

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, NOVEMBER 8, 2011

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, November 8, 2011 at 7:00 p.m. at Town Hall in the Mayflower Room.

Present: William P. Hallisey, Jr., Chairman
John T. Mahoney, Jr., Vice Chairman
Sergio O. Harnais
Mathew J. Muratore
Belinda A. Brewster

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

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

TOWN MANAGER'S REPORT

Veterans Day – Town Manager Mark Stankiewicz announced that the Town's Veterans Agent has invited residents and officials to attend Plymouth's annual Veterans Day Parade on Friday, November 11, 2011. The parade, he explained, will step off at 9:30 a.m. from Hedge Road in North Plymouth and follow the usual route to Veterans Field, Memorial Hall, the 1820 Courthouse, the WWI Memorial Bridge, and the Training Green. Mr. Stankiewicz noted that, in the event of inclement weather, the Veterans Day ceremonies will be held indoors at Memorial Hall.

Civil War Encampment / Training Green Event – Mr. Stankiewicz reminded the public that, on Saturday, November 12, 2011, the 22nd Massachusetts Volunteer Infantry will hold a drill and encampment reenactment on the Town's historic Training Green from 10:00 a.m. to 3:30 p.m. The event, he said, will commemorate the 150th Anniversary of the start of the Civil War and the 300th anniversary of the establishment of the Training Green. Mr. Stankiewicz reported that Selectman Brewster is leading the event to highlight the Town's history and raise funds for much-needed repairs to the Civil War Monument (which was dedicated at the Training Green in 1869).

Town Wide Clean-Up – Mr. Stankiewicz publicly thanked the volunteer residents who collaborated with the Department of Public Works and Planning Technician Patrick Farah

on a successful community-wide litter cleanup. Approximately 28 volunteer groups removed over 400 bags of litter from North Plymouth's Bourne Street to the Six Ponds Area off Long Pond Road, he reported. Mr. Stankiewicz also thanked the Plymouth Rotary Club for its generous contribution of funds toward the purchase of safety vests for many of the volunteers.

LICENSES

JUNK DEALER (NEW)

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board granted a Junk Dealer License to the following applicant, as detailed. Voted 5-0-0, approved.

- ❖ **Best Buy Stores, LP d/b/a Best Buy #385**, 228 Colony Place – This company has a recycling/trade in program for consumer electronics that still have resale value and an end-of-life option for consumer electronics beyond recycling.

NEW OFFICER/DIRECTOR

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board approved the following request for a Change of Officers / Directors (Liquor License), as detailed. Voted 5-0-0, approved.

- ❖ **John Alden Sportsman's Club, Inc.**, 16 Minuteman Lane, requested a Change of Officer/Directors. The list of changes is attached within the Selectmen's meeting packet.

AUTO DEALER CLASS II (NEW)

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

- ❖ **Microblend Enterprises, Inc.**, 88 Camelot Drive, Dennis Cutting, Owner – Two car limit

Issuance of the above license is subject to the submittal of a surety bond.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board approved the minutes of the August 16, 2011 Selectmen's meeting. Voted 4-0-1, approved, with an abstention from Selectman Muratore, as he did not attend the August 16, 2011 meeting.

Correction to Typographical Errors in Vote on PSHS Statement of Interest – On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board authorized staff to make typographical corrections to the vote taken on January 11, 2011 pertaining to the Statement of Interest for Plymouth South High School.

PUBLIC COMMENT

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

MEALS TAX REFERENDUM & PRECINCT 15 POLLING LOCATION

Town Clerk Laurence Pizer addressed the Board regarding two voting matters: (1) a petition to hold a voter referendum on the Meals Tax approved at the Fall Town Meeting; and (2) the establishment of a polling location for the Town's new precinct, Precinct 15.

