

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, FEBRUARY 23, 2016

MAYFLOWER ROOM, TOWN HALL, 11 LINCOLN STREET

6:00 p.m. Executive Session

The Board of Selectmen held an Executive Session pursuant to Massachusetts General Laws, Chapter 30A, Section 21, Paragraph 3; to discuss strategy with respect to collective bargaining or litigation if an open meeting may have a detrimental effect on the bargaining or litigation position of the public body and the chair declares. (*Veolia Litigation*)

7:10PM - CALL TO ORDER

Chairman Tavares called the meeting to order at 7:07 p.m. and led the Pledge of Allegiance.

Present: Kenneth A. Tavares, Chairman
Anthony F. Provenzano, Vice Chairman
John T. Mahoney, Jr.
Sean P. Page
David Malaguti

Derek Brindisi, Assistant Town Manager
Tiffany Park, Administrative Assistant
Jonathan Beder, Director of Public Works

Before getting under way, Chairman Tavares asked for a moment of silence in Honor of two Plymouth residents who recently passed away. The first was Edward Nicolas. He served as the Superintendent of Plymouth Schools for 24 years and will be missed.

The second was George Alves, a life-long resident of Plymouth. He served in WWII and was a retired Town Employee. George will also be missed by everyone that knew him.

7:09PM – SEWER UPDATE – DPW DIRECTOR

Jonathan Beder, the Director of Public Works, gave a PowerPoint presentation on the state of the Town's Sewer System. Mr. Beder began by telling the residents to call him if they have questions or concerns. He emphasized that he and his staff were there for the community.

Ken Tavares, Chairman of the Board, spoke up and reinforced Mr. Beder's statement by telling everyone to please call with questions. He stressed that there is a lot of erroneous information out there and urged people to ignore any uninformed opinions on social media.

Mr. Beder said that the second bypass was up and running as of Saturday, February 13, 2016 and was about 2.75 miles long. He also said that the third bypass was ongoing and would run from the Water Street Pump Station up to the second bypass, and there would be two road crossings as follows: Standish Avenue at West Street on Thursday, February 25th and Court Street at Benny's on Friday, February 26th, Mr. Beder went on to say the reason for this third

bypass was due to the condition of the pipes upon inspection, as there was a thick layer of sediment and sludge in the remaining pipes which were cause for concern.

Mr. Beder gave an update of ongoing work which included:

- Red Zone Robotics report for the first bypass
- National Water Main is in cleaning the second bypass
- BETA working on Environmental Remediation Plans
- Environmental Partners are developing design options (BETA Review)

Mr. Beder followed that up by listing the next steps which include:

- Complete the final leg of the third bypass
- Cleaning second and third bypass
- DCAMM Waiver for third bypass
- Develop permanent repair options
- Possible Town Meeting in April
- Anticipating 6 to 12 months for construction

Mr. Beder finished by saying that the sewer system is fully operational, the Lout Pond Well came back on-line this week, and that the Plymouth Water Supply is fine. He went on to say that they will continue to pay attention to the schedule and planning because this cannot happen in this Town again.

Chairman Tavares turned it over to the Board and asked if they had any comments or questions for Mr. Beder.

John Mahoney, Selectman, said he was in that area over the weekend and hoped that when this process was complete that these homes would be made whole again, by repairing driveways, lawns, and by replacing trees and shrubs.

Anthony Provenzano Jr, Vice Chairman of the Board, wanted to thank the residents of Plymouth that were affected by this for their patience and understanding.

Jonathan Beder replied by saying he has been speaking to several residents in the area that have been affected by the work that is being done and said that they have been great. He reiterated to residents to please call if they have questions or concerns. He also said that it has already been put into the plans to repair anything and everything for the residents that may be disrupted by the construction.

Selectman David Malaguti started out by thanking Mr. Beder and his staff for their dedication and hard work that they have all been outing into this project. They've worked lots of hours and have remained proactive. He also wanted to touch upon the sludge issue that was found during inspections. He pointed out two problems that the sludge causes. One is preventing flow and the other is it hides any damage that may be lying beneath it.

Chairman Tavares thanked Jonathan Beder for his presentation and hard work.

