

# ~ PLYMOUTH BOARD OF SELECTMEN ~

**TUESDAY, FEBRUARY 28, 2012**

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, February 28, 2012 at 6:30 p.m. at Town Hall in the Mayflower Room.

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

Mark Stankiewicz, Town Manager  
Melissa Arrighi, Assistant Town Manager

## **CALL TO ORDER**

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

## **EXECUTIVE SESSION**

The Selectmen voted to enter Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3, to discuss strategy with respect to collective bargaining (Plymouth Police Brotherhood), 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, Mahoney – yes, Brewster – yes, and Hallisey – yes.

Chairman Hallisey noted that, following Executive Session, the Board would reconvene in open session.

## **RETURN TO OPEN SESSION**

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

## **TOWN MANAGER'S REPORT**

Town Manager Mark Stankiewicz noted that, in light of the Board's numerous agenda items, he would hold his report, so that the Board could proceed forth with the meeting.

## **LICENSES**

### **NEW OFFICER/DIRECTOR (LIQUOR LICENSE)**

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to approve of New Officers/Directors for the following holder of a liquor license, as detailed below. Voted 5-0-0, approved.

- ❖ **The Seaside Club of Plymouth, Massachusetts** (577 Forest Avenue Extension) requested a Change of Officers/Directors, as outlined in its application documents.

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

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve a One Day Wine & Malt License for the following applicant, as detailed below. Voted 5-0-0, approved.

- ❖ **St. Bonaventure K of C / Mike Caffey** requested a One Day Wine & Malt Liquor License for a St. Patrick's Day Dinner to be held at the Parish Center (803 State Road) from 4:00 p.m. to 11:00 p.m. on March 17, 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.

## **ADMINISTRATIVE NOTES**

**Meeting Minutes / October 11, 2011** – On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to approve the minutes of the October 11, 2011 Selectmen's meeting. Voted 5-0-0, approved.

**Meeting Minutes / October 18, 2011** – On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to approve the minutes of the October 18, 2011 Selectmen's meeting. Voted 5-0-0, approved.

**Meeting Minutes / November 4, 2011** – On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to approve the minutes of the November 4, 2011 Selectmen's meeting. Voted 5-0-0, approved.

**Comprehensive Facility Condition Assessment** – The Board approved a \$100,000 expenditure in the FY13 budget for a Comprehensive Facility Condition Assessment and Audit under Article 9.

**Reduction of Seats on Cultural Council** – The Board reduced the number of seats on the Cultural Council from 18 to 15 members.

**Appoint Treasurer as Custodian of 126/128 Warren Avenue** – The Board appointed the Town’s Treasurer/Collector as Custodian of 126 and 128 Warren Avenue for the purpose of conducting an auction to sell the property.

**Dissolve TBAC / Create Natural Resources & Coastal Beaches Committee** – The Board dissolved the Tidal Beaches Advisory Committee and established the Natural Resources & Coastal Beaches Committee. Note: the members of the Tidal Beaches Advisory Committee and their associated terms were carried forth onto the new committee.

**Authorization to Draft New Lease for 318 Ryder Way** – The Board considered directing staff to draft new lease documents for Town-owned property at 318 Ryder Way, currently held by John Scagliarini, for the purpose of extending the term for 10 additional years until 2022. Vice Chairman Mahoney made a motion to table a decision on the lease extension, to allow time for a presentation from Environmental Manager David Gould on the property. Selectman Harnais seconded the motion. The Board voted 3-2-0 in favor of postponing its decision on the lease until its meeting of March 6, 2012. Chairman Hallisey and Selectman Brewster cast the opposing votes.

**Consent and Agreement of Landlord for East Bay Grille** – The Board approved and executed a *Consent and Agreement of Landlord* related to a mortgage between East Bay Grille and Rockland Trust Company for the restaurant establishment’s building expansion project.

**Wild Animal Permit** – The Board granted a Wild Animal Permit pursuant to Chapter 23, Article IV of the Town of Plymouth Bylaws to Domenic Pecorella of 63 Buzzards Bay Drive for his male Pit Bull (age 6 months).

**Exclusive Vending Rights** – The Board granted Exclusive Vending Rights to the organizers of the Pace to a Pint 5k Road Race to be held on March 10, 2012 from 11:00 a.m. to 12:00 p.m. for the brick area near the Pergola at Brewster Gardens (corner of Leyden and Water Streets) for the sale of running apparel.

**T-Wharf Construction Project** – The Board authorized the Chairman to sign a letter of support for the Town’s T-Wharf Reconstruction Project.

**Approval of After-Hours Take-Out Service** – The Board granted permission for Shanty Rose, Inc. d/b/a Shanty Rose (16 Town Wharf) to operate its take out window until 3:00 a.m. seven days per week from June 1<sup>st</sup> through Columbus Day and on Friday and Saturday nights during the off-season to offer a breakfast service, with the following conditions that:

- Liquor regulations are strictly adhered to, requiring last call at 11:30 a.m. and the removal of all alcohol by 12:00 a.m.
- The primary restaurant will close its doors at the regular 12:00 a.m. closing time

- Extended breakfast hours to 3:00 a.m. will be held only through the takeout window

**Adoption of Discriminatory Harassment Policy** – The Board will approve and adopt an updated *Town of Plymouth Discriminatory Harassment Policy*.

