

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, APRIL 24, 2012

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, April 24, 2012 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.

LICENSES

PEDI-CAB FOR HIRE (RENEWAL)

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the following Pedi-Cab for Hire licenses, as detailed below. Voted 5-0-0, approved.

❖ **Plymouth PediCab** (4 Freedom Street, Michael Tubin, Owner) requested renewal of the following licenses/permits

- One Pedi-Cab Business Permit
- Applying for 4 Pedi-Cab vehicle renewals
(vehicles have been inspected by the Inspectional Services Department)
- Applying for one (1) Pedi-Cab Operator License renewal:
-- Michael Tubin, 4 Freedom Street, Plymouth

Issuance is subject to CORI background check and driving record.

PEDI-CAB OPERATOR (NEW)

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to grant a Pedi-Cab Operator License to the following applicant, as detailed below. Voted 5-0-0, approved.

❖ For **Plymouth PediCab:**

- John Solari, 164 Broadmeadow Drive, East Bridgewater

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

VEHICLE FOR HIRE OPERATOR (NEW)

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant a Vehicle for Hire Operator License to the following applicant, as detailed below. Voted 5-0-0, approved.

❖ For **Seabreeze Taxi:**

- Alan Selden, 70 Spooner Street, Plymouth

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

CHANGE OF MANAGER

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to approve a Change of Manager for the following holder of a liquor license, as detailed below. Voted 5-0-0, approved.

- ❖ **Red Robin International Inc d/b/a Red Robin America's Gourmet Burgers & Spirits** (269 Colony Place) requested a Change of Manager from Robert Zahara to Benn Andrew. Background check shows no basis for denial.

ONE DAY ALL ALCOHOL LIQUOR LICENSE*

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to approve a One Day All Alcohol Liquor License to the following applicant, as detailed, below. Voted 5-0-0, approved.

- ❖ **Plimoth Plantation / Kathleen Fitzgerald** (137 Warren Avenue) requested a One Day All Alcohol Liquor license for a Gala/Fundraiser to be held from 5:00 p.m. to 11:00 p.m. on July 21, 2012 at Pilgrim Memorial State Park (near the Mayflower). Liquor liability will be in place before the license is released. Permission has been granted by the State (owners of Pilgrim Memorial State Park).

*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.

ADMINISTRATIVE NOTES

Meeting Minutes / January 3, 2012 – On a motion by Selectman Muratore, seconded by Selectman Brewster, the Board voted to approve the minutes of the January 3, 2012 Selectmen’s meeting. Voted 5-0-0, approved.

Meeting Minutes / January 6, 2012 – On a motion by Selectman Muratore, seconded by Selectman Brewster, the Board voted to approve the minutes of the January 6, 2012 Selectmen’s meeting. Voted 3-0-2, approved, with abstentions from Vice Chairman Mahoney and Selectman Harnais, who were unable to attend the January 6th meeting.

Vacate Foreclosure on 31 Barquentine Drive – On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to vacate the foreclosure on Lot 1-302 of Assessor’s Map 50, known as 31 Barquentine Drive, contingent upon payment of taxes and interest owed to the Town by the date of May 24, 2012. Voted 5-0-0, approved.

Lease Amendment for Cherry’s Bait Shop – On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to approve and execute the *Third Lease Amendment by and between the Town of Plymouth (Lessor) and Cherry’s Bait Shop (Lessee)* pertaining to property at Town Wharf known as Lots 12 and 12A. Voted 5-0-0, approved.

Appointment to Old Colony Elder Services’ Board of Directors – On a motion by Selectman Muratore, seconded by Selectman Brewster, the Board voted to re-appoint Constance DiLego as Plymouth’s representative on Old Colony Elder Services’ Board of Directors for a term effective July 1, 2012 through June 30, 2013. Voted 5-0-0, approved.

Appointment to S.M.A.R.T. Committee – On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to appoint Chris Hastings as the educational representative on the Save Money And Recycle Trash (“S.M.A.R.T.”) Committee, for a term effective April 25, 2012 through June 30, 2014. Voted 5-0-0, approved.

