

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, FEBRUARY 22, 2011

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, February 22, 2011 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: John T. Mahoney, Jr., Vice Chairman
Richard J. Quintal, Jr.
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 7:00 p.m. and led the Pledge of Allegiance.

TOWN MANAGER'S REPORT

Plymouth County Development Council Regional Transportation Breakfast – Town Manager Mark Stankiewicz reported that he attended the Plymouth County Development Council's 29th Annual Transportation Breakfast at the Radisson Hotel. Mr. Stankiewicz noted that Jeffrey Mullin, Secretary of Massachusetts' Department of Transportation ("MassDOT") and keynote speaker at the breakfast meeting, spoke on a number of topics, including the status of transportation within MassDOT, Chapter 90 local aid, and statewide projects with a particular impact on Plymouth County.

Japanese Educator to Visit Plymouth – Mr. Stankiewicz informed the Board that the Japan Local Government Center in New York has made arrangements for Professor Akira Imagawa of Doshisha University in Kyoto to visit the Town of Plymouth. Professor Imagawa, he explained, is interested in studying the involvement of citizens in the operations of local government, and he chose to focus his studies on the Commonwealth of Massachusetts because of its use of the town meeting form of government. Mr. Stankiewicz reported that Professor Imagawa will be in Plymouth on the afternoon of Monday, March 14th.

Police Department Grant Awarded – Mr. Stankiewicz was pleased to announce that the Police Department has been awarded a grant for the purchase and installation of an automatic license plate reader, valued at \$18,945. The system, he said, is a series of roof-mounted cameras that reads passing license plates and automatically determines whether there are any outstanding licensing violations on file with the Registry of Motor Vehicles. Mr. Stankiewicz noted that the camera unit is expected to be operational by mid-spring.

Long Beach Dog Ban Upheld – Mr. Stankiewicz reported that the Massachusetts Division of Fisheries & Wildlife (“DMF”) has declined the Town’s request that the partial seasonal dog ban imposed on Long Beach be lifted. Though DMF decided to keep the ban in place, he noted, it has agreed to suspend dog monitoring north of the crossover during the end of September 2011.

Visit from Congressman Bill Keating – Mr. Stankiewicz announced that Congressman Bill Keating will visit Plymouth on Thursday, February 24, 2011 to meet with Town officials to review and discuss local economic development projects and the damage to the seawall at Plymouth Long Beach. Plymouth residents should also be aware, he said, that the Congressman will be holding office hours from 3:00 to 4:00 pm on February 24th at Senate President Therese Murray’s District Office, located at 20 Cordage Park Circle.

At the close of Mr. Stankiewicz’s report, the Board took a moment to pose a few questions about the information shared. Vice Chairman Mahoney invited Police Chief Michael Botieri to provide further details on the automatic license plate reader equipment. Selectmen Quintal asked DPW Environmental Manager David Gould to briefly discuss whether there are other means by which the repair of the seawall can be funded.

LICENSES

VEHICLE FOR HIRE OPERATOR (NEW)

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

- ❖ For **Total Traveler Transportation**, 844 Webster Street, Marshfield:
 - Albert Baroni, 87 Summer Street, Kingston
- ❖ For **Plimoth Transportation d/b/ Mayflower Taxi**, 166 Gunner’s Exchange Road
 - Richard Sanphy, 34 Bonney Briar Drive, Plymouth
 - Melinda Weymouth, 5 Cooke Road, Plymouth
 - Brian Jennings, 172 Water Street, Plymouth

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 approved the following One Day Wine & Malt licenses, as detailed. Voted 4-0-0, approved.

- ❖ **Our House Services** (Linda Ducrot, 40 Russell Street) requested four (4) One Day Wine & Malt licenses for wine pairing dinners to be held from 6:00 p.m. to 11:00 p.m. on March 5, 12, 19, and 26, 2011. Liquor liability is in place.

APPLICATION FOR OUTDOOR AMPLIFIED MUSIC PERMIT

- ❖ **Water Street Restaurant Group, LLC d/b/a The Waterfront** (170 Water Street) requested an Outdoor Amplified Music Permit for Monday through Sunday from 11:00 a.m. to 12:00 a.m. for live and amplified music on the establishment's outside deck.

Before rendering a decision on the permit request from Water Street Restaurant Group, LLC, the Board posed a number of questions to Richard Cornetta, one of the principals of the company.

Mr. Cornetta explained that he and his business partners unwittingly scheduled live entertainment on their establishment's outdoor deck throughout the summer season, not realizing that an Outdoor Amplified Music Permit was required as an accompaniment to their Comprehensive Entertainment Permit. The oversight was brought to his attention, he said, and, thus, he immediately filed the necessary application to appear before the Board to seek proper permitting. Mr. Cornetta noted that, during the course of the first summer season (2010), he worked with the restaurant's residential abutters to find the ideal speaker/amplifier configuration that minimizes disturbance to the neighborhood.