## **PUBLIC COMMENT**

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

## **COMMITTEE APPOINTMENTS**

**1749 Courthouse Committee** – On a motion by Selectman Brewster, seconded by Selectman Muratore, the Board voted to appoint Donna Curtin of 148 Summer Street to the 1749 Courthouse Committee, for a term effective February 29, 2012 through June 30, 2014. Voted 5-0-0, approved.

**Cultural Council** – On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to appoint Kimberlee Canducci of 385 Court Street and Rosemary Taylor of 57 Champlain Circle to the Cultural Council, for terms effective February 29, 2012 through June 30, 2014. Voted 5-0-0, approved.

**Designer Selection Board** – On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to appoint Tedd Gwilliam of 57 Champlain Circle to the Designer Selection Board, for a term effective February 29, 2012 through June 30, 2013. Voted 5-0-0, approved.

**Simes House Foundation** – On a motion by Selectman Brewster, seconded by Selectman Muratore, the Board voted to appoint Willard E. (Tedd) Gwilliam, Jr. of 91 Seaview Avenue to the Simes House Foundation, for a term effective February 29, 2012 through June 30, 2014. Voted 5-0-0, approved.

## **TOWN MEETING ARTICLES**

### **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.

### **RETIREMENT BOARD**

Thomas Kelley, chairman of the Plymouth Retirement Board, provided a brief explanation of Special Article 9, noting that the acceptance of Section 29 of Chapter 176 of the Acts of 2011 will increase the minimum retirement allowance for surviving spouses from \$250.00 to \$500.00 per month.

On a motion by Selectman Muratore, seconded by Selectman Brewster, the Board voted to recommend Article 9 to the 2012 Special Town Meeting. Voted 5-0-0, approved.

### **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**

Mr. Kelley reported that Special Article 10 will allow the Retirement Board to raise the retirement allowance of a retiree with 25+ years of service to a minimum of \$15,000. This provision, he pointed out, will have no impact to the Town’s budget.

Shawn Duhamel, the State/County municipal employee representative on the Plymouth Retirement Board, provided more specific information on the number of employees that would be affected by the changes offered within Special Articles 9 and 10. These provisions, he said, will truly assist some very needy former employees who have relatively minimal retirement benefits.

On a motion by Selectman Muratore, seconded by Selectman Brewster, the Board voted to recommend Article 10 to the 2012 Special Town Meeting. Voted 5-0-0, approved.

### **ARTICLE 7A – 7E**

**ARTICLE 7A: To see what action the Town will take to provide a reserve fund and to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town, including water, sewer, solid waste and airport enterprises and debt and interest, for the ensuing twelve month period beginning July 1, 2012, or take any other action relative thereto.**

**ARTICLE 7B: To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the water enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2012, or take any other action relative thereto.**

**ARTICLE 7C: To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the sewer enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2012, or take any other action relative thereto.**

**ARTICLE 7D: To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the solid waste enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2012, or take any other action relative thereto.**

**ARTICLE 7E: To see what action the Town will take to determine what sums of money the Town will raise and appropriate, including appropriations from available funds, toward defraying charges and expenses of the Town for the airport enterprise and debt and interest, for the ensuing twelve month period beginning July 1, 2012, or take any other action relative thereto.**

#### **BOARD OF SELECTMEN**

Mr. Stankiewicz spoke briefly about the process by which the FY2013 budget (Articles 7A-7E) was built. Department Heads were given the task of finding efficiencies and reductions within their budgets, he said, in the spirit of addressing the needs of the community while being fiscally responsible.

Mr. Stankiewicz explained that the budget he built does not utilize the full 2½% tax increase allowed by State law. The Advisory & Finance Committee, he noted, has made approximately \$100,000 in recommended additions to the budget.

Finance Director Lynne Barrett asked the Selectmen to approve the Advisory & Finance Committee's recommended budget of \$177,731,903, which includes the addition of funds for snow & ice expenses, library overtime, and funding for the Redevelopment Authority. Based on this figure, she said, the tax rate is anticipated to fall somewhere between \$14.15 and \$14.18 (per thousand valued).

Selectman Muratore commended staff for the work they invested into the development of the budget. He expressed dismay, however, that his hope to reduce the Town's tax rate had not yet been fulfilled. Selectman Muratore questioned whether the message sent months earlier by the Board to reduce the budget and hold the tax rate was truly understood or honored within the development of the budget. As such, Selectman Muratore stated that he could not vote to support the budget, and he asked that the Selectmen hold a discussion during its next meeting on a tax override.

Ms. Barrett responded to questions from Vice Chairman Mahoney regarding the effect that the new high school and senior center will have on the tax rate. Overall, she explained, the homeowner of an average single family home will see a \$40 increase to his/her tax bill from 2012 to 2013, based on the Town's current budgetary figures. Ms. Barrett noted that the most significant change that taxpayers will likely notice, however, is the change from 2011 to 2012.

Chairman Hallisey expressed agreement with Selectman Muratore, stating his belief that the Board must do everything in its power to keep the tax rate stable while the Town faces significant challenges and expenses during the coming years. He, too, noted that he would not support the FY2013, as presented.

Vice Chairman Mahoney made a motion to recommend Articles 7A-7E to the 2012 Spring Annual Town Meeting. There was no second, and, therefore, the motion did not carry.

