

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, SEPTEMBER 28, 2010

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, September 28, 2010 at 6:30 p.m. at Town Hall in the Mayflower Room.

Present: William P. Hallisey, Jr., Chairman
John T. Mahoney, Jr., Vice Chairman
Richard J. Quintal, Jr.
Sergio O. Harnais
Mathew J. Muratore

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

CALL TO ORDER

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

EXECUTIVE SESSION

On a motion by Selectman Quintal, seconded by Selectman Harnais, the Board voted to enter executive session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to collective bargaining (OPEIU, Patrolmen, Superior, Fire, and SEIU units), as an open meeting on this matter may have a detrimental effect on the Town's bargaining position. By roll call: Harnais – yes, Quintal – yes, Mahoney – yes, Muratore – yes, and Hallisey – yes. Chairman Hallisey noted that the Board would reconvene in open session following the conclusion of executive session.

RETURN TO OPEN SESSION

Chairman Hallisey reconvened the meeting at approximately 7:38 p.m. and led the Pledge of Allegiance.

MSBA STATEMENTS OF INTEREST FOR SCHOOL PROJECTS

Gary Maestas, Superintendent of Schools, provided the Board with a brief explanation of two projects for which the Schools will apply for reimbursement from the Massachusetts School Building Authority ("MSBA"). MSBA, he said, has developed a new reimbursement program for environmental efficiency (a.k.a. "green") projects, and Plymouth Schools have applied for funding for the following two upgrades:

- Plymouth Community Intermediate School (“PCIS”) – roof replacement
- West Elementary School – boiler replacement

In order for Plymouth to qualify, Mr. Maestas reported, the Schools must submit Town-approved “statements of interest” for each project. If MSBA chooses to approve Plymouth’s applications, he noted, it is anticipated that each project will receive approximately 58% reimbursement.

Mr. Maestas responded to some brief questions regarding the \$5 million expense to repair the roof at PCIS, noting that the old roofing contained asbestos, which drove up the cost of the project.

On a motion by Selectman Muratore, seconded by Selectman Quintal, the Board voted to approve and endorse the Statements of Interest presented by the School Department for the PCIS roof replacement and West Elementary boiler replacement projects. Voted 5-0-0, approved.

TOWN MANAGER’S REPORT

Town Manager Mark Stankiewicz recommended that the Board skip over his scheduled Town Manager’s Report, to move the meeting more expediently along to the subsequent agenda items. The report was given to the Board in written form, he noted.

The Board made no objections to Mr. Stankiewicz’s recommendation.

LICENSES

ONE DAY ALL ALCOHOL LIQUOR LICENSE

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

- ❖ **The Plymouth Guild for the Arts** (Richard Mulcahy, 11 North Street) requested a One Day All Alcohol License for the annual juried art show to be held from 4:30 p.m. to 7:30 p.m. on October 24, 2010. Liquor Liability Insurance is in place and trained staff will serve the alcohol.
- ❖ **Plymouth Philharmonic Orchestra** (Deb Cox, 11 North Street) requested three (3) One Day All Alcohol licenses for the dates listed below. Liquor Liability Insurance is in place and a professional bartending service will serve the alcohol.
 - October 7, 2010 from 5:30 p.m. to 8:00 p.m. for a Soiree
 - October 23, 2010 from 5:30 p.m. to 11:00 p.m. for a Gala
 - November 9, 2010 from 5:30 p.m. to 9:00 p.m. for a Seminar

ONE DAY WINE & MALT LIQUOR LICENSE

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to approve the following One Day Wine & Malt Liquor licenses, as detailed. Voted 5-0-0, approved.

- ❖ **Our House Services** (Philippe Ducrot, 40 Russell Street) requested five (5) One Day Wine & Malt licenses for wine dinners to be held from 6:00 p.m. to 11:00 p.m. on October 1, 2, 7, 9, and 16, 2010. Liquor Liability Insurance is in place.

VEHICLE FOR HIRE (VEHICLE)

On a motion by Vice Chairman Mahoney, seconded by Selectman Muratore, the Board voted to approve the following Vehicle for Hire (Vehicle) Permit. Voted 5-0-0, approved.

- ❖ For **Plimoth Transportation, Inc.** d/b/a/ Mayflower Taxi (166 Gunner's Exchange)
 - 2001 Ford Crown Victoria - Taxi
This vehicle is replacing an existing vehicle.
Inspectional Services has inspected the vehicle.