7:22PM – SPECIAL NOTES

Before continuing with the Agenda Mr. Tavares wanted to remind everyone of a couple of things as follows:

- Next week's Selectmen's Meeting will be held at the Plymouth Community Intermediate School (PCIS) due to the Primary Elections.
- On Tuesday, March 15, 2016 the Town will be hosting a seminar on Tax-Break Opportunities for our Seniors and Veterans, and urged the community to take advantage of this informational session from 5:00pm to 7:00pm in the Mayflower Room at Town Hall.

7:23PM – BID POLAR PLUNGE

Catherine McKenna came up and talked about this year's Jordan's Polar Plunge. She explained that this is the 14th year for the Plunge, and that many of the people, including Ken Tavares, have taken the Plunge for a good cause. Donations are used directly for the Cancer Center at Beth Israel Deaconess Hospital in Plymouth. Ms. McKenna said that specifically, this year's funds will go towards things like equipment, clinical trials and patient assistance funds, which will go directly to patients for things such as lost wages, care takers, and transportation so they won't have to worry and can focus on their health and healing.

Ms. McKenna finished by giving the specifics of the event which is being held on March 5, 2016 at Nelson's Park Beach. She said there would be vendors, food provided by Alden Park, Stop & Shop, Marylou's and much more. She invited everyone to register or donate as it is the spirit of our community that makes things like this possible.

Ken Tavares thanked her for her years of hard work with this fundraiser. Mr. Tavares challenged some of the younger Board members and people in the audience to participate. He said he has taken the Plunge in the past but was glad to be staying dry this year.

7:28PM – TRIP TO PLYMOUTH, UK

Paul Jehle of the New Testament Church came to the Board to give a short presentation on a planned youth trip to Plymouth, UK in March. Mr. Jehle explained that the reason for the trip was to close the gaps between the two towns and bring them together for the 2020 celebrations. He also hoped to bridge any gaps between generations based on the Pilgrim's history and why they actually set out in search of the New World. Mr. Jehle then invited a few students up to the podium to explain why they want to go to Plymouth, UK and what they hoped to take from the trip.

- *Jonathan deMacedo*: He said his excitement about going stems from the 2020 vision and connecting the two cultures with the Pilgrim's story.
- *Jasmine Dozier*: She explained that the common ground that links England and the Pilgrims is faith, and faith is what gave the Pilgrims courage to take such a long voyage to the New World.

- *Kevin Harris*: He said the basis for his desire to take the trip is Christian principles and faith, and that he was excited to be involved with bridging the gaps.

Paul Jehle closed by rhetorically asking what we can do by 2020 to keep these communities and generations linked. He added that he would love to be able to take a letter from the Town and/or Board of Selectmen to read to the Mayor of Plymouth, UK.

Ken Tavares wished them all well and expressed how great he thought it was that the kids were taking this trip using their own funding and he would be honored to write the letter as requested.

Mr. Provenzano wished them well and reiterated that the Pilgrims and Mayflower experience was certainly a spiritual journey.

7:36PM - PUBLIC COMMENT

Christine Bostek came to the podium first wanting to discuss the Agenda format that is posted to the Town website. She expressed that she felt that the Selectmen's Articles that are posted on the Agenda are too brief and that all of the information should be added to the Agenda regardless of whether they have been withdrawn or not. Ms. Bostek stated that she wanted the information to be more transparent to the public and submitted a stack of emails from people in support of her request.

Chairman Tavares replied and said he would take that up with the Board.

7:40PM – LICENSES AND ADMINISTRATIVE NOTES

LICENSES

On a motion by David Malaguti and seconded by John Mahoney, the Board approved a Special License to sell Bottled Wine at the Farmer's Market for **Plymouth Rock Wine, LLC d/b/a Plymouth Bay Winery**, Pamela Car, 114 Water Street. *Voted 5/0*

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved a Vehicle for Hire Operator License for **Special Occasion Limousine**, Tim and Diane Dockery, Owners, 170 Court Street. *Voted 5/0*

On a motion by Anthony Proevenzano Jr and seconded by John Mahoney, the Board approved a One Day Wine and Malt License for **Plymouth Lions Club**, Frank Gigiotti, PO Box 3491. *Voted 5/0*

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved a One Day Wine and Malt License for Kara Olsen, **Town of Plymouth Recreation Department**, 11 Lincoln Street. *Voted 5/0*