## **ARTICLE 8**

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

Project	Department	Project Description
A	Information Technology	Desktop Computers
B	Information Technology	Police Technology Update
C	Town Clerk	Precinct Maps
D	Police	Upgrade GPS Data Modems in Fleet
E	Police	6 Marked Cruisers
F	Police	2 Utility Vehicles
G	Police	Unmarked Cruiser
H	Fire	Main Repeaters
I	Fire	Upgrades & equipment in 7 stations
J	Fire	Automatic Defibrillators
K	Fire	Supply Line Hose
L	Fire	Station 5 Generator
M	Fire	Portable Radios
N	Fire	Set of Rescue Equipment
O	Harbormaster	UHF Radios
P	Harbormaster	Automatic Defibrillators
Q	School – CSES	Replace Fire Alarm Panels
R	School – CSES	Replace Intercom
S	School	Replace Carpenter's Truck
T	School	Replace Food Service Truck
U	School	Replace Plumber's Van
V	School	Replace Electrician's Van
W	School	Replace Rotating Deck Oven
X	DPW – Engineering	Engineering Copier
Y	DPW – Highway	Air Compressor H320
Z	DPW – Highway	8 Ton Equipment Trailer
AA	DPW – Highway	Heavy Equipment Tires
BB	DPW – Highway	Storage Trailer
CC	DPW – Highway	Conflict Monitor Traffic
DD	DPW – Highway	Asphalt Equipment Trailer
EE	DPW – Highway	Asphalt Hot Box
FF	DPW - Maintenance	Town Hall Cupola Repairs
GG	DPW - Maintenance	Liquid Propane Vaporizer
HH	DPW - Maintenance	Bartlett Hall Repairs
II	DPW – Fleet Maint.	Heavy Motor Equipment
JJ	DPW – Fleet Maint.	Hand Held Scan Tool
KK	DPW – Fleet Maint.	Ford Scan Tool
LL	DPW – Fleet Maint.	4WD Pick Up Truck
MM	DPW – Fleet Maint.	EGR Motor Vac Clean
NN	DPW – Fleet Maint.	Hook Lift System
OO	DPW - Environmental	Inspections of Dams
PP	DPW – Solid Waste	50 Yd Heavy Duty Containers
QQ	DPW - Crematory	Backup Generator
RR	DPW – Crematory	Security Camera
SS	DPW – Crematory	Flag Pole
TT	DPW – Grounds & Cemetery	One Ton Pickup Truck
UU	DPW – Grounds & Cemetery	Skid Steer Loader
VV	DPW – Grounds & Cemetery	Burial Hill Tree Work
WW	DPW – Grounds & Cemetery	52" Scag Hydro Mower
XX	DPW – Grounds & Cemetery	Weed Wacker
YY	DPW – Grounds & Cemetery	Blower
ZZ	DPW – Grounds & Cemetery	Mud Tracks
AAA	DPW - Parks	One Ton Pickup Truck
BBB	DPW – Parks	Morton Park Bathroom

CCC	DPW – Parks	¾ Ton Pickup Truck
DDD	DPW – Parks	Restoration of Training Green/Monument
EEE	DPW – Parks	61” Scag Riding Mower
FFF	DPW – Parks	Play Structures Replacement
GGG	Library	Task Chairs
HHH	Library	Public Chairs
III	DPW - Recreation	Steel Door & Frame
JJJ	DPW - Recreation	Picnic Tables for Hedges
KKK	DPW - Recreation	Soccer Goals for Forges
LLL	DPW - Recreation	6’ Tables for Manomet Youth
MMM	DPW - Recreation	Forges Field Lighting
NNN	Airport	Land Acquisition at end of runway
OOO	Airport	¾ Ton Pickup Truck w/Plow

or take any other action relative thereto.

**BOARD OF SELECTMEN**

**ARTICLE 9**

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 for various departments of the Town and/or for feasibility and other types of studies as follows:

Project	Department or Sponsor	Project Description
A1	Procurement/Police Dept.	Replace Telephone System
A2	Police Department	Two Way Radio Replacement/Upgrade
A3	School – Cold Spring	Replace four heating circulation pumps
A4	School – PSHS	Replace Aluminum storefront of greenhouse
A5	School – PCIS	Gymnasium Bleachers – wood
A6	School – West	Grind and replace asphalt
A7	School – PSHS	Repair and stripe asphalt in student parking lot
A8	School – PCIS	Outside Doors
A9	School - PSMS	Replace curbing, sealcoat & stripe asphalt
A10	School - PSMS	Replace flooring
A11	DPW – Operations/Maintenance	Roof replacement at five locations
A12	DPW – Operations/Maintenance	Roof & Building repairs at 6 fire stations & 2 salt sheds
A13	Fire Department	Refurbish, upgrade and repair aerial ladder 2
A14	Fire Department	Repair and refurbish brush trucks
A15	Environmental Management	Pond Road Stormwater Project
A16	DPW - Highway	Purchase excavator and trailer
A17	DPW - Highway	Replace H322 1988 Motor Grader
A18	DPW - Highway	Replace H39 1995 Dump Truck with Chipper Box
A19	DPW - Maintenance	Replace 7 staff vehicles w/fuel efficient vehicles
A20	DPW - Maintenance	Replace service truck
A21	DPW – Parks	Replace Wood Chipper
A22	DPW – Utilities (Sewer)	Wastewater master plan
A23	DPW – Utilities (Sewer)	Replace S51, S55, S56 and S58 vehicles
A24	DPW – Utilities (Sewer)	Sewer system upgrades
A25	DPW - Utilities (Water)	Replace 1989 backhoe
A26	DPW - Utilities (Water)	North Pine Hill Tank restoration
A27	DPW - Utilities (Water)	Water Distribution System Improvements
A28	DPW – Operations (Solid Waste)	Manomet Transfer Station Realignment
A29	DPW – Operations (Solid Waste)	Replace 2001 Roll Off Truck
A30	DPW – Maintenance	Facility Study
B1	School – Hedge	Replace Windows
B2	School – Various	Upgrade Bathrooms
B3	Environmental Management	Water Street Bridge Construction

or take any other action relative thereto.

