

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, JANUARY 24, 2012

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, January 24, 2012 at 6:30 p.m. at Town Hall in the Mayflower Room.

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

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

Absent: Sergio O. Harnais

CALL TO ORDER

Chairman Hallisey called the meeting to order at 6:35 p.m.

EXECUTIVE SESSION

At 6:35 p.m., the Board voted to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on this matter may have a detrimental effect on the negotiating position of the body. By roll call: Muratore – yes, Mahoney – yes, Brewster – yes, and Hallisey – yes. Chairman Hallisey noted that the Board planned to reconvene in open session, following executive session.

RETURN TO OPEN SESSION

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

TOWN MANAGER'S REPORT

Plymouth Beach Sea Wall – Town Manager Mark Stankiewicz reported that, as of Saturday, January 21, 2012, the repair of the Plymouth Beach sea wall and revetment was completed. Original cost estimates to repair and replace the wall (following damage

caused during the December 2010 storm) were estimated at \$1.2 to \$1.6 million, he noted, but efforts to secure State and Federal funds were unsuccessful. Thereafter, Mr. Stankiewicz indicated, Town Meeting appropriated \$300,000 for the project, which was performed “in-house” by the Department of Public Works (“DPW”). In addition to the repair of the wall and revetment, he said, the DPW plans to make upgrades to the storm water drainage system and beach parking lot. Mr. Stankiewicz congratulated DPW Director Jonathan Beder on the success of the sea wall project and publicly acknowledged the DPW staff members who performed the majority of the work: Joe Leandro, Steve Wood, Forrest Berardi, Marsha Eaton, Russ Pittsley, and Don Kearney.

“Mass in Motion” Grant Announcement at Jordan Hospital – Mr. Stankiewicz informed the Board that, on January 27, 2012, state and local officials will gather at Jordan Hospital to announce the receipt of a Mass in Motion Municipal Wellness Program Grant from the Massachusetts Department of Public Health. The \$60,000 grant, he said, will enable the Town (in partnership with Jordan Hospital) to develop and implement policies and infrastructure that promote active and healthier living. Mr. Stankiewicz listed the four initiatives on which the grant will focus: Safe Routes to Schools, Complete Streets, Improving School Nutrition, and the Healthy Market Program.

LICENSES

ONE DAY WINE & MALT LIQUOR LICENSE*

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to grant a One Day Wine & Malt License to the following applicant, as detailed below. Voted 4-0-0, approved.

- ❖ **Cage Titans Fighting Championship / Michael Polvere** (34 Mattakeesett Street, Pembroke) requested a One Day Wine & Malt Liquor license for a mixed martial arts event to be held from 6:00 p.m. to 12:00 a.m. on January 28, 2011 at Memorial Hall.

Liquor liability will be in place before the license is released.

*One day liquor licenses shall automatically cover the day before and the day after the event for the purpose of proper delivery, storage and disposal of alcoholic beverages purchased.

EARLY SUNDAY SALES

On a motion by Vice Chairman Mahoney, seconded by Selectman Muratore, the Board voted to grant permission for Early Sunday Sales to the following liquor license holder, as detailed below. Voted 4-0-0, approved.

- ❖ **Rio’s Steakhouse** (318 Court Street, Michael James Ryan, Manager) requested permission to sell alcohol at 10:00 a.m., as permitted by the State.

NEW STOCKHOLDER

On a motion by Selectman Brewster, seconded by Vice Chairman Mahoney, the Board voted to approve a New Stockholder for the following liquor license holder, as detailed below. Voted 4-0-0, approved.

- ❖ **Rye Tavern Corporation** (517 Old Sandwich Road) requested the addition of William S. Wennerberg III as a Stockholder.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Vice Chairman Mahoney, seconded by Selectman Muratore, the Board voted to approve the minutes of the September 20, 2011 Selectmen’s meeting. Voted 4-0-0, approved.

