

# **PLYMOUTH BOARD OF SELECTMEN**

**TUESDAY, FEBRUARY 15, 2011**

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, February 15, 2011 at 6:15 p.m. at Town Hall in the Mayflower Room.

Present: John T. Mahoney, Jr., Vice Chairman  
Richard J. Quintal, Jr. [arrived 7:05 p.m.]  
Sergio O. Harnais  
Mathew J. Muratore

Mark Stankiewicz, Town Manager

Absent: Chairman William P. Hallisey, Jr.

## **CALL TO ORDER**

Vice Chairman Mahoney called the meeting to order at 6:15 p.m.

## **EXECUTIVE SESSION**

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on this matter may have a detrimental effect on the Town's negotiating position. By roll call: Harnais – yes, Muratore – yes, and Mahoney – yes.

Vice Chairman Mahoney noted that, following executive session, the Board planned to reconvene in open session.

## **RETURN TO OPEN SESSION**

Vice Chairman Mahoney reconvened the meeting in open session at 7:00 p.m. and led the Pledge of Allegiance.

*[Note: Selectman Quintal arrived and joined the meeting at this time.]*

## **TOWN MANAGER'S REPORT**

**Cook & Company** – Town Manager Mark Stankiewicz reported that he and staff from the Human Resources Department recently met with Cook & Company, the Town's medical insurance consultants, to determine whether the Town would benefit from the protections of

“The Grandfathering Rule” under the Patient Protection and Affordable Care Act (PPACA). The “Grandfathering Rule,” he explained, affords exemption from providing coverage to dependents up to age 26 if they are eligible for coverage under another plan. In addition, Mr. Stankiewicz said, it allows the Town to avoid the elimination of co-payments on preventative services that, on average, would cost the Town an additional 1.5% to 2.5% to fund.

**South Street Landfill** – Mr. Stankiewicz provided a brief update on issues related to the capping of the South Street Landfill, noting that both the Town and Plymouth County are named as responsible parties for the landfill closure. As the Town Manager, he said, he will continue to communicate with the County Administrator on this matter and keep the Board informed on any progress.

**Investment Policy** – Mr. Stankiewicz informed the Board that he held a meeting with the Town’s Finance Director, Treasurer/Collector, and a representative from Morgan Stanley / Smith Barney to review and discuss the Town’s Investment Policy. A report on the Investment Policy will be provided to the Board of Selectmen and Advisory & Finance Committee in the coming months, he noted.

**South Shore Stingray Soccer Club** – Mr. Stankiewicz announced that the South Shore Stingray Soccer Club (“SSSSC”) would like to hold a summer soccer tournament in Plymouth on August 13 and 14, 2011. The SSSSC’s goal, he explained, is to attract 125 soccer teams from New England and Canada to Plymouth’s Forges Field for the weekend-long event, which could attract several thousand attendees. Mr. Stankiewicz stated that he and staff will coordinate the permitting of the event and make certain that any and all damage done to the fields/facilities during the tournament is fully covered by the SSSSC (a private entity).

**Plymouth Beach Seawall** – Mr. Stankiewicz reported that he, the Town’s Fire Chief, Emergency Management Director, and Environmental Manager met with representatives from the Massachusetts Emergency Management Agency (“MEMA”) to assess area damage caused by the December 26-27, 2010 winter storm. To date, he said, the Town has not received notice as to whether Plymouth will be eligible for Federal reimbursement (up to 80%) to repair the seawall at Plymouth Beach. Mr. Stankiewicz noted that, as a precaution, an article has been included in the Spring Town Meeting Warrant for the seawall repairs, should Federal funds not be available.

**River Run Way** – Mr. Stankiewicz was pleased to announce that River Run Way has been officially recorded as a public way. Constructed by A.D. Makepeace, just off Bourne Road, he said, River Run Way will shorten the distance that emergency response vehicles must travel to reach the south section of town by approximately 5 miles.

**Early Retiree Reinsurance Program (ERRP)** – Mr. Stankiewicz informed the Board that the Town is scheduled to receive \$201,051.22 from the U.S. Department of Health & Human Services Early Retiree Reinsurance Program (ERRP), as a result of the Human Resources Department’s participation in the Affordable Health Care Act. The Act, he said, provides reimbursement to participating employment-based plans (both public and private) for a portion of the cost of health benefits. Mr. Stankiewicz explained that the Town will deposit

the reimbursement in the Trust Account to help offset healthcare cost increases and maintain health benefits. He thanked HR Director Roberta Kety, HR Benefits Administrator Marie Brinkmann, and the Town's health insurance consultants, Cook & Company, for their work on securing these funds.

## **LICENSES**

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

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to approve the following Vehicle for Hire Operator licenses, as detailed. Voted 4-0-0, approved.

- ❖ For **Total Traveler Transportation**, 844 Webster Street, Marshfield:
  - Robert Hicks, Tower Hill Farm Road, Plymouth, MA 02360
- ❖ For **Special Occasion Limousine, Inc.**, 2289 State Road, Suite 4
  - Andrew Wheeler, 25 Diamond Street, Plymouth, MA 02360

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

### **ONE DAY WINE AND MALT LIQUOR LICENSE**

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to approve the following One Day Wine & Malt License, as detailed. Voted 4-0-0, approved.

- ❖ **St. Bonaventure Knights of Columbus and Parish** (State Road, Ed Buccigross) requested a One Day Wine & Malt License for a St. Patrick's Day Celebration to be held from 5:00 p.m. to 11:00 p.m. on March 19, 2011. Liquor liability is in place.