Mr. Pizer confirmed that a petitioner has successfully gathered the signatures of at least 3% of the Town's registered voters to obligate the Town to hold a referendum election to affirm/deny Fall Town Meeting's vote to adopt a local Meals Tax option. The Town's Charter, he explained, requires that the Board of Selectmen and Town Clerk provide for a referendum within 35 to 45 days from the determination of a successfully-submitted petition. Based on a number of factors, Mr. Pizer recommended that the Selectmen hold the referendum to affirm/deny the vote of Town Meeting on Saturday, January 14, 2012.

Mr. Pizer responded to a number of questions from the Selectmen regarding the referendum process and the reasons why he chose the date of January 14, 2012 for the election. The minimum cost to hold such an election is approximately \$32,000 to \$33,000, Mr. Pizer indicated. Mr. Stankiewicz added that the funding for this unanticipated expense must come through the Advisory & Finance Committee, in the form of a Reserve Fund transfer.

At the close of discussion, Selectman Harnais made a motion to schedule the referendum election on the Meals Tax option for January 14, 2012. Selectman Muratore seconded the motion, and the Board voted 5-0-0 in favor.

On the matter of a polling location for Precinct 15, Mr. Pizer announced that The Pinehills has offered the use of its Stonebridge Club for the next ten years. Because Precinct 15 encompasses The Pinehills, he said, the Stonebridge Club would be a logical and convenient voting location with adequate parking.

Selectman Muratore inquired if The Pinehills had provided a written offer to use the Stonebridge Club. Mr. Pizer stated that he would request a formal statement of the offer from The Pinehills.

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to establish the Stonebridge Club at The Pinehills as the polling location for Precinct 15. Voted 5-0-0, approved.

MUNICIPAL HEALTH CARE REFORM ACT

Chairman Hallisey introduced a discussion to consider whether the Board would vote to adopt the process authorized by Massachusetts General Laws Chapter 32B, sub-sections 21-23, otherwise known as the Municipal Health Care Reform Act.

Prior to proceeding with the discussion, Chairman Hallisey asked that the record reflect that he, Selectman Brewster, and Selectman Muratore are participants in the Town's health insurance plan. As such, he said, these members of the Board would ordinarily be disqualified by the Conflict of Interest Law from participating in the vote to adopt a new process for effecting changes to the health insurance plan and related votes on plan design changes. This, however, would leave the Board without a quorum to act on these important matters, and the Board is the only entity under State law that is authorized to do so. Chairman Hallisey went on to explain that there is a mechanism approved by the State Ethics Commission called the "Rule of Necessity" that would allow those members with conflicts under the law to participate under the current circumstances. If properly invoked, the "Rule of Necessity" allows, but does not require, each member of the Board with a conflict to participate and vote. Chairman Hallisey offered into the record a copy of an opinion letter from the General Counsel for the State Ethics Commission dated September 2, 2011 which addresses the specific subject of health insurance and supports the use of the Rule under these circumstances, and he stated for the record that consultation has also been conducted with Town Counsel about this issue.

As the most senior member of the Board with a conflict, Chairman Hallisey invoked the Rule of Necessity to allow those Board members receiving health insurance through the Town to participate with respect to the health insurance plan and related plan design changes. Moreover, he said, to the extent that it might be determined that even being eligible for health insurance could constitute a prohibited financial interest, the invocation of the Rule will also allow the other members of the Board to participate.

Mr. Stankiewicz explained the specific steps by which the Town may initiate the process authorized by M.G.L. Chapter 32B, sections 21-23, a.k.a. the Municipal Health Care Reform Act ("MHCRA"). Through the MHCRA, he explained, the Town is provided the ability to either adopt the State's Group Insurance Commission ("GIC") plan or modify its existing plan. Mr. Stankiewicz reported that the Town's insurance consultant, Cook & Company, has determined that a migration to the GIC plan will not produce adequate savings, so this is not an option that the Selectmen will consider. The Town is, however, considering the implementation of plan changes and/or co-pay adjustments to bring the Town's plan more in line with the GIC-compatible Tufts Navigator Plan and, subsequently, reduce healthcare costs.

