

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, FEBRUARY 1, 2011

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, February 1, 2011 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
Melissa Arrighi, Assistant 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 Multimodal Transportation Study – Town Manager Mark Stankiewicz informed the board that, on January 25, 2011, the Greater Attleboro-Taunton Transit Authority (GATRA) held a “kick-off” meeting to initiate the site selection study for a multimodal transportation facility in Plymouth. During the meeting, he said, the Site Study Steering Committee—comprised of representatives from various groups, such as the Plymouth Planning Board, Plymouth Growth & Development Corporation, and 1820 Courthouse Consortium—discussed five potential sites, including:

- Property behind the former 1620 Restaurant and portion of Citizens Bank parking lot
- Public parking lot at Memorial Drive
- Property behind former Plymouth County Probate Court and adjacent site
- Public parking lot at Main and Market streets
- Middle Street public parking lot

In addition, Mr. Stankiewicz stated, the Study Steering Committee discussed various topics such as the geology, streetscape, and significant historical structures of the downtown / waterfront area. The committee, he noted, will meet on the fourth Tuesday of the month at 10:00 a.m. in the Mayflower Room at Town Hall.

Free Cash Certified – Mr. Stankiewicz was pleased to report that the Department of Revenue has certified Plymouth's available funds (commonly known as “Free Cash”) for the year ending June 30, 2010 (as listed below). The funds, he explained, are certified in accordance

with M.G.L. Chapter 59 and can be used for any lawful appropriation within the particular fund.

- General Fund \$2,931,064
- Water Enterprise Fund \$2,547,282
- Sewer Enterprise Fund \$ 574,351
- Solid Waste Enterprise Fund \$ 217,397

Winter Snow Storms / Snow & Ice Removal – Mr. Stankiewicz announced that, since December 19, 2010, the Town has experienced an average of two snow events per week. The frequency of the storms, he explained, has stretched the limits of the Department of Public Works (“DPW”) in both manpower and equipment, as each snow event—regardless of overall accumulation—requires the same amount of preparation, staging, and treatments. Mr. Stankiewicz noted that the DPW has already requested \$600,000 above its appropriated line item for the year, and another request for \$600,000 has been forwarded to the Advisory & Finance Committee.

Considering the burden that this has placed on the DPW, Mr. Stankiewicz thanked the entire staff of the DPW for their efforts, with special appreciation to Tim Balboni, Dan Finlay, Tom Nugent, Ed Bent, Butch Machado, Jim Loesher, Joe Leandro, and Steve Wood for their willingness to remain on duty for nearly 48 hours, straight, to ensure that the major roads and school bus routes were clear during the last major storm.

Discussion ensued between the Board and Mr. Stankiewicz regarding the challenges posed by the season’s series of repeated winter storm events.

Selectman Quintal made some suggestions as to how the Town could implement regular parking bans, so that the DPW could widen roadways and remove accumulated snow around school zones and in the downtown/waterfront district. Many residents and businesses, he said, have called him with concerns that large emergency response vehicles may not be able to access narrow downtown streets—like North Street and Leyden Street—due to the accumulating snow banks. Selectman Quintal acknowledged the cost associated with snow removal, but stated his belief that the safety of schoolchildren and the citizens who live and do business in town is worth the expense.

Mr. Stankiewicz reported that Assistant DPW Director Dennis Westgate and Highway Supervisor Ed Buckley have devised a priority plan for roadside/sidewalk snow removal that will cost approximately \$42,000-\$45,000 and take two weeks to accomplish. Parking bans will be put into effect, heavy equipment will be brought in, and the snow will be removed and deposited behind the Town’s Wastewater Treatment Facility. With the Board’s approval, Mr. Stankiewicz said, the DPW will embark upon this task.

Selectman Quintal noted his wish that Superintendent Gary Maestas and School Facilities Manager Arthur Montrond work collaboratively with the DPW to extend the area from which snow is removed around the schools, to provide safer passage for students who walk. The sidewalk plows are getting old, he said, and it would be worthwhile for the Schools and the Town to split the cost of newer, better equipment.

Following some brief remaining discussion, Selectman Quintal made a motion to approve the expenditure for the DPW to remove accumulated snow around school zones and in the downtown/waterfront district, as presented by Mr. Stankiewicz. Selectman Harnais seconded the motion, and the Board voted 5-0-0 in favor.

LICENSES

VEHICLE FOR HIRE OPERATOR (NEW)

On a motion by Selectman Quintal, seconded by Selectman Muratore, the Board voted to approve the following Vehicle for Hire Operator License. Voted 5-0-0, approved.