Training Green / Monument Gift Account – On a motion by Selectman Brewster, seconded by Selectman Muratore, the Board voted to (a) establish a gift and donation account for costs associated with the repair of the Town’s Civil War Monument and Training Green and (b) authorize the Parks Superintendent to expend funds from this account, with approval of the Finance Director. Voted 4-0-0, approved.

PUBLIC COMMENT

Mary LeSueur of Precinct 5 questioned the Board’s recent request that the FY2013 budget be further reduced by \$2 million. Ms. LeSueur stated that there are many citizens, like her, who realize that taxes—when fairly assessed—are essential to maintaining public services and good schools. To ask the Town Manager and School Superintendent to reduce their already-strained budgets by another 1%, she said, would not only be a steep challenge but a distraction from their important day-to-day responsibilities.

Steve Lydon of Precinct 12 expressed dismay regarding comments that were (allegedly) made about the Assistant Town Manager pertaining to the issuance of a Request for Proposals (“RFP”) for the Stephens Field farmers’ market. Mr. Lydon stated that he has always found the Assistant Town Manager and Town staff to be respectful, and, therefore, he deemed the comments to be unwarranted. The issuance of the RFP, he explained, is not statement against the Plymouth Farmers’ Market but, rather, it represents the implementation of fair policies for the private use of public lands.

DISCUSSION ON THE ISSUANCE OF A FARMERS’ MARKET RFP

Assistant Town Manager Melissa Arrighi introduced a discussion on the issuance of a Request for Proposals (“RFP”) to operate a farmers’ market on the grounds of Stephens Field. Ms. Arrighi provided the following history which led to the issuance of the RFP.

In March of 2011, the Town's Recreation Director, Barry DeBlasio, recognized escalating tensions between the Stephens Field concession contractor and the operator of the Plymouth Farmers' Market ("PFM"). Despite his efforts to work out a solution between both individuals, Mr. DeBlasio sought the assistance of the Town Manager's Office, and in April of 2011, a good deal of staff time—from the Recreation Director, the Health Department, and the Assistant Town Manager—was spent on the resolution of the differences between the concessionaire and the PFM operator. Over the course of a number of meetings at which each party aired their differences, Ms. Arrighi advised the concessionaire and the PFM operator that, in the absence of a mutual resolution, the involvement of municipal bureaucracy would result in an outcome that neither party would likely prefer.

By May of 2011, Ms. Arrighi said that she was forced to intercede when the tension between both parties appeared to reach a point where the dispute could cause negative public relations for both the market and the concession stand. Ms. Arrighi noted that she arranged a mediation session with an outside facilitator in June of 2011, but, for reasons best explained by the concessionaire and market organizer, neither party attended the session. In July, Ms. Arrighi held a meeting between representatives of the concession stand, the PFM, the Open Space Committee, and the Friends of Stephens Field, at which she again advised those involved that the only way the Town could intervene in a dispute over the use of public land was through the issuance of an RFP.

Ms. Arrighi reported that she notified the market operator and the concessionaire on October 25, 2011 that the RFP was almost complete, but that, in accordance with procurement law, the details of an RFP could not be shared. To her surprise, Ms. Arrighi said she received notice on December 1, 2011 that the market organizer claimed she had not been given notice of the bid, despite the aforementioned correspondence provided to her on October 25, 2011.

Ms. Arrighi explained that her intentions on this issue have always been to work out a mutual solution that would satisfy both parties, because she believes that both the concessionaire and the market organizer have done much to positively impact the public experience at Stephens Field. Admitting that she is no expert in the operation of farmers' markets, Ms. Arrighi acknowledged that there may be some flaws within the RFP, but the bid, she said, was put together in an honest effort to resolve the dilemma created when competing private groups wish to utilize the same public property at the same time. Since the issuance of the RFP, Ms. Arrighi noted that she has spoken with the head of the Massachusetts Farmers' Market Association, who has provided her with some great suggestions as to how the RFP might be improved in the future.