Mr. Stankiewicz provided the Board with a brief comparison between the Town's Blue Cross/Blue Shield Plan and the Tufts Navigator Plan. For example, he said, prescription co-pays through the Tufts plan are broken into three tiers of \$10/25/50, while the Town's plan falls in two tiers at \$5/10. Mr. Stankiewicz explained that the Board could choose to (a) go as far as mirroring the Tufts Navigator Plan, (b) make some changes to its current plan, or (c) make no changes at all. If the Board wishes to make some form of change, he said, it must vote to initiate the process, which begins with notifying the Town's Insurance Advisory Committee ("IAC") and forming a "Public Employee Committee" to investigate such changes.

Mr. Stankiewicz responded to inquiries from the Board regarding the process authorized by the MHCRA. It has already been determined, he reiterated, that it would not be worthwhile for the Town to join the GIC, and, thus, the Town will remain with Blue Cross/Blue Shield. Mr. Stankiewicz indicated that, if the Board votes to enter the MHCRA process, notice is given to the IAC, and the Public Employee Committee ("PEC") is formed. If the PEC and the Town can come to an agreement, he continued, the agreement is forwarded to the State for final approval, but if no agreement can be made, a third-party arbitrator steps in.

Chairman Hallisey noted that the Selectmen held a conversation on this issue some weeks ago and decided to pursue the MHCRA process. Shortly thereafter, he said, he invited some of the members of the IAC to discuss the process, in the interest of dispelling misinformation and assessing the feasibility of reaching an agreement without going to extreme measures. Chairman Hallisey stated that it is not the Board's intent to punish or penalize employees, but, rather, to determine if there is room for compromise and monetary savings during the current economic downturn.

Chairman Hallisey opened the discussion to public comment.

A number of Town employees, retirees, and employee spouses addressed the Board with questions and/or comments regarding the proposal to initiate the MHCRA process. Greg Cook, Cory Erow, Anthony Thompson, Alba Thompson, Lyn Scolamiero, Tom Ruggeiro, Sue Pittsley, Charles Stevens, Chip Hawthorne, Neil Foley, Steve Rice, and Jason Pierce expressed serious concern for the financial hardship that changes to the Town's health insurance plan may place on employees.

Members of the Board and the Town Manager sought to respond to the questions and concerns posed during the public comment segment.

Chairman Hallisey explained that he is compelled to strike a balance between the people who work for the Town and the people who pay taxes in the Town. With so many homes in foreclosure and residents who do not have jobs or health insurance, he said, the Board must respond to the numerous pleas they receive from citizens to ease the tax burden.

Selectman Harnais echoed Chairman Hallisey's comments and explained that voters are relying upon the Selectmen to find ways to save money and reduce taxes. As such, he

said, the Board is seeking a number of initiatives—like the creation of the Consolidation Committee, on which he serves—to streamline service delivery and reduce expenses.

Selectman Brewster outlined a number of the proposed changes and noted that, in comparison to other towns, Plymouth offers one of the most generous healthcare contribution percentages, at an 80/20 split (80% paid by the Town, 20% paid by the employee). Most of Plymouth's taxpayers who work in the private sector do not receive such benefits, she said, and, thus, there are many who would like to see the Town's benefits package become more comparable with what they receive. Selectman Brewster explained that the intention of the Board to modify the Town's healthcare plan is rooted only in a desire to avoid raising taxes. The modifications that have been proposed, she reported, are estimated to save the taxpayers \$1.3 – 1.6 million.

Vice Chairman Mahoney expressed his belief that public employees cannot be held responsible for the skyrocketing cost of healthcare. An increase to an employee's healthcare contribution is, in essence, a pay cut, he said. Vice Chairman Mahoney remarked that it appears as if a deal has already been made between members of the IAC and members of the Board, and, therefore, if employees are not pleased with the proposed changes, he encouraged them to contact their representatives on the committee.

Dialogue ensued back and forth between those offering public comment and the Board. Chairman Hallisey sought to resolve the discussion and bring the matter back to the Board for a decision.

Selectman Muratore made a motion to accept and implement the process authorized by Massachusetts General Laws Chapter 32B, sub-sections 21-23. Selectman Harnais seconded the motion.