### **JUNK DEALER (NEW)**

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Junk Dealer License, as detailed. Voted 4-0-0, approved.

- ❖ **Atwood Wellness LLC d/b/a Plymouth Gold and Silver**, 88 Sandwich Street, Melissa Atwood, Owner

### **COMMON VICTUALLER (NEW OWNER)**

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Common Victualler License, as detailed. Voted 4-0-0, approved.

- ❖ **Yue Qiao Chen d/b/a New Choi King**, 37 Court Street, Yue Qiao Chen, Owner

Issuance of the above license is subject to approval from the Building and Zoning Departments.

## **CHANGE OF MANAGER (LIQUOR)**

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to approve a Change of Manager for the following liquor license holders, as detailed. Voted 4-0-0, approved.

- ❖ **The Unity Club of Plymouth MA** (40 Main Street Ext.) requested a Change of Manager from John Fanning to Paul W. Bratti.

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

- ❖ **Bask, Inc d/b/a Roobar** (10 Cordage Park Circle) requested a Change of Manager from Richard Krebs to Mary M. McMullin. Background check shows no basis for denial.

## **REQUEST FOR TEMPORARY CLOSURE**

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Request for Temporary Closure, as detailed. Voted 3-0-1, approved, with an abstention from Selectman Quintal.

- ❖ **Cabbyshack Restaurant** (30 Town Wharf Road, Clyde Brini) requested permission to close February 7, 2011 through March 3, 2011 for minor repairs and maintenance.

## **ADMINISTRATIVE NOTES**

**Meeting Minutes** – On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the minutes of the January 18, 2011 Selectmen’s meeting. Voted 3-0-1, approved, with an abstention from Selectman Quintal, who did not attend the January 18<sup>th</sup> meeting.

**Memorandum of Understanding / River Run Way** – The Board approved and executed a *Memorandum of Understanding* between the Town of Plymouth and A.D.M. Agawam Development LLC with regard to River Run Way.

## **PUBLIC COMMENT**

Kathryn McKenna addressed the Board during Public Comment to speak about Jordan Hospital’s 9<sup>th</sup> Annual Polar Plunge event. Accompanied by event mascot Jordan the Bear, Ms. McKenna discussed the details of the plunge and explained that the yearly event raises funds for the hospital’s Cancer Center. Ms. McKenna announced that the 2011 Polar Plunge festival—which includes music, food, and prizes—will be held at 12 noon on Saturday, March 5<sup>th</sup> at Plymouth Long Beach, and she directed those interested in further information to visit the event website or call the hospital’s information line: [www.jordanspolarplunge.com](http://www.jordanspolarplunge.com), (508) 746-0103.

Ed Rehill reminded the Board that, several weeks prior, he had asked for a response to a number of questions he had for the Town's Assessor. At this time, he said, he has not received a response from the Assessor. Mr. Stankiewicz apologized and noted that he would contact the Board of Assessors for a response.

Keven Joyce, Town Meeting Representative from Precinct 5, reported what he described as "deplorable" roadway conditions on Old Sandwich Road. The road, he said, is nearly impassable and should be shut down until it can be properly repaired. Mr. Joyce noted that he spoke with Assistant DPW Director Dennis Westgate, who, he said, stated that he would try to find a temporary solution until something more permanent could be done in the spring.

Mr. Westgate was in the audience and addressed the Board in response to Mr. Joyce's comments. The Highway Division's crews, he said, have primarily focused on the Town's gravel roads, which have suffered a good deal of damage during the winter's inclement weather. Mr. Westgate affirmed Mr. Joyce's account that the paved segment of Old Sandwich Road is currently plagued by frost heaves. The DPW, he said, will create a temporary swale along the roadway (to collect runoff), until the frost heaves recede in the spring.

Robert Alford spoke about the long-standing issue of roads that are not classified as publicly-accepted by the Town. Mr. Alford noted that he has followed this matter for several years and through several DPW directors, noting his belief that the underfunding and understaffing of the DPW has left Plymouth's roads in some of the worst conditions he has ever seen. He disputed Town Counsel's claim that public funds cannot be expended on private ways and offered his observation that the Town has Community Preservation funds to restore old buildings but no money to adequately maintain its roads.

## **TOWN MEETING ARTICLES**

### **ARTICLE 41**

**To see if the Town will vote to (i) amend its Zoning Bylaw, Section 205-55 "Mixed Commerce (MC)", by modifying certain requirements, conditions and/or definitions therein, including but not limited to those pertaining to vehicular related uses, and/or (ii) amend its Zoning Bylaw, Section 205-22 "Street Classification and Related Standards" and the official Zoning Map of the Town of Plymouth by designating Commerce Way as a Major Street, as well as to amend associated sections, provisions, definitions, tables, charts and procedures pertaining thereto, or take any other action relative thereto.**

**BY PETITION: Robert C. Betters, et al.**

Attorney Robert Betters presented Article 41, filed by petition on behalf of Saxon Partners, which proposes to amend the Town's zoning bylaw, as it pertains to the definitions and requirements of Mixed Commerce ("MC") zones and the designation of Commerce Way as a "major street." Saxon Partners, Attorney Betters explained, does not seek a different zoning classification for its Colony Place commercial development, but, rather, they wish to modify the definitions applied to the zoning that would allow for automobile sales by licensed, new car dealerships within an MC zone.