FUEL STORAGE (CHANGE OF OWNERSHIP)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to approve the following Fuel Storage Change of Ownership. Voted 5-0-0, approved.

- ❖ **226 Nicks Rock Road** – This location was previously licensed for storage tanks with a capacity of 44,400 gallons, owned by P.A. Landers. The Board approved the transfer of this license to T.L. Edwards, Inc., the new owners of 226 Nicks Rock Road.

EARLY SUNDAY SALES (AMENDMENT)

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board approved the following amendments to existing Early Sunday Liquor Sales licenses, as detailed below. Voted 4-0-1, approved, with an abstention from Selectman Quintal.

- ❖ The following licensees that currently hold an 11:00 a.m. Early Sunday Sales Permit have applied for the 10:00 a.m. Early Sunday Sales Permit (now allowed by the State):
 - Southers Marsh Golf Club, 30 Southers Marsh Lane
 - Cold Spring Athletic Club, 26 Lothrop Street
 - Seaside Club of Plymouth, 77 Forest Ave Ext.
 - Patrizia's Italy Trattoria, Inc., 170 Water Street
 - Alden Park Restaurant, 160 Colony Place
 - Nonna's Ristorante, 739 State Road
 - Frescoe LLC, 424 Long Pond Road

- Cabbys shack Inc., 30 Town Wharf Road
- The Black Raspberry Pub, 36 Cordage Park Circle
- Radisson Hotel, 180 Water Street
- Maggie's Pub, 58 Court Street
- RK Restaurant Associates d/b/a T-Bones Roadhouse, 22 Main Street

EARLY SUNDAY SALES (NEW)

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board approved the following Early Sunday Liquor Sales permits, as detailed. Voted 3-0-2, approved, with abstentions from Chairman Hallisey and Selectman Quintal.

❖ The following licensees applied for a 10:00 a.m. Early Sunday Sales Permit.

- Moe's Southwest Grill, 110 Colony Place
- China Pilgrim Restaurant, 204 South Meadow Road
- 14 Union Street Corporation, 14 Union Street

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board approved the minutes of the August 31, 2010 Selectmen's meeting. Voted 4-0-1, approved, with an abstention from Selectman Quintal (as he did not attend the August 31st meeting).

Easement Exchange off Hedges Pond Road – The Board executed an easement on Town Land and accepted an easement from the Plymouth Economic Development Foundation on Hedges Pond Road for drainage purposes. Town Counsel has reviewed and approved these documents.

[Note: Town Meeting approved Article 35 of the April 2010 Annual Town Meeting creating reciprocal easements on the Plymouth Economic Development Foundation Hedges Pond property and on the abutting Town-owned property (Lots 24, 26 and 27 on Plat 55). The reciprocal easements will allow the natural drainage patterns to remain and eliminate the need for the disruption to approximately two (2) acres of land.]

Aquaculture License – The Board agreed to finalize the drafting of three (3) 3.75-acre aquaculture licenses for Michael Withington, Sean Withington, and Donald Wilkinson.

Bond for Title V Loan Program – The Board voted that the Town shall issue a bond or bonds in an aggregate principal amount not to exceed \$200,000 (the "Bonds") pursuant to Chapters 29C and 111 of the General Laws and a vote of the Town passed April 3, 2010 (Article 8), which authorized a total borrowing of \$200,000, for a community septic management loan program (the "Project"); and

Further voted: that in anticipation of the issuance of the Bonds the Treasurer is authorized to issue an interim loan note or notes (the "Notes") from time to time in an aggregate principal amount not to exceed \$200,000; and

Further voted: that each Bond or Note shall be issued as a single registered security, and sold to the Massachusetts Water Pollution Abatement Trust (the "Trust") at a price determined pursuant to the Loan Agreement; and

Further voted: that the Treasurer is authorized to determine the date, the form, the maximum interest rate and the principal maturities of each Bond and Note, and to execute a Loan Agreement or Agreements with the Trust with respect to the sale of the Bonds and Notes, such date, form and maturities and the specific interest rate or rates of the Bonds and Notes to be approved by a majority of the Board of Selectmen and the Treasurer and evidenced by their execution of the Bonds or Notes; and

Further voted: that all action taken to date by the Town and its officers and agents to carry out the Project and its financing, including the execution of any loan agreement by the Treasurer, are hereby ratified, approved and confirmed; and

Further voted: that the Treasurer and the other appropriate Town officials are each hereby authorized to take any and all actions necessary and convenient to carry out the provisions of this vote, including execution and delivery of the Loan Agreement or Agreements and the Project Approval Certificate and Regulatory Agreement or Agreements relating to the Project.

