

# ~ PLYMOUTH BOARD OF SELECTMEN ~

**TUESDAY, FEBRUARY 12, 2013**

TOWN HALL MAYFLOWER ROOM

The Selectmen held a meeting on Tuesday, February 12, 2013 at 7:00 p.m. at Town Hall in the Mayflower Room.

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

Melissa Arrighi, Town Manager

## **CALL TO ORDER**

Chairman Muratore called the meeting to order at 7:00 p.m. and led the Pledge of Allegiance.

## **BLIZZARD OF 2013**

Town Manager Melissa Arrighi reported upon the major winter storm that severely impacted the region with blizzard conditions, strong winds, and significant snowfall. Ninety percent of Plymouth lost power during the storm (which began on Friday, February 8, 2013), she said, and ten percent of households in Plymouth still do not have power, as of this afternoon (February 12, 2013). Ms. Arrighi explained that the Town established an overnight shelter at Plymouth South High School and opened a warming center at the Council on Aging, while emergency management staff, police officers, firefighters, and Public Works crews worked to maintain public safety for an exhausting 30-hour stretch.

Ms. Arrighi reported that the Town will open Memorial Hall this evening as a Red Cross-staffed overnight shelter, to accommodate any citizens who remain without power service (as Plymouth South High School will be reopened for students, tomorrow). In the weeks following the storm, she indicated, Department Heads will be gathered for an internal working group session to assess the Town's performance during the recent storm and determine ways to improve upon response procedures for future events.

At the close of her update on the Blizzard of 2013, Ms. Arrighi took the opportunity to thank a number of Town employees, officials, and citizens who went well beyond their normal duties to assist with safety operations, transportation, and sheltering during the storm event. Members of the Board offered comments and posed questions, in addition to sharing praise for the efforts made by Town employees and officials during the blizzard.

## **TOWN MANAGER'S REPORT**

**Visit from Nuclear Regulatory Commission** – Ms. Arrighi informed the public that the United States Nuclear Regulatory Commission (“NRC”) will hold an open house in Plymouth to provide members of the public an opportunity to learn first-hand from NRC staff members about Pilgrim’s safety performance during 2012 and the NRC’s oversight of the facility. The meeting format, she explained, will allow citizens to discuss plant-related topics on a one-on-one basis with NRC supervisors and inspectors assigned to the plant. Ms. Arrighi announced that the open house is scheduled for Tuesday, April 2, 2013 in the Mayflower Room at Town Hall from 5:00 p.m. to 6:30 p.m.

**PILOT Payment for Solar Projects** – Ms. Arrighi indicated that the Town is currently fielding eight applications for solar projects, ranging from solar fields on a 70-acre site to a 9-acre site. Solar projects are an allowed use town-wide, she explained, but such projects require a permit from the Building Commissioner and Site Plan Review by the Planning Board (as an advisory opinion to the Building Commissioner, only). Recently, many solar project applicants have inquired about Payment In Lieu Of Tax Agreements (“PILOT”), and, therefore, Town Assessor Anne Dunn and Finance Director Lynne Barrett are researching and considering terms and processes for PILOT payments that can be applied to these types of projects.

## **COMMITTEE LIAISON / DESIGNEE UPDATES**

**Chamber of Commerce / Amphitheater on Waterfront** – Vice Chairman Mahoney reported that he attended a recent meeting at the Plymouth Area Chamber of Commerce to hear about the plans to construct a performance amphitheater in Pilgrim Memorial State Park. The project, he said, is slated to begin in the summer of 2013 and is estimated at a cost of \$250,000.

**Distinguished Visitors Committee** – Selectman Harnais informed the Board and the public that the Distinguished Visitors Committee (“DVC”) has received applications from Plymouth students who are seeking to travel to Shichigahama in August 2013. In addition, he said, the committee will be working with the Plymouth Area Chamber of Commerce upon the upcoming official visit from Plymouth, England.

## **PUBLIC COMMENT**

Everett Malaguti of Precinct 1 (North Plymouth) offered his opinion that the Town should consider expanding the area over which it enacts a parking ban during snow events. Mr. Malaguti noted that there are many narrow streets in North Plymouth that would benefit from being added to the snow ban, so that the DPW can adequately clear the streets from edge to edge.

## **PUBLIC HEARING: ALTERATION OF PREMISES (LIQUOR LICENSE)**

YOUR NEXT MEAL CORP., D/B/A THE BLUE EYED CRAB GRILL & RAW BAR, 170 WATER ST.

Chairman Muratore opened a public hearing to consider the application for an Alteration of Premises (Liquor License) from Your Next Meal Corp., d/b/a The Blue Eyed Crab Grill & Raw Bar, 170 Water Street, James F. Casey, III as Manager. Chairman Muratore read a description of the premises and the requested changes, and he affirmed that notice of the hearing was given to the public in accordance with Chapter 138 of the Massachusetts General Laws.

Owners James and Heather Casey addressed the Board on behalf of the application to alter the licensed premises. Mr. Casey explained that he and Mrs. Casey are in the process of expanding both the interior and outdoor patio area of their restaurant, which they have operated in Plymouth for nearly six years. Mrs. Casey noted that, due to current space constraints at the restaurant, staff has had to turn away customers and large parties. The expansion of interior seating, she said, will allow the business to employ more staff members throughout the entire year.