Attorney Betters used maps to illustrate the commercial area in question and explained that the amendment would change the restriction within the zoning language related to the Aquifer Protection District near the development. His clients, he said, do not believe that a new auto dealership would pose a hazard to the aquifer zone, especially as it compares to other uses that are already permitted as part of MC zoning, like auto repair shops and other miscellaneous retail uses. Attorney Betters stated that any proposal for a new auto dealership on the property in question would be subject to the special permit process, along with any accompanying environmental regulations. The Planning Board, he reported, voted 4-0 in favor of Article 41, and the West Plymouth Steering Committee voted 4-1 in favor. Attorney Betters reiterated that the Colony Place Development is already zoned under the provisions of Mixed Commercial use, which already allows a number of other uses—again, subject to the special permit process.

Attorney Betters responded to a number of questions from the Selectmen regarding the proposed amendments within Article 41. Within the article, he noted, his clients also seek to designate Commerce Way as a “major street,” which prohibits an auto dealership from being located within 400 feet of the roadway, thus creating a ‘buffer screen’ between the major thoroughfare and the (potential) dealership.

Paul McAlduff, vice chairman of the Planning Board, affirmed the Planning Board’s 4-0 decision to support Article 41, which he described as a compromise that benefits both the Town and the developer. Concerns voiced by neighbors about the establishment of an auto dealership within the aquifer zone will be addressed by water protection bylaws, he noted.

Vice Chairman Mahoney opened the discussion to public comment.

Judy Barber of Sterling Boulevard distributed documents she prepared with information supporting her concerns about the allowance of an auto dealership within the aquifer protection district. A new resident of Plymouth, Ms. Barber noted that she worked for the Massachusetts Department of Environmental Protection (“DEP”) for 16 years. While serving on the Bedford Board of Selectmen (in her former place of residence), she said that she witnessed, first hand, the importance of the aquifer and how easily it can become contaminated, if not adequately protected. Ms. Barber referenced the research she conducted on sites contaminated by auto dealerships, service centers, and gas stations within Plymouth and questioned how the site related to the proposal would be monitored for possible contamination, should an auto dealership be allowed there. An auto dealership—where vehicles containing oil and other pollutants would be stored and serviced—would pose a threat to the aquifer zone in this particular area, she said, and, thus, she urged the Selectmen to vote against Article 41.

In response to some questions posed by Selectman Muratore and Selectman Quintal, Ms. Barber offered the suggestion that the Town conduct a survey of those areas where auto dealerships could be allowed without posing a threat to the aquifer.

Jim McNeely of Sterling Boulevard spoke against Article 41, echoing the concerns shared by his neighbor, Ms. Barber. Noting that he is a frequent patron of the Colony Place retail area,

Mr. McNeely sought to clarify that his concerns are not that of an abutter to the proposed dealership but that of a resident who depends upon the Town's water supply. The amendments proposed in Article 41, he said, weaken the protections around the aquifer zone, at a time when the Town should seek to strengthen its water quality protections. Mr. McNeely acknowledged the access issues that the Town of Plymouth has encountered with the Town of Kingston in the area zoned for auto dealerships that falls outside of the well zone. He encouraged the Town to work towards the resolution of those issues, to open that area for development and eliminate the need to expand auto dealership zoning onto what he described as the "bulls eye" of one of the Town's well zones.

Planning Director Lee Hartmann responded to some technical questions posed during public comment by Bill Burke, Precinct 13 Town Meeting Member, relating to the zoning amendment. Mr. Hartmann explained that the changes proposed within Article 41 do not remove any aquifer protections; they simply remove the prohibitions pertaining to new auto dealerships.

In response to a request from Selectman Muratore, Mr. Hartmann responded to some of the concerns raised by Ms. Barber with regard to commercial/industrial contamination of the Town's aquifer. Mr. Hartmann explained that the list of spills and contaminations provided to the Board by Ms. Barber must be viewed contextually, with the volume, composition, location, and date of the spill taken into consideration. From 1972 to 2005, he reported, dealerships were allowed only on Samoset Street, until the area near the Kingston town line was rezoned to allow such use. Zoning law requires that the Town be 'uniform-in-district,' Mr. Hartmann said, and the aquifer zone was used to delineate the zoning district line—though not necessarily to protect the well zone from certain commercial uses. Mr. Hartmann acknowledged both the irony and misfortune that the Town's prime development areas have fallen and flourished within the best aquifer zones, but he noted that auto dealerships—especially those that sell only new cars—are not relatively more threatening to the aquifer than other allowed commercial uses.

Some remaining discussion ensued during which the Board talked with Mr. Hartmann about buffer zones around the proposed auto dealership. As questions came to a close, Selectman Muratore made a motion to recommend Article 41 to the 2011 Spring Annual Town Meeting. Selectman Quintal seconded the motion.

Selectman Harnais acknowledged the concerns offered by residents but noted his belief that Town staff would not allow any development that could adversely affect the aquifer. Considering the uses that are already allowed under MC zoning, Selectman Harnais said, the changes proposed by Article 41 do not appear to be any more of a threat. Selectman Muratore concurred, stating his belief that a car dealership would be a better alternative to a gas station within this district. Vice Chairman Mahoney noted that he spoke with Environmental Manager David Gould, whom he said acknowledged that, though it would be ideal to have no development within an aquifer zone, the 'horse is already out of the barn.'

At the close of discussion, the Board voted 4-0-0 to recommend Article 41 to the 2011 Spring Annual Town Meeting.

