

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MARCH 15, 2011

TOWN HALL MAYFLOWER ROOM

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

Present: William P. Hallisey, Jr., Chairman
John T. Mahoney, Jr., Vice Chairman
Richard J. Quintal, Jr. [Arrived 6:37 p.m.]
Sergio O. Harnais
Mathew J. Muratore

Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

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

EXECUTIVE SESSION

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Selectmen voted to hold an 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 had a detrimental effect on the Town's negotiating position. By roll call: Harnais – yes, Mahoney – yes, Muratore – yes, and Hallisey – yes.

Chairman Hallisey noted that, following executive session, the Board intended to reconvene in open session.

RETURN TO OPEN SESSION

Chairman Hallisey reconvened the meeting in open session at 7:03 p.m. and led the Pledge of Allegiance.

Following the Pledge, Chairman Hallisey held a moment of silence to acknowledge the devastation suffered by Plymouth's sister city of Shichigahama, Japan, in the aftermath of the March 11, 2011 earthquake and tsunami that struck the northeast coast of Japan.

Several members of the Board offered prayers and words of support for the people of Japan, and some took a moment to share personal stories related to the recent visit paid by Town officials to Shichigahama. Selectman Quintal reported that he and several others with connections to friends and officials in Shichigahama have made efforts to communicate with survivors, noting that Mayor Watanabe and the majority of his staff are reported to be alive.

Selectman Muratore informed the Board that the Plymouth Rotary Club is scheduled to meet on March 16, 2011 to discuss plans to help provide aid to Plymouth's sister city.

School Committee member Margie Burgess talked about the personal relationships she has forged with the people of Shichigahama during the course of nearly 20 years of organizing student exchange trips between the sister cities. As a member of the Plymouth Rotary Club, Ms. Burgess expressed her hope that Plymouth's Rotary Club can utilize its relationship with the Shichigahama Rotary Club to channel financial assistance to the devastated city.

School Superintendent Gary Maestas reported that many school districts who recognize the relationship between Plymouth and Shichigahama have inquired about ways to provide assistance. It has been determined, he said, that the most effective means of assistance at this time is financial.

Nancy Richard, Executive Director of Plymouth Area Community Television ("PACTV"), offered assistance in the form of live telethon coverage, should the Town choose to host such an event.

Following some discussion, the Board decided to partner with the Plymouth Rotary Club and move forth with plans to hold a telethon at PACTV studios on the evening of March 22, 2011 to raise funds for Shichigahama relief efforts.

LICENSES

ONE DAY ALL ALCOHOL LIQUOR LICENSE

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to approve the following request for two (2) One Day All Alcohol licenses, as detailed. Voted 5-0-0, approved.

- ❖ **Plymouth Guild, Inc.** (Richard Mulcahy, 11 North Street) requested two (2) One Day All Alcohol licenses to be held at 11 North Street for the following events:

April 1, 2011 from 6:00 p.m. to 9:00 p.m. for an Art Reception

May 8, 2011 from 5:00 p.m. to 8:00 p.m. for a Spring Music Concert

Liquor liability will be in place before the licenses are released.

CHANGE OF MANAGER (LIQUOR)

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to approve the following Change of Manager, as detailed. Voted 5-0-0, approved.

- ❖ **Sandy Pond Golf, Inc d/b/a Atlantic Country Club** (450 Little Sandy Pond Road) requested a Change of Manager from Paul Whiting to Irene Umbrianna. Background check shows no basis for denial.

CHANGE OF D/B/A (LIQUOR)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to approve the following Change of D/B/A, as detailed. Voted 4-0-1, approved, with an abstention from Selectman Quintal.

- ❖ **14 Union Street Corp.** d/b/a 14 Union Street (14 Union Street, Christopher Tocchio) requested a Change of D/B/A from 14 Union to Union Fish.

JUNK DEALER (NEW)

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to approve the following Junk Dealer License, as detailed. Voted 5-0-0, approved.

- ❖ **Aramayis Melikyan d/b/a Quick Cash** (52 Main Street)

Issuance of the above license is subject to approval from the Building/Zoning Dept.

VEHICLE FOR HIRE (NEW)

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

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

- 2004 Ford Crown Victoria - Taxi

This vehicle replaces another vehicle that is no longer in the fleet. It has been inspected by Inspectional Services.

VEHICLE FOR HIRE OPERATOR (NEW)

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

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

- John Collins, 126 Clark Road, Sagamore - Livery

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

AUTO DEALER CLASS II (AMENDMENT)

On a motion by Selectman Harnais, seconded by Selectman Quintal, the Board voted to approve the following Auto Dealer Class II License, as detailed. Voted 5-0-0, approved.