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

On a motion by Selectman Tavares, seconded by Selectman Brewster, the Board approved an Alteration of Premises for Your Next Meal Corp., d/b/a The Blue Eyed Crab Grill & Raw Bar, 170 Water Street, as requested in the application for alteration. Voted 5-0-0, approved.

## **LICENSES**

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

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

- **Catherine Baird / Fred Astaire Dance Studio** (10 Cordage Park Circle) requested a One Day Wine & Malt Liquor License for a business networking event to be held at Memorial Hall from 5.00 p.m. to 10:00 p.m. on February 15, 2013.

*\*One Day Wine & Malt Licenses cover the day before and day after the event for the purpose of proper delivery, storage and disposal of alcoholic beverages*

### **CHANGE OF MANAGER**

On a motion by Selectman Harnais, seconded by Selectman Brewster, the Board voted unanimously (5-0-0) to grant a Change of Manager (Liquor License) to the following

applicant, as detailed, below.

- **TGI Friday's Inc.** (200 Colony Place) requested a Change of Manager from Denise Meyer to Joseph Depina. Background check shows no basis for denial.

### **VEHICLE FOR HIRE OPERATOR LICENSE (NEW)**

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

- For **TLC Transportation** (42 Dublin Drive):

James McHugh (221 Lake Shore Drive, Duxbury)

*Issuance of this license is subject review of CORI background check and driving record.*

### **ADMINISTRATIVE NOTES**

**Meeting Minutes** – The Board approved the minutes of the November 27, 2012 and December 4, 2012 Selectmen's meetings.

**Acceptance of Gift of Land on Saquish Beach** – The Board accepted, with gratitude, a donation of land located on the western point of Saquish identified as Lot 140 on Assessor's Map 132 (Parcel ID 132-000W-140-000) from Florence A. Bergeron, for conservation purposes.

**Utility Easement for Lout Pond Pumping Station** – The Board granted an *Easement* to NSTAR Electric Company and Verizon New England, Inc. upon Town-owned land at 262 Billington Street, shown as Parcel 12A on Assessors Map 89, for the purposes of providing electric service to the Lout Pond Pumping Station, as authorized by Article 27 of the 2012 Fall Town Meeting.

**Constable Reappointment** – The Board reappointed Joseph F. Anusewicz of 84 Bartlett Road as a Constable for the Town of Plymouth, for a three-year term effective February 14, 2013 through February 13, 2016.

**Affordable Housing Application for 54 Russell Street** – The Board endorsed the *Affordable Housing Project Local Action Units Application* for the affordable housing project at 54 Russell Street, as submitted by the Office of Community Development.

**Lease for 25½ Court Street** – Following some discussion, the Board decided to table its decision on approving a lease between the Town of Plymouth (as Lessor) and Greater Plymouth Performing Arts Center (as Lessee) for Town-owned property at 25½ Court Street (pursuant to Article 16A of the 2012 Fall Annual Town Meeting).

Selectman Brewster questioned why the Town would propose to enter such a lengthy (99-year) lease for the recently-purchased property. Ms. Arrighi explained that the terms of the proposed ground lease were modeled after the Town's agreement with the Plymouth Guild for the Arts for the similar preservation project at 11 North Street. Selectman Tavares noted that many non-profits cannot obtain financing without longer term leases.

On a motion by Selectman Tavares, seconded by Selectman Brewster, the Board voted unanimously (5-0-0) to table its decision on the lease for 25½ Court Street until the February 26, 2013 meeting.

## **2013 SPRING TOWN MEETING ARTICLES**

### **SPECIAL ARTICLE 12**

To see if the Town will vote to amend Chapter 173, Section 10 of its General Bylaws to change the method of posting notice of Adjourned Town Meetings or take any other action relative thereto.

#### **BOARD OF SELECTMEN**

Town Clerk Laurence Pizer explained the purpose of Special Town Meeting Article 12, which will bring the Town's bylaws in line with current practices related to the Open Meeting Law. The Attorney General's Office, he indicated, now allows cities and towns to post their public notices on municipal websites, as opposed to the former means of posting paper notices on bulletin boards. This bylaw, Mr. Pizer said, simply alters the current bylaw related to the posting of adjourned Town Meetings by identifying the Town's website as the posting location.

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to recommend Article 12 to the 2013 Special Town Meeting. Voted 5-0-0, approved.

### **SPECIAL ARTICLE 7**

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 and for purposes of conveyance all or a portion of 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 .230 acres more or less and the buildings thereon located at 314 Ryder Way, in the Town of Plymouth located on Plymouth Long Beach shown on Assessors' Map 37A, as Lot 157 and 158A 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 therefore to authorize the Treasurer with the approval of the Board of Selectmen to borrow \$305,000 and to issue notes and bonds therefore under Chapter 44 of the General Laws or any other enabling authority, or to take any other action relative thereto.

#### **BOARD OF SELECTMEN**

David Gould, Director of Marine & Environmental Affairs, presented Special Town Meeting Article 7, which represents a proposal to acquire a 2.3-acre parcel of land on

Plymouth Long Beach. The property (currently owned by the Massey family), he explained, contains a small cottage and is situated just north of the day parking area along Ryder Way. Acquisition of this parcel would provide the Town with contiguous ownership of a section of land along the outer portion of the beach.