## **SPECIAL ARTICLE 11**

To see if the Town will vote to transfer the care, custody, management, and control of a portion of Assessor's Plats 101-000-056A000, and 102-000-012D000 from the Board of Selectmen for general municipal purposes to the Board of Selectmen for highway purposes in conjunction with the acceptance of Armstrong Road Extension as a public way, as shown on a sketch plan on file with the Town Clerk, or take any other action relative thereto.

### **BOARD OF SELECTMEN**

Sid Kashi, Town Engineer, explained that Special Articles 11, 12, and 13 are related to the roadway acceptances proposed in Annual Article 39. Special Articles 11 and 12, he said, relate specifically to Armstrong Road, for which Town Meeting is being asked to change the use of two Town-owned parcels of land in order to accommodate the roadway acceptance.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 11 to the 2011 Special Town Meeting. Voted 4-0-0, approved.

## **SPECIAL ARTICLE 12**

To see if the Town will vote to authorize the Board of Selectmen to accept perpetual easements for public way purposes over the properties located on Armstrong Road, Plymouth, MA and shown as Plymouth Assessor's Parcels No. 102-000-012A-007, 102-000-012D-000, 102-000-053G-000, 102-000-053F-000, 101-000-053H-000, 101, 000-053C-000, 101-000-055-000, 101-000-056A-000; and further to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition:

Armstrong Road, A Portion of;

or take any other action relative thereto

### **BOARD OF SELECTMEN**

Mr. Kashi explained that Special Article 12 will ask Town Meeting to accept the easements related to the acceptance of Armstrong Road as a public way. There is no expense involved with the acceptance of these easements, Mr. Kashi noted.

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to recommend Article 12 to the 2011 Special Town Meeting. Voted 4-0-0, approved.

## **SPECIAL ARTICLE 13**

To see if the Town will vote to authorize the Board of Selectmen to accept perpetual easements for public way purposes over the properties located on East Russell Mills Road, Plymouth, MA and shown as Plymouth Assessor's Parcels No. 082-000-004A004, 082-000-009-004, 082-000-009-005, 082-000-004A006, 082-000-003B-000, 082-000-0004A005, 082-000-003-001, 082-000-004A-003, 082-000-008-009, 082-000-003A001, 082-000-004-001, 082-000-009-003, 082-000-009-001, 082-000-003A003, 082-000-004-002, 082-



**000-007A-000, 082-000-004-003, 082-000-007-000, 082-000-006-000; and further to accept and allow as a public way the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, purchase or eminent domain an easement to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out this acquisition:**

**East Russell Mills Road, Entire length;**

**or take any other action relative thereto**

**BOARD OF SELECTMEN**

Mr. Kashi informed the Board that Special Article 13 will ask Town Meeting to accept easements related to the acceptance of East Russell Mills Road as a public way. Property owners were willing to grant these easements to the Town at no cost, he said, as part of the process necessary for the Town to accept the road as public..

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 13 to the 2011 Special Town Meeting. Voted 4-0-0, approved.

**ARTICLE 16A**

**To see if the Town will vote, pursuant to G.L.c. 44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance or reserves, the sum of \$1,500,000 as a grant to the Simes House Foundation for: historic preservation, restoration, and rehabilitation of the Simes House, located at 29 Manomet Point Road, Plymouth MA, shown as Assessor Map 46, Lots H181-16A and H181-015 (“Simes House”); creation of two affordable housing units at the Simes House, which units shall be eligible for inclusion on the Town’s subsidized housing Inventory; and creation or preservation of open space for passive recreational use as a village green, public park, or common at the Simes House; including all costs related to the planning and design of such projects, and all other costs incidental and related thereto; and further to authorize the Town Manager to enter into such grant agreement upon such terms and conditions as the Town Manager shall deem appropriate, setting forth the conditions under which such funds may be expended, and further to authorize the Board of Selectmen to accept from the Simes House Foundation a historic preservation, affordable housing, or open space restriction meeting the requirements of G.L. c.184, in said property, or take any other action relative thereto.**

**COMMUNITY PRESERVATION COMMITTEE**

Bill Keohan, chairman of the Community Preservation Committee (“CPC”), introduced Article 16A, which, he said, requests funding for the Simes House project on Manomet Point Road. The CPC voted to bring forth this article, he said, because it involves the three initiatives for which Community Preservation funds can be used: historic preservation, affordable housing, and open space. Mr. Keohan explained that the proposal submitted by the Simes House Foundation includes a sustainability component that will help to ensure that the historic home, once renovated, does not again fall into disrepair. The \$1.5 million in funds that the CPC has recommended for this project, he noted, are currently available in the CPC’s account—which means that no borrowing is necessary. Mr. Keohan provided further information on the Simes House Foundation’s proposal to renovate the structure to allow

community uses on the first floor, office space (for rent) on the second floor, and an affordable housing unit on the third floor.

Veronica Cooper, treasurer and business agent for the Simes House Foundation and direct abutter to the Simes House property, briefly reviewed the Foundation's business plan, noting that the Foundation intends to repay the money granted by the Community Preservation Fund, once a surplus is achieved in an estimated 4 to 5 years. Ms. Cooper summarized the project's planning and construction schedule, mentioning that Halloween 2013 is the target date for completion. In the unlikely event of failure, she said, the Foundation would turn the property back over to the Town.