Ms. Arrighi responded to questions from the Board regarding the RFP and the Town's efforts to resolve the dispute between the market organizer and the concessionaire. Bid documents for the RFP will be due at 11:00 a.m. on Thursday, January 26, 2012, she reported, and the Town's Procurement Officer has already held a pre-bid conference to answer any questions from potential bidders. With regard to the mediation session that was arranged between the market organizer and the concessionaire, Ms. Arrighi explained that she enlisted the services of an experienced mediator. Unfortunately, she said, one

party did not think the session would accomplish anything, while the other party never responded to the invitation to participate.

Chairman Hallisey opened the discussion to public comment.

Jerry Benezra, a local attorney, expressed support for the issuance of the RFP. As a matter of law, he said, there are certain processes that must be followed when an entity seeks to use public property for private use. Mr. Benezra expressed his opinion that no group may assume inherent ownership over the use of publicly-owned property, simply because it has built up a level of good will with the public. The Board, he cautioned, should not set a precedent whereby it withdraws a bid because a potential bidder is unhappy with the bid specifications. If there are flaws within the bid, he said, it is advisable that the Town let the process run its course and then follow-up with procurement mechanisms to correct any deficiencies. Mr. Benezra commended the work done by the Assistant Town Manager to address the dispute over the use of Stephens Field and reiterated his opinion that, legally speaking, it is in the best interest of the Town to implement the bidding process in this case.

Barbara Anglin, organizer and proprietor of the Plymouth Farmers' Market ("PFM"), addressed the Board with her concerns about the issuance of an RFP for the operation of the farmers' market at Stephens Field. For the past eight years, she explained, the supporters of the PFM have built an exceptional weekly (seasonal) market at Stephens Field that has drawn a large and loyal customer base. As such, she said, there is something inherently proprietary about what the PFM has established on Thursday afternoons at the park. Ms. Anglin stated her belief that, though it may be legal to put the operation of a market on Thursdays at Stephens Field out to bid, it isn't necessarily right.

Ms. Anglin disputed some of the information provided by Ms. Arrighi with regard to communication between the Town, the PFM, and the concessionaire. In addition, Ms. Anglin indicated that she was available on the date when the mediation session was scheduled to take place, while the concessionaire was not. As a result of the dispute with the concessionaire, she reported, the PFM was given—and has complied with—new guidelines on setup, use of the public bathrooms, and the types of items that can be sold at the market. Ms. Anglin claimed that when she met with Ms. Arrighi in July of 2011, she was under the understanding that they would work together to resolve any outstanding issues for the following season. When she received word that the bid would be issued, she said, the news came as a surprise.

Ms. Anglin stated that she is not opposed to the RFP process or a lease agreement for the use of Stephens Field, because, in her opinion, it is a privilege to be able to hold the market on publicly-owned property. The stakeholders of the PFM, however, have a right to be involved in the development process of the RFP, she asserted. Ms. Anglin again reiterated her belief that what the PFM has done at Stephens Field is inherently proprietary and, as such, the market should not be auctioned off to the highest bidder. If there is a competing group that wishes to hold its own market at Stephens Field, she said, there are other days in the week from which to choose. Ms. Anglin expressed concern that, by giving away the PFM's long-standing Thursday schedule, the Town would—however unintentionally—be

giving the winning bidder an immediate advantage that was built on the hard work of the PFM's volunteers and supporters.

Ms. Anglin cautioned the Board that there are matters of business and livelihood that must also be considered while the Town decides the fate of the market. The PFM operates as a business, she said, as do the many vendors who count on participating in the market each year. Ms. Anglin indicated that there are a number of market farmers who must determine, by next week, what they will invest in seed for the upcoming season. If the 2012 market season remains uncertain, she said, a number of local farmers may lose out on an opportunity to do business in Plymouth.

The Selectman posed a number of questions to Ms. Anglin regarding the operation of the PFM and the history of events leading to the issuance of the RFP. Several members on the Board complimented the quality of the PFM and assured Ms. Anglin that the issuance of the RFP should not be viewed as a reflection or judgment upon her work.