Mr. Gould discussed the corrective lot line adjustments that were undertaken upon a number of parcels on Long Beach in recent years, as a result of the discovery of significant errors made when the properties were surveyed in the early 1900's. As part of these lot line adjustments, he said, the Town made efforts to negotiate lot-line modifications that would provide the Town with enhanced ownership of the outer portion of the beach. Mr. Gould displayed maps of the beach to illustrate the way by which the acquisition of the Massey property would provide the Town with additional control over the stone revetment and the ability to expand the day parking area on Ryder Way.

At the close of his presentation, Mr. Gould indicated that there are remaining funds in the Town's Sale of Real Estate Account that can be applied to the \$325,000 purchase price for the property.

Seeing no questions from the Board, Chairman Muratore opened the discussion to public comment.

Ron Stroup of the Plymouth Beach for All Coalition offered his support for Special Article 7, noting that he and the Coalition intend to assist with raising funds toward the purchase price of the proposed acquisition. Mr. Stroup asked Mr. Gould to further explain the way that the acquisition will improve access for beachgoers.

Mr. Gould discussed a number of initiatives that the Town has undertaken to obtain contiguous public control over sections of the beach. In addition, Mr. Gould made note of his department's efforts to pursue the reestablishment of a dock on the beach, to enhance boater access.

At the close of public comment, Vice Chairman Mahoney made a motion to recommend Article 7 to the 2013 Special Town Meeting. Selectman Harnais seconded the motion, and, following a brief question from Chairman Muratore regarding the Town's Sale of Real Estate Account and the potential sale of the former Water Barn property on Long Pond Road, the Board voted unanimously (5-0-0) in favor.

## **SPECIAL ARTICLE 10**

To see if the Town will vote to amend General Bylaws, Chapter 81, by removing Section 10G, and adding the term "treated sewage" to 4B with the definition "Treated or untreated sewage from a Type I and Type II marine sanitation device, rubbish, debris, garbage or dead fish shall not be discharged into Plymouth Harbor", and further to delete 6D and replace with the following:

### **D. Rules for Town owned or managed boat ramps or boating access areas**

- 1. No person shall build or maintain a fire for any purpose.**
- 2. No person shall remove, destroy, or deface any vegetation, sign, poster, building or other property.**

3. **Parking areas are for the sole use of motor vehicles parking in conjunction with the intended use of the facility.**
  4. **Camping, swimming, sleeping, and picnicking activity shall not be permitted within the boundary of the boat ramp/ access area.**
  5. **Water-skiing shall not be conducted from or within 300 feet of any boat ramp/ access area. The operation of personal watercraft shall not be conducted from any boat ramp/ access area, except for initial embarkation and final disembarkation.**
  6. **No fishing activity shall be conducted from within a fifty (50) foot radius of any boat launching ramp.**
  7. **At no time shall a person deposit or leave any refuse on land or adjacent waters under the control of the Town of Plymouth. The deposit of sanitary waste is also strictly prohibited.**
  8. **The washing of motor vehicles, flushing motors or other equipment is prohibited.**
  9. **No person shall carry on any business or commercial calling or trade, sell or otherwise deal in wares of any sort, advertise any such business or commercial calling, hold any public meeting, or conduct any tournament contest or organized event, unless he shall have received a written permit from the Town of Plymouth. Posting of any sign or notice (commercial or otherwise) without the prior approval of the Town of Plymouth is prohibited. .**
  10. **Disorderly conduct, gambling, drinking of alcoholic beverages, use of illegal drugs, obscene or indecent language or behavior is prohibited.**
- Or take any other action relative thereto.**

#### **DEPARTMENT OF MARINE AND ENVIRONMENTAL AFFAIRS**

Chad Hunter, Harbormaster, provided an explanation of the proposed updates to the Town's Harbor bylaws (Chapter 81 of the *Town of Plymouth Bylaws*).

The first of the changes proposed by the Department of Marine & Environmental Affairs ("DMEA"), Mr. Hunter reported, is the modification of the section pertaining to the transfer of moorings. Currently, he explained, the Town allows the transfer of moorings only from spouse to spouse. State Law, however, allows the transfer of moorings to immediate family members, and, thus, DMEA and the Town's Harbor Committee have recommended the modification of the Town's bylaw to be consistent with State Law.

In response to an inquiry from Selectman Tavares regarding the definition of "immediate family member," Mr. Hunter noted that the State does not define this term within its mooring provisions. The Town, he said, can institute its own local definition for "immediate family member," e.g. as spouse, child, and parent. Ms. Arrighi interjected that the Town would likely use the spouse-child-parent definition for the transference of moorings, if this bylaw change is approved by Town Meeting.

The second recommended change, Mr. Hunter continued, will make the Town's bylaws consistent with the No Discharge Area designation that was enacted over Plymouth Waters in 2006 by the Federal government. The modified language, he said, will prohibit both untreated and treated sewage from being discharged into the harbor.

Mr. Hunter reported that the third proposed change to the Harbor Bylaw is the replacement of Section 81-6-D with updated regulations for the management of Town boat ramps and boating access areas. Similar to the other regulations proposed for the Harbor Bylaw, he stated, the revised section will be consistent with State Boat Ramp regulations and will strengthen the Town's ability to manage its boating ramps and access areas.

