

~ PLYMOUTH BOARD OF SELECTMEN ~

TUESDAY, FEBRUARY 14, 2012

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, February 14, 2012 at 6:30 p.m. at Town Hall in the Mayflower Room.

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

Mark Stankiewicz, Town Manager
Melissa Arrighi, Assistant Town Manager

Absent: William P. Hallisey, Jr., Chairman

CALL TO ORDER

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

EXECUTIVE SESSION

On a motion by Selectman Muratore, seconded by Selectman Brewster, 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, as an open meeting on this matter may have had a detrimental effect on the Town's negotiating position. By roll call: Harnais – yes, Muratore – yes, Brewster – yes, and Mahoney – yes.

Vice Chairman Mahoney noted that the Board would return to open session following executive session.

RETURN TO OPEN SESSION

Vice Chairman Mahoney reconvened the meeting in open session at approximately 7:10 p.m. and led the Pledge of Allegiance.

TOWN MANAGER'S REPORT

Entergy / Pilgrim Nuclear Power Station – Town Manager Mark Stankiewicz reported that the that the United States Nuclear Regulatory Commission (“NRC”) has issued a *Memorandum and Order* denying Pilgrim Watch's *Petition for Review* pertaining to

Entergy's application for license renewal of the Pilgrim Nuclear Power Station. According to the Town's Special Legal Counsel (Sheila Slocum-Hollis of Duane Morris), Mr. Stankiewicz said, the NRC rejected Pilgrim Watch's challenge to the meteorological modeling used in the "Severe Accident Mitigation Alternatives Analysis" within Entergy's license renewal application. Mr. Stankiewicz noted that the denial will advance the NRC's review of Entergy's motion for issuance of the license renewal.

Burial Hill Cannons – Mr. Stankiewicz announced that DPW Director Jonathan Beder and Planning Director Lee Hartmann held a meeting with Pilgrim Hall's Executive Director (Ann Berry) and representatives of the Massachusetts Ancient & Honorable Artillery Company to discuss the rededication of cannons that were previously situated on Burial Hill. Two cannons, he explained, were dedicated to the Town and mounted at Burial Hill by the Ancient Artillery Company in honor of Plymouth's tercentenary celebration in 1920. At some point, however, the cannons were reclaimed by their country of origin and removed from Burial Hill, but one was left to remain on display at Pilgrim Hall. Mr. Stankiewicz indicated that the Artillery Company has offered to produce replicas of the cannons and reinstall them at their original platform on Burial Hill.

Sewer Master Plan Committee – On behalf of Wastewater Superintendent Gary Frizzell, Mr. Stankiewicz requested that the Board designate a Selectman to participate in the development of the Town's Sewer Master Plan. As proposed, Mr. Stankiewicz explained, the committee will include representatives of the Board of Health, Department of Planning & Development, Office of Economic Development, Planning Board, Town Manager's Office, and the Board of Selectmen.

On the recommendation of Selectman Muratore, Vice Chairman Mahoney volunteered to serve on the Sewer Master Plan Committee.

Curbside Collection Request for Proposals ("RFP") – Mr. Stankiewicz was pleased to announce that DPW Director Jonathan Beder and Procurement Officer Pamela Hagler have completed a Curbside Collection Request for Proposals ("RFP") pertaining to the collection of Plymouth's municipal solid waste ("MSW") and recyclables. The RFP, he said, was prepared collaboratively with consultants Weston & Sampson and reviewed by Town Counsel. Mr. Stankiewicz reported that the RFP will be published on February 22, 2012 in the Massachusetts Goods & Services Bulletin, with responses due 30 days thereafter.

LICENSES

ONE DAY ALL ALCOHOL LIQUOR LICENSE*

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve a One Day All Alcohol License for the following applicants, as requested below. Vote 4-0-0, approved.

- ❖ **Plymouth Lodge A.F. & A.M. / Douglas O’Roak** requested a One Day All Alcohol Liquor License for a scotch tasting event to be held from 5:00 p.m. to 9:00 p.m. on February 18, 2012 at the Masonic Lodge dining hall (116 S. Meadow Road).
- ❖ **Plymouth Philharmonic Orchestra / Deb Cox** requested a One Day All Alcohol Liquor License for a concert to be held at Memorial Hall from 7:00 p.m. to 10:00 p.m. on March 31, 2012.
- ❖ **Plymouth Philharmonic Orchestra / Deb Cox** requested a One Day All Alcohol Liquor License for a concert to be held at Memorial Hall from 5:30 p.m. to 10:00 p.m. on April 28, 2012.

