

# ~ PLYMOUTH BOARD OF SELECTMEN ~

**TUESDAY, MAY 8, 2012**

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, May 8, 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
	Melissa Arrighi, Town Manager
Absent:	Selectman Belinda A. Brewster

## **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**

**Entergy / Pilgrim Nuclear Power Station** – Town Manager Melissa Arrighi reported that the Town has entered into negotiations with Entergy, the owners of Pilgrim Nuclear Power Station, on the Payment in Lieu of Taxes (“PILOT”) agreement between Entergy and the Town. Ms. Arrighi reminded the public that Town Meeting approved a continuation of the agreement through FY2013, and, thus, negotiations have begun for FY2014. Vice Chairman Mahoney, she indicated, will join her as part of the Town’s negotiating team, which includes Attorney Sheila Slocum Hollis from Duane Morris, Glen Walker from George Sansoucy Associates (appraising firm), Town Assessor Anne Dunn, and Finance Director Lynne Barrett. The Town’s negotiating team, she said, was given the opportunity to take an official tour of the Power Station on May 3, 2012 to view capital improvements and other changes made to the facility.

**Saquish / Gurnet Neighborhood Association** – Ms. Arrighi noted that the Saquish/Gurnet Neighborhood Association, an organization of approximately 200 members, recently invited her to one of their meetings to discuss such items as the Town’s budget, beach conservation and environmental issues, possible transfer station changes that may be coming to Plymouth, and the need for signage in the Saquish/Gurnet area. Ms. Arrighi informed the Board that she will continue to communicate with the group on a number of issues raised during the meeting.

**Spring Public Auction** – Ms. Arrighi announced that the Town will hold a public auction at 10:00 a.m. on Saturday, May 19, 2012, at the DPW Maintenance Garage, 159 Camelot Drive, for the sale of surplus Town property. A complete list of the items to be sold—from small

boats to jewelry—will be posted on the Town’s website by May 14<sup>th</sup>, and all items will be available for inspection at the Maintenance Garage at 9:00 a.m. on the day of the auction.

**Insurance Program Credits** – Ms. Arrighi was pleased to report that the Town has received \$80,000 in reward program credits from its insurance carrier, Massachusetts Interlocal Insurance Association (“MIIA”), for participation in a number of MIIA’s educational courses.

## LICENSES

### PEDI CAB OPERATOR LICENSE (NEW)

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to grant a Pedi-Cab Operator License to each of the following applicants, as detailed below. Voted 4-0-0, approved.

❖ For **Plymouth Pedicab**:

- Paul Drennan (3 Sandy Lane, Pembroke)
- Donald Dowling (1 Evergreen Court 2R, Kingston)
- Hanna Gonsalves (4 Prince Street, Apt. 15, Plymouth)

Issuance of above licenses is subject to the CORI background check.

### VEHICLE FOR HIRE OPERATOR LICENSE (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 4-0-0, approved.

❖ For **Special Occasion Limousine**:

- Bryan E. Hanson, 28 Justine Road, Plymouth

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

### ONE DAY WINE & MALT LIQUOR LICENSE\*

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

❖ **Gretchen Moran** (79 Cliff Street, Plymouth) requested a One Day Wine & Malt Liquor license for an art opening to be held from 3:00 p.m. to 5:00 p.m. at the Plymouth Center for the Arts (11 North Street) on May 12, 2012. 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.

## **COMMON VICTUALLER LICENSE**

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant a Common Victualler License to the following two applicants, as detailed below. Voted 4-0-0, approved.

- ❖ **Fashion Food LLC d/b/a Wendy's**, 69 Long Pond Road
- ❖ **Marshland Group, Inc. d/b/a Marshland 3A**, 986 State Road

Issuance of the above licenses is subject to approval of the Health and Building departments.

## **FORTUNE TELLING LICENSE (NEW)**

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to grant a Fortune Telling License to the following applicants, as detailed below. Voted 4-0-0, approved.

- ❖ **For Carolyn Julie d/b/a A Fairytale – The Truth Be Told** (574 State Road)
  - David Becker, 13 Peck Avenue, Plymouth
  - Sean Kelly, 4 Andrews Way, Plymouth

Background checks show no basis for denial.