On a motion by John Mahoney and seconded by Sean Page, the Board approved a Special Auctioneer Permit for **J James Auctioneers and Appraisers**, Joshua Rioux, 84 Court Street. *Voted 5/0*

ADMINISTRATIVE NOTES

On a motion by David Malaguti and seconded by John Mahoney, the Board approved the Open Meeting Minutes from February 2, 2016. *Voted 4/0*
(*Selectman Sean Page Abstained*)

On a motion by David Malaguti and seconded by John Mahoney, the Board approved the Open Meeting Minutes from February 9, 2016. *Voted 5/0*

On a motion by Sean Page and seconded by David Malaguti, the Board approved a Declaration of Intent to reimburse certain expenditures from proceeds of indebtedness. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board voted to accept gift funds for the purchase of land located off of Little Herring Pond Road comprised of 43.6 acres (more or less) for open space and recreational purposes pursuant to G.L. 44B and voted at the October, 2015 Fall Annual Town Meeting Article 16B. The Board also executed a Purchase and Sales Agreement as filed in the signature folder. *Voted 5/0*

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved Ken Tavares, Chairman, to sign a letter of support for s Bill (S.2052) from the House Ways and Means Committee that would establish a drop-off/recycling program for oil and latex paints funded by paint manufacturers. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board signed and ratified an easement from Article 28 as heard at the Annual Town Meeting held on April 11th, 2015. This is perpetual easement for a public way over a property on Russell Street. *Voted 5/0*

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board signed and executed a letter to the Honorable Charles Baker formally asking him to endorse the efforts of the MCOA (Massachusetts Association of Councils on Aging) and include an increase in Line Item #9110-9002 (Local Aid to COA's). *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board appointed Chester Bagni of 292 Sandwich Road, Plymouth, to the Affordable Housing Trust to serve as the Plymouth Redevelopment Authority Designee. *Voted 5/0*

On a motion by Sean Page and seconded by Anthony Provenzano Jr, the Board approved and executed the proposed Policy and Procedure for Health Insurance under the Federal Affordable Care Act. This Policy will establish a Look-Back Measurement for determining health insurance eligibility under the ACA. *Voted 5/0*

7: 45PM - TOWN MEETING ARTICLES

Article 16A:

To see if the Town will vote to amend the vote taken under Article 16A of the 2014 Spring Annual Town Meeting by reducing the \$500,000 borrowing authorization approved there under for the restoration of the 1820 Court House by the sum of \$500,000 and further to transfer \$500,000 for Fiscal 2017 Community Preservation Act revenues for purposes of future restoration of said 1820 Court House, including construction, demolition, renovation, operation, and related costs, or take any other action relative thereto.

Bill Keohan explained that the Community Preservation Committee (CPC) would like to reduce the borrowing by \$500,000 each time and to use cash on hand for the preservation and rehabilitation of the 1820 Court House.

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved moving Article 16A to Town Meeting. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes

Article 16B:

To see if the Town will vote to amend the vote taken under Article 16A of the 2015 Fall Annual Town Meeting by reducing the \$2,500,000 borrowing authorization approved there under for the restoration for Simes House by the sum of \$500,000 and further to transfer \$500,000 for Fiscal 2017 Community Preservation Act revenues for purposes of future restoration of Simes House, including construction, renovation, operation, and related costs, or take any other action relative thereto.

Mr. Keohan once again said that the CPC would like to reduce the borrowing appropriation from Article 16A from Fall Town Hall Meeting 2015 and move available funds to use for the renovation of Simes House.

On a motion by David Malaguti and seconded by John Mahoney, the Board approved moving Article 16B to Town Meeting. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes

Article 16C:

To see if the Town will vote to amend the vote taken under Article 16B of the 2015 Spring Annual Town Meeting by reducing the \$2,000,000 and further to transfer \$2,000,000 borrowing authorization approved there under for the restoration of Stephen's Field by the sum of \$200,000 and further to transfer \$200,000 for Fiscal 2017 Community Preservation Act revenues for purposes of future restoration of said Stephen's Field, including construction, demolition, renovation, operation, and related costs, or take any other action relative thereto.

Mr. Keohan again asked to reduce the borrowing authorization by \$200,000 and to pay for renovation, preservation and rehabilitation of Stephen's Field from cash on hand.