Vice Chairman Mahoney allowed public comment on the permit application. Jim Benedict of the Downtown Neighborhood Watch and Ric Cone, downtown resident and business owner, both expressed concern about the number of establishments with loud music in the downtown / waterfront district. Mr. Cone also questioned whether The Waterfront was operating its establishment over-capacity, based on the number of patrons he has observed inside the restaurant and on the restaurant's deck on the weekends.

On a request from Vice Chairman Mahoney, Police Chief Michael Botieri briefly addressed the Board about The Waterfront's permit application. Chief Botieri explained that, while the Police Department does not comment on whether an establishment is worthy of an entertainment permit, the department is responsible for responding to noise complaints and bringing any recurring problems to the Board's attention..

Selectman Muratore expressed concern about the restaurant's direct proximity to residential neighbors and questioned why Mr. Cornetta and his partners do not feel that indoor entertainment is sufficient for their patrons. Mr. Cornetta expressed his belief that the provision of outdoor entertainment during the summer season is absolutely essential to his restaurant's ability to compete with the neighboring waterfront establishments (e.g. Cabby Shack, East Bay Grille).

Selectman Harnais noted that, out of fairness, he would vote in favor of the permit application, based on the fact that the Board has granted the same permit to The Waterfront's neighboring establishments. He noted, however, that he is keenly aware of noise complaints in the downtown/waterfront district, and he cautioned Mr. Cornetta—and any other owner/operator of an establishment with amplified entertainment—to be mindful and respectful of residential neighbors.

Selectman Harnais then made a motion to approve an Outdoor Amplified Music Permit for Water Street Restaurant Group, LLC d/b/a The Waterfront. Selectman Muratore seconded the motion for discussion.

Selectman Quintal noted that he would abstain from the vote, but questioned whether the State's Alcoholic Beverage Control Commission ("ABCC") can overturn the Board's decision on an Outdoor Amplified Music Permit. Mr. Stankiewicz informed the Board that the ABCC has no jurisdiction over the Town of Plymouth's Outdoor Amplified Music Permit. The Board, Mr. Stankiewicz stated, has the ability to grant and revoke such permits, as it deems appropriate.

When discussion concluded, the Board voted 2-1-1 in favor of granting an Outdoor Amplified Music Permit to Water Street Restaurant Group, LLC d/b/a The Waterfront. By 2-1-1 majority vote, the motion carried and the permit was granted. Selectman Quintal abstained from the vote, and Selectman Muratore cast the opposing vote.

KENO

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board acknowledged the following notification from the Massachusetts State Lottery Commission. Voted 4-0-0, acknowledged.

❖ Plymouth Lodge of Elks #1476, 52 Long Pond Road

The Massachusetts State Lottery Commission will approve a Keno License for the above establishment. If the Board of Selectmen objects, it must claim its right to a hearing before the MSLC within 21 days of receipt of the letter.

ADMINISTRATIVE NOTES

Utility Easement for Wannos Pond Pumping Station – The Board approved and executed an *Easement* agreement granting NSTAR Electric Company and Verizon New England, Inc. the right and easement for utility poles, underground lines for distribution of electricity, and lines for control, relay, and communication purposes over, across, upon, and under a certain parcel of land at 20 Acacia Road. *[Note: this easement is necessary to provide service to the Wannos Pond pumping station.]*

Chapter 61 Right of First Refusal – The Board voted to notify Hayden Pond Realty Trust that the Town waives the 120-day timeline and will not exercise its right to purchase a 10.36 acre parcel of property located off Jordan Road identified as Lot 26C on Assessors Plat 82 under the provisions of M.G.L. Chapter 61, Sec. 8.

Wild Animal Permit – The Board granted a Wild Animal Permit pursuant to Chapter 23, Article IV of the Town of Plymouth Bylaws to Kevin Hitchcock of 23 Lady Slipper Drive for his American Staffordshire Terrier (female, 5 years old).

Denial of Request for Snow Plow Service – The Board considered a request to add “Brush Hill Road Rear” to the Town’s Snow Plow List. Selectman Quintal questioned whether the DPW had plowed this roadway in the past. Selectman Harnais explained that the DPW and the Roads Advisory Committee (on which he serves as the Board’s designee) both recommended against approval of this request, because, for all intents and purposes, “Brush Hill Road Rear” is the private driveway of the property owner who made the request.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to deny the request to add “Brush Hill Road Rear” to the Town’s Snow Plow Service list, as recommended by the DPW and Roads Advisory Committee. Voted 3-0-1, approved, with an abstention from Selectman Quintal.

PUBLIC COMMENT

Ric Cone questioned whether the Board’s 2-1-1 vote on the Outdoor Amplified Music Permit for Water Street Restaurant Group, LLC carries as a majority vote.

Mr. Stankiewicz affirmed that a 2-1-1 vote is considered a majority vote, just as a 2-1-0 vote would carry if there were only three Selectmen present for the meeting.