Liquor liability will be in place before these licenses are 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.

CHANGE OF MANAGER (LIQUOR LICENSE)

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to approve a Change of Manager (Liquor License), as detailed, below. Voted 4-0-0, approved.

- ❖ **Sandy Pond Golf, Inc.** (450 Little Sandy Pond Road) requested a Change of Manager from Irene Umbrianna to David McSharry, Jr.

Background check shows no basis for denial.

ADMINISTRATIVE NOTES

Meeting Minutes – On a motion by Selectman Brewster, seconded by Selectman Muratore, the Board voted to approve the minutes of the September 27, 2011 and October 4, 2011 Selectmen’s meetings. Voted 4-0-0, approved.

Extension of Performance for Purchase & Sale Agreement – The Board approved and executed an *Extension of Performance* for a *Purchase & Sale Agreement* for property off Quail Run Road, identified as Lot 1 on Assessors Map 61.

Purchase & Sale Agreement for Property Off Quail Run Road – The Board approved and executed a *Purchase & Sale Agreement* for property located off Quail Run Road, identified as Lot 1 on Assessors Map 61, as authorized by Article 16D of the 2010 Fall Town Meeting.

East Bay Grille Request for Alteration of Facility – The Board approved a request from East Bay Grill, Inc. to alter and expand its restaurant facility on leased property at 173 Water Street, provided that all proper permits are filed and building code is followed.

Definition of Distinguished Visitor – The Board approved and endorsed the definition of a “distinguished visitor,” as presented and submitted by the Distinguished Visitors Committee.

Wild Animal Permit / Burch – The Board granted a Wild Animal Permit pursuant to Chapter 23, Article IV of the Town of Plymouth Bylaws to Lisa Burch of 211 Bournehurst Drive for her Pit Bull (female, 12 months old).

Wild Animal Permit / Alfone – The Board granted a Wild Animal Permit pursuant to Chapter 23, Article IV of the Town of Plymouth Bylaws to Wayne Alfone of 195 Rocky Pond Road for his American Staffordshire Terrier (male, 6 years old).

PUBLIC COMMENT

Kathryn McKenna, a representative from the Jordan Hospital Club, announced that the annual Polar Plunge fundraiser would be held on Saturday, March 3, 2012. Ms. McKenna stated that all proceeds from the event would benefit Jordan Hospital’s Cancer Center, and she encouraged everyone to attend.

PUBLIC HEARING: ALL ALCOHOL RESTAURANT LIQUOR LICENSE

AROMA HOSPITALITY LLC D/B/A AROMA TAVERN AND GRILL, 739 STATE RD.

Vice Chairman Mahoney opened a public hearing at 7:25 p.m. to consider the application for a new Annual All Alcohol Restaurant Liquor License from Aroma Hospitality LLC d/b/a Aroma Tavern and Grill, 739 State Road, Jacie Fitzpatrick as Manager. Vice Chairman Mahoney read a description of the premises and affirmed that public notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws.

Aroma’s Attorney Krysten Condon represented the applicant and described the plans for a restaurant run by Plymouth residents who would focus on a family friendly atmosphere. She requested that the liquor license be approved as it would help make the business a success. At the request of Selectman Muratore, Ms. Condon discussed the parking capacity and the sharing of the existing parking lot with other businesses. She indicated that there had not been a history of parking problems when the former restaurant was functioning.

Tom Shorthall, proprietor of Aroma Tavern and Grill, spoke about his background in the restaurant industry, including his work at various food establishments in Plymouth and elsewhere.

Vice Chairman Mahoney opened the hearing for public comment.

Charlene Khoshabjian, on behalf of her and her mother, the owner of the property located at 733 State Road, stated her opposition to a liquor license for any business at this location. She was primarily concerned with parking and safety. The area for parking must be shared

with two businesses, a leased tenant, Endless Summer Tanning Salon, and several other businesses in Mayflower Plaza. In addition, the building which will house Aroma still has other rental space available which will also require parking space. The Manomet area already has 4 other businesses within a 1 mile radius that have liquor licenses. Ms. Khoshabjian's mother is the owner/operator of Kush Kone Ice Cream shop, a family oriented business and tenant at 733 State Road, that has had unresolved issues with parking and safety in the past in this parking lot.