Architect Jeff Metcalfe provided a PowerPoint presentation on the project, which included old photographs of the home and property at 29 Manomet Point Road, as well as computer-generated renderings of the structural renovations and site redesign planned for the property. Mr. Metcalfe praised the structural integrity of the home—which dates back to 1863—despite the cosmetic deterioration that has taken place over many years. The Simes Foundation, he said, has made it clear that it wishes to preserve as much of the original structure as is possible, while making the necessary modifications to bring the structure into compliance with current building code. Mr. Metcalfe compared the Simes House initiative to that of the Loring Library renovation project in North Plymouth, whereby the structure can be revitalized to become a central meeting space and sustainable resource for Manomet's village center.

Mr. Keohan and Randy Parker, president of the Simes House Foundation, responded to questions from the Board about the proposed project. Mr. Keohan noted that the CPC felt it would be best to allocate funds for the Simes House project in one phase, rather than two. Mr. Parker discussed the holistic approach by which the building will be renovated, and the way in which the Foundation plans to leverage other grant opportunities with Community Preservation funds, if Article 16A is approved by Town Meeting.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 16A to the 2011 Spring Annual Town Meeting. Voted 4-0-0, approved.

### **ARTICLE 3**

**To see what action the Town will take under the provisions of G.L. c.44, §53E 1/2 regarding the establishment, annual re-authorization or renewal as the case may be of revolving funds, or take any other action relative thereto.**

#### **BOARD OF SELECTMEN**

Lynne Barrett, Finance Director, provided the Board with information on several of the budget-related Town Meeting articles. Article 3, she explained, is the annual article that authorizes the renewal of the Town's revolving funds. Ms. Barrett noted that the Finance Department recommends renewal of all current revolving funds.

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to recommend Article 3 to the 2011 Spring Annual Town Meeting. Voted 4-0-0, approved.

## ARTICLE 8

To see if the Town will vote to raise and appropriate, transfer or borrow a sum of money for the repair and/or purchase and/or lease and/or replacement of departmental equipment for the various departments substantially as follows:

Project	Department	Project Description
A	Police	Unmarked Cruiser
B	Police	Marked Pick-Up Truck
C	Police	Animal Control Officer Van
D	Police	Marked Cruisers
E	Fire	SCBA Bottle
F	Fire	Carbon Dioxide Fire Extinguishers
G	Fire	Cold Water/Ice Rescue Suits
H	Fire	Maintenance to Fire Stations
I	Fire	Computer and AVL
J	Fire	Rescue Boat, Trailer & Motor for Station 4
K	Emergency Management	EOC Warning and Communications
L	Emergency Management	Ludlum Personal Radiation Monitor
M	Emergency Management	Ludlum Response Kit
N	Emergency Management	Plymouth Certification
O	Harbor Master	Boat Crew Dry Suit
P	Harbor Master	Transient Mooring Maintenance
Q	DPW-Operations	Hwy- Tires for Load 319
R	DPW-Operations	Hwy – Tires for Loader 317
S	DPW-Operations	Hwy – Tires for Grader 321
T	DPW-Operations	Maint – Underground Storage Tank Comp.
U	DPW-Operations	Maint- Drill and Bits
V	DPW-Operations	Maint – Metal Chop Saw and Blade
W	DPW-Operations	Maint – Air Compressor
X	DPW-Operations	Maint – Vehicle Planning
Y	DPW-Operations	Maint – Paint Police Vehicles
Z	DPW-Operations	Maint – OTC Evap Leak Tester
AA	DPW-Operations	Maint – 25 Gallon Gas Caddy
BB	DPW-Operations	Solid Waste – Tires for Front End Loader
CC	DPW-Operations	Crematory – Hydraulic Lift Table
DD	DPW-Operations	Crematory – Processor
EE	DPW-Operations	Crematory – Thermo couplers
FF	DPW-Operations	Crematory – Sweep Out Brushes
GG	DPW-Operations	Crematory – 16’ Equipment Trailer
HH	DPW-Operations	Parks – 72” Hustler Mower
II	DPW-Operations	Parks – Door at Stephen’s Field Concession
JJ	DPW-Operations	Recreation - Fencing at White Horse Beach
KK	DPW-Operations	Recreation – Storage Shed and Pad
LL	DPW-Operations	Recreation – Swimming Markers
MM	DPW-Operations	Recreation – Lifeguard Stand
NN	DPW-Operations	Recreation – Portable Radios
OO	Library	Laminating Machine
PP	Library	Book Cart

or take any other action relative thereto.

### BOARD OF SELECTMEN

Ms. Barrett explained the process by which Department Heads were instructed to submit equipment requests. The departmental equipment, furnishings, and repairs requested via

Article 8, she said, are non-recurring purchases that do not meet the threshold of the Capital Outlay process. Ms. Barrett reported that this year’s requests, totaling \$490,140 (Town Manager recommended), will be funded from various sources—the majority of which will come from free cash.

Following some brief questions posed by the Selectmen related to specific items listed within Article 8, Selectman Harnais made a motion to recommend Article 8 to the 2011 Spring Annual Town Meeting. Selectman Muratore seconded the motion, and the Board voted 4-0-0 in favor.