Mr. Cone went on to express his concern with the granting of music permits and liquor licenses to the owners of establishments who promise family-friendly environments but ultimately cater to younger, “drinking crowds.”

TOWN MEETING ARTICLES

ARTICLE 6

To see what action the Town will take pursuant to G.L. c.41, §108 with regard to fixing the salaries of elected Town Officials, or take any other action relative thereto.

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Selectman Muratore stated that he would like to make a motion to withdraw Article 6, to take the amounts recommended by the Stipends for Elected Officials Committee and reallocate them to the Salary Reserve Account. He thanked the members of the Stipends Committee for their work and their recommendation on Article 6. Selectman Muratore explained that, because the State Legislature has not yet acted upon the article approved by the 2010 Fall Town Meeting (to render elected officials ineligible for Town-subsidized health insurance benefits), he believes it would be best to avoid any confusion that could be caused by increasing stipends for elected officials whilst officials may continue to be eligible for Town health benefits. By moving the amounts recommended by the Stipends Committee to the Salary Reserve Account, he said, the money can be at-the-ready in the event that the legislation is approved by the State and the Selectmen can no longer receive health benefits.

Selectman Muratore made a motion to withdraw Article 6 and reallocate the stipends

recommended by the Stipends Committee to the Salary Reserve Account. Selectman Quintal seconded the motion.

Vice Chairman Mahoney invited representatives from the Stipends Committee to speak on Article 6. Linda Benezra, one of the Advisory & Finance Committee's two representatives on the Stipends Committee, agreed with Selectmen Muratore that it might be best to postpone the increase of stipends for elected officials until the legislation on health benefits has been clarified and finalized.

Discussion ensued between Selectman Muratore, Ms. Benezra, and Mr. Stankiewicz about the ensuing disparity between the intent of Article 34 of the 2010 Fall Town Meeting and its actual legal interpretation. Finance Director Lynne Barrett asked Selectman Muratore to clarify his intent to withdraw Article 6, as withdrawing the article, she said, would eliminate the stipends granted elected officials, altogether.

Selectman Muratore modified his motion to approve Article 6 with the stipend amounts that are currently in place (approved at the 2010 Annual Town Meeting for FY2011) and move the difference that was set aside in the FY2012 budget (Stipends Committee-recommended amounts minus the current stipend amounts) to the Salary Reserve Account. The Board then voted 4-0-0 in favor of the motion.

ARTICLE 7A

To see what action the Town will take to provide a reserve fund and to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town, including water, sewer, solid waste and airport enterprises and debt and interest, for the ensuing twelve month period beginning July 1, 2011, or take any other action relative thereto.

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Prior to the Finance Director's presentation on Article 7A (FY2012 budget), Selectman Quintal questioned why the budget had not been formulated to incorporate those union contracts that had not yet been settled. Mr. Stankiewicz explained that the Town cannot budget for contracts that have not been finalized. If a contract is settled after the budget has been approved, Mr. Stankiewicz said, adjustments will be made, as necessitated.

Following some brief hypothetical discussion on how the Town will manage any changes precipitated by the settling of outstanding union contracts, Finance Director Lynne Barrett began her presentation on the FY2012 budget. Ms. Barrett noted that the data pertaining to the recommended budget is nearly the same as it was presented to the Selectmen, School Committee, and Advisory & Finance Committee in January. One obvious change to the budget, she pointed out, is the modification the Board made moments earlier, by moving money set aside for increased stipends (for elected officials) to the Salary Reserve Account. Otherwise, Ms. Barrett said, the total FY2012 budget amount will remain the same.

Mr. Stankiewicz discussed the collaborative process held between Town Departments, the School Committee, and the Finance & Advisory Committee to formulate the annual budget.

The Advisory & Finance Committee (“FinCom”), he said, has approved the FY2012 budget with a handful of changes that differ from the budget presented to the Selectmen. Mr. Stankiewicz recommended that the Board approve the budget, as presented, noting that there is still some time prior to Town Meeting for the Selectmen and FinCom to work out any dissimilarities in their recommendations.

Following some remaining final comments from the Finance Director and Town Manager, Selectman Harnais made a motion to recommend Article 7A (the FY2012 General Fund budget) to the 2011 Spring Annual Town Meeting, minus the changes made (earlier during the meeting under Article 6) to the stipends for elected officials. Selectman Muratore seconded the motion and the Board voted 3-1-0 in favor. Selectman Quintal cast the opposing vote.

ARTICLE 7B

To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the water enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2011, or take any other action relative thereto.

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Ms. Barrett informed the Board that Article 7B relates to the Town’s Water Enterprise Fund. The recommendation, she said, is to appropriate \$2,998,893 from the Water Enterprise Fund for direct costs associated with water-related expenses, and \$1,083,797 for indirect expenses.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 7B to the 2011 Spring Annual Town Meeting. Voted 4-0-0, approved.

ARTICLE 7C

To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the sewer enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2011, or take any other action relative thereto.