Dale Webber, president of the Town's AFSCME union and chairman of the IAC, approached the podium to call a point of order. Mr. Webber stated his belief that the Board must officially vote to strike the section of Chapter 32B related to acceptance of the GIC plan, if it does not intend to consider it.

Mr. Stankiewicz explained that there is no necessity for the Board to strike the section in its vote, because the Board has no obligation to take advantage of the authority granted by each section. The Board, he said, has already stated clearly that it has no intention of accepting the GIC option.

Selectman Muratore amended his initial motion (to implement the process authorized by Massachusetts General Laws Chapter 32B relating to Municipal Health Care Reform) to omit the section pertaining to the GIC (section 23). Selectman Harnais seconded the amendment to the motion. Voted 5-0-0, approved.

Chairman Hallisey called for five minute recess.

When Chairman Hallisey reconvened the meeting at 8:22 p.m., Selectman Muratore called a point of order that the Selectmen did not vote on the main motion to accept the

provisions of Chapter 32B. Instead, he explained, the Board only voted on the amendment.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept and implement the process authorized by Massachusetts General Laws Chapter 32B, sub-sections 21 and 22, relating to Municipal Health Care Reform. Voted 5-0-0, approved.

BOARD LIAISON / DESIGNEE UPDATES

The Selectmen did not share any committee/board liaison updates, this week.

OLD BUSINESS / LETTERS / NEW BUSINESS

OLD BUSINESS

Solid Waste Options – Selectman Harnais indicated that he met with Public Works Director Jonathan Beder and representatives of WasteZero to discuss several options for a curbside pickup solid waste disposal program with a Pay-As-You-Throw (“PAYT”) component. As part of his research, Selectman Harnais noted that he traveled with Mr. Beder to the City of Worcester to learn about its municipal curbside program with PAYT. A draft of Plymouth’s Request for Proposals (“RFP”) for a curbside program should be ready for review by the Selectmen by the end of November, he reported.

NEW BUSINESS

Nationwide Emergency Alert System – Selectman Brewster wished to advise the public that radio and television stations will broadcast a concurrent test of the Nationwide Emergency Alert System at 2:00 p.m. on November 9, 2012. This concurrent test is the first of its kind, she said, and, thus, public notification may help to dispel any confusion.

Thanksgiving Event at Plymouth Moose Lodge – Selectman Muratore reminded the public that the Moose Lodge is accepting donations for its annual Thanksgiving dinner event.

Burial Hill Tours – Selectman Brewster reported that, on November 5, 2011, she attended the first of a yearlong series of monthly walking tours of Burial Hill. The tours, she explained, are the result of an initiative led by Donna Curtin of the Plymouth Antiquarian Society (with participation from Pilgrim Hall) to raise awareness about the history and significance of Burial Hill. Selectman Brewster praised Donna Curtin and Peggy Baker (of Pilgrim Hall) for leading an informative and enjoyable tour, and she encouraged residents to attend subsequent tours, which will be held on the first Saturday of each month.

Salaries of Local Housing Authority Directors – Vice Chairman Mahoney, referencing a recent new story on the salary of the director of Chelsea’s Housing Authority, inquired if the Town Manager could provide the Board with salary information for Plymouth’s Housing Authority. Mr. Stankiewicz responded that he could provide the Board with such information, because the Plymouth Housing Authority supplies the Town with a copy of its financial audit, each year.

Budget Workshops – Mr. Stankiewicz asked the Selectmen to set aside time during the first two weeks of December to hold budget workshops with the Town’s Department Heads, to review draft budgets and learn more about what can and cannot be eliminated/reduced. Selectman Muratore inquired if Department Heads will share their ideas for revenue enhancements at the workshops. Mr. Stankiewicz explained that such workshops will provide the Selectmen with a more comprehensive picture of the operations, expenses, and fee structures of each department.

ADJOURNMENT OF MEETING

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to adjourn its meeting at approximately 8:37 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the November 8, 2011 meeting packet is on file and available for public review in the Board of Selectmen’s office.