Mandatory Outdoor Watering Restriction – On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to authorize an immediate Mandatory Outdoor Watering Restriction, thereby limiting outdoor watering to no more than 60 minutes per day. Under the restriction, odd-numbered homes shall be permitted to use outdoor water for 60 minutes on odd-numbered days, and even numbered homes shall be permitted to use water for 60 minutes on even-numbered days. Watering will be permitted only between the hours of 5:00 a.m. to 7:00 a.m. and 5:00 p.m. to 7:00 p.m. Voted 5-0-0, approved.

Consent to Filing of Conservation Restriction / Russell Mills Realty Trust – On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to consent to the filing of a Conservation Restriction between Russell Mills Road Realty Trust and New England Forestry Foundation, Inc. for a certain parcel of land located in the

Town of Plymouth, County of Plymouth, and Commonwealth of Massachusetts containing approximately 34.5 acres, said parcel being a portion of Lot 19L shown on a plan recorded at the Plymouth County Registry of Deeds in Plan Book 56, Page 867, contingent upon review by Town Counsel. Voted 5-0-0, approved.

PUBLIC COMMENT

Chairman Hallisey noted that it is the policy of the Town not to engage in public comment regarding any Town employee.

Michael Tubin, owner of Plymouth Pedicab, provided the Board with an update on his first year in business within the town's downtown/waterfront district. Mr. Tubin indicated that the 2011 summer season went very well, but noted that he will likely limit his 2012 pedi-cab season to Labor Day, as it was too difficult to retain staff through Thanksgiving last year. In addition to his pedi-cab business, Mr. Tubin noted that he will be introducing a bicycle rental business in a joint venture with the owner of the Maui Wowi smoothie shop on Water Street.

White Horse Beach property owner Ed Rehill visited the Board again with his concerns about the way property values are assessed within his beachfront neighborhood. Mr. Rehill questioned why he has not received a response from the Town's Assessor to a number of questions that he has repeatedly asked.

Town Manager Mark Stankiewicz indicated that he has met with Mr. Rehill a number of times to discuss his property assessment and failed appeals before the Board of Assessors. The Town, Mr. Stankiewicz said, has repeatedly provided Mr. Rehill with due process, but the results of such process have not met Mr. Rehill's satisfaction.

Mr. Rehill asked the Board to assist him with getting answers from the Town's Assessor. The Board took no action on Mr. Rehill's request. Selectman Muratore echoed Mr. Stankiewicz's comments, noting his observation that staff has, in fact, provided answers to Mr. Rehill, but Mr. Rehill is simply not content with the answers.

Alex Kent addressed the Board regarding the scheduled discussion on the Town's Parking Fund Fee and Sewer Fund Fee. Mr. Kent questioned why the Board recently voted to waive both the Parking Fund and Sewer Fund fees for one business, while he was forced to pay over \$22,000 into these same funds. The owner of the particular business for which the fees were waived, he said, claimed that he could not afford to pay the fees in addition to the required sprinkler system for his establishment, but there is no evidence that the Town required the business owner to demonstrate a financial hardship prior to granting the waiver. Mr. Kent described the number of businesses—and associated jobs—that his code-compliant building on Main Street Extension houses, and he expressed his belief that he should be allowed the same consideration for a waiver as any other property owner in town. Not a single garage parking space has ever been built since the Parking Fund Fee was implemented, he remarked, while business owners continue to be penalized with such fees to do business in Plymouth.

Christopher Hart from The Nathan Hale Center announced that his organization has added a new bicycle program to its roster of services for veterans. In addition, he said, Rockland Federal Credit Union has kindly donated a freezer for the Center's food pantry. Mr. Hart talked about the number of young veterans returning home from the war overseas who are in need of multiple support services, which the Center continues to strive to provide at no charge.