## **ADMINISTRATIVE NOTES**

**Chapter 61B / Right of First Refusal** – On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to notify Long Pond Golf Corporation that the Town of Plymouth waives the 120-day timeline and will not exercise its right to purchase the property identified as a Portion of Lot 6C – Parcel A shown on assessors Map 77A (located at 444 Long Pond Road) under the provisions of M.G.L. Chapter 61B, Section 9. Voted 4-0-0, approved.

**Wild Animal Permit** – On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to grant a Wild Animal Permit pursuant to Chapter 23, Article IV of the Town of Plymouth Bylaws to Paul & Gita Brown of 9 Stagecoach Circle for their female Staffordshire Bull Terrier (age 8 years). Voted 4-0-0, approved.

**Lease Extension for Plymouth Water Sports** – On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to authorize staff to draft a lease extension between The Town (as lessor) and Plymouth Water Sports, Inc. (as lessee) for use of Town-owned property at 23 Town Wharf. Voted 4-0-0, approved. Note: The lessee has requested a lease extension of ten years.

## **PUBLIC COMMENT**

Nancy Carroll, the self-proclaimed “Litter Lady,” announced that the Network of Open Space Friends has organized its fourth seasonal town-wide litter pickup for May 19, 2012. The good news, she said, is that forty groups have volunteered to participate in the clean-up, but the bad news is that people continue to generate the litter that warrants such initiatives. Ms. Carroll encouraged those who would like to participate in the clean-up to contact Patrick Farah in the Planning Department at (508) 747-1620, extension 204.

Steve Lydon complimented and thanked Chairman Hallisey for his service on the Board, noting his wish that Chairman Hallisey had chosen to run for another term as Selectman.

Richard Knox of Precinct 4 sought to address (what he observed as) a number of comments and criticisms directed at the Board of Selectmen in recent weeks, following the 2012 Spring Annual Town Meeting. He encouraged citizens to refrain from being led by the opinions of editorial staff at the local newspaper who may rely on unnamed sources and/or who may have no experience in public administration. Mr. Knox questioned how any Town Meeting Member could claim that he/she did not have enough information to vote on certain matters, when, he said, it is the responsibility and duty of each member to educate him/herself prior to voting on behalf of his/her constituency. Residents, he noted, should remember that Town Meeting is responsible for approving the Town-wide budget that dictates what property owners must pay in taxes. Mr. Knox then thanked Chairman Hallisey for his service, commenting on the civility he believes Chairman Hallisey has brought to the Board through his “quiet leadership.” The Selectmen, as a whole, should be recognized—not derided—for the time and passion that they invest in service to their community, he stated.

Richard Quintal, Jr. thanked Chairman Hallisey for his dedicated service as a member of the Board of Selectmen, and he expressed his hope that, someday, Chairman Hallisey will consider returning to public service. On another matter, Mr. Quintal expressed concern that the Town is now charging non-profit organizations for permits to operate food pantries. Many people volunteer their time to run these pantries for the benefit of those who are in need, he said, and, thus, the permit fee simply becomes another burden to the non-profit. Mr. Quintal noted that the fees for food pantries were historically waived by the Board of Health until recently, and he speculated whether the Selectmen were aware of this policy change.

Kevin Doyle of Manomet thanked the Department of Public Works (“DPW”) for installing the trash receptacles at White Horse Beach so early in the season, and he expressed his hope that this will continue to be a yearly practice. Mr. Doyle then invited the public to attend the Simes House Foundation’s second annual “Halloween in the Spring” fundraiser, to be held at 6:00 p.m. at the Moose Lodge on May 11, 2012.

On behalf of the Board of Selectmen, Vice Chairman Mahoney presented Chairman Hallisey with a plaque honoring him for his service as a member of the Board from May 2009 through May 2012. The plaque, he noted, was constructed and engraved by the Plymouth Public School System’s vocational program.