PUBLIC COMMENT

Kenneth and Rebecca Matejek, owners of ServPro of Plymouth/Wareham, presented the Town with a check in the amount of \$1,700 for Plymouth's Veterans Services Department. The money, he explained, was raised through a motorcycle event that ServPro hosted to benefit Plymouth's veterans.

Veterans Services Officer Roxanne Whitbeck thanked Mr. and Mrs. Matejek for their generosity. Selectman Muratore made a motion to accept the \$1,700 donation for Plymouth's Veterans Services Department. Selectman Quintal seconded the motion, and the Board voted unanimously (5-0-0) in favor.

FALL TOWN MEETING ARTICLES

ARTICLE 4

To see if the Town will vote to raise and appropriate, transfer from available funds or borrow a sum of money for the construction and/or repair and/or purchase and/or lease and/or replacement of departmental buildings and/or equipment and/or capital facilities and/or for feasibility studies and other types of studies for the various departments of the Town substantially as follows:

- a. Stephens Field 21E
- b. Tall Pines Drainage Option 1
- c. Tall Pines Drainage Option 2
- d. Oliver Neck Road Access Option 1
- e. Oliver Neck Road Access Option 2
- f. Withdrawn

- g. Withdrawn**
- h. Intersection on Samoset Street**
- i. Sewer Interceptor Project**
- j. Airport Taxiway Relocation**

Or take any other action relative thereto.

BOARD OF SELECTMEN

ARTICLE 4A – STEPHENS FIELD 21E

Assistant Town Manager Melissa Arrighi presented Article 4A relative to the funding of an environmental site investigation at Stephens Field. An article such as 4A would typically be brought forth to the Spring Annual Town Meeting, she noted, but the opportunity to apply for a State-funded Parkland Acquisitions and Renovations for Communities (“PARC”) grant for Stephens Field necessitates that the site investigation be brought forth to the Fall Town Meeting. Ms. Arrighi referenced the explanation for the study provided by DPW Environmental Manager David Gould in the Board’s packets and noted that the \$50,000 allocated by Article 4A would help the Town get started on the study (required by M.G.L. Chapter 21E) while the DPW secures a PARC grant by the spring.

In response to a question from Selectman Quintal, Ms. Arrighi explained that (if Article 4A is approved) the study portion of the project will begin in November, with the subsequent remediation work—conducted by a licensed site professional—anticipated for Spring 2011.

Chairman Hallisey allowed public comment on Article 4A.

Joan Bartlett spoke to the Board on behalf of the Friends of Stephens Field, a group of citizens who volunteer their time to help with litter pickup and minor aesthetic improvements at the site. The Friends, she said, support Article 4A as part of the Town’s efforts to clear the vacant properties (formerly utilized by the Department of Public Works) that were annexed onto Stephens Field by Town Meeting in recent years.

Gerry Sirrico, Precinct 3 Town Meeting Representative, noted that Precinct 3 supported the annexing of the former DPW properties onto Stephens Field. The field, he said, has many attributes and amenities that the recently-renovated Nelson Park does not have.

On a motion by Vice Chairman Mahoney, seconded by Selectman Muratore, the Board voted to recommend Article 4A to the 2010 Fall Annual Town Meeting. Voted 5-0-0, approved.

ARTICLE 4B - TALL PINES DRAINAGE OPTION 1

ARTICLE 4C - TALL PINES DRAINAGE OPTION 2

Hector Castro, Director of Public Works, provided a presentation on two capital projects related to the flooding that occurred in the Tall Pines Neighborhood (off Long Pond Road) after 14 inches of rain fell within a two week period in March of 2010. At the request of the residents of Tall Pines, Mr. Castro reported, he and his staff investigated two options that the residents believe could address the flooding.

Mr. Castro explained that the Tall Pines subdivision was built in a low-lying area (formerly known as Fuller's Brook), and when the uncharacteristically heavy rains of March 2010 fell in such a short span of time, groundwater saturated the neighborhood and did not recede in a typical fashion. Eight homeowners within the neighborhood were forced to continuously pump water from their basements from March until August, he noted.