**BOARD OF SELECTMEN**



Ms. Barrett initiated a presentation on Articles 8 and 9, representing proposals for departmental equipment and capital projects, respectively. Article 8, she reported, requests \$2.4 million for departmental furnishings and repairs, which are expenses that do not qualify for the Capital Outlay Expenditure process.

Selectman Brewster turned the discussion to the \$5.6 million in “free cash” that Mr. Stankiewicz and Ms. Barrett have proposed to utilize within the FY2013 budget. Of the \$5.6 million in free cash, Selectman Brewster said, \$1.7 million was derived from over-budgeted line items, and \$3.9 stemmed from unanticipated revenue. In her opinion, she said, this money belongs to the taxpayer and should be returned to the taxpayer in the form of a tax rate reduction. Selectman Brewster listed a number of items on the departmental equipment list (Article 8) and questioned whether the Town could defer such expenses until the economy improves.

Vice Chairman Mahoney made a motion to recommend Articles 8 and 9 to the 2012 Spring Annual Town Meeting. There was no second, and, therefore, the motion did not carry.

## **ARTICLE 10**

**To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Unemployment Compensation Fund, or take any other action relative thereto.**

### **BOARD OF SELECTMEN**

Ms. Barrett reported that approximately \$150,000 is needed for the Town’s Unemployment Compensation Fund.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 10 to the 2012 Spring Annual Town Meeting. Voted 5-0-0, approved.

## **ARTICLE 14A**

**To see if the Town will vote to raise and appropriate or transfer from available funds a sum of money to the Stabilization Fund, as authorized by the provisions of G.L. c.40, §5B as amended, or take any other action relative thereto.**

### **BOARD OF SELECTMEN**

Ms. Barrett indicated that she has recommended the transfer of \$562,327 from Free Cash into the Stabilization Fund. It has been five years since the Town has added money to the Stabilization Fund, she said, despite withdrawals of nearly \$3.4 million over that time period. Ms. Barrett noted that bond rating services frown upon repeated withdrawals from municipal Stabilization Funds with no mechanism of replenishment.

Vice Chairman Mahoney made a motion to recommend Articles 14A to the 2012 Spring Annual Town Meeting. There was no second, and, therefore, the motion did not carry.

## **ARTICLE 14B**

**To see if the Town will vote to establish an Airport Stabilization Fund, as authorized by the provisions of G.L. c.40, §5B for capital projects for the Airport, which fund shall be under the care and custody of the Town Treasurer, and further, to raise and appropriate, transfer from available funds or borrow for the purpose of funding said Airport Stabilization Fund, or take any other action relative thereto.**

### **BOARD OF SELECTMEN**

Ms. Barrett reported that the Airport Commission has requested the establishment of an Airport Stabilization Fund to utilize existing Airport Enterprise Free Cash to fund Airport projects approved by Town Meeting. Article 14B, she explained, would give the Airport the ability to act more quickly on grants, without the delay of awaiting approval from Town Meeting to transfer grant-matching funds. In the past, she said, the Town has been required to borrow funds in order to fulfill some of the match requirements for Airport grants, and, thus, Article 14B will alleviate this cumbersome process.

On a motion by Selectman Muratore, seconded by Vice Chairman Mahoney, the Board voted to recommend Article 14B to the 2012 Spring Annual Town Meeting. Voted 5-0-0, approved.

## **SPECIAL ARTICLE 2A**

**To see if the Town will vote to transfer a sum of money to be added to funds already appropriated under Article 7 of the 2011 Annual Town Meeting for the purpose of supplementing departmental expenses, or otherwise amend said vote, or take any other action relative thereto.**

### **BOARD OF SELECTMEN**

Ms. Barrett explained that Special Article 2A represents a budget amendment to fund the contract settlement with the Plymouth Firefighters Union and the DPW's snow and ice budget.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 2A to the 2012 Special Town Meeting. Voted 5-0-0, approved.

## **SPECIAL ARTICLE 8**

**To see if the Town will vote to appropriate or transfer funds from Free Cash to the Other Post Employment Benefit fund established by vote of the Town under Article 29 of the April 2, 2011 Annual Town Meeting, or take any other action relative thereto.**

### **BOARD OF SELECTMEN**

Ms. Barrett informed the Board of her recommendation to add \$562,327 from Free Cash to the Other Post-Employment Benefits Trust Fund. The fund was created in 2011, she noted, to address the Town's significant financial liability for post employment benefits.

On a motion by Vice Chairman Mahoney, seconded by Selectman Muratore, the Board voted to recommend Article 8 to the 2012 Special Town Meeting. Voted 4-1-0, approved.

Selectman Brewster cast the opposing vote, reiterating her opposition to the use of Free Cash for budgetary expenses.

