successful restaurant establishment in Hull, he decided to open The Shanty Rose in Plymouth, and has since invested nearly \$50,000 into plans and equipment within Mr. Secundo's building. He questioned why the Board would decide against allowing him to continue with his business plans, if he has met all of the Town's inspectional criteria.

Selectman Harnais questioned whether any thought had been given by Mr. Secundo to sell his building to the prospective tenants, so that they could initiate a lease directly with the Town. Attorney Angley acknowledged that, while an option, it would not be appropriate for him to discuss sale of the leased premises while advocating his client's current request.

Mr. Stankiewicz offered his professional opinion that the allowance of subletting of Town leases could create the opportunity for significant profit by a middle-person. The Town, he explained, leases its property for very reasonable rates, for both the benefit of the Town and the lessee. Subleases, Mr. Stankiewicz added, would remove the direct relationship between the Town and the owner of the business at the site.

Chairman Hallisey acknowledged the investments made by Mr. Secundo and the prospective sublease tenants and noted his hope that the Board can find a fair solution to the matter. He made the suggestion that the Board consider segmenting the site into condominium spaces that could be leased directly with each tenant.

Discussion ensued between the Board, Attorney Angley, and Attorney Conroy as to whether Chairman Hallisey's proposal was feasible. Attorney Conroy noted his professional understanding that commercial loans are difficult to obtain when the applicant does not own the land underneath its proposed business establishment.

Mr. O'Brien recommended that the Selectmen consider allowing Mr. Secundo's request to change the use of the leased site, so that Mr. Secundo can begin the special permit process and avoid any unnecessary delay, in the event a solution is reached. The Town's Harbormaster, Chad Hunter, addressed the Board to note that, if the Board makes the decision to change the use of the leased premises, it should be clear that the vote does not include Mr. Secundo's second leased area on the wharf where the fishing winches are located. Attorney Angley stated that the winch area is a separate lease parcel and is not included in Mr. Secundo's current request for a change of use.

Jay Kimball, owner of Wood's Seafood on Town Wharf, noted that, as a direct abutter to Mr. Secundo's leased property, he is happy to see that the buildings have been renovated. He

offered his support for Mr. Secundo's request to change the use of his leased space to retail, noting his belief that the decline of the wholesale finishing industry has warranted the change.

Steve Iavanno of Plymouth Bay Café (another prospective sublease tenant of Mr. Secundo) described his plans to establish a breakfast and lunch eatery that will cater to local fisherman and pier visitors, alike. He noted, however, that he is not in the financial position to purchase a condominium (as suggested by Chairman Hallisey) for direct lease with the Town.

Chairman Hallisey closed comment from the public and awaited a motion of the Board. Vice Chairman Mahoney made a motion to approve Reliable Fish Company's request, provided that language be included to clearly delineate and segregate the winch area on the wharf (from the leased space that is proposed for subletting). Selectman Muratore seconded the motion for discussion.

Vice Chairman Mahoney noted his opinion that, despite the unconventional manner in which Mr. Secundo has proceeded, there are two businesses that would like to bring jobs to Plymouth. Vice Chairman Mahoney stated that he would support Mr. Secundo's request to sublet his leased premises, if the Town can enact protections within a new lease with Mr. Secundo against price gouging with tenants. Selectman Muratore agreed with Vice Chairman Mahoney about the importance of bringing business to Plymouth but noted his concerns with the way that subletting might affect liability and the Town's ability to be fairly compensated for the use of its property. Selectman Quintal expressed support for Chairman Hallisey's suggestion to segment the site to allow for direct leasing. Chairman Hallisey made note that the Town's Fire Chief had many concerns for the Board to consider with regard to Mr. Secundo's proposed changes.

Selectman Harnais asked Vice Chairman Mahoney to clarify his motion. Vice Chairman Mahoney reiterated a motion to approve Reliable Fish Company's request for a change of use and the ability to sublet the leased premises. Selectman Harnais then made a motion to amend Vice Chairman Mahoney's motion to consider the request for a change of use and the request to sublet, separately. Selectman Quintal seconded the motion, and the Board voted 4-1 in favor, with Vice Chairman Mahoney casting the opposing vote.

Selectman Harnais made a motion to approve a change of use for the lease held by Reliable Fish Company, as requested (from wholesale fish sales to restaurant and retail use). Selectman Muratore seconded the motion, and the Board voted 5-0-0 in favor.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to table its decision on Reliable Fish Company's request to sublet its lease until the May 25, 2010 meeting. Voted 5-0-0, approved.

