

PLYMOUTH BOARD OF SELECTMEN

TUESDAY, MARCH 1, 2016

LITTLE THEATER, PLYMOUTH COMMUNITY INTERMEDIATE SCHOOL

6:00 p.m. Executive Session

The Board of Selectmen will hold 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*

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

Melissa Arrighi, Town Manager
Derek Brindisi, Assistant Town Manager

The Selectmen held a meeting on Tuesday, March 1, 2016 at 7:10 p.m. at the Plymouth Community Intermediate School, 117 Long Pond Road, Plymouth, MA

7:10PM - CALL TO ORDER

Chairman Tavares called the meeting to order at 7:11 p.m. and led the Pledge of Allegiance.

Before the Meeting got under way, Chairman Tavares asked for a moment of silence in Honor of Dana Blanchard, a long-time employee of the Town of Plymouth who passed away on February 24, 2016. On behalf of the Board of Selectman and the Town of Plymouth, Mr. Tavares expressed his deepest sympathies to Dana's family.

7:11PM - TOWN MANAGER'S REPORT

Melissa Arrighi, Town Manager, began by talking about the Demolition Delay Bylaw which was enacted to preserve and protect significant buildings that reflect distinct features of architectural, cultural, economic, political or social history of the town and to limit the detrimental effect of demolition on the character of the town. She told the Board that on February 17, 2016 she attended the Historic District Commission's Public Hearing regarding the Lout Pond Building slated for demolition. The Commission voted unanimously to deem the Lout Pond Pumping Station Building as historically significant and Preferably Preserved. So at this point, no demolition permit may be issued for a 12

month period, unless the Commission determines otherwise. During that time they will explore options for that building. She then said that the HDC may recommend to a Town Meeting that the building be protected through the provisions of G.L. c.40C, the Historic Districts Act. She explained that we must secure the vacant building to the satisfaction of Building Commissioner Paul McAuliffe. Ms. Arrighi then urged the public and media to get the word out to see if anyone had any input or ideas for this building. She ended by saying she would keep the Board up to date on this issue.

Ms. Arrighi then talked about how the Plymouth 400th Board had formed a Transportation & Parking Subcommittee to develop regional strategies and provide implementation planning for transportation infrastructures and services needed to support Plymouth 400th events and programs. The Transportation & Parking Subcommittee will include representatives from the Old Colony Planning Council, MassDOT/MBTA, GATRA, P&B Bay State Cruises, PGDC/Park Plymouth, Plymouth Chamber of Commerce, Destination Plymouth and other transportation agencies. She said it is expected that meetings for this standing committee will be held monthly. Ms. Arrighi said that she will be attending their first meeting on Wednesday, March 9, 2016 at 2:00pm at the Plymouth Chamber of Commerce's Bradford Room. Ms. Arrighi said it's important for the Town to stay connected to this effort as we expect that over the course of plan development there will be issues related to the duties of Public Works, Planning, Public Safety, the Harbormaster's Office, and other Town Departments.

Melissa Arrighi apologized for not sharing this sooner but the Plymouth Antiquarian Society announced that Anne C. Reilly was named the new Executive Director. She said she would like to welcome her and hopes to meet her soon.

Ms. Arrighi also mentioned that the Nuclear Regulatory Commission launched a new website dedicated to their increased oversight of Pilgrim, and the website can be found at <http://www.nrc.gov/info-finder/reactors/pilg/special-oversight.html>

Lastly, Melissa Arrighi wanted to acknowledge Dinah O'Brien for being inducted into this year's Hall of Fame at the Gala dinner to be held on Tuesday, May 17th, at 6:30pm during a Conference on Cape Cod. She said this is an impressive and well-deserved recognition for Dinah's outstanding tenure.