On a motion by Sean Page and seconded by John Mahoney, the Board approved moving Article 16C to Town Meeting. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes

Article 16D:

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G.L. c.44B and to accept the deed to the Town of Plymouth, of a fee simple interest of land off of Black Cat Road in the Town of Plymouth comprised of 14.6 acres more or less being made up of lot 22C and lot 23B shown on Assessors Map 90 said land to be held under the care, custody and control of the Conservation Commission, to appropriate \$46,000 for the acquisition and other cost associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves.

Bill Keohan said that CPC would like to acquire 14.6 acres more or less off of Black Cat Road. He said it is near Billington Sea and is near other parcels that they had previously acquired.

On a motion by David Malaguti and seconded by John Mahoney, the Board approved moving Article 16D to Town Meeting. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes

Article 16E:

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G.L. c.44B and to accept the deed to the Town of Plymouth, of a fee simple interest or less of land located off Hedge Pond Road in the Town of Plymouth comprised of 7.8 acres more or less being made up of a portion of Lot 36B and 37B shown on Assessors Map 55 said land to be held under the care, custody and control of the Conservation Commission, to appropriate \$45,000 for the acquisition and other costs associated therewith from the Community Preservation Fnd estimated annual revenues, fund balances, or reserves, and/or borrow said total sum which shall be reduced by the amount of any grants received by the Town pursuant to G.L. c.44B, Section 11 or G.L. c.44, Section 7 or any other enabling authority; and further to authorize the Board of Selectmen to grant a conservation restriction in said property in accordance with G.L. c.44B, Section 12 meeting the requirements of G.L. c.184, Section 31-33; and to authorize 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.

Mr. Keohan started by correcting the above purchase amount to \$45,000 for 7.8 acres more or less off of Hedge Pond Road. He said this land would increase the size of the Hedge Pond Recreation Area, with amenities such as tennis, ball field, walking trails and more.

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved moving Article 16E to Town Meeting. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes

Article 16F:

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G.L. c.44B and to accept the deed to the Town of Plymouth, of a fee simple interest of land located off Fisherman's Lane, Ship Pond Marsh, Surfside and Bayside Beaches in the Town of Plymouth comprised of 9.98 acres more or less being made up of Lot 3 and shown on Assessors Map 50 said land to be held under the care, custody and control of the Conservation Commission, to appropriate \$140,000 for the acquisition and other costs associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sum which shall be reduced by the amount of any grants received by the Town pursuant to G.L. c.44B, Section 11 or G.L. c.44, Section 7 or any other enabling authority; and further to authorize the Board of Selectmen to grant a conservation restriction in said property in accordance with G.L. c.44B, Section 12 meeting the requirements of G.L. c.184, Section 31-33; and to authorize 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.

Bill Keohan said that acquiring this parcel of land would preserve 1200 feet of frontage on Ship Pond Marsh and 1000 feet of frontage on Cape Cod Bay.

On a motion by Sean Page and seconded by John Mahoney, the Board approved moving Article 16F to Town Meeting. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes

Article 16G:

To see if the Town will vote to authorize the Board of Selectmen to acquire by purchase, gift, eminent domain or otherwise, for open space and recreational purposes pursuant to G.L. c.44B and to accept the deed to the Town of Plymouth, of a fee simple interest or less of land located off Little Sandy Pond Road and Livingston Drive in the Town of Plymouth comprised of 26 acres more or less and shown on Assessors Map 59 Lot 27-66 to be held under the care, custody and control of the Conservation Commission, to appropriate \$175,000 for the acquisition and other costs associated therewith from the Community Preservation Fund estimated annual revenues, fund balance, or reserves, and/or borrow said total sums which shall be reduced by the amount of any grants received by the Town pursuant to G.L. c.44B, Section 11 or G.L. c.44, Section 7 or any other enabling authority; and further to authorize the Board of Selectmen to grant a conservation restriction in said property in accordance with G.L. c.44B, Section 12 meeting the requirements of G.L. c.184, Section 31-33; and to authorize 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.

Bill Keohan told the Board that the 26 acres in this acquisition has frontage along Little Sandy Pond Road and Livingston Drive, and is also across from Camp Massasoit and Elbow Pond.