The first option suggested by Tall Pines residents (Article 4B – Option 1), Mr. Castro said, is to pave the existing drainage ditch that runs through the neighborhood. In his engineering judgment, he noted, this option would not correct the flooding, because the problem is not one of flow-through but one of groundwater in a low-lying area. If another event similar to that of March 2010 were to occur, Mr. Castro explained, there would be little guarantee that paving the existing drainage ditch would have any remedying effect on the groundwater level.

The second option (Article 4C – Option 2), Mr. Castro informed the Board, would be the installation of a pumping station that would direct water overflow from Great South Pond to the Billington Sea drainage basin. While Option 2—estimated at a costly \$3,430,941 for the pumping station and force main—might be more effective than Option 1, he said, there is no guarantee that it will offer relief from the natural pooling of groundwater in the Tall Pines neighborhood.

The Board posed questions to Mr. Castro regarding the options presented via Articles 4B and 4C. During the discourse, Mr. Castro reiterated that he is not fully confident that either option will offer a permanent solution to the groundwater problem in the Tall Pines neighborhood.

Chairman Hallisey proposed the idea of installing a water level monitoring system (similar to that of the Town's SCADA system at its well sites) at Great South Pond, an option, he said, which may be more affordable. If the water in Great South Pond gets too high, he explained, the monitoring system could issue an automatic call-out to notify nearby residents of an unusually high water level. At that point, Chairman Hallisey speculated, the Town could also attempt to work with Jeffrey Kapell (owner of several cranberry bogs surrounding the Great South Pond area) to adjust the flow of water from Great South Pond into his bogs.

Mr. Castro stated that a water level monitor for Great South Pond would cost approximately \$10,000. While a monitor at the pond could certainly be tied into the town's SCADA system, he noted, it would only serve to notify residents of a high water level at the pond. The perception that the flow of water through an outfall pipe at Great South Pond has some effect on the groundwater at Tall Pines is questionable, Mr. Castro explained, because the groundwater issue in the neighborhood is caused by its low elevation. Though Mr. Kapell has been cooperative in the past by allowing the outflow of additional water from Great South Pond into his cranberry bogs, he can only allow so much before the water level begins to affect his crops, Mr. Castro reported.

Selectman Quintal questioned whether the Town could offer a land swap to Mr. Kapell, by which the Town would take one of Mr. Kapell's bogs at Great South Pond for water overflow while offering a comparable parcel of open space for cranberry harvesting to Mr. Kapell,

elsewhere. Mr. Castro explained that he would have to run some calculations and investigate the matter further before offering his opinion on Selectman Quintal's recommendation.

Mr. Castro responded to some remaining questions from the Board regarding Articles 4B and 4C. He again reiterated that, based on hydrogeology, the issue at Tall Pines is related to low elevation and groundwater. In order to alleviate the flooding caused by the tremendous amount of rain that fell in March 2010, he said, the Town would need the ability to discharge 280 million gallons of water per day in order to have any meaningful effect on the water level.

Following some brief, final comments, Selectman Muratore made a motion to withdraw Article 4B and Article 4C from the 2010 Fall Annual Town Meeting warrant. Selectman Harnais seconded the motion, and the Board voted 5-0-0 in favor.

ARTICLE 4D – OLIVER NECK ROAD OPTION 1

ARTICLE 4E – OLIVER NECK ROAD OPTION 2

Mr. Castro explained that the closure of Concord Road (a private way in South Plymouth) to public through traffic has severely hampered the ability of Plymouth's emergency first responders to reach the Oliver Neck Road neighborhood in a satisfactory time period. Mr. Castro reported on the following options that his department investigated in response to the concerns of the residents of Oliver Neck Road.

Option 1 represents a proposal to construct a new connector road from Bourne Road to White Island Road, at an estimated cost of \$1.4 million.

Option 2 is a proposal to construct a new, gated access roadway connecting Fairhaven Way to White Island Road using an existing trail that has been (illegally) cut through Town-owned property, at an estimated cost of \$310,000. This option would require easements from the residents of Fairhaven Way and the neighborhood association.

Option 3 is an option that was suggested by the Capital Outlay Expenditure Committee ("COEC"), at its meeting of September 15, 2010, to re-open Concord Road as a limited access, gated roadway for emergency vehicles, only. The estimated construction cost relative to this option is \$160,000. Option 3 would also require easements from the abutting residents.