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Article 7C, Ms. Barrett reported, sets the appropriation of funds from the Sewer Enterprise Fund. The recommendation, she said, is to appropriate \$4,369,505 for direct costs associated with sewer-related expenses, and \$330,871 for indirect expenses. Ms. Barrett noted that she has recommended the use of a \$390,000 subsidy from the Town’s General Fund to cover the Town’s sewer costs. In response to a question from Vice Chairman Mahoney, Ms. Barrett affirmed that the Sewer Enterprise Fund is the only enterprise fund receiving a subsidy from the General Fund.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 7C to the 2011 Spring Annual Town Meeting. Voted 4-0-0, approved.

ARTICLE 7D

To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the solid waste enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2011, or take any other action relative thereto.

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Ms. Barrett provided the Board with the amounts she has recommended for allocation from the Solid Waste Enterprise Fund, reporting \$1,375,623 for direct costs, and \$259,209 for indirect costs.

Selectman Muratore made a motion to recommend Article 7D to the 2011 Spring Annual Town Meeting. Selectman Harnais seconded the motion. Selectman Quintal inquired if the Solid Waste Advisory Committee would soon be ready to provide the Board with a report on its findings. Vice Chairman Mahoney and Mr. Stankiewicz each explained that there are a number of dynamics influencing the future of the Solid Waste program, including the capping of the South Street landfill, the County, and the Town's investigation into alternative means of solid waste management.

When discussion closed, the Board voted 4-0-0 in favor of recommending Article 7D to the 2011 Spring Annual Town Meeting.

ARTICLE 7E

To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the airport enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2011, or take any other action relative thereto.

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Ms. Barrett informed the Board that Article 7E will appropriate \$2,580,496 (direct expenses) and \$141,500 (indirect expenses) from the Airport Enterprise Fund to defray costs related to the operation of the Plymouth Municipal Airport.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 7E to the 2011 Spring Annual Town Meeting. Voted 4-0-0, approved.

ARTICLE 42

To see if the Town will vote to appropriate the sum of \$23,850.00 for the purpose of treating Billington Sea for a invasive weed problem, or take any other action relative thereto.

BY PETITION: Michael Leary, et al.

Michael Leary of the Billington Sea Association returned before the Board to discuss his petitioned article for Town funding for the treatment of invasive weeds in Billington Sea. The Board, he noted, asked to reconvene discussion on Article 42, in order to hear comment from the Town's Environmental Manager. Mr. Leary assured the Board that the treatment

chosen by the Association to eliminate the weeds is subject to regulations promulgated by the Environmental Protection Act (“EPA”) and the scrutiny of the Department of Environmental Protection (“DEP”) during the permitting process.

Referencing a memo provided to the Board by David Gould, the Town’s Environmental Manager, Mr. Leary sought to rebut some of the points that were made against the Association’s request that the Town fund a portion of the weed treatment. The Town owns 45% of the shoreline abutting Billington Sea, he said, including a public recreation area that is heavily used during the summer. In addition, Mr. Leary claimed, a tributary pipe drains a wetland into Billington Sea, polluting the pond with acidic water more than the nearby cranberry bogs. The Town, he explained, should contribute towards the removal of the weeds, because it has a stake in the health of the pond and its use as a public recreation area. Mr. Leary stated that the Billington Sea Association believes it has a good plan in place to remove a majority of the weed growth and prevent further proliferation, all at a reasonable cost.

Mr. Gould addressed the Board to offer his professional opinion on Article 42. The Environmental Management Division, he said, is willing to assist Mr. Leary with permitting and grant writing for this endeavor, but it does not recommend that the Town be listed as a co-applicant on the treatment project. Mr. Gould informed the Board that the method chosen to destroy the weeds is chemical in nature, and chemicals, he said, can remain in the water and sediment within the pond for years—with unknown consequences—thus posing a liability issue for the Town. Despite his reluctance to co-sponsor the proposed chemical treatment, he noted, the Town has worked collaboratively with the Billington Sea Association on projects in the past, and the Association should be commended for the work it has done to reduce nutrient flow and improve water quality in the pond.

Mr. Gould responded to questions from the Selectmen regarding his concerns about liability and the use of Town funds for the project. Any time a particular pesticide or herbicide is used within a body of water, he reported, the chemical has a life span and may flow into nearby wells (both public and private). Mr. Gould explained that, according to EPA studies, septic systems are the largest cause of the unnatural nutrient levels upon which invasive aquatic weed species thrive. Though the Town owns 45% of the land around the pond, he said, the Town is not nearly 45% responsible for the problem. Mr. Gould offered his opinion that, though the Association has chosen a pragmatic approach in its proposal, the best approach to the weed problem in Billington Sea is to first halt the contribution of nutrients from household septic systems and nearby agricultural uses.