In response to a question from Selectman Brewster, Mr. Hunter indicated that the penalty for violation of the Harbor Bylaw is \$50.

On a motion by Selectman Tavares, seconded by Selectman Brewster, the Board voted to recommend Article 10 to the 2013 Special Town Meeting. Voted 5-0-0, approved.

## **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:

<b>A</b>	<b>Information Tech.</b>	<b>Desktop Computers (*)</b>
<b>B</b>	<b>Information Tech.</b>	<b>Desktop Computers / SQL Server- Police (*)</b>
<b>C</b>	<b>Information Tech.</b>	<b>Fiber Repair (*)</b>
<b>D</b>	<b>Police</b>	<b>Respirator Cartridges for Gas Masks (*)</b>
<b>E</b>	<b>Police</b>	<b>Unmarked Cruiser (*)</b>
<b>F</b>	<b>Police</b>	<b>Marked Cruiser (*)</b>
<b>G</b>	<b>Police</b>	<b>Utility Vehicle (*)</b>
<b>H</b>	<b>Fire</b>	<b>Station Maintenance for all 7 Stations (*)</b>
<b>I</b>	<b>Fire</b>	<b>Self Contained Breathing Apparatus Cylinders (*)</b>
<b>J</b>	<b>Fire</b>	<b>Automatic External Defibrillator (*)</b>
<b>K</b>	<b>Fire</b>	<b>Turn Out Gear Replacement (*)</b>
<b>L</b>	<b>Fire</b>	<b>Portable Radios (*)</b>
<b>M</b>	<b>Fire</b>	<b>2 1/2" Fire Hose Supply Line (*)</b>
<b>N</b>	<b>Fire</b>	<b>4" Fire Hose Supply Line (*)</b>
<b>O</b>	<b>Emergency Mgt</b>	<b>Redundant Fire Dispatch Terminal at EOC</b>
<b>P</b>	<b>Harbor Master</b>	<b>Patrol Boat Outboard Engine (*)</b>
<b>Q</b>	<b>Harbor Master</b>	<b>2012 Port Security Grant Program 25% Match</b>
<b>R</b>	<b>Harbor Master</b>	<b>Tender Floats (*)</b>
<b>S</b>	<b>Harbor Master</b>	<b>Inflatable Boat</b>
<b>T</b>	<b>Harbor Master</b>	<b>Pond Boat Outboard Engine (*)</b>
<b>U</b>	<b>DPW-Operations</b>	<b>Highway - Vehicle and Equipment Painting &amp; Repair</b>
<b>V</b>	<b>DPW-Operations</b>	<b>Highway - Snow &amp; Ice Equip Ground Speed Control</b>
<b>W</b>	<b>DPW-Operations</b>	<b>Highway - Vehicle &amp; Equipment Tires</b>
<b>X</b>	<b>DPW-Operations</b>	<b>Maint - Police Station Carpet (*)</b>
<b>Y</b>	<b>DPW-Operations</b>	<b>Maint - DPW Bldg Repairs (*)</b>
<b>Z</b>	<b>DPW-Operations</b>	<b>Fleet Maint - Crane for Service Truck</b>
<b>AA</b>	<b>DPW-Operations</b>	<b>Fleet Maint - Engine PTO Driven Comp Svc Truck</b>
<b>BB</b>	<b>Marine &amp; Env. Affairs</b>	<b>ADA Compliant Beach Ramp (*)</b>
<b>CC</b>	<b>DPW-Utilities</b>	<b>Sewer - 4x4 1/2 Ton Pick-up</b>
<b>DD</b>	<b>DPW-Utilities</b>	<b>Water - 2WD Utility Body Diesel Pickup Truck (*)</b>
<b>EE</b>	<b>DPW-Utilities</b>	<b>Water - 4WD Extended Cab Pickup Truck (*)</b>
<b>FF</b>	<b>DPW-Operations</b>	<b>Crematory - Cremation Chamber Floor Replacement (*)</b>
<b>GG</b>	<b>DPW-Operations</b>	<b>Crematory - Exhaust Fan System</b>
<b>HH</b>	<b>DPW-Operations</b>	<b>Crematory - Cremation Chamber Floor &amp; Roof (*)</b>
<b>II</b>	<b>DPW-Operations</b>	<b>Crematory - Emission Monitoring System (*)</b>
<b>JJ</b>	<b>DPW-Operations</b>	<b>Cemetery - Hurricane Blower</b>
<b>KK</b>	<b>DPW-Operations</b>	<b>Cemetery - 48" Mulching Mower (*)</b>



LL	DPW-Operations	Cemetery - Weed Wacker (*)
MM	DPW-Grounds & Rec	Parks - 61" Scag Mower (*)
NN	DPW-Grounds & Rec	Parks - Landscape Trailer (*)
OO	DPW-Grounds & Rec	Parks - Forges Parking Lot Striping (*)
PP	DPW-Grounds & Rec	Parks - Man Rec Play Structures Replacement Parts (*)
QQ	DPW-Grounds & Rec	Parks - Fence Repair Program (*)
RR	DPW-Grounds & Rec	Parks - Turf Covers
SS	DPW-Grounds & Rec	Parks - Weed Whackers (*)
TT	DPW-Grounds & Rec	Recreation - 4WD Pickup Truck

or take any other action relative thereto.