In response to the questions posed by the Board, Ms. Anglin indicated that, until March of 2012, she was the sole proprietor of the PFM. The PFM is now an LLC, she said, for which she is the principal. Ms. Anglin noted that she pays taxes on her earnings from the market, but the Town collects over \$3,000 annually in permitting fees from market vendors. The PFM recently made a \$2,500 donation to the Town for improvements at Stephens Field, she said, but there are other benefits that the market brings to Plymouth that go beyond monetary contribution. Ms. Anglin stated that the PFM would appreciate the opportunity to enter into a lease agreement for the use of Stephens Field, should the Town wish to consider such an arrangement.

Selectman Muratore stated his belief that the issuance of an RFP is the only fair solution when two private groups wish to utilize the same publicly-owned property or facility. With regard to Ms. Anglin's request to be involved in the creation of a new RFP related to the Stephens Field farmers market, Selectman Brewster pointed to the illegality of a potential bidder's involvement in the development of an RFP.

Ms. Anglin described the RFP process as flawed, and, thus, she encouraged the Board to turn its attention to the development of a standard policy on the use of the Town's public spaces. In this way, she said, Plymouth's citizens and community stakeholders could participate in the process of creating the policy.

Kara Mallon, a Plymouth resident, talked about the online petition that she and her sister created through the website www.change.org to rally support behind the PFM, which, she said, 627 citizens have signed (electronically), to-date. The petition, she explained, asks the Town to withdraw the RFP in favor of allowing stakeholders the opportunity to put together a fair policy. Ms. Mallon indicated that many who signed the petition feel that taking the farmers' market away from Ms. Anglin would be an injustice.

Christine Pratt sought to dispel what she claimed to be a number of misconceptions and half-truths that have been disseminated by the local newspaper and those with an interest in the market. Ms. Pratt, a member of the Plymouth Growth & Development Corporation,

as well as the former manager of the PFM's Saturday market on the 1820 Courthouse Green, stated that she is an official bidder on the RFP. False claims have been made, she said, that she was the individual that asked the Town to put the market out to bid, but the facts illustrate that the Town was compelled to adhere to the public bidding process when considering the legal and fair approach to resolving disputes over the use of public property.

Ms. Pratt indicated that she will bid to operate a farmers' market at Stephens Field on Thursdays and the Courthouse Green on Saturdays as a non-profit organization. The non-profit, she said, will offer the Town a reasonable lease payment for the use of the properties. Ms. Pratt stated that her organization will not ride on the coattails of Ms. Anglin, whom she encouraged to participate in the bidding process. A good deal of misinformation has been circulated in the course of this issue, she said, and it has been disappointing that some of the rhetoric has strayed from the facts to become personal in nature. For the record, Ms. Pratt reported, Sue Shannon (the concessionaire at Stephens Field) will not be bidding on the RFP, as so many have falsely presumed.

Donna Blishky, owner and operator of Web of Life Farm in Carver, noted that she has been a vendor with the PFM for a number of seasons. The quality and the popularity of the PFM, she said, is a direct reflection of how well Ms. Anglin has operated it. Speculating that the RFP process could create more harm than good, Ms. Blishky avowed that she will not participate as a vendor for the Stephens Field market unless Ms. Anglin is at the helm.

Doris Johnson complimented the quality of the PFM and noted her belief that Ms. Anglin should be acknowledged for being cooperative with the Town's instructions on parking and market setup. Ms. Johnson expressed reservations about the experience that other potential RFP bidders may (or may not) have with market operation, and she questioned why other potential operators could not simply choose another day of the week on which to hold their own market at Stephens Field.

Jennifer Friedrich, owner of The Edible Yard and member of the Town's Agricultural Committee, emphasized the importance of the local farmers' market to the preservation of Plymouth's farming and fishing industries. On behalf of the Agricultural Committee, Ms. Friedrich requested that the Town withdraw the RFP in favor of working with her committee on a new RFP that is (a) consistent with State and Federal standards and (b) does not place all emphasis on the monetary bid.