Kevin Leary, property owner and member of the Billington Sea Association, reported that a good number of household septic systems abutting the pond have been updated to current standards of compliance. The Association, he said, tried to determine the most equitable approach to distributing the cost of the weed treatment, hence the use of linear frontage to calculate the contributions of each group (55% from private property owners, 45% from the Town). Though the Town may use only a small area of frontage on the pond, Mr. (Kevin) Leary said, it is heavily used by the public. It is the belief of the Association, he affirmed, that it would be prudent to proactively attack the weed problem, now, before the spread worsens and becomes more expensive to eradicate.

Michael Leary stated that 85% of the private septic systems around Billington Sea have been upgraded to current standards, which has helped towards the Association's success in reducing the nutrient levels in the pond. Mr. Gould may be correct that the Town's land does not contribute to the nutrient load in the pond, he said, but the aforementioned tributary ("Tributary G") may add more nutrients than what Mr. Gould estimates.

Doug Gray of the Billington Sea Association noted that the 'problem' weed species in the pond tends to propagate more effectively when cut. With all the boat traffic that comes through the public launch, he said, the rate by which the weed may spread to other areas of the pond will only worsen.

Mr. Gould acknowledged that the current invasive weed problem warrants action, but, again, he recommended that the reduction of nutrients be prioritized, to avoid the use of chemical treatment. The pond, he said, is more suited for a dredge, which would be the most effective—but most expensive—means of eradicating the weeds.

Selectman Muratore made a motion to recommend Article 42 to the 2011 Spring Annual Town Meeting. Selectman Harnais seconded the motion for discussion.

Selectman Muratore stated that he would prefer to see the Billington Sea Association work with the Environmental Management Division on grants to fund the weed treatment, rather than request the funds from Town Meeting. Selectman Harnais commended the Association for its efforts to improve the pond, but noted his concern about the use of chemicals that could pose a future risk or liability for the Town.

The Board voted 0-4-0 upon Selectman Muratore's motion, thus voting against the recommendation of Article 42.

ENERGY SAVINGS AND E-WASTE RECYCLING UPDATE

Patrick O'Brien, Special Assistant to the Town Manager, provided the board with an update on the Town's efforts to reduce energy costs and consumption within its facilities and vehicle fleet. Consistent with the Energy Committee's vision of a self-sufficient municipal energy supply by the year 2020, Mr. O'Brien said, the Town of Plymouth has undertaken several projects and initiatives to reduce energy use while pursuing sustainable energy projects:

- Town Hall – reduction of energy use by 60,000 kW hours / \$15,000 in savings
- Police Station – reduction of energy use by 43,680 kW hours / \$13,983 in savings
- Fire Department Stations – reduction in fuel/utilities amounting to \$15,000 in savings
- Department of Public Works – reduction in fuel/utilities amounting to \$52,400 savings
- Plymouth Public Library – improvements to HVAC resulting in \$113,505 less in use

Mr. O'Brien went on to report that the Town Manager has locked in the Town's energy supply prices at \$0.087 per kilowatt hour, under provisions of the Green Communities Act. These fixed prices, he said, will allow the Town to avoid spikes in energy costs and allow for

more accurate budget forecasting. Mr. O'Brien also noted that changes made to the Town's vehicle fleet—the elimination of older vehicles, replaced by newer, more efficient vehicles—has resulted in a remarkable reduction in fuel use and maintenance costs.

Lastly, Mr. O'Brien reviewed a list of five energy-efficiency projects for which the federal government has awarded the Town funding through a federal stimulus initiative ("ARRA"). These projects, he noted, will also garner energy rebates from NSTAR.

- Lighting retrofit at Plymouth Public Library
- Solar panels at Library and Fire Station
- Motor retrofit at Darby Pond Well
- Memorial Hall upgrades
- Town Hall thermostat replacement

Mr. O'Brien and Mr. Stankiewicz responded to questions from the Selectmen about the status and fate of the Energy Committee-sponsored solar and wind projects. Mr. Stankiewicz explained that, because the winning bidder on the wind turbine project could not fully agree on a final contract, the Town may be forced to put the project back out to bid. Mr. O'Brien reported that, though the terrain covering the Manomet landfill cannot withstand the 900 pounds per-square-foot required to hold solar panels into the ground, the Cedarville landfill qualifies as a viable site for a solar field.

Lee Hartmann, Director of Planning & Development, provided the Board with a brief update on the wind turbine projects that have been brought before the Town by private entities. Each wind turbine project, he noted, must go through the special permit process via the Planning Board and the Zoning Board of Appeals. To date, Mr. Hartmann said, most of the turbines proposed have been large-scale, eliciting fear—and, thus, meeting resistance—from residential abutters.