**ARTICLE 9**

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities for various departments of the Town and/or for feasibility and other types of studies as follows:

<b>Project Number</b>	<b>Department or Sponsor</b>	<b>Project Description</b>
A1	Town Clerk	Voting Equipment
A2	Fire Department	Replace Station 1 Generator
A3	Fire Department	Wireless Radio Boxes
A4	Police Department	Taser Program
A5	School	Upgrade Drinking Water Wells
A6	School	Multi-zone AC rooftop unit
A7	School	Replace truck, plow, and sander
A8	School	Replace truck and plow
A9	DPW Maintenance	Memorial Hall Moisture Study
A10	DPW Maintenance	Roof Repair at Fire Station One
A11	DPW Maintenance	Vehicle Ventilation System Upgrade
A12	DPW Maintenance	Replace 1997 Utility truck
A13	DPW Maintenance	Replace 1992 Dump truck
A14	DPW Maintenance	Replace 1993 Dump truck
A15	DPW Maintenance	Snow and Ice Equipment
A16	DPW Maintenance	Vehicle and Equipment Painting
A17	DPW Highway	MUTCD Traffic Signage Compliance
A18	DPW Engineering	Town Wide Drainage Installation
A19	DPW Cemetery	Design and Permit Parting Ways Cemetery
A20	DPW Utilities	Sewer System Upgrades
A21	DPW Utilities	Inside Painting of Cedarville Water Storage Tank
A22	DPW Utilities	Infrastructure Improvements
A23	Airport	Remove and Replace Underground Storage Tanks
A24	DPW Solid Waste	Compactor
A25	DPW Solid Waste	Three 50-yard open top containers
A26	DPW Solid Waste	40-yard self contained compactors
A27	DPW Solid Waste	Two 50-yard receivers
B1	DPW Environmental Mgmt.	South St. Landfill Closure & Transfer Station Renovations
B2	DPW Environmental Mgmt.	Water Street Culvert Design and Permitting
B3	DPW Environmental Mgmt.	Plymouth Long Beach Seawall Repair
B4	DPW Crematory	Permit and Install Third Retort
B5	Fire Department	Replace Engine One
B6	School Department	Indian Brook HVAC Replacement

B7	School Department	PSMS Repair Brick Veneer / Flashing
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or take any other action relative thereto.

#### **BOARD OF SELECTMEN**

Ms. Barrett provided the Board with an overview of the Capital Outlay review process that concludes with a final recommendation from the Town Manager for Town Meeting. The Town Manager, she reported, has recommended \$17,481,166 for projects submitted by the Town's departments and ranked by the Capital Outlay Expenditure Committee ("COEC").

Mr. Stankiewicz said that his final recommendation funds the top 12 ranked requests, and he noted those projects that were not recommended by the COEC but that he felt could not be ignored, e.g. the repair of the seawall at Plymouth Beach and a third crematory retort.

Members of the Board posed questions and offered comments on the capital projects outlined in Article 9. Selectman Harnais discussed his experience as a first-year representative of the Selectmen on the COEC. Selectman Muratore inquired as to how the funding of capital items will affect the Town's tax rate, to which Ms. Barrett responded that the total request does not push the Town in excess of its levy limit. Police Chief Michael Botieri and Assistant DPW Director Dennis Westgate responded to questions from Selectman Quintal on some of their respective departmental requests.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 9 to the 2011 Spring Annual Town Meeting. Voted 4-0-0, approved.

### **ARTICLE 10**

**To see if the Town will vote to raise and appropriate or transfer a sum of money to the Unemployment Compensation Fund, or take any other action relative thereto.**

#### **BOARD OF SELECTMEN**

Ms. Barrett explained that, for the 2011 Annual Town Meeting, there is no recommendation to transfer money into the Unemployment Compensation Fund, as the current balance in the fund will be sufficient to cover costs through the current and following year.

Selectman Muratore questioned whether the Board should simply withdraw the article, if there is no recommendation associated with it. After a brief discussion between the Board and Ms. Barrett, Selectman Muratore made a motion to withdraw Article 10 from the 2011 Spring Annual Town Meeting Warrant. Selectman Harnais seconded the motion, and the Board voted 4-0-0 in favor of withdrawing Article 10.

### **ARTICLE 14**

**To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Stabilization Fund, as authorized by the provisions of G.L. c.40, §5B as amended, or take any other action relative thereto.**

#### **BOARD OF SELECTMEN**

Ms. Barrett recommended no action on Article 14, as there are no plans to transfer money into the Stabilization Fund.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to withdraw Article 14 from the 2011 Spring Annual Town Meeting Warrant. Voted 4-0-0, approved.

## **SPECIAL ARTICLE 4A**

**To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease of buildings and/or replacement of departmental buildings, and/or equipment and/or capital facilities for various departments of the Town and/or for feasibility and other types of studies as follows:**

- a. Wannos Well*
- b. Cedarville Community Room furniture and mold remediation**

**or take any other action relative thereto**

### **BOARD OF SELECTMEN**

Ms. Barrett explained that the Wannos Well project, for which funds were originally appropriated via Article 4C of the 2008 Special Town Meeting, has gone over-budget. The DPW, she said, will need an additional \$800,000 to complete the project. In another article, however, Town Meeting will be asked to rescind \$750,000 in borrowing from the Bradford Well project, as that initiative was completed under-budget, Ms. Barrett noted.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 4A to the 2011 Special Town Meeting. Voted 4-0-0, approved.