## **PUBLIC HEARING: TRANSFER OF RESTAURANT LIQUOR LICENSE**

**FROM: BASK, INC. D/B/A ROOBAR, 10 CORDAGE PARK CIRCLE, SUITE 253  
TO: HAYBEAN, INC. D/B/A ROOBAR, 10 CORDAGE PARK CIRCLE, SUITE 253**

Chairman Hallisey opened a public hearing to consider an application for the Transfer of an Annual All Alcohol Restaurant Liquor License from Bask, Inc. d/b/a Roobar, 10 Cordage Park Circle, Suite 253 to Haybean, Inc. d/b/a Roobar, 10 Cordage Park Circle, Suite 253. Chairman Hallisey read a description of the premises and affirmed that notice of the hearing was given to the public in accordance with Chapter 138 of the Massachusetts General Laws.

Kristin Mackin, president of Haybean, Inc., reported that her corporation will be assuming ownership of the Roobar at Cordage Park, and, as such, she is seeking transfer of the restaurant's associated licenses. In response to some brief questions from the Board, Ms. Mackin indicated that she is TIPS-certified and explained that she will make few changes to the current operational profile of the restaurant.

Seeing no further questions or comments from the Board, Chairman Hallisey opened the hearing to public comment. No citizens came forth, and, thus, Chairman Hallisey closed the hearing to await a motion of the Board.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to approve the Transfer of an Annual All Alcohol Restaurant Liquor License from Bask, Inc. d/b/a Roobar, 10 Cordage Park Circle, Suite 253 to Haybean, Inc. d/b/a Roobar, 10 Cordage Park Circle, Suite 253. Voted 4-0-0, approved.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant the following licenses to Haybean, Inc. d/b/a Roobar (10 Cordage Park Circle) in conjunction with the approved Transfer of Annual All Alcohol Restaurant License, as listed below. Voted 4-0-0, approved.

- Comprehensive Entertainment – Radio, TV, live entertainment, dancing
- Common Victualler
- Extension of Hours – 1:00 a.m.
- Sunday Entertainment – Live entertainment, dancing.

## **PLYMOUTH VILLAGE SURVEY / MAIN STREET INITIATIVE**

Denis Hanks, Executive Director of the Plymouth Area Chamber of Commerce ("the Chamber"), provided the Board with a presentation on the Main Street Initiative, a collaborative effort between the Chamber, the Town of Plymouth, the Plymouth Regional Economic Development Foundation ("the Foundation"), and the Massachusetts Small Business Development Center.

Mr. Hanks reported that the Center for Marketing Research of the UMASS-Dartmouth Charlton College of Business was engaged by the collaborative to conduct a survey of

businesses within Plymouth's five village centers: Cedarville, Manomet, Plymouth Center, North Plymouth, and West Plymouth. The 20-question, scientifically-conducted survey asked Plymouth village business owners for feedback on the following topics:

- Identifying the unmet needs of the businesses
- Identifying the challenges that businesses are facing
- Exploring the satisfaction of businesses with the Town of Plymouth
- Exploring the potential for business participation in civic and charitable organizations
- Exploring the willingness of businesses to participate in a marketing collaborative

Mr. Hanks discussed the profile of the businesses that responded, i.e. how long the businesses have operated in Plymouth and the days during which the businesses are open to customers. It was interesting to note, he said, that 37% of the businesses that were surveyed have been in Plymouth for more than 25 years, while 22% have been in Plymouth 1-5 years, and 14% for 11-15 years.

Mr. Hanks reported that the top three general challenges identified by business owners were (1) decreased profits, (2) a decrease in customers, and (3) increased building costs. Based on the feedback from the survey, however, it appears that the economy is looking brighter, as nearly 50% of the respondents indicated that they will be hiring new employees within the next year. The top four municipal needs identified by business owners, Mr. Hanks said, were (1) more parking, (2) more signage, (3) better lighting on streets, and (4) decreased taxes.

The survey, Mr. Hanks explained, asked business owners to indicate how satisfied they are with the Town's licensing processes and zoning regulations. Based on the responses to the survey, he said, 32% were very satisfied with the Town's licensing requirements, 29% were very satisfied with the zoning laws, and 25% were very satisfied with regulations on signage. Mr. Hanks reported that business owners were asked what they view as the best three things about their location, and the top three responses were (1) parking, (2) being downtown, and (3) visibility. Ironically, he noted, the top three responses for the biggest challenges about the business location were (1) parking, (2) competition, and (3) winter snow removal. Business owners offered the following top-three recommendations that would help their businesses become more successful: (1) improved parking, (2) advertising/marketing, and (3) a better economy. One of the main intentions behind the survey, Mr. Hanks said, was the assessment of interest amongst village center business owners in joint marketing initiatives, and responses indicated that a clear majority would be willing to participate in a marketing collaborative.