Leighton Price, president of the Plymouth Growth & Development Corporation ("PGDC"), sought the Board's support for a joint venture with the Plymouth Redevelopment Authority ("PRA") to host an Urban Land Institute Technical Assistance Panel ("TAP") on the 1820 Courthouse Corridor. Though the PGDC supports the TAP, he said, it does not support the PRA's recent tactics of writing letters to the editor of the local newspaper (in absence of working cooperatively with the Selectmen). Mr. Price commented on the complexities of the 1820 Courthouse parcel and stressed the importance of making sound decisions on such a historic downtown property. He reiterated the PGDC's willingness to finance the TAP and encouraged the Board to endorse the endeavor.

DISCUSSION ON TOWN MEETING: RESULTS AND FOLLOW-UP

The Board briefly discussed the results of the April 7th Town Meeting and posed questions to Town staff regarding follow up on a handful of items.

In response to questions from Selectman Muratore, Assistant DPW Director Dennis Westgate indicated that the DPW had just recently received the bids on curbside collection, and, therefore, he and the DPW Director would need more time to prepare a presentation.

Selectman Muratore speculated as to whether Town Meeting members understood that the Stretch Code was an integral component to Plymouth's efforts to earn "Green Community" status with the State. Patrick O'Brien, Special Assistant to the Town Manager, reported that the Energy Committee will meet to discuss how to proceed, following the defeat of the Stretch Code article. Mr. O'Brien noted that Green Community status could garner \$300,000 in grant money for the Town.

With regard to Town Meeting's rejection of the proposal to acquire the County-owned "corner lot" on Long Pond Road, Mr. Stankiewicz explained that the County has indicated that it will proceed with the sale of the property to another buyer. Chairman Hallisey echoed Mr. Stankiewicz's comments but noted that, if something changes, the County may still consider selling the property to the Town.

Ken Buechs, chairman of the Committee of Precinct Chairs ("COPC"), reported on his committee's impressions of this year's trial run of the Town Meeting "super-caucuses." The consensus of the COPC, he said, was that not enough information was brought forward prior to Town Meeting, leaving too many questions unanswered prior to key votes. Mr. Buechs noted that, following the Town election on May 12th, the COPC will be comprised of new members and, as such, will reorganize. Because there may be several

newly-elected Town Meeting members, he said, the COPC recommends that the Town provide each member with an informational handbook on Town processes and functions.

Selectman Muratore surmised that the Selectmen and Town staff could have done a better job of getting information to Town Meeting members, but he noted his observation that the super-caucus format seemed to work well.

Chairman Hallisey referenced a recent editorial issued by the Old Colony Memorial in which the editors criticized the Selectmen for a (perceived) lack of success at Town Meeting. He publicly asked the editors of the newspaper to contact the Selectmen for comments and clarification, directly, to avoid the reporting of misinformation.

INFORMATION ON OLD SANDWICH ROAD RACE

Plymouth resident Craig Brenner provided a brief PowerPoint presentation on plans for the third annual Old Sandwich Road Race (“OSRR”), to be held on June 2 and 3, 2012. Mr. Brenner talked about the benefits that events like the OSRR bring to Plymouth businesses, hotels, and restaurants, based on the number of participants that such events attract. Plymouth, he said, is one of the fastest growing “race towns” in the State, noting that registration for the OSRR has increased by over 260% from the previous year. Mr. Brenner listed a number of other races scheduled for the 2012 season and encouraged local residents to participate.

PUBLIC HEARING: UNDERGROUND STORAGE OF FLAMMABLES

SANDRA CUMMINGS & JULIAN COHEN TRUST, 113-131 SAMOSET ST. (STOP & SHOP SERVICE STATION)

Chairman Hallisey opened a public hearing to consider the application from Sandra Cummings & Julian Cohen Trust, 113-131 Samoset Street (Stop & Shop Service Station) for a 20,000 gallon increase in underground storage of flammables, bringing the total storage at the site to 40,000 gallons. Chairman Hallisey affirmed that notice of the hearing was given to the public in accordance with Chapter 148 of the Massachusetts General Laws.