Patrick Farah, Planning Technician and member of the Town's "Green Team," talked about an initiative to achieve cost savings while recycling the Town's "e-waste." E-waste, he described, is any product or item associated with computer equipment that is past its useful cycle—many containing harmful (e.g. cadmium), and sometimes valuable (e.g. gold), metals that require special handling when disposed-of. Mr. Farah reported that the Town is participating in the Hewlett-Packard "Purchase Edge Program" by which it receives credit for the return of empty toner and ink cartridges for proper recycling. The credits issued, he said, can be used toward new equipment, and, recently, the Town was able to save 20% off the cost of a major equipment purchase. Mr. Farah noted that, since the Town began participation in the program, it has saved \$4,600 towards new equipment, all while acting environmentally responsible.

Mr. Farah responded to some brief questions from Selectman Muratore about the e-waste recycling program. The Town's Green Team, Mr. Farah added, has created a recycling center where employees can recycle paper, batteries, bottles and cans, and cellular phones.

At the close of the presentation, the Board thanked Mr. O'Brien and Mr. Farah for their efforts to save taxpayer dollars whilst promoting environmentally-friendly initiatives.

UPDATE ON ENVIRONMENTAL MANAGEMENT PROJECTS

David Gould, Environmental Manager, provided a presentation to the Board on a number of projects upon which the Environmental Management Division is working:

Harbor Dredging

The Harbor Dredging project involves the removal of 45 cubic yards from Plymouth Harbor with funding from the Seaport Council. Because the dredged material cannot be disposed-of at the Mass. Bays Disposal Site (due to contamination issues), the project has been stalled until a suitable location for disposal can be determined. Mr. Gould noted his intent make arrangements to use the dredged material from the Harbor to cap the South Street landfill, which will resolve the delay in starting the Harbor dredge.

T-Wharf

The T-Wharf reconstruction project is now fully permitted and will also receive funding from the Seaport Council. When complete, the wharf will be nearly double the size of the existing structure, equipped with all new utilities and water/sewer lines, and much more user friendly for the Town's fishermen. Though permitted, the Town cannot begin the project until the funding—held in a State Bond Bill—is released.

Town Brook Dam Removals

The dams along Town Brook currently scheduled for removal are at Off-Billington Street and at the former Plymco facility. Both projects are fully permitted, with Off-Billington scheduled for removal during the summer of 2011, and Plymco scheduled for the summer of 2012. The Plymco Dam is privately owned, but the State's Office of Dam Safety has ordered the structure to be removed.

Plymouth Beach Seawall

Damaged in a winter storm just after Christmas 2010, the Plymouth Beach Seawall will cost approximately \$1,450,000 - \$1,850,000 to be fully repaired. The Town has implemented some temporary repairs that appear to have held-up well. Mr. Gould is currently working with the Federal Emergency Management Agency ("FEMA") to secure the funding necessary to repair 700 linear feet of the wall (with accompanying revetment).

South Street Transfer Station / Landfill Closure

The Environmental Management Division is working upon the finalization of the Administrative Consent Order with the Department of Environmental Protection ("DEP") for the mandatory capping of the South Street Landfill. Mr. Gould sought to dispel the misperception (evidenced by recent comments made in local news forums) that the DEP is forcing the Town to cap the landfill because of new, more stringent regulations. Instead, the issue is related to a notable migration of methane gas from decomposition within the landfill. Once the capping is complete, the intent is to construct a larger, more modern transfer station.

Water Street Bridge

Dating back to (circa) 1891, the Water Street Bridge over the mouth of Town Brook is in need of repair. The bridge is a part of a major vehicular and pedestrian route, and, until repairs can be completed, a weight limit will be posted. Because the bridge/culvert also serves as a fish passage, the Town may be able to leverage funds towards the estimated \$250,000 repair cost. The 2011 Spring Annual Town Meeting in April will be asked to fund this important repair.

Holmes Dam / Newfield Street Bridge

The Holmes Dam is considered the Town's only high-risk dam because of its potential to cause physical injury or property damage if a breach were to occur. The dam requires a significant amount of ongoing maintenance, to the point where complete repair or removal is now warranted. The nearby Newfield Street Bridge, downstream of the Holmes Dam, was built in 1926 and is also nearing the repair stage. Estimates to complete the repair of the Holmes Dam will cost \$500,000 to \$965,000 and will require the reconstruction of the fish ladder.

Manomet Coastal Structure

The Town owns a coastal structure around Manomet Point that was listed as a "high priority" in the 2007 Coastal Infrastructure Inventory. It may cost upwards of \$27 million to bring the Town's 43 coastal structures to an "A"-level structural rating.

Wellingsley Brook

The resolution of the Wellingsley Brook channel was a relatively small—but still important—project that was recently completed through a successful collaboration between the Town, a property owner, MassDEP, and the National Oceanographic and Atmospheric Administration ("NOAA"). The Town's Conservation Commission and Environmental Management Division worked with property owner Jeffrey Fischer to restore the Wellingsley Brook channel via a restoration easement through Mr. Fischer's property.

At the close of his presentation, Mr. Gould explained that, going forward, it is vital for the Town fully to assess and address its infrastructure through a comprehensive inventory study. Though initial costs are daunting, he said, the Town has the ability to leverage grant funding upon even the most minimal of commitments from the General Fund, as exemplified by the fact that the Environmental Management Division has secured nearly \$6,000,000 in grant funding for various Town projects since 2001.