## **SPECIAL ARTICLE 4B**

**To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease of buildings and/or replacement of departmental buildings, and/or equipment and/or capital facilities for various departments of the Town and/or for feasibility and other types of studies as follows:**

- a. Wannos Well**
- b. Cedarville Community Room furniture and mold remediation*

**or take any other action relative thereto**

### **BOARD OF SELECTMEN**

Ms. Barrett explained that, during the design phase of the new Emergency Operations Center (“EOC”) at the Cedarville Fire Station, a mold issue was discovered in the station’s community room. Special Article 4B, she reported, will allocate funds for the remediation of the mold and the replacement of the contaminated furnishings within the room. Mr. Stankiewicz added that it would be imprudent for the Town to go forth with the expansion of

the HVAC system at the Cedarville Fire Station (as part of the EOC project) without first resolving the mold problem.

Selectman Quintal questioned whether the Town’s efforts to save costs on heating and cooling were at all to blame for the mold/moisture issue. Fire Chief G. Edward Bradley explained that it was discovered that the air compressors within the circulation system at the station were not functioning properly.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 4B to the 2011 Special Town Meeting. Voted 4-0-0, approved.

**SPECIAL ARTICLE 5**

To see if the Town will vote to raise and appropriate or transfer from available funds a sum or sums of money to fund deficits in Enterprise Fund projects as follows:

<b>Enterprise Fund</b>	<b>Project Description</b>	<b>Amount</b>
Water	Savery Pond (Cedarville) Well, Art 9, April 4, 1998 ATM	\$ 4,432.24
Sewer	Waste Water Facility, Art 12, June 9, 2007 STM	\$11,957.66
Airport	Airport Master Plan	\$ 3,265.72

or take any other action relative thereto.

**BOARD OF SELECTMEN**

Ms. Barrett reported that Special Article 5 is a ‘housekeeping’ item recommended by the Finance Department to clean-up the Town’s ledgers on the Savery Pond Well, Wastewater Facility, and Airport Master Plan projects that have not been properly monitored over the years. These projects have been overspent, she explained, and Special Article 5 is intended to resolve the remaining expenditures. Ms. Barrett noted that the safeguards and systems she has implemented in the Finance Department’s accounting processes will prevent future errors of this kind.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 5 to the 2011 Special Town Meeting. Voted 4-0-0, approved.

**SPECIAL ARTICLE 8**

To see if the Town will vote to rescind the following unused borrowing authority:

<b>AMOUNT</b>	<b>PURPOSE</b>	<b>AUTHORIZATION</b>
\$750,000	For the construction of new sand filter beds at the Bradford Green water facility	Article # 2-22 June 9, 2008 Special Town Meeting

or take any other action relative thereto

**BOARD OF SELECTMEN**

Special Article 8, Ms. Barrett reported, will rescind \$750,000 in borrowing authorization on

the Bradford Well project, for which the Town originally allocated \$3,750,000 but only spent approximately \$3,000,000.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 8 to the 2011 Special Town Meeting. Voted 4-0-0, approved.

### **SPECIAL ARTICLE 9**

**To see if the Town will vote to amend the vote taken under Article 4K of the October 25, 2010 Fall Annual Town Meeting, for Taxiway "E" relocation, by rescinding the authorization to borrow \$88,000 for such purposes, and by transferring the sum of \$88,000 from Airport Enterprise free cash as funding therefor, or take any other action relative thereto.**

#### **BOARD OF SELECTMEN**

Ms. Barrett explained how Special Article 9 will amend the borrowing authorization approved under Article 4K of the Fall 2010 Town Meeting for the Airport's Taxiway E project. The Board posed no questions.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 9 to the 2011 Special Town Meeting. Voted 4-0-0, approved.

### **SPECIAL ARTICLE 3**

**To see if the Town will vote to raise and appropriate or transfer a sum of money to pay certain unpaid bills of a prior fiscal year, or take any other action relative thereto.**

#### **BOARD OF SELECTMEN**

The Board was presented with two unpaid bills of prior year that were inadvertently overlooked.

On a motion by Selectman Muratore, seconded by Selectman Quintal, the Board voted to recommend Article 3 to the 2011 Special Town Meeting. Voted 4-0-0, approved.

### **REPORT OF STIPENDS COMMITTEE**

Richard Knox, chairperson of Stipends for Elected Officials Committee, provided a final report on his committee's recommendations to increase the annual stipends provided to Plymouth's Board of Selectmen and Moderator. Following an efficient but thorough review of the matter, he said, the committee recommended new stipends for elected officials, with the addition of expense accounts, as follows:

- Chair of the Board of Selectmen: \$4,500
- Selectman: \$4,000
- Moderator: \$2,000



- BOS Expense Account: \$1,000 (collective for entire Board)  
Expenditures to be authorized by the Town Manager and Finance Director
- Moderator Expense Account: \$250  
Expenditures to be authorized by the Town Manager and Finance Director

The final report, Mr. Knox explained, was decided upon by majority vote (4-2) of the seven-member committee, allowing him to refrain from casting a deciding vote as the committee's chairman.

Committee member Richard Serkey provided his personal minority report, noting his belief that the Selectmen and Moderator should not receive stipends. He expressed his belief, however, that the Selectman and Moderator should have expense accounts, in amounts that exceed those recommended by the majority of the committee.

Selectman Quintal expressed dismay about the manner by which (he believes) Town Meeting voted to remove ability of Selectmen to access Town health insurance benefits. Numbers were given during the course of discussion on Town Meeting floor that were incorrect, he said, and Town Meeting members made a decision based on incorrect information and understanding of the petitioned article. Selectman Quintal questioned whether citizens who feel that their local elected officials should not receive some compensation for their time and effort feel the same way about the salaries paid to their state and federal legislative representatives.