## **SPECIAL ARTICLE 12**

To see if the Town will vote to authorize the Board of Selectmen to petition the General Court for special legislation to amend the Town Charter as recommended by the Charter Review Committee in its report entitled, “Town of Plymouth Proposed Charter Amendments Final Draft,” dated February 9, 2012, on file with the Town Clerk; provided, however, that the General Court may make clerical or editorial changes of form only to the bill, unless the Board of Selectmen approve amendments to the bill before enactment by the General Court, and authorizing the Board of Selectmen to approve amendments which shall be within the scope of the general public objectives of the petition, or take any other action relative thereto.

### **CHARTER COMMITTEE**

Paul Luszc and Harry Salerno provided a presentation on the Charter Committee’s recommendation to make 21 modifications to the Town’s Charter. Mr. Luszc discussed the work done by the Charter Committee and the process by which Charter changes are approved at both the State and local level. A number of the Charter changes proposed within Article 21, Mr. Luszc noted, stemmed from recommendations made by the Town Manager, Finance Director, and Town Clerk.

Mr. Luszc and Mr. Salerno went through each of the 21 changes, one-by-one.

Following a lengthy presentation, during which the Selectmen posed questions and offered concerns to Mr. Luszc and Mr. Salerno, the Board focused on three particular changes offered by the Charter Committee:

- Item # 6, Location 2-12-2 – mailing Town Meeting report 14 days prior to meeting
- Item # 7, Location 2-13-1 – new section creating Legislative Standing Committees
- Item # 16, Location 3-17-2 – new section on “Communication”

With regard to Item # 6, Mr. Salerno reported that several Town Meeting Members would like to have their report mailed to their homes at least 14 days prior to Town Meeting. Though some have argued that it would be best to issue the booklets in electronic form, Mr Salerno said, the committee decided that the packets should be mailed.

Selectman Muratore contended that there may be many Town Meeting members who would prefer to forgo a paper copy of the report, in favor of an electronic copy, for the sake of both convenience and postage savings. Selectman Harnais noted his observation that the proposal to mail reports to 135 Town Meeting members is inconsistent with the Selectmen’s desire to reduce the Town’s paper waste and mailing costs.

In reference to Item # 7, Mr. Luszc indicated that the creation of standing legislative committees—one for planning/land use and one for public infrastructure—would further improve the efficiency of the Town Meeting article review process, by allowing the Advisory & Finance Committee more time to focus on financial articles.

Selectman Harnais expressed concern about the creation of more Town committees and questioned whether the Committee of Precinct Chairs' efforts to streamline the article review process will be undermined by yet another legislative layer.

Mr. Salerno spoke about Item #16, which would establish a formal meeting schedule between a number of key elected officials to improve communication on Town-wide matters. The proposal, he explained, would require that representatives from the Board of Selectmen, Planning Board, School Committee, Advisory & Finance Committee, and Redevelopment Authority meet on a quarterly basis to discuss a myriad of topics in a formalized setting, subject to the Open Meeting Law.

Selectman Harnais reiterated his hesitation at the idea of creating another committee and questioned the need for such a gathering (comprised of only one member from each elected board) to be subject to the Open Meeting Law. Assistant Town Manager Melissa Arrighi noted that a singular member of an elected board does not constitute a quorum, and, thus, a gathering of individuals, each from separate elected boards, is already permissible under the Open Meeting Law. Selectman Brewster favored the idea of improved communication between the Town's elected boards but recommended against codifying such meetings. Selectman Muratore acknowledged the efforts made by Chairman Hallisey to communicate regularly with the chairman of the Planning Board but noted that, without a requirement, such meetings might not always take place (with different citizens serving as chairmen).

Selectman Muratore made a motion to recommend the Charter amendments proposed by the Charter Committee, with the following exclusions/modifications:

- Exclude item #7, 2-13-1, new section creating standing legislative committees
- Amend item #6, 2-12-2, to "make copies available to Town Meeting 14 days prior" (striking "shall mail copies")

Selectman Brewster seconded the motion.

Selectman Harnais reminded the Board that there was another proposed amendment (which the Board discussed) to delete the section within item # 16, (3-17-2, new section on "Communication") to remove the language requiring that meetings between the chairman of each body be posted in accordance with the Open Meeting Law.

Selectman Muratore acknowledged the omission and reiterated his motion to include the three (3) exclusions/modifications listed above. The motion remained seconded by Selectman Brewster.

The Board then voted 5-0-0 in favor.

Following a five-minute break, Chairman Hallisey called for reconvened the meeting at approximately 9:30 p.m.

## **ARTICLE 16A**

To see if the Town will vote, pursuant to G.L. c.44B, to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, or otherwise fund, a sum of money as a grant to the Plymouth Taskforce for the Homeless for the acquisition of the multi family residence located at 54 Russell Street, Plymouth MA, shown as Assessors Map 19 Lot 13 for community housing purposes, and to authorize the Town Manager, in consultation with the Community Preservation Committee, to enter into a grant agreement with said Taskforce for the Homeless for setting forth the terms and conditions upon which the funds may be expended, which agreement shall include requirements that the creation and use of the affordable housing units shall be eligible for inclusion on the Subsidized Housing Inventory maintained by the Department of Housing and Community Development for the Town of Plymouth, and that the Taskforce for the Homeless grant to the Town an affordable housing restriction(s) in the property, and to authorize the Board of Selectmen to accept an affordable housing restriction(s) on said property for seven to eight affordable units, or take any other action relative thereto.