Attorney Condon commented that Kush Kone has 20 parking spots and the remaining are shared by the other businesses. She believes that there are over 60 parking spots at that location and the restaurant capacity does not exceed that.

Vice Chairman Mahoney closed the hearing.

Mr. Muratore spoke about the parking issue and explained that since this site was a pre-existing restaurant with a liquor license, and there was no request to increase restaurant capacity, there would be no legal basis to deny the liquor license. If the Selectmen did deny it, the ABCC would likely overturn their decision based on the facts he mentioned.

Mr. Brewster commented that she hoped both the applicant and the Khoshabjians could work out any parking problems and she encouraged the owners of Aroma to keep their commitment to a family focused atmosphere.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to grant a new Annual All Alcohol Restaurant Liquor License to Aroma Hospitality LLC d/b/a Aroma Tavern and Grill, 739 State Road. Voted 4-0-0, approved.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to approve the following licenses for Aroma Hospitality LLC d/b/a Aroma Tavern and Grill, 739 State Road, in conjunction with the request for an Annual All Alcohol Restaurant Liquor License. Voted 4-0-0, approved.

- Comprehensive Entertainment – Jukebox, Radio, TV
- Common Victualler
- Early Sunday Sales – 10:00 a.m.
- Extension of Hours – 1:00 a.m.

PUBLIC HEARING: NEW STOCKHOLDER (LIQUOR LICENSE)

RYE TAVERN CORPORATION, 517 OLD SANDWICH ROAD

Vice Chairman Mahoney opened a public hearing at 7:50 p.m. to consider the application for a New Stockholder for Rye Tavern Corporation, 517 Old Sandwich Road. Vice Chairman Mahoney read a description of the premises and affirmed that public notice of the hearing was given in accordance with Chapter 138 of the Massachusetts General Laws.

Vice Chairman Mahoney opened the hearing to public comment. No citizens came forth, and, thus, he closed the hearing to await a motion of the Board.

On a motion by Selectman Brewster, seconded by Selectman Muratore, the Board voted to approve a New Stockholder for Rye Tavern Corporation, as requested in the licensing documents. Voted 4-0-0, approved.

PUBLIC HEARING: STREET ACCEPTANCES (2012 TOWN MEETING)

Vice Chairman Mahoney opened a public hearing to consider the Department of Public Works' 2012 Street Layout Proposal to accept 20 roads as public ways (Article 28 of the 2012 Spring Annual Town Meeting).

Town Engineer Sid Kashi requested that the Selectmen consider accepting the layout of 20 streets and six miles of road. This has been approved by the Roads Advisory Committee ("RAC"). The Selectmen discussed the process and procedure for accepting roads and the role of the RAC, including reviewing the applications for roads to be accepted. DPW Director Jonathan Beder and Roads Advisory Chairman Tim Grandy both spoke about the history of road acceptances in the Town of Plymouth. The Board briefly discussed the roads at the Ponds of Plymouth development and were told by Town Surveyor Russ Firth that the Ponds development is one in which the legalities are complex and the roads owner refuses to sign off on the property.

Vice Chairman Mahoney stated that the Town has accepted approximately 63 roads (total of 14 miles) over the last three years, but acceptance does not correlate to how quickly the town begins repairing the road. Mr. Beder agreed, however, he stated that he is requesting 1 million dollars in the FY13 budget at Town Meeting to be added to the Chapter 90 funds for road repair. He also stated that in March, he will be coming before the Board with a full roads presentation. Selectman Brewster clarified that the increase in Chapter 90 funds that accompanies the acceptance of roads in no way covers the cost of maintaining or repairing that road. She encouraged staff to increase requirements for subdivision roads so that they meet the town's standards for acceptance.

Vice Chairman Mahoney opened the hearing to the public.

Robert Alford, precinct 7, stated that the motor vehicle excise tax should be segregated in the budget and applied directly to road maintenance/repairs. He would like to see the Town not only use Chapter 90 state funds for road maintenance, but commit town funds to that program as well.