On a motion by John Mahoney and seconded by Anthony Provenzano Jr, the Board approved moving Article 16G to Town Meeting. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes

Article 16H:

To see if the Town will vote to hear and act on the report of the Community Preservation Committee on the Fiscal Year 2017 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 2017, further appropriation amounts as recommended by the Community Preservation Committee: a sum of money for the acquisition, creation, and preservation of land for open space, and including restoration and rehabilitation of land for recreational use, a sum of money for acquisition, preservation, restoration and rehabilitation of historic resources, and a sum of money for the acquisition, creation, preservation and support of community housing, or take any other action relative thereto.

Bill Keohan said the CPC is allowed to use up to 5% of the CPA fund but is only asking for 4% to cover administrative costs as well as all other necessary costs.

On a motion by Sean Page and seconded by John Mahoney, the Board approved moving Article 16H to Town Meeting. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes

Article 32:

To see if the Town will vote to repeal the previous acceptance of Sections 3 to 7 inclusive of Chapter 44B of the Massachusetts General Laws, otherwise known as the Community Preservation Act, or take any other action relative thereto.

Steve Striar thanked Bill Keohan for his hours of work explaining the CPA to him. He then went on to describe this Article as a way to keep taxes lower in the Town. Mr. Striar also mentioned that the CPA would have to be repealed exactly the way it was enacted.

Chairman Tavares asked if anyone wanted to speak in favor of this Article.

Everett Malaguti, Town Meeting Member, came to the podium saying he was in support of this Article. He stated that he has heard dislikes on the way the CPC acquires land and uses funds. Mr. Malaguti acknowledged that the Board has strong feelings about the CPA but in order for citizens that he represents to be heard, he urged the Board to support this Article.

Christine Bostek came to the podium stating that she was in favor of this Article and she also submitted a list of emails from other residents in support.

Bill Keohan came up and spoke against Article 32 by saying that the CPC has 14 years of effort with the CPA and what it has done for the Town of Plymouth, namely water preservation and protecting water supply such as Eel River and Town Brook. Mr. Keohan also said there's a huge economic benefit to the Town. He said that it has also protected 22 miles of coastline including Plymouth Harbor's water quality. Mr. Keohan said that to date this partnership has created 64 units of housing as well as preserved historical landmarks like the Spire Theater. In doing so they are getting more people to come to Plymouth and stay longer. In closing, Mr. Keohan said that the CPC has gotten away from borrowing and has been leveraging grants and spending as they go. He also wanted to reiterate that the CPA Funds come, in large part, from fees at the Registry of Deeds and not tax dollars.

Mr. Worthington came to the podium in opposition of Article 32 saying that he urged everyone to review the CPA carefully and know that the funds come from Registry of Deed fees and that the State matches it. He stated that if we got out of the CPA then that money will be drawn out of town. He said the State generously doles out the money to Towns that accept the CPA. Mr. Worthington went on to say that Bill Keohan has done a fantastic job and that the Town has benefitted from the CPC and CPA by having some of the best water around the area.

Richard Serkey came to the podium saying he echoed Mr. Worthington's remarks and added that the CPA has been a great success for Plymouth and that Bill Keohan has done an exemplary job and is a class act.

Pat McCarthy came up next to speak on behalf of the CPA by saying she echoed what has been said about Bill Keohan. She went on to say that for the small amount of money that each resident puts in we get so much in return. Ms. McCarthy explained that 1.5% of everyone's tax bill goes into the CPA Fund which equates to one cup of coffee per week, and for that you get things such as the Art Center, Spire Center, Memorial Hall and the New Town Hall. She ended by saying this was a no-brainer to support the CPC and CPA.

Rich Rothstein took the podium next and pointed out that we needed to be careful of future consequences. He referred to a newspaper article in the Monday edition of the Boston Globe saying that the State is going to be holding municipalities responsible for water pollution clean-up, which would raise property taxes. He said that residential growth in Plymouth will

and does contribute to more pollutants getting into our water supply, and keeping the CPA will help prevent this pollution by ensuring clean ground water.

Chairman Tavares then turned the discussion over to the Board of Selectmen.