Mr. Castro explained that the COEC did not have a quorum during its meeting of September 15, 2010, and, thus, it could not issue a formal vote or recommendation on the options presented. Discussion during the informal COEC meeting did indicate, however, that Option 1 was deemed to be too expensive, prompting discussion of a third option (to re-open Concord Road).

From the audience, Paul Hapgood of Precinct 9 raised a point of order, cautioning the Board against discussing Option 3, because it was not listed on the Selectmen's agenda.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to withdraw Article 4D (Option 1). Voted 5-0-0, approved.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to table its decision on Article 4E (Option 2) and add Option 3 to the warrant. Voted 5-0-0, approved.

ARTICLE 4H - SIGNAL ON SAMOSET STREET

Mr. Castro provided a brief overview of the proposal to install traffic signals at the intersection of Samoset Street, Marc Drive, and the entrance to Plymouth Mobile Home Estates. The project, he said, is estimated to cost \$950,000 and will require the realignment of the roadway and land takings by eminent domain. Mr. Castro stated that he could not recommend the project represented by Article 4H, based on traffic standards and engineering studies conducted to determine the viability of traffic signals at the site.

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

Selectman Muratore noted that the Board voted 3-1 (at the meeting of July 20, 2010) to move forth with the intersection project, in the interest of safety. He asked Mr. Castro if there were any less costly options that would address the matter.

Mr. Castro reported that many factors are taken into consideration when traffic signals are proposed, based on the *Manual on Uniform Traffic Control Devices*. The engineering studies conducted at the site, he explained, determined that the intersection met none of the criteria required to warrant signalization. In his estimation, he said, the realignment of the roadway would be the best option. Mr. Castro noted that, if the Town moves forth with the installation of the signals—without engineering data to justify such measures—the Town may be opening itself to liability in circumstances where accidents occur at the site.

Mr. Castro fielded questions from the Board regarding eminent domain takings; outreach with the residents of Marc Drive and Plymouth Mobile Home Estates; and other options that would meet traffic standard requirements. He noted that his department can re-introduce the more economical option of roadway re-alignment, which will provide for a central turning lane.

Selectman Harnais made a motion to withdraw Article 4H from the 2010 Fall Annual Town Meeting warrant and direct staff to work with the neighboring residents (of the intersection) on a less expensive solution for the 2011 Spring Town Meeting. Selectman Quintal seconded the motion and discussion ensued.

Selectman Muratore acknowledged the high expense of the project but cautioned the Board against postponing action on the issue too long. Selectman Harnais agreed that the Board must not allow the issue to languish beyond Spring Town Meeting and asked that all residents who live along that stretch of Samoset Street be involved in the decision-making process. Selectman Quintal expressed disappointment that the Board appeared to be on the verge of withdrawing the article, after staff spent a good deal of time working on the proposal at the Board's initial behest. Chairman Hallisey offered his hope that a sensible, less costly solution can be reached by spring.

At the close of discussion, the Board voted 4-0-1 to withdraw Article 4H from the 2010 Fall Annual Town Meeting warrant and direct staff to work with the neighboring residents (of the intersection) on a less expensive solution for the 2011 Spring Town Meeting. Selectman Quintal abstained from the vote.

ARTICLE 4I – SEWER INTERCEPTOR PROJECT

Mr. Castro provided the following information on the proposed sewer interceptor project related to the construction of the new Plymouth North High School (“PNHS”) and Council on Aging (“COA”) facilities.

Per order of the Massachusetts Department of Environmental Protection (“DEP”), the PNHS and COA projects cannot proceed without the increase of sanitary sewer collection capacity in the Nook Road / Obery Street corridor. Two options were investigated by DPW:

Option A calls for the construction of a new section of sewer gravity lines along Nook Road and under Route 3, at an estimated cost of \$1,000,000.

Option B proposes the construction of a new “interceptor” wastewater pump station and grit screening facility adjacent to the South Street Transfer Station, at an estimated cost of \$2,000,000.

Mr. Castro explained how Option B would accomplish two important objectives, in the course of one project, by (1) meeting the requirement for additional sewer capacity for the new high school and senior center facilities, while (2) providing for the expansion of the Town’s sewer infrastructure to the Long Pond Road / Exit 5 area. The Building Committee, he said, favored Option B and voted to allocate \$1.2 million from the PNHS / COA bonding towards the total expense, leaving the Town with an approximate \$800,000 balance to raise or appropriate.