### **COMMUNITY PRESERVATION COMMITTEE**

William Keohan, chairman of the Community Preservation Committee (“CPC”), presented the articles and projects that his committee has chosen to bring forth to the 2012 Spring Annual Town Meeting.

With regard to Article 16A, Mr. Keohan reported, the CPC voted to set aside \$550,000 in funds designated for affordable housing projects towards the creation of 7-8 affordable housing units at 54 Russell Street, a property that was formerly known as the Ryder Home. The funds, he explained, would be provided to the Plymouth Area Task Force for the Homeless for the establishment of transitional housing for homeless men at the property.

Mr. Keohan offered a brief history on the Ryder Home, which, he said, provided housing for elderly women. When the housing program at the Ryder Home recently ceased operation, he reported, the property reverted into the hands of the Fragment Society, which decided to sell the property. The Taskforce for the Homeless submitted a proposal for funds from the CPC to purchase 54 Russell Street, but, during that time, the Fragment Society accepted an offer from a local developer who has plans to develop the home into four affordable housing units. In the event that the proposed development does not receive approval from the Zoning Board of Appeals, Mr. Keohan indicated, the CPC would like to set aside funds so that the Taskforce for the Homeless can pursue the property.

Attorney Richard Serkey spoke to the Board on behalf of the Fragment Society. Attorney Serkey informed the Board that in 1890, Rebecca Ryder willed the property at 54 Russell Street to the Fragment Society for use as a home for the elderly. In 1914, the Fragment Society conveyed the property to the Ryder Home for Older People, provided that the property be given back to the Society if the program were to cease operations. The Ryder Home for Older People ceased operations in 2010, and, thus, the property was conveyed back to the Society, which listed 54 Russell Street for sale in August 2011.

Following several offers, Attorney Serkey reported, the Fragment Society chose to accept a proposal from the Town’s Affordable Housing Trust for the development of four perpetually-deeded affordable housing units, contingent upon approval from the Zoning

Board of Appeals (“ZBA”). Based on the fact that the Taskforce for the Homeless has no agreement for a property that is already under agreement with another organization, Attorney Serkey questioned why the CPC would bring forth Article 16A to Town Meeting.

Mr. Keohan assured Attorney Serkey that neither the CPC nor the Taskforce for the Homeless seek to interfere with the proposed housing project. The CPC, he said, has simply brought Article 16A forth to assist the Taskforce with pursuing the property, in the event that the Affordable Housing Trust’s proposal does not meet ZBA approval.

Selectman Muratore made a motion to table the decision on Article 16A until March 13, 2012. Vice Chairman Mahoney seconded the motion and, following some brief remaining discussion, the Board voted 5-0-0 in favor.

## **ARTICLE 16B**

**To see if the Town will vote to transfer from the Community Preservation Historical Fund estimated annual revenues, fund balance, or reserves, or otherwise fund, the sum of \$300,000 or other sum as a grant for the preservation, rehabilitation and restoration of forty stain glass windows in the First Parish Meetinghouse Church, which windows are identified as #1 through #40 in the Community Preservation Application submitted to the Community Preservation Committee on January 11, 2012 by the First Parish Meetinghouse Church, which windows are located on the property at the Town Square shown as Assessors Map 19, Lot 21, Assessors parcel ID 019-000-021-000, and further, that the grant agreement between the Town and the First Parish Meetinghouse Church shall include requirements that the Church provide the Town with an Historic Preservation Restriction meeting the requirements of G.L. c.184 on the windows, and an easement to be mutually agreed upon providing for increased public access to the Church; and further, to authorize the Board of Selectmen to accept said restriction and easement, and to authorize all appropriate Town officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; or take any other action relative thereto.**

### **COMMUNITY PRESERVATION COMMITTEE**

The intent of Article 16B, Mr. Keohan said, is to set aside \$307,000 for the restoration and preservation of forty stained glass windows at the First Parish Meetinghouse Church in Town Square. Based on the parish’s significance to Plymouth’s history and its location as the gateway to Burial Hill, the CPC felt that this project would be a worthy use of Community Preservation Act (“CPA”) funds for historical preservation purposes. Mr. Keohan noted that, in exchange for the use of CPA funds, the Parish must grant the Town a Historic Preservation Restriction and provide for greater public access to the building.

Mr. Keohan responded to questions from the Selectmen regarding the estimated expense of the restoration of the windows. The members of the First Parish Meetinghouse, he said, will be responsible for the maintenance and display of the windows, once restored. In response to an inquiry from Selectman Brewster, Mr. Keohan acknowledged that there was a numeric discrepancy with the budgetary figures listed within the project expenses. The First Parish Meetinghouse provided three bid estimates for the work he noted, in keeping with CPC application requirements.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 16B to the 2012 Spring Annual Town Meeting. Voted 5-0-0, approved.

## **ARTICLE 16C**

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase or otherwise for open space purposes pursuant to the Community Preservation Program and to accept the deed to the Town of Plymouth of a Conservation Restriction from the Wildlands Trust in 7.4 acres of land, more or less, in the Town of Plymouth located between Long Pond Road and Morgan Road, shown on Assessors Map 69 as Lots 71 (a portion of), 72A and 72B for \$175,000.00, said Conservation Restriction to be held under the care, custody, and control of the Conservation Commission, and further the Wildlands Trust shall grant an easement to the Town to utilize the Community Building/Barn located on such property for Town committee meetings for free or at cost with the permission of the Wildlands Trust, which permission shall not unreasonably be denied, and further, to authorize the Board of Selectmen to accept said easement and authorize the Board of Selectmen or other appropriate officials to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said purchase; and as funding therefor to appropriate from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow a sum of money pursuant to G.L. c.44B or any other enabling authority, and to authorize the Treasurer, with the approval of the Board of Selectmen to issue bonds and notes therefor, or take any other action relative thereto.