Mr. Hanks listed the recommendations/conclusions and action items derived from the survey:

- The improvement of parking will help village center businesses to be more successful.
- The Town must be made aware that business owners are dissatisfied with snow removal, street lighting, and communication of road closures.
- The Town's regulations on signage must be explored, especially for Cedarville, in the interest of signage optimization.

- The creation of a business marketing collaborative for area businesses will assist with advertising and help businesses achieve more success
- Action: continue outreach programs and technical assistance
- Action: bring village center businesses together
- Action: establish villages as destination points

Mr. Hanks responded to some remaining questions and comments from the Board regarding the initiative and what the Town can do to help its local business owners. Mr. Hanks informed the Board that the Chamber, in partnership with the Town, created a very helpful guide on zoning and permitting for businesses that has become the most-downloaded document on the Chamber's website.

The Board briefly discussed ways by which the Town could streamline its zoning and permitting processes. Chairman Hallisey then opened the discussion to public comment.

Kevin Doyle asked Mr. Hanks if the Chamber could assist Manomet with establishing a Manomet business association. Mr. Hanks noted that he met with each of the Town's village steering committees. The Chamber, Mr. Hanks added, has reached out to local businesses to provide information on its business support services and proposed marketing collaborative.

## **DISCUSSION ON INTERIM SEWER CONNECTION POLICY**

Ms. Arrighi introduced a discussion on the Board's request that the Town consider creating a more business-friendly Sewer Connection Policy. The Town's wastewater treatment facility, Ms. Arrighi explained, is operating only at half-capacity, due to the actual geographic extent of the Town's sewer lines and the expense of connecting with system. The Board, she said, asked staff to investigate ways by which the Town can encourage more property owners to connect onto the municipal sewer infrastructure.

DPW Director Jonathan Beder provided a PowerPoint presentation on an interim connection policy that he developed with DPW staff members Gary Frizzell (Wastewater Superintendent) and Sheila Sgarzi (Sewer Engineer) to increase the customer base of the Town's underutilized sewer system.

Mr. Beder provided information and history on the current Sewer Connection Policy ("SCP"), which, he said, dates back to August of 2004. The intent of the policy, he stated, was to recoup the cost of the capital expense to construct the treatment facility by charging fees for (a) new sewer connections and (b) expansions to existing sewer connections.

Mr. Beder then listed the fees under the current SCP:

- Current Administrative Fee: \$100
- New Connection Fee (for main installation): \$1,200
- Sewer Connection Privilege Permit Fee \$16/gallon

Mr. Beder explained that the proposed interim SCP is intended to increase flows to the treatment facility by encouraging new users to tie into the system. Adding new customers, he said, reduces the burden on each ratepayer by spreading costs over a larger user base. In addition, the elimination of septic systems in favor of connection to a closed, treated system becomes a benefit to the environment by reducing the volume of nitrogen discharged into the groundwater. The interim policy would be in place for six months, he said, with plans for a more permanent policy to come before the Selectmen for final approval (with the completion of the Town's Comprehensive Wastewater Management Plan).

Mr. Beder listed the fees under the proposed interim SCP:

- Administrative Fee: \$100
- New Connection Fee (for main installation): \$1,200
- Sewer Connection Privilege Permit Fee \$5/gallon (reduction of \$11/gallon)

Mr. Beder displayed a chart illustrating the comparison between the current \$16/gallon fee and the proposed \$5/gallon interim fee with examples of a three-bedroom house or a 100-seat restaurant. Mr. Beder then presented a proposal for a potential amnesty program:

- Residential (Certified Failed Title 5 Septic System): NO FEE
- Residential (Currently on Septic): NO FEE for first 500 gallons; \$5/gallon thereafter
- Existing Commercial Sewer Customer (Renovation): NO FEE for first \$1,000 gallons; \$5/gallon thereafter
- New Sewer Connections – \$5/gallon
- \$100 administrative fee applies to all connections

The Selectmen proposed questions and offered comments on the interim SCP proposal.