Selectman Quintal made a motion to recommend Article 4I / Option B to the 2010 Fall Town Meeting. Selectman Harnais seconded the motion. Mr. Castro responded to some brief final questions from Vice Chairman Mahoney regarding the sewer expansion capacity that Option B will provide prior to the Board’s unanimous (5-0-0) vote to approve the motion.

ARTICLE 26

To see if the Town will vote to accept G.L. c. 32B, §20, entitled “Other Post Employment Benefits Liability Trust Fund; local option; funding schedule,” establishing a fund for the Town’s unfunded actuarial liability of health care and other post employment benefits for its retirees, or take any other action relative thereto.

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Mr. Stankiewicz reported that, since the Board’s vote (at the meeting of August 31, 2010) to recommend Article 26 to the 2010 Fall Town Meeting, he and his staff held a meeting with members of the Advisory & Finance Committee and Insurance Advisory Committee to discuss the best means by which to establish a trust fund for the Town’s “Other Post-

Employment Benefits (“OPEB”).” The group, he said, discussed the Finance Director’s recommendation for passage of Article 26, which would provide the Town with the ability to establish an OPEB fund via acceptance of M.G.L. Chapter 32B, Section 20. Based on the outcome of the group’s discussion, Mr. Stankiewicz offered his recommendation that the Board vote to withdraw Article 26 and pursue a home rule petition for a special act of the legislature (for the establishment of an OPEB fund) at the 2011 Spring Town Meeting.

Mr. Stankiewicz responded to questions from the Board as to the reasons for delaying the home rule petition until the spring. Without a fully-developed funding policy or funds to deposit in the account—along with some remaining questions and clarification on the process—it was decided, he said, to take the time to fully prepare and garner support for an OPEB article at the April Town Meeting, as opposed to bringing forth the change to Fall Town Meeting on such short notice.

Chairman Hallisey opened the discussion to public comment.

Dale Webber, Town employee and chairman of the Insurance Advisory Committee (“IAC”), spoke in favor of bringing forth the home rule petition option to the 2010 Fall Town Meeting. The IAC, he noted, has long supported the creation of a standalone trust fund to address peaks in national healthcare costs. Mr. Webber stated that the consultant who provided the Board with an actuarial report on the Town’s OPEB liabilities labeled Chapter 32B as “flawed,” and, thus, the IAC has since offered its recommendation that the Town pursue the home rule petition means of establishing an OPEB account. If most now agree that the home rule petition is the best option to pursue with regard to OPEB, he said, it does not make sense to postpone action until the spring, when Fall Town Meeting could petition for a special act of the legislature, now, and have everything in place by June of 2011.

Vice Chairman Mahoney and Selectman Muratore agreed that it would be best to bring the home rule petition and the allocation of OPEB funding to Town Meeting at the same time.

Tom Kelley, chairman of the Plymouth Retirement Board, explained that (through the home rule petition process) the OPEB fund could be placed in the care of his board for deposit into a professionally managed fund. The Retirement Board, he said, has the ability to access accounts with better growth opportunities.

Marie Guidetti, president of the Plymouth Retired Employees Association (“PREA”), expressed her belief that the OPEB fund is of great importance to employees and taxpayers, alike. She urged the Board to establish an OPEB account under the care of the Retirement Board as quickly as possible, so that the account can grow and ease the burden of the cost of employee benefits off of the taxpayers.

Mr. Stankiewicz noted that the Town’s OPEB liability is currently valued at \$379 million. The Town, he said, is in no financial position at this time to allocate the funds required to have any significant impact on such liability. Regardless of the method by which the Town establishes an OPEB fund—acceptance of Chapter 32B versus a home rule petition—the funding policy for the account must be developed independently and established before any money can be set aside.

Following some brief final comments, Chairman Hallisey noted that the group of committee members who met to discuss the OPEB article decided to recommend bringing forth a home rule petition for the 2011 Spring Annual Town Meeting.

On a motion by Vice Chairman Mahoney, seconded by Selectman Muratore, the Board voted to withdraw Article 26 from the 2010 Fall Annual Town Meeting warrant. Voted 4-1-0, approved, with Selectman Quintal in opposition.

ARTICLE 27

To see if the Town will vote to amend Chapter 157 of the General Bylaws entitled “Solid Waste” by adding a new section, “Section III” on mandatory recycling and further by amending the Chapter 1 of the General Bylaws, Article II, §1-4, Fine Schedule, as on file with the Town Clerk’s Office, or take any other action relative thereto.