- ❖ **Christopher and Peter Baker d/b/a Baker's Auto** (6 Camelot Drive). Changing to Christopher Baker d/b/a Baker's Auto.

EARLY SUNDAY SALES (LIQUOR)

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to approve the following request for Early Sunday Sales (Liquor), as detailed. Voted 5-0-0, approved.

- ❖ **BPO Elks Plymouth Lodge #1476, (52 Long Pond Road)** applied for 10:00 a.m. Early Sunday Sales. They currently have 12:00 Sunday Sales.

ADMINISTRATIVE NOTES

Meeting Minutes / January 25, 2011 – On a motion by Selectman Quintal, seconded by Vice Chairman Mahoney, the Board voted to approve the minutes of the January 25, 2011 Selectmen’s meeting. Voted 4-0-1, approved, with an abstention from Selectman Harnais, as he did not attend the January 25th meeting.

Meeting Minutes / February 1, 2011 – On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to approve the minutes of the February 1, 2011 Selectmen’s meeting. Voted 5-0-0, approved.

Annual Election Warrant – The Board approved and signed the May 14, 2011 Annual Town Election Warrant.

Town Wharf Lease Extension for Reliable Fish – Selectman Harnais initiated discussion on Reliable Fish Company’s request for a lease extension for use of space on Town Wharf, noting his belief that the current scale of 8% (of the assessed value of the land) for Town Wharf leases should be raised to the vicinity of 12-15%. Selectman Quintal expressed concern that, with all but two (Reliable Fish and Woods Seafood) of the major Town Wharf leases already extended by the Board at the current 8% rate, it would be unfair to assign new lease rates at this time.

Discussion ensued amongst members of the Board, Assistant Town Manager Melisa Arrighi, and Attorney Edward Angley (representing Reliable Fish Company) regarding Selectman Harnais’s proposal to raise Town Wharf lease rates. Selectman Harnais argued that the Board needs to set a precedent for new lease rates at some point, and he suggested that the rates be phased-in for each lessee in a staggered manner. Selectman Quintal countered that it would not be prudent to raise lease rates during the current economic downturn—especially considering the fact that Town Wharf businesses have only a short summer season to make the majority of their profits.

Ms. Arrighi noted that several of the Town’s leases—especially those that are long-standing—do not have lease-rate escalator clauses. Selectman Harnais reported that many Town Wharf businesses are not paying a true 8% annual fee because of a clause that prevents the fee from increasing more than 15% after each three-year assessment. Attorney Angley informed the Board that Reliable Fish has invested a good deal of money into renovations of

its building, which will undoubtedly result in a higher annual personal property tax assessment.

Vice Chairman Mahoney inquired about the business arrangement between Michael Secundo (owner of Reliable Fish Company) and the two businesses that will occupy the leased space on Town Wharf. Attorney Angley responded that Mr. Secundo has entered into a joint business venture with the two food-service establishments that will occupy the space leased to Reliable Fish Company. The Zoning Board of Appeals (“ZBA”) has asked Mr. Secundo to provide an extended lease from the Selectmen, Attorney Angley said, but the Selectmen are asking for ZBA approval prior to granting a lease extension—resulting in a “Catch 22” situation. Attorney Angley referred the Board to a list of FY2011 Town Wharf lease payments and offered his opinion that Reliable Fish Company pays a relatively high lease fee.

Chairman Hallisey acknowledged the validity of Selectman Harnais’s suggestions but echoed Selectman Quintal’s comments that it may not be the right time to increase rates. The Board, Chairman Hallisey suggested, may want to consider having a discussion on increasing lease rates on an evening where there is not a specific lease in question.

Selectman Muratore inquired if the Town could, in the interest of fairness, simplify the assessment of lease rates on the basis of square footage, with a revised lease-rate escalator clause. Ms. Arrighi noted that staff could research such an idea.

Selectman Muratore made a motion to approve Reliable Fish Company’s request for a lease extension for use of space on Town Wharf through June 30, 2021. Selectman Quintal seconded the motion.

Prior to a vote, Chairman Hallisey allowed Planning Board chairman Marc Garrett the opportunity to speak on the matter.

Mr. Garrett noted that, while he has no problem with the lease extension, he would like Attorney Angley to indicate whether or not Reliable Fish Company has submitted a final lease plan that delineates the leased area on Town Wharf. The Fire Department, Mr. Garrett said, has asked that a specific fire lane apron be painted along/around the leased area. Attorney Angley reported that he and his client need to bring the lease plan to the Town’s Engineering Department for clarification.