### **COMMUNITY PRESERVATION COMMITTEE**

Mr. Keohan reported that Article 16C proposes to utilize \$175,000 in CPA funds to acquire 7.4 acres of property (otherwise known as the Davis-Douglas Farm) off Long Pond Road for conservation purposes. The acquisition, he explained, will assist the Wildlands Trust of Southeastern Massachusetts in relocating its headquarters to Plymouth at this location. Mr. Keohan noted that, as part of the proposed CPA grant to the Wildlands Trust, a conservation restriction will be placed on the property, and the gardens at the farm will be made available for public access. The property, he said, will also serve as a trailhead to adjacent conservation land, and an easement will be given to the Town for access to a community building/barn at the site.

On a motion by Selectman Harnais, seconded by Selectman Muratore, the Board voted to recommend Article 16C to the 2012 Spring Annual Town Meeting. Voted 5-0-0, approved.

## **ARTICLE 16D**

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2013 Community Preservation budget and to appropriate from the Community Preservation Fund a sum of money to meet the administrative expenses and all other necessary and proper expenses of the Community Preservation Committee for Fiscal Year 2013, including debt service on previously approved projects and further to reserve for future appropriation amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation and preservation of open space excluding land for recreational use, a sum of money for acquisition, preservation, restoration and rehabilitation of historic resources, a sum of money for the acquisition, creation, preservation and support of community housing, and a sum of money for a Budgeted Reserve, or take any other action relative thereto.

### **COMMUNITY PRESERVATION COMMITTEE**

Mr. Keohan briefly reviewed the CPC's annual budget (Article 16D), which requires that at least 10% of CPA revenues be set aside for each of the following: (a) community

housing, (b) historic resources, and (c) open space. At this time, he noted, the CPC anticipates a match of only 25% of the Town's Annual CPA revenue from the State, because of a statewide decline in real estate transactions.

On a motion by Selectman Muratore, seconded by Selectman Harnais, the Board voted to recommend Article 16D to the 2012 Spring Annual Town Meeting. Voted 5-0-0, approved.

### **SPECIAL ARTICLE 7**

**To see if the Town will vote to amend the vote taken by the Town under Article 11 of the October 2011 Fall Town Meeting by rescinding a portion of the borrowing authorization for the purchase of a fee simple interest in the land containing .629 acres, more or less, and the buildings thereon located at 463 Ryder Way, in the Town of Plymouth located on Plymouth Long Beach shown on Assessors' Map 37A , as Lot 350; and further to appropriate from the Sale of Real Estate account or otherwise fund a sum of money for the remaining balance of said acquisition, or take any other action relative thereto.**

#### **BOARD OF SELECTMEN**

Ms. Arrighi explained that Special Article 7 rescinds the borrowing authorization for the purchase of the Laughlin property on Plymouth Long Beach (Article 11 of the 2011 Fall Town Meeting), as funds from the proceeds of real estate—the recent sale of 132-134 Court Street to the Plymouth Area Chamber of Commerce—will be applied to the transaction.

Ms. Barrett noted that the Laughlin property purchase was \$850,000, while the proceeds from the sale of 132-134 Court Street amounted to \$757,000. The \$757,000, she indicated, will be used to pay down this expense, along with \$4,500 from the gift account established to facilitate donations from fundraisers. The proceeds from the Tassinari Long Beach land swap, Ms. Barrett added, will also be applied to the \$850,000 purchase.

On a motion by Selectman Brewster, seconded by Selectman Harnais, the Board voted to recommend Article 7 to the 2012 Special Town Meeting. Voted 5-0-0, approved.

### **SPECIAL ARTICLE 13**

**To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise for general municipal purposes the following described property on such terms and conditions as the Board of Selectmen deem appropriate and to accept the deed to the Town of Plymouth of a fee simple interest in the land containing 2.5 acres more or less located at 00 Long Pond (commonly described as the corner property by the Police Station), in the Town of Plymouth shown on Assessors' Map 83 , as Lots 2F and 2-2A and to enter into all agreements and execute any and all instruments as may be necessary on behalf of the Town to effect said acquisition; and as funding therefor to authorize the Treasurer with the approval of the Board of Selectmen to borrow \$1,000,000.00, more or less, and to issue notes and bonds therefor under Chapter 44 of the General Laws or any other enabling authority, or to take any other action relative thereto.**

#### **BOARD OF SELECTMEN**

Mr. Stankiewicz informed the Board that Special Article 13 represents a request to purchase a 2.5-acre parcel from Plymouth County for the sum of \$1 million. The “corner



lot” in question is situated at the intersection of Long Pond Road and the entrance to the Plymouth County House of Corrections. The County, he said, received an appraisal of the property at \$1.3 million and notified the Town in February of 2011 of its intent to sell the lot to a private entity for \$1.25 million. Mr. Stankiewicz indicated that, since that time, representatives from the Town have met with representatives from the County to discuss the parcel and its context in the bigger picture of the Town’s adjoining police station and transfer station.