John Mahoney started by saying business in the Town of Plymouth is long-term and it all is affected by water. Selectman Mahoney referred to Flint, Michigan and that because of bad decisions they cost our country one billion dollars. Selectman Mahoney went on to say that getting rid of the CPA would give you a tax break is a fallacy. He also said that you never have to ask where the funding is coming from, and if the CPC makes an investment of 3, 4 or 5 thousand dollars it could inject millions into the downtown economy. He finished by saying a long-time resident of Plymouth had never been to Hedges Pond and had gone for the first time. He could not believe that this existed in the Town of Plymouth and asked why this couldn't be done all over Town. Mr. Mahoney said he could not believe we would opt out of this.

David Malaguti said that there's no question to the good of the CPA and no question about the work of Bill Keohan, but the citizens of Plymouth accepted this law which stated there will be a way to review and repeal, so he feels that Article 32 should go to Town Meeting for the citizens to review.

Vice Chairman Provenzano said that as much as he thinks it's a good opportunity to review the CPA in the future, he does not feel it's the right time to do that.

Sean Page stated that he agreed with both Mr. Mahoney and Mr. Malaguti. He then told Mr. Striar that he believes in what the CPA does so he cannot support this Article.

Chairman Tavares said that over the years we've done well with the CPA funds. He continued by saying he hasn't always agreed with purchases and processes, but the repeal would do this community a great disservice. Mr. Tavares finished by saying if we don't participate in the Meal Tax we will miss out so he can't support Article 32.

On a motion by David Malaguti and seconded by Anthony Provenzano Jr, the Board voted not to approve moving Article 32 to Town Meeting. *Voted 1/4*
By Roll Call: Tavares-No, Provenzano-No, Mahoney-No, Page-No, Malaguti-Yes

Article 33:

To see if the Town will vote to amend Section 3-12-1 of the Town Charter to read as follows: The Board of Selectmen shall appoint a Zoning Board of Appeals of five members and two associate members for three year overlapping terms. Persons not registered to vote in the Town of Plymouth and Representative Town Meeting Members shall not be eligible for appointment to or serve on the Zoning Board of Appeals, or take any other action relative thereto.

Steve Striar explained that this Article would cover any conflict of interest when serving on the Zoning Board. Mr. Striar feels that interpreting regulations of the Town and rendering decisions on Zoning By-Laws was a clear conflict. He finished by saying the Legislative and Judicial branches of Government need to be kept separate.

Anthony Provenzano Jr asked if the Charter Review Committee had discussed this issue, to which Mr. Striar told him that he submitted it but it was never brought up.

Sean Page asked Mr. Striar that if by presenting this do you feel it is not right or that it's a legal conflict.

Mr. Striar replied by saying it gives the appearance of a conflict of interest therefore it just isn't right.

Chairman Tavares said that the ZBA is almost like a court and they should not be voting on laws, I do agree with you on that point.

Anthony Provenzano asked if Richard Serkey would share his opinions.

Richard Serkey said that in his experience the ZBA members should not vote on laws but they should be able to serve on other matters. He went on to say they every member serving on a Board or Committee should know when to recuse themselves.

Sean Page said as a Selectman there have been several times where he has had to recuse himself.

On a motion by David Malaguti and seconded by John Mahoney, the Board voted not to move Article 33 to Town Meeting. *Voted 2/3*

By Roll Call: Tavares-Yes, Provenzano-No, Mahoney-No, Page-No, Malaguti-Yes

Article 34:

To see if the Town will vote to amend Section 7-6-1 of the Town Charter to read as follows: At least once every five years, a special committee shall be appointed by the Moderator to review this Charter and submit a report, with recommendations, to the Citizens of Plymouth and Representative Town Meeting Members concerning any proposed amendments which the committee may determine necessary or desirable. Said report shall be published in the local paper of record and on the Town's website within 14 days of completion, or take any other action relative thereto.

On a motion by David Malaguti and seconded by Anthony Provenzano Jr, the Board voted not to move Article 34 to Town Meeting. *Voted 1/4*

By Roll Call: Tavares-No, Provenzano-No, Mahoney-No, Page-No, Malaguti-Yes

Article 36: CPC 2/3 Vote – Amend Charter (*No Motion No Action*)

Article 21: Alarm System – Amend By-Law Section 14-2 (*Moved to March 1, 2016*)

Article 2: (STM) Supplemental Department Expenses (*No Motion No Action*)

Article 3:

The Town of Plymouth has received an outstanding 100B (Police and Fire Retired on Disability) invoice from FY15. In order to pay this bill, an additional \$2,341.27 will be required. Due to privacy considerations, the name of the retiree as well as the name of the vendor will be kept confidential.