Keith White, abutter to October Lane, expressed his concern about his road being accepted as public and that leading to the possibility of it becoming a cut through or through way to another neighborhood.

Mr. Stankiewicz confirmed that this could take place. Mr. Hartmann indicated that if a road has been open to the public for years, and there has been the right to pass and re-pass,

there is always the possibility for development.

Maryann Ghantous, 32 Columbia Road, stated that she purchased her property on a private road and was concerned about it becoming public. Although neighbors may have petitioned for it to become public, she was opposed.

Selectman Muratore explained that motor vehicle excise tax was a local receipt, however, to Selectman Brewster's point, the Town could equate the amount received in excise tax and put that same amount into a line item for road repair. However, cuts would need to be made elsewhere in order to do this. Mr. Beder informed the Board that he will be presenting a road maintenance program in March that will show the annual investment required by the Town to maintain our roads at 75 rating levels. In addition, he is requesting 1 million dollars this year as a supplement to Chapter 90 funding.

Selectman Muratore thanked the Roads Advisory Committee and town staff for their work on road improvements.

The Board was instructed that it must take a separate vote on each road acceptance.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Bournehurst Drive**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Cabot Circle**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Carolyn Drive**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Christopher Road**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Columbia Road**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Cottontail Trail**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Davenport Road**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Dorothy Road**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Great Wind Drive**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Hallick Road**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **High Pine Drive**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Howard Drive**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Lauren Road**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Lawrence Road**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Lee Drive**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Nixon Avenue**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **October Lane**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Sheridan Drive**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Sherman Avenue**, as recommended by the Engineering Department. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to accept the public layout for **Woodvale Avenue**, as recommended by the Engineering Department. Voted 4-0-0, approved.

2012 TOWN MEETING AND SPECIAL TOWN MEETING ARTICLES

ARTICLE 28

To see if the Town will vote to accept and allow as public ways the following streets or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, or eminent domain an easement or easements to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisition(s).

BOARD OF SELECTMEN

- | | | |
|---------------------|--------------------|-------------------|
| ▪ Bournemouth Drive | ▪ Dorothy Road | ▪ Lee Drive |
| ▪ Cabot Circle | ▪ Great Wind Drive | ▪ Nixon Avenue |
| ▪ Carolyn Drive | ▪ Hallick Road | ▪ October Lane |
| ▪ Christopher Road | ▪ High Pine Drive | ▪ Sheridan Drive |
| ▪ Columbia Road | ▪ Howard Drive | ▪ Sherman Avenue |
| ▪ Cottontail Trail | ▪ Lauren Road | ▪ Woodvale Avenue |
| ▪ Davenport Road | ▪ Lawrence Road | |

ARTICLE 29

To see if the Town will vote to accept and allow as public ways the following street or portions thereof as laid out by the Board of Selectmen and reported to the Town, and as shown on plans on file with the Town Clerk; to authorize the Board of Selectmen to acquire by gift, or eminent domain an easement or easements to use said ways for all purposes for which public ways are used in the Town of Plymouth, and all associated easements; and further, to raise and appropriate, transfer from available funds, accept gifts or borrow a sum of money for this purpose and any expenses related thereto; and to authorize the Board of Selectmen to enter into all agreements and take all related actions necessary or appropriate to carry out said acquisition(s).

River Run Way- alter a Portion thereof

BOARD OF SELECTMEN

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend both Article 28 and Article 29 to the 2012 Spring Annual Town Meeting. Voted 4-0-0, approved.

ARTICLE 13

To see if the Town will vote to appropriate a sum of money from available funds as the State's share of the cost of work under G.L. c.90, §34 (2)(a) of the Massachusetts General Laws, or take any other action relative thereto.

BOARD OF SELECTMEN

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 13 to the 2012 Spring Annual Town Meeting. Voted 4-0-0, approved.

ARTICLE 12

To see if the Town will vote to appropriate from the Town Promotion Fund created pursuant to Chapter 4 of the Acts of 1993, a sum or sums of money for programs and projects that enhance the beautification, recreational resources, public safety, promotional and marketing activities, events, services and public improvements, or take any other action relative thereto.