Selectman Muratore expressed his belief that Town Meeting should have considered the removal of the Selectmen's health insurance benefits concurrently with an increase of the Selectmen's stipends. The Stipends Committee, he said, did a good job of research and review in the course of preparing its recommendations. Those who serve as elected officials are generally willing to give of their time without expecting pay, he said, but there are a good deal of unanticipated expenses that come with the position that should not be personally incurred.

Selectman Muratore made a motion to approve the recommendations made by the Stipends Committee. Selectman Quintal seconded the motion for discussion, but asked that the Board hold its decision until Chairman Hallisey can participate. Selectman Muratore withdrew his initial motion and made a subsequent motion to table the decision until the February 22, 2011 meeting. Selectman Harnais seconded the motion, and the Board voted 4-0-0 in favor.

## **BOARD LIAISON / DESIGNEE UPDATES**

**Plymouth Growth & Development Corporation ("PGDC")** – Selectman Quintal reported that sales of 2011 ParkPlymouth parking permits are off to a strong start, as a result of the Plymouth Growth & Development Corporation's efforts to promote discounted residential permits during the free winter parking period. At its last meeting, he noted, the PGDC voted to appropriate \$46,000 to re-stripe the parking lots near the waterfront pumping station.

Selectman Quintal also noted that the PGDC is waiting for a response to its letter of interest in acquiring the former police station facility on Russell Street.

**Capital Outlay Expenditure Committee** – Selectman Harnais thanked his fellow members of the Capital Outlay Expenditure Committee for their work upon the list of capital projects proposed for funding to Town Meeting (via Article 9, presented earlier during the meeting).

**Consolidation Committee** – Selectman Harnais informed the Board that the Consolidation Committee voted during a recent meeting to recommend the re-implementation of a Town Employee Recognition Program—a program, he said, that has not been maintained since 2000.

**Council on Aging** – Selectman Muratore was pleased to report that the Council on Aging is back at full-staffing after the recent appointment of a social worker. On the other hand, he noted, the Council, itself, has had difficulty satisfying quorum during its recent monthly meetings.

**Nuclear Matters Committee** – Selectman Muratore provided information that was discussed at a recent meeting of the Nuclear Matters Committee pertaining to the elevated levels of tritium detected at the Nuclear Power Station. Entergy (the station’s owner) is using dye to determine the source of the tritium release, he said.

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

**Moment of Silence for Greg Santos** – At the request of Selectman Quintal, Vice Chairman Mahoney called for a moment of silence in honor and memory of Greg Santos, who dedicated many years of service to the Water Division of Plymouth’s Department of Public Works. Selectman Quintal spoke kindly of Mr. Santos’s character and noted that Mr. Santos recently served as the head of the DPW’s AFSCME union.

**Article 34 (Establish Single Town Memorial for Residents Killed in Action)** – Selectman Quintal inquired whether the Town’s Veterans Agent had contacted Plymouth’s veterans’ organizations for their input on Article 34 (to establish a single, centralized Town memorial for Plymouth residents killed in the course of military duty). It is his understanding, he said, that the veterans’ organizations feel that all such memorials related to Plymouth veterans should be located at Memorial Hall. Selectman Quintal asked that the Board revisit Article 34 at an upcoming meeting. No objections were made to the suggestion.

**Snow & Ice Removal** – Selectman Quintal thanked the DPW for its recent efforts to remove the significant accumulation of snow from the sidewalks in the downtown area.

**Defibrillators in Town Facilities** – Selectman Quintal asked Mr. Stankiewicz why the defibrillators installed within Town facilities had been removed. Mr. Stankiewicz reported that the batteries within the defibrillators were subject to a recall, and he noted that he would check with staff on the status of replacement.

**DPW Report Prepared by Former Director / Appointment of New Director** – Vice Chairman Mahoney made a suggestion that the Board review the report that former DPW Director Hector Castro submitted to the Selectmen prior to leaving his post. The new DPW Director should be invited to participate in the review, Vice Chairman Mahoney said, which could be scheduled some time in late March or early April. Selectman Quintal recommended that the Board give the new DPW Director ample time to become acclimated to the job, prior to discussing the report.

Selectman Muratore turned the discussion to Mr. Stankiewicz's recent appointment of a new DPW Director, inquiring if the Selectmen could vote to waive the 15-day appointment veto period, so that the new appointee could start as soon as possible. Mr. Stankiewicz noted that the new appointee would not give his notice at his current place of employment until the Town could make a bona fide offer.

Selectman Muratore made a motion to waive the 15-day veto period and notify the newly-appointed DPW Director that he can start his post with the Town, immediately. Selectman Harnais seconded the motion. Mr. Stankiewicz explained the provision in the Town's Charter that allows the Board of Selectmen 15 days to reject an appointment made by the Town Manager. The Board, he said, could (a) vote to waive the 15-day notice, (b) vote to reject the appointment, or (c) take no action, either way, and allow the 15 days to pass. Selectman Muratore expressed his belief that waiving the 15-day veto period would allow the newly-appointed DPW Director to begin his post with the Town, earlier.

The Board voted 4-0-0 in favor of Selectman Muratore's motion to waive the 15-day veto period and notify the newly-appointed DPW Director that he can start his post with the Town, immediately.

## **ADJOURNMENT OF MEETING**

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 10:30 p.m. Voted 4-0-0, approved.

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

*A copy of the February 15, 2011 meeting packet is on file and available for public review in the Board of Selectmen's office.*