Vice Chairman Mahoney expressed concern about allowing lease extensions in ten-year increments. Ms. Arrighi indicated that the Town allows the option for ten-year lease extensions with all of its Town Wharf leases. Based on the comments offered by members of the Board, Ms. Arrighi stated that staff can review the Town’s leases and consider across-the-board revisions that are similar to those written into the Sam Diego’s restaurant lease. Ms. Arrighi pointed out the fact that Reliable Fish Company’s current request is the last as-is lease extension option allowed within the current lease, and, thus, the Board will have the ability to negotiate a new lease—and lease duration—at the end of the extended term.

In response to an inquiry from Chairman Hallisey, Attorney Edward Conroy (representing The Shanty Rose and Plimoth Bay Café) explained that Mr. Secundo has entered into a profit-

sharing joint venture agreement with the food establishments scheduled to operate from the Reliable Fish Company location on Town Wharf. Reliable Fish Company, Attorney Conroy stated, will remain the sole holder of the lease.

At the close of discussion, the Board voted 3-2-0 in favor of Selectman Muratore's motion to approve Reliable Fish Company's request for a lease extension for use of space on Town Wharf through June 30, 2021. Vice Chairman Mahoney and Selectman Harnais cast the two opposing votes.

Selectman Muratore then made a motion to direct the Town Manager's Office to conduct a study on all Town leases—within a time frame determined by the Town Manager—in an effort to make leases more fair and equitable, e.g. based on square footage. Selectman Harnais seconded the motion for discussion.

Selectman Quintal asked Selectman Muratore to hypothetically indicate when those changes resulting from such a study would be implemented. Selectman Muratore responded that new lease policies could be implemented when those leases with no further options for extension come due. Selectman Quintal then stated that he could not support the imposition of changes which, based on the timetable of lease terms, would be imposed immediately on some but not others.

The Board voted 3-2-0 in favor of Selectman Muratore's motion to direct the Town Manager to conduct a study on all Town leases—within a time frame determined by the Town Manager—in an effort to make leases more fair and equitable, e.g. based on square footage. Chairman Hallisey and Selectman Quintal cast the two opposing votes.

Satisfaction of Covenant / South Street Development Trust – The Board acknowledged the provisions of the *Satisfaction of Covenant* pertaining to a deed from Philip S. Cronin, II and David L. Myers, as Trustees and Beneficiaries of South Street Development Trust under a Declaration of Trust dated December 3, 1986 and Michael H. Vogel, as beneficiary of said South Street Development Trust to the Boys & Girls Club of Plymouth, Inc. dated February 2, 1988, for property situated as Lot 62D, South Street.

Acceptance of Land off Mountain Hill Road – The Board accepted a gift of land situated off Mountain Hill Road described as Lot 16 on Assessors Map 64, consisting of 31.1 acres, and a portion of Lot 6 on Assessor's Map 64, consisting of 4.87 acres, to be placed under the protection of the Plymouth Conservation Commission.

Permitting Certification for Taylor Avenue Roadway Project – The Board authorized the Chairman to sign the certification form for permitting documents pertaining to the Taylor Avenue Roadway Reconstruction Project and Bridge Replacement over Beaver Dam Brook, as requested by the Engineering Division.

Wild Animal Permit – The Board granted a Wild Animal Permit pursuant to Chapter 23, Article IV of the Town of Plymouth Bylaws to Siobhan & Jason Doherty of 25 Janet Street for their Pit Bull Terrier (male, 6 months old).

Payment Schedule for Sewer Bank / 48-50 Court Street – The Board approved a payment schedule for Erik Christianson and Loretta LaRoche for 48-50 Court Street in accordance with Part 8 of the Town’s Revised Sewer Bank Policy Allocation and Permit Policy effective August 24, 2004 that provides for a payment schedule that meets the terms and conditions of the Town’s Finance Director.

PUBLIC COMMENT

Dale Webber, president of Plymouth’s AFSCME Local 2824, spoke to the Board about the effect that recent events in Wisconsin and Ohio (where state legislatures have considered measures that would weaken collective bargaining provisions) have had on the perception of public sector unions. Mr. Webber expressed his belief that deceptive rhetoric on the part of anti-union activists has led to the impression that it is a lucrative privilege to be part of a public labor union. There are many sacrifices made by public employees, he said, and, thus, they should not be viewed as greedy and budget-busting. Mr. Webber reported that Plymouth’s employee-driven Insurance Advisory Committee has been consistently proactive and ahead-of-the-curve in finding cost-saving measures to reduce the Town’s health insurance expenses. Anti-union activists, he speculated, are falsely using the current economic crisis to attack public employee unions, though the majority of public pensions are modest sources of income for people who have worked for many years—not the financial windfalls purported by opponents. Mr. Webber encouraged the Board to be mindful of such rhetoric whilst continuing to maintain open lines of communication with the Town’s collective bargaining units. At the close of his remarks, he displayed a music video made in tribute to unionized workers.