**BOARD OF SELECTMEN**

Ms. Arrighi reminded the Board that Article 8 represents departmental equipment requests that do not exceed the \$50,000 threshold for the Capital Outlay Expenditure process. She pointed the Board’s attention to a list she provided in their meeting packets of the equipment that was requested and the corresponding recommendation she provided on each item. Ms. Arrighi provided a brief explanation of the process by which she reviews departmental equipment requests, and she noted her recommendation to fund Article 8 at \$723,755 (out of \$1,081,883 in initial requests).

Chairman Muratore opened the discussion to public comment. No citizens came forth.

Selectman Tavares posed some question regarding the requests for crematory equipment and the necessity of replacing the carpeting at the Police Station. Dennis Westgate, Assistant Director of Public Works, explained that the floors and walls of the retorts at the crematory must be replaced on a fairly regular schedule, based on the frequency of use. Ms. Arrighi indicated that the request to replace the carpet at the Police Station—which the Police Chief has identified as an important repair—has been deferred from previous years.

On a motion by Vice Chairman Mahoney, seconded by Selectman Harnais, the Board voted to recommend Article 8 to the 2013 Spring Annual Town Meeting. Voted 3-2-0, approved, with Selectman Brewster and Selectman Tavares voting in opposition..

**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	Fire Department	Repair/Refurbish Brush Trucks
A2	DPW –Maintenance Town Bldg Repair Program	Memorial Hall Repairs & Chair Reupholstering
A3	DPW –Maintenance Town Bldg Repair Program	Library Carpet Replacement
A4	School Bldg Repair Program Mt. Pleasant	Roof Repairs
A5	School Bldg Repair Program Hedge Elem.	Roof Repairs
A6	School Bldg Repair Program IBES & WES	Replace Floor Tile in Café, Art Room & Rec Hall

A7	School Bldg Repair Program South Elem.	Outside Doors
A8	School Bldg Repair Program IBES	Install Lockers
A9	School Bldg Repair Program PCIS	Replace Propane Gas-Fire Generator
A10	DPW Operation-Engineering	Samoset St. Roadway Improvements Easements
A11	DPW Operation-Engineering	Re-Striping of a Partial Section of Samoset St.
A12	DPW Operation-Engineering	Newfield St. Bridge Design
A13	DPW Operation-Engineering	Drainage Rehabilitation 2020 Town Center
A14	DPW Operations-Maintenance	Town Vehicle & Equipment Replacement Program
A15	Planning & Development	Zoning Bylaw Update
A16	DPW Grounds & Recreation-Cemetery	Burial Hill Renovation Plan
A17	Information Technology	Microsoft Office Pro Upgrade and Training
A18	Police Department	Mobile Data Terminal Replacement
A19	DPW Grounds & Recreation -Cemetery	Burial Hill Tree Work
A20	DPW Operations-Highway	Crushing Operation-Recycled Materials
A21	Police Department	Enforsys Police Server
A22	DPW Grounds & Recreation -Cemetery	Vine Hills Cemetery Road & Water Repair
A23	DPW Utilities Sewer Enterprise	Sewer System Upgrade
A24	DPW Utilities Water Enterprise	Generators for Water Building & Pine Hills Booster
A25	DPW Utilities Water Enterprise	New 10 Wheel Dump Truck
A26	DPW Utilities Water Enterprise	Water Infrastructure Improvements
A27	DPW Utilities Water Enterprise	Replace W41 2005 Ford F350 Truck
A28	DPW Operations Solid Waste Enterprise	Replace 2007 Roll-Off Truck
B1	Marine & Environmental	T-Wharf Construction
B2	Fire Department	Purchase and Equip New Engine 7
B3	Federal Furnace Elementary School	HVAC Replacement
B4	Fire Department	Purchase and Equip New Brush Breaker
B5	DPW Utilities Sewer Enterprise	Plan/Design Extension of Samoset Street Sewer Corridor
B6	DPW Utilities Sewer Enterprise	Replace/Relocate Sewer Interceptor
B7	DPW Utilities Water Enterprise	Jacket Water Main Replacement

or take any other action relative thereto.

#### **BOARD OF SELECTMEN**

Ms. Arrighi provided the presentation on Article 9, which encompasses departmental requests for items or projects that cost more than \$50,000—also known as Capital Outlay Expenditures. Such requests, she explained, are vetted through the Capital Outlay Expenditure Committee (“COEC”), a group that is comprised of representatives from the Board of Selectmen, School Committee, Advisory & Finance Committee, and citizens appointed by the Selectmen and Moderator. Ms. Arrighi noted that, once the COEC has offered its recommendations and rankings, she and the Finance Director identify those projects/items that should be funded—with the COEC’s report as guidance—and from what source the selected projects/items will be funded.

In response to an inquiry from Selectman Tavares, Finance Director Lynne Barrett indicated that she and the Town Manager have recommended the funding of FY2014

Capital Outlay projects/items with available money, such as Free Cash, to refrain from adding to the Town's debt service budget.

Ms. Arrighi listed the projects that were selected for funding, in order of ranking, and discussed the funding sources that will be applied to each expense. The Selectmen were given the opportunity to pose questions to Ms. Arrighi, Ms. Barrett, and various Department Heads who were in attendance at the meeting on some of the specific requests.