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Linda Benezra, acting chairperson of the Solid Waste Advisory Committee (“SWAC”), brought forth an article aimed at reducing the Town’s volume of solid waste by increasing recycling efforts. The State, she explained, instituted mandatory waste ban laws but neglected to give municipalities the tools by which it could enforce such regulations, and, thus, the SWAC has proposed Article 27 in an effort to provide the Town with such ability.

The disposal of solid waste costs money, Ms. Benezra reported, while recycled goods generate revenue. Plymouth’s recycling rate is dismal, she noted, and as regulatory inspection of The Town’s tonnage is expected to be conducted more frequently, the Town will likely be fined for its lack of compliance with the waste bans. Ms. Benezra explained that the ability to fine repeated, large-scale waste-ban violators at the transfer stations will help the Town to comply with State regulations while increasing recycling revenue. The Town’s Advisory & Finance and Recycling committees have endorsed Article 27, she added.

Members of the Board posed questions and offered comments on Article 27. Selectman Harnais stated his support for recycling but noted his apprehension as to whether the Town’s transfer stations are sufficiently designed to handle increased recycling efforts. Vice Chairman Mahoney acknowledged Selectman Harnais’s concerns but noted that the South Street Transfer Station (where the bulk of the Town’s disposal is processed) will be redesigned in coming years to accommodate recycling more efficiently. Selectman Muratore described the article as a good first step in the process of reducing the Town’s waste stream.

Chairman Hallisey opened the discussion to public comment.

Dale Webber noted that, as an employee of the Town’s Solid Waste Division, he has attended several meetings of the SWAC. Mr. Webber informed the Board that he and the former SWAC chairman, Larry Fava, worked upon a plan for the redesign of the Manomet Transfer Station, at no cost to the Town. The South Street Transfer Station processes most of the Town’s solid waste, he explained, but it is open more hours than the Manomet and Cedarville Stations. If the hours of operation were increased at these other stations, he speculated,

increased recycling traffic might be better distributed and manageable. Mr. Webber talked about the revenues generated by various recycled materials and encouraged the Board to consider another review of the plan that he and Mr. Fava developed for the Manomet Transfer Station.

Steve Lydon cautioned the Board against implementing fines without first educating citizens on recycling regulations.

Ms. Benezra affirmed that additional outreach and education will be a component of implementing Article 27, but reminded the Board that, each year, the Town issues a grant-funded mailing of recycling information to every household in Town.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 27 to the 2010 Fall Town Meeting. Voted 3-2-0, approved, with Chairman Hallisey and Selectman Quintal in opposition.

ARTICLE 34

To see if the Town will vote to authorize the Board of Selectmen to petition the Great and General Court of the Commonwealth to enact legislation, the full text of which is on file with the Town Clerk, such legislation to provide that elected officials of the Town of Plymouth who receive a stipend shall not constitute employees for purposes of G.L. c. 32B and shall not be eligible for participation in the town's contributory medical, dental and life insurance plan. Elected officials, receiving a stipend, who elect to pay 100 percent of the cost of participation, shall be eligible to participate in the plan. This act shall take effect on its passage, or take any other action relative thereto.

BY PETITION: Linda Benezra, et al.

Ms. Benezra presented a petitioned article to remove the eligibility of elected officials to participate in the Town's health, dental, and life insurance plans. While it appears that the Town does not pay its elected officials well, she said, the expense to cover these benefits is significant, especially in the event that a member has served long enough to become vested in the system for benefits in perpetuity. Article 34, she explained, would grandfather-in those officials who currently participate in the Town's benefits plan but eliminate the ability of new members to participate, unless he/she elects to pay 100% of the cost of the plan.

Selectman Muratore questioned whether it was appropriate for the Selectmen to vote on an issue from which they would directly benefit. Ms. Arrighi noted that the Selectmen have traditionally offered their recommendation to Town Meeting on the annual article pertaining to stipends for elected officials.

Ms. Benezra responded to questions from the Board with regard to the article. The intent, she said, is for Town Meeting to increase the stipend for elected officials while eliminating the high cost of lifetime health benefits.

Selectman Harnais made a motion for the Board to take no action on Article 27, in an effort to avoid the appearance of a conflict of interest. Selectman Muratore seconded the motion.