SUPERINTENDENT MAESTAS’S “DREAMRIDE”

Plymouth Schools Superintendent Gary Maestas was pleased to announce that, in June, he will embark on a 600-mile bicycle ride from Washington, D.C. to Plymouth to raise awareness about education and healthy lifestyles while raising funds for the Plymouth school system. The goal of the trip, he said, is to encourage kids to think outside of the box, take chances, set goals, and work towards them.

Superintendent Maestas explained that he will be accompanied by the chairman of the School Committee and seven students from North and South high schools who will assist him in the logistics and documentation of the trip. The ride will be supported entirely by private funds, he noted, and donations will be managed by the Plymouth Education Foundation (a registered non-profit organization). Superintendent Maestas reported that he will average approximately 80 miles per day to complete the trip in the time frame set forth, including possible stops at schools in New York City and Connecticut.

Following a brief question-and-answer period, Chairman Hallisey thanked and congratulated Superintendent Maestas and wished him well on his adventure.

ANNUAL TOWN MEETING ARTICLES

ARTICLE 34 – ESTABLISH SINGLE TOWN MEMORIAL

To see if the Town will vote to amend the General By-Laws by adopting a new By-law, Chapter 115, entitled, “Armed Forces Memorial,” as follows: “There shall be established on Town-owned property a single memorial honoring residents of the Town of Plymouth who have given their lives while serving on active duty in the armed forces of the United States of America.”; and further, to raise and appropriate, transfer or borrow a sum of money for the design, purchase and installation of such memorial, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi noted that, after voting on Article 34 several weeks ago, the Board wished to discuss the details of the article again. Article 34, Ms. Arrighi said, proposes to establish a singular, centralized memorial honoring Plymouth residents who have lost their lives while serving on active duty in the armed forces.

Roxanne Whitbeck, Plymouth’s Veterans Agent, reiterated that Selectman Quintal had specifically inquired whether the Town’s veterans groups were in support of the article. Ms. Whitbeck explained that the veterans groups (the Plymouth Veterans Council, American Legion, and Veterans of Foreign Wars) have expressed their support for a singular, centralized memorial, but only if it is located at Memorial Hall.

Ms. Arrighi reported that, previously, the proposed site of the centralized memorial was the Town Green, but the language of the article does not specify a location—therefore leaving the Town with an opportunity to determine what the best site will be for such a memorial.

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to recommend Article 34 to the 2011 Spring Annual Town Meeting. Voted 5-0-0, approved.

DISCUSSION ON SOLID WASTE REQUEST FOR PROPOSALS (“RFP”)

Ms. Arrighi noted that, back in January, the Board asked the Town Manager to consider going back out to bid for curbside solid waste pickup. On March 1, 2011, she said, Mr. Stankiewicz provided the Board with a proposed Request for Proposals (“RFP”) that was prepared by the Department of Public Works. As such, Ms. Arrighi asked the Selectmen to provide any comments and/or suggestions for change on the RFP, before it is issued.

Selectman Quintal questioned why the Board asked for yet another RFP on this matter, when such studies and reports have been conducted several times. In 2008, after review of several studies and reports, the Board made a decision to pursue a Pay-As-You-Throw solid waste program, but a change in membership after the May 2008 election resulted in the overturning of that decision, he explained.

Selectman Muratore responded that both he and Selectman Harnais asked for the new RFP so that the Board could have a comprehensive understanding of the solid waste issue on which to base a decision. By determining key factors—like the cost of curbside pickup and the closure of two transfer stations—the Board may finally have enough information to make a decision and put the solid waste issue to rest, he said.

Chairman Hallisey acknowledged Selectman Quintal's comments that there are several previously-completed studies on solid waste options on which the Board can base a decision, but he noted that some of the financial figures may be outdated. As the Board's representative on the Solid Waste Advisory Committee ("SWAC"), Vice Chairman Mahoney cited previous reports that indicated high costs for curbside pickup and few options that could be considered ideal and immediately-achievable solutions. Vice Chairman Mahoney remarked that the Town has no choice but to cap the South Street Transfer Station, and he questioned how the Town will force curbside pickup on a community of such geographic size, when curbside is already available on a private basis.