Mr. Hanks from the Plymouth Area Chamber of Commerce informed the Board that, should they approve the interim policy and/or amnesty program, he will disseminate the information to area businesses (in proximity to the current sewer infrastructure) through the Town's Economic Development Office.

Wastewater Superintendent Gary Frizzell reported that there are 42 properties (both residential and commercial) in connectable proximity to the Town's current sewer infrastructure that are on septic systems.

Mr. Beder explained that, if the Board chooses to enact the interim policy and/or amnesty program, he will track the progress of sewer connections over the proposed six-month time period and bring the results back with further information on plans for wastewater expansion and debt reduction on the treatment facility. Mr. Beder referenced six particular recommendations within the memo he provided to the Selectmen (in their meeting packets) that described, in further detail, how the interim policy and amnesty program would be implemented, if approved.

Chairman Hallisey allowed public comment.

Attorney Robert Betters noted that he works with many developers who will likely see this amnesty program as favorable. While the six month time period for the interim policy will work well for residential projects, Attorney Betters speculated that commercial projects may not be completed in such a short time frame. As such, he recommended that the Board consider implementing the interim policy for at least one year to 18 months.

The Board briefly discussed Attorney Betters' proposal to extend the interim policy / amnesty beyond 6 months. Vice Chairman Mahoney made a motion to approve an Interim Sewer Connection Policy, as outlined in the memo from DPW Director Beder.

Prior to entertaining a second of Vice Chairman Mahoney's motion, Chairman Hallisey noted that there may have been other citizens who wished to speak on the policy.

Richard Quintal, Jr. expressed concern about the condition of the wastewater treatment facility, following years of operation by an outside contractor. Mr. Beder responded that he and his staff are looking into such concerns and working with the contractor to ensure that the facility is properly maintained.

Steve Lydon recommended that the Town mandate sewer connection for any properties with failed septic systems. Chairman Hallisey responded that the Town is looking into low-interest loan programs that could assist homeowners with sewer connections, following septic system failure.

Selectman Harnais seconded Vice Chairman Mahoney's motion to approve an Interim Sewer Connection Policy, as outlined in the memo from DPW Director Beder. The Board then voted 4-0-0 in favor.

Selectman Harnais made a motion for the Board to accept the proposed amnesty program for the Sewer Connection Policy, as proposed by the DPW Director. Selectman Muratore seconded the motion.

Selectman Muratore asked Mr. Beder to clarify the length of the interim policy and amnesty program. Mr. Beder affirmed that the policy and amnesty program would run for six months, as outlined in his memorandum.

The Board briefly discussed the motion. Vice Chairman Mahoney expressed concern about deviating from the Board's policy against waiving fees. Selectman Muratore noted his willingness to try the interim policy and amnesty program on the six-month, temporary basis.

As discussion came to a close, the Board voted 4-0-0 in favor of the motion to accept the proposed amnesty program for the Sewer Connection Policy, as proposed by the DPW Director.

## **OLD BUSINESS / LETTERS / NEW BUSINESS**

**Chairman Hallisey's Last Meeting** – Selectman Muratore and Selectman Harnais each took the opportunity to thank Chairman Hallisey for his dedicated service, as May 8<sup>th</sup> would be his last meeting as an elected official.

Chairman Hallisey stated that it was a pleasure to serve the residents of Plymouth, and he thanked the voters for placing their confidence in him. He expressed hope that his effort to bring people together in the spirit of cooperation has had a positive effect on the operations of the Town. Chairman Hallisey noted his respect for the work done by Town employees—from Department Heads to the staff on the front line—to respond to the needs of the taxpayers on a daily basis. Lastly, Chairman Hallisey thanked his wife and children for their support during his service on the Board, and he noted that he may decide to return to public service if the opportunity arises in the future.

## **ADJOURNMENT OF MEETING**

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 8:50 p.m. Voted 4-0-0, approved.

*Recorded by Tiffany Park, Clerk to the Board of Selectmen*

*A copy of the May 8, 2012 meeting packet is on file and available for public review in the Board of Selectmen's office.*