7:16PM - PUBLIC COMMENT

No Public Comment at this time

7:17PM - TOWN MEETING ARTICLES

Article 1 (STM)

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

- Per the approved change to the Library Director position, the position should be removed from Section 7, Schedule A: Classification of

Positions, Group: Executive Management – Non-Union, of the Personnel Bylaw as it is now properly listed in Article 1 Recognition of the OPEIU Collective Bargaining Agreement.

- Update/Correct the names of the Collective Bargaining Units in Section 29 List of Bargaining Agreements of the Personnel Bylaw to more accurately reflect those Bargaining Units in the Town of Plymouth. Also, in the same section remove the terms of the agreements in order to maintain the accuracy of the document.

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved moving Article 1 to Town Meeting. *Voted 5/0*

Article 11 (STM)

Withdrawn

CPC – Pilgrim Hill (Renovation of One Room in Memorial Hall)

Article 14

To see if the Town will vote to grant the Board of Selectmen authority to initiate the municipal aggregation process pursuant to Chapter 164, Section 134, of the Massachusetts General Laws, or any other enabling authority, to include, but not limited to, researching, developing and entering into a contract, or contracts, to aggregate the electricity load of the residents and businesses within the Town of Plymouth and for other related services, including consulting services, independently, or in joint action with other municipalities for terms of more than three years, and for such consideration (if any), and on such other terms and conditions that the Board of Selectmen deems in the best interest of the Town, retaining the right of individual residents and businesses to opt-out of the aggregation, or take any other action relative thereto.

Municipal Aggregation is the process by which a municipality or a group of municipalities may purchase electricity in bulk from competitive electricity suppliers instead of an investor-owned utility. The electricity is purchased on behalf of the residences and small businesses within their communities. The Old Colony Planning Council (OCPC) is spearheading this initiative with seven municipalities (thus far) actively participating in this initiative.

Patrick Farah came to the podium on behalf of Article 14 and explained the benefits of Municipal Aggregation. He said the potential savings per household would be approximately \$68, and even though that seems like a minimal saving, collectively it could save the Town \$1.2 Million Dollars. He emphasized that it would be money kept within the Town. Mr. Farah did want to mention a change in the Article from “more than **three** years” to “more than **two** years”. He then asked the Board for their support on this Article.

Chairman Tavares asked if there was any public comment on this Article.

Steve Lydon came to the podium and asked two questions. 1, if approved would the Town administrate this plan, and 2, if a resident is in a solar contract does that exclude them from participating in this initiative.

Mr. Farah replied by saying that the Old Colony Planning Council would be administrating the initiative and also that people with solar can participate if the rate is lower so they do have the opportunity to participate.

Everett Malaguti from Precinct 1 came to the podium next in favor of Article 14 stating it's a worthwhile plan that would help out the taxpayers of Plymouth. He added that anyone can opt out at any time and it doesn't hinder you to stay with a certain provider.

Vice Chairman Provenzano asked if the average consumer can participate even if they are in a contract with a provider and are they required to purchase a certain amount of energy.

Mr. Farah replied by saying there are no obligations what so ever and explained that what they will do is send a card out to residents and if they want to opt out at any time all they do is simply fill out the card and mail it back stating so.

On a motion by David Malaguti and seconded by Anthony Provenzano Jr, the Board approved moving Article 14 to Town Meeting. *Voted 5/0*

Article 17

To see if the Town will vote to transfer the following parcel from the Town Treasurer to the Affordable Housing Trust for the purpose of creating affordable housing.

The Town has officially taken 2016 State Road through tax title. The home was abandoned by both the owners and the lending bank in 2012. The building is unoccupied and in disrepair. The site has been identified by the Affordable Housing Trust as a good location for an affordable home. Approval of this article would allow the Trust to officially obtain ownership of the property where they would rehab the property and market and sell as an affordable home. The home would be deeded affordable in perpetuity ND count towards the Town's 10% subsidized housing inventory list.

Derek Brindisi, Assistant Town Manager, described the property as being just about an acre located at 2016 State Road and hopes the Board will support transferring this property to Affordable Housing.