The Town accepted Massachusetts General Law Chapter 41, Section 100B on April 15, 1974 (Article 46), as a result, any retire Police Officer and Fire Fighter who were injured in the line of duty are indemnified.

On a motion by David Malaguti and seconded by John Mahoney, the Board approved moving Article 3 to Town Meeting. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes

9:05pm – COMMITTEE LIAISON / DESIGNEE UPDATES

Chairman Tavares stated that he spent an afternoon last week at the Police Station presenting three Citations to local heroes for their acts of bravery. The individuals were Liam Gale, Karen Menard, and Carter Irmie. They were in the right place at the right time and had the right skills. One of the victims whose life was saved was there for the presentation.

9:08PM - OLD BUSINESS / LETTERS / NEW BUSINESS

None

9:09PM - RECESS

9:14PM – REQUEST FOR LICENSE – CEDARVILLE LANDING CONTINUATION

Tiffany Park, Administrative Assistant to the Town Manager, began with a recap of the info presented at the February 9, 2016 Selectmen’s Meeting. She started by explaining what licenses were being requested by the residents of Kingsbridge Shores for the purpose of building a revetment across Town-owned land in order to protect their property. Ms. Park went on to explain which parcels are Town-owned and how those parcels were acquired, which are now known as Cedarville Landing. Ms. Park stated that there was an easement on a cart path that dated back to 1912 which provided access to the public landing. She continued by saying in 1965 complaints started coming in that residents were blocking access to Cedarville Landing by blocking the cart path with things like bulldozers and piles of sand.

Tiffany Park then described the Selectmen’s proposal to Kingbridge Shores.

The Board of Selectmen offered to grant a license for the private use of public property subject to the following:

- The Town must obtain a permanent easement over Lot 10F that formalizes the public’s right to pedestrian access to the Landing and expands public access to include vehicular passage over Lot 10F to the Landing for the specific and licensed purpose of coastal erosion control measures.
- The petitioner’s revetment barrier must be redesigned so that it does not prohibit or impede future access by vehicle, equipment or pedestrians.

Ms. Park presented a list of issues to consider:

- Historic Intentions
- Hindrance to public rights to the Landing
- Limited public access to coastal beaches
- Private use of public property
- Ability of others (outside Kingsbridge Shore) to use the Landing

Lastly, Ms. Park presented options to restore public access:

- Assert and enforce established public rights over Landing Road (The Cart Path) from State Road to the Public Landing.
- Acquire easement by grant or eminent domain over Sanderson Drive; and acquire easement by purchase or eminent domain over portions of Lot 10F between Sanderson Drive and Landing Road.
- Acquire easement by grant or eminent domain over Sanderson Drive; and acquire Lot 10F by purchase or eminent domain in its entirety, which would allow the establishment of public parking.

Chairman Tavares then turned the discussion over to the Board of Selectmen.

Selectman Mahoney told Tiffany Park that she did a great job, however he was looking for more specific information on access rights from Town Counsel.

Ms. Park replied by saying that Town Counsel reviewed the historic information and it remains clear that the Town has rights to access but the question is how to restore that access.

Richard Serkey, the attorney for Kingsbridge Shore Residents, took the podium and began by explaining the map that he handed out. He described how the sand bag revetment would not impede access to the Landing but rather provide better access. Mr. Serkey felt that it was a solution in search of a problem.

Mr. Serkey said that the license conditions were agreed upon in secret on February 2, 2016 and asked why the applicant's weren't heard first. He went on to say that he felt the applicants should have been given a history and a series of options. He also stated that the memorandum that the Selectmen received was erroneous And that the sand bag revetment would not obstruct.

Richard Serkey then went on to say that the Memorandum's author's real agenda was to acquire Lot 10F by eminent domain and that the Town Manager had an office that is adversarial and that the Manager and her Administrative Assistant needed to be reeled in. Mr. Serkey said that both sides need to sit down with their attorneys and come to an agreeable solution, and that he felt that Executive Sessions and Open Meetings were not a good way to come to an agreement. Mr. Serkey then handed out a picture of the Private Property sign that Selectman Page had mentioned at a previous meeting and said that it is placed on lot 10F which is private property and also that it faces Sanderson Drive and not the beach. He said the sign does not say "Keep Out" but rather "Use at Own Risk" strictly for insurance purposes.