Chairman Muratore opened the presentation on Article 9 to public comment.

Referencing the work proposed within the list of capital projects on the Town's sewer infrastructure along the waterfront, Gerry Sirrico of Precinct 3 advised the Board that the DPW should take precautions when disturbing the supporting earth beneath Water Street. Based on his years of experience working in Plymouth as an employee of the local electric and gas utility provider, he said, the roadway base may become destabilized if excavated for new water or sewer mains.

Jonathan Beder, Director of Public Works, assured Mr. Sirrico that the DPW will use the latest trenching technology to prevent destabilization when working beneath Water Street.

At the close of public comment, Vice Chairman Mahoney made a motion to recommend Article 9 to the 2013 Spring Annual Town Meeting. Selectman Harnais seconded the motion.

Selectman Brewster acknowledged the importance of the capital projects proposed for funding in the FY2014 budget but expressed concern for the burden that such expenses will place on the taxpayer, whether through borrowing or through the use of surplus Free Cash. Surplus funds from one fiscal year, she said, should be utilized to reduce the tax burden during the following fiscal year.

Selectman Tavares described the challenge that the Selectmen face in trying to make sound decisions on major expenditures within the context of a process that is heavy on details and short on time. Though he noted he would support Article 9, Selectman Tavares expressed concern about the collective impact that these projects—combined with a potential new school project—will have upon the tax rate.

At the close of discussion, the Board voted 4-1-0 in favor of Vice Chairman Mahoney's motion to recommend Article 9 to the 2013 Spring Annual Town Meeting. Selectman Brewster cast the opposing vote.

### **SPECIAL ARTICLE 3**

**To see if the Town will vote to raise and appropriate or transfer a sum of money to pay certain unpaid bills of a prior fiscal year, or take any other action relative thereto.**

#### **BOARD OF SELECTMEN**

Finance Director Lynne Barrett explained that Special Town Meeting Article 3 will fund

any unpaid bills from the current Fiscal Year. The Human Resources Department has presented a list of \$188,299.62 in unpaid bills related to M.G.L. Chapter 41 Section 100B-eligible claims for injuries sustained by police officers and firefighters in the line of duty. In this particular case, the bills are related to a retroactive award of disability benefits.

Chairman Muratore opened the discussion on Special Town Meeting Article 3 to public comment. No citizens came forth.

On a motion by Selectman Harnais, seconded by Vice Chairman Mahoney, the Board voted to recommend Article 3 to the 2013 Special Town Meeting. Voted 5-0-0, approved.

### **ARTICLE 30**

To see if the Town will vote to amend Chapter 149 of the General Bylaws by adding a new section 149-3 as follows:

#### **§ 149-3. Sewer Betterment Assessments**

- A. The Board of Selectmen, acting as sewer commissioners in accordance with G.L. c.83, §14, 15, and 23, may assess betterments upon benefitted properties for all, or such lesser portion as the Board shall determine, of the cost of constructing municipal sewer system facilities;**
- B. In fixing the amount of such betterments, the Board of Selectmen may, at their discretion, utilize the fixed uniform rate or the uniform unit rate method as set forth in G.L. c.83, §15.**
- C. Further in accordance with G.L. c.83, §15, the Selectmen may, in assessing such betterments, separate the costs of general benefit facilities, including but not limited to pumping stations, trunk and force mains, from that of special benefit facilities, including but not limited to sewer mains, serving adjacent properties, and may apportion an equitable portion of the costs of the general benefit facilities by the uniform unit method on all properties benefitted by such facilities;**
- D. The Selectmen may assess and collect estimated betterment assessments for the construction of sewer facilities in accordance with G.L. c.83, §15B.**

or take any action relative thereto.

#### **DEPARTMENT OF PUBLIC WORKS**

Ms. Arrighi noted that the Board had discussed and supported Article 30 during its meeting of January 29, 2013. Town Counsel, she reported, has since advised staff to revise the language in Article 30 by adding the entire text of the proposed Sewer Betterment Assessment bylaw section. Ms. Arrighi explained that, once the bylaw is established, the Selectmen (as Sewer Commissioners) can determine when and how to assess sewer betterments for each sewer expansion project.

Chairman Muratore opened the discussion to public comment. No citizens came forth.

On a motion by Vice Chairman Mahoney, seconded by Selectman Tavares, the Board voted to recommend Article 30 to the 2013 Spring Annual Town Meeting. Voted 5-0-0, approved.

Following the vote on Article 30, Chairman Muratore called for a brief recess at 9:05 p.m.

## **SOLID WASTE OPTIONS / ARTICLE 7D (SOLID WASTE ENTERPRISE)**

Chairman Muratore reconvened the meeting at 9:15 p.m.

Jonathan Beder, Director of Public Works, provided a presentation on three options for the future collection of solid waste and recyclables. The three options, he said, are the result of years of research and planning, combined with feedback from the community. Mr. Beder acknowledged a number of citizens and officials in attendance at the meeting who assisted with the process of researching and developing the options: members of the Town's SMART Committee, Janine Delaney from the Department of Environmental Protection, representatives from WasteZero, and John Giorgio from Town Counsel.