Selectman Quintal recommended that the Town devise a number of options on which Plymouth's citizens can vote to make a final decision on solid waste. Selectman Muratore listed some of the questions for which he feels the Board may want to have answers before making a final decision on the future of Plymouth's solid waste program:

- What will be the estimated cost of a transfer station pass after the SEMASS contract expires in 2014?
- How much will curbside cost per household, compared to the aforementioned projections on transfer station pass fees?
- If the Town closes the transfer stations as part of a curbside pickup program, how can the savings be applied to offset the cost per household?

SWAC chairperson Linda Benezra discussed the committee's work and offered her personal observations on the Town's solid waste options. Ms. Benezra noted that SWAC, under the leadership of previous chairman Larry Fava, conducted a good deal of research into a Town-operated curbside program, which, according to the committee's research, would require a \$3 million initial investment. The requisite capping of the South Street Transfer Station and the perception that the Town's transfer stations cannot accommodate mandated recycling are factors that have complicated efforts to work towards clear solutions to the Town's solid waste issues, she speculated. The implementation of Pay-As-You-Throw, however, would produce an immediate and remarkable reduction in the Town's volume of trash, Ms. Benezra stated. In her personal opinion, she said, the Town should do everything it can to encourage residents to take care of—and reduce the volume of—their own solid waste, so that the Town can focus on other public services.

Discussion ensued amongst the Board on the benefits and drawbacks of transfer stations versus curbside programs. By the close of the discussion, it appeared that several members of the Board wanted further information on cost estimates and comparisons. On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to table its decision on the solid waste RFP until the last meeting in May. Voted 5-0-0, approved.

BOARD LIAISON / DESIGNEE UPDATES

Audit Committee – Vice Chairman Mahoney reported that the Audit Committee met on March 14, 2011 to wrap-up the final details of the Town's FY2010 financial audit. A presentation of the audit for the Selectmen, he said, is tentatively scheduled for April.

Council on Aging – Selectman Muratore informed the Board that the Council on Aging ("COA") continues to pursue formal accreditation and, thus, subcommittees have been formed to facilitate the accreditation process.

Industrial Land Study Committee – Chairman Hallisey talked about the work being done by the Industrial Land Study Committee to identify parcels and areas within Town for potential commercial growth. The general consensus of the committee, he said, is that developers will not consider a site desirable unless it is already zoned for commercial use.

OLD BUSINESS / LETTERS / NEW BUSINESS

Amendment to Article Language – Ms. Arrighi informed the Board that the Town's Bond Counsel has instructed staff to make minor changes to the warrant language for Article 9-B1 (South Street Transfer Station). Specifically, she said, Counsel has asked that the Board vote to resign the Annual Town Meeting Warrant with the addition of the following words "and Transfer Station Renovations" to Article 9-B1. Ms. Arrighi noted that Article 9-B1 previously stated "South Street Landfill Closure," but Bond Counsel has indicated that "Transfer Station Renovations" would be more inclusive.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to amend the language of Article 9-B1 and re-sign the Annual Town Meeting Warrant, as recommended by the Town's Bond Counsel. Voted 5-0-0, approved.

Telethon to Raise Funds for Shichigahama – Selectman Muratore initiated a brief follow-up discussion on the logistics of the March 22nd telethon. Ms. Arrighi noted that Special Assistant Patrick O'Brien would be assigned as the point person / coordinator of the telethon. Selectman Muratore stated that he would act as the liaison with the Plymouth Rotary Club. Chairman Hallisey asked that staff post information about the telethon to the Town's website, and Selectman Harnais asked that staff reach out to Plymouth's legislative representatives to welcome their participation in the event.

Staff Recognition – Selectman Quintal referenced a letter the Board received in which a citizen commended the work of Lisa Johnson, Administrative Assistant to the Town Manager. The administrative staff members in the Town Manager's Office do a great job, he said, and, thus, should be recognized for their work.

Emergency Operations Center – Selectman Quintal reported that he took a tour of the Town's new Emergency Operations Center, currently under construction at the Cedarville

Fire Station. The project is progressing well and is on schedule for completion in November, he said.

Neon Signs – Selectman Quintal made note that several business owners have indicated to him that they want neon “open” signs, but the Town’s zoning bylaws prohibit such displays. Ms. Arrighi encouraged Selectman Quintal to direct those requests to her, so that she can provide information on the process of bylaw change and/or investigate the possibility of a Selectmen-sponsored article to allow neon signs.

ADJOURNMENT OF MEETING

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to adjourn its meeting at approximately 9:25 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

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