Bill Tabor, an engineer from the firm of Vanasse Hangen Bruslin, Inc., spoke on behalf of the license application, explaining that Stop & Shop seeks to add another fuel tank at its service station on Samoset Street. Mr. Tabor displayed visual renderings of where the proposed tank will be situated, noting that the proposal has been approved by the Zoning Board of Appeals. The current tanks at the site can only be fueled during the evening, he said, which presents the owners of the station with a challenge if the existing supply is depleted in the course of the business day. By adding the additional tank, Mr. Tabor explained, the fuel station will always have a reserve from which to serve its customers. The proposed tank is supplementary in nature, he affirmed; no new fueling pumps will be added.

Following a handful of questions from the Board for the engineer, Chairman Hallisey opened the hearing to public comment. No citizens came forth to speak on the matter. Chairman Hallisey then closed the hearing to await a motion of the Board.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve a 20,000 gallon increase in underground storage of flammables (bringing the total storage at the site to 40,000 gallons) for Sandra Cummings & Julian Cohen Trust, 113-131 Samoset Street (Stop & Shop Service Station). Voted 5-0-0, approved.

2011 AUDIT REPORT

Finance Director Lynne Barrett introduced a presentation on the 2012 Audit Report for the Town of Plymouth.

Jim Powers from the auditing firm of Powers & Sullivan provided the presentation on the independent audit that he and his colleagues conducted for the Town. Mr. Sullivan briefly summarized the audit findings and discussed the ways by which the Town has dramatically improved its auditing practices, noting that there was little for his firm to recommend in the way of changes.

With regard to the Town's financial statements, Mr. Powers said, the Town has a healthy fund balance that is appropriate and commensurate to Plymouth's size, and all of the enterprise funds have a good cash flow. Plymouth's only negative, he stated, is its unfunded liabilities, i.e. pensions and Other Post Employment Benefits ("OPEB"), but this is typical of nearly every municipality across the Commonwealth.

Mr. Powers reported on the Town's schedule of Federal grant awards, indicating that Plymouth spends approximately \$10 million per year in Federal funds, which require compliance auditing. Nearly 80% of the \$10 million in grant awards are related to School programs, he said, and a few minor issues with the School grants were found that can easily be corrected for the next year.

Mr. Powers reiterated that there were no major issues to note in his Management Letter, as the issues noted in his letters of previous years have been corrected. One of the positive measures that the Town has taken, he said, was the creation of an internal auditor position, which will help to enhance the Finance Department's supervision of the Town's accounts. Mr. Powers closed his presentation with the comment that Plymouth is one of the most fiscally sound communities in the Commonwealth.

DISCUSSION ON PARKING FUND AND SEWER FUND FEES

Assistant Town Manager Melissa Arrighi introduced a discussion on the Town's Parking Fund Fee and Sewer Fund Fee. The Board, she said, had previously requested a discussion on reducing or temporarily waiving the fees, to encourage business growth during the current economic recession. Ms. Arrighi indicated that the Board has a general

policy against the waiving of fees, but there have been a handful of requests over the years that the Board has considered on a case-by-case basis, e.g. deferring the inspectional fees for the new American Legion facility for one year. Recently, she reported, the Board waived the Parking Fund Fee and Sewer Fund Fee for the owner of 47 Main Street (the proposed Speedwell Tap & Table), an existing space that was being renovated from retail to restaurant use.

Ms. Arrighi informed the Board that the Town's DPW Director will be holding an internal meeting to discuss potential changes to the Sewer Fund Fee, in the course of his research into the Sewer Master Plan and the expansion of the Town's sewer infrastructure.

Selectman Harnais expressed support for the idea of considering changes to the Parking and Sewer Fund fees, in the interest of encouraging business growth in the downtown/waterfront district. Vice Chairman Mahoney noted his hesitation to waive fees on a case-by-case basis, as (in his opinion) it would contradict the importance of treating each property and business owner equitably. Chairman Hallisey described the Parking and Sewer fees as outrageous and punitive, echoing the earlier comments made by Alex Kent (during public comment) that no new garage parking spaces have been created since the implementation of the Parking Fund. The Town, Chairman Hallisey stated, must make a concerted effort to be more business-friendly.