Mr. Beder discussed the convergence of several issues pertaining to the South Street Transfer Station ("SSTS") that have prompted the need to consider alternative options for collecting and processing the Town's solid waste: the requirement to recap the former landfill at the SSTS, the impending expiration of the lease with the County (owners of the property where the SSTS is situated), and the forthcoming expiration of the Town's disposal contract with SEMASS.

Plymouth, Mr. Beder said, has the highest disposal rate per household in the region, with lower than average recycling rates. The Town has pursued the feasibility of a curbside pickup system that would integrate a recycling component, he indicated, to mitigate the anticipated closure of the SSTS and reduce the Town's overall waste tonnage. As part of the research into the feasibility of a curbside pickup program in Plymouth, Mr. Beder reported, the DPW initiated a pilot program with 14 households in various residential areas throughout the town.

Mr. Beder listed the three options being brought forth to the Selectmen for consideration:

### Option 1 – Transfer Stations with Pay-As-You-Throw ("PAYT")

This option would close the SSTS but allow for the continued use of the Manomet & Cedarville Stations for a drop-off, PAYT program. The Town would eventually have to site, design, and construct a new transfer station to replace the SSTS by January 1, 2015.

### Option 2 – Transfer Stations (Status Quo) for 6 months; Curbside w/ PAYT January 2014

This option would maintain the Town's three transfer stations for six months, followed by the implementation of a Curbside program and the closure of the SSTS and Cedarville station on January 1, 2014. The Manomet station would remain open for recyclables, only. The Curbside program would utilize a PAYT and single-stream recycling system.

### Option 3 – 3 Stations w/ PAYT f/ 6 months; 1 station PAYT or Curbside PAYT Jan. 2014

This option would maintain three transfer stations with PAYT drop-off services until January 1, 2014, at which time residents would have the option to choose between a Curbside PAYT program or a drop-off PAYT program at the Manomet Transfer Station only.

Mr. Beder talked about the way by which a Pay-As-You-Throw (“PAYT”) will provide residents who recycle with equity, whereby each household pays a flat fee for the basic service, and a per bag fee only for what is disposed. The PAYT bags will be priced at \$1.25 per 30 gallons.

Mr. Beder shared the following projected financials for each proposed option:

- Option 1 – FY2014 Budget = \$2,300,000.00; flat fee = \$46/year
- Option 2 – FY2014 Budget = \$2,075,599.00; flat fee = \$165/year
- Option 3 – FY2014 Budget = \$2,922,755.00; flat fee = \$95/year (Transfer Stations)  
flat fee = \$73/year (Curbside)

Mr. Beder stated that the DPW is recommending Option 3, based on a number of factors, including: cost projections over the course of ten years, efficiencies; convenience; debt; disposal markets; level of service; and the potential to reduce tonnage and increase recycling.

Mr. Beder responded to questions and comments from the Board regarding the benefits and challenges of the proposed options, including the ability of the Manomet Transfer Station to handle the potential number of subscribers to the drop-off program, if the South Street and Cedarville stations are closed. Mr. Beder reported that, based on the analysis performed by consultants Weston & Sampson in 2008, the Manomet Station can handle approximately 1,000 vehicles per day. Though he anticipates that the station can handle more traffic, Mr. Beder acknowledged that the station will likely need to be redesigned to accommodate the increase. In the event that Manomet cannot handle the traffic, he noted, the Cedarville Station can be utilized for overflow.

With regard to the \$46 flat fee cost for Option 1, Mr. Beder sought to point out that this is the projected cost for the first year of the program, only. Subsequent years would likely be higher, he said, but detailed, ten-year financial projections on each option were not yet available.

Assistant DPW Director Dennis Westgate noted that, over the course of ten years, Option 2 will eventually be the least expensive option for residents, but Option 3 provides residents with the flexibility that they have requested during numerous public forums and solicitations for feedback. Mr. Westgate expressed his belief that, over time, one option would clearly emerge as the most popular over the other, based on customer satisfaction.

Chairman Muratore opened the presentation on Solid Waste Options to public comment.

Jim Simpson of Black Cat Road noted that he would like to see a cost comparison between each option, projected out over the course of ten years. The South Street Transfer Station (“SSTS”) is the most convenient for West Plymouth residents, he said, and many people likely schedule their visit to the transfer station around their errands in the downtown area. Mr. Simpson suggested that the Town consider pursuing the relocation of the SSTS to

nearby Camelot Park, where the Town, or a private entity, could operate a new station on public or private property.

Linda Benezra expressed her happiness that PAYT is included as a component of all three options. She urged the Board to hold its decision on a final option until the public has had an opportunity to digest and understand each proposal. Ms. Benezra noted that she would not be opposed to the option that allows a choice between curbside and drop-off.

Ed Russell indicated that he participated in the recent pilot curbside program, noting that he did not find bringing his trash cart halfway down his long driveway to be unmanageable. Mr. Russell reported, however, that the driver informed him that there would likely be an 'upcharge' to collect the trash halfway up the driveway, once the pilot program was discontinued. Ultimately, he said, this means that there is an additional cost associated with servicing those households in Plymouth with lengthy driveways. Mr. Russell expressed his support for the PAYT concept and the compromise option (#3) that gives residents a choice between curbside and drop-off.