Article 19

To see if the Town will vote to transfer the following parcel from the Town Treasurer to the Affordable Housing Trust for the purpose of creating affordable housing.

The Town has officially taken 227 Long Pond Road through tax title. This home was abandoned in 2011 and is uninhabitable. The site has been identified as a great location for affordable housing. Approval of this article would allow the Trust to officially obtain ownership of the property where they would market it to builders to remove the run down, abandoned structure, clear the lot and build deed restricted affordable housing which would count toward the Town's 10% subsidized housing inventory list.

Mr. Brindisi described this property as being approximately 1.25 acres located at 227 Long Pond Road and would be great location for affordable housing.

Ken Tavares asked if the Board had any questions.

John Mahoney, Selectman, asked what the possibilities were for the Long Pond Road property. He said he knows the lot and where it's around 1.25 acres would there be multiple units placed on that lot, as Article 19 can seem open-ended.

Derek Brindisi said that he visited the property with the trustees and David Gould from Marine and Environmental Affairs. He said that the existing 4 bedroom home is in disrepair as well as a barn and shed on the property. The plan would be to remove all three structures and possibly build (2) affordable housing units, adding that wetlands may hinder the second unit.

Ken Tavares then asked the public if they had any comments or questions.

Helen Hapgood came to the podium and asked about the wording of the two Articles. She pointed out that Article 17 states that the property would be deeded affordable in perpetuity but Article 19 states the property will be deed restricted affordable housing. She asked if this meant that the property in Article 19 could ever come out of affordable housing.

Mr. Brindisi replied by saying that was an oversight and he would make sure Article 19 was amended to say "deeded affordable housing in perpetuity".

After the comments were complete Chairman Tavares asked the Board to vote on Article 17 and then Article 19.

On a motion by John Mahoney and seconded by David Malaguti, the Board approved moving Article 17 to Town Meeting. *Voted 5/0*

On a motion by David Malaguti and seconded by Sean Page, the Board approved to move Article 19 to Town Meeting. *Voted 5/0*

Article 26

To see if the Town will vote to amend its Zoning Bylaw, Section 205-27, Special permit uses, as on file with the Clerk, to allow by right public safety buildings and uses in all districts, as well as amend associated definitions, Procedures, and schedules, or take any other action relative thereto.

Except for public safety buildings and uses, which are allowed by right in all districts, other Town Buildings and uses require a special permit provided that such uses shall be in character with the surrounding district, and that no use of an industrial or commercial nature (such as a town garage) shall be located in a residential zone.

Melissa Arrighi asked that in light of the possible new Fire Station in North Plymouth that the Zoning Bylaw be amended to exclude public safety building as most Fire Stations are built in residential areas. She explained that they are aware that things like height restrictions may have to be taken into consideration.

Chairman Tavares asked if there was any public comment on this Article.

Everett Malaguti, Precinct 1, came to the podium and with a few comments. He said if there are issues like height restrictions he hoped the neighbors have an input on that as well. He also said he would like the business performed as status quo and to assure that every voice is heard.

Ms. Arrighi commented by saying that Plymouth has a history of reaching out to the community in cases like this and that this particular project would not be any different. She said that even though this practice isn't required is it certainly encouraged.

On a motion by David Malaguti and seconded by John Mahoney, the Board approved moving Article 26 to Town Meeting. *Voted 5/0*

Article 21 **Withdrawn**

To see if the Town will vote to amend the General By-Law, Section 14-2. List of persons authorized to respond to alarm, by deleting the following sentence: ~~Every alarm user shall submit to the Police Chief the names and telephone numbers of at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed.~~

Also by adding the following Sentence: On a form provided by the Police Chief, the owner and individual responsible for the alarm system shall provide the name, phone number, address and any other relevant information as requested, for him/herself and the same for at least two other persons who are authorized to respond to an emergency signal transmitted by an alarm system and who can open the premises wherein the alarm system is installed. The individual responsible for the alarm system will be solely responsible regarding any By-Law violations.