❖ For **Total Traveler Transportation** (844 Webster Street, Marshfield):

- Thomas Moore, 565 Ship Pond Road

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

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to approve the following Vehicle for Hire Operator License. Voted 5-0-0, approved.

❖ For **Special Occasion Limousine, Inc.** (2289 State Road, Suite 4, Plymouth)

- David Yuscavitch, 66 Raymond Rd.

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

ONE DAY WINE AND MALT LIQUOR LICENSE

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to approve the following One Day Wine and Malt Liquor Licenses, as detailed. Voted 5-0-0, approved.

❖ **Café Olio** (Richard Conti, 3 Village Green North) requested nine (9) One Day Wine & Malt licenses for dinners to be held from 5:30 p.m. to 8:30 p.m. on the following dates. Liquor liability is in place.

February 3, 4, 10, 11, 14, 17, 18, 24, and 25, 2011

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following One Day Wine and Malt Liquor License, as detailed. Voted 5-0-0, approved.

❖ **Pilgrim Hall Museum** (Ann Young, 75 Court Street) requested a One Day Wine & Malt License for an exhibit opening to be held from 5:00 p.m. to 7:00 p.m. on February 5, 2011. Liquor liability is in place.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board approved the minutes of the January 11, 2011 Selectmen’s meeting. Voted 5-0-0, approved.

Addition to Snow Plow List – The Board approved the addition of Branch’s Point Road and Bog View Road to the DPW Snow Plow list, effective immediately, as recommended by the Roads Advisory Committee.

PUBLIC COMMENT

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

ANNUAL TOWN MEETING ARTICLES

SPECIAL ARTICLE 8 (SINCE RENUMBERED AS SPECIAL ARTICLE 10)

To see if the Town will vote to accept G.L. c.200A, §9A, as amended by section 65 of Chapter 188 of the Acts of 2010, which includes new notice requirements and provides for an updated and simplified process of managing abandoned funds (unclaimed checks or “tailings”), or take any other action relative thereto.

BOARD OF SELECTMEN

Treasurer / Collector Edward Maccaferri provided information on Special Article 8, which proposes the acceptance of M.G.L. Chapter 200A, §9A, as amended by Section 65 of Chapter 188 of the Acts of 2010. Recommended by the Town’s Finance Director and outside auditors, Mr. Maccaferri explained, this action will allow the Treasurer / Collector’s staff to use a more modern, streamlined procedure of managing unclaimed or abandoned funds.

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to recommend Article 8 to the 2011 Spring Special Town Meeting. Voted 5-0-0, approved.

ARTICLE 27

To see if the Town will vote to accept M.G.L. Chapter 40, §8G, which authorizes the Town to enter into an agreement with another city or town, or other cities or towns, to provide mutual aid programs for police departments, or take any other action relative thereto.

BOARD OF SELECTMEN

Plymouth Police Chief Michael Botieri asked the Board to support the acceptance of M.G.L. Chapter 40, §8G, which authorizes the Town to enter into a mutual aid agreement with another city or town. Under the current system, he explained, Plymouth’s police officers cannot actively enter a neighboring community to pursue a criminal unless an arrestable offense has occurred in Plymouth. While the Town can contact another community to request authority for transfer of a criminal subject, Chief Botieri said, this process is both inefficient

and ineffective. Chief Botieri made note that, under mutual aid agreements, Plymouth's Police Department maintains all immunities and liability coverage in the course of performing its lawful duties.

On a motion by Selectman Harnais, seconded by Selectman Quintal, the Board voted to recommend Article 27 to the 2011 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 33

To see if the Town will vote to amend the General Bylaws by amending Chapter 100, entitled, "Junk Dealers and Collectors", the text of which is on file with the Town Clerk, for the purpose of imposing additional identification and reporting requirements, particularly with regard to dealers of precious metals, or take any other action relative thereto.

BOARD OF SELECTMEN

Chief Botieri informed the Board that Plymouth's bylaws pertaining to Junk Dealers require updating and more stringent language. The bylaw amendments that he and his staff have developed, he said, will help the Police Department recover and return stolen goods to their rightful owners.

Chief Botieri listed the nine main changes he has proposed for the Junk Dealer Bylaw, including the definition of precious metals, the increase of the retention period of collected items, the requirement of weekly itemized reports, and the use of a receipt document providing a detailed description and photo of both the collected item and the seller. These new requirements for junk dealers, Chief Botieri said, are intended to help not only theft victims but the junk dealers, themselves, who are often cheated of money after unwittingly accepting stolen items.

Chief Botieri compared the current licensing guidelines to his proposed guidelines, noting his recommendation to increase both the transient and storefront Junk Dealer License fees to \$100, each. He reiterated that the intention behind the new restrictions and increased fees is to help the Police Department recover stolen items for theft victims.