In response to an inquiry from Selectman Muratore, Ms. Arrighi explained that the ultimate factor on which the RFP award will be based is the monetary offer from the bidder to utilize the Town's property for the market. The bid, she said, does require some level of experience in the operation of farmers' markets, but procurement law requires that the bid award be based on some sort of objective standard by which the benefit to the taxpayer can be measured—which, in most cases, ends up being the financial offer from the bidder.

Pam Hagler, the Town's Procurement Officer, explained that, under M.G.L. Chapter 30B, bid awards related to RFP's are always based on price. If the Town were looking to acquire or dispose of property, she said, the law would allow additional evaluation criteria, but such is not the case with the RFP for the use of Stephens Field.

Ms. Arrighi noted her reluctance to build a new farmers' market RFP with non-monetary evaluation criteria, based on the number of feuding parties with delicate personal and professional interests in this issue. A subjective bidding process—which, she said, would leave the Town vulnerable to accusations of favoritism or manipulation of the RFP—is exactly what the Town must avoid in this particular matter.

Chairman Hallisey questioned why the Town could not allow a competing market group to utilize Stephens Field on another day of the week. Ms. Arrighi informed the Board that the Town does not have a pre-existing farmers' market policy through which it can field and process requests from multiple market operators. Additionally, she said, the Town cannot offer the use of Stephens Field on additional days of the week during the market season because of its use as one of the main facilities for the Town's numerous recreational programs. Stephens Field will undergo a major rehabilitation in the coming years, Ms. Arrighi added, and there are no other Town properties that can accommodate a market (or multiple markets) while the recreation area is closed.

Dave Purpura of Plato's Harvest in Middleboro reported that, as a seven-season vendor with the PFM, he has built a great customer base in Plymouth, which is one of only two market locations at which he sells his goods. Mr. Purpura explained that it is extremely important for farmers to be able to anticipate—and rely upon—the success of an annual market, on which farmers will determine what they will order in the winter and plant in the spring. Vendor space is limited and competitive, he stated; if the Town delays its decision on the fate of the PFM, the delay will inevitably create a hardship for participating vendors. Echoing previous comments made by Ms. Blishky, Mr. Purpura indicated that he will not participate as a vendor for the Stephens Field market unless Ms. Anglin is at the helm, because a new, untested market would be too much of a financial gamble for him.

Lieza Dagher of the Plymouth Center Steering Committee ("PCSC") recommended withdrawal of the RFP, as (in her opinion) it will disrupt the continuity and success of the PFM's eight years as the established market at Stephens Field and the 1820 Courthouse Green. The PFM, she said, has enhanced the regional significance and cultural vitality of the downtown area by establishing itself as a destination market, offering local foods, goods, and music. Ms. Dagher stated that the PCSC believes that the RFP will undermine the success of the current market. As a downtown resident who is vigilant about the quality of the food that she feeds her children, Ms. Dagher said that she is one of the many market customers who seek out the certified-organic and pesticide-free products sold by the vendors at the PFM. If vendors and customers are indicating that they will not support a market run by any other operator than Ms. Anglin, she said, the Town's efforts to place the market out to bid will ultimately be detrimental to both the community and the economic vitality of the downtown.

Martha Stone, a Plymouth resident and former owner of two local restaurant establishments, informed the Board that she has participated as a vendor with the PFM for four years. Ms. Stone talked about the community that has formed around the market and the importance of offering locally grown and produced goods. The success of the market at Stephens Field could change dramatically, she said, if Ms. Anglin and the regular vendors are not involved in its operation. To that end, Ms. Stone asked that the Town withdraw the RFP in favor of letting things remain as they are.