BOARD OF SELECTMEN

Lee Hartmann, Director of Planning & Development, spoke about Article 12 and its request to appropriate from the Town Promotion Fund created pursuant to Chapter 4 of the Acts of 1993 money for program and projects that enhance the beautification, recreational resources, public safety, promotional and marketing activities, events, services and public improvements. Mr. Hartmann explained that this fund is made up of 45% of the hotel/motel tax. He also stated that over the last year, tourists have spent 18 million dollars on hotels and motels in Plymouth. This year's hotel/motel receipts are over 1 million, with almost half of that going into the Promotion Fund.

Visitors Services Board Chairman, Genevieve Jaeger, spoke about the Town Promotion Fund overseen by her Board. She indicated that they are working on funding sources for the 400th Celebration. The latest request from the 400th Committee is \$40,000 for 2013 and they are reviewing this request and others next week. At Selectman Muratore's request, Ms. Jaeger stated that the VSB could look at committing future receipt increases to the 400th celebration.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 12 to the 2012 Spring Annual Town Meeting. Voted 4-0-0, approved.

ARTICLE 31

To see if the Town will vote to amend its Zoning Bylaw, Section 205-58, Floodplain District and Section 205-17, Lot Regulations, Paragraph G (4) (a) by adopting revised Flood Insurance Rate Maps (FIRM) for the Town of Plymouth, Massachusetts, Plymouth County, as on file with the Planning and Development Office, or take any other action relative thereto.

PLANNING AND DEVELOPMENT

ARTICLE 32

To see if the Town will vote to amend the General Bylaws, Chapter 196, Wetlands Protection, Section 196-3 Definitions, and Section 196-4 Jurisdiction, by adopting revised Flood Insurance Rate Maps (FIRM) for the Town of Plymouth, Massachusetts, Plymouth County, as on file with the Planning and Development Office, or take any other action relative thereto.

CONSERVATION COMMISSION

Conservation Planner Elizabeth Sullivan reported that the purpose of Article 31 (zoning bylaw) and Article 32 (wetlands bylaw) involve accepting required updates to the existing

Flood Insurance Rate Maps. The two articles are the same, tailored to each specific bylaw. FEMA has revised the maps, Ms. Sullivan explained, thus requiring the Town to adopt the updates and thus continuing to make property owners eligible for flood insurance.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 31 and Article 32 to the 2012 Spring Annual Town Meeting. Voted 4-0-0, approved.

SPECIAL ARTICLE 16

To see if the Town will vote to amend Section 205-23(J) of the Zoning Bylaw to allow one major recreational equipment item, as defined in that section, to be parked in front of a building line provided the Planning Board finds that said major recreational equipment is adequately screened from public view with landscaping, fencing or other materials acceptable to the Planning Board, or take any other action relative thereto.

DEPARTMENT OF PLANNING & DEVELOPMENT

Mr. Hartmann explained the relationship between Special Town Meeting Article 16 and Annual Town Meeting Article 34. The latter was a petitioned article to amend the Town's bylaw on the yard storage of recreational vehicles and boats. However, in his opinion, the petitioned article was fatally flawed in its language and would not be able to be acted upon at Town Meeting. Thus, the Planning Department has sponsored an article that accomplishes the same goal as the petitioner and provides for appropriate storage of these RVs and boats, to allow the vehicles to be stored in front of the building line if it is adequately screened from public view.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Special Article 16 to the 2012 Spring Annual Town Meeting. Voted 4-0-0, approved.

ARTICLE 34

To see if the Town will vote to amend Zoning Bylaw, Section 205-23-J part 2 "Off Street Parking" by inserting the exceptions listed below.

1. For purposes of these regulations, major recreational equipment is defined as including boats and boat trailers, travel trailers, pickup campers or coaches (designed to be mounted on automotive vehicles), motorized dwellings, tent trailers, and the like, and cases or boxes used for transporting recreational equipment, whether occupied by such equipment or not.
2. No major recreational equipment shall be parked or stored on any lot in a residential district other than in a carport or enclosed building or behind the building line of the principal building; provided, however, that such equipment may be parked anywhere on residential premises for a period not to exceed 24 hours during loading or unloading. No such equipment shall be used for living, sleeping, or housekeeping purposes when parked or stored on a residential lot, or in any location not approved for such use. All equipment which does not conform to these regulations shall be considered nonconforming and shall comply in accordance with § 205-25.