Selectman Quintal made a motion to recommend Article 33 to the 2011 Spring Annual Town Meeting. Selectman Harnais seconded the motion.

Chief Botieri responded to questions from the Board regarding the way in which his department will enforce the new regulations. Chief Botieri reported that he intends to add a section to the Police Department's website where theft victims can identify their stolen items through the photographs required by the new guidelines. Police detectives will monitor compliance, he said, and if a particular licensee repeatedly fails to comply with the new regulations, the Police Department will bring the matter before the Selectmen, who have the power to revoke the dealer's license.

Following some brief final comments, the Board voted unanimously (5-0-0) to recommend Article 33 to the 2011 Spring Annual Town Meeting.

ARTICLE 34

To see if the Town will vote to amend the General By-Laws to include Chapter 115, as follows: To establish a single Town memorial honoring those residents of the Town of Plymouth who have given their lives while serving on active duty in the armed forces of the United States of America, and to raise and appropriate funds for the design and installation of such memorial.

BOARD OF SELECTMEN

Dinah O'Brien, Plymouth's Director of Community Resources, and Roxanne Whitbeck, Plymouth's Veteran's Agent, presented the Board with an article to establish a singular, central memorial on the Town Training Green for all Plymouth residents who have given their lives in the course of serving in the United States Armed Forces.

Ms. Whitbeck explained that most communities throughout the State have larger-scale, singular memorials dedicated to the fallen in common, public areas. The Training Green, she said, is a centralized location where citizens can reflect upon such a memorial, and where the participants of the Veterans Day and Memorial Day parades can pay tribute to those honored.

Ms. O'Brien noted that she and Ms. Whitbeck are working with the Memorials Advisory Committee to determine the exact location and cost of such an endeavor. The Memorials Advisory Committee, she reminded the Board, had asked for—and was granted—the imposition of a one-year moratorium on requests for new memorials so that they could focus upon a project of this kind.

Selectman Quintal inquired if Ms. Whitbeck had received any input on the proposal from local veterans' organizations. Ms. Whitbeck affirmed that she plans to reach out to such groups, to inform them of the proposal and solicit their opinions. Selectman Quintal then asked of the intent behind establishing one, centralized memorial is to prevent individual memorials from being allowed in other areas of town. Ms. Whitbeck explained her understanding that the Memorials Advisory Committee would like to limit memorial requests to one per honoree, in the interest of uniformity, consistency, and fairness.

Selectman Quintal questioned whether the memorials process could be made fair, if, over time, individual memorials have been allowed. It will be difficult, he said, to deny the next request for a memorial, if something similar has been allowed in the past. Selectman Quintal stated that he would not support anything that would deny a family the ability to apply for a memorial for their loved one.

Mr. Stankiewicz explained that the centralized memorial proposed via Article 34 will help to recognize those fallen soldiers whose families may not have had the means to fund such an endeavor. Some killed in action may not have had the family or friends who could establish a memorial on their behalf, he stated, but, through this proposal, the Town can ensure that their sacrifice is honored.

Ms. O'Brien responded to questions from the Board, echoing Mr. Stankiewicz's comments that it makes sense to have at least one memorial that recognizes all those who have given

their lives in service to their country. This proposal, she said, will not prevent families and friends from coming forth to the Memorials Advisory Committee with individual memorial projects. Space is limited at Memorial Hall, Ms. O'Brien noted, and the Training Green seemed to be the most ideal location for a new memorial.

Selectman Muratore made a motion to recommend Article 34 to the 2011 Spring Annual Town Meeting. Selectman Harnais seconded the motion.

Selectman Quintal said that he would support Article 34, so long as Ms. Whitbeck obtains the endorsement of Plymouth's veterans' organizations. Following Selectman Quintal's comments, the Board voted 5-0-0 in favor of Selectman Muratore's motion.

ARTICLE 16A

(Language not yet finalized)

BOARD OF SELECTMEN

William Keohan, chairman of the Community Preservation Committee ("CPC"), explained that he was not prepared to present Article 16A, for which the warrant language was not yet finalized. He asked that the Board allow him to present Article 16A at a later date.

Selectman Quintal, who serves as the Board's designee on the CPC, noted that Article 16A will involve funding for the historic Simes House on Point Road in Manomet. The project, he said, will encompass the Community Preservation Act's three components: historic preservation, open space, and affordable housing.

Mr. Keohan noted that the CPC will likely withdraw Articles 16B and 16C, which they had previously held for other potential projects.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to table the presentation Article 16A to February 15, 2011. Voted 5-0-0, approved.