Within those discussions, Mr. Stankiewicz explained, the Town and the County have been working to resolve issues related to migrating solid waste and methane gas from the former landfill that exists underneath the site of the transfer station. Strategically-speaking, he said, it may be in the Town’s best interest to incorporate the corner lot parcel as part of its plans to remediate and cap the former landfill.

Mr. Stankiewicz and Dan Pallotta, chairman of the Plymouth County Advisory Board, responded to questions from the Selectmen regarding the proposed purchase. The Town, Mr. Stankiewicz said, is working with the County on an arrangement whereby the landfill site could be capped with revenue-generating fill from other locations—contingent, of course, on approval from the Massachusetts Department of Environmental Protection (“DEP”) and the Town’s Board of Health.

Plymouth Police Chief Michael Botieri offered his recommendation for the purchase of the corner lot, as the lot’s strategic location adjacent to Police Headquarters could provide for expansion or safer access/egress points to the station.

Selectman Muratore made a motion to recommend Article 13 to the 2012 Special Town Meeting. Selectman Harnais seconded the motion.

Vice Chairman Mahoney indicated that he would not support Special Article 13 for reasons he could not yet share.

Mr. Pallotta expressed disappointment that, based on Vice Chairman Mahoney’s comments, there did not appear to be unanimous support from the Selectmen on the purchase of the corner lot. Mr. Pallotta stated that he would be willing to share the details of the arrangement, explaining that the Town and County have received an offer from Covanta (the owners of the SEMASS waste processing center in Rochester, Massachusetts) to pay the Town to accept “bottom ash” from its waste-to-energy facility. The bottom ash, he indicated, would be used to physically cap the landfill while financially funding the expense of the project. One way or another, Mr. Pallotta said, the Town will need to cap the landfill, and if it does not purchase the corner lot, the County will sell the property to a private entity.

In response to an inquiry from Selectman Muratore, Mr. Stankiewicz noted that the property will not be purchased unless the Town and County can come to a final agreement on the capping of the landfill. In order to move forward once an agreement is reached,

however, it would be prudent for Town Meeting to give its preliminary approval of Special Article 13, he said.

Chairman Hallisey and Selectman Muratore both agreed that, in the event that the Town purchases the corner lot but an agreement between the three parties (Town, County, and Covanta) cannot be reached, the property will still have significant resale value as a commercially-zoned lot along the Long Pond Road corridor.

Vice Chairman Mahoney asked that the Mr. Pallotta and County Treasurer Tom O'Brien make themselves available at the Spring Annual Town Meeting to answer questions pertaining to Special Article 13.

As discussion came to a close, Chairman Hallisey called for a vote on Selectman Muratore's motion. The Board voted 4-1-0 in favor of recommending Article 13 to the 2012 Special Town Meeting. Vice Chairman Mahoney cast the opposing vote.

## **BOARD LIAISON / DESIGNEE UPDATES**

**Nuclear Matters Committee** – Selectman Muratore reported that he and Assistant Town Manager Melissa Arrighi attended the February 27<sup>th</sup> meeting of the Nuclear Matters Committee to discuss the ballot question brought forth by Plymouth citizen Theodore Bosen. Ms. Arrighi indicated that the NMC voted to recommend that the Selectmen direct staff to contact Special Counsel at Duane Morris to assist with arranging an educational forum, at which a representative from the U.S. Nuclear Regulatory Commission (“NRC”) may participate in a panel discussion with Mr. Bosen regarding nuclear regulation and safety measures. The forum, she explained, would be moderated by Jeff Berger, chairman of the NMC, in a manner similar to the forums hosted by the Plymouth Area League of Women Voters, with Mr. Bosen speaking to the referendum question he put forth to the Selectmen, and the NRC representative offering a perspective on the events at the Fukushima Dai-Ichi Plant in Japan.

Selectman Muratore made a motion to (a) support the forum concept put forth by the Nuclear Matters Committee and (b) direct staff to contact counsel to assist with making arrangements with the forum. Selectman Harnais seconded the vote, and the Board voted unanimously in favor.

Following the vote, Selectman Muratore stated that the focus of the forum should center on facts and information. Unfortunately, he noted, Entergy has declined participation in the forum, most likely for legal reasons.

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

**Potential for Casino in Southeastern Massachusetts** – Chairman Hallisey asked the Board to consider issuing a directive for the Plymouth Regional Economic Development

Foundation (“the Foundation”) to research the possibility of bringing a casino to Plymouth. While a casino might not be compatible for Plymouth, he said, it is important that the Town conduct its due diligence to at least explore the possibility and the associated benefits or ramifications.

The Selectmen held a brief discussion on Chairman Hallisey’s request. Selectman Muratore made a motion to ask the Foundation to explore the pros and cons of a casino development in Plymouth. Vice Chairman Mahoney seconded the motion.

Both Selectman Brewster and Selectman Harnais sought to clarify that a vote to explore the impacts of bringing a casino to Plymouth should not be interpreted as a vote in support of such a proposal.

The Board voted unanimously in favor of Selectman Muratore’s motion.

## **ADJOURNMENT OF MEETING**

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted to adjourn its meeting at approximately 11:11 p.m. Voted 5-0-0, approved.

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

*A copy of the February 28, 2012 meeting packet is on file and available for public review in the Board of Selectmen’s office.*