Melissa Colangelo, introducing herself as a volunteer with the PFM, read a letter from the Southeastern Massachusetts Agricultural Partnership (“SEMAP”) in which the organization expressed its support for Ms. Anglin and the PFM. According to SEMAP, the PFM is an outstanding, established market with well-developed policies and standards for vendors and their products. Ms. Colangelo stated her belief that the Stephens Field market will lose foot traffic—and, thus, vendors—if the wrong person or organization is operating it.

Jenny Healy, a local baker who participates as a vendor with the PFM, sought to address the recent conditions that the Town placed on the sale of prepared goods at the market, as a result of complaints issued by the concessionaire. These restrictions are unfair, she said, as prepared foods have been an integral feature of the market since its inception, long before the vendor began operating the concession stand. If the Town plans to proceed with the RFP, Ms. Healy stated, the matter of prepared foods must be addressed.

Selectman Brewster agreed with Ms. Healy that the market operator—not the Town—should make all decisions upon what is sold at the market. Ms. Arrighi agreed, but noted that the decision to intervene on the issue of prepared foods was the result of a very intense conflict between the market operator and the concessionaire. The language in the concession contract does not expressly give the concessionaire exclusive vending rights, Ms. Arrighi noted, but there is no reason to doubt that the concessionaire intended to have exclusive vending rights when bidding on the contract. It should also be noted, Ms. Arrighi said, that there were some issues on which the concessionaire could have challenged the Town with regards to the contract. In the course of trying to settle the dispute, Ms. Arrighi reiterated, she was not able to completely satisfy either party, which is why she advised the concessionaire and market operator to work out their differences on their own.

Selectman Muratore asked a number of questions regarding the RFP process and the willingness of potential market bidders to operate on a day other than Thursday. Ms. Hagler indicated that the Town has already received some official responses to the RFP, which specifically identifies Thursday afternoons as the day on which the market shall be operated. Ms. Pratt informed the Board that she would have to speak with her market committee prior to consenting to any proposal to offer Stephens Field on a different day of the week. Ms. Anglin expressed concern about the effect that another competing market could have upon her market, but she acknowledged that, in fairness, she could not object if the Town allowed another group the opportunity to prove itself at a different location, day, and time.

Ms. Pratt described the farmers' market dilemma as the result of two successful businesses (the PFM and the concession stand, known as the Side Dish Café) who wish to utilize the same public property at the same time. There was a time, Ms. Pratt said, when the working relationship between Ms. Anglin and Ms. Shannon (the concessionaire) was good, but the reality of the current situation has prompted the Town to issue the RFP. As a result, Ms. Pratt reiterated that she and her colleagues have submitted a bid, and she encouraged Ms. Anglin and the PFM to do so, as well.

Ms. Anglin contended that the PFM has not intervened in the business operations of the concession stand. The PFM's legal counsel, she said, believes that there is nothing in the concessionaire's contract that would allow the concessionaire to restrict the sale of other foods during a four-hour, once-per-week market at Stephens Field. Ms. Anglin stated that it is not the PFM's intention to discourage or compete with any other businesses around the Stephens Field or Courthouse Green areas. The sale of prepared foods at the market by local chefs, she noted, helps to connect customers with the local farm vendors, and, thus, is an integral part of the market. With regard to the selection of vendors, Ms. Anglin acknowledged that she has turned away many applicants, simply because of limited space at the market. In response to a question from Selectman Brewster, Ms. Anglin stated that she makes every effort to choose Plymouth vendors over outside vendors, but she noted that she also honors those vendors that have been with the market for many years.

Steve Mattern, a resident who lives nearby to Stephens Field, questioned the feasibility of offering the winning bidder of the RFP only a one-year lease. The Town, he said, cannot expect a market operator (and his/her roster of vendors) to invest such time and effort into establishing a market, if he/she is only guaranteed use of the field for one season.

Vice Chairman Mahoney noted that Stephens Field is slated for a major transformation in the coming years, which means that the market may need to be relocated, while the park is expanded from approximately four acres to eight acres. Once complete, however, foot traffic is expected to increase significantly at the park. Considering this, and the obvious demand for such local products, Vice Chairman Mahoney questioned why the vendors would choose to abandon a high-traffic Plymouth market, simply because Ms. Anglin may not be at the helm. Vice Chairman Mahoney expressed his belief that the Town should not base its decision on the farmers' market RFP solely on monetary value, because the most important thing is to have the best community-based market possible.