BOARD ASSIGNMENTS ON TOWN COMMITTEES

Chairman Hallisey initiated a discussion on the number of Town committees, boards, and commissions. He referenced the work done by the Solid Waste Advisory Committee on the

proposed SEMASS contract renewal and wondered if its ultimate defeat at Town Meeting sent a discouraging message to citizens who would like to volunteer their time on a committee. The number of committees has grown to be large, Chairman Hallisey said, to the point that the Board may need to consider consolidating some committees and/or assigning committee functions to staff.

Both Selectman Muratore and Selectman Harnais agreed with Chairman Hallisey that there may be opportunity to consolidate committees with overlapping charges/functions, e.g. the Recycling Committee and the Solid Waste Advisory Committee ("SWAC"). With regards to SWAC and the Town Meeting vote on the SEMASS contract, Selectman Muratore explained, citizens should not be discouraged by the differences of opinions that are part of the democratic process.

The Board then proceeded to make nominations and assignments to Town and regional committees.

On a motion by Selectman Quintal, seconded by Selectman Muratore, the Board chose Selectman Harnais as its designee on the Roads Advisory Committee. Voted 4-0-1, approved, with an abstention from Selectman Harnais.

On a motion by Selectman Quintal, seconded by Vice Chairman Mahoney, the Board chose Chairman Hallisey as its designee on the Plymouth Regional Economic Foundation. Voted 5-0-0, approved.

On a motion by Selectman Mahoney, seconded by Selectman Quintal, the Board chose Selectman Muratore as its liaison for the Tidal Beaches Advisory Committee and the Council on Aging. Voted 5-0-0, approved.

On a motion by Selectman Quintal, seconded by Vice Chairman Mahoney, the Board chose Selectman Harnais as its designee on the Permanent School Building Committee. Voted 5-0-0, approved.

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board chose Selectman Muratore as its designee on the Regional Casino Consortium. Voted 5-0-0, approved.

On a motion by Selectman Quintal, seconded by Vice Chairman Mahoney, the Board chose Selectman Harnais as its designee on the Capita Outlay Expenditure Committee. Voted 5-0-0, approved.

BOARD LIAISON / DESIGNEE UPDATES

400th Anniversary Committee – Vice Chairman Mahoney noted that the 400th Anniversary Committee met with its event/fundraising consultant to hear the consultant's "initial findings" report and discuss the creation of subcommittees.

Visitor Services Board – Selectman Quintal reported on the recent meeting of the Visitor Services Board ("VSB") at which a proposal to increase its membership from seven to nine members was discussed. With the growth that Plymouth has experienced in the last 10-15 years, he said, it may be time for the Town to update the VSB's structure and establishing legislation.

Plymouth Growth & Development Corporation – Selectman Quintal noted that the Plymouth Growth & Development Corporation ("PGDC") is currently discussing the issuance of a Request for Proposals ("RFP") for the drafting of updated parking regulations for the Town of Plymouth. The PGDC is also looking at the relationship between the 1820 Courthouse Corridor, parking facilities, and the 400th Anniversary Celebration in 2020.

Plymouth Airport Advisory Group – Chairman Hallisey noted that the Plymouth Airport Advisory Group has considered changing its regular meeting night from Tuesdays to Thursdays, in an effort to make attendance feasible for more of its members.

OLD BUSINESS / LETTERS / NEW BUSINESS

OLD BUSINESS

Proposal for Budget Subcommittee – Selectman Muratore offered a proposal to put together a subcommittee comprising of members from the Board of Selectmen, School Committee, and Advisory & Finance Committee to discuss the FY2011 budget process. Rather than wait until July or August, he explained, this committee can make a proactive start at working through what will probably be a very difficult budget year.

Chairman Hallisey asked Selectman Muratore to vet the idea with the School and Advisory & Finance committees and bring a final recommendation back to the Selectmen.

NEW BUSINESS

Holmes Field in North Plymouth – Selectman Quintal asked staff to contact the organization responsible for the maintenance of Holmes Field in North Plymouth, to ensure that the field is mowed prior to the July 4th parade and fireworks event (as many citizens watch the parade and fireworks from that location).

1820 Courthouse – Selectman Quintal expressed concern over hearing information that the 1820 Courthouse may now require the installation of a fire suppression (sprinkler) system. He noted that, though he did not support the purchase of the courthouse, he feels strongly that the Community Preservation Committee must take responsibility for bringing the building up to safety and handicapped access standards as soon as possible.

Chairman Hallisey questioned whether Community Preservation funds could be used for a fire suppression system. Mr. Stankiewicz responded that, if the fire suppression system is part

of the historic preservation of the structure, it is an allowable use. Chairman Hallisey noted that he would like an update on the courthouse from the Plymouth Redevelopment Authority.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to adjourn its meeting at approximately 9:38 p.m.

Recorded by Tiffany Park, Clerk to the Board of Selectmen