Mr. Gould responded to questions from the Selectmen regarding the Plymouth Beach Seawall, Holmes Dam, and South Street Landfill projects. Much of the discussion turned to the Holmes Dam and Newfield Street Bridge projects, for which Mr. Gould explained that the Town could receive a good deal of funding, if it approached the projects from a fishway restoration standpoint. Mr. Gould stated that, from a financial standpoint, he would prefer to see the Holmes Dam removed, as there will always be costs associated with the maintenance of dam and waterway structures, even after millions of taxpayer dollars are spent to build them anew. If the brook is allowed to run freely, again, however, there are those who live

along the dam's impoundments who will lose the scenic views that were created by an industrial past, now obsolete, he noted. Mr. Gould made mention that the repair of the Newfield Street Bridge would include paving and the installation of new utilities from Summer Street to a short distance beyond the bridge.

Selectman Muratore made a motion to direct Mr. Gould to pursue community outreach on the removal of the Holmes Dam. Selectman Harnais seconded the motion, and the Board voted unanimously in favor. Voted 4-0-0, approved.

Discussion then turned to the capping of the South Street Landfill. Mr. Gould hypothesized that the current economic conditions should garner competitive pricing for the project. In addition, he said, there is a good chance that the Town could recoup some of its expenses by using the landfill as a receiving agent for unacceptable excavated material from DEP clean-up sites. The landfill, as noted earlier, would also serve as a receiving agent for the Town's Harbor Dredging and T-Wharf projects, effectively 'killing two birds with one stone.' Lastly, Mr. Gould reported that, if funding is approved by Town Meeting for the capping of the South Street Landfill, the earliest that a new transfer station at the site could be up-and-running would be December 2012.

REPORT ON THE CONSIDERATION OF A SEX OFFENDER BYLAW

Paul Luszcz, chairman of the Committee of Precinct Chairs ("COPC"), introduced the report of the COPC's subcommittee to consider a Sexual Offender Residency Restriction Bylaw. The subcommittee was formed in 2009, he noted, after Town Meeting defeated a Selectmen-sponsored bylaw that would impose restrictions on where individuals classified as sex offenders could reside within Plymouth. The subcommittee's charge, Mr. Luszcz explained, was to determine whether such a bylaw was necessary and, if so, to craft the bylaw.

John Hammond, Precinct 4 Town Meeting Member and chair of the subcommittee, provided the following report on the consideration of a Sexual Offender Residency Restriction Bylaw.

When the initial bylaw was defeated at the 2009 Fall Town Meeting, many had made the argument that the bylaw would be both ineffective and unconstitutional. The committee chose to take no initial stand, in order to fairly and thoroughly research studies, articles, and similar bylaws (existing in Massachusetts and in other states). In addition, the committee held several meetings during which it interviewed knowledgeable individuals who were qualified to comment on such matters: Michael Botieri, Plymouth Police Chief; John Healey, Chief Probation Officer of Plymouth Superior Court; and Debra and John Baker, two local experts on the treatment and classification of sex offenders.

Research predominantly shows that most convicted sex offenders do not offend or reoffend within the towns or neighborhoods in which they reside. Statistics reveal that most offenses are committed by individuals that are known by their victims. The expense of living in Plymouth may very well prevent the Town from becoming a haven for convicted offenders, and the handful of registered offenders who currently reside in Plymouth are paid regular check-in visits by the Plymouth Police, beyond what is required by the State. Social workers

and experts typically agree that the best protection against predatory behavior is to teach children the ways by which they can avoid such behavior and protect themselves when confronted by it.

Considering the information gathered during the subcommittee's review, Mr. Hammond said, it was determined that a residency restriction could only serve to offer unsubstantiated comfort whilst creating potentially significant constitutional complications for the Town.

At the close of the report, several members of the Board thanked Mr. Hammond and the members of the subcommittee for their diligent work in reviewing the proposed bylaw. Following some brief final comments and questions, Selectman Muratore made a motion to accept the subcommittee report, as presented. Selectman Harnais seconded the motion, and the Board voted 4-0-0 in favor.

TOWN MEETING ARTICLES

ARTICLE 6

To see what action the Town will take pursuant to G.L. c.41, §108 with regard to fixing the salaries of elected Town Officials, or take any other action relative thereto.

BOARD OF SELECTMEN

Selectman Muratore raised a point of order that the Board should have been more specific when voting upon Article 6. On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 6 to the 2011 Spring Annual Town Meeting at the amounts listed below. Voted 4-0-0, approved.