Randy Parker, the engineer who is designing the proposed revetment, presented his plan to the Board next. He explained that his design of this revetment is similar to one in Churchill Landing where he lives and has similar access point to the beach. Mr. Parker stated that there is a 6 foot drop and by Memorial Day after the winter storms roll in the drop can increase to 10 feet. Mr. Parker went on to say that the design does not impede any access and is convertible. Once the sand bags are in place in a sloping manner there will then be stone on top of that with a final layer of sand as a veneer so it looks natural.

Mr. Parker then presented drawn out maps of each property owner's proposed revetment erosion barrier and how they would work. He also said that by using these sand bags it takes away the need for heavy equipment. The sand slurry is mixed right into the bags once they are put in place, therefor taking away the need for cranes and moving these heavy bags. Mr.

Parker added that the Conservation Commission has already approved 7 of these exact installations along the Plymouth coastline. He finished by pointing out that during his research he discovered some older maps from 1889 that clearly shows a different layout of the cart path right of way. He suggested maybe moving the cart path's access in a less intrusive manner. In closing Mr. Parker said he hopes that there is a happy way to do this so people can sleep at night not worrying about hearing stones and dirt fall from their property onto the beaches below.

Chairman Tavares then turned the discussion over to the Board of Selectmen.

Selectman Page asked Mr. Parker if, as an engineer, he agrees that the Town of Plymouth has easement access to the Landing.

Mr. Parker replied by saying that he agrees with a lot of what Tiffany has said but signage needs to be cleaned up. He also said he agrees that these people need to protect their property and didn't care if it's public access or not. He finished by saying his disagreement was with some of what Tiffany said but not with the Landing access point.

Selectman Mahoney said that Mr. Rosenthal was let down by the Selectmen's proposal for an easement to access to the Landing, which might have let down 220 other residents of Kingsbridge Shores, but he went on to say that the Board has to worry about letting 60,000 Plymouth Residents down by making the wrong decision. Mr. Mahoney also said that we don't have enough saltwater access. He finished by reiterating that we have been pushing Town Counsel to give us information faster so we can make a decision.

Richard Serkey said that the information you're referring to should be shared.

Ken Tavares, Chairman, told Mr. Serkey that he was taken back by some of his remarks towards the Town's Staff and that he should apologize. He also said that the Board has been working very hard and that not one of them wants to be a hindrance to people wanting to protect their property. However, Mr. Tavares continued that during the process of approving this license, the public access issue came to light and we can't just ignore it. He said it's the Board's responsibility to maintain that access for the residents. Mr. Tavares also said to Mr. Serkey that the Board is well aware that many things have been done to the path and the beach without the Town's permission. He went on to say the Board will not deny him any information, and that when the Board gets the information from Town Counsel they will pass it on.

Chairman Tavares also wanted to emphasize that it is not the Board's intent to deny access to work on protecting your property. However, the last thing the Board wants is 50 years from now people asking "why did the Town give up access to the beach". He finished by saying it in the best interest of all of us to investigate our access and rights for a long-term solution.

Mr. Serkey asked if the owners of Lot 10F are unwilling to give the Town an easement, will you deny the license and/or take the lot by eminent domain.

Chairman Tavares replied by saying that the Town has not used eminent domain very often, and said it was not an option that we probably will not use. Eminent domain was mentioned only as a possibility and it wasn't meant as a threat.

Mr. Tavares went on to say that the next step was to sit down and meet once Town Counsel comes back with all of their information. He stated that the Board is just explaining the rules of the road and that they realize that things like the stair and signs were not intentional but now that they are on the table we need to deal with them. Mr. Tavares finished by saying that on Thursday, Derek Brindisi, Tiffany Park, and himself would sit down and come up with a plan of action.

10:35PM - ADJOURNMENT

On a motion by John Mahoney and seconded by David Malaguti, the Board voted to adjourn the meeting and not reconvene in Executive Session. *Voted 5/0*

By Roll Call: Tavares-Yes, Provenzano-Yes, Mahoney-Yes, Page-Yes, Malaguti-Yes

Recorded by: Christopher Badot

Administrative Assistant to the Board of Selectmen