Excluding: If the major recreational equipment is unable to be parked behind the principle building line due to a hardship caused by circumstances relating to the following: soil conditions, topography of the land, the principle building being placed on the lot making it detrimental to

park the major recreational equipment behind the building line. Then it must be adequately screened with sufficient landscaping, fencing, or both. If it is unfeasible to landscape or fence the major recreational equipment it shall be covered by an appropriate cover made for the major recreational equipment. All hardship cases shall be reviewed by the local authority having jurisdiction and shall determine whether a hardship exists. If it is determined a hardship exist the approvals of materials to comply with this by law shall be reviewed by the local authority having jurisdiction.

Or take any other action relative thereto.

BY PETITION, Jo Ann Salamone, et al.

Jo Ann Salamone, the petitioner of Article 34, indicated that she supported Special Town Meeting Article 16 and found that it accomplished what she attempted in her initial article.

Based on Mr. Hartmann's presentation and Ms. Salamone's comments, the Selectmen took no action on Article 34.

SPECIAL ARTICLE 9

To see if the Town will vote to accept the provisions of G.L. c.32, §12(2), Option (d), paragraph 10, as inserted by Section 29 of Chapter 176 of the Acts of 2011, as it pertains to the so-called "Increase of Allowance to Survivors of Deceased Members", which acceptance would allow an increase from \$250 to \$500.00 per month to be paid to survivors of deceased members of the state teachers' and state employees' retirement system, which paragraph and increase was also accepted by the Plymouth Retirement Board, or to take any other action relative thereto.

SPECIAL ARTICLE 10

To see if the Town will vote to accept the provisions of G.L. c.32, §90D ½, as inserted by Section 48 of Chapter 176 of the Acts of 2011, as it pertains to the so-called "Increase of retirement allowance for retirees with 25 years, to an amount to not exceed \$15,000.00 per year", which section and increase was also accepted by the Plymouth Retirement Board, or to take an action relative thereto.

RETIREMENT BOARD

Ms. Arrighi requested that the presentations on Special Article 9 and Special Article 10 be postponed until the last Selectmen's meeting of the month.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to table its decision on Special Articles 9 and 10 until the next Selectmen's meeting. Voted 4-0-0, approved.

SPECIAL ARTICLE 11

To see if the Town will vote to increase fees for Municipal Lien Certificates as provided for under MGL, Chapter 40, § 22F, or take any other action relative thereto.

BOARD OF SELECTMEN

Town Treasurer/Collector Edward Maccaferri explained that Special Article 11 would increase the fee charged for Municipal Lien Certificates from \$25 to \$50. Mr. Maccaferri reported that he had originally recommended \$40, but the Advisory & Finance Committee

suggested \$50 based on the fee comparisons he had researched in other communities. Selectman Brewster and Selectman Harnais expressed some reservations and concerns about a 50% fee hike that is most likely passed on to the taxpayer. Selectman Muratore explained that he did not consider this type of fee increase to be a revenue enhancement; however, it is prudent practice to regularly compare Plymouth's fees to other communities to ensure Plymouth is within the ballpark. Mr. Maccaferri explained that the \$50 increase would bring in approximately \$90,000 in revenue and often clients sent in \$50 anyway for this service.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to recommend Special Article 11, at \$50, to the 2012 Spring Annual Town Meeting. Voted 4-0-0, approved.

SPECIAL ARTICLE 5

To see if the Town will vote to amend the Classification and Compensation Plans and the Personnel By-Law and Collective Bargaining Agreements contained therein, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi explained that Special Article 5 asks to amend the Firefighters collective bargaining agreement. She summarized the recommended changes based on the decision and award issued by the Joint Labor Relations Commission Arbitration Panel:

Contract Duration: July 1, 2009 through June 30, 2011 and July 1, 2011 through June 30, 2012. No cost of living adjustment for FY10 or FY11 and a 2% COLA (Cost of Living Adjustment) for FY12. Effective January 1, 2012, after 10 years of firefighter service, a 6th step with a value equal to Step 5 and after any COLA, increased by 2.08%. Effective January 1, 2012, after 5 years of in-rank Officer service, a 4th step on the Lieutenant's, Captain's, and Battalion Chief's salary schedule with a value equal to Step 3, and after any COLA, increase by 3%. Effective December 1, 2011, the 24 hour shift was awarded with the 1/2/14 configuration and some conditions: 40 consecutive hours of work maximum; sick and vacation leave may be used in 10 and 14 hour segments; the circuit breaker is based on an annual 6 sick day firefighter average and will be measured at the end of every calendar year; and there is a circuit breaker provision to discontinue the 24 hours shifts. She also added that stipends will be provided for EMT certification and Associates Degree.