ARTICLE 16D

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2012 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2012, including debt service on previously approved projects and further to reserve for future appropriation amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition, preservation, restoration and rehabilitation of historic resources, a sum of money for the acquisition, creation, preservation and support of community housing, and a sum of money for a Budgeted Reserve, or take any other action relative thereto.

COMMUNITY PRESERVATION COMMITTEE

Mr. Keohan explained that Article 16D is the CPC's annual budget appropriation. The committee, he said, does its best to keep its administrative costs at 4%, despite the fact that the Community Preservation Act allows a maximum of 5%. Mr. Keohan referred the Board's attention to the CPC budget prepared by Finance Director Lynne Barrett, included in the Board's meeting packet.

On a motion by Selectman Muratore, seconded by Selectman Quintal, the Board voted to recommend Article 16D to the 2011 Spring Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 4

To see what action the Town will take pursuant to Chapter 173 of the General By-Laws regarding the formation, reformation, organization, continuation or discharge of existing Committees created by vote of Town Meeting, or take any other action relative thereto.

BOARD OF SELECTMEN

Tiffany Park, Assistant to the Board of Selectmen, explained that Article 4 is an annual article which asks Town Meeting to consider whether it will form, reform, organize, continue or discharge Town Meeting-created committees. This year, she said, there are three Town meeting-created committees scheduled for consideration:

- North Plymouth Steering Committee
- 1749 Court House Committee
- Plymouth Energy Committee

Ms. Park informed the Board that these three active committees have asked Town Meeting for continuance for an additional three years, at which time Town Meeting may consider dissolution or further extension.

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to recommend Article 4 to the 2011 Spring Annual Town Meeting, as presented. Voted 5-0-0, approved.

BOARD LIAISON / DESIGNEE UPDATES

Tidal Beaches Advisory Committee – Selectman Muratore reported that Environmental Management staff David Gould and Kerin McCall met for several hours with the Tidal Beaches Advisory Committee ("TBAC") to review plans to prepare Plymouth Beach for the 2011 summer season. The committee, he said, will hold an ad-hoc meeting to discuss a proposal to extend access to Long Beach (the 4x4-accessible area) beyond Labor Day.

River Run – Selectman Muratore noted that A.D. Makepeace's River Run development project is nearly underway, encompassing 800-900 homes and a retail district. Within the development, he announced, a parcel of land was donated for the construction of a YMCA facility, for which a capital fundraising program has begun.

Plymouth Growth & Development Corporation – Selectman Quintal noted that the Plymouth Growth & Development Corporation (“PGDC”) has submitted a letter to the Town to express interest in purchasing the former police station facility on Russell Street. Mr. Stankiewicz reported that he forwarded the PGDC’s letter to the DPW for comments on the feasibility of disposing of the Russell Street property (currently used as the DPW’s sign shop).

OLD BUSINESS / LETTERS / NEW BUSINESS

Entergy Negotiations – Selectman Quintal reminded the Board that the Payment In Lieu Of Taxes (“PILOT”) agreement between the Town and Entergy Nuclear operations will expire on June 30, 2012. The Board, he said, should begin negotiations as soon as possible.

Mr. Stankiewicz explained that Entergy will not begin negotiations with the Town until its license to operate has been renewed by the United States Nuclear Regulatory Commission. There is now an issue of long-term storage of spent nuclear waste at the Pilgrim Nuclear Power Station that will be part of any further negotiations, he noted. Mr. Stankiewicz affirmed that he would set up individual conference calls with the Town’s legal counsel on this matter (as their offices are located in Washington, D.C.) for any Selectman wishing to be briefed on the status of Pilgrim’s relicensing. Chairman Hallisey asked that the Town Manager schedule an executive session for the entire Board in March.

400th Anniversary Committee – Selectman Quintal inquired if the 400th Anniversary Celebration Committee submitted an article for funding for the 2011 Spring Annual Town Meeting. Vice Chairman Mahoney reported that the committee continues to meet monthly and is working on finalizing the non-profit status for its fundraising arm, 2020 Starts Now, Inc. Mr. Stankiewicz informed the Board that the 400th Anniversary Committee did not reserve an article for Spring Town Meeting. Vice Chairman Mahoney noted that, during 400th Committee chairman Reverend Peter Gomes’s temporary absence due to medical issues, vice chairman Ken Tavares will lead the committee.

Updating the Selectmen’s Policies – Selectman Quintal asked if the Special Assistant to the Town Manager could work on updating the Board’s outdated policies, specifically the Nepotism Policy. The policy, he said, should apply to all Town departments, not one or two.

ADJOURNMENT OF MEETING

On a motion by Selectman Quintal, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 8:25 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A complete copy of the February 1, 2011 meeting packet is on file and available for public review in the Board of Selectmen’s office.