Selectmen Muratore and Quintal both discussed the amount of effort and time they have invested as elected officials and their concern that the current stipend of \$1,000 is not sufficient to attract citizens to run for office.

At the close of discussion, the Board voted 5-0-0 to take no action on Article 27.

ARTICLE 4J – AIRPORT TAXIWAY RELOCATION

Ms. Arrighi provided a brief presentation on the capital request to relocate the Plymouth Municipal Airport’s main taxiway 40 feet north of its current location. The move, she explained, is required in order for the Airport to comply with Federal Aviation Administration standards. Ms. Arrighi reported that the total project cost is estimated at \$1.6 million dollars, of which \$88,000 will be funded by the Airport’s surplus funds. The remainder, she noted, will be covered by grants.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 4J to the 2010 Fall Town Meeting. Voted 4-0-0, approved [*Note: Selectman Quintal was not in the meeting room at the time of the vote.*].

ARTICLE 28

To see if the Town will vote to authorize the Board of Selectmen to seek special legislation for the purpose of allowing the Town to assess fines for violations of the Graffiti Bylaw, provided, however, that the General Court to make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approves amendments to the Bill before enactment by the General Court, and to authorize the Board of Selectmen to approve amendments which shall be within the scope of the general public’s objectives of this petition, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi presented the reasons behind Article 28, relative to the Town’s Graffiti Bylaw. Following the passage of the Graffiti Bylaw at the 2010 Spring Annual Town Meeting, she explained, the Attorney General’s Office rejected the initial article (as it was presented), with the recommendation that the Town enact the bylaw through the process of home rule petition. Article 28, Ms. Arrighi said, represents the Attorney Generals’ recommendation.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 28 to the 2010 Fall Town Meeting. Voted 5-0-0, approved.

BOARD LIAISON / DESIGNEE UPDATES

Community Preservation Committee – Selectman Quintal provided a brief update on the Community Preservation Committee’s review of the Town Meeting article relating to the 1820 Courthouse.

Nuclear Matters Committee and Council on Aging – Selectman Muratore noted that the Nuclear Matters Committee and Council on Aging are each looking for one member to fill the remaining vacancies on their respective committees.

Tidal Beaches Advisory Committee – Selectman Muratore noted that the Tidal Beaches Advisory Committee has reviewed a proposal to address the dog ban on Plymouth Long Beach. Mr. Stankiewicz confirmed that the proposal will be brought before the Selectmen, for their review.

OLD BUSINESS / LETTERS / NEW BUSINESS

Changes to the Open Meeting Law – Mr. Stankiewicz cautioned the Board from deliberating and voting on any items that were not stated in the evening’s agenda, as it could be considered a violation of the State’s newly-revised Open Meeting Law.

1,000 Acres – Selectman Muratore referenced a letter from Attorney Bob Betters to the Board regarding the title issues at the 1,000 Acres site. Mr. Stankiewicz noted that staff is working on the 1,000 Acres matter for the 2010 Spring Annual Town Meeting.

Information on Early Retirement Incentive – Selectman Muratore inquired about the information the Board received in its mail packet pertaining to early retirement incentives. Mr. Stankiewicz explained that the State recently adopted the 2010 Municipal Relief Act, through which municipalities have been given the ability to offer early retirement programs for employees. The Town did not offer the programs, Mr. Stankiewicz said, because savings is only achieved by leaving the vacated position unfilled (thereby reducing staff and services).

Governor Bradford Inn / Liquor License Appeal – Selectman Muratore referenced a letter in the Board’s mail regarding the Governor Bradford Inn. Relative to the Board’s decision to deny the Inn a liquor license, Mr. Stankiewicz reported that he will attend the appeal hearing before the Alcoholic Beverage Control Commission (“ABCC”) on November 4, 2010. Selectman Muratore asked about the letter pertaining to a health inspection of the Inn. Mr. Stankiewicz noted that he was only aware of the number of police reports related to the Inn.

Elections During School Hours – Selectman Muratore referenced a letter the Board received from a parent concerned about the safety of students while elections are held at Plymouth’s schools during the school day. Mr. Stankiewicz noted that the Town Clerk and School Superintendent are working together to address safety at the Town’s school-based polling locations.

ADJOURNMENT OF MEETING

On a motion by Selectman Quintal, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 10:40 p.m. Voted 5-0-0, approved.

Recorded by Tiffany Park, Clerk to the Board of Selectmen