7:43PM – LICENSES AND ADMINISTRATIVE NOTES

LICENSES

On a motion by Anthony Provenzano Jr and seconded by David Malaguti, the Board approved a One Day Wine and Malt License for **Loretta LaRoche Productions**, Erik Christensen, 50 Court Street, for March 10, 2016 from 6:00pm to 10:00pm for a seminar to be held at Studio G, 50 Shops at 5 Way. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by David Malaguti, the Board approved a One Day All Alcohol License for **Loretta LaRoche Productions**, Erik Christensen, 50 Court Street, for March 5, 2016 from 7:00pm to 12:00am for a fundraiser to be held at Studio G, 50 Shops at 5 Way. *Voted 5/0*

On a motion by David Malaguti and seconded by John Mahoney, the Board approved a Common Victualler (New Owner) for **Chicago Scoops LLC d/b/a Cold Stone Creamery**, Joel Yohe-Manager, 158 Colony Place Road formerly Infinity Investments of North America d/b/a Cold Stone Creamery. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by Sean Page, the Board approved a Change of Management for **Red Robin International, Inc.**, 269 Colony Place, from Benn Andrew to Timothy Walsh. *Voted 5/0*

On a motion by Sean Page and seconded by John Mahoney, the Board approved a Change of Officers for the **Young America Club, Inc.** *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved a Pole Petition for **NSTAR/Verizon**, Petition #2100518 to cover the installation of (2) poles on Long Pond Road in Plymouth. *Voted 5/0*

ADMINISTRATIVE NOTES

The Board approved *Exclusive Vendor Rights* for **July 4 Plymouth, Inc.** for the July 4th Parade, Fireworks, and Events being held between July 2 through 9, 2016.

On a motion by John Mahoney and seconded by Sean Page, the Board voted to approve and execute an amendment for the Deed of Acceptance for property on Gunning Point Road that was originally signed on April of 2015 because language that was omitted from the Deed was discovered pertaining to Mapped Endangered Species. *Voted 5/0*

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, the Board approved and released the Executive Session Meeting Minutes from 2014. *Voted 5/0*

7:46pm – COMMITTEE LIAISON / DESIGNEE UPDATES

Chairman Tavares wanted to acknowledge Mary Henry for receiving the Adele Manfredi Award for 2016 saying that Ms. Henry has been a significant part of our education department as well as serving as a Town Meeting Member for years. On behalf of the Board of Selectmen, Mr. Tavares congratulated Mary Henry.

Chairman Tavares also mentioned that he was fortunate enough to attend the Oath of Office for First Justice James Sullivan at Plymouth District Court Ceremony held last Friday. Mr. Tavares expressed how much he enjoyed the swearing in ceremony and that Justice Sullivan gave a heart-felt and meaningful acceptance speech.

David Malaguti, Selectman, mentioned that the Roads Advisory Committee met and unanimously voted to endorse DPW Director, Jonathan Beder's, plan on road repairs within the Town of Plymouth.

Chairman Tavares also reminded residents that the Town is holding (2) separate Tax-Break Seminars for Seniors and Veterans, The first is being held on March 15th at 5:00pm in the Mayflower Room at Town Hall. The second will be held on March 16th at Noon at the Center for Active Living (COA).

7: 35PM - OLD BUSINESS / LETTERS / NEW BUSINESS

Vice Chairman, Anthony Provenzano Jr noted that he and Selectman Malaguti had the opportunity to attend an event for the Plymouth Education Foundation and said that it was a great evening.

He also wanted to mention that he received a letter from the mayor of Plymouth's Sister City, Shichigahama, Japan thanking the Town and it's citizens for the beautiful painting.

7:50PM - ADJOURNMENT

On a motion by Anthony Provenzano Jr and seconded by John Mahoney, 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