Seeing no further discussion from the Board, Chairman Hallisey allowed public comment.

Richard Quintal, Jr., former Selectman and local business owner, provided some brief historical information on the fees, noting that he was always hesitant to approve any Parking or Sewer Fund fee increases without knowing how the funds would be utilized. The Board did, at one point, decide to implement a no-waiver policy on fees, he said, because it seemed unfair to waive fees for one but not for another.

Alan Zanotti, Secretary of the Plymouth Growth & Development Corporation ("PGDC"), asked that the PGDC be given the opportunity to formally review and comment upon any proposal to modify or eliminate the Parking Fund Fee. Parking, he said, is a significantly different issue from the Town's sewer infrastructure, as the Sewer Treatment Facility has unused capacity, while the Town continues to struggle with a significant parking shortage that is decades old. Mr. Zanotti explained that, as the Town pursues the creation of structured parking, it must consider the demand that each business within the downtown/waterfront district places on the parking shortage. The business for which the Board recently granted a waiver, he noted, is transitioning from a low-volume retail use to a high-volume restaurant use in an area where there is very little parking. Mr. Zanotti urged the Board to consider the burden that publicly-provided parking imposes on the taxpayer, by way of maintenance and management.

At the close of discussion, it was decided (by apparent consensus) that the Board would reschedule the matter to a later date, when the PGDC and DPW Director could be available to formally participate in the conversation.

BOARD LIAISON / DESIGNEE UPDATES

Nuclear Matters / May 12th Ballot Referendum – As the Board’s liaison to the Nuclear Matters Committee, Selectman Muratore noted that a citizen-sponsored forum has been scheduled to discuss the May 12th ballot question pertaining to the Pilgrim Nuclear Power Station. The forum, he reported, will be held at Plymouth South Middle School at 7:00 p.m. on Wednesday, April 25, 2012.

OLD BUSINESS / LETTERS / NEW BUSINESS

Press Coverage of Town Meeting – Selectman Brewster sought to address the editorial issued by the Old Colony Memorial in which the editors commented on what they perceived to be a general rejection of Selectmen-sponsored articles during the 2012 Spring Annual Town Meeting held on April 7, 2012. Selectman Brewster expressed her disappointment that the paper would question the Board’s performance, competence, and integrity, rather than simply choosing to reasonably disagree with the positions taken by the Board. Most public officials, she said, are earnestly working in the best interest of the Town, even if their ideas or philosophical approaches differ from one another.

Residential Tax Credit for Seniors – Selectman Brewster proposed that the Town consider raising the income level at which seniors are eligible for a residential tax credit. The Town’s current eligibility maximum of \$30,000 has been in place for over a decade, she said, despite the rising cost of living (for example, the eligibility maximum for State-sponsored fuel assistance is \$42,000).

Selectman Brewster asked if the Board could direct staff to investigate the process by which the Town could raise the tax credit income level to an amount that is consistent with today’s income standards. Selectman Muratore seconded the request, and the Board voted unanimously in favor.

EXECUTIVE SESSION

At approximately 9:00 p.m., the Selectmen voted to enter Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, under the following paragraphs:

Paragraph 2 – To conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel; Town Manager.

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: Harnais – yes, Muratore – yes, Mahoney – yes, Brewster – yes, and Hallisey – yes. Chairman Hallisey noted that, following executive session, the Board planned to reconvene in open session.

RETURN TO OPEN SESSION

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

Selectman Muratore made a motion that the Board vote to approve a settlement agreement between the Town and the Town Manager and to accept the voluntary resignation of the Town Manager for personal reasons, effective April 30, 2012. Selectman Harnais seconded the motion, and the Board voted 4-1-0 in favor. Vice Chairman Mahoney cast the opposing vote.

Mr. Stankiewicz stated that it was an honor to serve as the Town Manager for Plymouth, and he noted that he will treasure the many friendships and acquaintances he has made with the people he met during his tenure with the Town.

Members of the Board thanked Mr. Stankiewicz for his service and wished him well in his future endeavors.

ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 9:50 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen

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