- Chair of Board of Selectmen \$1,500
- Selectman \$1,000
- Moderator \$300

ARTICLE 29

To see if the Town authorize the Board of Selectmen to petition the General Court for special legislation to establish an Other Post Employment Benefits Fund (“OPEB”)to provide for the Town’s unfunded actuarial liability of health care and other post employment benefits for its retirees, which fund shall be under the care and custody of the Town Treasurer, and be administered by the Plymouth Retirement Board; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of this petition; and further, to raise and appropriate, transfer or borrow the sum of \$50,000, more or less, for the purpose of funding said OPEB, or take any other action relative thereto.

BOARD OF SELECTMEN

Mr. Stankiewicz reported that the Town needs a mechanism to help fund the benefits provided to its retired employees (also known as Other Post Employment Benefits, or “OPEB”).

Initially, he said, both he and the Finance Director thought it would be best to set up an account under the care of the Town's Treasurer/Collector, but there was further consensus that the Retirement Board would have more opportunities and expanded abilities to invest the funds. Mr. Stankiewicz explained that, in order to do this, the Town must petition for special state legislation, hence Article 29.

Mr. Stankiewicz noted that he and the Finance Director have budgeted a token amount of seed money to be deposited into the OPEB account, upon its official establishment. While there is no legal requirement that the Town do this, he said, it is important to be proactive. The Finance Director, Mr. Stankiewicz noted, will determine a plan design and contribution policy for the account.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 29 to the 2011 Spring Annual Town Meeting. Voted 4-0-0, approved.

BOARD LIAISON / DESIGNEE UPDATES

Consolidation Committee – Selectman Harnais provided a brief update on the progress of the Consolidation Committee, noting that the committee is close to finalizing its plans regarding Town vehicles. The committee, he said, hopes to have a report completed prior to Town Meeting.

Tidal Beaches Advisory Committee – Selectman Muratore reported upon the Tidal Beaches Advisory Committee's interest in determining whether the Town can extend the beach season for the Long Beach 4x4 crossover area beyond Labor Day to Columbus Day. Selectman Muratore also inquired about the status of The Goldenrod Foundation's proposal to fund a study on the feasibility of a beach shuttle. Mr. Stankiewicz responded that the Town and The Goldenrod Foundation may have reached an impasse as to which entity should handle the process of procuring and overseeing the study.

OLD BUSINESS / LETTERS / NEW BUSINESS

Ocean View Avenue, Westerly Road, and River Street – Selectman Quintal inquired if plans were still in place for the DPW to make improvements to Ocean View Avenue, as promised by a previous DPW Director, Roger Hammond. The roadway, he said, is in very bad condition. Westerly Road is also in poor shape, and the residents of River Street have asked for a litter clean-up. Mr. Stankiewicz noted that the Town is encouraging neighborhood-organized volunteer clean-ups, for which the DPW will provide trash bags and bag collection at arranged locations.

Pedi-Cab Licensing – Selectman Muratore asked about the drafting of Pedi-cab regulations and whether the Town would look into existing Pedi-cab regulations in similar communities. Tiffany Park, the Selectmen's Assistant, noted that Lisa Johnson, the Town Manager's Assistant, has done extensive research on Pedi-cab licensing regulations in several

communities, e.g. Provincetown, Salem, Newburyport, Boston, and New York City. Ms. Park noted that Michael Tubin of Plymouth Pedit-Cab recently canceled a meeting scheduled with Ms. Johnson and Police Chief Botieri to discuss the drafted regulations.

Insurance Advisory Committee – Selectman Muratore inquired about the Insurance Advisory Committee’s (“IAC”) questions about the “The Grandfathering Rule” allowed under the Patient Protection and Affordable Care Act (which affords exemption from providing coverage to dependents up to age 26 if they are eligible for coverage under another plan, and which 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). Mr. Stankiewicz explained that the Town plans to make no changes to its benefits or clauses, and, thus, there is no need to review the matter with the IAC. Selectman Muratore countered that, despite no plans for change, the members of the IAC may have concerns related to State rulings on insurance and benefits for public employees, and, hence, they may want further communication with the Town Manager’s Office.

Distinguished Visitors Committee – Selectman Harnais noted that he met with the School Committee and Visitor Services Board to discuss his ideas for the creation of a Distinguished Visitors Committee. Both groups, he said, were supportive and have each agreed to designate a member to the committee. Selectman Harnais noted that he would like to formally bring the proposal before the Board at its next meeting.

Transfer Station Schedule – Selectman Quintal inquired if the South Street Transfer Station was closed on Monday, February 21st (President’s Day). Mr. Stankiewicz explained that, though the February 21st closing was noted on the FY2011 transfer station schedule (available on the Town’s website), the signage at the actual point of entry to the station had not been properly updated. The DPW, Mr. Stankiewicz affirmed, will make the changes in time for the next holiday closure—Patriots Day, April 18th.

New AFSCME Union President – Selectman Quintal announced that DPW employee Dale Webber was recently elected as the president of Plymouth’s AFSCME Union.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 10:50 p.m. Voted 4-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the February 22, 2011 meeting packet is on file and available for public review in the Board of Selectmen’s office.