Karen Buechs informed the Board that, she, too, participated in the pilot curbside program, which she found to be very convenient. The single-stream collection system encouraged her to recycle more, she said, and the cost projections suggest that the Town's curbside program will be much more cost effective, compared to the prices currently offered by private haulers. Ms. Buechs offered support for the flexibility afforded by Option 3, even though (in her opinion) many residents will likely opt for the convenience of the curbside pickup program.

Andrea Nedley of Precinct 9, another participant in the pilot program, spoke very highly of the convenience of curbside pickup. The program, she said, made it much easier for her household to recycle. Ms. Nedley advised staff to provide more information on cost comparisons beyond the first year but noted her support for the flexibility of Option 3.

Jim Sweeney, member of the Advisory & Finance Committee and former member of the Energy Committee, proposed that the Town issue a Request for Proposals ("RFP") to process its own waste. There are a number of newer technologies that the Department of Environmental Protection has approved, he said, of which the Town could take advantage. If the Town processes its own waste, it is no longer beholden to SEMASS's tipping fees; rather, it can turn its own trash into marketable energy.

Richard Barbieri, Town Meeting Member from Precinct 3, reported that he participated in the pilot curbside collection program. As the owner of a home on a downtown street with public parking, Mr. Barbieri expressed concern about the challenges of pickup up trash on narrow streets. ABC Disposal (the trash collection company) did not use the automated cart mechanism to pick up the carts, as promised, he said, and, though the carts were easy to move, they blew over in heavy winds.

Mr. Simpson of Black Cat Road spoke to the Board again, reporting that he, too, participated in the pilot curbside program. Mr. Simpson, who described himself as a 73-

year-old homeowner who lives on a narrow road with a steep driveway, noted that he was generally able to manage the trash carts, with the exception of those days that were snowy or icy.

Bob Gurwitch, another curbside test subject, explained that, though he was at first hesitant about the program, he found curbside pickup to be very convenient. Mr. Gurwitch indicated that the service was good and that he had no issues managing the bins as a senior citizen, though he acknowledged that his driveway is fairly level in grade.

Mr. Sweeney returned before the Board to inquire if the Town's chosen curbside collector (ABC Disposal) would be willing to reconsider its contract, if the Town were to install its own waste processing facility in the coming years.

Patricia McCarthy stated her support for PAYT but noted that residents will likely need more information on the hybridized options presented, as they appear somewhat confusing.

Mr. Beder and Mr. Westgate responded to some of the remarks and questions offered during public comment. Mr. Beder indicated that he would return before the Board to with ten-year financial projections.

The Board discussed the options proposed by the Department of Public Works.

Selectman Harnais noted his long-standing preference for the curbside option, but expressed his support for the flexibility of Option 3, based on the feedback provided by residents. Vice Chairman Mahoney emphasized the need to reach an agreement with the County on the South Street property before Town Meeting Members can feel comfortable voting upon the Solid Waste budget (Article 7D). Selectman Brewster recognized the work invested by staff and Town officials to assess the best option for processing the Town's solid waste, but noted that she would like to see the ten-year financial projections prior to making a final decision.

Ms. Arrighi asked the Board to determine whether there were options it would like to rule out. Chairman Muratore, Selectman Brewster, and Selectman Harnais all identified Option 2 as undesirable, and, thus, Ms. Arrighi stated that staff would focus the ten-year financial projections upon Options 1 and 3. Chairman Muratore commented that, though he has generally supported the curbside option, he believes that the community has made it clear that it wants to retain the choice between two options.

On a motion by Selectman Brewster, seconded by Vice Chairman Mahoney, the Board voted to table its decision on the Solid Waste Options until the February 26, 2013 meeting. Voted 5-0-0, approved.

Following the Board's vote, Attorney John Giorgio of Kopelman & Paige (Town Counsel) spoke about the Cape Cod Commission's efforts to investigate regional pricing on waste disposal. It is safe to say, he remarked, that SEMASS has a lock on waste disposal services, as the company appears to be the most reliable option available to a number of



South Shore and Cape Cod communities. SEMASS is currently proposing a tipping fee between \$69-72 per ton to the Cape Cod Commission, depending on the aggregate number of tons generated by having all groups within the Commission sign on to the regional contract. Attorney Giorgio reported that SEMASS has also requested a right of first refusal if any other potential contractors approach the Commission. Thus far, the Commission has not accepted the offer from SEMASS, and, therefore, further negotiations are likely to ensue, with the potential for a finalized agreement by the end of the current fiscal year.

Chairman Muratore allowed Linda Benezra and Jim Sweeney to offer comments regarding the negotiations between the Cape Cod Commission and SEMASS. Both expressed concerns about locking the Town into a long term disposal contract, for various reasons.

Ms. Arrighi noted that she has held an article on the Spring Town Meeting warrant, in the event that the Cape Cod Commission reaches an agreement with SEMASS.

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

**Water Damage at Plymouth Public Library** – Selectman Tavares praised the staff of the Plymouth Public Library for their efforts to minimize the damage caused by a pipe leak during the storm-related power outage.

## **ADJOURNMENT OF MEETING**

On a motion by Selectman Tavares, seconded by Selectman Brewster, the Board voted to adjourn its meeting at approximately 10:50 p.m. Voted 5-0-0, approved.

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

*A copy of the February 12, 2013 meeting packet is on file and available for public review in the Board of Selectmen's office.*