Chairman Hallisey closed public comment and thanked the participants for their input. The Town, he said, is not obligated to accept any of the bids on the farmers market, if it is not satisfied with the process or the responses.

Seeing no further discussion, Chairman Hallisey called for a brief recess.

OLD BUSINESS / LETTERS / NEW BUSINESS

Chairman Hallisey reconvened the meeting at 9:45 p.m.

Aquaculture Licensing / Harbor Committee – Chairman Hallisey reported that he recently had a lengthy discussion with a resident who asked that the Town create a committee to review aquaculture licensing. Aquaculture could potentially become a big business within Plymouth Harbor, Chairman Hallisey said, so it may be advisable that the Town assemble a group of citizens with expertise to review licensing criteria and guidelines. As such, Chairman Hallisey recommended that the Town’s Harbor Committee create an Aquaculture Subcommittee, with the Harbormaster to serve as the official staff liaison. There were no objections to the recommendation. Ms. Arrighi stated that she would determine how the subcommittee will fit within the context of the Harbor Committee’s mission and scope of responsibilities.

Wind Turbine Proposals – Selectman Muratore referenced a number of letters and e-mails regarding a wind turbine proposal in South Plymouth. Mr. Stankiewicz explained that, according to the Town’s current zoning bylaws, wind turbine projects require a special permit (rather than an as-of-right permit), to balance the rights of neighboring property owners with that of the project proponents. The Planning Board and Zoning Board of Appeals, Mr. Stankiewicz noted, are the decision-making authorities in such cases.

Municipal Energy Initiatives – Selectman Brewster requested an update from the Energy Committee regarding the Town’s energy initiatives. Under the State’s energy programs, Selectman Brewster said, each community is allowed 10 megawatts, but the School Department just announced that it will move forth with a project that will consume 8 of the 10 megawatts. Mr. Stankiewicz acknowledged that the School Department’s recent initiative will cause problems with the Energy Committee’s efforts to erect a municipal wind turbine near the Town’s wastewater treatment plant. Selectman Muratore agreed with Selectman Brewster that there should be some discussion between the Town, the School, and the Energy Committee on this matter.

Event to Commemorate Old Plymouth North High School Facility – Selectman Brewster noted that she and School Superintendent Gary Maestas have discussed plans to hold a “send-off party” at the Plymouth North High School facility that is scheduled for demolition in the summer of 2012. The event, she said, will be held at some point in either May or June to offer residents and former students one last opportunity to see the building.

Remote Participation in Meetings – Vice Chairman Mahoney inquired about the recent decision by the Massachusetts Attorney General’s Office to allow remote participation in meetings. Mr. Stankiewicz responded that the Attorney General (“AG”) will allow remote participation, provided that (a) there is a physical quorum of members at the meeting and (b) the member participating remotely can audibly hear, and be heard by, the other members of the board/committee and the audience. In order to comply with the AG’s ruling, Mr. Stankiewicz advised the Board to adopt a formal policy on remote participation, which, he said, he will draft for the Board’s consideration. Mr. Stankiewicz noted that he has spoken with the Town’s IT Director about the installation of equipment that would allow such remote participation.

EXECUTIVE SESSION AND ADJOURNMENT OF MEETING

The Board voted at approximately 10:00 p.m. to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 6, to consider the purchase, exchange, lease, or value of real property, as an open meeting on this matter may have a detrimental effect on the negotiating position of the body. By roll call: Muratore – yes, Mahoney – yes, Brewster – yes, and Hallisey – yes. Chairman Hallisey noted that the Board would not reconvene in open session, following executive session.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

A copy of the January 24, 2012 meeting packet is on file and available for public review in the Board of Selectmen's office.