The Selectmen spoke about the circuit breaker language and asked if the 24 hour shifts would reduce sick time or overtime. Mr. Stankiewicz stated that if you asked the Union these shifts would save the Town money. Actual data for towns that have implemented this, however, do not reflect that opinion, he noted.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Special Article 5 to the 2012 Spring Annual Town Meeting. Voted 4-0-0, approved.

ARTICLE 4

To see what action the Town will take pursuant to Chapter 173 of the General By-Laws regarding the formation, reformation, organization, continuation or discharge of existing Committees created by vote of Town Meeting, or take any other action relative thereto.

BOARD OF SELECTMEN

Ms. Arrighi explained that Article 4 requests that Town Meeting continue the West Plymouth Steering Committee, the Manomet Steering Committee and the Plymouth Harbor Committee. It also asks that the Plymouth School Building Committee be discharged.

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to recommend Article 4 to the 2012 Spring Annual Town Meeting. Voted 4-0-0, approved.

REQUEST TO MOVE “CHARLIE BROWN” TREE TO SIMES HOUSE

Randy Parker, representative from the Simes House Foundation and Manomet Village Steering Committee, issued a request that the Selectmen allow the Simes House Foundation to relocate a Town tree to the Simes House property at 29 Manomet Point Road.

Mr. Parker delved into the history of the tree planted near Luke’s Liquors at the intersection of Strand Avenue, State, and Manomet Point Roads. He explained that the small scrawny tree, planted by the Parks Superintendent in the 1980s and dubbed by locals as “Charlie Brown,” is now a beautiful big spruce that has outgrown its location. With improvements being done at the site, the tree must be moved. The Simes House (currently being sold by the Town to the Simes House Foundation) is a perfect relocation spot. Debbie and Steve Luke have pledged funds to move the tree and others are also contributing.

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to consent to allowing the moving of this tree to the Simes Property. Voted 4-0-0, approved.

BOARD LIAISON / DESIGNEE UPDATES

Capital Outlay Expenditure Committee – Selectman Harnais resigned from the Capital Outlay Expenditure Committee (“COEC”), citing time constraints.

On a motion by Selectman Muratore, seconded by Selectman Brewster, the Board accepted Selectman Harnais’ resignation from the COEC. Voted 4-0-0, approved.

On a motion by Selectman Muratore, seconded by Selectman Brewster, the Board voted to appoint Vice Chairman Mahoney to the COEC. Voted 4-0-0, approved.

Consolidation Committee – Selectman Harnais reported that the Consolidation Committee met earlier during the evening and through conversations with Mr. Beder and the schools, would like the Selectmen to request that the Town Manager commit \$100,000 for the Spring Town Meeting to a public town building maintenance study, similar to one conducted by the schools on school buildings. It provides for a thirty year plan on the full maintenance of the town buildings and would be useful for planning purposes. The Board did not offer any objections.

OLD BUSINESS / LETTERS / NEW BUSINESS

Follow-up on Correspondence – Selectman Muratore inquired about the status of four of the letters in the Selectmen’s packets that indicate they were ‘awaiting Selectmen’s response.’ Ms. Arrighi stated that she would look into the matter in the morning and reach out to the Selectmen with an answer.

EXECUTIVE SESSION

On a motion by Selectman Muratore, seconded by Selectman Brewster, 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, as an open meeting on this matter may have had a detrimental effect on the Town’s negotiating position. By roll call: Harnais – yes, Muratore – yes, Brewster – yes, and Mahoney – yes.

Vice Chairman Mahoney noted that the Board would return to open session following executive session.

RETURN TO OPEN SESSION / ADJOURNMENT OF MEETING

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to adjourn its meeting at approximately 9:45 p.m. Voted 4-0-0, approved.

*Recorded by Melissa Arrighi, Assistant Town Manager
Formatted by Tiffany Park, Clerk to the Board of Selectmen*

A copy of the February 14, 2012 meeting packet is on file and available for public review in the Board of Selectmen’s office.